

# CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

**DRB CASE NO/PROJECT NO: 1004873**

**AGENDA ITEM NO: 3**

**SUBJECT:**

Site Plan for Building Permit

**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APPROVED ; DENIED \_\_\_; DEFERRED \_\_\_; COMMENTS PROVIDED \_\_\_; WITHDRAWN \_\_\_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:** OCTOBER 17, 2007  
505-924-3986

0

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT

INTER-OFFICE MEMO

DATE: October 9, 2007  
TO: Sheran Matson, DRB Chair  
FROM: Catalina Lehner, Senior Planner   
RE: Project #1004873, Mesa del Sol Community Center Building A

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On June 15<sup>th</sup>, 2006, the Environmental Planning Commission (EPC) approved a Site Development Plan for Building Permit with Conditions for Tracts 1, 2 and a portion of Tract 3 of the Mesa del Sol Community Center, approx. 4.5 acres. Staff met with the agent, Lawrence Kline of Denish + Kline Associates, on October 9<sup>th</sup>, 2007 to discuss compliance with the EPC's Conditions of Approval and modifications that have been made at the request of the Planning Director (see applicant's DRB letter).

The Site Development Plan for Building Permit (dated September 25, 2007) does not satisfactorily meet the EPC conditions as elaborated in the amended Official Notification of Decision (June 15, 2007) for the following reasons:

Condition #1: There has been an unauthorized change to the site plan, specifically to the landscaping plan. In the version of the landscaping plan approved by the EPC, the grassy park area was to be covered with "Fescue Blend Sod". The currently proposed landscape plan lists "Kentucky Bluegrass", assumed to be 100% Kentucky bluegrass since no blend is noted. It appears that a different landscape architecture firm is involved. Regardless, this change was not approved by the EPC.

A high-water use turf such as 100% Kentucky Bluegrass does not keep with the City's emphasis on water conservation, much less with the overarching "wise water use" intent of the Mesa del Sol plans. Typically, developments in Albuquerque use a blend (ex. park blend) with up to 20% Kentucky Bluegrass and no more.

Condition #2: The applicant and the Staff planner have not met as of this writing, but will meet this afternoon at 3:30 pm. Staff will discuss these issues with the applicant at that time.

Condition #4, Walls/Fences:

A. The color of the stucco screen wall is not called out. That is “matches the buildings” is not a color name.

B. Staff cannot locate a wall detail, so there is no evidence that texturing has been incorporated into the stucco screen wall. It appears that the wall detail on the previous site plan has been removed.

Condition #5, Access & Parking:

B. The idea behind preferential carpool parking is that people who are willing to ride with others get the best parking spaces. The van/carpool parking is shown across the way from the main building, too far to be considered a “perk”. Condition 5B will be fulfilled by giving carpoolers spaces in the main parking lot, closest to the building or even on the main lot’s southern side.

C. Staff cannot locate the motorcycle spaces.

D. The idea here, which fits well with the forward-thinking Mesa del Sol, is that landscape islands in parking lots have small cuts in them so water can flow into the landscape (which is flush with the parking lot grade) and provide supplemental irrigation and “clean” the water before it enters the groundwater system. A City parking lot downtown provides an example. There is no evidence on the site plan that this has been done to comply with the condition of approval.

Condition #9, Signage:

Details on the proposed signage lighting have not been specified.

If you have any questions regarding this case, please call me at 924-3935.



#3

COMPLETED 12/10/07 Stt BP  
**DRB CASE ACTION LOG (SITE DEVELOPMENT PLAN - EPC)**  
 REVISED 10/08/07

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

DRB Application No.: 07DRB-70283 Project # 1004873  
 Project Name: **INNOVATION PARK**  
 Agent: DENISH & KLINE ASSOCIATES Phone No.: 872-6461

Your request was approved on 10/17/07 by the DRB with delegation of signature(s) to the following departments.

**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

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

UTILITIES: \_\_\_\_\_  
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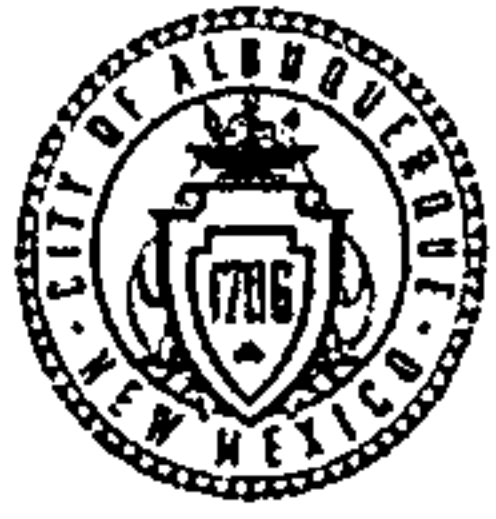
CITY ENGINEER / AMAFCA: S.F.A. - ok BBB  
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PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PLANNING (Last to sign): Catalina's initials J.E.  
 Scarpis  
 note 2, 9, 10 & 11 of Utility Plan.  
 \_\_\_\_\_  
 \_\_\_\_\_

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





# DRB CASE ACTION LOG (SITE DEVELOPMENT PLAN - EPC)

REVISED 10/08/07

BP

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DRB Application No.: 07DRB-70283

Project # 1004873

Project Name: INNOVATION PARK

Agent: DENISH & KLINE ASSOCIATES

Phone No.: 812-646-XXXX

Your request was approved on 10/17/07 by the DRB with delegation of signature(s) to the following departments.

## OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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UTILITIES: \_\_\_\_\_  
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CITY ENGINEER / AMAFCA: S.F.A.  
 \_\_\_\_\_  
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PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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PLANNING (Last to sign): Catalina's initials  
 Supplies  
 notes, 9, 10 & 11 of Utility Plan.  
 \_\_\_\_\_  
 \_\_\_\_\_

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**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

October 17, 2007 9:00 AM

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Angela Gomez, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA  
Christina Sandoval, Parks & Recreation

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

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

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

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

1. **Project# 1002848**  
07DRB-70267 MAJOR - 2YR SUBD IMP  
AGMT (2YR SIA)

TIERRA WEST LLC agent(s) for LARRY MILLER AMERICAN TOYOTA request(s) the above action(s) for all or a portion of Tract(s) A1 & B1, AMERICAN TOYOTA, zoned SU-2,SU-1 FOR AUTO SALES, located on ALAMEDA BLVD NE BETWEEN PAN AMERICAN FREEWAY NE AND SAN PEDRO DR NE containing approximately 5 acre(s). (C-18) THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.

2. **Project# 1005236**  
07DRB-70268 VACATION OF PUBLIC  
EASEMENT  
07DRB-70269 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

ALPHA PROFESSIONAL SURVEYING INC. agent(s) for ZIA PARK TOWNEHOMES LLC request(s) the above action(s) for all or a portion of Tract(s) H & I, **LA CUESTA SUBDIVISION**, zoned SU-1/TOWNHOMES, located on ZIA RD NE BETWEEN JUAN TABO NE AND ZENA LONA RD NE containing approximately 2.9788 acre(s). (K-22) **DEFERRED TO 10/24/07 AT THE AGENTS REQUEST**

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

3. ~~Project# 1004873~~  
07DRB-70283 EPC APPROVED SDP  
FOR BUILD PERMIT

DENISH & KLINE ASSOCIATES agent(s) for FOREST CITY COVINGTON NM, LLC request(s) the above action(s) for all or a portion of Tract(s) 23 & 24, **INNOVATION PARK**, zoned PC, located on STRYKER RD SE AND UNIVERSITY BLVD NORTHBOUND AND UNIVERSITY BLVD SOUTHBOUND containing 4.5 acre(s) [Deferred from 10/10/07] (R-16, R-17) [Catalina Lehner, EPC Planner] **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TO PLANNING FOR CORRECTIONS TO NOTES 2, 9,10 AND 11 ON UTILITY PLAN, AND FOR 3 COPIES.**

4. **Project# 1000771**  
07DRB-70281 EPC APPROVED SDP  
FOR BUILD PERMIT

DEKKER PERICH SABATINI agent(s) for H R RENTAL PROPERTIES INC request(s) the above action(s) for all or a portion of Tract(s) C, **COTTONWOOD POINTE SUBDIVISION to be known as Eagle Vista Apartments**, zoned SU-1 FOR R-2, C-2 AND IP, located on EAGLE RANCH RD NW AND IRVING BLVD NW containing approximately 6.76 acre(s). (B-13) [Deferred from 10/10/07] [Carol Toffaletti, EPC Planner] **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 10/17/07, THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA, AND FOR EASEMENT TAPER, AND TO PLANNING FOR 3 COPIES.**



5. **Project# 1005132**  
07DRB-70305 MINOR - SDP FOR  
BUILDING PERMIT

THE DESIGN GROUP agent(s) for DR BERNITSKY request(s) the above action(s) for all or a portion of Tract(s) B-1, **NORTH ALBUQUERQUE ACRES Unit(s) B**, zoned SU-2 FOR O1, located on HOLLY AVENUE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately 0.76 acre(s). (C-18) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR SIDEWALK EASEMENT ON HOLLY AVE, FOR PARTICIPATION IN TRAFFIC SIGNAL AT HOLLY NE AND SAN PEDRO NE, AND TO PLANNING FOR 3 COPIES.**

- 07DRB-70306 MINOR - SDP FOR  
BUILDING PERMIT

THE DESIGN GROUP agent(s) for ZIA RISING request(s) the above action(s) for all or a portion of Tract(s) C-1, **NORTH ALBUQUERQUE ACRES**, zoned SU-2 FOR O1, located on HOLLY PLACE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately 1.27 acre(s). (C-18) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR SIDEWALK EASEMENT ON HOLLY AVE, FOR PARTICIPATION IN TRAFFIC SIGNAL AT HOLLY NE AND SAN PEDRO NE, AND TO PLANNING FOR 3 COPIES.**

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

6. **Project# 1003238**  
07DRB-70295 SIDEWALK WAIVER

EVERGREEN DURANES LTD CO request(s) the above action(s) for all or a portion of Lot(s) 29 P-1, **FLORAL MEADOWS**, zoned R-LT, located on ON SARITA AVE containing approximately 0.25 acre(s). (H-13) **THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

7. **Project# 1005539**  
07DRB-70279 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

WILSON AND COMPANY INC agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 5, **VOLCANO CLIFFS SUBDIVISION, Unit(s) 26, (to be known as TIERRA BUENA ESTATES)**, zoned SU-2 SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.62 acre(s). (C-11) *[Deferred from 10/03/07]* **DEFERRED TO 10/24/07 AT THE AGENTS REQUEST.**



8. **Project# 1005182**  
07DRB-70309 MAJOR - FINAL PLAT APPROVAL
- WILSON AND COMPANY INC agent(s) for LA CUENTISTA II, LLC request(s) the above action(s) for all or a portion of Tract(s) C, **LA CUENTISTA SUBDIVISION Unit(s) 2**, zoned SU2-SRSL, located on ROSA PARKS ROAD NW BETWEEN ALOE ROAD NW AND KIMMICK DRIVE containing approximately 35.4714 acre(s). (C-10 C-11) **DEFERRED TO 10/24/07 AT THE AGENTS REQUEST.**
9. **Project# 1005271**  
07DRB-70303 MINOR - PRELIMINARY/FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for WALDO GRIEGO request(s) the above action(s) for all or a portion of Lot(s) 31, **WEAKS ADDITION**, zoned R-1, located on 47TH STREET NW BETWEEN CENTRAL AVE NW AND GLENDALE PL NW containing approximately .1802 acre(s). (R-12) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR DRY UTILITY SIGNATURES.**
10. **Project# 1006890**  
07DRB-70308 MINOR - PRELIMINARY/FINAL PLAT APPROVAL
- PRECISION SURVEYS INC agent(s) for NEW MEXICO BANK & TRUST request(s) the above action(s) for all or a portion of Lot(s) 5-11 AND PORTION OF 12 & 13-15, Block(s) 17, Tract(s) 15-A, **MONKBRIDGE ADDITION (TBK TRACTS A & B, NEW MEXICO BANK & TRUST)**, zoned P, C-1 & C-3, located on CANDELARIA NW BETWEEN 4TH ST NW AND 5TH ST NW containing approximately 1.9616 acre(s). (G-14) **DEFERRED TO 10/24/07.**
11. **Project # 1005070**  
06DRB-01154 Major-Preliminary Plat Approval  
06DRB-01156 Minor-Sidewalk Waiver  
06DRB-01155 Minor-Temp Defer SDWK
- SURV-TEK INC & WILSON & COMPANY agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 8, **THE TRAILS, UNIT 2 (to be known as TAOS @ THE TRAILS, UNIT 2)** zoned SU-2-SRLL, located on WOODMONT AVE NW, between UNIVERSE BLVD NW and RAINBOW BLVD NW containing approximately 9 acre(s). [Deferred from 9/6/06, 9/13/06, 9/27/06, 10/11/06, 10/25/06, 11/29/06, 12/20/06, 1/24/07, 4/18/07, 6/20/07, 7/18/07, 08/22/07 & 09/05/07 & 09/26/07]. (C-9) **DEFERRED TO 4/16/08 AT THE AGENTS REQUEST.**
12. **Project# 1005465**  
07DRB-70277 MINOR - PRELIMINARY/FINAL PLAT APPROVAL
- THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DUKE CITY DISTRIBUTING request(s) the above action(s) for all or a portion of Tract(s) C, **SOUTH BROADWAY INDUSTRIAL ACRES**, zoned SU-2 HM, located on WOODWARD RD SE BETWEEN BROADWAY BLVD SE AND 2<sup>ND</sup> ST SE containing approximately 3.52 acre(s). (M-14) [Deferred from 10/03/07] **DEFERRED TO 10/24/07 AT THE AGENTS REQUEST.**

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

WILLIAM T CANIGLIA, agent(s) for CANDELARIA VILLAGE COMPANY request(s) the above action(s) for all or a portion of Lot(s) 38, **CANDELARIA VILLAGE**, zoned R-1, located on 12<sup>TH</sup> ST NW and DON FRANCISCO PL NW containing approximately 0.338 acre(s). [Defer from 06/20/07, 7/11/07 & 08/22/07 ] (G-13) **WITHDRAWN AT AGENTS REQUEST.**

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

APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

14. **Project# 1006882**  
07DRB-70304 SKETCH PLAT REVIEW  
AND COMMENT

MONICA MONTOYA - BARELAS CPC agent(s) for VERA M MONTOYA request(s) the above action(s) for all or a portion of Lot(s) 12, Block(s) 4, **SANTA FE ADDITION**, zoned SU2-R1, located on SANTA FE SW BETWEEN 9TH ST SW AND 8TH ST SW containing approximately .1 acre(s). (K-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS GIVEN.**

15. Approval of the Development Review Board Minutes for August 22<sup>nd</sup> and August 29<sup>th</sup> 2007.

Other Matters: **Project # 1003102**

**Application # 06DRB-00935 ( Soft Lofts)**


**Application # 06DRB-00936 (Soft Lofts)**

**was withdrawn at the Agent's request.**

ADJOURNED: 9:59 AM

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT

INTER-OFFICE MEMO

DATE: October 9, 2007  
TO: Sheran Matson, DRB Chair  
FROM: Catalina Lehner, Senior Planner   
RE: Project #1004873, Mesa del Sol Community Center Building A

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**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

October 10, 2007 9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Angela Gomez, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA  
Christina Sandoval, Parks & Recreation

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- A. Call to Order 9:00 A.M. Adjourned: 11:30
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**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

1. **Project# 1004071**  
07DRB-70245 BULK LAND VARIANCE  
07DRB-70246 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

HIGH MESA CONSULTING GROUP agent(s) for ALBUQUERQUE PUBLIC SCHOOLS & NEW MEXICO STATE LAND OFFICE request(s) the above action(s) for all or a portion of Tract(s) C, **ANCIENT MESA**, zoned SU-1, SU-2 FOR SCHOOL AND SU-1, SU-2 FOR OPEN SPACE, located on RAINBOW RD NW BETWEEN WOODMONT AVE NW AND ROSA PARKS RD NW containing approximately 143.32 acre(s). [REF: 05DRB-00511, 00512 AND 00513, 07DRB-00367] (C-9) **THE BULK LAND VARIANCE WAS APPROVED FOR TRACT C-2 ONLY. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 10/10/07, THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA. CONDITIONS OF FINAL PLAT: (1) REALIGNMENT OF RAINBOW TO CONFORM TO VHSDP; (2) EXECUTION OF DEVELOPMENT AGREEMENT WITH THE ABCWUA.**

2. **Project# 1004540**  
07DRB-70256 VACATION OF PUBLIC  
EASEMENT  
07DRB-70257 VACATION OF PUBLIC  
RIGHT-OF-WAY

WILSON AND COMPANY INC agent(s) for KB HOME NEW MEXICO/LONGFORD HOMES INC request(s) the above action(s) for all or a portion of Lot(s) 19, Block(s) 2 Unit 14, Lot(s) 4, 5 & 6, Block(s) 2, Lot(s) 1, Block(s) 5, Unit 25, **VOLCANO CLIFFS** & Tract(s) D, **VISTA VIEJA, Unit 2**, zoned SU-2, SU-1 FOR PARK, located on ATRISCO DR NW BETWEEN UNSER BLVD NW AND SCENIC RD NW containing approximately 23.7 acre(s). (D-9 & D-10) **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A)(1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. CONDITION OF FINAL PLAT: PROVIDE RIGHT OF WAY PER VHSDP.**

3. **Project# 1006833**  
07DRB-70254 MAJOR - SDP FOR  
SUBDIVISION  
07DRB-70255 MAJOR - SDP FOR  
BUILDING PERMIT

GEORGE RAINHART ARCHITECTS agent(s) for WEBER AND COMPANY request(s) the above action(s) for all or a portion of Tract(s) S2A2, S2A1 & S1A, **ATRISCO BUSINESS ADDITION (to be known as UNSER TOWNE CROSSING)** zoned IP, located on LOS VOLCANES NW BETWEEN UNSER BLVD NW AND GALATIN NW containing approximately 53 acre(s). (J-9 & J-10) **DEFERRED AT THE AGENT'S REQUEST TO 11/14/07.**

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

4. **Project# 1006801**  
07DRB-70240 MINOR - SDP FOR  
BUILDING PERMIT

CLAUDIO VIGIL ARCHITECTS agent(s) for BRUNACINI DEVELOPMENT COMPANY, LTD request(s) the above action(s) for all or a portion of Tract(s) C, **BRUNACINI AT ATRISCO BUSINESS PARK**, zoned IP, located on LOS VOLCANES RD NW BETWEEN UNSER BLVD NW AND COORS BLVD NW containing approximately 22.5074 acre(s). (J-10) **DEFERRED AT THE AGENT'S REQUEST TO 10/24/07.**
5. ~~**Project# 1004873**~~  
07DRB-70283 EPC APPROVED SDP  
FOR BUILD PERMIT

DENISH & KLINE ASSOCIATES agent(s) for FOREST CITY COVINGTON NM, LLC request(s) the above action(s) for all or a portion of Tract(s) 23 & 24, **INNOVATION PARK**, zoned PC, located on STRYKER RD SE AND UNIVERSITY BLVD NORTHBOUND AND UNIVERSITY BLVD SOUTHBOUND containing 4.5 acre(s) (R-16, R-17) **DEFERRED AT THE AGENT'S REQUEST TO 10/17/07.**
6. **Project# 1000771**  
07DRB-70281 EPC APPROVED SDP  
FOR BUILD PERMIT

DEKKER PERICH SABATINI agent(s) for H R RENTAL PROPERTIES INC request(s) the above action(s) for all or a portion of Tract(s) C, **COTTONWOOD POINTE SUBDIVISION to be known as Eagle Vista Apartments**, zoned SU-1 FOR R-2, C-2 AND IP, located on EAGLE RANCH RD NW AND IRVING BLVD NW containing approximately 6.76 acre(s). (B-13) **DEFERRED AT THE AGENT'S REQUEST TO 10/17/07.**
7. **Project# 1005410**  
07DRB-70292 MINOR - SDP FOR  
BUILDING PERMIT

MECHENBIER CONSTRUCTION INC. request(s) the above action(s) for all or a portion of Lot(s) 4 & 5, **RICHFIELD PARK SUBDIVISION**, zoned IP, located on ALAMEDA BLVD NE BETWEEN JEFFERSON NE AND WASHINGTON NE containing approximately 2 acre(s). (C-  
**DEFERRED AT THE AGENT'S REQUEST TOMMR  
10/24/07.**



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

8. **Project# 1002565**  
07DRB-70293 EXT OF SIA FOR TEMP  
DEFR SDWK CONST  
07DRB-70294 SIDEWALK WAIVER

RONALD BROWN agent(s) for LOS GRIEGOS DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of **VILLA DE LA CAPILLA SUBDIVISION**, zoned SU-1/ PRD, located on GRIEGOS RD NW BETWEEN RIO GRANDE BLVD NW AND SAN ISIDRO NW (F-13) **TWO-YEAR EXTENSION OF THE SIA WAS APPROVED. THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**
9. **Project# 1002315**  
07DRB-70284 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

JACKS HIGH COUNTRY INC agent(s) for KEYSTONE HOMES request(s) the above action(s) for all or a portion of Lot(s) 33, **WILDERNESS SUBDIVISION AT HIGH DESERT Unit(s) 2**, zoned SU-2 HD-R-R, located on ALOLA GRANDE PL NE BETWEEN WILDLANDS PL NE AND HIGH DESERT PL NE containing approximately 0.4385 acre(s). (F-23) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD, FOR AGIS DFX AND TO INDICATE APPLICATION NUMBER ON THE PLAT.**
10. **Project# 1003597**  
07DRB-70285 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

ABQ ENGINEERING INC agent(s) for RON NELSON request(s) the above action(s) for all or a portion of Block(s) 15, Tract(s) 1-D-1-A & 1-E-1-A, **ALBAN HILLS**, zoned SU-1 FOR C-2, located on COORS NW BETWEEN LA ORILLA NW AND BRIAN MEADOWS PL NW containing approximately 4.95 acre(s). (D-12) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE SOLAR COLLECTOR LANGUAGE AND TO RECORD.**
11. **Project # 1000469**  
06DRB-01416 Minor-Extension of  
Preliminary Plat

ABQ ENGINEERING INC agent(s) for UNSER WEST TENANCY - JACK CLIFFORD request(s) the above action(s) for all or a portion of Tract(s) **L-1-C, ATRISCO BUSINESS PARK**, zoned IP, located on UNSER NW, between BLUEWATER NW and LOS VOLCANES NW containing approximately 2 acre(s). [REF: 05DRB-01556] (K-10) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**



12. **Project# 1004414**  
07DRB-70286 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for PHILLIP SHEETS request(s) the above action(s) for all or a portion of Lot(s) 1, **GIBSON TRACT A**, zoned R-2, located on SAN CLEMENTE AVE NW BETWEEN 4TH ST NW AND SAN LORENZO NW containing approximately 0.1784 acre(s). (G-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR CROSS ACCESS NOTE.**
13. **Project# 1006855**  
07DRB-70291 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for DEBORAH LARNTZ request(s) the above action(s) for all or a portion of Lot(s) E 140' OF LOT 1 & E 140' OF THE N 30' OF LOT 2, Block(s) 17, **MONKBRIDGE ADDITION**, zoned C-3, located on VERANDA RD NW 4TH ST NW AND CANDELARIA NW containing approximately 0.2571 acre(s). (G-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR 20 FOOT RADIUS.**
14. **Project# 1006733**  
07DRB-70288 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL  
07DRB-70290 SIDEWALK WAIVER
- SURVEYS SOUTHWEST LTD agent(s) for STEPHAN TAYS request(s) the above action(s) for all or a portion of Tract(s) 242, **OLD TOWN GARDENS ADDITION**, zoned R-1, located on MOUNTAIN RD NW BETWEEN RIO GRANDE BLVD NW AND CONSUELO LANE NW containing approximately 0.72 acre(s). (J-13) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH NO DELEGATION. SIDEWALK WAIVER WAS DENIED.**
15. **Project# 1005539**  
07DRB-70279 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL
- WILSON AND COMPANY INC agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 5, **VOLCANO CLIFFS SUBDIVISION, Unit(s) 26, (to be known as Tierra Buena Estates)**, zoned SU-2 SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.62 acre(s). (C-11) **DEFERRED AT THE AGENT'S REQUEST TO 10/17/07.**

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

16. **Project# 1006845**  
07DRB-70280 SKETCH PLAT REVIEW  
AND COMMENT
- RICHARD LOVATO, NMOC agent(s) for CARLOS MATA request(s) the above action(s) for all or a portion of Tract(s) 3, **GARDEN ACRES ADDITION**, zoned R-1, located on GRIEGOS RD NW BETWEEN GUADALUPE TRAIL NW AND GRANDE DR NW containing approximately 0.75 acre(s). [REF: DRB99-272] (F-14) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
17. **Project# 1006853**  
07DRB-70287 SKETCH PLAT REVIEW  
AND COMMENT
- WAYJOHN SURVEYING INC agent(s) for DON DEAN request(s) the above action(s) for all or a portion of Lot(s) 5-8, Block(s) 54, **RAYNOLD'S ADDITION**, zoned SU-2 FOR R-1, located on IRON AVE SW BETWEEN 12TH ST SW AND 11TH ST SW containing approximately 0.3265 acre(s). (K-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
18. **Project# 1006854**  
07DRB-70289 SKETCH PLAT REVIEW  
AND COMMENT
- BOHANNAN HUSTON INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 1-4, OS-1& 2, **THE TRAILS Unit(s) 4**, zoned SU-1 FOR OPEN SPACE & SU-2 - SRLL, SRSL, TC, UC & UR, containing approximately 35.11 acre(s). (C-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

**Approval of the Development Review Board Minutes for September 15, 2007 were approved.**

**ADJOURNED: 11:30**

# CITY OF ALBUQUERQUE



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

**DEVELOPMENT REVIEW BOARD – SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1004873**

**AGENDA ITEM NO: 5**

**SUBJECT:**

Site Plan for Building Permit

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

**RESOLUTION:**

**10-17-07**

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

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

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

**DATE: OCTOBER 10, 2007  
505-924-3986**

0

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

DRB-1004873                      Item No. 5                      Zone Atlas R-16, 17

DATE ON AGENDA 10-10-07

INFRASTRUCTURE REQUIRED  YES ( ) NO

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

**TYPE OF APPROVAL REQUESTED:**

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

No.	Comment
1)	Condition 5.B (near MAIN Bld entrance), 5.C LOCATION? 5.D REQUIRES Agreement & covenant, how is this to be accomplished?

2)	Condition 14.b, 14.c require an infrastructure list.
----	--

If you have any questions or comments please call Richard Dourte at 924-3999. Meeting notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**AMENDMENT TO AGREEMENT  
CONSTRUCT SUBDIVISION IMPROVEMENTS**

**City Project #775482**  
12/6/07

WHEREAS, the City and the Subdivider entered into an Agreement to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on August 3, 2006, which was recorded on August 3, 2006, in the records of the Bernalillo County Clerk at Book A121, page 6249, which was amended by 1<sup>st</sup> Extension Agreement dated May 8, 2007, and recorded on May 14, 2007, in Book A137, Page 632, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements.

WHEREAS, the Subdivider has requested final approval of its site development plan identified as Mesa del Sol Town Center Building A (Tract 23, Innovation Park); and

WHEREAS, the Subdivider is required to financially guarantee the construction of the public and/or private infrastructure described on Exhibit "A" attached hereto ; and

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

THEREFORE, the Subdivider and the City agree to amend the Original Agreement as follows:

1. Amending Section 5, FINANCIAL GUARANTY, second paragraph, to read as follows:

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

Type of Financial Guaranty: Bond No. 82034263  
Amount \$2,664,548.26  
Name of Financial Institution or Surety providing Guaranty:  
Federal Insurance Company  
Date City first able to call guaranty: August 3, 2008  
Construction Completion Deadline: August 3, 2008  
If guaranty other than a Bond, last day City is able to  
call on Guaranty is : \_\_\_\_\_, 2\_\_\_\_\_  
Additional Information: This Amendment is made to replace the existing Rider to Bond No. 8852634 in the amount of \$850,874.25 issued by Fidelity Deposit Company of Maryland as amended April 26, 2007.

2. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this

Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.

SUBDIVIDER:

CITY OF ALBUQUERQUE.

MESA DEL SOL, LLC, a New Mexico limited liability company

[Signature]  
City Engineer

Dated: 12-06-07

By: FC Covington Manager, LLC, a New Mexico limited liability company Member

[Signature] 12/4/07

[Signature]  
12-4-07

By: FC Mesa, Inc., a New Mexico corporation Member

By: [Signature]  
Harry Relkin  
Director - Land Development

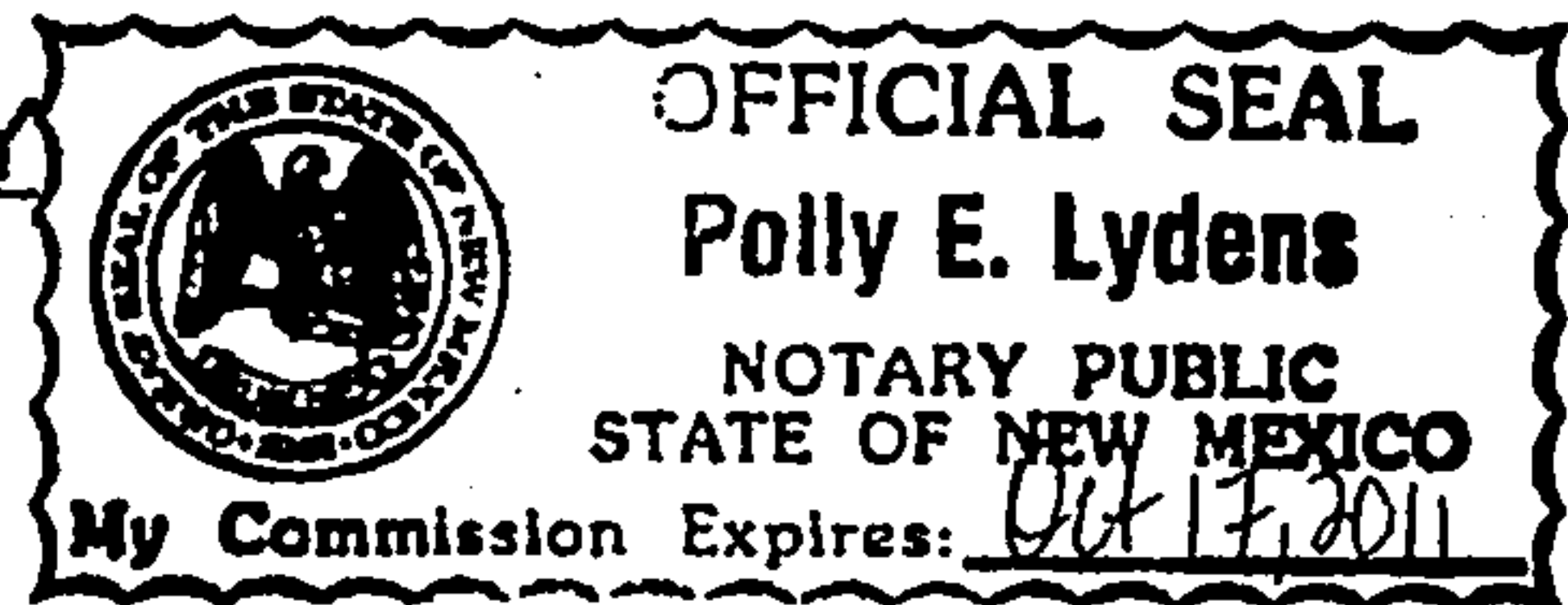
Dated: 11/30/07

SUBDIVIDER'S NOTARY

STATE OF NEW MEXICO )

COUNTY OF BERNALILLO )

)ss.  
)



This instrument was acknowledged before me on 30 day of November 2007, by (Name of person) Harry Relkin, Director - Land Development, of FC Mesa, Inc., a New Mexico corporation, Member of FC Covington Manager, LLC, a New Mexico limited liability company, as member of Mesa del Sol, LLC, a New Mexico limited liability company.

[Signature]  
Notary Public

My Commission Expires:  
Oct 11, 2007

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

This instrument was acknowledged before me on 6<sup>th</sup> day of December, 2007, by Richard Douste, City Engineer, of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Linda Evans  
Notary Public

My Commission Expires:  
October 7, 2008

H:\forestcity\jam\Culver Studio\Legal\AMENDMENT TO SIA AGREEMENT.doc\11/30/2007 2:27 PM

Project name: Community Center Building A, at Mesa del Sol

SIA SWquence #	COA DRC Project #	Size	Type of Improvement	Location	From	To
	775482	12"	WATER Water line	University Blvd (North Bound)	North End Couplet	Stryker Ave.
	775482	12"	Water line	University Blvd (South Bound)	North End Couplet	Stryker Ave.
	775482	12"	Water line	Stryker Ave.	University Blvd (North Bound)	University Blvd (South Bound)
	775482	24"	SANITARY SEWER SAS	University Blvd (South Bound)	North End Couplet	Stryker Ave.
		18"-48"	STORM DRAINAGE RCP Storm drain	Stryker Ave (West Bound)	University Blvd (South Bound)	Private Pond, Tract OS-1, Inovation Park
		18"-48"	RCP Storm drain	University Blvd (North Bound)	North End Couplet	Stryker Ave.
		8 ac-ft	<i>Retention</i> Private Pond With Agreement and Covenant	Tract OS-1 ,Inovation Park		

Private Inspector	City Inspector	City Cnst Engineer
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/
/	/	/



Project name: Community Center Building A, at Mesa del Sol

- 1 All sidewalks to be deferred
- 2 Water infrastructure to include valves, fittings, valve boxes and fire hydrants.
- 3 Sanitary sewer to include manholes and service connections.
- 4 Storm Drain to include inlets, manholes
- 5 Private Grading & Drainage Certification per DPM for Release of CIA and Financial Guarantees. Financial Guarantees is not required for this item
- 6 Street lights per Planned Community Level 'A' and 'B' Plans
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_

**AGENT / OWNER** | **DEVELOPMENT REVIEW BOARD MEMBER APPROVALS**

James D. Hughes, P.E.  
NAME (print)

URS Corporation  
FIRM

*James D. Hughes*  
SIGNATURE - date

MAXIMUM TIME ALLOWED TO CONSTRUCT  
THE IMPROVEMENTS WITHOUT A DRB  
EXTENSION: N/A

*B. Matson* 10/17/07  
DRB CHAIR - date

*Christina Sandoval* 10/17/07  
PARKS & GENERAL SERVICES - date

*[Signature]* 10-17-07  
TRANSPORTATION DEVELOPMENT - date

*[Signature]* 10/17/07  
UTILITY DEVELOPMENT - date

*Bradley J. Bingham* 10/17/07  
CITY ENGINEER - date

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

**DESIGN REVIEW COMMITTEE REVISIONS**

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

# FINANCIAL GUARANTY AMOUNT

11/15/2007

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

Project Description:

Project ID #: 775482, Mesa del Sol/UniversityBd.Extensn, Phase/Unit #: 1

Requested By: James D. Hughes

Approved estimate amount:		\$1,722,751.57
Contingency Amount:	10.00%	\$172,275.17
Subtotal:		\$1,895,026.73
NMGRT	6.875%	\$130,283.09
Subtotal:		\$2,025,309.82
Engineering Fee	3.25%	\$65,822.57
Testing Fee	2.00%	\$40,506.20
Subtotal:		\$2,131,638.61
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$0.00
<b>TOTAL FINANCIAL GUARANTY REQUIRED</b>		<b><u>\$2,664,548.26</u></b>

APPROVAL:

DATE:



11-15-07

Notes: Mesa del Sol Community Center Building A - Tract 23 Inovation Park.

Jun 22 '06 01:53p

Jamie Inforzato

909-897-6705

Jun-22-2006 05:41 PM

Mesa Del Sol / FCC

5052422978

p. 2  
2/2

MESA DEL SOL, LLC

RESOLUTION

WHEREAS, Mesa Del Sol, LLC (the "Company"), a limited liability company formed under the laws of New Mexico, is at the present time a single member LLC; and

WHEREAS, FC Covington Manager, LLC ("Manager"), a limited liability company formed under the laws of New Mexico, is at the present time the sole member of the Company.


BE IT RESOLVED, that the Manager be and hereby is authorized to act on behalf of the Company to execute and deliver all documents, instruments and agreement relating to the sale by the Company of approximately 53.293 acres of land to Pacifica Mesa Studios, LLC, aka Culver Studios for \$5,445,000, and to do all things necessary or desirable to complete said transaction; and

BE IT FURTHER RESOLVED, that FC Mesa, Inc., a New Mexico corporation, a member of the Manager, acting through Michael Daly, its Chief Operating Officer, and Harry Reikin, Director of Land Development, or either one of them acting alone, be and hereby is authorized to execute and deliver all documents, instruments and agreements necessary or desirable to complete said transaction.

FOREST CITY COVINGTON NM, LLC,  
a New Mexico limited liability company

By: FC Covington Manager, LLC,  
its Sole Member

By: Covington NM, LLC, a Nevada  
limited liability company

By:   
Name: Michael Daly  
Title: Chief Operating Officer

By: FC Mesa, Inc.,  
a New Mexico corporation, Member

By:   
Michael Daly  
Chief Operating Officer



FIGURE 16

CIRCLE ONE:  
SUBDIVISION BOND FOR:  
SIA, SW'S, SPCL.AGRMT.

BOND NO. (SURETYS NO. :) 82034263  
CONTACT PERSON'S NAME: \_\_\_\_\_

SUBDIVISION IMPROVEMENTS BOND

KNOW ALL MEN BY THESE PRESENTS: That we Mesa del Sol, LLC, (SUBDIVIDER) a [state type of business entity, for instance, "New Mexico corporation," "general partnership", "joint venture", "individual", etc.:] a New Mexico limited liability company as "Principal", and FEDERAL INSURANCE COMPANY ("NAME OF SURETY"), a corporation organized and existing under and by virtue of the laws of the State of New Jersey and authorized to do business in the State of New Mexico, as "Surety," whose address is 15 Mountain View Road, Warren, New Jersey, 07059, and whose telephone number is 312-454-4244, are held and firmly bound unto the CITY OF ALBUQUERQUE in the penal sum of Two Million Six Hundred Sixty-Four Thousand Five Hundred Forty-Eight and 26/100 Dollars (WRITTEN AMOUNT) \$2,664,548.26, as amended by change orders approved by the Surety or changes to the infrastructure list approved by the City Development Review Board, the payment of which is well and truly to be made, and each of us bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, and firmly by these presents.

NOW, THEREFORE, the condition of the above obligation is such that:

WHEREAS, the Principal is the owner of and/or is interested in or is developing land and premises known as Mesa del Sol/University Blvd. Extension/Phase/Unit #1, Project ID NO. 775482 and Mesa del Sol Town Center Building A (Tract 23, Innovation Park) ("NAME OF SUBDIVISION" and CITY PROJECT NO. 775482); and

WHEREAS, said Subdivision is subject to the provisions and conditions of the ordinance of the CITY OF ALBUQUERQUE known as the Subdivision Ordinance, the requirements of which include the installation of various other improvements by the Principal; and

WHEREAS, the Subdivision Ordinance also requires the Principal to install and construct the following improvements at the Subdivision: [list the improvements, e.g., water, sewer, pavement, sidewalks:] public roadway improvements- University Boulevard and Stryker Avenue, public sanitary sewer improvements and public and private storm drain improvements ("IMPROVEMENTS")

All construction shall be performed in accordance with the Agreement to Construct Public and/or Private Subdivision Improvements Agreement entered into between MESA DEL SOL, LLC ("NAME OF SUBDIVIDER") and the CITY OF ALBUQUERQUE, as recorded in the office of the Clerk of Bernalillo County, New Mexico, in Book Misc. A121, pages 6249 through \_\_\_\_\_, as amended by change orders or amendments to the Agreement.

NOW, THEREFORE, if the Principal completes construction of the Improvements and facilitates and performs the work herein above specified to be performed, all on or before [Construction Completion Deadline established in Agreement or as amended;] August 3, 2008 ("the Construction Completion Deadline"), then this obligation shall be null and void; if the Principal does not complete construction by or before the Construction Completion Deadline, the City may call on this obligation until released by the City.



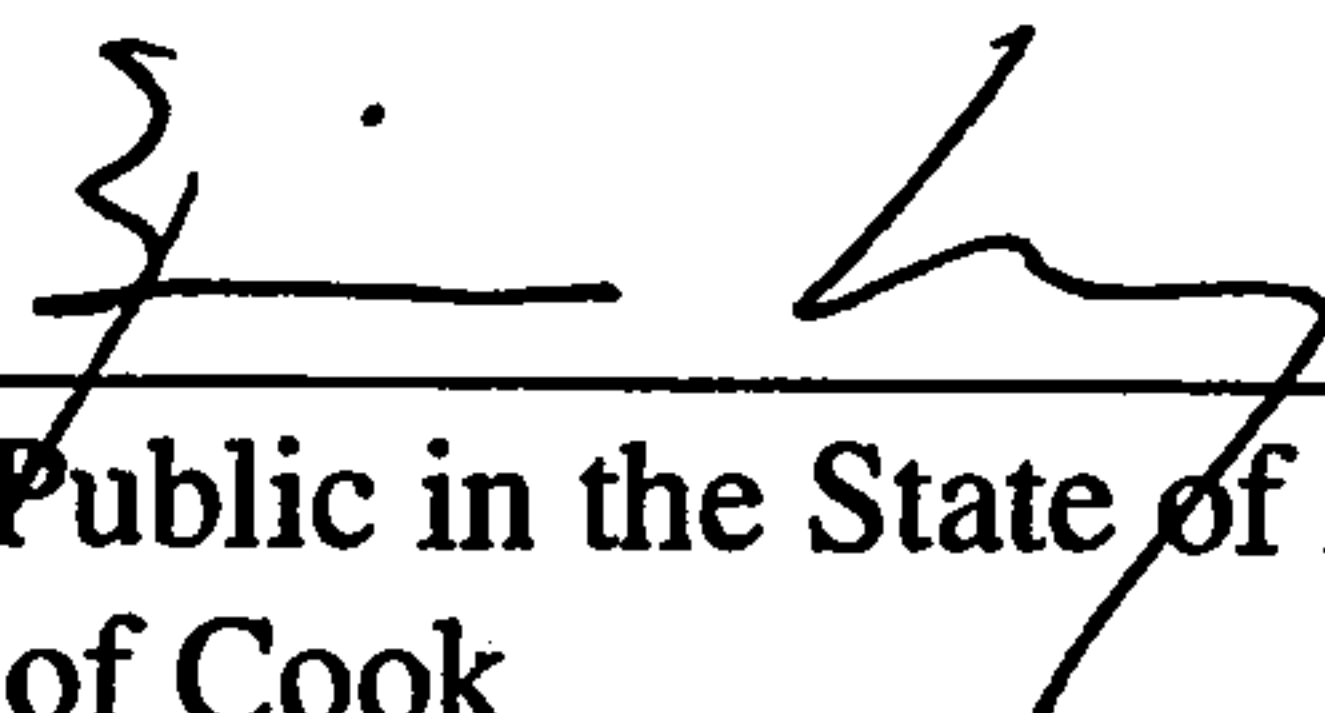


ACKNOWLEDGEMENT BY SURETY

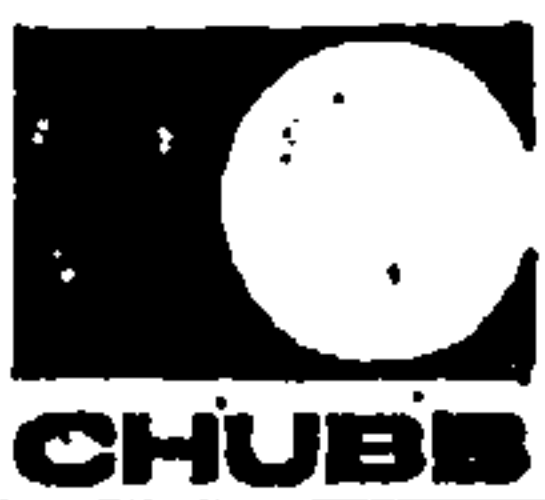
STATE OF ILLINOIS  
COUNTY OF COOK

On this 21<sup>st</sup> day of November, 2007, before me, Brian O'Leary, a Notary Public, within and for said County and State, personally appeared Linda Iser to me personally known to be the Attorney-in-Fact of and for Federal Insurance Company acknowledged that she executed the said instrument as the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

  
\_\_\_\_\_  
Notary Public in the State of Illinois  
County of Cook





**Chubb  
Surety**

**POWER  
ATTORNEY**

**Federal Insurance Company  
Vigilant Insurance Company  
Pacific Indemnity Company**

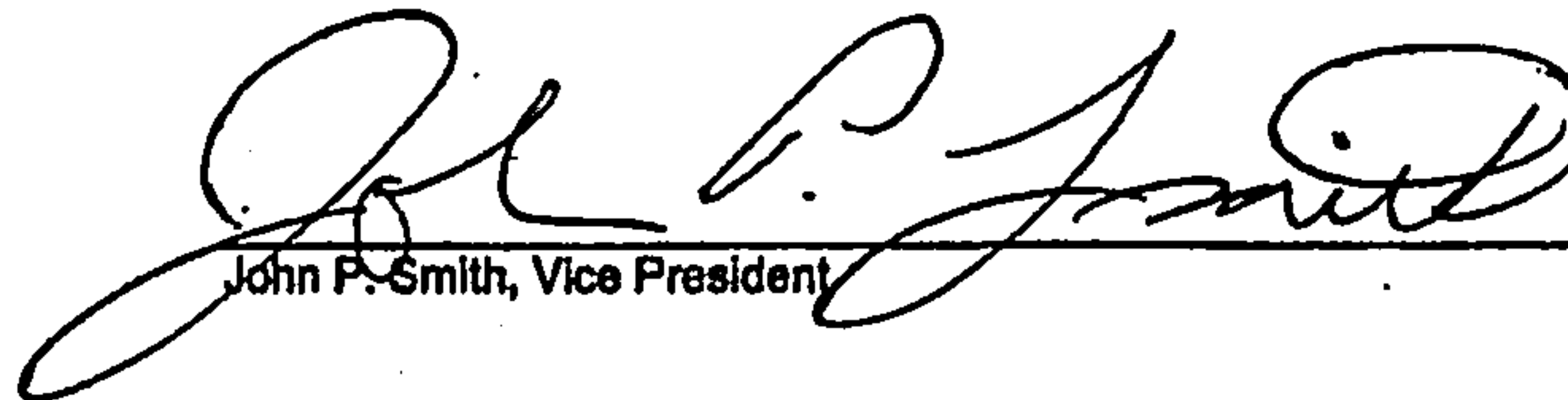
**Attn: Surety Department  
15 Mountain View Road  
Warren, NJ 07059**

**Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint James A. Cuthbertson, Karen Daniel, Robert E. Duncan, Geoffrey E. Heekin, Linda Iser, Jennifer L. Jakaitis, Kathleen J. Malles, Sandra Martinez, Susan J. Preiksa, Patricia Thurmond and Susan A. Welsh of Chicago, Illinois -----**

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 12<sup>th</sup> day of September, 2005

  
Kenneth C. Wendel, Assistant Secretary

  
John P. Smith, Vice President

STATE OF NEW JERSEY

ss.

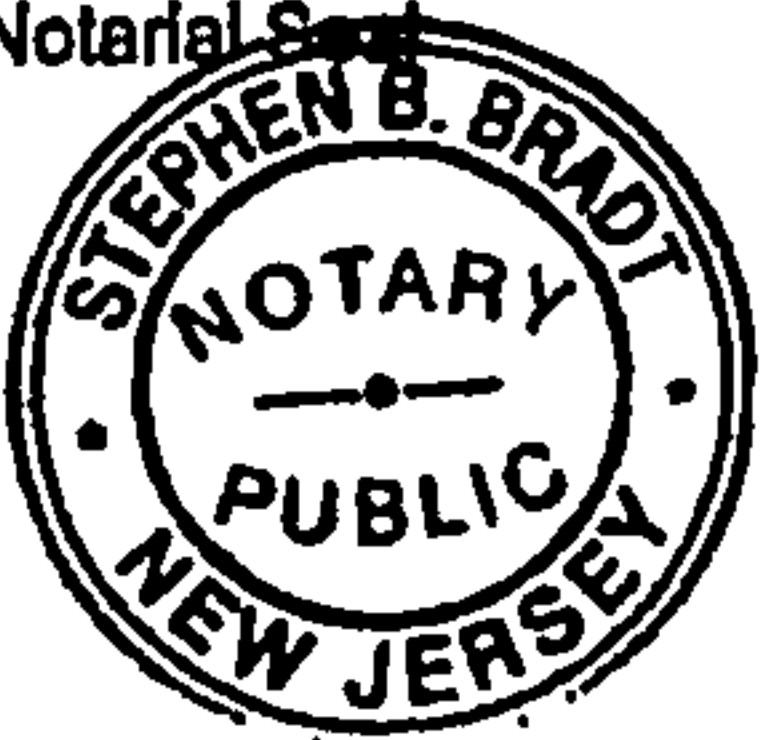
County of Somerset

On this 12<sup>th</sup> day of September, 2005

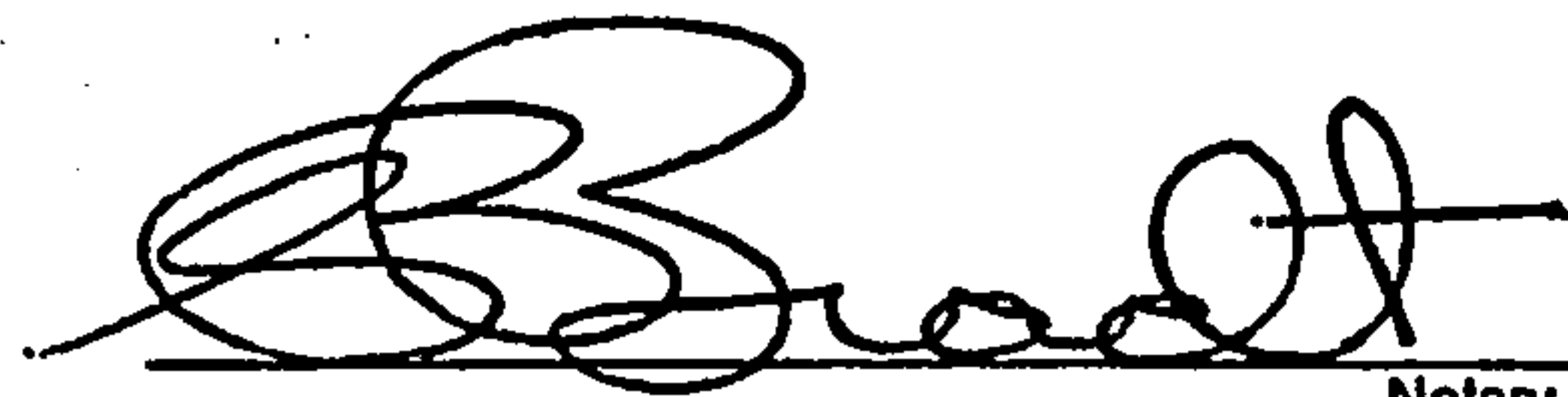
before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me

known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with John P. Smith, and knows him to be Vice President of said Companies; and that the signature of John P. Smith, subscribed to said Power of Attorney is in the genuine handwriting of John P. Smith, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



**STEPHEN B. BRADT**  
Notary Public, State of New Jersey  
No. 2321097  
Commission Expires Oct. 25, 2009

  
Notary Public

**CERTIFICATION**

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 21st day of November 2007.



  
Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com



# FEDERAL INSURANCE COMPANY

## STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

DECEMBER 31, 2006

(in thousands of dollars)

<i>ASSETS</i>		<i>LIABILITIES AND SURPLUS TO POLICYHOLDERS</i>	
Cash and Short Term Investments.....	\$ 580,553	Outstanding Losses and Loss Expenses... \$ 11,595,150	
United States Government, State and Municipal Bonds .....	12,508,719	Unearned Premiums .....	3,616,396
Other Bonds .....	2,869,870	Reinsurance Premiums Payable .....	449,499
Stocks .....	1,067,735	Provision for Reinsurance .....	201,207
Other Invested Assets .....	<u>1,358,500</u>	Other Liabilities .....	<u>1,224,072</u>
 <b>TOTAL INVESTMENTS .....</b>	 <b><u>18,385,377</u></b>	 <b>TOTAL LIABILITIES .....</b>	 <b><u>17,086,324</u></b>
 <b>Investments in Affiliates:</b>			
Chubb Investment Holdings, Inc. ....	2,235,569	Capital Stock.....	20,980
Pacific Indemnity Company .....	1,608,062	Paid - In Surplus .....	3,106,790
Chubb Insurance Company of Europe ..	873,008	Unassigned Funds.....	<u>8,148,977</u>
Executive Risk Indemnity Inc. ....	810,146		
CC Canada Holdings Ltd. ....	461,798	 <b>SURPLUS TO POLICYHOLDERS.....</b>	 <b><u>11,278,747</u></b>
Great Northern Insurance Company ..	351,273		
Chubb Insurance Company of Australia ..	159,837		
Vigilant Insurance Company.....	138,358		
Other Affiliates.....	220,451		
Premiums Receivable .....	1,626,163		
Other Assets .....	<u>1,493,029</u>		
 <b>TOTAL ADMITTED ASSETS .....</b>	 <b><u>\$ 28,363,071</u></b>	 <b>TOTAL LIABILITIES AND SURPLUS TO POLICYHOLDERS.....</b>	 <b><u>\$ 28,363,071</u></b>

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners.  
Investments valued at \$454,144,605 are deposited with government authorities as required by law.

State, County & City of New York, - ss:

Yvonne Baker, Assistant Secretary of the Federal Insurance Company being  
duly sworn, deposes and says that the foregoing Statement of Assets, Liabilities and Surplus to Policyholders of said Federal  
Insurance Company on December 31, 2006 is true and correct and is a true abstract of the Annual Statement of said  
Company as filed with the Secretary of the Treasury of the United States for the 12 months ending December 31, 2006.

Subscribed and sworn to before me  
this

*Yvonne Baker*

Assistant Secretary

*Dorothy Baker*  
\_\_\_\_\_  
Notary Public

**DOROTHY M. BAKER**  
Notary Public, State of New York  
No. 31-4904994  
Qualified in New York County  
Commission Expires Sept. 14, 2009



**City of Albuquerque Planning Department**  
**One Stop Shop – Development and Building Services**

10/11/2007 Issued By: PLNABG

**Permit Number: 2007 070 283** **Category Code 910**

**Application Number: 07DRB-70283, Epc Approved Sdp For Build Permit**

**Address:**

**Location Description: STRYKER RD SE AND UNIVERSITY BLVD NORTHBOUND AND UNIVERSITY BLVD SOUTHBOUND**

**Project Number: 1004873**

**Applicant**  
Forest Covington Nm, Llc

801 University Blvd Se  
Albuquerque, NM 87108  
452-2600  
mdaly@fcmnds.com

**Agent / Contact**  
Denish Kline Associates  
Lawrence Kline  
500 Marquette Nw Suite 350  
Albuquerque, NM 87103

lisk@denishkline.com

**Application Fees**

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions	\$50.00
<b>TOTAL:</b>		<b>\$50.00</b>

City Of Albuquerque  
Treasury Division

10/11/2007 10:12AM LOC: ANNX  
WSH 008 TRANS# 0007  
RECEIPT# 00082586-00082586  
PERMIT# 2007070283 TRSL JS  
Trans Amt \$50.00  
DRB Actions \$50.00  
CK \$50.00  
CHANGE \$0.00

Thank You

**ORIGINAL**

**INFRASTRUCTURE LIST**

**EXHIBIT "A"**

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

**Mesa del Sol Community Center Building A  
PROPOSED SITE DEVELOPMENT PLAN**

**Tract 23 Inovation Park**

**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.

SIA SWquence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
	775482	36' FF	PAVING Art Pvmnt (East Side) C & G, Median & Std	University Blvd	North Edge	North End Couplet	/	/	/
	775482	46' FF	Art Pvmnt C & G, Std	University Blvd (North Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	16'	Sidewalk (west side only)						
	775482	46' FF	Art Pvmnt C & G, Std	University Blvd (South Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	16'	Sidewalk (east side only)						
	775482	48' FF	Major Local Pvmnt C & G, Std	Stryker Ave.	University Blvd (North Bound)	University Blvd (South Bound)	/	/	/
		16'	Sidewalk (north sides only)						

Project name:

Community Center Building A, at Mesa del Sol

SIA SWquence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
<b>UNIT 1</b>									
<b>WATER</b>									
	775482	12"	Water line	University Blvd (North Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	12"	Water line	University Blvd (South Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	12"	Water line	Stryker Ave.	University Blvd (North Bound)	University Blvd (South Bound)	/	/	/
<b>SANITARY SEWER</b>									
	775482	24"	SAS	University Blvd (South Bound)	North End Couplet	Stryker Ave.	/	/	/
<b>STORM DRAINAGE</b>									
		18"-48"	RCP Storm drain	Stryker Ave (West Bound)	University Blvd (South Bound)	Private Pond, Tract OS-1, Inovation Park	/	/	/
		18"-48"	RCP Storm drain	University Blvd (North Bound)	North End Couplet	Stryker Ave.	/	/	/
		8 ac-ft	<i>Retention</i> Private Pond With Agreement and Covenant	Tract OS-1 ,Inovation Park					

Project name: Community Center Building A, at Mesa del Sol

- 1 All sidewalks to be deferred
- 2 Water infrastructure to include valves, fittings, valve boxes and fire hydrants.
- 3 Sanitary sewer to include manholes and service connections.
- 4 Storm Drain to include inlets, manholes
- 5 ~~Private Grading & Drainage Certification per DPM for Release of SIA and Financial Guarantees. Financial Guarantee is not required for this item~~
- 6 Street lights per Planned Community Level 'A' and 'B' Plans
- 7
- 8
- 9
- 10

**AGENT / OWNER** **DEVELOPMENT REVIEW BOARD MEMBER APPROVALS**

James D. Hughes, P.E.  
NAME (print)

URS Corporation  
FIRM

*James D. Hughes*  
SIGNATURE - date

MAXIMUM TIME ALLOWED TO CONSTRUCT  
THE IMPROVEMENTS WITHOUT A DRB  
EXTENSION: N/A

*B. Matson* 10/17/07  
DRB CHAIR - date

*Left by* 10-17-07  
TRANSPORTATION DEVELOPMENT - date

*Kylee Dean* 10/17/07  
UTILITY DEVELOPMENT - date

*Bradley J. Bingham* 10/17/07  
CITY ENGINEER - date

*Christina Sandoval* 10/17/07  
PARKS & GENERAL SERVICES - date

AMAFCA - date

- date

- date

**DESIGN REVIEW COMMITTEE REVISIONS**

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER



**INFRASTRUCTURE LIST**

**EXHIBIT "A"**

**TO SUBDIVISION IMPROVEMENTS AGREEMENT**

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

**Mesa del Sol Community Center Building A  
PROPOSED SITE DEVELOPMENT PLAN**

**Tract 23 Inovation Park**

**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.

SIA SWquence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
	775482	36' FF	PAVING Art Pvmnt (East Side) C & G, Median & Std	University Blvd	North Edge	North End Couplet	/	/	/
	775482	46' FF	Art Pvmnt C & G, Std	University Blvd (North Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	16'	Sidewalk (west side only)						
	775482	46' FF	Art Pvmnt C & G, Std	University Blvd (South Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	16'	Sidewalk (east side only)						
	775482	48' FF	Major Local Pvmnt C & G, Std	Stryker Ave.	University Blvd (North Bound)	University Blvd (South Bound)	/	/	/
		16'	Sidewalk (north sides only)						

Project name:

Community Center Building A, at Mesa del Sol

SIA SWquence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
<b>UNIT 1</b>									
<b>WATER</b>									
	775482	12"	Water line	University Blvd (North Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	12"	Water line	University Blvd (South Bound)	North End Couplet	Stryker Ave.	/	/	/
	775482	12"	Water line	Stryker Ave.	University Blvd (North Bound)	University Blvd (South Bound)	/	/	/
<b>SANITARY SEWER SAS</b>									
	775482	24"		University Blvd (South Bound)	North End Couplet	Stryker Ave.	/	/	/
<b>STORM DRAINAGE</b>									
		18"-48"	RCP Storm drain	Stryker Ave (West Bound)	University Blvd (South Bound)	Private Pond, Tract OS-1, Inovation Park	/	/	/
		18"-48"	RCP Storm drain	University Blvd (North Bound)	North End Couplet	Stryker Ave.	/	/	/
		8 ac-ft	Private Pond With Agreement and Covenant	Tract OS-1 ,Inovation Park					

Project name: Community Center Building A, at Mesa del Sol

- 1 All sidewalks to be deferred
- 2 Water infrastructure to include valves, fittings, valve boxes and fire hydrants.
- 3 Sanitary sewer to include manholes and service connections.
- 4 Storm Drain to include inlets, manholes
- 5 Private Grading & Drainage Certification per DPM for Release of SIA and Financial Guarantees. Financial Guarantee is not required for this item
- 6 Street lights per Planned Community Level 'A' and 'B' Plans
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_

<b>AGENT / OWNER</b>	<b>DEVELOPMENT REVIEW BOARD MEMBER APPROVALS</b>
----------------------	--

**James D. Hughes, P.E.**  
NAME (print)

**URS Corporation**  
FIRM

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

MAXIMUM TIME ALLOWED TO CONSTRUCT  
THE IMPROVEMENTS WITHOUT A DRB  
EXTENSION: N/A

\_\_\_\_\_  
DRB CHAIR - date

\_\_\_\_\_  
TRANSPORTATION DEVELOPMENT - date

\_\_\_\_\_  
UTILITY DEVELOPMENT - date

\_\_\_\_\_  
CITY ENGINEER - date

\_\_\_\_\_  
PARKS & GENERAL SERVICES - date

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

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

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

<b>DESIGN REVIEW COMMITTEE REVISIONS</b>
--

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

2300

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

**COPY**

No. of Lots:  
Nearest Major Streets

AGREEMENT TO CONSTRUCT  
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 3<sup>rd</sup> 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 MESA DEL SOL, LLC ("Subdivider"), [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.], a New Mexico limited liability company, whose address is 801 University, SE, Suite 200, Albuquerque, New Mexico, 87106, and whose telephone number is 505-4500-3021, 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 4-B, Plat of Mesa del Sol Tracts 4-A, 4-B & 4-C, recorded on June 22, 2006, in the records of the Bernalillo County Clerk at Book 2006-C, pages 197 through (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:] Pacifica Mesa Studios, LLC, a California limited liability company ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Mesa del Sol Film Studio, Project No. 775482 describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 40K, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private Improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or



before the 1<sup>st</sup> 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. 775482.

1400000

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 to any member of the public 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 insureds. 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 and testing fees, and other related City fees and price adjustment for asphalt and concrete paving, if applicable, and County Clerk recording fees:

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>3.25% of Actual Construction Cost</u>
<u>Excavation and Sidewalk Ordinance, Street Restoration</u>	<u>As required per City approved estimate (Figure 7)</u>

(Note: The Subdivider must pay the City all City fees and price adjustments for asphalt and concrete paving, if applicable, 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 Surveys, and construction



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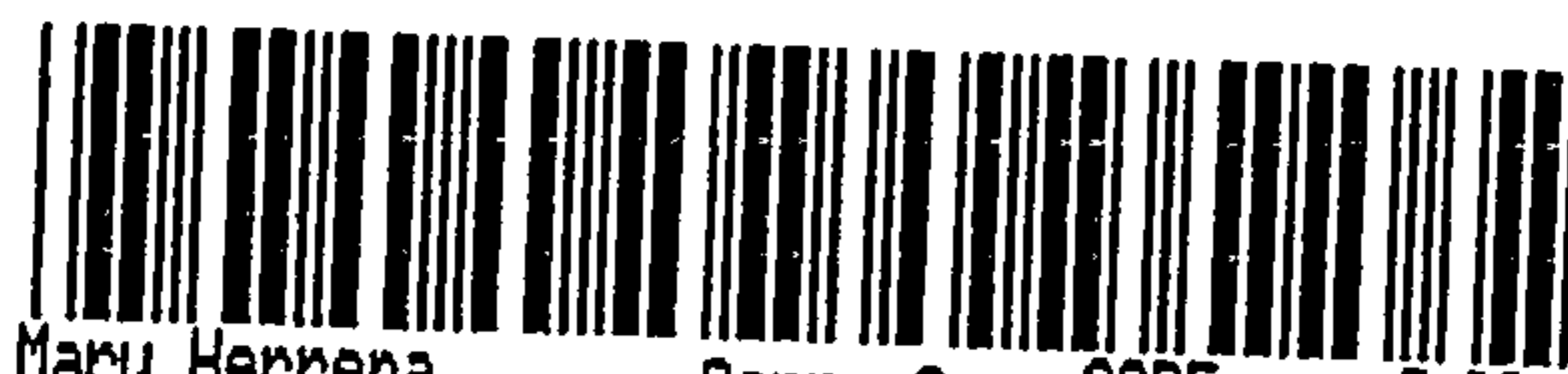
surveying of the private Improvements shall be performed by Cartesian Surveys. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction 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 Bohannan & Huston, Inc., and inspection of the private Improvements shall be performed by Bohannan & Huston, Inc. both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Subdivider shall pay the City a reasonable fee for any inspections performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Vinyard and Associates, and field testing of the private Improvements shall be performed by Vinyard and Associates, both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for 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 reserves 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 FDIC or FSLIC-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.



Maru Herrera

Bern. Co. AGRE

R 23.00

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

Type of Financial Guaranty: Subdivision Bond: NO. 8852634  
Amount: \$ 3,198,907.60  
Name of Financial Institution or Surety providing Guaranty:  
Fidelity and Deposit Company of Maryland  
Date City first able to call Guaranty: \_\_\_\_\_  
[Construction Completion Deadline]: May 1, 2007.

If Guaranty other than a Bond, last day City able to call Guaranty is:  
\_\_\_\_\_, 20 \_\_\_\_\_

Additional information: \_\_\_\_\_  
\_\_\_\_\_

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange for 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 guaranty which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

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

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



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Page: 4 of 8  
08/03/2006 02:10P  
Bk-A121 Pa-6249

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, and 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:

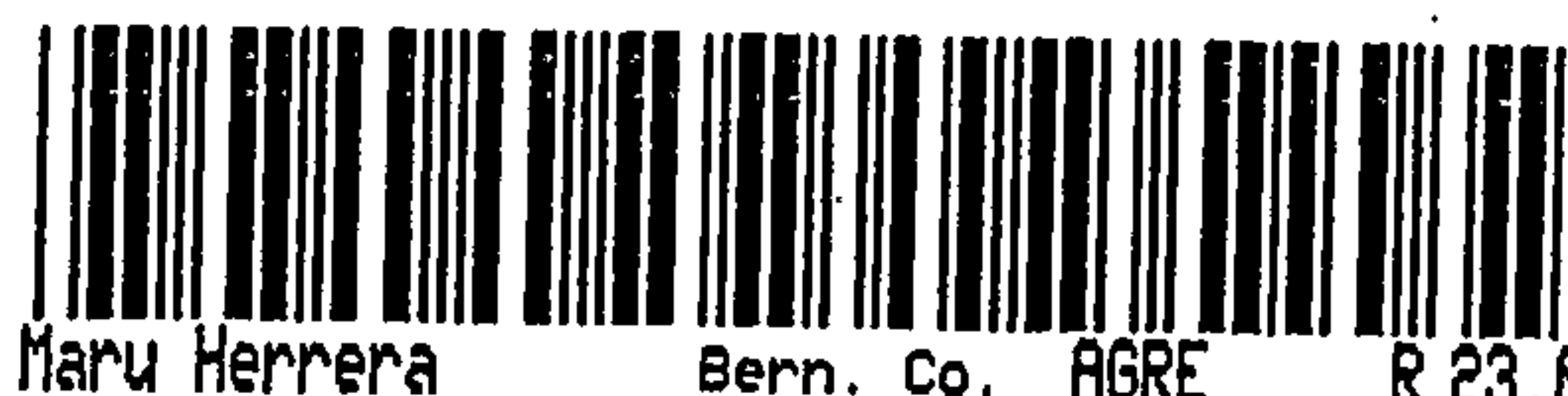
(1) A revised Financial Guaranty in an amount of not less than 125 percent of the cost of completing the remaining Improvements, as estimated by the City;

(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 Certificate of Partial 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 officers, 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 N.M.S.A. 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



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insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

11. Assignment. This Agreement shall not be assigned without the prior written consent of the City, the Guarantor 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 or the Guarantor's financial guaranty from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has posted a suitable financial guaranty and entered into a Subdivision Improvements Agreement with the City. Thereafter, when the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

13. Payment for Incomplete Improvements. If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications and the Guarantor 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 Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. Any surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to the Financial Guaranty.

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

15. Notice. For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) 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.



Maru Herrera

Sern. Co. AGRE

R 23.00

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

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

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

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

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

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

SUBDIVIDER:

MESA DEL SOL, LLC  
a New Mexico limited liability company

By: FC Covington Manager, LLC, a New Mexico limited liability company, Member

By: FC Mesa, Inc., a New Mexico corporation, Member

Date: June 29, 2006

By: Harry Relkin  
Harry Relkin  
Director Land Development

Date: June 29, 2006

~~CITY OF ALBUQUERQUE~~

By: ~~Director, Public Works~~

Approved by:  
Rubén Duarte  
City Engineer

W. E. Alvarado

on  
8-2-06



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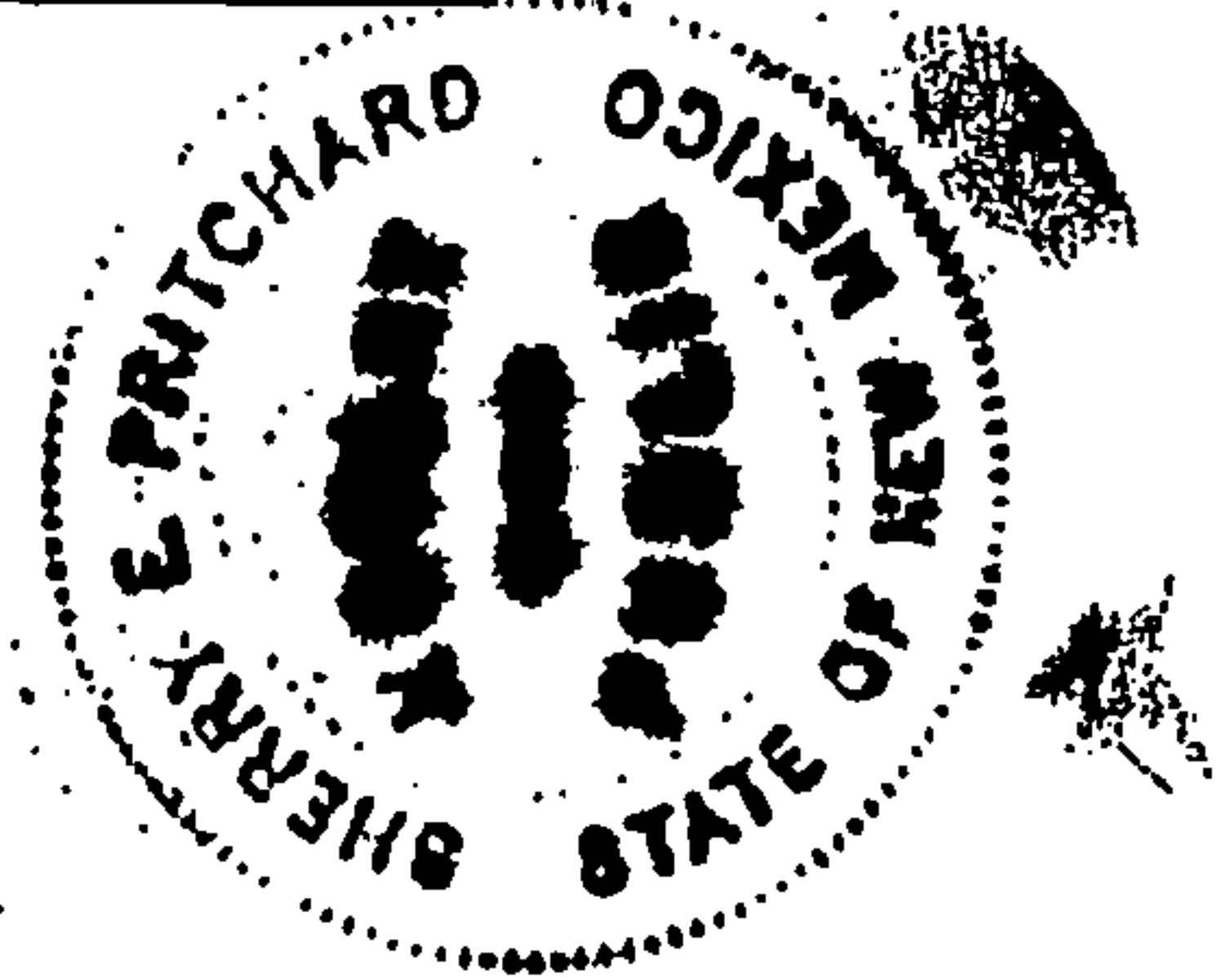
SUBDIVIDER'S NOTARY

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

The foregoing instrument was acknowledged before me on the 29<sup>TH</sup> day of June, 2006 by Harry Relkin, Director of Land Development of FC Mesa, Inc. a New Mexico corporation, as Member of FC Covington Manager, LLC, as Member of Forest City Covington, NM, LLC, a New Mexico limited liability company,

*[Signature]*  
Notary Public

My Commission Expires:  
12/20/09



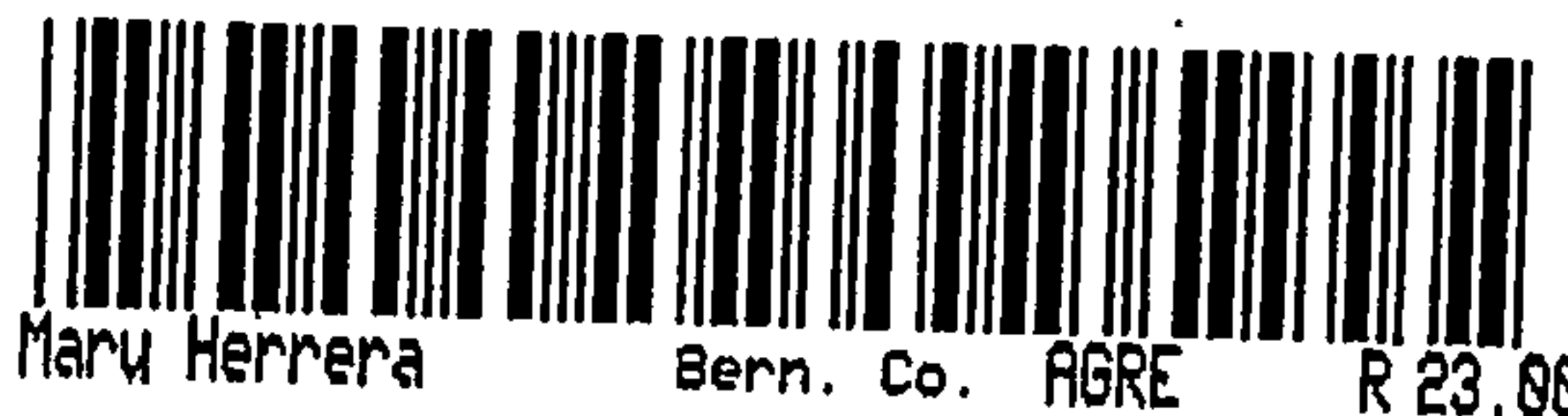
CITY'S NOTARY

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

*City Engineer* This instrument was acknowledged before me on August 3, 2006 by Richard Dourte *Director, Planning* ~~Director, Public Works~~ Department, of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Notary Public *Gloria D. Saavedra*

My Commission Expires: 11-25-2007



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**ORIGINAL**

Figure 12

**INFRASTRUCTURE LIST**  
 EXHIBIT "A"  
 TO SUBDIVISION IMPROVEMENTS AGREEMENT  
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST  
 Albuquerque Studios **SITE PLAN**  
 (Mesa del Sol)

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 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.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
<b>PUBLIC ROADWAY IMPROVEMENTS</b>									
775482	775482	28' EOP-EOP	PAVED ROADWAY, NO CURBS, NO SIDEWALKS, NO STREET LIGHTS (5,100 LF APPROX)	UNIVERSITY BLVD. (EAST SIDE OF ROW)	SOUTH TERMINUS OF CITY PROJECT #732502 (UNIVERSITY BLVD. EXTENSION)	GATE 1 (NW CORNER OF SITE)			
		46' F-F	PAVED ROADWAY, STRIPING, CURB AND GUTTER, SIDEWALK (10' MIN.), STREET LIGHTS (1,200 LF APPROX.)	UNIVERSITY BLVD.	GATE 1 (NW CORNER OF SITE)	FUTURE CONNECTOR ROAD A			
<b>PUBLIC SANITARY SEWER IMPROVEMENTS</b>									
		24" DIA	SANITARY SEWER LINE, AS REQ'D	UNIVERSITY BLVD.	SOUTH TERMINUS OF CITY WO PROJECT # 775481 (SW CORNER OF ADVENT SITE)	END OF GRAVITY EXTENSION NORTH OF GATE 1 (NORTH OF NW CORNER OF SITE)			
<b>PUBLIC WATERLINE IMPROVEMENTS</b>									
		24" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S, STUB OUTS TO STUDIO SITE	UNIVERSITY BLVD.	SOUTH TERMINUS OF CITY WO PROJECT # 775481 (SW CORNER OF ADVENT SITE)	FUTURE CONNECTOR ROAD A			
<b>PUBLIC/PRIVATE STORM DRAIN IMPROVEMENTS (NOT TO BE FINANCIALLY GUARANTEED)</b>									
			TEMPORARY DRAINAGE IMPROVEMENTS (UPSTREAM RETENTION PONDS AND/OR SWALES TO PROTECT ROAD EXTENSION AND SITE)						

7.5 - 1



PRIVATE IMPROVEMENTS (NOT TO BE FINANCIALLY GUARANTEED)

TEMPORARY PRIVATE ONSITE LIFT/PUMP STATION AND FORCE MAIN EXTENDED TO PUBLIC GRAVITY SYSTEM IN UNIVERSITY BLVD.





AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

JEFFERY L. MULBERY  
PREPARED BY: PRINT NAME

6/14/2006  
DATE

*[Signature]*  
DRB CHAIR

6/14/06  
DATE

*[Signature]*  
PARKS & GENERAL SERVICES

6/14/06  
DATE

BOHANNAN HUSTON INC.

FIRM

*[Signature]* 6-14-06  
SIGNATURE

*[Signature]*  
TRANSPORTATION DEVELOPMENT

6-14-06  
DATE

*[Signature]*  
UTILITY DEVELOPMENT

6/14/06  
DATE

*[Signature]*  
CITY ENGINEER

AMAFCA

6/14/06  
DATE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

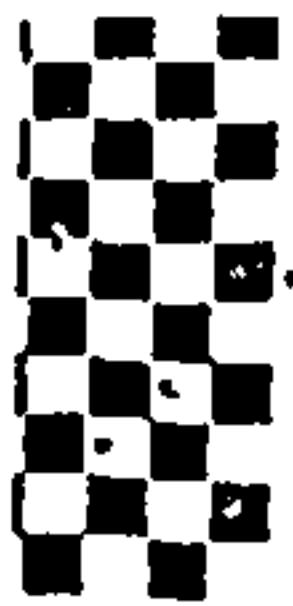
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DATE



DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER



# FINANCIAL GUARANTY AMOUNT

06/28/2006

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

Project Description:

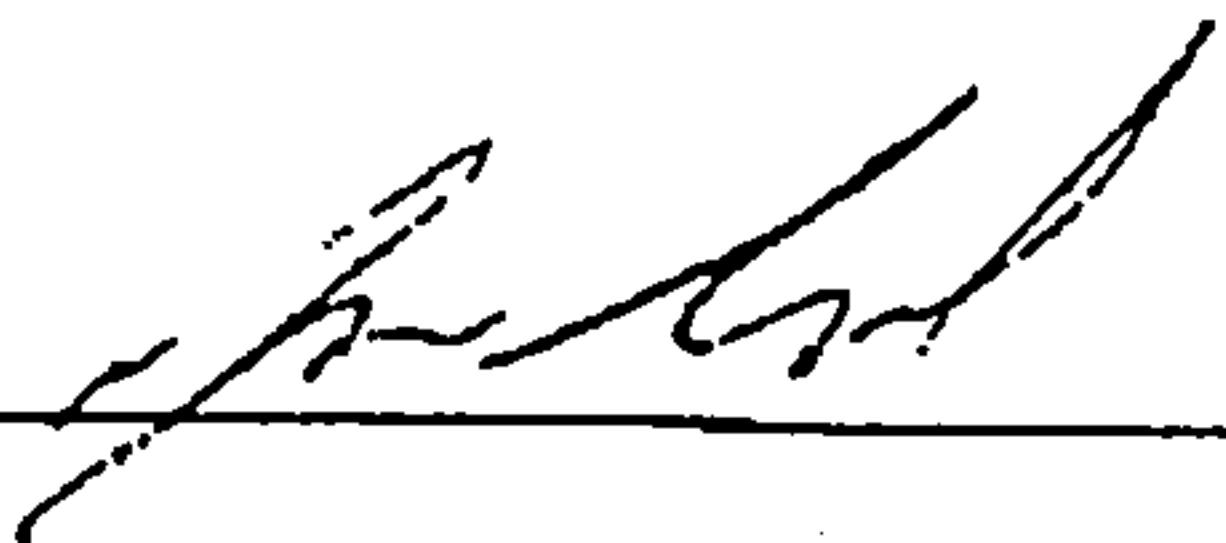
Project ID #: 775482, Mesa delSol-Albuq.StudiosPub Infrstr Imp, Phase/U

Requested By: Jeff Mulbery, PE w/ Bohannon Huston Inc.

Approved estimate amount:		\$2,006,787.00
Contingency Amount:	10.00%	\$200,678.70
Subtotal:		\$2,207,465.70
NMGRT	6.75%	\$149,003.94
Subtotal:		\$2,356,469.64
Engineering Fee	6.60%	\$155,527.00
Testing Fee	2.00%	\$47,129.39
Subtotal:		\$2,559,126.08
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$0.00
<b>TOTAL FINANCIAL GUARANTY REQUIRED</b>		<b>\$3,198,907.60</b>

APPROVAL:

DATE:

  
\_\_\_\_\_

6-28-2006  
\_\_\_\_\_

Notes: 10% contingency, plans not approved.

NATURE SAVER™ FAX MEMO 01616		Date: 6-28-06	Page: 1
To: James Topmiller	From: James Roper		
Co./Dept: BHI	Co: COA		
Phone #: 823-1000	Phone #: 924-3992		
Fax #: 748-2933	Fax #: 924-3440		

FIGURE 16

CIRCLE ONE:  
SUBDIVISION BOND FOR:  
SIA, SW'S, SPCL.AGRMT.

BOND NO. (SURETYS NO.): 8852634  
CONTACT PERSON'S NAME: \_\_\_\_\_

SUBDIVISION IMPROVEMENTS BOND

KNOW ALL MEN BY THESE PRESENTS: That we Mesa del Sol, LLC ("SUBDIVIDER") a [state type of business entity, for instance, "New Mexico corporation," "general partnership", "joint venture", "individual", etc.:] New Mexico limited liability company as "Principal", and Fidelity and Deposit Company of Maryland ("NAME OF SURETY"), a corporation organized and existing under and by virtue of the laws of the State of MD, and authorized to do business in the State of New Mexico, as "Surety," whose address is 3910 Keswick Road, Baltimore, MD, 21203, and whose telephone number is 614-734-3386, are held and firmly bound unto the CITY OF ALBUQUERQUE in the penal sum of Three Million One Hundred Ninety-Eight Thousand Nine Hundred Seven and 60/00 Dollars (WRITTEN AMOUNT) Dollars, \$3,198,907.60 (AMOUNT OF FIGURES), as amended by change orders approved by the Surety or changes to the infrastructure list approved by the City Development Review Board, the payment of which is well and truly to be made, and each of us bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, and firmly by these presents.

NOW, THEREFORE, the condition of the above obligation is such that:

WHEREAS, the Principal is the owner and/or is interest in or is developing land and premises known as Mesa del Sol Film Studio, City Project No. 775482 (Name of Subdivision and City Project No; and

WHEREAS, said Subdivision is subject to the provisions and conditions of the ordinance of the CITY OF ALBUQUERQUE known as the Subdivision Ordinance, the requirements of which include the installation of various other improvements by the Principal; and

WHEREAS, the Subdivision Ordinance also requires the Principal to install and construct the following improvements at the Subdivision: [list the improvements, e.g., water, sewer, pavement, sidewalks:] public roadway improvements - University Blvd.; public sanitary sewer improvements; public waterline improvements and public and private storm drain improvements ("IMPROVEMENTS")

All construction shall be performed in accordance with the Agreement to Construct Public and/or Private Subdivision Improvements Agreement entered into between Mesa del Sol, LLC ("NAME OF SUBDIVIDER") and the CITY OF ALBUQUERQUE, as recorded in the office of the Clerk of Bernalillo County, New Mexico, in Book Misc. (leave blank), pages \_\_\_\_\_ through \_\_\_\_\_, as amended by change orders or amendments to the Agreement.

NOW, THEREFORE, if the Principal completes construction of the Improvements and facilitates and performs the work herein above specified to be performed, all on or before [Construction Completion Deadline established in Agreement or as amended; May 1, 2007 ("the Construction Completion Deadline"), then this







**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

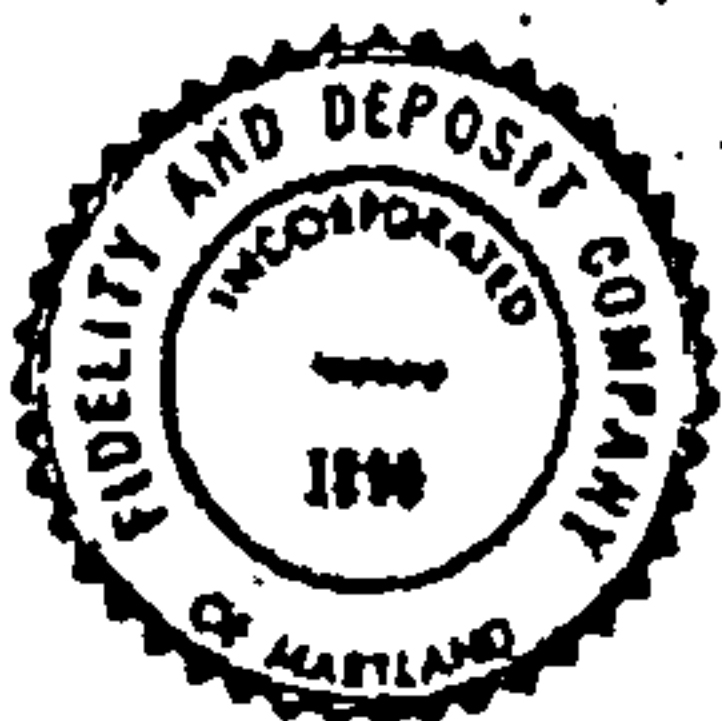
KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sandra MARTINEZ, Linda ISER, Kathleen J. MAILES, Karen DANIEL, Susan J. PREIKSA, Susan A. WELSH, Robert E. DUNCAN, Joellen M. MENDOZA, James A. CUTHBERTSON and Geoffrey E. HEEKIN, all of Chicago, Illinois, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Sandra MARTINEZ, Linda ISER, Kathleen J. MAILES, Karen DANIEL, Susan J. PREIKSA, Susan A. WELSH, Robert E. DUNCAN, Joellen M. MENDOZA, James A. CUTHBERTSON, Geoffrey E. HEEKIN, dated April 17, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of November, A.D. 2004.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



*Eric D. Barnes*

Eric D. Barnes Assistant Secretary

*William J. Mills*

By: William J. Mills Vice President

State of Maryland }  
City of Baltimore } ss:

On this 24th day of November, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Dennis R. Hayden*

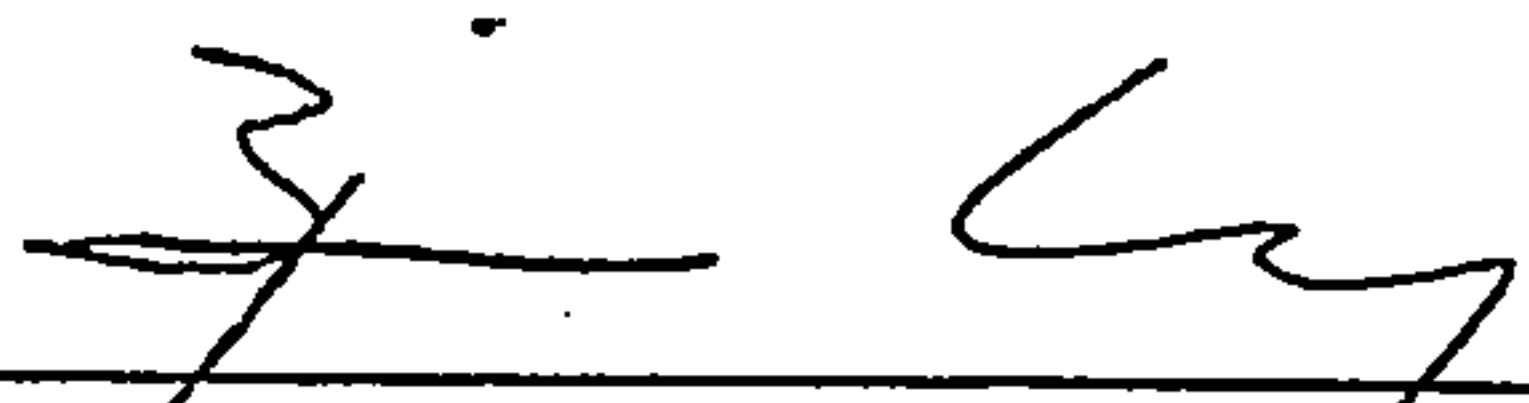
Dennis R. Hayden Notary Public  
My Commission Expires: February 1, 2009

ACKNOWLEDGEMENT BY SURETY

STATE OF ILLINOIS  
COUNTY OF COOK

On this 29<sup>th</sup> day of June, 2006, before me, Brian O'Leary, a Notary Public, within and for said County and State, personally appeared Linda Iser to me personally known to be the Attorney-in-Fact of and for Fidelity and Deposit Company of Maryland acknowledged that she executed the said instrument as the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

  
\_\_\_\_\_  
Notary Public in the State of Illinois  
County of Cook





# FIDELITY AND DEPOSIT COMPANY

OF MARYLAND  
3910 KESWICK ROAD, BALTIMORE, MD 21203

Statement of Financial Condition  
As Of December 31, 2004

## ASSETS

Bonds .....	\$ 139,004,313
Stocks .....	38,155,527
Cash in Banks and Offices and Short Term Investments .....	113,921
Reinsurance Recoverable .....	21,253,764
Other Accounts Receivable .....	17,975,790
<b>TOTAL ADMITTED ASSETS .....</b>	<b>\$ 216,503,315</b>

## LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses .....	\$ 235,362
Ceded Reinsurance Premiums Payable .....	37,528,151
<b>TOTAL LIABILITIES .....</b>	<b>\$ 37,763,513</b>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	173,739,802
Surplus as regards Policyholders .....	178,739,802
<b>TOTAL .....</b>	<b>\$ 216,503,315</b>

Securities carried at \$20,480,048 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2004 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$218,087,578 and surplus as regards policyholders \$180,324,065.

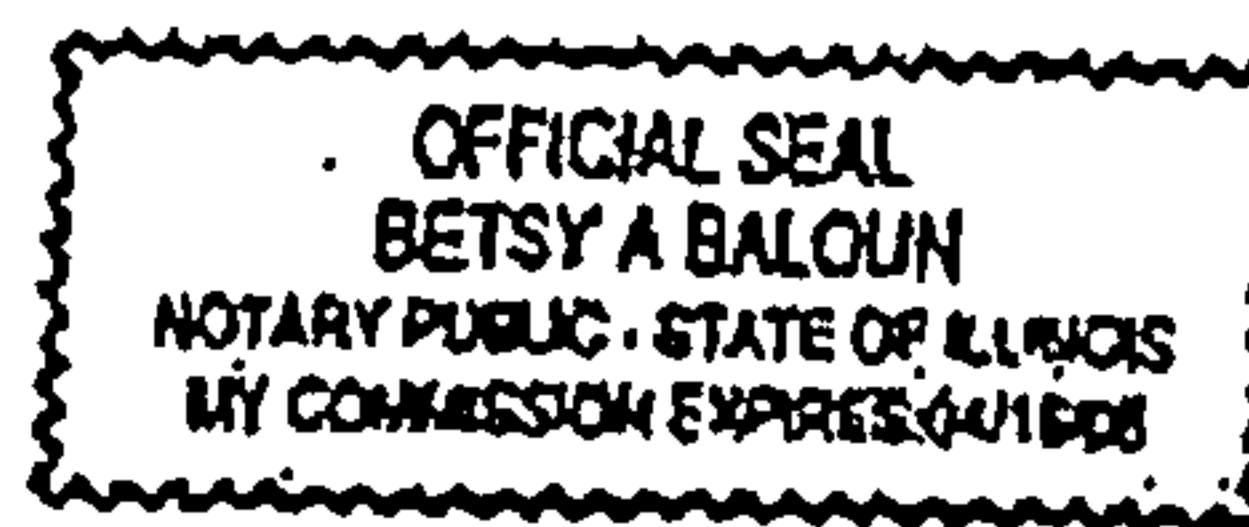
I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2004.

  
\_\_\_\_\_  
Corporate Secretary

State of Illinois }  
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 5th day of April, 2005.

  
\_\_\_\_\_  
Notary Public





Jun 22 06 01:53p

Jamie Inforzato

909-697-6705

P. 2

Jun-22-2006 05:41 PM

Mesa Del Sol / FCC

5052422978

2/2

MESA DEL SOL, LLC

RESOLUTION

WHEREAS, Mesa Del Sol, LLC (the "Company"), a limited liability company formed under the laws of New Mexico, is at the present time a single member LLC; and

WHEREAS, FC Covington Manager, LLC ("Manager"), a limited liability company formed under the laws of New Mexico, is at the present time the sole member of the Company.


BE IT RESOLVED, that the Manager be and hereby is authorized to act on behalf of the Company to execute and deliver all documents, instruments and agreement relating to the sale by the Company of approximately 53.293 acres of land to Pacifica Mesa Studios, LLC, aka Culver Studios for \$5,445,000, and to do all things necessary or desirable to complete said transaction; and

BE IT FURTHER RESOLVED, that FC Mesa, Inc., a New Mexico corporation, a member of the Manager, acting through Michael Daly, its Chief Operating Officer, and Harry Reifkin, Director of Land Development, or either one of them acting alone, be and hereby is authorized to execute and deliver all documents, instruments and agreements necessary or desirable to complete said transaction.

FOREST CITY COVINGTON NM, LLC,  
a New Mexico limited liability company

By: FC Covington Manager, LLC,  
its Sole Member

By: Covington NM, LLC, a Nevada  
limited liability company

By:   
Name: Barry Lang  
Title: \_\_\_\_\_

By: FC Mesa, Inc.,  
a New Mexico corporation, Member

By:   
Michael Daly  
Chief Operating Officer



**POWER OF ATTORNEY**

NOTE: Must be signed and notarized by the owner if the subdivider is not the owner of Subdivision.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

[State name of present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] PACIFICA MESA STUDIOS, LLC, a California limited liability company ("Owner"), of [address:] c/o Hal Katersky, 9336 West Washington Blvd. [city:] Culver City, [state:] California [zip code:] 92032 hereby makes, constitutes and appoints [name of subdivider:] Mesa del Sol, LLC, a New Mexico limited liability company, ("Subdivider") as our true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Subdivider full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") subdivision requirements regarding the real estate owned by us and described in Section 1 of the Subdivision Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Subdivider lawfully does or causes to be done by virtue of the power herein conferred upon the Subdivider.

This power of attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Planner in order to provide notice to City of the termination of this power of attorney; or (2) upon release of the Agreement by the City.

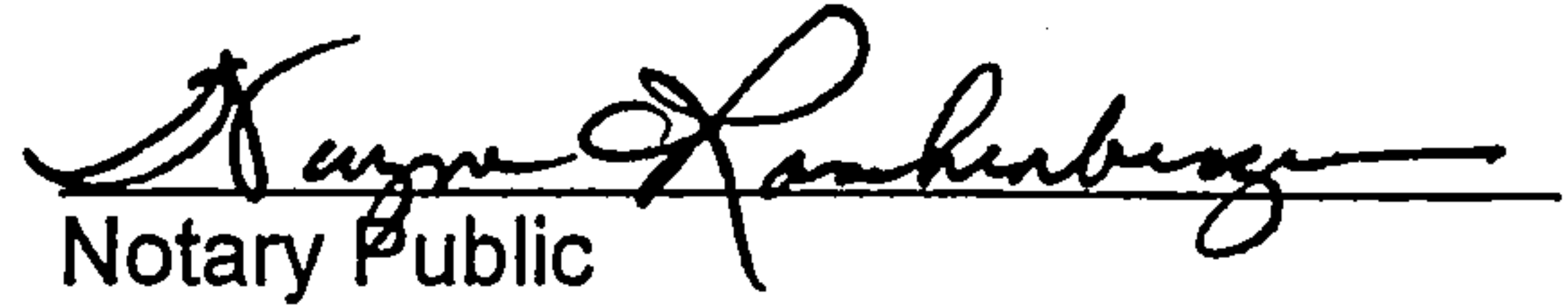
NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Subdivider. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER

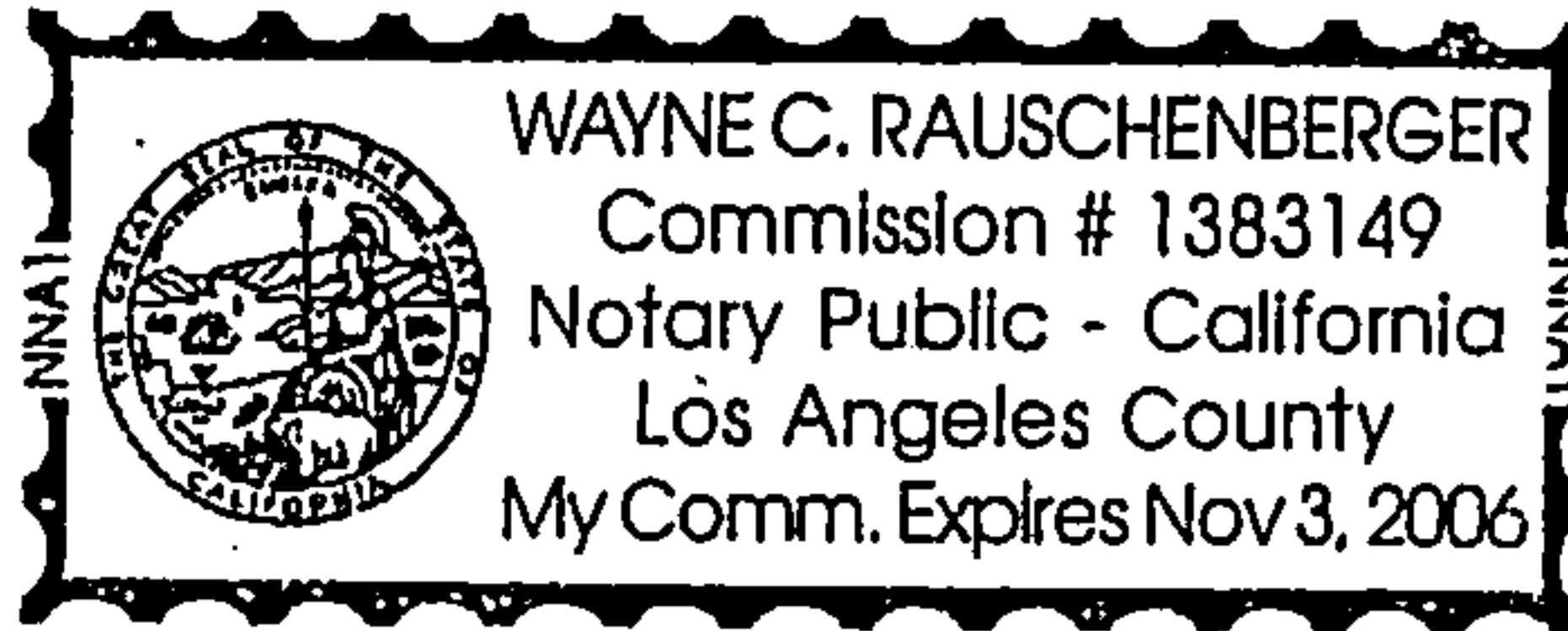
PACIFICA MESA STUDIOS, LLC, a California limited liability company

By: [Signature]  
Its: [Signature]

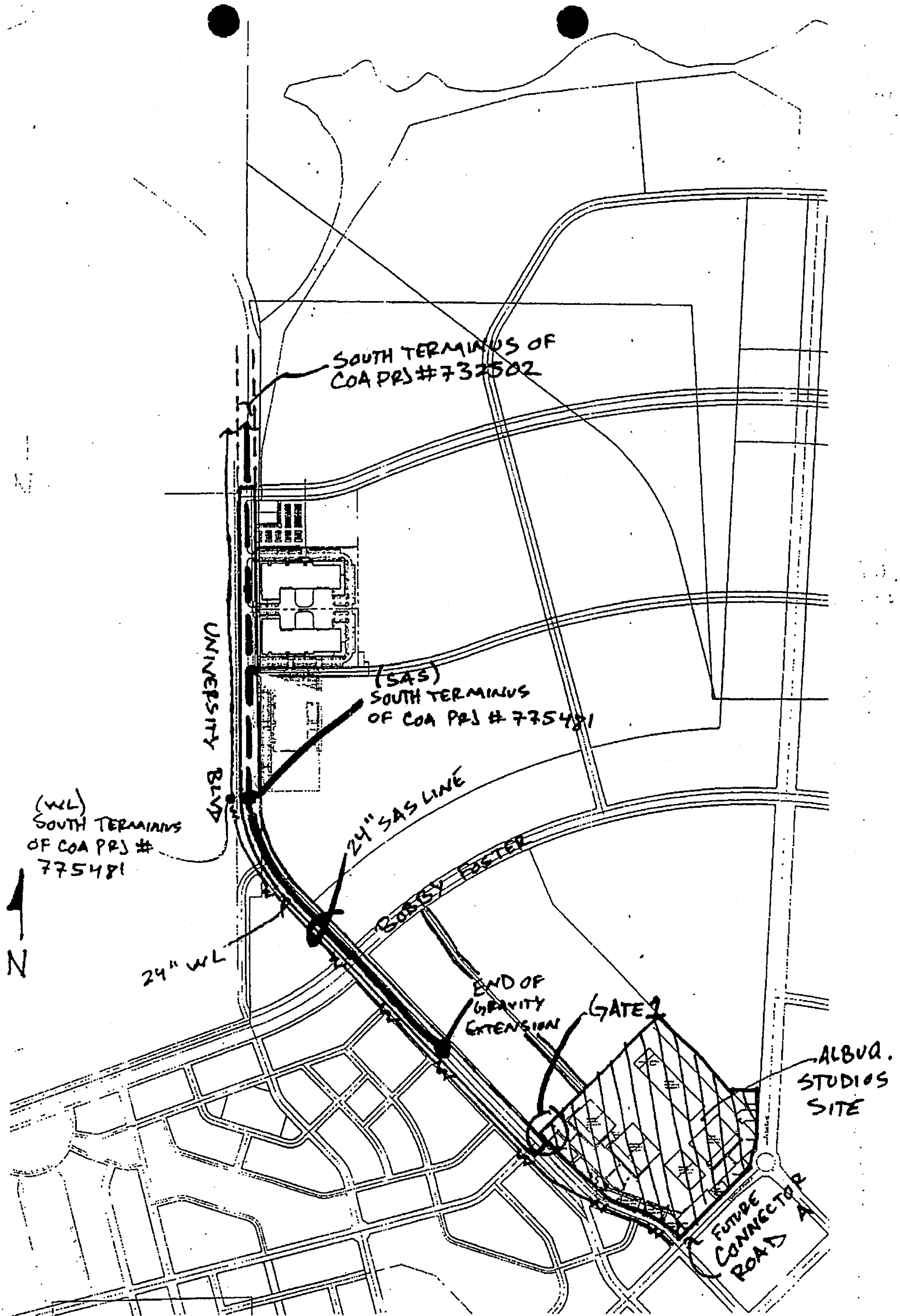
~~June~~ <sup>July</sup> The foregoing Power of Attorney was acknowledged before me 7<sup>th</sup> day of ~~June~~, 2006 by [name of person:] HAL KATERSKY, [title or capacity, for instance "President":] MANAGER [Owner:] of Pacifica Mesa Studios, LLC, a California corporation.

  
Notary Public

My Commission Expires:  
NOV. 3, 2006



H:\forestcity\jam\Culver Studio\Legal\culverpoa.doc\6/29/2006 5:42 PM





JON ANDERSON  
ARCHITECT  
912 ROMA AVE NW  
ALBUQUERQUE  
NEW MEXICO  
8 7 1 0 2  
505 764 8306  
FAX 764 2879  
JONANDERSON  
ARCHITECT.COM

October 12, 2007

City of Albuquerque  
Plaza del Sol  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87103

Re: Project Number 1004873 06EPC Site Development Plan-Building Permit; Building A in the Mesa del Sol Community Center

Dear DRB members,

Please find included in this transmittal:

(1) One set of drawings as listed below with revisions responding to comments from members of the DRB.

List of Drawings (attachment):

- 01 Site Plan
- 02 Landscape Plan
- 03 Lighting and Site Details
- 04 Tract 23 Conceptual Grading and Drainage
- 05 Tract 24 Conceptual Grading and Drainage
- 06 Building Elevations
- 07 Utility Plan

(1) One copy of New Infrastructure List

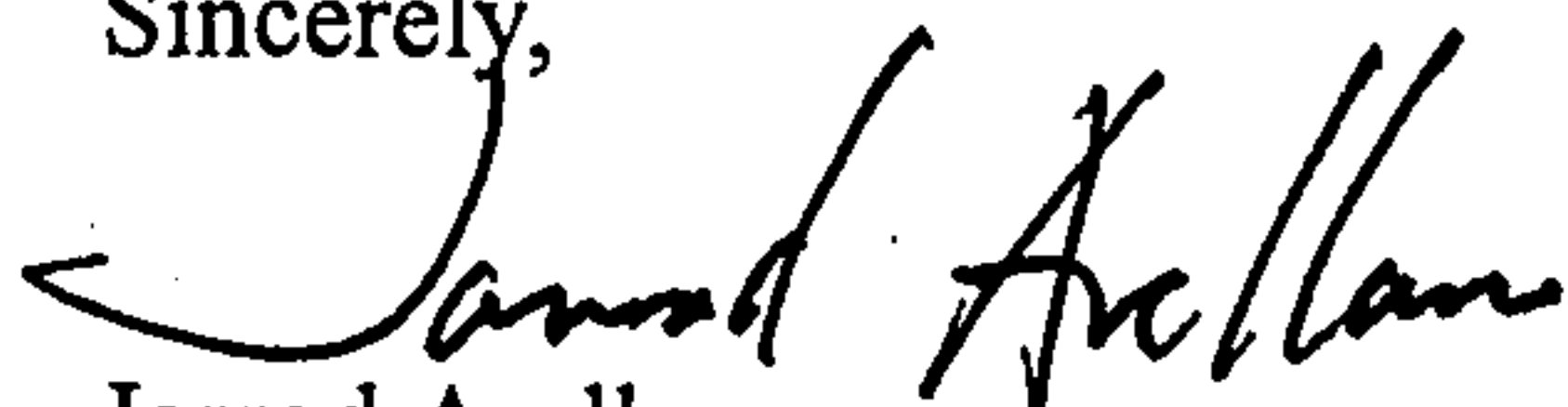
(1) One copy of previously recorded subdivision agreements and infrastructure list

(1) One copy of Fire Marshal's fire flow calculations

Following are clarifications of the changes to the submittal based on questions from the DRB Hearing on October 10<sup>th</sup> 2007:

1. Condition #1 (EPC Conditions) - The Landscape Sheet 02 has been changed marked with a revision cloud to show that the turf will be a tall fescue blend sod.
2. Condition #5B (EPC Conditions) - Two carpool spaces have been reserved for preferential carpool parking on Tract 23, near the main entrances to the building. The change has been shown with a revision cloud on Site Plan Sheet 01, also see new keynote #38.
3. The requirement for the infrastructure list has been included. This new infrastructure list picks up where the previously recorded infrastructure list leaves off.
4. A new Utility Plan sheet 07 has been included.

Sincerely,



Jarrod Arellano

Jon Anderson Architect

CC: Sheran Matson - DRB Chairperson  
Richard Dourte - Transportation Development  
Brad Bingham - Hydrology  
Roger Green - Utilities Development  
Christina Sandoval - Parks & Recreation



**City of Albuquerque Planning Department**  
**One Stop Shop – Development and Building Services**

10/01/2007 Issued By: PLNABG

**Permit Number: 2007 070 283**

**Category Code 910**

**Application Number: 07DRB-70283, Epc Approved Sdp For Build Permit**

**Address:**

**Location Description: STRYKER RD SE AND UNIVERSITY BLVD NORTHBOUND AND UNIVERSITY BLVD SOUTHBOUND**

**Project Number: 1004873**

**Applicant**  
Forest Covington Nm, Llc

801 University Blvd Se  
Albuquerque, NM 87108  
452-2600  
mdaly@fcnds.com

**Agent / Contact**  
Denish Kline Associates  
Lawrence Kline  
500 Marquette Nw Suite 350  
Albuquerque, NM 87103

lsk@denishkline.com

**Application Fees**

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441008/4983000	DRB Actions	
<b>TOTAL:</b>		<b>\$20.00</b>

City Of Albuquerque  
Treasury Division

10/1/2007 9:57AM LDC: ANNX  
WS# 008 TRANS# 0006  
RECEIPT# 00082083-00082083  
PERMIT# 2007070283 TRSLJS  
Trans Amt \$20.00  
Conflict Manag. Fee \$20.00  
CK \$20.00  
CHANGE \$0.00

Thank You



Supplemental form

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

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

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): DENISH + KLINE ASSOCIATES PHONE: 505.842.6461  
 ADDRESS: 500 MARQUETTE NW SUITE 350 FAX: 505.842.6471  
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: ISK@denishkline.com

APPLICANT: FOREST CITY COVINGTON NM, LLC PHONE: 505.452.2100  
 ADDRESS: 801 UNIVERSITY BLVD. SE FAX: 505.452.1900  
 CITY: ALBUQUERQUE STATE NM ZIP 87106 E-MAIL: mdaly@fcmds.com  
 Proprietary interest in site: OWNER List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

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

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

Lot or Tract No. 23 and 24 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: INNOVATION PARK  
 Existing Zoning: PC Proposed zoning: N/A MRGCD Map No. \_\_\_\_\_  
 Zone Atlas page(s): R16 R17 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.): 1004873

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? NO  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total area of site (acres): \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: STRYKER ROAD  
 Between: UNIVERSITY BLVD (northbound) and UNIVERSITY BLVD (southbound)  
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 10/01/07  
 (Print) LAWRENCE KLINE 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
07DRB - 70283	SBP	1(3)	\$ 0
	CMF		\$ 20.00
			\$
			\$
			\$
			\$
			\$
			Total
			\$ 20.00

Hearing date October 10, 2007

[Signature]  
 Planner signature / date

Project # 1004873

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

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**  
 \_\_\_ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6 copies.**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the request  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**  
 \_\_\_ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval  
 \_\_\_ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the request  
 \_\_\_ Letter of authorization from the property owner if application is submitted by an agent  
 \_\_\_ Copy of the document delegating approval authority to the DRB  
 \_\_\_ Completed Site Plan for Subdivision Checklist  
 \_\_\_ Infrastructure List, if relevant to the site plan  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**  
 \_\_\_ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval  
 \_\_\_ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**  
 \_\_\_ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6 copies.**  
 \_\_\_ Solid Waste Management Department signature on Site Plan  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the request  
 \_\_\_ Letter of authorization from the property owner if application is submitted by an agent  
 \_\_\_ Copy of the document delegating approval authority to the DRB  
 \_\_\_ Infrastructure List, if relevant to the site plan  
 \_\_\_ Completed Site Plan for Building Permit Checklist  
 \_\_\_ Copy of Site Plan with Fire Marshal's stamp  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**  
 **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**  
 \_\_\_ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**  
 \_\_\_ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **6 copies**  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter briefly describing, explaining, and justifying the request  
 \_\_\_ Letter of authorization from the property owner if application is submitted by an agent  
 \_\_\_ Infrastructure List, if relevant to the site plan  
 \_\_\_ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)  
 \_\_\_ Fee (see schedule)  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**  
 **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**  
 \_\_\_ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**  
 \_\_\_ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**  
 \_\_\_ Solid Waste Management Department signature on Site Plan for Building Permit  
 \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined  
 \_\_\_ Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision  
 N/A \_\_\_ Infrastructure List, if relevant to the site plan  
 \_\_\_ Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)  
 \_\_\_ List any original and/or related file numbers on the cover application  
 Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

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

\_\_\_\_\_  
 LAWRENCE KLIME  
 Applicant name (print)  
 \_\_\_\_\_ 10/01/07  
 Applicant signature / date

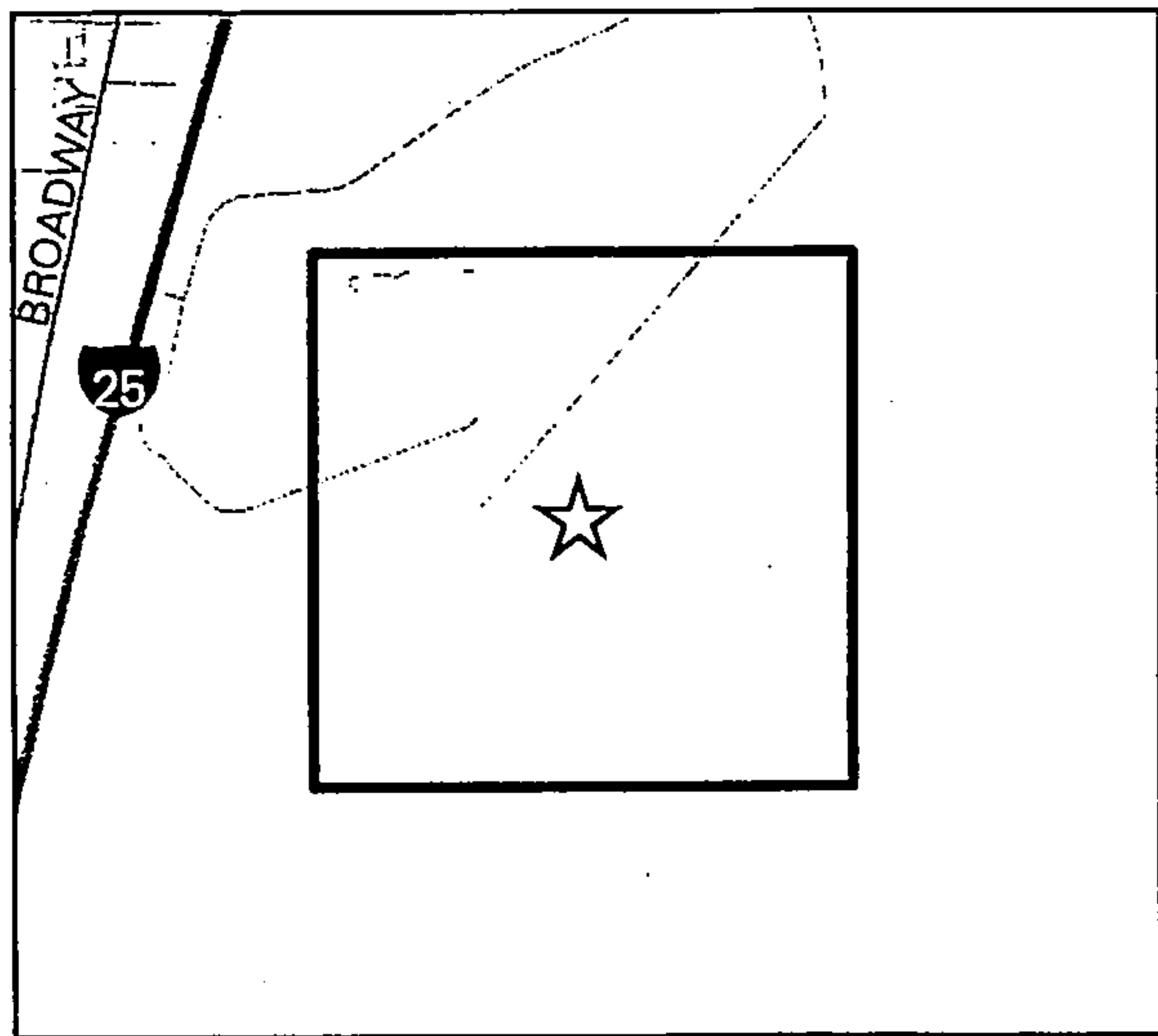
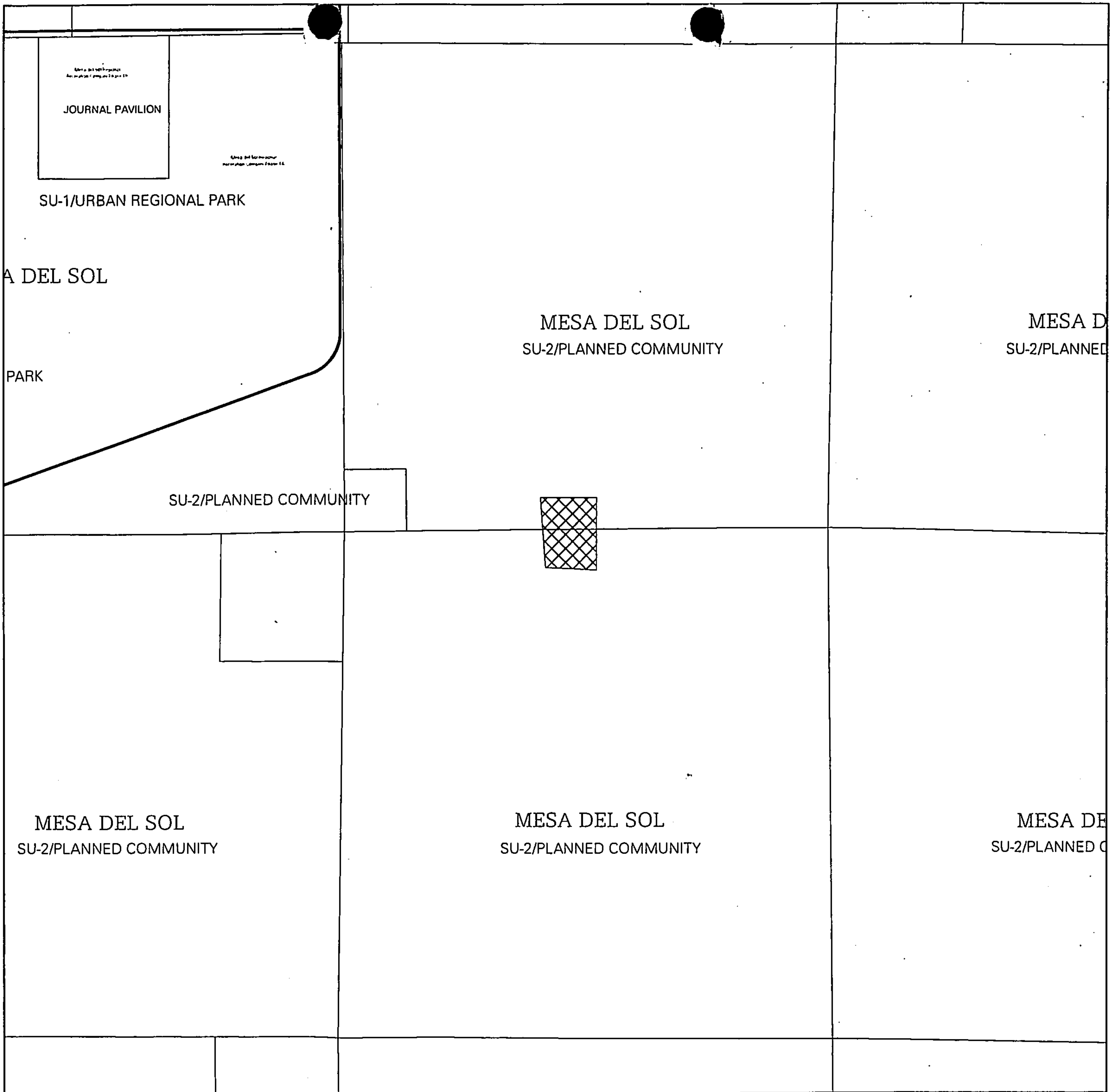


Form revised October 2007

- Checklists complete  
 Fees collected  
 Case #s assigned  
 Related #s listed
- Application case numbers  
 07 DRB - 70283

\_\_\_\_\_  
 Michael Garcia  
 Planner signature / date  
 Project # 1004873





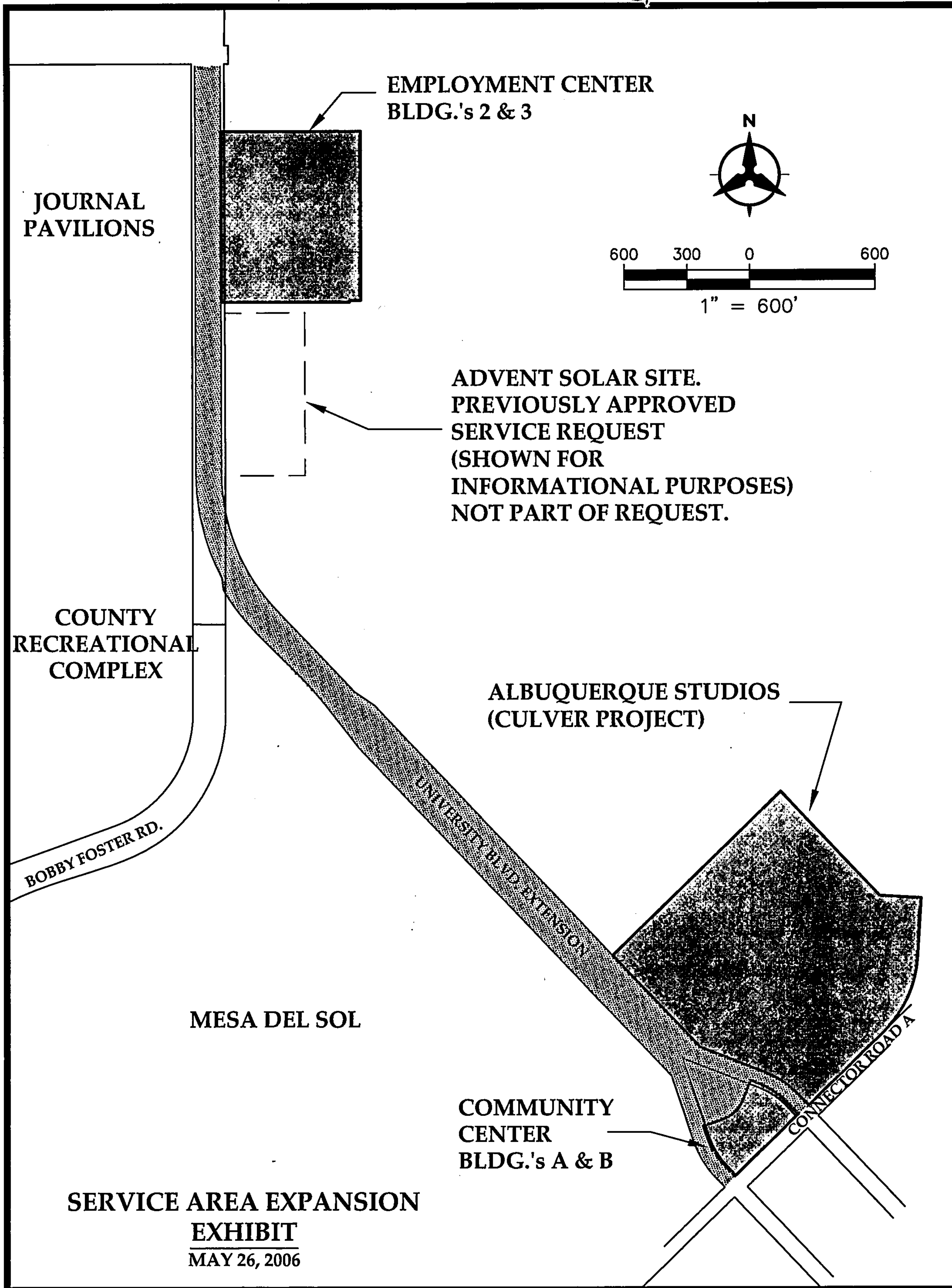
# ZONING MAP

Note: Grey shading indicates County.

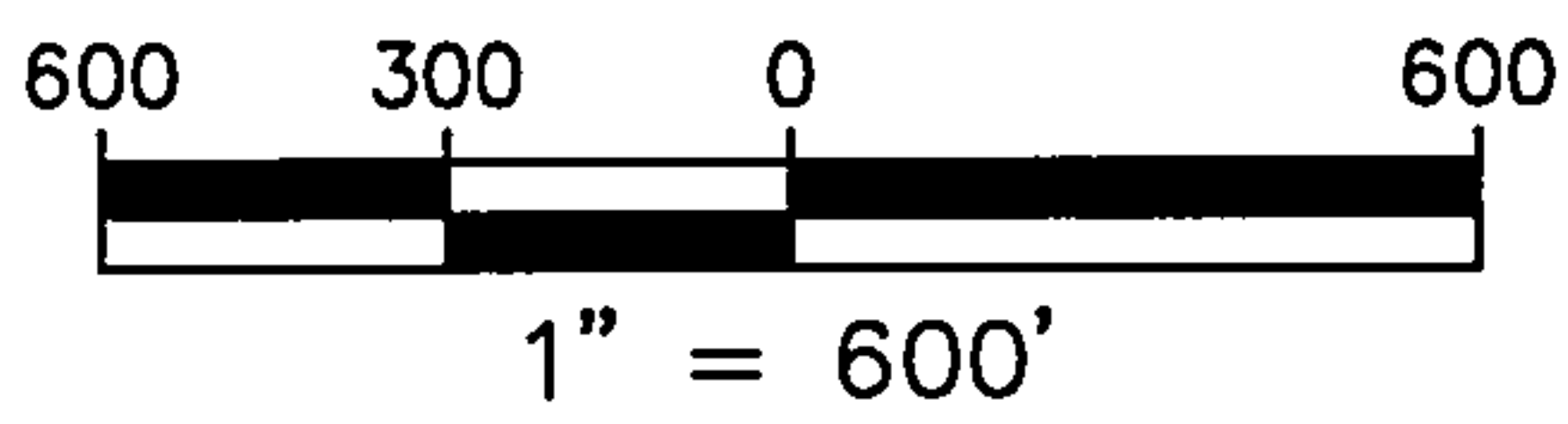


1 inch equals 1,500 feet  
**Project Number:**  
 1004873  
**Hearing Date:**  
 6/15/06  
**Zone Map Page:**  
 R16/S16  
**Additional Case Numbers:**  
 06EPC 00622





EMPLOYMENT CENTER  
BLDG.'s 2 & 3



JOURNAL  
PAVILIONS

ADVENT SOLAR SITE.  
PREVIOUSLY APPROVED  
SERVICE REQUEST  
(SHOWN FOR  
INFORMATIONAL PURPOSES)  
NOT PART OF REQUEST.

COUNTY  
RECREATIONAL  
COMPLEX

ALBUQUERQUE STUDIOS  
(CULVER PROJECT)

BOBBY FOSTER RD.

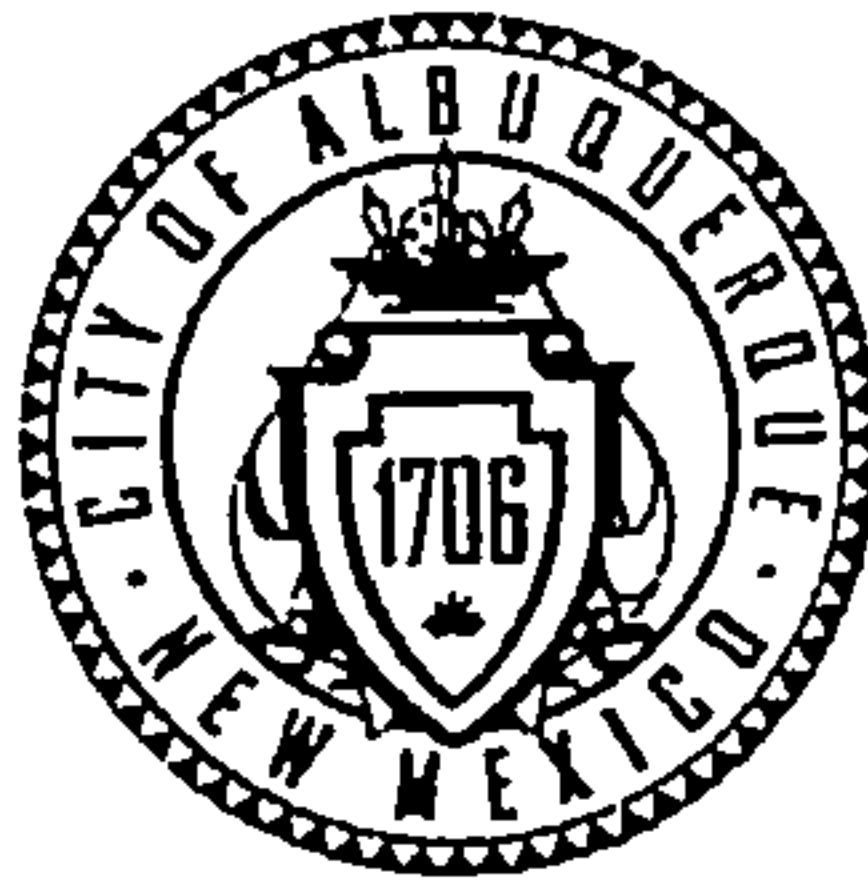
UNIVERSITY BLVD. EXTENSION

MESA DEL SOL

CONNECTOR ROAD A

COMMUNITY  
CENTER  
BLDG.'s A & B

**SERVICE AREA EXPANSION**  
**EXHIBIT**  
MAY 26, 2006



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

Date: June 22, 2006

### AMENDED OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1004873\*  
06EPC-00622 EPC Site Development Plan-  
Building Permit

Forest City Covington New Mexico  
801 University SE  
Albuq. NM 87106

LEGAL DESCRIPTION: for Tracts within the south ½ of Section 22 T9N, R3E, NMPM, Mesa del Sol Community Center, zoned SU-2/PC, located between UNIVERSITY BLVD. (north bound) and UNIVERSITY BLVD. (south bound), containing approximately 4.5 acres. (R-16)  
Catalina Lehner, Staff Planner

On June 15, 2006 the Environmental Planning Commission voted to approve Project 1004873/06EPC 00622, a request for a Site Development Plan for Building Permit for unplatted Tracts of land within the South ½ of Section 22, T9N, R3E, NMPM, approximately 4.5 acres, zoned SU-2 for PC, based on the following Findings and subject to the following Conditions:

#### FINDINGS:

1. This request is for a site development plan for building permit for Tracts 1, 2 and a portion of Tract 3 of the Mesa del Sol Community Center. The applicant proposes two mixed-use office/retail buildings known as Buildings A and B, a one-acre park and a shared parking lot.
2. The Level A Mesa del Sol Master Plan (2006) governs the subject site. This request for a site development plan for building permit is being considered prior to approval of an updated Level B plan for Mesa del Sol.
3. The request *further*s the intent of the following Comprehensive Plan policies:
  - A. Reserve Area Policies II.B.2.a and II.B.2.c. The new growth will be accommodated in a self-sufficient, planned community that will develop in accordance with approved plans.
  - B. Economic Development Policies II.D.6a and II.D.6f. There will be new office and service uses and the local government has granted the necessary approvals.
4. The request *further*s the intent of the following Comprehensive Plan Goals:



- A. Activities Centers: It will strengthen concentrations of mixed land uses in the Community Center and creating synergy with the movie studio.
  - B. Transportation & Transit: The subject site is located in a transportation corridor and is placed efficiently in relation to other uses in Mesa del Sol.
  - C. The request furthers the Economic Development goal: It will contribute to diversified, balanced economic development.
5. The request *partially furthers* the Comprehensive Plan's Water Management goal. Though ponding will be used, the proposed buildings and parking areas have not incorporated water harvesting methods.
  6. The intent of the Planned Communities Criteria (PCC) with respect to urban centers is *furthered*. The uses will help provide a major concentration of intensive activities that are accessible by various transportation modes.
  7. With respect to the Mesa del Sol Level A Master Plan (2006), the request *furtheres* and *partially furthers* the following community building principles:
    - A. Economic Development, because it will provide office and retail uses in the Community Center that will create and support economic development.
    - B. District and Neighborhood Structure, because the Community Center is an identifiable place with mixed-land uses and public spaces and is well-served by the transportation network.
    - C. Diversity and Balance, because it will introduce office, retail and recreational uses that will support the jobs and housing balance.
    - D. Human Scale (*partially furthers*). Though they are oriented toward the street and use portales, the buildings do not provide a lot of architectural variety and are similar on all sides.
  8. With respect to the Mesa del Sol Level A Master Plan (2006), the request *does not further* the following community building principle: Ecological Sustainability, Conservation and Restoration, because it does not fully incorporate the best practices in sustainable urban development.
  9. Though overall the request mostly furthers the intent of the Mesa del Sol Level A Master Plan (2006), minor conditions will improve the request and enable it to strongly further Plan intentions-which will strengthen the Community Center.
  10. There is no known neighborhood or other opposition.

**CONDITIONS:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to DRB sign off, the applicant must meet with the staff planner to ensure that conditions of approval are thoroughly addressed.
3. The boundaries of the subject site shall be platted to as part of the Development Review Board process.
4. Walls/Fences:
  - A. The color of the 3 ft. stucco screen wall shall be specified on the site plan.
  - B. A design feature, such as variation in color or texturing, shall be incorporated into the 3 ft. stucco screen wall.
5. Access & Parking:
  - A. Parking calculations on the site plan shall be corrected.
  - B. Preferential carpool/vanpool parking shall be provided near the main building entrances and shall be indicated on the site plan.
  - C. Six motorcycle spaces shall be provided.
  - D. Curbs shall be designed so that runoff from paved areas will irrigate landscape areas, which will reduce surface run-off and further the intent of the Level A Master Plan.
6. Pedestrian Circulation:
  - A. The pedestrian path between Tracts 2 and 1, leading to the park, shall be made of the same material (concrete) as the pedestrian path starting at Tract 3.
  - B. Crosswalks shall be made of textured, patterned concrete or similar decorative paving. Striped asphalt is prohibited.
7. Bicycles: Future bicycle lanes along the University Blvd. Extension shall be depicted on the site plan.
8. Lighting:
  - A. A lighting detail of the parking lot light poles shall be provided.
  - B. The design of the park lighting features, both poles and pedestrian lights, shall be specified and a lighting detail provided, though this submittal may be subject to future Mesa del Sol park planning efforts.



9. Signage: Signage lighting shall be specified on the site plan.
10. Landscaping:
  - A. Chitalpa, a canopy-forming tree, shall be used along Connector Road A.
  - B. The crusher fines shall be an earthtone color other than Santa Fe Brown.
11. Architecture & Design:
  - A. The buildings on the future pad site and on the sides of the Tract 3 parking lot shall be a similar architectural style to Buildings A and B.
  - B. The color of the refuse enclosure stucco shall be specified and shall match the buildings.
12. The applicant shall obtain an availability statement for water and sewer lines and shall work with the Water Authority to obtain a development agreement.
13. The applicant shall determine if utility easements cross the property and shall abide by any conditions or terms of those easements.
14. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Site Development Plan for Building Permit shall include:

  - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
  - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards except as modified by the Level A Plan. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
  - c. The Master Developer, Forest City Covington NM, LLC, shall be responsible for completion of the permanent and/or temporary transportation system improvements that are agreed upon in the Level B development agreement, notwithstanding that these improvements have not been identified or required as a condition of approval of this development and notwithstanding that this development may be owned by a third party, pursuant to the letter from Myers, Oliver & Price, P.C., regarding this case.
  - d. Intersections shall be designed per Traffic Engineer (i.e. DPM and standard geometric design practices) taking into consideration the principles and standards of the Level A Plan.
  - e. Site drives off University shall be designed per Traffic Engineer taking into consideration the principles and standards of the Level A Plan.
  - f. Site plan shall comply and be designed per DPM Standards taking into consideration the principles and standards of the Level A Plan.



AMENDED OFFICIAL NOTICE OF DECISION  
JUNE 15, 2006  
PROJECT #1004873  
PAGE 5 OF 5

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JUNE 30, 2006 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

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

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

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

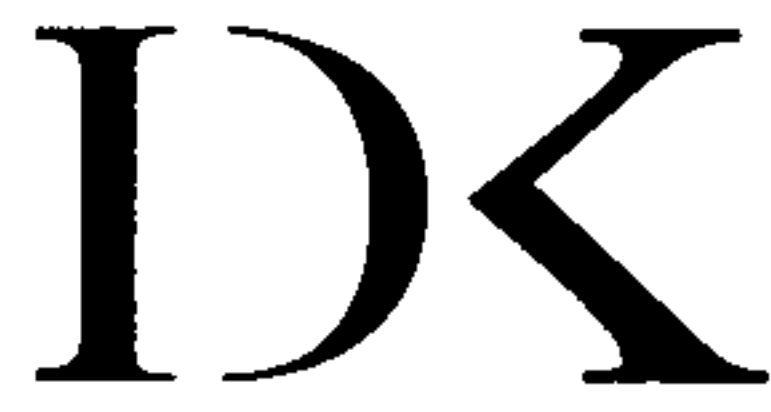
Sincerely,



 Richard Dineen  
Planning Director

RD/CL/ac

cc: Denish + Kline Assoc., P.O. Box 2001, Albuquerque, NM 87103  
Patty Grice, Mountain View NA, 206 Fentiman Pl. SE, Albuquerque, NM 87105  
Rick Watson, Mountain View NA, 225 Sunny Slope SE, Albuquerque, NM 87105



DENISH + KLINE ASSOCIATES

October 1, 2007

Ms. Sheran Matson  
City of Albuquerque  
Plaza del Sol  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87103

Re: Project Number 1004873 06EPC Site Development Plan-Building Permit; Building A  
in the Mesa del Sol Community Center

Dear Ms. Matson,

This letter details the responses to the Notice of Decision from the Environmental Planning Commission (EPC) for project number 1004873, EPC Site Development Plan-Building Permit. The development plan is for Building A in the Mesa del Sol Community Center.

Since the EPC decision there have been some changes to the design which were viewed and approved by the EPC on July 19, 2007 at the request of the Planning Director. Some of these changes include:

- The footprint of the building has been reduced
- The gross building area has been reduced
- The building height increased slightly
- The architectural appearance of the building and the design of the park were radically changed.
- What was intended to be a public street in front of the building was changed to a multi-use public space.

Further documentation of these changes is included in this submittal.

The numbers referenced below follow the conditions as enumerated in the Notice of Decision dated June 22, 2006. The corresponding changes to the sheets are noted in a triangle on the drawings with the Condition number specified in the triangle.

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



**RESPONSE-** This letter shall accompany the modifications to the Site Development Plan for DRB final sign-off specifying how each EPC condition was met.

2. **CONDITION-** Prior to the DRB sign-off, the applicant must meet with the staff planner to ensure that the conditions of approval are thoroughly addressed.

**RESPONSE-** Applicant will meet with staff planner prior to DRB sign-off to ensure that the conditions of approval are thoroughly addressed.

3. **CONDITION-** The boundaries of the subject site shall be platted as part of the Development Review Board process.

**RESPONSE-** The site has been platted. It is in Tract 23 and 24 of the Innovation Park Subdivision.

4. **CONDITIONS-** Walls/Fences:

A. The color of the 3ft. stucco screen wall shall be specified on the site plan.

**RESPONSE-**The color of the 3ft. stucco screen wall is specified, and will match the building.

B. A design feature, such as variation in color or texturing, shall be incorporated into the 3 ft. stucco screen wall.

**RESPONSE-**A variation in texturing will be incorporated into the 3 ft. stucco screen wall.

5. **CONDITIONS-** Access & Parking:

A. Parking calculations on the site plan shall be corrected.

**RESPONSE-** Parking provided is based on the Level B Plan. Parking provided is calculated based on market demand (4.5 spaces per 1,000 sf of leasable retail/4.0 spaces per 1,000 of leasable office). Calculations are indicated on the site plan.

B. Preferential carpool/vanpool parking shall be provided near the main building entrances and shall be indicated on the site plan.

**RESPONSE-** preferential carpool/vanpool parking has been provided near the main building and is indicated on the site plan.

C. Six motorcycle spaces shall be provided.

**RESPONSE-** Six motorcycle spaces and one hybrid vehicle space have been provided.

D. Curbs shall be designed so that runoff from paved areas will irrigate landscape areas, which will reduce surface run-off and further the intent of the Level A Master Plan.

**RESPONSE-** The site discharges stormwater runoff to the street where it is eventually collected by the DRIP ponds. The stormwater is subsequently infiltrated into soils, transpired by plants or evaporated to the atmosphere.

6. **CONDITIONS-** Pedestrian Circulation:

A. The pedestrian path between Tracts 2 and 1 (now Tracts 23 & 24 of Innovation Park), leading to the park, shall be made of the same material (concrete) as the pedestrian path starting at Tract 3.

**RESPONSE-** This condition is no longer applicable. There is no longer a pedestrian path between Tracts 2 and 1.

B. Crosswalks shall be made of textured, patterned concrete or similar decorative paving. Striped asphalt is prohibited.

**RESPONSE-** Due to concerns of public safety, the mid block crosswalk which connected Tracts 2 and 3 has been removed. The material of the remaining crosswalks located at intersections will be 3M Stamark Durable Pavement Marking Tapes in a decorative custom die-cut pattern.

7. **CONDITION-** Bicycles: Future bicycle lanes along the University Blvd. Extension shall be depicted on the site plan.

**RESPONSE-** Future bicycle lanes along the University Blvd. Extension have been depicted on the site plan.

8. **CONDITIONS-** Lighting:

A. A lighting detail of the parking lot light poles shall be provided.

**RESPONSE-** A lighting detail of the parking lot poles are being submitted as a part of this application.

B. The design of the park lighting features, both poles and pedestrian lights, shall be specified and a lighting detail provided, though this submittal may be subject to future Mesa del Sol park planning efforts.

**RESPONSE-** The design of the park lighting features, both poles and pedestrian lights have been specified on the site plan, and a lighting detail has been included.

9. **CONDITION-** Signage: Signage lighting shall be specified on the site plan.

**RESPONSE-** The details of signage have not yet been determined.

10. **CONDITIONS-**

A. Chitalpa, a canopy-forming tree, shall be used along Connector Road A.

**RESPONSE-** The use of Chitalpa has been specified along Connector Road A.

B. The crusher fines shall be an earthtone color other than Santa Fe Brown.

**RESPONSE-** The color of the crusher fines is not Santa Fe Brown. It is Amaretto Brown and is specified on the site plan.

11. **CONDITIONS-** Architecture & Design:

A. The buildings on the future pad site and on the sides of the Tract 3 parking lot shall be a similar architectural style to Buildings A & B.

**RESPONSE-** This condition is inapplicable until the applicant submits the next site plan.

B. The color of the refuse enclosure stucco shall be specified and shall match the buildings.

**RESPONSE-** The color of the refuse enclosure stucco is specified on the site plan, and matches the color of the buildings.

12. **CONDITION-** The applicant shall obtain an availability statement for water and sewer lines and shall work with the Water Utility Authority to obtain a development agreement.

**RESPONSE-**The applicant is working with the Water Utility Authority to obtain the statement of availability. The applicant will have the statement of availability at the time of the Development Review Board Hearing.

13. **CONDITION-** The applicant shall determine if utility easements cross the property and shall abide by any conditions or terms of those easements.

**RESPONSE-** There are no known easements that would interfere with the development of this property.

14. **RECOMMENDED CONDITIONS FROM THE CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY AND NMDOT-** Conditions of approval for the proposed Site Development Plan for Building Permit shall include:

a. **CONDITION-** All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.

**RESPONSE-** All previous actions taken by the EPC and/or the DRB will be provided for.

b. **CONDITION-** The developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards except as modified by the Level A Plan. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. Dwg. 2441).



**RESPONSE-**All public infrastructure will be constructed according to City Standards except as modified by the Level A Plan.

c. The Master Developer, Forest City Covington NM, LLC, shall be responsible for completion of the permanent and/or temporary transportation requirements that are agreed upon in the Level B development agreement, notwithstanding that these improvements have not been identified or required as a condition of approval of this development and notwithstanding that this development may be owned by a third party, pursuant to the letter from Myers, Oliver and Price, P.C., regarding this case.

**RESPONSE-** Forest City Covington NM, LLC will be responsible for completion of system improvements that are agreed upon in the Level B development agreement.

d. Intersections shall be designed per Traffic Engineer (i.e. DPM and standard geometric design practices) taking into consideration the principles and standards of the Level A Plan.

**RESPONSE-**Intersections shall be designed per Traffic Engineer.

e. Site drives off University shall be designed per Traffic Engineer taking into consideration the principles and standards of the Level A Plan.

**RESPONSE-** Site drives off University shall be designed per Traffic Engineer.

f. Site plan shall comply and be designed per DPM Standards taking into consideration the principles and standards of the Level A Plan.

**RESPONSE-** Site plan shall comply and be designed per DPM Standards taking into consideration the principles and standards of the Level A Plan.

The applicant believes these responses thoroughly address the conditions imposed by the Planning Commission and respectfully requests the Board's approval.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'L. Kline', written over a large, stylized circular flourish.

Lawrence Kline FAICP