OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 9, 2010

Ref: 436

Project# 1004639
10DRB-70159 EXT OF SIA FOR TEMP DEFR SDWK CONST

RIO GRANDE ENGINEERING agent(s) for ALFELD, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-18, **VENTANA DEL BOSQUE,** zoned RA2, located on MOUNTAIN RD NW BETWEEN GABALDON NW AND RIO GRANDE NW containing approximately 3 acre(s). (J-12)

At the June 9, 2010 Development Review Board meeting, a two year extension for the deferral of sidewalks was approved.

If you wish to appeal this decision, you must do so by June 24, 2010, in the manner described below.

> Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.
> If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Jack Cloud, AICP, DRB Chair

Cc: Rio Grande Engineering – P.O. Box 67305 – Albuquerque, NM 87190
Cc: Alfeld LLC – 2015 Mountain Rd NW – Albuquerque, NM 87104
Marilyn Maldonado
File

DEVELOPMENT REVIEW BOARD
Action Sheet
Plaza del Sol Hearing Room, Basement, Plaza del Sol Building
March 3, 2010 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

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

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

1. **Project# 1000310**
10DRB-70040 BULK LAND VARIANCE
10DRB-70041 VACATION OF PUBLIC DRAINAGE EASEMENT
10DRB-70043 - PRELIMINARY/ FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for NORTH I-25 CORPORATE CENTER LLC request(s) the referenced/ above action(s) for all or a portion of **SIGNETICS ALBUQUERQUE FACILITY PROPERTY** (TBKA Tract(s) 1-4, NORTH I-25 CORPORATE CENTER), zoned SU-2/M-1, located bewteen SAN MATEO BLVD NE and the PAN AMERICAN FREEWAY/ I-25, between SAN DIEGO AVE NE and MODESTO AVE NE containing approximately 59.6618 acre(s). (B-18)**DEFERRED TO 3/10/10 AT THE AGENT'S REQUEST.**

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

2. **Project# 1004639**
10DRB-70063 AMENDED SDP FOR SUBDIVISION

RIO GRANDE ENGINEERING agent(s) for DAVID KLEINFELD request(s) the above action(s) for all or a portion of Tract(s) A, **VENTANA DEL BOSQUE** zoned RA-2, located on MOUNTAIN RD NW BETWEEN GABALDON NW AND BOSQUE VERDE NW containing approximately 2.44 acre(s). (J-12) **THE AMENDED SITE PLAN FOR SUBDIVISION WAS APPROVED SUBJECT TO THE STAMPING OF THE MOST RECENT ADMINISTRATIVE AMENDMENT.**

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

3. **Project# 1003523**
10DRB-70057 EXT OF SIA FOR TEMP DEFR SDWK CONST

RIO GRANDE ENGINEERING agent(s) for MONTERAY LAND GROUPS II LLC request(s) the above action(s) for all or a portion of **PRIMA ENTRADA SUBDIVISION** zoned SU-2 FOR R-LT, located on 94TH ST NW BETWEEN I-40 AND ENDEE RD NW containing approximately 9 acre(s). (J-8) **A TWO YEAR EXTENSION TO THE 4-YEAR AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
March 3, 2010
DRB Comments

ITEM # 2

PROJECT # 1004639 APPLICATION # 10-70063

RE: Tract A. Ventana del Bosque Subdivision

Check Administrative Amendments for the most recent – the latest would be the plan that would be further amended.

Refer to comments from Transportation Development; sidewalks at back of curb are not appropriate for residential development – minimal standards should be called out in amendment (e.g. minimum curve radii).

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

HEARING DATE 3-3-10 (ASBP)

#5

DRB CASE ACTION LOG (FINAL PLAT)

REVISED 9/28/05

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

DRB Application No.: **06DRB-01275 (FP)** Project # **1004639**

Project Name **VENTANA DEL BOSQUE**

Agent: Garcia Kraemer & Associates Phone No.: 242-5566

Project Number 1004639

Your request for (**SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN),** was approved on 9/27/06 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- ☐ TRANSPORTATION:
- ☐ UTILITIES:
- ☐ CITY ENGINEER / AMAFCA:
- ☐ PARKS / CIP:
- ☒ PLANNING (Last to sign): Record Plat
  Restrictive Covenants
  15 day appeal period.

☒ **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: 11/08/06
-Tax printout from the County Assessor.

- ☐ **3 copies of the approved site plan. Include all pages.**
- ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
- ☐ **AGIS DXF File approval required.**
- ☐ **Copy of recorded plat for Planning.**

#5

duplicate blue sheet issued 11/1/06

DRB CASE ACTION LOG (FINAL PLAT)

REVISED 9/28/05

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

DRB Application No.: **06DRB-01275 (FP)**	Project # **1004639**
Project Name **VENTANA DEL BOSQUE**	
Agent: Garcia Kraemer & Associates	Phone No.: 242-5566

Your request for (**SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN),** was approved on 9/27/06 by the DRB with delegation of signature(s) to the following departments.
OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- ☐ TRANSPORTATION:
- ☐ UTILITIES:
- ☐ CITY ENGINEER / AMAFCA:
- ☐ PARKS / CIP:
- ☒ PLANNING (Last to sign): Record Plat
  Restrictive Covenants
  15 day appeal period.

☒ **Planning must record this plat. Please submit the following items:**

-The original plat and a mylar copy for the County Clerk.
-Tax certificate from the County Treasurer.
-Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
-Tax printout from the County Assessor.

- ☐ **3 copies of the approved site plan. Include all pages.**
- ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
- ☐ **AGIS DXF File approval required.**
- ☐ **Copy of recorded plat for Planning.**

Project Number 1004639

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 27, 2006

5. Project # 1004639
06DRB-01275 Major-Final Plat Approval

GARCIA/KRAEMER & ASSOCIATES agent(s) for 50/50 LLC request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE)** zoned RA-2/PCD, located on MOUNTAIN RD NW, between GABALDON RD NW and BOSQUE VERDE LANE NW containing approximately 5 acre(s). [REF:06DRB-00254,06DRB-00255, 06DRB-00256, 06DRB-00257] (J-12)

At the September 27, 2006, Development Review Board meeting, the final plat was approved with final sign off delegated to Planning for Restrictive Covenants, the 15-day appeal period and to record the plat.

If you wish to appeal this decision, you must do so by October 12, 2006, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Sheran Matson, AICP, DRB Chair

Cc: 50/50 LLC, P.O. BOX 93024, 87199
Garcia/Kraemer & Associates, 200 Lomas Blvd NW, Suite 1111, 87102
David & Susan Herstedt, 504 Laguna Seca Ln NW, 87104
Paul Kuenstler, 3114 Spur Ct NW, 87104
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1004639 AGENDA#: 5 DATE: 9.27.06

1. Name: David & Susan Herstedt Address: 504 Laguna Seca Ln. NW Zip: 87104
2. Name: PAUL KUENSTLER Address: 3114 SPUR Ct. NW Zip: 87104
3. Name: B. H Kraemer Address: Zip:
4. Name: David Saule Address: Zip:
5. Name: Address: Zip:
6. Name: Address: Zip:
7. Name: Address: Zip:
8. Name: Address: Zip:
9. Name: Address: Zip:
10. Name: Address: Zip:
11. Name: Address: Zip:
12. Name: Address: Zip:
13. Name: Address: Zip:
14. Name: Address: Zip:

5
1004639
9-27-06
J12
5A1
5A3
A-1
R-1
BOSQUE VERDE
MOUNTAIN
MOUNTAIN RD + NW
315B1
315B2
315B3A2
RA-1

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1004639 **AGENDA ITEM NO: 5**

SUBJECT:

Final Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No adverse comments.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: SEPTEMBER 27, 2006

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 27, 2006

Project # 1004639
06DRB-01275 Major-Final Plat Approval

GARCIA/KRAEMER & ASSOCIATES agent(s) for 50/50 LLC request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE)** zoned RA-2/PCD, located on MOUNTAIN RD NW, between GABALDON RD NW and BOSQUE VERDE LANE NW containing approximately 5 acre(s). [REF:06DRB-00254,06DRB-00255, 06DRB-00256, 06DRB-00257] (J-12)

AMAFCA — No adverse comments.

COG — Mountain Rd is designated as having on-street bike lanes in the Long Range Bikeway System. Coordination with DMD is advised to insure that project conforms with this adopted policy of the Metropolitan Transportation Board.

Transit — No comments received.

Zoning Enforcement — The lot width of Lot 10 should be corrected to 55.22 feet.

Neighborhood Coordination — No Association.

APS — The proposed development, **Ventana del Bosque**, is a private commons development consisting of 18 detached houses in a gated community. The development is located on Mountain Rd NW between Gabaldon Dr NW and Lulac Ave NW and will affect Reginald Chavez Elementary, Washington Middle School, and Albuquerque High School. Currently, all three schools have capacity to absorb any student growth from the proposed development.

School	2006-07 Projections	2006-07 Capacity	Space Available
R. Chavez	358	496	138
Washington	555	764	209
Albuquerque	1,764	2,100	336

Police Department — No Crime Prevention or CPTED comments at this time.

Fire Department	Fire Department is not approving street widths less than 32 feet at this time. Per Ray Sanchez, AFD. All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.
PNM Electric & Gas	Approved. The owner needs to contact PNM New Service Delivery and provide for switchgear and transformer site.
Comcast	No comments received.
QWEST	No comments received.
Environmental Health	No comments received.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.
City Engineer	No adverse comments.

Transportation Development

Does the ADA ramp and its crossing fit? What are the nominal widths of the dedications?

Parks & Recreation	No objection.
Utilities Development	No objection to Final Plat approval.

Planning Department

A recorded copy of the Restrictions & Covenants is needed for the DRB file. Have the 4 conditions of final plat as spelled out in the preliminary notice of decision been met?

Are there any changes to the plat since the preliminary plat was approved? Planning will take delegation for AGIS dxf approval and to record the plat.

Impact Fee Administrator

Construction of new homes within the proposed subdivision will require payment of Impact Fees for each home. Based on a size of 2,000 square feet, it is estimated that impact fees will total approximately $1,067 if a building permit is obtained prior to December 29, 2006, and the full impact fee of $1,592 would be payable thereafter.

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

Cc: 50/50 LLC, P.O. BOX 93024, 87199

Garcia/Kraemer & Associates, 200 Lomas Blvd NW, Suite 1111, 87102

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing on the 3rd **FLOOR in the PLANNING DEPARTMENT LARGE CONFERENCE ROOM, Plaza del Sol Building, 600 2nd St NW, on Wednesday, September 27, 2006, beginning at 9:00 a.m.** for the purpose of considering the following:

Project # 1000131
06DRB-01277 Major-Two Year SIA
06DRB-01278 Minor-Ext of SIA for Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for BROADWAY DEVELOPMENT CO request(s) the above action(s) for, **BROADWAY INDUSTRIAL CENTER, UNIT 1,** zoned SU-2 HM, located on SAN JOSE AVE SE, between BROADWAY BLVD SE and I-25 containing approximately 61 acre(s). [REF: DRB-97-271] (M-14)

Project # 1000650
06DRB-01267 Major-Two Year SIA

TIERRA WEST LLC agent(s) for WAL-MART STORES EAST LP request(s) the above action(s) for all or a portion of Tract(s) 1-A-1, **LANDS OF LAMONICA & WENK,** zoned SU-1 for C-1 Permissive Uses, located on COORS BLVD SW, between RIO BRAVO BLVD SW and LAMONICA RD SW containing approximately 20 acre(s). [REF: 03EPC-01109, 03EPC-01110, 03DRB-01782, 03DRB-01783, 04DRB-00277, 05DRB-00903] (P-10)

Project # 1002645
06DRB-01268 Major-Two Year SIA

TIERRA WEST LLC agent(s) for CLEARBROOK INVESTMENTS request(s) the above action(s) for, **SEVILLE, UNIT 8,** zoned R-LT, located on IRVING BLVD NW, between KAYENTA PL NW and UNIVERSE BLVD NW containing approximately 27 acre(s). [REF: 03DRB-01440, 03DRB-01441, 03DRB-01965, 03DRB-00741, 04DRB-00400, 05DRB-01335] (A-10)

Project # 1003634
06DRB-01272 Major-Two Year SIA

GARCIA/KRAEMER & ASSOCIATES agent(s) for GREATER ALBUQUERQUE HABITAT FOR HUMANITY request(s) the above action(s) for all or a portion of Lot(s) 4A, 5A, 6A & 6B, Block(s) 12, **EASTERN ADDITION,** zoned SU-2/MR, located on HIGH ST SE between CROMWELL SE and PACIFIC SE and containing approximately 1 acre(s). [REF: 04DRB-01297, 04DRB-00409] (K-14)

Project # 1004639
06DRB-01275 Major-Final Plat Approval

GARCIA/KRAEMER & ASSOCIATES agent(s) for 50/50 LLC request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE)** zoned RA-2/PCD, located on MOUNTAIN RD NW, between GABALDON RD NW and BOSQUE VERDE LANE NW containing approximately 5 acre(s). [REF:06DRB-00254,06DRB-00255, 06DRB-00256, 06DRB-00257] (J-12)

SEE PAGE 2 . . .

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

PAGE 2

Project # 1004924
06DRB-01273 Major-Vacation of Public Easements
06DRB-01274 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES agent(s) for HOECH REAL ESTATE CORPORATION request(s) the above action(s) for all or a portion of Tract(s) B, **FEDERAL PLAZA,** zoned SU-1 for O-1 uses, located on HOMESTEAD RD NE, between MONTGOMERY BLVD NE and SAN MATEO BLVD NE containing approximately 4 acre(s). [REF: 06EPC-00756, 06DRB-01181] (G-18)

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

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, SEPTEMBER 11, 2006.

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: SEPTEMBER 27, 2006
Zone Atlas Page: J-12-Z
Notification Radius: 100 Ft.

Project# 1004639
App#06DRB-01275

Cross Reference and Location: 3115 MOUNTAIN RD NW BETWEEN GABALDON AND BOSQUE VERDE LANE

Applicant: 50/50 LLC
PO BOX 93024
ALBUQUERQUE, NM 87199

Agent: GARCIA/KRAEMER & ASSOCIATES
200 LOMAS NW # 111
ALBUQUERQUE, NM 87102

Special Instructions:

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

Date Mailed: SEPTEMBER 8, 2006
Signature: YVONNE SAAVEDRA

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	**ZONING & PLANNING**
X Major Subdivision action			___ Annexation
___ Minor Subdivision action			___ County Submittal
___ Vacation	V		___ EPC Submittal
___ Variance (Non-Zoning)			___ Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan **(Phase I, II, III)**
___ for Subdivision Purposes			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			___ Text Amendment (Zoning Code/Sub Regs)
___ IP Master Development Plan			___ Street Name Change (Local & Collector)
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE	D		___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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

APPLICANT INFORMATION:

NAME: 50/50 LLC PHONE: 856-3520

ADDRESS: P.O. BOX 93024 FAX: ___

CITY: ALBUQUERQUE STATE NM ZIP 87199 E-MAIL: ___

Proprietary interest in site: OWNER List all owners: SOLE OWNER

AGENT (if any): GARCIA | KRAEMER + ASSOC PHONE: 242 5560

ADDRESS: 200 LOMAS NW #1111 FAX: 242 9028

CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: BILYBURTON@HOTMAIL.COM

DESCRIPTION OF REQUEST: FINAL PLAT APPROVAL
Private Commons Development

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. LOTS 313-A-2-B Block: ___ Unit: ___

Subdiv. / Addn. ___

Current Zoning: RA-2 PCD Proposed zoning: RA-D PCD

Zone Atlas page(s): J-12 No. of **existing** lots: 1 No. of **proposed** lots: 18

Total area of site (acres): 4.6987 Density if applicable: dwellings per gross acre: ___ dwellings per net acre: ___

Within city limits? X Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO

UPC No. 101205823347020303 MRGCD Map No. 38

LOCATION OF PROPERTY BY STREETS: On or Near: 3115 MOUNTAIN RD NW

Between: GABALDON and BOSQUE VERDE LANE

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 1004639
06 DRB-00254, -00255, -00256, -00257

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

SIGNATURE William L Kraemer DATE 09/07/06

(Print) WILLIAM L. KRAEMER ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
☑ All checklists are complete	06DRB - - 01275	FP		$ Ø
☑ All fees have been collected	- -	CMF		$ 20.00
☑ All case #s are assigned	- -	Adv		$ 75.00
☑ AGIS copy has been sent	- -			$
☑ Case history #s are listed	- -			$
☐ Site is within 1000ft of a landfill	- -			Total
☐ F.H.D.P. density bonus				$ 95.00
☐ F.H.D.P. fee rebate	Hearing date September 27, 2006			

Andrew Garcia 9-1-06
Planner signature / date

Project # 1004639

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

☐ **SKETCH PLAT REVIEW AND COMMENT** **YOUR ATTENDANCE IS REQUIRED.**

__ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. Sketches are not reviewed through internal routing.
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Any original and/or related file numbers are listed on the cover application

☐ **MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT** **Your attendance is required.**

__ Preliminary Plat reduced to 8.5" x 11"
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Copy of previous D.R.B. approved infrastructure list
__ Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
__ Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.
Extension of preliminary plat approval expires after one year.

☒ **MAJOR SUBDIVISION FINAL PLAT APPROVAL** **Your attendance is required.**

✓ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) ~~6~~ 24 copies for unadvertised meetings
✓ Design elevations & cross sections of perimeter walls **3 copies** (sent previously)
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting. (sent 2)
✓ Property owner's and City Surveyor's signatures on the Mylar drawing
✓ Copy of recorded SIA
NA Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
✓ Any original and/or related file numbers are listed on the cover application
✓ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.** (submitted to AGIS)
✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter & certified mail receipts.

☐ **MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL** **Your attendance is required.**

__ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing
__ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
__ Fee (see schedule)
__ Any original and/or related file numbers are listed on the cover application
__ Infrastructure list if required **(verify with DRB Engineer)** **NO INTERNAL ROUTING**
__ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes)** **Your attendance is required.**
☐ **AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**
☐ **AMENDMENT TO GRADING PLAN (with minor changes)**

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

__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings.
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
__ Any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year

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

WILLIAM KRAEMER
Applicant name (print)

William Kraemer 9/1/6
Applicant signature / date

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

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

Application case numbers
06DRB - - 01275
- -
- -

Andrew Garcia 9-1-06
Planner signature / date

Project # 1004639

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP CODE	PROPERTY CLASS	TAX DISTRICT	LEGAL
1	10120582334702 0303	SCHWARTZMAN GARY J & SHERRELL	1513 CALIFORNIA ST NE	ALBUQUERQUE	NM	871 10 6 829	RES	A1AM	MAP 38 TRACT 313 A2B
2	10120582794652 0306	TERRELL JAY P & AUSTIN KELLY	3015 MOUNTAIN RD NW	ALBUQUERQUE	NM	871 04 1 729	RES	A1AM	MAP 38 TRACT 313 A2A CONT 4.5 6 0 AC
3	10120581924652 0205	TELLEZ LOUIS P	625 GABALDON DR NW	ALBUQUERQUE	NM	871 04 1 805	RES	X1AM	LOT 5- A2 PLAT OF LTS 5A1 5A2 & 5A3 KELLY TRA AC M/L OR 39,339 SQ
4	10120582105042 0312	GUTIERREZ MICHAEL M & DOROTHY	3122 SPUR CT NW	ALBUQUERQUE	NM	871 04 1 812	RES	A1AM	* 012 QUARTER HORSE ACRES ADD
5	10120581805162 0212	PEAVLER JAMES M & BEVERLY ANN	717 GABALDON DR NW	ALBUQUERQUE	NM	871 04 1 806	RES	A1AM	E 256FT OF TR 3 KELLY TRACTS C ONT 0.96 AC
6	10120582255042 0311	CHAMBERLAIN RICHARD E & JEANT	3118 SPUR CT NW	ALBUQUERQUE	NM	871 24	RES	A1AM	* 011 QUARTER HORSE ACRES ADD
7	10120582405032 0310	KUENSTLER PAUL A JR	3114 SPUR CT NW	ALBUQUERQUE	NM	871 04 1 812	RES	A1AM	* 010 QUARTER HORSE ACRES ADD
8	10120582905072 0307	HOSEY GWENDOLYN M &	3100 SPUR CT NW	ALBUQUERQUE	NM	871 04 1 812	RES	A1AM	LT 7 QUARTER HORSE ACRES ADD'N AND THE S1/2 ROYECTO BIENVENIDO S
9	10120582565022 0309	ROMERO JOSEPH N & MARTHA A	3110 SPUR CT NW	ALBUQUERQUE	NM	871 04 1 812	RES	A1AM	* 009 QUARTER HORSE ACRES ADD
10	10120582414242 0132	NUANES CHARLENE LUCERO	3120 MOUNTAIN RD NW	ALBUQUERQUE	NM	871 04 1 720	RES	X1AM	MAP 38 TRACT 315 B 1
11	10120582134302 0137	CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE	NM	871 03 1 293	RES	A1AM	*00210001RIVERVIEW ADDN
12	10120582214282 0138	CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE	NM	871 03 1 293	RES	A1AM	*00200001RIVERVIEW ADDN
13	10120582494262 0131	AVILA TORIBIO V	1411 ROMA AVE NW	ALBUQUERQUE	NM	871 04 1 243	RES	X1AM	TRACT 315B2 MAP 38
14	10120582554272 0130	RON MARGOLIS & KATYA MILLER	913 WESTGATE NW	ALBUQUERQUE	NM	871 07	RES	X1AM	MAP 38 TRACT 315 B3A2
15	10120582274242 0139	CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE	NM	871 03 1 293	RES	A1AM	*00190001RIVERVIEW ADDN
16	10120583224271 1526	GARCIA MELINDA A & EFFERTZ	2918 MOUNTAIN RD NW	ALBUQUERQUE	NM	871 04 1 745	RES	A1AM	MRGCD MAP #38 TR 316- A CON T .7210 AC
17	10120582913911 1516	GARDENS INC (THE)	PO BOX 2164	ALBUQUERQUE	NM	871 03	VAC	A1AM	TRACT C4 PLAT FOR UNIT 1 THE G ARDENS ON THE IVISION CON T 2.5104
18	10120583564311 0816	BOARD OF EDUCATION	PO BOX 25704	ALBUQUERQUE	NM	871 25 0 704	VAC	A1AM	MAP 38 TRACT 317
19	10120582473922 0117	LUCAS LYNN DEAN &	3102 MOUNTAIN RD NW	ALBUQUERQUE	NM	871 04	VAC	X1AM	MRGCD MAP 38 TRACTS 315A1B & 3 15A2B & 315B3A A C
20	1012058	SANCHEZ ROBER	512 LAGUNA SE	ALBU	NM	871	RES	A1A	LOT 26-

	2794321 1529	T & BETH	CA LN NW	QUER QUE		04 1 777		M	P2 PLAT FOR UNIT 1 THE GARDE NS ON THE DIVISION CONT .2831
21	1012058 2613972 0101	GARDENS INC (T HE)	PO BOX 2164	ALBU QUER QUE	NM	871 03	VAC	A1A M	TRACT C5 PLAT FOR UNIT 1 THE G ARDENS ON THE IVISION CON T .5168
22	1012058 3234061 1530	GARDENS INC (T HE)	PO BOX 2164	ALBU QUER QUE	NM	871 03	VAC	A1A M	TRACT C1 PLAT FOR UNIT 1 THE G ARDENS ON THE IVISION CON T 2.1031
23	1012058 2724992 0308	HARTLEY JIMMIE ETUX	3104 SPUR CT NW	ALBU QUER QUE	NM	871 04 1 812	RES	A1A M	* 008 QUARTER HORSE ACRES A DD
24	1012058 1624972 0207	MORA JOHN & GA RCIA ROSENDO J R	711 GABALDON NW	ALBU QUER QUE	NM	871 04	RES	X1A M	KELLY TRACTS N 78FT OF TR 4
25	1012058 3274751 1201	COWAN BILLY	PO BOX 802206	DALLA S	TX	753 80 2 206	RES	A1A M	TRACT C LULAC PROYECTO BIE NVEN IDO SUBD
2 6	101205816 748620206	SANCHEZ SALL Y	5800 2ND ST NW	ALBUQUERQU E	N M	87107	RES	X1 AM	KELLY TRACTS TR 4 EXC N 78 FT
2 7	101205819 644920201	AMERICAN GI F ORUM	3301 MOU NTAIN RD NW	ALBUQUERQU E	N M	87104 1759	CO MM	X1 AM	LOT 5- A3 PLAT OF LTS 5A1 5A2 & 5A3 KEL LY TRA AC M/L OR 51,096 SQ

ALBUQUERQUE
Making History

City of Albuquerque

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

Date: August 31, 06

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

This letter will serve to notify you that on August 31, 06 (date)

TO CONTACT NAME: William Kraemer
COMPANY/AGENCY: Garcia/Kraemer + Assoc.
ADDRESS/ZIP: 200 Lomas NW # 1111 / 87102
PHONE/FAX #: 242-5566 - (Fax - 242-9028)

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at Lot 3B A 2B located on 3115 Mountain Rd NW Between Gabaldon Rd NW and Bosque Verde Lane NW
zone map page(s) J-12.

Our records indicate that as of 8-31-06 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Dalina L Carmona
OFFICE OF NEIGHBORHOOD COORDINATION

planning.norecognized.na.form(07/04)

GARCIA/KRAEMER&ASSOCIATES

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

August 29, 2006

Ventana del Bosque
Project # 1004639
Explanation of Request

This is a request for FINAL PLAT approval for an 18 lot private commons development. On March 29, 2006 the DRB granted PRELIMINARY PLAT APPROVAL (06DRB-00255,) approval of a Site Development Plan for Subdivision (06DRB-00254,) sidewalk variance (06DRB-00256) and sidewalk temporary deferral (06DRB-00257.) Subject development is controlled by RA-2 zoning and the Private Commons Development (PCD) regulations contained in Section 14-16-3-16 of the Zoning Ordinance.

Preliminary plat approval, together with approval of the site development plan for subdivision, is a commitment on the part of the City that a final plat conforming to the approved preliminary plat with conditions will be approved. The preliminary plat stage is the substantive decision point in the subdivision approval process. (Subdivision Regulations, section 14-14-3-4.) The final plat must be approved by the DRB if it substantially conforms to the preliminary plat as approved, including any modifications and conditions specified in the preliminary plat approval (section 14-14-3-5 (A) (2))

Applicant has complied with the conditions of approval for final plat contained in the March 29, 2006 Official Notice of Decision. The financial guarantees of required infrastructure as evidenced by the Subdivision Improvements Agreement (SIA) was executed and recorded with the County Clerk. 8/22/06 Bk-A122, Pg-7069.

Public notice of final plat approval is not generally required. Applicant asserts they should be allowed to process this request without public notice. We have been advised that City staff requires public notice pursuant to section 14-14-3-4 (B)(3). Applicant respectfully protests the determination to process this plat as a public hearing item requiring notice and requests FINAL PLAT APPROVAL.

William L Kraemer

OR CURRENT RESIDENT
101205819644920201
AMERICAN GI FORUM
3301 MOUNTAIN RD NW
ALBUQUERQUE, NM 87104 1759

OR CURRENT RESIDENT
101205824942620131
AVILA TORIBIO V
1411 ROMA AVE NW
ALBUQUERQUE, NM 87104 1243

OR CURRENT RESIDENT
101205835643110816
BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE, NM 87125 0704

OR CURRENT RESIDENT
101205822550420311
CHAMBERLAIN RICHARD E & JEAN T
3118 SPUR CT NW
ALBUQUERQUE, NM 87124

OR CURRENT RESIDENT
101205832747511201
COWAN BILLY
PO BOX 802206
DALLAS, TX 75380 2206

OR CURRENT RESIDENT
101205832242711526
GARCIA MELINDA A & EFFERTZ
2918 MOUNTAIN RD NW
ALBUQUERQUE, NM 87104 1745

OR CURRENT RESIDENT
101205829139111516
GARDENS INC (THE)
PO BOX 2164
ALBUQUERQUE, NM 87103

OR CURRENT RESIDENT
101205821050420312
GUTIERREZ MICHAEL M & DOROTHY
3122 SPUR CT NW
ALBUQUERQUE, NM 87104 1812

OR CURRENT RESIDENT
101205827249920308
HARTLEY JIMMIE ETUX
3104 SPUR CT NW
ALBUQUERQUE, NM 87104 1812

OR CURRENT RESIDENT
101205829050720307
HOSEY GWENDOLYN M &
3100 SPUR CT NW
ALBUQUERQUE, NM 87104 1812

OR CURRENT RESIDENT
101205824050320310
KUENSTLER PAUL A JR
3114 SPUR CT NW
ALBUQUERQUE, NM 87104 1812

OR CURRENT RESIDENT
101205824739220117
LUCAS LYNN DEAN &
3102 MOUNTAIN RD NW
ALBUQUERQUE, NM 87104

OR CURRENT RESIDENT
101205816249720207
MORA JOHN & GARCIA ROSENDO JR
711 GABALDON NW
ALBUQUERQUE, NM 87104

OR CURRENT RESIDENT
101205824142420132
NUANES CHARLENE LUCERO
3120 MOUNTAIN RD NW
ALBUQUERQUE, NM 87104 1720

OR CURRENT RESIDENT
101205818051620212
PEAVLER JAMES M & BEVERLY ANN
717 GABALDON DR NW
ALBUQUERQUE, NM 87104 1806

OR CURRENT RESIDENT
101205825650220309
ROMERO JOSEPH N & MARTHA A
3110 SPUR CT NW
ALBUQUERQUE, NM 87104 1812

OR CURRENT RESIDENT
101205825542720130
RON MARGOLIS & KATYA MILLER
913 WESTGATE NW
ALBUQUERQUE, NM 87107

OR CURRENT RESIDENT
101205827943211529
SANCHEZ ROBERT & BETH
512 LAGUNA SECA LN NW
ALBUQUERQUE, NM 87104 1777

OR CURRENT RESIDENT
101205816748620206
SANCHEZ SALLY
5800 2ND ST NW
ALBUQUERQUE, NM 87107

OR CURRENT RESIDENT
101205823347020303
SCHWARTZMAN GARY J &
SHERRELL
1513 CALIFORNIA ST NE
ALBUQUERQUE, NM 87110 6829

OR CURRENT RESIDENT
101205819246520205
TELLEZ LOUIS P
625 GABALDON DR NW
ALBUQUERQUE, NM 87104 1805

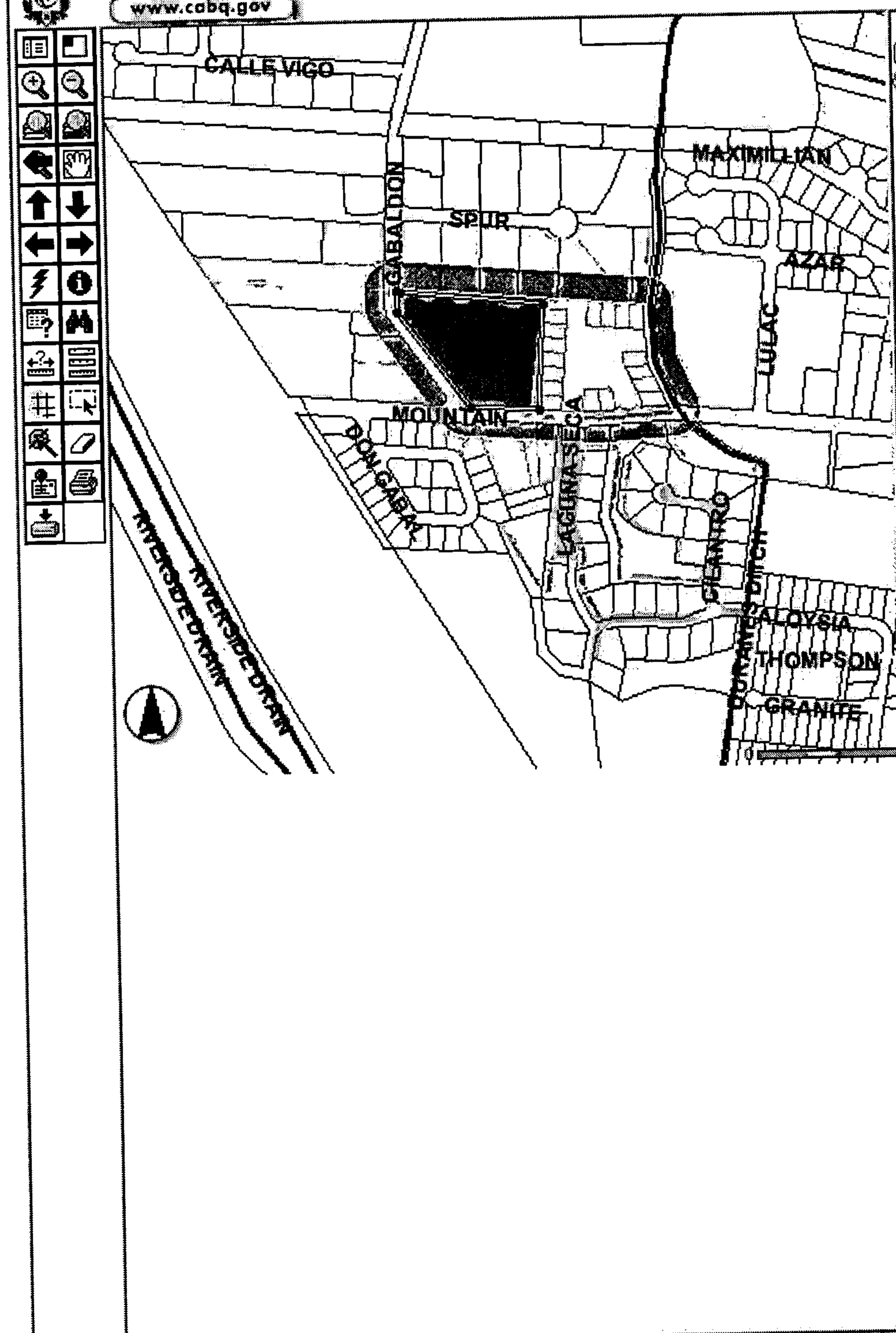
OR CURRENT RESIDENT
101205827946520306
TERRELL JAY P & AUSTIN KELLY
3015 MOUNTAIN RD NW
ALBUQUERQUE, NM 87104 1729

Project # 1004639
50/50 LLC
PO BOX 93024
ALBUQUERQUE, NM 87199

Project # 1004639
GARCIA/KRAEMER & ASSOC.
200 LOMAS NW # 1111
ALBUQUERQUE, NM 87102

ALBUQUERQUE GIS DATA WEBSITE

CITY OF ALBUQUERQUE
www.cabq.gov



LAYERS

- STREETS
- BASEMAP
  - PARCELS
  - LOT NUMBERS
  - METRO ADDRESS
  - ZONING
  - OWNERSHIP
  - 2FT CONTOUR
  - ADDRESS POINTS
  - LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
  - 2004 AIR PHOTO
  - 2002 AIR PHOTO
  - 1999 AIR PHOTO

Refresh Map

☑ Auto Refresh

Help:

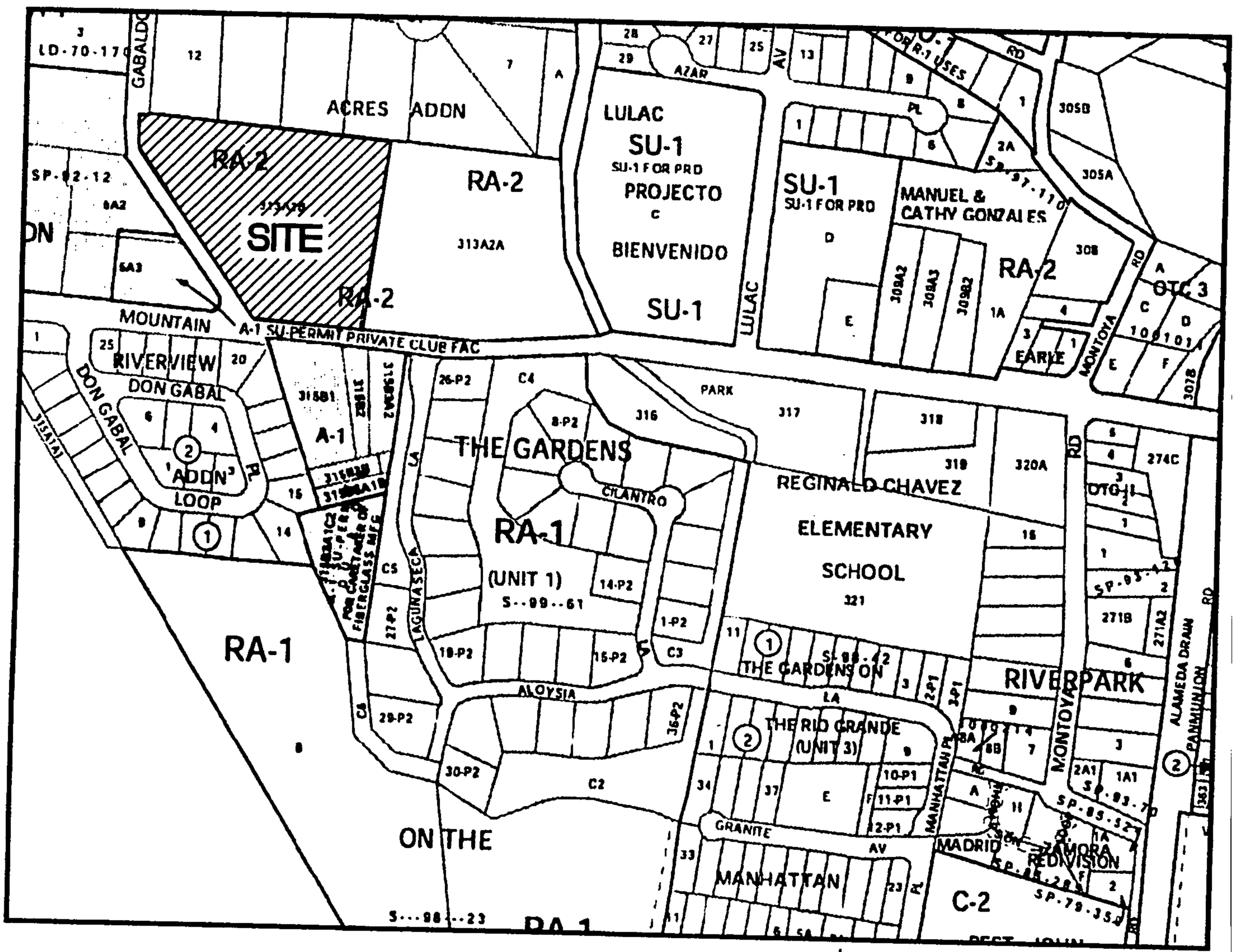
- Closed group, click to open.
- Open group, click to close.
- Map layer.
- Hidden group/layer, click for visible.
- Visible group/layer, click to hide.
- Layer not visible at this scale.
- Partially visible group, click for visible.
- Inactive layer, click for active.
- The active layer.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRI
1	101205823347020303	SCHWARTZMAN GARY J & SHERRELL	1513 CALIFORNIA
2	101205827946520306	TERRELL JAY P & AUSTIN KELLY	3015 MOUNTAIN R
3	[illegible]	[illegible]	[illegible]

Pan

SEARCH REFRESH HELP INDEX PAGE
CONTACT



VICINITY MAP

(NOT TO SCALE)

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing on the **3rd FLOOR in the PLANNING DEPARTMENT LARGE CONFERENCE ROOM**, **Plaza del Sol Building, 600 2nd St NW, on Wednesday, September 20, 2006, beginning at 9:00 a.m.** for the purpose of considering the following:

Project # 1000131
06DRB-01277 Major-Two Year SIA
06DRB-01278 Minor-Ext of SIA for Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for BROADWAY DEVELOPMENT CO request(s) the above action(s) for, **BROADWAY INDUSTRIAL CENTER, UNIT 1,** zoned SU-2 HM, located on SAN JOSE AVE SE, between BROADWAY BLVD SE and I-25 containing approximately 61 acre(s). [REF: DRB-97-271] (M-14)

Project # 1000650
06DRB-01267 Major-Two Year SIA

TIERRA WEST LLC agent(s) for WAL-MART STORES EAST LP request(s) the above action(s) for all or a portion of Tract(s) 1-A-1, **LANDS OF LAMONICA & WENK,** zoned SU-1 for C-1 Permissive Uses, located on COORS BLVD SW, between RIO BRAVO BLVD SW and LAMONICA RD SW containing approximately 20 acre(s). [REF: 03EPC-01109, 03EPC-01110, 03DRB-01782, 03DRB-01783, 04DRB-00277, 05DRB-00903] (P-10)

Project # 1002645
06DRB-01268 Major-Two Year SIA

TIERRA WEST LLC agent(s) for CLEARBROOK INVESTMENTS request(s) the above action(s) for, **SEVILLE, UNIT 8,** zoned R-LT, located on IRVING BLVD NW, between KAYENTA PL NW and UNIVERSE BLVD NW containing approximately 27 acre(s). [REF: 03DRB-01440, 03DRB-01441, 03DRB-01965, 03DRB-00741, 04DRB-00400, 05DRB-01335] (A-10)

Project # 1003634
06DRB-01272 Major-Two Year SIA

GARCIA/KRAEMER & ASSOCIATES agent(s) for GREATER ALBUQUERQUE HABITAT FOR HUMANITY request(s) the above action(s) for all or a portion of Lot(s) 4A, 5A, 6A & 6B, Block(s) 12, **EASTERN ADDITION,** zoned SU-2/MR, located on HIGH ST SE between CROMWELL SE and PACIFIC SE and containing approximately 1 acre(s). [REF: 04DRB-01297, 04DRB-00409] (K-14)

Project # 1004639
06DRB-01275 Major-Final Plat Approval

GARCIA/KRAEMER & ASSOCIATES agent(s) for 50/50 LLC request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE)** zoned RA-2/PCD, located on MOUNTAIN RD NW, between GABALDON RD NW and BOSQUE VERDE LANE NW containing approximately 5 acre(s). [REF:06DRB-00254,06DRB-00255, 06DRB-00256, 06DRB-00257] (J-12)

SEE PAGE 2 . . .

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Project # 1004924
06DRB-01273 Major-Vacation of Public Easements
06DRB-01274 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES agent(s) for HOECH REAL ESTATE CORPORATION request(s) the above action(s) for all or a portion of Tract(s) B, **FEDERAL PLAZA,** zoned SU-1 for O-1 uses, located on HOMESTEAD RD NE, between MONTGOMERY BLVD NE and SAN MATEO BLVD NE containing approximately 4 acre(s). [REF: 06EPC-00756, 06DRB-01181] (G-18)

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

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, SEPTEMBER 11, 2006.

CITY OF ALBUQUERQUE

Planning Department

VACANT

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁰
0004219022 SEP 08 2006
MAILED FROM ZIP CODE 87102

Or Current Resident

OR CURRENT RESIDENT
101205827946520306
TERRELL JAY P & AUSTIN KELLY
3015 MOUNTAIN RD NW
ALBUQUERQUE, NM 87104 1729

DRB

87104/1761

CITY OF ALBUQUERQUE

Planning Department

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁰
0004219022 SEP 08 2006
MAILED FROM ZIP CODE 87102

NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Or Current Resident

OR CURRENT RESIDENT
101205829139111516
GARDENS INC (THE)
PO BOX 2164
ALBUQUERQUE. NM 87103

U

DRB B

87103+2164-64 B024

4639

DXF Electronic Approval Form

DRB Project Case #: 1004639

Subdivision Name: VENTANA DEL BOSQUE

Surveyor: WILL PLOTNER JR

Contact Person: WILL PLOTNER JR

Contact Information: 896-3050

DXF Received: 8/31/2006 Hard Copy Received: 8/31/2006

Coordinate System: NMSP Grid (NAD 27)

Approved 08·31·2006 Date

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

AGIS Use Only

Copied fc **4639** to agiscov on **8/31/2006** Contact person notified on **8/31/2006**

C plete 5-8-06 Ag

#5

DRB CASE ACTION LOG (SITE PLAN SUBD)

REVISED 9/28/05

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

DRB Application No.: **06DRB-00254 (SPS)**	Project # **1004639**
Project Name **VENTANA DEL BOSQUE**	
Agent: Rio Grande Engineering	Phone No.: 872-0999

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

- ☐ TRANSPORTATION: X CORRECTION of RADII on EASEMENT ok
  CORRECTION of EASEMENT RAD EXHIBIT ok 5-4-06
- ☐ UTILITIES:
- ☐ CITY ENGINEER / AMAFCA:
- ☐ PARKS / CIP:
- ☒ PLANNING (Last to sign): 3 copies
  15 day appeal period
- ☐ **Planning must record this plat. Please submit the following items:**
  - -The original plat and a mylar copy for the County Clerk.
  - -Tax certificate from the County Treasurer.
  - -Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
  - -Tax printout from the County Assessor.
  - ☒ **3 copies of the approved site plan. Include all pages.**
  - ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
  - ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
  - ☐ **AGIS DXF File approval required.**
  - ☐ **Copy of recorded plat for Planning.**

Project Number 1004639

#5

DRB CASE ACTION LOG (SITE PLAN SUBD)

REVISED 9/28/05

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

DRB Application No.: **06DRB-00254 (SPS)** Project # **1004639**

Project Name **VENTANA DEL BOSQUE**

Agent: Rio Grande Engineering Phone No.: 872-0999

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

- ☐ TRANSPORTATION: X CORRECTION of RADII and EXTENSION
  CORRECTION of GOMALDON ROAD EXHIBIT
- ☐ UTILITIES:
- ☐ CITY ENGINEER / AMAFCA:
- ☐ PARKS / CIP:
- ☒ PLANNING (Last to sign): 3 copies
  ☒ 15 day appeal period
- ☐ **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: _____
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  - ☒ **3 copies of the approved site plan. Include all pages.**
  - ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
  - ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
  - ☐ **AGIS DXF File approval required.**
  - ☐ **Copy of recorded plat for Planning.**

Project Number 1004639

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 29, 2006

5. Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] *[Deferred from 3/22/06]* (J-12)

At the March 29, 2006, Development Review Board meeting, the site plan for subdivision was approved with final sign off delegated to Transportation Development for correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit and to Planning for the 15-day appeal period and 3 copies of the site plan.

With the signing of the infrastructure list dated 3/29/06 and approval of the grading plan engineer stamp dated 2/20/06 the preliminary plat was approved with the following conditions of final plat:

Restrictions and Covenants must be signed and recorded.

Correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit.

ADA ramps must be within the public right-of-way.

The President of the homeowners association must sign the final plat. The owner may do so if there is no President at the time of final plat approval.

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

If you wish to appeal this decision, you must do so by April 13, 2006, in the manner described below.

OFFICIAL NOTICE OF DECISION

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

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

Sheran Matson, AICP, DRB Chair

Cc: Washington Investors, P.O. Box 93024, 87199
Rio Grande Engineering, 1606 Central SE, Suite 20I, 87I06
Paul Kuenstler, 3114 Spur Ct NW, 87104
Bill Kraemer, Garcia/Kraemer & Associates, 200 Lomas NW, Suite 1111, 87102
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1004639 AGENDA#: 5 DATE: 3.29.06

1. Name: PAUL KUENSTLER Address: 3114 SPUR CT. Zip: 87104
2. Name: Bill Kraemer Address: Garcia Kraemer Zip:
3. Name: Address: Zip:
4. Name: Address: Zip:
5. Name: Address: Zip:
6. Name: Address: Zip:
7. Name: Address: Zip:
8. Name: Address: Zip:
9. Name: Address: Zip:
10. Name: Address: Zip:
11. Name: Address: Zip:
12. Name: Address: Zip:
13. Name: Address: Zip:
14. Name: Address: Zip:

CITY OF ALBUQUERQUE

ALBUQUERQUE
Making History

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1004639 **AGENDA ITEM NO: 5**

SUBJECT:

Site Plan for Subd
Sidewalk Variance
Sidewalk Deferral
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(5) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

An approved drainage report dated 2-20-06 is on file for Preliminary Plat approval.

RESOLUTION: signed I.L

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

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

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

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: March 29, 2006

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

Donald C. Bartlett/DFAS/CABQ
03/22/2006 08:00 AM

To Sheran A. Matson/PLN/CABQ@COA
cc
bcc
Subject ADA Accessible Route

Sheran:
Surfaces that are part of the accessible route need to conform to the requirements listed below, excerpt from ADA Accessibility Guidelines for Buildings and Facilities 2004. I have underlined the reference to surfaces such as exposed aggregate. The guidelines do not specifically prevent the use of materials and surface treatments however, any design must provide surfaces in complainace with that listed below. A design challenge!

I hope this helps.
Don Bartlett
Call or e-mail with any needs.

ADA Accessibility Guidelines for Buildings and Facilities 2004.
R301.5 Surface. The surface of the pedestrian access route shall be firm, stable and slip resistant. Advisory R301.5 Surface. The U.S. Department of Justice ADA regulations require that the usability of accessible features be maintained (28 CFR §35.133 and §36.211). R301.5.1 Vertical Alignment. Vertical alignment shall be planar within curb ramp runs, blended transitions, landings, and gutter areas within the pedestrian access route, and within clear spaces required for accessible pedestrian signals, street furniture, and operable parts. Grade breaks shall be flush. Where the pedestrian access route crosses rail tracks at grade, the surface of the pedestrian access route shall be level and flush with the top of the rail at the outer edges of the rail. The surface between the rails shall be aligned with the top of the rail. R301.5.2 Surface Discontinuities. Surface discontinuities shall not exceed 13 mm (0.50 in) maximum. Vertical discontinuities between 6.4 mm (0.25 in) and 13 mm (0.5 in) maximum shall be beveled at 1:2 minimum. The bevel shall be applied across the entire level change. Advisory R301.5.2 Surface Discontinuities. Surfaces with individual units laid out of plane and those that are heavily textured, rough, or chamfered, will greatly increase rolling resistance and will subject pedestrians who use wheelchairs, scooters, and rolling walkers to the stressful (and often painful) effects of vibration. It is highly desirable to minimize surface discontinuities; when discontinuities on the pedestrian access route are unavoidable, they should be widely separated.

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

March 22, 2006 9:00 a.m.

MEMBERS:

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

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

****

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

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

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

A. Call to Order: 9:00 A.M. Adjourned: 12:10 P.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

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

1.	**Project # 1002591** 06DRB-00249 Major-Two Year SIA	TIERRA WEST LLC agent(s) for KPS GROUP INC request(s) the above action(s) for all or a portion of Tract(s) C & G, FOUR HILLS VILLAGE SHOPPING CENTER & APT COMPLEX, zoned SU-1 PDA RES & COMM, located on CENTRAL AVE SE, between TRAMWAY BLVD SE and DORADO PL SE containing approximately 6 acre(s). [REF: Z-84-124, 03AA00608] (L-22) **A ONE-YEAR EXTENSION OF THE SIA WAS APPROVED.**

2. **Project # 1004639**
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] *[Deferred from 3/22/06]* (J-12) **DEFERRED AT THE AGENT'S REQUEST TO 3/29/06.**

3. **Project # 1004709**
06DRB-00222 Major-SiteDev Plan BldPermit

JOHN KLEE ARCHITECTURE agent(s) for THREE AM, LLC request(s) the above action(s) for all or a portion of Lot(s) 2, Phase 2, **JOURNAL CENTER, UNIT 2,** zoned IP, located on WASHINGTON NE, between RUTLEDGE NE and WOLCOTT NE containing approximately 1 acre(s). (D-17) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK NOTES AND PARKING SPACES AND TO PLANNING FOR JOURNAL CENTER ARCHITECTURAL REVIEW COMMITTEE APPROVAL LETTER, 3 COPIES OF THE SITE PLAN AND THE 15-DAY APPEAL PERIOD.**

4. **Project # 1000128**
06DRB-00247 Major-Vacation of Public Easements
06DRB-00248 Minor-Prelim&Final Plat Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for RANDALL HOMES LLC request(s) the above action(s) for all or a portion of Tract(s) D, Lot(s) 46-P1, 47-P1 & 48-P1, **STONEBROOKE ESTATES,** zoned RD (7DU/AC) located on SUNNY BROOK ST NE, between EAGLE ROCK AVE NE and PEBBLE STONE PL NE containing approximately 1 acre(s). [REF: 03DRB00640, 03DRB00659, 04DRB00580, 04DRB00581] (C-19) **THE VACATION WAS**

APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEERING FOR GRADING AND DRAINAGE CERTIFICATION AND TO PLANNING FOR THE 15-DAY APPEAL PERIOD.

5. **Project # 1004717**
06DRB-00253 Major-Vacation of Public Easements

TERRAMETRICS OF NEW MEXICO agent(s) for SKY BLUE INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) A, **SONORA SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on TESORO PL NE, between SAN PEDRO DR NE and LOUISIANA BLVD NE containing approximately 1 acre(s). (C-18) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

6. **Project # 1001469**
06DRB-00232 Major-Vacation of Pub Right-of-Way

GARCIA/KRAEMER & ASSOCIATES agent(s) for JAMES STONE request(s) the above action(s) for all or a portion of Lot(s) 23 & 24, Block(s) 5, **SUNSET TERRACE,** zoned R-1 residential zone, located on STANFORD DR NE, between MOUNTAIN RD NE and COLUMBIA DR NE containing approximately 1 acre(s). [REF: 01ZHE01303, 01ZHE01401, 01BOA01662, 01BOA01634] *[Deferred from 3/15/06]* (J-16) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

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

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

7. **Project # 1001445**
06DRB-00317 Minor-Amnd SiteDev Plan Subd/EPC
06DRB-00318 Minor-SiteDev Plan BldPermit/EPC

CONSENSUS PLANNING agent(s) for JENNIFER LIN request(s) the above action(s) for all or a portion of Lot(s) 13-B, BLACK RANCH (to be known as **HONG KONG CHINESE BUFFET**) zoned SU-1 FOR C-1/O-1, located on COORS BLVD NW, between SEVEN BAR LOOP NW and ALAMEDA BLVD NW containing approximately 3 acre(s). **[Stephanie Shumsky, EPC Case Planner]** (B-14) **THE AMENDED SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR EASEMENTS, DECEL LANE AND CROSS SECTIONS AND TO PLANNING FOR 3 COPIES OF THE SITE PLAN. THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR EASEMENTS, DECEL LANE AND CROSS SECTIONS AND TO PLANNING FOR STEPHANIE SHUMSKY'S INITIALS AND 3 COPIES OF THE SITE PLAN.**

8. **Project # 1000195**
06DRB-00304 Minor-SiteDev Plan BldPermit/EPC

CLAUDIO VIGIL ARCHITECTS agent(s) for ASSOCIATED BUILDERS AND CONTRACTORS request(s) the above action(s) for all or a portion of Tract(s) M & L, **GATEWAY INDUSTRIAL PARK,** zoned SU-1/PID, special use zone, located on BROADWAY BLVD NE, between MENAUL BLVD NE and CLAREMONT AVE NE containing approximately 3 acre(s). [REF: 05DRB01545, 06EPC00012] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 3/15/06]* (H-15) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF SITE PLAN.**

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

9. **Project # 1003551**
06DRB-00354 Major-Final Plat Approval

BRASHER & LORENZ agent(s) for NAYLOR DEVELOPMENT CORP LLC request(s) the above action(s) for all or a portion of Lot(s) 12, 13, 19, 20 & 21, Block(s) 11, Tract(s) 1, **NORTH ALBUQUERQUE ACRES, UNIT 3,** zoned R-D residential and related uses zone, developing area, located on GLENDALE AVE NE, between WYOMING BLVD NE and BARSTOW ST NE containing approximately 5 acre(s). [REF: 05DRB01183, 05DRB001184] (B-19) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR 25-FOOT WATER/SEWER EASEMENT GRANTED TO ABCWUA, ADD PUE DEDICATION LANGUAGE TO COVER SHEET, ADD SIDEWALKS TO NOTE 12 AND TO PLANNING TO RECORD.**

10. **Project # 1003442**
06DRB-00348 Minor-Prelim&Final Plat Approval

WILKS COMPANY agent(s) for BRENT HEISCH request(s) the above action(s) for all or a portion of Tract(s) 37, **ALVARADO GARDENS, UNIT 2,** zoned RA-2 residential and agricultural zone, located on CAMPBELL RD NW, between GLENWOOD NW and TRELLIS NW containing approximately 2 acre(s). [REF: 04DRB01864] (G-12) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

11. **Project # 1004760**
06DRB-00349 Minor-Prelim&Final Plat Approval

JACKS HIGH COUNTRY INC agent(s) for JJ & J PROPERTIES LLC request(s) the above action(s) for all or a portion of Tract(s) B-1-B-1, **WEST 66 ADDITION,** zoned C-2 community commercial zone, located on CENTRAL AVE NW, between UNSER NW and AIRPORT NW containing approximately 7 acre(s). (K-10) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

12. Project # 1004163
06DRB-00350 Minor-Prelim&Final Plat Approval

TERRAMETRICS OF NEW MEXICO agent(s) for JON E BOLTZ request(s) the above action(s) for all or a portion of Lot(s) 10, **SIERRA BONITA ADDITION,** zoned R-1 residential zone, located on BELL ROSE AVE NW, between 12TH ST NW and RIO GRANDE BLVD NW containing approximately 1 acre(s). [REF: 05DRB00743, 05DRB01219] (F-14) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK AND TO PLANNING TO RECORD.**

13. Project # 1000961
06DRB-00158 Minor-Prelim&Final Plat Approval

CARTESIAN SURVEYS INC agent(s) for MCT INDUSTRIES INC request(s) the above action(s) for all or a portion of Tract(s) C, **NORTH GATEWAY,** zoned IP industrial park zone, located on SAN MATEO BLVD NE, between BALLOON FIESTA PARKWAY NE and 125 containing approximately 17 acre(s). [REF: AA-97-98, ZA-97-375, V-97-7, DRB-97-6, ZA-92-107, 00DRB01730] *[Indef deferred from 2/15/06] [Was Listed under Project #1003790 in error]* ***[Indef Deferred for SIA on 3/22/06]*** (B-18) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 3/22/06 THE PRELIMINARY PLAT WAS APPROVED WITH THE FOLLOWING CONDITION OF FINAL PLAT: THE SITE PLAN FOR SUBDIVISION MUST BE AMENDED, GRANT A CUL-DE-SAC RADIUS ON SAN MATEO. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

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

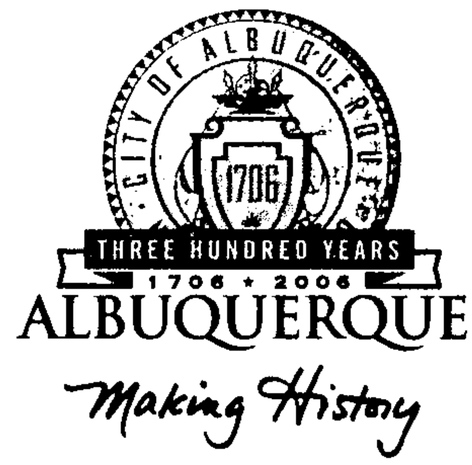
14.	**Project # 1002962** 06DRB-00353 Minor-Sketch Plat or Plan	WILSON & COMPANY agent(s) for THE TRAILS LLC, request for DRB recommendations to listing of Infrastructure for The Trails, PID (Public Improvement District), for all or a portion of Tract(s) 1-12 **THE TRAILS, UNIT 2,** zoned R-D residential and related uses zone, developing area, located on RAINBOW BLVD NW, between PASEO DEL NORTE NW and WOODMONT NW containing approximately 190 acre(s). [REF: 04DRB01319] (C-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
15.	**Project # 1004752** 06DRB-00336 Minor-Sketch Plat or Plan	RUTHERFORD DESIGN & CONSTRUCTION agent(s) for WILLIAM & JUDITH KILLGORE request(s) the above action(s) for all or a portion of Lot(s) 1 & 3, Block(s) A, **LUKE SUBDIVISION,** zoned RA-1 residential and agricultural zone, semi-urban area, located on RIO GRANDE BLVD NW, between LUKE CIRCLE NW and CANDELARIA RD NW containing approximately 1 acre(s). (G-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
16.	**Project # 1004602** 06DRB-00316 Minor-Sketch Plat or Plan	ROBERT JENKINS request(s) the above action(s) for all or a portion of Lot(s) G, **ALVARADO GARDENS, UNIT 2,** zoned RA-2, located on TRELLIS NW, between CANDELARIA RD NW and CAMPBELL RD NW containing approximately 1 acre(s). (G-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

17.	**Project # 1004743** 06DRB-00311 Minor-Sketch Plat or Plan	ANTHONY MONTOYA request(s) the above action(s) for all or a portion of Lot(s) 55 & 56, Tract(s) A, **RINCONADA MESA,** located on UPPER CANYON CT NW and 67TH ST NW and containing approximately 2 acre(s). (F-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for March 15, 2006. THE DRB MINUTES FOR MARCH 15, 2006 WERE APPROVED BY THE BOARD.

ADJOURNED: 12:10 P.M.

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1004639 **AGENDA ITEM NO: 2**

SUBJECT:

Site Plan for Subd
Sidewalk Variance
Sidewalk Deferral
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

An approved drainage report dated 2-20-06 is on file for Preliminary Plat approval.

RESOLUTION:

3-29-06

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

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

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

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: March 22, 2006

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

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1004639 AGENDA#: 2 DATE: 3.22.06

✓ 1. Name: PAUL KUENSTLER Address: 3114 SPUR COURT NW Zip: 87104

✓ 2. Name: Glen Effertz (Glen Effertz) Address: 29 W MARTIN PL NW Zip: 87104

3. Name: Bill Kraemer Address: Zip:

4. Name: David Saule Address: Zip:

~~WAS BOB S. — was sold changed the name Sandia Creek Mobil PK~~

✓ 5. Name: MARYANN MASCARENAS (MASCARENAS) Address: 3115 MT Rd NW (PO BOX 7502) Zip: ~~87104~~ ~~87104~~ 87194

6. Name: Address: Zip:

7. Name: Address: Zip:

8. Name: Address: Zip:

9. Name: Address: Zip:

10. Name: Address: Zip:

11. Name: Address: Zip:

12. Name: Address: Zip:

13. Name: Address: Zip:

14. Name: Address: Zip:

12
11
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9
4
1
A-1
2
5A1
GABALDON
J12
RA-2
313A2A
5A3
A-1
GABALDON DR + NW MOUNTAIN RD NW
MOUNTAIN
DON GABAL
25
24
23
R-1
22
21
20
19
315B1
A-1
315B3A2
C5
224ft
RA-1
26-P2
C4
R-1

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 22, 2006

Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] (J-12)

AMAFCA — No adverse comments.

COG — Mountain Road and Gabaldon Road are both identified as having bike accommodations on the Long Range Bikeway System – On street lanes on Mountain Road, and Gabaldon Road as a bike route. Coordination with the City's Municipal Development Department should take place to ensure these improvements are included with the project as appropriate.

Transit — No objection to the request.

Zoning Enforcement — No adverse comments.

Neighborhood Coordination — No Association(s).

APS — The proposed development, **Ventana del Bosque**, is a private commons development consisting of 18 detached houses in a gated community. The development is located on Mountain Rd NW between Gabaldon Dr NW and Lulac Ave NW and will affect Reginald Chavez Elementary, Washington Middle School, and Albuquerque High School. Currently, all three schools have capacity to absorb any student growth from the proposed development.

School	2005-06 40 Day Count	Capacity	Space Available
REGINALD CHAVEZ	361	430	69
WASHINGTON MS	564	580	16
ALBUQUERQUE HS	1,794	2,110	316

Police Department

A review of the following DRB case(s) indicates the following problems or crime may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic volume/ Pedestrian Eliminating sidewalks blur. the line between public and private space. Lighting issues/ Maintenance of landscaping: commons: Proposed lighting should not conflict with landscaping. Landscaping should be low level plantings when mature. Need for neighborhood association: Once completed residents should organize a neighborhood association.

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

PNM Electric & Gas — PNM does not approved this request. No easements dedicated for PNM utilities.

Comcast — No comments received.

QWEST — No comments received.

Environmental Health — No comments received.

M.R.G.C.D. — No comments received.

Open Space Division — No adverse comments.

City Engineer

An approved drainage report is required for Preliminary Plat approval.

Transportation Development

The final plat will need curve information along Gabaldon. Applicant needs to provide both cross-section proposals for both Gabaldon and Mountain. Applicant needs to provide the sight line exhibit for the curve along Gabaldon. Gabaldon should be a 16' F- CL section. (This includes the 2' bike route.) What sidewalk variance is being applied for? No objection to the deferral of sidewalk. Has Fire approved the 18' lanes in and out of the gated area? Usually these are required to be 20' minimum. In addition, the turning movement of a passenger vehicle needs to be shown at the gate. The ADA ramps need to be within public r/w.

Parks & Recreation — A maintenance note needs to be added to the plat for Tract A.

Utilities Development

Site Plan Utility Plan must show a looped water line and easement. The Landscaping Plan can not show trees in water line easement needed for looping. Preliminary Plat must provide easement for looping water line. No objection to Sidewalk Deferral.

Planning Department

Note 1 Sup Entrada Bosque

Comments on the Site Plan:

1. Notes 1 & 5 don't appear to apply to this site plan. If not, please remove.

2. Note 6. What is the setback in feet from the back of curb to the lot line?

3. Why doesn't the wrought iron gate align with the path?

4. On the Landscape Plan, please remove the black squares.

5. The Cottonwood does not have a water use symbol, which is "H" for high.

Neighborhood 1/2 #5

6. The "existing tree" symbol is too light to be seen on the Landscape Plan itself. What species of trees are they?

7. The ¾" gravel should be Santa Fe Brown rather than gray as should the crusher fine. Or another color rather than gray. Specify the color. The gravel should have a minimum depth of 3". That should also be specified on the Landscape Plan sheet.

"Park Blend" is not low water

8. The sod, what kind is it? A native mix or buffalo grass is preferred. Buffalo grass actaully comes cut like sod now.

Comments on the PCA:

1. Section 14-16-3-16(F) of the Zoning Code. "The PCA…may be composed of separate tracts but each shall have a minimum width & length of 35'. The PCA portion between the lot lines and the roadway easement does not aapear to meet this criteria.

Wrong PCA area shown

2. The 4' gravel path and the path shown in the northeast corner of the subdivision are not ADA compliant. It is preferable to pave the paths even though the PCA criteria probably intend otherwise.

3. The Land Use Easement & Restrictive Covenants is also required per Section 14-16-3-16(G). Kevin Curran must approve prior ot approval of these actions.

My comments?

Impact Fee Administrator

Construction of new homes within the proposed subdivision will require payment of Impact Fees for each home. Based on a size of 2,000 square feet, it is estimated that impact fees will total approximately $1,067 if a building permit is obtained prior to December 29, 2006, and the full impact fee of $1,592 would be payable thereafter.

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

cc: Washington Investors, P.O. Box 93024, 87199
Rio Grande Engineering, 1606 Central SE, Suite #201, 87106

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, March 22, 2006,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project # 1002591
06DRB-00249 Major-Two Year SIA

TIERRA WEST LLC agent(s) for KPS GROUP INC request(s) the above action(s) for all or a portion of Tract(s) C & G, FOUR HILLS VILLAGE SHOPPING CENTER & APT COMPLEX, zoned SU-1 PDA RES & COMM, located on CENTRAL AVE SE, between TRAMWAY BLVD SE and DORADO PL SE containing approximately 6 acre(s). [REF: Z-84-124, 03AA00608] (L-22)

Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] (J-12)

Project # 1004709
06DRB-00222 Major-SiteDev Plan BldPermit

JOHN KLEE ARCHITECTURE agent(s) for THREE AM, LLC request(s) the above action(s) for all or a portion of Lot(s) 2, Phase 2, **JOURNAL CENTER, UNIT 2,** zoned IP, located on WASHINGTON NE, between RUTLEDGE NE and WOLCOTT NE containing approximately 1 acre(s). (D-17)

Project # 1000128
06DRB-00247 Major-Vacation of Public Easements
06DRB-00248 Minor-Prelim&Final Plat Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for RANDALL HOMES LLC request(s) the above action(s) for all or a portion of Tract(s) D, Lot(s) 46-P1, 47-P1 & 48-P1, **STONEBROOKE ESTATES,** zoned RD (7DU/AC) located on SUNNY BROOK ST NE, between EAGLE ROCK AVE NE and PEBBLE STONE PL NE containing approximately 1 acre(s). [REF: 03DRB00640, 03DRB00659, 04DRB00580, 04DRB00581] (C-19)

Project # 1004717
06DRB-00253 Major-Vacation of Public Easements

TERRAMETRICS OF NEW MEXICO agent(s) for BLUE SKY INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) A, **SONORA SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on TESORO PL NE, between SAN PEDRO DR NE and LOUISIANA BLVD NE containing approximately 1 acre(s). (C-18)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MARCH 6, 2006.

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: MARCH 22, 2006
Zone Atlas Page: J-12-Z
Notification Radius: 100 Ft.

Project# 1004639
App#06DRB-00254
App#06DRB-00255
App#06DRB-00256
App#06DRB-00257

Cross Reference and Location: MOUNTAIN RD NW BETWEEN GABALDON NW AND LULAC AVENUE NW

Applicant: WASHINGTON INVESTORS
Address: PO BOX 93024
ALBUQUERQUE, NM 87199

Agent: RIO GRANDE ENGINEERING
1606 CENTRAL SE, STE# 201
ALBUQUERQUE, NM 87106

Special Instructions:

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

Date Mailed: MARCH 3, 2006
Signature: YVONNE SAAVEDRA

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP / LEGAL LIST

Project# 1004639
Application#

Zone Atlas Page #	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address
J-12	1012058	233-470	203-03	✓
		279-465	06	✓
		327-475	112-01	✓
		290-507	203-07	✓
		272-499	08	✓
		256-502	09	✓
		240-503	10	✓
		225-504	11	✓
		210-504	12	✓
		241-424	201-32	✓
		249-426	31	✓
		255-427	30	✓
		261-897	01	✓
		247-392	17	✓
		323-406	115-30	✓ Dup
		279-432	29	✓
		291-391	16	✓ Dup 2
		322-427	26	✓
		250-411	201-29	✓
		151-517	202-20	✓
		180-516	12	✓
		167-486	06	✓
		162-497	07	✓
		144-516	08	✓

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP / LEGAL LIST

Project# 1004639
Application#

Zone Atlas Page #	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address
J-12	1012058	192-465	202-05	✓
		165-460	04	✓
		196-449	01	✓
		229-418	201-40	✓ COA
		231-412	41	✓ COA
		227-424	39	✓ COA
		221-428	38	✓ COA
		213-430	37	✓ COA
		207-430	36	✓ COA
		202-431	35	✓ COA
		196-431	34	✓ COA
		190-431	33	✓ COA

mainframe@coa1mp3.ca To
bq.gov cc
02/28/2006 03:09 PM bcc
Subject

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1          R E C O R D S   W I T H   L A B E L S                    PAGE
1
01012058                 ***  THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101205823347020303      LEGAL: MAP  38 T RACT 313 A2B
LAND USE:
                         PROPERTY ADDR: 00000   MOUNTAIN
                            OWNER NAME: SANDIA CREEK LLC
                            OWNER ADDR: 00410   S ORCHARD
BOISE        ID        83705
0101205827946520306      LEGAL: MAP  38 T RACT 313 A2A CONT 4.560 AC
LAND USE:
                         PROPERTY ADDR: 00000   MOUNTAIN
                            OWNER NAME: WASHINGTON STREET INVESTMENTS
                            OWNER ADDR: 03015   MOUNTAIN                RD NW
ALBUQUERQUE NM        87104
0101205832747511201      LEGAL: TRAC T C  LULAC PROYECTO BIENVENIDO SUBD
LAND USE:
                         PROPERTY ADDR: 00000   MOUNTAIN
                            OWNER NAME: COWAN BILLY
                            OWNER ADDR: PO BOX 802206
DALLAS       TX        75380
0101205829050720307      LEGAL: LT 7  QUA RTER HORSE ACRES ADD'N AND THE S1/2 OF
TR   LAND USE:
                         PROPERTY ADDR: 00000   SPUR
                            OWNER NAME: BROWN RONALD D & JOANN V
                            OWNER ADDR: 03100   SPUR                    CT NW
ALBUQUERQUE NM        87104
0101205827249920308      LEGAL: 008  QUAR TER HORSE ACRES ADD
LAND USE:
                         PROPERTY ADDR: 00000   SPUR
                            OWNER NAME: HARTLEY JIMMIE ETUX
                            OWNER ADDR: 03104   SPUR                    CT NW
ALBUQUERQUE NM        87104
0101205825650220309      LEGAL: 009  QUAR TER HORSE ACRES ADD
LAND USE:
                         PROPERTY ADDR: 00000   SPUR
                            OWNER NAME: ROMERO JOSEPH N & MARTHA A
                            OWNER ADDR: 03110   SPUR                    CT NW
ALBUQUERQUE NM        87104
0101205824050320310      LEGAL: 010  QUAR TER HORSE ACRES ADD
LAND USE:
                         PROPERTY ADDR: 00000   SPUR
                            OWNER NAME: KUENSTLER PAUL A JR
                            OWNER ADDR: 03114   SPUR                    CT NW
ALBUQUERQUE NM        87104
0101205822550420311      LEGAL: 011  QUAR TER HORSE ACRES ADD
LAND USE:
                         PROPERTY ADDR: 00000   SPUR
                            OWNER NAME: VELASQUEZ LINDA E & ROBERT BRU
                            OWNER ADDR: 03118   SPUR                    CT NW
ALBUQUERQUE NM        87104
```

0101205821050420312 LEGAL: 012 QUAR TER HORSE ACRES ADD
LAND USE:
PROPERTY ADDR: 00000 SPUR
OWNER NAME: GUTIERREZ MICHAEL M & DOROTHY
OWNER ADDR: 03122 SPUR CT NW
ALBUQUERQUE NM 87104
0101205824142420132 LEGAL: MAP 38 T RACT 315 B 1
LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: NUANES CHARLENE LUCERO
OWNER ADDR: 03120 MOUNTAIN RD NW
ALBUQUERQUE NM 87104
0101205824942620131 LEGAL: TRAC T 31 5B2 MAP 38
LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: AVILA TORIBIO V
OWNER ADDR: 01411 ROMA AV NW
ALBUQUERQUE NM 87104
0101205825542720130 LEGAL: MAP 38 T RACT 315 B3A2
LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: RON MARGOLIS & KATYA MILLER
OWNER ADDR: 00913 WESTGATE NW
ALBUQUERQUE NM 87107
0101205826139720101 LEGAL: TRAC T C5 PLAT FOR UNIT 1 THE GARDENS ON THE RIO GR LAND USE:
PROPERTY ADDR: 00000 LAGUNA SECA
OWNER NAME: GARDENS ON THE RIO GRANDE
OWNER ADDR: 02647 ALOYSIA LN NW
ALBUQUERQUE NM 87104
0101205824739220117 LEGAL: MRGC D MA P 38 TRACTS 315A1B & 315A2B & 315B3A1C2 CO LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: LUCAS LYNN DEAN &
OWNER ADDR: 03102 MOUNTAIN RD NW
ALBUQUERQUE NM 87104
0101205832340611530 LEGAL: TRAC T C1 PLAT FOR UNIT 1 THE GARDENS ON THE RIO GR LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: GARDENS INC (THE)
OWNER ADDR: PO BOX 2164
ALBUQUERQUE NM 87103
0101205827943211529 LEGAL: LOT 26-P 2 PLAT FOR UNIT 1 THE GARDENS ON THE RIO G LAND USE:
PROPERTY ADDR: 00000 LAGUNA SECA
OWNER NAME: SANCHEZ ROBERT & BETH
OWNER ADDR: 00512 LAGUNA SECA LN NW
ALBUQUERQUE NM 87104
0101205829139111516 LEGAL: TRAC T C4 PLAT FOR UNIT 1 THE GARDENS ON THE RIO GR LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: GARDENS INC (THE)
OWNER ADDR: PO BOX 2164
ALBUQUERQUE NM 87103

0101205832242711526 LEGAL: MRGC D MA P #38 TR 316-A CONT .7210 AC
LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: GARCIA MELINDA A & EFFERTZ
OWNER ADDR: 02918 MOUNTAIN RD NW
ALBUQUERQUE NM 87104
0101205825041120129 LEGAL: MAP 38 T RACTS 315 B3A1A & 315 B3B
LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: NUANES ANNA M
OWNER ADDR: 03100 MOUNTAIN RD NW
ALBUQUERQUE NM 87104
0101205815151720220 LEGAL: TRAC T 2A PLAT FOR KELLY TRACTS TRACT 2A AND 2B
LAND USE:
PROPERTY ADDR: 00000 GABALDON
OWNER NAME: BLACK DAVIDSON JANE
OWNER ADDR: PO BOX 27004
ALBUQUERQUE NM 87125
0101205818051620212 LEGAL: E 25 6FT OF TR 3 KELLY TRACTS CONT 0.96 AC
LAND USE:
PROPERTY ADDR: 00000 GABALDON
OWNER NAME: PEAVLER JAMES M & BEVERLY ANN
OWNER ADDR: 00717 GABALDON DR NW
ALBUQUERQUE NM 87104
0101205816748620206 LEGAL: KELL Y TR ACTS TR 4 EXC N 78 FT
LAND USE:
PROPERTY ADDR: 00000 GABALDON
OWNER NAME: SANCHEZ SALLY
OWNER ADDR: 05800 2ND ST NW
ALBUQUERQUE NM 87107
0101205816249720207 LEGAL: KELL Y TR ACTS N 78FT OF TR 4
LAND USE:
PROPERTY ADDR: 00000 GABALDON
OWNER NAME: MORA JOHN & GARCIA ROSENDO JR
OWNER ADDR: 00711 GABALDON NW
ALBUQUERQUE NM 87104
0101205814451620208 LEGAL: PORT TR 3 EXC NW PORT & EXC E 256FT KELLY
TRACTS C LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: DAVIDSON JANE BLACK
OWNER ADDR: PO BOX 27004
ALBUQUERQUE NM 87125
0101205819246520205 LEGAL: LOT 5-A2 PLAT OF LTS 5A1 5A2 & 5A3 KELLY TRACTS
CO LAND USE:
PROPERTY ADDR: 00000 GABALDON
OWNER NAME: TELLEZ LOUIS P
OWNER ADDR: 00625 GABALDON DR NW
ALBUQUERQUE NM 87104
0101205816546020204 LEGAL: LOT 5-A1 PLAT OF LTS 5A1 5A2 & 5A3 KELLY TRACTS
CO LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: GUTIERREZ JOHN A & PAMELA D
OWNER ADDR: 03421 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

010120581964492020 1 LEGAL: LOT 5-A3 PLAT OF LTS 5A1 5A2 & 5A3 KELLY TRACTS
CO LAND USE:
PROPERTY ADDR: 00000 MOUNTAIN
OWNER NAME: AMERICAN GI FORUM
OWNER ADDR: 03301 MOUNTAIN RD NW
ALBUQUERQUE NM 87104
010120582294182014 0 LEGAL: 0018 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120582314122014 1 LEGAL: 0017 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120582274242013 9 LEGAL: 0019 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120582214282013 8 LEGAL: 0020 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120582134302013 7 LEGAL: 0021 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120582074302013 6 LEGAL: 0022 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120582024312013 5 LEGAL: 0023 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103
010120581964312013 4 LEGAL: 0024 0001 RIVERVIEW ADDN
LAND USE:
PROPERTY ADDR: 00000 DON GABAL
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM 87103

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0101205819043120133   LEGAL: 0025 0001 RIVERVIEW ADDN
LAND USE:
                      PROPERTY ADDR: 00000   DON GABAL
                         OWNER NAME: CITY OF ALBUQUERQUE
                         OWNER ADDR: PO BOX 1293
ALBUQUERQUE NM       87103
 .
 QUIT
```

101205832747511201 LEGAL: TRACT C LULAC PROYECTO BIENVEN IDO SUBD
PROPERTY ADDR: 2821 MOUNTAIN RD NW

OWNERS NAME: COWAN BILLY
OWNERS ADDR: PO BOX 802206
DALLAS, TX 75380

101205832340611530 LEGAL: TRACT C1 PLAT FOR UNIT 1 THE GARDENS ON THE IVISION CONT 2.1031 N/A
PROPERTY ADDR:

OWNERS NAME: GARDENS INC (THE)
OWNERS ADDR: PO BOX 2164
ALBUQUERQUE, NM 87103

101205829139111516 LEGAL: TRACT C4 PLAT FOR UNIT 1 THE GARDENS ON THE IVISION CONT 2.5104 N/A
PROPERTY ADDR:

OWNERS NAME: GARDENS INC (THE)
OWNERS ADDR: PO BOX 2164
ALBUQUERQUE, NM 87103

101205815151720220 LEGAL: TRACT 2A PLAT FOR KELLY TRACTS TRACT 2A AND AC VAC
PROPERTY ADDR: GABALDON DR NW

OWNERS NAME: ~~DAVISDON JANE BLACK~~ Black Davidson Jane
OWNERS ADDR: PO BOX 27004
ALBUQUERQUE, NM 87125

101205814451620208 LEGAL: PORT TR3 ESC NW PORT & EXC E 256FT KELLY TRAC VAC
PROPERTY ADDR: N/A

OWNERS NAME: ~~DAVISDON JANE BLACK.~~ Black Davidson Jane
OWNERS ADDR: PO BOX 27004
ALBUQUERQUE, NM 87125

101205822941820140 LEGAL: *0018000 1 RIVERVIEW ADDN RES
PROPERTY ADDR: 512 DON GABAL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205823141220141 LEGAL: *00140001 RIVERVIEW ADD RES
PROPERTY ADDR: 508 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205822742420139 LEGAL: *00190001 RIVERVIEW ADDN RES
PROPERTY ADDR: 516 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205822142820138 LEGAL: *002 00001 RIVERVIEW ADDN
PROPERTY ADDR: 524 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205821343020137 LEGAL: *00210001 RIVERVIEW ADDN RES
PROPERTY ADDR: 528 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205820743020136 LEGAL: *00220001 RIVERVIEW ADD RES
PROPERTY ADDR: 532 DON GABAL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205820243120135 LEGAL: *00230001 RIVERVIEW ADDN RES
PROPERTY ADDR: 536 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205819643120134 LEGAL: *00240001 RIVERVIEW ADDN RES
PROPERTY ADDR: 540 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

101205819043120133 LEGAL: *002 50001 RIVERVIEW ADDN
PROPERTY ADDR: 544 DON GABAL PL NW

OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
ALBUQUERQUE, NM 87103

ALBUQUERQUE
Making History

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

February 23, 2006

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

This letter will serve to notify you that on **February 23, 2006:**

CONTACT NAME: DAVID SOULE

COMPANY OR AGENCY: RIO GRANDE ENGINEERING
1606 CENTRAL AVENUE SE, SUITE 201
PHONE: 872-0999/FAX: 872-2205

contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at **TRACT 313 A2B LOCATED ON GABALDON NW BETWEEN MOUNTAIN ROAD NW AND LULAC NW** zone map **J-12.**

Our records indicate that as of February 23, 2006, there were no Recognized Neighborhood Associations in this area.

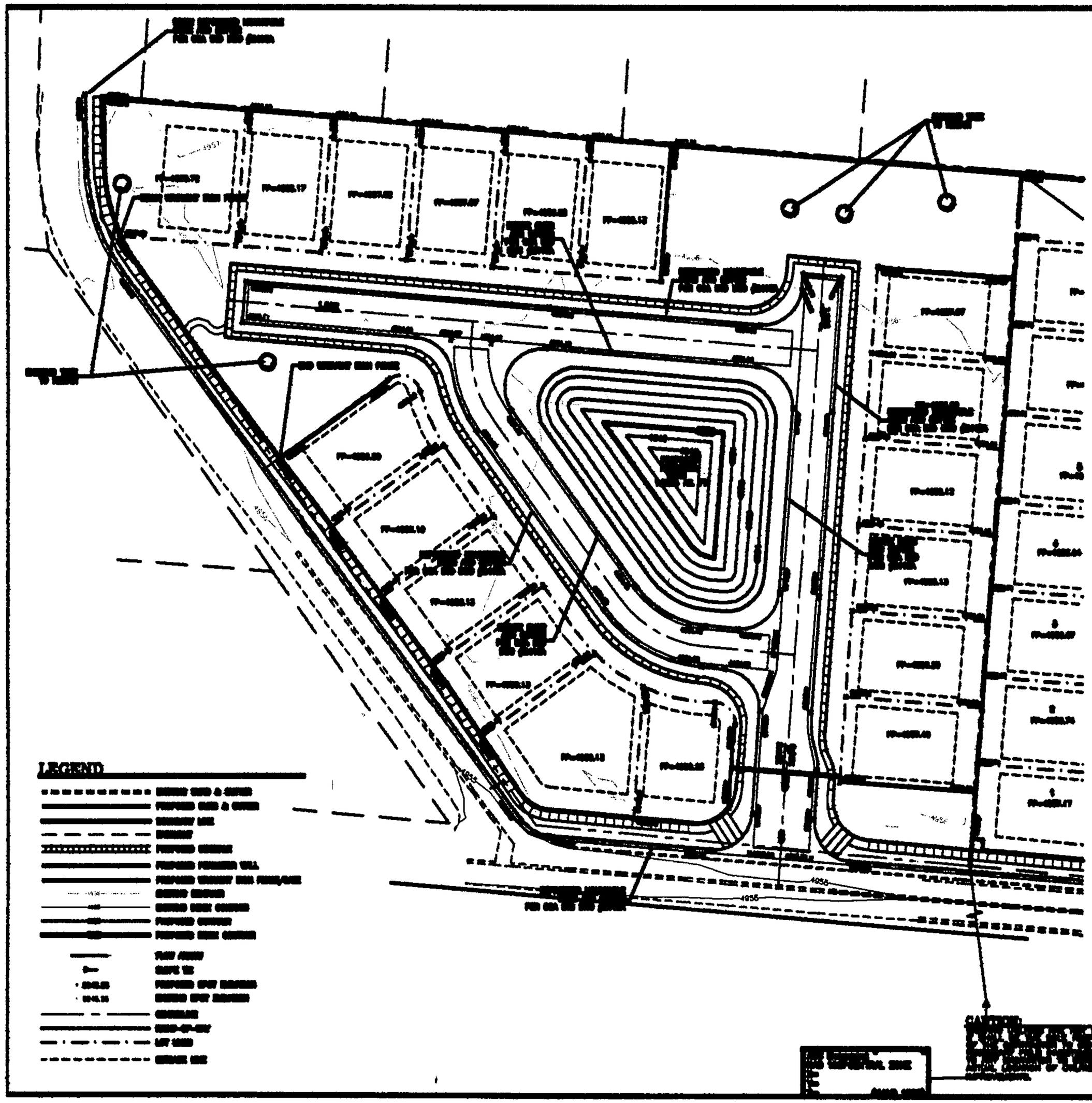
If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

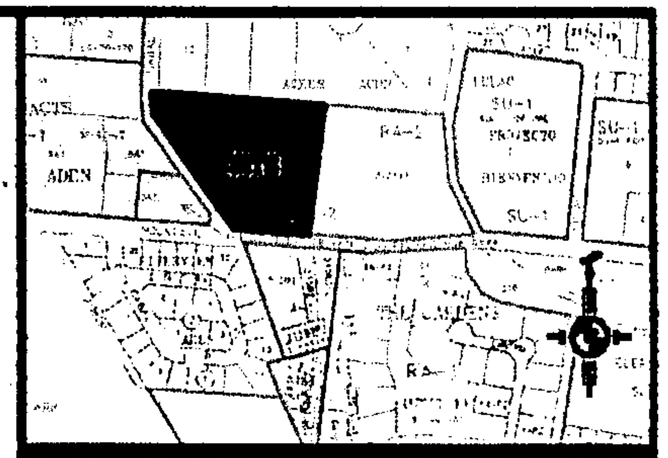
Sincerely,

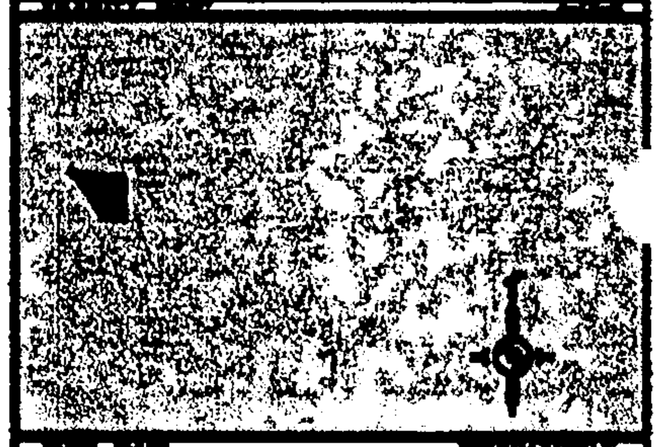
Stephani I. Winklepleck

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

planningnrmaform(10/08/05)







EROSION CONTROL NOTES:

VENTANA DEL BOSQUE

AMENDED GRADING AND DRAINAGE PLAN

Pete Gonzales Engineering

1 OF 2

Project # 1004639

WASHINGTON INVESTOR
PO BOX 93024
ALBUQUERQUE, NM 87199

101205827946520306

WASHINGTON STREET INVESTMENTS
3015 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

101205827249920308

HARTLEY JIMMIE ETUX
3104 SPUR CT NW
ALBUQUERQUE NM 87104

101205822550420311

VELASQUEZ LINDA E & ROBERT BR
3118 SPUR CT NW
ALBUQUERQUE NM 87104

101205824942620131

AVILA TORIBIO V
1411 ROMA AV NW
ALBUQUERQUE NM 87104

101205824739220117

LUCAS LYNN DEAN &
3102 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

101205832242711526

GARCIA MELINDA A & EFFERTZ
2918 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

101205818051620212

PEAVLER JAMES M & BEVERLY ANN
717 GABALDON DR NW
ALBUQUERQUE NM 87104

101205819246520205

TELLEZ LOUIS P
625 GABALDON DR NW
ALBUQUERQUE NM 87104

Project # 1004639

RIO GRANDE ENGINEERING
1606 CENTRAL SE, STE# 201
ALBUQUERQUE, NM 87106

101205832747511201

COWAN BILLY
PO BOX 802206
DALLAS, TX 75380

101205825650220309

ROMERO JOSEPH N & MARTHA A
3110 SPUR CT NW
ALBUQUERQUE NM 87104

101205821050420312

GUTIERREZ MICHAEL M & DOROTHY
3122 SPUR CT NW
ALBUQUERQUE NM 87104

101205825542720130

RON MARGOLIS & KATYA MILLER
913 WESTGATE NW
ALBUQUERQUE NM 87107

101205832340611530

GARDENS INC (THE)
PO BOX 2164
ALBUQUERQUE, NM 87103

101205825041120129

NUANES ANNA M
3100 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

101205816748620206

SANCHEZ SALLY
5800 2ND ST NW
ALBUQUERQUE NM 87107

101205816546020204

GUTIERREZ JOHN A & PAMELA D
3421 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

101205823347020303

SANDIA CREEK LLC
410 S ORCHARD
BOISE ID 83705

101205829050720307

BROWN RONALD D & JOANN V
3100 SPUR CT NW
ALBUQUERQUE NM 87104

101205824050320310

KUENSTLER PAUL A JR
3114 SPUR CT NW
ALBUQUERQUE NM 87104

101205824142420132

NUANES CHARLENE LUCERO
3120 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

101205826139720101

GARDENS ON THE RIO GRANDE
2647 ALOYSIA LN NW
ALBUQUERQUE NM 87104

101205827943211529

SANCHEZ ROBERT & BETH
512 LAGUNA SECA LN NW
ALBUQUERQUE NM 87104

101205815151720220

BLACK DAVIDSON JANE
PO BOX 27004
ALBUQUERQUE, NM 87125

101205816249720207

MORA JOHN & GARCIA ROSENDO JR
711 GABALDON NW
ALBUQUERQUE NM 87104

101205819644920201

AMERICAN GI FORUM
3301 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / AIR QUALITY IMPACT ASSESSMENT (AQIA) FORM

APPLICANT: Washington Investors **DATE OF REQUEST:** 2/23/06 **ZONE ATLAS PAGE(S):** J-12

CURRENT:

ZONING RA-2

PARCEL SIZE (AC/SQ. FT.) 4.70 Ac

LEGAL DESCRIPTION:

LOT OR TRACT # 313A2B BLOCK #

SUBDIVISION NAME Acres Addition

REQUESTED CITY ACTION(S):

ANNEXATION [ ] SECTOR PLAN [ ]

COMP. PLAN [ ] ZONE CHANGE [ ]

AMENDMENT [ ] CONDITIONAL USE [ ]

Preliminary Plat (X)

SITE DEVELOPMENT PLAN:

A) SUBDIVISION [X] BUILDING PERMIT [ ]

B) BUILD'G PURPOSES [ ] ACCESS PERMIT [ ]

C) AMENDMENT [ ] OTHER [ ]

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [ ]

NEW CONSTRUCTION [X]

EXPANSION OF EXISTING DEVELOPMENT [ ]

GENERAL DESCRIPTION OF ACTION: [1]

OF UNITS: 18

BUILDING SIZE: 18 X 2500 (sq. ft.)

NOTES: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

APPLICANT OR REPRESENTATIVE [signature] DATE 2/23/06

(TO BE SIGNED UPON COMPLETION OF PROCESSING BY TRAFFIC ENGINEER AND ENVIRONMENTAL HEALTH)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [X] MITIGATING REASONS FOR **NOT** REQUIRING TIS: PREVIOUSLY STUDIED: [ ]

Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. ***Any subsequent changes to the development proposal identified above may require an update or new TIS.***

Tony Tagal 2-23-06

TRAFFIC ENGINEER DATE

Air Quality Impact Analysis (AQIA) May Be Required:

Section 14-16-3-14 of the COA Comprehensive Zoning Code contains threshold requirements for air quality studies. Criteria and thresholds contained in the Zoning Code specify which land use or plan actions will require preparation of an **AQIA**. Please refer to this section in order to determine if your proposal merits study for air quality impacts. An **AQIA** is not required, if a **TIS** is not required by the City or an associated **TIS** shows all signalized intersections functioning at Level of Service (LOS) C or better. An **AQIA** will only be required for a Sector Development Plan or Sector Development Plan Amendment if it meets AQIA thresholds in the Zoning Code.

AIR QUALITY IMPACT ANALYSIS (AQIA) REQUIRED: YES [ ] NO [X]

Contact an Air Quality Planner at 768-2660 to insure that input is received from the Air Quality Division during the scoping of the companion **TIS**. ***Any subsequent changes to the development proposal identified above may require an update or new AQIA.***

[signature] 2/23/06

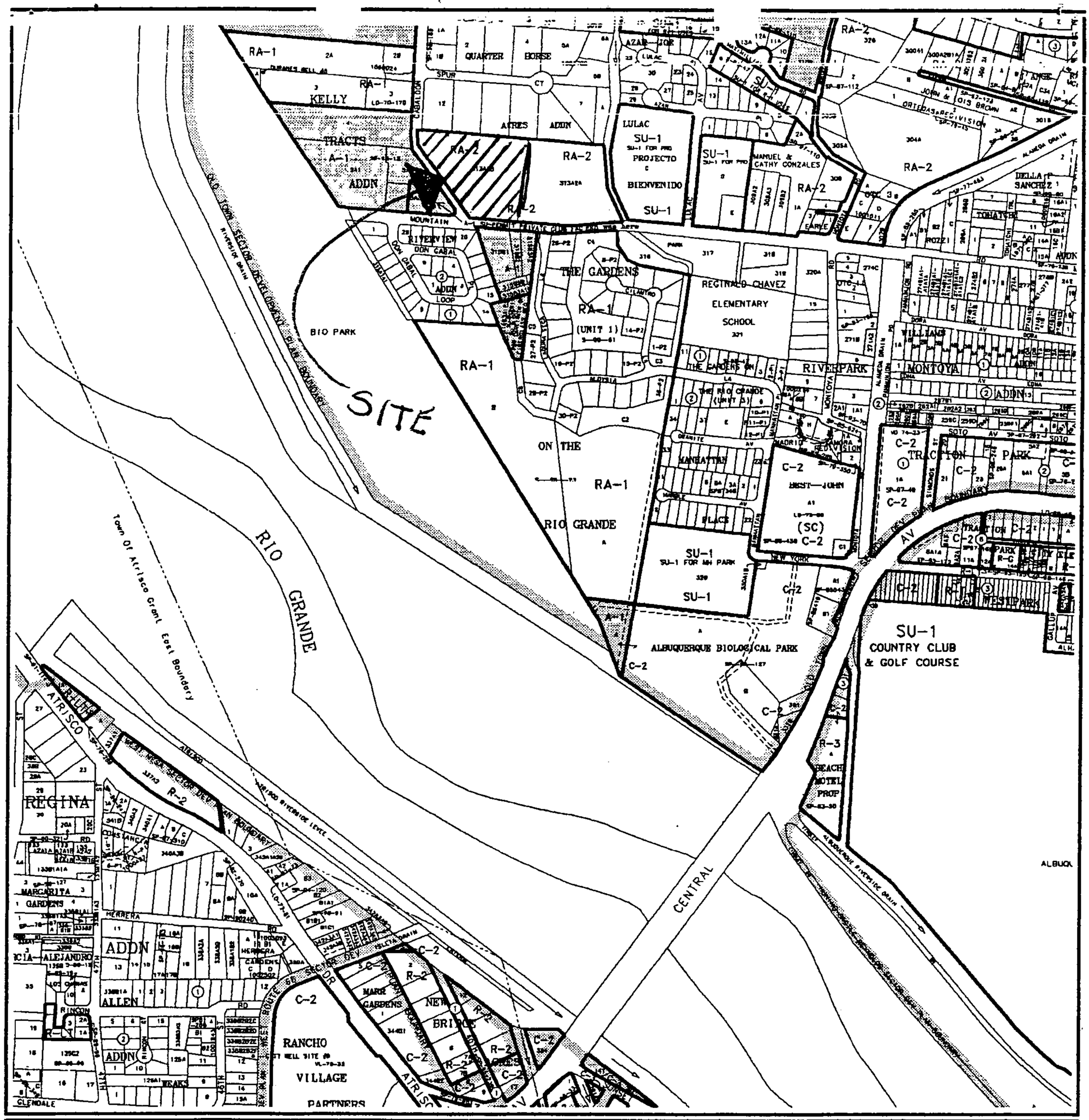
APPLICANT DATE

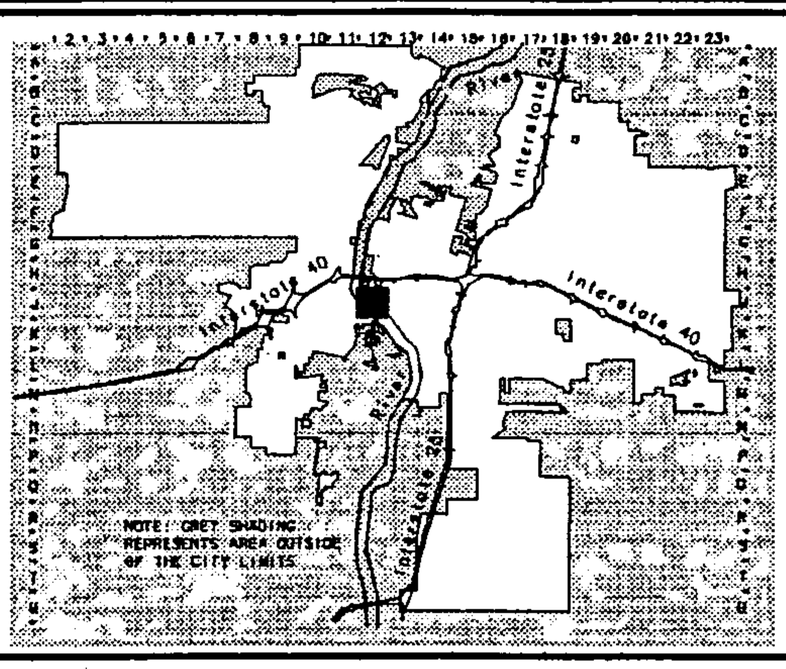
Required **TIS** and/or **AQIA** **must be completed prior to applying to the EPC.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS **-SUBMITTED** ___/___/___

-FINALIZED ___/___/___ TRAFFIC ENGINEER DATE

Revised June 27, 2005





CITY OF ALBUQUERQUE · NEW MEXICO · 1706

Albuquerque Geographic Information System
PLANNING DEPARTMENT

© Copyright 2004

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-12-Z

Map Amended through February 03, 2004

AMENDED
OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 11, 2012

Project# 1004639
12DRB-70169 EXT OF SIA FOR TEMP DEFR SDWK CONST

RIO GRANDE ENGINEERING agent(s) for 50/50 LLC request(s) the above action(s) for all or a portion of Lot(s) I-18, **VENTANA DEL BOSQUE** zoned R A-2, located on MOUNTAIN NW, BETWEEN GABALDON AND RIO GRANDE (J-12) *[Deferred from 6/20/12*

At the July 11, 2012 Development Review Board meeting, a 2 year extension to the agreement for the deferral of sidewalks was approved. Please provide an exhibit to the Design Review Committee indicating the lot number/addresses where sidwalks are still deferred.

If you wish to appeal this decision, you must do so by July 26, 2012, in the manner described below.

> Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Jack Cloud, DRB Chair

Cc:
Marilyn Maldonado
file

DRB AA

APPLICATION NO. 09AA 10157	PROJECT NO. 1004639
PROJECT NAME Ventana Del Bosque	
EPC APPLICATION NO.	
APPLICANT / AGENT Ted Lowe	PHONE NO. 991-2555
ZONE ATLAS PAGE J-12	
(SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEV PLAN), (IR), (AA)	

ONE STOP COMMENT FORM LOG

HYDROLOGY DEV (505) 924-3986

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED BJB	DATE 10/19/09	DATE

COMMENTS:

UTILITY DEV (505) 924-3989

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED	DATE 10-16-09	DATE

COMMENTS:

TRANSPORTATION DEV (505) 924-3990

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED NBF	DATE 10/15/09	DATE

COMMENTS:

PARKS AND REC (505) 768-5328

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED	DATE	DATE

COMMENTS:

PLANNING (505) 924-3858

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED	DATE 10-19-09	DATE

COMMENTS:

Revised 3/3/04

(Return form with plat / site plan)

DRB AA

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

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

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

STORM DRAINAGE (Form D)
____ Storm Drainage Cost Allocation Plan

Z ZONING & PLANNING
____ Annexation
____ County Submittal
____ EPC Submittal
____ Zone Map Amendment (Establish or Change Zoning)
____ Sector Plan (Phase I, II, III)
____ Amendment to Sector, Area, Facility or Comprehensive Plan
____ Text Amendment (Zoning Code/Sub Regs)
____ Street Name Change (Local & Collector)

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): ____ PHONE: ____
ADDRESS: ____ FAX: ____
CITY: ____ STATE ____ ZIP ____ E-MAIL: ____

APPLICANT: Ted Lowe PHONE: 505 991-2555
ADDRESS: PO Box 6613 FAX: 505-341-0975
CITY: Albuq STATE NM ZIP 87197 E-MAIL: ted.lowe@Q.com
Proprietary interest in site: Contractor List all owners: 50/50, LLC

DESCRIPTION OF REQUEST: Amendment to side development plan for building permits (AA02) - Purpose is to have some flexibility in front set backes

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

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

Lot or Tract No. Tract 313-A-2-B Block: ____ Unit: ____
Subdiv/Addn/TBKA: Ventana Del Bosque
Existing Zoning: RA 2 Proposed zoning: Same RA 2 MRGCD Map No 28
Zone Atlas page(s): J-12-Z UPC Code: ____

CASE HISTORY:
List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Project 1004639

CASE INFORMATION:
Within city limits? Yes Within 1000FT of a landfill? No
No. of existing lots: 18 No. of proposed lots: 18 Total area of site (acres): 4.6987 AC±
LOCATION OF PROPERTY BY STREETS: On or Near: Mountain Road + Galbadon Road
Between: ____ and ____

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

SIGNATURE Ted Lowe DATE 10/15/09
(Print) Ted Lowe Applicant: ☑ Agent: ☐

FOR OFFICIAL USE ONLY Form revised 4/07

☒ INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
☒ All checklists are complete	09AA-10157	AA		$45.00
☒ All fees have been collected				$
☒ All case #s are assigned				$
☒ AGIS copy has been sent				$
☒ Case history #s are listed				$
NA ☐ Site is within 1000ft of a landfill				$
NA ☐ F.H.D.P. density bonus				Total
NA ☐ F.H.D.P. fee rebate	Hearing date N/A			$45.00

10.15.09
Planner signature / date

Project # 1004639

FORM P(4): SITE PLAN REVIEW – ADMINISTRATIVE APPROVAL OR AMENDMENT

☒ **AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (AA02)**

✓ Proposed Site Plan, with changes circled and noted if amended (folded to fit into an 8.5" x 14" pocket) **5** copies
✓ Copy of approved Site Plan being amended if applicable (folded to fit into an 8.5" x 14" pocket) **1** copy
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing and justifying the request
NA Letter of authorization from the property owner if application is submitted by an agent
✓ Copy of EPC or DRB Official Notice of Decision
✓ Fee (see fee schedule)
✓ Any original and/or related file numbers must be listed on the cover application

NOTE: The next two items are also required <u>if the square footage change is 2% or more of any building's gross floor area</u>

__ Notifying letter & certified mail receipts addressed to owners of adjacent properties
__ Office of Neighborhood Coordination inquiry response, notifying letter, and certified mail receipts

☐ **AMENDMENT TO SITE DEVELOPMENT PLAN FOR SUBDIVISION (AA03)**

__ Proposed Site Plan, with changes circled and noted if amended (folded to fit into an 8.5" x 14" pocket) **5** copies
__ Copy of approved Site Plan being amended if applicable (folded to fit into an 8.5" x 14" pocket) **1** copy
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing and justifying the request
__ Letter of authorization from the property owner if application is submitted by an agent
__ Copy of EPC or DRB Official Notice of Decision
__ Fee (see fee schedule)
__ Any original and/or related file numbers must be listed on the cover application

NOTE: The next two items are also required <u>if the square footage change is 2% or more of any building's gross floor area</u>

__ Notifying letter & certified mail receipts addressed to owners of adjacent properties
__ Office of Neighborhood Coordination inquiry response, notifying letter, and certified mail receipts

☐ **WIRELESS TELECOM FACILITY (WTF)- FREE-STANDING, COLLOCATION or OTHER TYPE (AA04)**

(EXCEPT FOR COLLOCATION OF A NON-CONCEALED WTF ON A STRAIGHT-ZONED SITE, WHICH GOES TO THE ZONING FRONT COUNTER AT THE BUILDING SERVICES CENTER/ EAST SIDE)

__ Letter describing the request and discussion of its how it relates to the WTF Ordinance (O-06-40)
__ Letter of authorization from the property owner if application is submitted by an agent
__ Fee (see fee schedule-included with application)
__ Any relevant file numbers (case history of previous development applications) must be listed on cover application
__ Copy of EPC Official Notice of Decision, if the subject site went through the EPC process
__ Proposed Site Plan set: cover sheet, notes/photo sheet, site plan sheets, elevation sheets, landscape plan (if free-standing), and survey sheet(s) (**3** copies- 11" x 17")
__ For collocation on public utility pole: the PNM approved site plan set for the proposed WTF (**1** copy)
__ For free-standing WTFs: photo simulation- before and after proposed WTF
__ Site Plan sheets must be stamped by a registered engineer or architect.
__ Copy of approved Site Plan being amended by adding the proposed WTF, if applicable (**1** copy)
__ Zone Atlas maps- 1 showing Zoning and 1 showing Land Use, with the subject site clearly outlined and indicated
__ For free-standing WTFs: Evidence demonstrating that collocation possibilities were considered, consisting of a written response to §14-16-3-17(A)(6)(a through e) and any supporting materials such as engineering maps
__ For collocation on public utility pole: written discussion of items a through e in §14-16-3-17(A)(14)
__ Notarized statement re: WTF capacity, number and types of proposed antennas and if another user can be accommodated on proposed WTF [see §14-16-3-17(A)(13)(d)(2)]
__ Affidavit (notarized statement) re: explanation of factual basis for the proposed WTF's engineering requirements [see §14-16-3-17(A)(13)(d)(3)] <u>Note: Notarized statement and affidavit must be on separate pages</u>.
__ Letter of intent re: shared use of proposed WTF if reasonable conditions are met [§14-16-3-17(A)(13)(e)]
__ For free-standing WTFs: Distance to the nearest existing free-standing WTF and the WTF owner's name [§14-16-3-17(A)(13)(d)(5) and (A)(17)]
__ Office of Neighborhood Coordination (ONC) inquiry forms, response based on ¼ mile radius from subject site [§14-16-3-17(A)(13)(f)]
__ Copy of letters to <u>both</u> contacts for each neighborhood association(s), with certified return receipts
__ AGIS list of property owners within 100 feet of the subject site and copy of letter sent to each property owner [§14-16-3-17(A)(13)(f)]

NOTE: There are additional requirements for WTFs to be located on City of Albuquerque property. Please contact Catalina Lehner at (505) 924-3935 for details.

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

Ted Lowe
Applicant's Name **(please print!)**

Applicant's Signature — Date 10/15/09

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

Application case numbers:
09AA - 10157
____ - ____
____ - ____

Planner's Signature / Date 10.15.09

Project #: 1004639

Form revised: Oct 04, June 09

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

Albuquerque Geographic Information System

Map amended through: 6/5/2009

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

J-12-Z

Selected Symbols

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

0 750 1,500 Feet

50/50, LLC
100 Gold SW, Suite 209
Albuquerque, NM 87102

October 14, 2009

Re: Ventana Del Bosque Subdivision

To Whom It May Concern,

Please allow this letter to act as the formal request from 50/50, LLC (owner of record) to make an administrative amendment to the approved site development plan for the above referenced subdivision. The change to the plan is applicable specifically to the front yard setbacks for the proposed home construction. The setback will be as specified on the revised site plan.

Sincerely,

T. Scott Ashcraft
Managing member 50/50, LLC

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 29, 2006

5. Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] *[Deferred from 3/22/06]* (J-12)

At the March 29, 2006, Development Review Board meeting, the site plan for subdivision was approved with final sign off delegated to Transportation Development for correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit and to Planning for the 15-day appeal period and 3 copies of the site plan.

With the signing of the infrastructure list dated 3/29/06 and approval of the grading plan engineer stamp dated 2/20/06 the preliminary plat was approved with the following conditions of final plat:

Restrictions and Covenants must be signed and recorded.

Correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit.

ADA ramps must be within the public right-of-way.

The President of the homeowners association must sign the final plat. The owner may do so if there is no President at the time of final plat approval.

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

If you wish to appeal this decision, you must do so by April 13, 2006, in the manner described below.

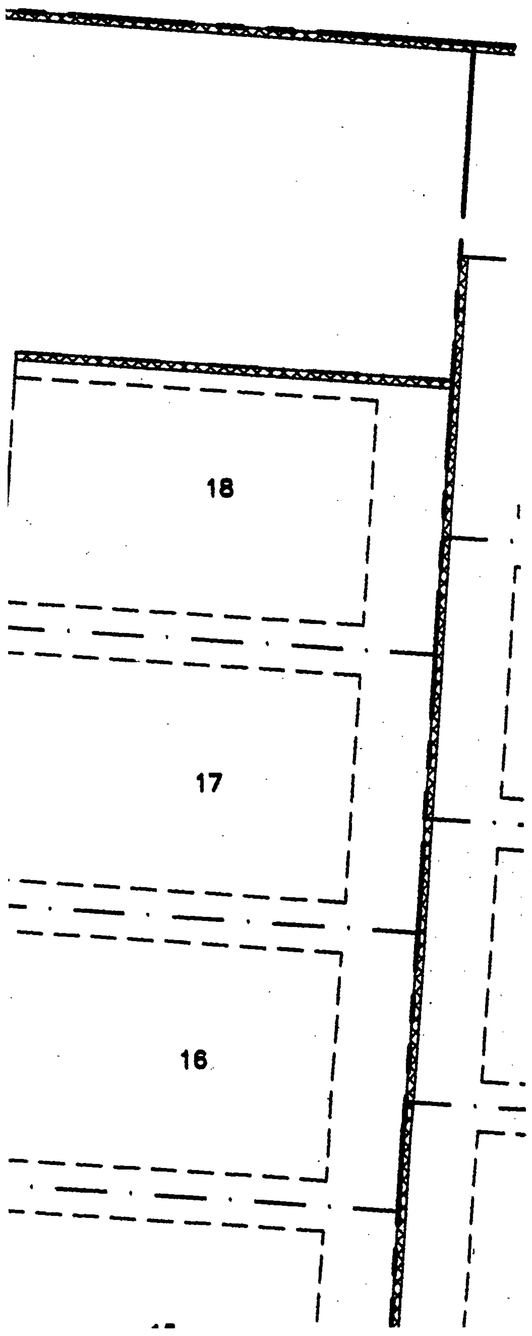
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

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

Sheran Matson, AICP, DRB Chair

Cc: Washington Investors, P.O. Box 93024, 87199
Rio Grande Engineering, 1606 Central SE, Suite 20l, 87l06
Paul Kuenstler, 3114 Spur Ct NW, 87104
Bill Kraemer, Garcia/Kraemer & Associates, 200 Lomas NW, Suite 1111, 87102
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File



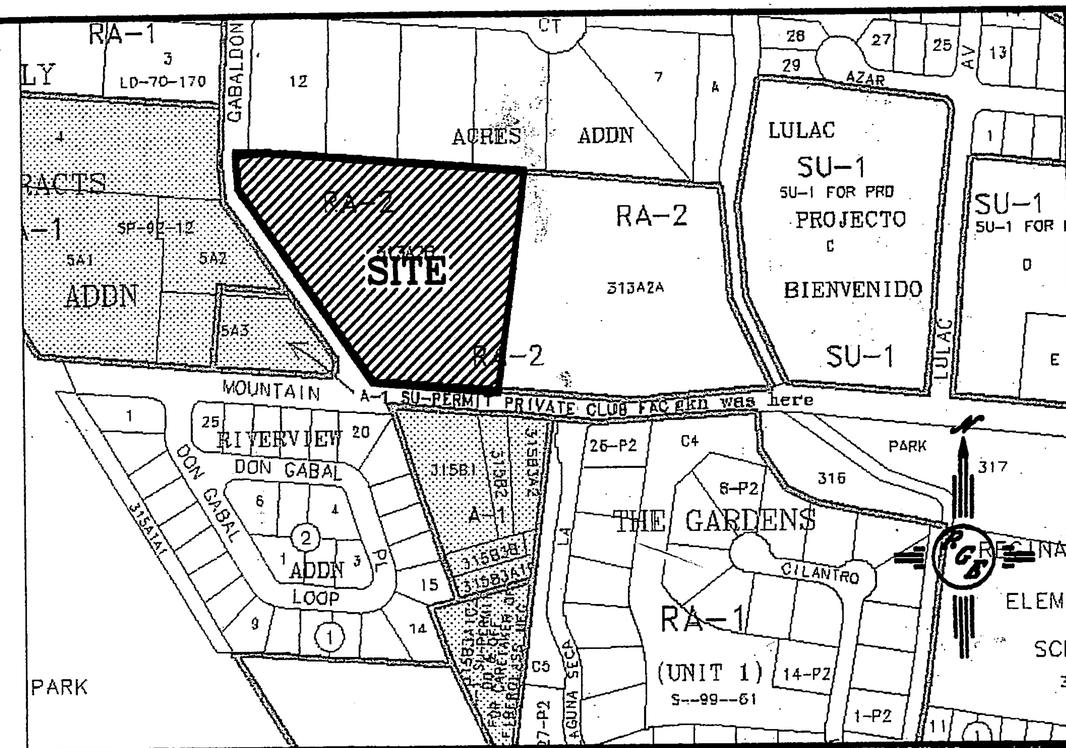
LEGEND

- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- FUTURE CURB & GUTTER
- BOUNDARY LINE
- EXISTING BOUNDARY LINE
- PROPOSED 4' SIDEWALK
- CENTERLINE
- RIGHT-OF-WAY
- LOT LINES
- FUTURE LOT LINES
- BUILDING ENVELOPE
- 6' SCREEN WALL
- COA ROW DEDICATION

DRB ADMINISTRATIVE
SITE PLAN AMENDMENT
PROJECT NO. 1004639
APPLICATION NO. 09-DRB-10157
Setbacks to be minimums
10-19-09
PLANNING DIRECTOR DATE

*4. FRONT SETBACK FROM STREET MINIMUM TO BE AT LOT LINE. DISTANCE OF LOT LINE TO BACK OF CURB MINIMUM TO BE 21.83'. ALL GARAGES MINIMUM TO BE 20'FROM BACK OF SIDEWALK.

*5.REAR SETBACK SHALL BE 15' MIN.



VICINITY MAP: J-12-Z

LEGAL DESCRIPTION:

TRACT 313-A-2-B, ACRES ADDITION, MRGCD MAP #28

NOTES:

1. OPEN SPACE TRACT SHALL BE MAINTAINED BY THE DEL BOSQUE HOMEOWNERS ASSOCIATION.

2. ALL WALLS AND FENCE MUST MEET THE DESIGN STANDARDS FOR WALLS, PER SECTION 14-16-3-19 OF THE ZONING CODE.

3. ALL LIGHTING SHALL BE BUILT TO COA STANDARDS FOR PUBLIC RIGHT-OF-WAY, AND SHALL BE SHIELDED TO PROVIDE DOWNWARD LIGHT EMISSION AND PREVENT BOTH LIGHT TRESPASS AND UPWARD LIGHT POLLUTION, TO INCLUDE STREET LIGHTING WITHIN THE PRIVATE ROADWAY SYSTEM.

*4. FRONT SETBACK FROM STREET SHALL BE AT LOT LINE. DISTANCE OF LOT LINE TO BACK OF CURB IS 21.83'. ALL GARAGES MUST BE 20' FROM BACK OF SIDEWALK.

*5. REAR SETBACK SHALL BE 15'.

6. SIDE YARD SETBACK SHALL BE 5' MIN.

8. MAXIMUM BUILDING HEIGHT SHALL BE 26'

1004639

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

02/23/2010 Issued By: PLNSDH 68906

Permit Number: **2010 070 063** **Category Code 910**

Application Number: **10DRB-70063**, Amended Sdp For Subdivision

Address:

Location Description: MOUNTAIN RD NW BETWEEN GABALDON NW AND BOSQUE VERDE NW

Project Number: 1004639

Applicant
David Kleinfeld

Po Box 93024
Albuquerque NM 87199

Agent / Contact
Rio Grande Engineering
David Soule
1606 Central Ave Se Ste 201
Albuquerque NM 87106

david@riograndeengineering.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions	$45.00
	TOTAL:	**$45.00**

City Of Albuquerque
Treasury Division

2/24/2010 9:09AM LOC: ANNX
WS# 007 TRANS# 0006
RECEIPT# 00127421-00127421
PERMIT# 2010070063 TRSBLC
Trans Amt $45.00
DRB Actions $45.00
CK $45.00
CHANGE $0.00

Thank You

DEVELOPMENT REVIEW BOARD SUPPLEMENTAL SUBMITTAL

PROJECT NO. 1004360

Application No. 12DRB-70169

TO:

✓ ALL MEMBERS

___Jack Cloud, DRB Chairman, Planning Department

___Curtis Cherne, P.E., Hydrology
___Kristal Metro, P.E. , Transportation Development
___Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA
___Carol Dumont, Parks/Municipal Development

NEXT HEARING DATE: 6/27/12

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. IF THE APPLICANT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFIINITELY DEFERRED ON A NO SHOW.

SUBMITTAL DESCRIPTION: Revised exhibit

RECEIVED
JUN 20 2012
HYDROLOGY SECTION

CONTACT NAME: David Soule

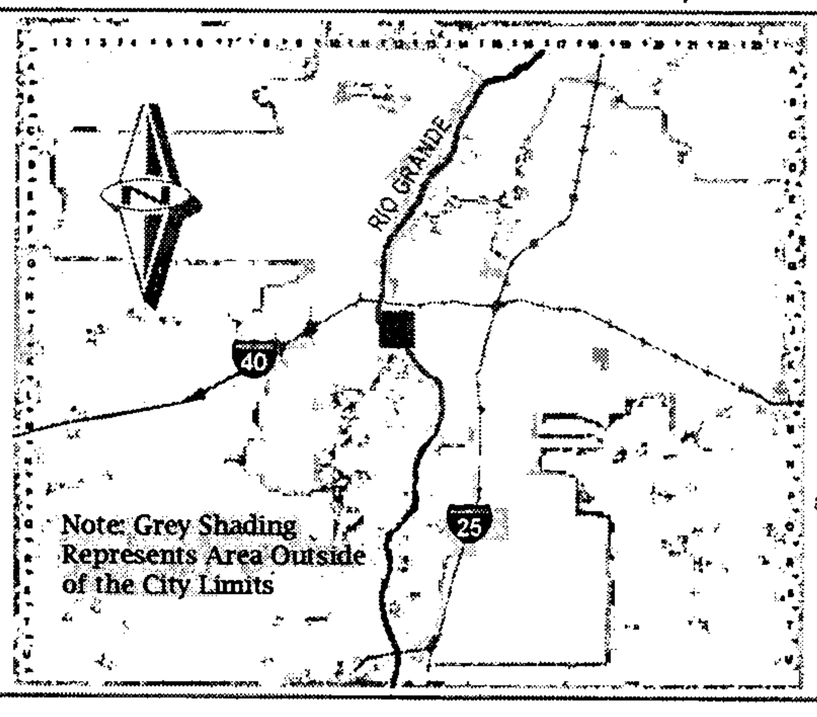
TELEPHONE: 321-9099 EMAIL: david@riograndeengineering.com

SITE

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

Albuquerque Geographic Information System

Map amended through: 2/4/2010



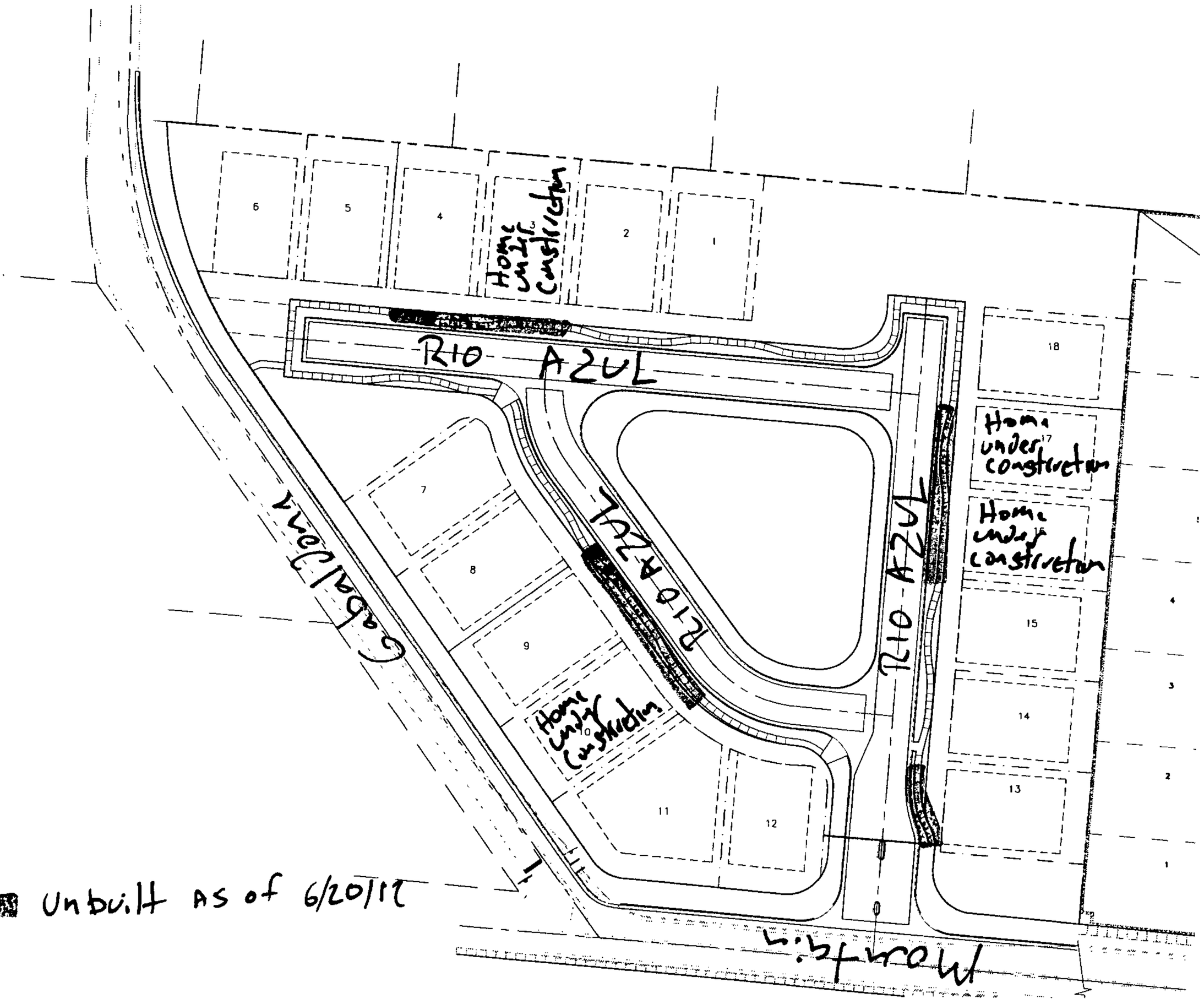
Zone Atlas Page:

J-12-Z

Selected Symbols

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

0 750 1,500 Feet



Unbuilt as of 6/20/12

Sidewalk Exhibit

RIO GRANDE ENGINEERING OF NEW MEXICO, LLC

July 9, 2012

Mr. Jack Cloud
Chair- Development Review Board
City of Albuquerque
600 2nd street NW
Albuquerque, NM 87102

RE: Other Matter
Correction of project number for approved
Extension of SIA for deferred sidewalks
Ventana Del Bosque
PROJECT # 1004639
Albuquerque, New Mexico

Dear Mr. Cloud:

Rio Grande Engineering requests correction to the approval and notice of decision for the Ventana Del Bosque subdivision. The project number (1004360) that was mistakenly used was for the adjacent project, Entrada Del Bosque. The name and layout are similar so my mistake was not found until the SIA paperwork was reviewed. Therefore I request this correction be placed on the next available agenda, under other matters. I have included the notice of decision for the previous two extensions.

Should you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

David Soule, PE
RIO GRANDE ENGINEERING
PO Box 93924
ALBUQUERQUE, NM 87199

Enclosures

EXHIBIT "A"

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 9, 2010

Project# 1004639
10DRB-70159 EXT OF SIA FOR TEMP DEFR SDWK CONST

RIO GRANDE ENGINEERING agent(s) for ALFELD, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-18, **VENTANA DEL BOSQUE,** zoned RA2, located on MOUNTAIN RD NW BETWEEN GABALDON NW AND RIO GRANDE NW containing approximately 3 acre(s). (J-12)

At the June 9, 2010 Development Review Board meeting, a two year extension for the deferral of sidewalks was approved.

If you wish to appeal this decision, you must do so by June 24, 2010, in the manner described below.

> Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.
> If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Jack Cloud, AICP, DRB Chair

Cc: Rio Grande Engineering – P.O. Box 67305 – Albuquerque, NM 87190
Cc: Alfeld LLC – 2015 Mountain Rd NW – Albuquerque, NM 87104
Marilyn Maldonado
File

EXHIBIT
A

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 27, 2012

Project# 1004360
12DRB-70169 EXT OF SIA FOR TEMP DEFR SDWK CONST

RIO GRANDE ENGINEERING agent(s) for 50/50 LLC request(s) the above action(s) for all or a portion of Lot(s) I-18, **VENTANA DEL BOSQUE** zoned R A-2, located on MOUNTAIN NW, BETWEEN GABALDON AND RIO GRANDE (J-12) *[Deferred from 6/20/12*

At the June 27, 2012 Development Review Board meeting, a 2 year extension to the agreement for the deferral of sidewalks was approved. Please provide an exhibit to the Design Review Committee indicating the lot number/addresses where sidwalks are still deferred.

If you wish to appeal this decision, you must do so by July 12, 2012, in the manner described below.

> Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Jack Cloud, DRB Chair

Cc:
Marilyn Maldonado
file

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

SUBDIVISION — S
- ___ Major subdivision action
- ___ Minor subdivision action
- X Vacation (Extension of SWSIA) — V
- ___ Variance (Non-Zoning)

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

STORM DRAINAGE (Form D)
- ___ Storm Drainage Cost Allocation Plan

ZONING & PLANNING — Z
- ___ 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

APPEAL / PROTEST of... — A
- ___ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): Rio Grande Engineering PHONE: 321-9051
ADDRESS: PO Box 93924 FAX: 8720991
CITY: Alb STATE NM ZIP 87199 E-MAIL: daunderiograndeengineering.com

APPLICANT: 50130 LLC PHONE: ___
ADDRESS: PO Box 37438 FAX: ___
CITY: Alb STATE NM ZIP 87176 E-MAIL: —
Proprietary interest in site: owner List **all owners**: —

DESCRIPTION OF REQUEST: extension of temporary sidewalk deffered

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

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

Lot or Tract No. 1-18 Block: ___ Unit: ___
Subdiv/Addn/TBKA: Ventana del Bosque
Existing Zoning: RA-2 Proposed zoning: RA-2 MRGCD Map No ___
Zone Atlas page(s): J-12 UPC Code: 101205823546020519

CASE HISTORY:
List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 1004360

CASE INFORMATION:
Within city limits? X Yes Within 1000FT of a landfill? NO
No. of **existing** lots: 16 No. of **proposed** lots: 16 Total site area (acres): 3.0
LOCATION OF PROPERTY BY STREETS: On or Near: Mountain NW
Between: Gibbs Dr and Rio Grande

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

SIGNATURE ___ DATE ~~1004360~~ 6/1/12
(Print Name) David Soule Applicant: ☐ Agent: ☐

FOR OFFICIAL USE ONLY **Revised: 4/2012**

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

Application case numbers	Action	S.F.	Fees
12-DRB-70169	CMF		$20.00
	ESIA		$50.00
			$
			$
			$
			$
		Total	$70.00

Hearing date June 20, 2012

Staff signature & Date 6-11-2012 **Project #** 1004360

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**

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

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

☐ **VACATION OF PUBLIC EASEMENT (DRB27)**
☐ **VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**

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

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

☐ **SIDEWALK VARIANCE (DRB20)**
☐ **SIDEWALK WAIVER (DRB21)**

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

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

☐ **SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**

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

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

☐ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
☒ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**

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

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

☐ **VACATION OF PRIVATE EASEMENT (DRB26)**
☐ **VACATION OF RECORDED PLAT (DRB29)**

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

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

David Sour
Applicant name (print)

Applicant signature / date

Form revised 4/07

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

Application case numbers
12 - DRB - 70169
- -
- -

Planner signature / date 6-11-2012

Project # 1004360

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 9, 2010

Project# 1004360
10DRB-70159 EXT OF SIA FOR TEMP DEFR SDWK CONST

RIO GRANDE ENGINEERING agent(s) for ALFELD, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-18, **VENTANA DEL BOSQUE,** zoned RA2, located on MOUNTAIN RD NW BETWEEN GABALDON NW AND RIO GRANDE NW containing approximately 3 acre(s). (J-12)

At the June 9, 2010 Development Review Board meeting, a two year extension for the deferral of sidewalks was approved.

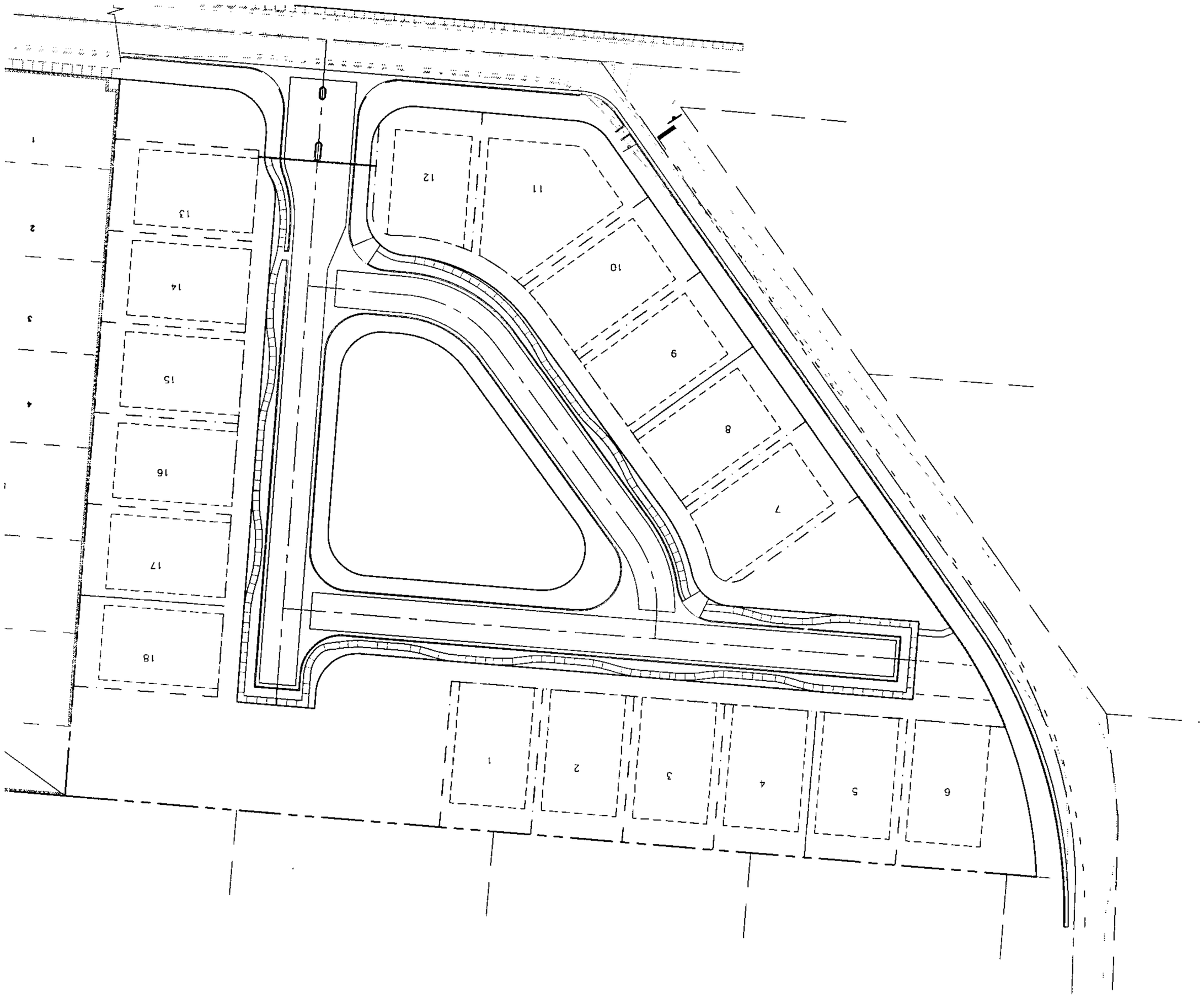
If you wish to appeal this decision, you must do so by June 24, 2010, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.
If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Jack Cloud, AICP, DRB Chair

Cc: Rio Grande Engineering – P.O. Box 67305 – Albuquerque, NM 87190
Cc: Alfeld LLC – 2015 Mountain Rd NW – Albuquerque, NM 87104
Marilyn Maldonado
File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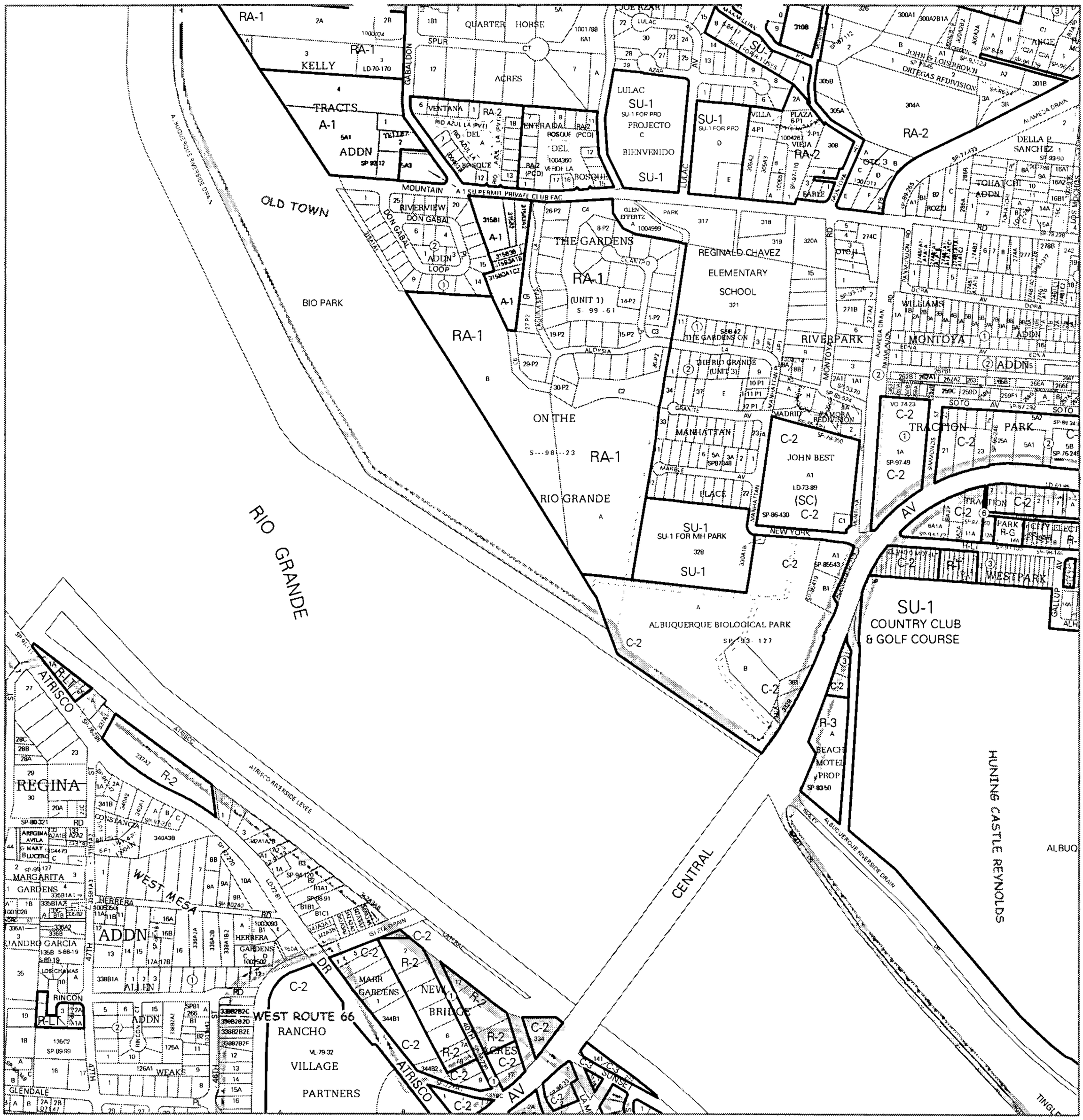
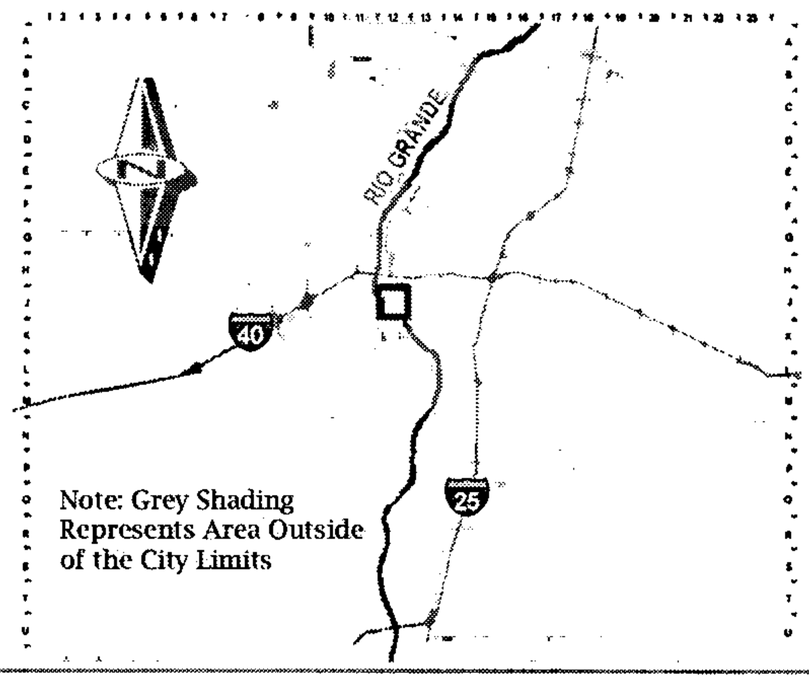


For more current information and more details visit: http://www.cabq.gov/gis

Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

J-12-Z

Selected Symbols

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

0 750 1,500 Feet

June 8, 2012

Mr. Jack Cloud
Chair- Development Review Board
City of Albuquerque
600 2nd street NW
Albuquerque, NM 87102

RE: Extension of Temporary Deferral of Internal Sidewalks
Ventana Del Bosque
PROJECT # 1004360
Albuquerque, New Mexico

Dear Mr. Cloud:

Rio Grande Engineering requests a 2-year extension of the Subdivision Improvement Agreement for temporary deferral of internal sidewalk construction.

Should you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

David Soule, PE
RIO GRANDE ENGINEERING
PO Box 93924
ALBUQUERQUE, NM 87199
321-9099

Enclosures

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	**ZONING & PLANNING**
___ Major Subdivision action			___ Annexation
___ Minor Subdivision action			___ County Submittal
___ Vacation	V		___ EPC Submittal
___ Variance (Non-Zoning)			___ Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan **(Phase I, II, III)**
___ for Subdivision			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			
X Administrative Amendment (AA)			___ Text Amendment (Zoning Code/Sub Regs)
___ IP Master Development Plan	D		___ Street Name Change (Local & Collector)
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE (Form D)			___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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

APPLICATION INFORMATION:

Professional/Agent (if any): Rio Grande Engineering PHONE: 321-9099
ADDRESS: PO Box 67305 FAX: 872-2204
CITY: Alb STATE NM ZIP 87193 E-MAIL: dave@riograndeengineering.com

APPLICANT: David Kleinfeld PHONE:
ADDRESS: PO Box 93024 FAX:
CITY: Alb STATE NM ZIP 87199 E-MAIL:
Proprietary interest in site: — **List all owners:** —
DESCRIPTION OF REQUEST: Amendment to Site plan

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

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

Lot or Tract No. Tract A Block: Unit:
Subdiv/Addn/TBKA: Ventana del Bosque
Existing Zoning: RA-2 Proposed zoning: RA2 MRGCD Map No
Zone Atlas page(s): J-12 UPC Code: 101205923546020519

CASE HISTORY:
List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): ~~1004360~~ 10046639

CASE INFORMATION:
Within city limits? X Yes Within 1000FT of a landfill? NO
No. of **existing** lots: 18 No. of **proposed** lots: 18 Total area of site (acres): 2.4 AC
LOCATION OF PROPERTY BY STREETS: On or Near: Montan Road NW
Between: Gabaldon NW and Bosque Verde NW

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

SIGNATURE DMM DATE
(Print) David Sol Applicant: ☐ Agent: ☐

FOR OFFICIAL USE ONLY Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
10DRB-70063	ASBP	P(4)	$45.00
			$
			$
			$
			$
			Total $45.00

Hearing date 03/03/10

Sandy Handley 02/23/10 **Project #** 10046639
Planner signature / date

FORM P(4): SI AN REVIEW – ADMINISTRATIVE APPROV R AMENDMENT

☐ **AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (AA02)**

__ Proposed Site Plan, with changes circled and noted if amended (folded to fit into an 8.5" x 14" pocket) **5** copies
__ Copy of approved Site Plan being amended if applicable (folded to fit into an 8.5" x 14" pocket) **1** copy
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing and justifying the request
__ Letter of authorization from the property owner if application is submitted by an agent
__ Copy of EPC or DRB Official Notice of Decision
__ Fee (see fee schedule)
__ Any original and/or related file numbers must be listed on the cover application

NOTE: The next two items are also required <u>if the square footage change is 2% or more of any building's gross floor area</u>

__ Notifying letter & certified mail receipts addressed to owners of adjacent properties
__ Office of Neighborhood Coordination inquiry response, notifying letter, and certified mail receipts

☒ **AMENDMENT TO SITE DEVELOPMENT PLAN FOR SUBDIVISION ~~(AA03)~~** DRB02

✓ Proposed Site Plan, with changes circled and noted if amended (folded to fit into an 8.5" x 14" pocket) **5** copies
NA Copy of approved Site Plan being amended if applicable (folded to fit into an 8.5" x 14" pocket) **1** copy
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing and justifying the request
✓ Letter of authorization from the property owner if application is submitted by an agent
✓ Copy of EPC or DRB Official Notice of Decision
__ Fee (see fee schedule)
✓ Any original and/or related file numbers must be listed on the cover application

NOTE: The next two items are also required <u>if the square footage change is 2% or more of any building's gross floor area</u>

NA Notifying letter & certified mail receipts addressed to owners of adjacent properties
NA Office of Neighborhood Coordination inquiry response, notifying letter, and certified mail receipts

☐ **WIRELESS TELECOM FACILITY (WTF)- FREE-STANDING, COLLOCATION or OTHER TYPE (AA04)**

(EXCEPT FOR COLLOCATION OF A NON-CONCEALED WTF ON A STRAIGHT-ZONED SITE, WHICH GOES TO THE ZONING FRONT COUNTER AT THE BUILDING SERVICES CENTER/ EAST SIDE)

__ Letter describing the request and discussion of its how it relates to the WTF Ordinance (O-06-40)
__ Letter of authorization from the property owner if application is submitted by an agent
__ Fee (see fee schedule-included with application)
__ Any relevant file numbers (case history of previous development applications) must be listed on cover application
__ Copy of EPC Official Notice of Decision, if the subject site went through the EPC process
__ Proposed Site Plan set: cover sheet, notes/photo sheet, site plan sheets, elevation sheets, landscape plan (if free-standing), and survey sheet(s) (**3** copies- 11" x 17")
__ For collocation on public utility pole: the PNM approved site plan set for the proposed WTF (**1** copy)
__ For free-standing WTFs: photo simulation- before and after proposed WTF
__ Site Plan sheets must be stamped by a registered engineer or architect.
__ Copy of approved Site Plan being amended by adding the proposed WTF, if applicable (**1** copy)
__ Zone Atlas maps- 1 showing Zoning and 1 showing Land Use, with the subject site clearly outlined and indicated
__ For free-standing WTFs: Evidence demonstrating that collocation possibilities were considered, consisting of a written response to §14-16-3-17(A)(6)(a through e) and any supporting materials such as engineering maps
__ For collocation on public utility pole: written discussion of items a through e in §14-16-3-17(A)(14)
__ Notarized statement re: WTF capacity, number and types of proposed antennas and if another user can be accommodated on proposed WTF [see §14-16-3-17(A)(13)(d)(2)]
__ Affidavit (notarized statement) re: explanation of factual basis for the proposed WTF's engineering requirements [see §14-16-3-17(A)(13)(d)(3)] <u>Note: Notarized statement and affidavit must be on separate pages</u>.
__ Letter of intent re: shared use of proposed WTF if reasonable conditions are met [§14-16-3-17(A)(13)(e)]
__ For free-standing WTFs: Distance to the nearest existing free-standing WTF and the WTF owner's name [§14-16-3-17(A)(13)(d)(5) and (A)(17)]
__ Office of Neighborhood Coordination (ONC) inquiry forms, response based on ¼ mile radius from subject site [§14-16-3-17(A)(13)(f)]
__ Copy of letters to <u>both</u> contacts for each neighborhood association(s), with certified return receipts
__ AGIS list of property owners within 100 feet of the subject site and copy of letter sent to each property owner [§14-16-3-17(A)(13)(f)]

NOTE: There are additional requirements for WTFs to be located on City of Albuquerque property. Please contact Catalina Lehner at (505) 924-3935 for details.

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

David Sol
Applicant's Name (please print!)

2/23/10
Applicant's Signature — Date

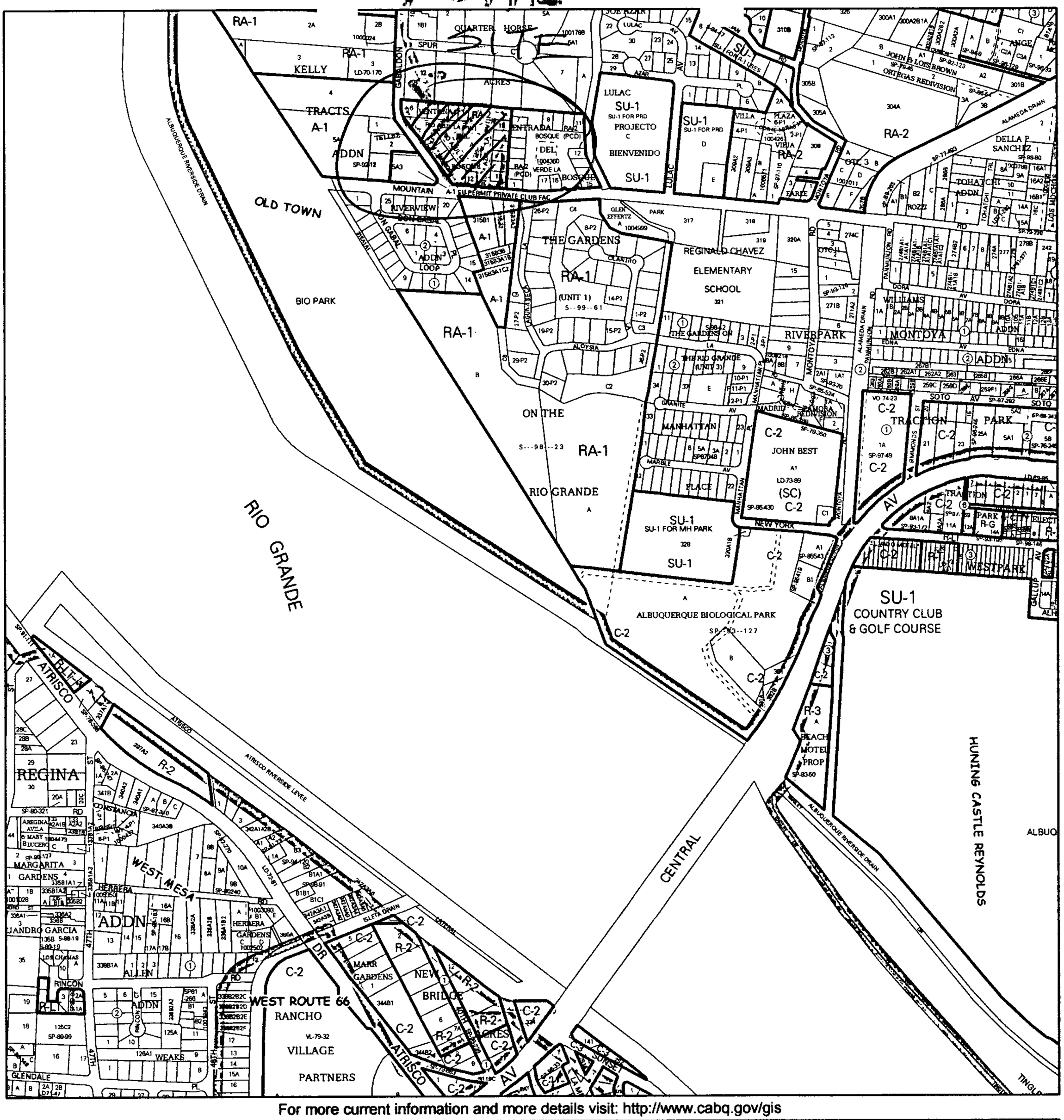
☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers:
10DRB - 70063
_____ - _____
_____ - _____

Sandy Handley 02/23/10
Planner's Signature / Dat

Project #: 1004639

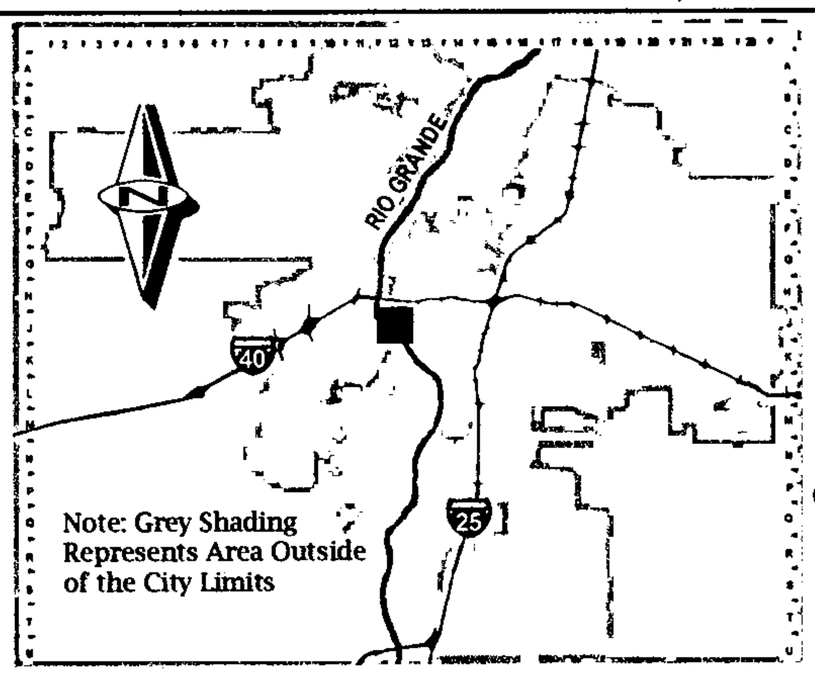
SITE



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

Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

J-12-Z

Selected Symbols

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

0 750 1,500 Feet

February 23, 2010

Mr. Jack Cloud
Chair- Development Review Board
City of Albuquerque
600 2nd street NW
Albuquerque, NM 87102

RE: Amendment to site development plan for subdivision
Ventana Del Bosque
PROJECT # 1004360
Albuquerque, New Mexico

Dear Mr. Cloud:

Rio Grande Engineering requests an amendment to the site plan for subdivision. The amendment request is to allow the interior sidewalks to meander.

Should you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

David Soule, PE
RIO GRANDE ENGINEERING
PO Box 67305
ALBUQUERQUE, NM 87193
321-9099

Enclosures

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 29, 2006

5. Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] *[Deferred from 3/22/06]* (J-12)

At the March 29, 2006, Development Review Board meeting, the site plan for subdivision was approved with final sign off delegated to Transportation Development for correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit and to Planning for the 15-day appeal period and 3 copies of the site plan.

With the signing of the infrastructure list dated 3/29/06 and approval of the grading plan engineer stamp dated 2/20/06 the preliminary plat was approved with the following conditions of final plat:

Restrictions and Covenants must be signed and recorded.

Correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit. ✓

ADA ramps must be within the public right-of-way. ✓

The President of the homeowners association must sign the final plat. The owner may do so if there is no President at the time of final plat approval. ✓

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file. ✓

If you wish to appeal this decision, you must do so by April 13, 2006, in the manner described below.

OFFICIAL NOTICE OF DECISION

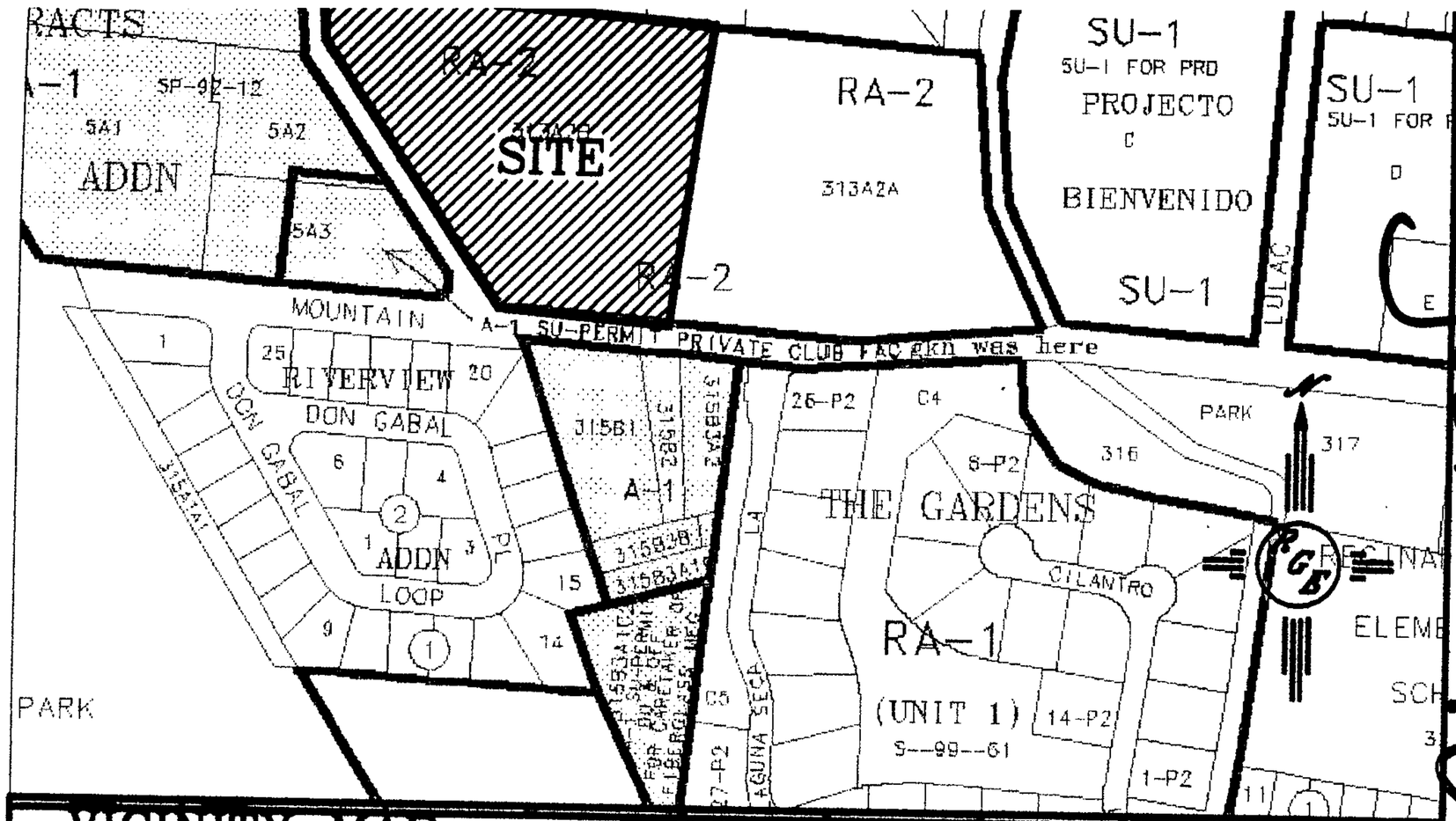
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60-days of its filing.

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

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

Sheran Matson, AICP, DRB Chair

Cc: Washington Investors, P.O. Box 93024, 87199
Rio Grande Engineering, 1606 Central SE, Suite 201, 87106
Paul Kuenstler, 3114 Spur Ct NW, 87104
Bill Kraemer, Garcia/Kraemer & Associates, 200 Lomas NW, Suite 1111, 87102
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File



Project 1004639

VICINITY MAP: J-12-Z

LEGAL DESCRIPTION:

TRACT 313-A-2-B, ACRES ADDITION, MRGCD MAP #28

NOTES:

1. OPEN SPACE TRACT SHALL BE MAINTAINED BY THE DEL BOSQUE HOMEOWNERS ASSOCIATION.

2. ALL WALLS AND FENCE MUST MEET THE DESIGN STANDARDS FOR WALLS, PER SECTION 14-16-3-19 OF THE ZONING CODE.

3. ALL LIGHTING SHALL BE BUILT TO COA STANDARDS FOR PUBLIC RIGHT-OF-WAY, AND SHALL BE SHIELDED TO PROVIDE DOWNWARD LIGHT EMISSION AND PREVENT BOTH LIGHT TRESPASS AND UPWARD LIGHT POLLUTION, TO INCLUDE STREET LIGHTING WITHIN THE PRIVATE ROADWAY SYSTEM.

4. FRONT SETBACK FROM STREET SHALL BE AT LOT LINE. DISTANCE OF LOT LINE TO BACK OF CURB IS 21.83'. ALL GARAGES MUST BE 20' FROM BACK OF SIDEWALK.

5. REAR SETBACK SHALL BE 15'.

6. SIDE YARD SETBACK SHALL BE 5' MIN.

8. MAXIMUM BUILDING HEIGHT SHALL BE 26'

PROJECT NUMBER: 1004639

APPLICATION NUMBER: 06DRB-00254

Is an Infrastructure List required? (X) Yes ( ) No If Yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL:

Ralph Sy Traffic Engineer, Transportation Division	5-4-06 Date
Roger A Green Utilities Development	3-29-06 Date
Christina Sandoval Parks & Recreation Department	3/29/06 Date
Bradley L Bingham City Engineer	3/29/06 Date
N/A * Environmental Health Department (conditional)	Date
N/A Solid Waste Management	Date
Andrew Garcia for DRB Chairperson, Planning Department	5-8-06 Date

SITE DATA

PROPOSED USAGE:	RESIDENTIAL
ZONED:	RA-2
TRACT AREA:	4.6987 AC±
NUMBER OF LOTS:	18 LOTS

Letter of Authorization

I, David Kleinfeld, owner of the Ventana Del Bosque Subdivision, hereby authorize Rio Grande Engineering to act as our agent regarding the change to the approved site development plan dealing with the City of Albuquerque Development approval process.

David Kleinfeld 2/9/10

Date

RIO GRANL_
ENGINEERING

(505) 321-9099
2105 Golf Course Road, Suite C, Albuquerque, NM 87124

LETTER OF TRANSMITTAL

DATE: 9/26/2006	JOB NO: 2618
ATTENTION:	
RE: Ventana Del Bosque	
Project # 1004639	

TO Sheran Matson
DRB
Chair

WE ARE SENDING YOU ☐ Attached ☐ Under Separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES	DATED	NO.	DESCRIPTION
1			Revised Final Plat

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ **FOR SIGNATURE(S)**

☒ For your use ☐ Approved as noted ☐

☐ As requested ☐ Returned for corrections

☐ For review and comments ☐

☐ FOR BIDS DUE _____ 19 ____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS This plat was modifed so the Gabaldon Right of way matched the site plan
Please contact me should you have any question

RECEIVED
SEP 26 2006
LAND DEVELOPMENT SECTION

COPY TO

RECEIVED BY SIGNED David Soule

September 27, 2006

From: Paul Kuenstler
3114 Spur Court NW
Albuquerque, NM 87104
Phone: 764-9450

To: Sheran Matson
DRB Chair
Planning Department
City of Albuquerque

ref: Project #1004639, Ventana del Bosque Subdivision
06DRB-01275 Major-Final Plat Approval

Dear Ms. Matson,

Updated drawings for the Final Plat were submitted yesterday afternoon. The western site boundary in the Plat now closely matches the approved Site Plan. I withdraw my earlier request for a short deferral of DRB decision (ref. letter filed September 26).

Thank you for your consideration,

Paul A. Kuenstler Jr.

Paul A. Kuenstler Jr.

September 26, 2006

From: Paul Kuenstler
3114 Spur Court NW
Albuquerque, NM 87104
Phone: 764-9450

To: Sheran Matson
DRB Chair
Planning Department
City of Albuquerque

ref: Project #1004639, Ventana del Bosque Subdivision
06DRB-01275 Major-Final Plat Approval

Dear Ms. Matson,

Final Plat drawings submitted for approval do not reflect requirements imposed on the Site Plan by the DRB. David Soule of Rio Grande Engineering was advised of the error two weeks ago and he indicated that corrected drawings would be submitted. That has not occurred as of noon the day before the hearing, so I can only respond to the drawings currently on file. If updated drawings are made available for the hearing, I request a short deferral of DRB decision to allow for public review and comment.

The western boundary of the Final Plat along Gabaldon Drive does not agree with the boundary shown in the approved Site Plan. In particular, the radius of the site boundary curve has been reduced, and the ROW dedicated to the City has been reduced. The attached figure shows an overlay plot of boundaries for the northwestern portions of the surveyed Parcel, the approved Site Plan, and the submitted Final Plat.

As noted during Site Plan review, the abrupt curve and narrow ROW on Gabaldon Drive are long-standing traffic hazards. The Preliminary Plat did not address that problem. Requirements imposed on the Site Plan would relieve the hazard and bring the street design into substantial compliance with City standards. Those requirements were critical for neighborhood acceptance of the Site Plan and it is expected that they will be present in the Final Plat drawings before DRB approval is given.

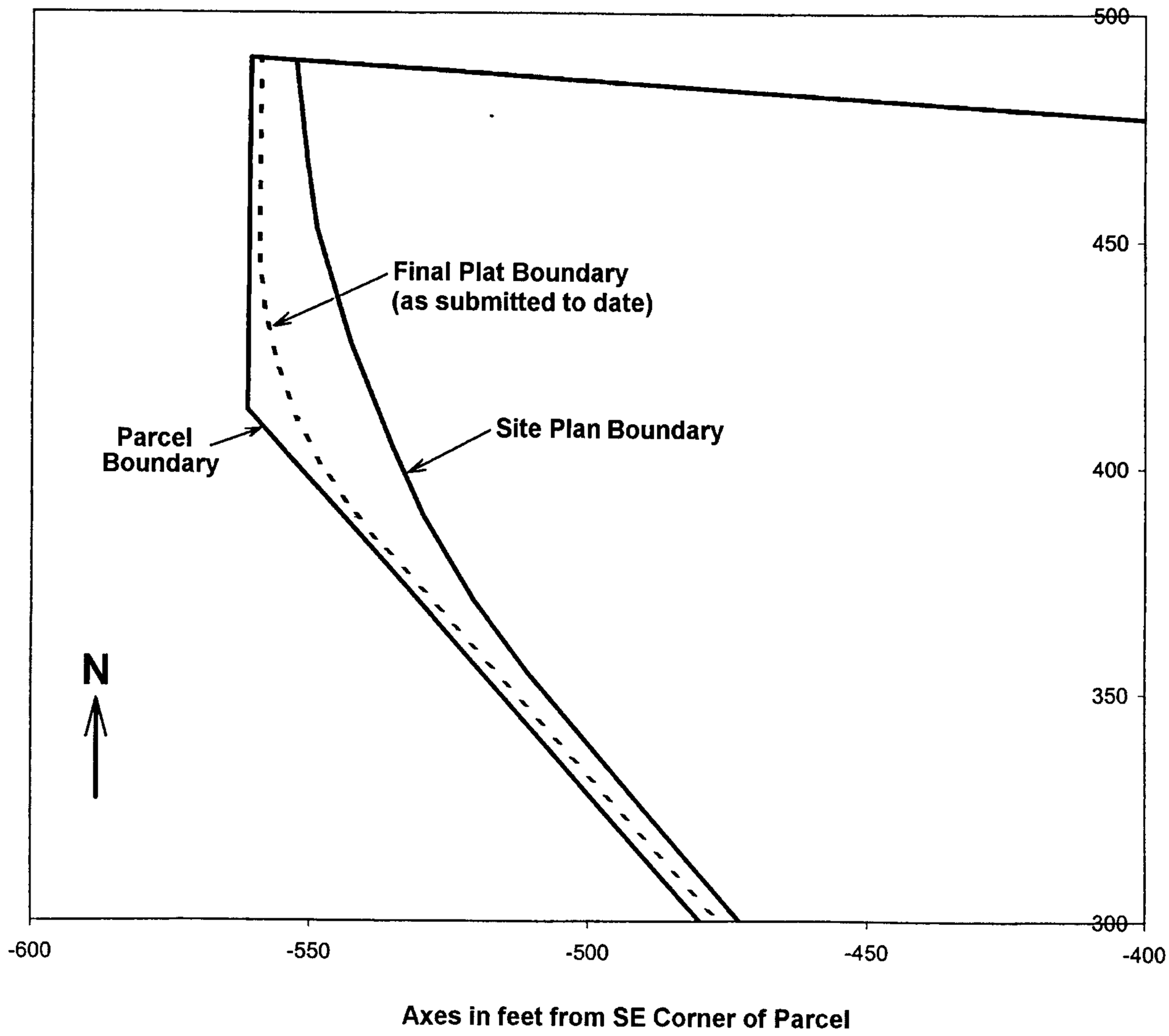
Thank you for your consideration,

Paul A. Kuenstler Jr.

Paul A. Kuenstler Jr.

RECEIVED
SEP 26 2006
LAND DEVELOPMENT SECTION

RECEIVED
SEP 26 2006
LAND DEVELOPMENT SECTION


500
450
400
350
300
-600
-550
-500
-450
-400
Final Plat Boundary
(as submitted to date)
Site Plan Boundary
Parcel
Boundary
N
Axes in feet from SE Corner of Parcel

CITY OF ALBUQUERQUE

September 13, 2006

William A. Kraemer
Garcia Kraemer & Associates
200 Lomas NW, Suite 1111
Albuquerque, New Mexico 87102

RE: Final Plat for Ventana del Bosque
Project # 1004639

Dear Mr. Kraemer:

The Development Review Board (DRB) understands your client's concern that the final plat for Ventana del Bosque is a public hearing item. Normally, final plats are placed on the unadvertised portion of our agenda and public hearing notice is not required.

However, under Section 14-14-3-5 (B)(2)(a) of the City Subdivision Ordinance, the DRB is allowed to require public notice of final plat approval where the public interest warrants such notice.

In this case, even though the preliminary plat was heard and approved at a public hearing, the DRB decided the final plat should also undergo the public notice requirements of a public hearing. This action was primarily taken as a precautionary measure in light of the fact that the property has housed mobile home residents for many years.

Please contact me if you have further questions on this issue.

Sincerely,

Sheran Matson, AICP
DRB Chair
Planning Department

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

GARCIA/KRAEMER&ASSOCIATES

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

September 11, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque Planning Department

HAND DELIVERED

RE: Ventana del Bosque
Project # 1004639

Dear Ms. Matson:

The purpose of this letter is object being required to process the Final Plat of the above referenced subdivision at an advertised public hearing. Applicant respectfully protests the determination to process this plat as a public hearing item requiring notice and requests FINAL PLAT APPROVAL at the next scheduled DRB meeting.

On March 29, 2006, after advertised public hearings the DRB granted approvals of Preliminary Plat (06DRB-00255,) Site Development Plan for Subdivision (06DRB-00254,) sidewalk variance (06DRB-00256,) and sidewalk temporary deferral (06DRB-00257.) Subject development is controlled by RA-2 zoning and the Private Commons Development (PCD) regulations contained in Section 14-16-3-16 of the Zoning Ordinance. Residents of mobile homes located on the subject property and owners of proximate property were given notice of, attended and spoke at those DRB public hearings.

Preliminary plat approval is a commitment on the part of the City that a final plat conforming to the approved preliminary plat with conditions will be approved. The preliminary plat stage is the substantive decision point in the subdivision approval process. (Subdivision Regulations, section 14-14-3-4.) The final plat must be approved by the DRB if it substantially conforms to the preliminary plat as approved, including any modifications and conditions specified in the preliminary plat approval (section 14-14-3-5 (A) (2))

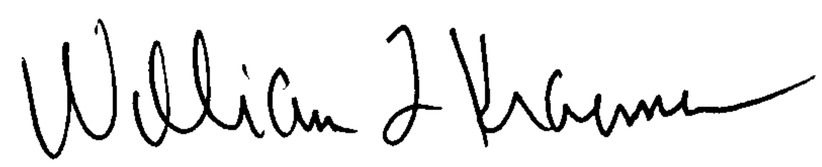
Applicant has complied with the conditions of approval for final plat contained in the March 29, 2006 Official Notice of Decision. The financial guarantees of required infrastructure as evidenced by the Subdivision Improvements Agreement (SIA) are executed and recorded with the County Clerk. 8/22/06 Bk-A122, Pg-7069.

There are no legitimate public interests that will be served by requiring public notice of final plat. Applicants negotiated a compromise with adjacent property owners in good faith. There is no recognized neighborhood association entitled to notice.

The property owners are in compliance with the provisions of the New Mexico Mobile Home Park Act and have sent the required six month eviction notices to each of the tenants. The property is not now nor was it ever zoned for use as a mobile home park. The mobile home park is a non conforming use. An advertised public hearing will only give false hope to existing mobile home residents. They do not have standing to appeal a decision relating to subdivision of the property. Section 14-14-8-2.

We have been advised that City staff requires public notice pursuant to section 14-14-3-4 (B)(3). If this is true, and the City will not reconsider this requirement, we respectfully request written notice including the facts relied upon in making the determination that "the public interest warrants such notice." Section 14-14-3-5 (B)(2.)

Sincerely,



William L. Kraemer

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

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

SITE DEVELOPMENT PLAN — P
- ___ for Subdivision Purposes
- ___ for Building Permit
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC) — L

STORM DRAINAGE — D
- ___ Storm Drainage Cost Allocation Plan

ZONING & PLANNING — Z
- ___ Annexation
  - ___ County Submittal
  - ___ EPC Submittal
- ___ Zone Map Amendment (Establish or Change Zoning)
- ___ Sector Plan **(Phase I, II, III)**
- ___ Amendment to Sector, Area, Facility or Comprehensive Plan
- ___ Text Amendment (Zoning Code/Sub Regs)
- ___ Street Name Change (Local & Collector)

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

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

APPLICANT INFORMATION:

NAME: 30/50 LLC PHONE: 856-3520
ADDRESS: P.O. Box 93024 FAX: ___
CITY: ALBUQUERQUE STATE NM ZIP 87199 E-MAIL: ___
Proprietary interest in site: OWNER List all owners: SOLE OWNER
AGENT (if any): GARCIA | KRAEMER + ASSOC PHONE: 242 5560
ADDRESS: 200 LOMAS NW #1111 FAX: 242 9028
CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: BILYBOMON@HOTMAIL.COM

DESCRIPTION OF REQUEST: FINAL PLAT APPROVAL
Private Commons Development

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. LOTS 313-A-2-B TBK Block: ___ Unit: ___
Subdiv. / Addn. VENTANA DEL BOSQUE
Current Zoning: RA-2 PCD Proposed zoning: RA-D PCD
Zone Atlas page(s): J-12 No. of **existing** lots: 1 No. of **proposed** lots: 18
Total area of site (acres): 4.6987 Density if applicable: dwellings per gross acre: ___ dwellings per net acre: ___
Within city limits? X Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO
UPC No. 101205823347020303 MRGCD Map No. 38
LOCATION OF PROPERTY BY STREETS: On or Near: 3115 MOUNTAIN RD NW
Between: GABALDON and BOSQUE VERDE LANE

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 1004639
06 DRB-00254, -00255, -00256, -00257

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

SIGNATURE William L Kraemer DATE 09/01/06
(Print) WILLIAM L. KRAEMER ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 4/04

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

Application case numbers	Action	S.F.	Fees
06DRB - - 01275	FP		$ Ø
- -	CMF		$ 20.00
- -	Adv		$ 75.00
- -			$
- -			$
			Total $ 95.00

Hearing date September 27, 2006

Planner signature / date 9-1-06

Project # 1004639

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

☐ **SKETCH PLAT REVIEW AND COMMENT** **YOUR ATTENDANCE IS REQUIRED.**

__ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. Sketches are not reviewed through internal routing.
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Any original and/or related file numbers are listed on the cover application

☐ **MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT** **Your attendance is required.**

__ Preliminary Plat reduced to 8.5" x 11"
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Copy of previous D.R.B. approved infrastructure list
__ Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
__ Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.
Extension of preliminary plat approval expires after one year.

☒ **MAJOR SUBDIVISION FINAL PLAT APPROVAL** **Your attendance is required.**

✓ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) ~~6~~ 24 copies for unadvertised meetings
Approved Previously ✓ Design elevations & cross sections of perimeter walls **3 copies**
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
cmt 2 Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
✓ Property owner's and City Surveyor's signatures on the Mylar drawing
✓ Copy of recorded SIA
N/A Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
✓ Any original and/or related file numbers are listed on the cover application
Submitted to AGIS ✓ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**
✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter certified mail recepts.

☐ **MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL** **Your attendance is required.**

__ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, 4 copies for internal routing.
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing
__ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
__ Fee (see schedule)
__ Any original and/or related file numbers are listed on the cover application
__ Infrastructure list if required **(verify with DRB Engineer)** **NO INTERNAL ROUTING**
__ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes)** **Your attendance is required.**
☐ **AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**
☐ **AMENDMENT TO GRADING PLAN (with minor changes)**

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

__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings.
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
__ Any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year

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

WILLIAM KRAEMER
Applicant name (print)

William Kraemer 9/1/6
Applicant signature / date

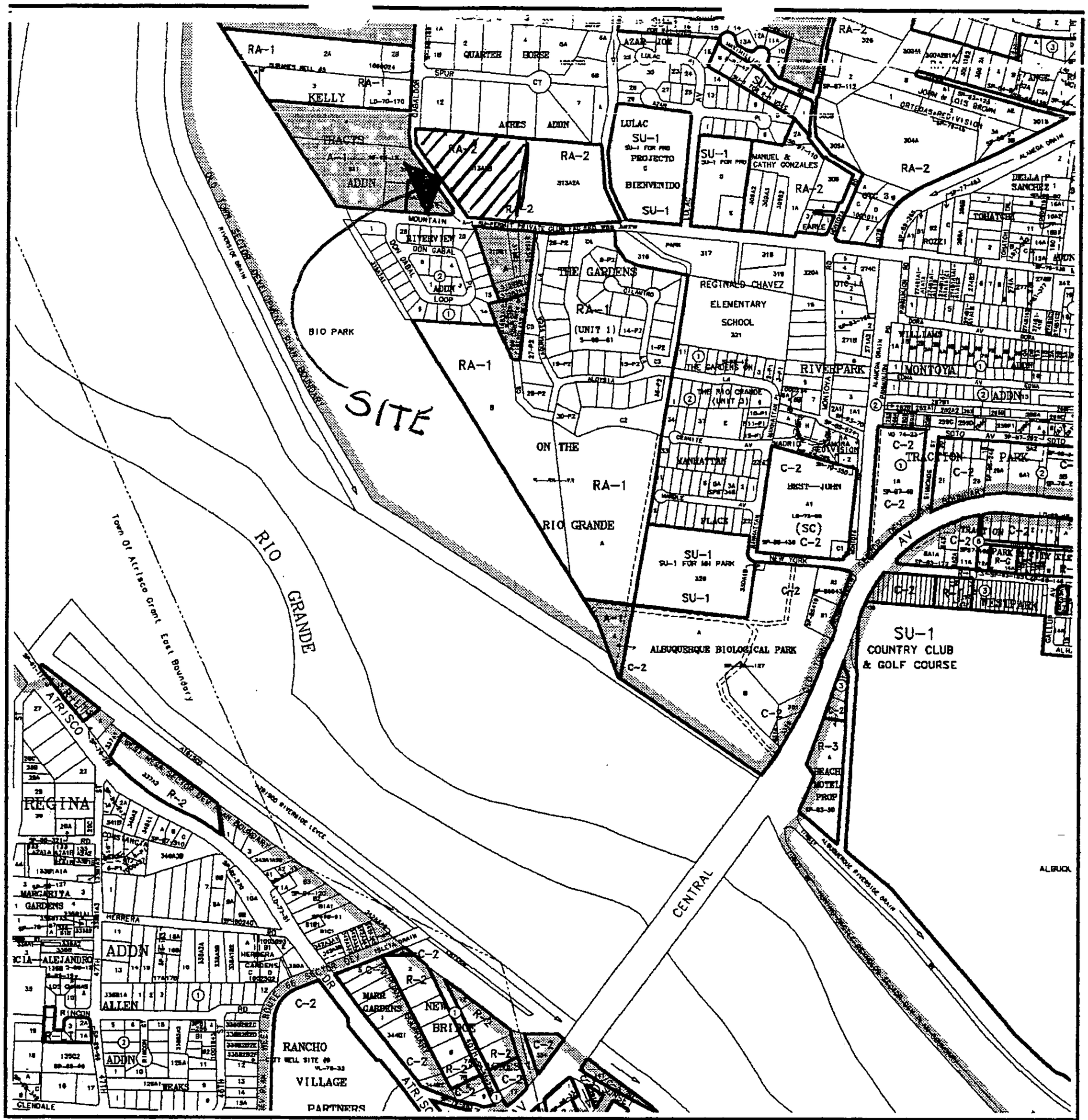
Form revised 8/04, 1/05 & **10/05**

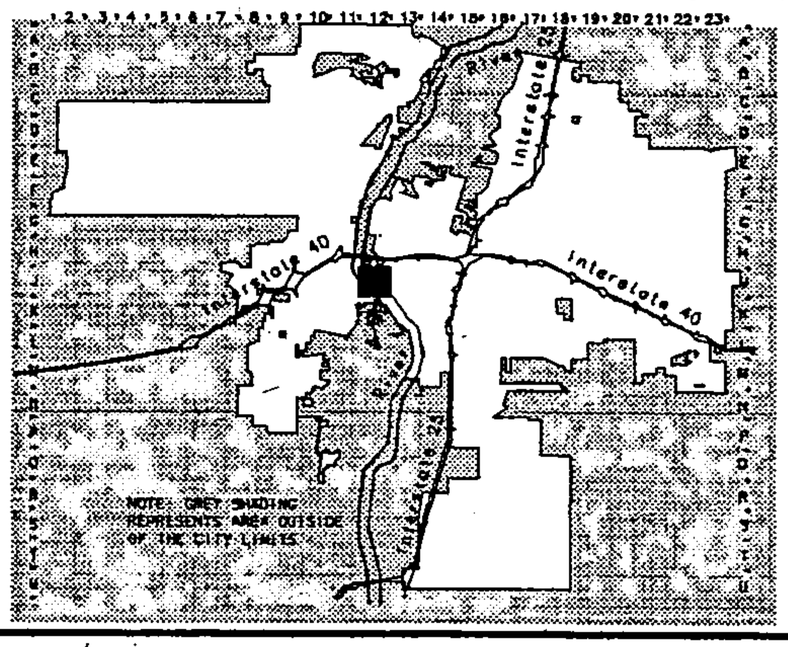
☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers
06DRB - ____ - 01275
____ - ____ - ____
____ - ____ - ____

Andrew Garcia 9-1-06
Planner signature / date

Project # 1004639





Albuquerque Geographic Information System
PLANNING DEPARTMENT

© Copyright 2004

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-12-Z

Map Amended through February 03, 2004

GARCIA/KRAEMER&ASSOCIATES

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

August 29, 2006

Ventana del Bosque
Project # 1004639
Explanation of Request

This is a request for FINAL PLAT approval for an 18 lot private commons development. On March 29, 2006 the DRB granted PRELIMINARY PLAT APPROVAL (06DRB-00255,) approval of a Site Development Plan for Subdivision (06DRB-00254,) sidewalk variance (06DRB-00256) and sidewalk temporary deferral (06DRB-00257.) Subject development is controlled by RA-2 zoning and the Private Commons Development (PCD) regulations contained in Section 14-16-3-16 of the Zoning Ordinance.

Preliminary plat approval, together with approval of the site development plan for subdivision, is a commitment on the part of the City that a final plat conforming to the approved preliminary plat with conditions will be approved. The preliminary plat stage is the substantive decision point in the subdivision approval process. (Subdivision Regulations, section 14-14-3-4.) The final plat must be approved by the DRB if it substantially conforms to the preliminary plat as approved, including any modifications and conditions specified in the preliminary plat approval (section 14-14-3-5 (A) (2))

Applicant has complied with the conditions of approval for final plat contained in the March 29, 2006 Official Notice of Decision. The financial guarantees of required infrastructure as evidenced by the Subdivision Improvements Agreement (SIA) was executed and recorded with the County Clerk. 8/22/06 Bk-A122, Pg-7069.

Public notice of final plat approval is not generally required. Applicant asserts they should be allowed to process this request without public notice. We have been advised that City staff requires public notice pursuant to section 14-14-3-4 (B)(3). Applicant respectfully protests the determination to process this plat as a public hearing item requiring notice and requests FINAL PLAT APPROVAL.

William L Kraemer

ALBUQUERQUE
Making History

City of Albuquerque

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

Date: August 31, 06

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

This letter will serve to notify you that on August 31, 06 (date)

TO CONTACT NAME: William Kraemer
COMPANY/AGENCY: Garcia/Kraemer + Assoc.
ADDRESS/ZIP: 200 Lomas NW # 1111 / 87102
PHONE/FAX #: 242-5566 - (Fax - 242-9028)

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at Lot 313 A 213 Located on 3115 Mountain Rd NW Between Gabaldon Rd NW and Bosque Verde Lane NW
zone map page(s) J-12.

Our records indicate that as of 8-31-06 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Adriana L Carmona
OFFICE OF NEIGHBORHOOD COORDINATION

planning.norecognized.na.form(07/04)

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 29, 2006

5. Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] *[Deferred from 3/22/06]* (J-12)

At the March 29, 2006, Development Review Board meeting, the site plan for subdivision was approved with final sign off delegated to Transportation Development for correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit and to Planning for the 15-day appeal period and 3 copies of the site plan.

With the signing of the infrastructure list dated 3/29/06 and approval of the grading plan engineer stamp dated 2/20/06 the preliminary plat was approved with the following conditions of final plat:

Restrictions and Covenants must be signed and recorded. ← B.11

Correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit. ✓

ADA ramps must be within the public right-of-way. ✓

The President of the homeowners association must sign the final plat. The owner may do so if there is no President at the time of final plat approval. ✓

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file. ✓

If you wish to appeal this decision, you must do so by April 13, 2006, in the manner described below.

No. of Lots: 18
Nearest Major Streets
Mountain Road NW & Gabaldon RD NW

FIGURE 12

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

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 22ND day of August, 2006, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and 50/50, LLC ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:] New Mexico limited liability company, whose address is 100 Gold SW Suite 204 Alb NM 87107 and whose telephone number is 922-9411, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Tract 313A2B MRGCD Map #38, recorded on 7/31/90 in the records of the Bernalillo County Clerk at Book 90-12, pages 7801 through 7801 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] 50/50, LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Ventana del Bosque describing Subdivider's Property.

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

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 25 day of May, 2007 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 7752.82.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board ("DRB"), unless

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the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

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

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

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

Type of Fee	Amount
Engineering Fee	3.25% of Actual Construction Cost
Excavation And Sidewalk Ordinance, Street Restoration Fees	As required per City-approved estimate. (Figure 7)

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

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

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

B. Construction Inspection Methods. Inspection of the construction of the public Improvements shall be performed by Rio Grande Engineering, and inspection of the private Improvements shall be performed by Rio Grande Engineering, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider

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shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

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

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

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

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

Type of Financial Guaranty: Letter of Credit # 1695 Los Alamos Nat'l Bank
Amount: $ 283,408.69 Name of Financial Institution or Surety
Date City first able to call Guaranty: May 25 2007
[Construction Completion Deadline]: May 25 20 2007
If Guaranty other than a Bond, last day City able to call Guaranty is:
July 24, 20 07
Additional information: NA

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

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

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8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

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

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

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

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the Subdivision Ordinance.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

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

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

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11. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Subdivider and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

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

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

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

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

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

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

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

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

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

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

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

SUBDIVIDER:

By [Signature]: _____
Name: T. Scott Ashcroft
Title: Member
Dated: 8-14-06

CITY OF ALBUQUERQUE

_____
City Engineer
Dated: 8-22-06

8-18-06

OFFICIAL SEAL
Kostas P. Callas
Notary Public
State of New Mexico
My Commission Expires Jan 11, 2010

SUBDIVIDER'S NOTARY

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

This instrument was acknowledged before me on 14 day of August, 2006 by [name of person:] T. Scott Ashcroft, [title or capacity, for instance, "President" or "Owner":] Member of [Subdivider:] 50/50 LLC.

_____
Notary Public

My Commission Expires:
Jan 11, 2010

CITY'S NOTARY

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

This instrument was acknowledged before me on 22nd day of August, 2006 by RichardOurte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Gloria D. Saavedra
Notary Public

My Commission Expires:
11-25-2007

EXHIBIT A AND POWER OF ATTORNEY ATTACHED

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Current DRC
Project Number: ORIGINAL

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 9-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Date Submitted: 02/23/06
Date Site Plan Approved:
Date Preliminary Plat Approved: 3/29/06
Date Preliminary Plat Expires: 3/29/07
DRB Project No.: ~~1004339~~ 1004639
DRB Application No.: 06 DRB-00255

Ventana Del Bosque Subdivision
PROPOSED NAME OF PLAT ~~AND/OR SITE DEVELOPMENT PLAN~~

Tract 313A-2-B, MRGCD MAP 38
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		6"	Water line (looped)	Rio Azul lane	Mountain Road	Gabaldon Road	/	/	/
		8"	Sanitary Sewer Line	Rio Azul Lane	Mountian Road	Lots 1-18	/	/	/
		.989 ac feet	Pond improvement with agreement and covenant	Tract A			/	/	/
		26' F-F	Residential Road with Curb and Gutter including 4' wide Sidewalk-one side* and ADA ramps	Rio Azule Lane Lots 1-18	Mountain Road	Mountain road	/	/	/
		17' F-CL**	Arterial Road with Curb and Gutter including 6' wide Sidewalk and 6' bike lane	Mountain Road	Gabaldon Road	East PL	/	/	/
		~~40' F-F~~ 44'	Residential Road with Curb and Gutter including 4' wide Sidewalk* and ADA ramps (INCLUDES MEDIAN)	Rio Azule Lane	Mountain Road	Gate-48' from FL of mountain RD	/	/	/
		~~14' F-CL**~~ 16'	Arterial Road with Curb and Gutter including 6' wide Sidewalk and 2' bike path	Gabaldon Road	Mountain Road	North PL	/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Const Engineer
							/	/	/
							/	/	/
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							/	/	/

(rev. 9-05)

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items:

Impact Fee Admistrator Signature Date

Approval of Creditable Items:

City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1 Engineers certification of gradeing plan required for release of SIA and Financial Guarantees.

2 * Internal sidewalks to be deffered.

**existing asphalt shall remain and be added to if in exceptable condition

3 TEMP ASPHALT PAVING TIE INS AS REQ'D PER DRC FOR CONNECTIONS

AGENT / OWNER

WILLIAM L. KRAEMER
NAME (print)

GARCIA/KRAEMER + ASSOC.
FIRM

William J Kraemer
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

S Matson 3/29/06
DRB CHAIR - date

Christina Sandoval 3/29/06
PARKS & GENERAL RECREATION - date

3-29-06
TRANSPORTATION DEVELOPMENT - date

AMAFCA - date

Roger A Green 3/29/06
UTILITY DEVELOPMENT - date

_____ - date

Bradley L. Bingham 3/29/06
CITY ENGINEER - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev. 9-05)

FINANCIAL GUARANTY AMOUNT

05/26/2006

Type of Estimate: SIA Extension w/F.G.

Project Description:

Project ID #: 775282, Ventana del Bosque Subdivision, Phase/Unit #: 1

Requested By: **David Soule, P.E., Rio Grande Engineering**

Approved estimate amount:		$177,792.22
Contingency Amount:	10.00%	$17,779.22
Subtotal:		$195,571.44
NMGRT	6.75%	$13,201.07
Subtotal:		$208,772.51
Engineering Fee	6.60%	$13,778.99
Testing Fee	2.00%	$4,175.45
Subotal:		$226,726.95
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		$.00
TOTAL FINANCIAL GUARANTY REQUIRED		**$283,408.69**

APPROVAL: DATE:

May 26, 2006

Notes: Plans not signed 10% contingency added

NATURE SAVER™ FAX MEMO 01616	Date 5/26/2006	No. of pages ▶ 3
To David Soule	From Nancy Pinons	
Co./Dept. Rio Grande	Co. COA	
Phone #	Phone #	
Fax # 872-2205	Fax #	

Fax to Scott Ashcraft 922-9418

LOS ALAMOS NATIONAL BANK

Post Office Box 60, Los Alamos, New Mexico 87544 / Telephone (505) 662-5171

Irrevocable Letter of Credit *No.* 1695

July 24, 2006

AMOUNT: $283,408.69

City Of Albuquerque
Mr. James Lewis
Chief Administrative Officer
P.O. Box 1293
Albuquerque, NM 87103

RE: Letter of Credit for: Ventana del Bosque Subdivision, Phase/Unit #:1
City of Albuquerque Project No.: 775282
Project Name: Ventana del Bosque Subdivision, Phase/Unit #:1

Dear Mr. Lewis:

This letter is to advise the City of Albuquerque ("City") that, at the request of, 50/50, LLC, Los Alamos National Bank in Los Alamos, New Mexico, has established an Irrevocable Letter of Credit in the sum of Two-Hundred-Eighty-Three-Thousand, Four-Hundred-Eight and 69/100 ($283,408.69) U. S. Currency Dollars ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires, 50/50, LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Ventana del Bosque Subdivision, Phase/Unit #:1 Project No. 775282 ("Project").

The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 8/22 20 06 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. A122, at pages 7069 to 7069, as amended ("Agreement").

A Draft or Drafts for any amount up to, but not in excess of Two-Hundred-Eighty-Three-Thousand, Four-Hundred-Eight and 69/100 ($283,408.69) U. S. Currency Dollars is/are available at sight at Los Alamos National Bank, 1200 Trinity Drive, Los Alamos, New Mexico 87544 between May 25, 2007 and July 24, 2007.

When presented for negotiation, the Draft(s) is/are to be accompanied by the City's notarized certification stating: 1) 50/50, LLC has failed to comply with the terms of the Agreement; 2) the undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and 3) the amount of the Draft does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreements.

We hereby agree with the drawer of Draft(s) drawn under and in compliance with the terms of this credit that such Drafts(s) will be duly honored upon presentation to the drawee if negotiated between May 25, 2007 and July 24, 2007.

The Draft(s) drawn under this credit must contain the clause: "Drawn under Letter of Credit and Agreement No. 1695 of Los Alamos National Bank, Los Alamos, New Mexico, dated July 24, 2006 and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable until:

1. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

2. City notification of 50/50, LLC failure to comply with the terms of the Agreement, and payment by Certified Check from Los Alamos National Bank to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or

3. Expiration of the date July 24, 2007, or

4. Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate at 3:00 o'clock p.m., New Mexico time, July 24, 2007.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce Publication No. 500.

Sincerely,

Danette B. Clark,
Administrative Loan Officer

ACCEPTED:

CITY OF ALBUQUERQUE

By: _____
Chief Administrative Officer

Dated: 8-22-06

8-18-06

No. of Lots: 18
Nearest Major Streets
Montgomery Rd & Golden Rd NW

FIGURE 19
SIDEWALK DEFERRAL AGREEMENT
PROJECT NO. 9752 B2

THIS AGREEMENT is made this 22ND day of August, 2006, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P.O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103 and 50/50, LLC ("Developer"), whose address is 100 Gold SW, Ste 201 Alb NM 87102 and whose telephone number is 922-9411, a (state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:) NM LLC, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

WHEREAS, the Developer is developing certain lands within the City of Albuquerque, County of Bernalillo, State of New Mexico, known as (existing legal description) Tract 313A2B MRGCD Map #38 (the "Subdivision"); and

WHEREAS, the Developer has submitted and the City has approved Developer's development plans and (state "preliminary" or "final":) Preliminary plat, to be identified as (state name of plat:) Ventana del Bosque; and

WHEREAS, Developer has requested and the City has determined that it is acceptable for the Developer to defer construction of the sidewalks within the Subdivision until after construction of other required infrastructure; and

WHEREAS, the Subdivision Ordinance requires all sidewalks to be completed within four (4) years after execution of the Agreement to Construct Subdivision Improvements; and

WHEREAS, the Developer must execute and deliver to the City an Agreement and an acceptable financial guaranty to provide funds for construction of the sidewalk improvements in case the Developer does not complete the construction as required.

THEREFORE, the City and the Developer agree:

1.A. Sidewalk Construction Deadline. Developer has obtained a sidewalk deferral, as shown in the attached Exhibit "A", which is a copy of the Development Review Board's decision regarding the deferral granted. Developer agrees to utilize the City's sidewalk permit process and complete the sidewalk to the satisfaction of the City by May 25, 2007 ("Sidewalk Construction Deadline").

B. Request for Extension. If this Sidewalk Deferral Agreement establishes a Sidewalk Construction Deadline which is less than four (4) years after execution of the Subdivision Improvements Agreement, the Developer may request an extension from the Project Review Section for an additional period of time, which shall not exceed a total of four years after execution of the Subdivision Improvements Agreement. The form of the Financial Guaranty extension and the amount must be approved by the City, but shall not exceed 125% of the City's estimate of the cost of construction at the time Developer requests an extension. If the Developer will need more than four (4) years after execution of the Subdivision Improvements Agreement to construct the sidewalks, the Developer must request and obtain an extension from the Development Review Board and submit the required documentation to the Design Review Section before expiration of the four (4) years.

Mary Herrera Bern. Co. AGRE R 15.00
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2. Financial Gu anty. Developer will provide a financial guaranty in an amount of not less that 125% of the cost of constructing the sidewalk improvements within the Subdivision, as determined by the City. The financial guaranty must be irrevocable and may be in the form of a City-approved bond, letter of credit, escrow deposit or loan reserve letter issued by a federally insured financial institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Sidewalk Construction Deadline. To meet the Subdivision Ordinance requirements, the Developer has provided the following "Financial Guaranty":

Type of Financial Guaranty: LOC#1616 from Los Alamos Natl Bank
Amount: $ 19,482.21 Name of Financial Institution or Surety providing Guaranty: Los Alamos Natl Bank
Date City first able to call Guaranty (Sidewalk Construction Deadline): May 25, 2007, 20___.
If Guaranty other than a Bond, last day City able to call Guaranty is: July 24, 2007.
Additional Information: NA

3. Completion, Acceptance and Release. The Developer shall report completion of sidewalk construction in writing to the City. The City shall inspect the sidewalks to verify completion. Upon acceptance of the improvements, the City shall promptly release the financial guaranty and Sidewalk Deferral Agreement.

4. Conveyance of Property Rights. When the sidewalks have been constructed, if the City does not own the real property upon which the sidewalks are constructed, the Developer shall convey to the City the real property rights required by the City together with the improvements, free and clear of all claims, encumbrances and liens, before the City will release the Financial Guaranty and Sidewalk Variance Agreement. Conveyance may be by dedication on the final plat of the Subdivision.

5. Indemnification. Until the sidewalks are accepted by the City, the Developer shall be solely responsible for maintaining the premises upon which the sidewalks are being constructed in a safe condition. The Developer agrees to defend, indemnify and hold harmless the City and its officers, agents and employees from and against all suits, actions or claims of any kind brought because of any injury or damage arising out of the design or construction of the sidewalks, or by reason of any act, omission or misconduct of the Developer, its agents or employees. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico. Provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the City, or the agents or employees of the City; or (2) the giving of or the failure to give directions or instructions by the City, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

6. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Developer and the express written concurrence of financial institution or surety which has undertaken to guaranty the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

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

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

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

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

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

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

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

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

15. Form not Changes. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City's Legal Department on this form.

16. Authority to Execute. If the Developer signing below is not the Owner of the Subdivision, the owner must provide a Power of Attorney or other evidence of authority to execute this Agreement which is acceptable to the City.

Mary Herrera Bern. Co. AGRE R 15.00
2006127412
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Executed on the date st...d in the first paragraph of this Agreement.

DEVELOPER:

By (Signature): _____
Name: T. Scott Ashcraft
Title: Member
Dated: 8-14-06

CITY OF ALBUQUERQUE:

_____
City Engineer
Dated: 8-22-06

8-18-06

OFFICIAL SEAL
Kostas P. Callas
Notary Public
State of New Mexico
My Commission Expires Jan 11, 2010

DEVELOPER'S NOTARY

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

This instrument was acknowledged before me on 14 day of August, 2006 by (name of person:) T. Scott Ashcraft, (title or capacity, for instance, "President" or "Owner":) Member of (Developer:) 50/50, LLC.

_____
Notary Public

My Commission Expires:
Jan 11, 2010

CITY'S NOTARY

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

This instrument was acknowledged before me on 22nd day of August, 2006 by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Gloria D. Saavedra
Notary Public

My Commission Expires:
11-25-2007

Mary Herrera Bern. Co. AGRE R 15.00

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EXHIBIT "A" ATTACHED

8/02

EXHIBIT "A"

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 29, 2006

5. Project # 1004639
06DRB-00254 Major-SiteDev Plan Subd
06DRB-00255 Major-Preliminary Plat Approval
06DRB-00256 Minor-Sidewalk Variance
06DRB-00257 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for WASHINGTON INVESTORS request(s) the above action(s) for all or a portion of Lot(s) 313-A-2-B, ACRES ADDITION (to be known as **VENTANA DEL BOSQUE SUBDIVISION**) zoned RA-2 residential and agricultural zone, located on MOUNTAIN RD NW, between GABALDON DR NW and LULAC AVE NW containing approximately 5 acre(s). [REF: 06DRB00055] *[Deferred from 3/22/06]* (J-12)

At the March 29, 2006, Development Review Board meeting, the site plan for subdivision was approved with final sign off delegated to Transportation Development for correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit and to Planning for the 15-day appeal period and 3 copies of the site plan.

With the signing of the infrastructure list dated 3/29/06 and approval of the grading plan engineer stamp dated 2/20/06 the preliminary plat was approved with the following conditions of final plat:

Restrictions and Covenants must be signed and recorded.

Correction of radius on Gabaldon Road and correction of Gabaldon Road cross section exhibit.

ADA ramps must be within the public right-of-way.

The President of the homeowners association must sign the final plat. The owner may do so if there is no President at the time of final plat approval.

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

If you wish to appeal this decision, you must do so by April 13, 2006, in the manner described below.

FINANCIAL GUARANTY AMOUNT

05/26/2006

Type of Estimate: Sidewalk Deferral

Project Description:

Project ID #: 775282, Ventana del Bosque Subdivision, Phase/Unit #: 1

Requested By: **David Soule, P.E., Rio Grande Engineering**

Approved estimate amount:		$14,600.25
NMGRT	6.75%	$985.52
Subtotal:		$15,585.77
125% FINANCIAL GUARANTY RATE		1.25
TOTAL FINANCIAL GUARANTY REQUIRED		**$19,482.21**

APPROVAL: DATE:

May 26, 2006

Notes:

LOS ALAMOS NATIONAL BANK

Post Office Box 60, Los Alamos, New Mexico 87544 / Telephone (505) 662-5171

Irrevocable Letter of Credit *No.* 1696

July 24, 2006

AMOUNT: $19,482.21

City Of Albuquerque
Mr. James Lewis
Chief Administrative Officer
P.O. Box 1293
Albuquerque, NM 87103

RE: Letter of Credit for: Ventana del Bosque Subdivision, Phase/Unit #:1
City of Albuquerque Project No.: 775282
Project Name: Ventana del Bosque Subdivision, Phase/Unit #:1

Dear Mr. Lewis:

This letter is to advise the City of Albuquerque ("City") that, at the request of, 50/50, LLC, Los Alamos National Bank in Los Alamos, New Mexico, has established an Irrevocable Letter of Credit in the sum of Nineteen-Thousand, Four-Hundred-Eighty-Two and 21/100 ($19,482.21) U. S. Currency Dollars ("Letter of Credit") for the exclusive purpose of providing the financial guarantee which the City requires, 50/50, LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at Ventana del Bosque Subdivision, Phase/Unit #:1 Project No. 775282 ("Project").

The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on 8-22 20 06 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. A122, at pages 7070 to 7070, as amended ("Agreement").

A Draft or Drafts for any amount up to, but not in excess of Nineteen-Thousand, Four-Hundred-Eighty-Two and 21/100 ($19,482.21) U. S. Currency Dollars is/are available at sight at Los Alamos National Bank, 1200 Trinity Drive, Los Alamos, New Mexico 87544 between May 25, 2007 and July 24, 2007.

When presented for negotiation, the Draft(s) is/are to be accompanied by the City's notarized certification stating: 1) 50/50, LLC has failed to comply with the terms of the Agreement; 2) the undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and 3) the amount of the Draft does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreements.

We hereby agree with the drawer of Draft(s) drawn under and in compliance with the terms of this credit that such Drafts(s) will be duly honored upon presentation to the drawee if negotiated between May 25, 2007 and July 24, 2007.

The Draft(s) drawn under this credit must contain the clause: "Drawn under Letter of Credit and Agreement No. 1696 of Los Alamos National Bank, Los Alamos, New Mexico, dated July 24, 2006 and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable until:

1. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

2. City notification of 50/50, LLC failure to comply with the terms of the Agreement, and payment by Certified Check from Los Alamos National Bank to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or

3. Expiration of the date July 24, 2007, or

4. Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate at 3:00 o'clock p.m., New Mexico time, July 24, 2007.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce Publication No. 500.

Sincerely,

Danette B. Clark,
Administrative Loan Officer

ACCEPTED:

CITY OF ALBUQUERQUE

By: _____
Chief Administrative Officer

Dated: 8-22-06

8-18-06

AFFIRMATION OF DEL BOSQUE SUBDIVISIONS RESTRICTIONS

On May 24, 2006, a 28 page "Declaration of Restrictions, Covenants and Conditions for the Creation and Maintenance of a Private Commons Development" was recorded in the Bernalillo County, New Mexico Real Estate Records in Book A117, Page 5603.

That DECLARATION made May 5, 2006, by WASHINGTON INVESTORS, L.L.C., a New Mexico limited liability company, with respect to that certain real property situate in Bernalillo County, New Mexico and more particularly described as follows:

> All of the ENTRADA DEL BOSQUE SUBDIVISION, as the same is shown on the Plat for ENTRADA DEL BOSQUE recorded in the Bernalillo County, New Mexico Real Estate Records on May 24, 2006, in Book 2006C, Page 163 as Document No.200607824-6463386, and
>
> All of the VENTANA DEL BOSQUE SUBDIVISION, as the same is shown on the Plat for VENTANA DEL BOSQUE recorded in the Bernalillo County, New Mexico Real Estate Records on _____,2006, in Book_____, Page____ as Document No._____.

50/50 L.L.C., A New Mexico limited liability company, having common membership with WASHINGTON INVESTORS,L.L.C. is the OWNER of the VENTANA DEL BOSQUE SUBDIVISION. Owner hereby affirms the declaration that all of the described real property is subject to the Declaration which is for the purpose of creating and maintaining private commons developments on the described real property and for the improvement and protection of the value, desirability and attractiveness of the described real property, and to meet the requirements of the Private Commons Development Regulations, as they exist from time to time (the "PCD Regulations"), as contained within the City of Albuquerque (the "City") Comprehensive Zoning Ordinance (the "Ordinance").

This Affirmation/Declaration shall run with the described real property and shall be binding upon and inure to the benefit of Grantor, the Association, each Owner of the described real property or any part of it, and each successor in interest of Grantor, the Association, and any such Owner.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

50/50, L.L.C., a New Mexico
limited liability company

By: _____
Justin Tiabbi
Managing Member

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

This instrument was acknowledged before me on August 30 2006, by Justin Tiabbi, Managing Member of 50/50, L.L.C., a New Mexico limited liability company.

WITNESS my hand and official seal.

_____
Notary Public

My Commission Expires:
10-10-2007

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

PAID RECEIPT

APPLICANT NAME 50/50 LCC

AGENT Garcia/Kraemer & Associates

ADDRESS 200 Lomas NW # 1111

PROJECT & APP # 1004639 / 06DRB 01275

PROJECT NAME Vistana Del Bosque

$ 20.00 **441032/3424000 Conflict Management Fee**

$ _____ **441006/4983000 DRB Actions**

$ _____ **441006/4971000 EPC/AA/LUCC Actions & All Appeals**

$ 75.00 **441018/4971000 Public Notification**

$ _____ **441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 95.00 **TOTAL AMOUNT DUE**

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

City Of Albuquerque
Treasury Division

9/1/2006 11:56AM LOC: ANNX
RECEIPT# 00067732 WS# 007 TRANS# 0016
Account 441018 Fund 0110
Activity 4971000 TRSVRS
Trans Amt $240.00
J24 Misc
$75.00
VI $240.00
CHANGE $0.00
Thank You

Counterreceipt.doc 6/21/04

City Of Albuquerque
Treasury Division

9/1/2006 11:56AM LOC: ANNX
RECEIPT# 00067731 WS# 007 TRANS# 0016
Account 441032 Fund 0110
Activity 3424000 TRSVRS
Trans Amt $240.00
J24 Misc
$20.00
Thank You

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from September 12, 2006 To September 27, 2006

5. REMOVAL

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

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

William J Kaan — 9/1/06
(Applicant or Agent) (Date)

I issued 1 signs for this application, 9-1-06 (Date) Andrew Garcia (Staff Member)

DRB PROJECT NUMBER: 1004699

Rev. 1/11/05

1004639

The Gardens on the Rio Grande Homeowners' Association

2647 Aloysia Lane, NW Albuquerque, New Mexico 87104

September 30, 2006

Development Review Board
City of Albuquerque
Plaza Del Sol Hearing Room
600 2nd Street NW
Albuquerque, NM 87102

Dear Sir(s):

This letter is written on behalf of **The Gardens on the Rio Grande Home Owners Association** Board of Directors to provide the City of Albuquerque written documentation in support of the planned housing development of the five acre plat of land at the west end of Mountain Road and Gabaldon.

The development of this parcel of land would be a great improvement over what now exists within the boundaries of our city. The development of this parcel of land would enhance the neighborhood and be a welcomed improvement over what now exists within the boundaries of our city.

Should you have any questions or concerns regarding this letter of support for the proposed development, please do not hesitate to contact us.

Sincerely,

Carole Millhollon
President

THE GARDENS HOMEOWNERS
ASSOCIATION INC.
2647 ALOYSIA LN. NW.
ALBUQUERQUE, NM 87104

ALBUQUERQUE NM 871

04 OCT 2006 PM 4 T

Development Review Board
City of Albuquerque
Plaza del Sol Hearing Room
600 2nd Street, NW
Albuquerque, NM 87102

87102+2265

AFFIRMATION OF DEL BOSQUE SUBDIVISIONS RESTRICTIONS

On May 24, 2006, a 28 page "Declaration of Restrictions, Covenants and Conditions for the Creation and Maintenance of a Private Commons Development" was recorded in the Bernalillo County, New Mexico Real Estate Records in Book A117, Page 5603.

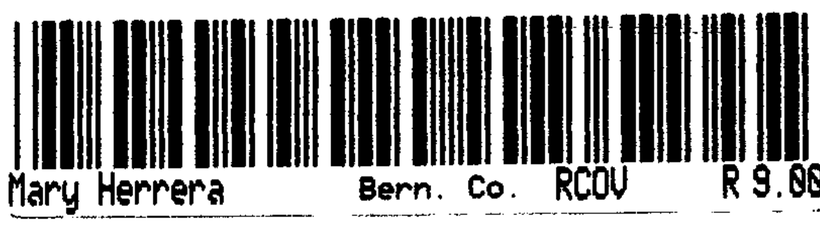
That DECLARATION made May 5, 2006, by WASHINGTON INVESTORS, L.L.C., a New Mexico limited liability company, with respect to that certain real property situate in Bernalillo County, New Mexico and more particularly described as follows:

> All of the ENTRADA DEL BOSQUE SUBDIVISION, as the same is shown on the Plat for ENTRADA DEL BOSQUE recorded in the Bernalillo County, New Mexico Real Estate Records on May 24, 2006, in Book 2006C, Page 163 as Document No.200607824-6463386, and
>
> All of the VENTANA DEL BOSQUE SUBDIVISION, as the same is shown on the Plat for VENTANA DEL BOSQUE recorded in the Bernalillo County, New Mexico Real Estate Records on Nov 8, 2006, in Book 2006C, Page 346 as Document No. 200617031 4.

50/50 L.L.C., A New Mexico limited liability company, having common membership with WASHINGTON INVESTORS,L.L.C. is the OWNER of the VENTANA DEL BOSQUE SUBDIVISION. Owner hereby affirms the declaration that all of the described real property is subject to the Declaration which is for the purpose of creating and maintaining private commons developments on the described real property and for the improvement and protection of the value, desirability and attractiveness of the described real property, and to meet the requirements of the Private Commons Development Regulations, as they exist from time to time (the "PCD Regulations"), as contained within the City of Albuquerque (the "City") Comprehensive Zoning Ordinance (the "Ordinance").

This Affirmation/Declaration shall run with the described real property and shall be binding upon and inure to the benefit of Grantor, the Association, each Owner of the described real property or any part of it, and each successor in interest of Grantor, the Association, and any such Owner.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.



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50/50, L.L.C., a New Mexico
limited liability company

Justin Tiabbi
Managing Member

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

This instrument was acknowledged before me on August 30 2006, by Justin Tiabbi, Managing Member of 50/50, L.L.C., a New Mexico limited liability company.

WITNESS my hand and official seal.

Debbie Burnell-Roberts
Notary Public

My Commission Expires:
10-10-2007

'004639
FILE

RESTRICTIONS

OF

DEL BOSQUE SUBDIVISIONS

A Declaration of Restrictions, Covenants and Conditions for the Creation and Maintenance Of Private Commons Development

Mary Herrera Bern. Co. COV R 63.00
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DEL BOSQUE SUBDIVISIONS RESTRICTIONS

A Declaration of Restrictions, Covenants and Conditions for the Creation and Maintenance of a Private Commons Development

THIS DECLARATION is made as of May 5, 2006, by WASHINGTON INVESTORS, L.L.C., a New Mexico limited liability company, with respect to that certain real property situate in Bernalillo County, New Mexico and more particularly described as follows:

> All of the ENTRADA DEL BOSQUE SUBDIVISION, as the same is shown on the Plat for ENTRADA DEL BOSQUE recorded in the Bernalillo County, New Mexico Real Estate Records on May 24, 2006, in Vol. 2006C, Folio 163, as Document No. 200607824-6463386, and
>
> All of the VENTANA DEL BOSQUE SUBDIVISION, as the same will be shown on the Plat for VENTANA DEL BOSQUE to be recorded in the Bernalillo County, New Mexico Real Estate Records.

It is hereby declared that all of the described real property is subject to this Declaration which is for the purpose of creating and maintaining private commons developments on the described real property and for the improvement and protection of the value, desirability and attractiveness of the described real property, and to meet the requirements of the Private Commons Development Regulations, as they exist from time to time (the "PCD Regulations"), as contained within the City of Albuquerque (the "City") Comprehensive Zoning Ordinance (the "Ordinance").

It is the purpose of this Declaration to create private commons development consisting of two subdivisions for a total of thirty five (35) single family lots on two private streets with private common area for the benefit of the Lot owners.

This Declaration shall run with the described real property and shall be binding upon and inure to the benefit of Grantor, the Association, each Owner of the described real property or any part of it, and each successor in interest of Grantor, the Association, and any such Owner.

ARTICLE 1
Definitions

Unless the context otherwise specifies or requires, the terms defined in this Article 1 shall have the meanings as defined in this Article for the purposes of these Restrictions.

Section 1.01: Architectural Control Committee.

The terms "Architectural Control Committee" or "Committee" shall mean the architectural control committee created pursuant to Article 8.

Section 1.02: Association.

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The term "Association" shall mean the DEL BOSQUE HOMEOWNERS ASSOCIATION, INC., a New Mexico non-profit corporation described in the Article entitled, "Organization, Powers and Duties of the Association," and any predecessor or successor unincorporated association.

Section 1.03: Board.

The term "Board" shall mean the Board of Directors of the Association and the governing body of any predecessor or successor unincorporated association.

Section 1.04: City.

The term "City" means the City of Albuquerque, a municipal corporation.

Section 1.05: Common Area.

The term "Common Area" shall mean the portions of the Subdivision which will be conveyed to the Association for the benefit of the Lot Owners and/or to meet the requirements of the PCD Regulations and/or are portions of the Subdivision which the Association has the beneficial interest in an easement for purposes of maintaining such area for the benefit of the Owners. The Common Area consists of the Common Area, the Private Street and the Front Yard Landscape Area.

Section 1.06: Eligible Mortgagee.

The term "Eligible Mortgagee" means any holder of a first mortgage lien against any Lot provided that such mortgagee has given the Association written notice of its mortgage setting forth its name and address and identifying the Lot, by legal description and address, which is subject to such first mortgage.

Section 1.07: Fiscal Year.

The term "Fiscal Year" shall be the calendar year; but, a different Fiscal Year may be adopted by the Association by By-Law or Board Resolution.

Section 1.08: Front Yard Landscape Area.

The term "Front Yard Landscape Area" shall mean the portions of the Private Commons Area located between the front of the Lots and the back of the sidewalk, which have been landscaped by the Grantor, or by the homebuilder, and which shall be maintained by the Association.

Section 1.09: Grantor.

The term "Grantor" shall mean Washington Investors, L.L.C., a New Mexico limited liability company, its successors and assigns, who are assigned, in writing, all or part of Grantor's powers and responsibilities for all or a specific area or portion of the Subdivision and who accept such powers and responsibilities in writing. All such assignments and agreements to accept the obligations of Grantor shall be recorded, filed with the Board and placed with the records of the Association.

Section 1.10: Improvements.

The term "Improvements" shall include, without limitation, buildings, out-buildings, (including sheds and storage buildings), roads, driveways, parking areas, fences, retaining walls, privacy walls or fences, subdivision exterior

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walls or fences, stairs, decks, windbreaks, poles, antennas, signs, utility or communication installations (whether above or underground), and any structure and excavation of any type or kind.

Section 1.11: Landscape Plan.

The term "Landscape Plan" shall mean the landscape plan for the Private Common Area pursuant to the PCD Regulations as approved by the City, and as amended from time to time.

Section 1.12: Lot.

The term "Lot" shall mean each of the thirty five (35) lots designated on the Plats together with the Improvements located on each such Lot.

Section 1.13: Mortgage.

The term Mortgage shall mean a deed of trust, as well as a mortgage, and the term "Mortgagee" shall mean a beneficiary under or a holder of a deed of trust, as well as a Mortgagee.

Section 1.14: Owner.

The term "Owner" shall mean the persons or entities, including Grantor, holding the beneficial ownership of the Lots, including the purchaser under a real estate contract, and shall not include persons holding only a security interest or a seller under a real estate contract. For the purposes of the Article entitled, "Permitted and Prohibited Uses of Property," unless the context otherwise requires, "Owner" shall include the family, invitees, licensees and tenants of any Owner. The term "Owner" is used interchangeably with "Member" unless otherwise specified herein.

Section 1.15: Option.

The term "Option" shall mean the Option granted by Grantor, as more fully set out in Section 3.03, hereof.

Section 1.16: Plat.

The term "Plat" shall mean all of the real property shown on the Plat and comprising the Subdivision Plats of:

Entrada del Bosque Subdivision,as recorded in the Bernalillo County, New Mexico real estate records,and;

Ventana del Bosque Subdivision,to be recorded in the Bernalillo County, New Mexico real estate records.

Section 1.17: Private Common Area.

The term "Private Common Area" shall mean the portions of the Subdivision to be owned by the Association for the common benefit of the Owners to be used for agriculture, landscaping, recreation or any combination thereof as determined from time to time by the Association. These restrictions and the Plat create for the benefit of the City negative easements which restrict and limit how the Private Common Area can be put to use which restrictions and limitations the City is given the right to enforce. The Private Common Areas are shown and designated on the Plats as Tract A.

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Section 1.18: Private Street.

The term "Private Street" shall mean the private streets providing access to the Lots identified on the Plats as "Bosque Verde Lane" and/or "Rio Azul Lane"

Section 1.19: Site Plan.

The term "Site Plan" or "Site Development Plan" shall mean the site development plans for the Subdivision approved by the City, as amended from time to time, pursuant to the terms of the PCD Regulations.

Section 1.20: Subdivision.

The term "Subdivision" shall mean the Private Commons Development created by and subject to this Declaration.

Section 1.21: Subdivision Restrictions.

The term "Subdivision Restrictions" shall mean, with respect to all property within the Subdivision, the limitations, easements, restrictions, covenants, and conditions set forth in this Declaration, as this Declaration may from time to time be amended. The term "This Declaration" and the title to this Declaration shall have the same meaning as "Subdivision Restrictions."

ARTICLE 2
Property Subject to Subdivision Restrictions

All of the property shown on the Plats.

ARTICLE 3
Permitted and Prohibited Uses of Property

Section 3.01: Permitted Uses of Property Within the Subdivision.

a. Improvements and development within the Subdivision shall be limited to residential single family dwellings, having a minimum of 1500 square feet of heated living area, associated parking, garages, roads and access ways, landscaped areas, and all public or private service and utility facilities related to such uses, including, but not limited to, drainage, sewer, gas, water, electric and communication facilities. No dwelling shall be used as a boarding house or divided into apartments or rooms for rental purposes. This subsection does not prevent the rental or lease of the whole dwelling by the Owner thereof, but any such rental or lease must be by a written agreement which requires the tenant to observe these Restrictions. No dwelling may be leased or rented for a period of less than thirty (30) days.

b. Grantor shall, so long as Grantor is the owner of any Lot, have all of the rights of use set out in the Article entitled, "Limitation of Subdivision Restrictions on Grantor."

Section 3.02: Prohibited Uses of Subdivision.

a. In no event shall any Lot be used for the purpose of mining, quarrying, drilling, boring, or exploring for or removing oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth, or be used in any other way inconsistent with the Subdivision Restrictions.

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b. No illegal, noxious or offensive activity shall be carried on within the Subdivision. No light shall be emitted from any Lot which is unreasonably bright to cause unreasonable glare to any residences. No sound shall be emitted on or from any Lot which is unreasonably loud or annoying. No odor shall be emitted from any Lot which is noxious or offensive to others. Nothing shall be done or placed which may be or become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to Owners in the enjoyment of their dwellings.

c. No signs whatsoever, including, but without limitation, commercial or similar signs, visible from other Lots, shall be erected or maintained upon any Lot, except(1) such signs as may be required by legal proceedings or are useful for such proceedings; (2) during the time of construction of any structure or other Improvement, job identification signs having a maximum face area of twelve (12) square feet per sign and of the type usually employed by contractors, subcontractors, and tradesmen; (3) appropriate safety, directional, and identification and safety signs installed by Grantor, the Association, or required by law; (4) customary "for sale" or "for rent" signs; (5) political signs as regulated by the Board, and (6) such residential or commercial identification signs as Grantor has the right to maintain, or as are specifically approved by the Board in accordance with the rules adopted by the Board.

d. Except as provided otherwise by this Section, no mobile home, motor home, recreational vehicle, motorcycles, campers, trailers, boat, or similar facility, structure or recreational equipment shall be kept, placed, or maintained within the Subdivision at any time, unless enclosed within a standard size garage or within the side or rear yard so as not to be visible from any street. The provisions of this subsection shall not apply to (i) temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of any work or improvement permitted by this Declaration, (ii) a recreational vehicle parked in the driveway or the street for a period not to exceed 24 hours, and (iii) a guest's use of a recreational vehicle for a period not to exceed one week per year.

e. Any outside clothes lines or other outside clothes drying or airing facilities shall be maintained exclusively within a fenced yard in such a way as not to be visible from streets and the ground floor of neighboring dwellings.

f. No garbage, clippings from trees, shrubs or lawns, trash, ashes or other refuse may be thrown, dumped or allowed to accumulate on any land within the Subdivision visible from the street or the ground floor of neighboring homes. There shall be no burning of refuse out of doors, except for the burning of natural materials in connection with land clearance or fire control. No incinerators or other device for the burning of refuse indoors shall be constructed, installed or used by any person except in conformity with law and approved by the Board.

g. No animals, livestock, horses, insects or poultry of any kind shall be kept, raised, or bred in the Subdivision. A total of three household pets per Lot, with no more than two of the household pets being dogs, may be kept, provided they are not kept, raised or bred for commercial or hobby breeding purposes. Such household pets, except cats, must be restrained on a leash or otherwise under the direct control of an individual when in the Subdivision.

h. All exterior spot or directional lighting of any sort, the light source of which is visible from neighboring Lots, shall be approved, in writing, by the Board prior to installation.

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i. No exterior antenna, or satellite dishes, of any sort shall be installed or maintained on any Lot or within the Subdivision, except those devices which are erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or structure or are screened so as not to be visible from the ground level of other Lots. This provision shall remain enforceable even if enforcement action is not commenced within the time limitations otherwise provided by the Subdivision Restrictions.

j. No mechanical device shall be installed or maintained on the roof or exterior surface of any dwelling if such device is visible from the street which the dwelling faces unless screened or enclosed to the satisfaction of the Committee.

k. No vehicles of any type shall be permanently or semi-permanently parked in any portion of the Subdivision visible from other Lots for purposes of repairs or reconstruction, or storage. A vehicle shall be deemed parked for storage if it is not driven out of the Subdivision for thirty (30) consecutive days.

l. No trucks other than pick-up trucks or other commercial vehicles shall be kept or maintained in the Subdivision, except within standard size garages, and except where customary or required for the limited purposes of building, repairing, refinishing, or maintaining the Subdivision or a dwelling, or for the purpose of moving household goods or other necessary or customary furnishings, equipment or supplies in or out of the Subdivision.

m. Except temporarily during a construction period, all utility lines, including, but not limited to, electrical, gas, telephone, cable television, and other communications systems shall be underground, except for access ports and aboveground transformers.

n. No portion of the Subdivision shall be used for any purpose or in any manner which would increase the rate at which insurance against loss or damage by fire and the perils covered by extended coverage, bodily injury, property damage liability insurance, covering any other dwelling may be obtained, or cause any other dwelling to be uninsurable or have such insurance canceled or suspended.

Section 3.03: Common Area.

The Common Area shall be reserved by the Association for the benefit of all Owners pursuant to this Declaration and the PCD Regulations, to enhance the value, desirability and safety of the Subdivision for watering, planting, cutting, removing and otherwise caring for the landscaping and for installing, maintaining and repairing of signs identifying the Subdivision and utility lines necessary for the maintenance of the Landscaping. No improvements or structures may be constructed upon the Common Area except those which are: (a) approved from time to time by the City pursuant to the approved Site Development Plan, and (b) those which are necessary for the operation and maintenance of the Common Area or are otherwise permitted by the PCD Regulations. The use of the Common Area shall be limited to the agriculture, landscaping, recreation or any combination thereof, or any other uses permitted, from time to time, by the PCD Regulations and approved by the Association.

The Private Streets shall be reserved for the benefit of the Owners, their guests and invitees. The Association shall maintain the Private Streets (including any landscaped medians) and streetlights within the Private Streets, in accordance with rules relating to the streets that may be adopted by the Board of the Association pursuant to this Declaration, as amended or modified from time

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to time (the "Street Rules"). A copy of the current Street Rules, if any, shall be available at the office of the Association. The Street Rules may contain parking and traffic regulations, including but not limited to regulations as to the number of vehicles that may be parked in the streets within the Subdivision. The Association shall also maintain the private sidewalks within the Subdivision. The Association shall maintain the entrance to the Subdivision including the Entrance Gates. The Association may adopt rules relating to the Entrance Gates and the signage pursuant to this Declaration, which rules may be amended and modified from time to time.

Section 3.04: Encroachment Easements.

Should minor variations between lot lines as shown on the Plat and actual physical lot boundaries (such as walls, including interior party walls, and fences) occur, either due to original construction, reconstruction, repair or due to the settling, shifting or movement of structures, a valid easement shall exist for the encroaching Improvements for so long as the encroachment exists.

ARTICLE 4
Membership in the Association Voting Rights

Section 4.01: Membership.

a. Each Owner, by virtue of being an Owner and during such time as such Owner remains an Owner, shall be a member of the Association, or, a member of the unincorporated association preceding the Association or succeeding to the Association (herein "Member" or "Members").

b. The rights, duties, privileges, and obligations of an Owner as a member of the Association or its proceeding or succeeding unincorporated association shall be those set forth in, and shall be exercised and imposed in accordance with the provisions of this Declaration and the Association's Articles of Incorporation and By-Laws.

Section 4.02: Voting Rights.

Each Owner shall be entitled to vote as provided in this Article on all matters properly submitted for vote to the membership of the Association. Every Owner entitled to vote at any election of members of the Board may cumulate his votes and give any one or more candidates a number of votes equal to the number of votes to which the Owner is entitled, multiplied by the number of Directors to be elected. The right to vote may not be severed or separated from any Lot, and any sale, transfer or conveyance of the beneficial interest of the fee of any Lot to a new Owner shall operate to transfer the appurtenant voting rights without the requirement of any express reference thereto. Voting may be by written proxy.

The rights of membership, including the right to vote and the right to participate in Association affairs, are subject to suspension by the Board for: (1) failure or refusal to pay any assessment levied by the Association for a period of thirty (30) days after the due date of such assessment; or (2) an infraction of, default in or breach of any provision of the Restrictions, the Articles, the By-Laws or the Rules and Regulations of the Association.

Section 4.03: Voting Rules.

When any provision of the Subdivision Restrictions calls for the vote or the consent of the Members in any stated percentage, the following rules apply, unless the specific language of the provision provides to the contrary (a)

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whenever a vote of the members is required, it is sufficient to obtain the written consent of the same percentage of Members; (b) the percentage requirement shall be a percentage of the total voting power of the Association and not a percentage of the number of Members of the Association, and (c) in any election held pursuant to the requirements of this Declaration, ballots may be transmitted to Owners in the manner provided for the giving of notice.

ARTICLE 5
Organization, Powers and Duties of the Association

Section 5.01: Organization.

a. The Association shall be organized as a non-profit corporation charged with the duties and empowered with the rights set forth herein. The Association's affairs shall be governed by this Declaration, the Articles of Incorporation and the By-Laws.

b. In the event that the Association, as a corporate entity, is not formed or after formation loses its corporate powers or is dissolved, a non-profit, unincorporated association shall forthwith and without further action or notice, be formed and shall succeed to all the rights and obligations of the Association hereunder until a qualified non-profit corporation is formed. Said unincorporated association's affairs shall be governed by the laws of the State of New Mexico, and to the extent not inconsistent therewith, by this Declaration, the Articles of Incorporation and the By-Laws, respectively, as if they were created for the purpose of governing the affairs of an unincorporated association.

c. The President and Secretary of the Association, or any three (3) members of the Board of Directors, may execute, seal, acknowledge and record a certificate of identity stating the names of all of the members of the then current Board and the then current Architectural Control Committee, if any. The most recently recorded affidavit shall be conclusive evidence of the identity of the persons then composing the Board and Architectural Control Committee in favor of any person relying thereon in good faith.

d. The Board shall be appointed by the Grantor, and shall serve at the Grantor's pleasure until December 31, 2008. Thereafter, the Board shall be elected by the members at annual meetings of the Association.

e. The affairs of the Association shall be managed by the Board of Directors, which shall exercise all of the rights and powers and perform all of the duties and responsibilities set out in this Declaration for the Association.

Section 5.02: Powers and Authority of the Association.

The Association shall have all of the powers set forth in its Articles of Incorporation, together with its general powers as a non-profit corporation, subject only to the limitations upon the exercise of such powers as are expressly set forth in its Articles of Incorporation, its By-Laws and in this Declaration, to do any and all lawful things which may be authorized, required, or permitted to be done by the Association under and by virtue of the Subdivision Restrictions and to do and perform any and all acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the Association or for the peace, health, comfort, safety, and general welfare of Owners.

a. Any of the following actions by the Board shall require a majority vote or written assent of the members:

1. Entering into a contract for the furnishings of goods or services for Easement Area or the Association for a term longer than three (3) years with the exception of prepaid casualty or liability policies of not to exceed three (3) years duration provided that the policy permits short rate cancellation by the insured; and

2. Paying compensation to members of the Board or officers for services performed in the conduct of the Association's business provided that the Board may cause a member or officer to be reimbursed for expenses incurred in carrying on the business of the Association.

b. In fulfilling any of its obligations or duties under the Subdivision Restrictions, including, without limitation, its obligations or duties for the maintenance, repair, operation, or administration of the Common Areas, the Association shall have the power and authority:

1. To contract and pay for, or otherwise provide for, the improvement, maintenance, restoration, and repair of the Common Area and all Improvements located thereon;

2. To obtain, maintain, and pay for such insurance policies or bonds, whether or not required by this Declaration, as the Association shall deem to be appropriate for the protection or benefit of the Subdivision, the Association, the members of the Board, and the Owners;

3. To incur indebtedness; but any indebtedness in excess of the Association's estimate of its estimated gross revenue for the year incurred or any indebtedness to be repaid over a period longer than one (1) year must be approved by a two-thirds (2/3) vote of the Members;

4. To contract and pay for, or otherwise provide for, such utility services, including, but without limitation, water and electrical services, as may from time to time be required;

5. To contract and pay for, or otherwise provide for, the services of architects, engineers, attorneys, bookkeepers and certified public accountants, and such other professional and non-professional services as the Association deems necessary;

6. To contract and pay for, or otherwise provide for, such materials, supplies, furniture, equipment, and labor as and to the extent the Association deems necessary;

7. To pay and to discharge any and all liens from time to time placed or imposed upon any Common Area, or on account of any work done or performed by the Association in the fulfillment of any of its obligations and duties of maintenance, repair, operation, or administration;

8. To lease or contract for the use of land and Improvements for recreation or other purposes to the extent the Association deems necessary; and

9. To place and maintain upon the Common Area such signs as the Association may deem necessary for the identification of the Subdivision and/or roads, the regulation of traffic, including parking, for the health, welfare and safety of owners and other persons.

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c. In fulfilling any of its obligations or in exercising any of its rights with respect to the development, construction, installation or acquisition of a capital improvement, the Association shall have the power and authority:

1. To contract and pay for such Improvements upon such terms and conditions as the Association shall deem appropriate;

2. To obtain, maintain, and pay for such insurance policies or bonds as the Association may deem appropriate for the protection and benefit of the Association, the members of the Board, and Owners, including, but without limitation, builder's risk insurance, additional comprehensive liability insurance, workman's compensation insurance, and performance and fidelity bonds;

3. To incur indebtedness under terms and conditions as provided by this Article; and

4. To contract and pay for the services of architects, engineers, attorneys, and certified public accountants, and other professional and non-professional services.

d. With respect to the Common Area, the Association shall exercise control over the Common Area, but only for the purpose of carrying out the purposes of these Restrictions. The Association shall have no authority to mortgage, sell or convey the Common Area or any part thereof, unless approved by unanimous vote of the Members except that the Association shall have the power and authority from time to time without a vote of the Members to: (i) grant and convey easements or rights of way, in, on, over, or under any Common Area, for the purpose of constructing, erecting, operating and maintaining thereon, therein, and thereunder wires, conduits and other equipment for the transmission of electricity and signals for lighting, heating, power, communication, cable television and other purposes, and for the necessary attachments in connection therewith; and public and private sewers, storm water ponding areas, storm water drains, storm water ponding areas, land drains and pipes, water systems, sprinkling systems, water, heating and gas lines or pipes and any and all equipment in connection with the foregoing, and (ii) to convey the Option Property pursuant to the terms of the Option. Any sale of the Private Common Area, except the Option Property, shall be subject to the PCD Regulations unless released by the City.

e. The Association may, from time to time and upon such terms and conditions as it may deem appropriate, agree with the governing body of any other subdivision to jointly manage the affairs of the Subdivision, to jointly hire a manager, or jointly to engage in other activities not inconsistent with the Subdivision Restrictions.

f. The Association shall have the right from time to time to pay, compromise, or contest any and all taxes and assessments levied against all or any part of the Common Area any income of or assessed to the Association, and upon any personal property belonging to or assessed to the Association.

g. The Association shall have the power and authority from time to time, in its own name, on its own behalf, and on behalf of any Owner or Owners who consent thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of the Subdivision Restrictions and to enforce, by mandatory injunction or otherwise, all of the provisions of this Declaration.

h. The Association shall have the power, but not the duty, to enter upon and maintain, or provide for the maintenance of, any Lot or Improvements which is not maintained by the Owner thereof in accordance with the requirements of these Restrictions, at the expense of any such Owner.

Section 5.03: Liability of Members of Board.

No member of the Board shall be personally liable to any Owner, or to any other person, including Grantor, for any error or omission of the Association, its representatives and employees, or the manager; provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith.

Section 5.04: Duties and Obligations of the Association.

a. The Association shall have the obligation and duty, subject to the Subdivision Restrictions, to do and perform each and everything set out in this Section, for the benefit of the Owners and for the maintenance and improvement of the Subdivision.

b. The Association shall accept all Owners as Members of the Association.

c. The Association shall accept from Grantor the Common Areas and maintenance responsibilities in all Common Areas subject to the reservations of all easements, licenses and rights to use and the rights of Grantor.

d. The Association shall maintain, or provide for the maintenance of, the Common Areas and all Improvements thereon.

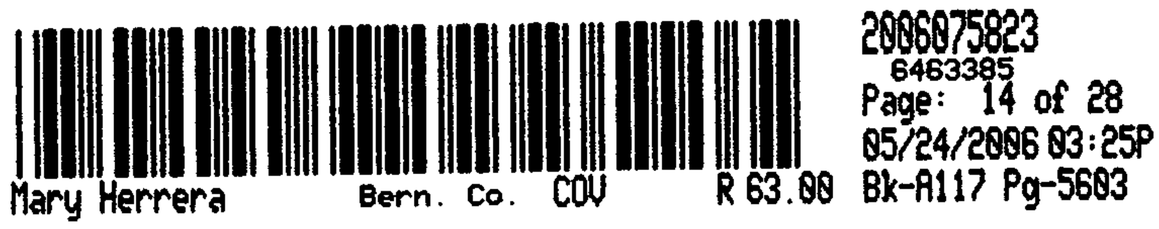
e. The Association shall fulfill all obligations of the Drainage Covenant.

f. The Association shall maintain or provide for the maintenance of all landscaping and vegetation (including without limitation, grass, mass plantings, shrubs and trees) on Common Areas and shall keep such vegetation properly trimmed, mowed, cut, watered, fertilized, planted and replaced so that it provides an attractive appearance.

g. The Association may employ the services of a corporate or individual manager to manage the affairs of the Association and, upon such conditions as are otherwise advisable by the Association, the Association may delegate to the manager any of its powers under the Subdivision Restrictions. No management agreement entered into between the Association and any professional management company (whether or not such professional management company is owned or controlled by the Grantor) shall provide for a term in excess of two (2) years and all such agreements shall permit the Association to terminate for cause upon not more than thirty (30) days' prior written notice and all such agreements shall provide for termination by either party without cause and without payment of a termination fee on ninety (90) days or less written notice.

h. The Association shall obtain and maintain in force the following policies of insurance:

1. Fidelity Bond: The Association shall procure and maintain a fidelity bond naming the Association as obligee in an amount equal to the estimated maximum amount of funds to be in the custody or control of the Association or its professional management company, including reserves for replacement and working capital, at any given time during the term of such bond, but in any event in an amount at least equal to three (3) months'



aggregate monthly assessments on all Lots plus the sum of all reserve funds. Such fidelity bond shall cover all officers, directors, trustees and employees of the Association and all other persons handling or responsible for funds of or administered by the Association, including the officers, directors, employees and agents of the professional management company employed by the Association pursuant to these Restrictions. Provided, however, that the fidelity bond to be procured by the Association need not cover the professional management company and its officers, directors, employees and agents, if such professional management company provides a sufficient fidelity bond naming the Association as an additional obligee or loss payee. Such bond shall contain a waiver of any defense or exclusion based upon the exclusion of persons serving without compensation from the definition of "employees" or other similar terms or expressions. Such bond shall require at least ten (10) days' prior written notice to the Association of cancellation or substantial modification (including cancellation for non-payment of premiums). The cost of such fidelity bond (except for premiums on any fidelity bond provided by the professional management company which the Board determines to be satisfactory and in compliance with the provisions of this Section) shall constitute a common expense of the Subdivision.

2. Liability Insurance: The Association shall procure and maintain comprehensive public liability insurance in the amount of at least one million dollars ($1,000,000) per single occurrence for bodily injury, death and property damage suffered by the public or any Owner and his family, guests, agents, employees or invitees occurring in, on or about the Common Areas. Such policy shall insure the Owners and the Association and its officers, directors, employees and agents, including expressly the professional management company and its officers, directors, employees, agents, and shall further expressly cover legal liability arising from lawsuits related to employment contracts of every nature to which the Association is a party. Such policy shall be issued by insurers of recognized responsibility authorized to do business within the State of New Mexico and shall require at least ten (10) days' prior written notice of cancellation or substantial modification (including cancellation for nonpayment of premiums) to the Association and to any Mortgagee having a first lien against any Lot which is listed as a scheduled holder of such a first mortgage in the policy and to the City. The cost of such policy shall constitute a common expense of the Subdivision. Such insurance must not provide for contribution with regard to any policies of liability insurance carried individually by any Owner.

3. Additional Insurance: The Board shall have the authority to obtain such other insurance, including the authority to increase the scope or amount of any insurance required by this Article 5, as the Board shall determine to be necessary or advisable. The cost of any such additional insurance shall constitute a common expense of the Subdivision.

i. The Association shall prepare an annual operating statement reflecting the money received by the Association and the expenditures of the Association for each fiscal year and distribute such statement to each member and each Eligible Mortgagee upon request.

j. The Association shall take such action, whether or not expressly authorized by the Subdivision Restrictions, as may reasonably be necessary to enforce or carry out the purposes of the Subdivision Restrictions.

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ARTICLE 6
Funds, Assessments and Delinquency

Section 6.01: Creation of Lien and Personal Obligation for Assessments.

Grantor for each Lot owned by it hereby agrees to pay, and each Owner of any Lot by the acceptance of a deed or contract of sale therefor, whether or not so expressed in any such deed or contract or other conveyance, is deemed to agree to pay to the Association (a) maintenance assessments, (b) delinquency assessments, and (c) all other fees or other moneys due to the Association from such Owner.

The maintenance assessment and delinquency assessment, plus interest, late charges, costs and attorney's fees, shall be a charge against the Lot and shall be a continuing lien upon the Lot against which each such assessment is made, and shall also be the personal obligation of the Owner or Owners of such property on the assessment date. The personal obligation to pay assessments shall not pass to successors in title unless expressly assumed by them.

Section 6.02: Operating Fund.

There shall be an operating fund, into which the Association shall deposit all monies paid to it, and from which the Association shall make disbursements in performing the functions for which the foregoing assessments are levied.

Section 6.03: Maintenance Assessment.

a. Within thirty (30) days prior to the commencement of each fiscal year the Association shall estimate the costs and expenses to be incurred by the Association during such year, including a reasonable provision for contingencies, and reserves for major repair and replacement, and shall subtract from such estimate an amount equal to the anticipated balance, exclusive of any reserves for contingencies and reserves for major repair and replacement, in the operating fund at the start of such year. The sum or net estimate so determined shall be assessed to all Owners in shares: one (1) share for each Lot owned.

b. If, at any time and from time to time, during any fiscal year, the maintenance assessment proves or appears likely to prove inadequate for any reason, including non-payment of any Owner's share thereof, the Association may levy a further maintenance assessment in the amount of such actual or estimated inadequacy, which shall be assessed to all Owners apportioned as provided in subsection a, if approved by a two-thirds (2/3) vote of the Members.

c. Maintenance assessments shall be due and payable to the Association when levied or in such installments during the year, and on such due dates as the Board shall designate.

d. The Board shall not levy assessments to defray the costs of any action or undertaking on behalf of the Association which in the aggregate exceed five percent (5%) of the budgeted gross expenses of the Association for that fiscal year and which are not part of such budgeted gross expenses without the vote or written consent of the Members.

e. From and after the December 31st immediately following the conveyance of the first Lot by Grantor, the maximum maintenance assessment may be increased each year not more than ten percent (10%) from the previous year without a vote of two-thirds (2/3) of the Members. The percent of increase shall be cumulative from year to year so that an increase not used in one year may be used in a subsequent year without a vote of the members.

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Section 6.04: Delinquency Assessment.

The Association shall levy a delinquency assessment against any Owner or Owners as a result of whose acts, or failure or refusal to act, or otherwise comply with the Subdivision Restrictions, monies were expended from the operating fund by the Association. Such assessment shall be in the amount so expended, and shall be due and payable to the Association when levied, or in such installments as the Association shall designate. Prior to the levy of a delinquency assessment the Board shall hold a hearing to determine the validity and amount of the assessment upon at least thirty (30) days notice to the Owner to be assessed at which hearing such Owner shall be given an opportunity to be heard.

Section 6.05: Reserves as Trust Funds.

Reserves for major repairs and replacements and for capital improvements to be built or acquired shall be kept segregated from the other monies held by the Association as trust funds in an account or accounts labeled "Reserve Trust Fund" and shall be withdrawn and used only for the purposes of major repairs and replacements or for capital improvements respectively, unless a different or other use is authorized by the vote of the members.

Section 6.06: Delinquency.

Each assessment under this Article shall be the separate, distinct and personal debt and obligation of the Owner against whom it is assessed. Any assessment provided for in this Article, which is not paid when due, shall be delinquent. With respect to each assessment not paid within ten (10) days after its due date, the Association may, at its election, require the Owner to pay a sum (late charge) to be determined by the Association, to pay the costs of handling the delinquent sum. Such a charge shall be considered an additional assessment and collectible with the assessment for which it was charged. If any such assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at a rate set from time to time by the Association, however not greater than twenty percent (20%), and the Association may, at its option, bring an action at law against the Owner or Owners personally obligated to pay the same, and upon compliance with the provisions of this Article to foreclose the lien against the Lot, and there shall be added to the amount of such assessment the late charge, the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained, such judgment shall include interest at the rate provided herein and a reasonable attorney's fee, together with the costs of action. Each Owner vests in the Association, or its assigns, the right and power to bring all actions at law or lien foreclosure against such Owner or other Owners for the collection of such delinquent assessments.

Section 6.07: Notice of Lien.

No action shall be brought to foreclose an assessment lien less than thirty (30) days after the date a notice of claim of lien is deposited in the United States mail, certified or registered, postage prepaid, to the Owner of said Lot, and a copy thereof is recorded by the Association in the office of the Bernalillo County Clerk; said notice of claim must recite a good and sufficient legal description of any such Lot, the record owner or reputed owner thereof, the amount claimed (which shall include the interest charges, costs and attorney's fees recoverable by an action at law) and the name and address of the Association.

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Section 6.08: Foreclosure Sale.

Any such sale provided for above is to be conducted in accordance with the customary practice of the court of the State of New Mexico, applicable to the foreclosure of Mortgages, or in any other manner permitted or provided by law. The Association, through its duly authorized agents, shall have the power to bid on the Lot at a foreclosure sale, and to acquire and hold, lease, mortgage and convey the same.

Section 6.09: Curing a Default.

Upon the timely curing of any default for which a notice of claim of lien was filed by the Association, the officers of the Association are hereby authorized to file or record, as the case may be, an appropriate release of such notice, upon payment by the defaulting owner of a fee, to be determined by the Association, to cover the costs of preparing and filing or recording such release, together with the payment of such other costs, interest or fees as shall have been incurred.

Section 6.10: Cumulative Remedies.

The assessment lien and the rights to foreclosure and sale thereunder shall be in addition to and not in substitution for all other rights and remedies which the Association and its assigns may have hereunder and by law, including a suit to recover a money judgment for unpaid assessments, as above provided.

Section 6.11: Certificate of Payment.

The Association shall, upon demand, furnish to any Owner liable for assessments, a certificate in writing signed by an officer of the Association, setting forth whether the assessments on a specified Lot have been paid, and the amount of the delinquency, if any. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 6.12: Commencement of Annual Assessments.

Upon the conveyance of each Lot by the Grantor, the purchaser shall pay an initial assessment of $600.00. The regular maintenance assessments provided for in this Article shall commence as to each Lot upon the first anniversary date of the closing of the conveyance of each Lot by the Grantor. The Grantor shall make up the shortfall necessary to meet the Association=s obligations, either in cash or services, until such time as all of the Lots are paying assessments, but the Grantor shall not be obligated to pay more than the amount which would be assessed to Lots owned by the Grantor, nor shall the Grantor be obligated to contribute to reserve accounts.

ARTICLE 7
Duties and Responsibilities of Owners

Section 7.01: Owner's Responsibility to Repair.

Each Owner shall be responsible for the maintenance and repair of his dwelling, his Lot, his landscaping, except the Front Yard Landscape which shall be maintained by the Association.

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Section 7.02: Joint Maintenance by Owners.

a. Each wall which is built as part of the original construction of the Subdivision and placed on the dividing line between Lots shall constitute a party wall. Each part of the structure of a building which is shared by more than one dwelling is a common structure. To the extent not inconsistent with the provisions of this Section, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omission shall apply.

b. The cost of reasonable repair, maintenance and replacement of a party wall, common structure or joint utility shall be shared by the Owners who make use of the wall in proportion to such use.

c. Notwithstanding any other provision of this Section, an Owner who, by his negligent or willful act, causes a party wall or common structure to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

d. The right of any Owner to contribution from any other Owner under this Section shall be appurtenant to the Lot and shall pass to such Owner's successors in title.

e. In the event of any dispute arising under the provisions of this Section, the Board shall arbitrate the dispute and its decision shall be final.

Section 7.03: Parking Areas, Vehicles.

For overnight parking, each Owner shall park his vehicle in his garage, except that when there are more vehicles used by the Owner than his garage will accommodate.

Section 7.04: Maintenance of Landscaping.

Each Owner shall maintain the landscaping on his lot in a neat and attractive manner. All grass, mass plantings and other plantings shall be mowed, trimmed and cut as necessary at regular intervals. Notwithstanding this provision, the Association shall be responsible for maintenance of each Lot's Front Yard Landscape Area.

Section 7.05: Observance of Subdivision Restrictions.

Each Owner shall comply with the Subdivision Restrictions and will cause and be responsible for Owner's family, agents, guests, contractors, employees and any person renting or leasing Owner's dwelling to do likewise.

Section 7.06: Rights of Action.

Each Owner and the Association shall have a right of action against any Owner for failure to comply with the provisions of this Article 7 of the Subdivision Restrictions.

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ARTICLE 8
Construction and Architectural Control

Section 8.01: Architectural Control Committee:

An Architectural Control Committee for the Subdivision is hereby established consisting of the following three persons:

JUSTIN TAIBBI
SCOTT ASHCRAFT
WILLIAM KRAEMER

At least one Board member shall serve on the Committee at all times. The Committee shall serve at the pleasure of the Grantor who shall have the right to appoint, reappoint and discharge members of the Committee at will so long as the Grantor owns any lots within the Subdivision. Thereafter, the Committee shall serve at the pleasure of the Board. A majority of the members of the Committee may appoint one member of the Committee to act on and for the Committee.

Section 8.02: Construction of Improvements.

(a) Before anyone shall commence on any Lot within the Subdivision the installation or construction of, remodeling of, addition to, or alteration of any Improvement of whatsoever nature; and before anyone shall paint, texture, repaint or retexture the exterior surfaces of any Improvement, there shall be submitted to the Committee plans and specifications as follows:

(i) Preliminary or tentative plans and specifications which shall clearly show the nature of the work or installation proposed and the location thereof, on the Lot, which such preliminary or tentative plans shall include sufficient description of materials, colors, textures, etc. together with a landscaping plan (including all planting materials and landscape areas) as shall enable the Committee to evaluate whether the proposed construction, alteration, installation, etc., complies with the Site Plan, the Restrictions, and will harmonize with the motif and style of the Subdivision; and be compatible with surrounding homes; and

(ii) After approval of the preliminary or tentative plans, including therein any requirements made by the Committee in the due and proper exercise of its discretion and powers, two complete sets of the final plans and specifications. If deemed necessary by the Committee, the following may be required as part of the application: (A) details of exterior furnishings including exterior colors, and exterior material finish texture; (B) a drainage report prepared by a registered engineer; and (C) an architect's rendering showing the proposed construction. These renderings shall be ink drawings.

(iii) Upon completion of the stem wall for the home, the Committee shall be provided a stem wall survey to enable the Committee to ascertain if the home is located upon the Lot in conformance with the approved plans and with these Restrictions. No further construction can take place on the Lot until the Committee has given written approval of the survey. The Committee shall have 72 hours to approve the survey, otherwise it shall be deemed approved.

(b) No Improvement of any kind, installations, painting or texturing, shall ever be, or permitted to be, erected, constructed, installed, placed or maintained on any Lot within the Subdivision, unless and until the final plans, specifications and elevations therefor shall have received written approval of

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the Committee, and approved by the City as required pursuant to the zoning for the Subdivision. All such final plans shall include plot plans showing the location on the Lot of all Improvements proposed to be constructed and/or installed, planted, placed or maintained on the Lot and shall further include elevations, together with the proposed color scheme and textures for roofs and exteriors thereof, indicating the materials for same.

The Committee is authorized to charge not more than $100.00 for review of plans and specifications. Payment of the required charge shall be a part of, and condition to, the submittal of plans and specifications for committee approval.

(c) The Committee shall approve or disapprove within thirty days after receipt thereof plans and specifications which have been submitted to it. One set of plans and specifications, with the Committee's approval or disapproval and requirements endorsed thereon, shall be returned to the applicant and the other copy thereof, with a duplicate endorsement thereon corresponding to the first set, shall be retained in the Committee's files.

In the event that the Committee shall fail to approve or disapprove the plans, specifications and other information within thirty days after receipt thereof by the Committee, then such approval shall not be required, provided that no structure, building or other improvement shall be installed, erected, painted, textured, altered or modified which violates any of the Restrictions.

The Committee shall have the right and power to disapprove any plans, specification or details submitted to it, if the Committee shall find that the plans and specifications are not in accord with all provisions of this Declaration, or if a design or color scheme submitted is not in harmony and accord with the Subdivision, or surrounding homes, or if the plans and specifications are incomplete. The Committee shall have the right to consider the impact of proposed Improvements upon the views from other Lots, but the Committee shall be under no obligation to preserve views, or to deny approval of plans for Improvements which will, or may, impair views.

(d) If any Improvement or work is completed or done without compliance with this Article, such Improvement or work shall be deemed to have been done in compliance with this Article if no action has been commenced to enforce the provisions of this Article against such Improvement or work within one (1) year of its completion.

(e) Approval of building plans and/or specifications by the Committee will not constitute a waiver of the Restrictions if they violate the Restrictions upon the completion of construction.

(f) Approval by the Committee is independent for requirements created pursuant to the Site Plan approved by the City.

Section 8.03: Estoppel Certificate.

Within thirty (30) days after written demand is delivered to the Committee by any Owner, and upon payment therewith to the Association of a reasonable fee to cover costs from time to time to be fixed by the Association, the Committee shall provide Owner with an estoppel certificate executed by an officer of the Association and acknowledged, certifying with respect to any Lot owned by said Owner, that as of the date thereof either (1) all Improvements and other work made or done upon or within said House by the Owner, or otherwise, comply with this Declaration, or (2) such Improvements or work do not so comply, in which event the certificate shall also (a) identify the non-complying Improvements and work and (b) set forth with particularity the cause or causes for such

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noncompliance. Any purchaser from the Owner, or mortgagee or other encumbrancer shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between Grantor, the Association, and all Owners and such purchaser, and mortgagee.

Section 8.04: Liability.

Neither the, Committee, the Board nor any member thereof shall be liable to the Association or to any Owner for any damage, loss, or prejudice suffered or claimed on account of:

a. The approval of any plans, drawings, and specifications, whether or not defective,

b. The construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications,

c. The development or manner of development of any property within the Subdivision, or

d. The execution and recording of an estoppel certificate whether or not the facts therein are correct; provided, however, that the officer executing the certificate, with the actual knowledge possessed by him, has acted in good faith.

Without in any way limiting the generality of the foregoing, the Committee, Board, or any member thereof, may, but is not required to, consult with or hear any Owner with respect to any plans, drawings, or specifications, or any other proposal submitted to it.

ARTICLE 9
Protection of Security Interests

Section 9.01: Application of Assessments to Mortgagees.

The liens created under the Subdivision Restrictions upon any Lot shall be subject and subordinate to, and shall not affect the rights of a mortgagee under any recorded first mortgage upon a Lot made in good faith and for value, provided that after the foreclosure of any such mortgage the amount of all maintenance and special assessments, and all delinquent assessments to the extent such delinquent assessments relate to expenses incurred after such foreclosure, assessed hereunder to the purchaser at foreclosure sale, shall become a lien upon such lot upon recordation of a notice thereof with the County Recorder.

Section 9.02: Right to Notice.

The Association shall provide all Eligible Mortgagees with timely written notice of any delinquency in the payment of monthly assessments, special assessments or other charges due the Association by the Owner of a Lot which is subject to a first mortgage held, by any Eligible Mortgagee and which delinquency remains uncured for a period of sixty (60) days or more.

Section 9.03: Limitation of Enforcement Against Mortgagee.

No violation by an Owner of the Subdivision Restrictions or enforcement of the Subdivision Restriction against an Owner shall defeat or render invalid the lien of any mortgagee made in good faith and for value against the property of such Owner, but, the Subdivision Restrictions shall be effective against any

Owner whose title is acquired by foreclosure, trustee's sale, voluntary conveyance, or otherwise.

Section 9.04: Rights of Mortgagee to Information.

A Mortgagee shall, upon written request, be entitled to inspect the Declaration, By-Laws, books and records of the Association on the same basis as a Member. If a Mortgagee furnishes the Association, in writing, with its address, it shall be entitled to receive within a reasonable time financial statement for the immediately preceding fiscal year, free of charge and shall receive notice of meetings on the same basis as Members.

Section 9.05: Application of Subdivision Restrictions.

Except as provided in this Article or specifically provided elsewhere in the Subdivision Restrictions, all Mortgages and Mortgagees are bound by the provisions of the Subdivision Restrictions.

Section 9.06: Collection of Assessments.

The Mortgagees shall be under no obligation to collect assessments.

Section 9.07: Mortgage Approval.

So long as the Grantor has more than a majority of the voting power of the Association, HUD or VA approval is required prior to (a) amendment of the Association's Articles of Incorporation, Bylaws or this Declaration; (b) annexation of property to the Association; (c) encumbering, conveying or dedicating Common Areas; or (d) dissolution of the Association.

ARTICLE 10
Limitation of Subdivision Restrictions on Grantor

Section 10.01: Limitation of Subdivision Restrictions on Grantor.

Grantor is undertaking the work of constructing the Subdivision. The completion of that work and the sale, rental and other disposition of the Lots is essential to the establishment of the Subdivision. In order that said work may be completed and said property be established and fully occupied as rapidly as possible, nothing in this Declaration shall be understood or construed to:

a. Prevent Grantor or its agents, employees, and contractors from doing on the properties whatever is reasonably necessary or advisable in connection with the completion of the work; or

b. Prevent Grantor or its agents, employees, and contractors or homebuilders with Grantor's approval, from erecting, constructing and maintaining on any part or parts of the Subdivision, such structures as may be reasonably necessary for the conduct of its business of completing the work and establishing the Subdivision, including, without limitation, sales offices, model units, general business offices for its staff, employees and contractor, and storage and parking facilities for materials and equipment, and disposing of the Subdivision in parcels by sale, lease or otherwise; or

c. Prevent Grantor from conducting on any part of the properties its business of completing the work, and of establishing and disposing of the Subdivision;

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d. Prevent Grantor or homebuilders with Grantor's approval, from maintaining such sign or signs on the Subdivision as may be necessary for its sale, lease, or disposition, or the sale, lease or disposition of any Lot.

Section 10.02: Use of Subdivision Name.

Grantor may use the name of the Subdivision and the Subdivision Restrictions in other subdivisions or projects, whether located adjacent to the Subdivision or not, provided such names have a distinctive number or other designation so that they are not identical with the names of the Subdivision and Association. Consent is hereby given to Grantor and Grantor's assigns to use such names of a Corporation and upon request of Grantor, the Association agrees to execute a written consent authorizing Grantor to use the same or similar name which Consent will be filed with the State Corporation Commission.

Section 10.03: Architectural Control.

Improvements by Grantor and declarants to the Subdivision do not require approval of the Committee.

Section 10.04: No Amendment or Repeal.

The provisions of this Article may not be amended or repealed without the consent of Grantor, so long as Grantor owns any Lot within the Subdivision.

ARTICLE 11
Miscellaneous Provisions

Section 11.01: Amendment or Repeal; Duration.

a. These Restrictions and any provisions thereof which are in effect with respect to all or part of the Subdivision, may be amended or repealed in the following manner:

1. The approval by seventy-five percent (75%) vote or written consent of the voting power of the membership in the Association; and

2. The recordation of a certificate of the Secretary or an Assistant Secretary of the Association setting forth, in full, the amendment or amendments so approved, including any portion or portions of this Declaration repealed, and certifying that such amendment or amendments have been approved by the required vote or consent of the Owners, and if necessary, by the required percentage of Owners of a particular class of property or Lots.

At any time during which Grantor is the only owner of property within the Subdivision, Grantor may amend or correct these Restrictions by a recorded instrument of amendment or correction.

b. All of the provisions of these Restrictions shall continue and remain in full force and effect at all times with respect to all property, and each part thereof, included within the Subdivision, to the Owner and to the Association subject, however, to the right to amend and terminate as provided for in this Article, through December 31, 2052; provided that these Restrictions shall terminate if, within one (1) year prior to December 31, 2052, there shall be recorded an instrument directing the termination of these Restrictions signed by two-thirds (2/3) of the Owners of record title. These Restrictions in effect immediately prior to the expiration date shall, subject to the provisions of

Section 11.01a., be continued automatically without any further notice, for an additional period of ten (10) years unless within one (1) year prior to expiration of such period these Restrictions are terminated as set forth in this Section. The right of access to the Lots over the Private Street shall be in perpetuity.

c. No amendment may be made to these Subdivision Restrictions without the written consent of the City which would impair the rights of the City or would limit the obligation of the Association or the individual Lot Owners to meet the maintenance obligations of the PCD Regulations.

d. The right of access to the Lots may not be amended or terminated without the unanimous consent of the Lot Owners.

Section 11.02: Enforcement; Non-Waiver; No Forfeiture.

a. Except to the extent otherwise expressly provided herein, the Association or any Owner or Owners shall have the right to enforce any and all of the provisions now or hereafter imposed by the Subdivision Restrictions upon other Owners, or upon any property within the Subdivision.

b. The City shall have the right to enforce these Restrictions to the extent that the Private Common Area is restricted pursuant to the terms of the PCD Regulations.

c. Except to the extent otherwise expressly provided herein, any Owner or Owners shall have the right to enforce any and all of the provisions now or hereafter imposed by the Subdivision Restrictions upon the Association.

d. Every act or omission whereby any restriction, condition, or covenant of the Subdivision Restrictions is violated, in whole or in part, is hereby declared to be and to constitute a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action, by the Association or by an Owner or Owners, as provided for in this Section. Any provisions to the contrary notwithstanding, only the Association or its duly authorized agents may enforce by self-help any limitation, restriction, covenant, condition, or obligation herein set forth.

e. Each remedy provided for in the Subdivision Restrictions is cumulative and not exclusive.

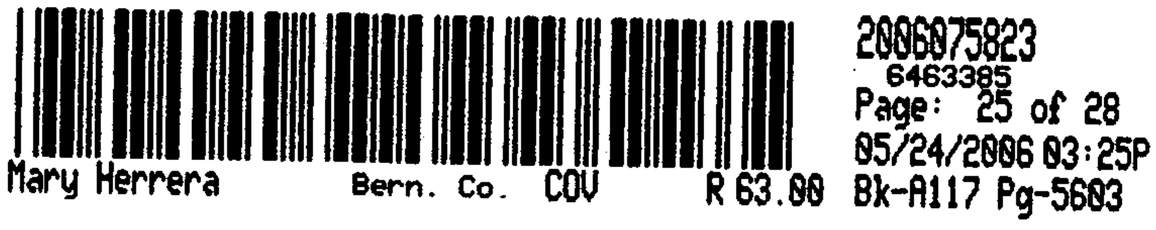
f. The failure to enforce the provisions of any limitation, restriction, covenant, condition, obligation, lien, or charge of the Subdivision Restrictions shall not constitute a waiver of any right to enforce any such provision or any other provision of the Subdivision Restrictions.

g. No breach of any of the provisions of the Subdivision Restrictions shall cause any forfeiture of title or reversion or bestow any rights of re-entry whatsoever.

h. Reasonable attorney's fees and costs may be awarded in any action brought to enforce the provisions of the Subdivision Restrictions.

Section 11.03: Construction; Compliance with Laws; Severability; Singular and Plural; Titles.

a. All of the limitations, restrictions, covenants, and conditions of the Subdivision Restrictions shall be liberally construed, together, to promote and effectuate the beneficial operation of the Subdivision.



b. No provision of the Subdivision Restrictions shall be construed to excuse any person from observing any law or regulation of any governmental body having jurisdiction over such person or the Subdivision.

c. Notwithstanding other provisions in this Section, the limitations, restrictions, covenants, and conditions of the Subdivision Restrictions shall be deemed independent and severable, and the invalidity or partial invalidity of any provision, or portion thereof, of any of such limitations, restrictions, covenants, or conditions shall not affect the validity or enforceability of any other provision.

d. The singular shall include the plural and the plural, the singular, unless the context requires the contrary, and the masculine, feminine and neuter, as the context requires.

e. The table of contents and all titles used in the Subdivision Restrictions, including those of Articles and Sections, are intended solely for convenience of reference and the same shall not, nor shall any of them affect that which is set forth in such Articles, Sections, nor any of the terms or provisions of the Subdivision Restrictions. Any numbered or lettered subdivision of a Section is referred to as "subsection" or "subsections" and any indented portion of this Declaration which is unnumbered and unlettered shall be referred to as "Paragraph."

Section 11.04: Lot Splitting; Consolidation.

a. No Lot within the Subdivision shall be split unless the Board shall have given its written consent.

b. No two or more lots within the Subdivision shall be consolidated into one Lot unless the Board shall have given its written consent.

c. Nothing contained in this Section shall apply to the splitting of any Lots by Grantor or the consolidation of two or more Lots into one Lot by Grantor.

d. The Association can require a change in the voting rights and assessment obligation in any Lot split or consolidation to keep the assessment and voting rights the same after the split or consolidation as they were before.

Section 11.05: Obligations of Owners; Avoidance; Termination.

a. No Owner, through the abandonment of his Lot, may avoid the burdens or obligations imposed on him by the Subdivision Restrictions by virtue of his being an Owner.

b. Upon the conveyance, sale, assignment or other transfer of a Lot to a new Owner, the transferring Owner shall not be liable for any assessments levied with respect to such Lot after the date such transfer is recorded, provided such transferring Owner notifies the Association of the transfer as provided by the Subdivision Restrictions, and no person, after the termination of his status as an Owner and prior to his again becoming an Owner, shall incur any of the obligations or enjoy any of the benefits of an Owner under the Subdivision Restrictions following the date of such termination.

Section 11.06: No Partition or Severance of Interests.

There shall be no partition or severance of any Lot, from the Subdivision and the Grantor, Board, Association and Owners shall not seek to partition or

Mary Herrera Bern. Co. COV R 63.00
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sever any part of a Lot from the Subdivision, nor shall they have any right to maintain an action for judicial partition in connection with the Subdivision unless such right is expressly given by the Subdivision Restrictions. This provision shall not prevent the partition of any Lot or Lots held in joint ownership as long as no physical partition takes place and there is no severance from any incident of the Subdivision Restrictions. No owner shall sever his Lot from its interest in the Association.

Section 11.07: Notices; Documents; Delivery.

Any notice or other document permitted or required by the Subdivision Restrictions to be delivered may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after a copy of the same has been deposited in the United States mail, postage prepaid, addressed as follows:

If to an Owner: At any Lot within the Subdivision owned by the Owner or at such other address given by Owner to the Association, in writing.

If to Grantor or to the Association:
100 Gold Street, NW Suite 209
Albuquerque, New Mexico 87102

Any such address may be changed from time to time by any Owner, or by Grantor by notice in writing, delivered to the Association, or by the Association, by notice in writing, delivered to all Owners.

Section 11.08: Ownership of Property.

All funds and facilities provided for by the Subdivision Restrictions and all property of any kind held by the Association and derived from assessments of Members, proceeds of insurance carried or obtained by the Association, proceeds of bonds payable to the Association or payment received for damages to the Subdivision, and any right or interest in any such property shall belong to the Owners in proportion to each Owner's share of the maintenance assessment, and no assessment or the proceeds of any assessment shall be considered income to the Association. No person has any right to appropriate or make use of such property, except as provided by the Subdivision Restrictions until and unless there has been a partition or distribution of such property. All such property shall be appurtenant to each Lot in proportion to each Lot's share of the maintenance assessment and may not be severed or separated from any Lot, and any sale, transfer, or conveyance of the beneficial interest of the fee of any Lot shall operate to transfer the Owner's rights in such property without the requirement of any express reference thereto.

Section 11.09: Transfer of Common Area.

Grantor shall transfer and convey to the Association, and the Association shall accept, the Common Areas. The Common Areas may be subject to any or all of the following exceptions, liens, and encumbrances: (a) the lien of real property taxes and assessments not delinquent; (b) such easements and rights of way as may have been offered for dedication to a political subdivision or public organization, or public utility corporation; (c) such easements and rights of way, licenses or rights of use on, over, or under all or any part of any such property or structures or Improvements thereon as may be reserved to Grantor or granted to any Owner for the use thereof in accordance with the provisions of these Restrictions; obligations imposed, directly or indirectly, by virtue of any statute, law, ordinance, resolution, or regulation of the United States of America, the State of New Mexico, or any other political subdivision or public

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organization having jurisdiction over such property, or by virtue of any organization or body politic created pursuant to any such statute, law, ordinance or regulation; (e) the Option, and (f) any other lien, encumbrance, or defect of title of any kind whatsoever (other than of the type which would, at any time, or from time to time, create a lien upon such property to secure an obligation to pay money) which would not materially and actually prejudice Owners in their use and enjoyment of such property.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

WASHINGTON INVESTORS, L.L.C., a New Mexico limited liability company

By: _____
Justin Tiabbi
Managing Member

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

This instrument was acknowledged before me on May 5 2006, by Justin Tiabbi, Managing Member of Washington Investors, L.L.C., a New Mexico limited liability company.

WITNESS my hand and official seal.

_____
Notary Public

My Commission Expires:
10-10-2007

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MESA REPROGRAPHICS
REPRO SERVICES • GRAPHIC PRODUCTS

5901 LOMAS, N.E.
ALBUQUERQUE, NM 87110
(505) 262-2046

P.O. NO. _____ DATE 8/10/06

NAME Randy Handley PHONE _____

ADDRESS COA / PLANNING SOLD BY _____
PLAZA Del Sol Ste 201

QTY.	DESCRIPTION	UNIT PRICE	EXTENSION
	ORIGINALS BACK		
	DOC # 100-4639		
		SUBTOTAL	
		TAX	
		TOTAL	

CUSTOMER SIGNATURE X [signature] 8/10/06

Thank You!

75157

Kevin,
Mesa Reprographics
5901 Lomas Blvd. NE
262-2046 office
256-9435 fax

Date: Aug. 2, 2006

PLEASE CALL/DELIVER COPIES & INVOICE TO:

Felix F Quintana
New Mexico Legal Aid, Inc.
500 Copper NW, Suite 300
Alb, NM 87102
Phone: 243-7871

PLEASE RETURN ORIGINALS

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

CONTACT: Sandy Handley @ 924-3861 or Tim Sims @ 924-3895

DOCUMENT: 100-4639 -- entire file to be copied

RELEASED TO: MESA MIKE MARTIN

DATE: AUG 2

RETURNED TO:

DATE:

(5) The land use easement shall state that if the responsible parties fail or refuse to act on maintenance obligations as set forth in the easement, the city shall have the authority to perform such maintenance as necessary to protect public health and safety. The easement shall state that the city may, after written notice and failure to comply within 30 days, enter upon and maintain the PCA. The easement shall state that the cost of such maintenance plus any other penalties or costs allowed by law in connection therein, shall be assessed against the properties within the PCD and failure to pay assessed charges may result in a municipal lien against each of the individual lots in the PCD. This provision shall not be deemed to create an obligation to act on the part of the city. Under no circumstances will the city maintain recreational uses. Under no circumstances shall the city maintain the PCA for a period longer than one year.

(H) A PCD is created by DRB approval of a site development plan and a subdivision plat. Site plan and subdivision approval are contingent upon recorded deed restrictions approved by the DRB.

(I) The recorded deed restrictions may not be amended or repealed without the city's prior written approval.

(J) Upon recording the plat and all required documents for a PCD the area of the PCD shall be delineated and designated with the letters "PCD" on the official zone map.

(K) The Planning Director, at the request of the owner, may void the site development plan and remove the PCD designation if no development has occurred on the site, and the property is replatted to conform to the requirements of the underlying zoning district.
(Ord. 10-1995)

Leave this sheet on top
Please!

Current DRC
Project Number:

ORIGINAL

FIGURE 12

Claire

Date Submitted: 02/23/06
Date Site Plan Approved:
Date Preliminary Plat Approved: 3/29/06
Date Preliminary Plat Expires: 3/29/07
DRB Project No.: ~~1004339~~ / 1004639
DRB Application No.: 06 DRB-00255

INFRASTRUCTURE LIST

(Rev. 9-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Ventana Del Bosque Subdivision

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

Tract 313A-2-B, MRGCD MAP 38

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
		6"	Water line (looped)	Rio Azul lane	Mountain Road	Gabaldon Road	/	/	/
		8"	Sanitary Sewer Line	Rio Azul Lane	Mountian Road	Lots 1-18	/	/	/
		.989 ac feet	Pond improvement with agreement and covenant	Tract A			/	/	/
		26' F-F	Residential Road with Curb and Gutter including 4' wide Sidewalk-one side* and ADA ramps	Rio Azule Lane Lots 1-18	Mountain Road	Mountain road	/	/	/
		17' F-CL**	Arterial Road with Curb and Gutter including 6' wide Sidewalk and 6' bike lane	Mountain Road	Gabaldon Road	East PL	/	/	/
		~~40'~~ 44' F-F	Residential Road with Curb and Gutter including 4' wide Sidewalk* and ADA ramps (INCLUDES MEDIAN)	Rio Azule Lane	Mountain Road	Gate-48' from FL of mountain RD	/	/	/
		~~14'~~ 16' F-CL**	Arterial Road with Curb and Gutter including 6' wide Sidewalk and 2' bike path	Gabaldon Road	Mountain Road	North PL	/	/	/
							/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/
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(rev. 9-05)

ORIGINAL

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P.E.	City Cnst Engineer
							/	/	/
							/	/	/

Approval of Creditable Items: _____
Impact Fee Admistrator Signature Date

Approval of Creditable Items: _____
City User Dept. Signature Date

NOTES

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

Street lights per City rquirements.

1 Engineers certification of gradeing plan required for release of SIA and Financial Guarantees.

2 * Internal sidewalks to be deffered.
**existing asphalt shall remain and be added to if in exceptable condition

3 TEMP ASPHALT PAVING TIE INS AS REQ'D PER DRC FOR CONNECTIONS

AGENT / OWNER

WILLIAM L. KRAEMER
NAME (print)

GARCIA/KRAEMER + ASSOC.
FIRM

William L Kraemer
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

S Matson 3/29/06
DRB CHAIR - date

Christina Sandoval 3/29/06
PARKS & GENERAL RECREATION - date

3-29-06
TRANSPORTATION DEVELOPMENT - date

_____
AMAFCA - date

Roger A Green 3/29/06
UTILITY DEVELOPMENT - date

_____ - date

Bradley L. Bingham 3/29/06
CITY ENGINEER - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

(rev. 9-05)

GARCIA/KRAEMER&ASSOCIATES

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

March 29, 2006

Sheran Matson, Chair
DRB City of Albuquerque

Re: Project# 1004639
Response to 3-21-06 Kuenstler letter

Dear Ms Matson,

We offer the following for the record in the above referenced case. References are to Section 14-16-3-16 Private Commons Development unless otherwise noted. This letter responds to Mr. Kuenstler's letter on a point by point basis.

1) (E) references "100% of the **area gained through lot size reductions**..." but the ordinance does not define that term. Applicant calculates "straight zoned area" by subtracting the right of way area from the total size of the parcel (see sheet 4 PCA exhibit) as if the property were being developed under straight RA-2 zoning. Total site minus r.o.w. equals the area that could be divided into RA-2 lots. (B) allows applicant to use the gross area to determine the number of dwellings allowed and (C) allows those dwellings to be on "any size lot." The area actually included in private lots is subtracted from the theoretical "straight zoned area" to calculate the "area gained through lot size reductions."

2) "Tract" is not a defined term in either the zoning code or subdivision regulations. Both define "lot" by referring to "tract...placed on the County Clerk's record." It is clear that the proposed preliminary plat shows that the PCA is contained in a single Tract A and that said tract is at least 35 feet in every dimension.

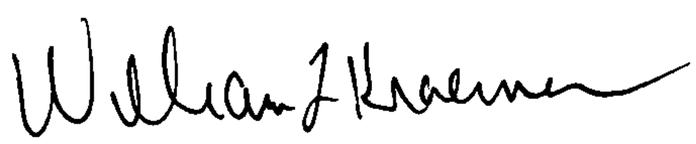
3) There is no prohibition of the use of private ways in either the DPM or Subdivision Regulations. A gated community is required to have private streets. "Setback" is defined in the zoning code as "The shortest line between a structure and a lot line or future street line." The front yard setback in this development is measured from the future street line or back of sidewalk as shown on the preliminary plat and site plan.

4) (F) is the only regulation that addresses visual access to the PCA. It requires the PCA to "be visible from a public right of way" but does not mention visibility from abutting private property. The applicant attempts to address the concerns of the neighbors as well as the requirements of the ordinance. We believe that the layout presented achieves those goals.

Mr. Kuenstler has been very thorough in his research and analysis of the legislative history of the PCD regulations and cluster development in general. However, as developers and property owners, the applicant is required to meet and has the right to rely upon the regulations as contained Section 14-16-3-16 and other pertinent parts of the Zoning Ordinance.

Thank you for your consideration.

Sincerely,



William L Kraemer

Revised

GARCIA/KRAEMER&ASSOCIATES

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

March 29, 2006

EXPLANATION OF REQUEST
Private Commons Development (PCD)
Preliminary Plat & Site Plan for Subdivision
Sidewalk variance and deferral
Ventana del Bosque Project #1004639

Applicant, Washington Investors seek approvals of preliminary plat and site plan for subdivision for a eighteen (18) unit private commons development (PCD) on 4.6987 ac+/-, described as Tract 313A2B, MRGCD Map#38 zoned RA-2. Applicant is the contract purchaser of the subject property. The property immediately to the east was recently approved by the Development Review Board as Entrada del Bosque, Project #1004360. This project is being developed under a similar scheme.

This development will be a gated community with private streets. The private commons area of this project will be open to and connect with the private commons area of Entrada del Bosque. This application also seeks approval of a sidewalk variance since the developer proposes sidewalks only on one side of the private street. A sidewalk deferral is requested so that the developer can construct the required sidewalks contemporaneously with the dwellings.

Private Commons Developments are governed by Section 14-16-3-16 of the zoning code supplementing the regulations of the specific zone (RA-2), normal minimum lot size 10,890.

(A) This site exceeds the minimum tract size of two acres.

(B) Number of lots allowed 18. (43,560 x 4.6987/ 10,890= 18.79)

(C) These are detached houses allowed on any size lot. (.11 to .17 acre)

(D) Meets setbacks as set out in regulations. Front yard setback measured from back of sidewalk.

(E) The net size of the private commons area (PCA) is (3,926) square feet; greater than 30% of the tract size, (61,403 sq ft) and greater than 100% of the area gained through lot size reduction. (55,511 sq ft)

(F) Tract A, Gross PCA is 2.4405 acres; net PCA does not include streets, sidewalks, parking, structures or private yards. The front yards of these dwellings will be owned and maintained by the association.

(G) & (I) are addressed in restrictions submitted to DRB City Attorney.

(H) Plat and site plan for subdivision are required and submitted herewith.

William J Kraemer

Revised

GARCIA/KRAEMER&ASSOCIATES

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

March 29, 2006

Ventana del Bosque
Project # 1004360
Private Commons Regulations SUMMARY (modified)

Parcel consists of 4.6987 acres (204,675 square feet) zoned RA-2

Number of lots allowed (206,675/10,890= 18.79) rounded to **eighteen (18)**

Tract A gross private commons area (PCA)	2.4405 acres	106,309 square feet
less sidewalk area	.1230	5,356
roadway area	.6847	29,827
drivepad area	.1653	7,200
PCA NET AREA	**1.4675**	**63,926**

This PCD includes a single parcel designated as a PCA (see exhibit). That parcel meets the minimum length and width requirements and is visible from Mountain Rd and Gabaldon. Section 14-16-3-16 (F) requires that certain uses not be included in PCA net calculation but does not require that PCA be divided into separate parcels.

30% of total parcel size	**1.4096**	**61,403**

Total parcel	4.6987 acres or 204,675 s.f.	
Less right of way	1.2975	56,518
RA-2 lot area	3.4012	148,157
PCD lot area	2.1269	92,646
Area gained through lot size reductions	**1.2744**	**55,511**

therefore, the **net PCA (63,926 sf) is larger than 30% of the gross parcel size (61,403) and/or 100% of the area gained through lot size reductions (55,511)** Section 14-16-3-16 (E) zone code

William F. Kraemer

March 21, 2006

From: Paul Kuenstler
3114 Spur Court NW
Albuquerque, NM 87104
Phone: 764-9450

To: Sheran Matson
DRB Chair
Planning Department
City of Albuquerque

Subject: Project # 1004639, to be known as Ventana del Bosque

Dear Ms. Matson,

This letter is submitted simply to record my protest in the event there is an appeal of this project. The DRB is already well aware of all the issues from prior discussions and no new arguments are offered that need consideration as part of the DRB review.

The basis for protest is the following:. (Paragraph references are to § 14-16-3-16 of the Code of Ordinances)

1) The stated requirements of Paragraph (E) are not met. For the number of lots proposed, 100% of the area gained through lot size reductions is not reclaimed in PCA. The calculation claiming to show satisfaction of the requirement uses undefined terminology. The "RA-2 lot area" used in the submittal summary as a reference for calculating area reduction is a fabricated term that has no relation to lot sizes under RA-2 zoning.

2) Small areas throughout the site are claimed as PCA but do not meet the requirement stated in Paragraph (F) that each tract of PCA must be at least 35 feet in both length and width. Designating all areas not assigned to lots as a single tract does not satisfy the meaning of the term "tract" as it was intended in the ordinance. Narrow strips separated by a wide road are not normally considered to be part of a single tract for the purposes of meeting dimensional requirements in the Zoning Ordinances. Consider the similar case of claiming that the lot width requirement of RA-2 zoning is met by a "tract" that is 75 feet wide but happens to be separated into two pieces by a street passing through its middle. Lumping different types of area into a single "tract" so that a minimum dimension can be claimed then requires separating the areas back out with more new terminology, i.e., "PCA Gross Area" and "PCA Net Area".

3) Private ways are used to access all lots, yet none of them is defined or protected in the Site Plan. Use of the private way, and access to any lot, will not be protected

RECEIVED
MAR 21 2006
LAND DEVELOPMENT SECTION

because all owners have equal right to use or park on all of the ways. Both the DPM and the Subdivision Regulations of the Ordinances discourage use of private ways. Justification must be given and approved by the Traffic Engineer and they must be legally defined on the drawings for protection of the access. These undefined areas are also part of the calculations used to review this project for compliance with requirements for a PCD, yet they are left to the builders to define as they see fit at a later date.

Of importance to the owners and builders will be that front yard setback requirements are not met. Use of private ways confuses the issue. Setback requirements to main structure facades is unclear; however the driveway setback is more clear. The owners cannot claim the private ways for parking, so the driveway setback requirement is still necessary beyond the extent of the private way in order to satisfy the intent of providing for private off-street parking.

4) Visual access to PCA is not available to abutting neighbors. Small lots are thrown against existing neighbors without the compensation of seeing open area. Historically, this requirement was a principle for cluster housing and was included in the guidelines that accompanied the current PCD ordinance.

Thank you for your consideration,

Paul A. Kuenstler Jr.

3/22/06
P. H.
Paul
Knemeyer

Reference Material (for letter to DRB of March 21, 2006)
Project 1004639

-- Density language of Paragraph (E), EPC Hearing July 28, 1994
Extract from last EPC hearing – only discussion of this language in the hearing
Extracts from approval letters

-- PCA/Guidelines/Purpose, EPC hearings July 7 and July 28, 1994
Crosscut of discussions about meaning of PCA, purpose of ordinance, guidelines, City oversight

-- Ordinance and regulations for use of Private ways
Subdivision Ordinance
PDM regulations
Shaded figure showing road system in Ventana del Bosque

-- Visual Access to Open Areas
Guidelines for PCDs
Cluster Housing Principles (North Valley Area Plan)
Figure showing a recent subdivision that provides visual access to neighbors

Density
Last EPC hearing, July 28, 1994
The density language has been worked on by the Planning Subcommittee between hearings and emerges in this meeting. Discussion of this topic in the hearing is extracted and given below.

July 28, 1994
Page 9

CHAIRMAN STEPHENSON: ..... Paragraph 5 - that's not a change from what we've talked about before.

COMMISSIONER BROWN: Does that mean 30% of the gross area of a PCD or 30% of the total area gained through lot size reductions?

CHAIRMAN STEPHENSON: No, I read it as a minimum of 30% of the gross area of a PCD or the total area gained through lot size reductions whichever is greater. I think a good point was made that if you cut your lot sizes down to whatever you want, there is no minimum and you gain land relative to what the lot sizes would have been in the original zone, all of that gained land has to go into the PCA. That's my interpretation and I think it says that.

COMMISSIONER BROWN: Could we say that a minimum of 30% of the gross area of the PCD or 100% of the area gained through lot size reductions?

CHAIRMAN STEPHENSON: I think that's an improvement. Are we through paragraph 5?

July 28, 1994
Page 15

THEREFORE, BE IT RESOLVED that the Environmental Planning Commission recommend approval to the City Council of TA-94-5 based on Staff Findings

FINDINGS

CONDITIONS

3. On page 1, line 19 should read: A minimum of 30% of the gross area of a PCD or 100% of the area gained.

July 28, 1994
Page 16

SECOND BY COMMISSIONER CHAVEZ

FURTHER DISCUSSION

COMMISSIONER BROWN: Would the maker of the motion consider a very modest change on page 1, line 19. Our suggestion was that it read..."or 100% of the area gained, removing the word "total".

COMMISSIONER SWEZY: Maker of the motion agrees.

Advanced Planning Notification of Decision, August 2, 1994

"TA-94-5

The City of Albuquerque, Planning Department requests approval of an amendment to Sections 7-14-5, 7-14-7, 7-14-9, 7-14-9A, 7-14-10, 7-14-11, and 7-14-40, of the Comprehensive City Zoning Code to allow "Private Commons Development" or Cluster Housing in RO-1, RA-1, RA-2, and MH zones. This amendment would provide for 30% common open land within new residential subdivisions by **allowing reduced lot sizes with maintenance of the overall density allowed in the underlying zone."**

Mayor to City Council, August 29, 1994

"The amendment would allow "cluster housing" as a permissive use in the City's low density residential zones (RO-1, RA-l, and RA-2 and other zones if allowed in a sector or area plan). Cluster housing allows developers to provide 30% of their development as common open space for use of the homeowners. **The density on the site is still determined by zoning but the developer may vary lot sizes and housing types.** The net result is retention of more open land in private ownership with associated qualities such as views and agricultural potential. It can also provide for greater efficiency in site design and infrastructure placement."

LAND USE, PLANNING AND ZONING COMMITTEE, December 14, 1994

"Susan Jones stated that the intent of this bill is to address several broad concerns and provide for cluster housing, more housing innovation and, hopefully, some cost savings with new housing development. Ms. Jones explained that this process provides an option, not a requirement, for developers to use in lower density residential zones. Ms. Jones explained that this bill allows developers of sites that are at least 2 acres in size to reduce individual lot sizes and provide at least 30% of a site as common open space for use by the homeowners in the development. **The number of dwelling units is determined according to the underlying zone but may not exceed fifty."**

"Councillor Adams moved that Bill No. O-62 Do Pass, as amended. Seconded. The motion carried by a vote of 3 FOR AND 0 AGAINST."

City Council Meeting, January 4. 1995

O-62 is adopted on this date. It is not listed on the description of the audio recording of the Council meeting and was not found upon review of the tape. I was told that it probably passed as a unanimous consent because of the recommendations listed above.

CROSSCUT - PCA AREA, INTENT, GUIDELINES, PROCESS

ENVIRONMENTAL PLANNING COMMISSION
MINUTES
Thursday, July 7, 1994

MS. SUSAN JONES, ADVANCE PLANNING: This is TA-94-5, Open Space Development also known as Private Commons Development. This proposal represents the best effort so far of our Cluster Housing Subcommittee …….. Cluster housing is referenced in at least three of our plans. The Comprehensive Plan makes numerous references to it as does the Southwest Area and North Valley Area Plan.

When we began work on the North Valley Area Plan six or seven years ago we put a lot of emphasis on this idea as a way to preserve what the residents of the North Valley saw as very important features of the valley. They expressed over and over again the goal of preserving rural character. We did some field work with the subgroup to look at what rural character was and the interesting thing that we found was that it mattered more how a development was arranged than just how much there was in a particular area.

This amendment addresses two broad concerns; neighborhood opposition to new development because of the loss of open land and the approval process that a developer has to go through in terms of not making it more complicated.

Cluster housing or Private Commons Development as we're now calling it is a way of preserving at least 30% of the site of the subdivisions as open space with the purpose of preserving area character open land, agriculture, agriculture potential, site features, views and to provide for more efficiency and creativity in new subdivision design.

……..There are a few additions or changes that I'm suggesting that are included in the staff report and I'll go over those now. ……..The first is to call it Private Commons Development instead of Open Space Development or Cluster Housing…….

I have additional changes not included in the staff report. Some of those are a little further thought out than others. I'm requesting a 3-week deferral in order to put the proposal in a final format and address those changes. I have some interest from the development community. I haven't really gotten to the neighborhoods very effectively yet. The 3-week deferral will let us tweek the language in the Open Space Maintenance section with the Legal Department who has not reviewed it throughly yet. The major concern there being the worst case scenario; what happens if the open space gets abandoned? It will also enable us to go back to the North Valley Coalition to present this next Monday night and request that they give me comments and show up the hearing.

CHAIRMAN FANNING: Why don't you put it in our packet? Our policy is not to take new material at the hearing. If it was short I would've suggested you read it into the

record.

MS. JONES: I haven't really searched through them to see which mention it. The Southwest Area Plan does talk about cluster but I'm not sure the mention of it is actually enough to say we'd want to do it in R-1 in the southwest area for instance. I think it's anticipatory. I think we'd have to amend sector plans to include that language.

CHAIRMAN FANNING: Going back to the Open Space Development Guidelines, #2 speaks to your first point. Trail access should be retained or created to and through common open space where appropriate. I think your points very well taken. That is a goal and I think it is an important consideration.

MR. VERCHINSKI: But it conflicts with the Common Open Space Section B. In all cases shall be in a land use easement for open space with the use and benefit of the Open Space Development property owners.

CHAIRMAN FANNING: But that doesn't preclude a trail easement does it?

MR. VERCHINSKI: It may.

CHAIRMAN FANNING: Well it shouldn't and I would agree with you that it's important to resolve so that it does not.

MR. VERCHINSKI: One thing that I am very concerned about is that whole trend toward the full closed in developments. The question of access you have to address. I think it's a mandatory item. We're denying a whole generation access by proximity.

COMMISSIONER BROWN: Is a 3-week deferral adequate?

MS. JONES: Yes, I think so.

COMMISSIONER BROWN: Ms. Jones, I like where this is headed. Obviously, we've got some disagreements up here on some of the things so use your own best judgment on what you come back with and we'll discuss it some more.

COMMISSIONER MURPHY:……. I think delegating it to DRB is fine. For the types of properties that this will likely be applied to, I'm not sure that needs to come to the EPC. It certainly can come to hear on appeal, but I think everything should be done at the DRB level.

CHAIRMAN FANNING: ……..I agree that a site plan probably is necessary to get a number of development issues that really need to be seen. I also agree that it can be handled by DRB. Finally, I too like the concept tremendously.

COMMISSIONER STEPHENSON: …….. I think that if this is going to accomplish anything it's going to has to be made ultra simple; no site plan just a subdivision plat. …… I would suggest to my fellow commissioners we determine the setback, the density, the number of dwelling units per acre, the zones that implement this and then take

everything out then brainstorm it. We have good Code Enforcement. They will find a way how the public can get ripped off the way it's written. Then we'll add a provision to prevent that. Endeavor to have a very simple ordinance with a minimum of requirements; turn the developer loose. Where the developer's interest is contrary to the public interest we have a requirement. Protect the public interest. Where the developer's interest coincides with the public interest, say nothing. ……If we go the way I propose we might get ripped off, but let's take a chance.

COMMISSIONER STEPHENSON: I'm saying do not burden Zoning with a bunch of regulations that they have to enforce, just the contrary. Remove the regulations. Turn to Zoning Enforcement to point out areas that we have missed.

CHAIRMAN FANNING: ……..We want the development community to have as many options as possible and be free to come up with ideas that we cannot maybe conceive or prescribe. At that point I agree, but actually I think the Ordinance that's proposed does that to great extent that it really feels to me a great deal like performance zoning. It allows a lot of latitude. There are some prescriptive elements such as the amount of hard surface and open space. In general, I think it's actually pretty loose. I have a real problem with the overall concept that you raised about turning developers loose though and assuming that market forces will ensure quality product. If that was so we wouldn't have some of the absolute abominations of development that we have in the Northeast Heights and that occurred over a long period of time. ……What you're really trying to do is turn back the whole premise of the Zone Code in a sense and I don't know that I'm ready to embrace that idea.

COMMISSIONER BROWN: I agree with a lot of what Commissioner Stephenson has said. ……I think if there is a way to structure this so if we talk about it in a positive tone of what we're trying to achieve rather than all of the things that you must do. ……..I think there need to be protections built in but I think we want to be careful how

detailed we get in requirements of this kind of cluster housing. .....If you can word it in a positive tone, it's what our goal is. I think that will help tremendously.

COMMISSIONER MURPHY: I agree with many things that Commissioner Stephenson said. When this comes back I am going to look real carefully at what may be some superfluous requirements that really don't add much to the concept. I agree that it needs to have a great deal of latitude in order to be successful. I think where I disagree is sort of on the fundamental philosophical premise of just turning the developers loose with this concept. I think that what we're doing here and properly so is that we are giving the developer who's willing to develop this kind of project a financial incentive to do it. That's through the density bonus. I think for that privilege that we ought to review these to make sure that they're in conformance with the overall objective of cluster housing otherwise, I do believe that we're going to find people abusing it. We're going to find people that have figured out how to develop a project that is truly not a cluster project but is merely called a cluster project so that in can come under the umbrella of this particular regulation. In the future I would hope that maybe a site plan is not necessary. Until we have some experience in doing this, I think it's important that the City maintain some control on the approval of these plans for the privilege of passing on a special benefit to the property owner.

THEREFORE, BE IT RESOLVED that the Environmental Planning Commission recommend deferral of TA-94-5 to the July 28, 1994 public hearing at 5:00 p.m.

ENVIRONMENTAL PLANNING COMMISSION
MINUTES
July 28, 1994

CHAIRMAN STEPHENSON: Let me explain the role I took on this. This had been going on for a year and no ordinance had ever been drafted. We were always talking in generalities. I concluded that there wasn't anyone to draft it so I drafted one and send it to Susan and she greatly improved it. That's what you have here.

MS. JONES, ADVANCE PLANNING: ..... **The key changes in this version that you do have but weren't discussed at the July 7th hearing are elimination of the guidelines. We may want to include those guidelines in the DPM or in a separate handout that we hand out at the front counter to give folks a little more familiarity with what we're trying to accomplish in the valley, but staff generally agrees that they don't need to be in the Code.**

Another change is the deletion of the requirement for 60% of the Private Commons area to be in one chunk and, instead, a much simplified requirement of a minimum width or dimension of 35 feet and a requirement that the area be visible from a public right-of-way.

CHAIRMAN STEPHENSON: Can you give us copies of these changes? If you can't then we need to go slower.

MS. JONES: ..... Also that we would add Private Commons Development as a permissive use in the single-family zones as we've discussed.....

CHAIRMAN STEPHENSON: I think we can probably handle that if we take it slower and actually get it written out.

COMMISSIONER BROWN: What becomes a part of this Ordinance?

MS. CONNORS: .....it will then be incorporated into the Ordinance as it goes up to City Council and then we would add the Private Commons Development as a permissive use in and we need to list the zones in the condition.

COMMISSIONER BROWN: When do we get to see those? I haven't seen them. Does somebody have these?

CHAIRMAN STEPHENSON: You have them written out in long hand I guess.

CHAIRMAN STEPHENSON: I think the purpose of the hearing is to make minor changes of that nature or perhaps some changes in substance.

COMMISSIONER BROWN: I guess I need to hear more.

CHAIRMAN STEPHENSON: Well, let's try it and if it's too involved we can have a motion to defer it for another week. If you feel comfortable with it we can proceed.....

COMMISSIONER SWEZY: Before we talk about specific changes could we ask for points of clarification? Ms. Jones, the Version 2 regarding the change on the 30%, line 19. The way I understand Version 1 from Version 2 is that in Version 1 you would have 30% of the PCD would need to be set aside for PCA. In developing the PCA portion of that, what I understood Version 1 to say was that 60% of that 30% needed to be bulked together. The developer could then split that and he could have all of the 30% together or if he chose to split it, then he could have 60% together and split the rest of it however he may choose to do. With the new version I am getting a different picture and that is of that whole 30% of land it actually could be split into multiple pieces of land as long as that land is 35 feet deep. In thinking about what I understood the purpose of the PCD to be would be to retain large portions of space. Do you have a feel for what Version 2 will do with a 35 foot strip versus maintaining 60% of the 30% land area. It feels like it's going to stretch it out and make a lot of very small places rather than have any large places.

MS. JONES: I'm not sure how it will work out in an individual design. This certainly gives a lot more flexibility and simplifies the ordinance tremendously. Much of the valley is the long narrow lots so I expect much of the open space like our illustration will be long and narrow and probably along one side of the development. This ensures that it's not going to be too skinny but you're right it does change it significantly.

COMMISSIONER SWEZY: I was visualizing and it's hard for me to visualize what impact it's going to have. Let's say you have a piece of property that is very long, a stretch of highway. Technically, what they could do is put a long 35 foot deep piece of open space against the highway. I didn't get a feel that it was really accomplishing the goal of the plan. Do you perceive the same thing?

MS. JONES: I'm not sure that the 60% would do differently either. You could argue even in a long strip is still 60% of the total. **I think it's important that we put guidelines somewhere either in the DPM or in a separate handout. We could go into as much detail and description how we want that open space to look in the guidelines.**

COMMISSIONER SWEZY: **Okay, what I'm understanding you to say that is that you don't really have a great deal of difficulty with the way that it's worded with the 35 foot width as long as there's guidelines somewhere that really speaks to what the intent is so that people can focus on that.** One of the things that I noticed in the difference between the two versions had to do with fencing. There was language in one that said you would not fence, I think it was in Version 1 that said you could not fence the PCA and then that language was not in the Version 2. Is it needed to be somewhere or in the guidelines?

MS. JONES: I think the first version we don't want solid walls or buildings separating the PCA. This version says it shall be visible from a public right-of-way which would imply that you cannot do a solid eight foot adobe wall between the right-of-way and the open space. I think saying it shall be visible from a public right-of-way gets to what we were headed for with the fencing issue. We don't want it to be isolated.

MS. JONES: I'm not sure I see "significantly" in this latest version. I think what we have now is that open space shall be visible from a public right-of-way. I'm making a distinction in my head and I'm not sure the Code makes this distinction between a fence and a wall. ……..

MS. JONES: My interpretation of that might be different from what the general public's is. My interpretation would be a fence that you could see through, as distinct from a wall.

COMMISSIONER SWEZY: **Do we need to in the guidelines at least reference that this is what is proposed? I think that many people's points of views are really different.** We want to create a physical barrier but, however, not create a visual barrier.

COMMISSIONER BROWN: **On the guidelines, have those been drafted?**

MS. JONES: **Insofar as they're in the original version they have.**

COMMISSIONER BROWN: **By version one, that's what you mean by guidelines then what is there?**

MS. JONES: **Yes.**

COMMISSIONER BROWN: **Have those been reviewed by DRB and by the DPM Executive Committee?**

MS. JONES: **Yes, within this format they have.**

COMMISSIONER BROWN: **The DPM Executive Committee was satisfied with it as drafted?**

MS. JONES: **I presented this whole thing to them and got some comments including those from the homebuilders. They had suggested taking some of the stuff and putting it in the guidelines. I think we can beef up the guidelines that we have started.**

CHAIRMAN STEPHENSON: Paragraph 2, why do you round down? What if someone is entitled to 8.93 units. You're going to give him 8?

MS. JONES: I'm hoping Jack Cloud might respond to that but I think that's a convention we use quite frequently.

MR. JACK CLOUD, PLANNING DEPT.: It's just the standard. Whatever the Commission recommends. It could be rounded up or rounded down. The alternative would be if you have 8.1 then you automatically get 9 even if you're very close to 8. Typically, the City has always gone the other way that you don't gain a benefit because of a fraction. If you wanted to say rounded to the nearest whole number then you've got 8.49 would go down and 8.5 and above would go up.

CHAIRMAN STEPHENSON: Would you have any objection to that?

MR, CLOUD: The Committee wanted to have a so called "de facto" bonus, Even with rounding down you're still doing that, This would be an additional bonus that would more accurately reflect what we were trying to achieve.

MR. CLOUD: Just to say rounded to the nearest whole number I think will address that.

CHAIRMAN STEPHENSON: Does the Commission have any feel for that? Delete the word "down" in line 9, page 1.

COMMISSIONER BROWN: It would appear to me that more words need to be put here. This is the trouble with trying to rewrite a Zone Code up here without anything in writing in front of you. To me b. reads - Rear 15 feet. It's 15 feet for houses is that what it is?

MS. JONES: Correct.

CHAIRMAN STEPHENSON: I think that's an improvement. Are we through paragraph 5? Paragraph 6? Commissioner Swezy this is the point you raised. This is liberal. It gives flexibility. A 35 foot width is the minimum usable. A 35 foot strip running along a highway right-of-way is exactly what we're trying to achieve because that's open space that the public is going to see. It's the sort of thing that's shown.

COMMISSIONER SWEZY: When I asked Ms. Jones to clarify it I came to a better understanding so I truly don't have any problems with this.

CHAIRMAN STEPHENSON: I have problems with words like significantly but I think a chainlink fence restricts your view. It doesn't do it significantly.

COMMISSIONER SWEZY: **I think that having clarified with Ms. Jones when I asked the question before that I think that if guidelines are put which says this is the idea of what we're trying to do not necessarily saying no you can't do it chainlink but suggesting that board and rail would be something more appropriate or giving the developer some ideas they still have some latitude……..**

COMMISSIONER BROWN: Ms. Jones, with recreation does this mean that somebody could go in basically following this plan and just hard surface several basketball courts and a tennis court and not have much in the way of landscaping?

MS. JONES: Yes, that's a possibility.

COMMISSIONER BROWN: **Do our guidelines protect us from that?**

MS. JONES: **Our guidelines would of course be guidelines,** but the way they're stated now they say that no more than 50% should be in active recreational uses.

COMMISSIONER BROWN: I think we need to leave some judgment and flexibility so that doesn't bother me.

COMMISSIONER SWEZY: **Could we just direct staff to clarify in Section 8 how a PCD is created and then they could wordsmith the words? I think the intent is to clarify it and make sure that it's there that a site plan is required. We're not the final approval body on this but we can just make a recommendation.**

CHAIRMAN STEPHENSON: How does the Commission feel? Should we just hand this back and get our desires expressed, get all the substance resolved and let the staff and get it written and bring it back next week? The way to do that is to go on through here and get all the substance resolved and move for a deferral for a week.

COMMISSIONER SWEZY: **I really feel that a move for a deferral may be inappropriate because all we need to do is to have staff wordsmith the language. There's going to be other changes that will be made at the Council level, but we want to say to them this paragraph needs to say this and my sense is that they can do that. We can put that in a finding or condition that this is what needs to happen. They can take care of that by the time it gets up to the Council level.**

CHAIRMAN STEPHENSON: **Is the rest of the Commission comfortable with that? Commissioner Brown, do you want to see it before you pass on?** Is there a time urgency?

MS. JONES: Not particularly **but it is important to note that whenever we send these up to Council they get picked over anyway. It's not unusual that this get a lot of review. I'm far more concerned that the content be agreeable to the Commission because that's the substance of this. As long as we're clear that this is a process that requires a site plan and a subdivision plat and it goes to DRB for approval, I think we can wordsmith this. I would much prefer that we get the intent down and let the content be crafted on the 9th floor because it's going to be anyway.**

CHAIRMAN STEPHENSON: **A motion could certainly be made including conditions stating our desires and then that would do it.**

CHAIRMAN STEPHENSON: Let's finish and then we're ready for a motion. The object is that Paragraph 8 make it specific that the site plan and subdivision approval by the DRB and the deed restrictions be approved by the DRB before a PCD is created. You had a new Paragraph 9.

CHAIRMAN STEPHENSON: If we're going to delegate the other things to the staff to come up with the words to say that, I think we can delegate that. The object is to provide a procedure for removing the PCD designation from the zone map.

MR. CLOUD: Correct.

COMMISSIONER SWEZY: **I think we've talked a lot about this and certainly with the discussion that we've had on this item I think staff has a fairly good idea of what it is that we wish for them to do. If there are no other comments I am ready to make a motion.**

MS. CONNORS: **Just to clarify and help the Commissioners understand at the end of this we have some definitions.....**

THEREFORE, BE IT RESOLVED that the Environmental Planning Commission recommend approval to the City Council of TA-94-5 based on Staff Findings

FINDINGS

CONDITIONS

1. On page 1, line 9, omit the word "down" after the word rounded.

12. **The staff develop guidelines referenced on the last page of Version one and address the issues regarding fences and make them available to the public.**

SECOND BY COMMISSIONER CHAVEZ

Use of private ways

§ 14-14-4-2 STREET LOCATION AND ARRANGEMENTS

(E) *Private Ways.* Private ways to provide access to subdivision lots shall be created only where public right of way would not better serve public purposes and where private ways can adequately serve all identified transportation, utility, and storm water handling requirements. Private ways shall be subject to the following conditions:

(1) Private ways may be platted only where the Traffic Engineer determines that they will always clearly function as a local street.

(2) A private way providing access to the body of a lot which does not abut a public right of way may be platted only when approved by the Development Review Board.

(3) If a proposed private way is planned to serve a lot, it shall be shown on the plat creating or modifying the lot.

(4) The Development Review Board may require private ways to include public or private utility easements, including easements for storm water drainage.

(5) If a private way is approved, it shall clearly be identified as such on the final plat and the responsibility for operation and maintenance shall be indicated on the plat. Any legal instrument intended to assure future operation and maintenance of such private way, such as an instrument creating a homeowner's association, shall be included in the subdivider's submittals to the Development Review Board as required by Part 2 this article and referenced on the plat.

PDM / Volume II / Chapter 23 (Transportation Design)
Section 2 (Regulated Criteria) / A (street Location and Arrangement) / 6.

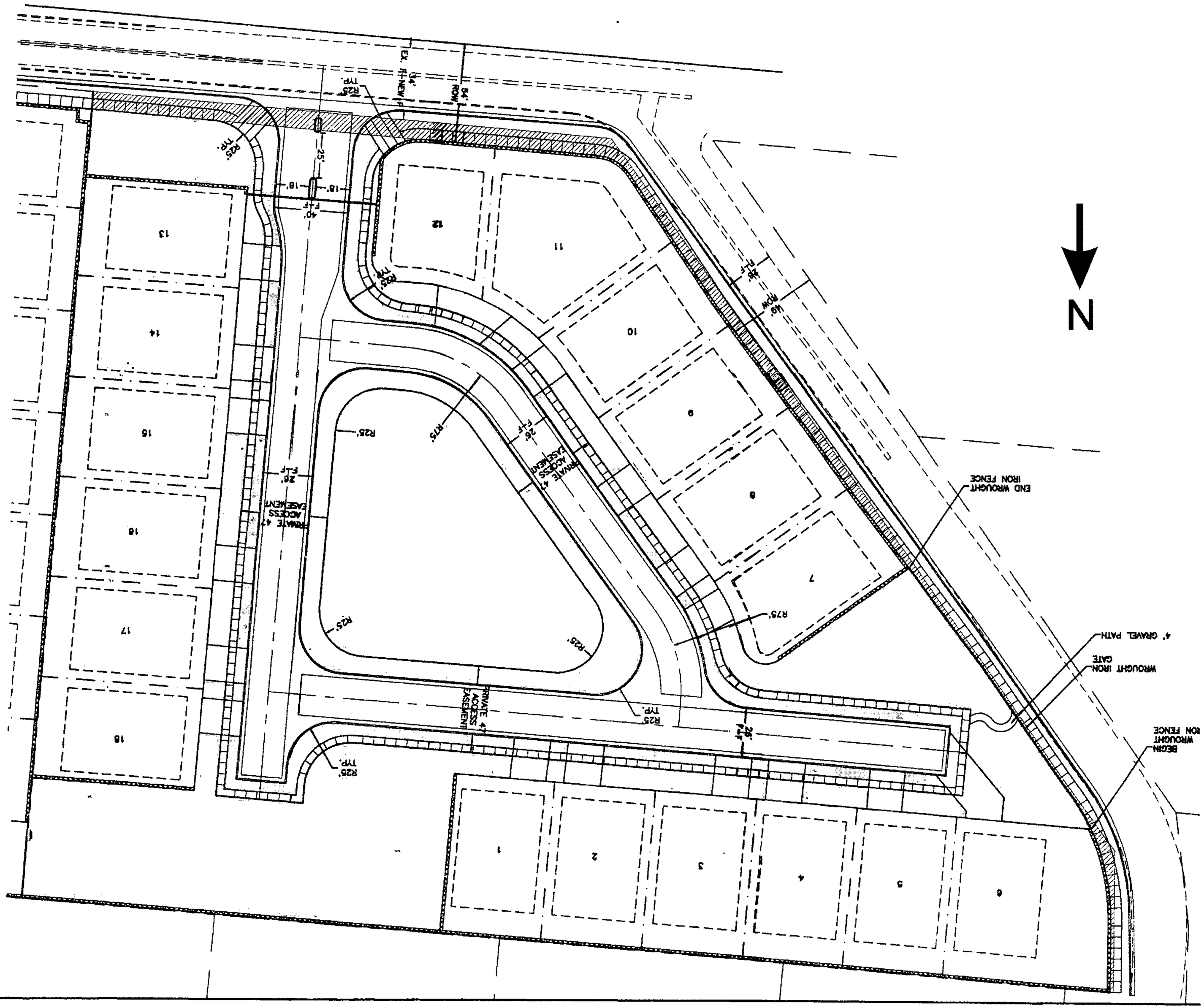
6. The use of private ways in the design of exclusive access to lots is limited by the following requirements:

a. The length, width and permanent character of the private way must be suitably and legally defined by the plat establishing the lots so served, and the lots served must abut or front the proposed private way.

b. The Traffic Engineer must determine that the proposed private way will always function as a street classified as local street and that a public right-of-way would not better serve public purposes.

c. Easements for public utilities may be required.

d. Private ways must be created by legal instrument that shall insure future maintenance and operation as a private way. This may be done on a subdivision plat or by separate easement document.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BEGIN WROUGHT IRON FENCE
WROUGHT IRON GATE
4' GRAVEL PATH
END WROUGHT IRON FENCE
PRIVATE 47' ACCESS EASEMENT
PRIVATE 47' ACCESS EASEMENT
PRIVATE 47' ACCESS EASEMENT
R25' TYP.
R75'
R25'
R25' TYP.
R25' TYP.
R25' TYP.
R25' TYP.
26' F-F
26' F-F
26' F-F
26' F-F
40' F-F
18'
18'
25'
EX. R-NEW R
84' ROW
60' ROW
45' F-F

Private Commons Development Guidelines

1. *The Private Commons Area should be located to adjoin existing open space if possible.*

2. *The Private Commons Area may form one or more areas within the development. At least one area should be 60% of the total Private Commons Area and no single area should be less than 10% of the total.*

3. *Trail access should be retained or created to and through the Private Commons Area where appropriate.*

4. *The Private Commons Area should be irrigated through the use of existing irrigation ditches where possible.*

5. *The Private Commons Area should be located and designed for visibility to the public from adjacent right-of-ways. It should also be visible to the homes within or near the subdivision.*

6. *Active recreational uses such as tennis courts or swimming pools should not constitute more than 50% of the total Private Commons Area.*

7. *The Private Commons Area may be fenced as long as the public's view is not significantly blocked. Fencing or other types of barrier construction must be transparent or semi-transparent. Walls and other types of solid barriers are not permitted. Post and rail or other types of wood fencing are preferred over chain link fencing.*

(North Valley Area Plan)

Cluster Housing Principles

The desire to preserve valley character and the need to accommodate new housing for population growth can both be accommodated through **cluster** development. **Cluster** housing principles may be applied throughout the valley in all residential development and redevelopment. **The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods; reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing.**

Preservation of Open Land

The fundamental aim of cluster development is to preserve open land in perpetuity. The arrangement of the open space on the overall site should provide for visual access to open land and views from the public right-of-way, ditches and adjacent development.

The open land should be maintained by a recognized homeowners association in perpetuity according to restrictive covenants including maintenance fees and schedules. Conservation easements may be used to ensure retention of the open space. **Uses most suitable for common open land include most agricultural activities excluding commercial farming activities such as feedlots or large scale poultry or greenhouse operations. Open land may also be maintained in a "natural" vegetated condition or used to accommodate wastewater systems for clustered homes.**

SPUR
DURANES DITCH
LULAC
GABALDON
MOUNTAIN
C4
LAGUNA SECA
CILANTRO
C3
C5
C4
DURANES DITCH
C1
ALOYSIA
THOMPSON
C6
C2
GRA

March 20, 2006

to: Sheran Matson
DRB Chair
Planning Department
City of Albuquerque

ref: Project #1004639, Ventana del Bosque Subdivision
06DRB-00254 Major-SiteDev Plan Subd, 06DRB-00255 Major-Prelim Plat Approval

Dear Ms. Matson,

Improvements to Gabaldon Drive where it borders this project are very important to our neighborhood. In particular, the curve at the northwest corner of the project has been a long-standing traffic hazard. It is too abrupt and narrow, making it difficult to negotiate in the face of oncoming traffic, especially at night or with large trucks. The design shown in the project drawings adds sidewalk and curbing, but doesn't change the shape or width of the existing curve. That design would perpetuate the existing problem and would be totally inadequate for the increased traffic flows expected as the area develops.

We urge the City to require project improvements that create a much more gradual curve on Gabaldon with enough pavement width for bicycle safety.

Thank you for your attention.

Name: [illegible]

Address: 3123 Spur Ct. NW 87104

Name: [illegible]

Address: 3119 Spur Ct NW 87104

Name: [illegible]

Address: 3110 Spur Ct NW. 87104

RECEIVED
MAR 20 2006
LAND DEVELOPMENT SECTION

Name: John W. Wood

Address: 3111 Spur Ct. N.W 87104

Name: George Proctor

Address: 3115 Spur Ct NW 87104

Name: Michael M. [illegible]

Address: 3122 SPUR CT. N.W 87104

Name: John Laurenson

Address: 3118 Spur Ct. NW 87104

Name: Paul A. Kuerstenberg

Address: 3114 SPUR CT. NW. 87104

Name: John H Dora

Address: 711 GABALDON Dr. NW.

Name: Jimmie Hartley

Address: 3104 SPUR CT N.W.

Name:

Address:

RECEIVED
MAR 2 0 2006
LAND DEVELOPMENT SECTION

March 14, 2006

RECEIVED
MAR 15 2006
LAND DEVELOPMENT SECTION

to: Wilfred Gallegos
DRB Member, Transportation Development
Planning Department
City of Albuquerque

ref: Project #1004639, Ventana del Bosque Subdivision
06DRB-00254 Major-SiteDev Plan Subd, 06DRB-00255 Major-Prelim Plat Approval

Dear Mr. Gallegos,

Street and ROW designs along the western side of this project do not appear to be based on the proper traffic volumes. Gabaldon Drive should be classified as a Major Local Street, as defined in the Development Process Manual (DPM). Gabaldon is also proposed as a bicycle route in the Long Range Bikeway System Plan (LRBSP).

Gabaldon collects traffic from the large area west of Lulac Ave and north of Mountain Rd. It is the only street west of Rio Grande Blvd that passes under I-40 and it serves as a primary access for neighborhoods both north and south of the freeway. Gabaldon is an important route for bicycle traffic transiting these neighborhoods and it would also serve as a major route for pedestrian travel and recreational walking if adequate ROW were to be provided.

Traffic Volume
Traffic counts were taken on Gabaldon in 1976 and listed in the Appendix of the Old Town Sector Development Plan. At that time there were 19 residences and one business along Gabaldon between Mountain Rd and I-40. Counts at the intersection with Mountain averaged more than 900 on weekends and 1000 on weekdays. Weekday counts at the I-40 underpass exceeded 800. The bulk of traffic on Gabaldon was obviously associated with neighborhoods to the north of I-40.

Traffic on southern Gabaldon has increased over the intervening 30 years. Almost all of the increase is attributable to traffic from areas north of the freeway because there are still only 26 occupied residences and 2 businesses along Gabaldon south of I-40. However, the area south of I-40 is now undergoing rapid development and will soon contribute a relatively large traffic volume.

Shaded portions of the attached figure encompass ~86 acres of land between I-40 and Mountain Rd that use Gabaldon as the sole access. The darker areas contain ~69 home sites either under construction or where projects have been filed. The lighter shaded areas contain existing residences, and are likely to see approximately 32 additional dwellings in the future as residents sell large properties for development. Thus, dwelling units in the shaded areas will rise from 26 to ~ 95 within a couple of years, and gradually increase to ~120-130 over the following years. This number of dwellings alone would contribute traffic volumes of roughly 1000 AWDT.

Traffic on the southern part of Gabaldon is probably well above 1000 AWDT at the present time and, with development of the area south of I-40, would be expected to exceed 2000 AWDT within the next few years. Based on this, Gabaldon should be classified as a Major Local Street.

Curve on Gabaldon

This is the primary concern with the design. The curve where Gabaldon skirts the northwest corner of the project is inadequate for present and future traffic. Adding ROW area would relieve some problems, but the existing street curve is too abrupt. Two-way car traffic is uncomfortable and large trucks pose a hazard in the curve. As seen in the drawings, the proposed design essentially duplicates the existing curve. Designing to requirements for a Major Local Street and a bicycle route would solve the problem.

Dimensions are not given, but measurements from the drawings indicate the proposed curve would have a centerline radius of ~130 ft, passing through an angle of ~36.2° over an arc length of only ~82 ft. Table 23.3.1 of the PDM specifies minimum centerline radii of 300 ft for curves on Major Local Streets and 180 ft for Normal Local Streets.

ROW and Street Width

Again, dimensions are not given, but proposed sidewalk and tree-strip areas appear to have a total width of 12 feet in the midsection of the boundary and they narrow to 10 feet at the northern and southern ends. Requirements in the PDM for a Major Local Street with a 6-foot backyard wall suggest a minimum total width of 13 feet for these areas.

Gabaldon is listed as a proposed bike route in the LRBSP. The DPM suggests the street width should be 28 feet. The proposed design is roughly 28 feet through the curve on the north, but narrower elsewhere.

Slight Mismatch with Gabaldon to the north

Tangent lines of the proposed curve do not align with the street connecting on the north. The northern curve tangent appears to parallel the existing Site property line, which has a heading of N 00°22'55" E. Gabaldon has a heading of roughly 2.4° east-of-north in the section connecting to the north. The total arc of the curve should be increased (by roughly 2°) to align with the existing street.

Sincerely,

Paul A. Kuenstler Jr.

Paul Kuenstler
3114 Spur Court NW
Albuquerque, NM 87104
(505) 764-9450

GABALDON
PACHECO
NICOLAS
I40 WESTBOUND
I40 EASTBOUND
CALLE EACIO
GABALDON
EDEN LANDS
RIVERSIDE DRAIN
RIVERSIDE DRAIN
CALLE VIGO
DOSTER
MAXIMILIAN
GABALDON
SPUR
QUARTER HORSE ACRES
BUBANESDICH
LULAC
N
VENTANA
DEL BOSQUE
MOUNTAIN

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

	Supplemental form
SUBDIVISION	**S**
X Major Subdivision action	
___ Minor Subdivision action	
___ Vacation	**V**
X Variance (Non-Zoning)	
SITE DEVELOPMENT PLAN	**P**
X ...for Subdivision Purposes	
___ ...for Building Permit	
___ IP Master Development Plan	
___ Cert. of Appropriateness (LUCC)	**L**

	Supplemental form
ZONING & PLANNING	**Z**
___ 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)	
APPEAL / PROTEST of...	**A**
___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

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

APPLICANT INFORMATION:

NAME: Washington Investors PHONE: 856-3419

ADDRESS: PO Box 93024 FAX: 856-3520

CITY: ALBUQUERQUE STATE NM ZIP 87199 E-MAIL:

Proprietary interest in site: OWNER BY CONTRACT **List all owners**: SOLE OWNER

AGENT (if any): RIO GRANDE ENGINEERING PHONE: 872-0999

ADDRESS: 1606 CENTRAL SE , SUITE 201 FAX: 872-2205

CITY: ALBUQUERQUE STATE NM ZIP 87106 E-MAIL: david@riograndeengineering.com

DESCRIPTION OF REQUEST PRELIMINARY PLAT/ PLANNED COMMONS DEVELOP SITE PLAN APPROVAL-MAJOR SUBDIVISION APPROVAL,DEFFERAL OF INTERNAL SIDEWALKS, SIDEWALK DESIGN VARIANCE TBK- VENTANA DEL BOSQUE

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

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

Lot or Tract No. lots 313-A-2-B Block: Unit:

Subdiv. / Addn. Acres Addition

Current Zoning: RA-2 Proposed zoning: RA-2

Zone Atlas page(s): J-12-Z No. of **existing** lots: 1 No. of **proposed** lots: 18

Total area of site (acres): 4.29 Density if applicable: dwellings per gross acre: 4.70 dwellings per net acre: 3.83

Within city limits? x Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? no

UPC No. 101205823347020303, MRGCD Map No.

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

Between: Gabaldon NW and Lulac Avenue 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.): 1004639

06DRB00055

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

SIGNATURE DMM DATE 2/23/06

(Print) DAVID SOULE, PE ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 9/01, 3/03, 7/03, 10/03, 3/04

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

Application case numbers	Action	S.F.	Fees
06DRB - - 00254	SPS	P3	$ 385.00
06DRB - - 00255	PP		$ 835.00
- -	ADV		$ 75.00
- -	CMF		$ 20.00
06DRB - - 00256	SDV		$ 0.00
06DRB 00257	TDS		Total 0.00
Hearing date 03/22/06			$ 1315.00

Project # 1004639

FORM P(2): SITE PLAN REVIEW - D.R.B. PUBLIC HEARING

☒ **SITE DEVELOPMENT PLAN FOR SUBDIVISION**

- ☑ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **24** copies for DRB public hearings
- ☒ 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
- NA ☐ Copy of the document delegating approval authority to the DRB
- ☒ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☒ Completed Site Plan for Subdivision and/or Building Permit Checklist
- ☒ 6 copies of the Infrastructure List, if relevant to the site plan
- ☒ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☒ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form with required signatures
- ☐ Fee (see schedule)
- ☒ Any original and/or related file numbers are listed on the cover application

D. R. B. hearings are approximately ONE MONTH after the 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) **24** copies for DRB public hearings
- ☐ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8.5" by 14" pocket.) **24** copies for DRB public hearings
- ☐ 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
- ☐ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ Completed Site Plan for Subdivision and/or Building Permit Checklist
- ☐ Completed Site Plan for Building Permit Checklist
- ☐ 6 copies of the Infrastructure List, if relevant to the site plan
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form with required signatures
- ☐ 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

D. R. B. hearings are approximately ONE MONTH after the 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) **24** copies for DRB public hearings
- ☐ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **24** copies for DRB public hearings
- ☐ DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) **24** copies for DRB public hearings
- ☐ 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
- ☐ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- ☐ 6 copies of the Infrastructure List, if relevant to the site plan
- ☐ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form with required signatures
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

D. R. B. hearings are approximately ONE MONTH after the 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.

David Soule
Applicant name (print)

2/23/06
Applicant signature / date

Form revised May 2003

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

Application case numbers
06DRB - - 00254
- -
- -

Sandy Handley 02/24/06
Planner signature / date

Project # 1004639

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

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

☒ MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL

- ✓ Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
- X Proposed Infrastructure List
- X Design elevations & cross sections of perimeter walls
- X 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
- X Property owner's and City Surveyor's signature on the proposed plat
- ✓ X FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- X Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- __ Sign Posting Agreement
- X TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- __ Fee (see schedule)
- X Any original and/or related file numbers are listed on the cover application

Preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☐ MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)
☐ MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)
☐ MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)

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

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

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☐ MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT
(Temporary sidewalk deferral uses FORM-V)

- __ **1** copy of each of the following items
- __ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- __ Letter briefly describing, explaining, and justifying the request
- __ Plat or plan reduced to 8.5" x 11"
- __ Official D.R.B. Notice of the original approval
- __ Approved Infrastructure List. If not applicable, please initial. _____
- __ Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- __ Sign Posting Agreement
- __ Any original and/or related file numbers are listed on the cover application
- __ Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

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

David Sork
Applicant name (print)

JMM 2/23/06
Applicant signature / date

Form revised 10/03

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

Application case numbers
06DRB - _____ - 00255
_____ - _____ - _____
_____ - _____ - _____

Sandy Handley 02/24/06
Planner signature / date

Project # 1004639

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE** **(Public Hearing Case)**

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

DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☐ **VACATION OF PUBLIC RIGHT-OF-WAY**
☐ **VACATION OF PUBLIC EASEMENT**

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

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☐ **SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**
☒ **SIDEWALK DESIGN VARIANCE**
☐ **SIDEWALK WAIVER**

- ☒ Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. These actions are not approved through internal routing. (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 variance or waiver
- ☒ Any original and/or related file numbers are listed on the cover application

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

☒ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

- ☒ Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. These actions are not approved through internal routing.
- ☒ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☒ Letter briefly describing, explaining, and justifying the deferral or extension
- ☒ Any original and/or related file numbers are listed on the cover application

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

☐ **VACATION OF PRIVATE EASEMENT**

- ☐ The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. These actions are not approved through internal routing.
- ☐ Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **6** copies
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the vacation
- ☐ Letter of authorization from the grantors and the beneficiaries
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

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

David Sale
Applicant name (print)

2/23/06
Applicant signature / date

Form revised April 2003

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

Application case numbers
06DRB - - 00256
06DRB - - 00257
- -

Sandy Handoy 02/24/06
Planner signature / date

Project # 1004639

GARCIA/KRAEMER&ASSOCIATES

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

February 24, 2006

Ventana del Bosque
Project # 1004360
Private Commons Regulations SUMMARY

Parcel consists of 4.6987 acres (204,675 square feet) zoned RA-2

Number of lots allowed (206,675/10,890= 18.79) rounded to **eighteen (18)**

Tract A gross private commons area (PCA)		2.4609 acres	107,197 square feet
	less sidewalk area	.1230	5,356
	roadway area	.6847	29,827
	drivepad area	.1653	7,200
PCA NET AREA		**1.4879**	**64,814**

This PCD includes a single parcel designated as a PCA (see exhibit). That parcel meets the minimum length and width requirements and is visible from Mountain Rd and Gabaldon. Section 14-16-3-16 (F) requires that certain uses not be included in PCA net calculation but does not require that PCA be divided into separate parcels.

30% of total parcel size	**1.4096**	**61,403**

Total parcel	4.6987 acres or 204,675 s.f.	
Less right of way	1.1475	49,983
RA-2 lot area	3.5512	154,692
PCD lot area.	2.1269	92,646
Area gained through lot size reductions	**1.4243**	**62,046**

therefore, the **net PCA (64,814 sf) is larger than 30% of the gross parcel size (61,403) and/or 100% of the area gained through lot size reductions (62,046)**
Section 14-16-3-16 (E) zone code

SITE DEVELOPMENT PLAN FOR SUBDIVISION CHECKLIST

Revised 10/20/04

This checklist will be used by the Planning Department to verify the completeness of site plans submitted for review by the Environmental Planning Commission (EPC). Since development proposals vary in type and scale, there may be application requirements that are not included here and others that may not be necessary. Nonetheless, it is the applicant's responsibility to provide a complete submittal. The EPC will not consider incomplete submittals. Incomplete submittals run the risk of not being scheduled for hearing until they are made complete. Site development plans should ordinarily be composed of the following plan sheets:

1. **Site Plan** (required)
2. **Conceptual Utility Plan** (required)
3. **Design requirements for future site development plans for building permit** (optional, but STRONGLY recommended)

The following checklist describes the minimum information necessary for each sheet. Most of the site plan requirements for *Sheet #1* are taken from the definition for "SITE DEVELOPMENT PLAN" as outlined in the Zoning Code (§ 14-16-1-1 et. seq.). **The Applicant shall include and check off all items shown on the site plan or write in "n/a" if not applicable.**

Accompanying Material

X A. Fee payment
X B. Complete application
X C. Written Summary of Request
X D. 8-1/2" x 11" reductions

SHEET # 1 – SITE PLAN (Required)

x 1. Scale: at least 1" = 100'
x 2. Bar Scale
x 3. North Arrow
x 4. Scaled Vicinity Map
x 5. The Site (property lines)
x 6. Proposed Use(s)
x 7. Pedestrian Ingress and Egress (Access)
x 8. Vehicular Ingress and Egress (Access)
x 9. Any Internal Circulation Requirements
X 10. For each lot:
   - x a. Maximum Building Height
   - x b. Minimum Building Setback
   - x c. Maximum Total Dwelling Units and / or
   - N/A d. Nonresidential Uses' Maximum Floor Area Ratio (F.A.R.)

SHEET #2 – DESIGN REQUIREMENTS FOR FUTURE SITE DEVELOPMENT PLANS FOR BUILDING PERMIT (Optional, but STRONGLY recommended)

NA 1. Overall Design Theme and Land Use Concept
NA 2. Off-Street Parking Requirements and Design (Automobile and Bicycle)
NA 3. Street Design
NA 4. Transit Facilities (benches, shelters, pedestrian connections, etc.)
NA 5. Landscape Design Requirements (plant list, buffer areas, locations, amounts, etc.)
NA 6. Architectural Design Requirements (façade elements, massing, colors, materials, etc.)
NA 7. Signage Design Requirements (face area, colors, materials, maximum height, etc.)
NA 8. Lighting Design Requirements (type, locations, colors materials, maximum height, etc.)
NA 9. Pedestrian Amenities (walkways, plazas, shade structures, etc.)

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

PROJECT NAME: Ventana Val Bosque

AGIS MAP # J-12

LEGAL DESCRIPTIONS: tract 313 A2B
Alta Addition

X **DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd Floor Plaza del Sol) on 2/21/06 (date).

Applicant/Agent — Date 2/23/06

Hydrology Division Representative — Date 2/23/06

___ **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested from the City of Albuquerque Utilities Development Division (2nd floor, Plaza del Sol) on 2/23/06 (date).

Applicant/Agent — Date 2/23/06

Utilities Division Representative — Date 2/23/06

PROJECT # 1004639

Revised 4/03

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / AIR QUALITY IMPACT ASSESSMENT (AQIA) FORM

APPLICANT: Washington Investors **DATE OF REQUEST:** 2/23/06 **ZONE ATLAS PAGE(S):** J-12

CURRENT:

ZONING RA-2

PARCEL SIZE (AC/SQ. FT.) 4.70 Ac

LEGAL DESCRIPTION:

LOT OR TRACT # 313A2B BLOCK #

SUBDIVISION NAME Acres Addition

REQUESTED CITY ACTION(S):

ANNEXATION [ ] SECTOR PLAN [ ]

COMP. PLAN [ ] ZONE CHANGE [ ]

AMENDMENT [ ] CONDITIONAL USE [ ]

Preliminary Plat (X)

SITE DEVELOPMENT PLAN:

A) SUBDIVISION [X] BUILDING PERMIT [ ]

B) BUILD'G PURPOSES [ ] ACCESS PERMIT [ ]

C) AMENDMENT [ ] OTHER [ ]

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [ ]

NEW CONSTRUCTION [X]

EXPANSION OF EXISTING DEVELOPMENT [ ]

GENERAL DESCRIPTION OF ACTION: [1]

OF UNITS: 18

BUILDING SIZE: 18 X 2500 (sq. ft.)

NOTES: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

APPLICANT OR REPRESENTATIVE [signature] DATE 2/23/06

(TO BE SIGNED UPON COMPLETION OF PROCESSING BY TRAFFIC ENGINEER AND ENVIRONMENTAL HEALTH)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [X] MITIGATING REASONS FOR **NOT** REQUIRING TIS: PREVIOUSLY STUDIED: [ ]

Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. ***Any subsequent changes to the development proposal identified above may require an update or new TIS.***

Tony Tagal
TRAFFIC ENGINEER

2-23-06
DATE

Air Quality Impact Analysis (AQIA) May Be Required:

Section 14-16-3-14 of the COA Comprehensive Zoning Code contains threshold requirements for air quality studies. Criteria and thresholds contained in the Zoning Code specify which land use or plan actions will require preparation of an **AQIA.** Please refer to this section in order to determine if your proposal merits study for air quality impacts. An **AQIA** is not required, if a **TIS** is not required by the City or an associated **TIS** shows all signalized intersections functioning at Level of Service (LOS) C or better. An **AQIA** will only be required for a Sector Development Plan or Sector Development Plan Amendment if it meets AQIA thresholds in the Zoning Code.

AIR QUALITY IMPACT ANALYSIS (AQIA) REQUIRED: YES [ ] NO [X]

Contact an Air Quality Planner at 768-2660 to insure that input is received from the Air Quality Division during the scoping of the companion **TIS**. ***Any subsequent changes to the development proposal identified above may require an update or new AQIA.***

[signature]
APPLICANT

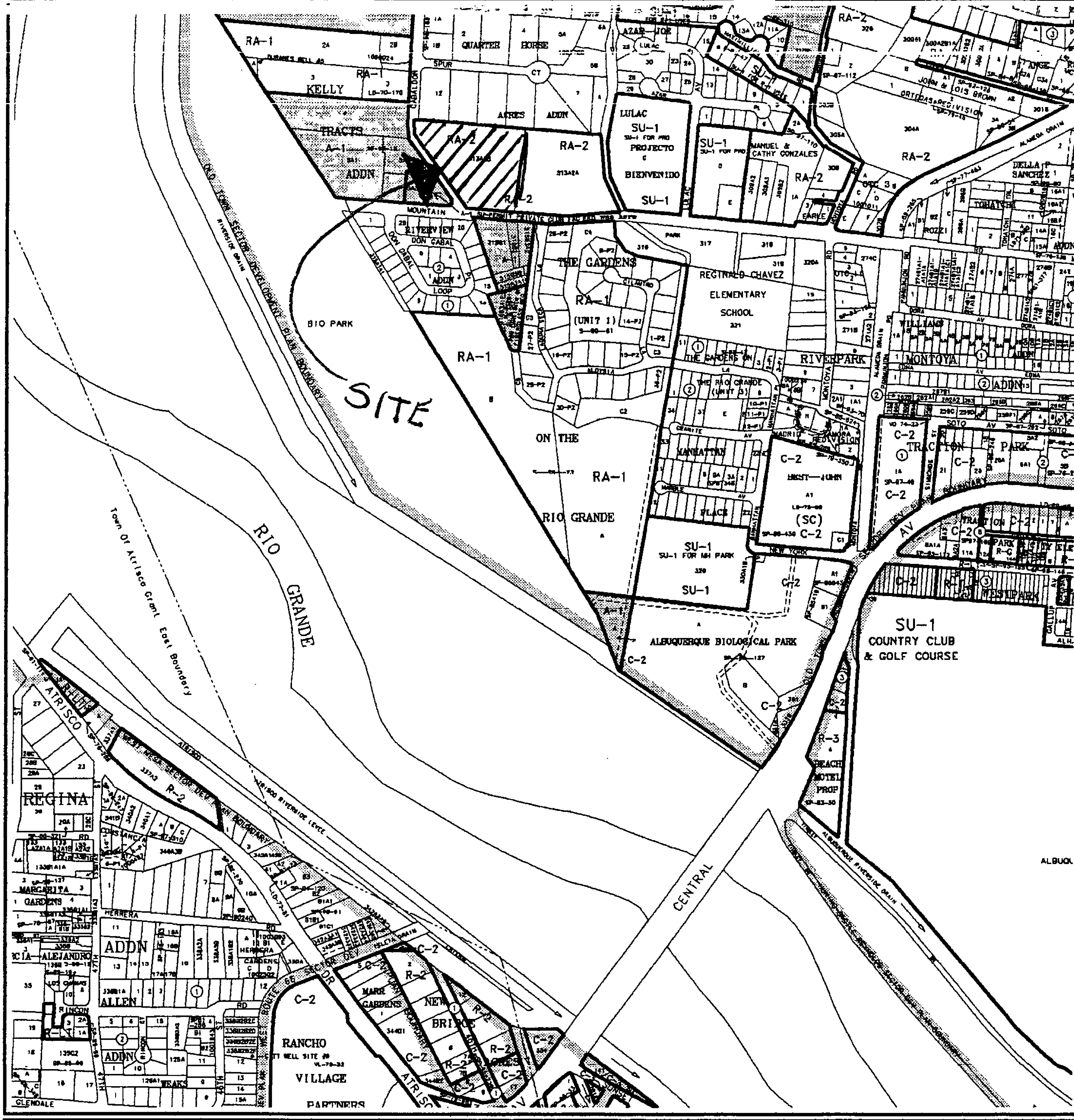
2/23/06
DATE

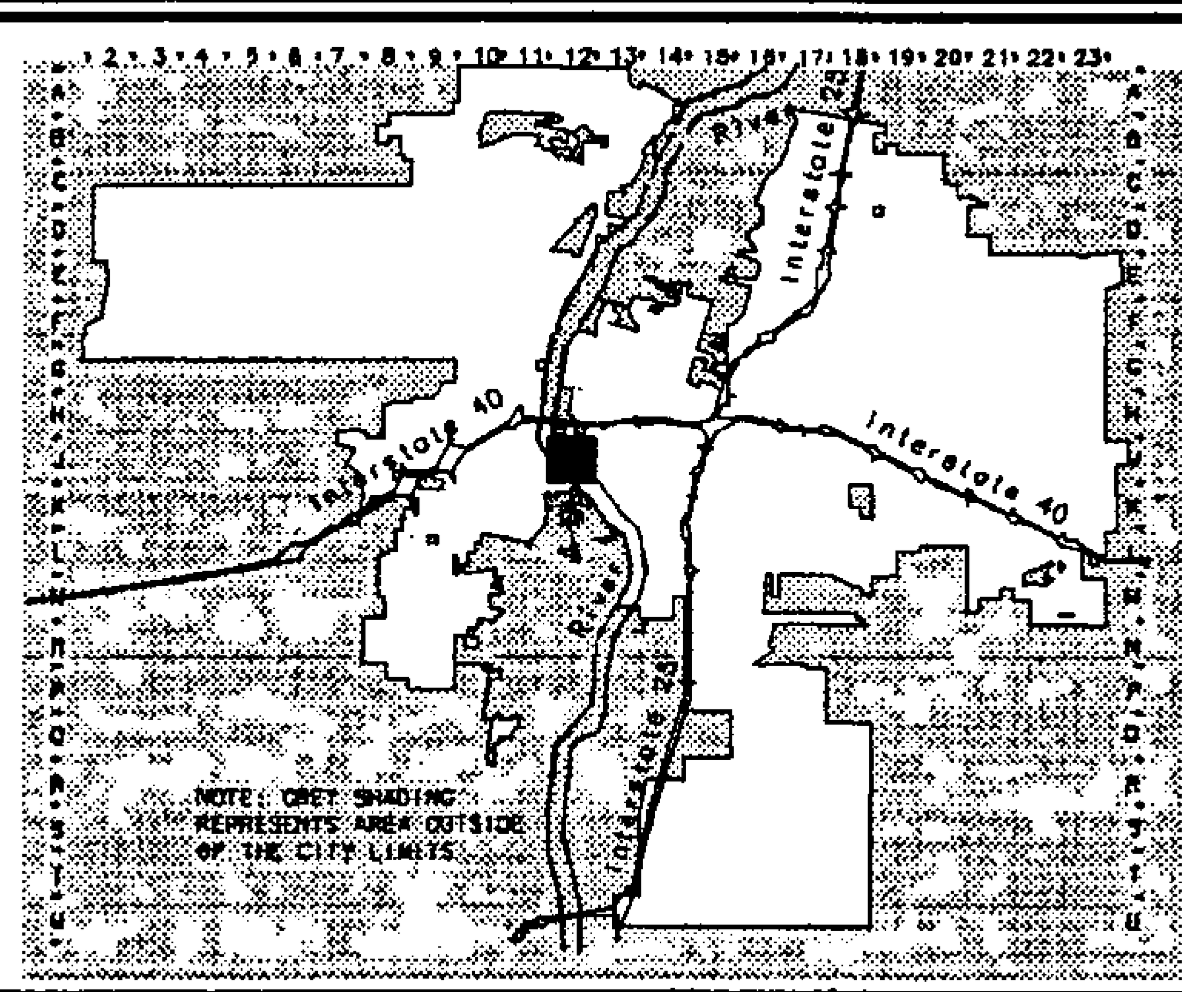
Required **TIS** and/or **AQIA** **must be completed prior to applying to the EPC.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS **-SUBMITTED** ___/___/___
-FINALIZED ___/___/___

TRAFFIC ENGINEER DATE

Revised June 27, 2005





Albuquerque Geographic Information System

PLANNING DEPARTMENT

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GRAPHIC SCALE IN FEET

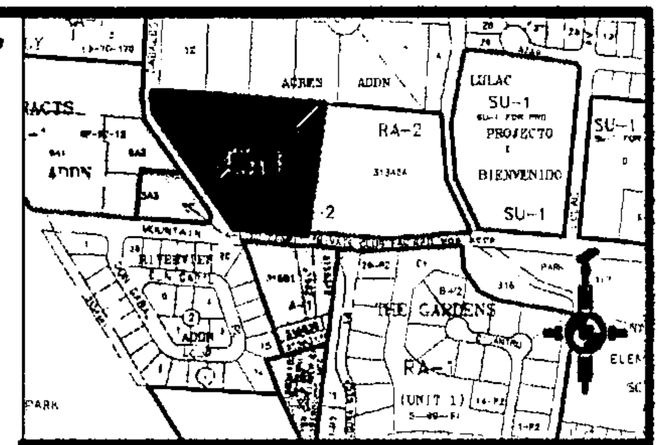
250 0 750 1000

Zone Atlas Page

J-12-Z

Map Amended through February 03, 2004

LEGEND

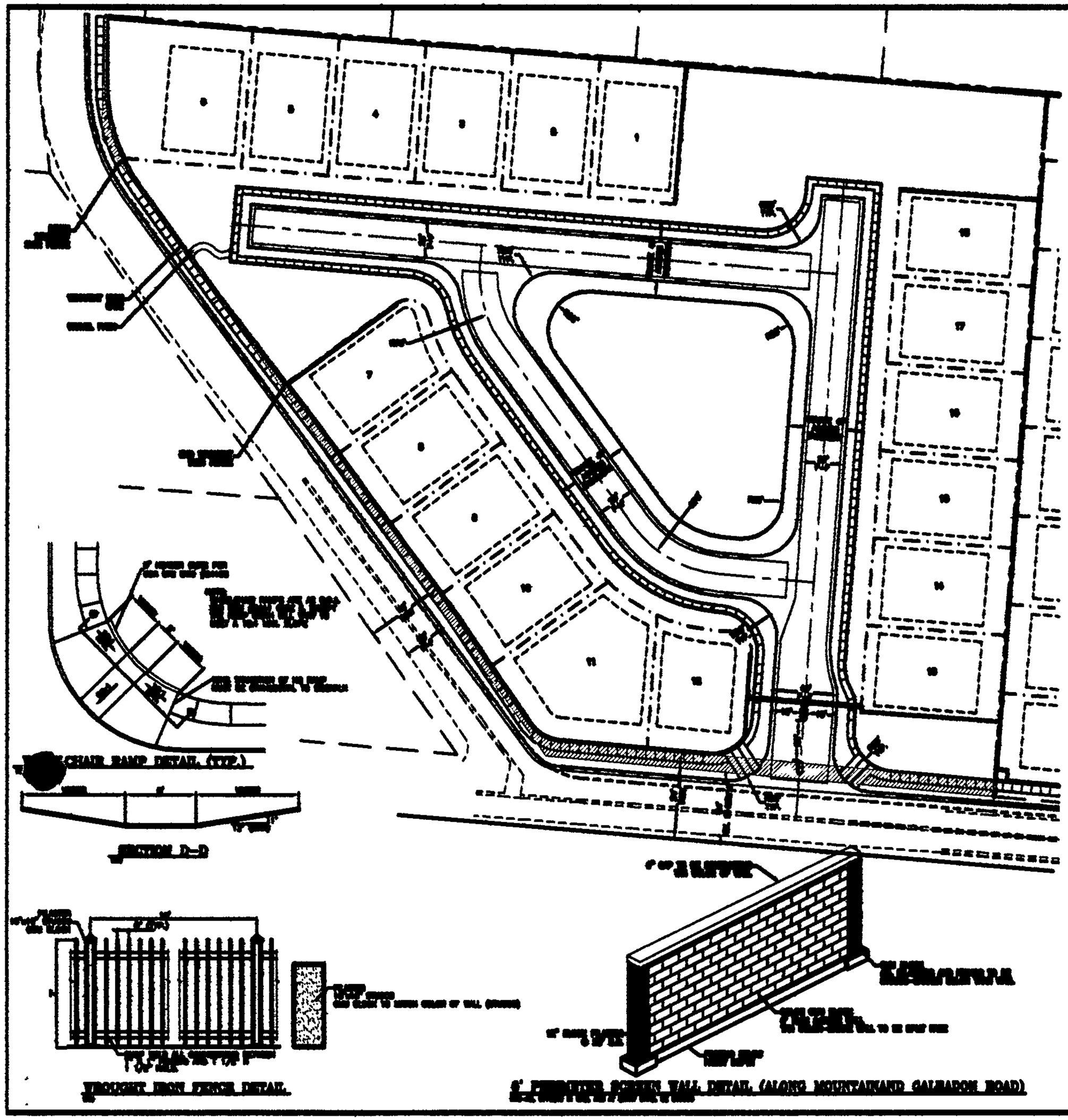


LEGAL DESCRIPTION:

NOTES:

PROJECT NUMBER
APPLICATION NUMBER

SITE DATA



VENTANA DEL BOSQUE
SITE PLAN FOR SUBDIVISION

Rio Grande Engineering

GARCIA/KRAEMER&ASSOCIATES

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

February 23, 2006

EXPLANATION OF REQUEST
Private Commons Development (PCD)
Preliminary Plat & Site Plan for Subdivision
Sidewalk variance and deferral
Ventana del Bosque Project #1004639

Applicant, Washington Investors seek approvals of preliminary plat and site plan for subdivision for a eighteen (18) unit private commons development (PCD) on 4.6987 ac+/-, described as Tract 313A2B, MRGCD Map#38 zoned RA-2. Applicant is the contract purchaser of the subject property. The property immediately to the east was recently approved by the Development Review Board as Entrada del Bosque, Project #1004360. This project is being developed under a similar scheme.

This development will be a gated community with private streets. The private commons area of this project will be open to and connect with the private commons area of Entrada del Bosque. This application also seeks approval of a sidewalk variance since the developer proposes sidewalks only on one side of the private street. A sidewalk deferral is requested so that the developer can construct the required sidewalks contemporaneously with the dwellings.

Private Commons Developments are governed by Section 14-16-3-16 of the zoning code supplementing the regulations of the specific zone (RA-2), normal minimum lot size 10,890.

(A) This site exceeds the minimum tract size of two acres.

(B) Number of lots allowed 18. (43,560 x 4.6987/ 10,890= 18.79)

(C) These are detached houses allowed on any size lot. (.11 to .17 acre)

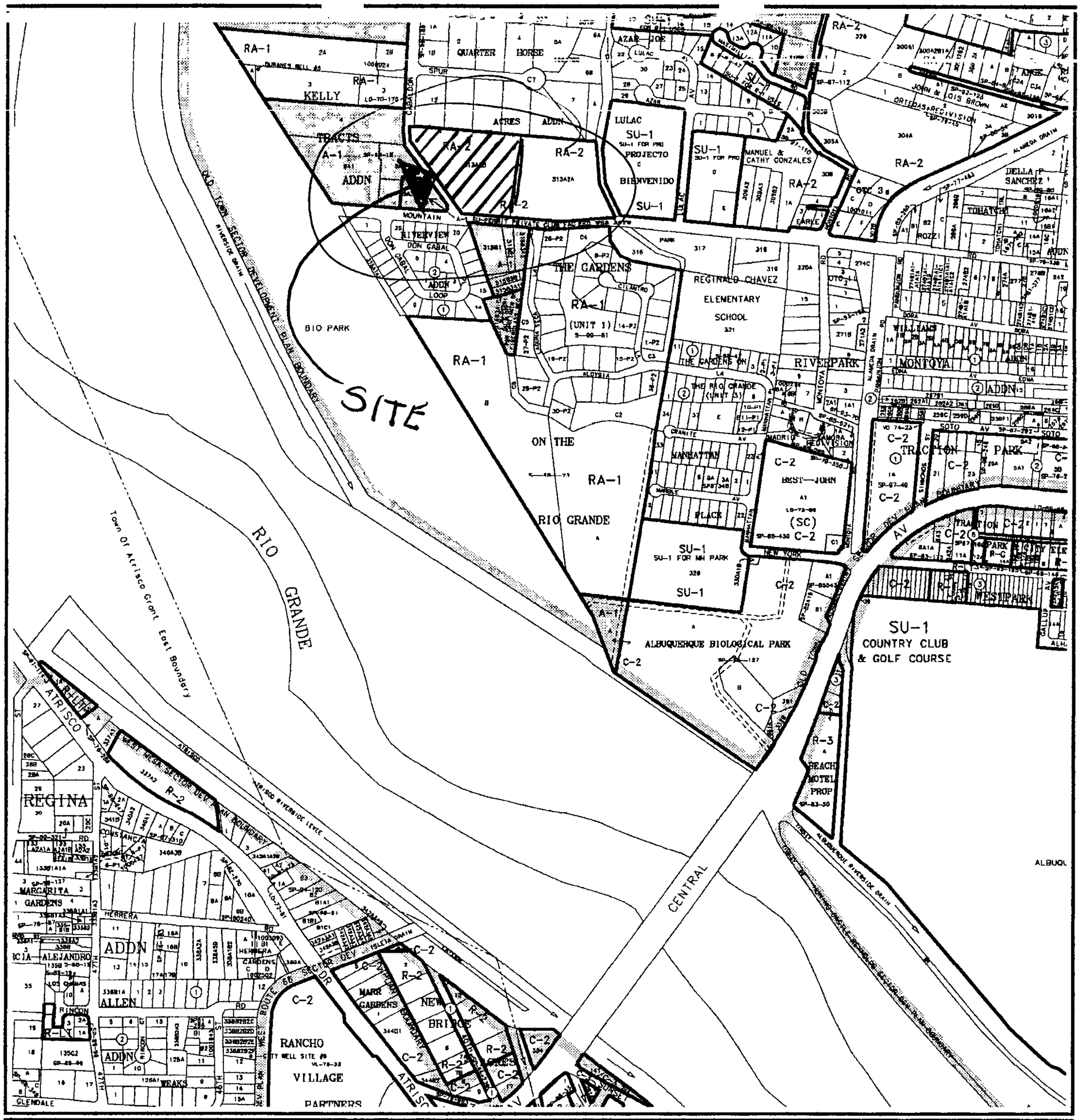
(D) Meets setbacks as set out in regulations. Front yard setback measured from back of sidewalk.

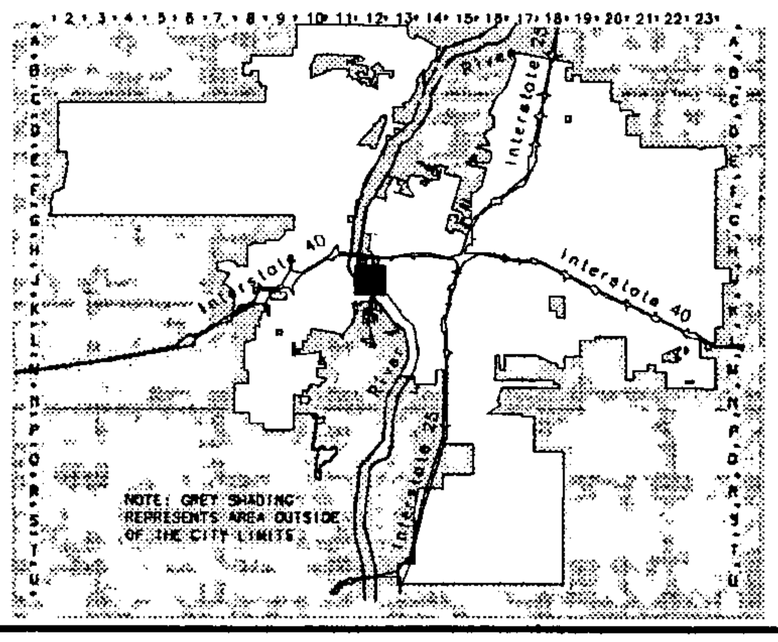
(E) The net size of the private commons area (PCA) is (64,814) square feet; greater than 30% of the tract size, (61,403 sq ft) and greater than 100% of the area gained through lot size reduction. (62,046 sq ft)

(F) Tract A, Gross PCA is 2.4609 acres; net PCA does not include streets, sidewalks, parking, structures or private yards. The front yards of these dwellings will be owned and maintained by the association.

(G) & (I) are addressed in restrictions submitted to DRB City Attorney.

(H) Plat and site plan for subdivision are required and submitted herewith.





Albuquerque Geographic Information System
PLANNING DEPARTMENT

© Copyright 2004

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-12-Z

Map Amended through February 13, 2004

February 23, 2006

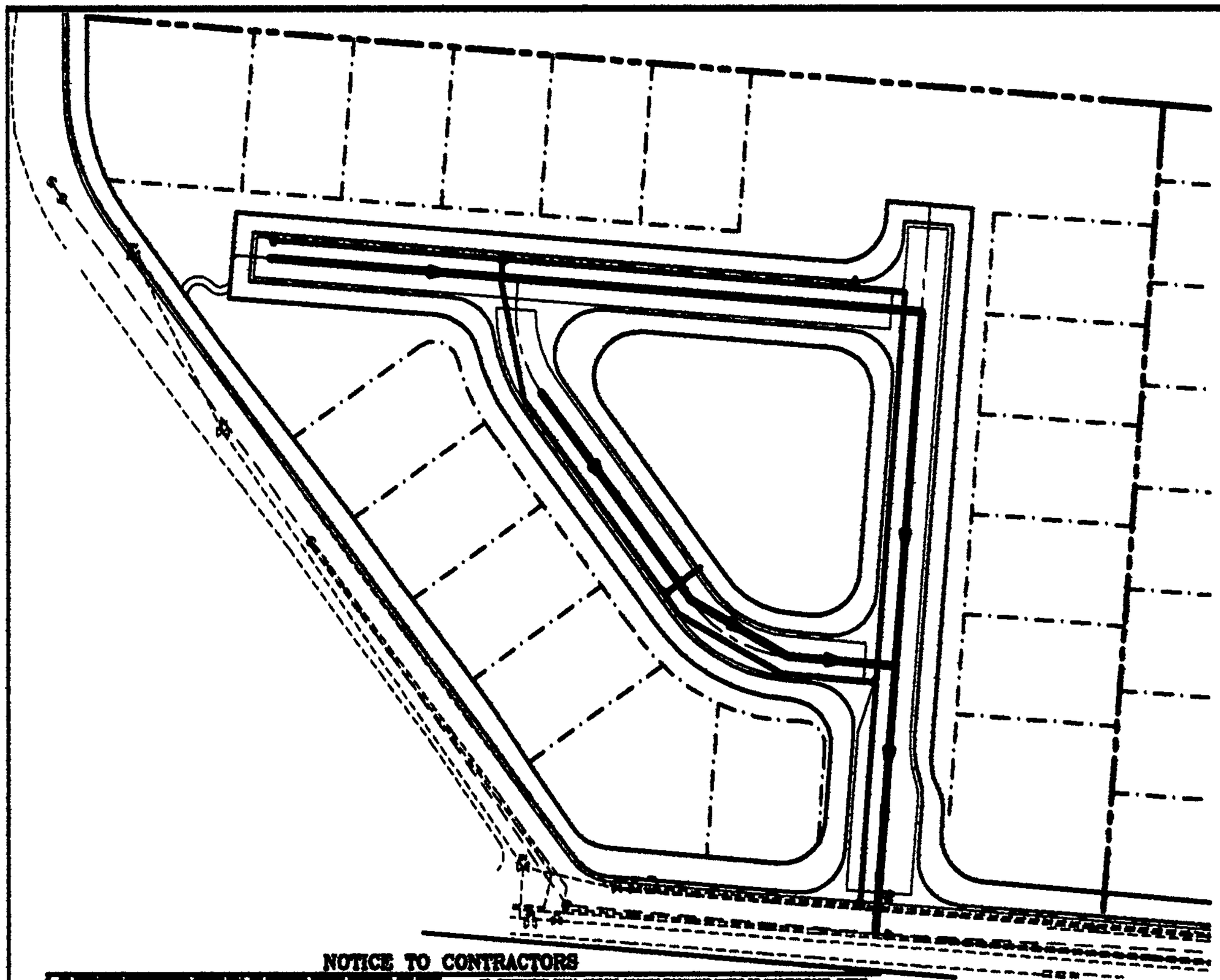
Re: Ventana del Bosque
Tract 313A2B, MRGCD Map #28
ALBUQUERQUE, NEW MEXICO

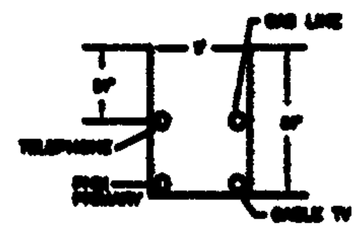
To Whom It May Concern:

As the OWNER/DEVELOPER of the referenced property, I hereby grant Garcia / Kraemer& Associates and Rio Grande Engineering to act as agents on behalf of Washington Investors on matters pertaining to the development of the Ventana Del Bosque project.

Justin Tiabbi

November 11, 2005
(Date)





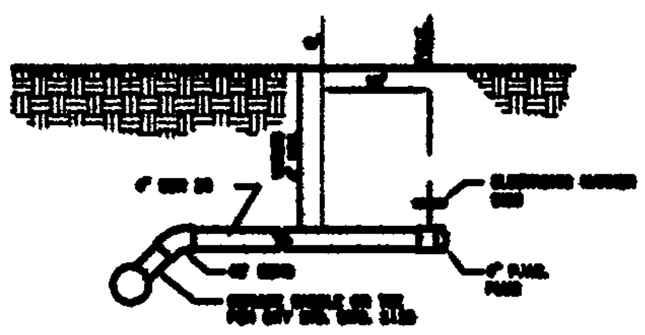
UTILITY TRENCH DETAIL

WATER SHUTOFF NOTES:

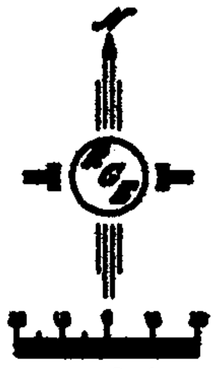
LEGEND

NOTICE TO CONTRACTORS

GENERAL NOTES:

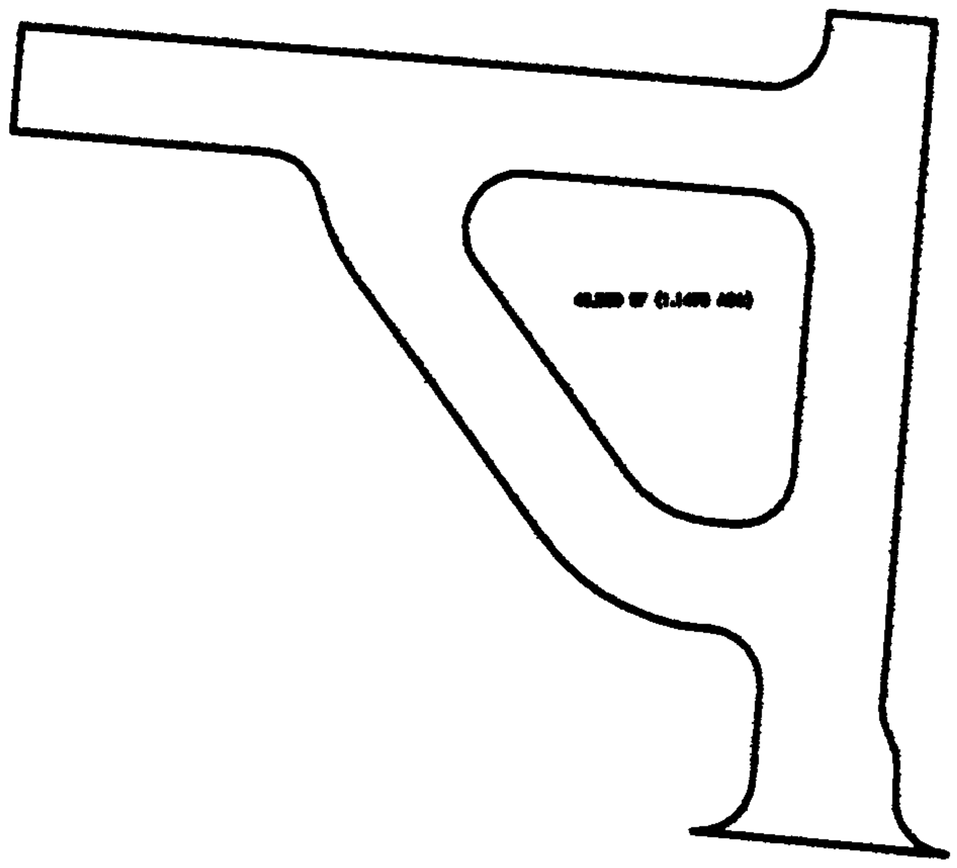


TYP. SANITARY SYSTEM SERVICE CONNECTION

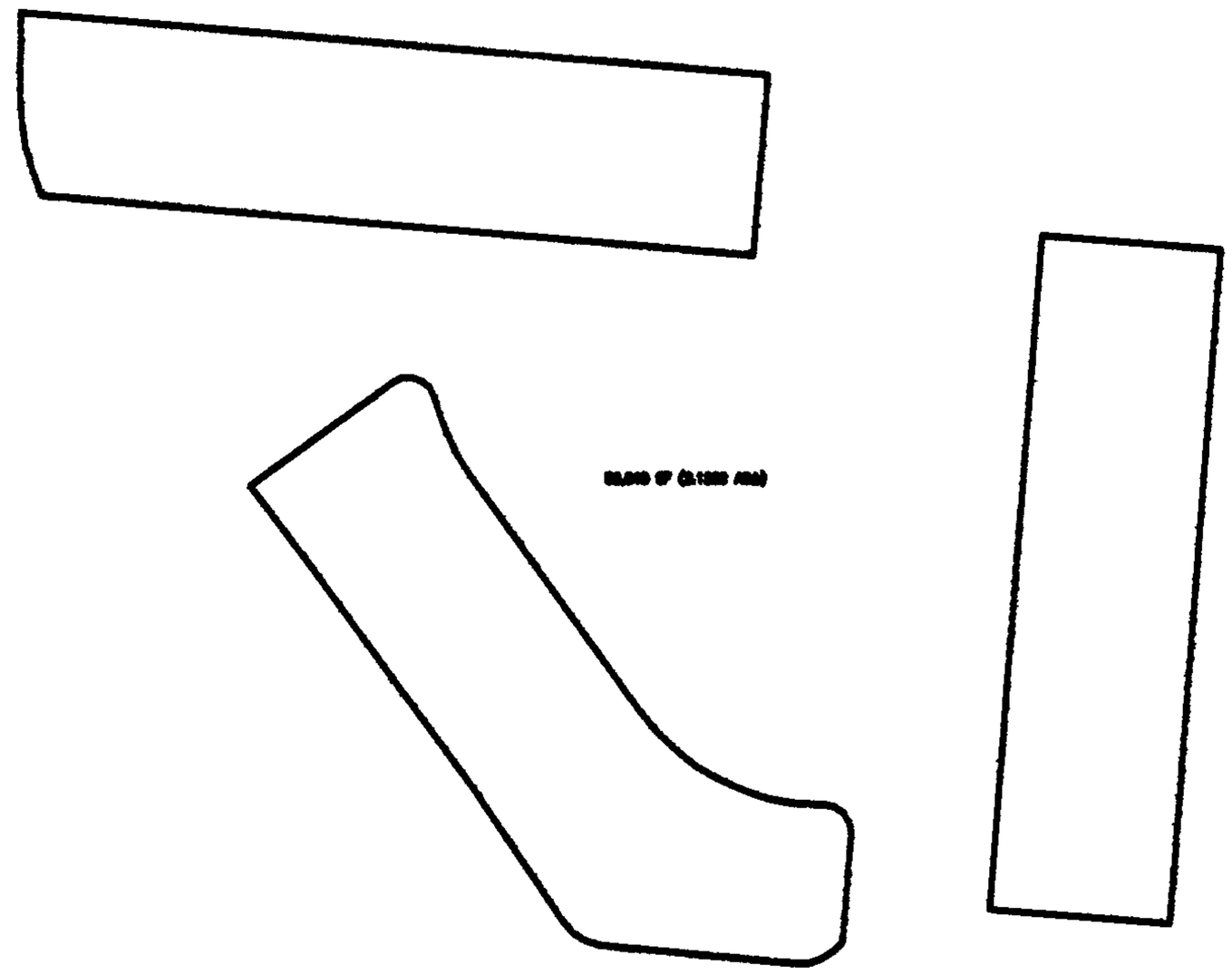


VENTANA DEL BOSQUE

CONCEPTUAL MASTER UTILITY PLAN



47' ROW AREA



PROPOSED LOT AREA

PCA DATA

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
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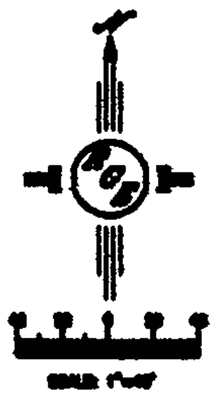

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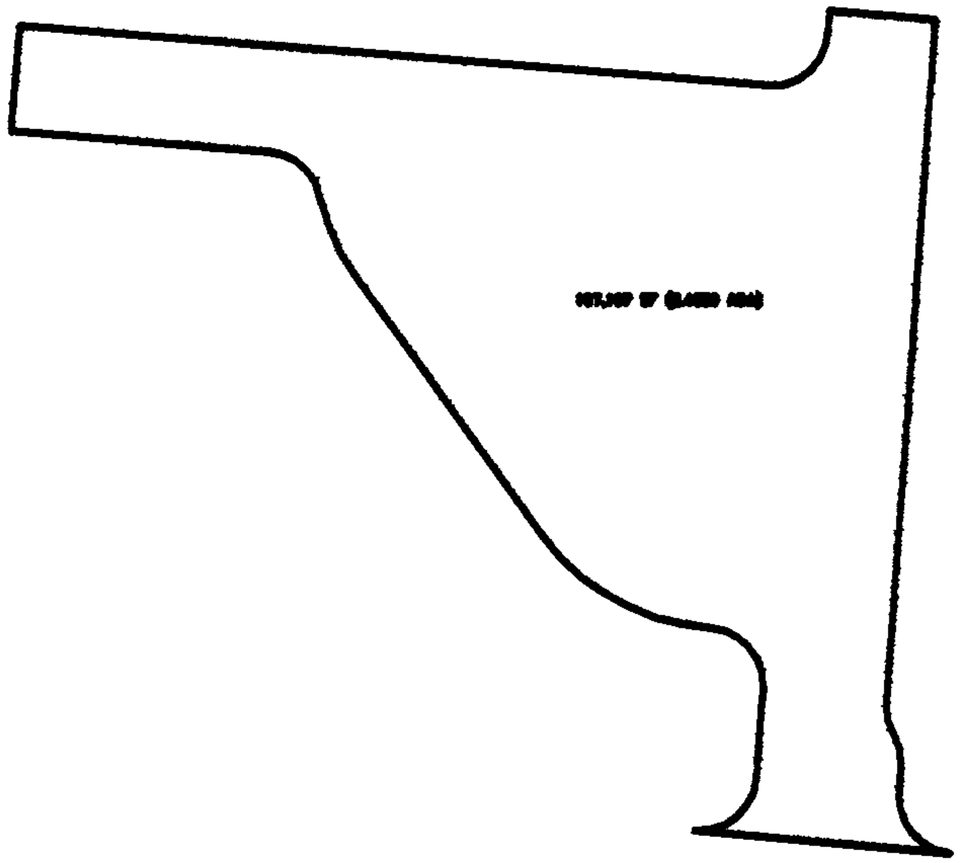
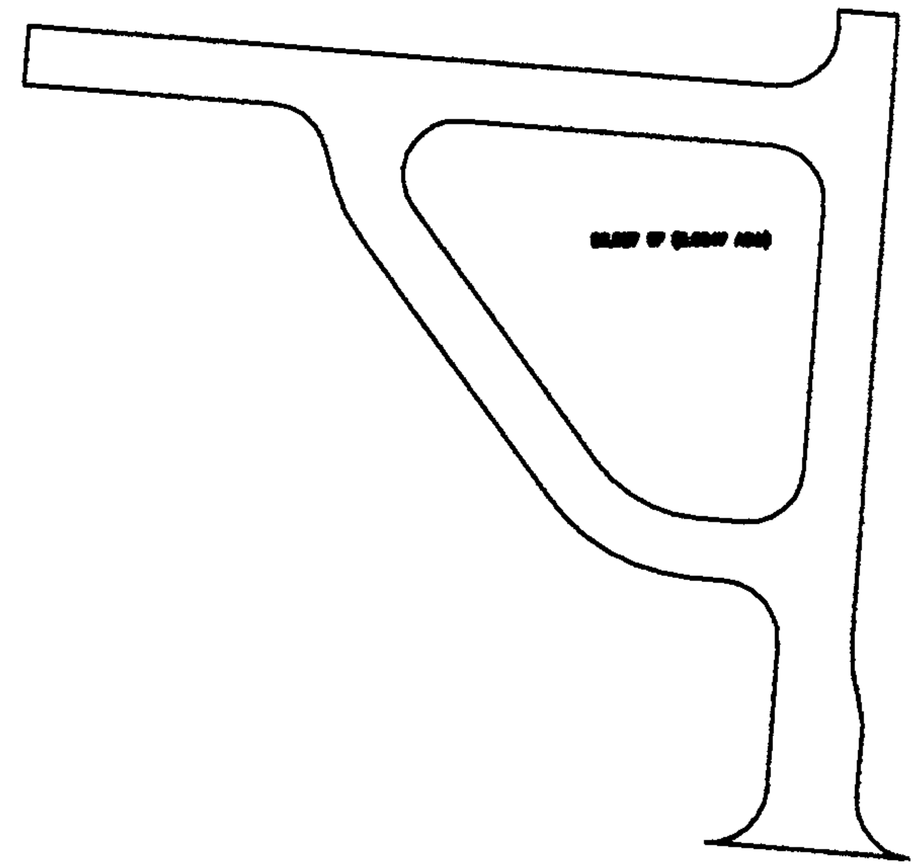
	Rio Grande Engineering	[illegible]
[illegible]		[illegible]

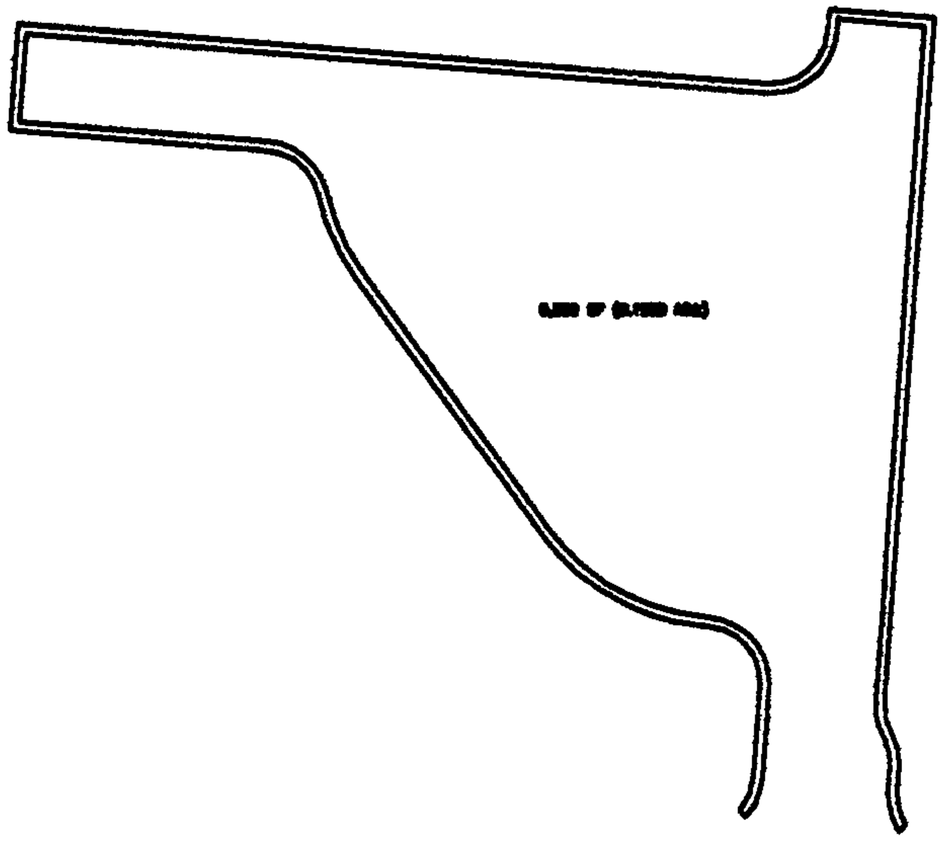


PCA (TRACT A OVERALL)

PCA (CENTRAL COMMON AREA)



PCA (ROAD WAY)



PCA (SIDEWALK)

PCA DATA

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[illegible]	[illegible]
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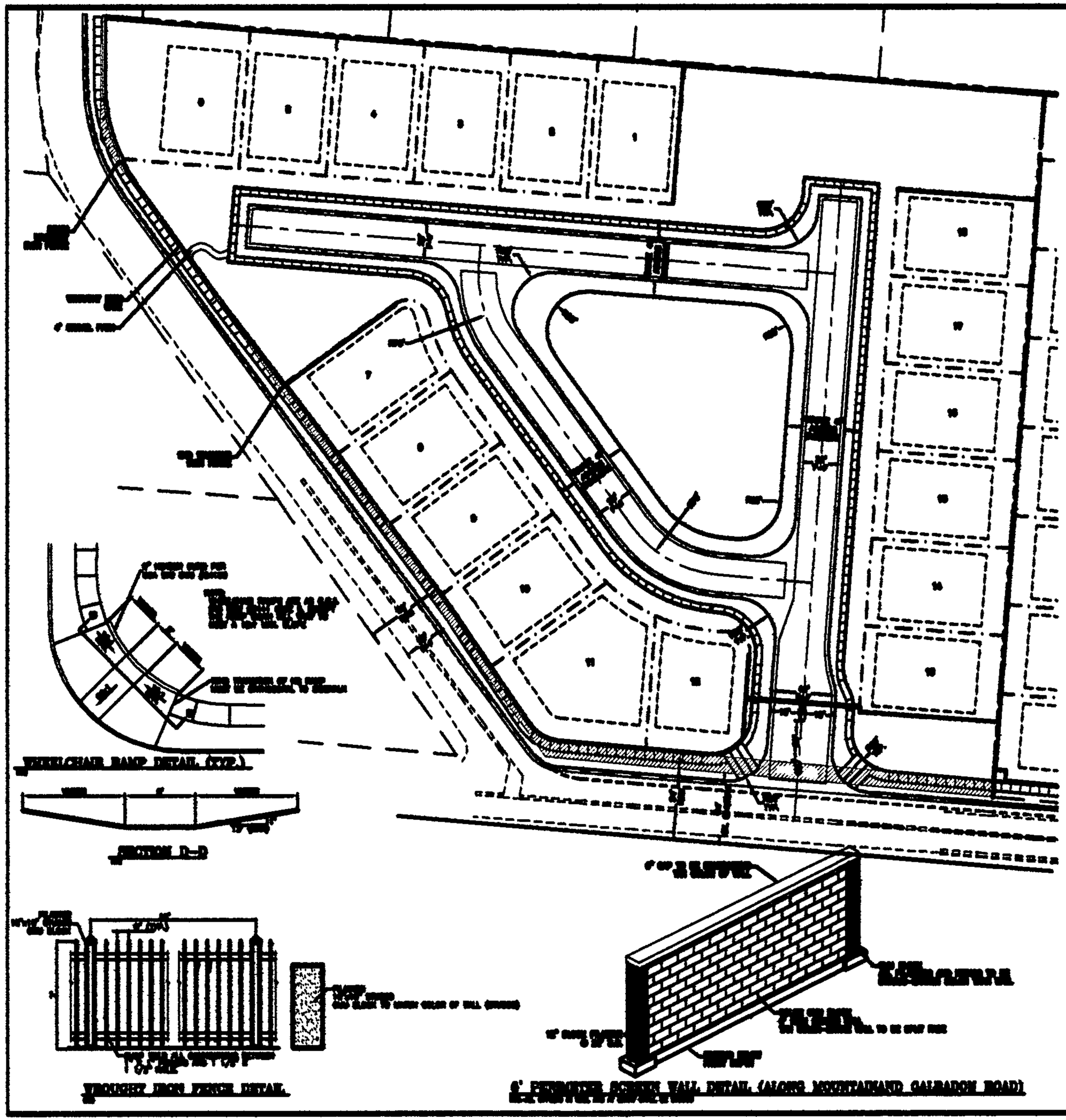
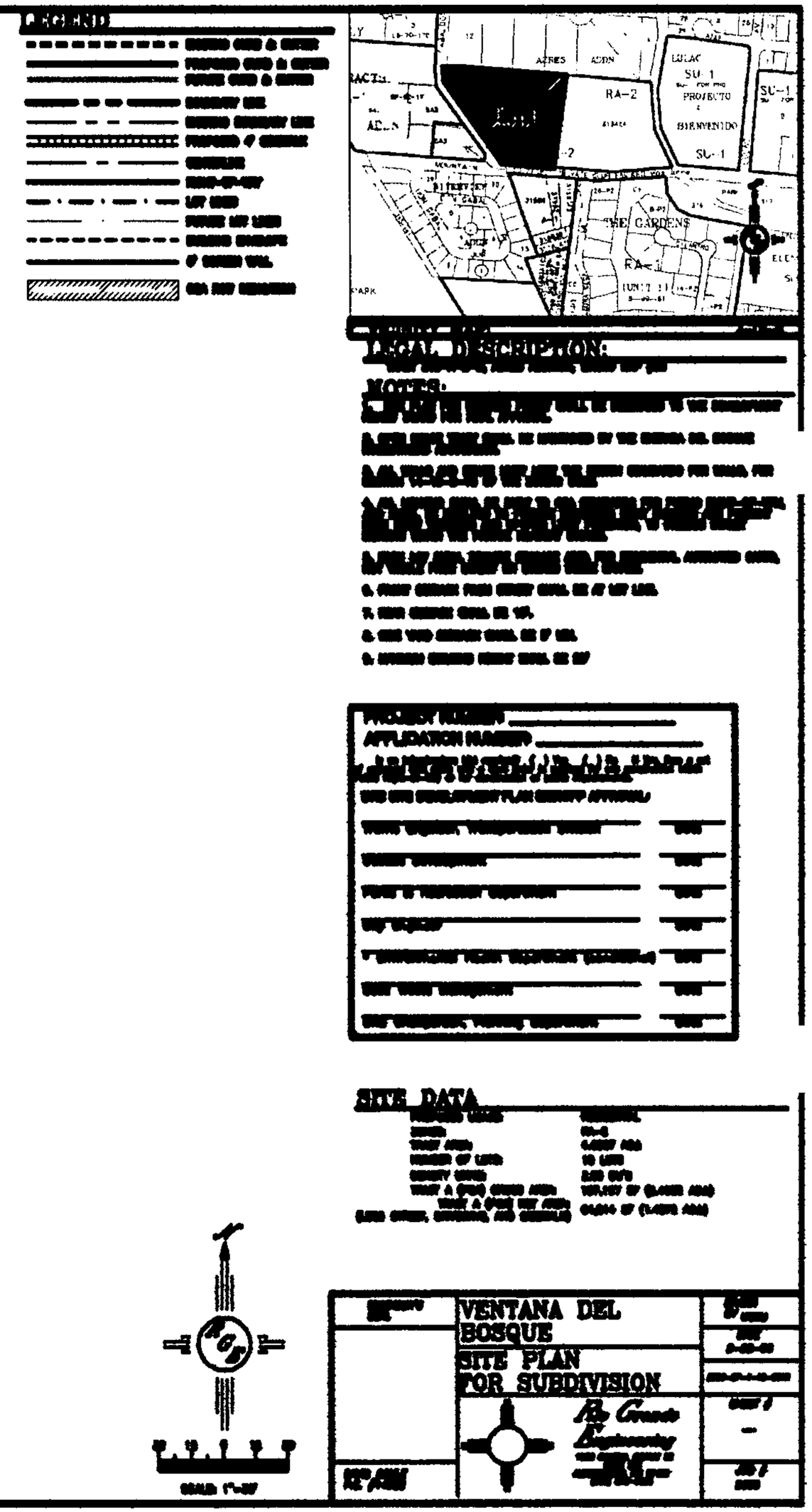
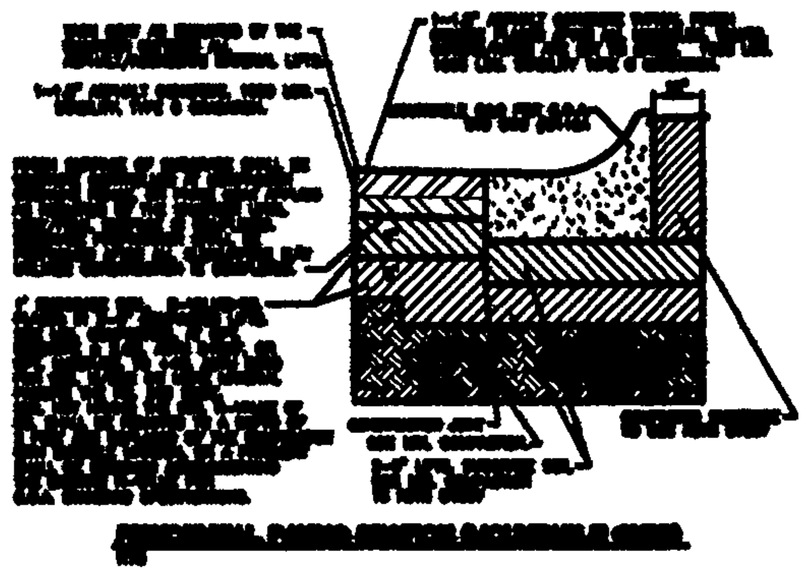
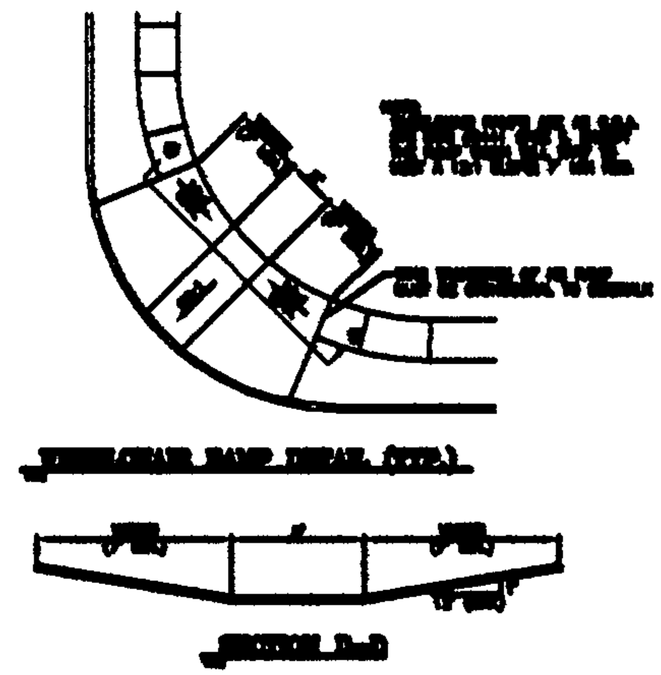
[illegible]	Rio Grande Engineering	[illegible]


WHEELCHAIR RAMP DETAIL (TYP.)
SECTION D-D
WROUGHT IRON FENCE DETAIL
6' PERIMETER SCREEN WALL DETAIL (ALONG MOUNTAINAND GALBADON ROAD)


LEGEND
RA-2
SU-1
PROYECTO
BIENVENIDO
THE GARDENS
LEGAL DESCRIPTION
NOTES:
PROJECT NUMBER
APPLICATION NUMBER
SITE DATA
VENTANA DEL BOSQUE
SITE PLAN FOR SUBDIVISION

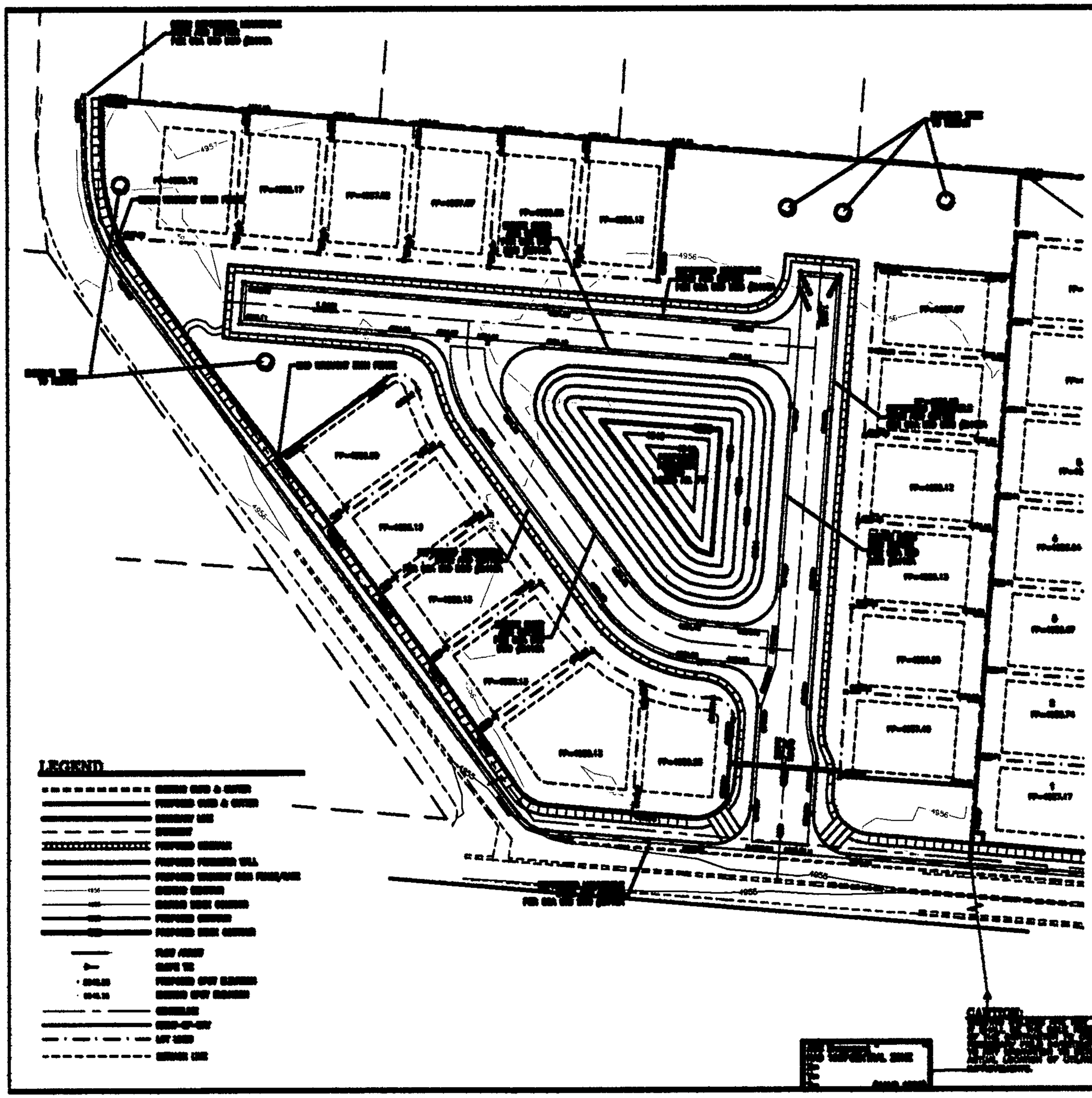


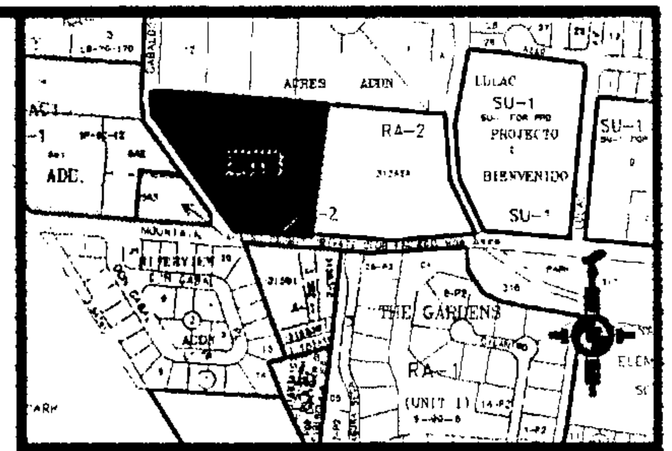


VENTANA DEL BOSQUE

AMENDED GRADING AND DRAINAGE PLAN

2 OF 2





NOTES:

EROSION CONTROL NOTES:

VENTANA DEL BOSQUE

AMENDED GRADING AND DRAINAGE PLAN

Rio Grande Engineering

1 OF 2

ALBUQUERQUE
Making History

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

February 23, 2006

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

This letter will serve to notify you that on **February 23, 2006:**

CONTACT NAME: DAVID SOULE

COMPANY OR AGENCY: RIO GRANDE ENGINEERING
1606 CENTRAL AVENUE SE, SUITE 201
PHONE: 872-0999/FAX: 872-2205

contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at **TRACT 313 A2B LOCATED ON GABALDON NW BETWEEN MOUNTAIN ROAD NW AND LULAC NW** zone map **J-12**.

Our records indicate that as of February 23, 2006, there were no Recognized Neighborhood Associations in this area.

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

Sincerely,

Stephani I. Winklepleck

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

planningnrnaform(10/08/05)

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

PAID RECEIPT

City Of Albuquerque
Treasury Division
2/24/2006 12:25PM LOC: ANNX
RECEIPT# 00053276 WS# 008 TRANS# 0037
Account 441018 Fund 0110
Activity 4971000 TRSCC5
Trans Amt $1,315.00
J24 Misc $75.00
MC $1,315.00
CHANGE $0.00
Thank You

APPLICANT NAME WASHINGTON INVESTORS

AGENT RIO GRANDE ENGINEERING

ADDRESS 1606 CENTRAL SE STE 201

PROJECT & APP # 1004639/06DRB00254,00255,00256,00257

PROJECT NAME VENTANA DEL BOSQUE SUBD.

$ 20.00 441032/3424000 **Conflict Management Fee**

$ 1220.00 441006/4983000 **DRB Actions**

$ _____ 441006/4971000 **EPC/AA/LUCC Actions & All Appeals**

$ 75.00 441018/4971000 **Public Notification**

$ _____ 441006/4983000 **DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 1315.00 **TOTAL AMOUNT DUE**

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

City Of Albuquerque
Treasury Division
2/24/2006 12:25PM LOC: ANNX
RECEIPT# 00053275 WS# 008 TRANS# 0037
Account 441006 Fund 0110
Activity 4983000 TRSCC5
Trans Amt $1,220.00
J24 Misc $1,315.00
Thank You

City Of Albuquerque
Treasury Division
2/24/2006 12:25PM LOC: ANNX
RECEIPT# 00053274 WS# 008 TRANS# 0037
Account 441032 Fund 0110
Activity 3424000 TRSCC5
Trans Amt $1,315.00
J24 Misc
$20.00
Thank You

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from MAR 7, 06 To MAR 22, 06

5. REMOVAL

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

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

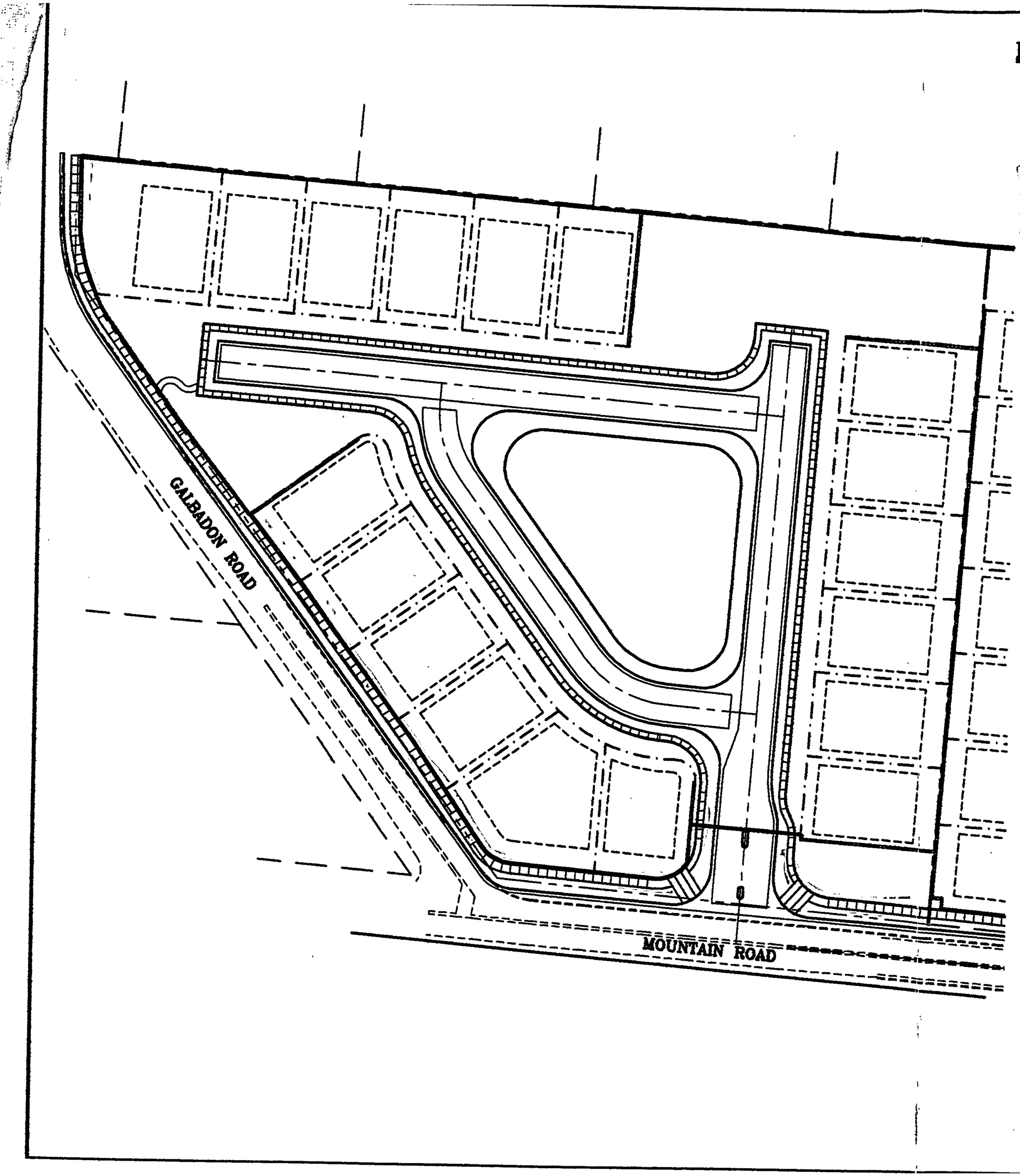
(Applicant or Agent) 2/24/06 (Date)

I issued 2 signs for this application, 02/24/06 (Date) Sandy Handles (Staff Member)

DRB PROJECT NUMBER: 1004639

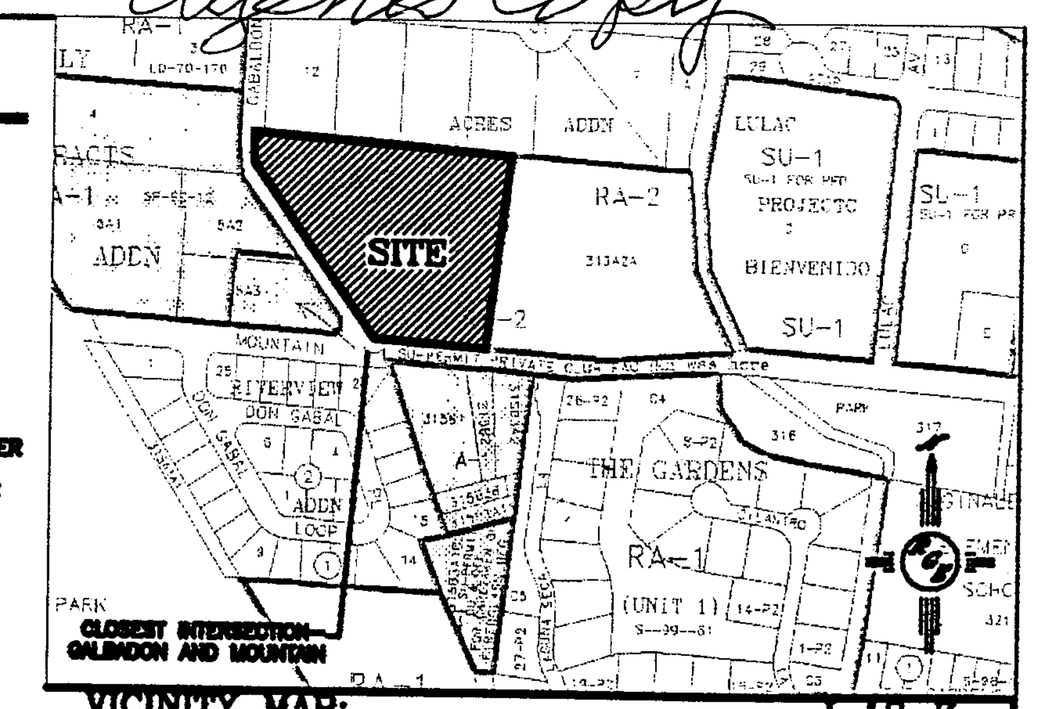
Rev. 1/11/05

Agents' Copy

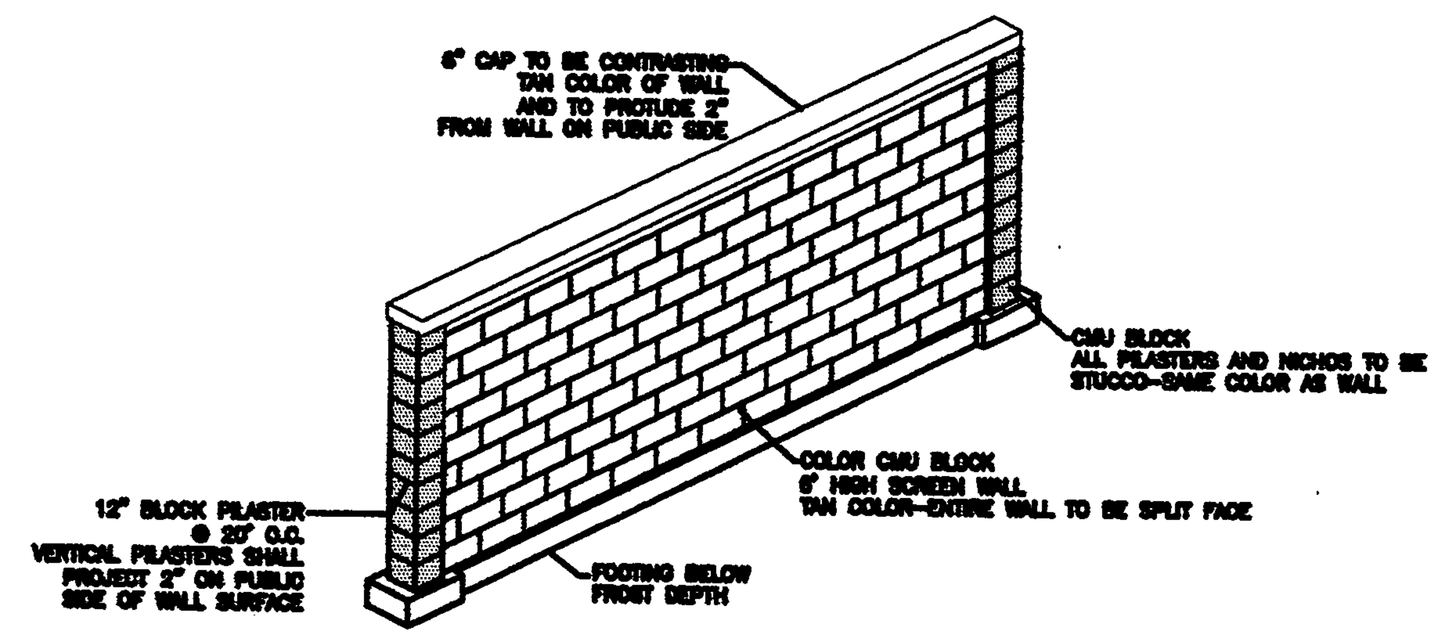


LEGEND

- BOUNDARY LINE
- EXISTING BOUNDARY LINE
- CENTERLINE
- RIGHT-OF-WAY
- SIDEWALK
- PROPOSED SCREEN WALL
- PROPOSED LOT LINE
- PROPOSED CURB AND GUTTER
- EXISTING CURB AND GUTTER



VICINITY MAP: NTS



6' PERIMETER SCREEN WALL DETAIL (ALONG MOUNTAIN ROAD)
NTS

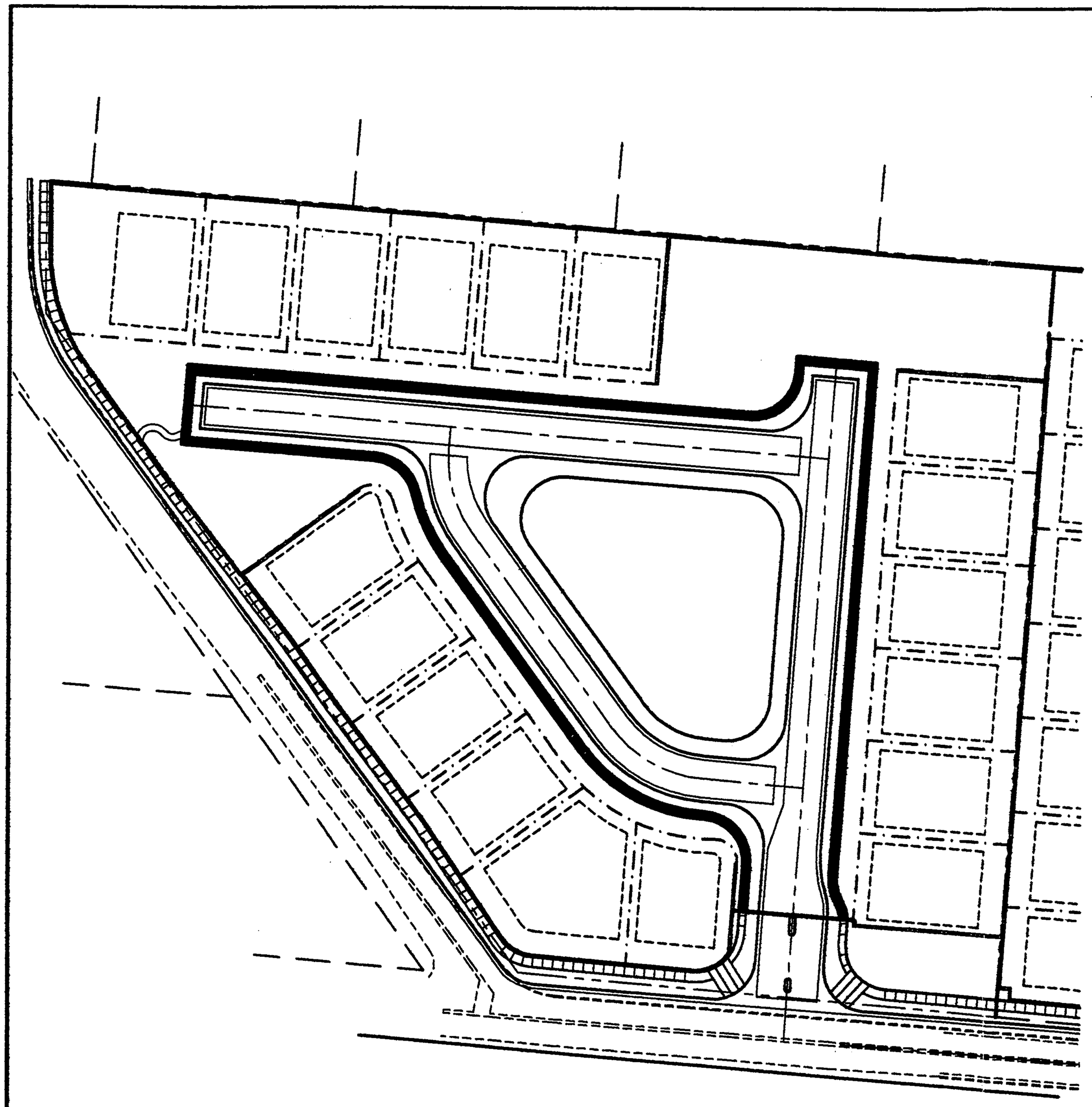
Approved

D Matson
DRB Chair

3/03/06
Date

DRB # 1004639

ENGINEER'S SEAL J 12	VENTANA DEL BOSQUE WALL EXHIBIT	DRAWN BY WCWJ DATE 2-23-06
DAVID SOULE P.E. #14322	Rio Grande Engineering 1400 CENTRAL AVENUE SE SUITE 201 ALBUQUERQUE, NM 87106 (505) 873-0888	SHEET # — JOB # 2600



LEGEND

- BOUNDARY LINE
- EXISTING BOUNDARY LINE
- CENTERLINE
- RIGHT-OF-WAY
- SIDEWALK TO BE BUILT W/THIS PROJECT
- SIDEWALK TO BE DEFFERED
- PROPOSED LOT LINE
- PROPOSED CURB AND GUTTER
- EXISTING CURB AND GUTTER

EXHIBIT C

Date 3/22/06

DRB #

N

RGE

ENGINEER'S SEAL	VENTANA DEL BOSQUE	DRAWN BY WCWJ
	SIDEWALK DEFFERAL EXHIBIT	DATE 2-23-06
	Rio Grande Engineering 1000 CENTRAL AVENUE SE SUITE 201 ALBUQUERQUE, NM 87106	SHEET # —
DAVID SOULE		JOB #

PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
1/18/06	Acres Addition Proj 1004639	Sketch	Comments given

F

DEVELOPMENT REVIEW BOARD
UTILITY DEVELOPMENT
Standard Comment Sheet

DRB-1004636 **Item No. 15** **Zone Atlas J-12**

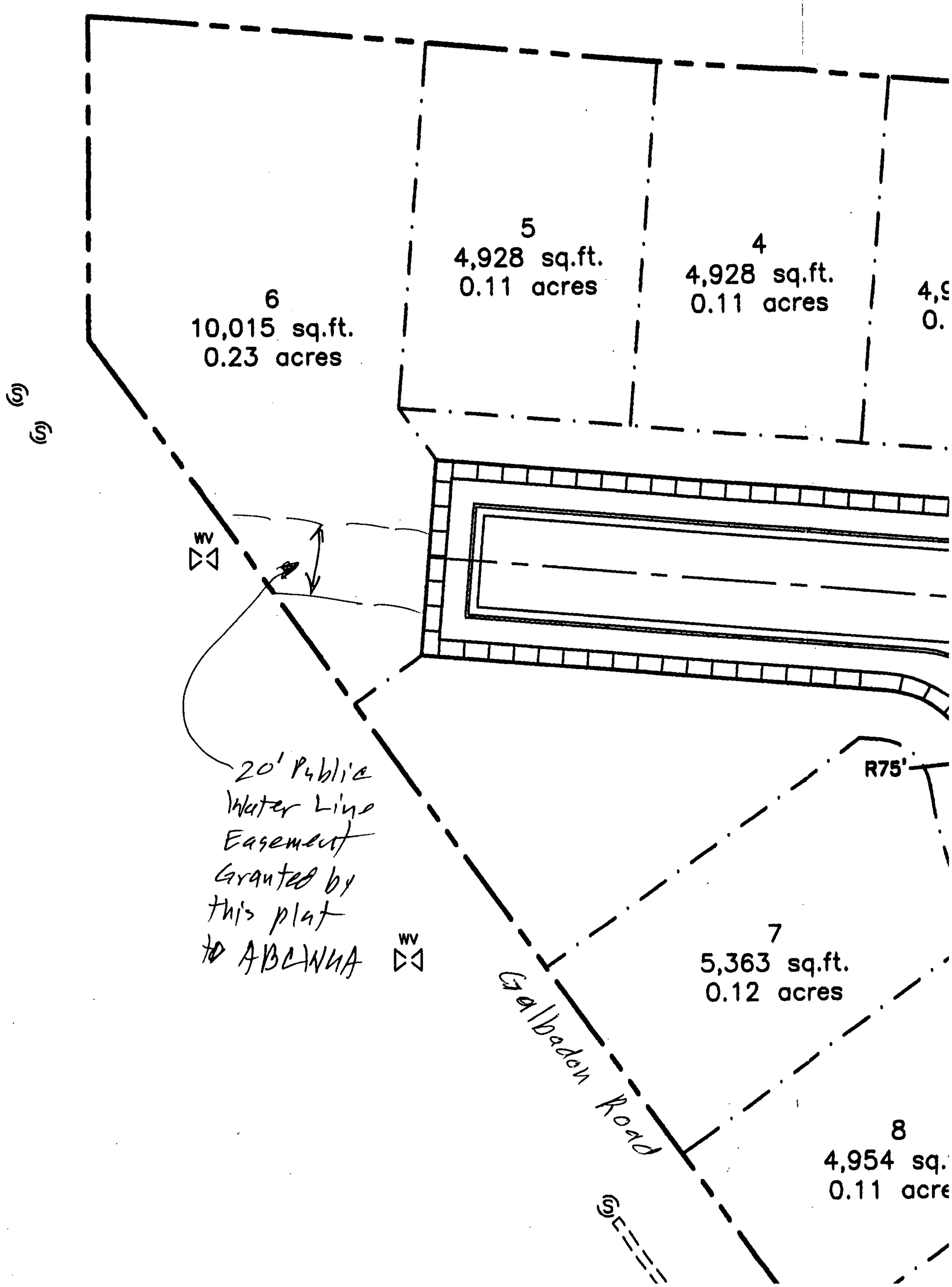
DATE ON AGENDA 01/18/06
INFRASTRUCTURE REQUIRED (x)YES ( )NO
CROSS REFERENCE: N/A

TYPE OF APPROVAL REQUESTED: ( ) ANNEXATION
(X)SKETCH PLAT ( )PRELIMINARY PLAT ( )FINAL PLAT
( )SITE PLAN REVIEW AND COMMENT ( )SITE PLAN FOR SUBDIVISION
(x)SITE PLAN FOR BUILDING PERMIT

Comments:

1. A 20 foot public waterline easement will required from the west street stub to Galbadon Road. See the attached sketch for additional information.

If you have any questions or comments please call Bill Balch at 924-3988.


6
10,015 sq.ft.
0.23 acres
5
4,928 sq.ft.
0.11 acres
4
4,928 sq.ft.
0.11 acres
WV
20' Public
Water Line
Easement
Granted by
this plat
to ABCWSA
WV
R75'
7
5,363 sq.ft.
0.12 acres
Galbaden Road
8
4,954 sq.
0.11 acre

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

Standard Comment Sheet

DRB-1004639 Item No. 15 Zone Atlas J-12

DATE ON AGENDA 1-18-06

INFRASTRUCTURE REQUIRED (X)YES ( )NO

CROSS REFERENCE: _____

_____

TYPE OF APPROVAL REQUESTED:

(X)SKETCH PLAT ( )PRELIMINARY PLAT ( )FINAL PLAT

( )SITE PLAN REVIEW AND COMMENT ( )SITE PLAN FOR SUBDIVISION

( )SITE PLAN FOR BUILDING PERMIT

No.	Comment
1)	X-sections of both Gabaldon and Mountain road are needed to evaluate dedications and infrastructure requirements.
2)	Standard infrastructure per DPM is required.
3)	The entrance may need to be 50′ face to face to allow for the turnaround movement.
4)	Mountain road requires bikelanes and Gabaldon is a bike route.
5)	Is there sidewalk around the entire perimeter?
6)	Sight distance will need to be considered at the entrance, the intersection of Mountain/Gabaldon and at the Gabaldon bend at lot 6.
7)	Radii per DPM will be required.

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

CITY OF ALBUQUERQUE

ALBUQUERQUE
Making History

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1004639 **AGENDA ITEM NO: 15**

SUBJECT:

Sketch Plat/Plan

ACTION REQUESTED:

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

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

ENGINEERING COMMENTS:

An approved drainage report is required for Preliminary Plat approval.
An approved infrastructure list is required for Preliminary Plat approval.

RESOLUTION:

discussed

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

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

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

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: January 18, 2006

12
11
10
R-1
9
4
1
A-1
2
5A1
GABALDON
J12
313A2B
RA-2
313A2A
5A3
A-1
MOUNTAIN
MOUNTAIN + NW GABALDON NW
R-1
25
R-1 24
0
199ft

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION S

- X Major Subdivision action
- ___ Minor Subdivision action
- ___ Vacation V
- ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN P

- ___ ...for Subdivision Purposes
- ___ ...for Building Permit
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC) L

Supplemental form

ZONING & PLANNING Z

- ___ 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)

APPEAL / PROTEST of... A

- ___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

APPLICANT INFORMATION:

NAME: Washington Investors PHONE: 856-3419

ADDRESS: PO Box 93024 FAX: 856-3520

CITY: ALBUQUERQUE STATE NM ZIP 87199 E-MAIL:

Proprietary interest in site: OWNER BY CONTRACT **List all owners:** SOLE OWNER

AGENT (if any): RIO GRANDE ENGINEERING PHONE: 872-0999

ADDRESS: 3500 COMANCHE NE, SUITE E-5 FAX: 872-2205

CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: david@riograndeengineering.com

DESCRIPTION OF REQUEST SKETCH PLAT COMMENTS-MAJOR SUBDIVISION

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

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

Lot or Tract No. lots 313-A-2-B Block: ___ Unit: ___

Subdiv. / Addn. Acres Addition

Current Zoning: RA-2 Proposed zoning: RA-2

Zone Atlas page(s): J-12-Z No. of **existing** lots: 1 No. of **proposed** lots: 16

Total area of site (acres): 4.29 Density if applicable: dwellings per gross acre: 4.22 dwellings per net acre: 4

Within city limits? x Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? no

UPC No. **101205823347020303,** MRGCD Map No. ___

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

Between: Gabaldon NW and Lulac Avenue 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.): BA-1771

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

SIGNATURE DATE 1/9/06

(Print) DAVID SOULE, PE ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 9/01, 3/03, 7/03, 10/03, **3/04**

☐ **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
- NA ☐ Site is within 1000ft of a landfill
- NA ☐ F.H.D.P. density bonus
- NA ☐ F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
06DRB - - 00055	SK	S(3)	$ 0.00
- -			$
- -			$
- -			$
- -			$
			Total $ 0.00

Hearing date 01/18/06

Sandy Hardley 01/10/06 Project # 1004639

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

☑ **SKETCH PLAT REVIEW AND COMMENT** **YOUR ATTENDANCE IS REQUIRED.**

✓ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. Sketches are not reviewed through internal routing.
✓ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
✓ X Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ X Letter briefly describing, explaining, and justifying the request
✓ NA Any original and/or related file numbers are listed on the cover application

☐ **MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT** **Your attendance is required.**

__ Preliminary Plat reduced to 8.5" x 11"
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Copy of previous D.R.B. approved infrastructure list
__ Copy of the Official D.R.B. Notice of approval
__ Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.
Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL** **Your attendance is required.**

__ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
__ Design elevations & cross sections of perimeter walls
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing
__ SIA financial guaranty verification
__ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
__ Any original and/or related file numbers are listed on the cover application
__ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

☐ **MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL** **Your attendance is required.**

__ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing
__ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
__ Fee (see schedule)
__ Any original and/or related file numbers are listed on the cover application
__ Infrastructure list if required **(verify with DRB Engineer)** **NO INTERNAL ROUTING**
__ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes)** **Your attendance is required.**
☐ **AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**
☐ **AMENDMENT TO GRADING PLAN (with minor changes)**

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

__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
__ Any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year.

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

David Sole
Applicant name (print)

1/9/06
Applicant signature / date

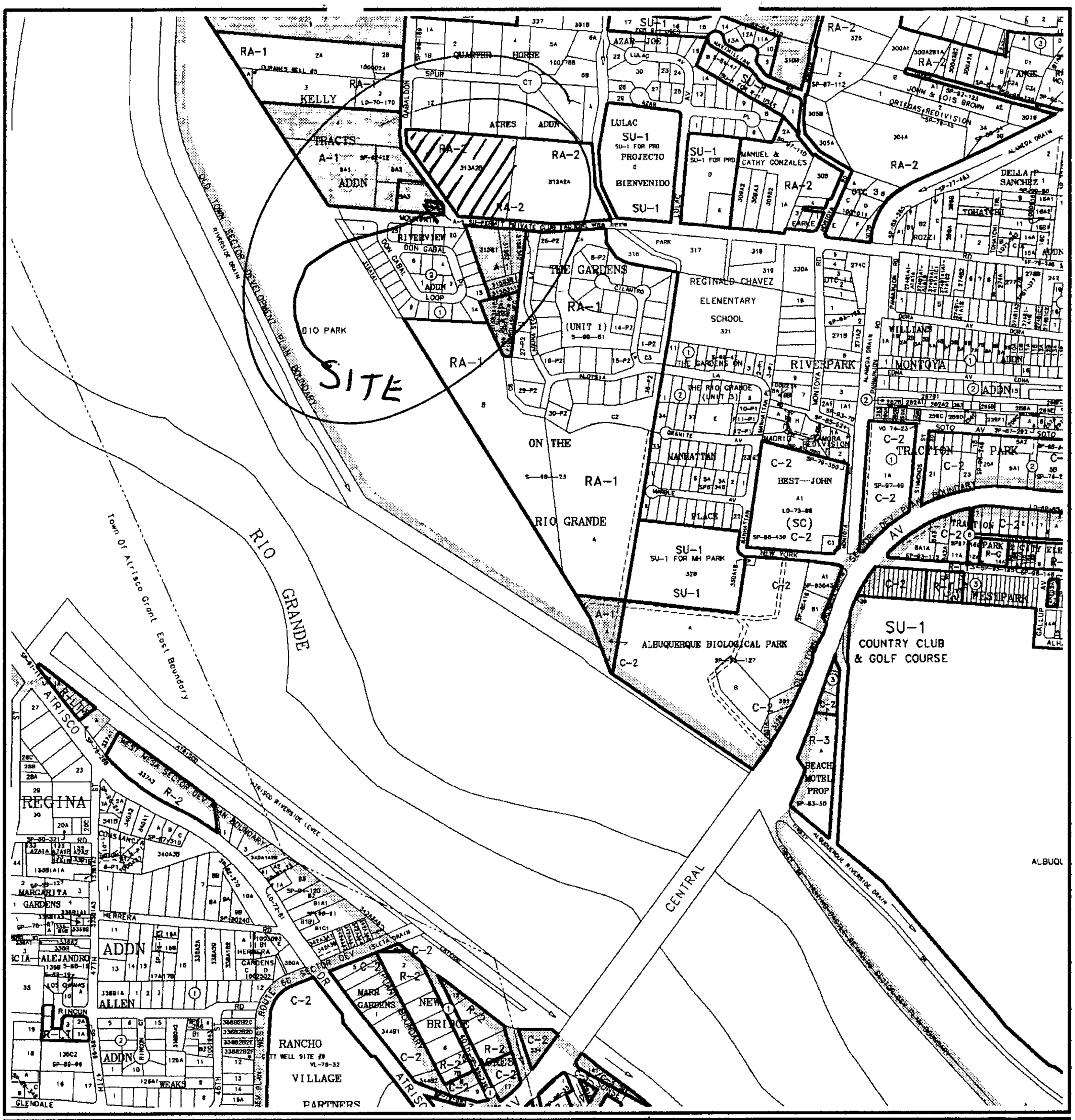
Form revised 10/03

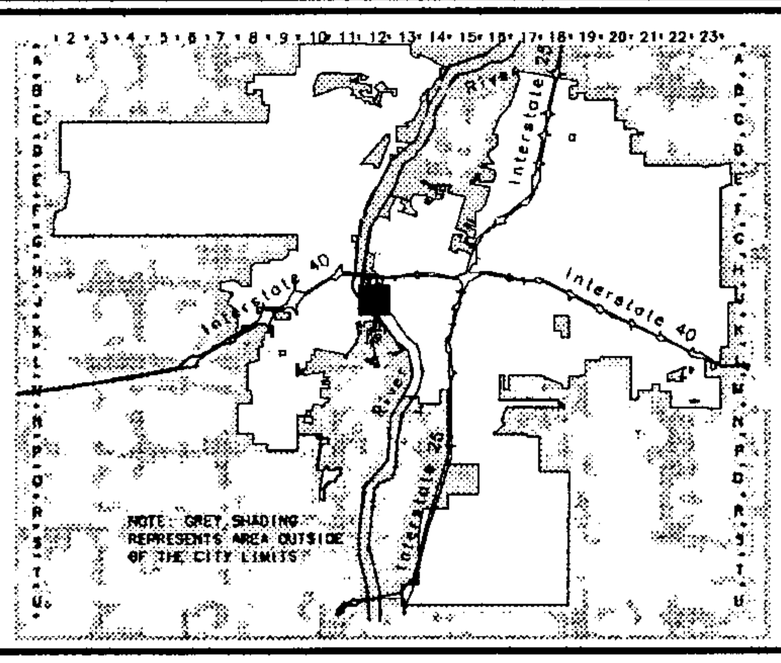
☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers
06DRB - 00055
- -
- -

Sandy Handley 01/10/06
Planner signature / date

Project # 1004639





Albuquerque Geographic Information System
PLANNING DEPARTMENT

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GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-12-Z

Map Amended through February 03, 2004

Rio Grande Engineering
Land Development and Civil Engineering Services

January 9, 2006

Ms. Sheran Matson
Chair-Development Review Board
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

RE: Sketch Plat Comments for
Entrada del Bosque deux
Lot 313-A-2-B, Acres Subdivision
Albuquerque, New Mexico

Dear Ms. Matson:

Rio Grande Engineering, on behalf of Washington Investors, requests comment by the Development Review Board for the proposed subdivision of Lot 313-A-2-B Acres Subdivision. The subject property is located on the north side of Mountain Road NW between Gabaldon Road NW and Lulac Avenue NW. The property is currently zoned RA-2. The proposed development is to be a gated subdivision with Private roads and open space. The subdivision will take access from Mountain Road.

The property is located within the Established Urban Area of Albuquerque as identified within the Comprehensive Plan. The site is near to public water and sewer lines, these lines will be extended with this project. This site will be graded at valley grading scheme to drain to the common open space.

Should you have any questions regarding this submittal, please do not hesitate to call me.

Sincerely,

David Soule, PE

Enclosures

cc: file

JN: 2611
ds

skecthplatltr010906