



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 13, 2013

Project# 1004906

13DRB-70414 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
13DRB-70421 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of
Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

At the February 13, 2013 Development Review Board meeting, the subdivision design variance was approved as shown on the Exhibit in the planning file, based on the following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 1/18/13, based on compliance with the minimum


requirements of the Zoning Code and not meeting the thresholds for a Traffic Impact Study or Air Quality Analysis, the preliminary plat was approved; the final plat was delegated to Planning for Final Sign-off pending the acceptance of the Close Out Package by DRC for the Infrastructure List, utility company signatures, and expiration of the appeal period.

If you wish to appeal this decision, you must do so by March 7, 2013, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form with a fee of \$190.00, to the Planning Department at 600 2nd St NW, within 15 days of the Development Review Board's decision.






The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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


Jack Cloud, DRB Chair

Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
Cc: Candice Knight – 1858 Griegos Rd. NW, Albuquerque, NM 87107
Cc: Nicholas Koluncich – 5033 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File

6. **Project# 1004906**
12DRB-70398 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 
- CARTESIAN SURVEYS INC agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of Tract(s) 118-C & 118-E, zoned R-1, located on GUADALUPE TRAIL NW BETWEEN DELAMAR AVE NW AND SAN ANDRES AVE NW containing approximately 2.0552 acre(s). (F-14)**INDEFINITELY DEFERRED.**
7. **Project# 1007759**
12DRB-70400 EXT OF MAJOR
PRELIMINARY PLAT 
- LARKIN GROUP NM, INC agent(s) for ONORIO COLUCCI request(s) the above action(s) for all or a portion of Lot(s) 1A & 2, Block(s) 1, **LANDS OF ATRISCO LAND GRANT** zoned SU-2 PDA, located on 98TH ST SW BETWEEN CENTRAL AVE AND SUNSET GARDENS SW containing approximately 8.6662 acre(s). (L-9)**A ONE YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED.**
8. **Project# 1009178**
12DRB-70393 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 
- PRECISION SURVEYS INC agent(s) for RHETT WATERMAN request(s) the above action(s) for all or a portion of Lot(s) 6-31, Block(s) 9, **VOLCANO CLIFFS Unit(s) 18**, zoned SU-2, located on PETIRROJO RD NW BETWEEN AQUILA ST NW AND URRACA ST NW containing approximately 8.5017 acre(s). (D-10)**DEFERRED TO 1/16/13 AT THE AGENT'S REQUEST.**
9. **Project# 1009544**
12DRB-70399 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 
- CARTESIAN SURVEYS INC agent(s) for AIM MANAGMENT CORP request(s) the above action(s) for all or a portion of Tract(s) B-1, **ATRISCO BUSINESS PARK Unit(s) 1**, zoned SU-1 PLANNED IND PARK, located on BLUEWATER RD NW BETWEEN AIRPORT RD NW AND COORS BLVD NW containing approximately 17.7609 acre(s). (K-10) **DEFERRED TO 1/16/13 AT THE AGENT'S REQUEST.**
10. **Project# 1009513**
12DRB-70365 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 
- JACKS HIGH COUNTRY INC agent(s) for ANTHONY HERNANDEZ request(s) the above action(s) for all or a portion of Lot(s) 1-A, 5-8, & EAST .5 OF 9, **ATLANTIC AND PACIFIC ADDITION** zoned C-2, located on COAL AVE SW BETWEEN 3RD ST SW AND 4TH ST SW containing approximately .6009 acre(s). (K-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS AND TO PLANNING FOR AGIS DXF AND A COPY OF THE RECORDED PLAT.**

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

**January 9, 2013
DRB Comments**

ITEM # 6

PROJECT # 1004906

APPLICATION # 12-70398

RE: Lots H & I, La Cuesta Subdivision

It appears the previously approved Infrastructure List, Subdivision Design Variance and Preliminary Plat have expired (final plat needed to be filed within one year of final decision by City Council on appeal AC-11-03); re-application and notification will be required.

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



AMENDED OFFICIAL NOTICE OF DECISION

TO CORRECTLY STATE THE 15 DAY APPEAL PERIOD EXPIRES FEBRUARY 28

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 20, 2013

Project# 1004906

13DRB-70414 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
13DRB-70421 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
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Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on
GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
containing approximately 2.06 acre(s). (F-14)

At the February 13, 2013 Development Review Board meeting, the subdivision design
variance was approved as shown on the Exhibit in the planning file, based on the
following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 1/18/13, based on compliance with the minimum requirements of the Zoning Code and not meeting the thresholds for a Traffic Impact

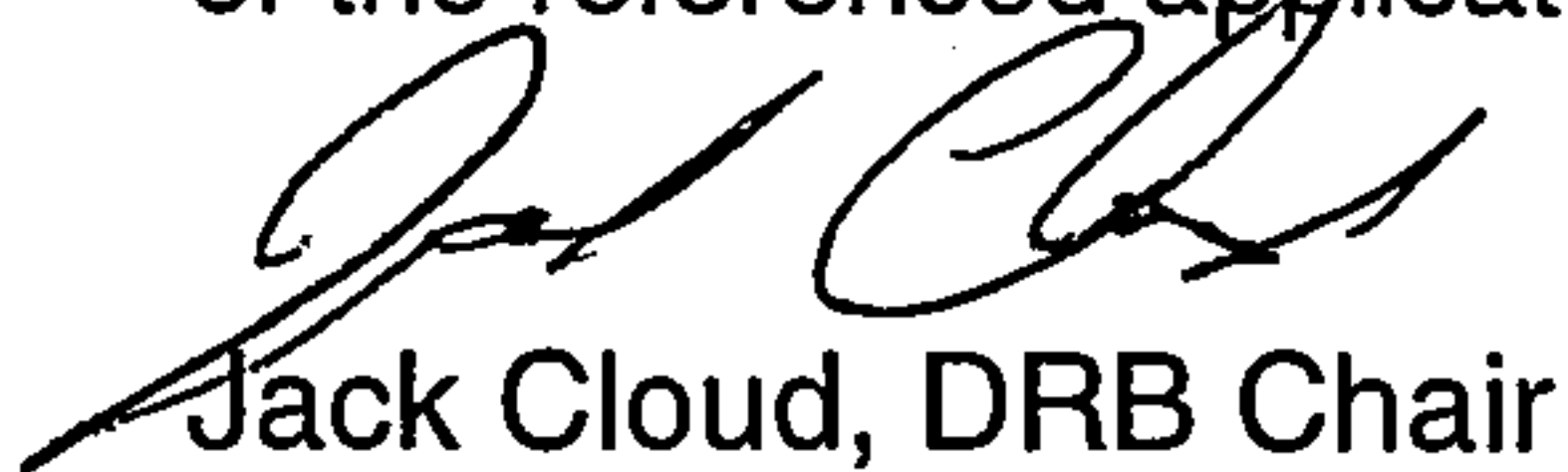
Study or Air Quality Analysis, the preliminary plat was approved; the final plat was delegated to Planning for Final Sign-off pending the acceptance of the Close Out Package by DRC for the Infrastructure List, utility company signatures, and expiration of the appeal period.

If you wish to appeal this decision, you must do so by **FEBRUARY 28, 2013**, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form with a fee of \$190.00, to the Planning Department at 600 2nd St NW, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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Jack Cloud, DRB Chair

Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
Cc: Candice Knight – 1858 Griegos Rd. NW, Albuquerque, NM 87107
Cc: Nicholas Koluncich – 5033 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): CARTESIAN SURVEYS INC PHONE: 896-3050
 ADDRESS: P.O. BOX 44414 FAX: _____
 CITY: RIO RANCHO STATE N.M. ZIP 87174 E-MAIL: CARTESIANAMBER@AOL.COM

APPLICANT: THOMAS SLATES PHONE: 505-766-9165
 ADDRESS: 5108 GUADALUPE TRAIL N.W. FAX: _____
 CITY: ALBUQUERQUE STATE N.M. ZIP 87107 E-MAIL: _____

Proprietary interest in site: _____ List all owners: 118C MARY PORTER & NANCY KINNEMAN

DESCRIPTION OF REQUEST: TO CREATE SEVEN NEW LOTS FROM THE EXISTING 3 TRACTS & GRANT EASEMENTS
LOTS 118D+118E TOM & SUSAN SLATES

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. 118C, 118D, 118E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No. 32
 Zone Atlas page(s): F14 UPC Code: 118C (101406110920730935)
118D (101406110819830938)
118E (101406107220530936)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB CASE NO 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.0552

LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL N.W.
 Between: DELMAR AVE N.W. and SAN ANDRES AVE. N.W.

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

SIGNATURE Charlie Calderon DATE _____
 (Print Name) Charlie Calderon Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
<u>13 DRB 70421</u>	<u>P&F</u>	_____	\$ <u>635.00</u>
_____	<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>Feb. 6, 2013</u>			Total \$ <u>655.00</u>

1-28-13
 Staff signature & Date

Project # 1004906

Revised: 4/2012

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

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

SKETCH PLAT REVIEW AND COMMENT (DRB22)

Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)

(DRB08)

Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Copy of DRB approved infrastructure list
- Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)

Your attendance is required.

- NA 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- NK Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)

Your attendance is required.

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

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
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- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- List any original and/or related file numbers on the cover application

Amended preliminary plat approval expires after one year

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

Charlie Calderon
Applicant name (print)
[Signature]
Applicant signature / date



Form revised October 2007

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

Application case numbers
13 - DRB - 70421

[Signature] 1-28-13
Planner signature / date
Project # 1004906



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
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- Storm Drainage Cost Allocation Plan

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- Annexation
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- Adoption of Rank 2 or 3 Plan or similar Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
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 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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 Subdiv/Addn/TBKA: MRGCD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No. 32
 Zone Atlas page(s): F14 UPC Code: 118C(101406110920730935)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):
DRB CASE NO 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.0552
 LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL N.W.
 Between: DELAMAR AVE N.W. and SAN ANDRES AVE N.W.

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

SIGNATURE Charlie Calderon DATE _____
 (Print Name) Charlie Calderon Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers
<u>13 DRB 70421</u>

Action	S.F.	Fees
<u>PGF</u>	_____	<u>\$ 635.00</u>
<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total		<u>\$ 655.00</u>

Hearing date Feb. 6, 2013

1-28-13
 Staff signature & Date

Project # 1004906

Revised: 4/2012

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

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SKETCH PLAT REVIEW AND COMMENT (DRB22)

Your attendance is required.

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- 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

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)

Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
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 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.


- NA** 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
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- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

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

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
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 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year


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

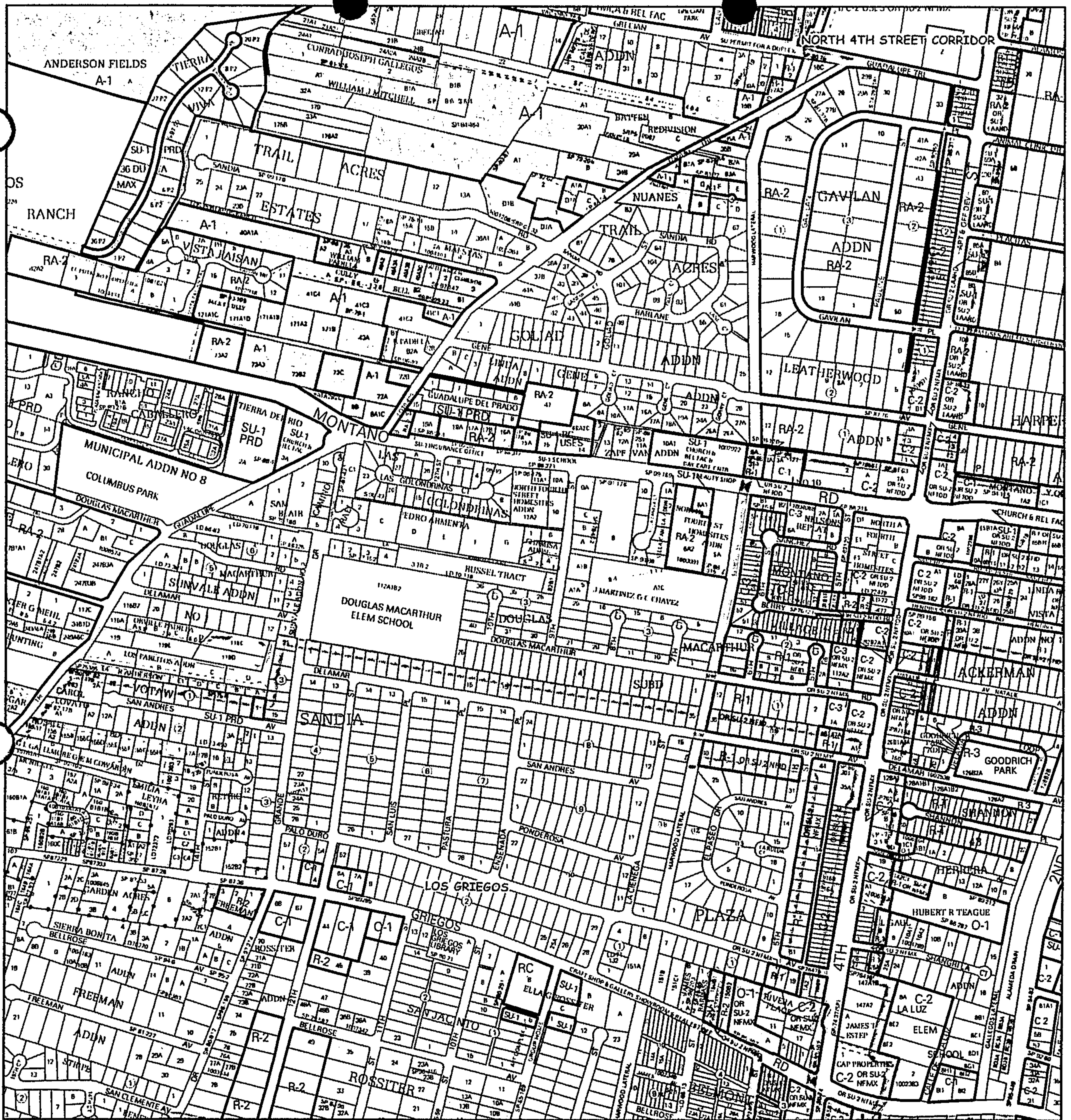
Charlie Calderon
 Applicant name (print)

 Applicant signature / date



Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 13 - DRB - 70421


 Planner signature / date
 1-28-13
 Project # 1004906












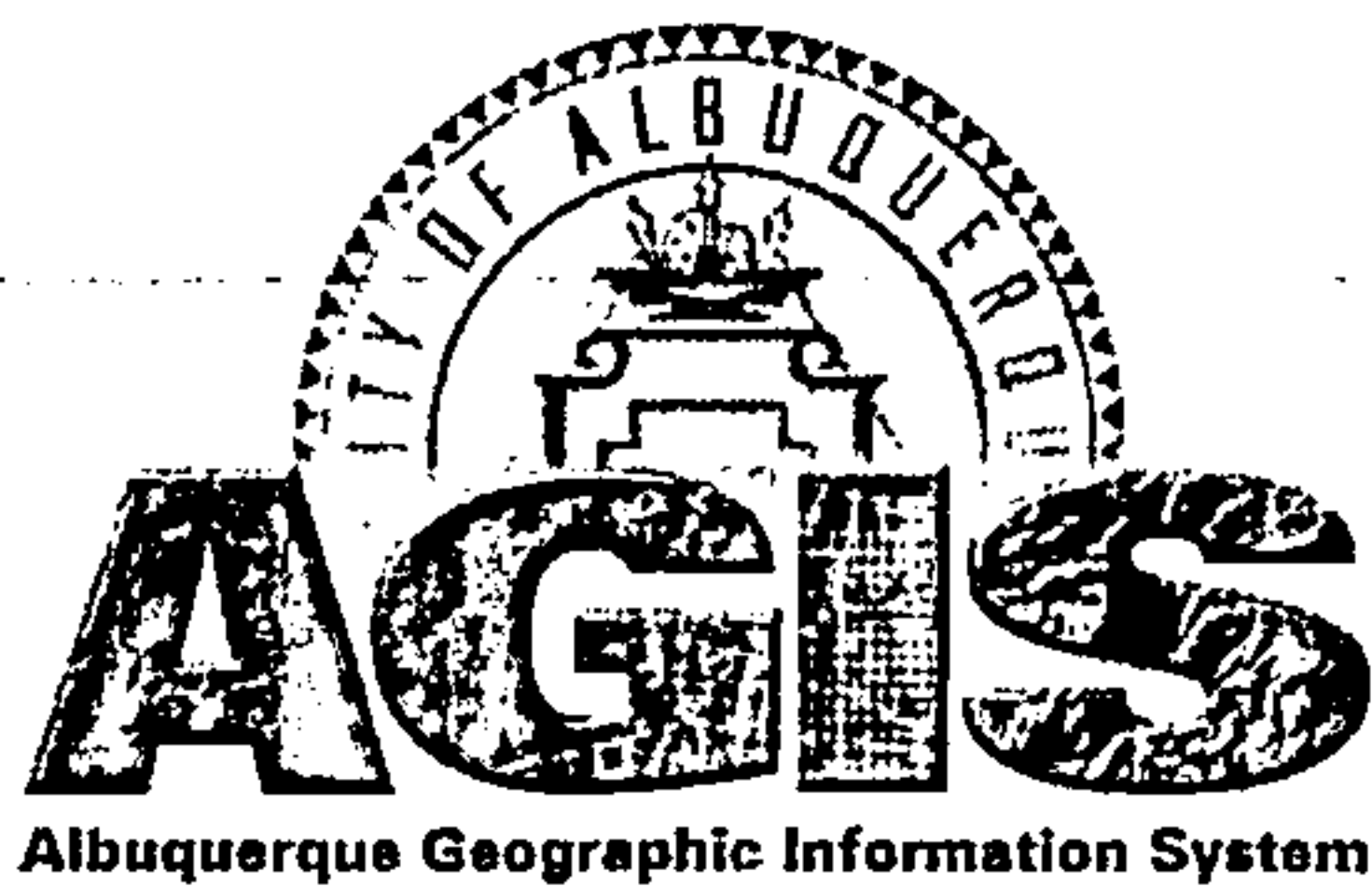
For more current information and more details visit: <http://www.cabq.gov/gis>

Zone Atlas Page:

F-14-Z

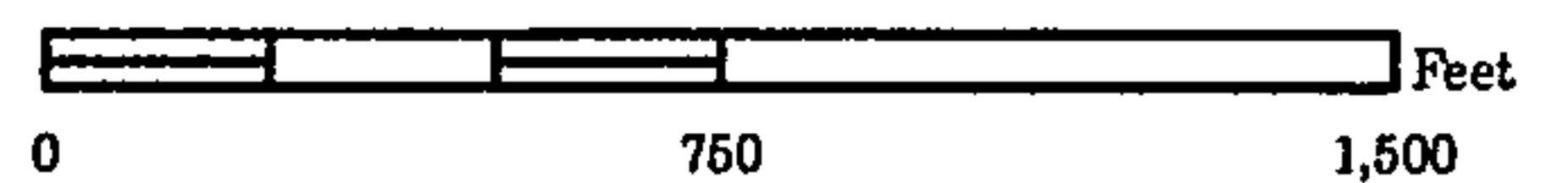
Selected Symbols

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



Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits



Lands of Simpatico
Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

January 28, 2013

City Surveyor
City of Albuquerque

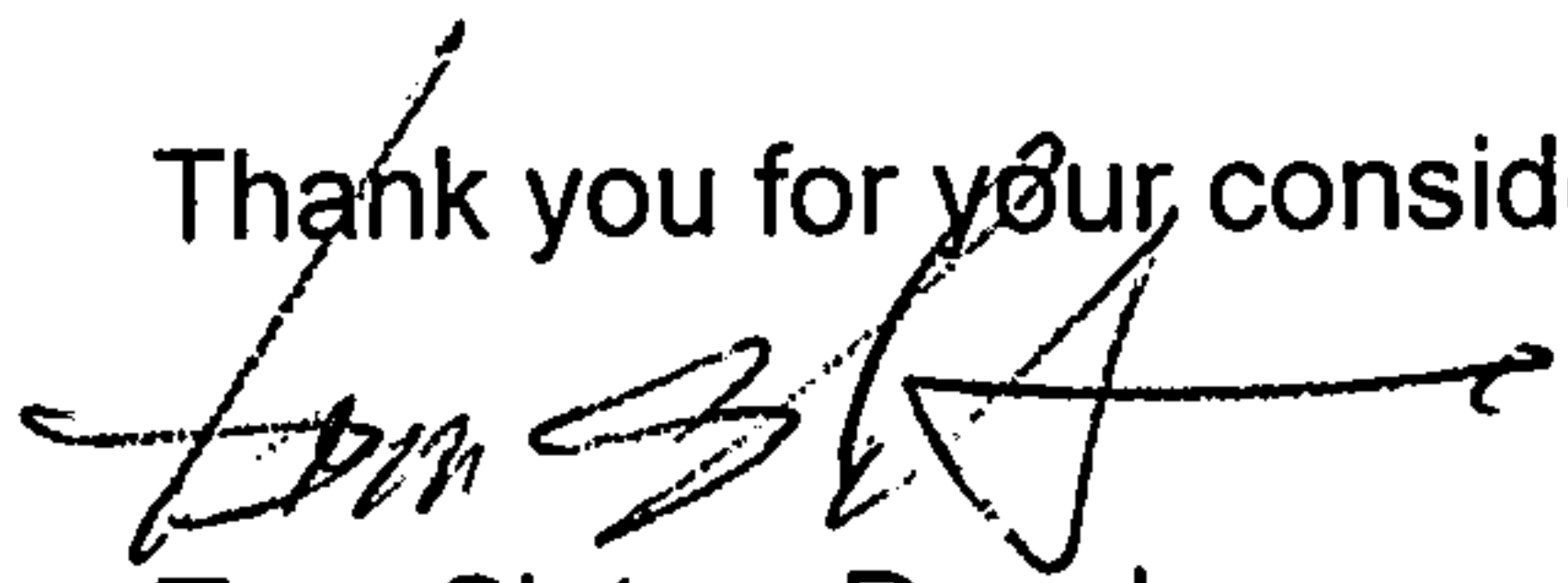
Re: Lands of Simpatico Lots 1*P2 – 7*P2
(A replat of Tracts 118C, 118D and 118E, MRGCD Map 32)

Dear Sir;

This letter is to clarify the street name and addresses assigned to the above referenced subdivision.

1. We did not begin with a clean sheet for our subdivision. There were four existing lots/homes before we purchased our property in 2007. The ORVILLE PADILLA REPLAT of Tract 118-B had already established addresses on the four lots of:
5110 GUADALUPE TRAIL NW (118B-A)
5112 " " " (118B-B)
5118 " " " (118B-C) and
5120 " " " (118B-D)
2. We have communicated with Jeanine D. Gallegos (Sr. Planning Assistant, Address Verification) and have approval on addresses and street name for our addition.
3. We are continuing a tradition of addresses on Guadalupe Trail begun in the 4800 block (16 homes east), the 4900 block (2 homes west) and the 5000 block (5 homes west).
4. The US Post Office has agreed on the addresses and has installed a 12-unit cluster box in front of 5100 Guadalupe Trail which already services 5108, 5110, 5112, 5114, 5118 and 5120 and has boxes assigned to the new lots to be created (5102, 5106, 5122, 5124, 5126 and 5128).
5. All infrastructure (utilities, gravel roadway, asphalt apron and signage are in place. This includes an address sign with arrow pointing east and a "Guadalupe Trail – No Outlet" street sign.

Thank you for your consideration,


Tom Slates, Developer


Susan Slates, Developer

Februaru 6, 2013

THOMPSON ENGINEERING CONSULTANTS, INC.
 1000 Thompson
 F.O. BOX 65760
 ALBUQUERQUE, NM 87193
 PHONE (505) 271-2199
 FAX (505) 290-9240

PROJECT:	LANDS OF SIMPATICO
DATE:	DESIGN VARIANCE EXHIBIT
CHECKED BY:	
APPROVED BY:	
FILE:	
NO.	REVISION
BY	DATE

VERT. SCALE:	
HORIZ. SCALE:	

FOR CITY/COUNTY REVIEW	DATE
DEPARTMENT	SIGN-OFF
WASTEWATER MGMT. DIV.	
WATER SERVICES	
SUBMISSION ENG.	
STREETS	
TRAFFIC	

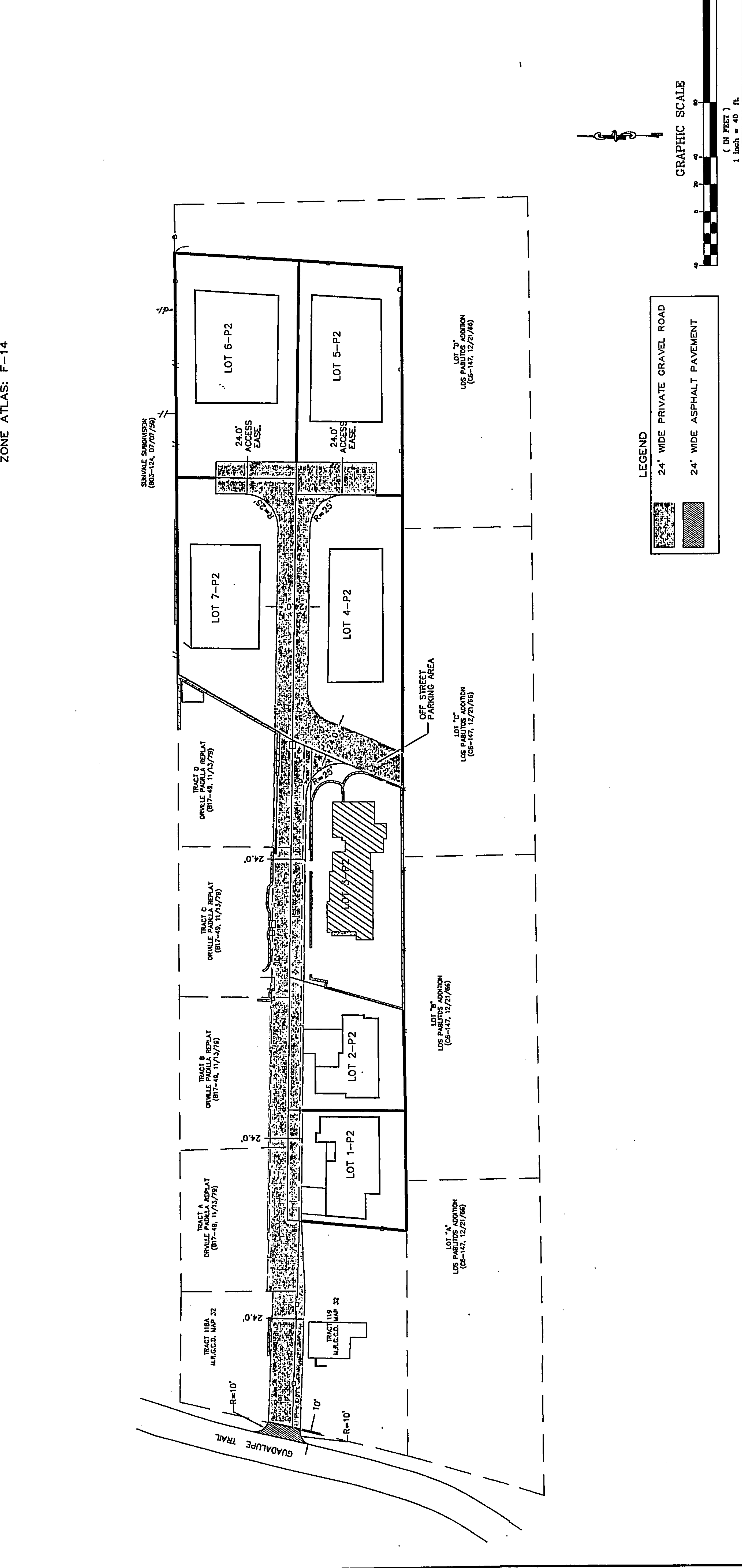
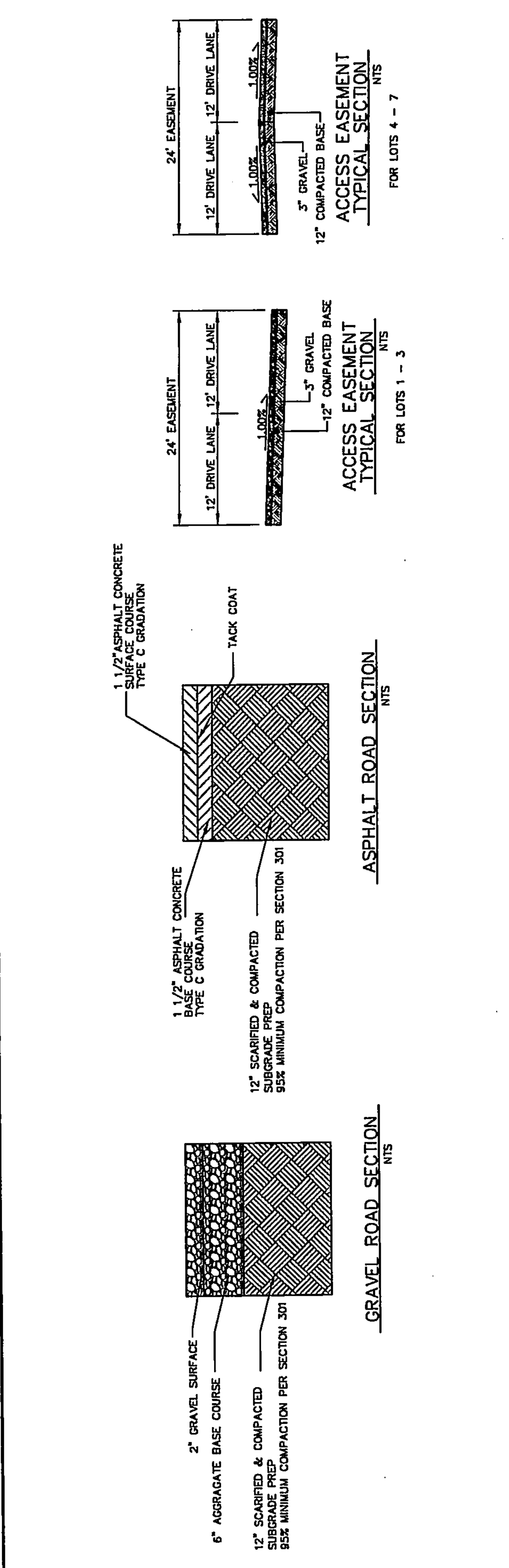
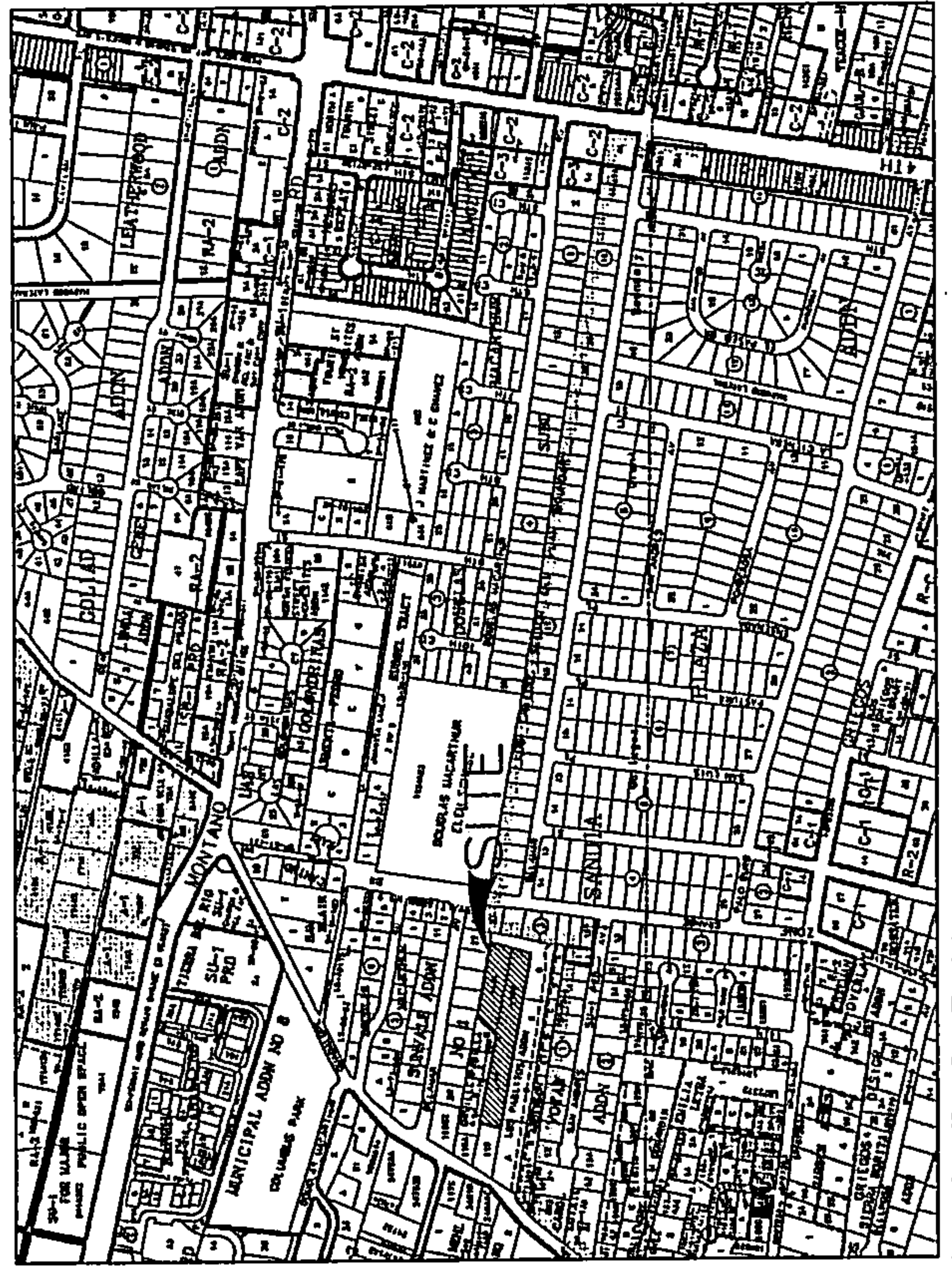
SHEET No. **1 of 1**

CITY/COUNTY REVIEW

DESIGN VARIANCE EXHIBIT

LANDS OF SIMPATICO

LOTS 1 - 7





INTER-OFFICE MEMORANDUM

COMMENTING AGENCIES

DEBBIE BAUMAN, Transportation Development
SHABIH RIZVI, Transit & Parking Department
STEVE MONTIEL, Council of Governments
LYNN MAZUR, AMAFCA
STEVE SINK, APD Crime Prevention
JAY LEE EVANS, Open Space Division
RAY SANCHEZ, Fire Department
DAVID KILPATRICK, Zoning Enforcement Inspector
STEPHANI WINKLEPLECK, Neighborhood Coordination
DANIEL ARAGON, Public Service Company of New Mexico
PATRICK SANCHEZ, New Mexico Gas Company
APRIL WINTERS, Albuquerque Public Schools
MICHELE RAMIREZ, CenturyLink
MIKE MORTUS, Comcast Cable
RAY GOMEZ, Middle Rio Grande Conservancy District (MRGCD)
SUZANNE BUSCH, Environmental Health

Your comments on the following case(s) are requested. Board hearing date:

PROJECT # 1004906

Wednesday, February 13, 2013

Comments must be received by:

Friday, February 8, 2013

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests.

If you have any questions, please contact me at 924-3946 or agomez@cabq.gov



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): THOMPSON ENGINEERING CONSULTANTS PHONE: 271-2199
 ADDRESS: P.O. BOX 65760 FAX: _____
 CITY: ALBUQUERQUE STATE N.M. ZIP 87193 E-MAIL: telnm@yahoo.com
 APPLICANT: THOMAS SLATES PHONE: 766-9165
 ADDRESS: 5108 GUADALUPE TRAIL N.W. FAX: 247-1207
 CITY: ALBUQUERQUE STATE N.M. ZIP 87107 E-MAIL: SUZ566@MSN.COM
 Proprietary interest in site: OWNER List all owners: SUSAN SLATES, MARY PORTER, NANCY KINSEMAN

DESCRIPTION OF REQUEST: SUBDIVISION DESIGN VARIANCE FROM MINIMUM D.P.M STANDARDS.

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. TRACTS 118C, 118D, & 118E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRCGD MAP 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F-14 UPC Code: 101406110920730935, 101406110819830938, 101406107220530936

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL N.W.
 Between: GRIEGON N.W. and MONTANO RD. N.W.
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: 12-09-09

SIGNATURE

[Signature]
 (Print Name) THOMAS SLATES

DATE 1-18-2013
 Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
<u>13DRB - 70414</u>	<u>SDY</u>	_____	\$ _____
_____	<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Hearing date February 13, 2013

Total \$ 20.00

[Signature]
 Staff signature & Date 1-18-13

Project # 1004906

Revised: 4/2012

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** (PUBLIC HEARING CASE)
 - ___ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
 - ___ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
 - ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC EASEMENT (DRB27)**
 - VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
 - ___ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
 - ___ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SEWALK VARIANCE (DRB20)**
 - SEWALK WAIVER (DRB21)**
 - ___ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the variance or waiver
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
 - Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SEWALK CONSTRUCTION (DRB19)**
 - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SEWALK CONSTRUCTION (DRB07)**
 - ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the deferral or extension
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT (DRB26)**
 - VACATION OF RECORDED PLAT (DRB29)**
 - ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - ___ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - ___ Letter of authorization from the grantors and the beneficiaries (private easement only)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

THOMAS SLATES
 Applicant name (print)
[Signature] 1-18-2013
 Applicant signature / date



Form revised 4/07

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 13DRS - 70414

[Signature] 1-18-13
 Planner signature / date
 Project # 1004906

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

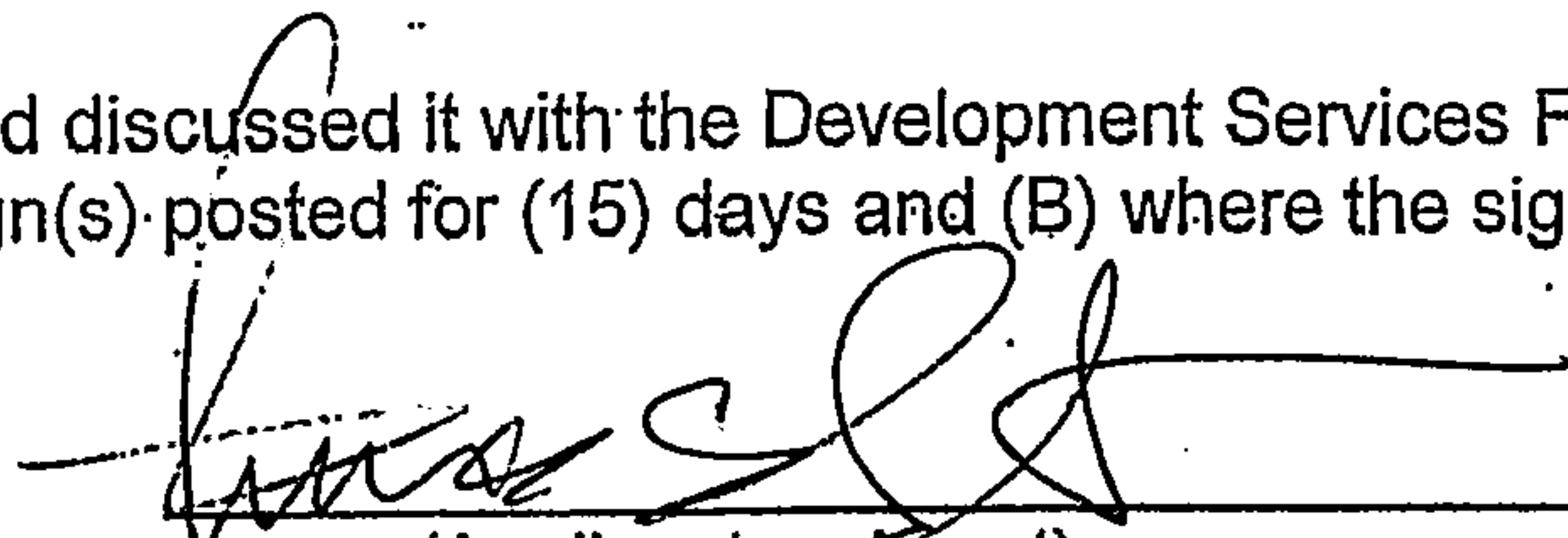
4. TIME

Signs must be posted from January 29, 2013 To February 13, 2013

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

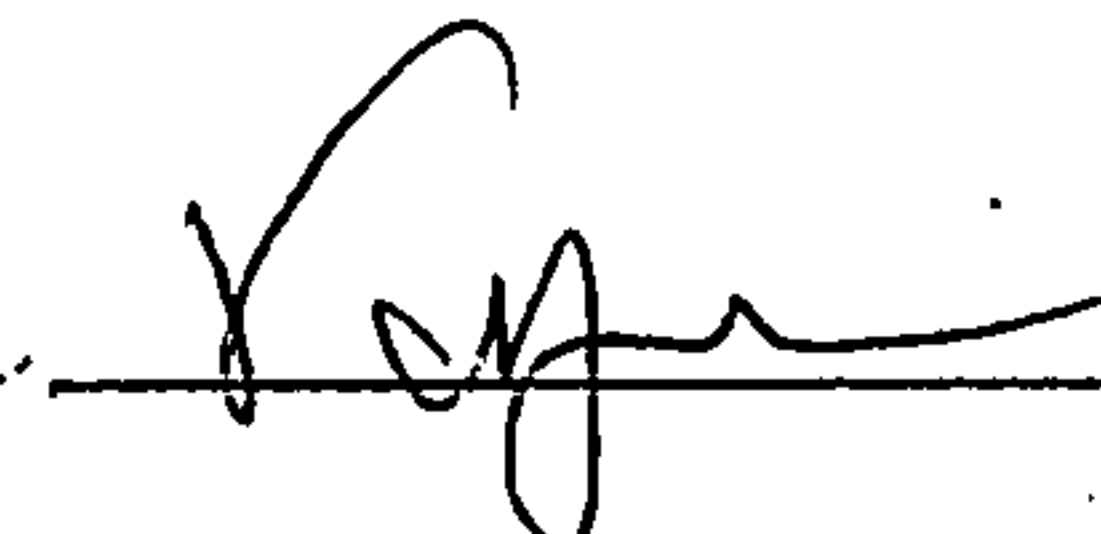
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.



(Applicant or Agent)

1-18-2013
(Date)

I issued 1 signs for this application, 1-18-13
(Date)



(Staff Member)

DRB PROJECT NUMBER: 1004906

4906

DXF Electronic Approval Form

DRB Project Case #: 1004906

Subdivision Name: LOTS 1P2 THROUGH 7P2, LANDS OF SIMPATICO

Surveyor: WILL PLOTNER

Contact Person: AMBER PALMER


Contact Information: 896-3050

DXF Received: 3/1/2013

Hard Copy Received: 3/1/2013

Coordinate System: NMSP Grid (NAD 83)


Approved


Date

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

AGIS Use Only
Copied fc 4906 to agiscov on 3/4/2013 Contact person notified on 3/4/2013



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- V Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- P Adoption of Rank 2 or 3 Plan or similar Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- D Street Name Change (Local & Collector)
- L A **APPEAL / PROTEST of...**

Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): THOMPSON ENGINEERING CONSULTANTS PHONE: 271-2199
 ADDRESS: P.O. BOX 65760 FAX: _____
 CITY: ALBUQUERQUE STATE N.M. ZIP 87193 E-MAIL: tcunm@yahoo.com
 APPLICANT: THOMAS SLATES PHONE: 766-9165
 ADDRESS: 5108 GUADALUPE TRAIL N.W. FAX: 247-1207
 CITY: ALBUQUERQUE STATE N.M. ZIP 87107 E-MAIL: SUZ566@MSN.COM
 Proprietary interest in site: OWNER List all owners: SUSAN SLATES, MARY PORTER, NANCY KINSEMAN

DESCRIPTION OF REQUEST: SUBDIVISION DESIGN VARIANCE FROM MINIMUM D.P.M STANDARDS.

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. TRACTS 118C, 118D, & 118E Block: _____ Unit: _____
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 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F-14 UPC Code: 101406110920730935, 101406110819830938, 101406107220530936

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1004906

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.06
 LOCATION OF PROPERTY BY STREETS: On or Near: GUADALUPE TRAIL N.W.
 Between: GREGGON N.W. and MONTANO RD N.W.
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: 12-09-09

SIGNATURE

DATE 1-18-2013

(Print Name) THOMAS SLATES

Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
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Application case numbers	Action	S.F.	Fees
<u>13DRB - 70414</u>	<u>SDY</u>	_____	\$ _____
_____	<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Revised: 4/2012

Hearing date February 13, 2013

Total
\$ 20.00

1-18-13
Staff signature & Date

Project # 1004906

BULK LAND VARIANCE (DRB04)

(PUBLIC HEARING CASE)

- Application for Minor Plat on FORM S-3, including those submittal requirements. 24 copies
- Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
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- Fee (see schedule)
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VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)

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SIDEWALK WAIVER (DRB21)

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SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)

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- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
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EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)

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THOMAS SLATES
 Applicant name (print)
1-18-2013
 Applicant signature / date

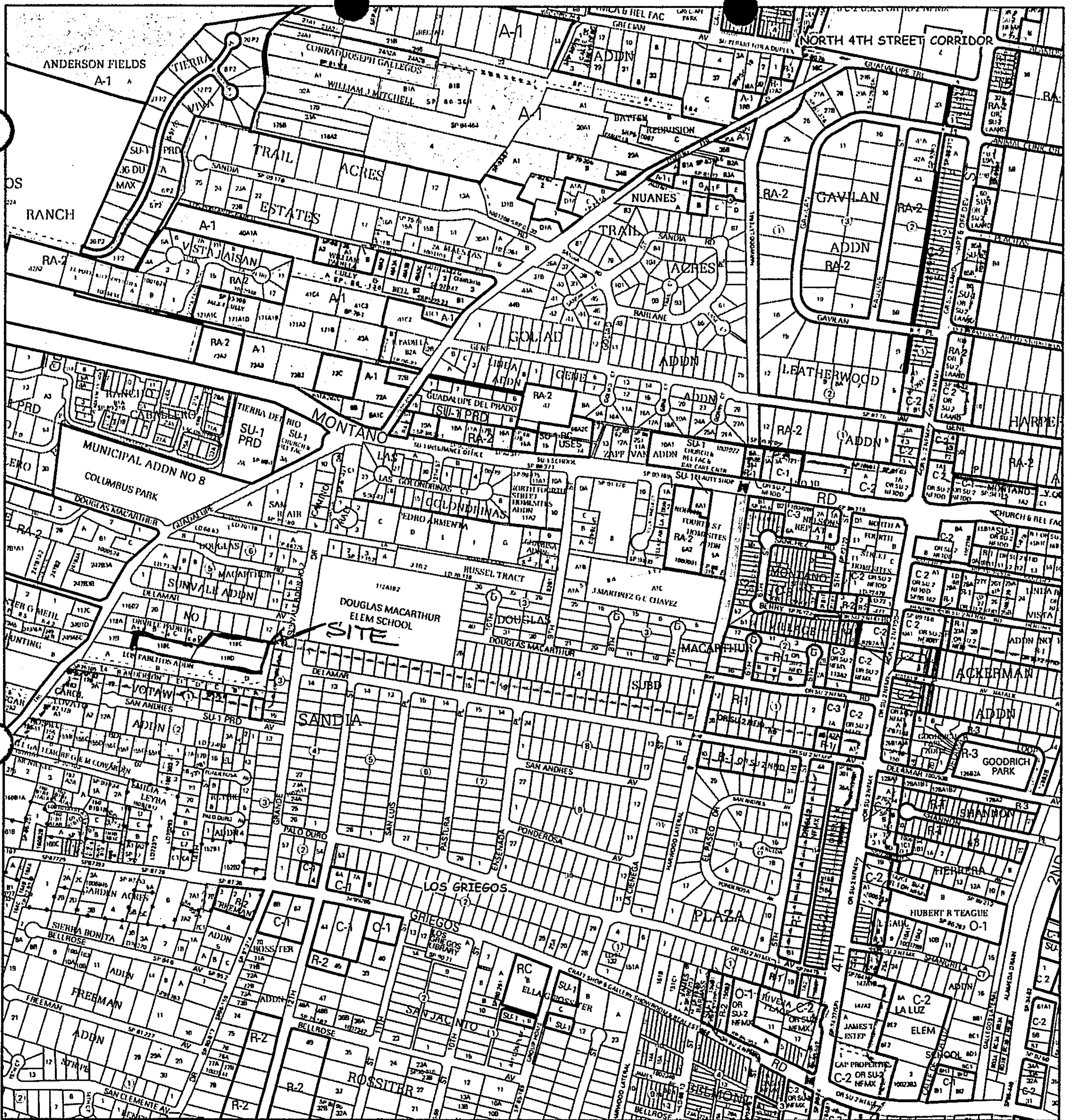


Form revised 4/07

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

Application case numbers
 13DRB - 70414

[Signature] 1-18-13
 Planner signature / date
 Project # 1004906



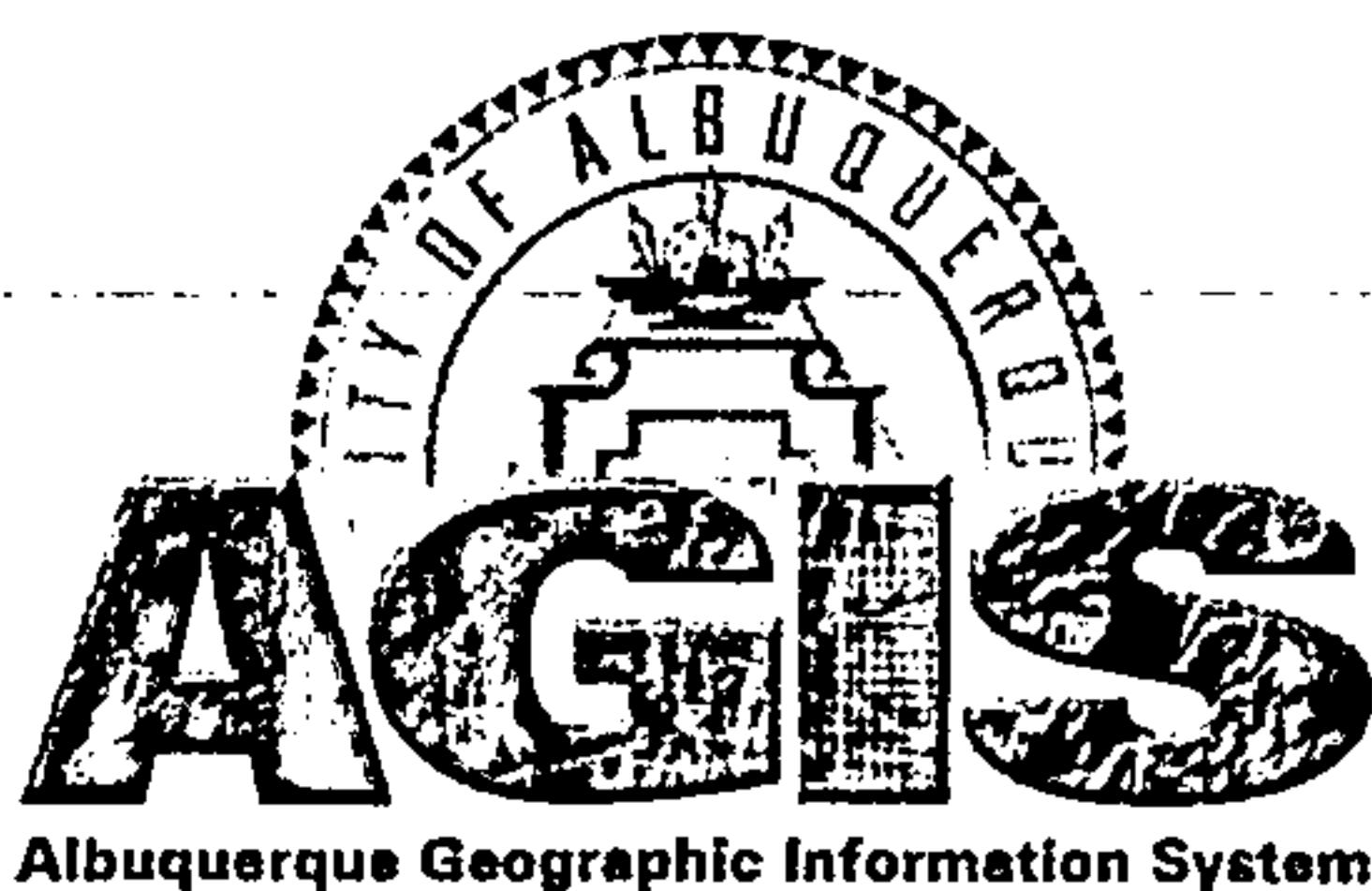
For more current information and more details visit: <http://www.cabq.gov/gis>

Zone Atlas Page:

F-14-Z

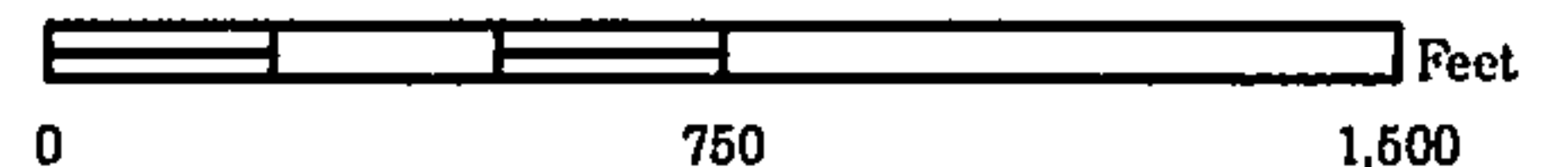
Selected Symbols

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



Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits



Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

~~May 20, 2011~~

JANUARY 18, 2013 *[Signature]*

Development Review Board
City of Albuquerque

We, the undersigned, are the owners of Tract 118D and 118E. We reside at 5108 Guadalupe Trail (the eastern ½ of Tract 118E). We are also representing Mary Porter and Nancy Kinnemann, owners of Tract 118C.

We are asking to divide three 2/3-acre R-1 parcels (118C, 118D and 118E) into five 1/3-acre parcels and two 1/6-acre parcels. The new subdivision will be called "Lands of Simpatico". The three existing tracts are approximately 82' deep and 330' to 387' long. After allowing for road easements and setbacks, the building pads are approximately 44' X 345' which are unusually narrow, a condition that existed prior to 1959 and before implementation of current DPM requirements for sidewalks, easement widths and pavement requirements. The limitations on the 3 tracts, because of size (29,987 sq. ft., 29,773 sq. ft. and 29,763 sq. ft.) and narrowness, prevent the complete use as R-1 properties. No irrigation rights or ditch access comes with the property and an irrigation well would, in light of the City's current water use guidelines, be a waste of a precious resource. Large R-1 lots already cause weed and litter problems.

Our neighborhood, which lies just north of the Los Griegos Historic District, wishes to maintain its unique character, charm and semi-rural atmosphere. The North Valley Character Study (7-03-08 draft review, a study initiated by councilor O'Malley and City Council Services concerning the impacts of continued residential development on the unique character of the North Valley) recommends less infrastructure than is associated with urban development, such as curbs, gutters, sidewalks and standard-width streets.

We are requesting a sidewalk waiver (DPM Table 23.2.1.B). No sidewalks exist on Guadalupe Trail from Griegos north past Delamar or on any feeder roads (Bayita Lane, Pablita Lane or Rosalee St.). The nearest sidewalk is at Delamar and Guadalupe Tr., 175' north of our existing access easement.

We request an easement variance from 46' wide to 24' wide (no sidewalks; no curb and gutter) and a roadway surface variance from asphalt paving to 3" gravel over a 12" compacted base (EPC Resolution April 1979; DPM Tables 23.2.1.B & D).

We do not have the privilege of designing this subdivision on a clean sheet of paper. We have 5 existing R-1 lots (Tract 118A, Tract 118B-A, 118B-B, 118B-C, 118B-D) with the inherent problems of narrow access easements (17.5' at Guadalupe Tr.), non-compliance with maintenance of access width and drainage issues. The history of this area goes back hundreds of years and the land division, lack of "urban infrastructure" and the meandering nature of Guadalupe Tr. are qualities the South Guadalupe Trail Neighborhood Association (SGTNA) values highly.

At the existing access to the subdivision, Guadalupe Tr. is 23' wide (asphalt with no sidewalks, no curbs and no gutter). It currently serves 98 residences, traffic to Columbus Park, and access for 38 residences on Delamar NW and Douglas MacArthur who wish to access west-bound Griegos Rd. (source: SGTNA membership roll 2010).

Existing gravel/dirt access roads feeding Guadalupe Tr. north from Griegos are as follows:

- A. 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848, and 4900 Guadalupe Tr. (east side) plus 3 recently platted lots in Los Castillos all share a 20' wide access road.
- B. Rosalee NW: 9 lots, 20' wide access road
- C. Pablito Lane (Platted 12/21/66): 12 lots, 20' wide dirt access road with a 14' wide constriction.
- D. Bayita Lane: 13 residences, 25' wide access road, length at 1,056'

The existing access/utility easement road for the existing lots is 17.5' wide for its first 103' east of Guadalupe Trail and then widens to 22' wide for its remaining 410'. This width was permitted on November 13, 1979 as part of the Orville Padilla Replat. In speaking with the Fire Marshall's plan checking office, they can't remember ever approving an emergency access road less than 20' wide. This access currently serves as the only emergency access/access to eight R-1 lots: (Tracts 118A, 118B-A, 118B-B, 118B-C, 118B-D, 118C, 118D and 118E).

As part of our development plan, we can widen the existing road to 24' from Guadalupe Trail east 718 feet to the new hammerhead turn-around. We have an agreement with the owners of Tract 119 to enable us to purchase a 6 1/2' access easement from the north side of their property. Also, we are granting the additional 2' width easement from Tracts 118E and 118D to accommodate the 24' access width for two-way traffic. Mail service is currently provided by a cluster box on Guadalupe Trail for all 12 lots. Garbage service is currently on Guadalupe Trail and we see no change to this service.

All of the newly created lots (1-7) would have P-2 parking to reduce on-street parking demands. All off street vehicle parking shall be on a 3" crushed rock on a 4" compacted base. We are also granting a 24' wide off street parking area between Lots 3 and 4.

For the above reasons we are asking for a variance from the DPM Table 23.2.2 street design standards for width and material.

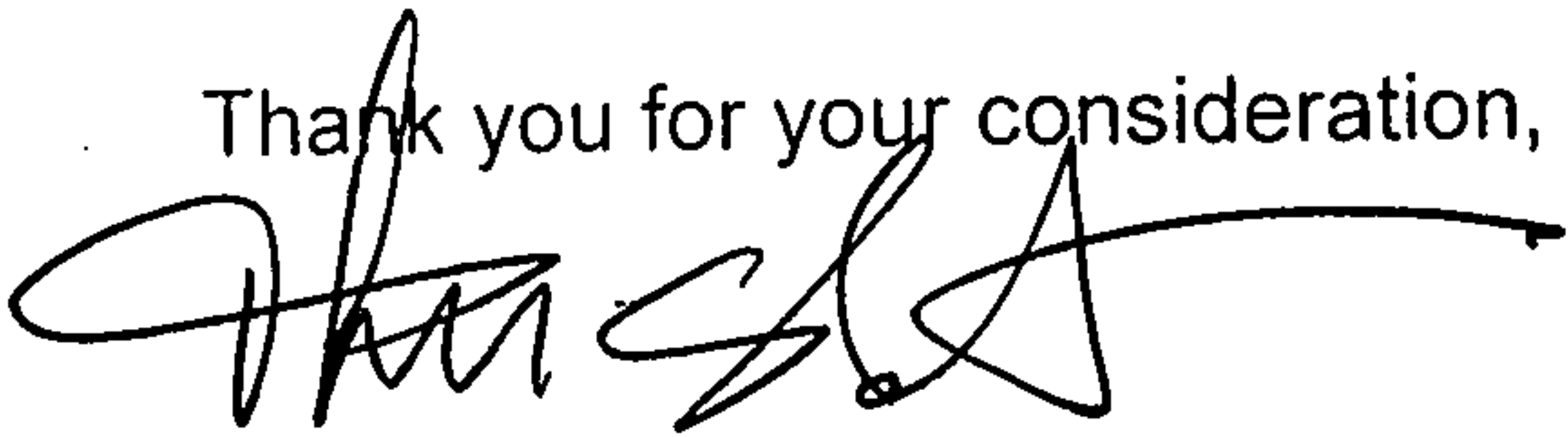
As per a conversation I had with Kristal Metro, I contacted the Environmental Health Dept. concerning any dust complaints they may have received in the last three years. Maritza Perez responded that no complaints existed for our area.

The drainage plan has been designed for a permeable 24' wide, 3" gravel over 12" compacted base driving surface in keeping with the character of the neighborhood.

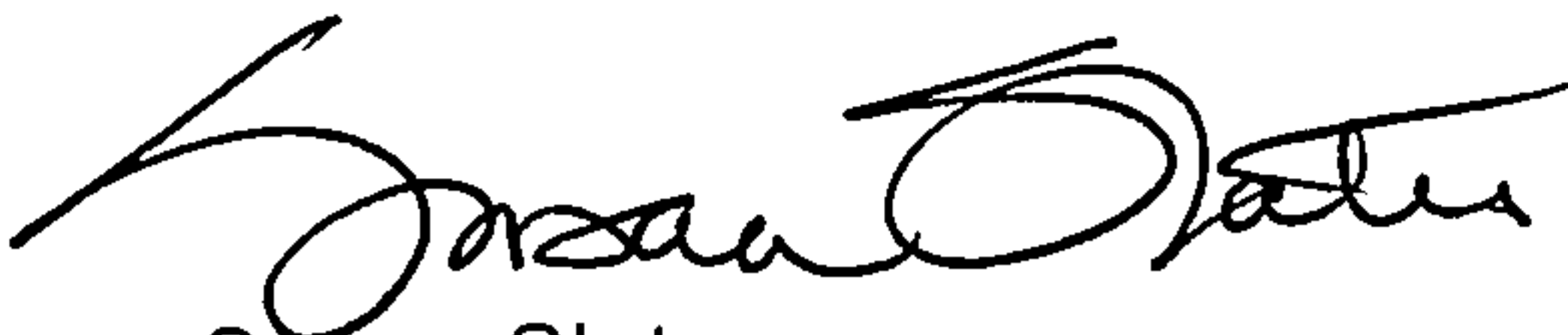
In designing lot sizes, lots 1 and 2 at 7,600 sq.ft. relate to the smaller lot sizes of the Orville Padilla Replat. The other 5 lots provide more open space as is recommended by the North Valley Character Study (open space at 65% of lot size).

These variances would improve the access for existing residents, improve access for emergency vehicles, cut down on dust and maintain the scale and character of the neighborhood.

Thank you for your consideration,



R. Thomas (Tom) Slates



Susan Slates

July-19, 2011

1-18-2013 JK

Development Review Board

City of Albuquerque

Project 1004906 Application #11-70154 / 11-70168

Re: Tracts 118C-D MRGCD Map 32

As developers of the Lands of Simpatico Lots 1-7, we are giving prime consideration to the historic nature of the community in which we are located.

Included are existing road easements, utilities and the predominant New Mexico adobe style of residences.

One of our goals is to maintain the beauty and unique qualities of this portion of the historic North Valley shown on maps made in 1888, 1892 and 1916. Over a span of more than 100 years, this area has adapted to introduction of gasoline powered cars and trucks, electrical machines, appliances and lighting, and modern water and sewer systems.

It has been transformed from a farming and ranching community into a largely residential area that provides homeowners with a calm, pleasant way of life as it offers a sense of New Mexico history. With its low-density pattern of housing, this Guadalupe Trail NW area is part of the vibrant City of Albuquerque, yet offers the advantages and more relaxed mood of a rural community.

In 1979, the Orville Padilla Replat resulted in lots that are wide and relatively shallow.

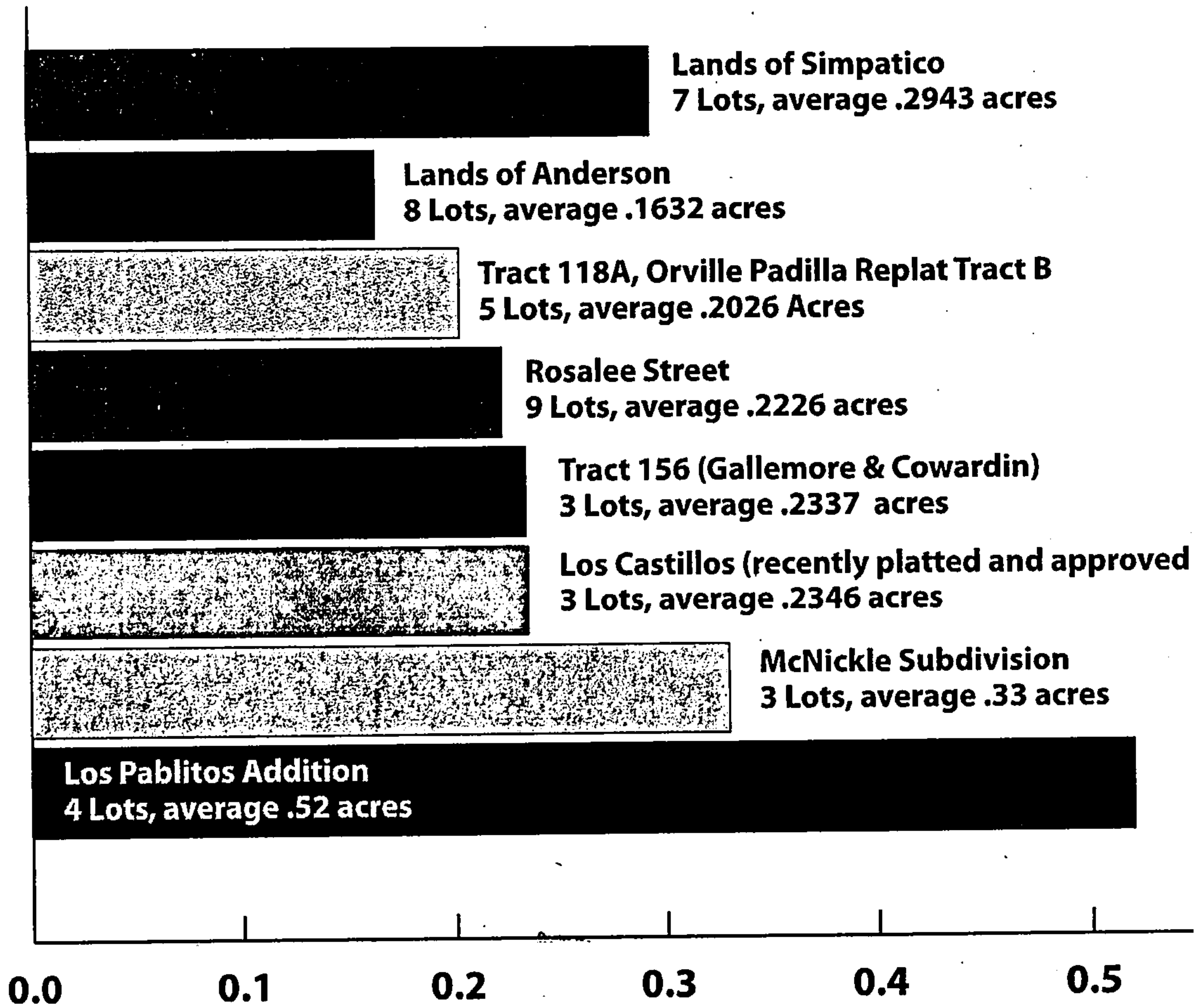
Our plan respects existing road and street width patterns and surfaces and the absence of sidewalks—maintaining the traditional identity of the area.

With no irrigation easements, the existing vegetation of currently vacant lots consists of a mixture of tumbleweeds, goat-heads, and bindweed. On adjoining land, what once was an orchard was long ago divided into quarter-acre lots.

On Page 119 of the North Valley Area Plan, published in April 1993, a survey showed that more than 60 percent of area residents preferred houses located on a mixture of large and small lots. Old and young, upper and lower income residents live in close proximity and share schools, roads and shopping.

The seven lots of Lands of Simpatico average **.2943** acres or 12,819 sq. ft. each (see Lands of Simpatico Proposed Lot Sizes on the plat).

Lands of Simpatico Lot Sizes 123% Existing Area Average



For comparison purposes, we offer the following existing R-1 areas off the east side of Guadalupe Trail between Griegos and Delamar streets:

(All calculations include road easements)

Tract 118A, Orville Padilla Replat Tract B

5 lots – average lot size = .2026 acres each

Los Castillos (recently platted and approved)

3 lots – average lot size = .2346 acres each

Rosalee Street

9 lots – average lot size = .2226 acres each

Lands of Anderson (5000 block)

8 lots – average lot size = .1632 acres each

Los Pablitos Addition

4 lots – average lot size = .52 acres each

McNickle Subdivision

3 lots – average lot size = .33 acres each

Tract 156 (Gallemore and Cowardin)

3 lots – average lot size = .2337 acres each

These 35 existing and platted lots are on 8.7969 acres with an average lot size of **.20945** acres each.

The Lands of Simpatico average lot sizes are 1.23 times the existing average for area.

We believe that both extraordinary hardship and practical difficulty will result from strict compliance with the minimum standards for street width and sidewalks.

1. Existing road easements are narrow (17.5' and 22') and would require demolition of adobe walls and would severely impact the already wide and shallow building pads available on Tracts 118C, 118d and 118E.
2. Normal R-1 lot proportions are commonly 1-to-2 (width to depth).

Because of the historical patterns of lot divisions in this old section of the valley, our three tracts of land and their proportions are as follows:

Tract 118C – 336'x93' (3.5 to 1)

Tract 118D – 372'x76' (4.9 to 1)

Tract 118E – 344'x90' (3.8 to 1)

The proportions become even more extreme when a roadway easement of 10'–12' of each side of a property line is factored in. Each of these tracts is zoned R-1 and building pads of 175'x45' do not define normal single family home proportions.

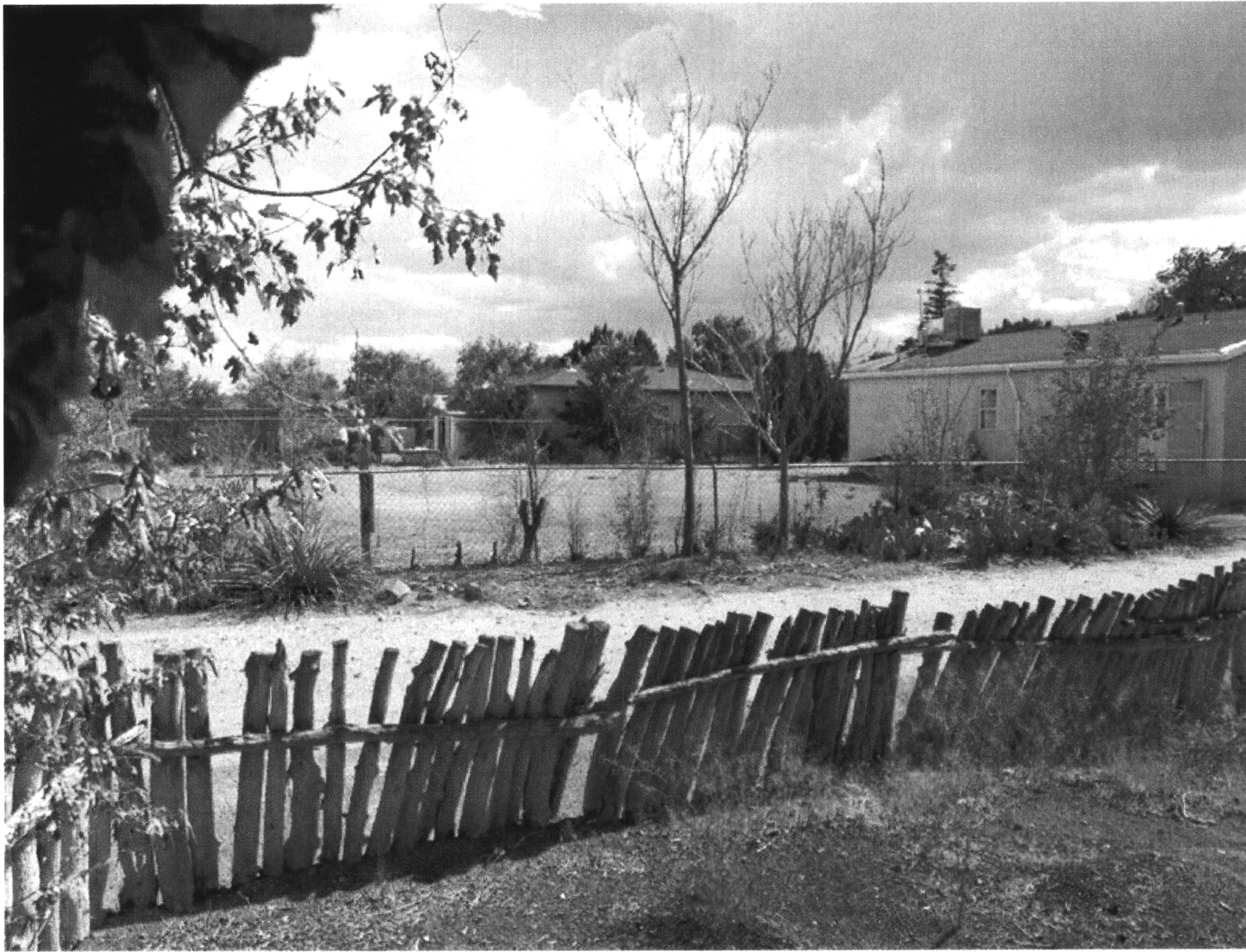
Varying from the normal requirements will encourage **FLEXIBILITY** (characterized by a ready capability to adapt to new, different or changing requirements). Widening the easement to 24 feet allows for improved access for fire, emergency and solid waste vehicles.

* * *

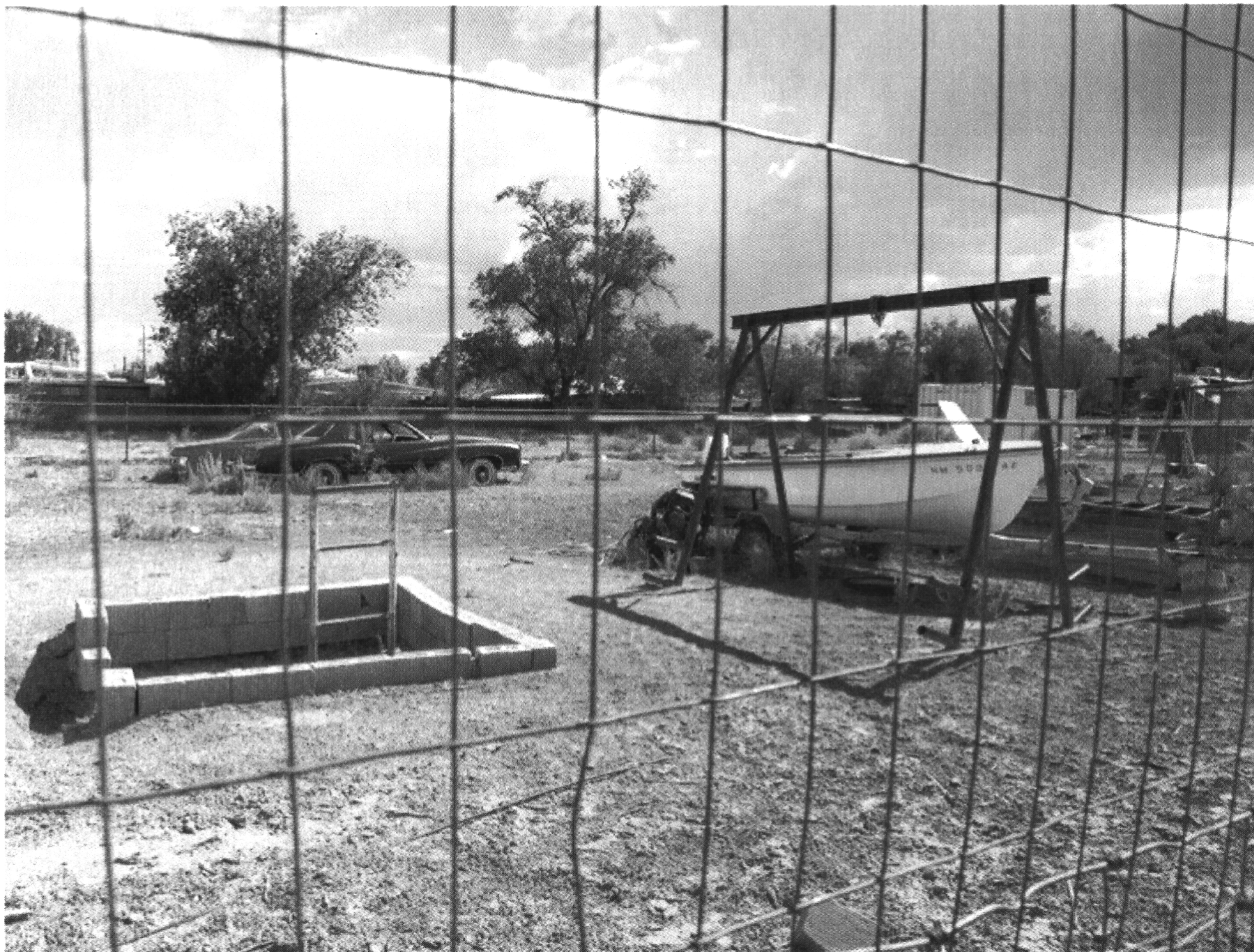
EFFECTIVE USABLE OPEN SPACE, is defined by the City of Albuquerque Zoning Code (Rev. 7/2009) as “an area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides”

Residents who are fond of open space receive a special reward as they pass by the Farm Lands located in the 5000 block of Guadalupe Trail. Regardless of the season cattle and horses may be seen grazing there. But many residences in the South Guadalupe Neighborhood Association area lie behind adobe walls that create private retreats for their owners.

If only one home per tract of land were allowed (on lots 118C, 118D and 118E) there would be no open vistas of mountains and volcanoes. Instead, to the south one sees uncared for and dying plants, uncultivated dirt, discarded wood, a broken down shed, and cinderblock or chain link fences. Derelict cars in various states of disrepair, an unused and rusted motor hoist, a makeshift grease pit, and an abandoned boat litter the property between Simpatico Lands and older homes further south. (see following pictures)







Rather than have three one-third-acre parcels of non-productive land untaxed at R-1 assessment values, our plan provides for seven R-1 lots with seven owners to design, xeriscape and maintain the 1.12 acres of open space and individual gardens around their homes. Otherwise the unused parcels would remain vacant, unxeriscaped and unusable pieces of R-1 land (weeded reluctantly by three homeowners),

ROAD SURFACE

Instead of the required asphalt paved road, we request a gravel easement design. Currently, there are 50,200 square feet of gravel roads in the South Guadalupe Trail Neighborhood and 19,500 square feet of dirt roads. Because of the extreme flatness and land-locked topography, permeability of the road surface is important. Hydrology prefers the road and parking areas to be graveled since the subdivision will be ponding street flows in front yards.

SIDEWALKS

There are no sidewalks on Guadalupe Trail from Griegos Rd. to its dead-end with Montano. Nor are there any sidewalks on the feeder streets to Guadalupe Trail from Rosalee, Pablito Lane, Bayita Lane or on the access road to 4824, 4828, 4832, 4836, 4840, 4842, 4844, 4848 & 4900 Guadalupe Trail. The three recently platted lots in Los Castillos Addition also have no sidewalks.

Our access road is 175 feet south of the nearest sidewalk at the corner of Delamar and Guadalupe Trail. Our access road has no sidewalk connection available. **There are no sidewalks in our vicinity.** (see accompanying pictures)

Page 2 of the Review Draft of North Valley Area Zoning Code Amendments, dated 7/3/2008, states "according to the area plan, rural character areas have one or more of the following:

- *A mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities.*
- *Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, or standard width paved streets.*

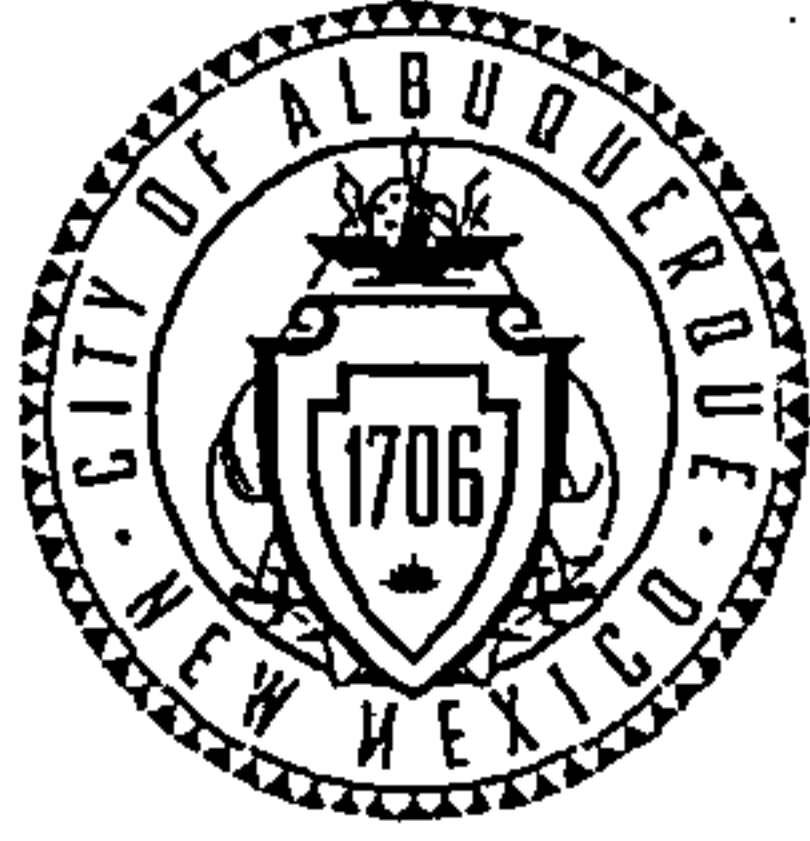
Page 107 of the North Valley Area Plan, April 1993:

"The interest in walking, jogging and running throughout the country is also evident in the North Valley. People walk on streets, on a few sidewalks, on canal paths, drains and the Bosque. *Local streets within North Valley neighborhoods often lack sidewalks but have little traffic which makes walking the street a comfortable alternative.*"

Page 16 of the Los Griegos Sector Development Plan Status Report 1987:

“Residents describe the plan area as quiet and semi-rural with all the conveniences of the city. Because of development pressures in Albuquerque, areas such as Los Griegos need to receive special attention if they are to be preserved.”

Amst
1-18-2013



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

January 16, 2013

David Thompson
Thompson Engineering
P.O. Box 65760/87193
Phone: 505-271-2199/Fax: 505-830-9248

Dear David:

Thank you for your inquiry of **January 16, 2013** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – LOTS 1-7, LANDS OF SIMPATICO, LOCATED ON GUADALUPE TRAIL NW BETWEEN GRIEGOS ROAD NW AND MONTOYA ROAD NW** zone map **F-14**.

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

SEE "ATTACHMENT A" FOR THE NAMES OF THE NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATIONS THAT NEED TO BE CONTACTED IN REGARDS TO THIS DRB SUBMITTAL – please attach this letter and Attachment A to your application packet – siw.

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

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

PLEASE NOTE: The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NA/HOA FOR THIS PLANNING SUBMITTAL.

ATTACHMENT A

David Thompson
Thompson Engineering
P.O. Box 65760/87193
Phone: 505-271-2199/Fax: 505-830-9248
Zone Map: F-14

LOS GRIEGOS N.A.

***Candice Knight**

1858 Griegos Rd. NW/87107 344-8844 (h)

Jennifer Myers

1974 Cherokee Rd. NW/87107 235-6114 (c)

SOUTH GUADALUPE TRAIL N.A. "R"

***Margaret Freeman**

4824 Guadalupe Trail NW/87107 341-4474 (h)

Stefan Posse

1616 Bayita Ln. NW/87107 342-1395 (h)

***President of Neighborhood Association**

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT.** Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

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

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

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

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

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **01/16/13** Time Entered: **3:10 p.m.** ONC Rep. Initials: **siw**

THOMPSON Engineering Consultants, Inc.
P.O. Box 65760
Albuquerque, NM 87193
(505) 271-2199 / Fax (505) 830-9248

January 18, 2013

Margaret Freeman
South Guadalupe Trail Neighborhood Association
4824 Guadalupe Tr. NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM
STANDARDS**

Dear Ms. Freeman:

We are writing to you on behalf of our client, Tom and Susan Slates. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approve the 24-foot wide access road with a gravel surface and the elimination of any sidewalk construction. This road construction and width is consistent with other access roads in the vicinity.

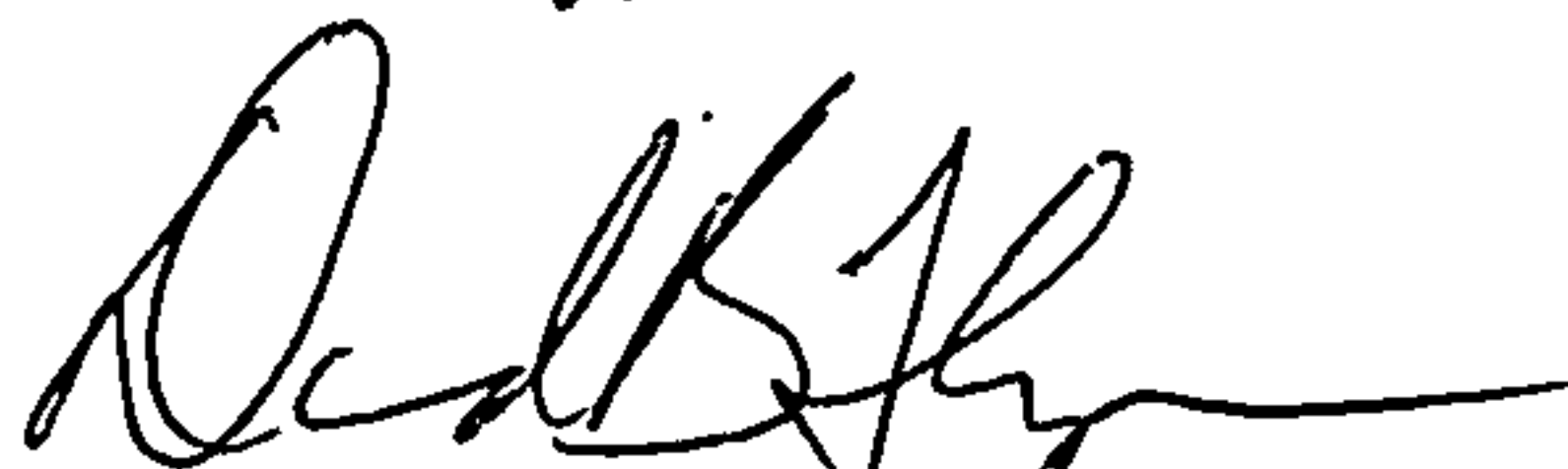
The above design variances were approved by the City of Albuquerque in October, 2011. Unfortunately, the special exemption permit expired after one year and we are required to re-apply in order to receive final plat approval.

All construction has taken place to City of Albuquerque specifications (24-foot wide graveled access road and no sidewalks). We are not applying for any additional variances, only those originally granted.

This request is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, February 13, 2013.

If you should have any questions, please call me at 271-2199.

Sincerely,



David B. Thompson, PE

THOMPSON Engineering Consultants, Inc.
P.O. Box 65760
Albuquerque, NM 87193
(505) 271-2199 / Fax (505) 830-9248

January 18, 2013

Stefan Posse
South Guadalupe Trail Neighborhood Association
1616 Bayita Ln. NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM
STANDARDS**

Dear Mr. Posse:

We are writing to you on behalf of our client, Tom and Susan Slates. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approve the 24-foot wide access road with a gravel surface and the elimination of any sidewalk construction. This road construction and width is consistent with other access roads in the vicinity.


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Sincerely,


David B. Thompson, PE

THOMPSON Engineering Consultants, Inc.
P.O. Box 65760
Albuquerque, NM 87193
(505) 271-2199 / Fax (505) 830-9248

January 18, 2013

Candice Knight
Los Griegos Neighborhood Association
1858 Griegos Rd. NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM
STANDARDS**

Dear Ms. Knight:

We are writing to you on behalf of our client, Tom and Susan Slates. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approve the 24-foot wide access road with a gravel surface and the elimination of any sidewalk construction. This road construction and width is consistent with other access roads in the vicinity.

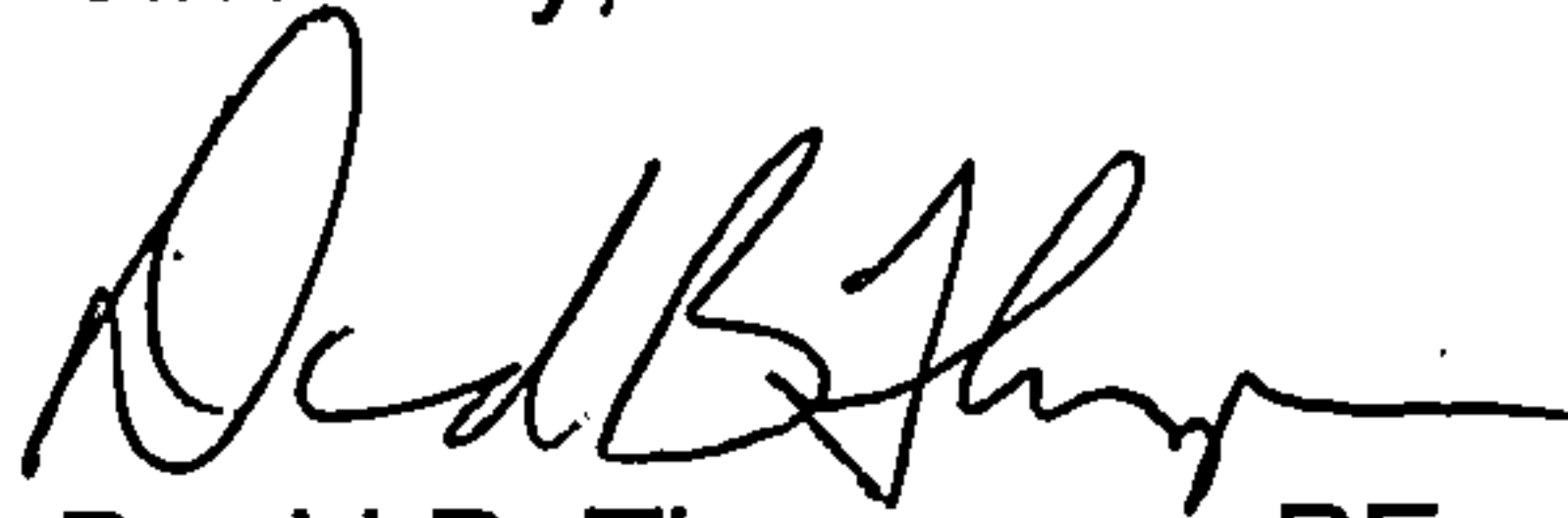
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If you should have any questions, please call me at 271-2199.

Sincerely,


David B. Thompson, PE

THOMPSON Engineering Consultants, Inc.
P.O. Box 65760
Albuquerque, NM 87193
(505) 271-2199 / Fax (505) 830-9248

January 18, 2013

Jennifer Myers
Los Griegos Neighborhood Association
1974 Cherokee Rd. NW
Albuquerque, NM 87107

**RE: REQUEST FOR SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM
STANDARDS**

Dear Ms. Myers:

We are writing to you on behalf of our client, Tom and Susan Slates. Our client is requesting a subdivision design variance for the private access road (refer to enclosed location map). We are requesting that the City of Albuquerque approve the 24-foot wide access road with a gravel surface and the elimination of any sidewalk construction. This road construction and width is consistent with other access roads in the vicinity.

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Sincerely,


David B. Thompson, PE

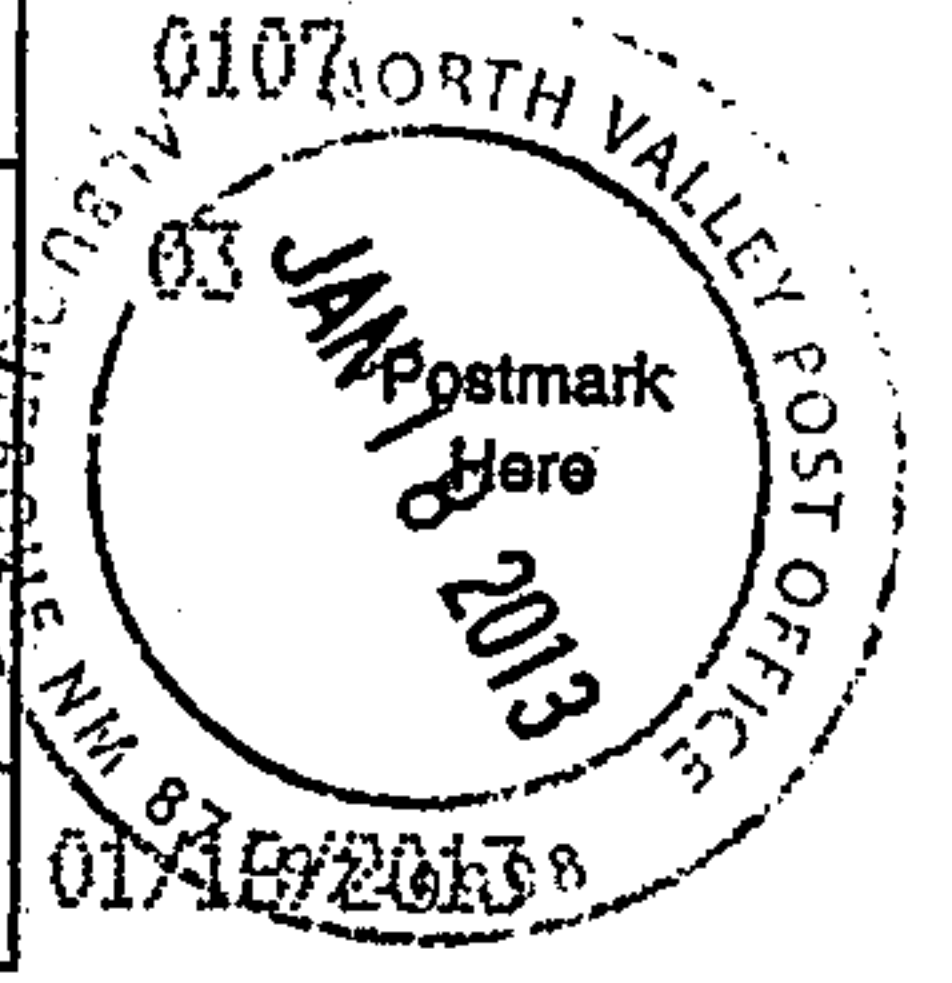
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Total Postage & Fees	\$	\$5.75



Sent To **STEFAN POSSE**
 Street, Apt. No., or PO Box No. **1616 BANITA LN NW**
 City, State, ZIP+4 **ALBUQUERQUE NM 87107**

PS Form 3800, August 2006 See Reverse for Instructions

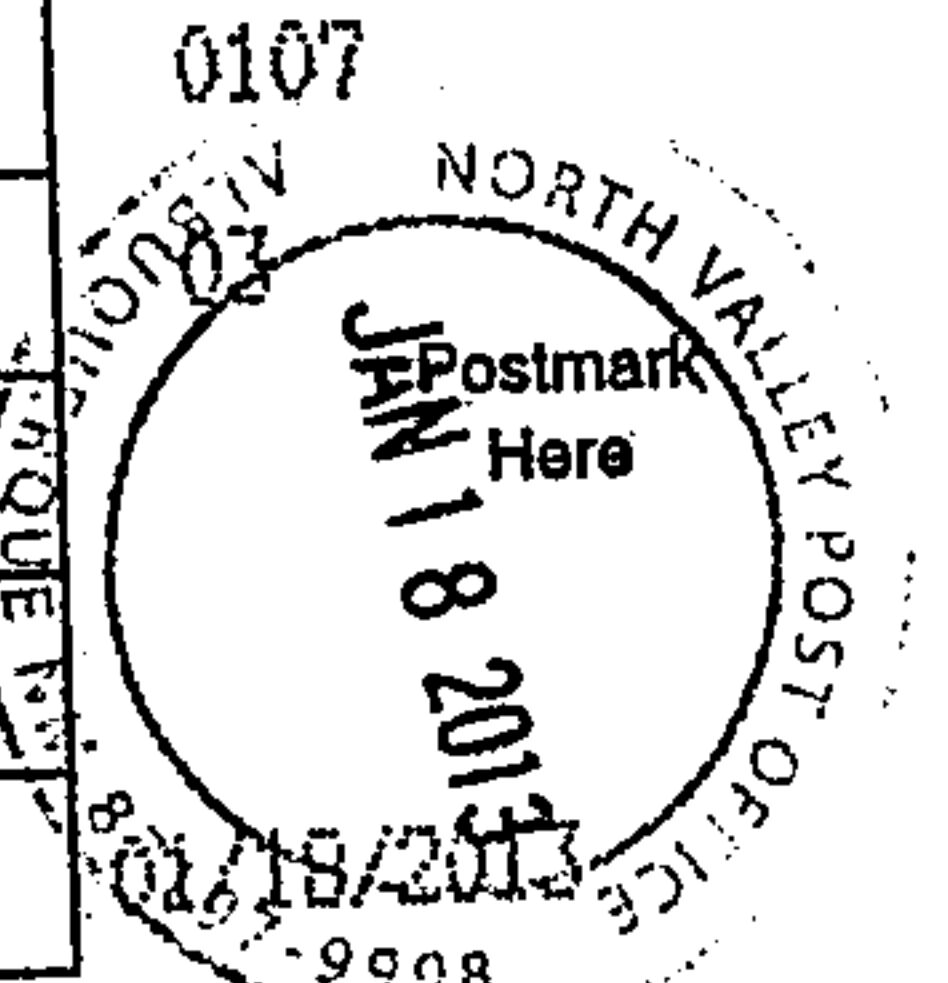
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Total Postage & Fees	\$	\$5.75



Sent To **CANDICE KNIGHT**
 Street, Apt. No., or PO Box No. **1858 GRIEGOS RD NW**
 City, State, ZIP+4 **ALBUQUERQUE NM 87107**

PS Form 3800, August 2006 See Reverse for Instructions

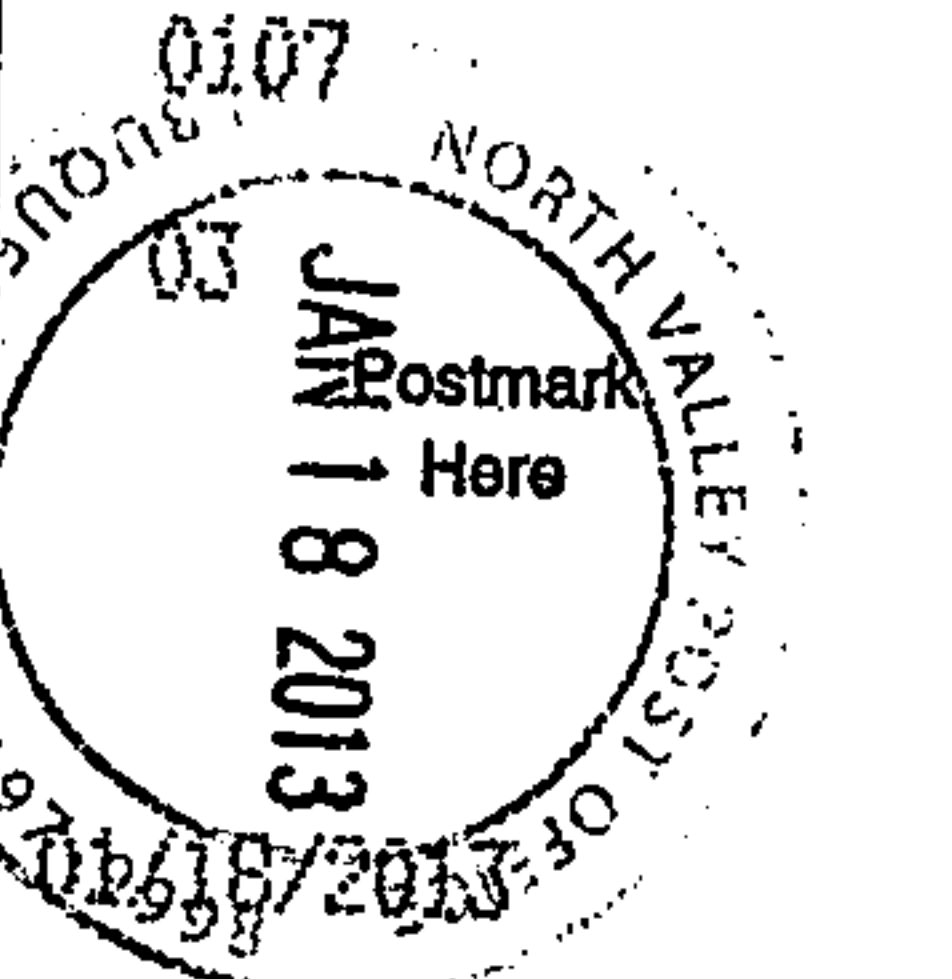
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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.75



Sent To **JENNIFER MYERS**
 Street, Apt. No., or PO Box No. **1974 CHEROKEE RD NW**
 City, State, ZIP+4 **ALBUQUERQUE, NM 87107**

PS Form 3800, August 2006 See Reverse for Instructions

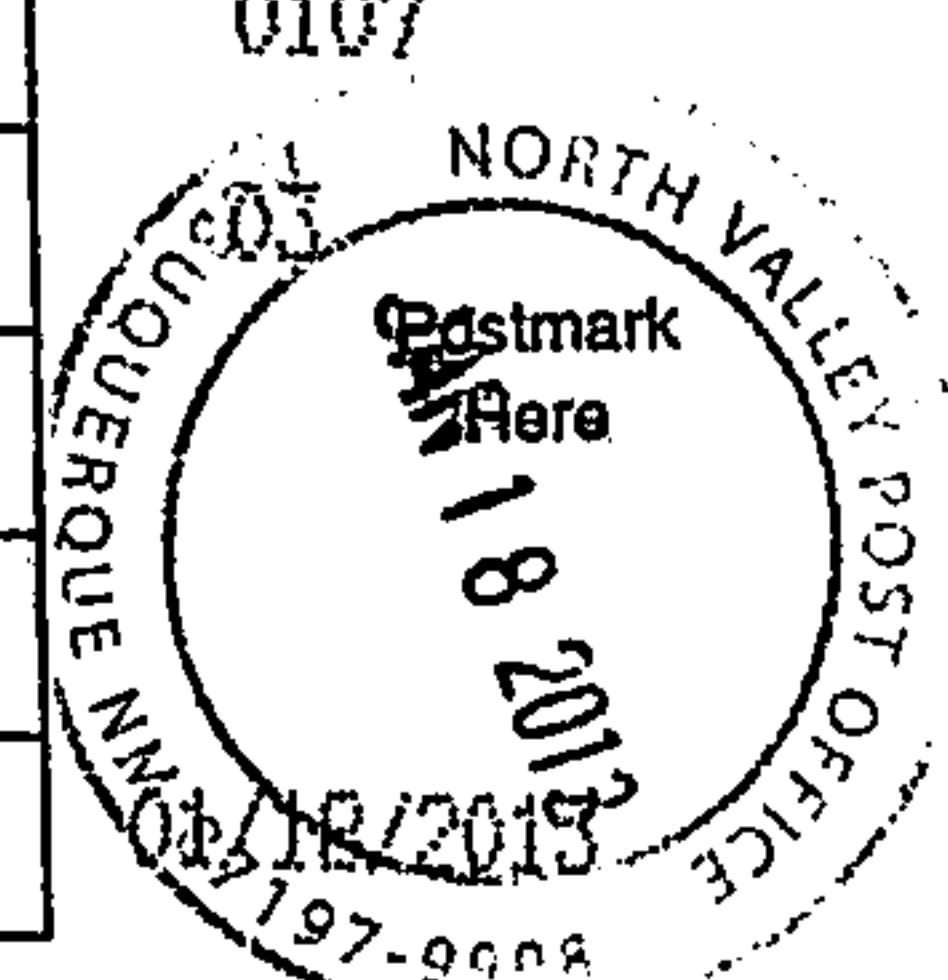
0330 6055 0000 005E 7102

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.75



Sent To **MARGARET FREEMAN**
 Street, Apt. No., or PO Box No. **4824 GUADALUPE TRL NW**
 City, State, ZIP+4 **ALBUQUERQUE NM 87107**

PS Form 3800, August 2006 See Reverse for Instructions

February 13, 2013

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

12/27/2012 Issued By: E08375 175148

Category Code **910**

2012 070 398

Application Number: 12DRB-70398, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: GUADALUPE TRAIL NW BETWEEN DELAMAR AVE NW AND SAN ANDRES AVE NW

Project Number: 1004906

Applicant

THOMAS SLATES

5108 GUADALUPE TRAIL NW
ALBUQUERQUE NM 87107
766-9165

Agent / Contact

CARTESIAN SURVEYS INC
JADA PLOTNER
P.O. BOX 444L4
ALBUQUERQUE NM 87124

WPLOTNERJR@AOL.COM

Application Fees

APN Fee

Conflict Mgmt Fee **\$20.00**

DRB Actions **\$635.00**

TOTAL: \$655.00

City of Albuquerque Treasury
Date: 12/27/2012 Office: ANNEX
Stat ID: W9000006 Cashier: TRSASR
Batch: 1202 Trans #: 5
Permit: 2012070398
Receipt Num 00082549
Payment Total: \$655.00
0901 Conflict Mgmt. Fee
0903 DRB Actions
VISA Tendered :
\$2
\$6
\$65

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

01/28/2013 Issued By: BLDAVM 178264

Category Code **910**
2013 070 421

Application Number: 13DRB-70421, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: GUADALUPE TRAIL BETWEEN DELAMAR AND SAN ANDRES

Project Number: 1004906

Applicant

THOMAS SLATES

5108 GUADALUPE TRAIL NW
ALBUQUERQUE NM 87107

Agent / Contact

CARTESIAN SURVEYS INC
CHARLIE CALDERON
P.O. BOX 44414
RIO RANCHO NM 87174

Application Fees

APN Fee

Conflict Mgmt Fee \$20.00

DRB Actions \$635.00

TOTAL: \$655.00

City of Albuquerque Treasury
Date: 1/28/2013 Office: ANNEX
Stat ID: WS0000007 Cashier: TRSYLB
Batch: 1364 Trans #: 38
Permit: 2013070421
Receipt Num 00091930
Payment Total: \$655.00
0901 Conflict Mgmt Fee
0903 DRB Actions
VISA Tendered : \$655.00

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

01/18/2013 Issued By: BLDAVM 177286

Category Code **910**
2013 070 414

Application Number: 13DRB-70414, Subdn Design Variance From Min Dpm Stds

Address:

Location Description: GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW

Project Number: 1004906

Applicant

THOMAS SLATES

5108 GUADALUPE TR NW
ALBUQUERQUE NM 87107
766-9165

Agent / Contact

THOMPSON ENGINEERING CONSULTANTS, INC
DAVE THOMPSON
PO BOX 65760
ALBUQUERQUE NM 87193

TECNM@YAHOO.COM

Application Fees

APN Fee

Conflict Mgmt Fee **\$20.00**

DRB Actions

TOTAL: \$20.00

City of Albuquerque Treasury
Date: 1/18/2013 Office: ANNEX
Stat ID: W50000006 Cashier: TRSDNR
Batch: 1316 Trans #: 4
Permit: 2013070414
Receipt Num 00089281
Payment Total: \$20.00
0901 Conflict Mgmt. Fee
American Expr Tendered :

\$20.00
\$20.00

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 7-29-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 8-3-11
Date Preliminary Plat Expires: 8-3-12
DRB Project No.: 1004906
DRB Application No.: _____

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

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	2" Residential Paving Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	25 Feet East of Guadalupe Road	/	/	/
		24' wide	6" Gravel Surfacing Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P. E.	
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

NOTES

Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

David B. Thompson 7-29-11
SIGNATURE Date

[Signature] 8-3-11
DRB CHAIR Date

[Signature] 08-03-11
TRANSPORTATION DEVELOPMENT Date

Allen Porter 08/03/11
UTILITY DEVELOPMENT Date

Carlo A. Chene 8-3-11
CITY ENGINEER Date

[Signature] 8/3/11
PARKS & GENERAL SERVICES Recreation Date

AMAFCA Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

06/21/2011 Issued By: BLDAVM 113230

Category Code **910**
2011 070 168

Application Number: 11DRB-70168, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: GUADALUPE TRAIL NW BETWEEN DELAMAR AVE NW AND SAN ANDRES AVE NW

Project Number: 1004906

Applicant

THOMAS SLATES

5108 GUADALUPE TRAIL NW
ALBUQUERQUE NM 87107
505-766-9165

Agent / Contact

Cartesian Surveys Inc
Jada Plotner
P.O. Box 44414
Albuquerque NM 87124

wplotnerjr@aol.com

Application Fees

441018/4943000	APN Fee	
441032/3416000	Conflict Mgmt Fee	\$20.00
441006/4958000	DRB Actions	\$635.00
TOTAL:		\$655.00

City Of Albuquerque
Treasury Division

6/21/2011 11:37AM LDC: ANNX
WSH 006 TRANS# 0022
RECEIPT# 00135033-00135033
PERMIT# 2011070168 TRSASR
Trans Amt \$655.00
Conflict Manag. Fee \$20.00
DRB Actions \$635.00
VI \$655.00
CHANGE \$0.00

Thank You

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

06/03/2011 Issued By: E08375 111381

STANDARD APPLICATION, Paper Plans Required

Permit Number: 2011 070 154 **Category Code 910**
Application Number: 11DRB-70154, Subdn Design Variance From Min Dpm Stds
Address:
Location Description: GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW
Project Number: 1004906

Applicant
THOMAS SLATES

5108 GUADALUPE TR NW
ALBUQUERQUE NM 87107
766-9165

Agent / Contact
Thompson Engineering Consultants, Inc
Dave Thompson
Po Box 65760
Albuquerque NM 87193

tecnm@yahoo.com

Application Fees

441018/4943000	APN Fee	
441032/3416000	Conflict Mgmt Fee	\$20.00
441006/4958000	DRB Actions	
TOTAL:		\$20.00

City Of Albuquerque
Treasury Division

6/3/2011 10:28AM LOC: ANNX
WS# 007 TRANS# 0011
RECEIPT# 00144607-00144607
PERMIT# 2011070154 TRSCCS
Trans Amt \$20.00
Conflict Manag. Fee \$20.00
AM \$20.00
CHANGE \$0.00

Thank You

DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

Project #: 1004906

Application #: 12DRB-70398

Project Name:

Agent: Cartesian Surveys Inc.

Phone #:

****Your request was approved on _____ by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed****

TRANSPORTATION:

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign):

PLATS:

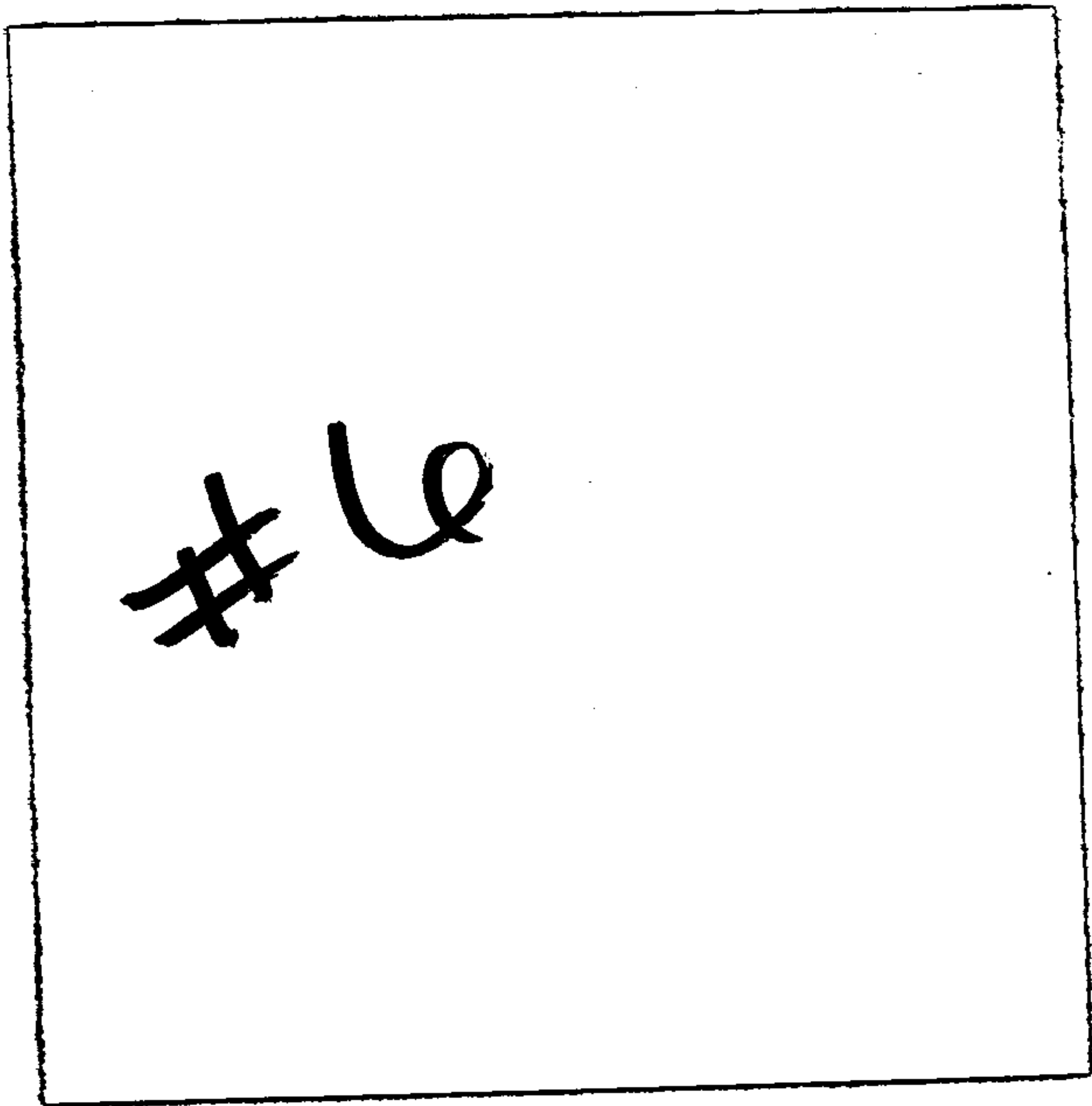
Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
- Tax printout from the County Assessor.
- County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

ALL SITE PLANS:

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



DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

Project #: 1004906

Application #: 12DRB-70398

Project Name:

Agent: Cartesian Surveys Inc.

Phone #:

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ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign):

PLATS:

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

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
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- County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

ALL SITE PLANS:

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



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

APPEAL / PROTEST of...

- Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): Cortesian Surveys Inc. PHONE: 891-2050
 ADDRESS: PO Box 44414 FAX: 891-0244
 CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: cartesianamber@aol.com

APPLICANT: Thomas Slates PHONE: 760-9165
 ADDRESS: 5108 Guadalupe trail NW FAX: _____
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: _____ List all owners: Nancy Kinneaman, Mary Porter, Thomas

DESCRIPTION OF REQUEST: To create seven lots from and Susan Slates the existing three tracts and grant easements

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. Tracts 118-C, 118-D + 118-E Block: _____ Unit: _____
 Subdiv/Addn/TBKA: MRGCD Map 32
 Existing Zoning: R-1 Proposed zoning: R-1 MRGCD Map No 32
 Zone Atlas page(s): F14 UPC Code: tract 118-C (101406110920730935)
tract 118-D (101406110819830938)
tract 118E (1014061107220530936)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):
11DRB-70193, Project #1004900

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 3 No. of proposed lots: 7 Total site area (acres): 2.0552 Acres.
 LOCATION OF PROPERTY BY STREETS: On or Near: Guadalupe trail NW
 Between: Delamar Ave NW and San Andres Ave NW

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

SIGNATURE Amber Palmer DATE 12/26/12
 (Print Name) Amber Palmer Applicant Agent

FOR OFFICIAL USE ONLY

Revised: 4/2012

	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>12DRB 70398</u>	<u>PJF</u>		<u>\$635.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$20.00</u>
<input checked="" type="checkbox"/> All case #'s are assigned				\$
<input checked="" type="checkbox"/> AGIS copy has been sent				\$
<input checked="" type="checkbox"/> Case history #'s are listed				\$
<input type="checkbox"/> Site is within 1000ft of a landfill				\$
<input type="checkbox"/> F.H.D.P. density bonus				\$
<input type="checkbox"/> F.H.D.P. fee rebate				\$
				Total
				<u>\$655.00</u>

Hearing date January 9, 2017

[Signature] 12-27-12
 Staff signature & Date

Project # 1004906

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

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

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** Your attendance is required.
 - Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - List any original and/or related file numbers on the cover application

- EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** Your attendance is required.
 - Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

- MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** Your attendance is required.
 - Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
 - Design elevations & cross sections of perimeter walls 3 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - Copy of recorded SIA
 - Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
 - List any original and/or related file numbers on the cover application
 - DXF file and hard copy of final plat data for AGIS is required.

- MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** Your attendance is required.
 - 5 Acres or more: Certificate of No Effect or Approval
 - Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
 - Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
 - Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
 - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
 - Infrastructure list if required (verify with DRB Engineer)
 - DXF file and hard copy of final plat data for AGIS is required.

- AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)** Your attendance is required.

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

 - Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (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
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application

Amended preliminary plat approval expires after one year

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

Amber Palmer
 Applicant name (print)
Amber Palmer 12/26/12
 Applicant signature / date



Form revised October 2007

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

Application case numbers
 12DRB - 70398

V. [Signature] 12-27-12
 Planner signature / date
 Project # 1004906

Cartesian Surveys Inc.
PO Box 44414, Rio Rancho, NM 87174
896-3050 Fax 891-0244

December 26, 2012

Development Review Board
City of Albuquerque

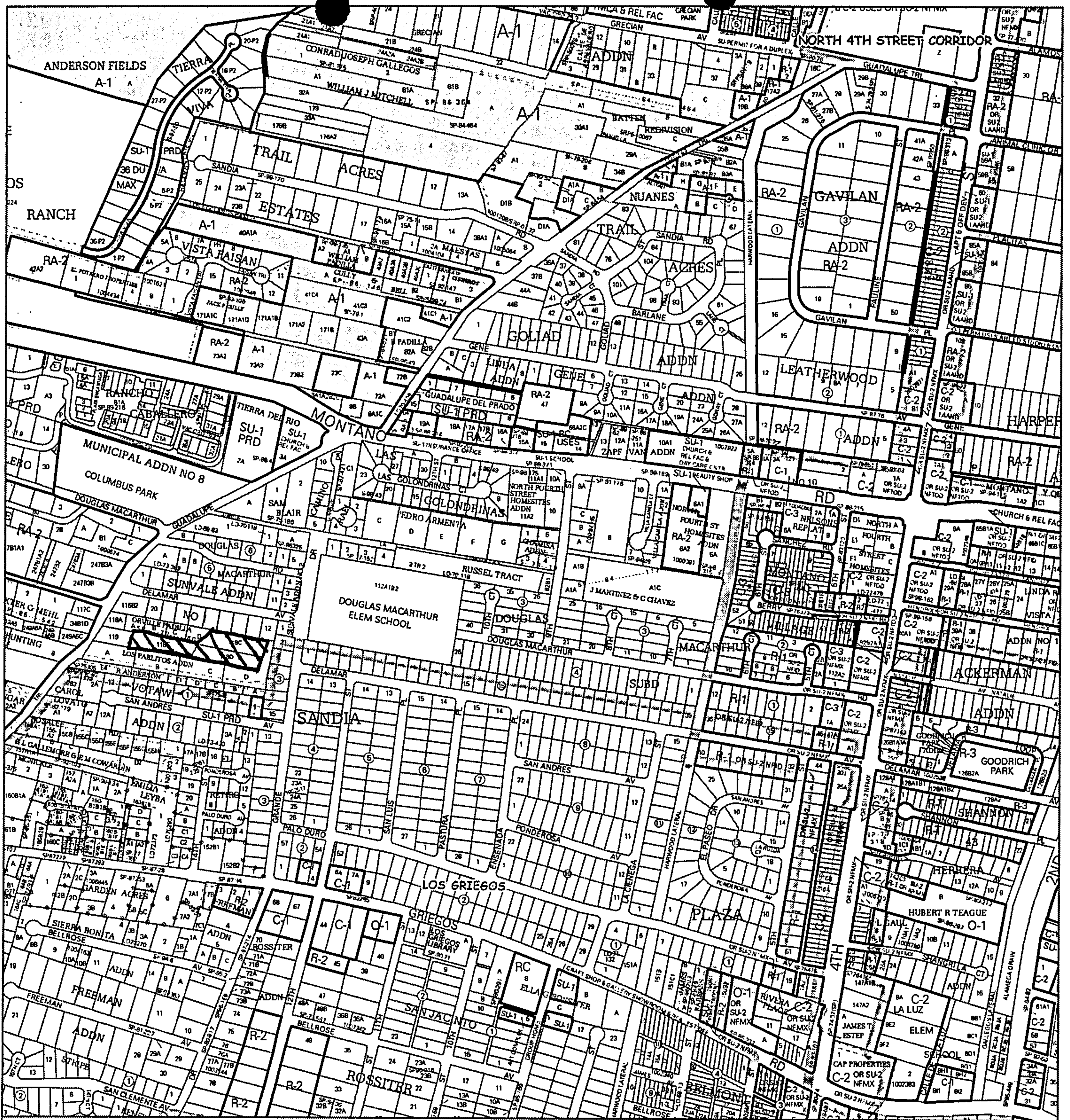
Re: Tracts 118-C, 118-D, and 118-E, MRGCD Map. No. 32
(Lands of Simpatico)

Members of the Board:

Cartesian Surveys is acting as an agent for the owners and requests a hearing for a subdivision platting action. Whereas the existing 3 tracts be platted into seven lots.

Thank you for your time and consideration.

Will Plotner Jr., NMLS 14271



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

Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
F-14-Z

Selected Symbols

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

0 750 1,500
Feet



ALBUQUERQUE PUBLIC SCHOOLS

Capital Master Plan
Expect Great Things!

Winston Brooks
SUPERINTENDENT

Pre-Development Facilities Fee (PDFF) Cover Sheet

Please drop off and pick up all Pre-Development Facilities Fee agreements at APS Capital Master Plan office. The office is located in Suite 9, 2nd Floor of the Lincoln Building at 915 Locust St SE. A map to our offices is located at: <http://apsfacilities.org/capital/map.php>

Project # (if already assigned by DRB) _____

Please check one:

Preliminary PDFF

(Preliminary PDFF are required for preliminary plat submittals.)

Final PDFF

(Final PDFF are required for final plat submittals and must be recorded prior to DRB hearing)

Waiver/Deferral

(Must provide reason for Waiver/deferral)

Project Information

Subdivision Name: Lands of Simpatico

Legal Description: Lots 1-P2 thru 7-P2

Location of Project (address or major cross streets) 5108 Guadalupe Trl NW

Proposed Number of Units 6 Single-Family _____ Multi-Family 6 Total Units

Waiver Information

Property Owner: _____ Legal Description: _____

Zoning: _____

Reason for Waiver/Deferral: _____

Contact Information

Name: Tom Slates

Company: Simpatico

Phone: 350-9816

E-Mail: _____

Please include with your submittal:

- Zone Atlas map with the entire property (ies) precisely and clearly outlined
- Copy of a plat or plan for the proposed project
- List of new legal description (e.g. lot, block) and street address for each lot (for final plat only)
- Please include project number on the top right corner of all documents

Original Legal Description:

OLD: Tract 118C MRGCD Map #32, one R-1 lot

NEW: Lot 7-P2 5128 Guadalupe Trl. NW

NEW: Lot 6-P2 5126 Guadalupe Trl. NW

(Tract 118C is jointly owned by Mary Porter and Nancy Kinnemann of Falls Church, VA. They will remain the owners of 5128 and 5126 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118D MRGCD Map #32, one R-1 lot

NEW: Lot 5-P2 5124 Guadalupe Trl. NW

NEW: Lot 4-P2 5122 Guadalupe Trl. NW

(Tract 118D is owned by Tom and Susan Slates. They will remain the owners of 5124 and 5122 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118E MRGCD Map #32, one R-1 lot

OLD: Lot 3-P2 5108 Guadalupe Trl. NW

(existing residence built in 2007)

NEW: Lot 2-P2 5106 Guadalupe Trl. NW

NEW: Lot 1-P2 5102 Guadalupe Trl. NW

(Tract 118E is owned by Tom and Susan Slates. They live at 5108 Guadalupe Trl. and will remain the owners of 5106 and 5102 Guadalupe Trl.)

EXHIBIT BFINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and

R. THOMAS SLATES ("Developer") effective as of this ___ day of _____, 20___, and pertains to the subdivision commonly known as LOTS 1-7, LANDS OF SIMPATICO and more particularly described as THE PLAT OF TRACTS 118-C, 118-D, AND 118-E OF MRGCD MAP 32.

(the "Subdivision".) The following individual lots comprise the subdivision: SEE ATTACHED LIST. [List lots by street address; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools.

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:

Doc# 2011054502

06/13/2011 11:10 AM Page 1 of 5
AGRE # 317.00 M. Toulouse Oliver, Bernalillo County

- If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.
4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.
5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."
6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

Mary K. Porter
Signature

MARY PORTER
Name (typed or printed) and title

OWNER TRACT 118C

Nancy Kinnemann
SIGNATURE

NANCY KINNEMANN

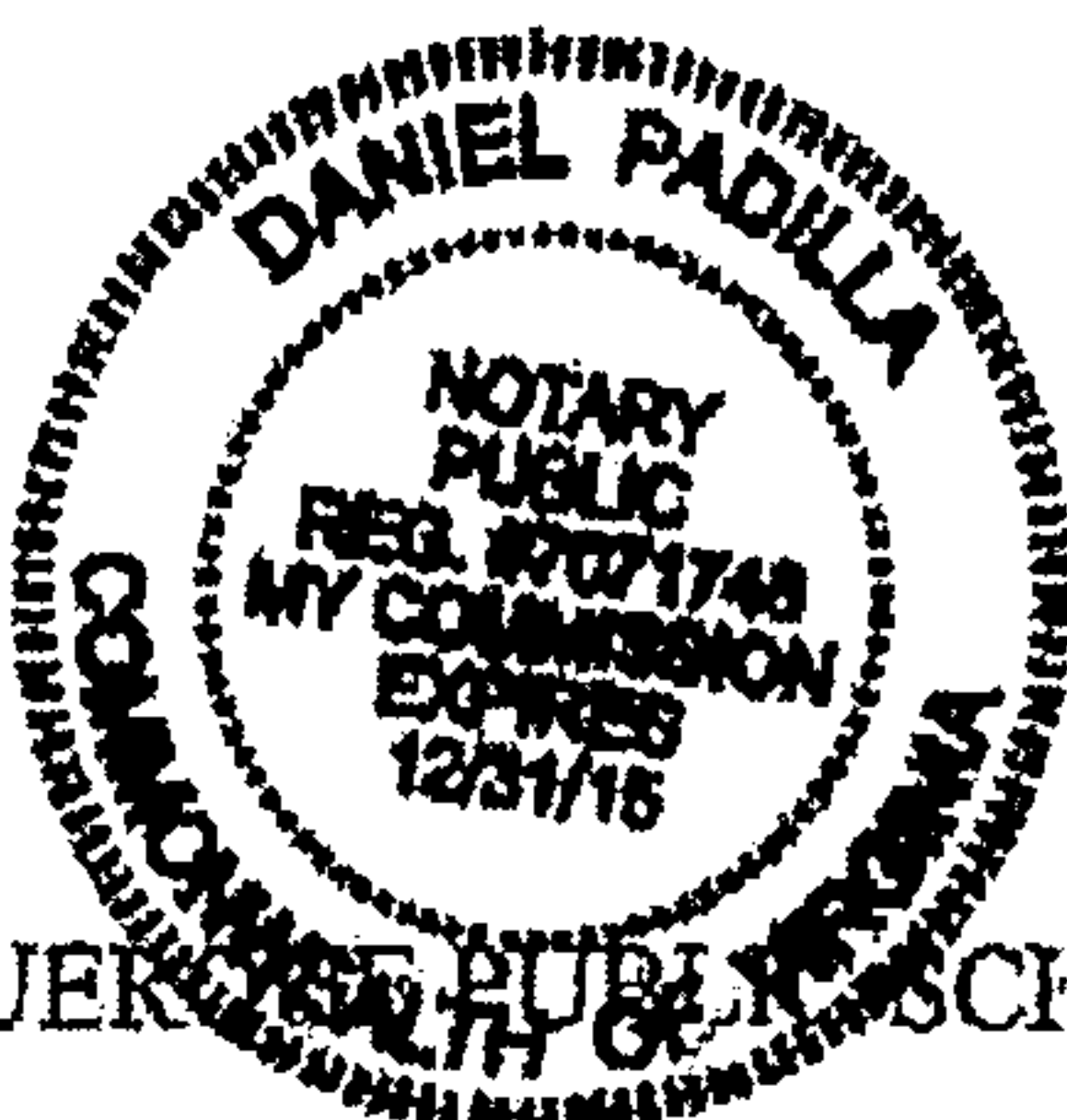
OWNER TRACT 118C

~~Developer~~

~~STATE OF NEW MEXICO~~ State of Virginia
~~COUNTY OF BERNALILLO~~ County of Fairfax

This instrument was acknowledged before me on 6-7-11, by Mary K. Porter
Nancy Kinnemann as _____ of _____, a corporation.

(Seal)



[Signature]
Notary Public

My commission expires: 12-31-15

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

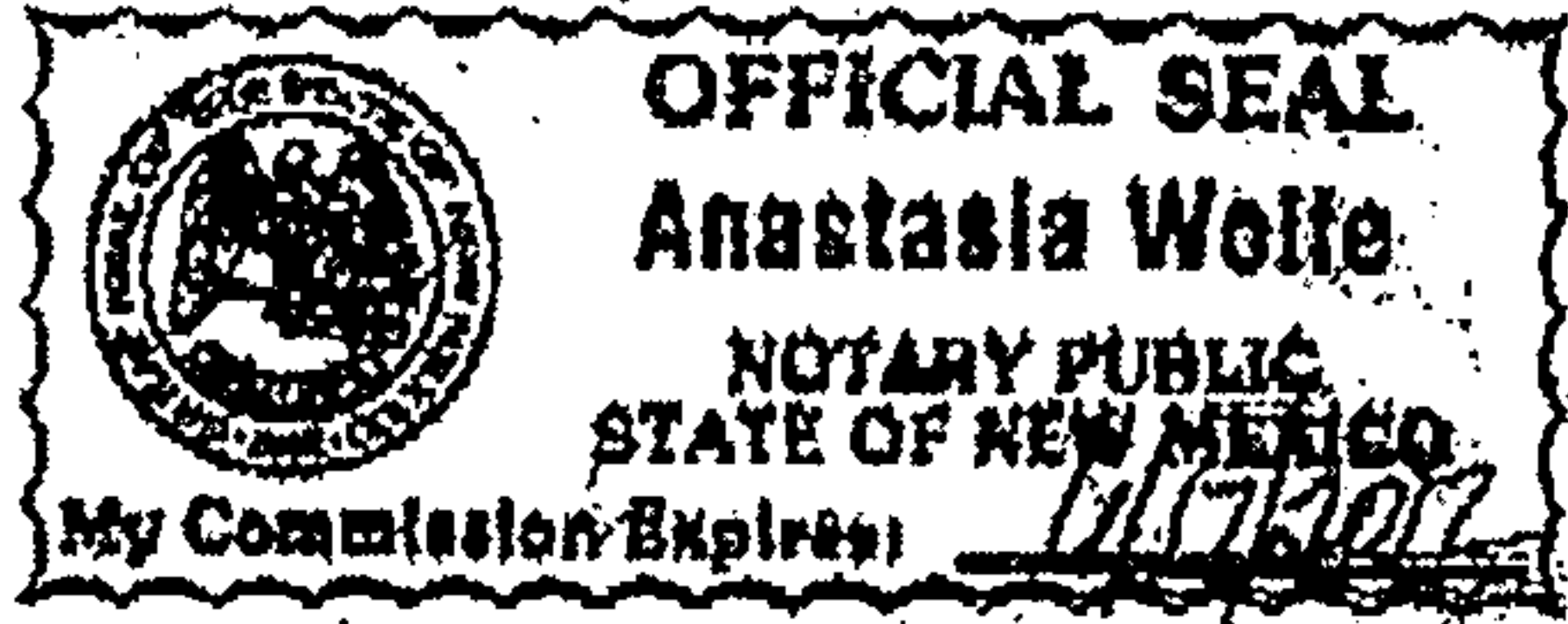
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

by _____
April L. Winters as Facilities Fee Planner of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

(Seal)

Anastasia Wolte
Notary Public

My commission expires: 6/17/2012



- If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

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Signature

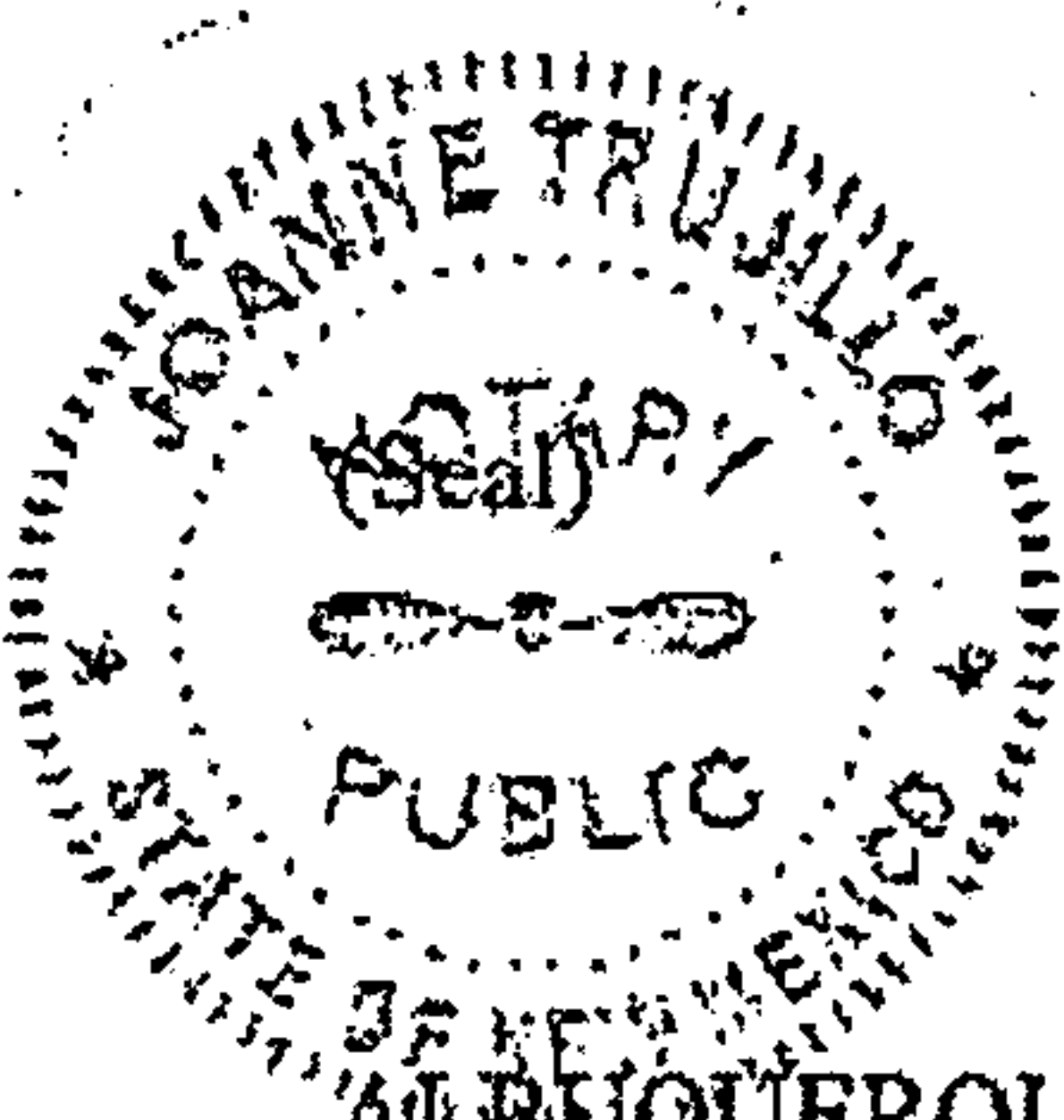
R. THOMAS SLATES

Name (typed or printed) and title DEVELOPER

Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 6/7/11, by R. Thomas
Slates as _____ of _____, a corporation.



Joanne Trujillo
Notary Public

My commission expires: 9-21-14

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

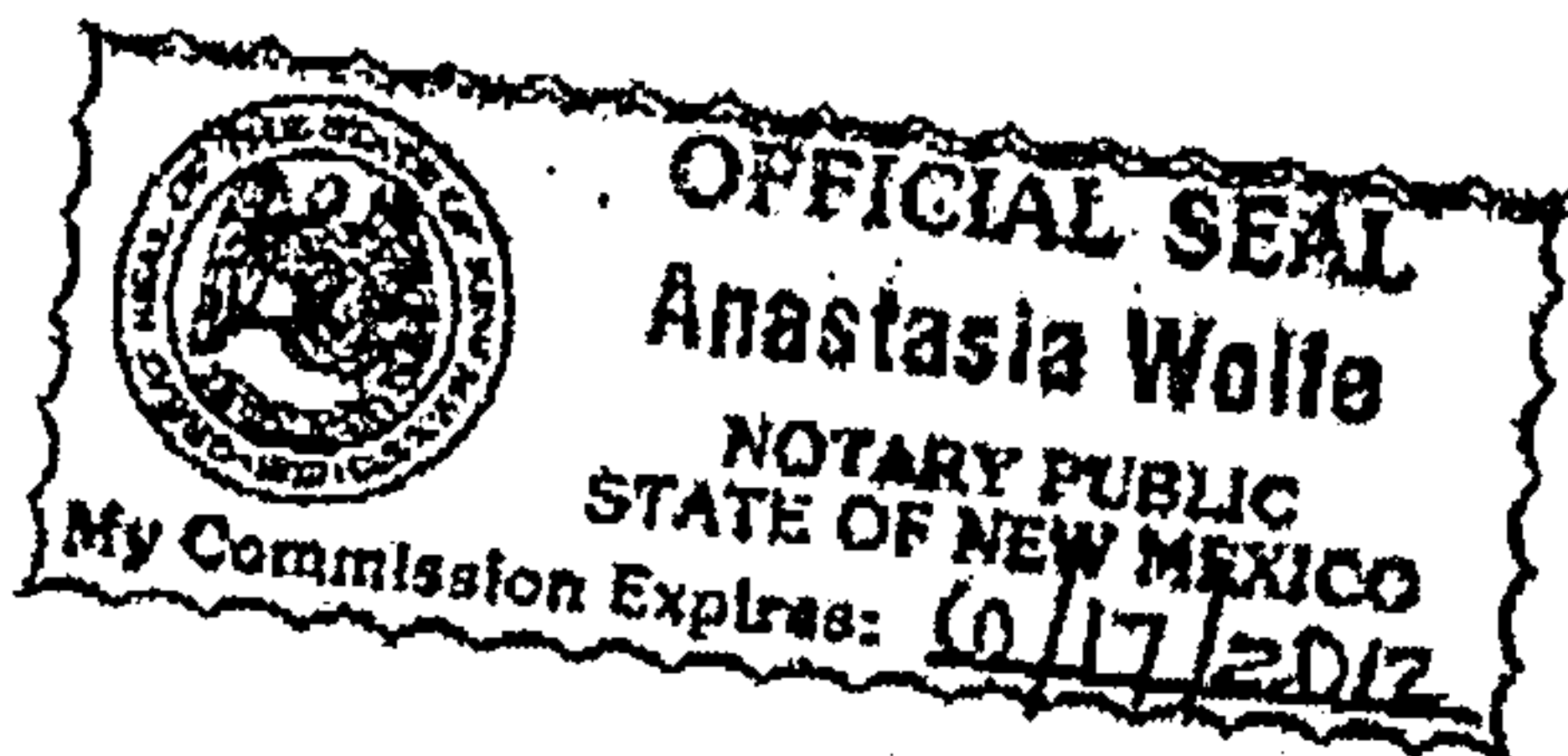
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on June 9, 2011, by April L. Winters
as Facilities Fee Planner of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

(Seal)

Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



January 9th 2013

PROJECT

1004906

App #

Action

Date

12-70398

P&F

1-9-13

PROJECT

1004906

App #

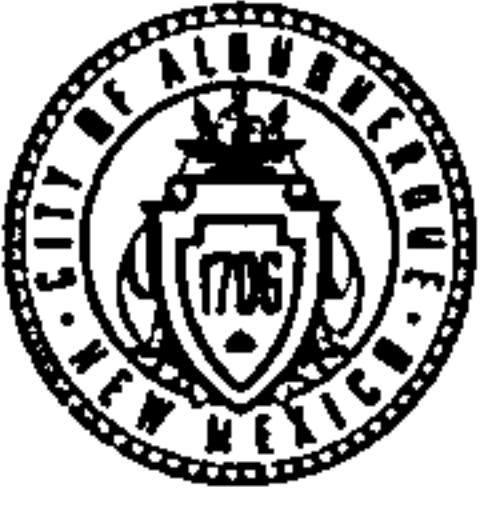
Action

Date

13-70421

P&F
1

2-6-13



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 13, 2013

Project# 1004906

13DRB-70414 SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS
13DRB-70421 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC
agent(s) for THOMAS SLATES request(s) the referenced/ above action(s) for all or a portion of
all or a portion of Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP No. 32** zoned R-1, located on
the east side of GUADALUPE TRAIL NW between GRIEGOS RD NW and MONTANO RD
NW containing approximately 2.06 acre(s). (F-14)

AMAFCA No comments received
COG No comments received
TRANSIT No comments received
ZONING ENFORCEMENT No comments received
NEIGHBORHOOD COORDINATION
APS No comments received
POLICE DEPARTMENT No comments received
FIRE DEPARTMENT No comments received
PNM ELECTRIC & GAS . No comments received
COMCAST No comments received
CENTURYLINK No comments received
ENVIRONMENTAL HEALTH No comments received
M.R.G.C.D No comments received
OPEN SPACE DIVISION No comments received
CITY ENGINEER

TRANSPORTATION DEVELOPMENT No comments received
PARKS AND RECREATION
ABCWUA
PLANNING DEPARTMENT Refer to comments from affected agencies/ Transportation Development plus any public hearing comments regarding proposed variances.

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

Lands of Simpatico
Tom and Susan Slates
5108 Guadalupe Tr. NW
Albuquerque, NM 87107
(505) 766-9165

January 9, 2013

Blake Whitcomb
CoA Attorney's Office
4th Floor - City Hall

Re: DRB #1004906

Dear Mr. Whitcomb,

We are seeking clarification of CoA Zoning Code Sec. 14-16-4-2, Special Exemptions (D) (1) as it applies to the expiration of our special exemptions. We believe that we have utilized all of our exemptions in the design, engineering, acquisition of easement and construction of our subdivision, Lands of Simpatico.

The following is a log of our actions taken since the original design variance approval on 8/3/2011:

- 8/19/2011 – DRB decision APPEALED to the Land Use Hearing Officer
- 9/26/11 – Hearing on Appeal
- 10/5/11 – DRB decision upheld
- 10/17/11 – City Council voted to ACCEPT Land Use Hearing Officer's recommendations
- 10/27/11 – Letter from City Council (copy attached) – Subdivision Approved
- 10/27/11 – Signed contract with Cartesian Surveys
- 10/28/11 – Negotiating for Title to Easement to widen road to 24 ft.
- 11/2/11 – Signed Private Road Easement Agreement
- (3/24/11) – Signed contract for professional engineering services with Thompson Engineering
- December, 2011 and January, 2012 – Engineering and Plat maps being developed
- 1/19/2012 thru 2/23/12 – Engineering drawing approvals by CoA
- 2/21/12 – Moving plants from access easement and clearing lots
- 3/7/12 – Sundance Mechanical bid received
- 3/19/12 – Preliminary plat approval from CoA. Final plat approval deferred pending financial guarantees for infrastructure.
- 3/20/12 – Stake proposed property corners for drainage walls
- 3/22/12 – Preliminary engineer's quantity and cost estimate. City Project #634382
- 3/24/12 – Thompson Engr. plans for grading and drainage
- 3/29/12 thru 4/25/12 – Construction of drainage control walls
- 4/23/12 – Application to NM Gas Co. for mainline extension
- 4/23/12 – Application to PNM for underground service
- 5/1/12 – Signed contract with Custom Grading, Inc. as our General Contractor
- 5/10/12 – Signed Subdivision Improvements Agreement with CoA
- 5/25/12 – Pre-construction Subdivision Improvement conference on site

- 7/2/12 – Lot grading commenced
 7/9/12 thru 9/13/12 – Vinyard & Assoc. Testing Labs performed soil tests, concrete tests and compaction tests
 8/10/12 – Sundance Mechanical installed water and sewer lines and tested them
 8/13/12 – Began road construction
 9/4/12 – Gravel road surface complete; work on asphalt apron
 9/27/12 – First trash pickup after Solid Waste approval of new road
 10/3/12 – Concrete cut-off wall test failed
 10/25/12 – Final walk-through Subdivision Improvement Infrastructure and punch list
 11/1/12 – Drainage dirt excavation at 5108 per revised drainage plan
 11/2/12 – Re-gravel driveway and NE corner of 5108 for drainage
 11/5/12 – Height adjustment to 4 water meter boxes by Sundance Mech.
 12/11/12 – Concrete cut off wall replacement meets City specs
 12/11/12 – 12/14/12 – Request Thompson Engr. to get final package to Anthony Lopez with CoA for Subdivision Improvements; request to Cartesian Surveys for Final Plat Approval
 1/9/2013 – DRB Hearing, Item #6. Engineering states reapplication necessary as DRB Special Exemptions have expired.

Per our Subdivision Improvement Agreement with the CoA, our Improvement and Construction Deadline is “on or before March 3, 2013”, that being the date on which we focused throughout construction. Since we were utilizing the special exemptions, we had no reason to believe they would expire.

We believe we should not have our special exemptions voided after one year from the date approved because we have utilized the “rights and privileges granted thereby” in every aspect. We have widened our access road to 24 feet, built an asphalt apron and gravel road surface, and deleted sidewalks, all to utilize the Subdivision Design Variance as approved on 8/3/2011.

We therefore request reinstatement of all Special Exemptions issued.

Thank you for your consideration.

Sincerely,



Tom Slates
350-9816



Susan Slates



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 3, 2011

Project# 1004906

11DRB-70154 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
11DRB-70168 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC & CARTESIAN SURVEYS INC agent(s) for THOMAS SLATES request(s) the above action(s) for all or a portion of Tract(s) 118-C, 118-D, & 118-E, **MRGCD MAP 32** zoned R-1, located on GUADALUPE TR NW BETWEEN GRIEGOS RD NW AND MONTANO RD NW containing approximately 2.06 acre(s). (F-14)

At the August 3, 2011 Development Review Board meeting, the subdivision design variance was approved as shown on the Exhibit in the planning file, based on the following findings:

FINDINGS:

- (1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, and in fact would improve emergency access for this subdivision with a wider and improved surface, and the minimal 25 foot length of asphalt paving is not considered a significant impact or injurious to adjacent property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, and in fact is consistent with the zoning ordinance and the North Valley Area Plan which encourages the proposed development, and is also similar to an existing street, Bayita Lane NW, on the opposite site of Guadalupe Trail NW from the subject subdivision; and
- (3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain, but will aid in management of storm water drainage; and
- (4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements because this involves a private street; and
- (5) Varying from the normal requirements will encourage flexibility and economy in subdivision design, allowing a gravel road surface in conjunction with ponding street flow runoff in front yards.

With an approved grading and drainage plan engineer stamp dated 7/22/11 and with the signing of the infrastructure list dated 8/03/11, the preliminary plat was approved; t he

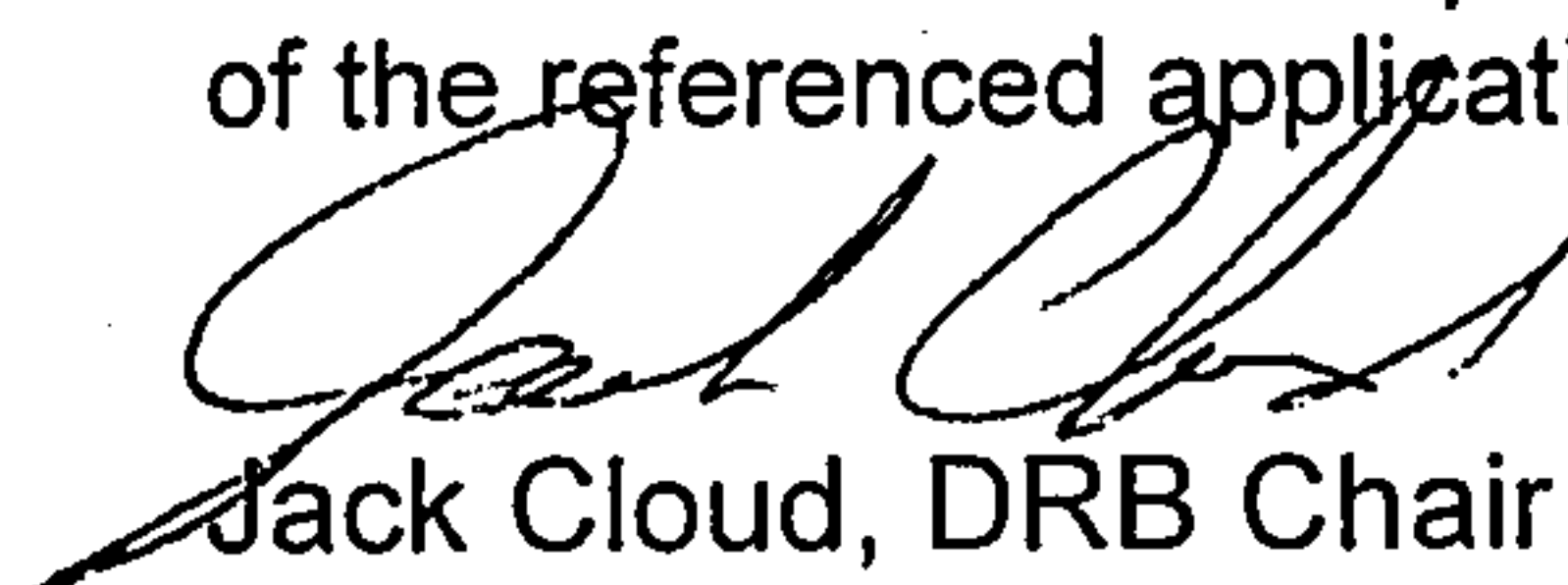
final plat was indefinitely deferred pending expiration of the appeal period and the acceptance or financial guarantee of the Infrastructure List.

If you wish to appeal this decision, you must do so by August 18, 2011, in the manner described below.

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

The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

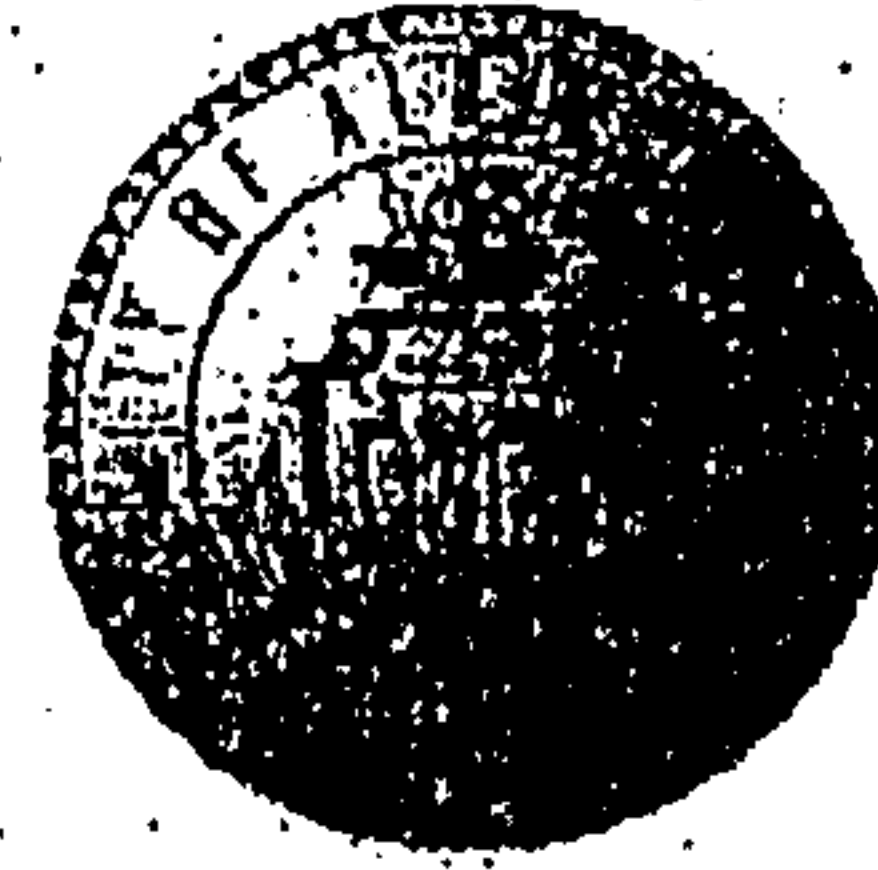
You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).


Jack Cloud, DRB Chair

Cc: Thompson Engineering Consultants – P.O. Box 65760 – Albuquerque, NM 87193
Cc: Thomas Slates – 5108 Guadalupe Trail NW – Albuquerque, NM 87107
Cc: Cartesian Surveys Inc. – P.O. Box 44414 – Albuquerque, NM 87174
Cc: Jennifer Ramo – 5105 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Emily Maclead – 5110 Guadalupe Tr. NW, Albuquerque, NM 87107
Cc: Dennis Plummer – 5112 Guadalupe Tr. NW, Albuquerque, NM 87107

Marilyn Maldonado
File

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1004096

AGENDA ITEM NO: 13

SUBJECT:

ENGINEERING COMMENTS:

Subdivision Design Variance from DPM
Materials

Hydrology prefers the road and parking areas to be gravel, since this subdivision will be ponding street flows in front yards.

Sidewalk Waiver

Hydrology defers to Transportation and Planning.

Easement Variance

Hydrology defers to Transportation and Planning.

PO Box 1293

Plat Approval

Hydrology received the Grading and Drainage plan yesterday. It is currently being reviewed.

Albuquerque

An Infrastructure List is required to include walls required for drainage.

NM 87103

RESOLUTION COMMENTS:

www.cabq.gov

SIGNED:

DATE: 6-29-11

Curtis Cherie
Hydrology Section
City Engineer Designee
AMAFA Designee
924-3986

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1004906

AGENDA ITEM NO: 13

SUBJECT:

FINAL PLAT
PRELIMINARY PLAT
SUBDIVISION DESIGN VARIANCE

ENGINEERING COMMENTS:

Provide approval from the fire marshal and solid waste for the proposed roadway layout, including the turnarounds.

An infrastructure list will be required.

Gravel Roadway: due to the overall drainage needs for this area, Transportation Development has no objection to the use of gravel versus asphalt for this roadway.

RESOLUTION:

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

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

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

SIGNED:

Kristal D. Metro
Transportation Development

505-924-3991

DATE: JUNE 29, 2011

LAND USE HEARING OFFICER'S RECOMMENDATION

City of Albuquerque

APPEAL NO. AC-11-03

Project No. 1004906

11DRB-70154

11DRB-70168

EMILY MACLEOD, Appellant,

TOM SLATES, Party Opponent.

1 I. PROCEDURAL BACKGROUND

2 This is an appeal of a decision of the City of Albuquerque Development Review Board
3 (DRB) approving a minor subdivision and design variances for road width, paving, and sidewalks
4 on the single roadway providing access into the subdivision. I find that decision is well supported
5 by a preponderance of the evidence in the record. For the reasons explained in detail below, I
6 recommend that the City Council deny this appeal.

7 On June 3, 2011, Tom Slates, the developer and applicant submitted an application to the
8 DRB for their review of his proposed subdivision. The DRB held three public hearings regarding
9 Mr. Slates' proposed subdivision. At the first public hearing on June 29, 2011, the DRB heard
10 testimony from area residents. The DRB voted to defer its decision on the proposed subdivision
11 until the developer submitted additional detail regarding infrastructure and water/sewer availability.
12 At its next public hearing on July 27, 2011, the DRB took up Mr. Slates' subdivision proposal. The
13 DRB heard additional testimony from area residents, from the developer, and from his project
14 engineer. At the DRB public hearing, the Appellant submitted a petition signed by over 40 residents
15 opposing the development. The petition was included in the record of this appeal. After some

1 discussion from DRB members regarding the three part variance request, the DRB asked the
2 developer to amend the infrastructure list. The DRB then deferred a decision on the application
3 until the August 3, 2011 hearing. At the third and final public hearing the DRB again opened the
4 floor to additional testimony from area residents and from the developer. After discussion regarding
5 the variances, the DRB approved the subdivision and the design variances.

6 On August 16, 2011, Emily MacLeod filed her timely appeal to the City Council. The City
7 Council referred the appeal to this Land Use Hearing Officer for a recommendation. A Land Use
8 Appeal Hearing was held on September 26, 2011. At the appeal hearing, parties were sworn in and
9 testimony was heard, and I accepted and included in the record additional evidence which clarifies
10 the record.

11 12 **II. STANDARD OF REVIEW**

13 A review of an appeal is a whole record review to determine if the DRB erred:

- 14 1. In applying adopted city plans, policies, and ordinances in arriving at the decision; or
- 15 2. In the appealed action or decision, including its stated facts; or
- 16 3. In acting arbitrary, capriciously or manifestly abusive of discretion.

17 The decision and record must be supported by a preponderance of the evidence to be upheld.
18 The Land Use Hearing Officer may not substitute his judgment for that of the DRB. The Land Use
19 Hearing Officer's opinion is advisory to the City Council. The Land Use Hearing Officer may
20 recommend that the City Council "grant, in whole or in part, an appeal, deny, in whole or in part, an
21 appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement

1 the record, or if the remand would expeditiously dispose of the matter.”¹

2
3 **IV. DISCUSSION**

4 Appellant makes a two prong attack on the proposed subdivision. First she takes a general
5 position that the number of homes in the subdivision will have a harmful effect on the neighborhood.
6 In addition, she claims that the variances approved by the DRB lack supporting evidence that they
7 will not be “injurious” to the neighborhood. The Appellant’s general appeal claims regarding density
8 are taken up first and then I will discuss at length Appellants more specific claims concerning the
9 variances.

10 **A. *Density of Subdivision***

11 The Appellant generally contends that the density of the proposed subdivision is too high for
12 the area— that there are too many homes for the size of the subdivision. Without pointing to any rule,
13 regulation, or ordinance, Appellant vaguely argues that the density is injurious to the historic district
14 which abuts the subdivision’s road entrance. I find that the proposed subdivision satisfies the zoning
15 requirements for density. Its density is permitted by the R-1 zoning at this location. Despite its
16 proximity to the Los Griegos Historic District, the seven new lots at this site are allowed under the
17 Zoning Ordinance and under the Subdivision Regulation.

18 The proposed subdivision contains approximately 2.06 acres of land. It is located on the East
19 side of Guadalupe Trail Road, between Griegos Road and Montano Road, N.W. The proposed
20 subdivision is zoned R-1 under the standards of the City’s Zoning Code, §14-16-2-6. In an R-1 zone,

¹ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

1 minimum lot sizes in the subdivision must be 6,000 square feet. See §14-16-2-6(D)(1). There is no
2 dispute from any party that each of the proposed seven new lots within the subdivision do not satisfy
3 the minimum lot size of 6,000 square feet required—they do.

4 Because there are only seven proposed lots, the subdivision qualifies as a “minor
5 subdivision.” The City of Albuquerque Subdivision Regulation distinguishes two types of
6 subdivision of land, providing a different review process for each. In this matter, the DRB correctly
7 concluded that Mr. Slates proposal was a “minor subdivision.” A minor subdivision is defined as:

8 “[a]ny subdivision:

9 (1) Within the city or the city's extraterritorial jurisdiction:

10 (a) **Creating not more than ten lots on any single lot which existed three**
11 **years previously; and**

12 (b) **Not requiring installation of any significant infrastructure; and**

13 (c) **Not containing any lots which do not front on a street; but**

14 (d) **Including plats which only combine lots and terminate easements created**
15 **by plat where it is clear that all benefited and burdened parties agree to the**
16 **easement termination; and**

17 (2) **Within the city's extraterritorial jurisdiction and qualifying as a "land**
18 **division" as defined by the Bernalillo County Subdivision Ordinance; and**

19 (3) **Not adversely affecting the remainder of the parcel or adjoining property.”**

20 (Emphasis added).

21
22 City of Albuquerque Subdivision Regulation, §14-14-1-6.

23 Accordingly, the densities proposed in the subdivision are permissive and do not conflict
24 with the Subdivision Regulations or with the Zoning Code. Moreover, the proposed subdivision
25 satisfies the City's in-fill policy. I find nothing irregular in how the DRB handled this application
26 with respect to the actual subdivision and replatting for lots that satisfy the City's requirements.

27 ***B. Variances***

28 The DRB approved variances regarding the single existing roadway that is to be utilized for
29 access in and out of the subdivision. The roadway currently exists as a dirt road. Apparently, without

1 improvements the roadway is 17.5 feet wide from Gaudalupe Trail Rd. extending 103 feet East and
2 the remaining 410 feet East is 22 feet wide. The road currently serves five existing dwellings and
3 it will serve a total of twelve at full capacity. The record reflects that the road is a private easement
4 and it will remain a private easement when construction is completed.

5 The DRB granted a variance to the developer from having to pave the entire length of the
6 road. In doing so, the DRB approved improvements to the road with road type gravel on all but the
7 first 25 feet of the road from Guadalupe Trail Road.² The DRB also granted a variance to the
8 developer waiving traditional curb, gutter, and sidewalks. Finally, the DRB granted a variance for
9 the width of the roadway from 46 feet (which is required of new roads) to 24 feet.³

10 Pursuant to §14-14-6-3 of the City's Subdivision Regulations, the DRB has the express
11 authority to approve a variance, (or a number of them) to a minor subdivision if:

- 12 (1) The variance *will not be injurious to the public safety, health or welfare,*
13 *or to adjacent property, the neighborhood or the community;* and
14 (2) The variance will not conflict significantly with the goals and provisions
15 of any city, county, or AMAFCA adopted plan or policy, the applicable
16 zoning ordinance, or any other city code or ordinance; and
17 (3) The variance will not permit, encourage or make possible undesired
18 development in the 100-year Floodplain; and
19 (4) The variance will not hinder future planning, public right-of-way
20 acquisition, or the financing or building of public infrastructure
21 improvements; and
22 (5) One or more bases listed in §14-14-6-1 applies. (Emphasis added).

23 The Appellant appeals the variance which has the effect of widening the road to 24 feet and
24

² Note that the developer requested a variance for the paving of the first 25 feet of the road from Guadalupe Trail Rd. The developer requested the he be allowed to use a three inch base rather than the required six inch base paving. The DRB denied that request and required a six inch base.

³ Notably, the developer will have to actually widen the existing roadway to satisfy the width variance approved by the DRB.

1 the variance which requires that the developer pave only the first 25 feet of the roadway from
2 Guadalupe Trail Rd.⁴ She believes that widening and paving the front 25 feet will “significantly
3 impact the historic road.”⁵ Appellant also believes that paving the entry to the subdivision is
4 inconsistent with the “historic values” of the neighborhood. Finally, Appellant claims that “no
5 evidence was presented to prove lack of injury to the neighborhood or community.”⁶ The Appellant
6 did not raise complaints about the variance waiving sidewalks, curb, and gutter. Appellant
7 essentially wants the road to remain unimproved. It is clear from the record that approximately 150
8 feet of the subdivision road borders the Los Griegos Historic District. In addition, the record also
9 demonstrates that Appellant’s home is in the historic district as well.

10 The record reflects that the DRB gave much time and discussion to the road and to the
11 variances. In fact, the two deferrals in the record were the result of the developer providing to the
12 DRB insufficient information regarding the variances and their impacts on the area. At the third
13 public hearing the DRB made several findings relating to the variances. In its August 3, 2011 written
14 decision, the DRB summarized its findings.⁷

15 In support of its findings the DRB debated whether or not the subdivision road should be
16 paved, with sidewalks. In debating this issue, the record demonstrates that the DRB weighed the
17 effects of paving the entire roadway verses a graveled roadway. All DRB members agreed that the

⁴ Appellant’s home is situated at the North-Eastern corner of Guadalupe Rd. and the subdivision road and it abuts the subdivision road on her Southern boundary.

⁵ See page 35 of the record.

⁶ See page 3 of the record.

⁷ See Page 8 of the Record.

1 roadway should have a gravel surface, except for the entry way which should be paved.⁸ It was
2 determined that the "overall drainage needs for this area" necessitated a non-impervious roadway
3 and pedestrian walkway rather than paving and sidewalks.⁹ The DRB unanimously agreed that the
4 subdivision and surrounding areas encompasses existing problems with storm-water drainage issues
5 of which adding impervious street paving and sidewalks would compound the existing flooding and
6 drainage problems. I find that the approved variances are rationally related to the flooding and
7 drainage problems. The Appellant did not rebut any of the DRB findings regarding the flooding
8 problems.

9 The DRB also compared the improvements encompassed in the variances with similar
10 roadways in the area and determined that the minor improvements to the road (25 ft. of paving,
11 widening 7.5 ft. and a gravel surface) would not be injurious to the character of the neighborhood
12 because other similar roadways existed nearby. I find nothing irrational, arbitrary or capricious about
13 the compromises approved by the DRB. Nor do I find that the DRB misused its discretion to
14 conduct a comparative analysis in the manner it did. There is a mix of road types in the immediate
15 vicinity of the proposed subdivision.¹⁰

16 The DRB also found that widening the existing roadway from 17.5 ft. and 22 ft. to 24 ft.

⁸ The DRB required paving the 25 feet entry because paving would mitigate the impact of gravel intruding on Guadalupe Trail Rd. See Page 38 of the record.

⁹ See Page 17 of the record. Discussion of Transportation Development Engineer, Kristal Metro. See also Page 30 of the record where DRB engineer, Kristal Metro said: "Hydrology does prefer the road and parking areas to be gravel due to the ponding of street flows..."

¹⁰ The DRB found that Rosalee Rd., Pablito Ln., and Bayita Ln. are similar in character to the subdivision road in that they are either dirt or gravel. It also found that these roads, as well as a portion of Guadalupe Trail Rd. does not have curb and gutter.

1 consistently down the entire length of the roadway will improve emergency access and access in
2 general to the additional seven new households.¹¹ The DRB also took into its consideration, the
3 North Valley Area Plan, a City rank two plan in effect regarding the subject area. The DRB
4 concluded that the variances do not significantly conflict with the policies of the Plan—which is the
5 second prong of the variance analysis of §14-14-6-3.¹² The North Valley Area Plan is included in
6 the record and I can find no conflicts in the Plan with the components of the subdivision or with the
7 variances approved by the DRB.

8 Although, Appellant claims in her appeal that widening the road would have a harmful effect
9 on her and on the alleged “historic road,” she failed to articulate what that harmful effect is other
10 than increased traffic on the subject roadway. However, increased traffic is a secondary effect of the
11 development in the subdivision and has nothing to do with the variances. Presumably, traffic would
12 be at the same level regardless of any improvements to the road. And, as stated above, the
13 subdivision proposal satisfied the City’s Subdivision Regulations regarding lots sizes, density, and
14 number of new lots.

15 Appellant’s claim that the subject private roadway is a historic road and deserves protection
16 from any changes is unsupported by the record. There is no evidence that the existing 17.5 roadway
17 that abuts Appellants home has any historic value. Appellant has not pointed to any policy, rule,
18 regulation, ordinance, or historic overlay protection that requires any level of preservation of the
19 subject private roadway from improvements. Moreover, in the record is the “*National Register of*
20 *Historic Places Inventory–Nomination Form, Historic Resources of Albuquerque’s North Valley*”

¹¹ See Finding Number 1, Official Notice of Decision, page 8 of the record.

¹² Id at Finding No. 2.

1 in which identifies only certain residences with historic significance. Roadways are not identified
2 or included in the inventory. There being no evidence that the road should not, or cannot be
3 improved, the DRB was free to use its reasonable discretion. I find that the road improvements
4 approved by the DRB were minimally necessary to handle the light but increased traffic generated
5 from an additional seven households the road will service with the permitted subdivision.¹³

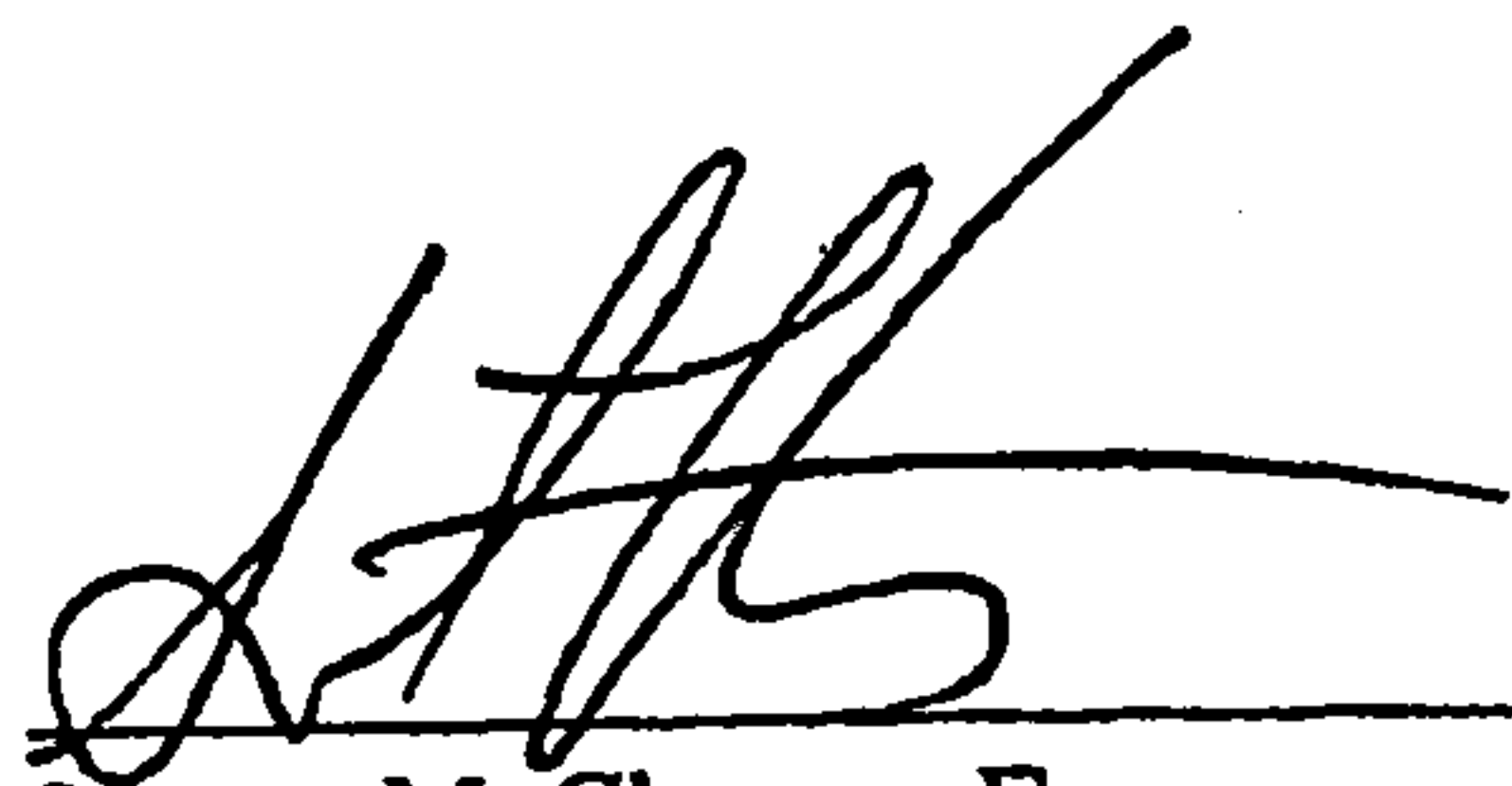
6 I also find that there is no evidence in the record that the DRB "dismissed" the "historic
7 values of the area." Indeed, each of the approved variances are rational compromises to preserving
8 the rural character of the neighborhood while addressing the harmful effects of flooding and a
9 increase of traffic. The preponderance of the evidence in the record supports a finding that the DRB
10 acted with great caution, taking into account the opposition and the area character. As indicated
11 above, the DRB held three public hearings on this application and I find there was considerable
12 discourse on these issues specifically with regard to the variances. And, although Appellant asked
13 that I recommend this matter be remanded to the DRB, I can find no good basis to do so. The record
14 demonstrates that the DRB allowed ample time in each of the three hearings for testimony and
15 contemplation of the issues.

16 Moreover, I can find no evidence in the record that the DRB "dismissed" the petitions as the
17 Appellant claims. I find that this claim is speculative at best. I do note for the record that the
18 petitions in the record only demonstrate a vague opposition to the improvements. They include no
19 reasons for the opposition. A quasi-judicial body has authority to weigh the significance of
20 opposition (petitions) depending on the facts and circumstances. If the DRB gave the petitions little
21 weight (of which there is no evidence) it may be because of the vague language in them. I find

¹³ Note that a traffic study is not generally required with a minor subdivision.

1 nothing irrational about how the DRB handled the petitions. Land use decisions should never be
2 solely made on referendum. Quasi-judicial public hearing are not a contest based on what side has
3 the most proponents or opponents. Zoning and subdivision decisions must be based primarily on
4 the laws and official policies on record taking into consideration the good judgment of the experts
5 and those whom are effected. That is why the City of Albuquerque has a comprehensive zoning
6 ordinance and comprehensive subdivision regulations. The record clearly demonstrates the DRB
7 applied the applicable laws and policies rationally and accurately.

8 In conclusion, I find that the DRB acted in accordance with the laws of the City of
9 Albuquerque in approving the subdivision and in approving the variances. The Appellant has not
10 met her burden, in that she has not proven by a preponderance of the evidence in the record that the
11 DRB erred, acted arbitrary, or abused its discretion in approving the subdivision and accompanying
12 variances. Therefore, I respectfully recommend that the City Council deny the Appellant's appeal
13 in full.

14
15 
16 _____
17 Steven M. Chavez, Esq.
18 Land Use Hearing Officer
19

10-5-2011
Date

**Notice of Decision
City Council
City of Albuquerque
October 27, 2011**

AC-11-3 Project #1004906 - 11DRB-70154 Subdivision Design Variance from Minimum DPM Standards - 11DRB-70168 - Minor - Preliminary/Final Plat Approval - Emily MacLeod, Appeals the Development Review Board's Approval for All or a Portion of Tract(s) 118-C, 118-D, & 118-E, MRGCD MAP 32 Zoned R-1, Located on the East Side of Guadalupe Trail NW Between Griegos Rd NW and Montano Rd NW Containing Approximately 2.06 acres

Decision

On October 17, 2011, by a vote of 8 FOR, 1 AGAINST, the City Council voted to accept the Land Use Hearing Officer's findings and recommendation to deny the appeal.

Against: Garduño

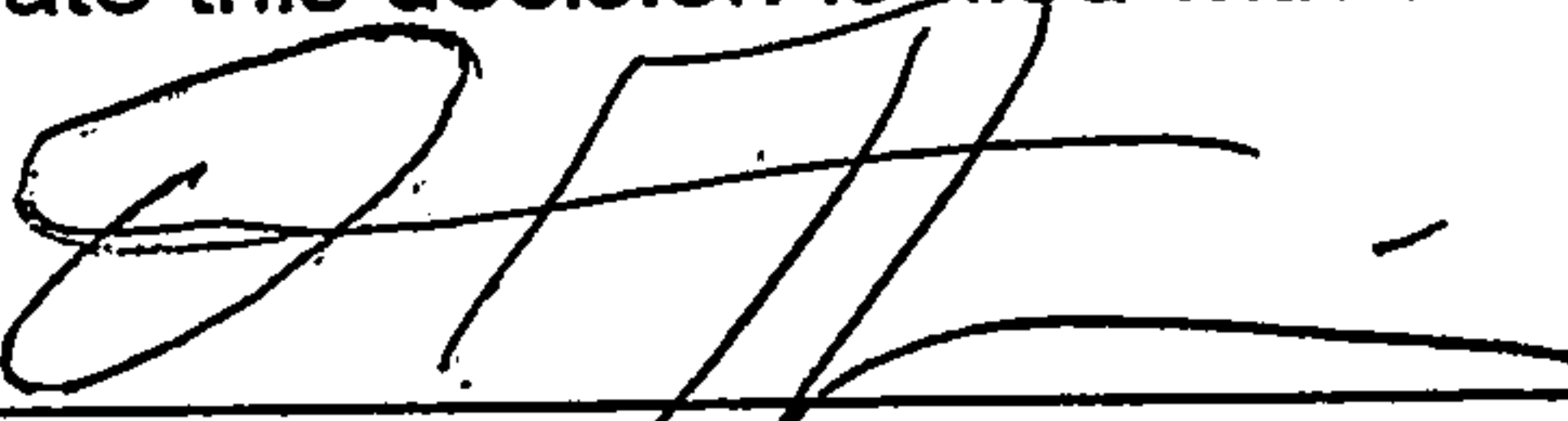
IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED.

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the October 17, 2011 City Council meeting


Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Don F. Harris, President
City Council

Date: 11/1/11

Received by: 

City Clerk's Office

Date: 11/2/11

October 12, 2011

The following comments were provided to the City Council by Council staff for the October 17, 2011 Council meeting.

AC-11-3 Appeal of DRB's Subdivision Design Variance

{ACCEPT OR REJECT}

SUMMARY: The property is located in the North Valley. The issue involves a short dirt private road off of Guadalupe Trail. The road is named "Pedro's Place." The road is currently 17½ feet wide for part of its length and 22 feet wide for the remainder of its length.

There are currently five dwellings served by Pedro's Place. The applicant for the variance intends to subdivide three of the lots currently served by the road so that Pedro's Place will serve twelve lots. Under the City's Design Process Manual a twelve lot subdivision is required to be served by a 28 foot wide roadway with asphalt paving. In addition there must be four foot wide sidewalks on either side of the roadway. A 46 foot wide easement is also required.

The applicant sought and obtained a variance from the DRB that the roadway and easement need only be 24 feet wide. In addition the applicant received a variance providing that the roadway be gravel and not paved and with no requirement for sidewalks.

In order to prevent gravel from coming off Pedro's Place and ending up on Guadalupe Trail the DRB required that the first 25 feet of Pedro's Place next to Guadalupe Trail be paved.

The appellant challenges the density of the development and the variances that have been granted. The appellant is not seeking a 24 foot wide paved roadway with sidewalks. The appellant wants to maintain Pedro's Place in its current condition without any widening, without gravel, without sidewalks and without the 25 feet of asphalt at the start of the road.

Legal Standard: This variance procedure is within the Subdivision Ordinance and has different standards from those in the Zoning Code. The DRB Decision includes all of the required findings.

First, the proposal must meet one of several requirements. Here the DRB found that the variance was appropriate as a case:

Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

14-14-6-1(A)(1).

Second, the DRB must make the following additional findings:

(1) The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community; and

(2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted

plan or policy, the applicable zoning ordinance, or any other city code or ordinance; and

(3) The variance will not permit, encourage or make possible undesired development in the 100-year Floodplain; and

(4) The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

In this appeal in order to reverse the DRB, the Council must find that the DRB erred:

(a) In applying adopted city plans, policies, and ordinances in arriving at the decision;

(b) In the appealed action or decision, including its stated facts;

(c) In acting arbitrarily or capriciously or manifestly abusive of discretion.

Appellant's Position: (1) The Appellant argues that the variances will be injurious to adjacent property because of increased development and the change to Pedro's Place. (2) The Appellant argues that the variances are in conflict with adopted city plans; the Los Griegos Historic District.

Response: (1) The response of Planning is that the variance actually reduces injury because it allows for a much lower impact change to Pedro's Place than what would be required without a variance. (2) A small portion of Pedro's Place, near Guadalupe Trail, is in the historic district. The historic district does not deal with infrastructure such as roads but is "substantially architectural."

LUHO RECOMMENDATION: The LUHO recommends upholding the decision of the DRB, finding that the DRB decision was well supported. The LUHO finds that density is allowed under the zoning (R-1), and that the variances reduce the injurious impact that would result from complying with the development requirements of the DPM. The LUHO also finds that the variances are not in conflict with the Los Griegos Historic District.

COUNCIL OPTIONS:

1) A vote to accept the LUHO's Findings and Recommendation will deny the appeal and allow the variances.

2) A vote to reject the Findings and Recommendation of the LUHO means the matter will be set for hearing before the City Council.

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 1-18-13
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 2-13-13
Date Preliminary Plat Expires: 2-13-13
DRB Project No.: 1004906
DRB Application No.: _____

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

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
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. The 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 the approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
			Paving						
		24' wide	2" Residential Paving Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	25 Feet East of Guadalupe Road	/	/	/
		24' wide	2" Gravel Surfacing over 6" Base Course and 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

NOTES


Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER

David B. Thompson
NAME (print)


Thompson Engineering Consultants, Inc.
FIRM

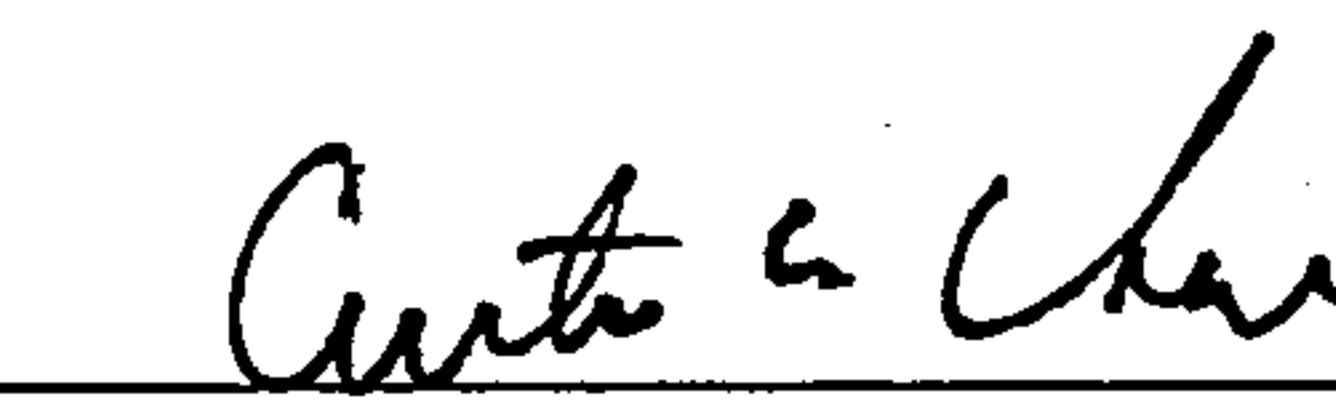
 1-18-13
SIGNATURE Date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

 2-13-13
DRB CHAIR Date

 02/13/13
TRANSPORTATION DEVELOPMENT Date

 02/13/13
UTILITY DEVELOPMENT Date

 2-13-13
CITY ENGINEER Date

 2-13-13
PARKS & GENERAL SERVICES Date

AMAFCA Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER



#1

DRB PUBLIC HEARING SIGN IN SHEET

Project #: 1004906

Date: 2-13-13

NAME: Candice Knight

ADDRESS: Los Griegoa N.A. 1858 Griegoa Rd NW ZIP: 87107

NAME: Nicholas Polubacich

ADDRESS: 5033 Buckalup Trail NW ZIP: 87107

NAME: Helvi

ADDRESS: _____ ZIP: _____

NAME: _____

ADDRESS: _____ ZIP: _____

NAME: _____

ADDRESS: _____ ZIP: _____

NAME: _____

ADDRESS: _____ ZIP: _____

NAME: _____

ADDRESS: _____ ZIP: _____

NAME: _____

ADDRESS: _____ ZIP: _____

PROJECT

1004906

App #

13-70414

Action

SDV

Date

2-13-13

ft gravel

road wall

Gravel T

approval
+ traffic

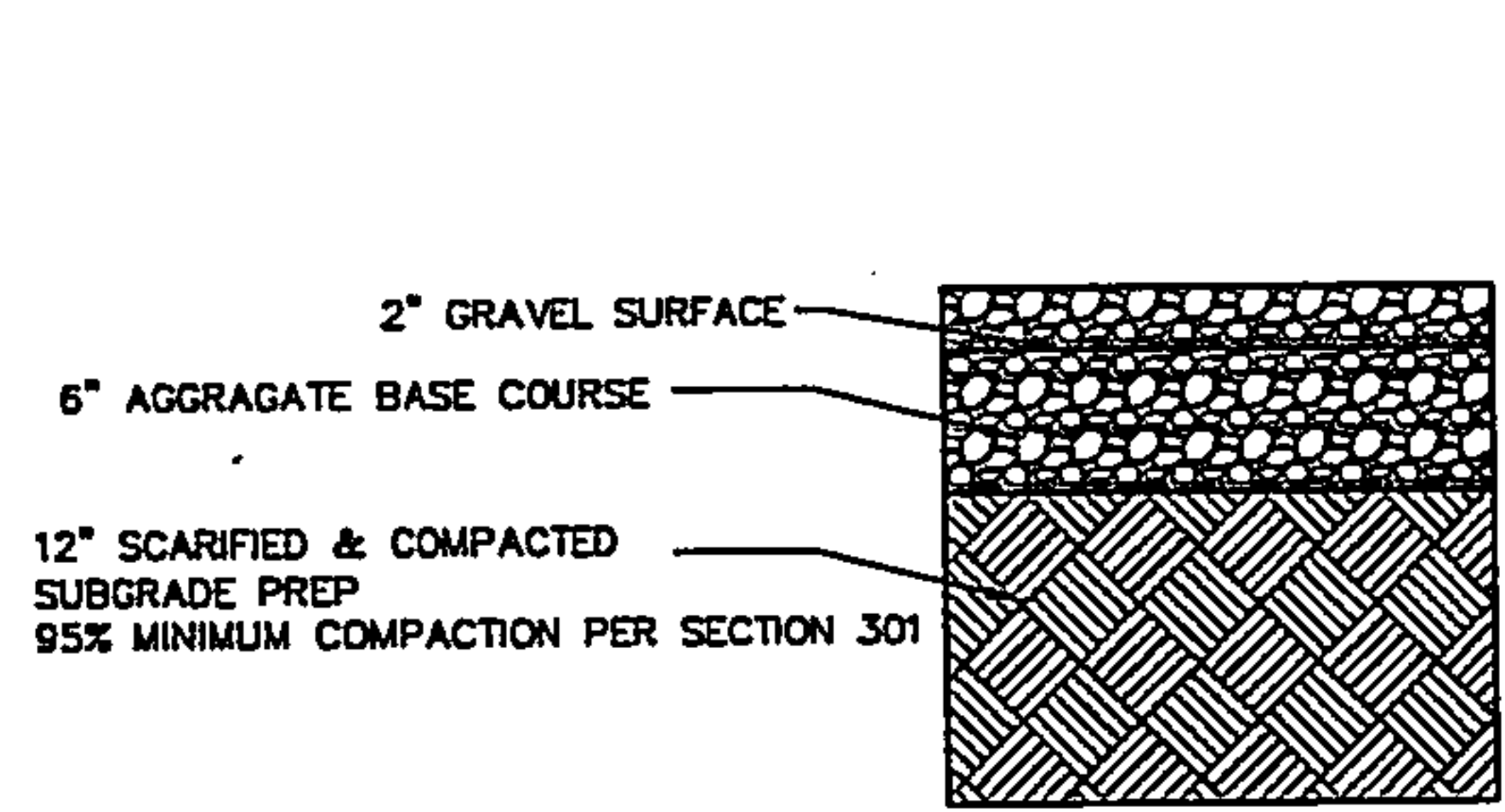
lit
+ New

curb
+ user friendly?

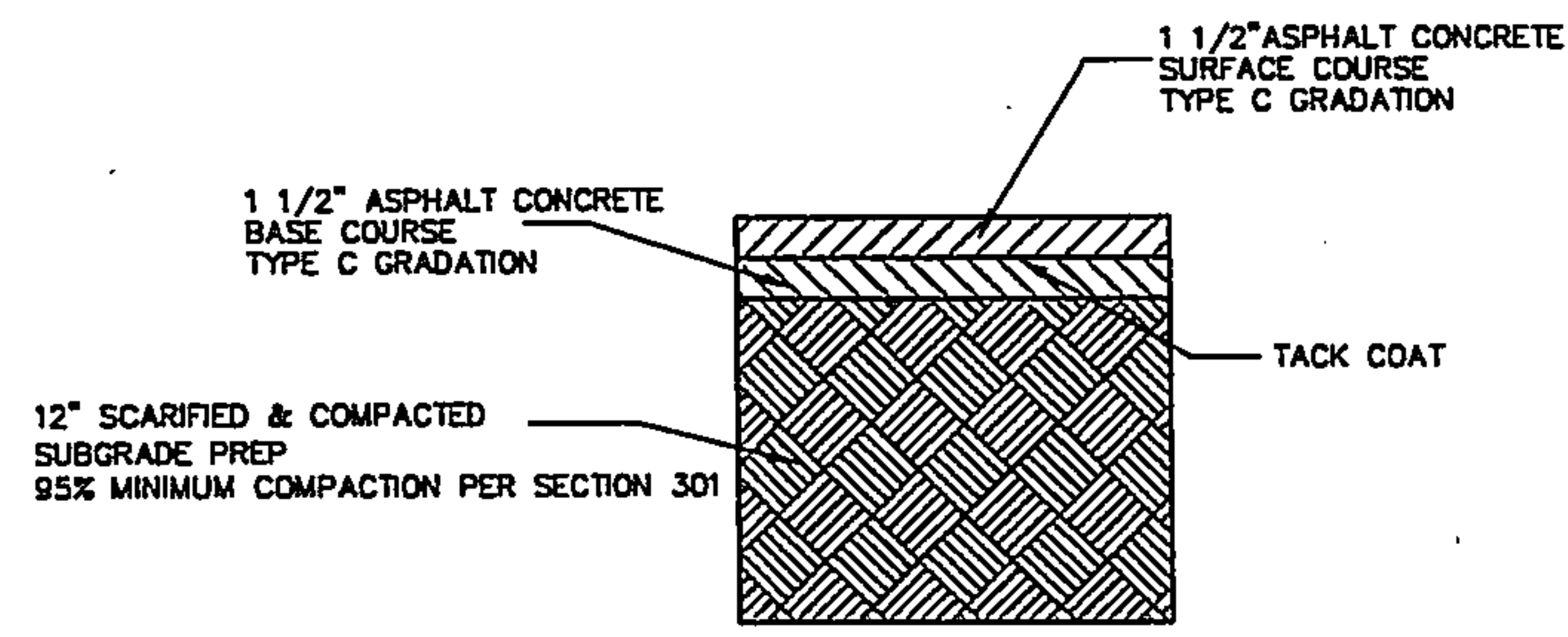
roadway

curb
+ cars

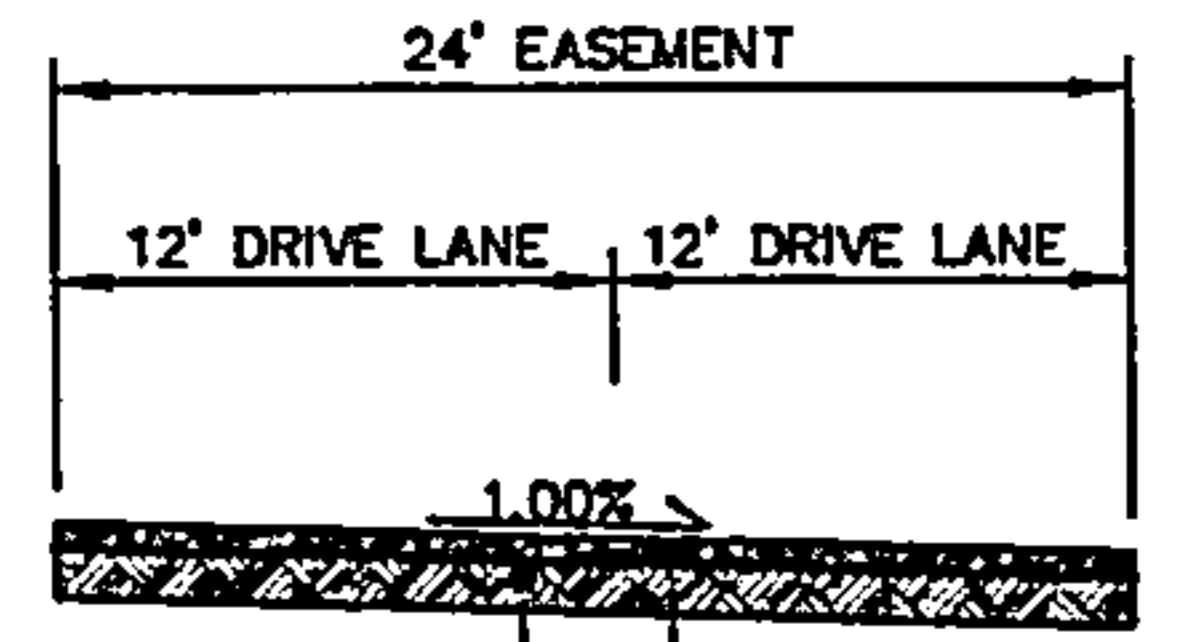
post see?
+ seal?



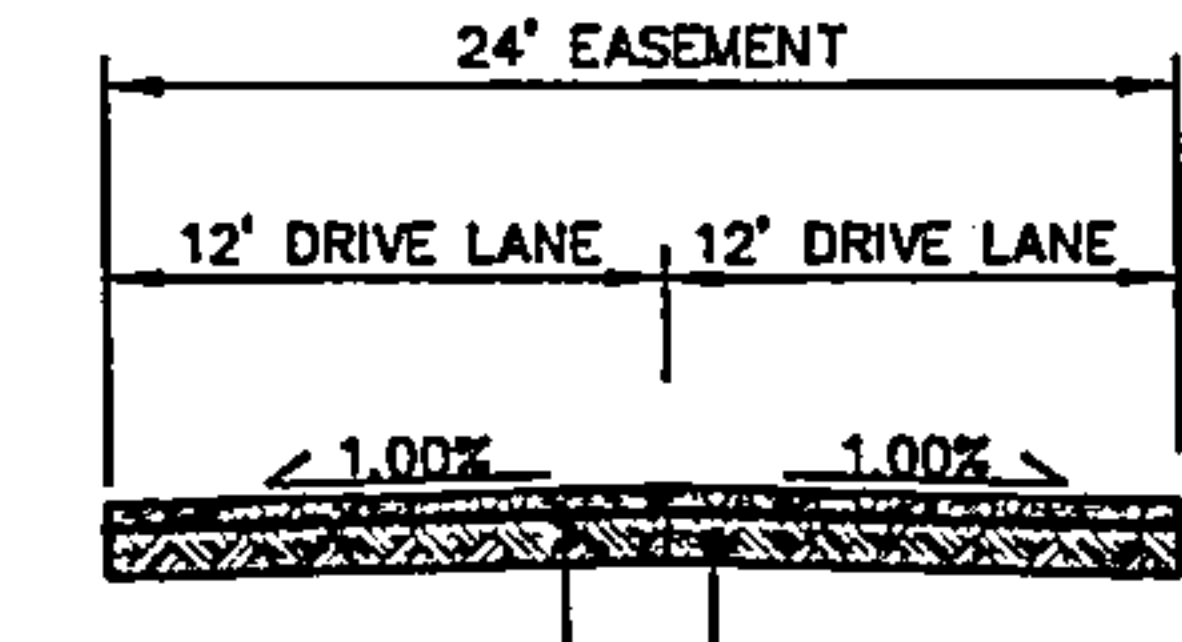
GRAVEL ROAD SECTION
NTS



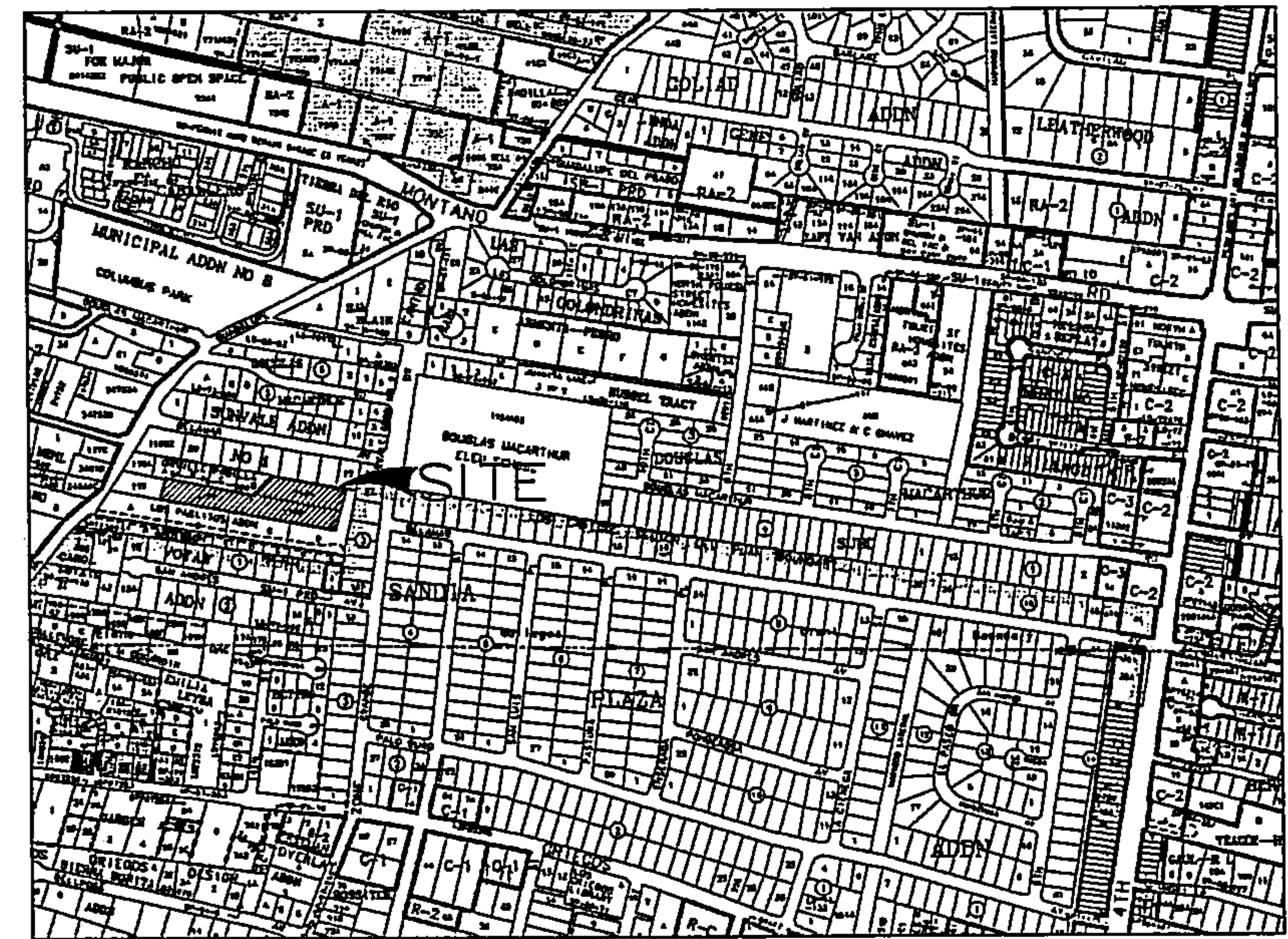
ASPHALT ROAD SECTION
NTS



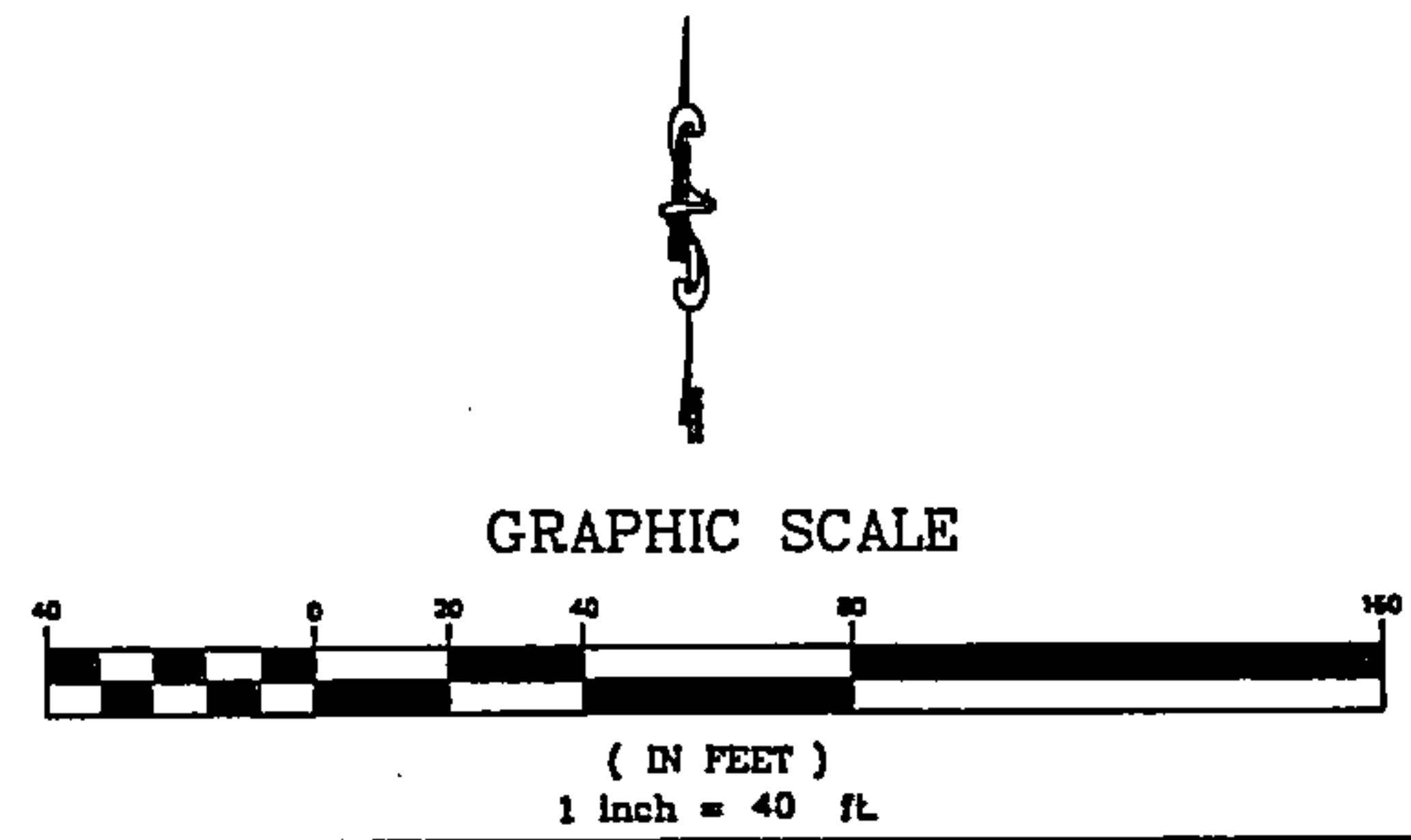
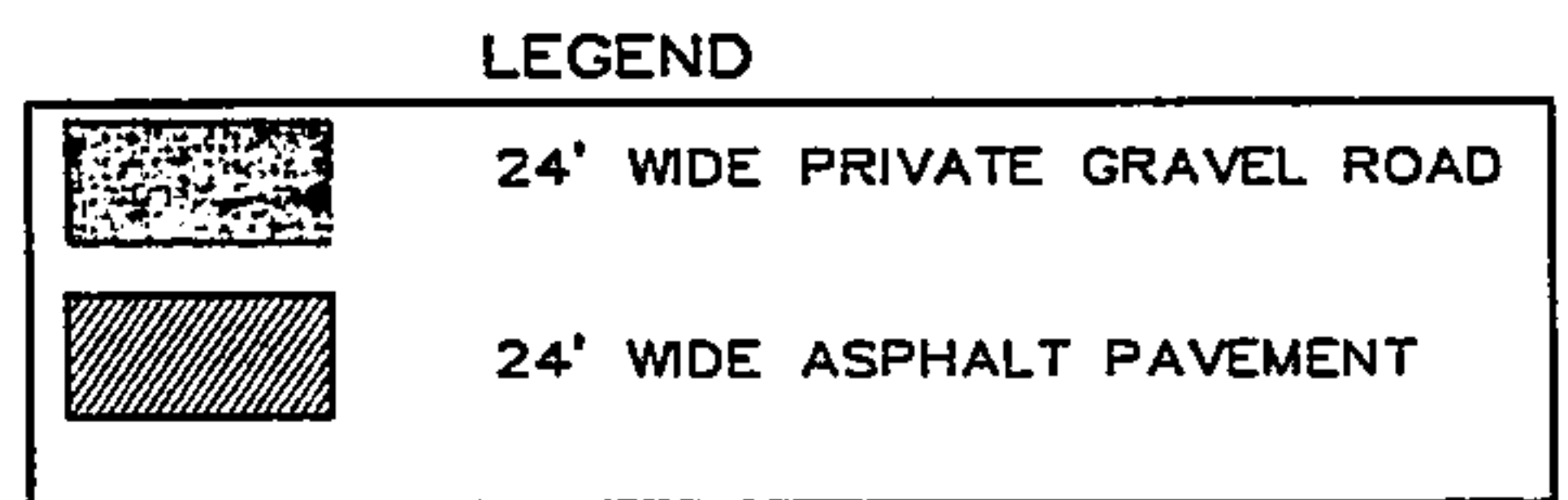
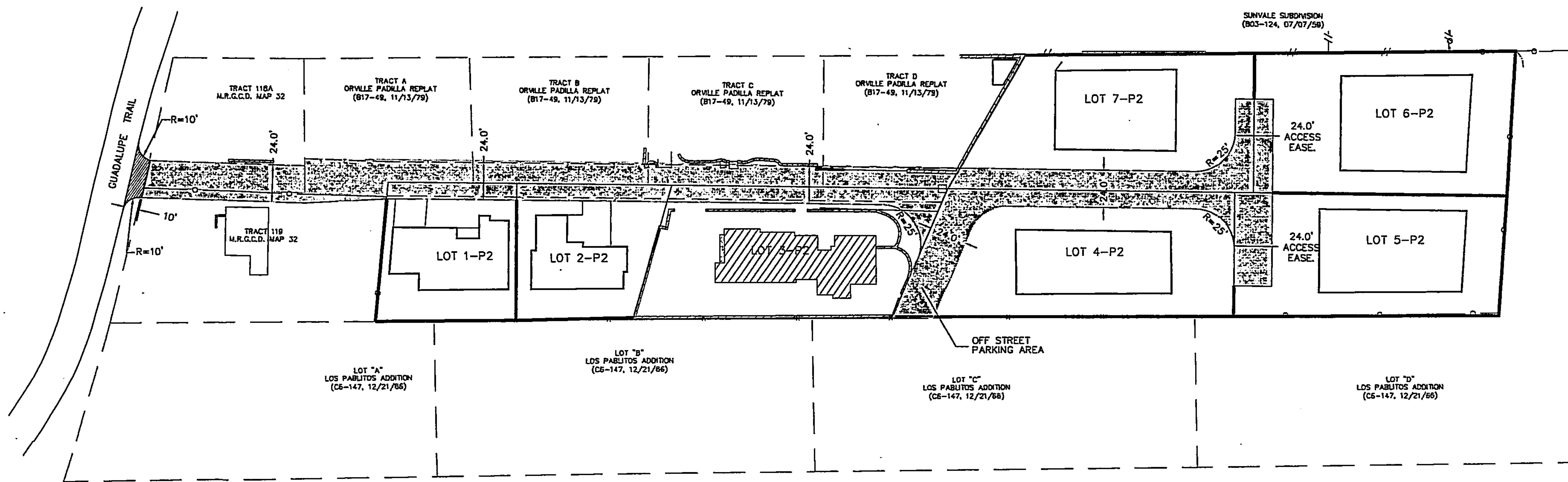
ACCESS EASEMENT
TYPICAL SECTION
NTS
FOR LOTS 1 - 3



ACCESS EASEMENT
TYPICAL SECTION
NTS
FOR LOTS 4 - 7



ZONE ATLAS: F-14



		P.O. BOX 55750 N.W. 130th St. ALBUQUERQUE, NM 87113	
NO.	REVISION	BY	DATE
PROJECT:		DRAWN BY:	DEM
DATE:		CHECKED BY:	
HORIZ. SCALE:		APPROVED BY:	
VERT. SCALE:		FILE:	
CITY/COUNTY REVIEW DEPARTMENT: WASTEWATER MGMT. DIV. WATER SERVICES SUBDIVISION ENG. STREETS TRAFFIC			
LOTS 1 - 7 LANDS OF SIMPATICO DESIGN VARIANCE EXHIBIT			
SHEET No. 1 of 1			

Current DRC
Project Number:

634382

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 7-29-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 8-3-11
Date Preliminary Plat Expires: 8-3-12
DRB Project No.: 1004906
DRB Application No.: _____

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

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cust Engineer
			Paving						
		24' wide	2" Residential Paving Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	Guadalupe Road	25 Feet East of Guadalupe Road	/	/	/
		24' wide	6" Gravel Surfacing Over 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P. E.	
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
		1' High	Solid Perimeter Wall	1040 Feet			/	/	/
		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

NOTES

Street lights per City requirements

- 1) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 2) Waterlines include valves, fittings and services
- 3) Sanitary Sewer Lines include manholes and services
- 4) Wall certification from registered engineer required prior to release of financial guarantees
- 5) Add Signage per DRC

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

SIGNATURE

Date

DRB CHAIR

Date

TRANSPORTATION DEVELOPMENT

Date

UTILITY DEVELOPMENT

Date

CITY ENGINEER

Date

PARKS & GENERAL SERVICES Recreation Date

AMAFCA

Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

Current DRC
Project Number:

Figure 12

Date Submitted: 1-18-13
 Date Site Plan Approved: _____
 Date Preliminary Plat Approved: _____
 Date Preliminary Plat Expires: _____
 DRB Project No.: 1004906
 DRB Application No.: _____

INFRASTRUCTURE LIST
(Rev. 9-20-05)

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

LOTS 1-7, LANDS OF SIMPATICO
PROPOSED NAME OF PLAT

TRACTS 118-C, 118-D, AND 118-E, MRGCD MAP NO. 32
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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		24' wide	2" Gravel Surfacing over 6" Base Course and 12" Compacted Sub-Grade	Guadalupe Road Cul-de-Sac	25 Feet East Of Guadalupe Road	Lots 5 & 6	/	/	/
			Utilities						
		6"	Water Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P. E.	
		<u>Util. (cont.)</u>							
		8"	Sanitary Sewer Line	Guadalupe Road Cul-de-Sac	Lot 3	Lots 5 & 6	/	/	/
		<u>Drainage</u>							
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		1' High	Solid Side Lot Line Wall	360 Feet			/	/	/

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- 5) Add Signage per DRC

AGENT/OWNER

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM


SIGNATURE

1-19-13
Date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR _____ Date

PARKS & GENERAL SERVICES _____ Date

TRANSPORTATION DEVELOPMENT _____ Date

AMAFCA _____ Date

UTILITY DEVELOPMENT _____ Date

_____ Date

CITY ENGINEER _____ Date

_____ Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and R. THOMAS SLATES ("Developer") effective as of this ___ day of _____, 20___, and pertains to the subdivision commonly known as LOTS 1-7, LOTS OF SIMPSON and more particularly described as THE PLAT OF TRACTS 118-C, 118-D, AND 118-E OF MRGCD MAP 32.

(the "Subdivision".) The following individual lots comprise the subdivision: SEE ATTACHED LIST. [List lots by street address; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools.

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:

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AGRE F: \$17.00 M. Toulouse Oliver, Bernalillo County



- If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

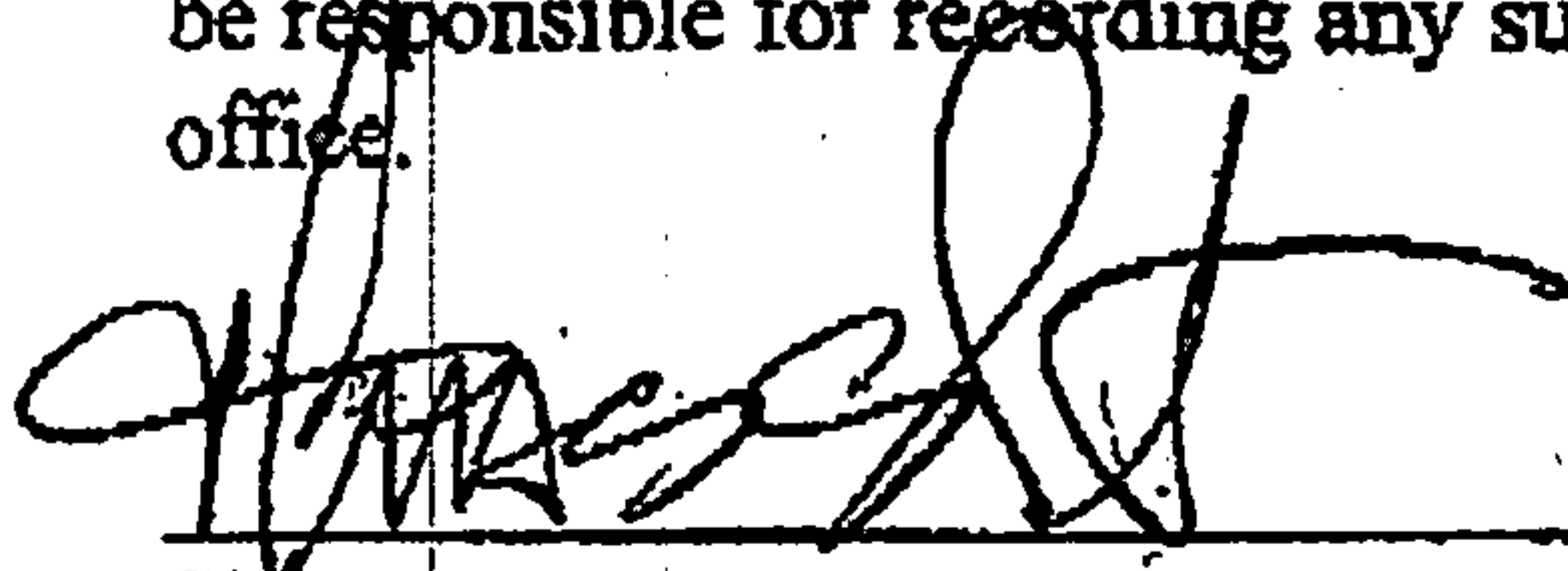
The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60%) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.



Signature

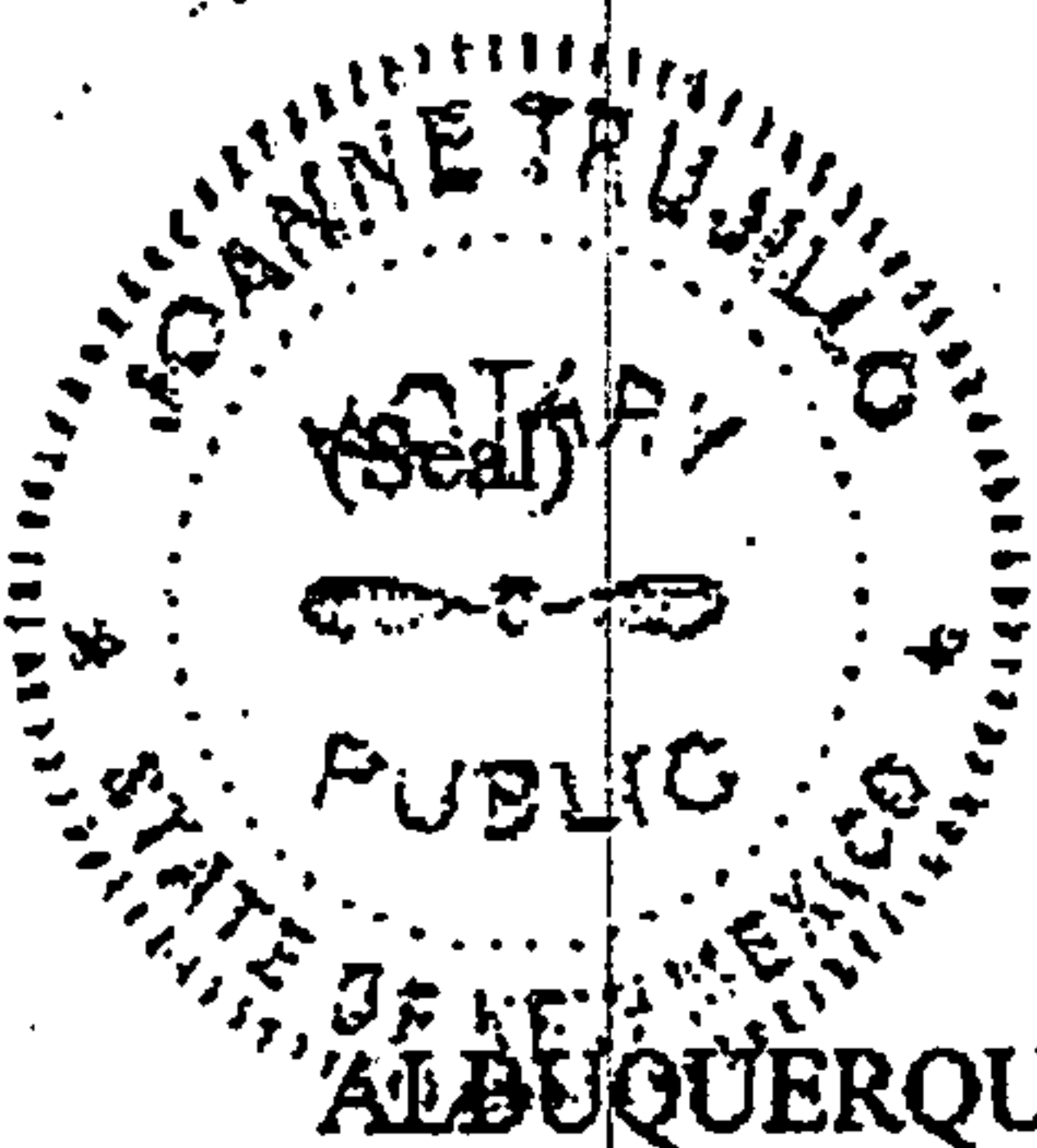
R. THOMAS SLATES

Name (typed or printed) and title **DEVELOPER**

Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 6/7/11, by R. Thomas
Slates as _____ of _____, a corporation.



Joanne Yrizarola
Notary Public

My commission expires: 9-21-14

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

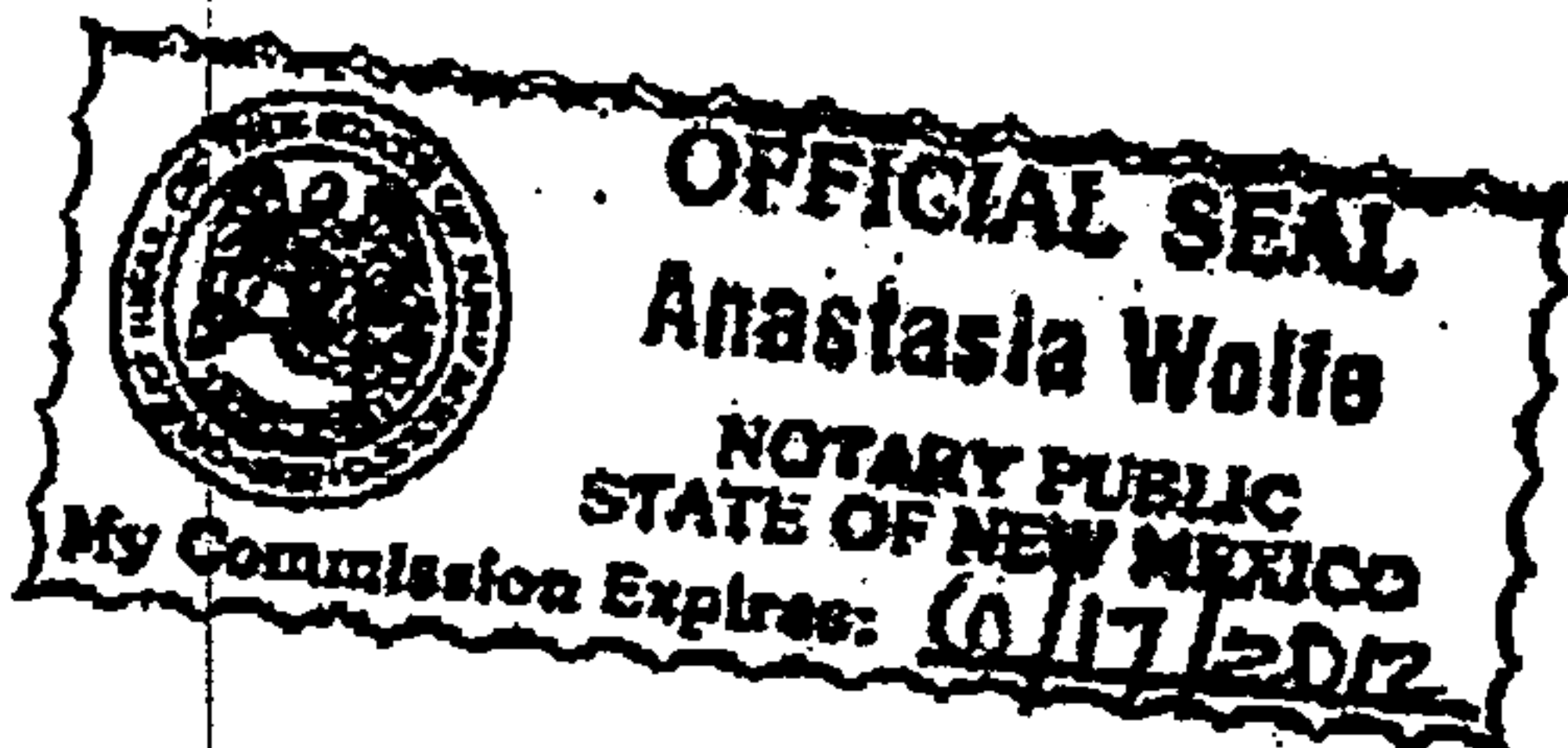
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on June 9, 2011, by April L. Winters
as Facilities Fee Planner of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

(Seal)

Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



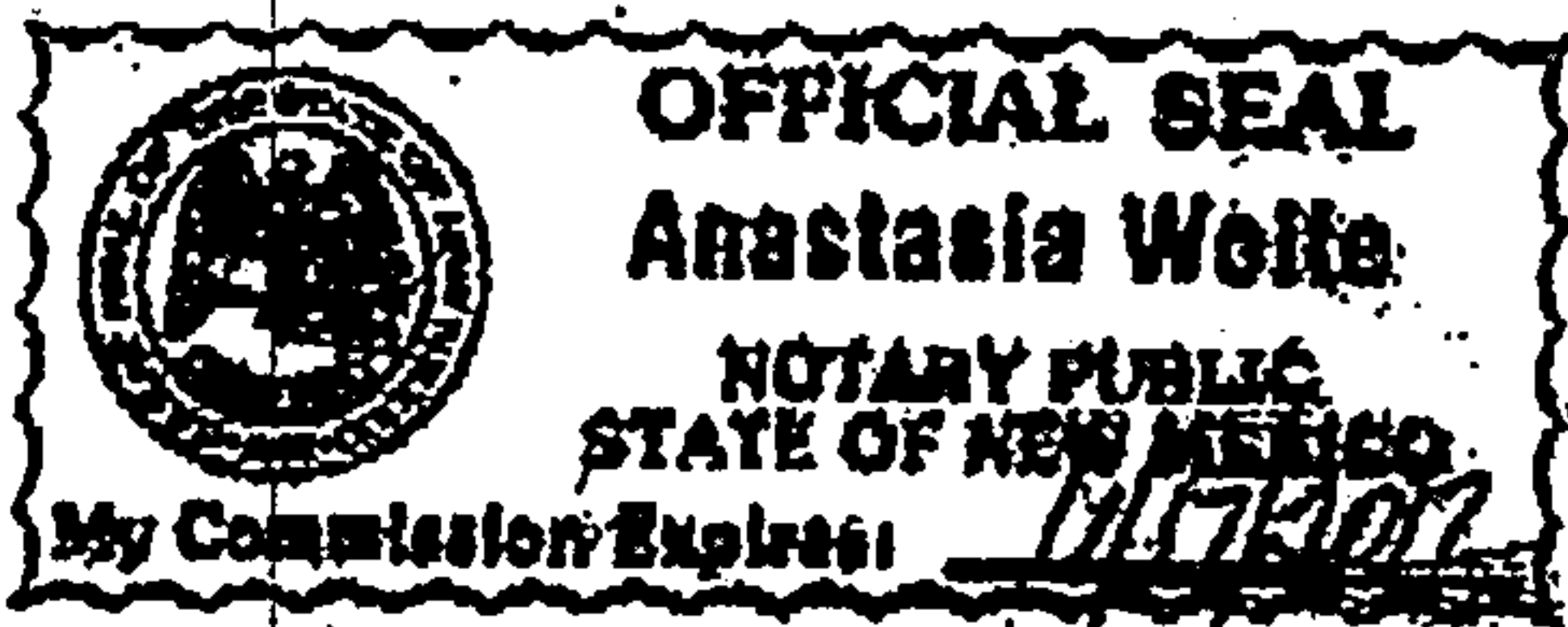
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws of the State of New Mexico.

(Seal)

Anastasia Wette

Notary Public

My commission expires: 6/17/2012



Mary K. Porter
Signature

MARY PORTER
Name (typed or printed) and title

OWNER TRACT 118C

Nancy Kinnemann
SIGNATURE

NANCY KINNEMANN

OWNER TRACT 118C

~~Developer~~

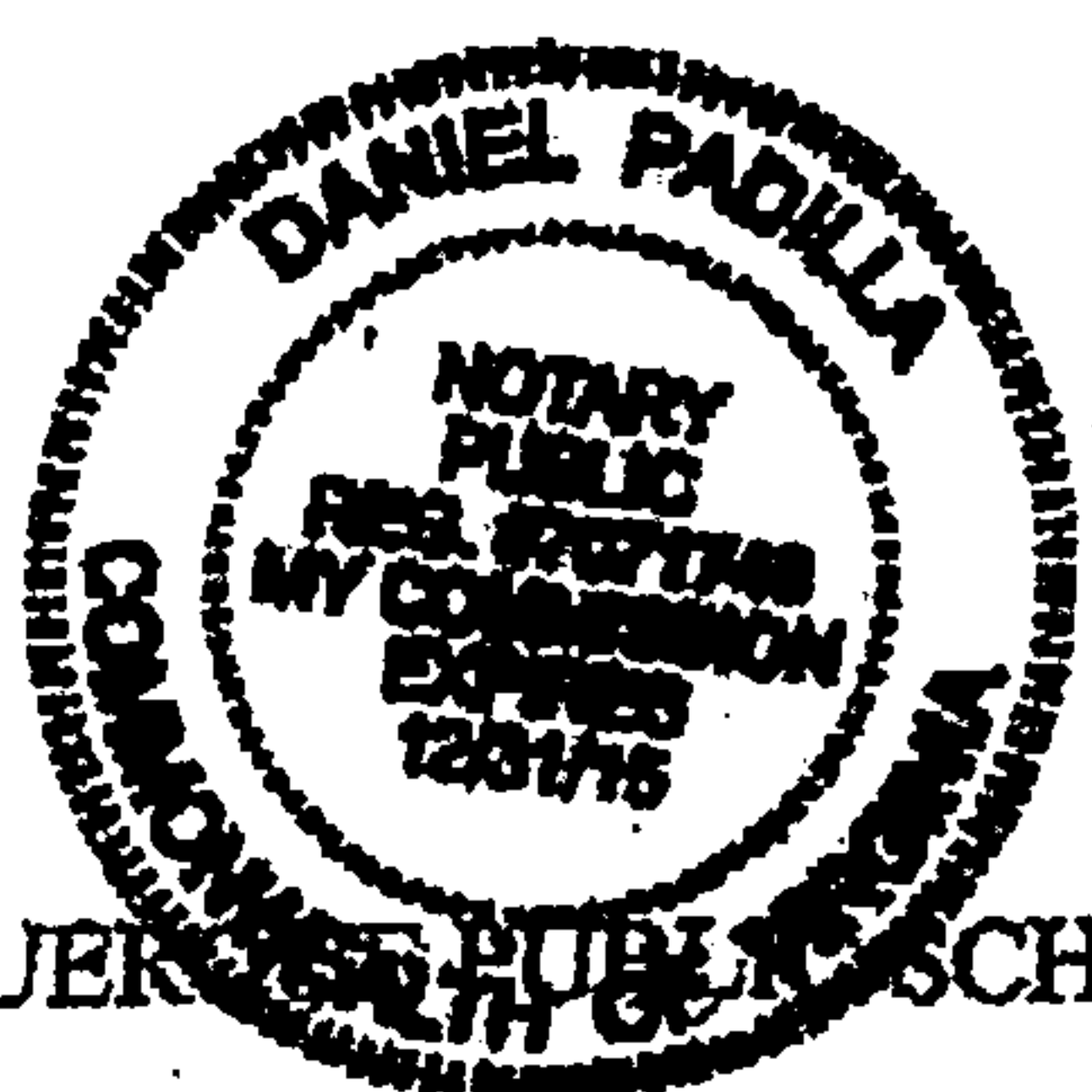
~~STATE OF NEW MEXICO~~ State of Virginia

~~COUNTY OF BERNALILLO~~ County of Fairfax

This instrument was acknowledged before me on 6-7-11, by Mary K. Porter

Nancy Kinnemann as _____ of _____, a corporation.

(Seal)



[Signature]
Notary Public

My commission expires: 12-31-15

ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO



ALBUQUERQUE PUBLIC SCHOOLS

Capital Master Plan
Expect Great Things!

Winston Brooks
SUPERINTENDENT

Pre-Development Facilities Fee (PDFF) Cover Sheet

Please drop off and pick up all Pre-Development Facilities Fee agreements at APS Capital Master Plan office. The office is located in Suite 9, 2nd Floor of the Lincoln Building at 915 Locust St SE. A map to our offices is located at: <http://apsfacilities.org/capital/map.php>

Project # (if already assigned by DRB) _____

Please check one:

Preliminary PDFF
(Preliminary PDFF are required for preliminary plat submittals.)

Final PDFF
(Final PDFF are required for final plat submittals and must be recorded prior to DRB hearing)

Waiver/Deferral
(Must provide reason for Waiver/deferral)

Project Information

Subdivision Name: Lands of Simpatico

Legal Description: Lots 1-P2 thru 7-P2

Location of Project (address or major cross streets) 5108 Guadalupe Trl NW

Proposed Number of Units 6 Single-Family _____ Multi-Family 6 Total Units

Waiver Information

Property Owner: _____ Legal Description: _____

Zoning: _____

Reason for Waiver/Deferral: _____

Contact Information

Name: Tom Slates

Company: Simpatico

Phone: 350-9816

E-Mail: _____

Please include with your submittal:

- Zone Atlas map with the entire property (ies) precisely and clearly outlined
- Copy of a plat or plan for the proposed project
- List of new legal description (e.g. lot, block) and street address for each lot (for final plat only)
- Please include project number on the top right corner of all documents

Original Legal Description:

OLD: Tract 118C MRGCD Map #32, one R-1 lot

NEW: Lot 7-P2 5128 Guadalupe Trl. NW

NEW: Lot 6-P2 5126 Guadalupe Trl. NW

(Tract 118C is jointly owned by Mary Porter and Nancy Kinnemann of Falls Church, VA. They will remain the owners of 5128 and 5126 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118D MRGCD Map #32, one R-1 lot

NEW: Lot 5-P2 5124 Guadalupe Trl. NW

NEW: Lot 4-P2 5122 Guadalupe Trl. NW

(Tract 118D is owned by Tom and Susan Slates. They will remain the owners of 5124 and 5122 Guadalupe Trl.)

Original Legal Description:

OLD: Tract 118E MRGCD Map #32, one R-1 lot

OLD: Lot 3-P2 5108 Guadalupe Trl. NW

(existing residence built in 2007)

NEW: Lot 2-P2 5106 Guadalupe Trl. NW

NEW: Lot 1-P2 5102 Guadalupe Trl. NW

(Tract 118E is owned by Tom and Susan Slates. They live at 5108 Guadalupe Trl. and will remain the owners of 5106 and 5102 Guadalupe Trl.)

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

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 10th day of May, 2012, 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 Tom and Susan Slates, husband and wife ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:], individuals, whose address is 5108 Guadalupe Trl. NW, Albuquerque, NM, 87107 and whose telephone number is 505-766-9165, 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:] Tracts 118C, 118D, and 118E, MRGCD Map 32, Sec. 32, T 11N, R3E, recorded on _____ in the records of the Bernalillo County Clerk at Book _____, pages _____ through _____ (the "Subdivision"). The Subdivider certifies that **Tract 118C** of the Subdivision is owned by **Nancy Kinnemann, a single woman, and Mary K. Porter, a single woman,** and **Tracts 118D and 118E** are owned by **R. Thomas Slates and Susan F. Slates, as Trustees under the Slates Living Trust dated August 7, 1998,** ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Lots 1-7, Lands of Simpatico describing Subdivider's Property ("Subdivider's Property").

As a result of the development of the Subdivision, the City's Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat, building permit 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 **March 3, 20 13** ("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. 634382.

Doc# 2012048021

05/11/2012 10:11 AM Page: 1 of 15
AGRE R: \$25.00 M. Toulouse Oliver, Bernalillo County



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

3. Albuquerque Bernalillo County Water Utility Authority. Pursuant to the Memorandum of Understanding between the City of Albuquerque and the Albuquerque Bernalillo County Water Utility Authority ("ABCWUA") dated March 21, 2007, the City is authorized to act on behalf of the ABCWUA with respect to improvements that involve water and sewer infrastructure.

4. 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 ("DPM"), Volume 1, Chapter 5, Work Order Process, and Figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured, or has caused to be procured, public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements, or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. If the Improvements include water and wastewater infrastructure, the insurance policy must name the ABCWUA, its employees, officers and agents, 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 thirty (30) days written notice to the City, attention City Engineer.

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

Type of Fee	Amount
Engineering Fee	3.25% of total cost
Street Excavation and Barricading Ordinance and street restoration fees	As required per City-approved estimate (Figure 7)

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

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

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

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

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

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

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

To meet the City's S.O. requirements, the Subdivider has acquired, or is able to acquire, the following "Financial Guaranty":

Type of Financial Guaranty: Not seeking final plat

Amount: \$ _____

Name of Financial Institution or Surety providing Guaranty: _____

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

If Guaranty other than a Bond, last day City able to call Guaranty is: _____

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 guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the S.O. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

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

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

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

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

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

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

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

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

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

10. Indemnification. Until the Improvements are accepted by the City, the Subdivider shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Subdivider agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the 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. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

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

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

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

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

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

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 Legal Department on this form.

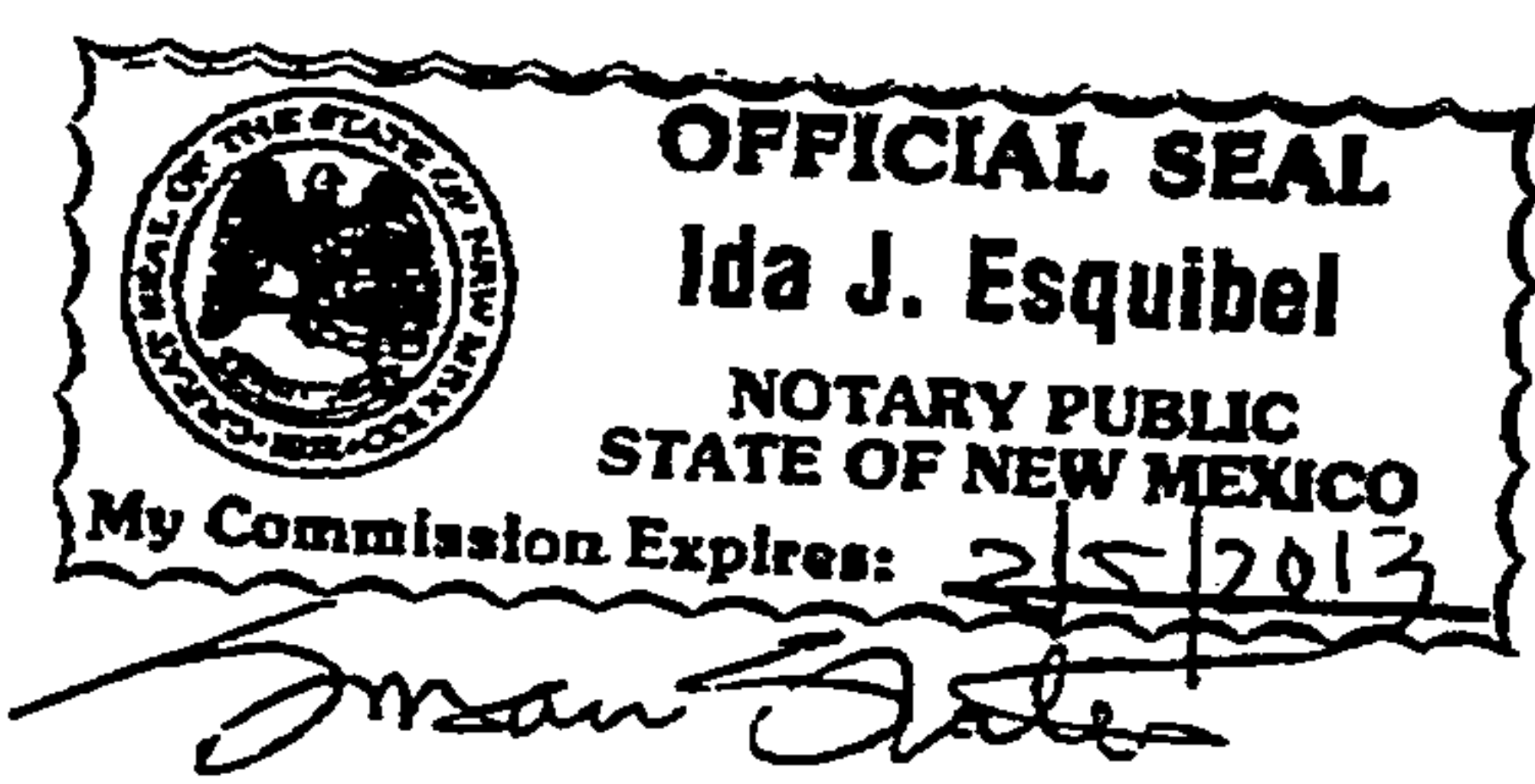
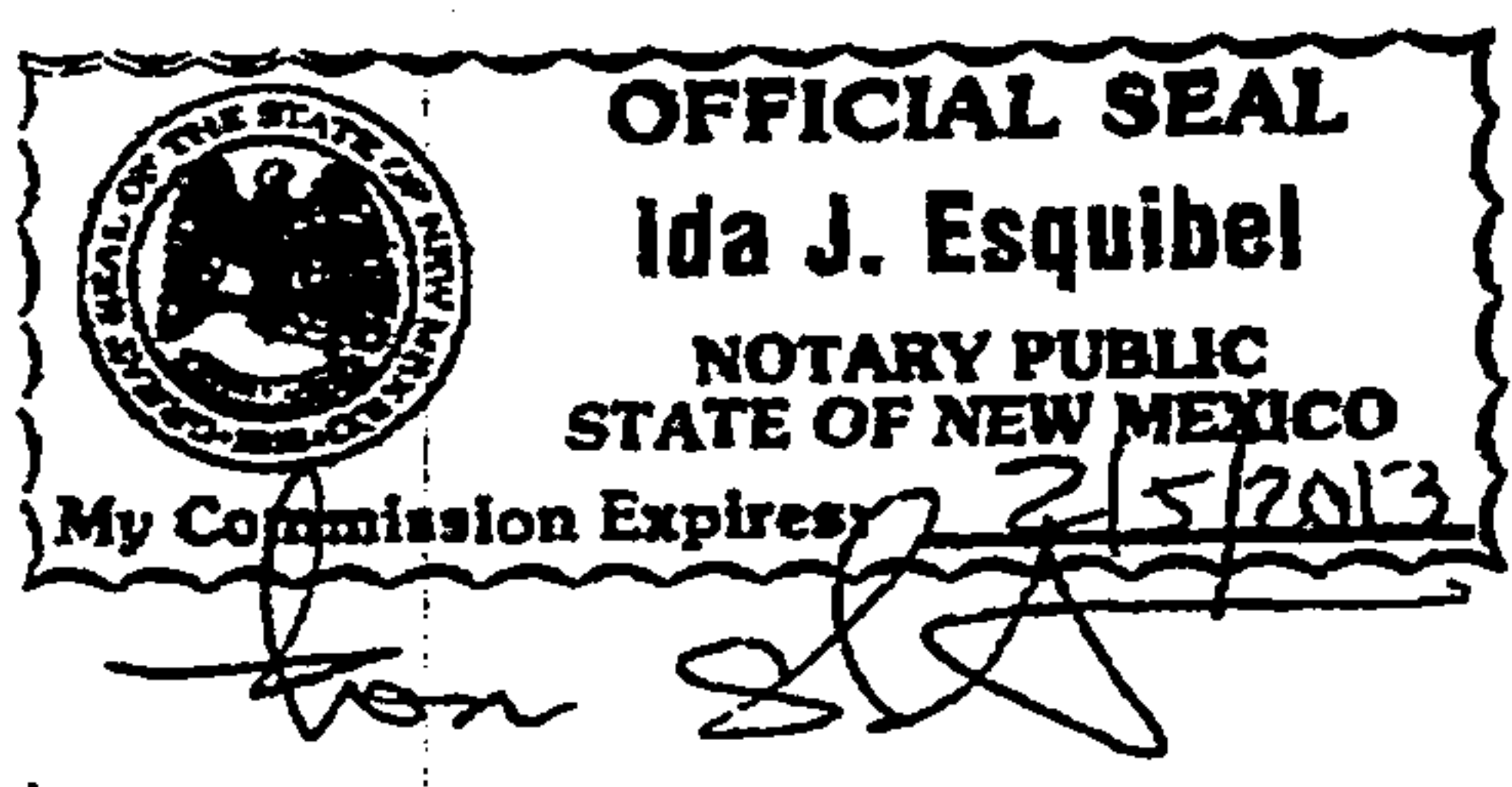
21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

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

SUBDIVIDER: Tom and Susan Slates
By [Signature]: [Signature]
Name [Print]: TOM SLATES
By [Signature]: [Signature]
Name [Print]: SUSAN SLATES
Title: Individuals
Dated: 2/17/2012

CITY OF ALBUQUERQUE
By: [Signature]
Richard Dourte, City Engineer
Dated: 5-10-12

[Signature] 5-9-12



SUBDIVIDER'S NOTARY

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

This instrument was acknowledged before me on this 17th day of February, 2012
by [name of person:] Tom Slates and Susan Slates, [title or capacity, for instance,
"President" or "Owner":] Individuals of
[Subdivider:] Tom and Susan Slates, husband and wife

(SEAL)

[Signature]
Notary Public

My Commission Expires: 2/5/2013

[Signature]

CITY'S NOTARY

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

This instrument was acknowledged before me on this 10th day of May, 2012,
by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf
of said corporation.

(SEAL)

[Signature]
Notary Public

My Commission Expires:

[Signature] 10-07-12

[EXHIBIT A ATTACHED]
[2 POWERS OF ATTORNEY ATTACHED IF SUBDIVIDER
IS NOT THE OWNER OF THE SUBDIVISION]



POWER OF ATTORNEY

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

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

[State name of present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] **the Slates Living Trust dated August 7th, 1998** ("Owner"), of [address:] **Tracts 118D and 118E, MRGCD Map 32** [City:] **Albuquerque**, [State:] **New Mexico** [zip code:] **87107**, hereby makes, constitutes and appoints [name of Subdivider:] **Tom and Susan Slates** ("Subdivider") as my 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 me 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 Engineer 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: the Slates Living Trust dated August 28, 1998

By [Signature: *[Signature]*] Dated: 2.17.2012

Name[Print]: R. Thomas Slates, Title: Trustee

By [Signature: *Susan F. Slates*] Dated: 2/17/12

Name[Print]: Susan F. Slates, Title: Trustee

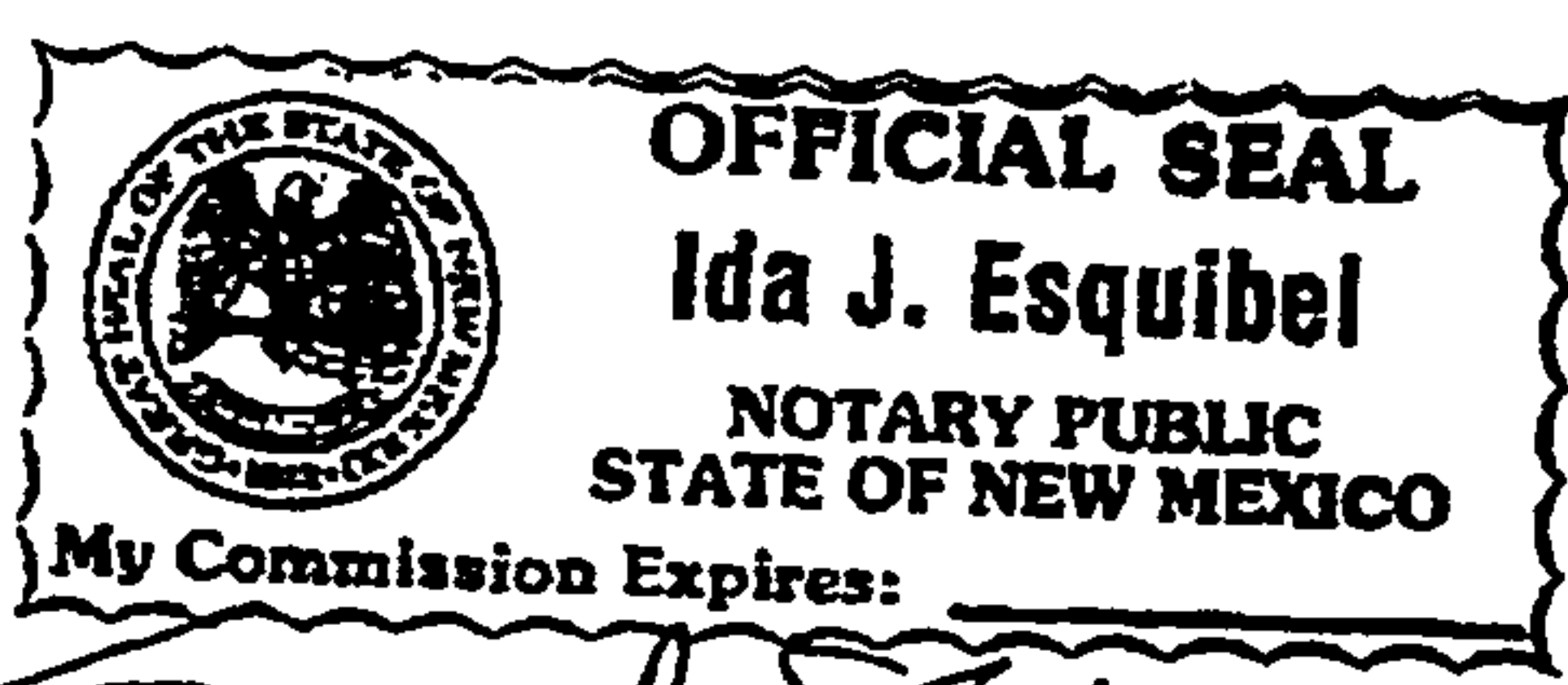
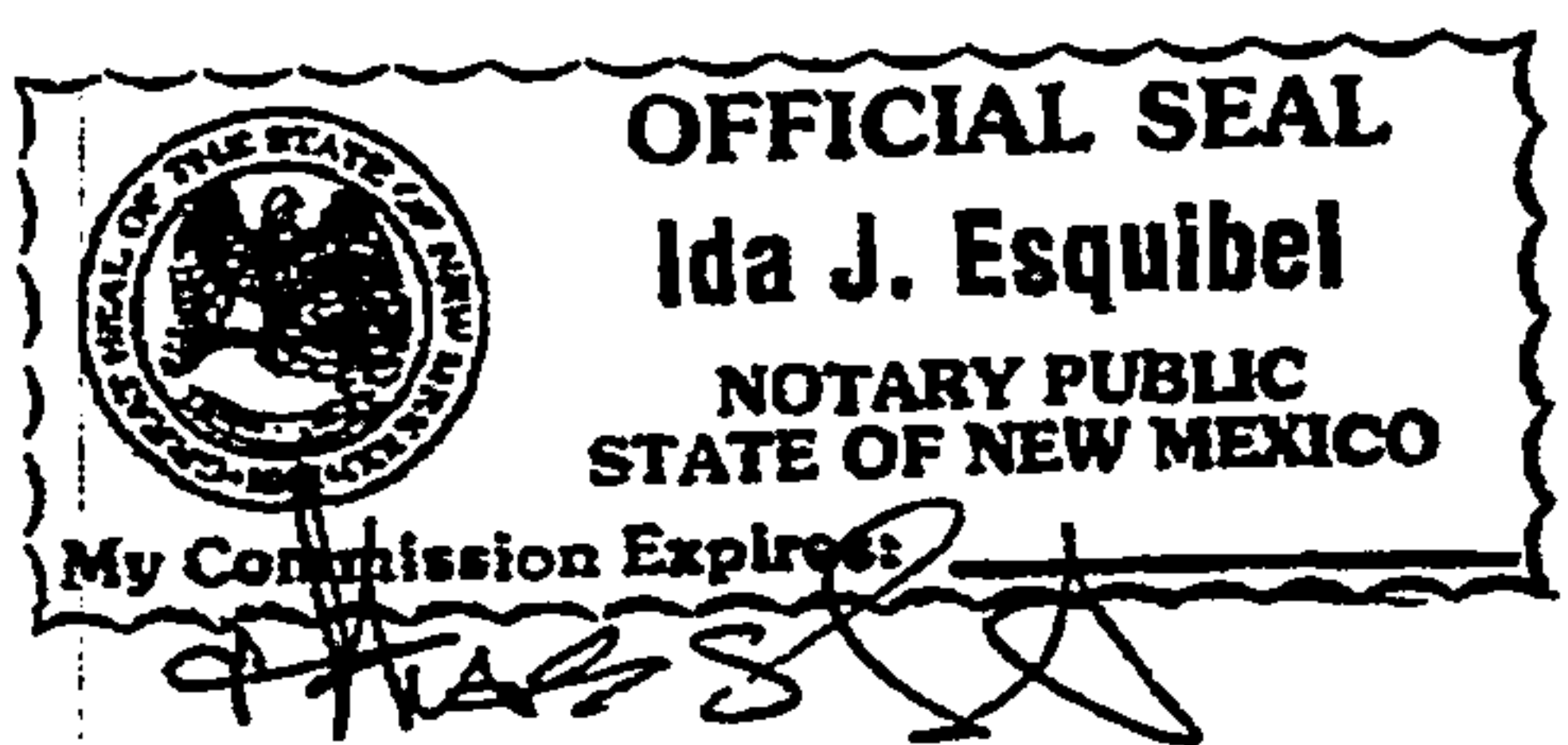
The foregoing Power of Attorney was acknowledged before me on _____, 20__ by [name of person:] R. Thomas Slates and Susan F. Slates, [title or capacity, for instance "President":] Trustees of [Owner:] the Slates Living Trust dated August 28, 1998 on behalf of the Owner.

(SEAL)

[Signature]
Notary Public

My Commission Expires: 2/5/2013

[Signature]



Susan F. Slates

POWER OF ATTORNEY

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

STATE OF VIRGINIA)
) ss.
COUNTY OF Fairfax)

[State name of present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] **Nancy Kinnemann, a single woman and Mary K. Porter, a single woman** ("Owner"), of [address:] **Tract 118C, MRGCD Map 32** [City:] **Albuquerque**, [State:] **New Mexico** [zip code:] **87107**, hereby makes, constitutes and appoints [name of Subdivider:] **Tom and Susan Slates** ("Subdivider") as my 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 me 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 Engineer 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: Nancy Kinnemann and Mary K. Porter

By [Signature:]: Nancy Kinnemann Dated: 2-16-12

Name[Print]: Nancy Kinnemann, Title: Owner

By [Signature:]: Mary K. Porter Dated: 2-16-12

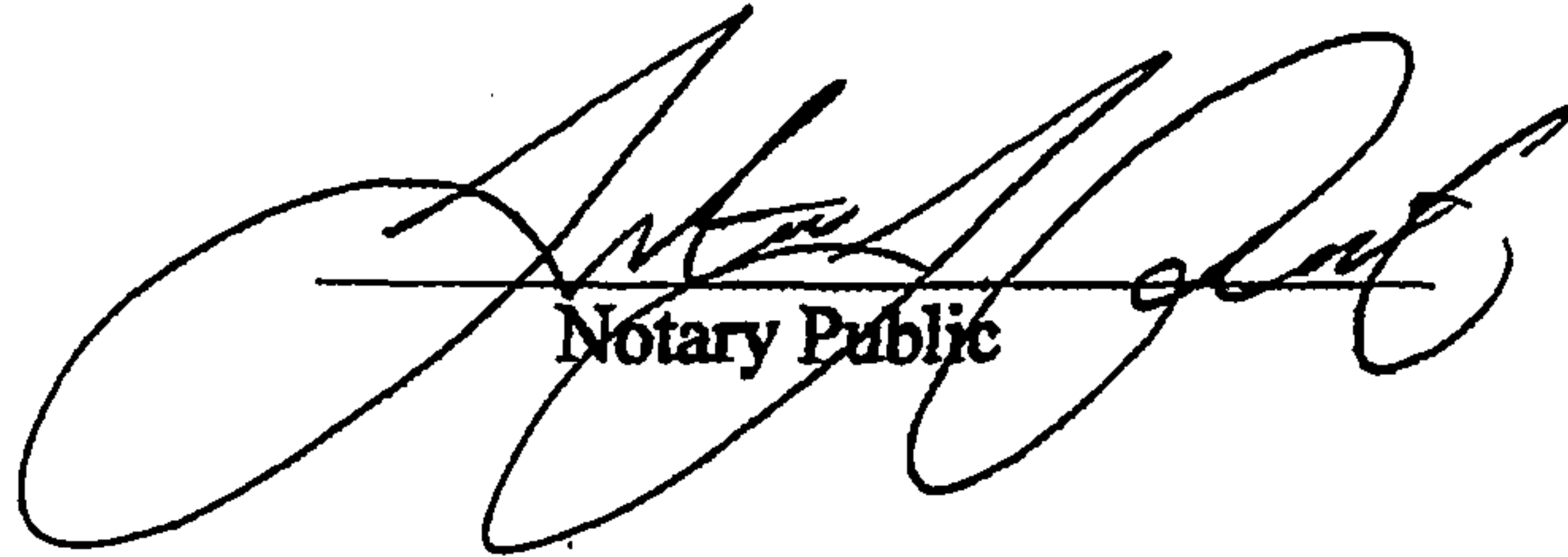
Name[Print]: Mary K. Porter, Title: Owner

The foregoing Power of Attorney was acknowledged before me on 2/16,
2012 by [name of person:] Nancy Kinnemann and Mary K. Porter, [title or
capacity, for instance "President":] Owners of
[Owner:] _____ on behalf of
the Owner.

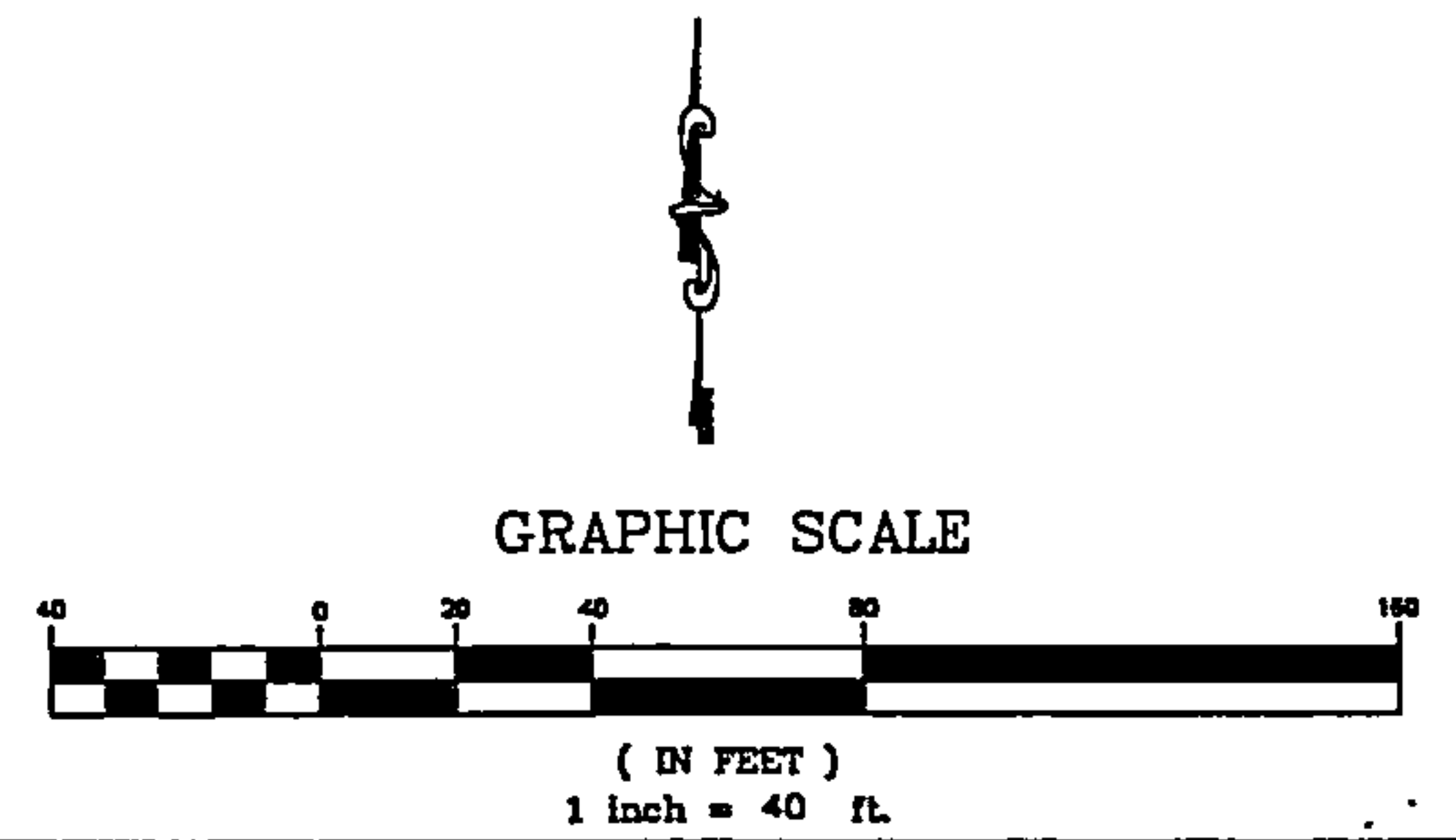
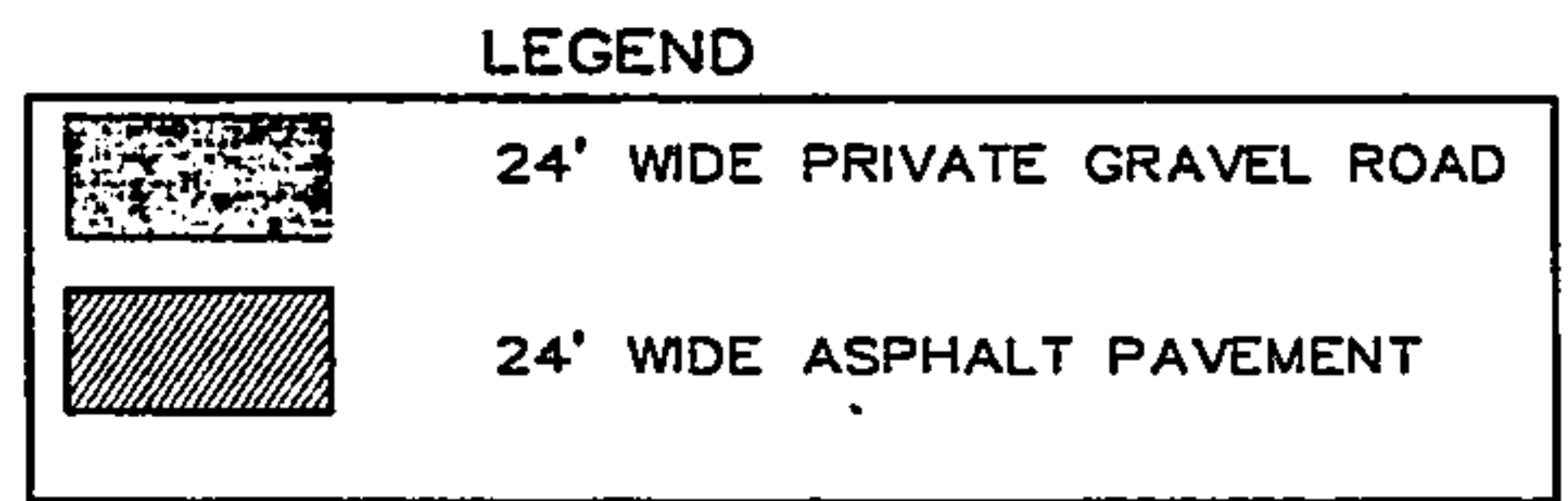
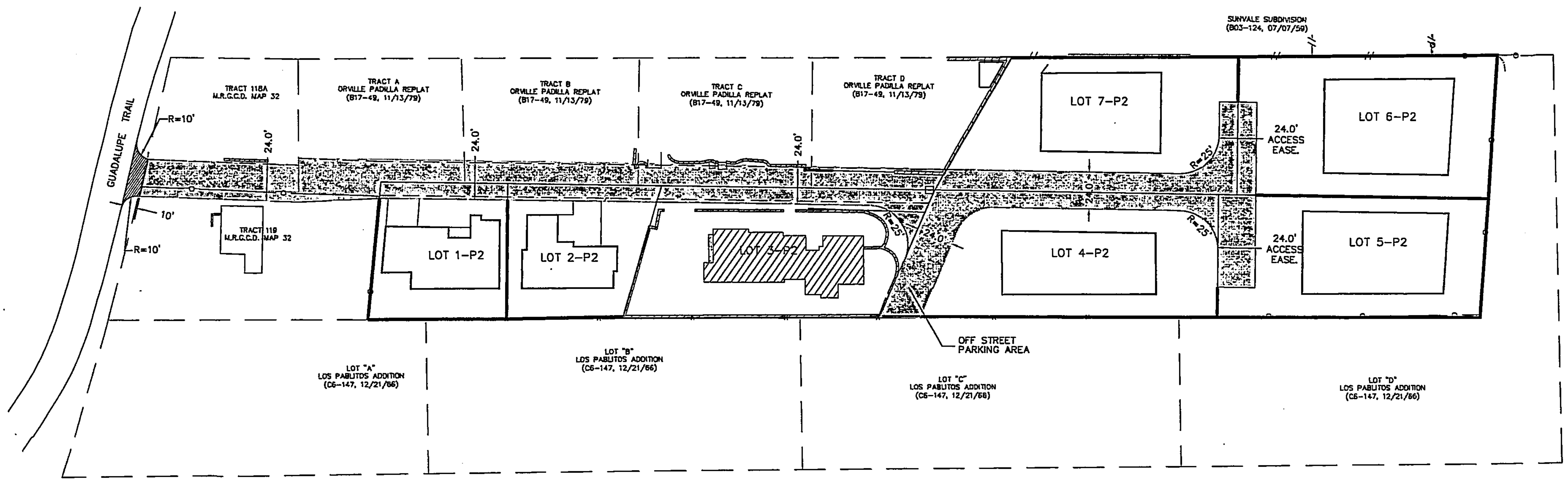
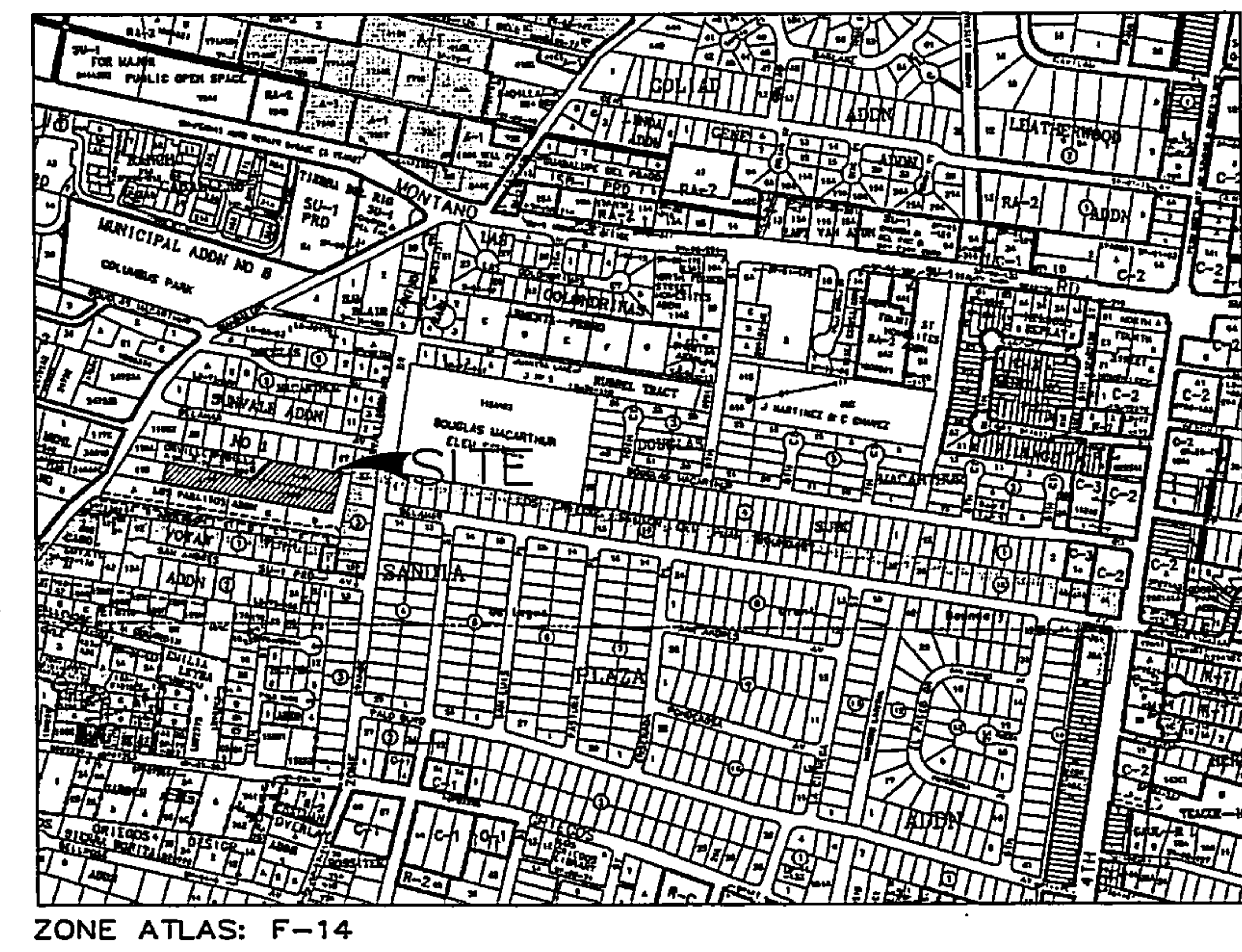
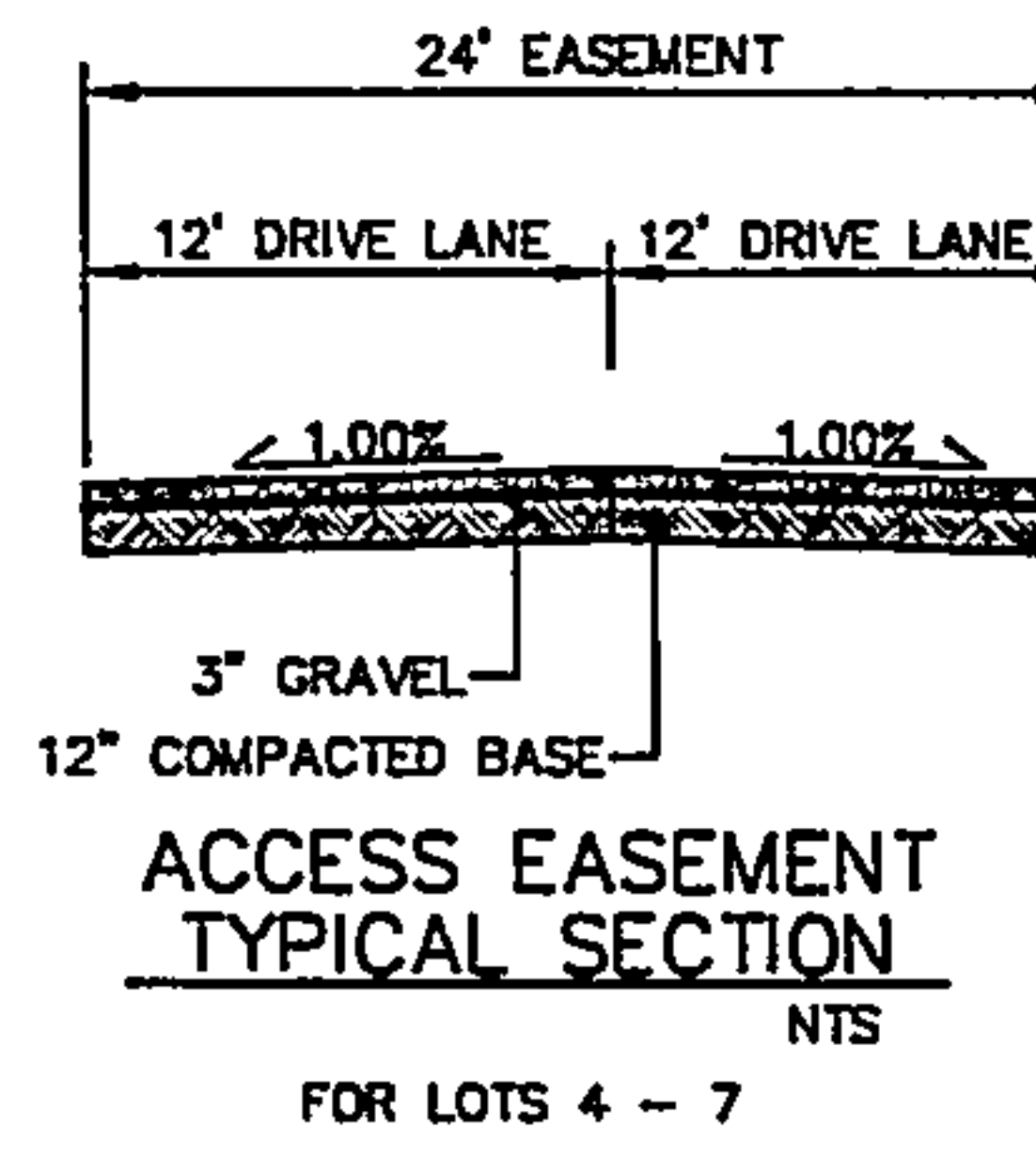
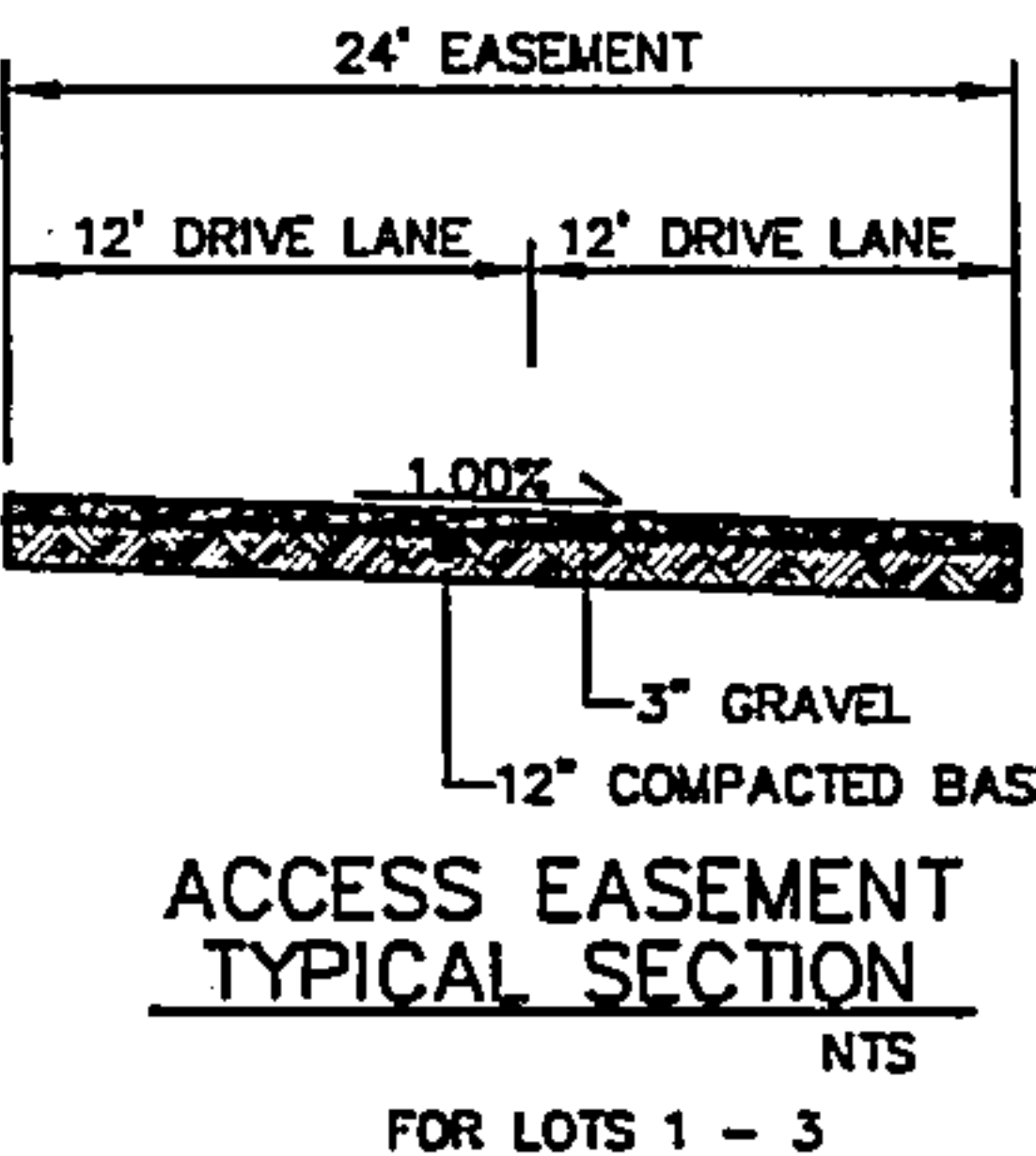
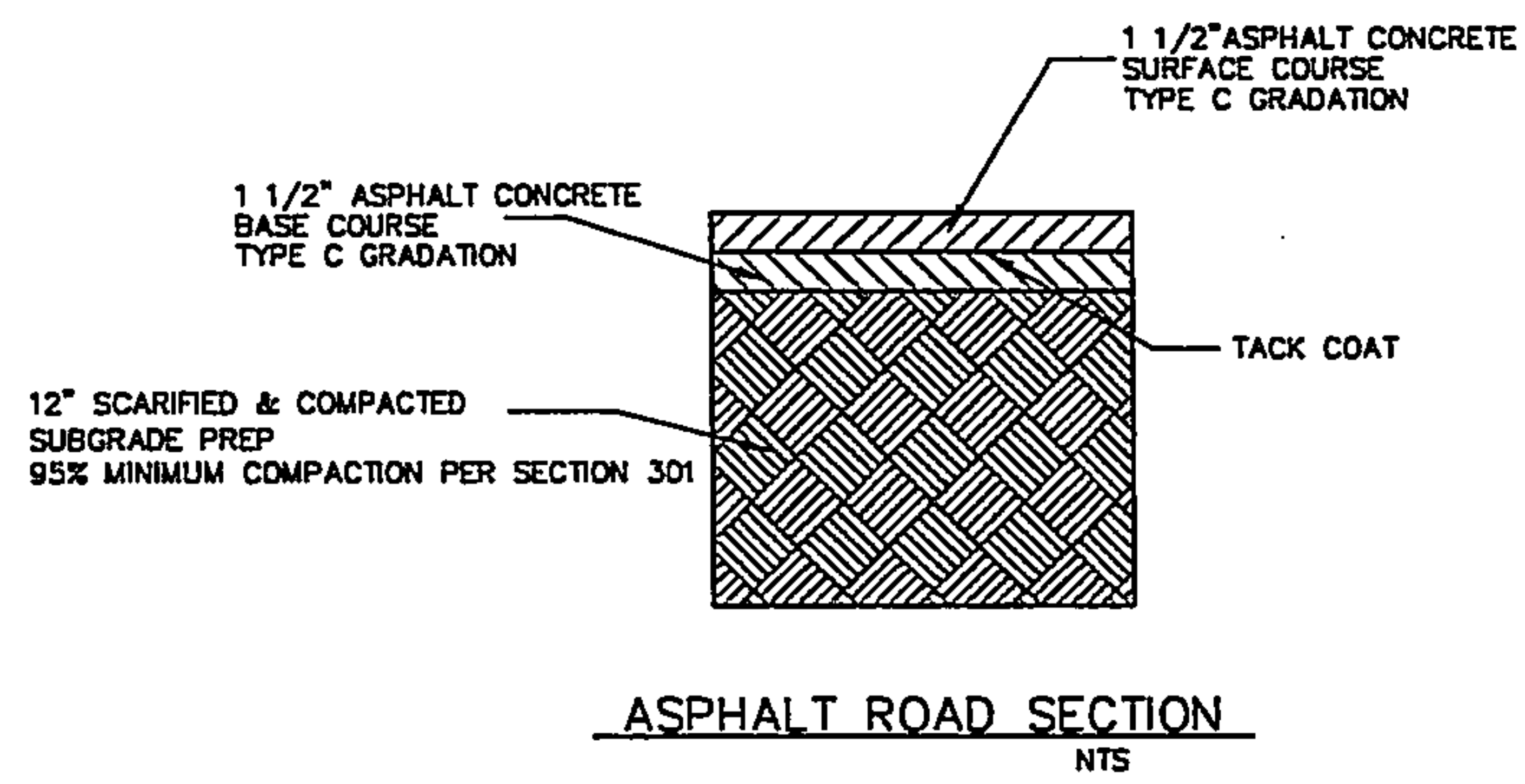
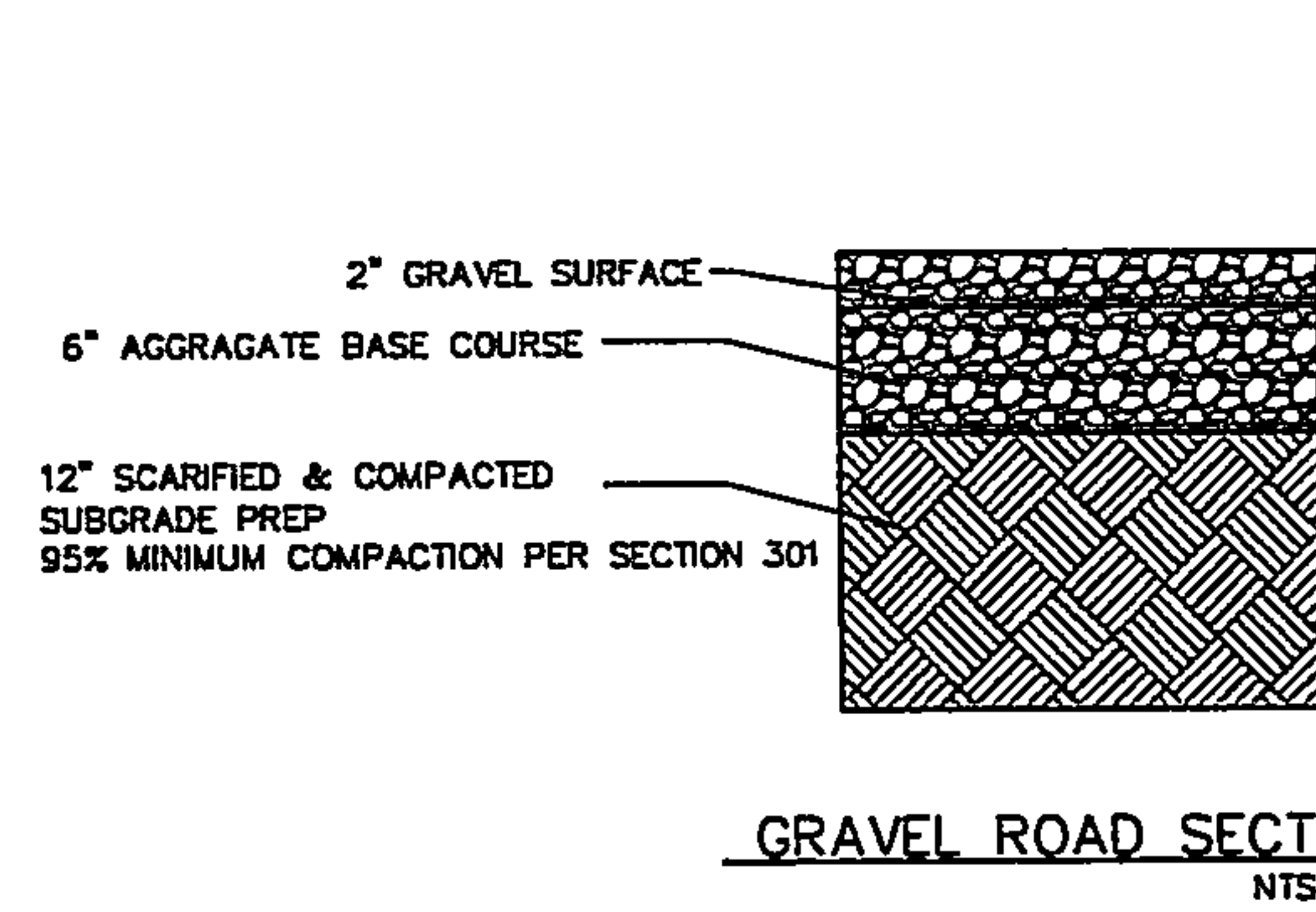
(SEAL)

My Commission Expires:

03/31/13


Notary Public

JONATHAN J. CAICEDO
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAR. 31, 2013
COMMISSION # 7275416



		T.O. BOX 65750 ALBUQUERQUE, NM 87193 PHONE: (505) 271-2199 FAX: (505) 830-9240	
NO.	REVISION	BY	DATE
PROJECT:		DRAWN BY: DEM	
DATE:		CHECKED BY:	
HORIZ. SCALE:		APPROVED BY:	
VERT. SCALE:		FILE:	
LOTS 1 - 7 LANDS OF SIMPATICO DESIGN VARIANCE EXHIBIT			
CITY/COUNTY REVIEW		DATE	
DEPARTMENT	SIGN-OFF		
WASTEWATER MGMT. DIV.			
WATER SERVICES			
SUBDIVISION ENG.			
STREETS			
TRAFFIC			
FOR CITY/COUNTY USE ONLY			
SHEET No.			
1 of 1			