

#14



COMPLETED 04/19/07 STH

DRB CASE ACTION LOG

REVISED 9/28/05

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

DRB Application No.: 06DRB-01612(P/F) Project # 1004918
 Project Name: Tres del Sol
 Agent: [Signature] Phone No.: 823.1000

Project Number

1004918

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 11/15/06 by the DRB with delegation of signature(s) to the following departments.
OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: AS ADDITION of RECORDED EMBLEMENTS
 REMOVAL of QUESTION ACTION
 INTERDEPARTMENT AGREEMENT

UTILITIES:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): record Plat
 AGIS dxf

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

#14



Paul J. ...

DRB CASE ACTION LOG

REVISED 9/28/05

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

DRB Application No.: 06DRB-01612 (NF) Project # 1004918
 Project Name: Mesa del Sol
 Agent: B. ... Phone No.: 823.1000

Project Number

1004918

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 11/15/06 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: NO REVIEW OF RECORDS/STATEMENTS
 NO REVIEW OF UTILITY RETURN
 NO AGREEMENT ACQUISITION
- UTILITIES:
- CITY ENGINEER / AMAFCA:
- PARKS / CIP:
- PLANNING (Last to sign): record Plat
 AGIS DXF

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

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

OK

4918

DXF Electronic Approval Form

DRB Project Case #: 1004918

Subdivision Name: MESA DEL SOL TRACTS 4A1-4A4

Surveyor: ALAN R BENHAM

Contact Person: STEPHANIE WALTON

Contact Information: 798-7965

DXF Received: 3/7/2007

Hard Copy Received: 3/7/2007

Coordinate System: Ground rotated to NMSP Grid

N. Weinberg

Approved

3/7/07

Date

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

AGIS Use Only

Copied fc **4918** to agiscov on **3/7/2007** Contact person notified on **3/7/2007**

4918

DXF Electronic Approval Form

DRB Project Case #:

Subdivision Name:

Surveyor:

Contact Person:

Contact Information:

DXF Received:

Hard Copy Received:

Coordinate System:

Neal Wenberg
Approved

2/15/07
Date

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

AGIS Use Only

Copied fc **4918** to agiscov on **2/15/2007** Contact person notified on **2/15/2007**



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

November 15, 2006

9:00 a.m.

MEMBERS:

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

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

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

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

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

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

Adjourned: 12:25 P.M.

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

- 1. **Project # 1000296**
06DRB-01536 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for SCOTT PATRICK HOMES request(s) the above action(s) for all or a portion of Lot(s) 16A-P1 & 17A-P1, **OXBOW VILLAGE**, zoned SU-3, located on OXBOW VILLAGE LANE NW, between OXBOW DR NW and ST. JOSEPHS DR NW containing approximately 1 acre(s). [REF: 05DRB-00789] [Deferred from 11/15/06] (G-11) **DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

2. **Project # 1000572**
06DRB-01535 Major-Vacation of Public Easements
06DRB-01538 Minor-Vacation of Private Easements

ISAACSON & ARFMAN PA agent(s) for CENTEX HOMES request(s) the above action(s) for Lot(s) 1B, 2, 3, 5A, 6, 7 & 8, **THE LENKURT PROPERTIES**, zoned SU-1 PRD, located on CHICO RD NE, between EUBANK BLVD NE and MORRIS ST NE containing approximately 23 acre(s). [REF: 06DRB-01190, 06DRB-01038, 06DRB-01040, 06DRB-01041] (K-21) **VACATION WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1005137**
06DRB-01533 Major-Vacation of Pub Right-of-Way
06DRB-01534 Major-Vacation of Public Easements

FRANK VENAGLIA request(s) the above action(s) for Lot(s) 22, Block(s) 21 CITY RIGHT-OF WAY & LANDSCAPED MEDIAN, **NEW MEXICO TOWN COMPANY ORIGINAL TOWNSITE**, zoned SU-3 special center zone, located on GOLD AVE SW, between 7TH ST SW and 8TH ST SW containing approximately 1 acre(s). [REF: 06DRB-01326] (K-14) **VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

4. **Project # 1001999**
06DRB-01528 Major-Vacation of Pub Right-of-Way

ADVANCED ENGINEERING AND CONSULTING agent(s) for MIQUEL MELENDEZ request(s) the above action(s) for all or a portion of Lot(s) 13A1 through 13A3, Block(s) 14, **RAYNOLDS ADDITION**, zoned SU-2 FOR MFR, located on 11TH ST SW, between SILVER AVE SW and GOLD AVE SW containing approximately 1 acre(s). [REF: 06DRB-01871] (K-13) **WITH THE CHANGE TO THE VACATION EXHIBIT THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

5. **Project # 1002017**
06DRB-01540 Major-Vacation of Pub
Right-of-Way

MYERS, OLIVER & PRICE PC agent(s) for DAVID & PAM MONTROYA request(s) the above action(s) for all or a portion of EDITH BLVD NE between ALAMEDA NE and FRESQUEZ NE. [Deferred from 11/15/06] (B-17) **DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

6. **Project # 1004075**
06DRB-01537 Major-Vacation of Pub
Right-of-Way
06DRB-01539 Major-Vacation of Public
Easements

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 4A, 4B, 4C and 1 through 15, **MESA DEL SOL**, zoned SU-2 PLANNED COMMUNITY, located on INTERSTATE 25 SW, between BROADWAY BLVD SW and LOS PICAROS RD SW containing approximately 2,294 acre(s). [REF: 06DRB-00744] [Deferred from 11/15/06] (R-16, Q-16, R-15, R-17, S-14, S-16, S-17, T-16) **DEFERRED AT THE AGENT'S REQUEST TO 12/13/06.**

7. **Project # 1004354**
06DRB-01541 Major-Vacation of Public
Easements

TIERRA WEST LLC agent(s) for MONAHITI LLC request(s) the above action(s) for all or a portion of Lot(s) 22-26 and a portion of Lot(s) 27, Block(s) 9, Tract(s) O, **ORIGINAL TOWNSITE OF WESTLAND**, zoned C-2, located on 98TH ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 2 acre(s). [REF: 06DRB-01426, ZA-96-227] (K-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

8. **Project # 1004851**
06DRB-01452 Major-Preliminary Plat
Approval

JEFF MORTENSEN & ASSOCIATES agent(s) for THE SAWMILL DEVELOPMENT COMPANY LLC request(s) the above action(s) for all or a portion of Tract(s) 2, LANDS OF MCCLAIN and Tract(s) A-3, LANDS OF AND WILLIAM ANDREW MCCORD (to be known as **ANTIGUA TRAVESIA**, zoned S-M1, located on ZEARING AVE NW, between RIO GRANDE BLVD NW and 19TH ST NW containing approximately 3 acre(s). [REF: 06DRB-00556, 06DRB-01095] *[Deferred from 11/1/06 & 11/8/06]* (H-13) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/15/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 10/27/06 THE PRELIMINARY PLAT WAS APPROVED WITH A CONDITION OF FINAL PLAT: DEVELOPER MUST INCLUDE ON THE RESIDENTIAL SUBDIVISION FINAL PLAT THIS STATEMENT: "THE PROPERTY ON THIS PLAT IS SUBJECT TO A PRE-DEVELOPMENT FACILITIES FEE AGREEMENT WITH THE ALBUQUERQUE PUBLIC SCHOOLS RECORDED AT (INSERT RECORDING INFORMATION HERE)."**

9. **Project # 1005191**
06DRB-01454 Major-Preliminary Plat
Approval
06DRB-01455 Major-Vacation of Pub
Right-of-Way
06DRB-01456 Minor-Sidewalk Variance
06DRB-01457 Minor-Temp Defer SDWK

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 13-20, Tract(s) A, Block(s) 29, NORTH ALBUQUERQUE ACRES, UNIT B (to be known as **SEVANO PLACE SUBDIVISION**) zoned R-D, located on LOUISIANA NE, between ALAMEDA NE and SIGNAL NE containing approximately 7 acre(s). *[Deferred from 11/1/06 & 11/8/06 & 11/15/06]* (C-18) **DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

10. **Project # 1004989**
06DRB-01411 Major-Preliminary Plat Approval
06DRB-01412 Major-Vacation of Public Easements
06DRB-01413 Minor-Subd Design (DPM) Variance
06DRB-01414 Minor-Sidewalk Waiver
06DRB-01415 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT CO request(s) the above action(s) for all or a portion of Tract(s) A, UNIT 2, WILDERNESS @ HIGH DESERT (to be known as **WILDERNESS CANON @ HIGH DESERT**) zoned SU-2, HD/R-R, located on HIGH DESERT PL NE, between TRAILHEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 06DRB-00933, 04DRB-00713, 04DRB-01723] [*Deferred from 10/25/06 & 11/8/06 & 11/15/06*] (F-23) **DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

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

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

11. **Project # 1004167**
06DRB-01611 Minor-SiteDev Plan
BldPermit/EPC

CONSENSUS PLANNING agent(s) for LA ORILLA GROUP LLC request(s) the above action(s) for all or a portion of Lot(s) 10-B-1, **BOSQUE PLAZA**, zoned C-1 (SC) located on COORS BLVD NW, between LA ORILLA RD NW and BOSQUE PLAZA LANE NW containing approximately 1 acre(s). [REF: 06EPC-00066] [**Catalina Lehner, EPC Case Planner**] [Heard under Project #1004647 which is incorrect] (D-12 & E-12) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES.**

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

12. **Project # 1005247**
06DRB-01605 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for GILBERT LOVATO, K-RAM INC request(s) the above action(s) for all or a portion of Lot(s) 30, Block(s) 10, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-1 & M-1, located on OAKLAND AVE NE, between SAN MATEO BLVD NE and EAGLE AVE NE containing approximately 1 acre(s). (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1004943**
06DRB-01547 Minor-Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for JULIE GUITERREZ request(s) the above action(s) for all or a portion of Tract(s) D, VILLAGE CENTER NORTH (to be known as **PINNACLE PEAK TOWNHOMES**) zoned SU-1 for mixed use, located on PINNACLE PEAK NW, between MCMAHON BLVD NW and UNSER BLVD NW containing approximately 2 acre(s). [REF: 06DRB-01164, 06DRB-01165, 06DRB-01167] *[Deferred from 11/1/06 & 11/8/06]* **(A-11) THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR AGIS DXF FILE, APS LANGUAGE AND TO RECORD.**

14. ~~**Project # 1004918**~~
06DRB-01612 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 4-A-1, 4-A-2 & 4-A-3, **MESA DEL SOL, BUILDINGS 2 & 3**, zoned SU-2 Planned Community, located on I-25 SW, between BROADWAY BLVD SW and LOS PICAROS RD SW containing approximately 2,287 acre(s). [REF: 06DRB-00744] (R-16, Q-16, R-15, R-17, S-14, S-16, S-17 & T-16) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL PLAT DELEGATED TO TRANSPORTATION DEVELOPMENT FOR ENCROACHMENT AGREEMENT, PROOF OF RECORDED EASEMENTS & REMOVAL OF VACATION LANGUAGE AND TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

15. **Project # 1005090**
06DRB-01606 Minor-Prelim&Final Plat Approval
06DRB-01607 Minor-Sidewalk Waiver

JAMES TORRES agent(s) for MAURO TORRES & EVANGELINA TORRES request(s) the above action(s) for all or a portion of Lot(s) 130B-1, 130B-2, 130C-1, 130C-2, M.R.G.C.D. Map #31, Tract(s) 130 (to be known as **LANDS OF MAURO TORRES**) zoned RA-2, located on TEODORO RD NW, between RIO GRANDE BLVD NW and DURANES LATERAL containing approximately 1 acre(s). [REF: 06DRB-01212] *[Deferred from 11/15/06]* **(F-13) DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

16. **Project # 1005250**
06DRB-01613 Minor-Prelim&Final Plat
Approval

JOSE RODRIGUEZ request(s) the above action(s) for all or a portion of Lot(s) A, B & C, Block T-1, **CARLOS REY SUBDIVISION**, zoned R-2 residential zone, located on CHURCHILL RD SW, between COORS BLVD SW and BATAAN DR SW containing approximately 1 acre(s). *[Deferred from 11/15/06]* (K-10) **DEFERRED AT THE AGENT'S REQUEST TO 11/22/06.**

17. **Project # 1005226**
06DRB-01543 Minor-Prelim&Final Plat
Approval

ROSS HOWARD COMPANY agent(s) for ESTELLE BEATY-VAHN request(s) the above action(s) for all or a portion of Lot(s) 1-3 and vacated Garcia Street, Block(s) 42, **SKYLINE HEIGHTS SUBDIVISION**, zoned C-3 & M-1, located on ACOMA ST SE, between ALTEZ ST SE and CONCHAS ST SE containing approximately 1 acre(s). *[Indef deferred on a no show on 11/1/06 & 11/15/06]* (L-20) **INDEFINITELY DEFERRED ON A NO SHOW.**

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

18. **Project # 1004820**
06DRB-01573 Minor-Sketch Plat or Plan

EASTERLING CONSULTANTS LLC agent(s) for AQUATIC CONSULTANTS request(s) the above action(s) for all or a portion of Tract(s) D-1-B, **ADOBE WELLS SUBDIVISION**, zoned C-2, located on EAGLE RANCH NW, between IRVING NW and WESTSIDE DR NW containing approximately 4 acre(s). (B-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

19. **Project # 1005094**
06DRB-01574 Minor-Sketch Plat or Plan

EASTERLING CONSULTANTS LLC agent(s) for J. K. DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 7, Block(s) A, **GRANDE HEIGHTS SUBDIVISION**, zoned R-1, located on VISTA GRANDE DR NW, between SEQUOIA RD NW and REDLANDS RD NW containing approximately 1 acre(s). (G-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1005073**
06DRB-01614 Minor-Sketch Plat or Plan

MOD HAB LLC request(s) the above action(s) for all or a portion of Lot(s) 1, 2 & 3, Block(s) 11, **ROSEMONT ADDITION**, zoned S-R, located on 12TH ST NW, between ROSEMONT NW and ARIAS NW containing approximately 1 acre(s). [REF: 06DRB-01170] (J-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board Minutes for November 8, 2006. **APPROVAL OF DRB MINUTES WAS DEFERRED.**

ADJOURNED: 12:25 P.M.

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
November 15, 2006
DRB Comments

ITEM # 14

PROJECT # 1004918

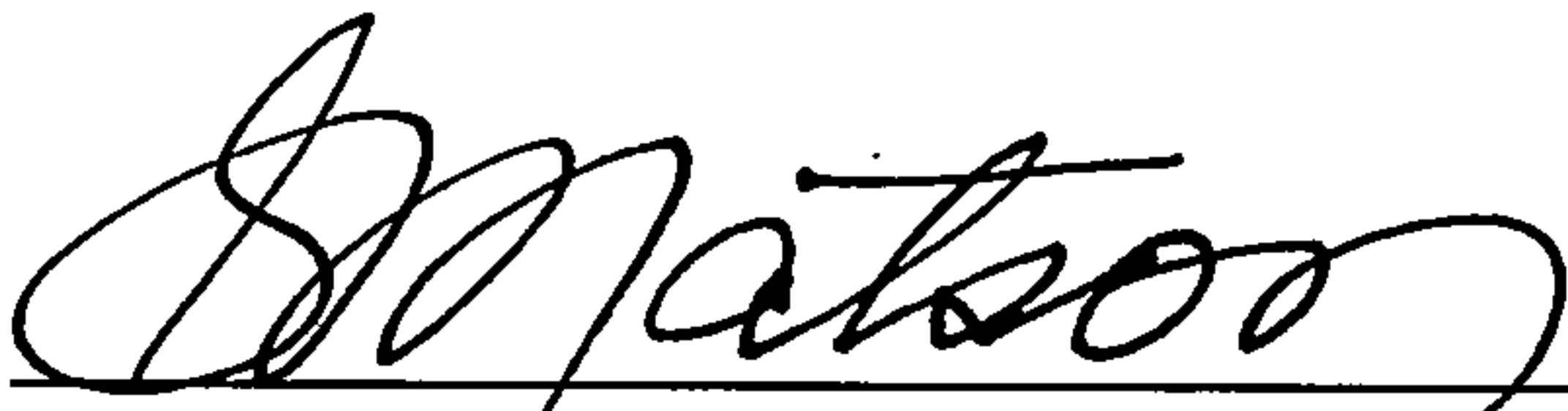
APPLICATION # 06DRB-01612

RE: Tracts 4-A-1 through 4-A-3, Mesa Del Sol, Bldgs 2&3/minor plat

The site plan for building permit for Tracts 4-A-2 & 4-A-3 was previously approved at DRB under Project #1004872.

This plat appears to agree with that site plan.

Planning has no objection to the plat. We will record the plat.



Sheran A Matson, AICP

DRB Chair

924-3880 fax 924-3864 smatson@cabq.gov

#14

4918

DXF Electronic Approval Form

DRB Project Case #: 1004918

Subdivision Name: MESA DEL SOL TRACTS 4A1 4A2 & 4A3

Surveyor: ALAN R BENHAM

Contact Person: STEPHANIE WALTON

Contact Information: 798-7965

DXF Received: 11/15/2006

Hard Copy Received: 11/15/2006

Coordinate System: NMSP Grid (NAD 83)


Approved

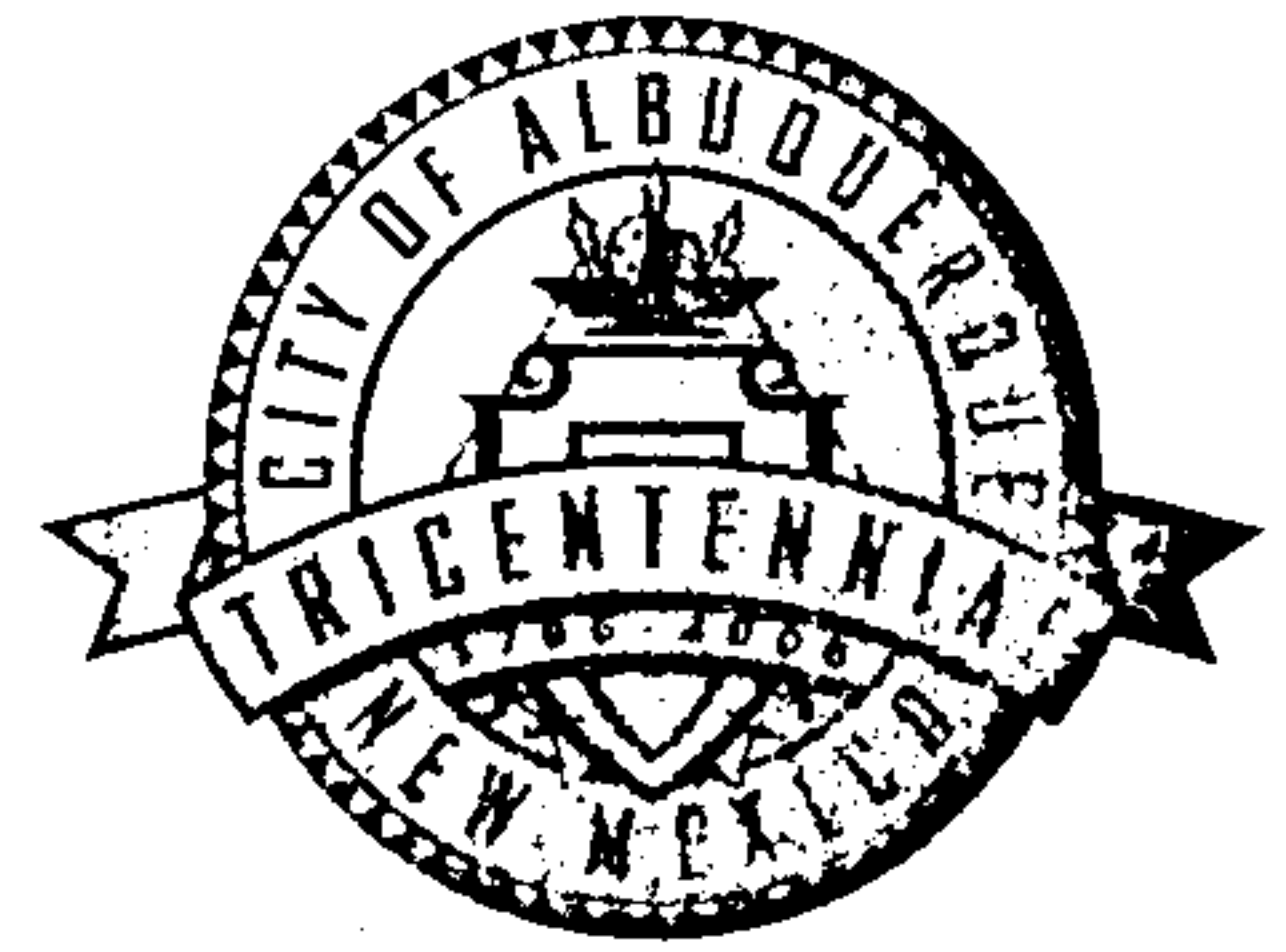
11-16-2006
Date

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

AGIS Use Only

Copied fc 4918 to agiscov on 11/16/2006 Contact person notified on 11/16/2006

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1004918

AGENDA ITEM NO: 14

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No adverse comments.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

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

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

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

DATE: NOVEMBER 15, 2006

DEVELOPMENT REVIEW BOARD
TRANSPORTATION DEVELOPMENT
Standard Comment Sheet

DRB- 1004918 Item No. 14 Zone Atlas R-16, etc.

DATE ON AGENDA 11-15-06

INFRASTRUCTURE REQUIRED YES NO

CROSS REFERENCE: _____

TYPE OF APPROVAL REQUESTED:

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

<u>No.</u>	<u>Comment</u>
1)	Where is the infrastructure list.
2)	Has the Bulk Land Plat been recorded?
3)	Transportation will need to take delegation for an encroachment agreement and a release of the leased area.

If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 1, 2006

2. **Project # 1004918**

06DRB-01449 Major-Vacation of Pub Right-of-Way
06DRB-01450 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for Tract(s) 4-A, 4-B & 4-C, **MESA DEL SOL**, zoned SU-2 PLANNED COMMUNITY, located on INTERSTATE 25, between BROADWAY BLVD SE and LOS PICAROS RD SE containing approximately 2, 294 acre(s). [REF: 06DRB-00744] (R-16)

At the November 1, 2006, Development Review Board meeting, the vacations were approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by November 16, 2006, in the manner described below.

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



OFFICIAL NOTICE OF DECISION

PAGE 2

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

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)


Sheran Matson, AICP, DRB Chair

Cc: Mesa del Sol LLC, 801 University Blvd NE, Suite 200, 87106
Bohannon Huston Inc., 7500 Jefferson NE, 87109
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1004918 AGENDA#: 2 DATE: 11-1-06

1. Name: Byronna Hunter Stephanie
Address: _____ Zip: _____

2. Name: Mike w/BHI
Address: _____ Zip: _____

3. Name: _____
Address: _____ Zip: _____

4. Name: _____
Address: _____ Zip: _____

5. Name: _____
Address: _____ Zip: _____

6. Name: _____
Address: _____ Zip: _____

7. Name: _____
Address: _____ Zip: _____

8. Name: _____
Address: _____ Zip: _____

9. Name: _____
Address: _____ Zip: _____

10. Name: _____
Address: _____ Zip: _____

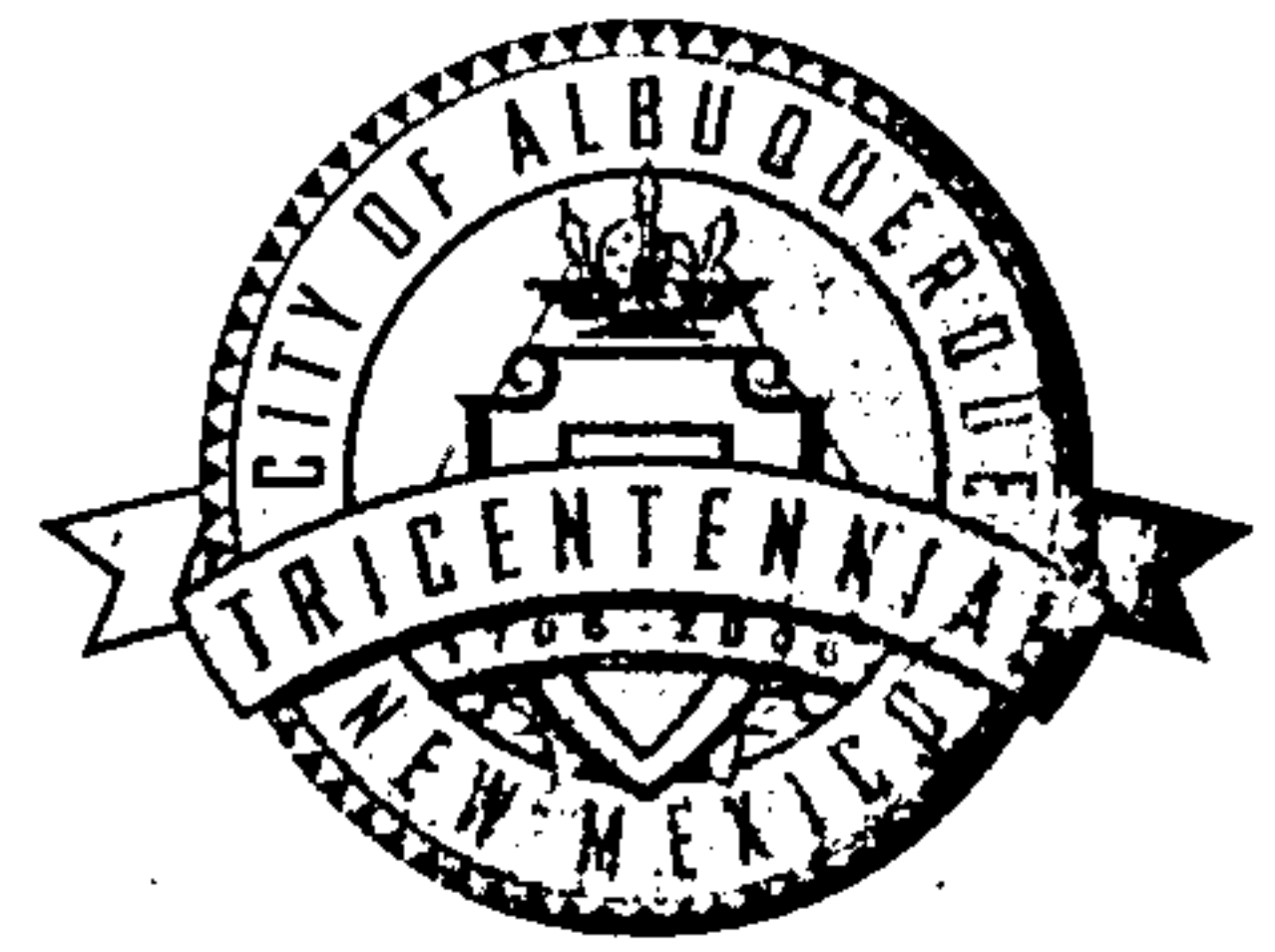
11. Name: _____
Address: _____ Zip: _____

12. Name: _____
Address: _____ Zip: _____

13. Name: _____
Address: _____ Zip: _____

14. Name: _____
Address: _____ Zip: _____

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1004918

AGENDA ITEM NO: 2

SUBJECT:

Vacation of Public Easements
Vacation of Public Right-of-Way

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No adverse comments.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

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

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: NOVEMBER 1, 2006



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 1, 2006

Project # 1004918

06DRB-01449 Major-Vacation of Pub Right-of-Way
06DRB-01450 Major-Vacation of Public Easements

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for Tract(s) 4-A, 4-B & 4-C, **MESA DEL SOL**, zoned SU-2 PLANNED COMMUNITY, located on INTERSTATE 25, between BROADWAY BLVD SE and LOS PICAROS RD SE containing approximately 2, 294 acre(s). [REF: 06DRB-00744] (R-16)

AMAFCA	No adverse comments.
COG	No adverse comments.
Transit	No comments received.
Zoning Enforcement	No adverse comments.
Neighborhood Coordination	Letters sent to Mountain View NA (R).
APS	<p>At full build-out of Mesa del Sol's Level B Plan (approximately 12,000 units over the next 20 to 20 years), Mesa del Sol is projected to generate over 5,000 students. Assuming the following standards:</p> <ul style="list-style-type: none">• Elementary schools with the capacity to house 850 students• Middle schools with the capacity to house 1,200 students• High schools with the capacity to house 2,200 students

Mesa del Sol would require three (3) elementary schools, (1) one middle school, and one (1) high school for the planned 12,000 units. APS has yet to identify funding for these facilities although APS is working with Forest City Covington NM, LLC to explore alternatives. The Educational Master Plan developed by Mesa del Sol specifies the building of smaller schools (smaller schools would generate the need for more schools than the numbers stated above). Smaller schools will generate larger costs to the taxpayers, including greater operational costs to run additional locations. To date, there are no provisions within the Mesa del Sol Educational Master Plan that address this issue (construction/operational costs of building and maintaining smaller schools).

APS During the initial residential development phases at Mesa del Sol, APS will transport students from Mesa del Sol to existing schools within the Albuquerque High School Cluster until permanent educational facilities have been constructed within Mesa del Sol. The following schools have sufficient capacity to support this:

- High school: Albuquerque
- Middle school: Washington, Wilson
- Elementary school: East San Jose, Kirtland, Lowell

Police Department No crime prevention or CPTED comments at this time.

Fire Department No adverse comments.

PNM Electric & Gas Approved.

Comcast No comments received.

QWEST No comments received.

Environmental Health No comments received.

M.R.G.C.D. No comments received.

Open Space Division No adverse comments.

City Engineer The Hydrology section has no objection to the vacation request.

Transportation Development No objection to the requests.

Parks & Recreation Defer to Hydrology.

Utilities Development No adverse comments.

Planning Department No objection.

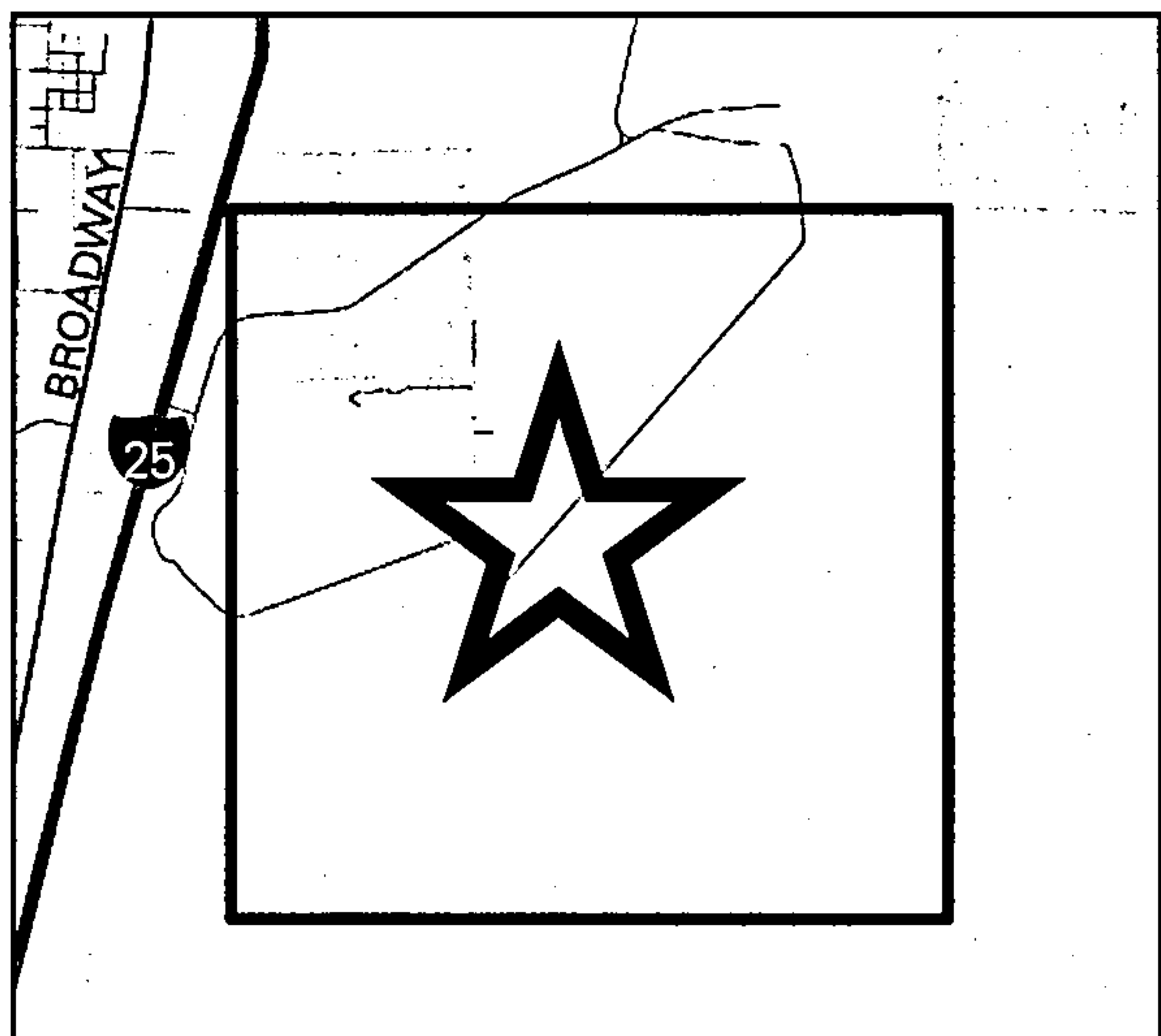
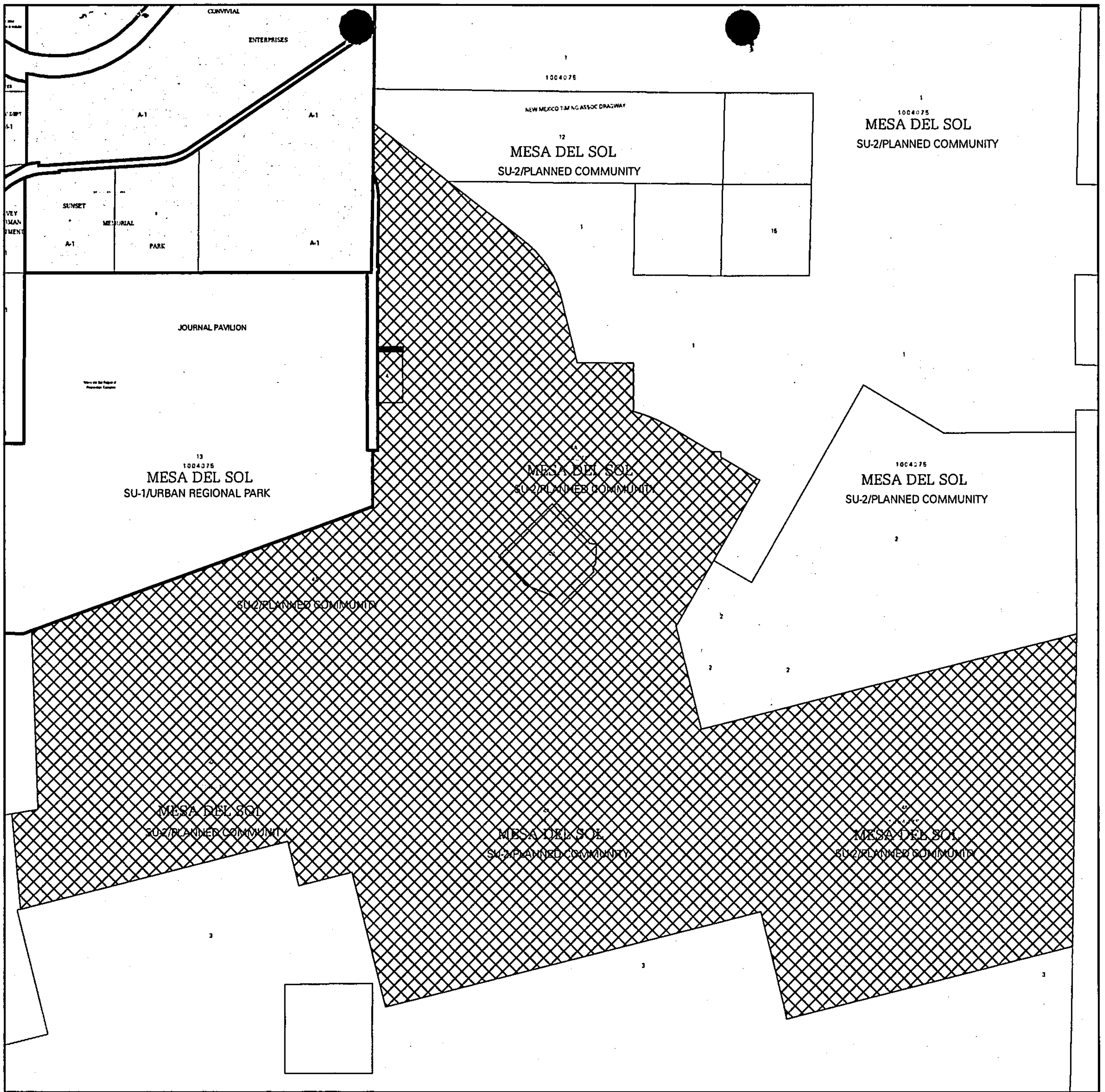
Impact Fee Administrator

No comment on proposed vacation of public right of way/ easements.

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

Cc:Mesa del Sol LLC, 801 University Blvd, Suite 200, 87106

Bohannon Huston Inc., 7500 Jefferson NE, 87109



ZONING MAP

Note: Grey shading indicates County.



1 inch equals 2,100 feet

Project Number:
1004918

Hearing Date:
11/1/2006

Zone Map Page:
R-16

Additional Case Numbers:
06DRB-01449 06DRB-01450



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing on the **3rd FLOOR** in the **PLANNING DEPARTMENT LARGE CONFERENCE ROOM, Plaza del Sol Building, 600 2nd St NW, on Wednesday, November 1, 2006, beginning at 9:00 a.m.** for the purpose of considering the following:

Project # 1001562
06DRB-01453 Major-Two Year SIA

MARK GOODWIN & ASSOCIATES PA agent(s) for PULTE HOMES OF NEW MEXICO request(s) the above action(s) for **RESERVE @ FOUR HILLS**, zoned R-1 residential zone, located on WAGON TRAIN DR SE, between RATON AVE SE and RIO ARRIBA AVE SE containing approximately 17 acre(s). [REF: 06DRB-01408] (M-22)

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06DRB-01452 Major-Preliminary Plat Approval

JEFF MORTENSEN & ASSOCIATES agent(s) for THE SAWMILL DEVELOPMENT COMPANY LLC request(s) the above action(s) for all or a portion of Tract(s) 2, LANDS OF MCCLAIN and Tract(s) A-3, LANDS OF AND WILLIAM ANDREW MCCORD (to be known as **ANTIGUA TRAVESIA**, zoned S-M1, located on ZEARING AVE NW, between RIO GRANDE BLVD NW and 19TH ST NW containing approximately 3 acre(s). [REF: 06DRB-00556, 06DRB-01095] (H-13)

Project # 1005191
06DRB-01454 Major-Preliminary Plat Approval
06DRB-01455 Major-Vacation of Pub Right-of-Way
06DRB-01456 Minor-Sidewalk Variance
06DRB-01457 Minor-Temp Defer SDWK

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 13-20, Tract(s) A, Block(s) 29, NORTH ALBUQUERQUE ACRES, UNIT B (to be known as **SEVANO PLACE SUBDIVISION**) zoned R-D, located on LOUISIANA NE, between ALAMEDA NE and SIGNAL NE containing approximately 7 acre(s). (C-18)

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


Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 16, 2006.

**CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: November 1, 2006
Zone Atlas Page: R-16-Z
Notification Radius: 100 Ft.

Project# 1004918
App#06DRB-01449
06-DRB-01450

Cross Reference and Location: NEAR I-25 BETWEEN BROADWAY BLVD SE
AND LOS PICAROS RD SE

Applicant: MESA DEL SOL, LLC
801 UNIVERSITY BLVD, SUITE 200
ALBUQUERQUE, NM 87106

Agent: BOHANNAN HUSTON INC.
7500 JEFFERSON NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: OCTOBER 13, 2006
Signature: ERIN TREMLIN



SUBDIVISION	Supplemental form S	ZONING & PLANNING	Supplemental form Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ... for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ... for Building Permit		<input type="checkbox"/> Text Amendment	
<input type="checkbox"/> IP Master Development Plan		APPEAL / PROTEST of...	A
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

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

APPLICANT INFORMATION:

NAME: <u>MESA DEL SOL, LLC.</u>	PHONE: <u>400-3021</u>
ADDRESS: <u>801 UNIVERSITY BLVD. SUITE 200</u>	FAX: <u>242-2978</u>
CITY: <u>ALBUQUERQUE</u> STATE <u>NM</u> ZIP <u>87106</u>	E-MAIL: _____
Proprietary interest in site: <u>OWNER</u>	
AGENT (if any): <u>BOHANNAN HUSTON INC.</u>	PHONE: <u>823-1000</u>
ADDRESS: <u>7500 JEFFERSON NE</u>	FAX: <u>798-7988</u>
CITY: <u>ALBUQUERQUE</u> STATE <u>NM</u> ZIP <u>87109</u>	E-MAIL: <u>JTOPMIL@BHINC.COM</u>

DESCRIPTION OF REQUEST: VACATION OF PUBLIC EASEMENT & RIGHT OF WAY

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

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

Lot or Tract No. TRACTS 4-A, 4-B, & 4-C Block: _____ Unit: _____

Subdiv. / Addn. MESA DEL SOL

Current Zoning: SU-2/ PLANNED COMMUNITY Proposed zoning: _____

Zone Atlas page(s): R-16 No. of existing lots: 1 No. of proposed lots: 3

Total area of site (acres): 2294.3698 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? NO

UPC No. 101605228121040150 MULTIPLE MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: I-25
Between: BROADWAY BLVD. SE and LOS PICAROS RD. SE

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#1004918-06DRB-00744

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

SIGNATURE Stephanie Welton DATE 10/6/2006
(Print) JAMES TOPMILLER Applicant Agent
Michael Balaskovits

FOR OFFICIAL USE ONLY

Form revised 10/03

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>06DRB - 01449</u>	<u>VRW</u>	<u>V</u>	\$ <u>300.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>06DRB - 01450</u>	<u>VPE</u>	<u>V</u>	\$ <u>45.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ <u>75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>11/01/06</u>	_____	_____	\$ <u>440.00</u>

Sandy Handley 10/05/06
Planner signature / date

Project # 1004918

OR CURRENT RESIDENT
101504940046510108
ARANDA RICHARD A & CECILIA B E
4300 TULANE NE
ALBUQUERQUE, NM 87107

OR CURRENT RESIDENT
101405146640110125
BARBER DAN O & JANE E
PO BOX 152
RIDGEDALE, MO 65739

OR CURRENT RESIDENT
101405249005740320
GREVEY LIEBERMAN INVESTMENTS
2015 WYOMING BLV NE
ALBUQUERQUE, NM 87112

OR CURRENT RESIDENT
101505226024040190
HORNE-STEWART LLC
9630 N 25TH AVE 450
PHOENIX, AZ 85021

OR CURRENT RESIDENT
101505206707530105
LOS PICAROS
1111 UNIVERSITY BLV NE
ALBUQUERQUE, NM 87102

OR CURRENT RESIDENT
101505040046010108
OLSON R E X HEDSTROM W H
27337 SUNNYRIDGE RD
PALOS VERDES PE, CA 90274

OR CURRENT RESIDENT
101805108046020108
PEREZ MICHAEL DOMENIC & PEREZ
PO BOX 435
VAUGHN, NM 88353

OR CURRENT RESIDENT
101805034006540108
RIORDAN GUY & WILLIAM BOWEN
9514 KANDACE DR NW
ALBUQUERQUE, NM 87114

OR CURRENT RESIDENT
101505126126010144B1
SFX
2121 N 83 RD AVE
PHOENIX, AZ 85035

OR CURRENT RESIDENT
101604926026010144
STATE OF NEW MEXICO
PO BOX 1148
SANTA FE, NM 87504 1148

OR CURRENT RESIDENT
101505219808030110
SUNSET MEMORIAL PARK INC ETAL
PO BOX 94
ALBUQUERQUE, NM 87103 0094

OR CURRENT RESIDENT
101905026126440144
U S A DEPT OF ARMY HDQRS
2050 WYOMING BLV SE
KIRTLAND AFB, NM 87117 5663


OR CURRENT RESIDENT
101804826232420124
U S GOVERNMENT
PO BOX 27115
SANTA FE, NM 87502 0115

OR CURRENT RESIDENT
101405140513940138
UNIVERSITY OF NEW MEXICO
PO BOX 1148
SANTA FE, NM 87504 1148

OR CURRENT RESIDENT
101705206619630110
WRIGHT DARLA DEE TRUSTEE
WRIGH
PO BOX 504
SANTA ROSA, NM 88435 0504

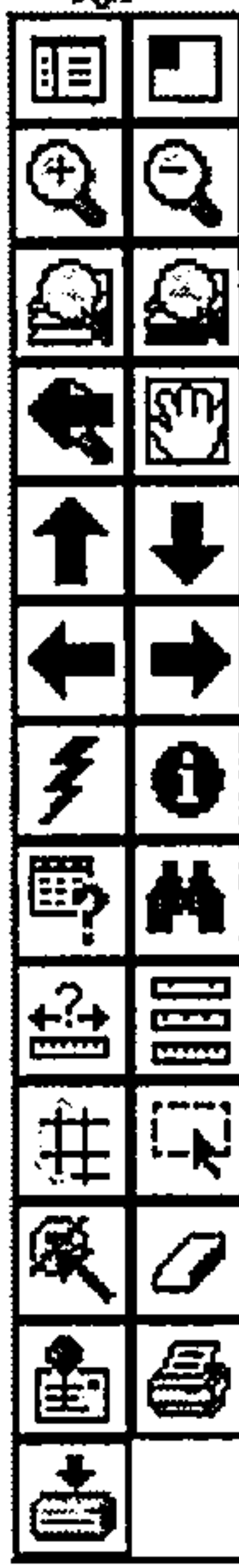
Project# 1004918
MESA DEL SOL, LLC
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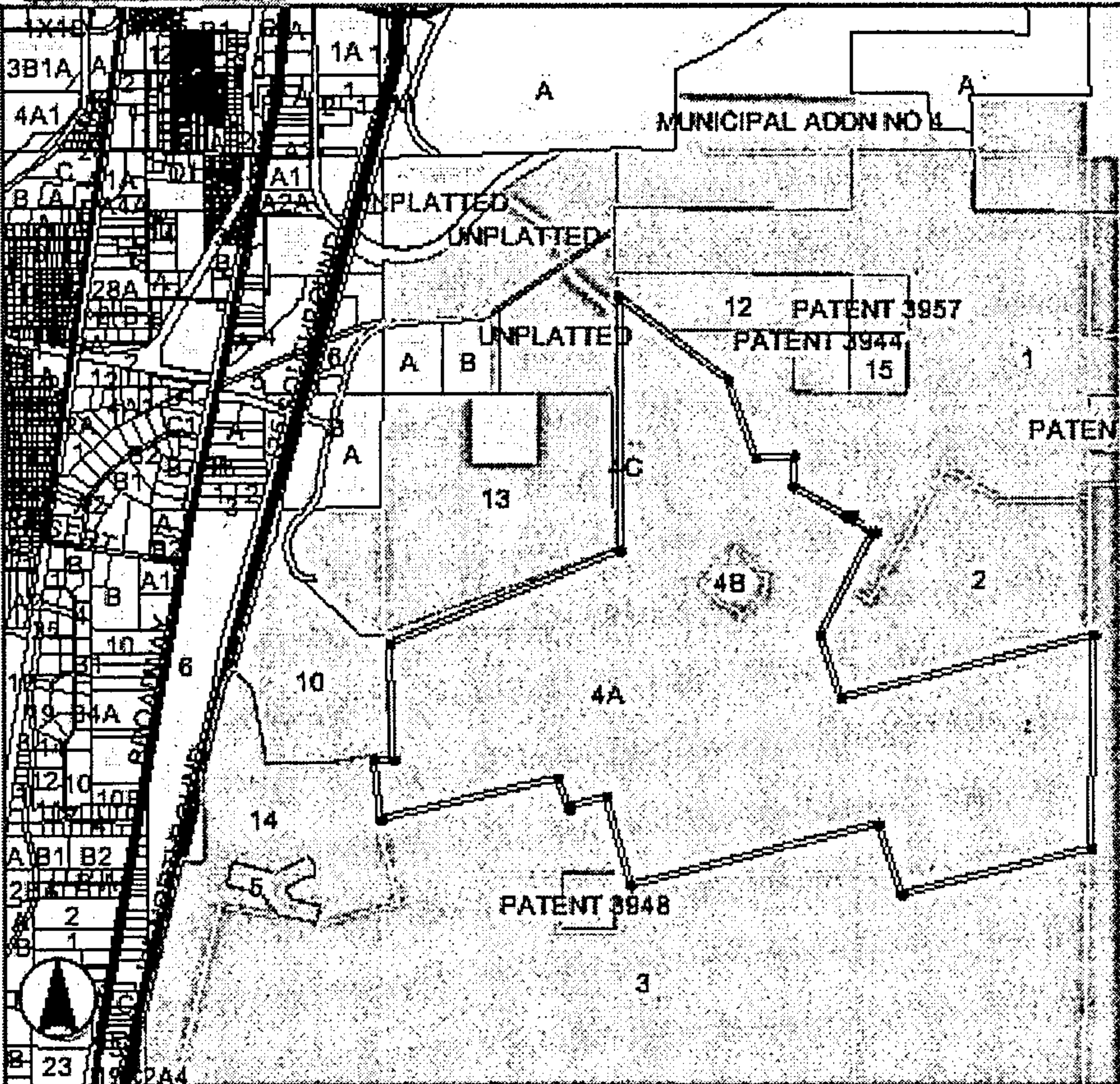
Project# 1004918
BOHANNAN HUSTON INC.
7500 JEFFERSON NE
ALBUQUERQUE, NM 87109



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

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

Refresh Map

Auto Refresh

Help:

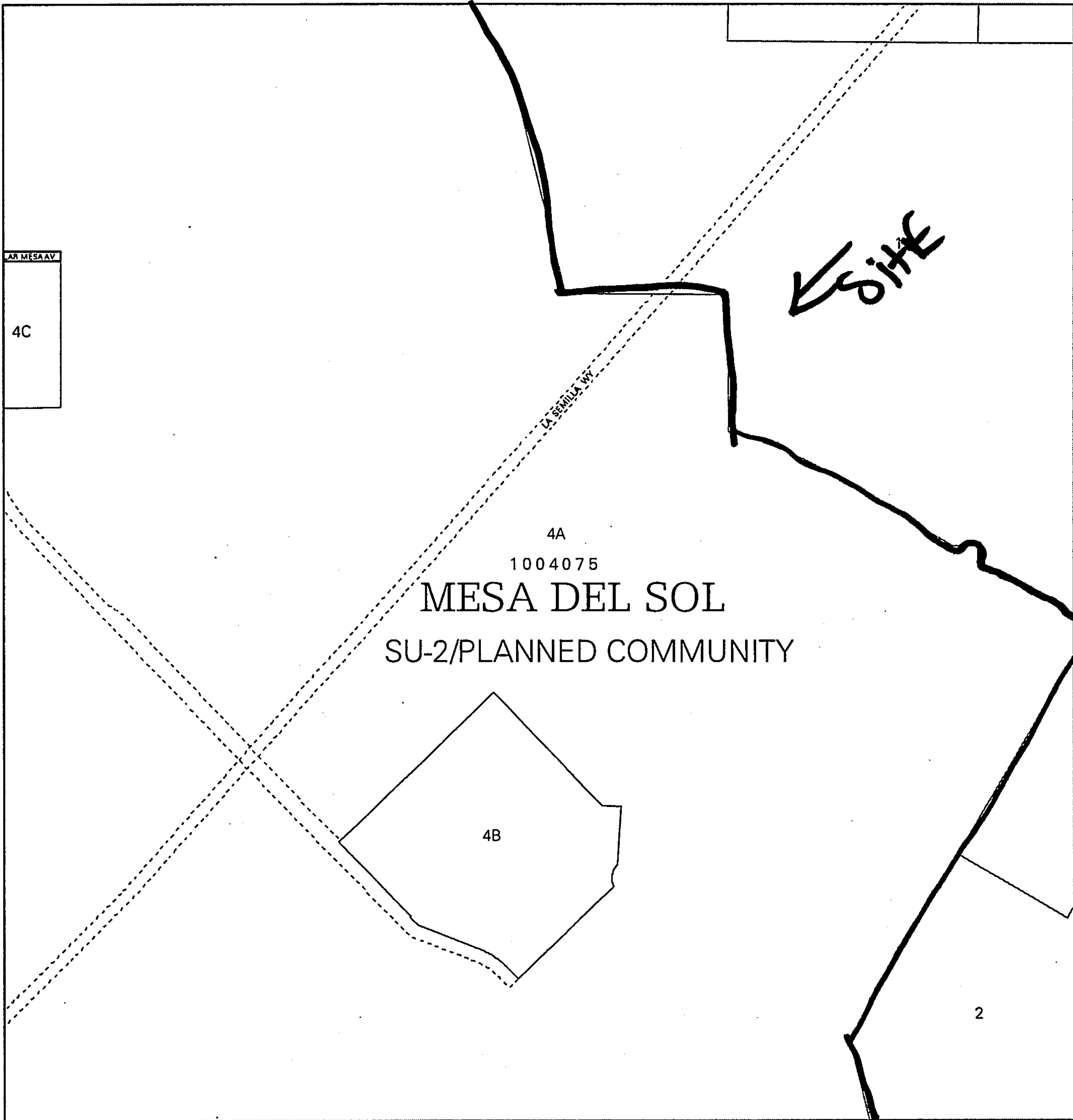
- Closed group, click to open.
- Open group, click to close.
- Map layer.
- Hidden group/layer, click for visible.
- Visible group/layer, click to hide.
- Layer not visible at this scale.
- Partially visible group, click for visible.
- Inactive layer, click for active.
- The active layer.

OWNERSHIP

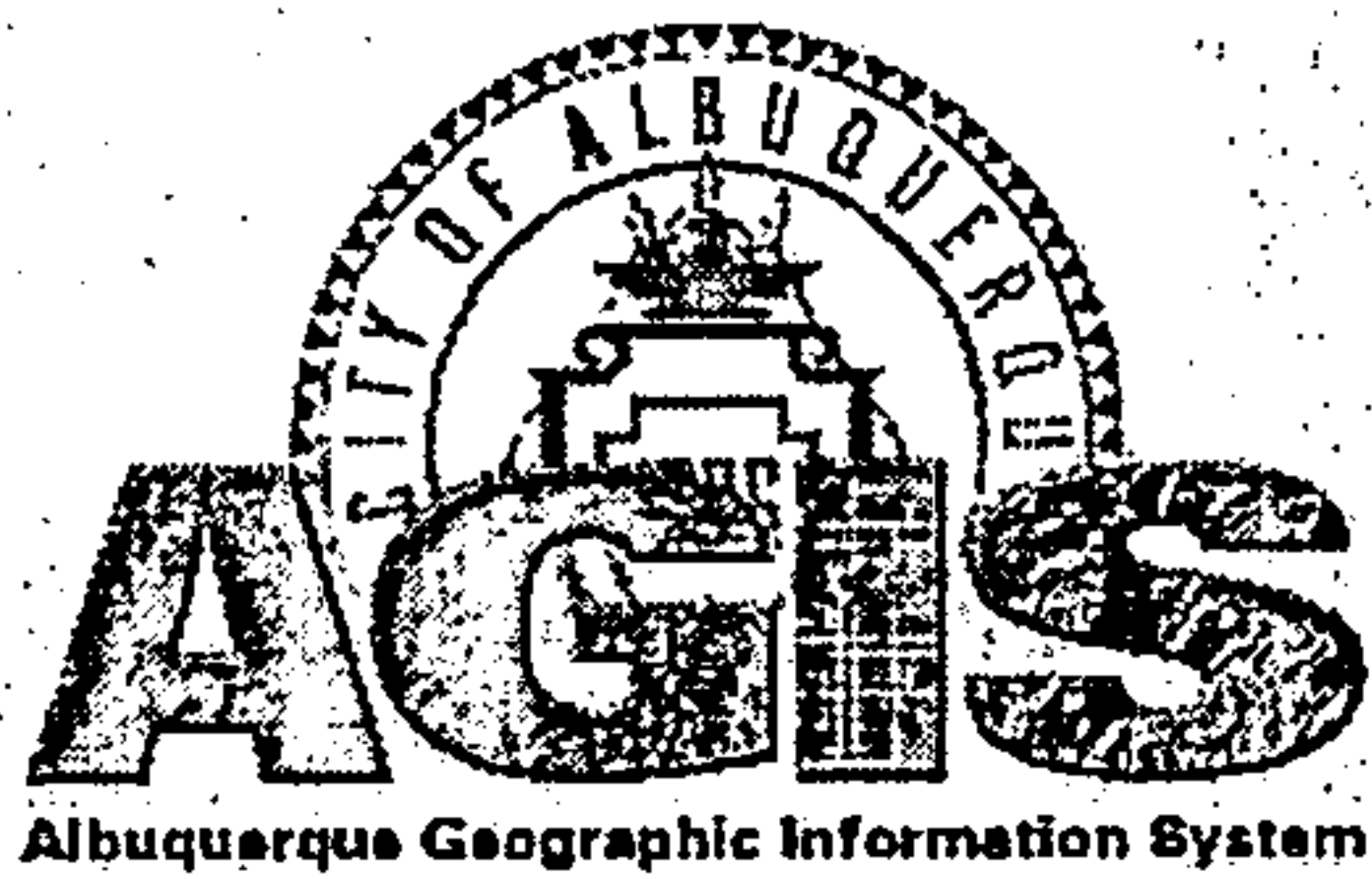
Rec	BERNCO.OWNER.UPC	BERNCO.OWNER.OWNER	BERNCO.OWNE
1	101405140513940138	UNIVERSITY OF NEW MEXICO	PO BOX 1148
2	101805130022040132	STATE OF NEW MEXICO	PO BOX 1148
3	101304846038010250	STATE OF NEW MEXICO	PO BOX 1148

Pan
SEARCH
REFRESH
HELP
INDEX PAGE

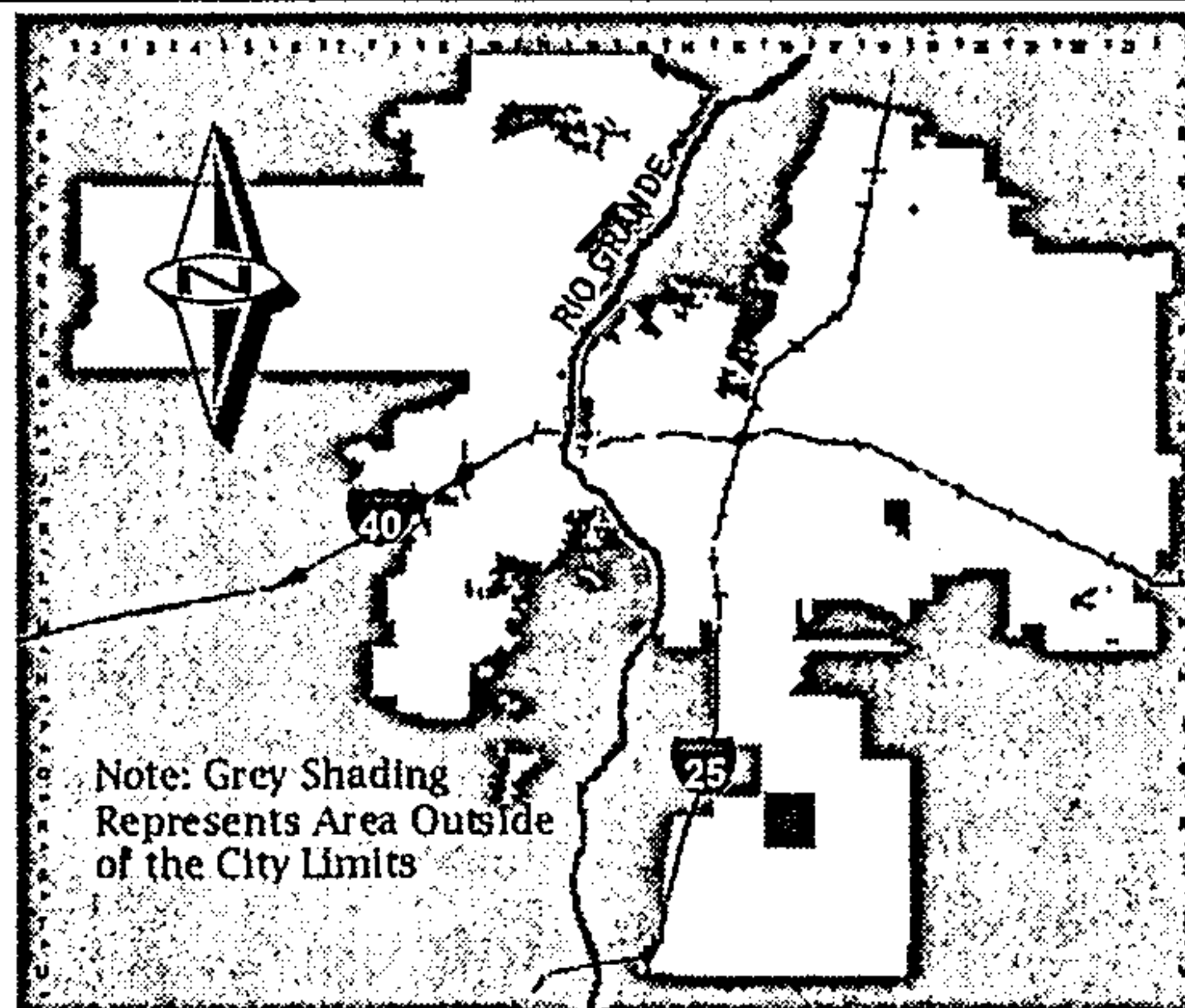
CONTACT



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



Map amended through: 9/5/2006

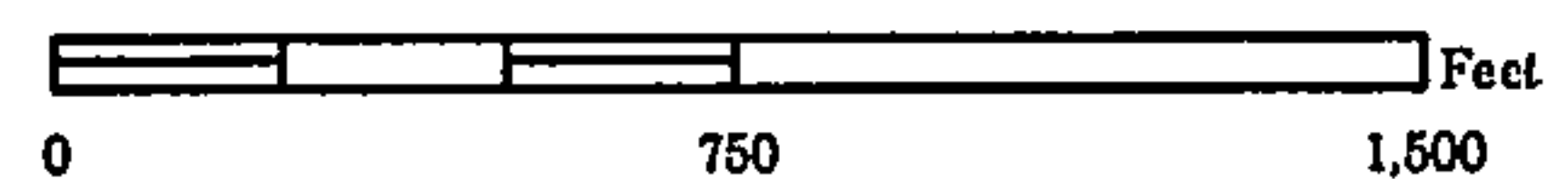


Zone Atlas Page:

R-16-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



Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

October 6, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Vacation of Public Easement and Right of way ("Permit for Easement and Right-of-Way")
Tracts 4-A, 4-B, 4-C Mesa Del Sol DRB# 1004918-06DRB-00744

Dear Sheran:

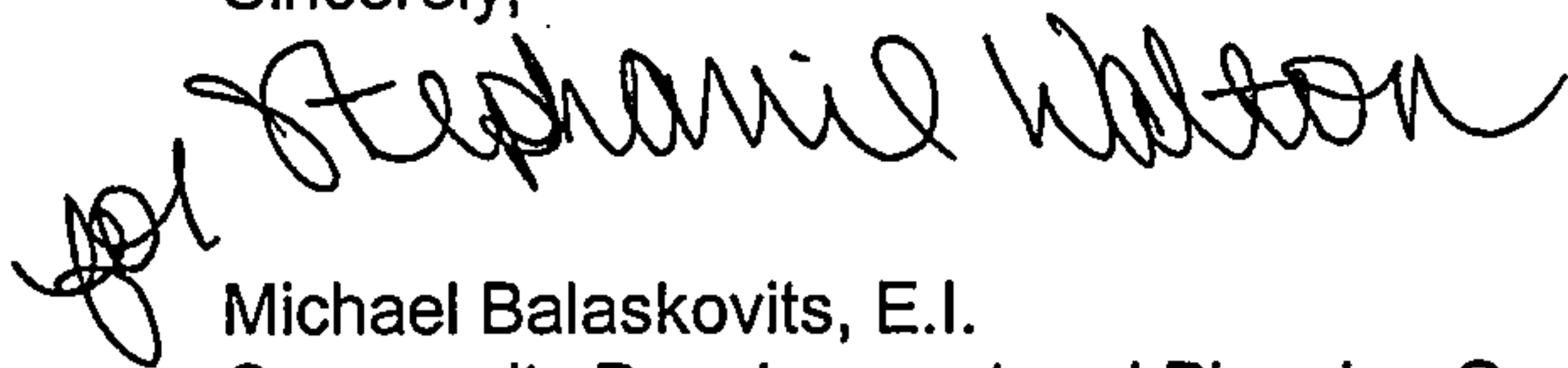
Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Location of Request for the vacation of easements (Exhibit "A")
- Twenty-Four (24) copies of the document which created easement
- Letter from the Office of Neighborhood Coordination and related data,
- Zone Atlas Map showing the location of the property, and
- Fee in the amount of \$440.00
- Current applicable plat

We are requesting a vacation of Public Easement and Right of way ("Permit for Easement and Right-of-Way") on Tracts 4-A, 4-B, 4-C Mesa Del Sol. This property has no further use of this easement and or right of way. The State Land Office granted the permit for easement to PNM in 1954. The underlying lands have since been transferred to Forest City Covington/ Mesa Del Sol.

Please place this item on the DRB Agenda for hearing on November 1, 2006. If you have any questions or require further information, please contact me.

Sincerely,



Michael Balaskovits, E.I.
Community Development and Planning Group

CC: James Topmiller, Bohannon Huston Inc. (wo/encl.)
John Myers, Myers, Oliver, & Price (w/encl.)
Lawrence Kline, Denish Kline & Associates (w/encl.)
Harry Relkin, Mesa Del Sol (w/encl.)

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲



NOTIFICATION OF HEARING for the DEVELOPMENT REVIEW BOARD

October 20, 2006

TO: Patty Grice and Rick Watson, Mountain View Neighborhood Association

This letter will serve as your notification from the City of Albuquerque, under provisions of 0-92 pertaining to a request for: Requests the following for approximately two (2) acre(s) - Major Vacation of Public Right-of-Way and Major Vacation of Public Easements for Tract 4-A,4-B,4-C, Mesa Del Sol.

Proposed by: Bohannan Huston, Inc. at (505) 823-1000

Agent for: Mesa Del Sol, LLC

For property located: On or near Interstate 25 Freeway between Broadway Boulevard SE and Los Picaros Road SE.

The case number(s) assigned is: 06DRB- 01449 and 01450, Project # 1004918.

City Planning accepted application for this request on October 5, 2006.

The owner, applicant, and/or agent certified at the time of application acceptance that they notified you of the proposed action by *certified mail, return receipt requested.*

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at 9 a.m. on Wednesday, November 1, 2006 in the Third Floor in the Planning Department, Large Conference Room, Plaza Del Sol Building, 600 Second St. NW. **(Note - Change of Location for Hearing)**

You should contact Claire Senova at 924-3946 to confirm this date, time, and to seek further information.

If you have any questions **-OR-** have not been contacted by the applicant, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov.

Sincerely,

Stephani J. Winklepleck

Stephani I. Winklepleck

Neighborhood Program Coordinator

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

**cc: Claire Senova, DRB
Administrative Assistant**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE**

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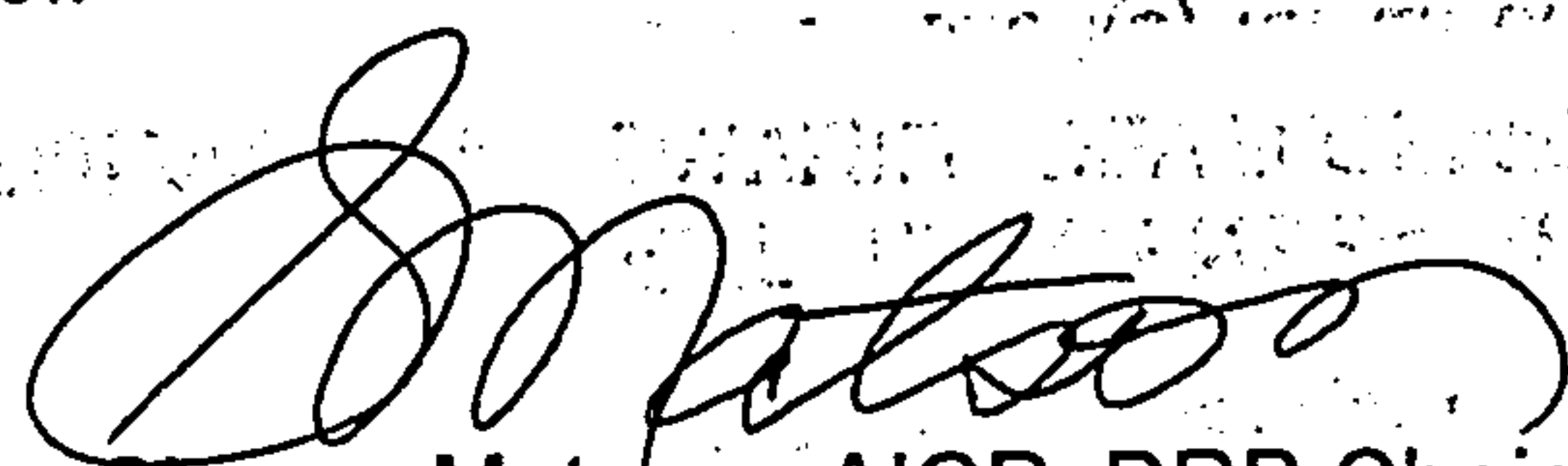
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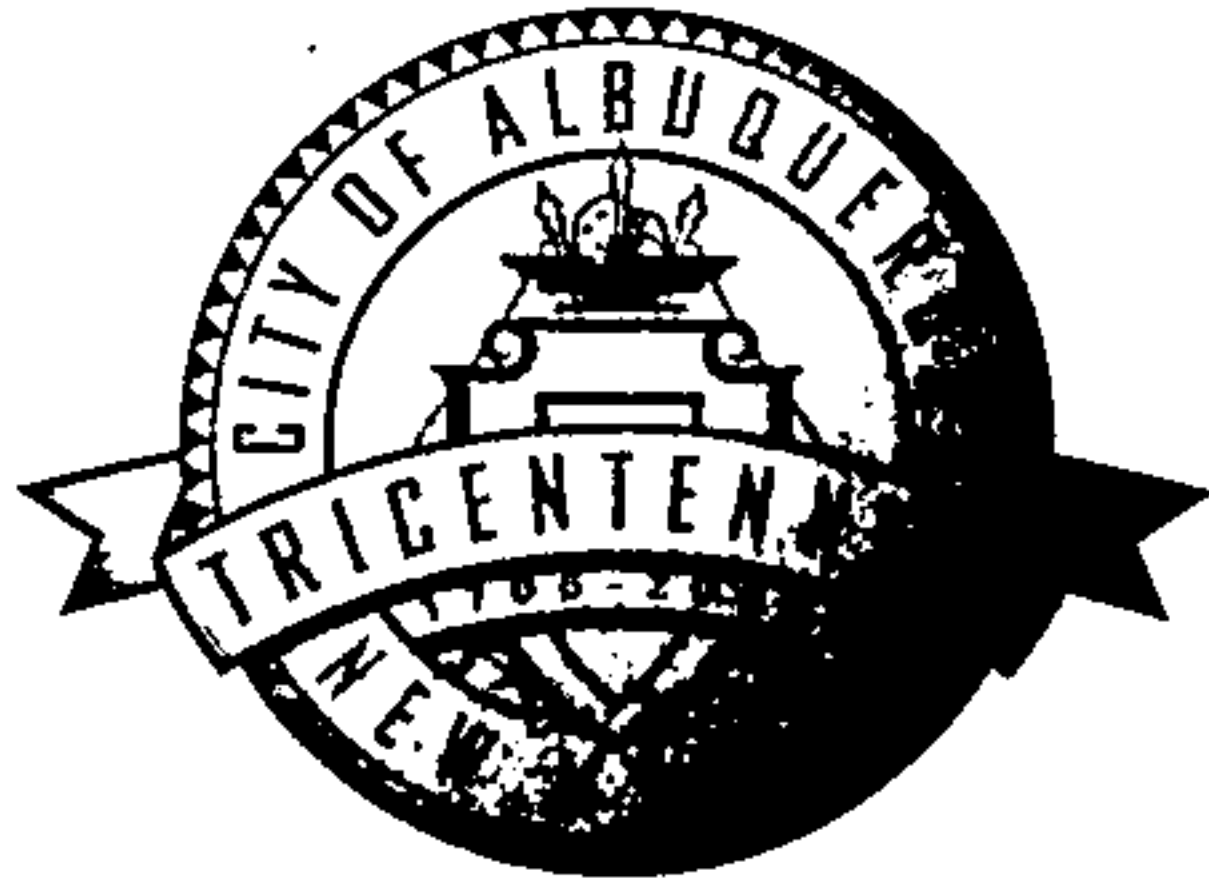
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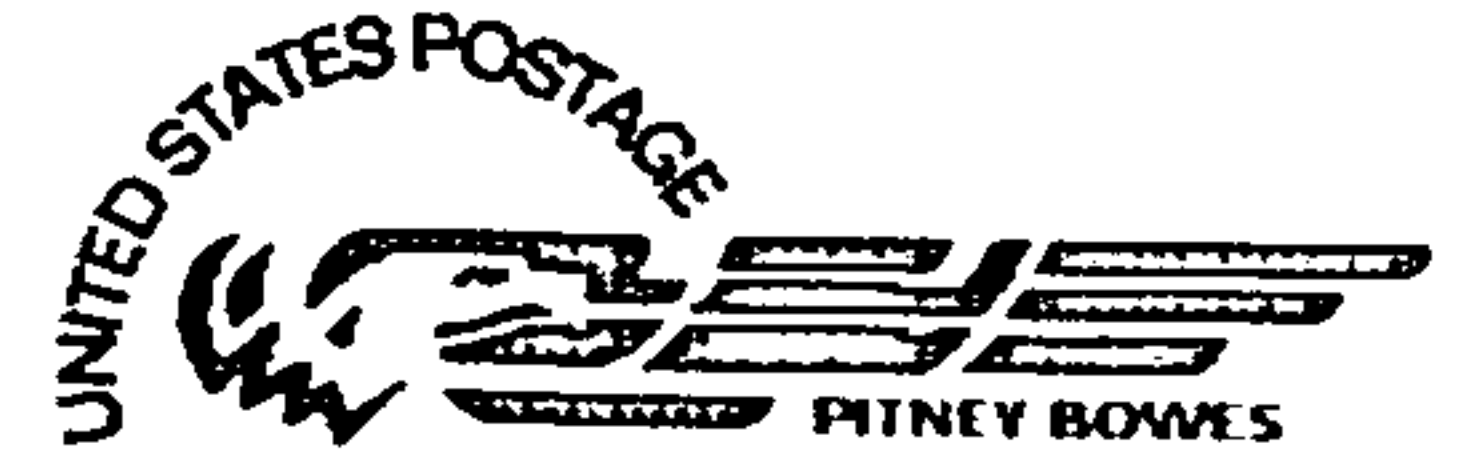
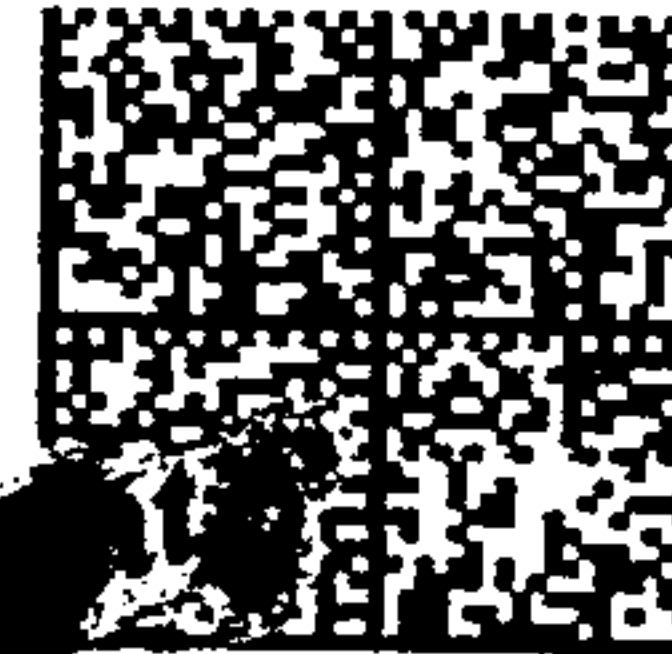

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 16, 2006.

CITY OF ALBUQUERQUE



Planning Department



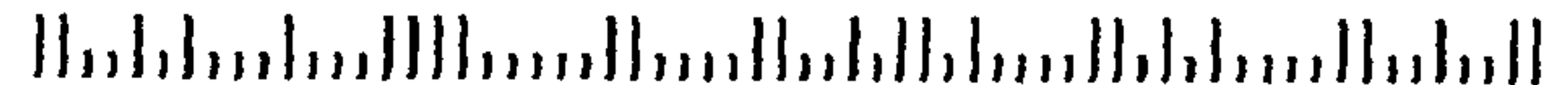
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OR CURRENT RESIDENT
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OLSON R E X HEDSTROM W H
27337 SUNNYRIDGE RD
PALOS VERDES PE, CA 90274

NIXIE 900 1 72 11/05/08

NOT DELIVERABLE TO SENDER
UNABLE TO AS ADDRESSED
FORWARD

BC: 87103129393 *0968-04718-13-41



87103@1293

P O Box 1293 Albuquerque, New Mexico 87103



SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

Supplemental form

S

V

P

L

Supplemental form

ZONING & PLANNING

- Annexation
 - County Submittal
 - EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment

APPEAL / PROTEST of...

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

Z

A

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

APPLICANT INFORMATION:

NAME: MESA DEL SOL, LLC.
 ADDRESS: 801 UNIVERSITY BLVD. SUITE 200
 CITY: ALBUQUERQUE
 Proprietary interest in site: OWNER
 AGENT (if any): BOHANNAN HUSTON INC.
 ADDRESS: 7500 JEFFERSON NE
 CITY: ALBUQUERQUE

STATE NM ZIP 87106

PHONE: 400-3021
 FAX: 242-2978
 E-MAIL: _____

STATE NM ZIP 87109

PHONE: 823-1000
 FAX: 798-7988
 E-MAIL: JTOPMIL@BHINC.COM

DESCRIPTION OF REQUEST: PRELIMINARY/FINAL PLAT APPROVAL

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

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

Lot or Tract No. TRACTS 4-A-1, 4-A-2, & 4-A-3 Block: _____ Unit: _____

Subdiv. / Addn. MESA DEL SOL Buildings 2+3

Current Zoning: SU-2/ PLANNED COMMUNITY Proposed zoning: _____

Zone Atlas page(s): R16,Q16,R15, R17,S14,S16,S17,T16 No. of existing lots: 1 No. of proposed lots: 3

Total area of site (acres): 2287.2313 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? YES

UPC No. 101605228121040150 MULTIPLE MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: I-25
 Between: BROADWAY BLVD. SW and LOS PICAROS RD SW

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#1004918-06DRB-00744/

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

SIGNATURE Stephanie Walton DATE 11/7/2006

(Print) JEFF MULBERY Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 10/03

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>06DRB - 01612</u>	<u>PPF</u>	<u>5(3)</u>	<u>\$ 355.00</u>
_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>11/15/06</u>	_____	_____	Total <u>\$ 375.00</u>

KE S... 11/7/06

Planner signature / date

Project # 1004918

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

SKETCH PLAT REVIEW AND COMMENT

YOUR ATTENDANCE IS REQUIRED.

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

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

Your attendance is required.

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

Extensions are not reviewed through internal routing.

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
- 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) precisely and clearly outlined and crosshatched (to be photocopied)
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Any original and/or related file numbers are listed on the cover application

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

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

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

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

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

Amended preliminary plat approval expires after one year

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

Jeff Mulberry Applicant name (print)
Stefano Walton Applicant signature / date
 11-7-06



Form revised 8/04, 1/05, 10/05 & NOV 06

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

Application case numbers
06273 - 01612
- -
- -

[Signature] 11/7/06
 Planner signature / date
Project # 1004918

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

November 7, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: BUILDINGS 2 & 3, MESA DEL SOL, Preliminary/Final Plat Request for plat entitled "Mesa Del Sol Tracts 4-A-1, 4-A-2, 4-A-3", Replat of Tract 4-A Plat of Mesa Del Sol, Tracts 4-A, 4-B, & 4-C
DRB# 1004918

Dear Sheran:

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Fee on the amount of \$ 375.00
- Six (6) copies of the Preliminary/Final Plat, and
- Zone Atlas Map showing the location of the property

This plat submittal supports the DRB action for Site Plan for Building Permit heard on Wednesday for Buildings 2 & 3, Mesa del Sol, by creating the tract and ROW for the proposed buildings and associated infrastructure.

Please place this item on the DRB Agenda to be heard on November 15, 2006. If you have any questions or require additional information, please contact me.

Sincerely,



Jeff Mulbery, P.E.
Community Development and Planning Group

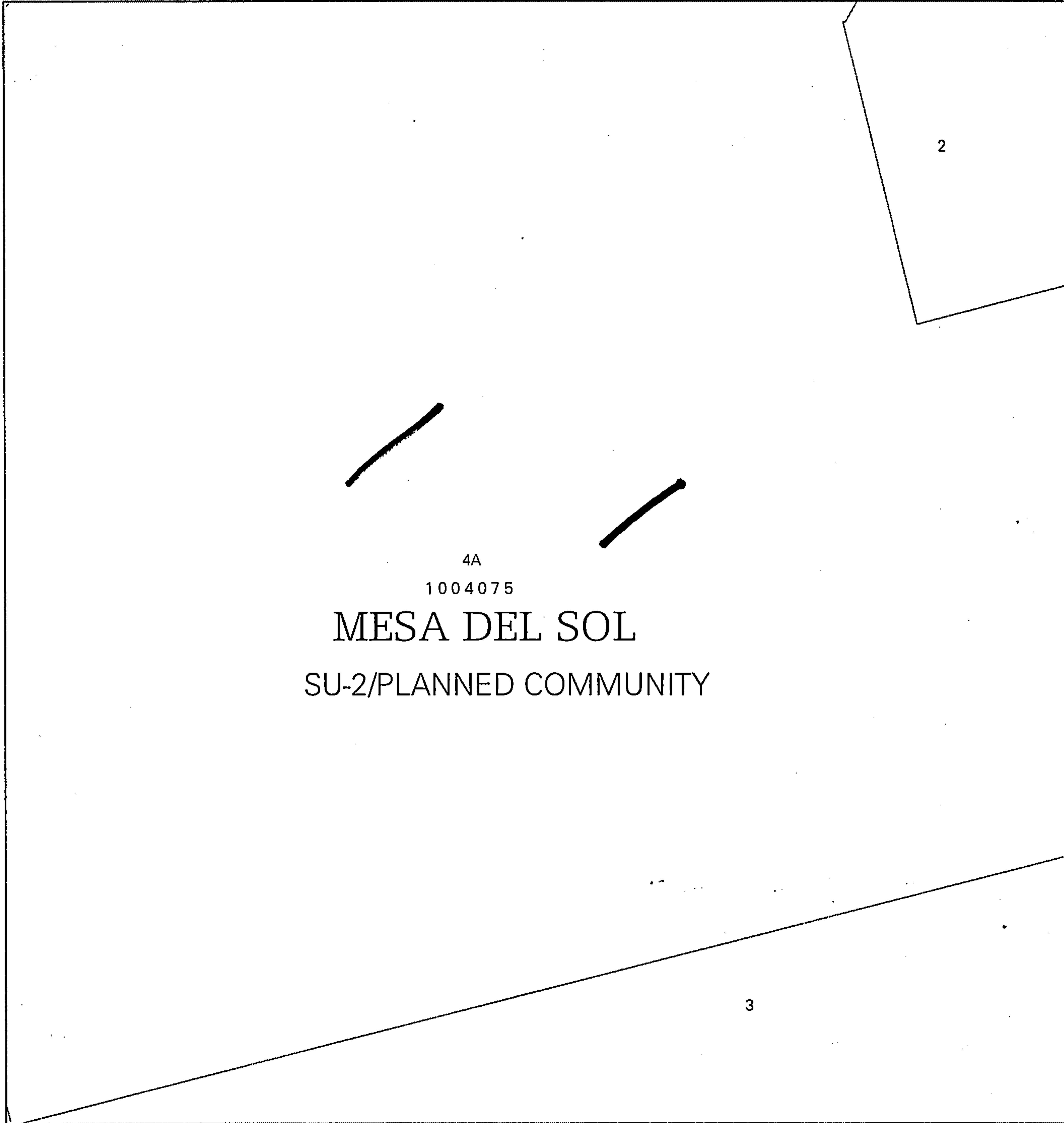
SW
Enclosure

CC: Harry Relkin, Mesa Del Sol, LLC.
John Myers, Myers, Oliver & Price

ENGINEERING ▲

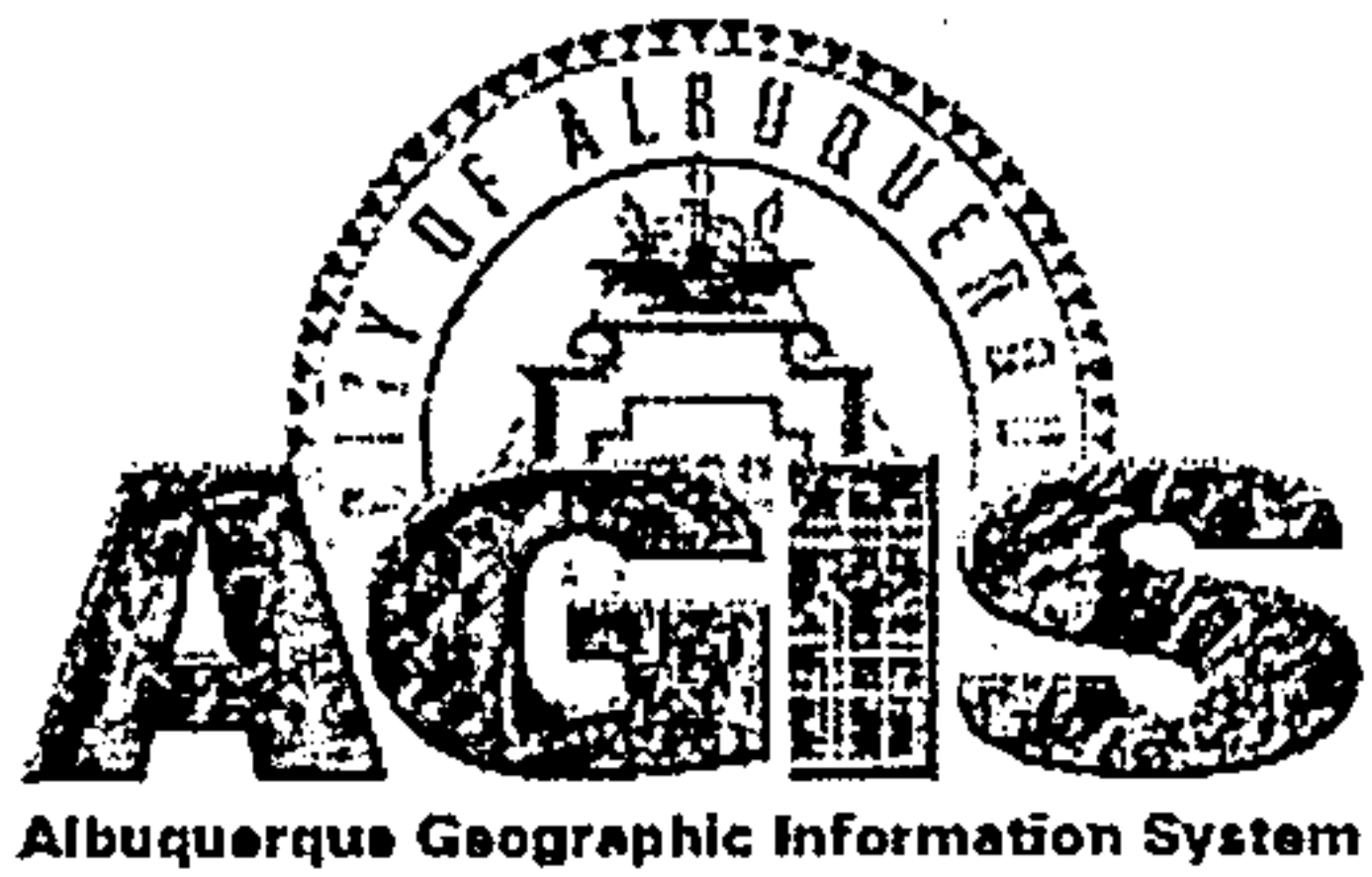
SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

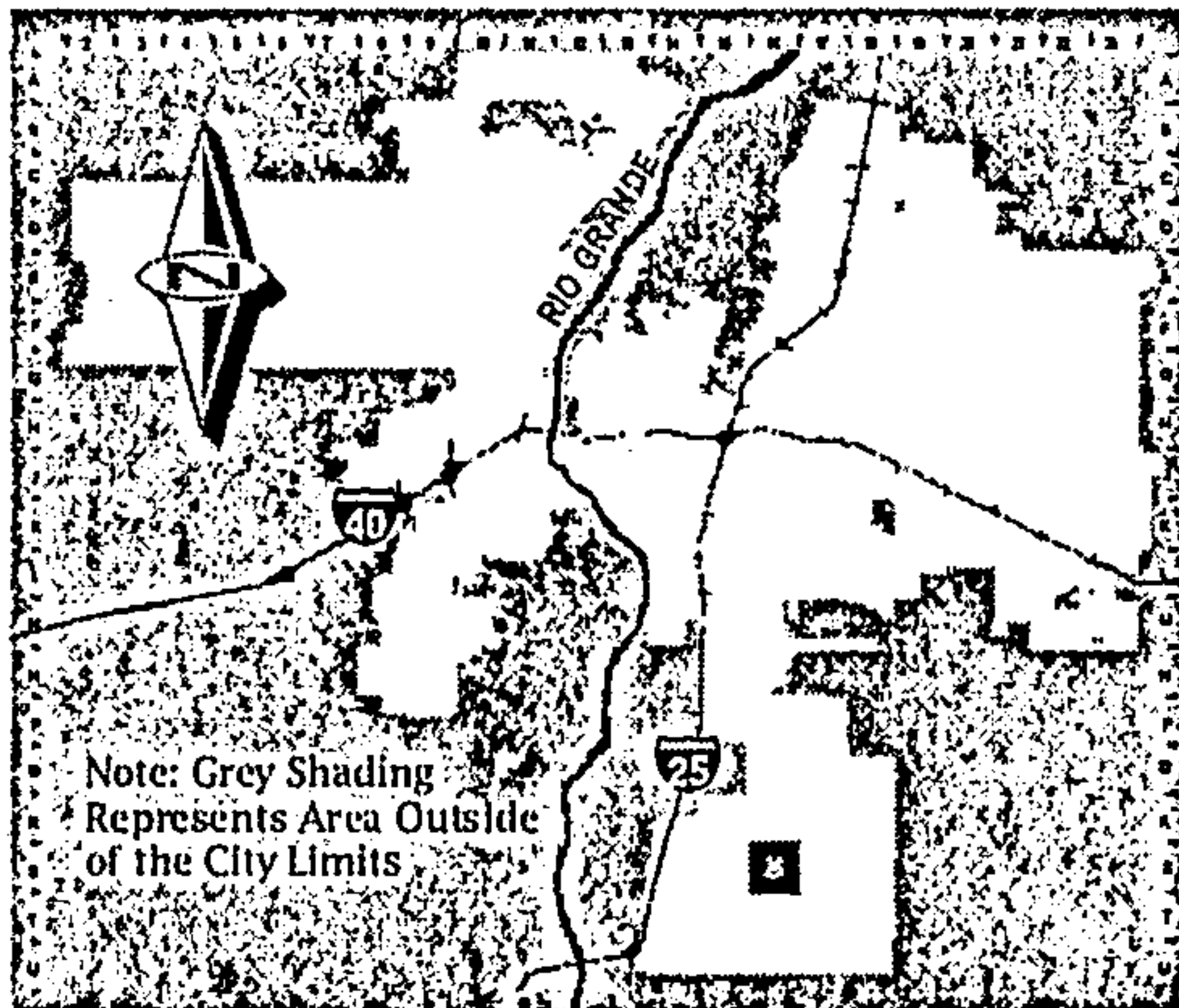


4A
 1004075
MESA DEL SOL
 SU-2/PLANNED COMMUNITY

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





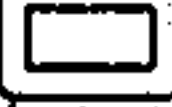


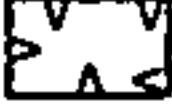



Map amended through: 9/5/2006

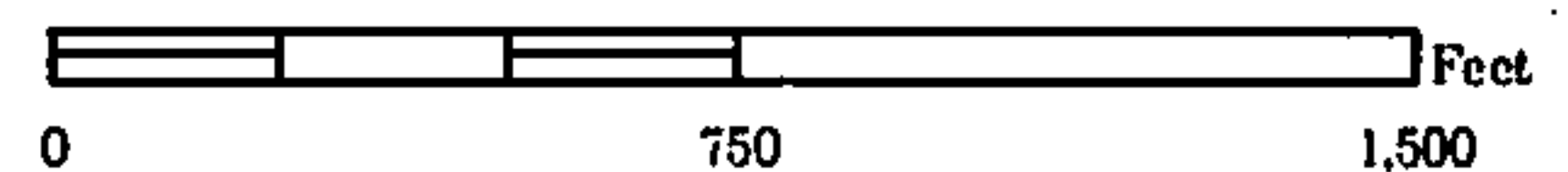


Zone Atlas Page:

S-16-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



2

4A

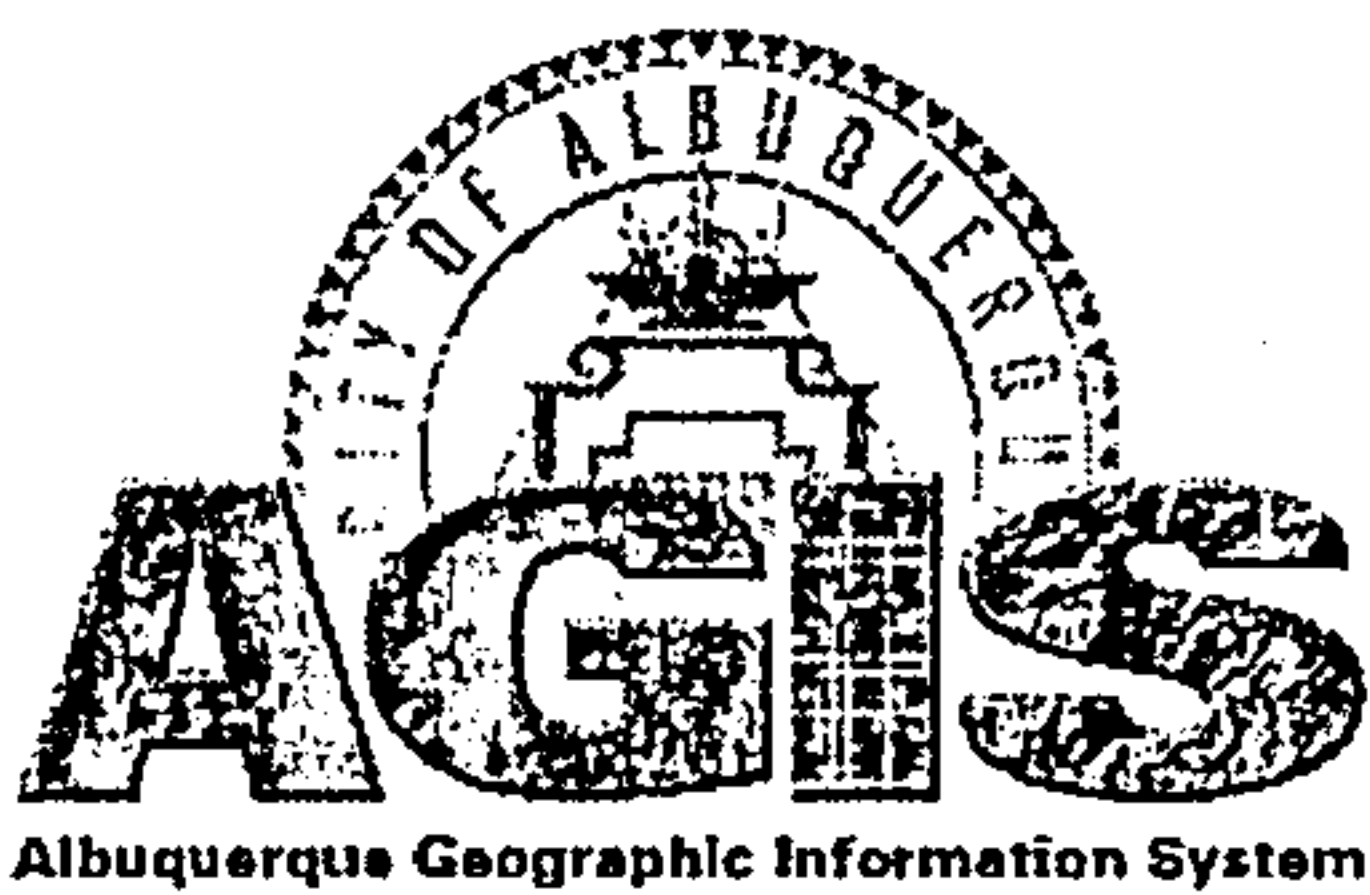
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MESA DEL SOL

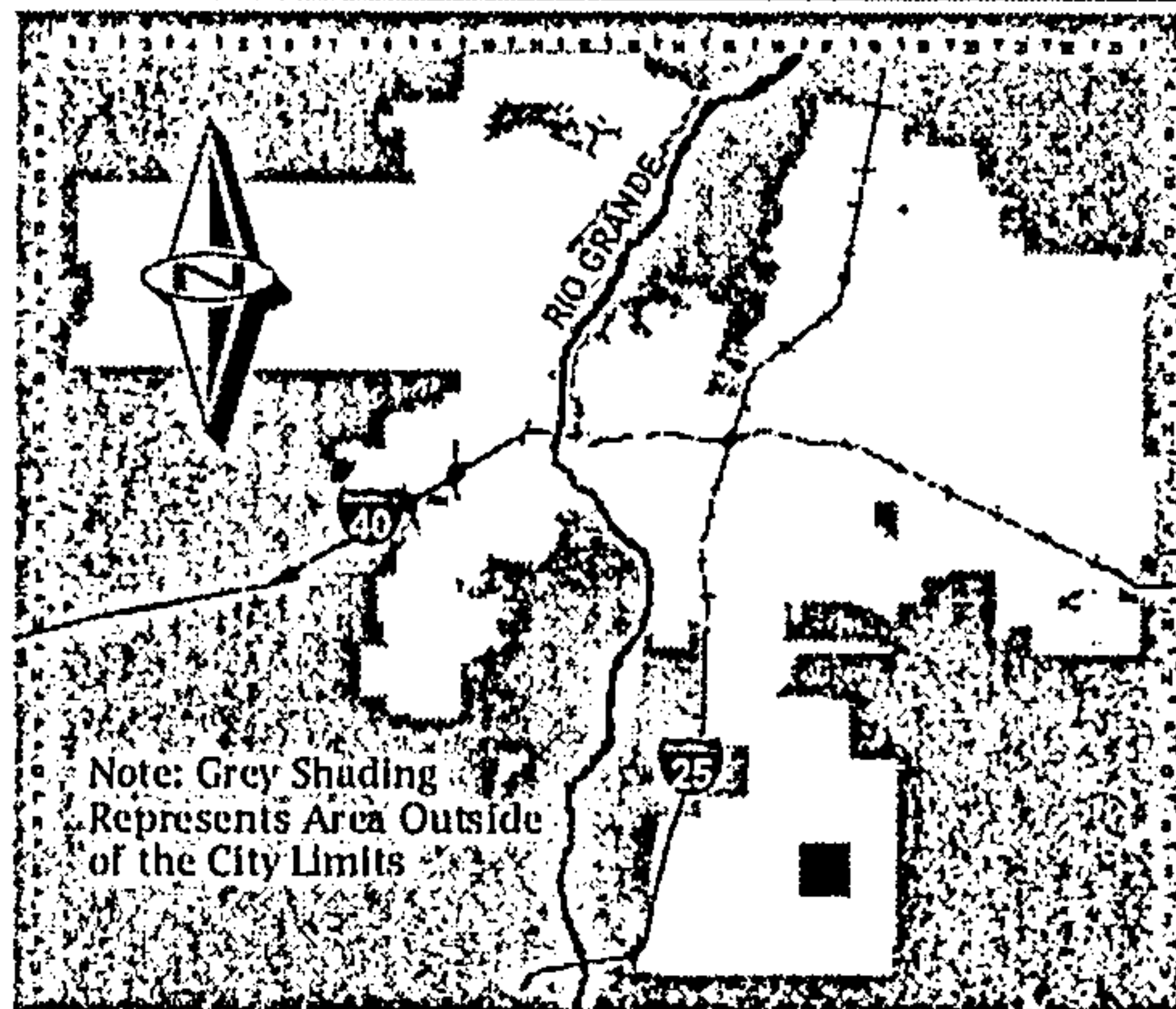
SU-2/PLANNED COMMUNITY

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







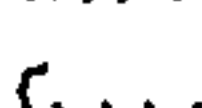
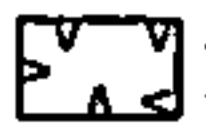
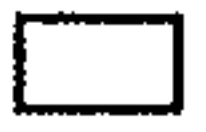


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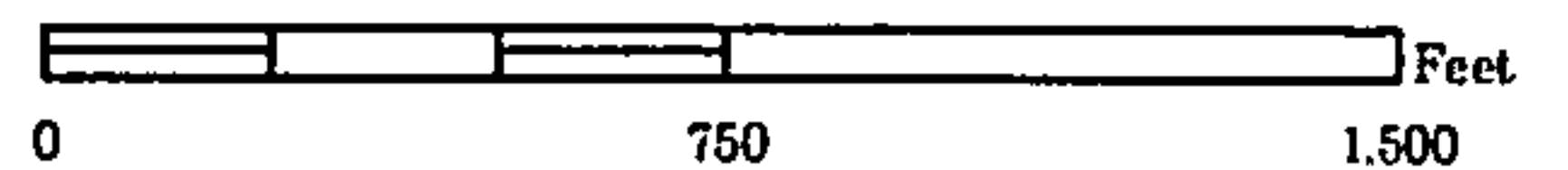


Zone Atlas Page:

S-17-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



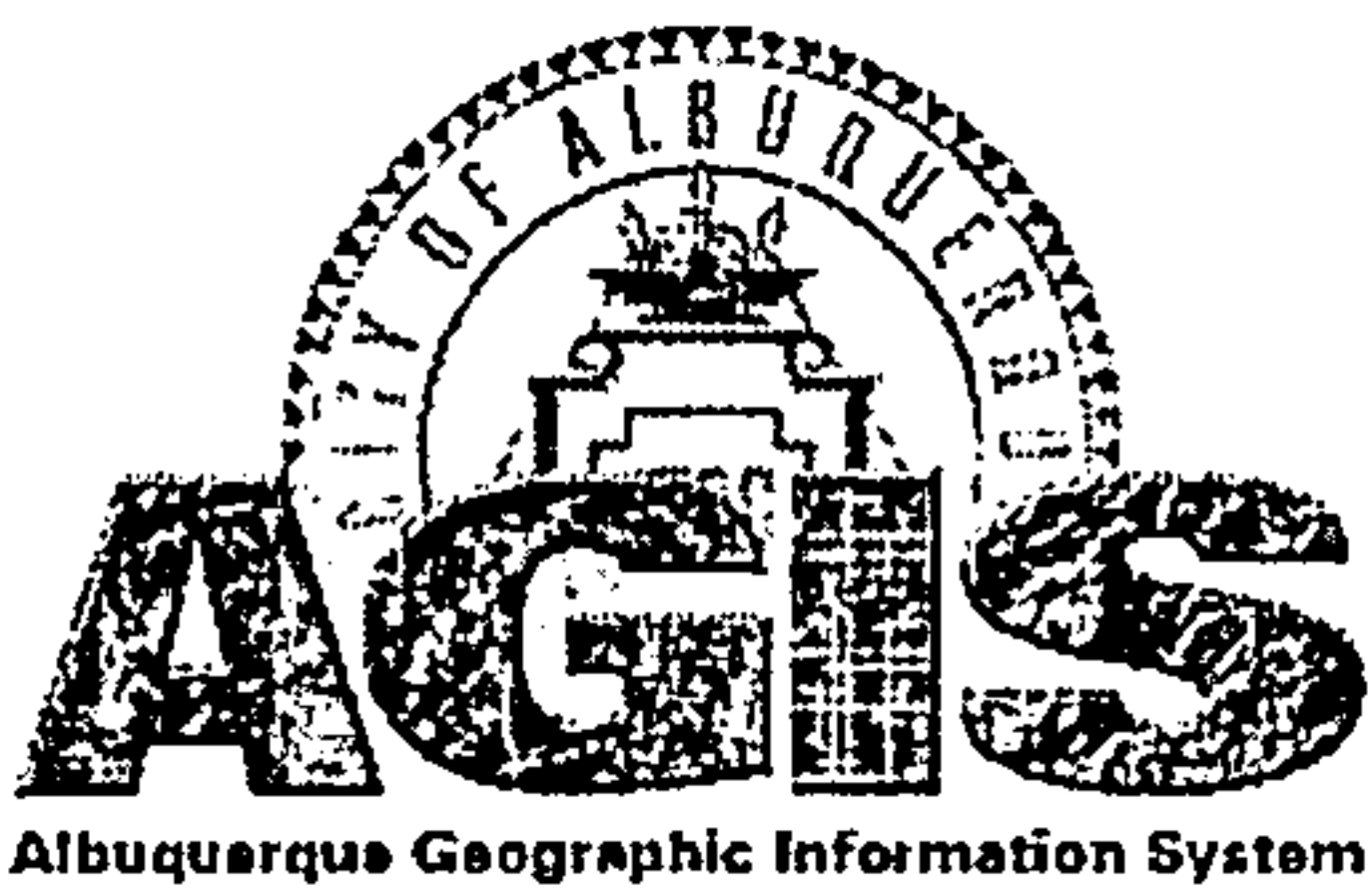
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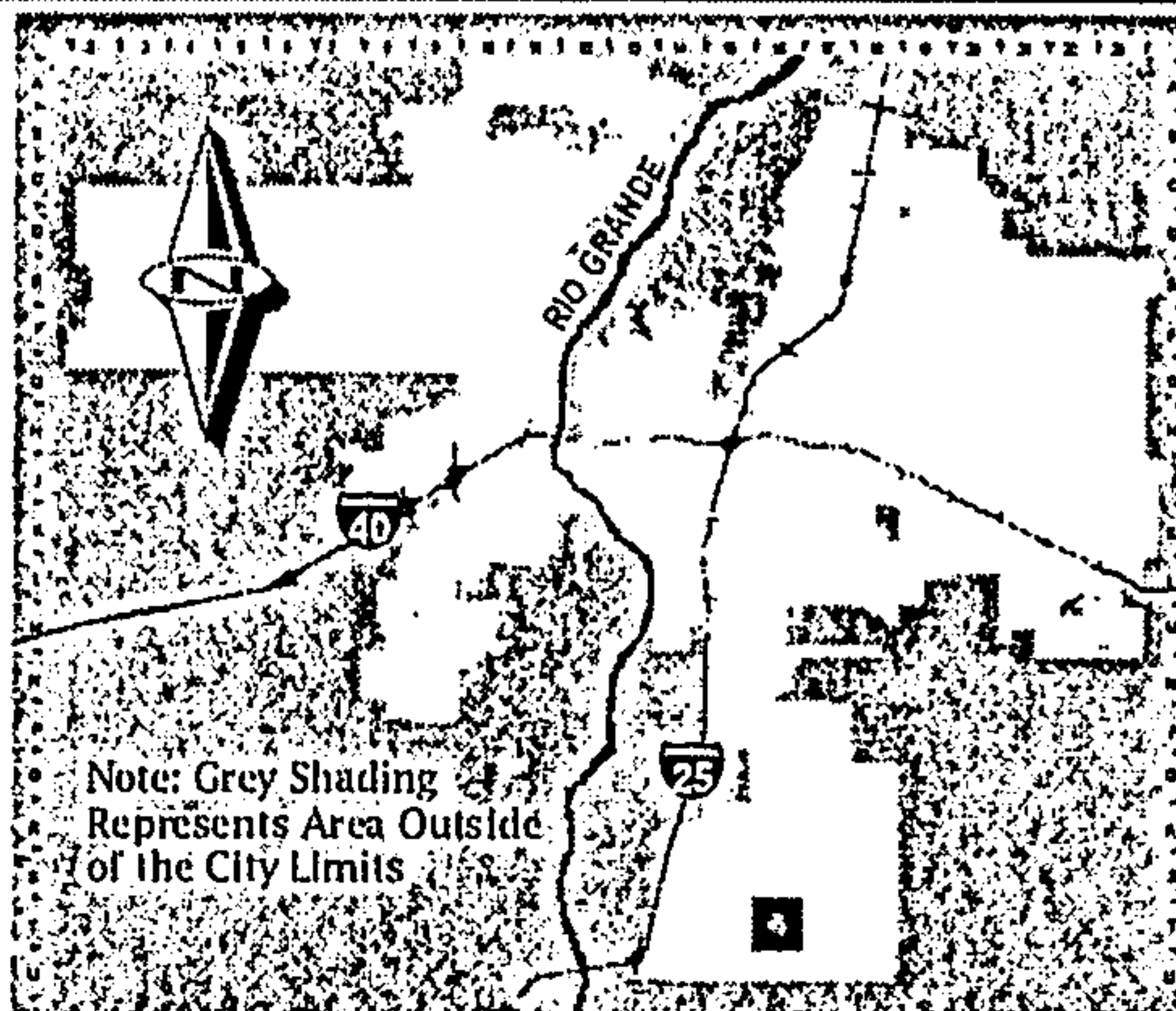
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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



Map amended through: 9/5/2006

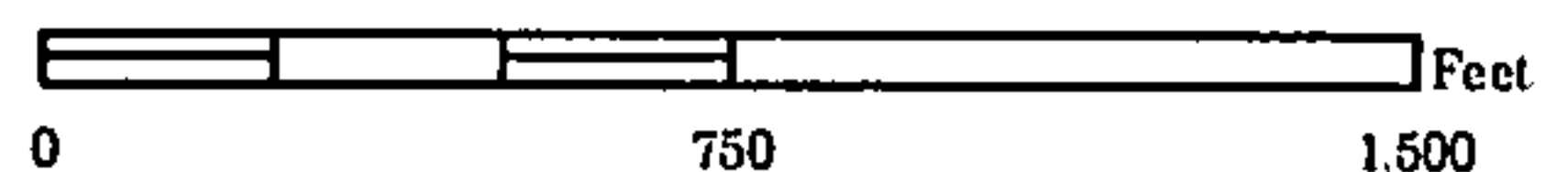


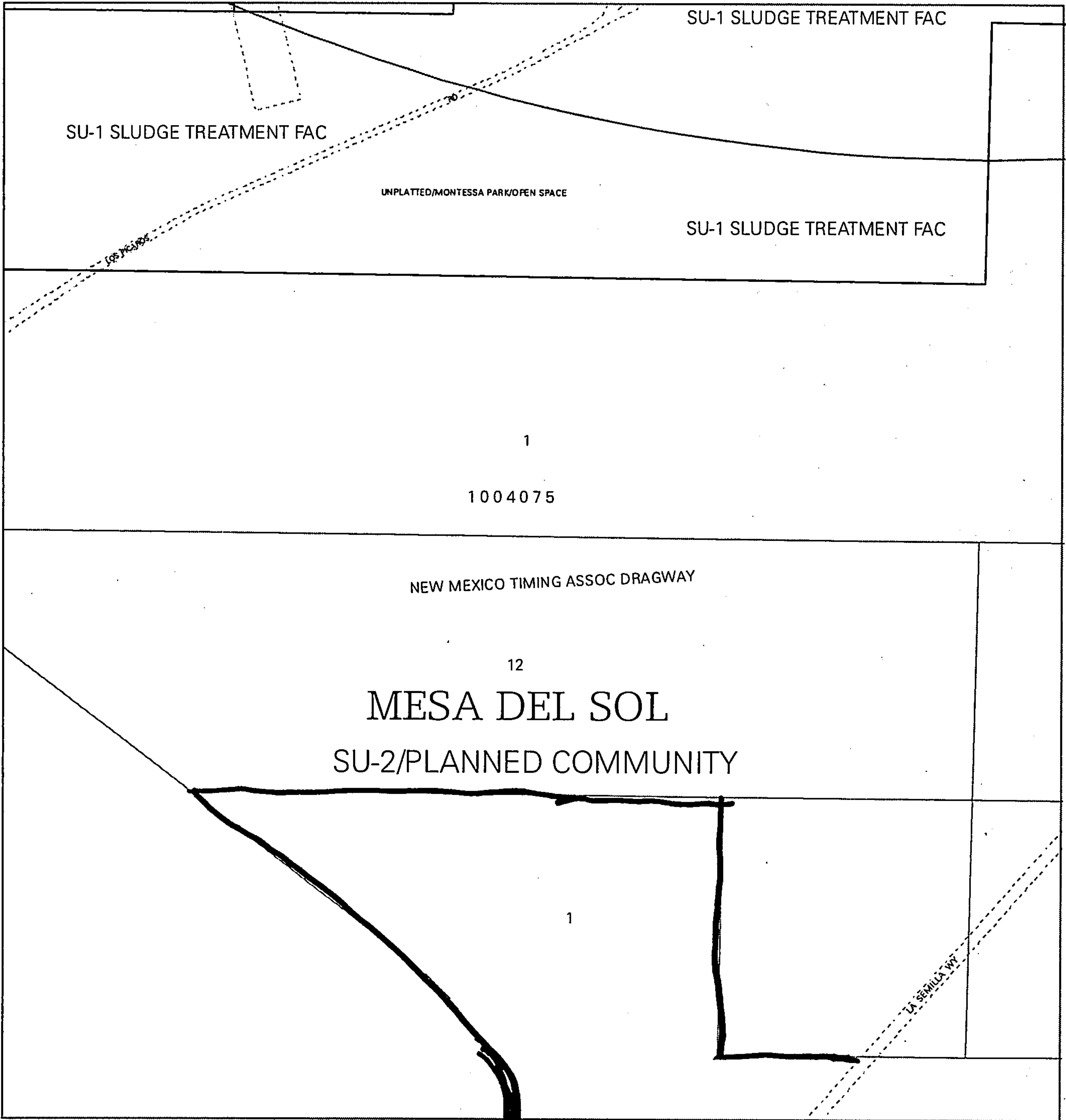
Zone Atlas Page:

T-16-Z

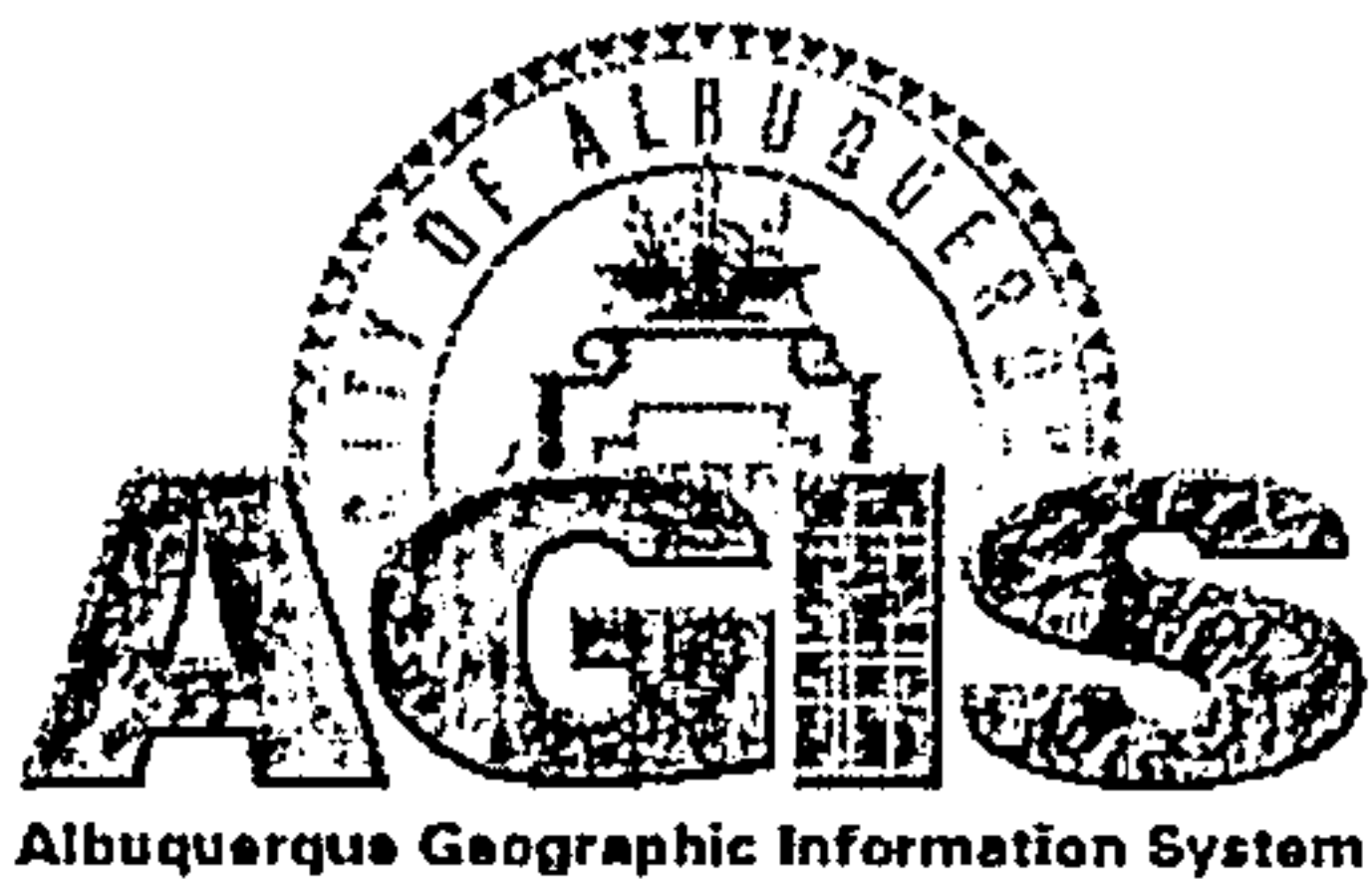
Selected Symbols

- | | |
|----------------------|------------------------|
| 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. | |

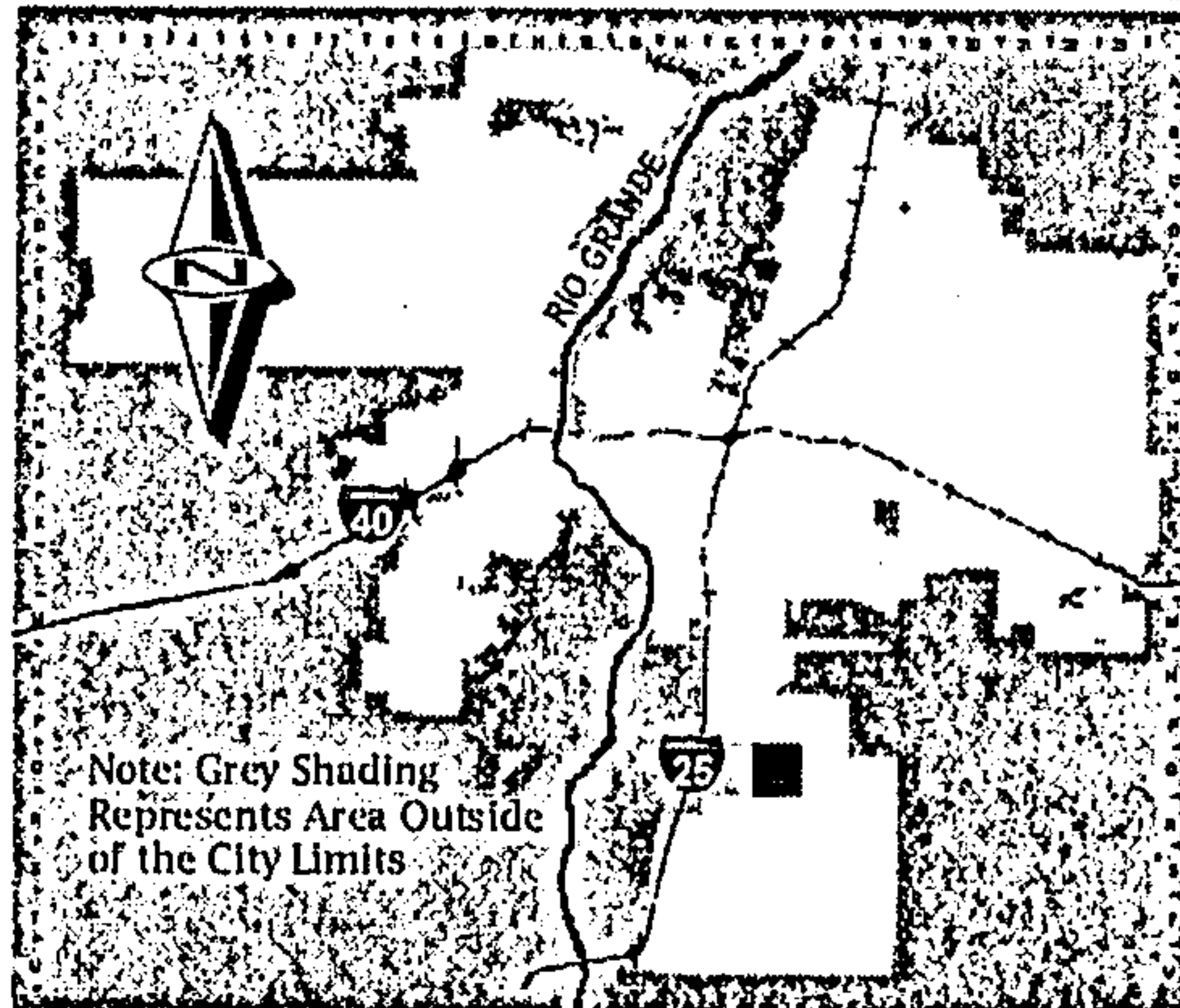




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Map amended through: 9/5/2006

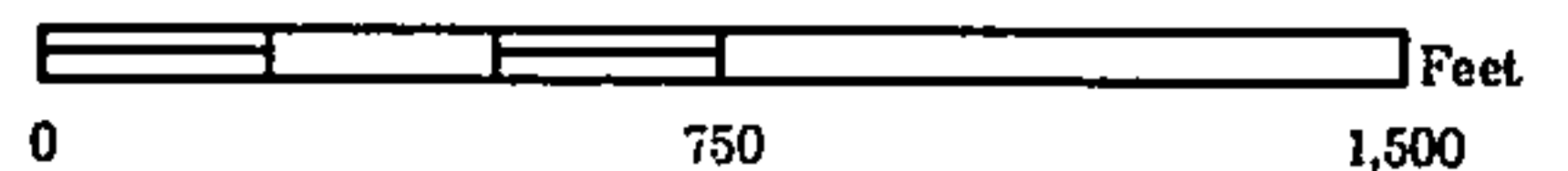


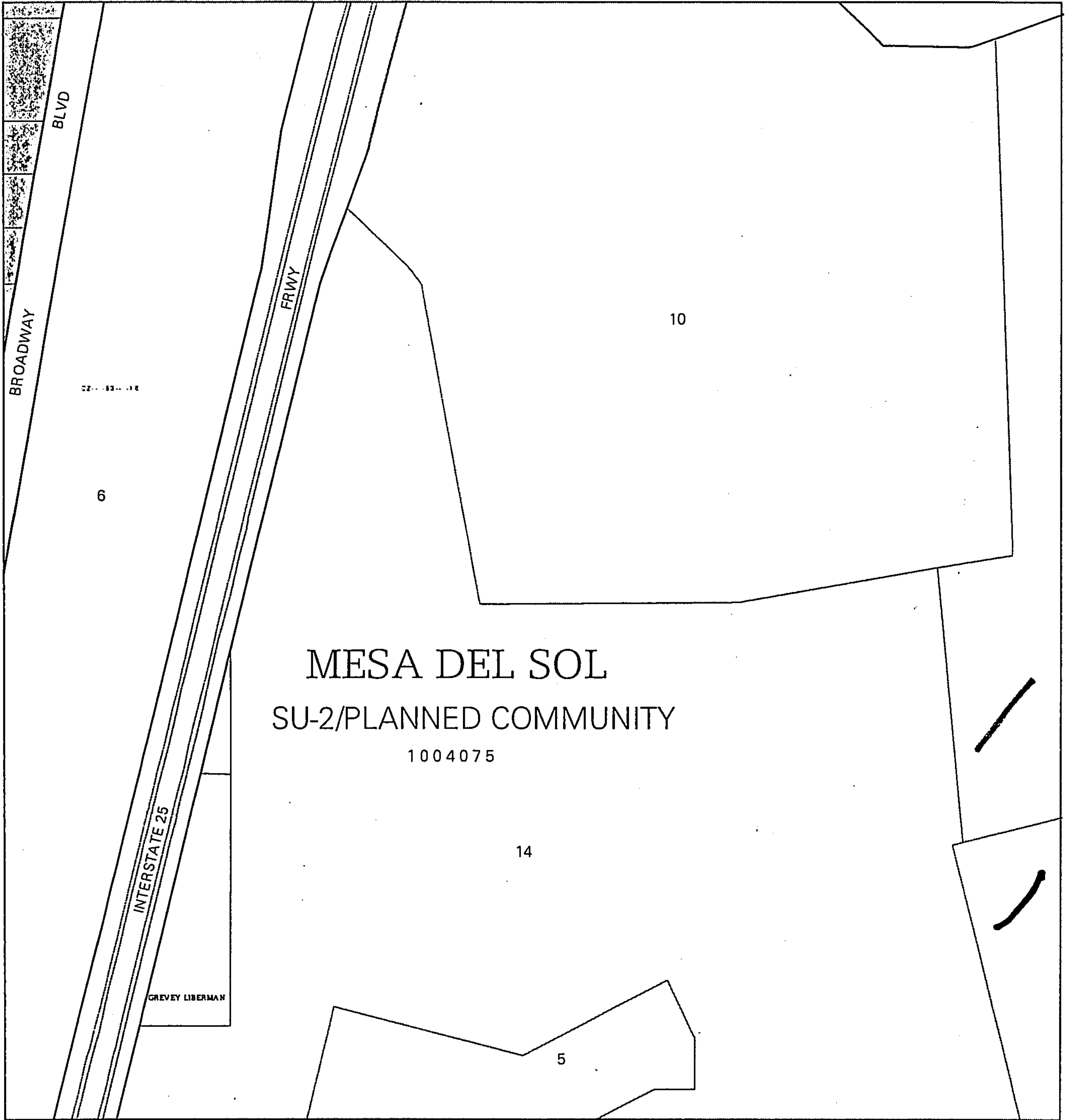
Zone Atlas Page:

Q-16-Z

Selected Symbols

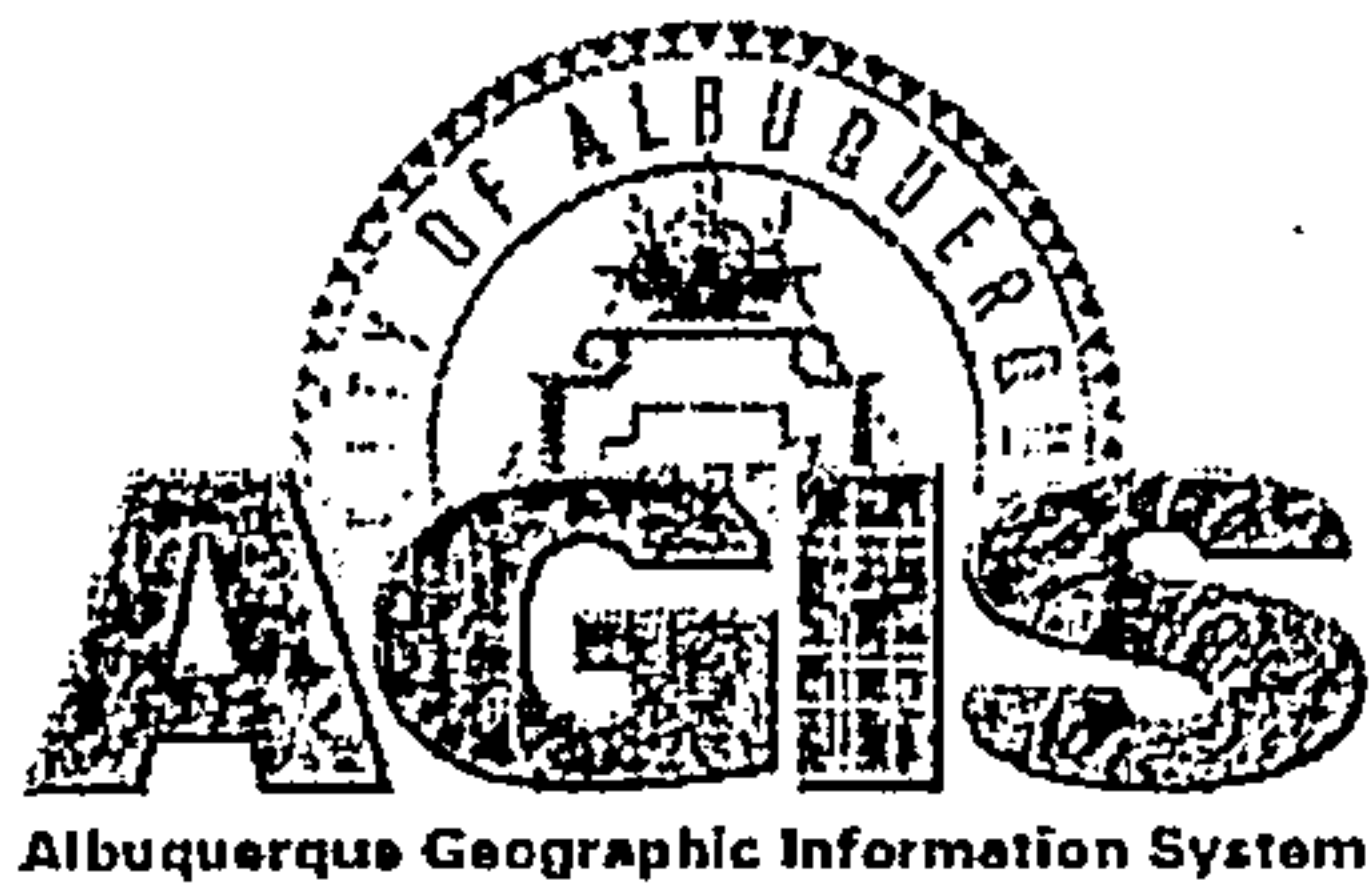
- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



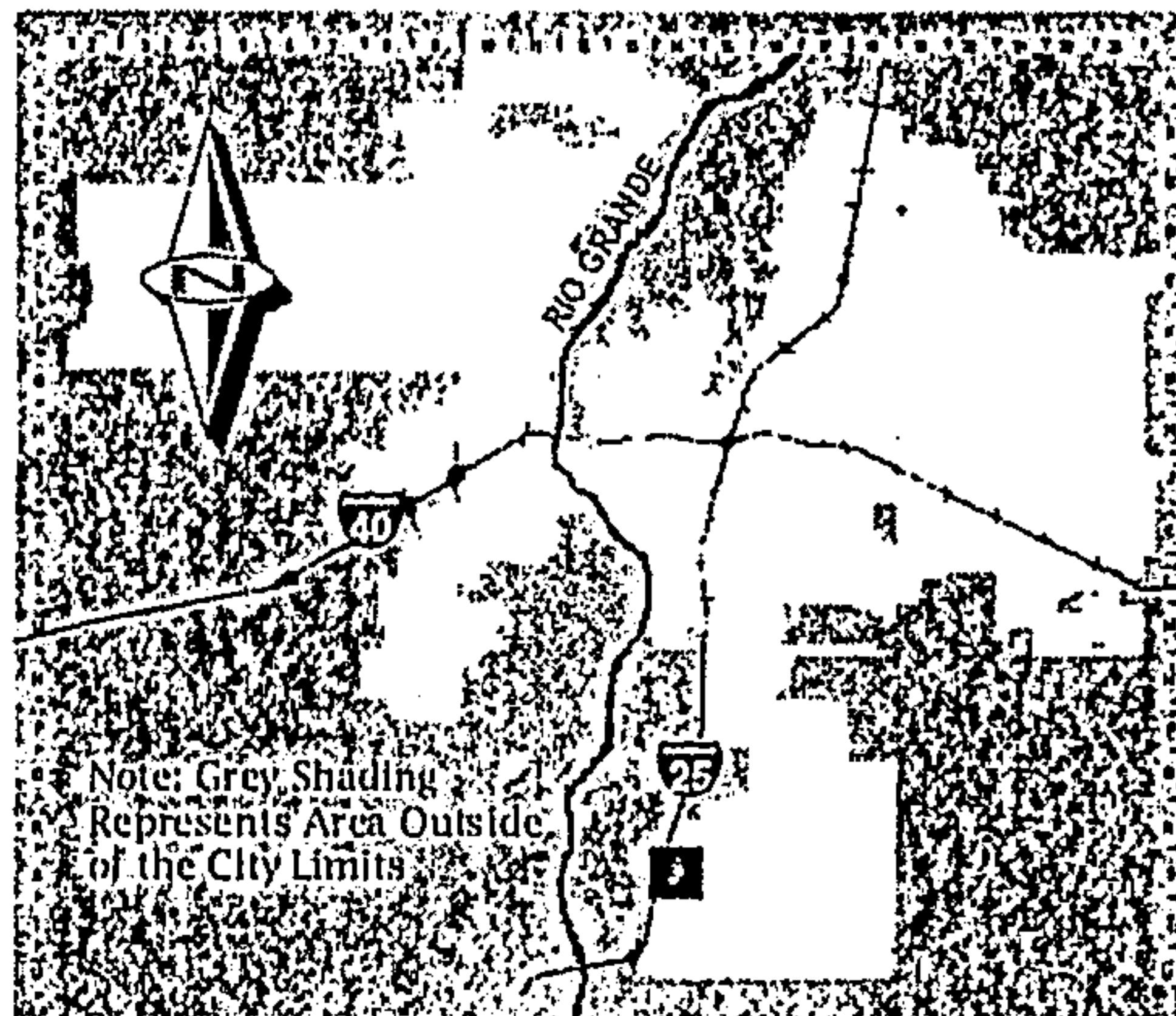


MESA DEL SOL
 SU-2/PLANNED COMMUNITY
 1004075

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



Map amended through: 9/5/2006

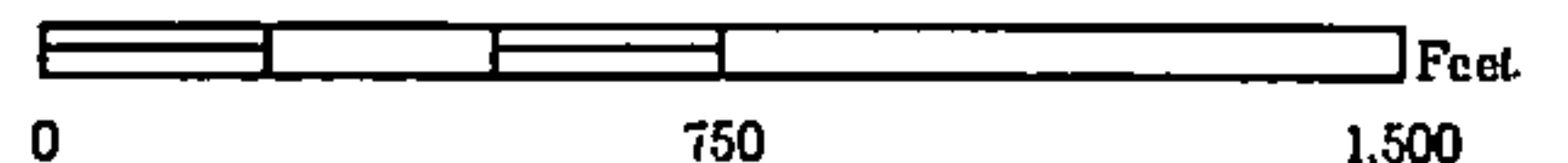


Zone Atlas Page:

S-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



JOURNAL PAVILION

Mesa del Sol Regional
Recreation Complex

SOLAR MESA AV.

UNIVERSITY BVD

4C

13

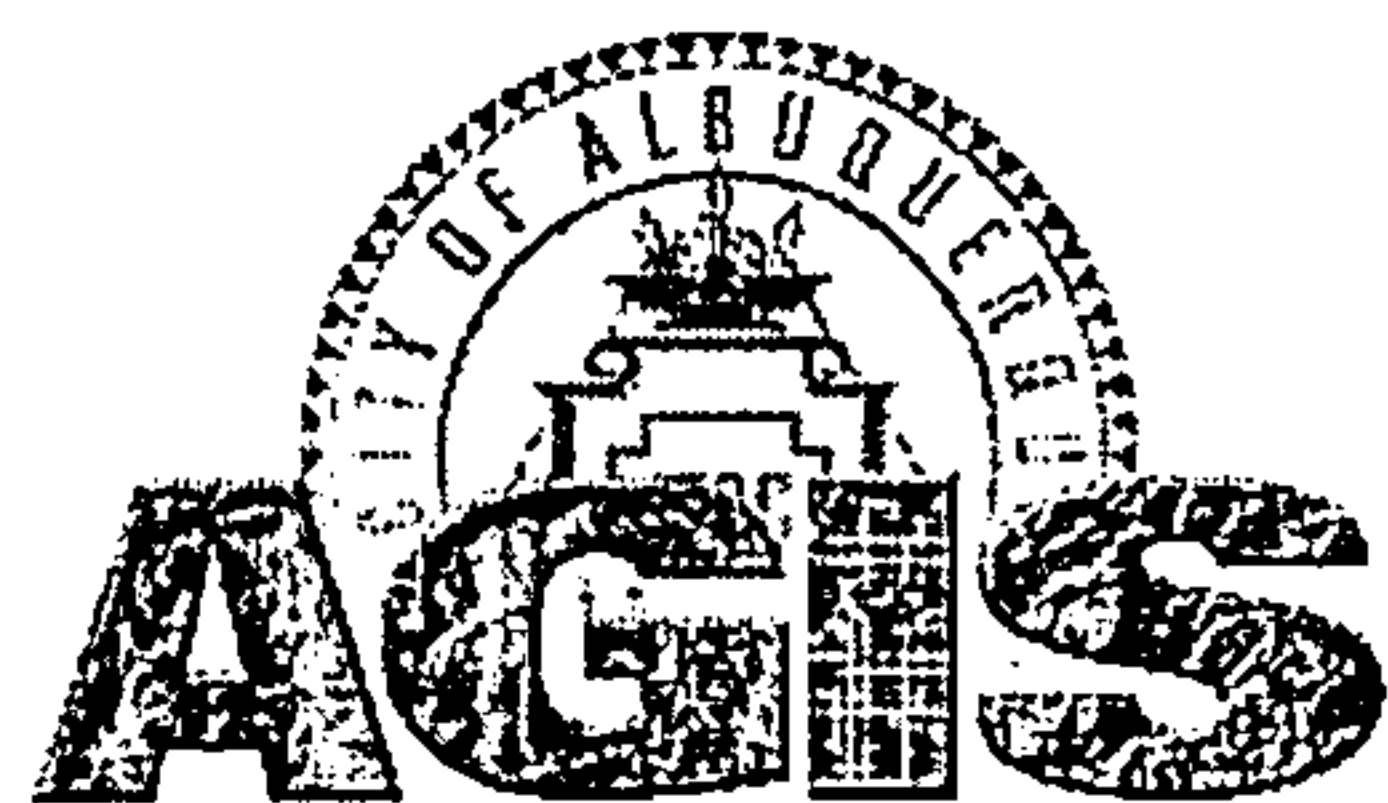
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MESA DEL SOL
SU-1/URBAN REGIONAL PARK

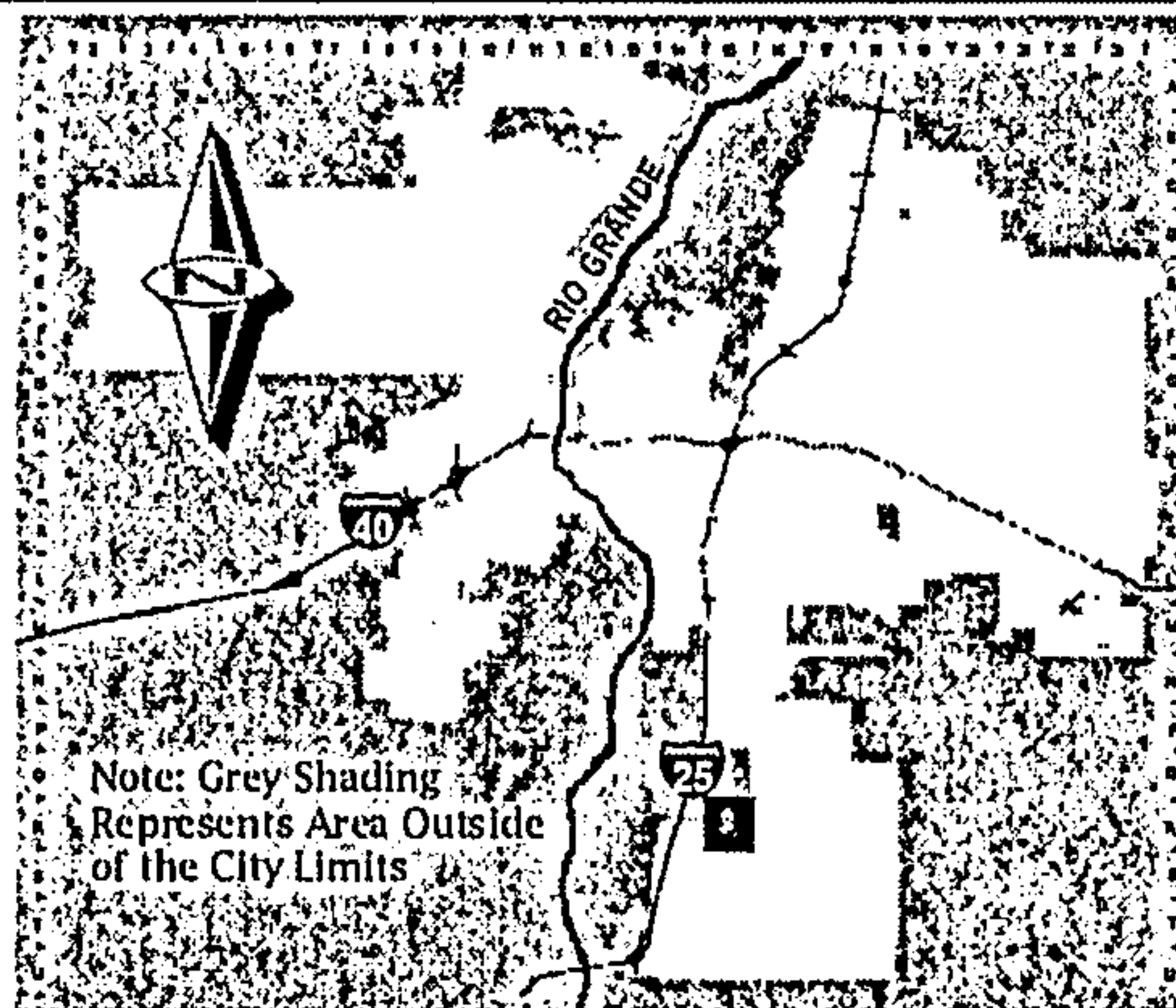
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SU-2/PLANNED COMMUNITY

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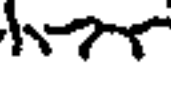





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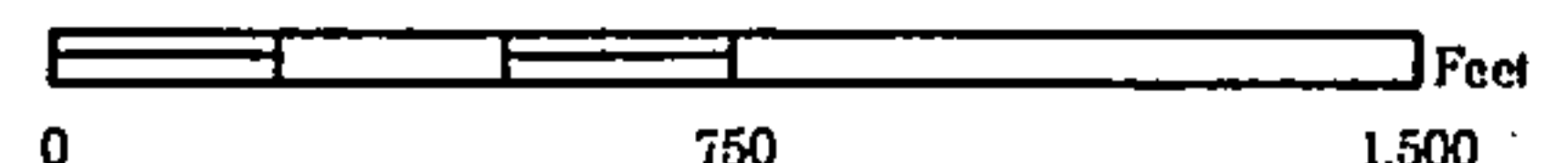


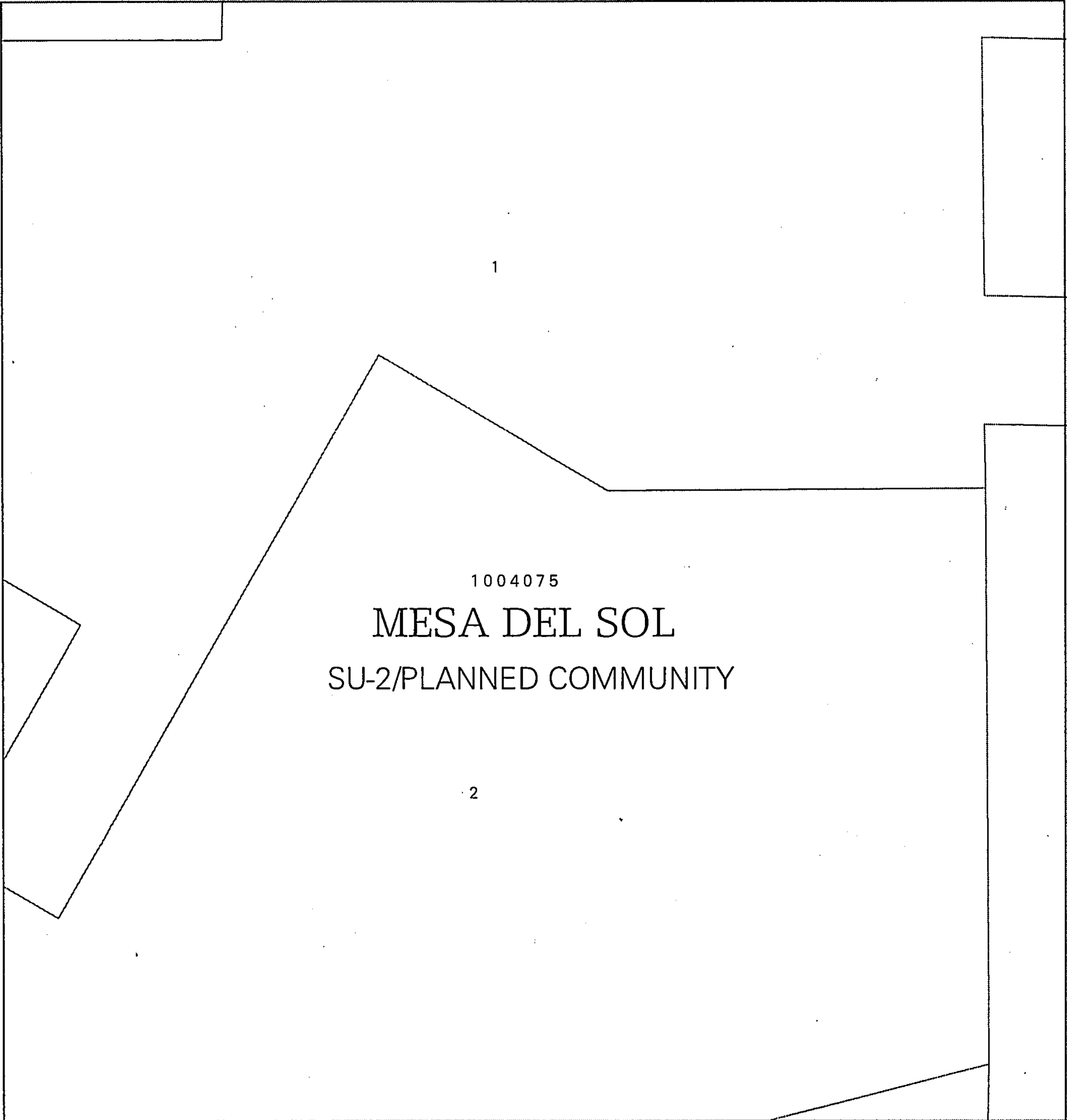
Zone Atlas Page:

R-15-Z

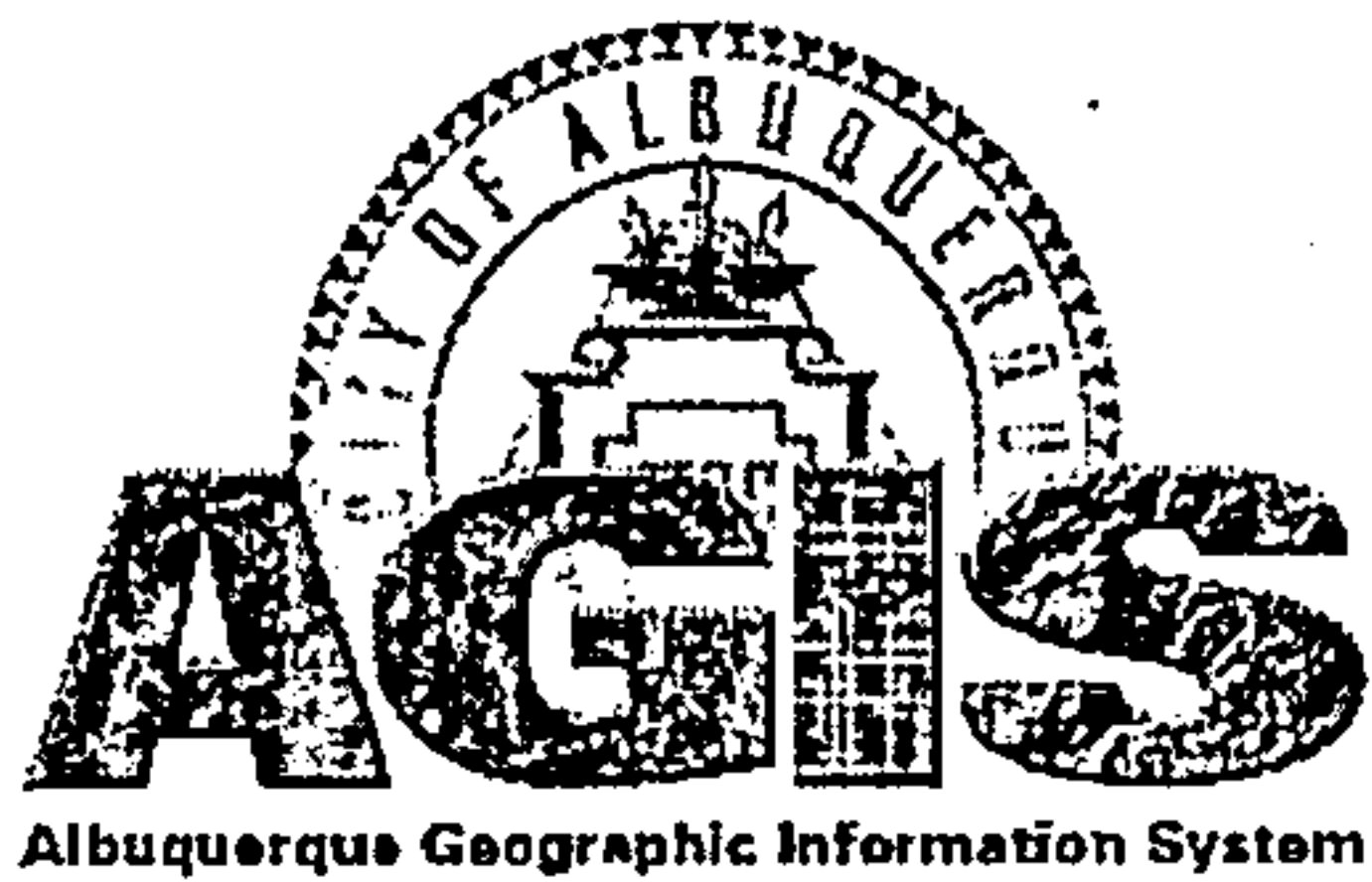
Selected Symbols

-  SECTOR PLANS
-  Design Overlay Zones
-  City Historic Zones
-  H-1 Buffer Zone
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-  Escarpment
-  2 Mile Airport Zone
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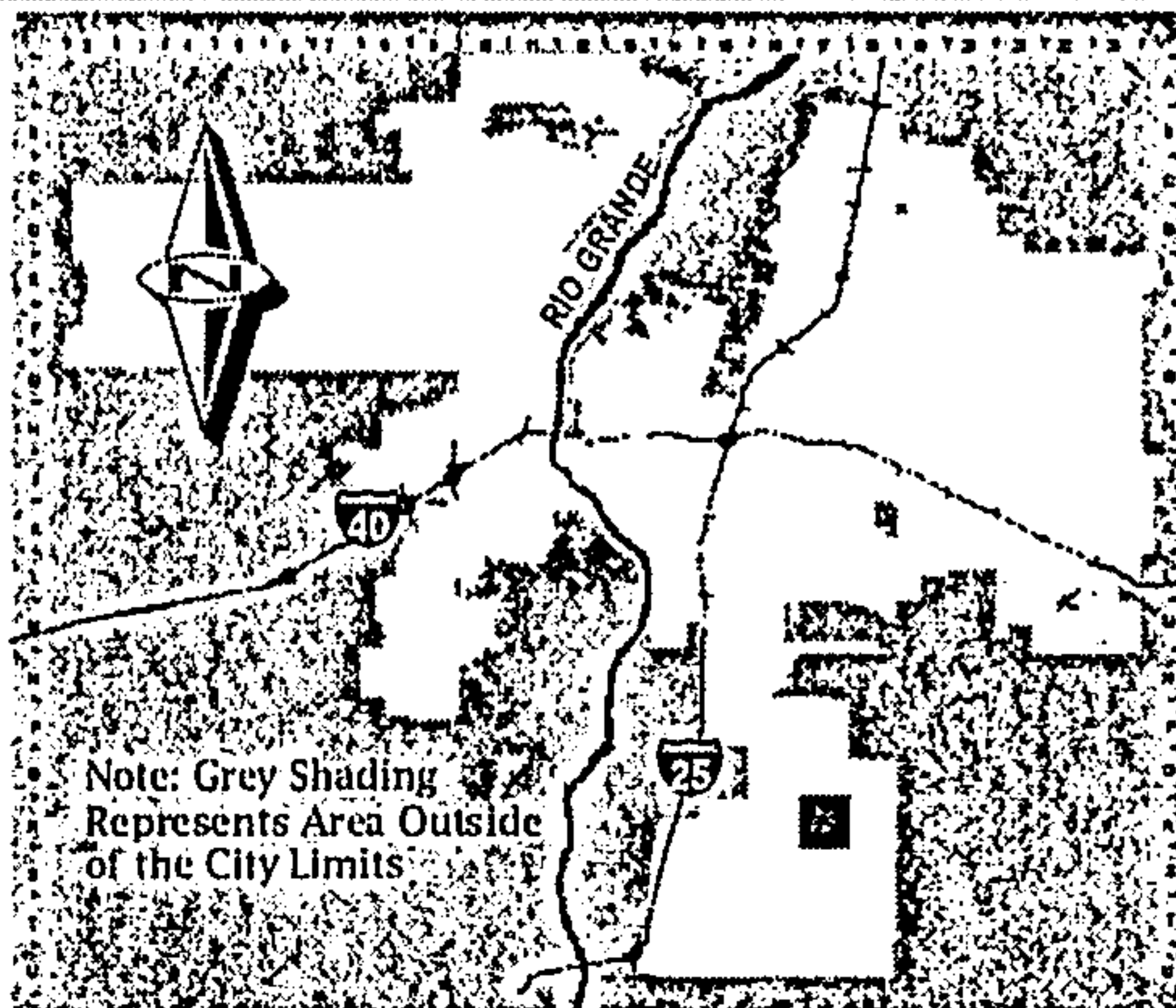




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Map amended through: 9/5/2006

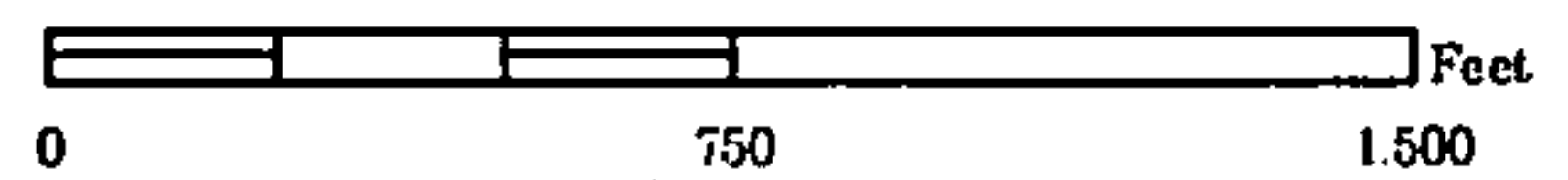


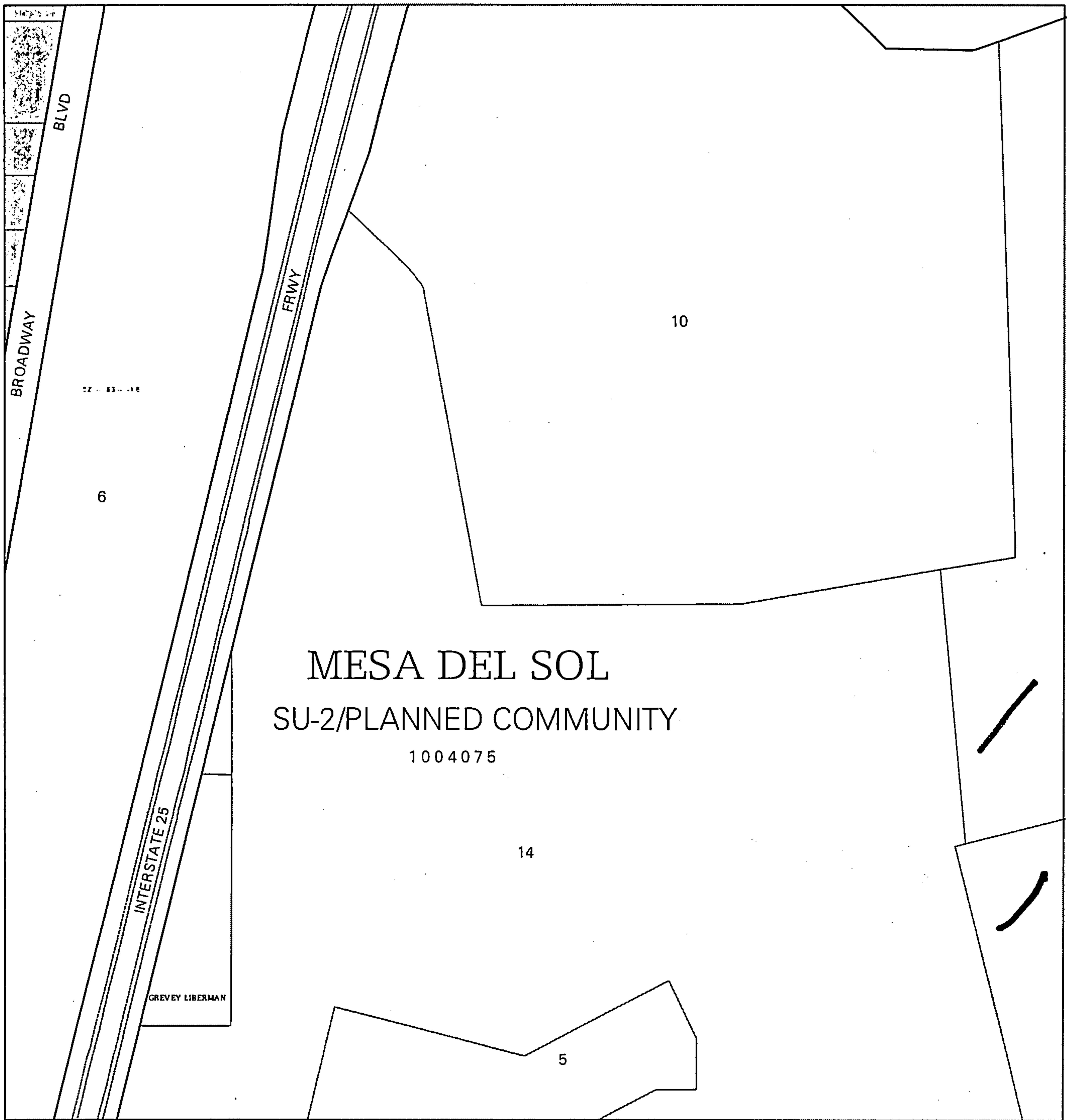
Zone Atlas Page:

R-17-Z

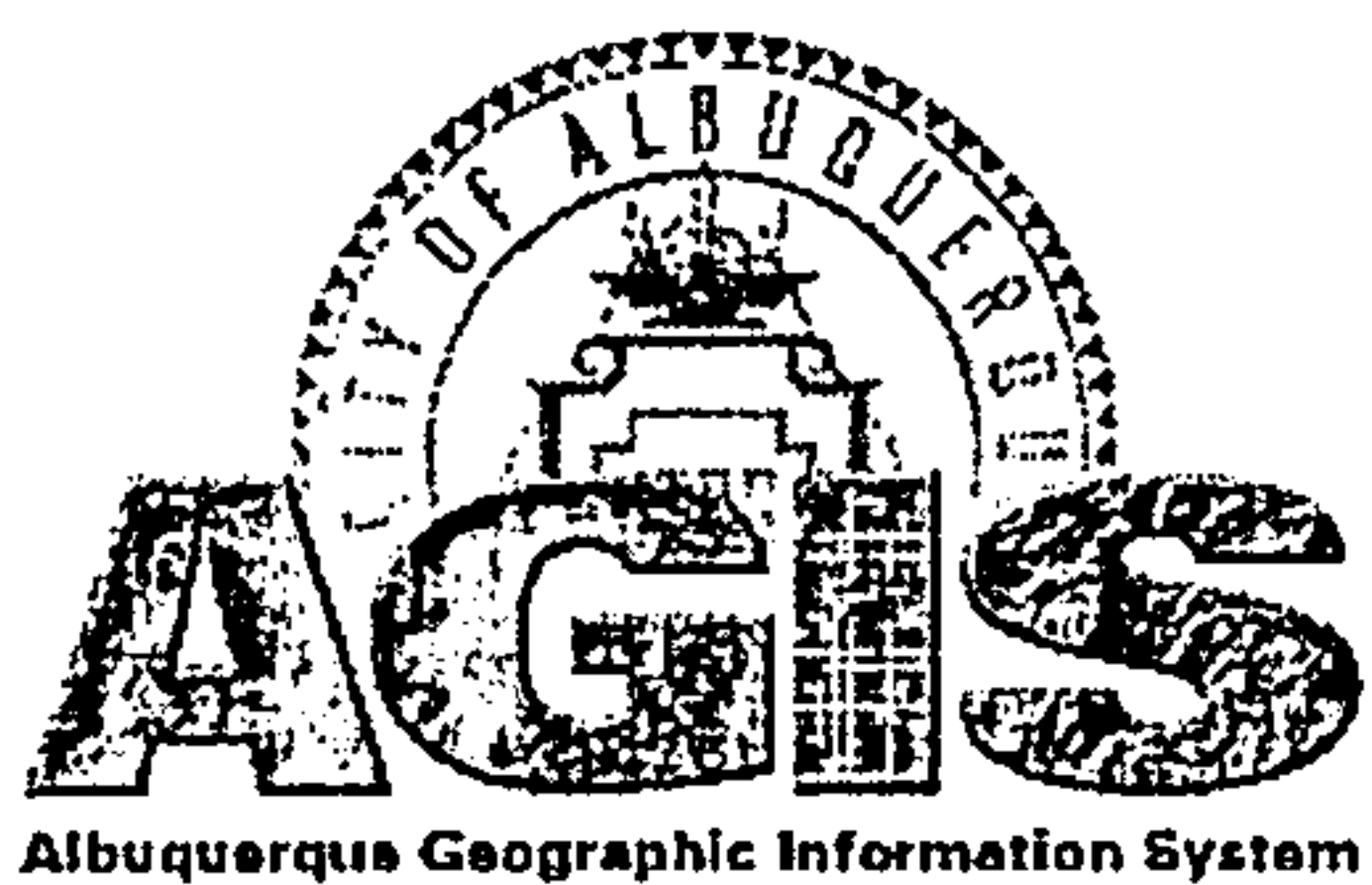
Selected Symbols

- 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

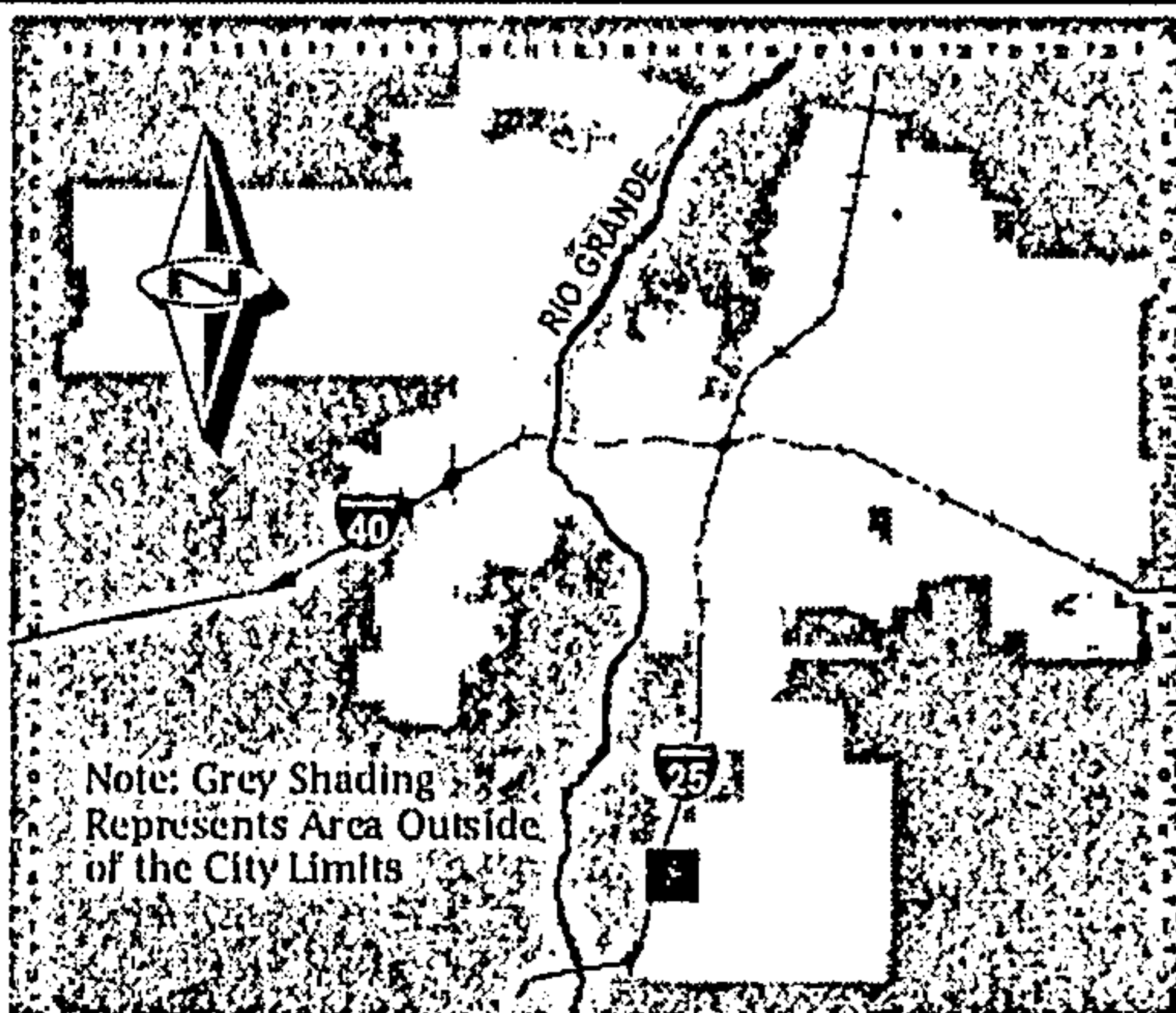




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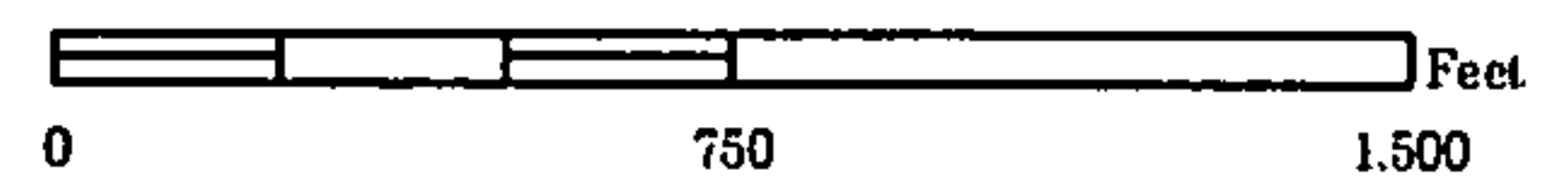


Zone Atlas Page:

S-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



Rec'd 11/15/06

MYERS, OLIVER & PRICE, P.C.

LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN
J. MATT MYERS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

*ALSO LICENSED IN TEXAS

e-mail: mmyers@moplaw.com

November 15, 2006

Hand Delivered

Richard Dourte, City Engineer
City of Albuquerque
600 2nd Street, NW
Plaza del Sol Building
Albuquerque, New Mexico

Re: Mesa del Sol Buildings 2&3/Project # 1004918/06DRB-01612

Dear Mr. Dourte:

This office represents Forest City Covington NM, LLC, in regards to the development of the property known as "Mesa del Sol". As you may be aware Bohannon Huston Inc., as agent for Mesa del Sol, LLC ("Mesa"), has applied to the Development Review Board to dedicate a strip of land to the City of Albuquerque ("City") for public right of way (the "Dedicated Land").

This process has been complicated by the fact that a portion of the Dedicated Land is currently being leased from Mesa by the Federal Aviation Administration ("FAA"). The lease, dated October 1, 2002, by and between the Commissioner of Public Lands (Mesa is the successor in interest to the Commissioner) and the FAA (the "Lease") will expire on September 30, 2007. It has been brought to our attention that the City would like some reassurance that Mesa will not extend the Lease beyond September 30, 2007.

This letter represents Mesa's commitment to the City that the Lease will not be extended past September 30, 2007. As further evidence of Mesa's desire to have the FAA Lease terminated by September 30, 2007 we have attached a draft of an agreement between Mesa and the FAA which requires Mesa to pay for the relocation and removal of certain FAA sites from Mesa del Sol (the "Agreement"), including the aforementioned site. As you can see from the Agreement Mesa intends to have the FAA removed from this site before September 30, 2007.

The City has also shown some concern over the FAA's ability to extend this Lease indefinitely. While acknowledging that the FAA has the power of eminent domain

we suggest that the attached Agreement demonstrates the FAA's desire to relocate the site. Additionally, there is nothing in the Lease which would allow the FAA the ability to extend the Lease.

Attached you will find a copy of the Lease as well as a draft of the Agreement. Please call if you have any questions or comments.

Very truly yours,

MYERS, OLIVER & PRICE, P.C.

By: 

J. Matt Myers

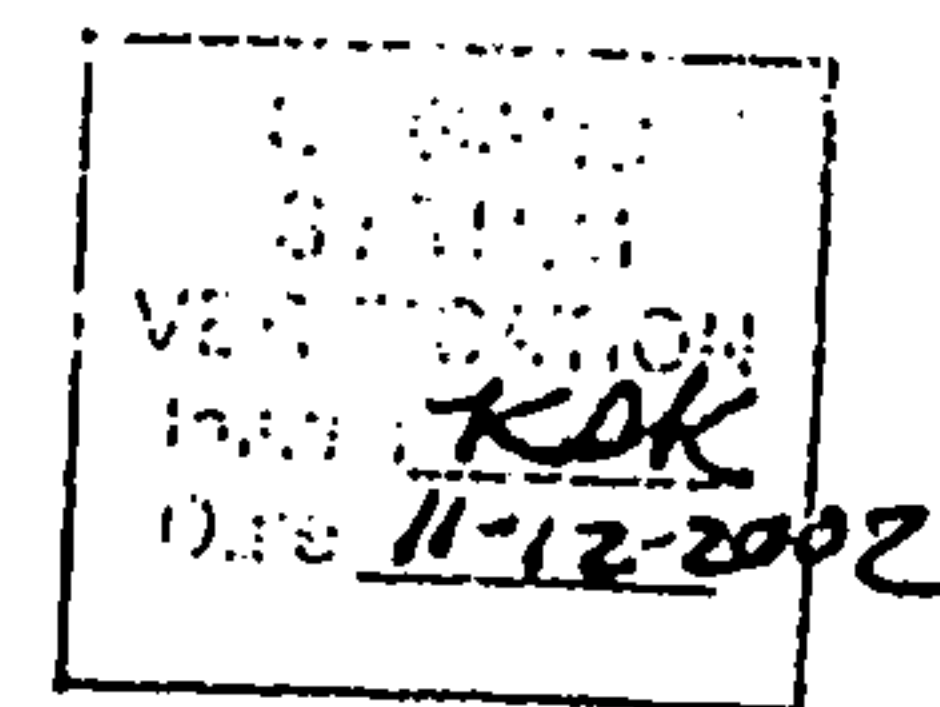
JMM:ck

cc: Harry Relkin (via e-mail)

Via Hand Delivery

Sheran Matson, AICP, DRB Chair, 600 2nd St. NW, Albuquerque, NM
Kevin Curran, Esq., Legal Dept. Real Property Division One Civic Plaza NW 3rd
Floor, Albuquerque, NM
James Topmiller, 7500 Jefferson Street, NE, Albuquerque, NM
Wilfred Gallegos, Transportation Development, 600 2nd. St. NW,
Albuquerque, NM

COMMISSIONER OF PUBLIC LANDS
NEW MEXICO STATE LAND OFFICE
STATE OF NEW MEXICO



BUSINESS LEASE

Albuquerque, New Mexico

New Mexico State
Lease No. BL-1425

U.S. Government Lease
No. DTFA07-03-L-01402

THIS LEASE, dated October 1, 2002, is made and entered into by and between the Commissioner of Public Lands, hereinafter referred to as "Lessor", and the United States of America, Federal Aviation Administration, hereinafter referred to as "Lessee."

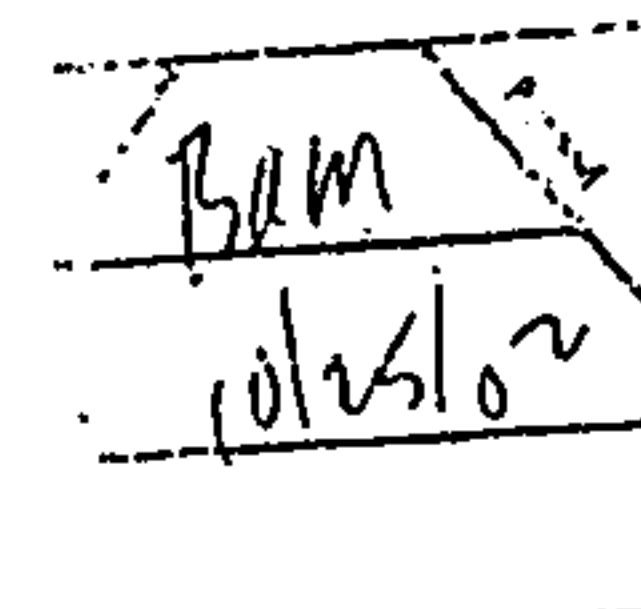
Lessor and Lessee agree and covenant as follows:

1. **LEASE.** For and in consideration of and subject to the terms, conditions, covenants and reservations contained herein, Lessor leases to Lessee the following described tract of land, hereinafter referred to as the "leased premises":

A certain tract of land within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 9 North, Range 3 East, N.M.P.M., Bernalillo County New Mexico, and being more particularly described by New Mexico State Plane bearings (Central Zone) and ground distances as follows: Beginning at the SE corner of the tract herein described whence Albuquerque City survey monument "1-R16" bears S 46°58'07" E. 2263.09 feet; thence, West 30 feet to the Southwest corner of the tract herein described; thence, North 30 feet to the Northwest corner of the tract herein described; thence, East 30 feet to the Northeast corner of the tract herein described; thence, South 30 feet to the point of beginning, containing 0.0207 acres, more or less.

The rights granted herein are subject to all valid existing rights in the leased premises.

2. **RESERVATIONS.** Lessor reserves the right to execute leases for the exploration, development and production of geothermal resources, oil and gas, sand, gravel, coal, shale, clay, building stone or materials, potassium, sodium, phosphorus, salt or any other minerals or deposits of whatsoever kind located



in, under or upon the leased premises and all rights of access, ingress and egress through or across the leased premises that are necessary or convenient to such exploration, development or production. Lessor shall notify Lessee, however, of Lessor's intended exercise of such rights prior to Lessor's conveyance of interests in, under, upon or across the leased premises to permit Lessee's submission to Lessor, for Lessor's consideration, any objections or suggestions Lessee may have regarding the location of operations of other prospective interest holders on the leased premises.

3. **TERM.** The term of this lease shall begin October 1, 2002, and end at midnight September 30, 2007, unless terminated or cancelled earlier as herein provided. Upon termination of the lease, Lessee may, however, at Lessee's option, renew the lease from year to year, provided no renewal shall extend the lease term beyond September 30, 2007. Lessee's option shall be deemed exercised and the lease renewed each year for one year unless Lessee provides written notice to Lessor at least thirty days prior to lease expiration that Lessee will not exercise the renewal option. Nothing contained herein shall limit the right of Lessor to sell the leased premises during the lease term.

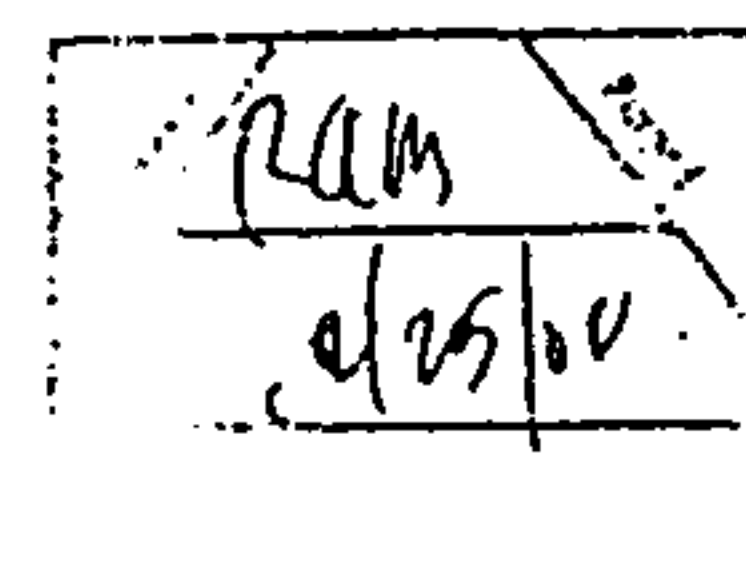
4. **RENT.** Lessee shall pay to Lessor as rent for the leased premises and for the rights and privileges granted hereunder \$2,200.00, per due and payable on or before the 31st day of October each year during the term of this lease, including each annual renewal thereof. Time is of the essence in the performance of this agreement.

5. **PERMITTED USE.** Lessee shall use the leased premises for the sole and exclusive purpose of an aerial radio radar reflector moving target indicator used as navigational aid for aircraft control at Albuquerque International Airport. FAA is charged with the safe operation of the nation's airways, and this site is essential to that responsibility. No other uses are permitted.

6. **IMPROVEMENTS.** Lessee may place the following improvements on the leased premises:

- 10' X 10' fenced area
- 10' pole w/2' dish antenna

Modifications to the above-listed improvements and the placement of additional improvements on the leased premises may be necessary from time to time in order for Lessee to provide



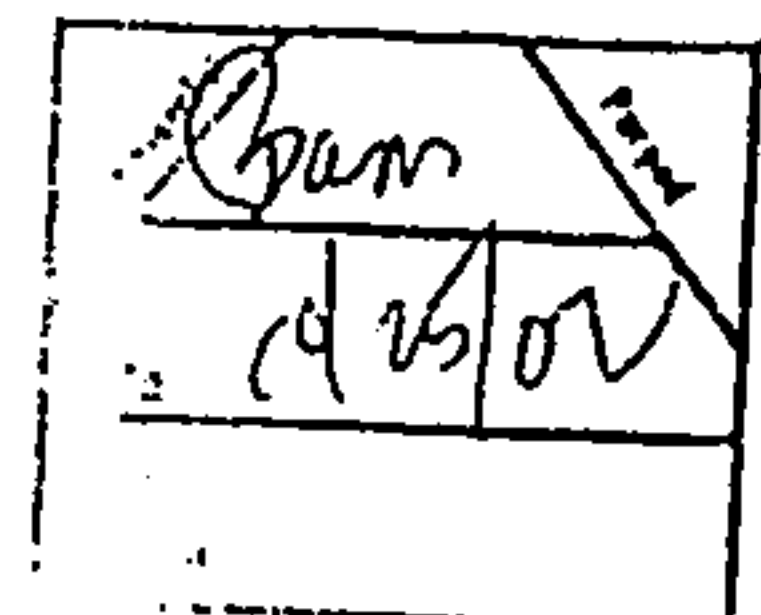
adequate support to NAS consistent with the permitted uses of this lease. Lessee agrees that such improvement modifications and additions shall not be made without Lessor's prior written consent by lease amendment pursuant to Paragraph 18 hereof, and Lessor agrees that such consent shall not be unreasonably withheld. Lessee shall maintain and protect from waste and trespass all improvements placed on the leased premises, other than improvements placed by holders of valid rights in the land other than Lessee. In the event improvements other than those authorized herein are placed on the leased premises, Lessee shall, at Lessee's expense, remove such improvements and restore the leased premises to their condition existing prior to the placement of the improvements unless this lease is amended pursuant to Paragraph 18 hereof to permit such improvements to remain. The foregoing rights of Lessor shall be cumulative to Lessor's right to cancel this lease as herein provided.

7. **LIEN.** To secure the payment of any rent amount that is due and unpaid or to become due, and to satisfy all reasonable costs incurred by Lessor in recovering said rent amount, Lessor shall have a first and prior lien on any and all improvements, fixtures and equipment placed on the leased premises to the extent such lien is not prohibited by applicable federal law.

8. **IMPROVEMENT REMOVAL AND RECLAMATION.** Upon relinquishment, termination of this lease without re-lease to Lessee, or Lessor's cancellation of this lease as provided herein, Lessee shall remove all improvements placed on the leased premises pursuant to the terms hereof for which Lessor requests removal in writing prior to lease termination or within ninety days thereafter. Lessee shall restore the leased premises as nearly as possible to their condition existing prior to the placement of said improvements; provided, however, if any rent amount is due and unpaid at the time of lease cancellation or termination, Lessee shall remove improvements and restore the leased premises as herein provided only at such time, in such manner and under such conditions as Lessor may in writing demand.

9. **RELINQUISHMENT.** Lessee, if not in default under this lease, may at any time relinquish the lease to Lessor and be relieved of further obligations under the lease. Relinquishment shall be made on a form prescribed by Lessor and shall be accompanied by a fee of \$30.00. Upon relinquishment Lessee shall not be entitled to the refund of any rent previously paid.

10. **ASSIGNMENT AND SUBLEASE.** Lessee shall not assign this lease, sublease the leased premises or any part thereof, or



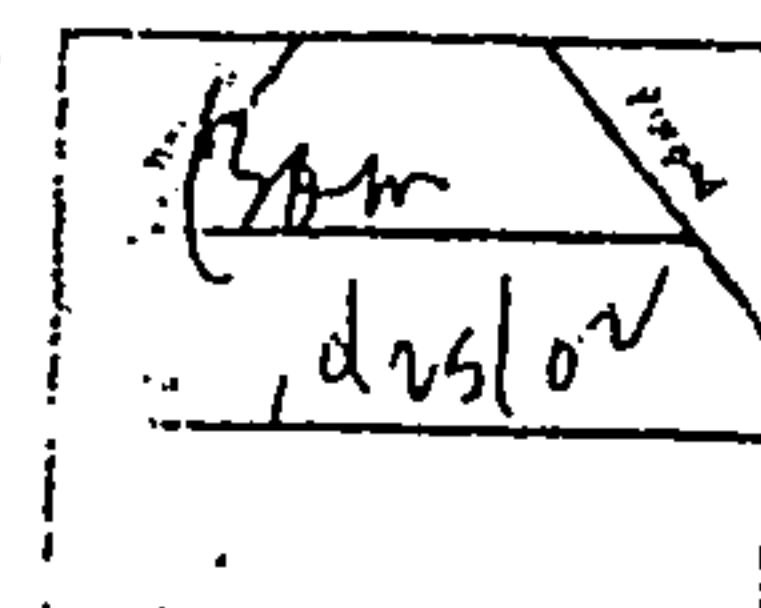
assign or lease any improvements located on the leased premises without the amendment of the lease, pursuant to paragraph 18 of this lease.

11. **DEFAULT AND CANCELLATION.** Upon Lessee's violation of any of the terms, conditions or covenants contained herein, including the failure to pay the rent when due, Lessor may cancel this lease after providing Lessee ninety days notice of the default by registered mail. The mailing of such notice as herein provided shall constitute notice of Lessor's intention to cancel the lease and no proof of receipt of such notice shall be necessary in order for Lessor to enter lease cancellation ninety days after the mailing of the notice if Lessee has not cured the default to Lessor's satisfaction within said ninety day period. Lessee agrees that if a court of competent jurisdiction determines that Lessee has breached any of the terms, conditions or covenants of this lease, Lessee shall pay the costs incurred by Lessor in litigating the default, including reasonable attorney fees.

12. **WAIVER.** No employee or agent of Lessor has the power, right or authority to orally waive any of the terms, conditions or covenants hereof and no waiver by Lessor of any of the terms, conditions or covenants hereof shall be effective unless in writing and executed by Lessor. Lessor's waiver of Lessee's breach or default of any of the terms, conditions or covenants hereof shall not constitute or be construed as a waiver of any other or subsequent breach or default by Lessee. The failure of Lessor to enforce at any time any of the terms, conditions or covenants hereof or to exercise any option herein provided, or to require at any time performance by Lessee of any of the terms, conditions or covenants hereof shall not constitute or be construed to be a waiver of such terms, conditions or covenants, nor shall it affect the validity of this lease or any part thereof, or Lessor's right to thereafter enforce each and every such term, condition and covenant.

13. **APPLICABLE LAW.** This lease shall be governed by the laws of the State of New Mexico, except in those instances when federal law is applicable.

14. **COMPLIANCE WITH LAWS.** Lessee shall fully comply with all laws, regulations, rules, ordinances and requirements, applicable to the leased premises or to Lessee's operations thereon, including Section 19-6-5, NMSA 1978, requiring Lessee to protect the leased premises from waste and trespass, all current New Mexico State Land Office Rules and Regulations and those that



may be hereafter promulgated.

15. **HAZARDOUS MATERIALS.** Lessee shall not cause or permit any Hazardous Material to be brought upon or across, used, kept, stored, generated or disposed of in, under or upon the leased premises. Hazardous Material is hereby defined as any substance or material that is governed or regulated by any statute, regulation, rule, order, finding or directive promulgated, issued or enacted by a federal, state or local governmental entity and that relates to industrial hygiene or environmental protection, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§9601-9675 and any successor provisions, and the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. §§6901-6992 and any successor provisions.

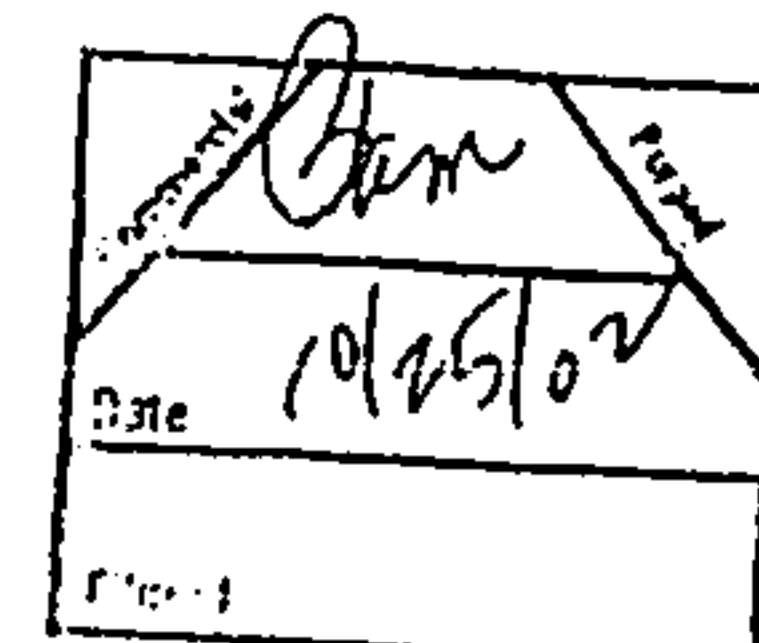
16. **HOLD HARMLESS.** Lessee shall save, hold harmless, indemnify and defend the State of New Mexico, Lessor and Lessor's employees, agents and contractors, in both their official and individual capacities, from any and all liabilities, claims, losses or damages arising out of, alleged to arise out of or indirectly connected with the operations hereunder of Lessee or Lessee's employees, agents, contractors, or invitees.

17. **SCOPE OF AGREEMENT.** This lease incorporates all the agreements, covenants and understandings between Lessor and Lessee concerning the subject matter hereof and all such agreements, covenants and understandings are merged into this written lease. No prior agreement or understanding between Lessor and Lessee shall be valid or enforceable unless expressly embodied in this lease.

18. **AMENDMENT.** This lease shall not be altered, changed or amended except by an instrument executed by both Lessor and Lessee.

19. **SUCCESSORS IN INTEREST.** All the terms, conditions and covenants of this lease and all amendments thereto shall extend to and bind the successors and assigns of Lessee and Lessor.

20. **RE-LEASE.** At the expiration of the term of this lease, Lessee may re-lease the leased premises provided Lessor has determined to offer the leased premises for the same uses as permitted herein, Lessee is not in default under this lease, Lessee agrees to the terms offered by Lessor, and Lessee has bettered any offer to lease the leased premises made by a third



party.

21. **OFFICIALS NOT TO BENEFIT.** No member of or delegate to Congress shall derive any financial gain or share any benefit from the issuance of this lease other than those benefits enjoyed by the general public.

22. **LESSOR WARRANTY.** Lessor hereby warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, brokerage, percentage or contingent fee. Upon Lessor's breach or violation of this warranty, Lessee may either terminate the lease without penalty or deduct from amounts otherwise due Lessor under the lease, the full amount of such commission, brokerage, percentage or contingent fee.

23. **UNAPPROPRIATED FUNDS.** This lease does not obligate or purport to obligate funds not yet appropriated by the Congress of the United States.

24. **PROMPT PAYMENT.** The Prompt Payment Act (Public Law 97-177) and Prompt Payment Act Amendments of 1988 (Public Law 100-496), 31 U.S.C. §§3901-3907, are applicable to rent payments and interest on overdue payments under this lease and for purposes of their application Lessor shall be considered a business concern as defined by the Act. Notwithstanding any provisions of the Act to the contrary, this lease shall not be deemed a contract to acquire title to the leased premises.

25. **DISPUTES.** This lease is subject to the Contract Disputes Act of 1978 (Public Law 95-563), 41 U.S.C. §§601-613. Except as provided in the Act, all disputes arising under or relating to this lease shall be resolved in accordance with this clause. As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment, or interpretation of lease terms, or other relief, arising under or relating to this lease. A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. When such submission is subsequently not acted upon in a reasonable time or disputed either as to liability or amount, however, it may be converted to a claim pursuant to the Act. A claim by the Lessor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Lessor shall be subject to a decision by the Contracting Officer. For Lessor claims of more than \$50,000, the Lessor shall submit with the claim a certification that the claim is made in good

Bem
12/15/02

faith, the supporting data are accurate and complete to the best of the Lessor's knowledge and belief, and the amount requested accurately reflects the lease adjustment for which the Lessor believes the Government is liable. The certification shall be executed by the Lessor if an individual. When the lessor is not an individual, the certification shall be executed by a senior company official in charge at the Lessor plant or location involved, or by an officer or general partner of the Lessor having overall responsibility for the conduct of the Lessor's affairs. For Lessor claims of \$50,000 or less, the Contracting Officer must render a decision within 60 days. For Lessor claims in excess of \$50,000, the Contracting Officer must decide the claim within 60 days or notify the Lessor of the date when the decision will be made. The Contracting Officer's decision shall be final unless the Lessor appeals or files a suit as provided in the Act. The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies of the Executive Branch of the Federal Government are expressly authorized to decide. Interest on the amount found due on a Lessor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment. Interest on the amount found due on a Government claim shall be paid from the date the claim is received by the Lessor until the date of payment. Interest shall be computed at ten percent (10%) per annum on the basis of a 365 or 366 day year, whichever applies. Except as the parties may otherwise agree, pending final resolution of a claim by the Lessor arising under the lease, the Lessor shall proceed diligently with the performance of the lease and its terms in accordance with the Contracting Officer's decision.

26. **RADIO INTERFERENCE.** Lessee shall not interfere with communication activity of any other state lessee, and shall conduct operations hereunder within the guidelines and regulations of the Federal Communications Commission and the Inter-Departmental Radio Advisory Committee.

27. **NOTICES.** All notices sent to Lessor or Lessee shall be addressed as follows:

To Lessor: Commissioner of Public Lands, Commercial Resources Division, P.O. Box 1148, Santa Fe, New Mexico 87504-1148.

To Lessee: Department of Transportation, Federal Aviation Administration, Southwest Region, ATTN: ASW-56, Fort Worth, Texas, 76193-0056.

Sam
1/25/02

IN WITNESS WHEREOF Lessor and Lessee hereto subscribe their names:

COMMISSIONER OF PUBLIC LANDS.
RAY POWELL, M.S., D.V.M.

Ray Powell/RSB
Date: 9/17/07

FEDERAL AVIATION ADMINISTRATION

By: James M. Nelson
Title: Contracting Officer
Date: 9/6/07

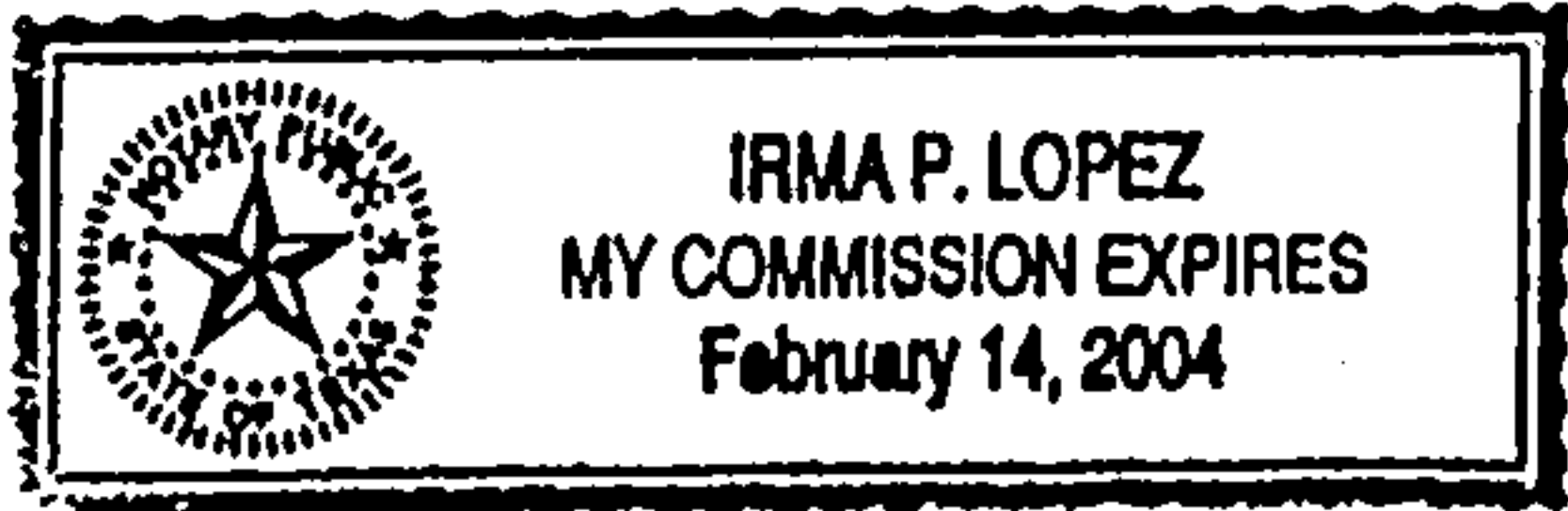
Ben
10/29/07

THE UNITED STATES OF AMERICA

State of Texas

I, Irma P. Lopez
a Notary Public in and for the County of Tarrant,
hereby certify that James M. Nelson
who signed the writing above, for the Federal Aviation Administration,
bearing the date of 6th day of September, 2002, has
this day in my said County, before me acknowledged said writing
to be the act and deed of the United States of America, Federal
Aviation Administration.

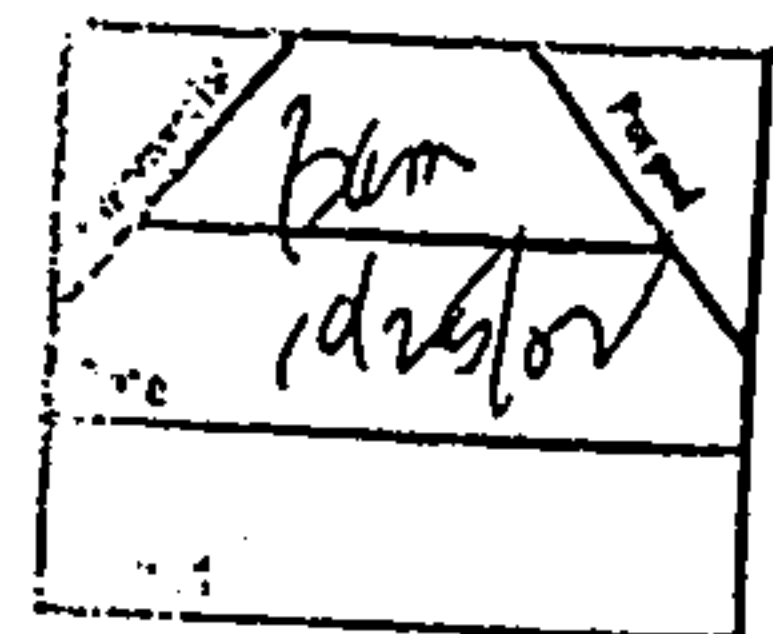
Given under my hand the 6th day of September.



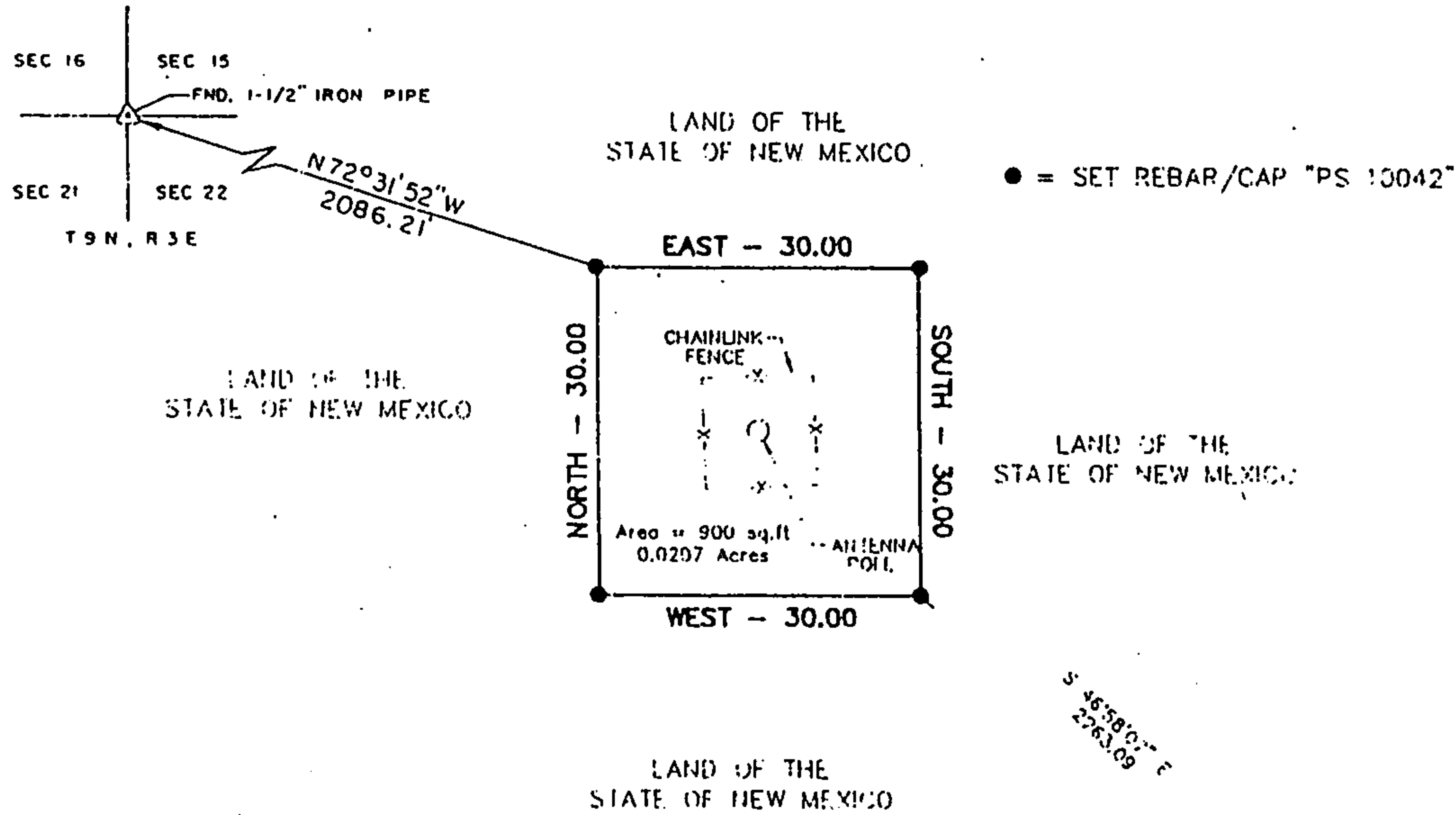
Irma P. Lopez
Notary Public, State of Texas

My Commission Expires:

February 14, 2004



PLAT OF SURVEY OF
 F.A.A. MOVING TARGET INDICATOR
 WITHIN THE N.E.1/4, N.W.1/4
 SECTION 22, TOWNSHIP 9 NORTH, RANGE 3 EAST N.M.P.M.
 BERNALILLO COUNTY, NEW MEXICO
 MAY, 1997



SCALE: 1"=20'



A.C.S.M. "1- R16"
 LAT: 34° 59' 39.56946"
 LONG: 106° 36' 32.51674"
 X= 392,469.84
 Y= 1,453,376.16
 ELEVATION= 5288.80
 DELTA ALPHA= -0° 12' 21"
 GROUND TO GRID= 0.9996603

DESCRIPTION
 A CERTAIN TRACT OF LAND WITHIN THE NE 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 3 EAST, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE BEARINGS (CENTRAL ZONE) AND GROUND DISTANCES AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED WHENCE ALBUQUERQUE CITY SURVEY MONUMENT "1- R16" BEARS S. 46° 58' 00" E., 2263.09 FEET; THENCE, WEST, 30 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE, NORTH, 30 FEET TO THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE, EAST, 30 FEET TO THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED; THENCE, SOUTH, 30 FEET TO THE POINT OF BEGINNING. CONTAINING 0.0207 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATION

I, Preston E. Hall, New Mexico Professional Surveyor No. 10,042, hereby certify that this Plat of Survey was prepared by me or under my supervision; that it meets the Standards for Land Surveys in the State of New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Land Surveyors; that it shows the location of permanent improvements pertinent to the survey; and that it is true and correct to the best of my belief and knowledge.


Preston E. Hall
 Preston E. Hall, N.M.P.S. No. 10,042

Date: May 29, 1997

REVIEWED AND APPROVED BY:

**NEW MEXICO STATE LAND OFFICE
 MAPPING BUREAU**

DATE 8-8-1997
 SIGNATURE G. Bechick

HALL SURVEYING CO. 12805 MENAUL BLVD. N.E. ALBUQUERQUE, NEW MEXICO 87112 PHONE: 292-6727	
	CLIENT: F.A.A. DRAWINGS: S-7766\S-7766.DWG

DRAFT Mesa Del Sol DRAFT

SW-548

MEMORANDUM OF AGREEMENT BETWEEN FEDERAL AVIATION ADMINISTRATION AND MESA DEL SOL, LLC

ARTICLE 1. PARTIES

The parties to this Agreement are the Federal Aviation Administration, hereinafter **FAA**, and MESA DEL SOL, LLC, a New Mexico limited liability company, hereinafter **Mesa**. Mesa and its affiliate, Forest City Covington, NM, LLC, a New Mexico limited liability company ("FCC"), are the developers of "Mesa del Sol"[Mesa and FCC are collectively referred to herein as "Developers"] -- a major development project south of Albuquerque International Airport. Mesa del Sol was originally a large stretch of land just south of the City of Albuquerque ("City") in an area referred to as the South Mesa. In 1993, the City annexed the land. Since that time, the New Mexico State Land Office (the "SLO") has held the land in trust for the University of New Mexico. When the decision to actively develop the land was made, the SLO issued a request for proposals to find a suitable developer. The SLO entered into a lease with FCC whereby FCC was obligated to develop Mesa del Sol. Mesa has acquired $\pm 3,043$ acres of Mesa del Sol in fee simple (the "Mesa Property") and FCC remains as the lessee for the remaining $\pm 6,000$ acres (the "FCC Property"). FCC was awarded the contract and is now tasked with bringing Mesa del Sol to life. Mesa has commenced development of the Mesa Property as the first phase of Mesa del Sol.

ARTICLE 2. SCOPE

A. Purpose:

The FAA has many facilities located on both the Mesa Property and the FCC Property. The following facilities located on the Mesa Property are the focus of this Agreement (the "FAA Facilities"):

1. Isleta Non-Directional Beacon related equipment (the "Beacon Facility"). The location of the Beacon Facility is shown on Exhibit "A" and identified as such.
2. MTI Reflector (the "Reflector Facility"). The location of the Reflector Facility is shown on Exhibit "A" and identified as such.
3. Calibration Performance Monitoring Equipment for the Mode S Beacon (the "Calibration Facility"). The location of the Calibration Facility is shown on Exhibit "A" and identified as such.

DRAFT Mesa Del Sol DRAFT

The current location of the FAA Facilities is inconsistent with the development of Mesa del Sol. Therefore, the purpose of this Agreement is to provide for:

1. The relocation of the Calibration Facility and the Reflector Facility (the "Relocated Facilities").
2. The decommissioning and abandonment of the Beacon Facility (the "Abandoned Facilities").

B. Specific Goals and Objectives to be Accomplished:

The specific goal of this Agreement is to implement the decommissioning and/or relocation of the FAA Facilities. Any of the FAA Facilities which the FAA does not remove and relocate will be abandoned in place and the Developers shall be responsible for any demolition and site restoration necessary for the Mesa del Sol development. This may include the building, fencing, poles, towers, utilities, etc.

This Agreement will fund both the initial engineering and the actual cost for decommissioning and/or relocation of the FAA Facilities.

C. Management of the Project:

The Developers have the responsibility for funding this project. The FAA will manage the integration, checkout, and acceptance testing of the FAA equipment relocated and the disposal of any equipment that cannot be abandoned in place. In order to keep overall project expenses to a minimum, and at FAA's option, the Developers may, to FAA specifications, be allowed to provide some construction assistance, such as relocation of antenna poles.

D. Roles and Responsibilities of the Parties:

In consideration of the mutual promises herein contained, the Parties agree as follows:

1. The FAA, at the Developers' expense, has the following responsibilities:
 - a) The FAA will perform an engineering analysis of the most cost effective new location of the Relocated Facilities.
 - b) The FAA will relocate the Relocated Facilities to this new location and provide checkout and acceptance.
 - c) The FAA will decommission and abandon in place the Beacon Facility. This is expected to be when the Calibration Facility is removed from the facility or sooner at FAA's discretion.

DRAFT Mesa Del Sol DRAFT

d) The FAA will remove any equipment and appurtenances from the FAA Facilities sites that it wishes to reuse or excess.

e) The FAA will provide transfer agreements of property abandoned in place, and the date the Developers will assume ownership.

2. The Developers, at their expense, have the following responsibilities:

a) The Developers will assume ownership, disposal, and remediation responsibilities for FAA equipment, property, and improvements abandoned in place.

b) If the FAA is unable to relocate the Relocated Facilities to the Albuquerque International Airport, the Developers will arrange for a lease of land needed for the facilities at a mutually agreed upon location. Alternatively, the Relocated Facilities could be moved to the Remote Transmitter/Receiver C ("RTRC") site as shown on Exhibit A.

E. Points of Contact


1. The FAA hereby identifies the Central Service Area Engineering Services, Surveillance as assigned responsibility for accomplishment of the Agreement.

Reimbursable Agreement
Coordination – George McGee
Planning and Requirements
2601 Meacham Blvd
Fort Worth, TX 76137
Phone: 817-222-4576
Fax: 817-222-5970
Email: george.mcgee@faa.gov

ATO Technical
Coordination – Chuck Morrow
Engineering Services, Surveillance
2601 Meacham Blvd
Fort Worth, TX 76137
Phone: 817-222-4213
Fax: 817-222-5975
Email: chuck.morrow@faa.gov

Air Traffic Control Coordination
Joe Jirschele
Planning and Requirements
2601 Meacham Blvd.
Fort Worth, TX. 76137
Phone: 817-222-5513
FAX: 817-222-5979
email: joe.jirschele@faa.gov

2. The FAA hereby identifies the FAA Logistics Division, ASW-50, Fort Worth, Texas, for all contractual inquiries for this Agreement.

Contracting Officer –

Logistics Division, ASW-50
2601 Meacham Blvd.

DRAFT Mesa Del Sol DRAFT

Federal Aviation Administration
Phone: 817-222-
Email: @faa.gov

3. The Developers hereby identify the office to which the FAA will correspond on the actions of the project and Point of Contact:

The Developer

Mesa del Sol, LLC
Attn: Michael Castillo
801 University Blvd. SE, Suite 200
Albuquerque, NM 87106
Phone: (505) 400-3021
Fax: (505) 242-2978
Email: mcastillo@fcmds.com

With Copy To:

J. Matt Myers
Myers, Oliver & Price, P.C.
1401 Central Ave. NW
Albuquerque, NM 87104
Phone: (505) 247-9080
Fax: (505) 247-9109
Email: mmyers@moplaw.com

F. Contribution of the Parties.

1. Parties are bound by a duty of good faith and best effort in achieving the goals of the Agreement.

2. The Developers will reimburse the FAA for the actual project costs incurred by the FAA in furnishing the services and material under this Agreement. **The FAA will require \$22,491.00 in reimbursement to do the engineering and the decommissioning and/or relocation of these facilities**, which is the FAA's good faith estimate of the cost of this work. In the event that the cost of this work is less than this amount then the difference will be reimbursed to the Developers and if it is more the excess will be paid to the FAA by the Developers.

G. As-Built Drawings.

FAA engineering (ANI) will coordinate with and provide the FAA maintenance organization (RIO SMO and ABQ SSC) with drawings pertaining to the relocated Calibration Facility and the Reflector Facility. The Developers will reimburse the FAA for these costs which are included in the estimated expense set out in this Section G.

H. Real Estate and Land Management.

DRAFT Mesa Del Sol DRAFT

None are expected as Pre-Engineering activities suggest the Relocated Facilities can be relocated to either the Albuquerque International Airport or to the RTRC site on the FCC Property. However, if these sites prove to be unsuitable, the Developers will arrange for an FAA lease of land on the FCC Property that would be suitable to both parties.

I. Transfer Agreement.

FAA will provide a Transfer Agreement of equipment and improvements abandoned in place to the Developers.

ARTICLE 3. TYPE OF AGREEMENT

This Agreement is an "other transaction". It is not intended to be, nor shall it be construed as, a partnership, corporation, or other business organization.

ARTICLE 4. ESTIMATED COST

The estimated FAA costs associated with this project are as follows: Note that this cost estimate includes the relocation of the Calibration Facility and Reflector Facility and the decommissioning and abandoning of the Beacon Facility.

Description of Reimbursable Item	# People	Estimated Hours	Estimated Rate/Hr.	Estimated Cost
WB4020 Engineering	1	60	\$ 100.00	\$ 6,000.00
WB4060 Installation of Systems	1	40	\$ 100.00	\$ 4,000.00
WB4060 Installation Systems Check out/Acceptance	1	20	\$ 100.00	\$2,000.00
WB4010 Airport Intergation	1	16	\$ 100.00	\$ 1,600.00
WB4060 General supply materials and Transportation services (Tools, supplies, connectors, cables, Telco interface card, etc)				\$ 750.00
WB 4020/4060 Relocate equipment				\$ 500.00
WB4020/4060 Travel				\$ 3,000.00
<i>Subtotal</i>				\$ 17,850.00
Administrative Overhead				\$ 4,641.00
Total New Estimated Costs				\$ 22,491.00

ARTICLE 5. PERIOD OF AGREEMENT AND EFFECTIVE DATE

This Agreement will be effective on the date of the last signature below. The FAA agrees to perform its obligations within Ninety (90) days of the effective date.

ARTICLE 6. LEGAL AUTHORITY

DRAFT Mesa Del Sol DRAFT

This Agreement is entered into under the authority of 49 U.S.C. 106(1) and (m) which authorizes agreements and other transactions on such terms and conditions as the Administrator determines necessary.

ARTICLE 7. REIMBURSEMENT AND ACCOUNTING ARRANGEMENTS

A. The Developers are responsible for the actual expenses incurred on the Project that is estimated at **\$22,491.00**. The Appropriation Code for the Project is 1207SWxxxx/xxxxA/WBxxxx/XXXXX/SW8GF20000/D-MMM-YYYY/12882R0009/.

B. The Developers must pay the FAA in advance when the agency is required to obligate funds to comply with this Agreement. The FAA will provide an advance payment computation to the Developers showing the agency's estimated total cost to comply with the Agreement. The FAA will send the executed Agreement to the Developers with a request for payment of the agency's estimated total cost. Payment in the amount of **\$22,491.00** must be received before the FAA incurs any obligation to implement this Agreement. If reconciliation is necessary after the Agreement expires or is terminated, the FAA will send a final bill or a refund without interest, as appropriate, to the Developers.

C. The 26 percent overhead administrative charge for this Agreement cannot be waived since Airport Improvement Program funds are not involved.

D. The amounts set forth in this Agreement are estimates. If, during the course of the Agreement, actual costs are expected to exceed the estimated amount, the FAA will notify The Developers in writing to gain written approval before proceeding on with the scope of this Agreement.

E. The FAA hereby identifies the FAA Accounting Division, AMZ-310, Oklahoma City, OK as the billing office for this Agreement. The level of detail included in the billing will be that normally provided by the FAA and available from FAA accounting records.

Billing Office:

DOT/FAA

Account Receivable
AMZ-310
P.O. Box 25082
Oklahoma City, OK 73125
405-954-4719.

The Developers hereby identify the office to which the FAA will render bills for the actual project costs incurred as follows:

The Developer

Mesa del Sol, LLC
Attn: Michael Castillo

DRAFT Mesa Del Sol DRAFT

801 University Blvd. SE, Suite 200
Albuquerque, NM 87106
Phone: (505) 400-3021
Fax: (505) 242-2978
Email: mcastillo@fcmnds.com

ARTICLE 8. CHANGES/MODIFICATIONS

Changes and/or modifications to this Agreement shall be made by written amendment and, signed by the authorized representative of each party. No oral statement by any person shall be interpreted as modifying or otherwise affecting the terms of this Agreement.

ARTICLE 9. TERMINATION

Either party may terminate this Agreement at any time prior to its expiration date, with or without cause, and without incurring any liability or obligation to the terminated party (other than payment of amounts due and owing and performance of obligations accrued, in each case on or prior to the termination date) by giving the other party at least thirty (30) days prior written notice of termination. Upon receipt of a notice of termination, the receiving party shall take immediate steps to stop the accrual of any additional obligation, which might require payment. In the event of termination by the FAA the Developers shall be entitled to a refund of the unused portion of the payment made pursuant to Article 7.

Upon termination, partially completed physical work product shall be returned to the full ownership of the organization that initially furnished, substantially paid for, or otherwise has the greatest interest in the work product. Partially completed intellectual work product will be fully shared between both organizations.

ARTICLE 10. ORDER OF PRECEDENCE

In the event of any inconsistency between the terms of this Agreement, the inconsistency shall be resolved by giving preference in the following order:

- a. The Agreement,
- b. The Attachments.

ARTICLE 11. CONSTRUCTION OF THE AGREEMENT

This Agreement is an "other transaction" issued under 49 U.S.C 106 (1) and (m) and is not a procurement contract, grant, or cooperative agreement. Nothing in this Agreement shall be construed as incorporating by reference or implication any provision of Federal acquisition law or regulation.

Each party acknowledges that all parties hereto participated equally in the negotiation and drafting of this Agreement and any amendments thereto, and that, accordingly, this Agreement shall not be construed more stringently against one party than against the other.

DRAFT Mesa Del Sol DRAFT

ARTICLE 12. DISPUTES

Where possible, disputes will be resolved by informal discussion between the parties. If the parties are unable to resolve any disagreement through good faith negotiations, either party may terminate this Agreement as set forth in Article 9 (Termination).

ARTICLE 13. WARRANTIES

The FAA makes no express or implied warranties as to any matter arising under this Agreement, or as to the ownership, merchantability, or fitness for a particular purpose of any property, including any equipment, device, or software that may be provided under this Agreement.

ARTICLE 14. INSURANCE

The Developers shall arrange by insurance or otherwise for the full protection of the Developers from and against all liability to third parties arising out of, or related to, its performance of this Agreement. The FAA assumes no liability under this Agreement for any losses arising out of any action or inaction by the Developers, its employees, or contractors, or any third party acting on its behalf. The Developers agree to hold the United States harmless to the extent permitted by law, against any claim by third persons for injury, death or property damage arising out of or in connection with its performance under this Agreement.

ARTICLE 15. LIMITATION OF LIABILITY

The Developers agrees to indemnify and hold the FAA harmless from all claims, losses, expenses, fees, costs and judgments that may be asserted against it resulting from this project. Liability for injury, disability, and death of workers and/or other persons caused by the operating, handling, performance, activities, or lack thereof, performed, accomplished, or otherwise under this Agreement is the obligation of the Developers.

A. Hold Harmless.

With regard to any liability which may arise out of work under this Agreement, each party expressly agrees that it shall be solely and exclusively responsible for its own agents, servants, and/or employees and that neither party looks to the other to save or hold it harmless for the consequences of one of its own agents, servants, and/or employees. Neither party is hereby waiving any rights or protection it presently enjoys by reason of any applicable state or federal law.

B. Damages.

Except for damage to or destruction of FAA property caused by the FAA or any FAA personnel, the Developers agree to reimburse the FAA for any damage to or destruction of FAA

DRAFT Mesa Del Sol DRAFT

property caused by the Developers or their representatives arising out of work under this Agreement to the extent permitted by law.

ARTICLE 16. CIVIL RIGHTS ACT

The Developers shall comply with Title VI of the Civil Rights Act of 1964 relating to nondiscrimination in federally assisted programs.

ARTICLE 17. OFFICIALS NOT TO BENEFIT

This Agreement incorporates FAA Acquisition Management System clause 3.2.5-1, "Officials Not to Benefit" (April 1996), and clause 3.2.5-7, "Disclosure Regarding Payments to Influence Certain Federal Transactions" (June 1999), by reference with the same force and effect as if they were given in full text.

ARTICLE 18. PROTECTION OF INFORMATION

The parties agree that they shall take appropriate measures to protect proprietary, privileged, or otherwise confidential information that may come into their possession as a result of this Agreement.

ARTICLE 19. SECURITY

Contractor Personnel Suitability Requirements (April 2004)

This Article is not required in this MOA

ARTICLE 20. ENTIRE AGREEMENT

This document is the entire agreement of the parties who accept the terms of this Agreement as shown by their signatures below. In the event the parties duly execute any amendment to this Agreement, the terms of such amendment shall supersede the terms of this Agreement to the extent of any inconsistency.

AGREED:

Mesa del Sol, LLC,
a New Mexico limited liability company

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

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

By: _____
Michael D. Daly,

DRAFT Mesa Del Sol DRAFT

Title: Chief Operating Officer

Date: _____

Federal Aviation Administration

By: _____

Title: _____

Date: _____

Forest City Covington NM, LLC, a New Mexico limited liability company

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

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

By: _____

Title: Chief Operating Officer

Date: _____

H:\forestcity\FAA\Legal\Mesa Del Sol MOA-548 JAM Redline.doc



SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

Supplemental form

S

V

P

L

Supplemental form

ZONING & PLANNING

- Annexation
 - County Submittal
 - EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
 - Sector Plan (Phase I, II, III)
 - Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment

APPEAL / PROTEST of...

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

Z

A

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

APPLICANT INFORMATION:

NAME: MESA DEL SOL, LLC.
 ADDRESS: 801 UNIVERSITY BLVD. SUITE 200
 CITY: ALBUQUERQUE STATE NM ZIP 87106
 Proprietary interest in site: OWNER
 AGENT (if any): BOHANNAN HUSTON INC.
 ADDRESS: 7500 JEFFERSON NE
 CITY: ALBUQUERQUE STATE NM ZIP 87109

PHONE: 400-3021
 FAX: 242-2978
 E-MAIL: _____
 PHONE: 823-1000
 FAX: 798-7988
 E-MAIL: JTOPMIL@BHINC.COM

DESCRIPTION OF REQUEST: VACATION OF PUBLIC EASEMENT & RIGHT OF WAY

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

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

Lot or Tract No. TRACTS 4-A, 4-B, & 4-C Block: _____ Unit: _____

Subdiv. / Addn. MESA DEL SOL

Current Zoning: SU-2/ PLANNED COMMUNITY

Proposed zoning: _____

Zone Atlas page(s): R-16

No. of existing lots: 1

No. of proposed lots: 3

Total area of site (acres): 2294.3698

Density if applicable: dwellings per gross acre: _____

dwellings per net acre: _____

Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.)

Within 1000FT of a landfill? NO

UPC No. 101605228121040150 MULTIPLE

MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: I-25

Between: BROADWAY BLVD. SE

and LOS PICAROS RD. SE

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#1004918-06DRB-00744

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

SIGNATURE Stephanie Walton

DATE 10/6/2006

(Print) ~~JAMES TOPMILLER~~

Applicant Agent

Michael Balaskovits

FOR OFFICIAL USE ONLY

Form revised 10/03

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>06DRB</u>	<u>-01449</u>	<u>VRW</u>	<u>V</u>	\$ <u>300.00</u>
<u>06DRB</u>	<u>-01450</u>	<u>VPE</u>	<u>V</u>	\$ <u>45.00</u>
_____	_____	_____	_____	\$ <u>75.00</u>
_____	_____	_____	_____	\$ <u>20.00</u>
_____	_____	_____	_____	\$ _____

Action

S.F.

Fees

Total \$ 440.00

Hearing date 11/01/06

Sandy Handley 10/05/06
 Planner signature / date

Project # 1004918

FORM V: SUBDIVISION VARIANCES & VACATIONS

BULK LAND VARIANCE (PUBLIC HEARING CASE)

- ___ Application for subdivision (Plat) on FORM S-3, including those submittal requirements. **24 copies** of the plat are required. The Variance and subdivision should be applied for simultaneously.
 - ___ Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
 - ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
 - ___ Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

VACATION OF PUBLIC RIGHT-OF-WAY

VACATION OF PUBLIC EASEMENT

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

SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DPM)

SIDEWALK DESIGN VARIANCE

SIDEWALK WAIVER

- ___ 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) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the variance or waiver
 - ___ Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

- ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the deferral or extension
 - ___ Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

VACATION OF PRIVATE EASEMENT

- ___ The complete document which created the private easement (not to exceed 8.5" by 14") **6 copies**
 - ___ Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the vacation
 - ___ Letter of authorization from the grantors and the beneficiaries
 - ___ Fee (see schedule)
 - ___ Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF RECORDED PLAT

- ___ 6 copies of the recorded plat to be vacated.
 - ___ 6 copies of documents justifying the vacation.
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter describing, explaining, and justifying the vacation
 - ___ Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.



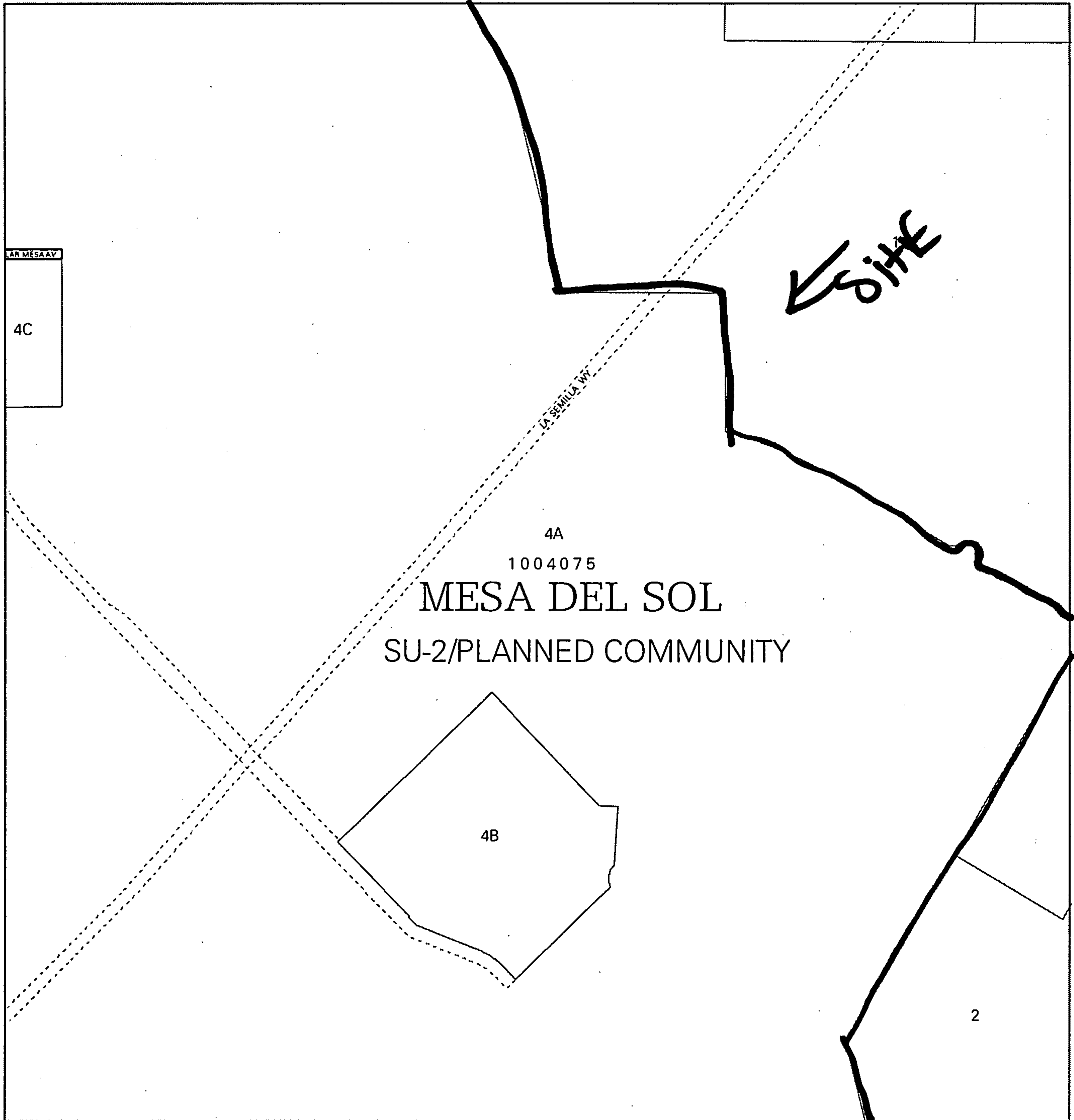
Form revised 4/03, 10/03 and APRIL 2006

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

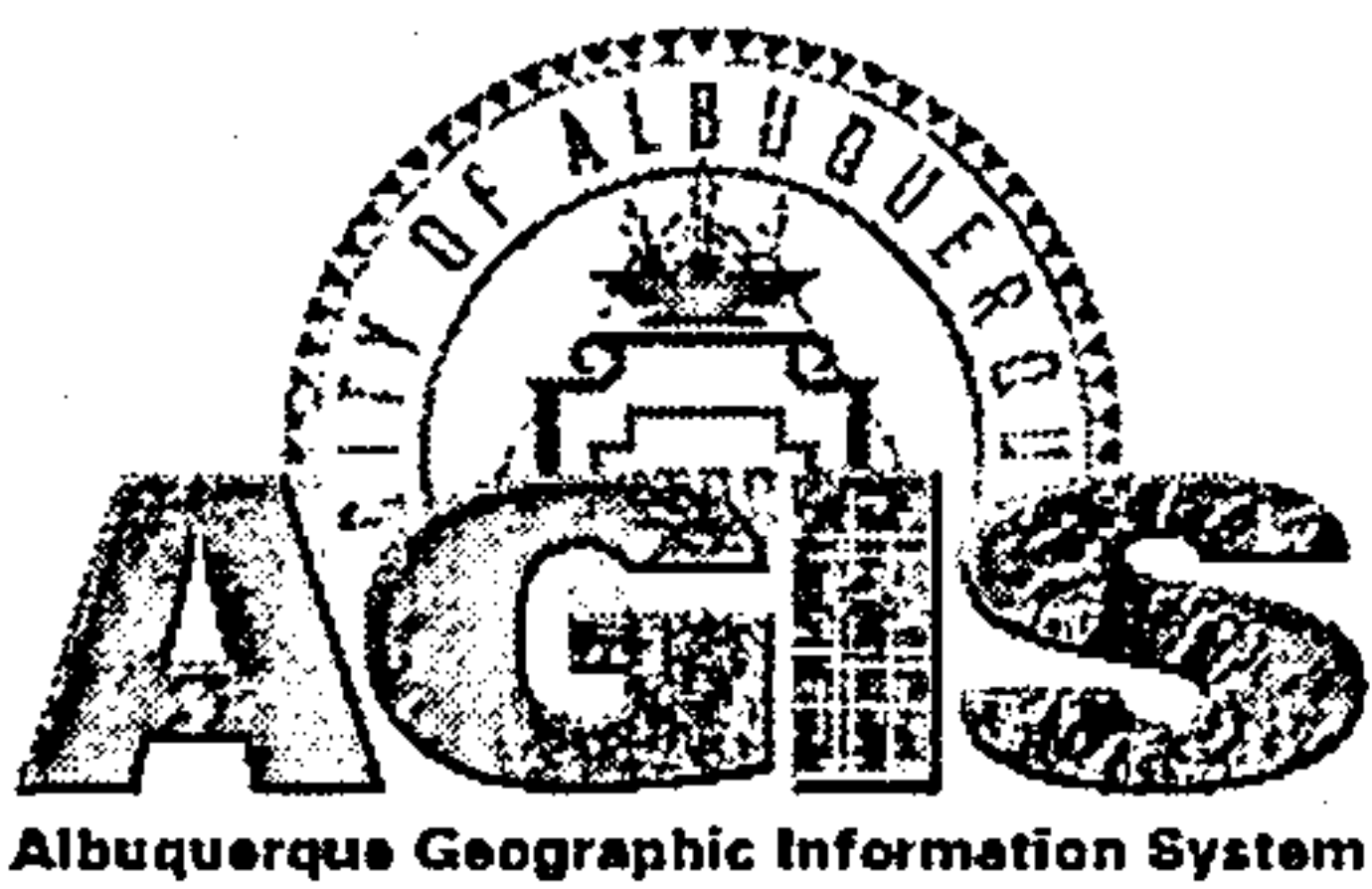
Application case numbers
 06DRB-01449
 06DRB-01450

Applicant name (print) Sandy Stanley 10/05/06
 Applicant signature / date
 Project # 1004918

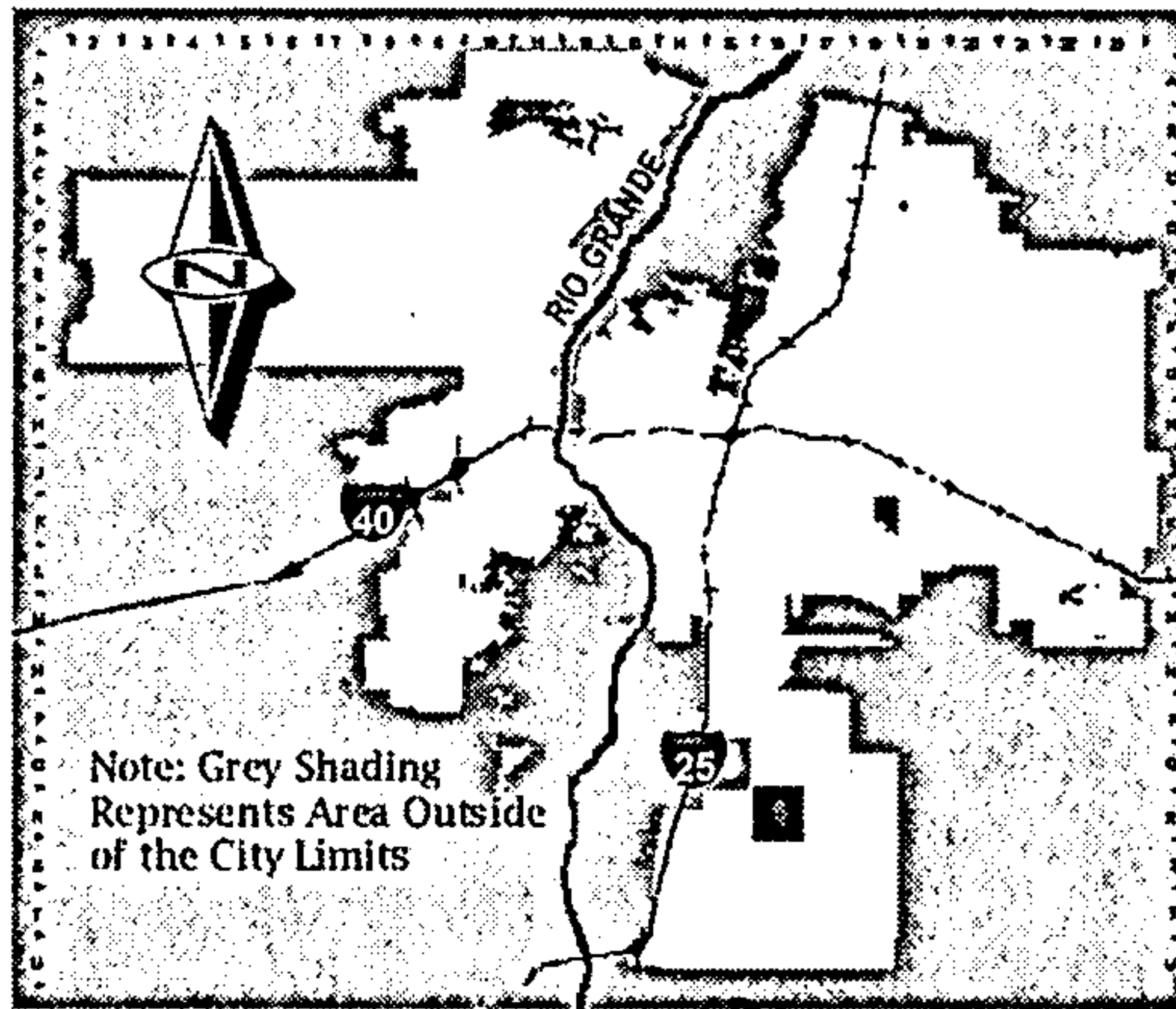
for Stephanie Walker 10-6-06
Michael Balaskovits E.I.



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



Map amended through: 9/5/2006

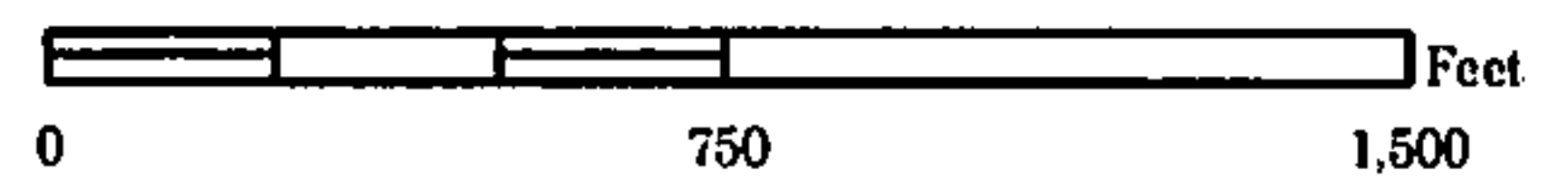


Zone Atlas Page:

R-16-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. | |



Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

October 6, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Vacation of Public Easement and Right of way ("Permit for Easement and Right-of-Way")
Tracts 4-A, 4-B, 4-C Mesa Del Sol DRB# 1004918-06DRB-00744

Dear Sheran:

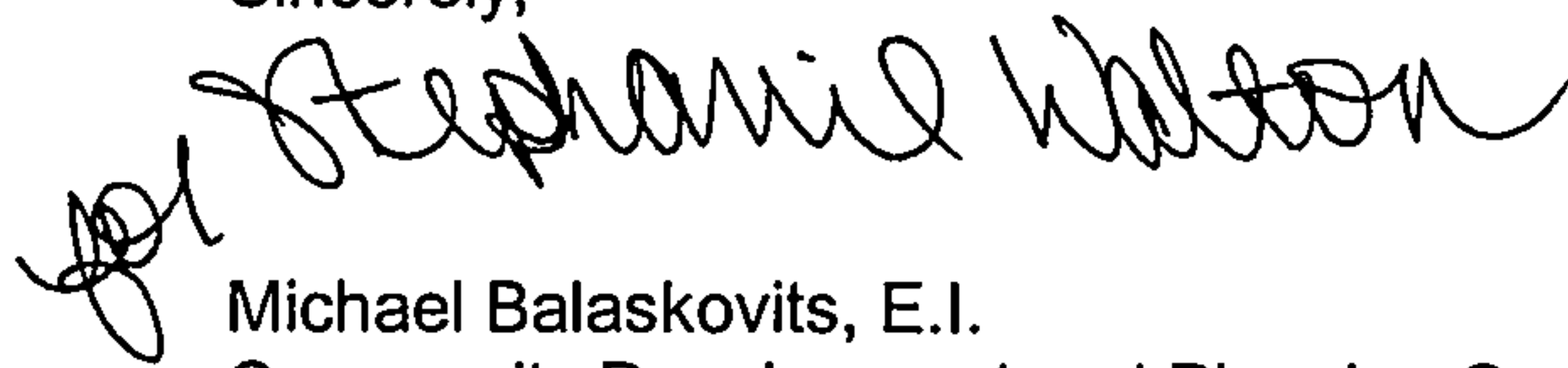
Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Location of Request for the vacation of easements (Exhibit "A")
- Twenty-Four (24) copies of the document which created easement
- Letter from the Office of Neighborhood Coordination and related data,
- Zone Atlas Map showing the location of the property, and
- Fee in the amount of \$440.00
- Current applicable plat

We are requesting a vacation of Public Easement and Right of way ("Permit for Easement and Right-of-Way") on Tracts 4-A, 4-B, 4-C Mesa Del Sol. This property has no further use of this easement and or right of way. The State Land Office granted the permit for easement to PNM in 1954. The underlying lands have since been transferred to Forest City Covington/ Mesa Del Sol.

Please place this item on the DRB Agenda for hearing on November 1, 2006. If you have any questions or require further information, please contact me.

Sincerely,



Michael Balaskovits, E.I.
Community Development and Planning Group

CC: James Topmiller, Bohannon Huston Inc. (wo/encl.)
John Myers, Myers, Oliver, & Price (w/encl.)
Lawrence Kline, Denish Kline & Associates (w/encl.)
Harry Relkin, Mesa Del Sol (w/encl.)

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

CLIENT/COURIER TRANSMITTAL

To: Claire Senova
Plaza Del Sol

Requested by: Stephanie Walton

Date: 10/19/2006

Time Due: This A.M.
 This P.M.
 Rush _____
 By Tomorrow

Phone: 924-3946

Job No.: DRB# 1004918 06DRB-01449, 01450

Job Name: Mesa Del Sol

<u>DELIVERY VIA</u>	
<input type="checkbox"/> Courier	<input type="checkbox"/> Federal Express
<input type="checkbox"/> Mail	<input type="checkbox"/> UPS
<input checked="" type="checkbox"/> Other	

<u>PICK UP</u>
Item: _____

<u>ITEM NO.</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>
1	1	Package of Neighborhood Coordination letters for Vacation action submittal

COMMENTS / INSTRUCTIONS

Claire, I spoke with Stephanie in Neighborhood Coordination. She said that they did not give me neighborhood references for the above referenced submittal. In turn, I am submitting these letters to the neighbors today by mail. Please add all of this information to the DRB file for the hearing on November 1, 2006. Please let me know if you need anything else. Please call me at 798-7965 with questions. Thanks!

REC'D BY: _____ DATE: _____ TIME: _____

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

October 18, 2006

Mr. Rick Watson
225 Sunny Slope SE
Albuquerque, New Mexico 87105

RE: Vacation of Public Easements and Right-of-Way ("Permit for Easement and Right-of-way")
Tracts 4-A, 4-B, 4-C Mesa Del Sol

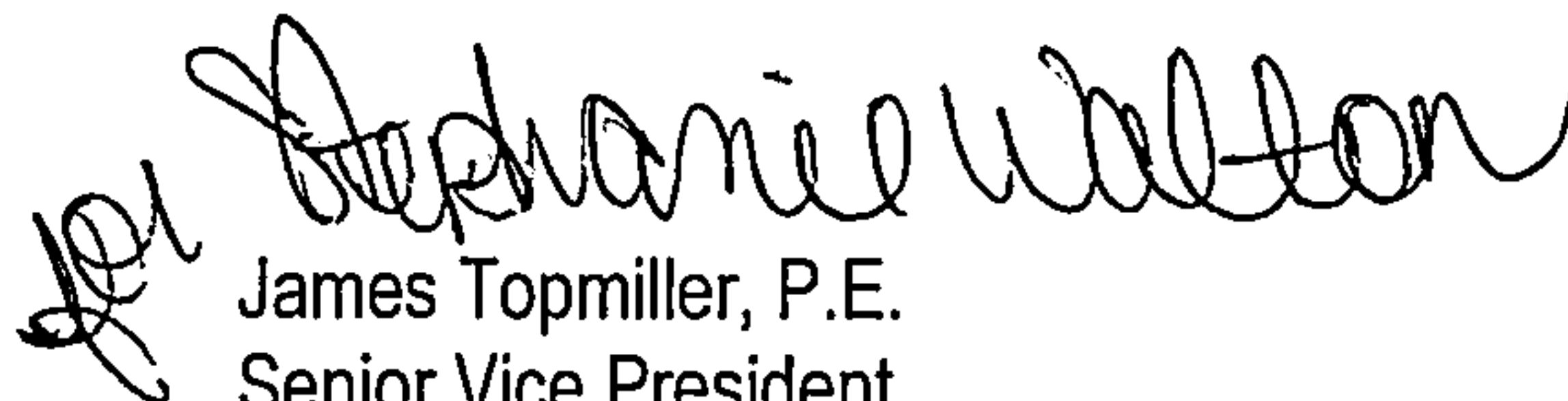
Dear Mr. Watson:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of the Mountain View Neighborhood Association.

This letter is to advise you that Bohannon Huston, Inc., agent for Mesa Del Sol LLC., is seeking approval of Vacation of Public Easements and Right-of-Way for Mesa Del Sol Tracts 4-A-1, 4-A-2, 4-A-3 from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is copies of the exhibits and the zone atlas pages with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,


James Topmiller, P.E.
Senior Vice President
Community Development and Planning Group

SW
Enclosure

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

October 18, 2006

Ms. Patty Grice
206 Fentiman Pl. SE
Albuquerque, New Mexico 87105

RE: Vacation of Public Easements and Right-of-Way ("Permit for Easement and Right-of-way")
Tracts 4-A, 4-B, 4-C Mesa Del Sol

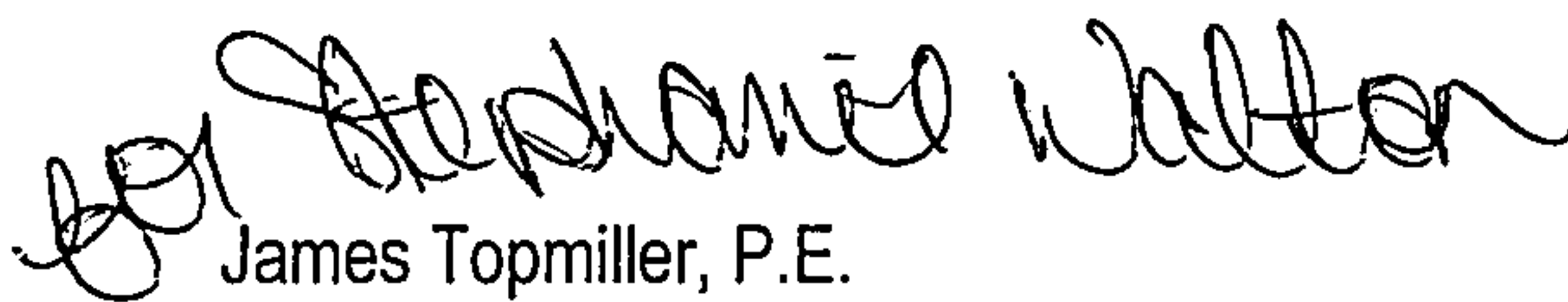
Dear Ms. Grice:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of the Mountain View Neighborhood Association.

This letter is to advise you that Bohannon Huston, Inc., agent for Mesa Del Sol LLC., is seeking approval of Vacation of Public Easements and Right-of-Way for Mesa Del Sol Tracts 4-A, 4-B, and 4-C from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is copies of the exhibits and the zone atlas pages with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,



James Topmiller, P.E.
Senior Vice President
Community Development and Planning Group

SW
Enclosure



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

October 19, 2006

Stephanie Walton
Bohannon Huston Inc.
7500 Jefferson NE/87109
Phone: 798-7988/Fax: 798-7988

Project # 1004918

Dear Stephanie:

Thank you for your inquiry of October 19, 2006 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **TRACTS 4-A, 4-B, 4-C, MESA DEL SOL** zone map **R-16**.

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

MOUNTAIN VIEW N.A. (MNV) "R"

***Patty Grice**

206 Fentiman Pl. SE/87105 452-9159 (h) 259-3676 (c)

Rick Watson

225 Sunny Slope SE/87105 452-0585 (h) 235-9988 (c)

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 I. Winklepleck

Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(11/21/05)

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
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 recognized neighborhood 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 describe 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 Associations (if there are associations). A copy must be submitted with application packet.
- [] Copies of the certified receipts to Neighborhood 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.

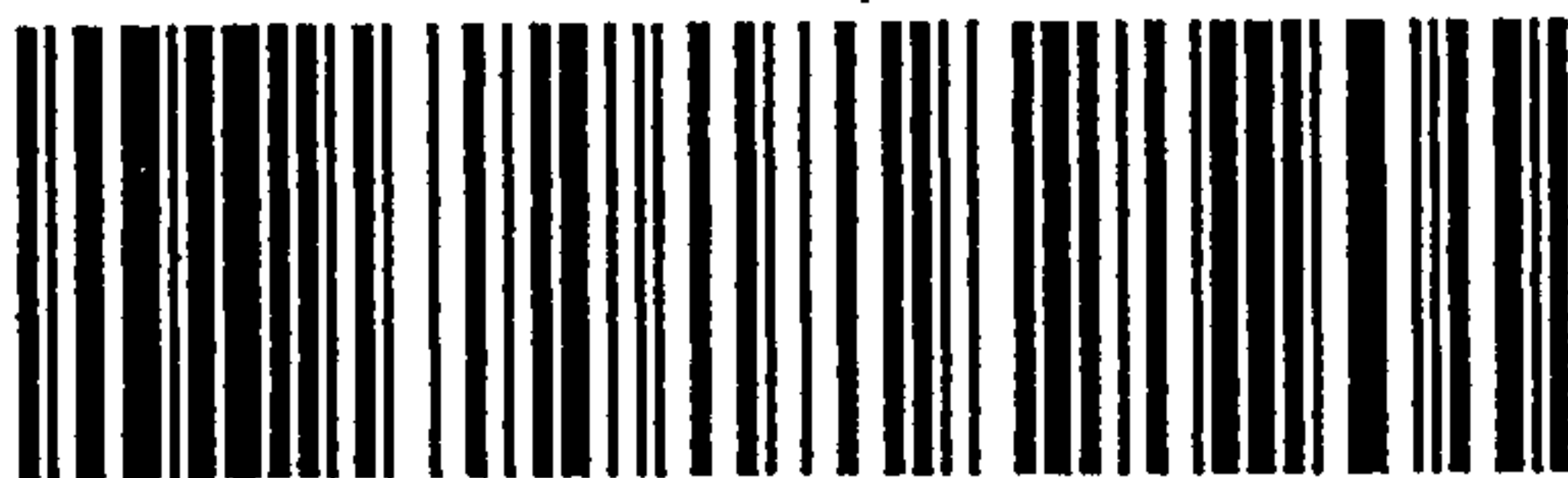
Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

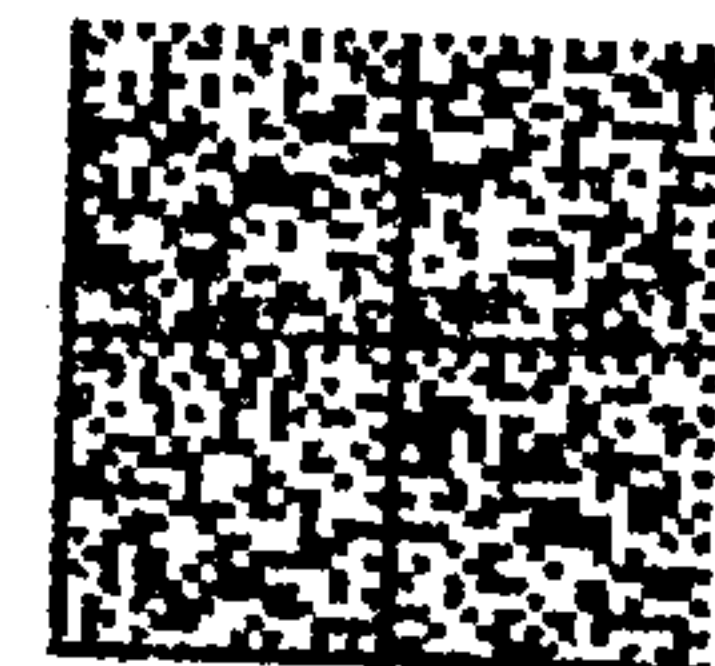
.....
(below this line for ONC use only)

Date of Inquiry: 10/19/06 Time Entered: 5:00 p.m. ONC Rep. Initials: SW

CERTIFIED MAIL



91 7108 2133 3932 6627 5057



UNITED STATES POSTAGE
02 1P \$05.120
0002368945 OCT 19 2006
MAILED FROM ZIP CODES 87109

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Patty Grace
206 Kentiman P. SE
Albuquerque, NM 87105

2. Article Number
(Transfer from service label)

91 7108 2133 3932 6627 5057

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

CERTIFIED MAIL



91 7108 2133 3932 6627 5040



UNITED STATES POSTAGE
02 1P \$04.88⁰
0002368945 OCT 19 2006
MAILED FROM ZIP CODE 87109

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rick Watson
225 Sunny Slope SE
Albuquerque, NM 87105

2. Article Number
(Transfer from service label)

91 7108 2133 3932 6627 5040

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

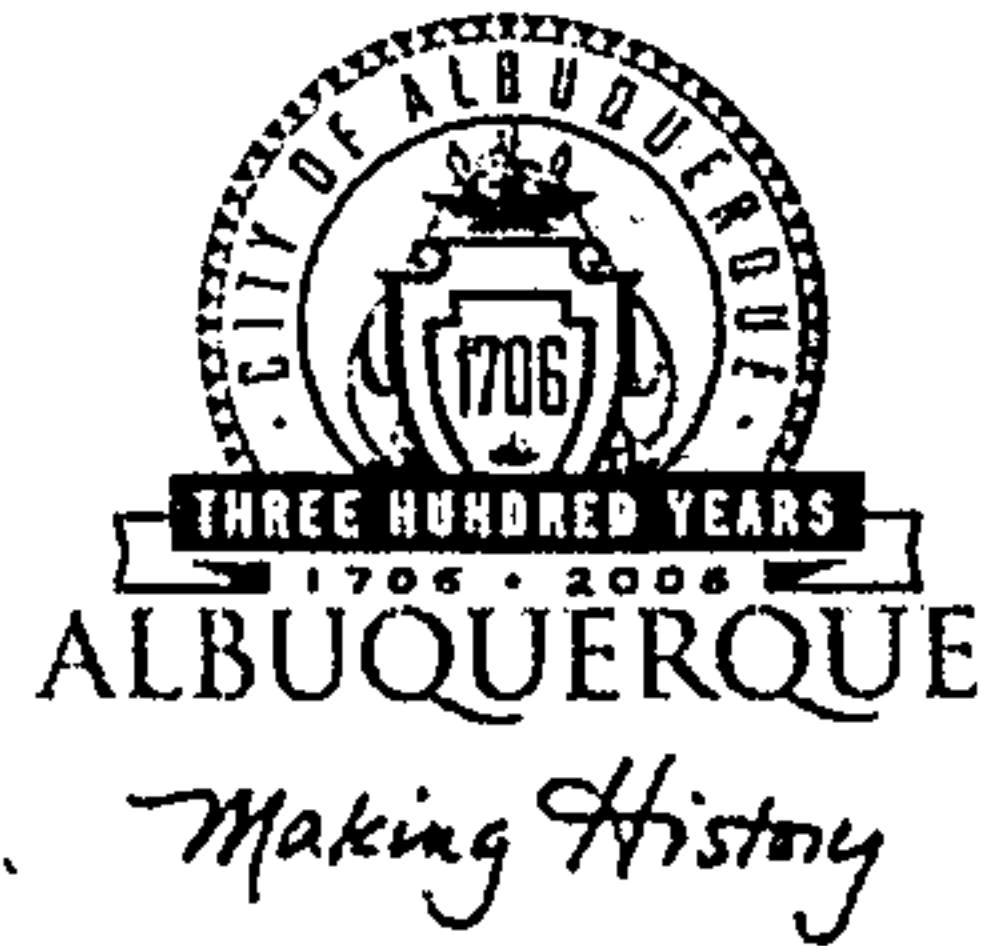
C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

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

October 19, 2006

Stephanie Walton
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 798-7988/Fax: 798-7988

Project # 1004918

Dear Stephanie:

Thank you for your inquiry of October 19, 2006 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **TRACTS 4-A, 4-B, 4-C, MESA DEL SOL** zone map **R-16**.

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

MOUNTAIN VIEW N.A. (MNV) "R"

***Patty Grice**

206 Fentiman Pl. SE/87105 452-9159 (h) 259-3676 (c)

Rick Watson

225 Sunny Slope SE/87105 452-0585 (h) 235-9988 (c)

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 I. Winklepleck

Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(11/21/05)

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
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 recognized neighborhood 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 describe 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.").
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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: **10/19/06** Time Entered: **5:00 p.m.** ONC Rep. Initials: **SW**

APPLICATION NO. 4721

PERMIT NO. _____

PERMIT FOR RIGHT-OF-WAY AND EASEMENT

THIS INDENTURE, made this 20th day of _____, 1954, by and between the State of New Mexico, acting by and through _____ its Commissioner of Public Lands, party of the first part, and the Public Service Company of New Mexico, a corporation duly organized and existing under the Laws of the State of New Mexico, duly authorized to transact business in the State of New Mexico, party of the second part;

WITNESSETH:

That the said party of the first part for and in consideration of the sum of _____

lawful money of the United States in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted and by these presents does grant to the party of the second part, its successors and assigns, a right-of-way and easement for the purpose of constructing, operating and maintaining a line for the transmission of electric energy thereover for any purpose for which electric energy is now or hereafter may be used, with all necessary poles, wires, fixtures and appliances, including guy wires, stubs, anchors and brace poles and lines upon the route granted herein, together with the rights of ingress and egress on, over and through the following described State Land to wit:

Right-of-way and easement for a 4160 volt line within Sec. 14, 15, 22, 27 and 34, T.9N., R.3E., N.M.P.M., Bernalillo County, New Mexico.

An easement ten (10) feet in width, being five (5) feet on either side of the following described center line: Beginning at Sta. 199/91.7, a point on the North line of the above mentioned Section 14, said beginning point being S.89°41'E., 2057.1 feet from the section corner common to Sections 10, 11, 14 and 15, T.9N., R.3E., N.M.P.M., and running thence S.14°13'E., 985.5 feet to Sta. 209/77, running thence S.5°38'E., 1071.0 feet to Sta. 220/48, running thence S.16°33'W., 256.0 feet to Sta. 223/04, running thence S.41°46'W., 2315.0 feet to Sta. 246/19 on the North line of the SW 1/4 Sec. 14 (running thence S.41°46'W., 1270.0 feet across B. Government Lands to Sta. 258/79, a point on the West line of the SW 1/4 Sec. 14) continuing thence across State Lands S.41°46'W., 6186.0 feet to Sta. 293/42, running thence S.40°32'W., 303.0 feet to Sta. 323/48, running thence S.7°30'W., 7153.0 feet to Sta. 395/05, running thence S.85°50'E., 592 feet to Sta. 400/97, the Southerly end point of this easement, said point being S.17°04'E., 1503.4 feet from the brass capped section corner set as the SW corner of the above mentioned Section 34.

Also the following guy wire and anchor easements:

N.80°09'E., 27.0 feet from Sta. 209/77
 N.65°27'E., 25.0 feet from Sta. 220/48
 S.84°33'E., 29.0 feet from Sta. 220/48
 S.54°33'E., 29.0 feet from Sta. 220/48
 S.60°51'E., 28.0 feet from Sta. 223/04
 S.47°54'E., 24.0 feet from Sta. 293/42

THIS INSTRUMENT, made this 20th day of May, 1954, by and between the State of New Mexico, acting by and through E. S. WALKER

its Commissioner of Public Lands, party of the first part, and the Public Service Company of New Mexico, a corporation duly organized and existing under the Laws of the State of New Mexico, duly authorized to transact business in the State of New Mexico, party of the second part;

WITNESSETH:

That the said party of the first part for and in consideration of the sum of Fifty two and 63/100 (\$52.63) DOLLARS

lawful money of the United States in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted and by these presents does grant to the party of the second part, its successors and assigns, a right-of-way and easement for the purpose of constructing, operating and maintaining a line for the transmission of electric energy thereover for any purpose for which electric energy is now or hereafter may be used, with all necessary poles, wires, fixtures and appliances, including guy wires, stubs, anchors and brace poles and lines upon the route granted herein, together with the rights of ingress and egress on, over and through the following described State Land to-wit:

Right-of-way and easement for a 4160 volt line within Sec. 14, 15, 22, 27 and 34, T.9N., R.3E.; N.M.P.M., Bernalillo County, New Mexico.

An easement ten (10) feet in width, being five (5) feet on either side of the following described center line: Beginning at Sta. 199/91.7, a point on the North line of the above mentioned Section 14, said beginning point being S. 89° 41' E., 2057.1 feet from the section corner common to Sections 14, 15, 22, 27 and 34, T.9N., R.3E., N.M.P.M., and running thence S. 14° 13' E., 985.3 feet to Sta. 209/77, running thence S. 5° 38' E., 1071.0 feet to Sta. 220/48, running thence S. 16° 33' W., 256.0 feet to Sta. 223/04, running thence S. 41° 46' W., 2315.0 feet to Sta. 246/19 on the North line of the SW 1/4, Sec. 14 (running thence S. 41° 46' W., 1879.0 feet to a point on the West line of the Government Lands to Sta. 228/59 a point on the West line of the Government Lands containing the corner of the State Lands S. 41° 46' W., 6166.0 feet from the beginning point, running thence S. 303.0 feet to Sta. 323/48, running thence S. 5° 38' E., 1071.0 feet to Sta. 209/77, the southerly end point of this easement, said point being 217.0 feet from the brass capped section corner set as the SW corner of the above mentioned Section 34.

Also the following guy wire and anchor easements:

- N. 80° 09' E., 27.0 feet from Sta. 209/77
- N. 65° 27' E., 25.0 feet from Sta. 220/48
- S. 84° 33' E., 29.0 feet from Sta. 220/48
- S. 5° 33' E., 29.0 feet from Sta. 220/48
- S. 60° 51' E., 28.0 feet from Sta. 223/04
- S. 47° 54' E., 24.0 feet from Sta. 293/42

N.3°30'E., 25.0 feet from Sta. 320/45
N.85°50'W., 21.0 feet from Sta. 395/05
S.3°30'W., 21.0 feet from Sta. 395/05
S.85°50'E., 20.0 feet from Sta. 400/97

Lateral East off of Sta. 243/89 in Sec. 14

An easement ten (10) feet in width, being five (5) feet on either side of the following described center line: Beginning at Hicks Dairy Line Station 243/89 and running thence S.44°46'E., 154.0 feet to the Easterly terminus point of this easement.

Lateral Northwesterly off of Sta. 293/42 in Sec. 22

An easement ten (10) feet in width, being five (5) feet in either side of the following described center line: Beginning at Hicks Dairy Line Sta. 293/42 and running thence N.47°54'W., 3314.0 feet to a pole at Sta. 33/14, continuing thence N.47°54'W., 19.0 feet to an anchor, the Westerly terminus point of this easement.

Lateral Southwesterly off of Sta. 320/45 in Sec. 22

An easement ten (10) feet in width, being five (5) feet on either side of the following described center line: Beginning at Hicks Dairy Line Sta. 320/45 and running thence S.41°46'W., 599.0 feet to a pole at Sta. 5/99, thence continuing S.41°46'W., 28.0 feet to an anchor, the Southwesterly terminus point of this easement.

Containing 5.263 acres more or less, as shown on Public Service Company of New Mexico Drawing No. A-631-D.

Together with the right to cut down and keep cut down all trees, limbs of trees and undergrowth upon said right-of-way. In clearing the right-of-way, the party of the second part agrees to dispose of the brush and other debris so as not to prevent the free grazing of livestock of the grazing lessees.

It is understood by and between the parties hereto that no other right-of-way and easement for telephone, telegraph or power line shall be granted or authorized upon the right-of-way herein, which, in the judgment of the party of the second part, its lawful successors and assigns, will interfere with its service or endanger its lines.

The said consideration hereinabove specified is the price for the lands covered in the right-of-way herein granted, and in consideration of the payment of the same by the party of the second part. This grant of easement and right-of-way is made pursuant to the authority conferred by Section 8-856 of the New Mexico Statutes Annotated, 1941 Compilation.

TO HAVE AND TO HOLD the said right-of-way granted for the use and purposes above mentioned unto said party of the second part, its lawful successors and assigns, so long as the said right-of-way shall be used for the purposes hereinbefore expressed.

And this grant is made upon the further condition that should the said right-of-way and easement hereby granted cease to be used by the party of the second part or its

lawful successors for any of the purposes enumerated herein for the period of one (1) year, that part of the right-of-way herein granted which may so cease to be used for such purposes shall ipso facto revert to and become revested in the party of the first part, free and clear from any claim, interest or demand of the said party of the second part or its successors.

In crossing any right-of-way for a highway, or the right-of-way of any other telephone, telegraph or transmission line, the party of the second part will exercise due care so as not to interfere with said rights-of-way and will comply with all laws, rules and regulations in connection with the making of such crossings.

The said party of the second part, its successors and assigns hereby agree carefully to avoid destruction or injury to any improvements or livestock lawfully upon said premises; carefully to close all gates immediately upon passing through such gates and pay the reasonable and just damages for such injury or destruction, if any, arising from construction, maintaining and removing said power line or lines.

The party of the second part shall have the right to assign this Permit for Right-of-way and Easement, subject to the approval of the party of the first part.

This Permit is issued subject to all valid existing rights.

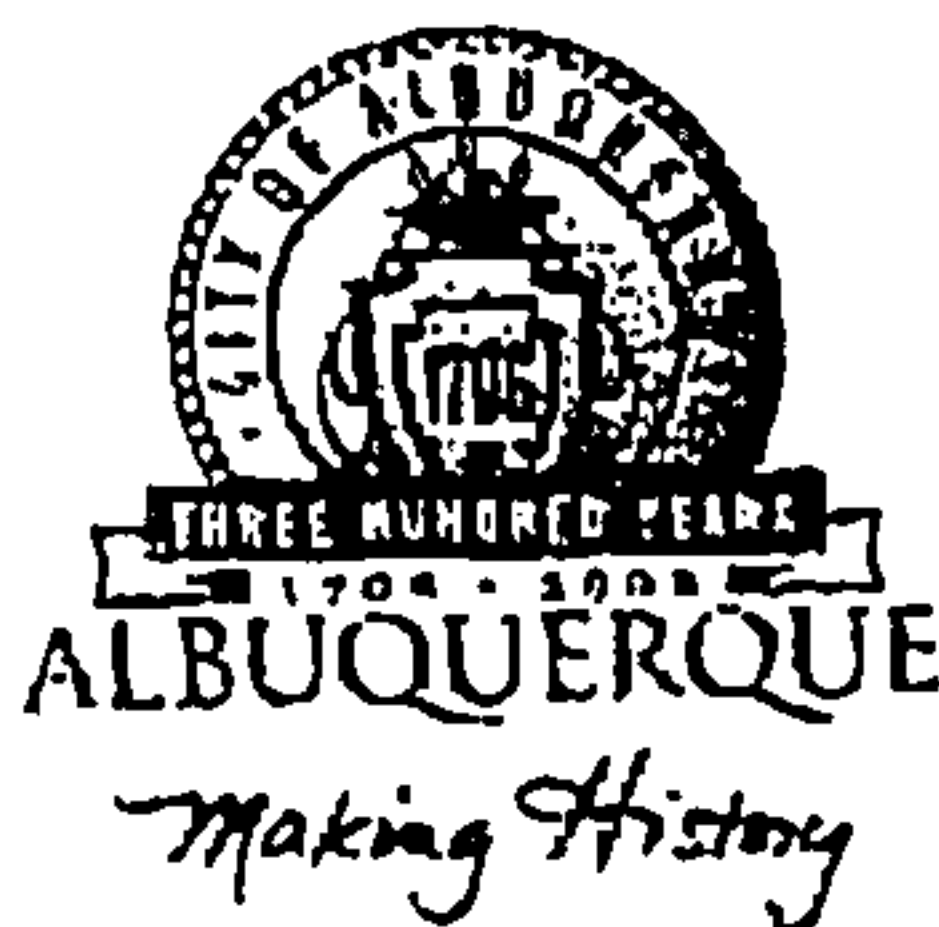
IN WITNESS WHEREOF, the State of New Mexico has caused this instrument to be executed by its Commissioner of Public Lands thereunto duly authorized with the seal of office affixed, the day and year above written.

STATE OF NEW MEXICO

By [Signature]
Commissioner of Public Lands

28421

State of New Mexico
 County of Bernalillo) SS
 This instrument was filed for record on
 10 02 JUL 2 1954
 At 0'clock, m. Recorded in Vol. 285
 of records of said County Folio.
 Mary C. [Signature] Clerk & Recorder
 Deputy Clerk
 7-2-2-54



City of Albuquerque

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

Date: September 20, 2006

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

This letter will serve to notify you that on 9-20-06
(date)

TO CONTACT NAME: Stephanie Walton
COMPANY/AGENCY: Bohannon Huston Engineering
ADDRESS/ZIP: 1500 Jefferson St NE - 87104
PHONE/FAX #: 823-1000 - Fax - 798-7988

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at TRACTS 4-A, 4-B, 4-C Mesa
Del Sol
zone map page(s) R16.

Our records indicate that as of 9-20-06, there were **no Recognized**
(date)

Neighborhood Associations in this area.

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

Sincerely,

Valeria L Armona

OFFICE OF NEIGHBORHOOD COORDINATION

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, LUCC, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood 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:

- The street address of the subject property.
- The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
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Information from the Office of Neighborhood Coordination (ONC)

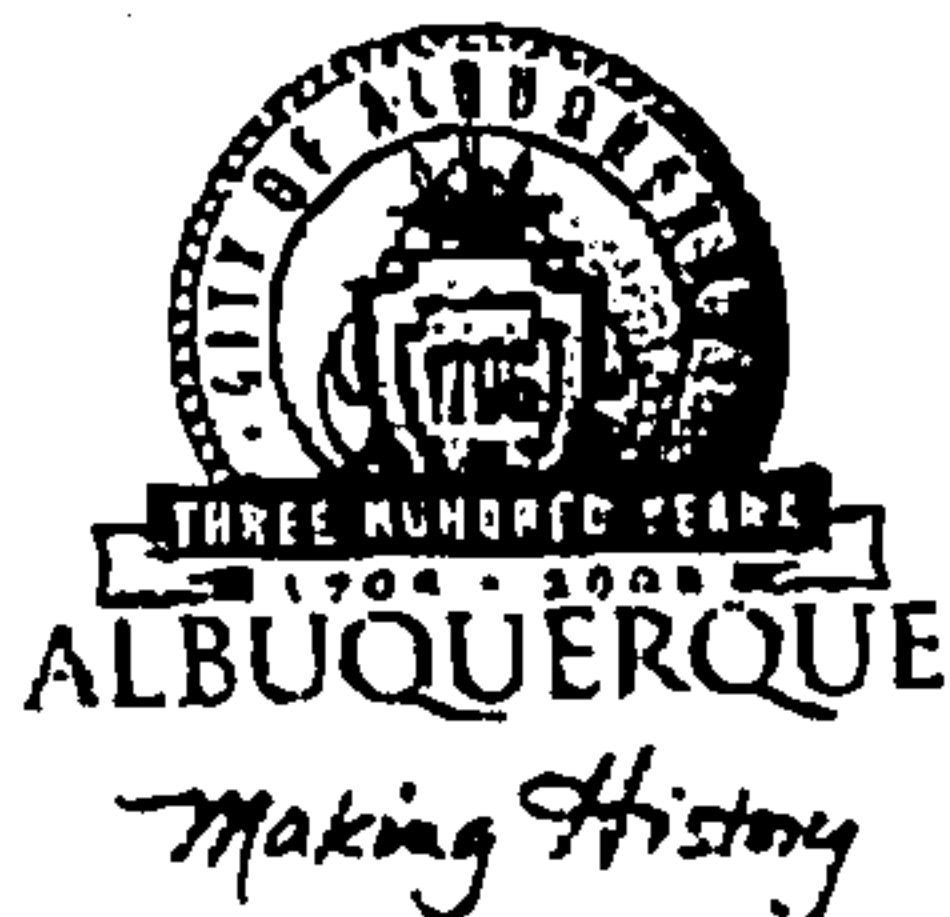
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(Below this line for ONC use only)

Date of Inquiry: 9-20-06 Time Entered: 1:43 pm ONC Rep. Initials: De



City of Albuquerque

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

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

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(date)

TO CONTACT NAME: Stephanie Walton
 COMPANY/AGENCY: Bohannon Huston Engineering
 ADDRESS/ZIP: 1500 Jefferson St NE - 87109
 PHONE/FAX #: 823-1000 - Fax - 798-7988

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Del Sol
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(date)

Neighborhood Associations in this area.

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Dalaina L Armona
 OFFICE OF NEIGHBORHOOD COORDINATION

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(Below this line for ONC use only)

Date of Inquiry: 9-20-06 Time Entered: 1:43pm ONC Rep. Initials: OC

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

PAID RECEIPT

APPLICANT NAME: MESA DEL SOL, LLC
 AGENT: BOHANNAN HUSTON INC
 ADDRESS: 7500 JEFFERSON NE
 PROJECT & APP #: 1004918 / 06DRB 01449, 01450
 PROJECT NAME: TR 4-A, 4B, 4C MESA DEL SOL

\$ 20.00 441032/3424000 Conflict Management Fee
 \$ 345.00 441006/4983000 DRB Actions
 \$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals
 \$ 75.00 441018/4971000 Public Notification
 \$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
 () Major/Minor Subdivision () Site Development Plan () Bldg Permit
 () Letter of Map Revision () Conditional Letter of Map Revision
 () Traffic Impact Study
 \$ 440.00 TOTAL AMOUNT DUE

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

10/5/2006 3:14PM LOC: ANNX
 RECEIPT# 00069669 WSH 007 TRANSH 0031
 Account 441006 Fund 0110
 Activity 4983000 TRSVF
 Trans Amt \$440.00
 J24 Misc \$345.00
 Counterreceipt.doc 6/21/04

DUPLICATE
 City of Albuquerque
 Treasury Division

DUPLICATE
 City Of Albuquerque
 Treasury Division

10/5/2006	3:15PM	LOC: ANNX
RECEIPT# 00069670	WSH 007	TRANSH 0031
Account 441018	Fund 0110	
Activity 4971000		TRSVRS
Trans Amt	\$440.00	
J24 Misc		\$75.00
CK		\$140.00
CK		\$300.00
CHANGE		\$0.00

Thank You

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from OCTOBER 17, 2006 To NOVEMBER 1, 2006

5. REMOVAL

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

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

Stephanie Walton
(Applicant or Agent)

10-5-06
(Date)

I issued 1 signs for this application, 10/05/06 Sandy Sandley
(Date) (Staff Member)

DRB PROJECT NUMBER: 1004918

\$00.00
\$300.00
\$140.00
\$75.00

CHANGE

CK

CK

J24 Misc

ONE STOP SHOP

TRSVRS

CITY OF ALBUQUERQUE PLANNING DEPARTMENT

Fund 0110

8 Development & Building Services

RECEIPT# 00069670 WSH# 007 TRANS# 0031

LOC: ANNX

3:15PM

10/5/2006

PAID RECEIPT

Treasury Division

APPLICANT NAME MESA DEL SOL, LLC

AGENT BOHANNAN HUSTON INC

ADDRESS 7500 JEFFERSON NE

PROJECT & APP # 1004918 / 06DRB 01449, 01450

PROJECT NAME TR 4-A, 4-B, 4-C MESA DEL SOL

\$ 20.00 441032/3424000 Conflict Management Fee

\$ 345.00 441006/4983000 DRB Actions

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 75.00 441018/4971000 Public Notification

\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
() Major/Minor Subdivision () Site Development Plan () Bldg Permit
() Letter of Map Revision () Conditional Letter of Map Revision
() Traffic Impact Study

\$ 440.00 TOTAL AMOUNT DUE

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

10/5/2006 3:14PM LOC: ANNX
RECEIPT# 00069669 WSH# 007 TRANS# 0031
Account 441006 Fund 0110
Activity 4983000 TRSVRS
Trans Amt \$440.00
J24 Misc \$34.00

Thank You

Counterreceipt.doc 6/21/04

City Of Albuquerque
Treasury Division

City Of Albuquerque
Treasury Division

10/5/2006 3:14PM LOC: ANNX
RECEIPT# 00069668 WSH# 007 TRANS# 0031
Account 441032 Fund 0110
Activity 3424000 TRSVRS
Trans Amt \$440.00
J24 Misc \$20.00

Thank You

VACATION Exhibit

PLAT OF
MESA DEL SOL
TRACTS 4-A, 4-B & 4-C
 SECTIONS 15, 21-23, 26-29, 34, 35,
 TOWNSHIP 9 NORTH, RANGE 3 EAST, N.M.P.M.
 (A REPLAT OF TRACTS 4 AND 9, BULK LAND
 PLAT OF MESA DEL SOL, TRACTS 1-15)
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
 MAY, 2008

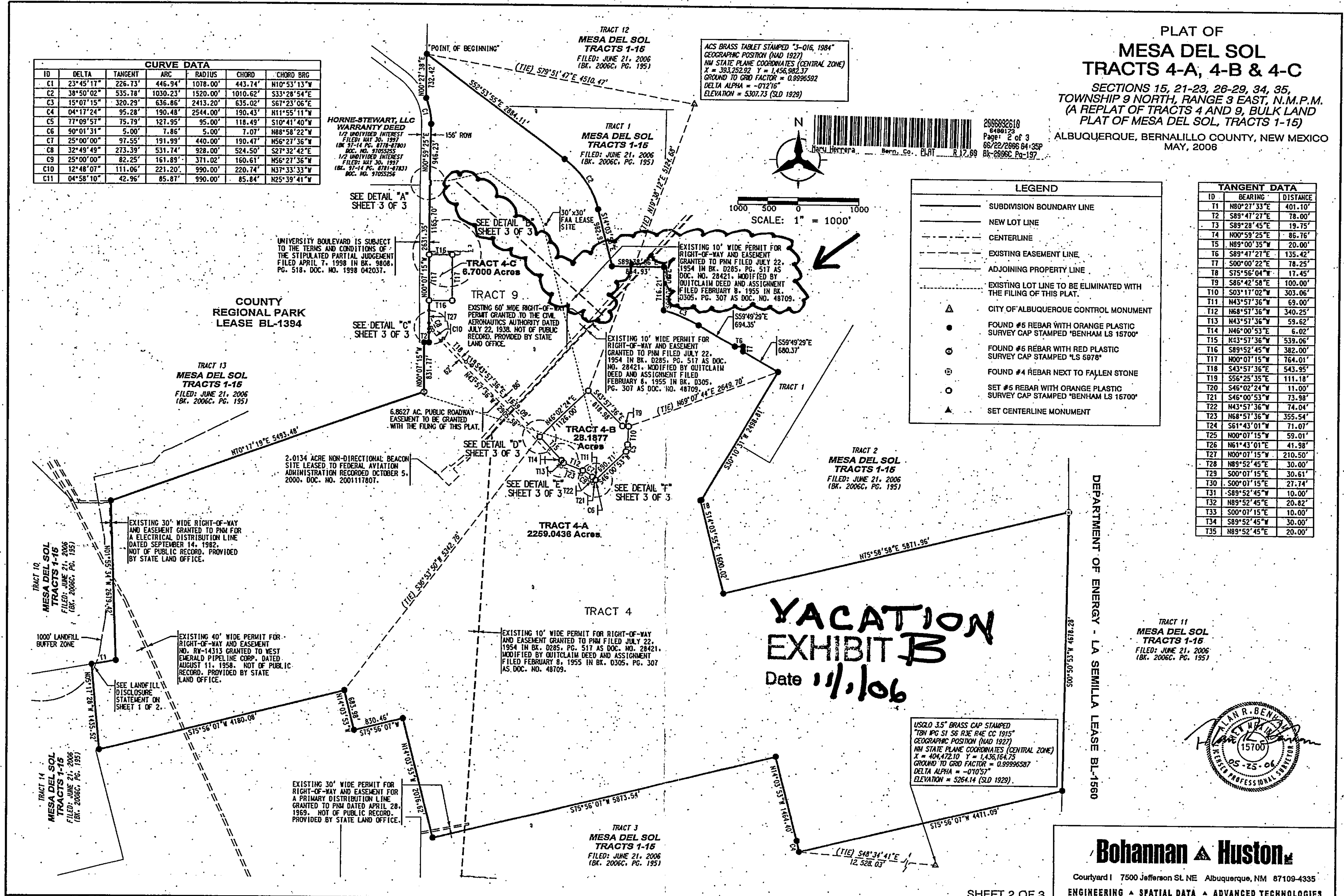
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	23°45'17"	226.73'	446.94'	1078.00'	443.74'	N10°53'13"W
C2	38°50'02"	535.78'	1030.23'	1520.00'	1010.62'	S33°28'54"E
C3	15°07'15"	320.29'	636.86'	2413.20'	635.02'	S67°23'06"E
C4	04°17'24"	95.28'	190.48'	2544.00'	190.43'	N11°55'11"W
C5	77°09'57"	75.79'	127.95'	95.00'	118.49'	S10°41'40"W
C6	90°01'31"	5.00'	1.86'	5.00'	7.07'	N88°58'22"W
C7	25°00'00"	97.55'	191.99'	440.00'	190.47'	N56°27'36"W
C8	32°49'49"	273.39'	531.74'	928.00'	524.50'	S27°32'42"E
C9	25°00'00"	82.25'	161.89'	371.02'	160.61'	N56°27'36"W
C10	12°48'07"	111.06'	221.20'	990.00'	220.74'	N37°33'33"W
C11	04°58'10"	42.96'	85.87'	990.00'	85.84'	N25°39'41"W

ACS BRASS TABLE STAMPED "J-016, 1984"
 GEOGRAPHIC POSITION (NAD 1927)
 NM STATE PLANE COORDINATES (CENTRAL ZONE)
 X = 393,252.92 Y = 1,456,982.37
 GROUND TO GRID FACTOR = 0.9996592
 DELTA ALPHA = -0°12'16"
 ELEVATION = 5307.73 (SLD 1929)

2008092610
 8488123
 Page: 2 of 3
 08/22/2008 04:35P
 Bk-2808C Pg-197

LEGEND	
—	SUBDIVISION BOUNDARY LINE
—	NEW LOT LINE
- - -	CENTERLINE
- - -	EXISTING EASEMENT LINE
- - -	ADJOINING PROPERTY LINE
- - -	EXISTING LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
▲	CITY OF ALBUQUERQUE CONTROL MONUMENT
●	FOUND #6 REBAR WITH ORANGE PLASTIC SURVEY CAP STAMPED "BENHAM LS 15700"
●	FOUND #6 REBAR WITH RED PLASTIC SURVEY CAP STAMPED "LS 6978"
●	FOUND #4 REBAR NEXT TO FALLEN STONE
○	SET #6 REBAR WITH ORANGE PLASTIC SURVEY CAP STAMPED "BENHAM LS 15700"
▲	SET CENTERLINE MONUMENT

TANGENT DATA		
T1	N80°27'33"E	401.10'
T2	S89°47'27"E	78.00'
T3	S89°28'45"E	19.75'
T4	N00°59'25"E	86.76'
T5	N89°00'35"W	20.00'
T6	S89°47'27"E	135.42'
T7	S00°00'22"E	78.25'
T8	S75°56'04"W	17.45'
T9	S86°42'58"E	100.00'
T10	S03°17'02"W	303.06'
T11	N43°57'36"W	69.00'
T12	N68°57'36"W	340.25'
T13	N43°57'36"W	59.62'
T14	N46°00'53"E	6.02'
T15	N43°57'36"W	539.06'
T16	S89°52'45"W	382.00'
T17	N00°07'15"W	764.01'
T18	S43°57'36"E	543.95'
T19	S56°25'35"E	111.18'
T20	S46°02'54"W	11.00'
T21	S46°00'53"W	73.98'
T22	N43°57'36"W	74.04'
T23	N68°57'36"W	355.54'
T24	S61°43'01"W	71.07'
T25	N00°07'15"W	59.01'
T26	N61°43'01"E	41.98'
T27	N00°07'15"W	210.50'
T28	N89°52'45"E	30.00'
T29	S00°07'15"E	30.61'
T30	S00°07'15"E	27.74'
T31	S89°52'45"W	10.00'
T32	N89°52'45"E	20.82'
T33	S00°07'15"E	10.00'
T34	S89°52'45"W	30.00'
T35	N89°52'45"E	20.00'



Bohannon & Huston
 Courtyard I 7500 Jefferson St NE Albuquerque, NM 87109-4335
 ENGINEERING • SPATIAL DATA • ADVANCED TECHNOLOGIES

#14



COMPLETED 07/05/06 ~~ST~~ DRB CASE ACTION LOG (PREL & FINAL PLAT)

REVISED 9/28/05

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

DRB Application No.: 06DRB-00744 (P&F)

Project # 1004918

Project Name: MESA DEL SOL

Agent: Bohannon Huston Inc.

Phone No.: 823-1000

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 6/27/06 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION:
*Public roadway placement
street name insert of address
segment*

UTILITIES:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): *bulk plat recorded before this one.*
AGIS DXF
DM
6/21/06

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

Project Number 1004918

#14



DRB CASE ACTION LOG (PREL & FINAL PLAT)

REVISED 9/28/05

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

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OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION:
*Public roadway placement
street name index of access
Pharmant*

UTILITIES:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): *check plat recorded before this one*
AGIS DXF

- 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.
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- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

OK

Project Number 1004918

4918

DXF Electronic Approval Form

~~1004918~~

DRB Project Case #: *OK* *al*

Subdivision Name:

Surveyor:

Contact Person:

Contact Information:

DXF Received: Hard Copy Received:

Coordinate System:

[Signature] Approved 06-12-2006 Date

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

AGIS Use Only
Copied fc **4918** to agiscov on **6/12/2006** Contact person notified on **6/12/2006**



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

June 7, 2006

9:00 a.m.

MEMBERS:

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

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

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

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

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

- A. Call to Order: 9:00 A.M. Adjourned: 12:15 P.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project # 1000575**
06DRB-00665 Major-Vacation of Public Easements
- BOHANNAN HUSTON INC agent(s) for PRESBYTERIAN HEALTHCARE SERVICES request(s) the above action(s) for all or a portion of Tract(s) B, **PRESBYTERIAN HOSPITAL, MAIN CAMPUS, PHASE 1**, zoned SU-2, SU-1 for Hospital & Related Uses, located on SILVER AVE SE, between LEAD AVE SE and CEDAR ST SE. [REF: 01EPC-01561] (K-15) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

06DRB-00743 Minor-Prelim&Final Plat
Approval

BOHANNAN HUSTON agent(s) for PRESBYTERIAN HEALTHCARE SERVICES request(s) the above action(s) for all or a portion of Tract(s) 8-A, **PRESBYTERIAN HOSPITAL, MAIN CAMPUS PHASE 1**, zoned SU-2, SU-1 for Hospital & Related Uses,, located on SILVER AVE NE, between LEAD AVE NE and CEDAR ST NE containing approximately 2 acre(s). [REF: 06DRB-00665] (K-15) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE, 15-DAY APPEAL PERIOD AND TO RECORD THE PLAT.**

2. Project # 1004496

06DRB-00667 Major-Preliminary Plat
Approval
06DRB-00668 Major-Vacation of Pub
Right-of-Way
06DRB-00669 Major-Vacation of Public
Easements
06DRB-00671 Minor-SiteDev Plan
Subd/EPC
06DRB-00670 Minor-Sidewalk Waiver

GARCIA/KRAEMER & ASSOCIATES agent(s) for TRAMWAY ASSOCIATES INC request(s) the above action(s) for all or a portion of Lot(s) 1, 1A & 1B, Block(s) J & K, CENAROCA ADDITION (to be known as **THE BLUFFS AT ENCANTADO**) zoned SU-1, RT, located on TRAMWAY BLVD NE, between SKYLINE RD NE and ENCANTADO RD NE containing approximately 3 acre(s). [REF: 05EPC-01805, 06EPC-00138] [Stephanie Shumsky, EPC Case Planner] [Deferred from 6/7/06] (K-23/L-23) **DEFERRED AT THE AGENT'S REQUEST TO 6/14/06.**

3. Project # 1004880

06DRB-00643 Major-Vacation of Pub
Right-of-Way

WADE JACKSON agent(s) for S & S TREZZA LLC request(s) the above action(s) for all or a portion of Lot(s) B, Block(s) 4, **ROSITA ADDITION**, zoned C-2, located on COORS BLVD NW, between BICE RD NW and ILIFF RD NW containing approximately 1 acre(s). (H-11) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH CONDITIONS: 9-FEET FROM FACE OF CURB ON BICE ROAD IS REQUIRED, A LETTER FROM NMDOT IS REQUIRED AT FINAL PLAT CONCURRING IN THE VACATION ACTION, THE WATER AND STORM DRAIN EASEMENTS ALONG COORS MUST BE RETAINED.**

4. **Project # 1004877**
06DRB-00634 Major-Vacation of Pub
Right-of-Way
06DRB-00635 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC agent(s) for THE BOARD OF EDUCATION FOR THE CITY OF ALBUQUERQUE (APS REAL ESTATE OFFICE) request(s) the above action(s) for all or a portion of Lot(s) 1-10, Block(s) 3 and Lot(s) 1-9, Block(s) 4, **MANDELL ADDITION NO 2**, zoned M-1, located on WOODLAND AVE NW, between 4TH ST NW and 2ND ST NW containing approximately 4 acre(s). *[Deferred from 5/31/06 & 6/7/06]* (H-14) **DEFERRED AT THE BOARD'S REQUEST TO 6/14/06.**

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

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

5. **Project # 1004921**
06DRB-00752 Minor-Volcano Heights
Sector Development Plan Boundaries

SIGNE RICH agent(s) for CITY OF ALBUQUERQUE request(s) the above action(s) for BOUNDARIES INCLUDING **VOLCANO CLIFFS, LA CUENTISTA, VISTA VIEJA AND THE TRAILS**, zoned R-1, RD and C-2, containing approximately 3,500 acre(s). (C-8, C-12, G-8, G-9 & E-10) **THE DEVELOPMENT REVIEW BOARD RECOMMENDS APPROVAL OF THE VOLCANO HEIGHTS SECTOR DEVELOPMENT PLAN BOUNDARIES, AS PRESENTED, TO THE ENVIRONMENTAL PLANNING COMMISSION.**

6. **Project # 1004532**
06DRB-00741 Minor-SiteDev Plan
BldPermit/EPC

FANNING BARD TATUM ARCHITECTS agent(s) for ASHCROFT REAL ESTATE & DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) B-1, MESA DEL NORTE ADDITION (to be known as **LOUISIANA PLACE**, zoned SU-2, R-2 & O-1, located on LOUISIANA BLVD NE, between CONSTITUTION BLVD NE and SUMMER AVE NE containing approximately 5 acre(s). [REF: 05EPC-01693] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 6/7/06]* (J-19) **DEFERRED AT THE AGENT'S REQUEST TO 6/14/06.**

7. **Project # 1004676**
06DRB-00746 Minor-SiteDev Plan
BldPermit/EPC
06DRB-00745 Minor-Prelim&Final Plat
Approval

COMMUNITY SCIENCES CORP agent(s) for ALEXANDER SAMUELS REALTY GROUP LLC request(s) the above action(s) for all or a portion of Tract(s) A-2-A, RIDGEVIEW VILLAGE, UNIT 1, and Tract(s) E, LANDS OF ZOLIN/KUNATH (to be known as **VILLAGE CENTER**) zoned SU-1 for C-1, SU-1 for MIXED USE, located on UNSER BLVD NW NW, between NIGHT WHISPER DR NW and CALLE PERRO RD NW containing approximately 3 acre(s). **[David Stallworth, EPC Case Planner]** *[Deferred from 6/7/06]* (A-11) **DEFERRED AT THE AGENT'S REQUEST TO 6/21/06.**

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

8. **Project # 1001218**
06DRB-00735 Minor-Prelim&Final Plat
Approval

SURVEYS SOUTHWEST LTD agent(s) for DALE ARMSTRONG request(s) the above action(s) for all or a portion of Tract(s) 4, **LANDS OF LAFARGE**, zoned M-1, located on CARMONY RD NE, between EDITH BLVD NE and YALE BLVD NE containing approximately 6 acre(s). **(G-15) PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR A SIDEWALK ISSUE.**

9. **Project # 1004769**
06DRB-00734 Minor-Prelim&Final Plat
Approval

SURVEYS SOUTHWEST LTD agent(s) for RAYMOND KO request(s) the above action(s) for all or a portion of Lot(s) 25, 26-A, Block(s) 109, with the southerly 22 feet of Menaul Blvd, **SNOW HEIGHTS ADDITION**, zoned C-1, located on MENAUL BLVD NE, between MORRIS ST NE and TOWNER AVE NE containing approximately 1 acre(s). **[REF: 06DRB00370] (H-21) WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/7/06 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITION: DEDICATION OF RIGHT-OF-WAY ALONG MENAUL SHALL OCCUR ON THE PLAT. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

Project # 1001304
06DRB-00749 Minor-Prelim&Final Plat
Approval

CHRISTOPHER CALOTT request(s) the above action(s) for all or a portion of Lot(s) 17-A, 17-B; 17-C and 15-A, Block(s) 18, **PEREA ADDITION**, zoned R-1, located on 14TH ST NW, between ROMA AVE NW and FRUIT AVE NW containing approximately 1 acre(s). [REF: 06DRB-00574] (J-13) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR DRY UTILITIES SIGNATURES AND TO RECORD THE PLAT.**

11. **Project # 1001685**
06DRB-00736 Minor-Vacation of Private
Easements

GREAT BASIN ENGINEERING agent(s) for SMITHS FOOD & DRUG CENTERS INC request(s) the above action(s) for all or a portion of Tract(s) 1B-2, **PARADISE NORTH**, zoned SU-1 FOR IP, located on MCMAHON BLVD NW, between GOLF COURSE RD NW and BANDALIER NW containing approximately 8 acre(s). [REF: 04EPC01349, 04EPC01590, 04ZHE01924, 05DRB01349, 05DRB01350] (A-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

12. **Project # 1004773**
06DRB-00750 Minor-Prelim&Final Plat
Approval

ISAACSON & ARFMAN PA agent(s) for PASEO PLACE LLC request(s) the above action(s) for all or a portion of Tract(s) A, Lot(s) 12, 13, 20 & 21, Block(s) 18, **NORTH ALBUQUERQUE ACRES, UNIT B** (to be known as **PASEO PLACE**) zoned SU-1 for M-1, located on HOLLY AVE NE, between PASEO DEL NORTE NE and SAN PEDRO DR NE containing approximately 4 acre(s). [REF: 06DRB-00377] (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1004804**
06DRB-00751 Minor-Prelim&Final Plat
Approval

JESUS SANDOVAL agent(s) for ALEX MCL...
request(s) the above action(s) for all or a portion of Lot(s),
10 & 11A, Block(s) 8, **CASAS SERENAS**, zoned R-2,
located on PENNSYLVANIA SE, between TRUMBULL SE
and BELL SE containing approximately 1 acre(s).
[Deferred from 6/7/06] (L-19) **DEFERRED AT THE
AGENT'S REQUEST TO 6/21/06.**

14. **Project # 1004918**
06DRB-00744 Minor-Prelim&Final Plat
Approval

BOHANNAN HUSTON agent(s) for REGENTS OF UNM
AND COMMISSIONER OF PUBLIC LANDS OF THE
STATE OF NEW MEXICO, TRUSTEE, request(s) the
above action(s) for all or a portion of Tract(s) 4 & 9, **MESA
DEL SOL**, zoned SU-2 PLANNED COMMUNITY, located
on I-25 SW, between BROADWAY BLVD SW and LOS
PICAROS RD SW containing approximately 2,295 acre(s).
(Q-16, R-15, R-16, R-17, S-14 & S-15) **PRELIMINARY
AND FINAL PLAT WAS APPROVED WITH FINAL SIGN
OFF DELEGATED TO TRANSPORTATION
DEVELOPMENT FOR RECORDING OF BULK PLAT
BEFORE FINAL PLAT, A PUBLIC ROADWAY
EASEMENT IN-LIEU OF PRIVATE ACCESS EASEMENT,
THE NAMING OF STREET D AND TO PLANNING FOR
AGIS DXF FILE.**

15. **Project # 1004909**
06DRB-00717 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS agent(s) for JOURNAL CENTER
CORPORATION request(s) the above action(s) for all or a
portion of Tract(s) 2A-2A-2B, **JOURNAL CENTER**, zoned
IP, located on JEFFERSON NE, between HEADLINE NE
and JOURNAL CENTER NE containing approximately 9
acre(s). *[Deferred from 5/31/06 & 6/7/06]* (D-17)
DEFERRED AT THE AGENT'S REQUEST TO 6/14/06.

16. **Project # 1004920**
06DRB-00748 Minor-Prelim&Final Plat
Approval

JORDAN AND GALLEGOS INC agent(s) for VIRGINA KILIKUSKIE request(s) the above action(s) for all or a portion of Lot(s) 47 & 48, Block(s) 19, **NETHERWOOD PARK ADDITION**, zoned R-3, located on CUTLER AVE NW, between GIRARD BLVD NW and MENAUL BLVD NW containing approximately 1 acre(s). (H-16) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CROSS-SECTION AND RADIUS OF GIRARD AND PLANNING FOR AGIS DXF FILE, CORRECTION OF ZONING ON THE PLAT AND TO RECORD THE PLAT.**

17. **Project # 1004917**
06DRB-00742 Minor-Prelim&Final Plat
Approval

JACK'S HIGH COUNTRY INC agent(s) for DONALD & BARBARA DELGADO ROMERO request(s) the above action(s) for all or a portion of Lot(s) 6, **ZICKERT ADDITION**, zoned RA-2 residential and agricultural zone, located on ZICKERT PLACE NW, between DURANES RD NW and ZICKERT RD NW containing approximately 1 acre(s). (H-12) **PRELIMINARY AND FINAL PLAT DENIED DUE TO LOT SIZE.**

18. **Project # 1004320**
06DRB-00682 Minor-Prelim&Final Plat
Approval

JACKS HIGH COUNTRY INC agent(s) for INSPIRATION RESEARCH EXCHANGE LLC request(s) the above action(s) for all or a portion of Tract(s) E-2, **SANDIA SCIENCE AND TECHNOLOGY PARK**, zoned IP, located on INNOVATION PKWY SE, between GIBSON AVE SE and RESEARCH AVE SE containing approximately 4 acre(s). *[Deferred from 5/24/06 & 5/31/06]* (M-21) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT.**

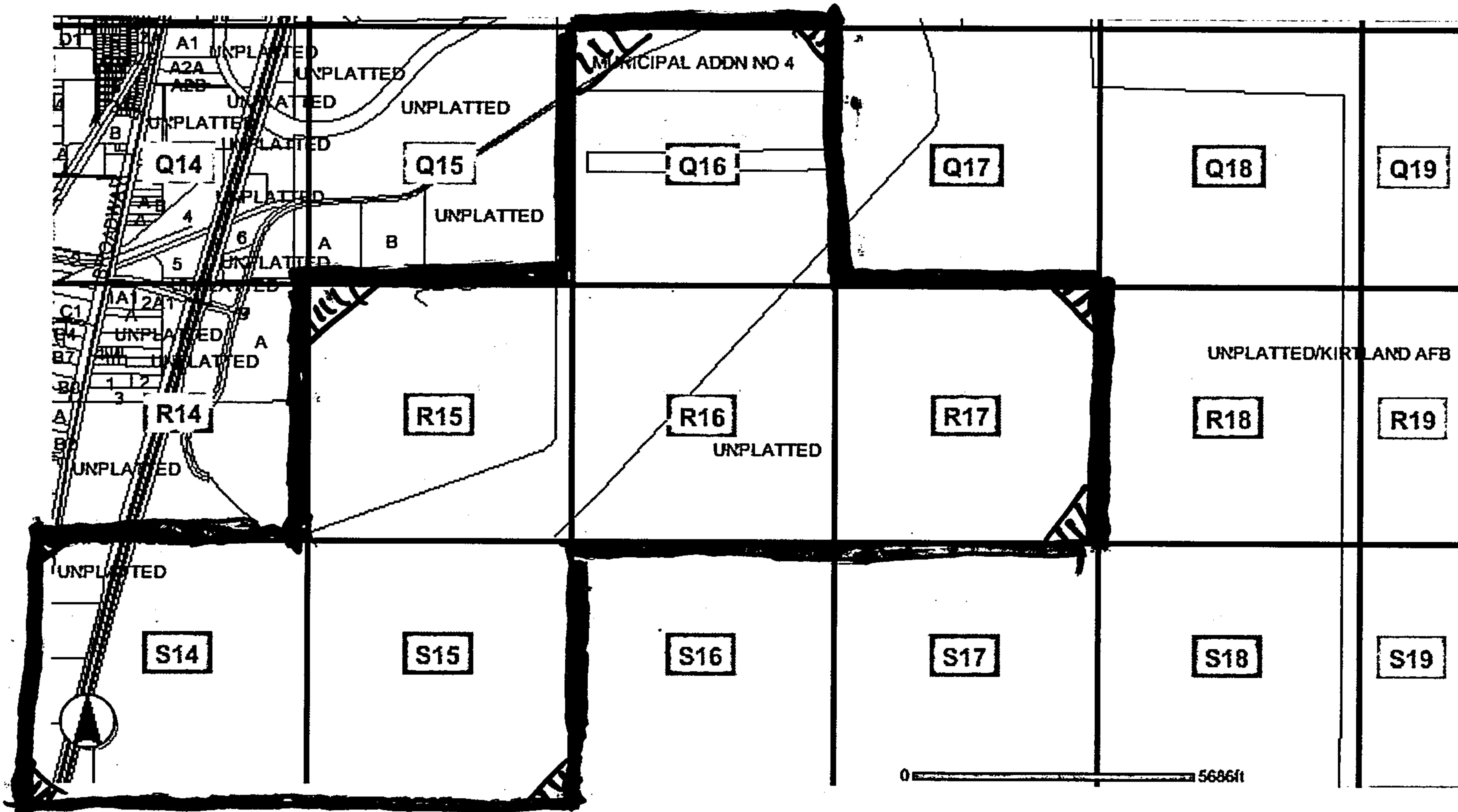
NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

19. **Project # 1004919**
06DRB-00747 Minor-Sketch Plat or Plan

WAYJOHN SURVEYING INC agent(s) for MURPHY PROPERTIES LLC request(s) the above action(s) for Tract(s) 127-B, 128-B, 129-B-1, 129-B-2, 131, 131-A, **MRGCD MAP 32** and Lot(s) 15 of **EASTVALE ADDITION** and a portion of vacated GALLEGOS LATERAL, zoned M-1 light manufacturing zone, located on 2ND ST NW, between HILTON AVE NW and MONTANO RD NW containing approximately 6 acre(s). (F-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. Approval of the Development Review Board Minutes for May 31, 2006. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR MAY 31, 2006 WERE APPROVED BY THE BOARD.**

ADJOURNED: 12:15 P.M.



CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1004918

AGENDA ITEM NO: 14

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

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

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

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

www.cabq.gov

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

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

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: June 7, 2006



<p>SUBDIVISION</p> <p><input type="checkbox"/> Major Subdivision action</p> <p><input checked="" type="checkbox"/> Minor Subdivision action</p> <p><input type="checkbox"/> Vacation</p> <p><input type="checkbox"/> Variance (Non-Zoning)</p> <p>SITE DEVELOPMENT PLAN</p> <p><input type="checkbox"/> ...for Subdivision Purposes</p> <p><input type="checkbox"/> ...for Building Permit</p> <p><input type="checkbox"/> IP Master Development Plan</p> <p><input type="checkbox"/> Cert. of Appropriateness (LUCC)</p>	<p>Supplemental form S</p> <p>V</p> <p>P</p> <p>L</p>	<p>Supplemental form ZONING & PLANNING</p> <p><input type="checkbox"/> Annexation</p> <p><input type="checkbox"/> County Submittal</p> <p><input type="checkbox"/> EPC Submittal</p> <p><input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)</p> <p><input type="checkbox"/> Sector Plan (Phase I, II, III)</p> <p><input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan</p> <p><input type="checkbox"/> Text Amendment</p> <p>APPEAL / PROTEST of...</p> <p><input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals</p>	<p>Z</p> <p>A</p>
---	---	--	---------------------------------

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

APPLICANT INFORMATION:

NAME: SEE ATTACHED FOR OWNER INFORMATION PHONE: _____

ADDRESS: _____ FAX: _____

CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: OWNER

AGENT (if any): BOHANNAN HUSTON INC. PHONE: 823-1000

ADDRESS: 7500 JEFFERSON NE FAX: 798-7988

CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: JTOPMIL@BHINC.COM

DESCRIPTION OF REQUEST: PRELIMINARY/FINAL PLAT APPROVAL

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

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

Lot or Tract No. TRACTS A, B, & C Block: _____ Unit: _____

Subdiv. / Addn. MESA DEL SOL

Current Zoning: SU-2/ PLANNED COMMUNITY Proposed zoning: _____

Zone Atlas page(s): Q16,R15,R-16,R-17,S-14,S-15(SEE PLAT) No. of existing lots: 1 No. of proposed lots: 3

Total area of site (acres): 2294.3698 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? YES NO

UPC No. 101605228121040150 MULTIPLE MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: I-25

Between: BROADWAY BLVD. SW SE and LOS PICAROS RD SW SE

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#1004075-06DRB-00716

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

SIGNATURE Stephanie Walton DATE 5/30/2006

(Print) JAMES TOPMILLER Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 10/03

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>06DRB - 00744</u>	<u>PIF</u>	<u>5(3)</u>	<u>\$ 355.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CMB</u>	_____	<u>\$ 20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>6-7-06</u>	_____	_____	<u>\$ 375.00</u>

Xin Sis

Planner signature / date

Project # 1004918

Mesa Del Sol

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

SKETCH PLAT REVIEW AND COMMENT

YOUR ATTENDANCE IS REQUIRED.

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

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

Your attendance is required.

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

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

MAJOR SUBDIVISION FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
Design elevations & cross sections of perimeter walls 3 copies
Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
Property owner's and City Surveyor's signatures on the Mylar drawing
Copy of recorded SIA
Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
Any original and/or related file numbers are listed on the cover application

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

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

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

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

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

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

James Topmiller

Applicant name (print)

Stephanie Walton

Applicant signature / date

5-30-06



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

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

Table with 2 columns: Application case numbers, and handwritten entries: 06DRB - 00744

Handwritten signature and date: 5/30/06

Planner signature / date

Project # 1004918

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

May 30, 2006

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Preliminary/Final Plat Approval- Mesa del Sol, Tracts 4A, 4B and 4C

Dear Sheran:

We are pleased to submit the enclosed plat for preliminary/final plat review at DRB. The primary purpose of this plat is to create two tracts within the boundaries of Tract 4 of the original Mesa del Sol bulk land plat recently submitted to DRB. These tracts are provided for the two currently EPC-approved projects in Mesa del Sol- the Advent Solar project which is under construction and the Albuquerque Studios project, planned for DRB submittal in the very near future.


As this platting relies on the platting of the bulk land plat, we understand that the bulk land plat must be filed first. Infrastructure guarantees for these tracts are planned for the upcoming site plan process, which must be completed prior to any building permits.

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Fee on the amount of \$ 375.00
- Six (6) copies of the Preliminary/Final Plat, and
- Zone Atlas Map showing the location of the property

Please place this item on the DRB Agenda to be heard on June 7, 2006. If you have any questions or require additional information, please contact me.

Sincerely,


James Topmiller, P.E.
Senior Vice President
Community Development and Planning Group

SW
Enclosure

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

MESA DEL SOL

OWNERS:

REGENTS OF THE UNIVERSITY OF NEW MEXICO,
A CONSTITUTIONALLY CREATED EDUCATIONAL
INSTITUTION IN THE STATE OF NEW MEXICO
SCHOLES HALL, ROOM 252
ALBUQUERQUE, NM 87131

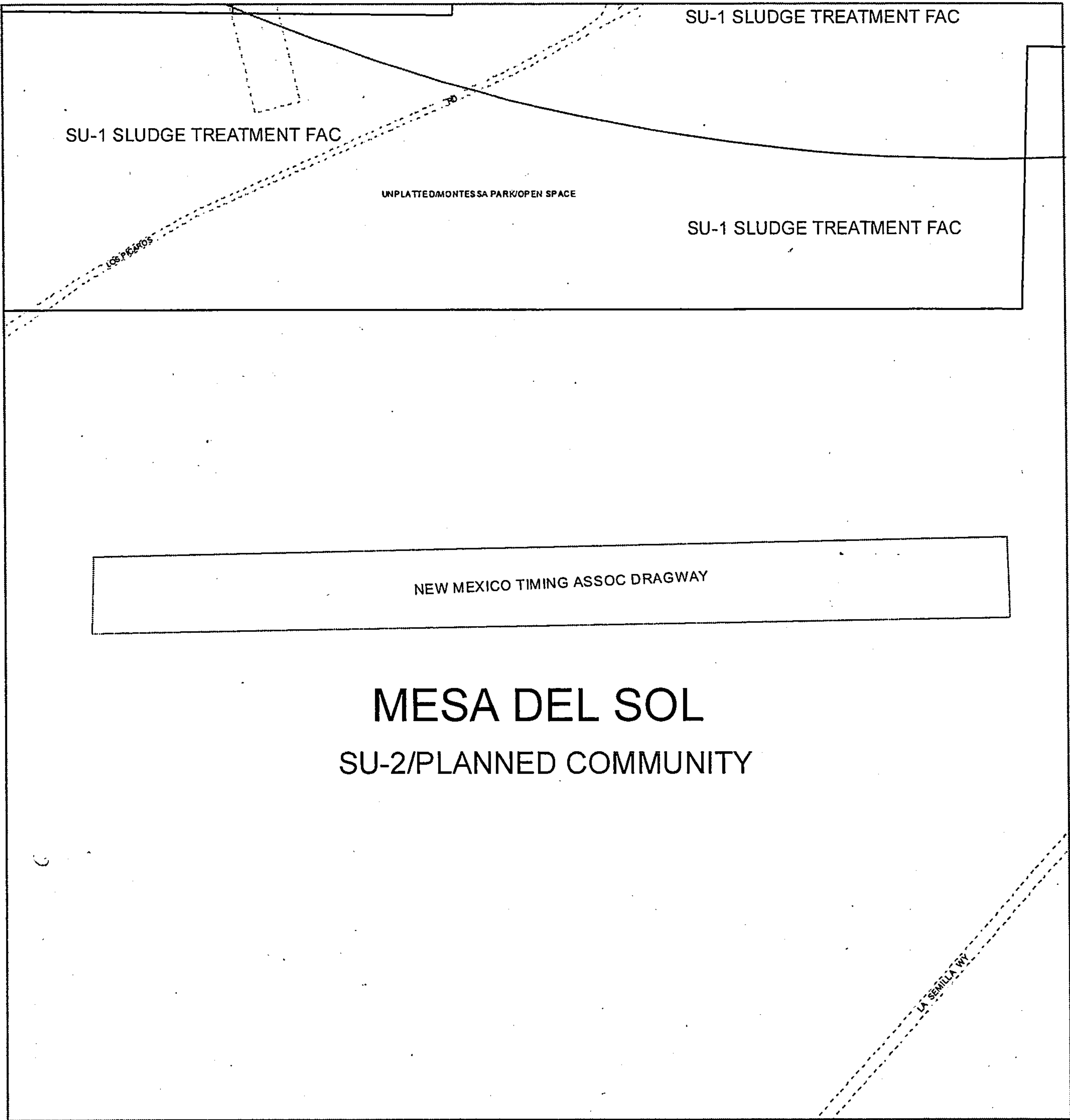
PHONE: 505-277-4620
FAX: 505-277-6290

COMMISSIONER OF PUBLIC LANDS
OF THE STATE OF NEW MEXICO, TRUSTEE
FOR THE ENABLING ACT TRUST, ACT OF JUNE 29, 1910,
36 STAT, 557, CH. 310
PO BOX 1148
SANTA FE, NM 87504-1148

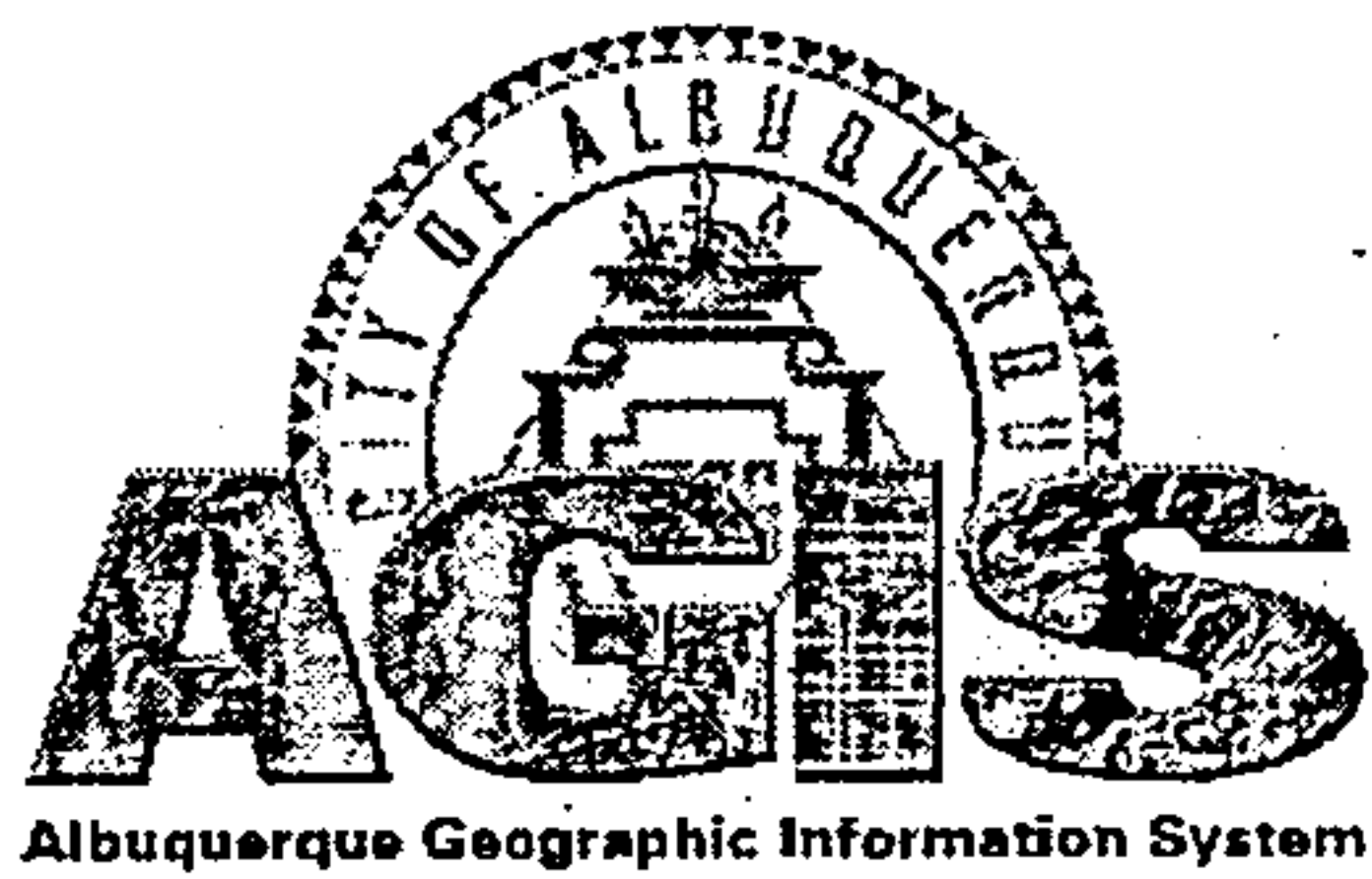
PHONE: 505-827-5866
FAX: 505-827-5766

ZONE ATLAS PAGES:

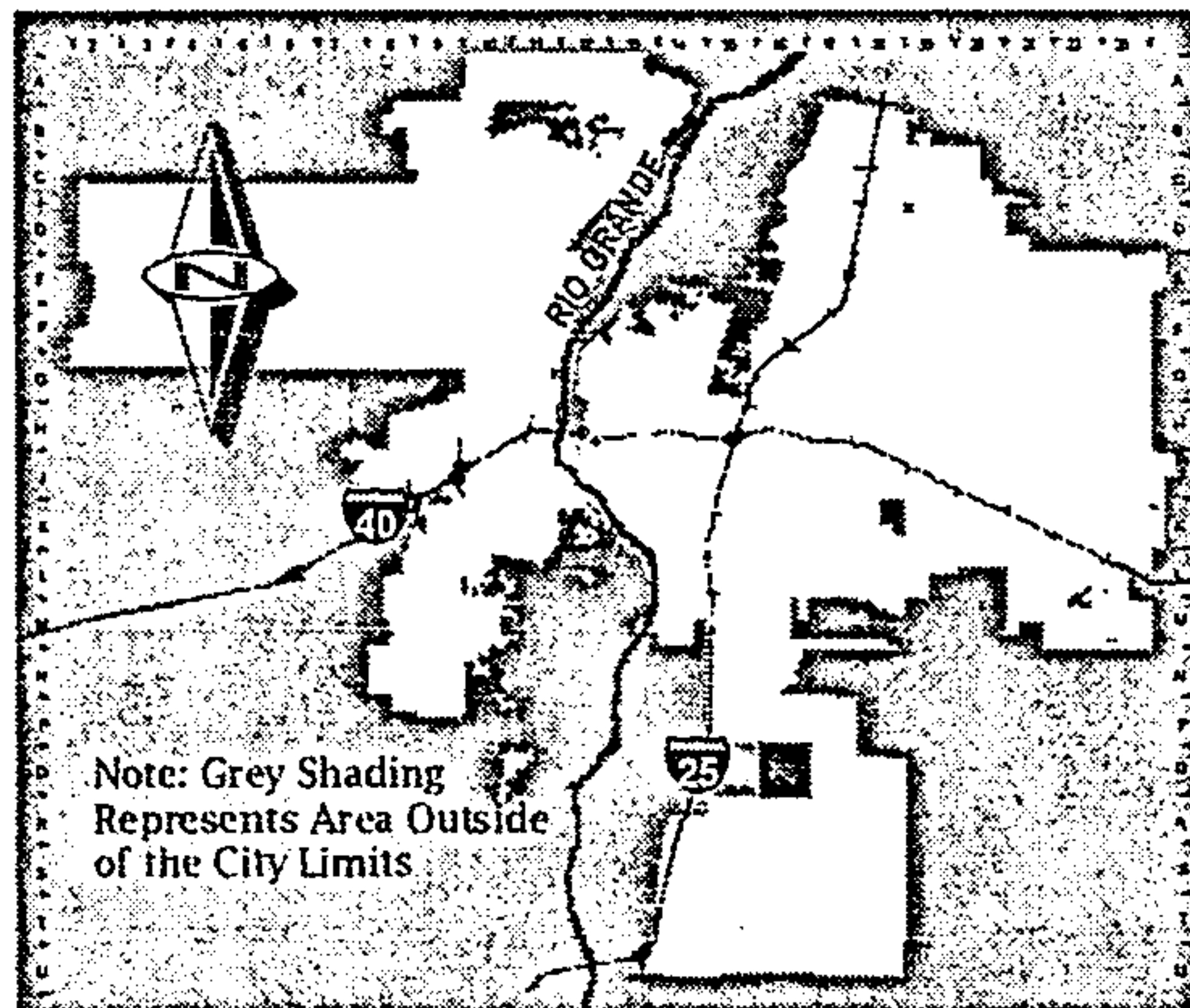
Q-15, Q-16, Q-17, Q-18, R-14, R-15, R-16, R-17, R-18, S-14, S-15,
S-16, S-17, S-18, T-13, T-14, T-15, T-16, T-17, T-18, U-13, U-14,
U-15, U-16, U-17, U-18



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



Map amended through: 5/1/2006

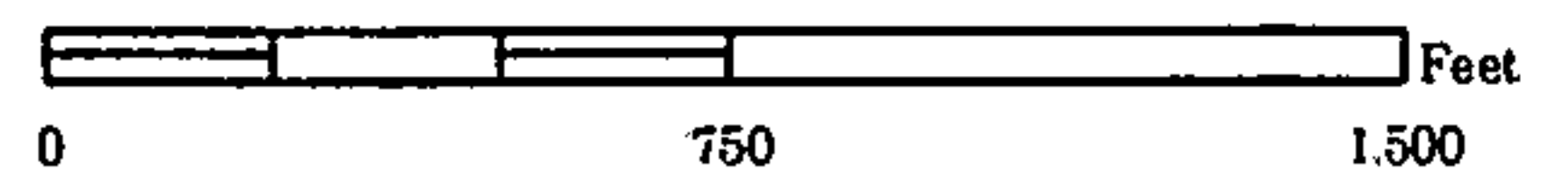


Zone Atlas Page:

Q-16-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. | |



Mesa del Sol Regional
Recreation Complex Phase 1B

JOURNAL PAVILION

Mesa del Sol Regional
Recreation Complex Phase 1A

Mesa del Sol Regional
Recreation Complex

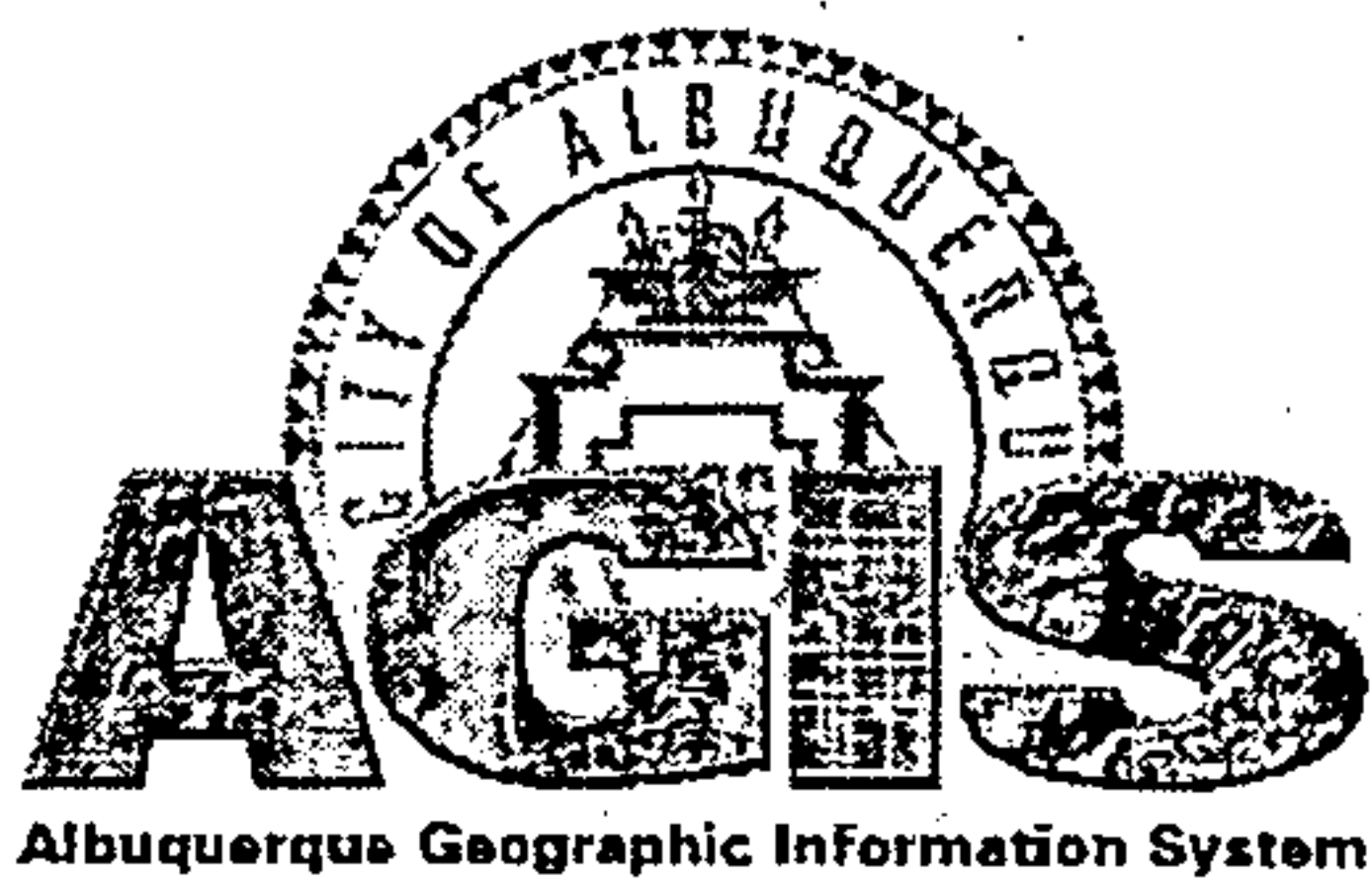
SU-1/URBAN REGIONAL PARK

MESA DEL SOL

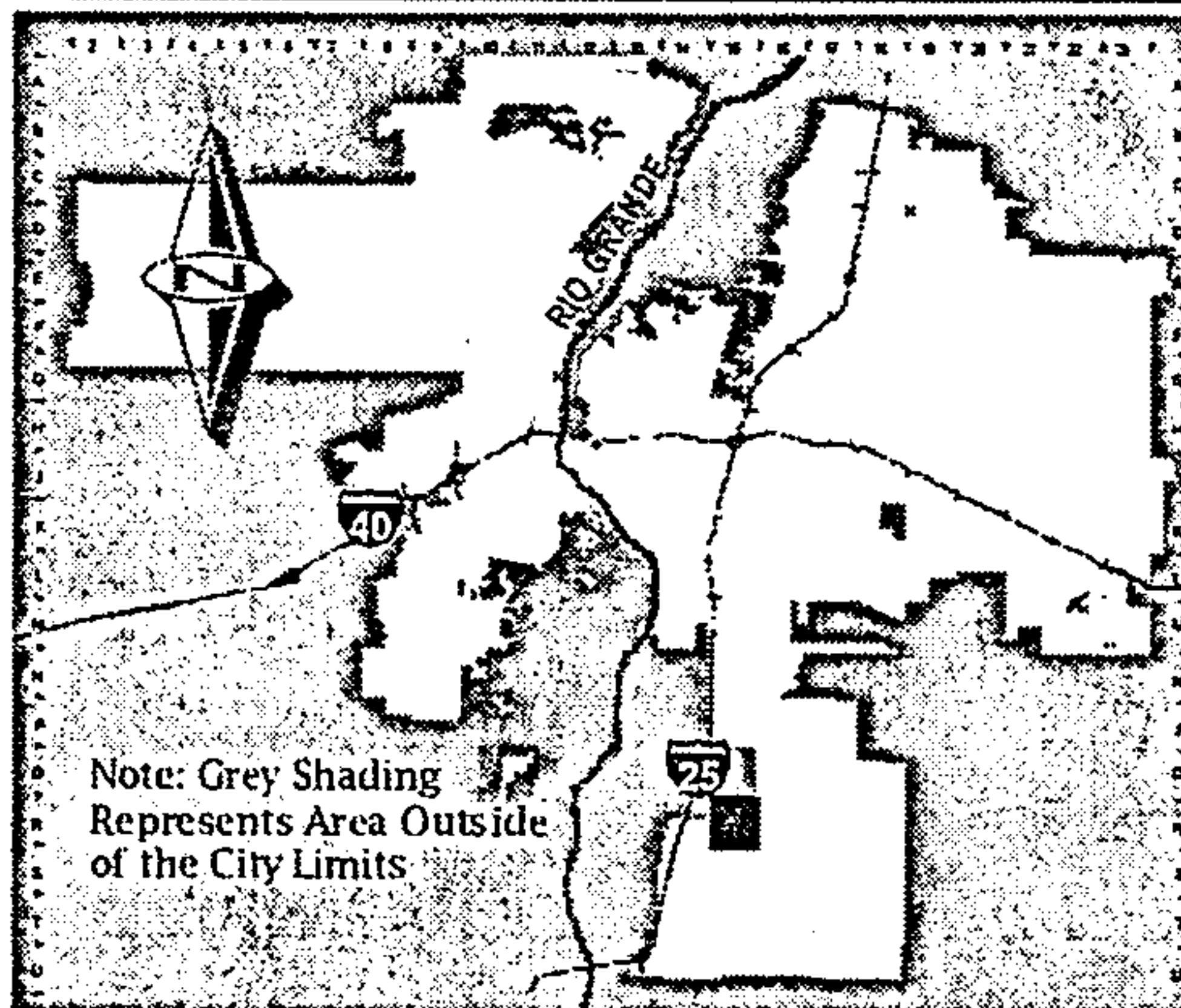
SU-1/URBAN REGIONAL PARK

SU-2/PLANNED COMMUNITY

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




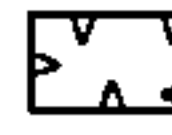







Map amended through: 5/1/2006

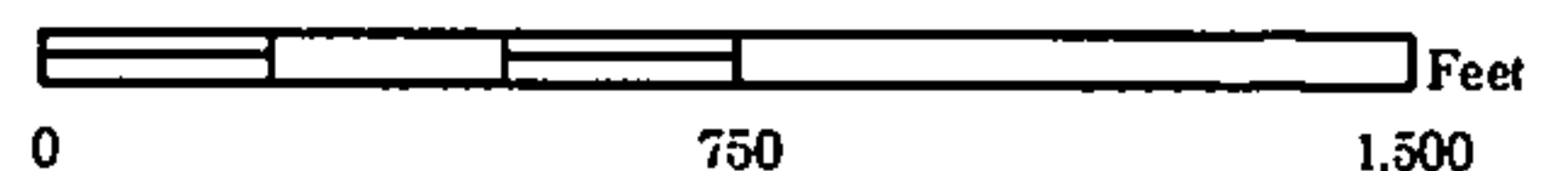


Zone Atlas Page:

R-15-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. | |



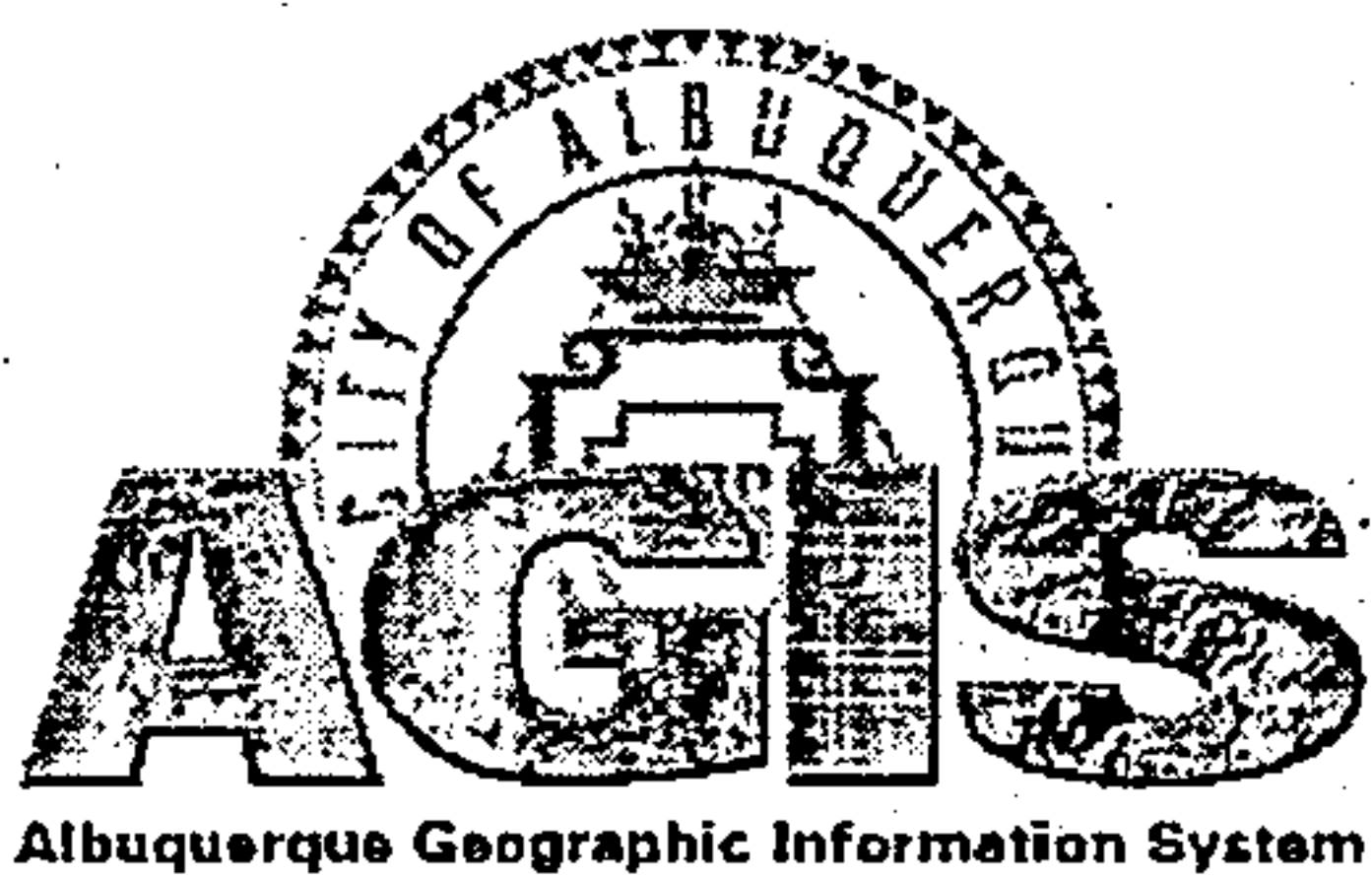
MESA DEL SOL

SU-2/PLANNED COMMUNITY

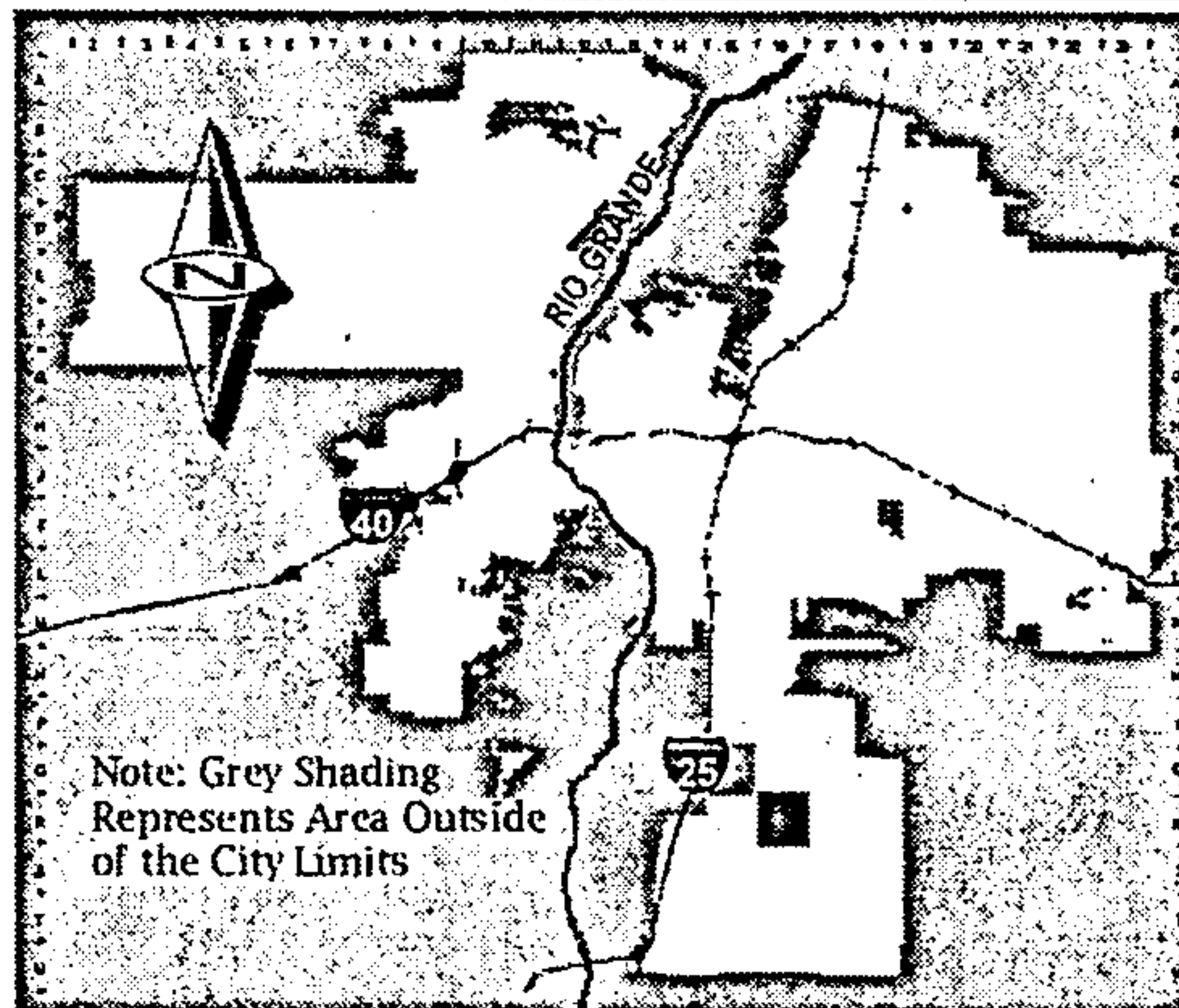
LA SEMILLA WAY

TY

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



Map amended through: 5/1/2006





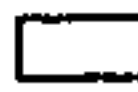



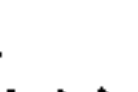


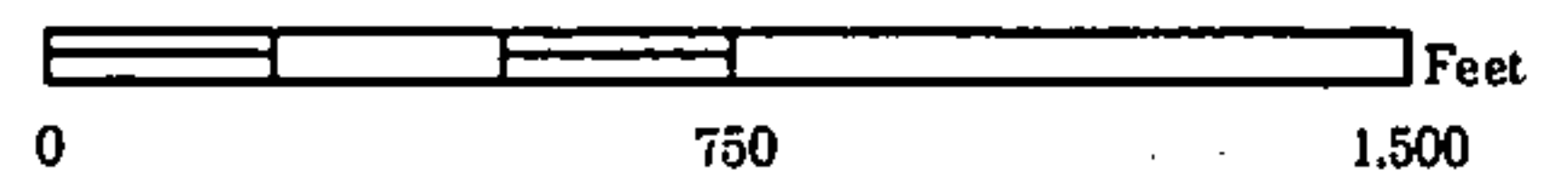
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

R-16-Z

Selected Symbols

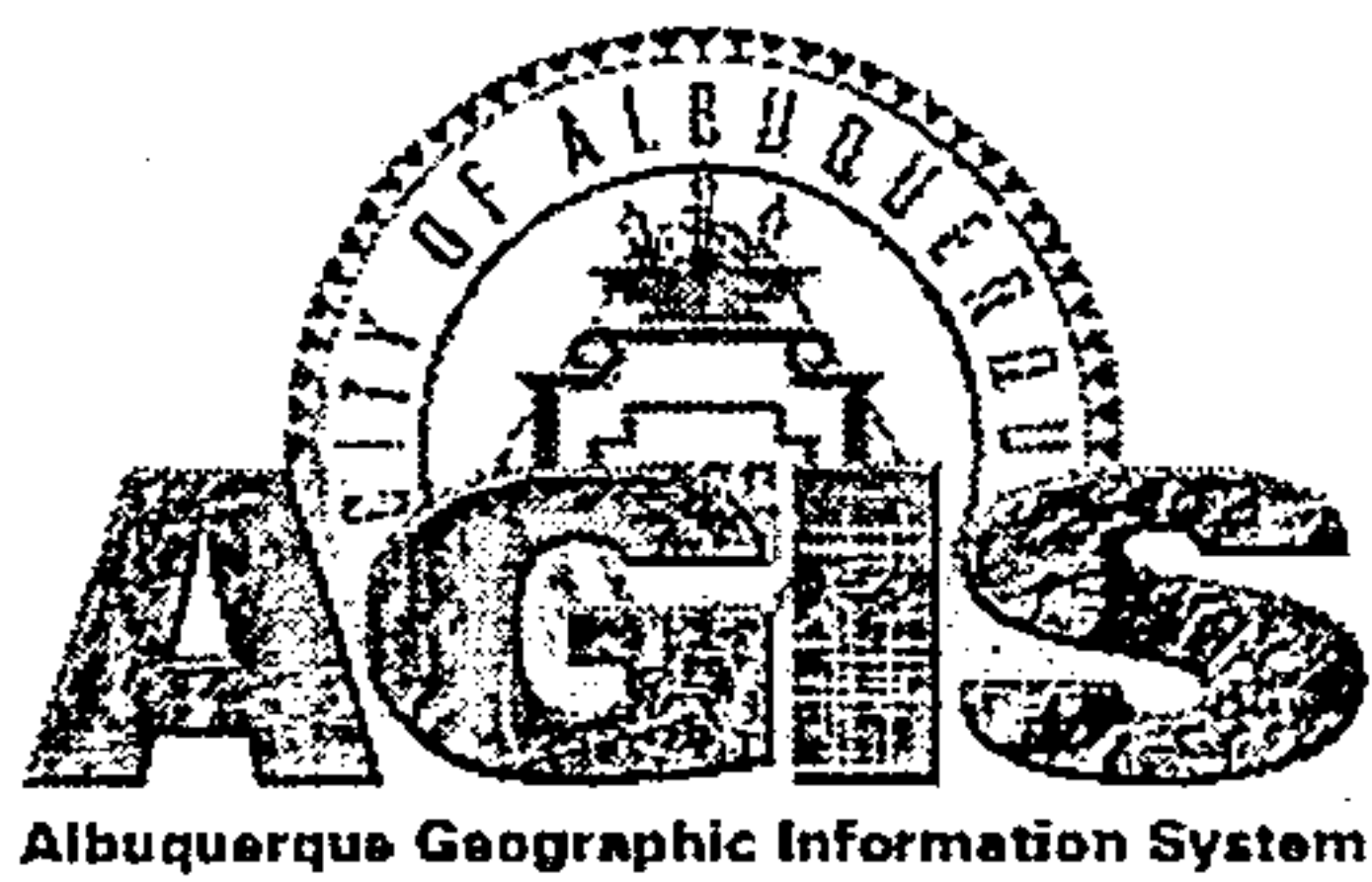
- | | |
|--|--|
|  SECTOR PLANS |  Escarpment |
|  Design Overlay Zones |  2 Mile Airport Zone |
|  City Historic Zones |  Airport Noise Contours |
|  H-1 Buffer Zone |  Wall Overlay Zone |
|  Petroglyph Mon. | |



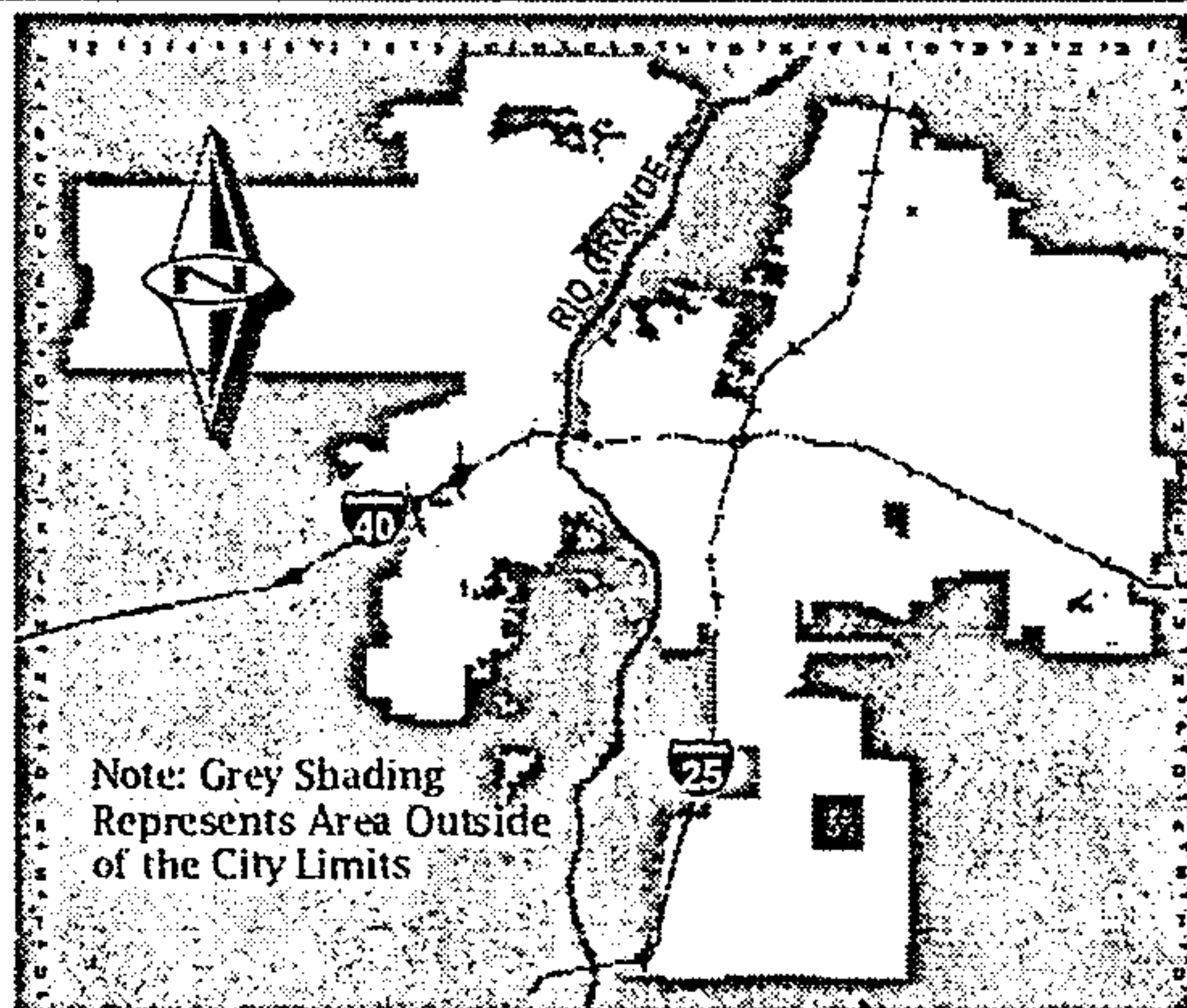
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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




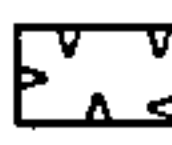






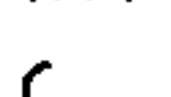
Map amended through: 5/1/2006



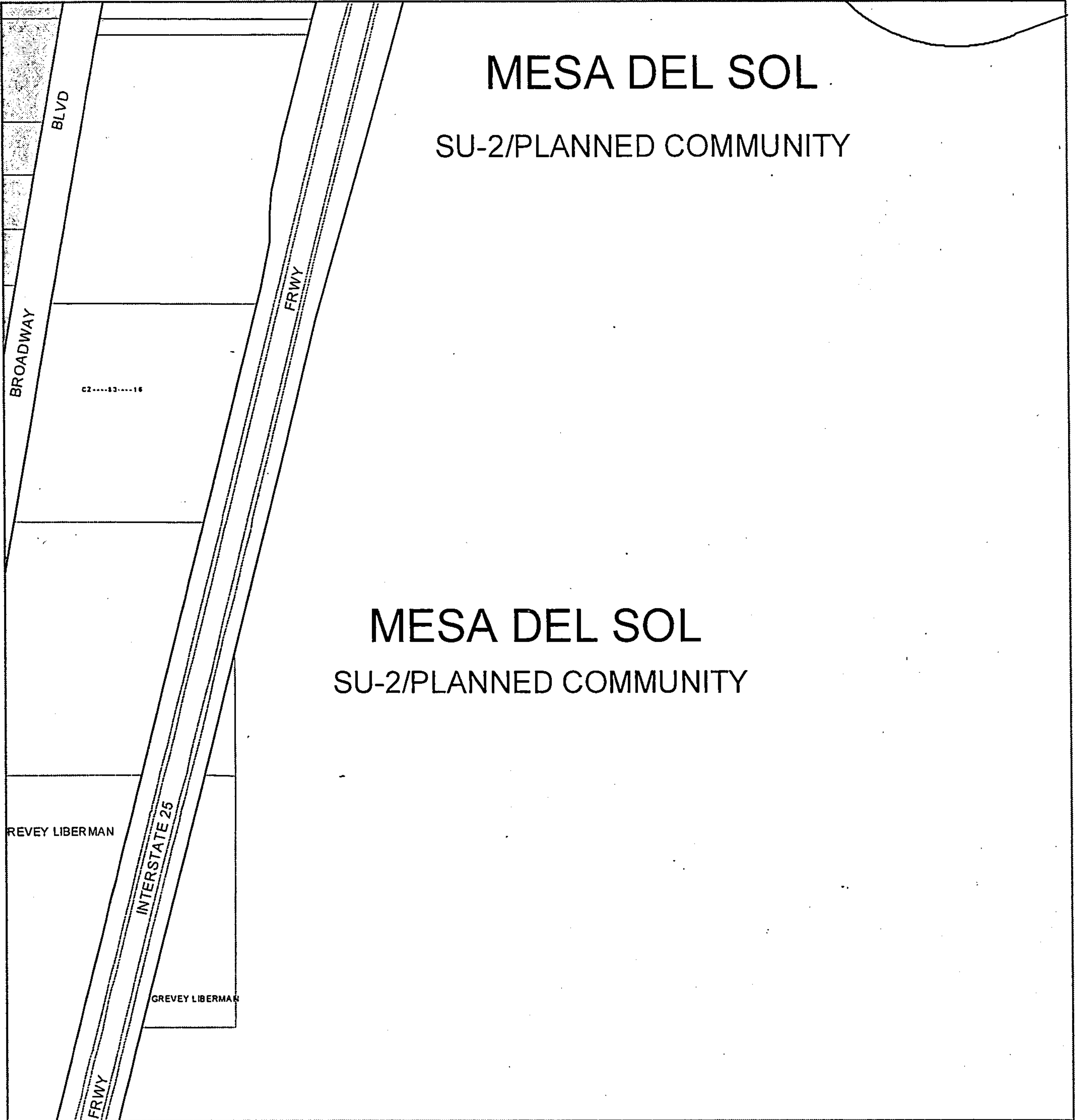
Zone Atlas Page:

R-17-Z

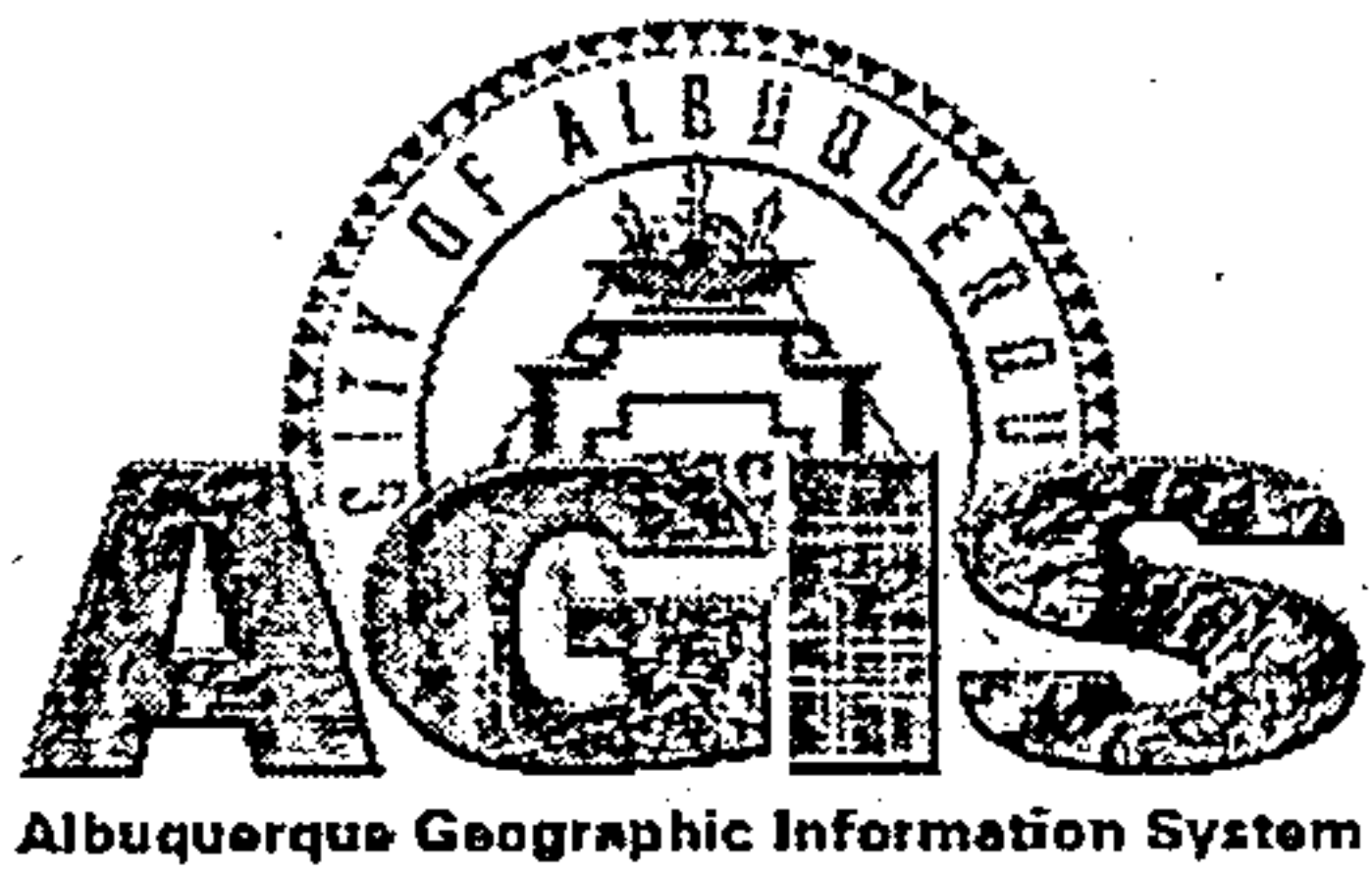
Selected Symbols

- | | |
|--|--|
|  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. | |

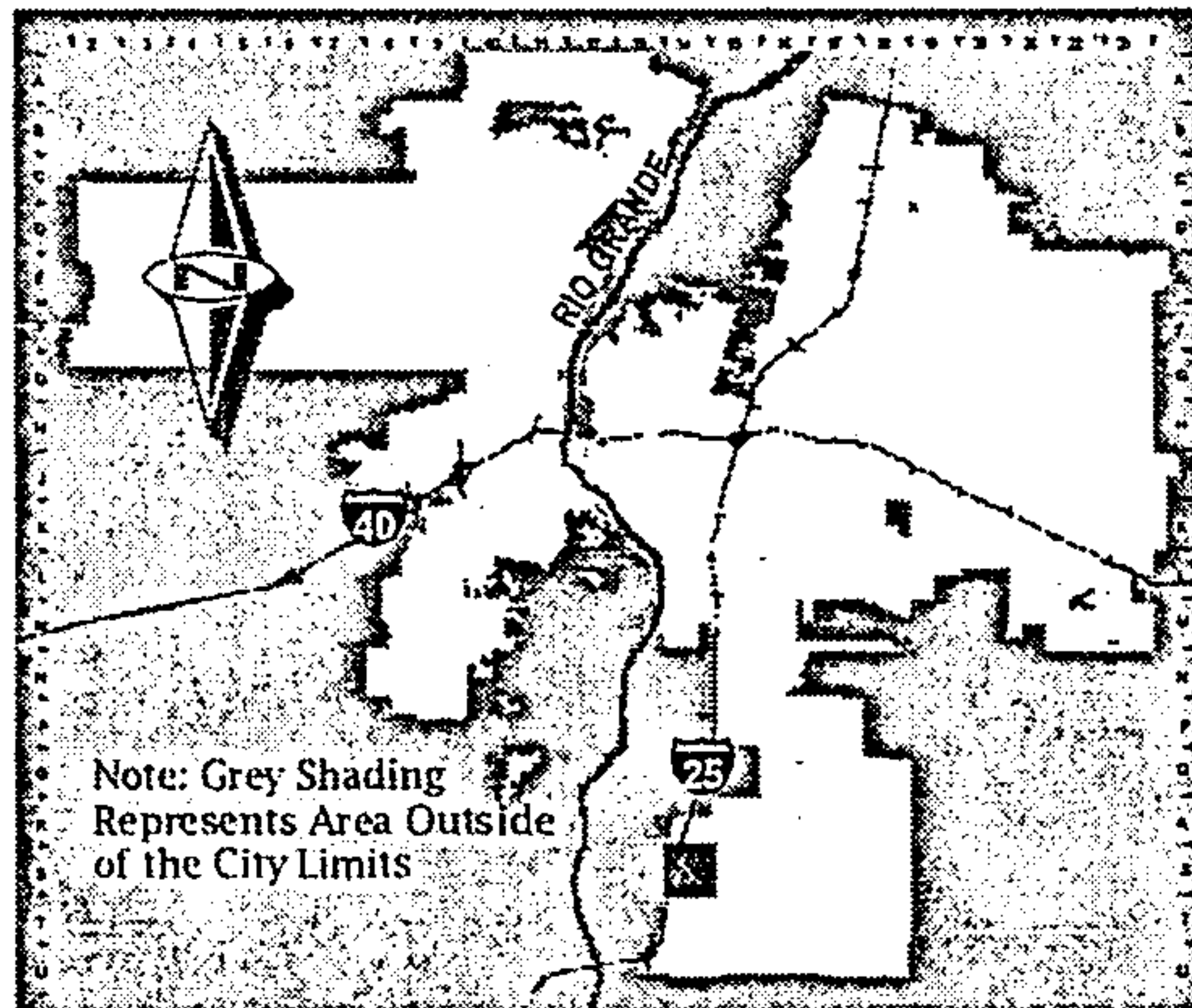




For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 5/1/2006

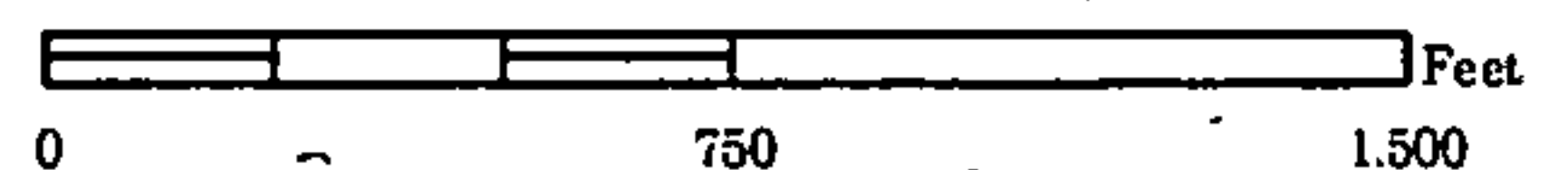


Zone Atlas Page:

S-14-Z

Selected Symbols

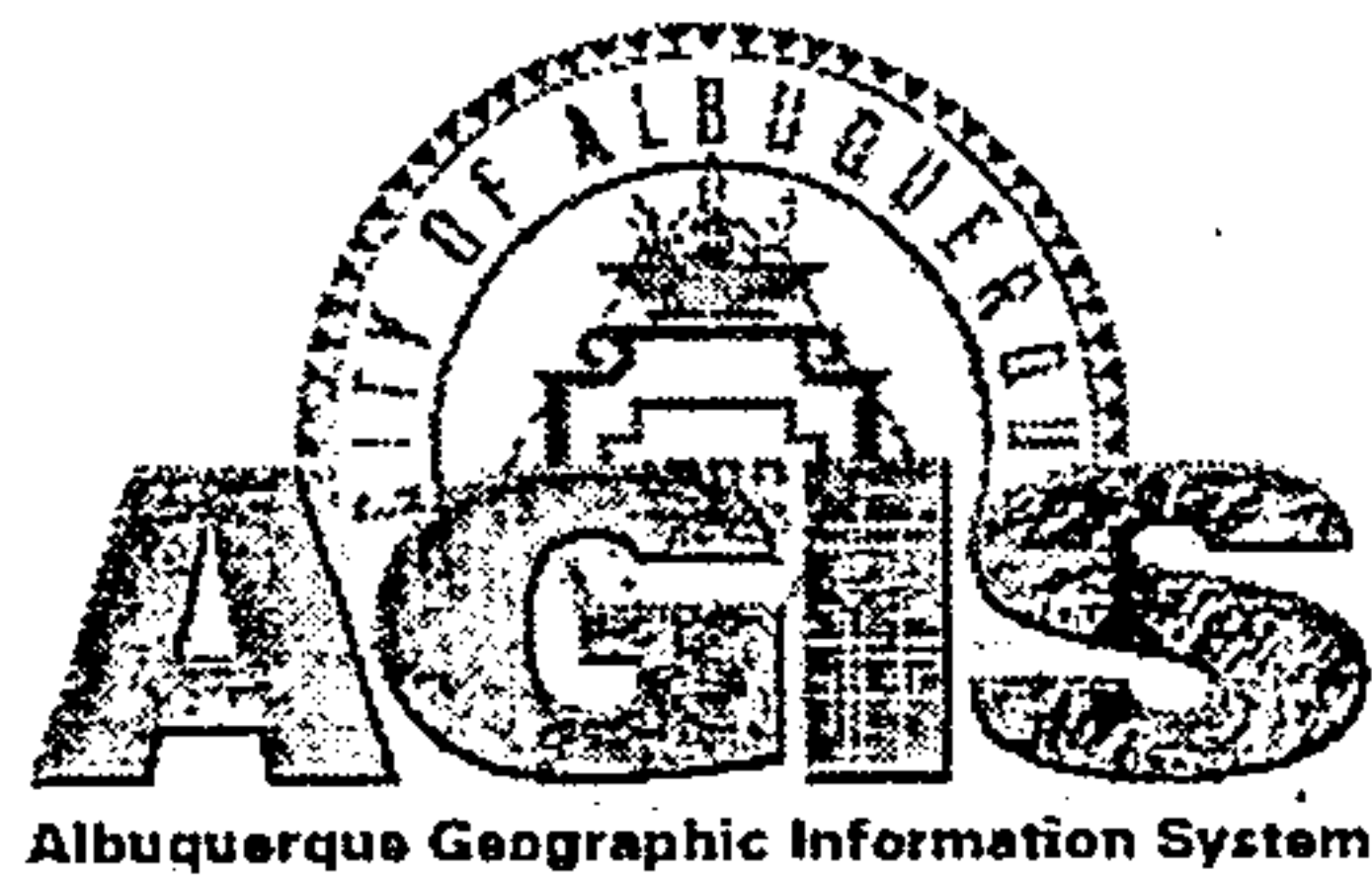
- | | | | |
|--|----------------------|--|------------------------|
| | SECTOR PLANS | | Escarpment |
| | Design Overlay Zones | | 2 Mile Airport Zone |
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| | H-1 Buffer Zone | | Wall Overlay Zone |
| | Petroglyph Mon. | | |



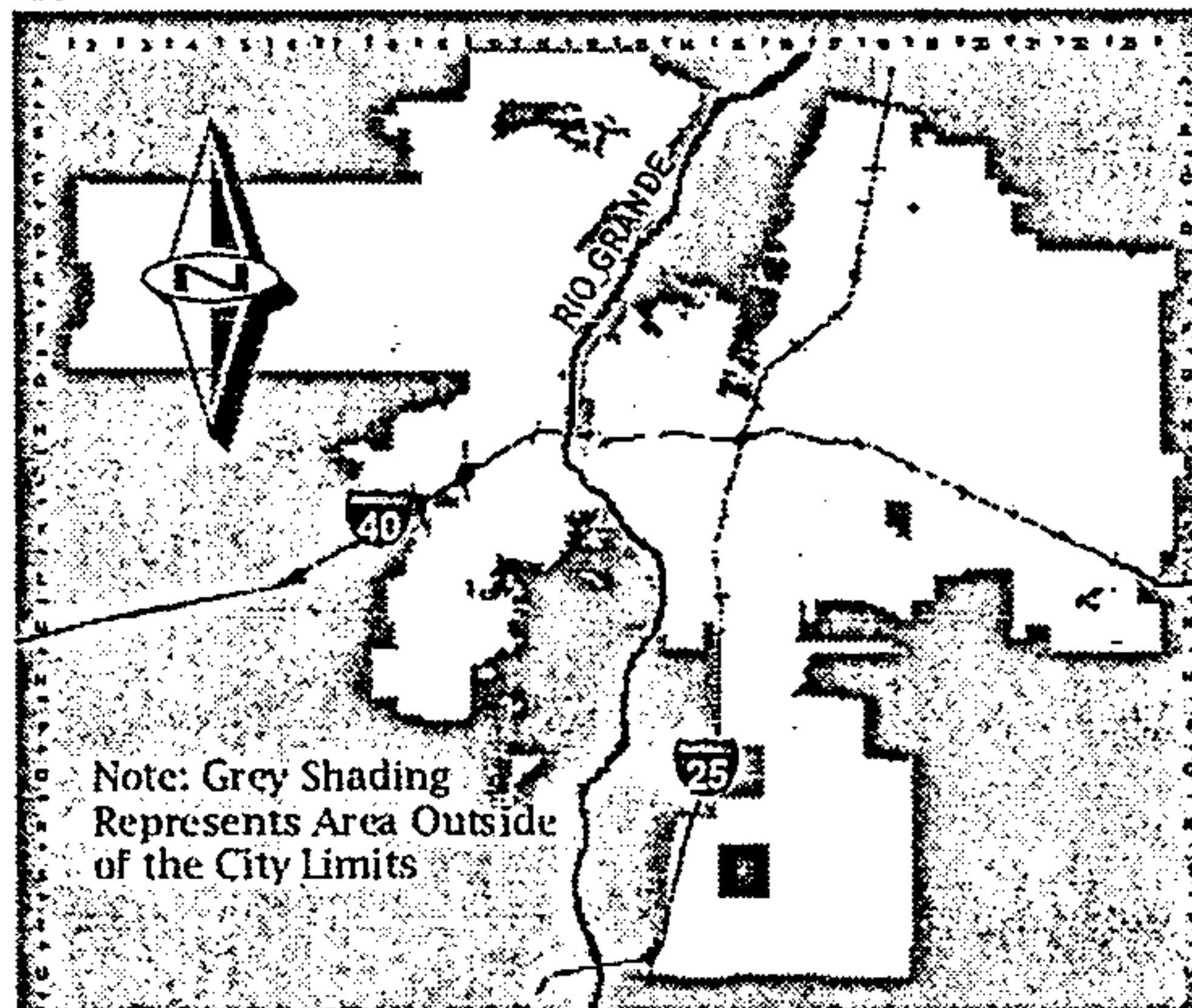
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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




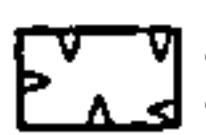

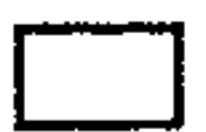





Map amended through: 5/1/2006

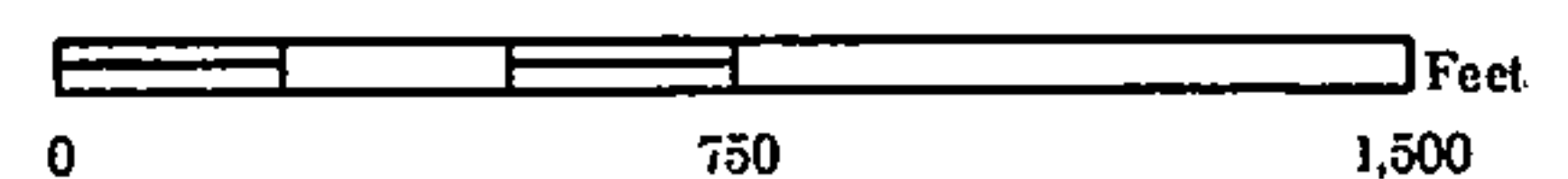


Zone Atlas Page:

S-15-Z

Selected Symbols

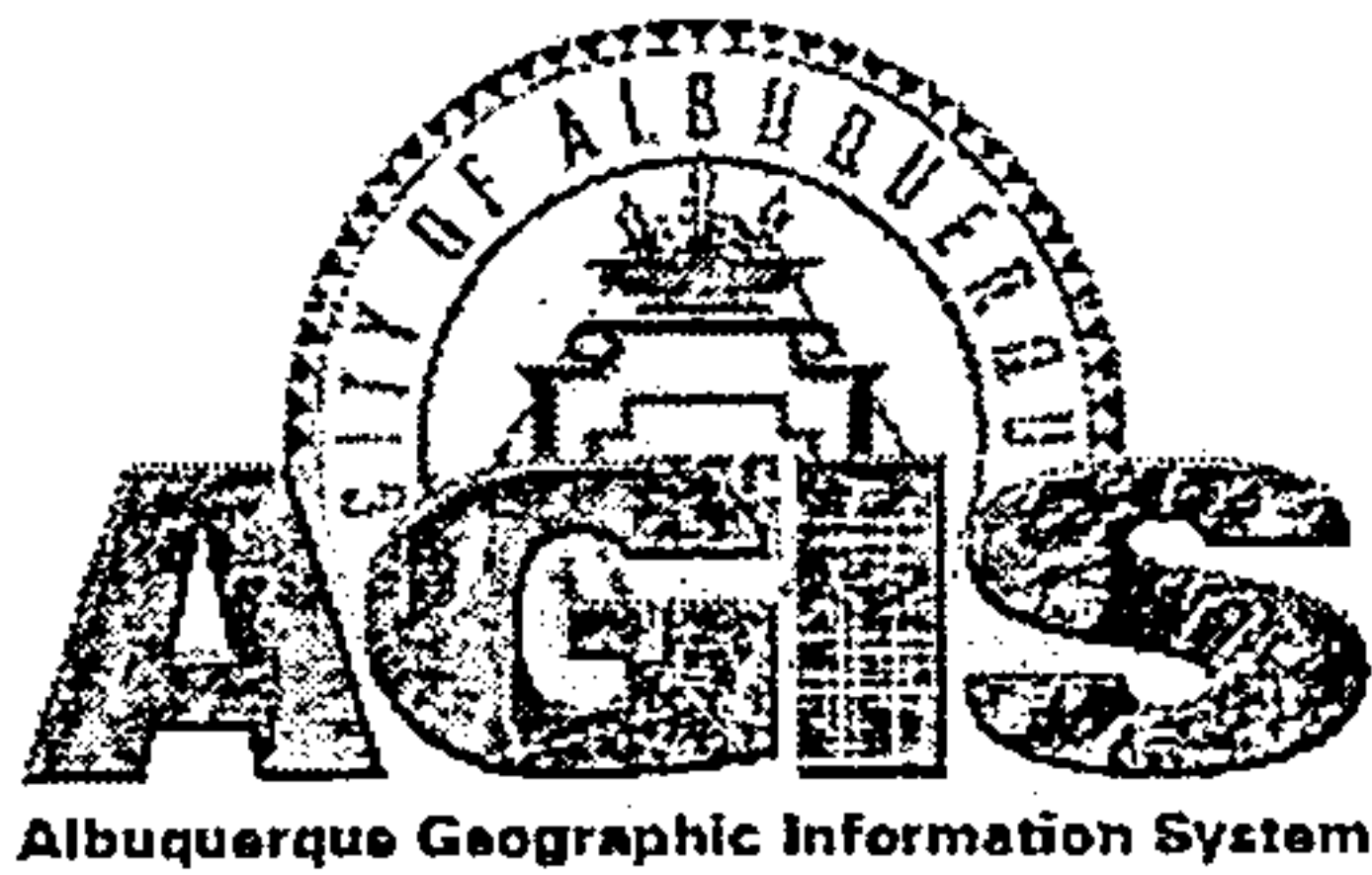
- | | |
|--|--|
|  SECTOR PLANS |  Escarpment |
|  Design Overlay Zones |  2 Mile Airport Zone |
|  City Historic Zones |  Airport Noise Contours |
|  H-1 Buffer Zone |  Wall Overlay Zone |
|  Petroglyph Mon. | |



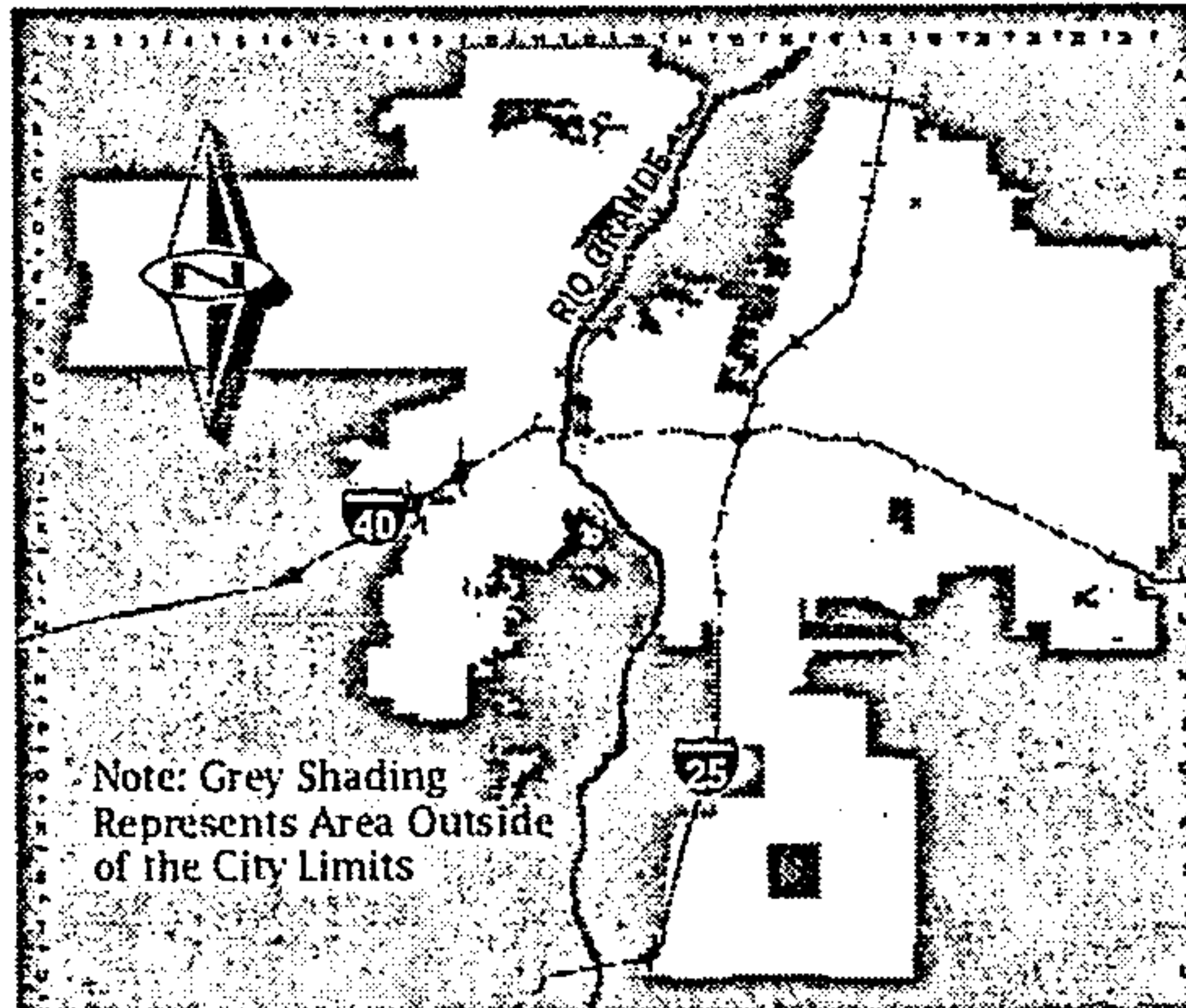
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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











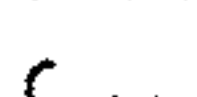
Map amended through: 5/1/2006

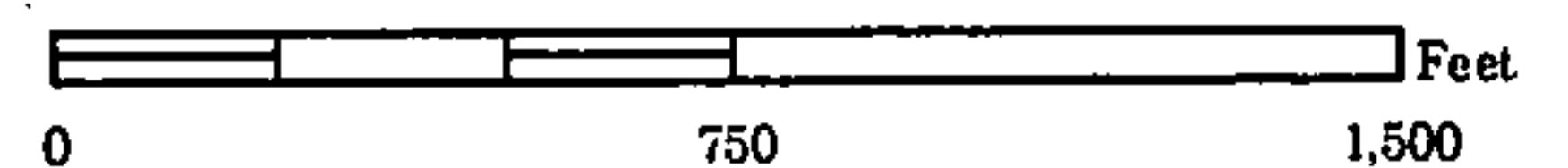


Zone Atlas Page:

S-16-Z

Selected Symbols

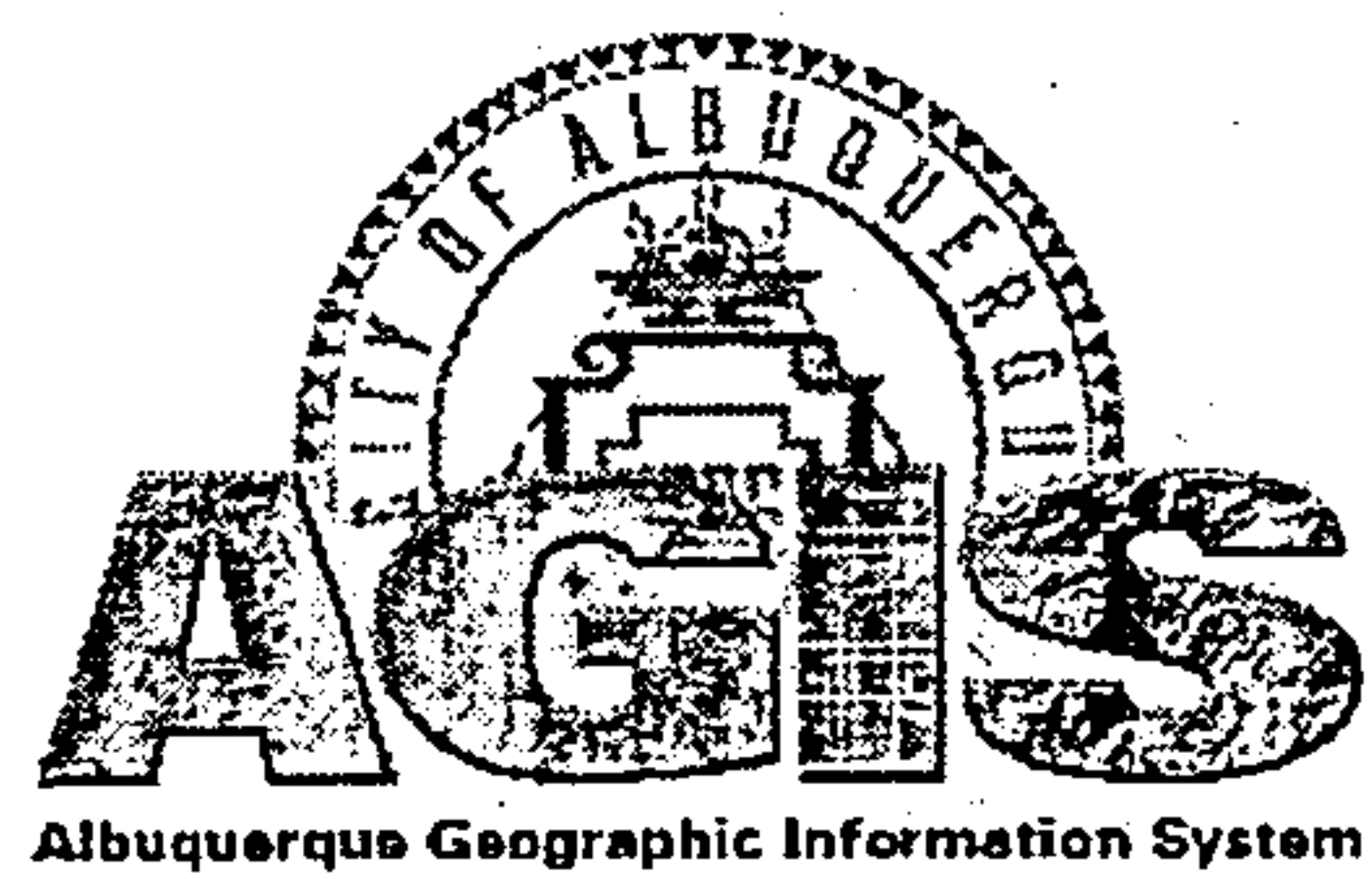
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|  SECTOR PLANS |  Escarpment |
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|  H-1 Buffer Zone |  Wall Overlay Zone |
|  Petroglyph Mon. | |



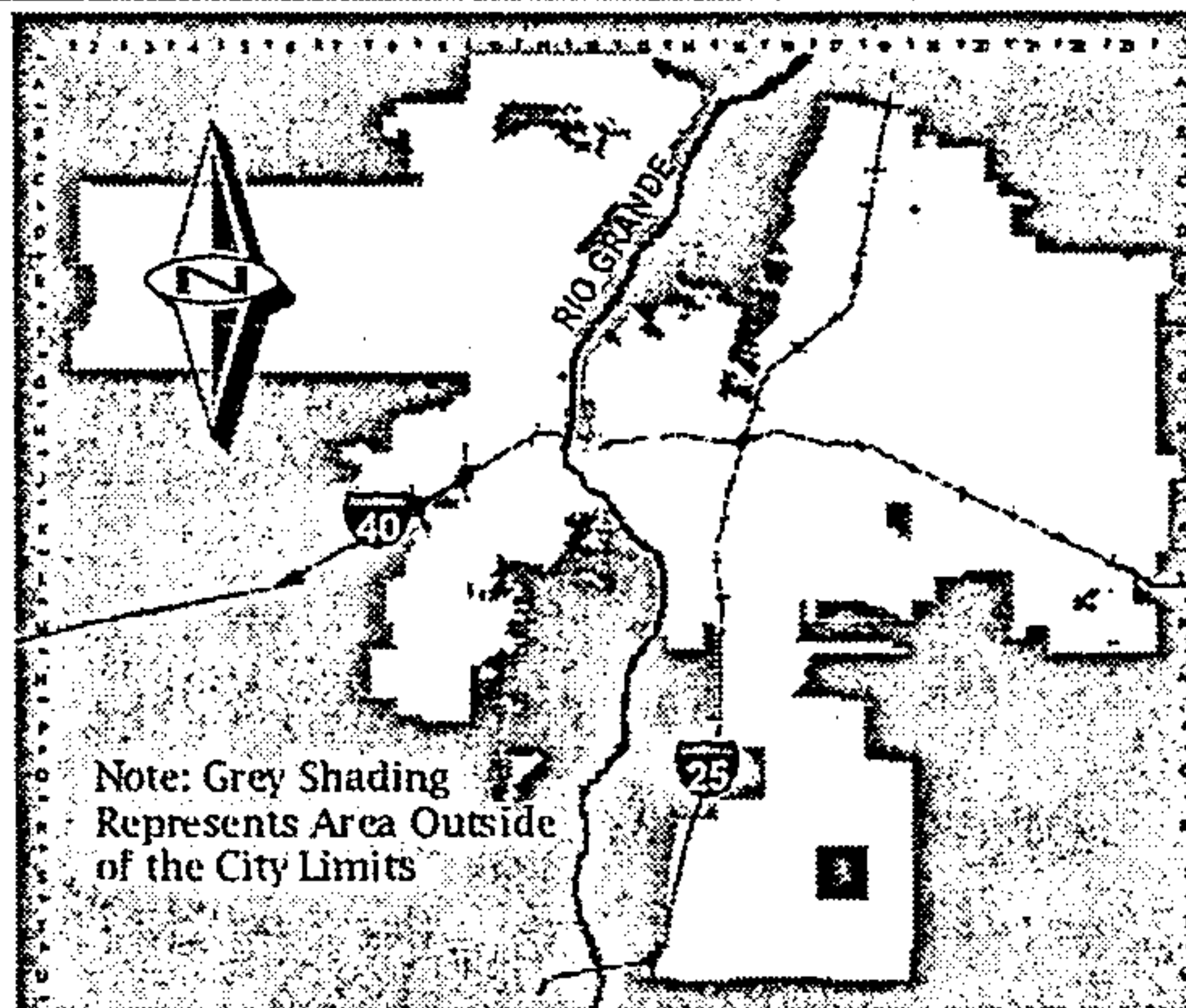
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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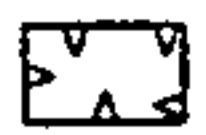

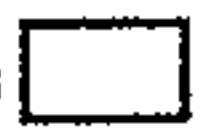




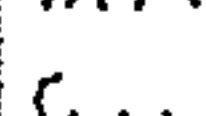
Map amended through: 5/1/2006

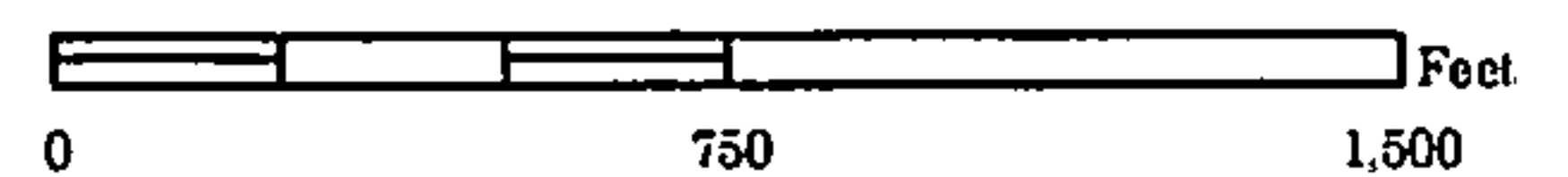


Zone Atlas Page:

S-17-Z

Selected Symbols

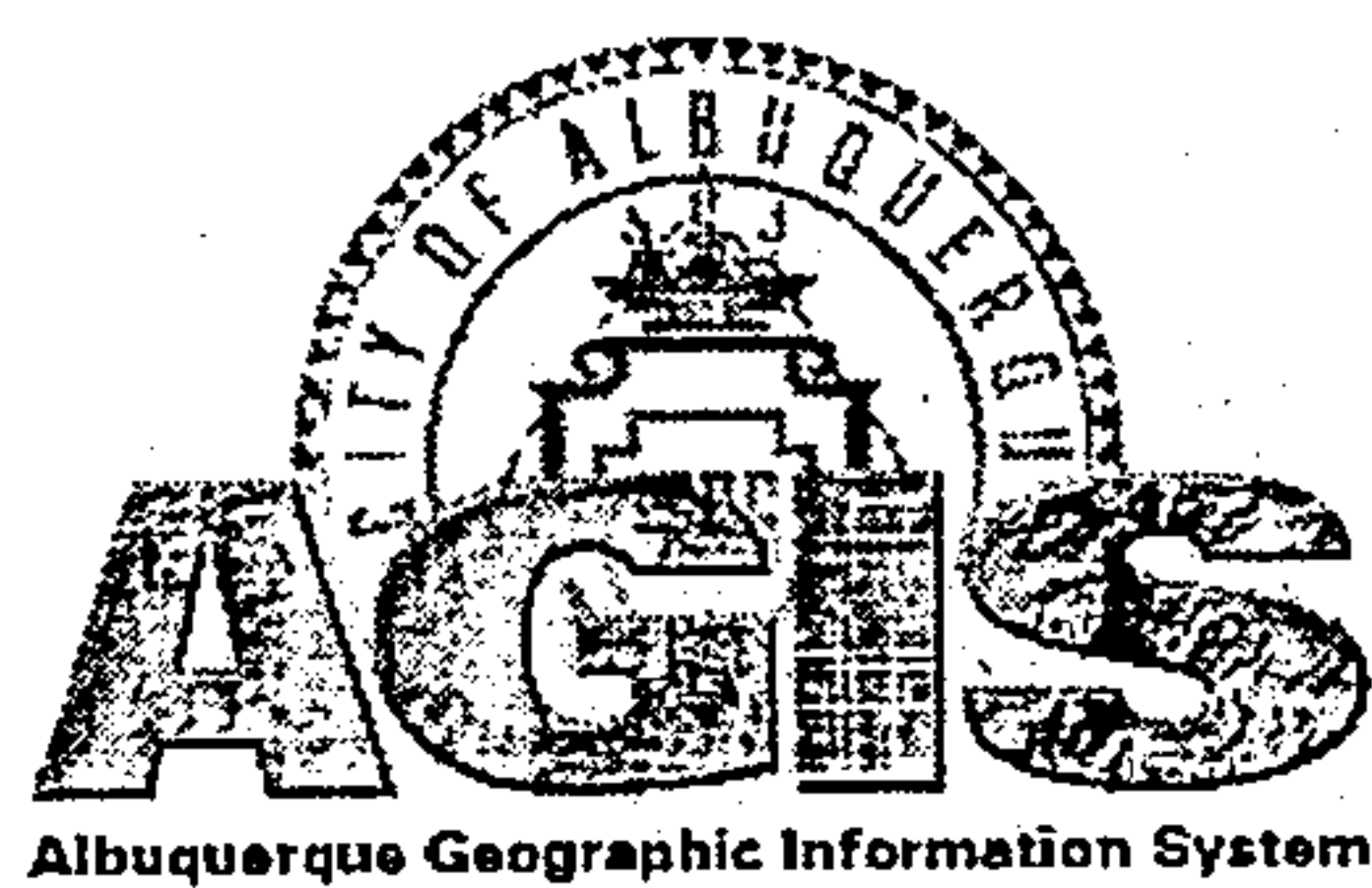
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|--|--|
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|  City Historic Zones |  Airport Noise Contours |
|  H-1 Buffer Zone |  Wall Overlay Zone |
|  Petroglyph Mon. | |



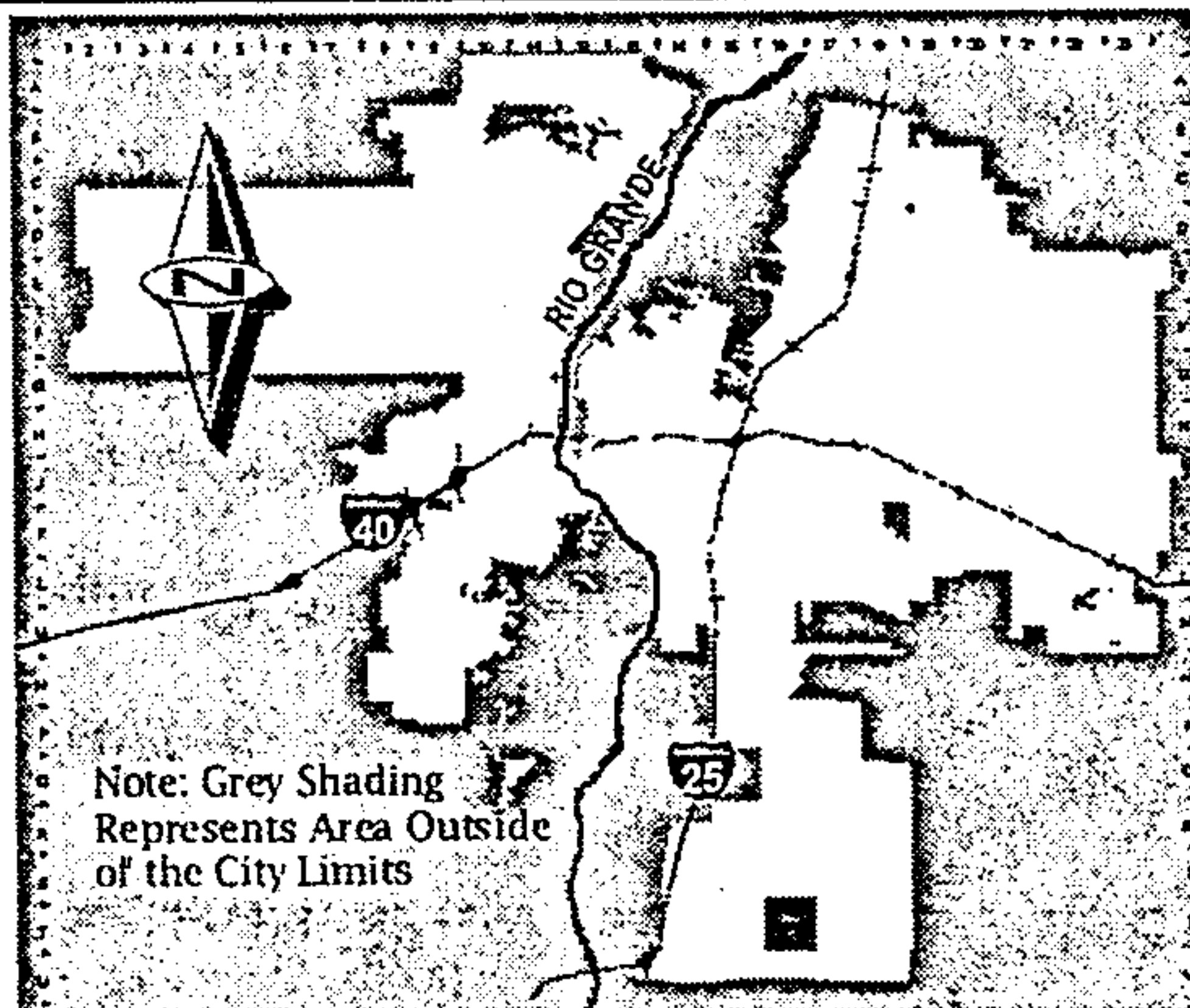
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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












Map amended through: 5/1/2006

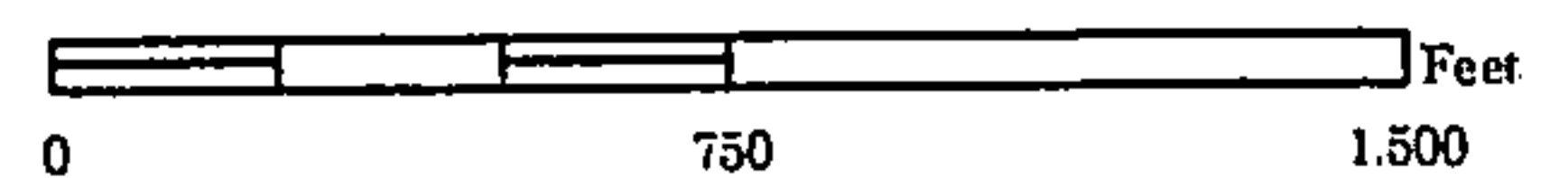


Zone Atlas Page:

T-16-Z

Selected Symbols

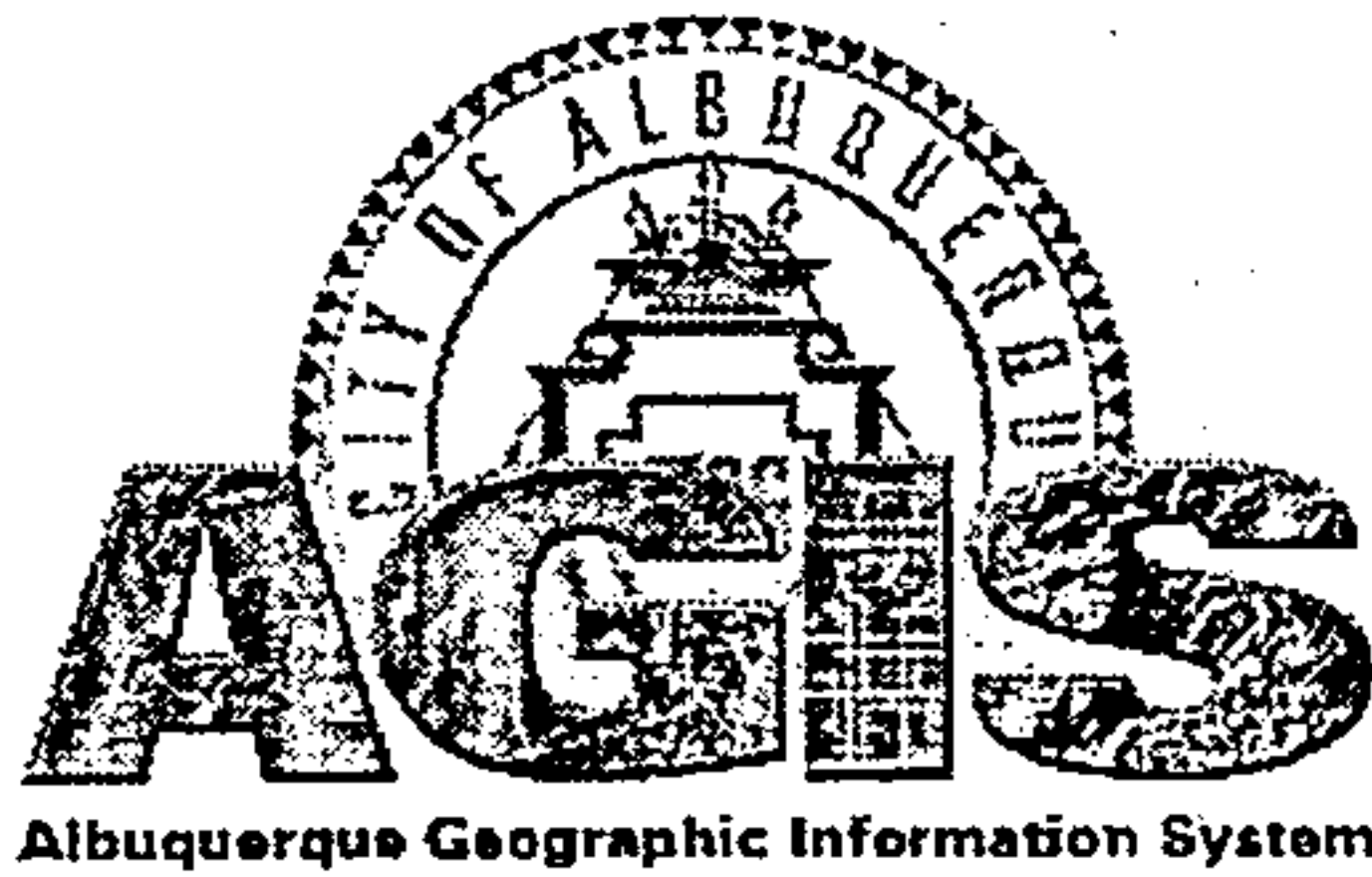
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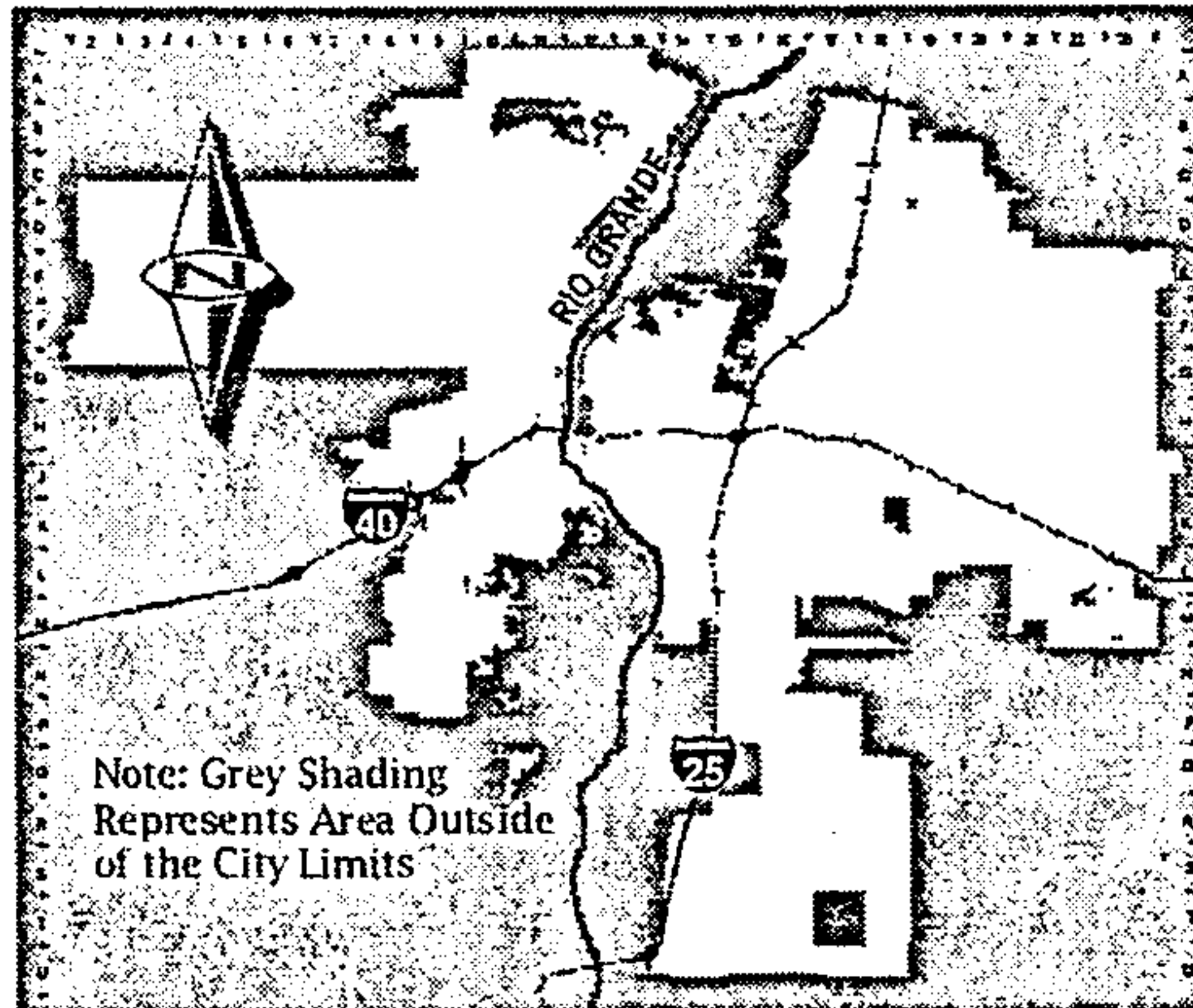
MESA DEL SOL

SU-2/PLANNED COMMUNITY

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











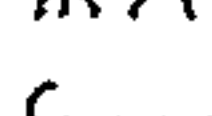
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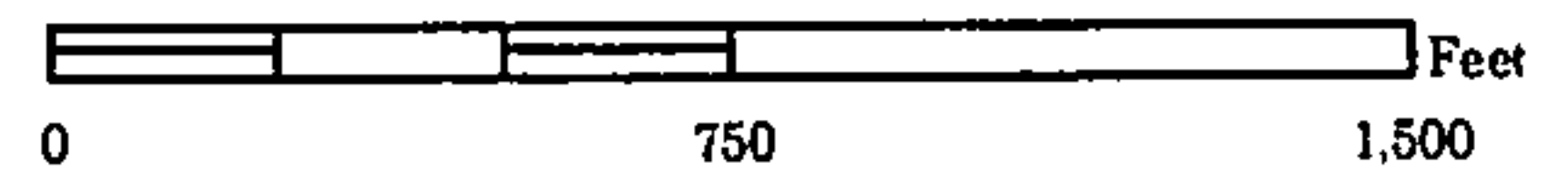


Zone Atlas Page:

T-17-Z

Selected Symbols

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|  SECTOR PLANS |  Escarpment |
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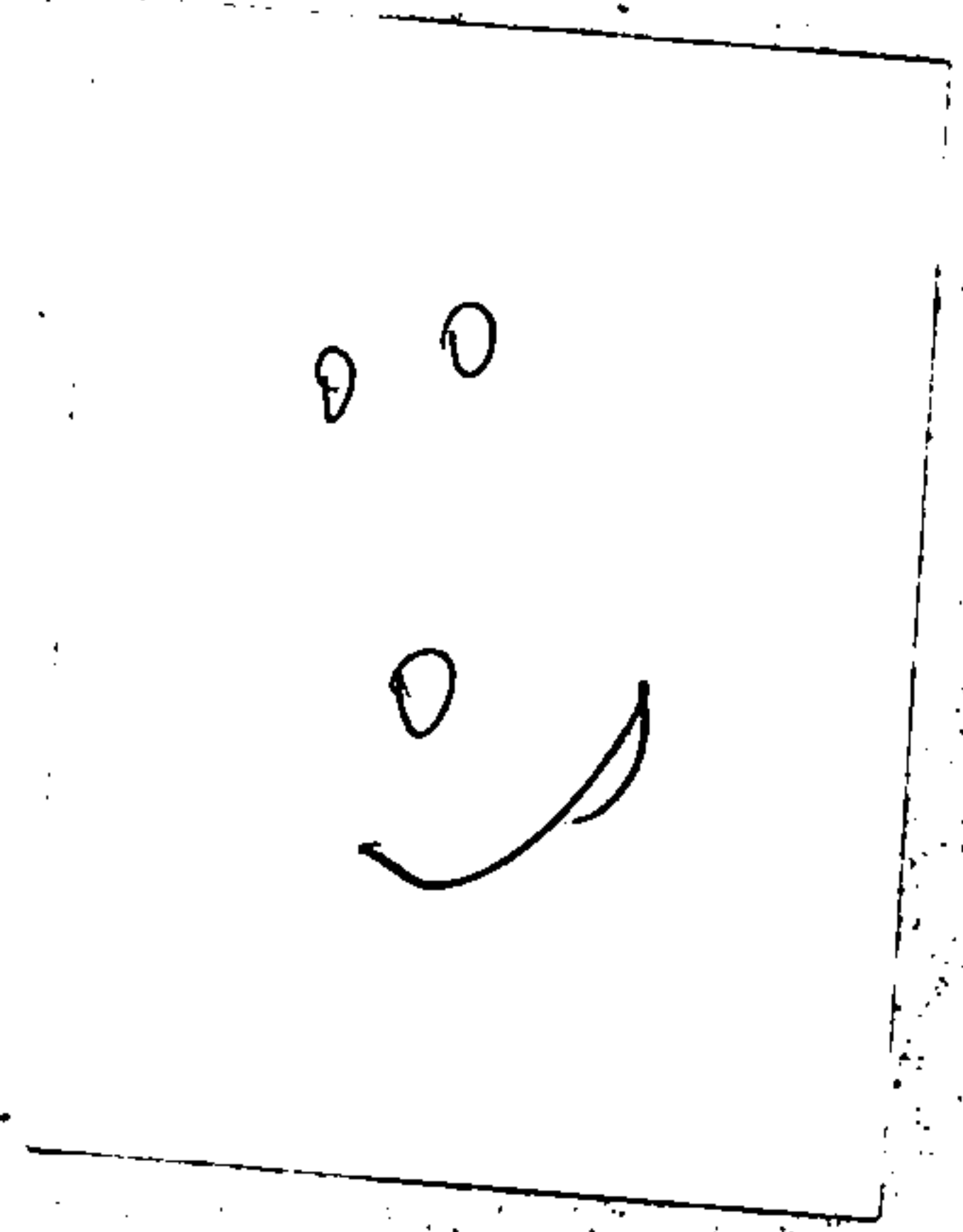


**ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services**

PAID RECEIPT

APPLICANT NAME REGENTS OF UNM
 AGENT BOHANNAN HUSTON
 ADDRESS _____
 PROJECT & APP # 1004918/ 24DRB-00744
 PROJECT NAME MESA DEL SOL

\$ 20.00 441032/3424000 Conflict Management Fee
 \$ 365.00 441006/4983000 DRB Actions
 \$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals
 \$ _____ 441018/4971000 Public Notification
 \$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
 () Major/Minor Subdivision () Site Development Plan () Bldg Permit
 () Letter of Map Revision () Conditional Letter of Map Revision
 () Traffic Impact Study
 \$ 375.00 TOTAL AMOUNT DUE



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

Bohannan Huston INC.

COURTYARD I, 7500 JEFFERSON STREET NE
 ALBUQUERQUE, NM 87109-4335

BANK OF AMERICA
 ALBUQUERQUE, NEW MEXICO

138437

95-32 / 1070

5/26/2006

NO. 138437

City Of Albuquerque

Treasury Division

DOLLARS & CENTS

5/26/2006

BOHANNAN-HUSTON INC. ANX

RECEIPT# 00061183 WSH 006 TRANSH 0017

Account 441032 Fund 0000

Activity 3424000 TRSURS

Trans Amt \$375.00

J24 Misc

AUTHORIZED SIGNATURE

Thank You

TO THE ORDER OF

City of Albuquerque
 600 2nd Street NW
 Albuquerque NM 87102 US

⑈ 138437⑈ ⑆ 107000327⑆ 002865399404⑈ Thank You

PEDESTRIAN CORRIDOR EASEMENT

THIS PEDESTRIAN CORRIDOR EASEMENT ("Easement") is made as of the 22ND day of June, 2006, by **MESA DEL SOL, LLC**, a New Mexico limited liability company ("Grantor") to the **CITY OF ALBUQUERQUE**, a New Mexico municipal corporation (the "City").

RECITALS:

A. Grantor and Forest City Covington, NM, LLC, a New Mexico limited liability company are the developers of the Mesa del Sol project (the "**Project**") as regulated by the Mesa del Sol Level "A" Plan (the "**Master Plan**") which establishes certain principles for the development of the Project including certain "new urbanist" concepts to encourage an inviting pedestrian environment.

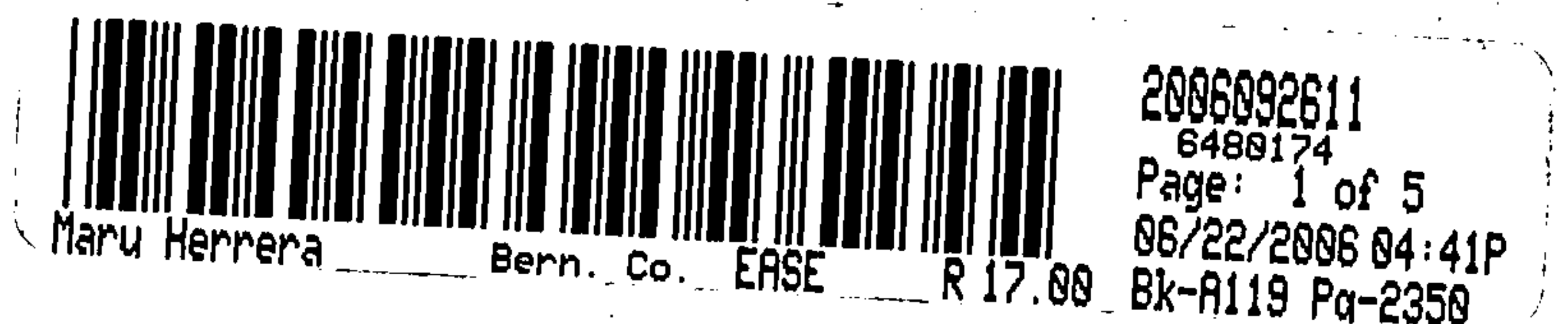
B. The property the subject of this Easement is within, or adjacent to, the Project's Community Center (the "**Community Center**") which is designed to be particularly pedestrian friendly and to have an active and inviting streetscape.

C. The property described on **Exhibit "A"** (the "**Easement Property**") is a portion of the Community Center located between the right-of-way for University Blvd. and the front of buildings planned for this portion of the Community Center as shown on the approved site plan (the "**Site Plan**").

D. Consistent with the Master Plan, the abutting right-of-way for University Blvd. does not include an adequate width for a pedestrian corridor, but instead it is the agreement of the Grantor and the City that the pedestrian corridor will be located within the Easement Property.

NOW THEREFORE, the Grantor and the City agree as follows:

1. Recitals. The Recitals are incorporated herein.
2. Grant of Easement. The Grantor grants to the City an easement over and across the Easement Property a corridor for the passage of pedestrians through a pedestrian corridor (the "**Corridor**"). The Corridor shall not encompass all of the Easement Property, but at all times there shall be a corridor through the Easement Property for the passage of pedestrians which satisfies the following standards:
 - (a) The Corridor shall be improved with a solid walking surface, which may include, but is not limited to concrete, brick, rock, wood, or other suitable building material.
 - (b) The Corridor shall have an unobstructed width of at least eight feet (8') and shall have a height clearance of at least eight feet (8').
 - (c) The Corridor shall satisfy the requirements of the American with Disabilities Act



3. Remainder of Easement Property. Those portions of the Easement Property not used for the Corridor, from time to time, are reserved for the use by the owner of the property encumbered with this Easement for uses consistent with the property encumbered by the Easement including but not limited to installation and maintenance of dry utility lines and meters and use as active streetscape which may include, but are not limited to, kiosks, seating, outside dining, news stands, street art, signage, columns, and street vendors. In addition, the owner of the Easement Property, at its expense, shall have the right, from time to time, to relocate the Corridor within the Easement Property provided the Corridor, as relocated, satisfies the conditions set forth in Paragraph 2(b) above. The owner may, during periods of construction and reconstruction occurring within the property subject to this Easement, temporarily close the Corridor in order to meet OSHA and other safety requirements.

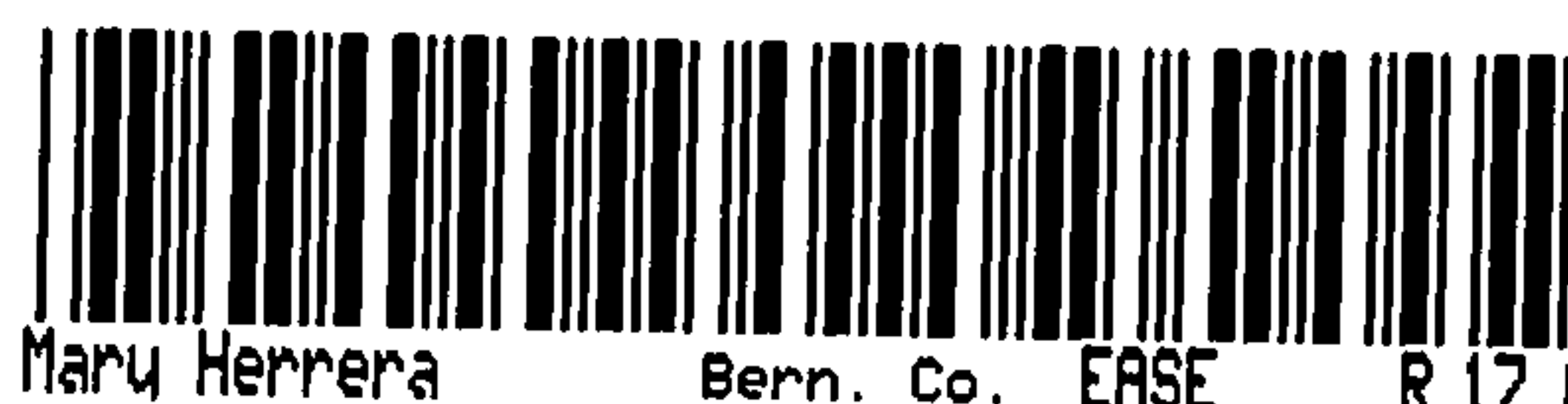
4. Maintenance. All of the Easement Property, including the Corridor, shall be maintained by the owner of the Easement Property. The owner of the Easement Property shall have no obligation to pay any encroachment fees.

5. Insurance. During the Term of this Easement, Grantor shall obtain and maintain liability insurance in an amount of not less than \$1,000,000.00 combined single limit for accidents or occurrences which cause bodily injury, death or property damage to any member of the public caused by or related to the construction, installation, operation, maintenance, replacement, removal or other activity related to Grantor's use of the Easement. The insurance policy shall name the City or Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. Any cancellation provision must provide that if the policy is canceled prior to the expiration date of the Permit, materially changed or not renewed, the issuing company will mail thirty (30) days written notice to the City, Attn. Risk Management. A certificate of insurance in compliance with the above must be furnished to the City prior to use of the Easements.

6. Indemnity/Liability. At all times, the Grantor shall defend, indemnify and save harmless the City, its officers, agents and employees against all claims, demands, damages and causes of action which results from or arises out of Grantor's use of this Easement, including any loss, damage or expense arising out of loss of or damage to property, injury to or death of persons, or mechanics' or other liens of any character, or taxes or assessments of any kind, except to the extent or degree that the City itself is found contributorily negligent. To the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney's fees proscribed thereby.

5. Warranty. Grantor covenants and warrants that Grantor is the owner in fee simple of the Easement Property, that Grantor has a good and lawful right to convey the Easement Property or any part thereof and that Grantor will forever warrant and defend the title to the Easement Property against all claims from all persons or entities.

6. Covenant. The grant and other provisions of the Easement constitute covenants running with the Easement Property for the benefit of the City and its successors and assigns until terminated.



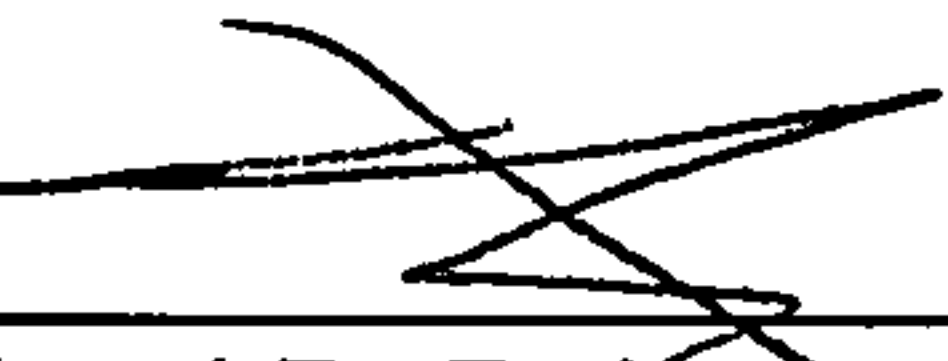
7. Approval. This Easement shall not be effective until approved by the City Engineer for the City in the signature block below.

Executed as of the day and year first set out above.

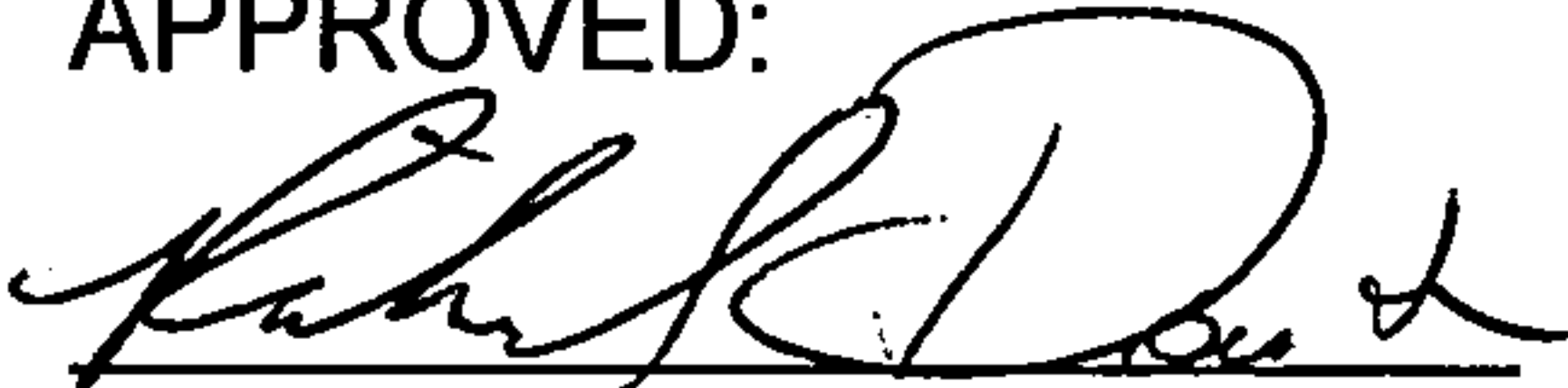
MESA DEL SOL, LLC, a
New Mexico limited liability company

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

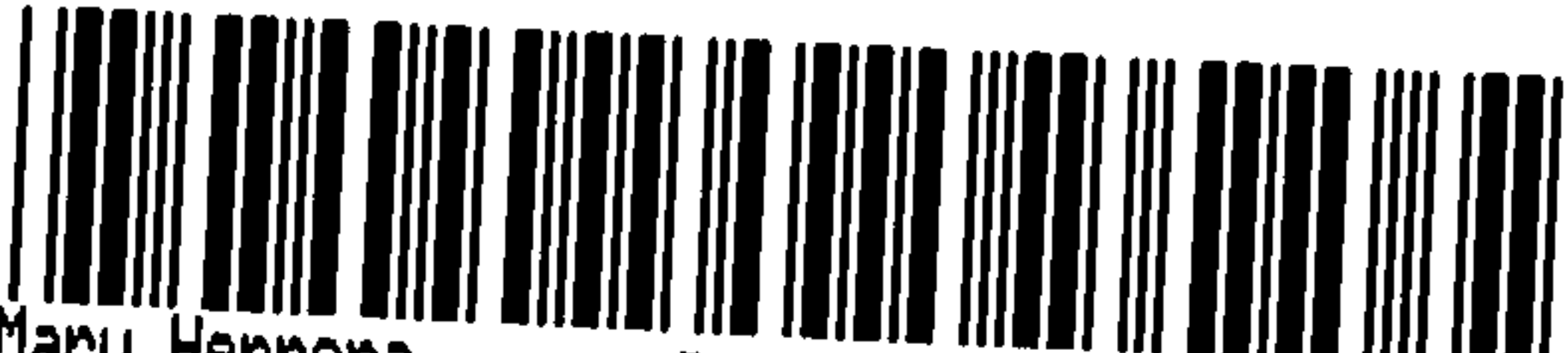
By: FC Mesa, Inc., a New Mexico
corporation, Member

By: 
Michael D. Daly
Chief Operating Officer


APPROVED:


Richard Dourte, City Engineer
Dated: 6-22-06

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

) SS.  Maru Herrera Bern. Co. EASE R 17.00
2006092611
8480174
Page: 3 of 5
06/22/2006 04:41P
Bk-A119 Pg-2350

This instrument was acknowledged before me on the 22ND day of JUNE, 2006, by Michael D. Daly, Chief Operating Officer of FC Mesa, Inc., a New Mexico corporation, Member, of FC Covington Manager, LLC, a New Mexico limited liability company, Member of Mesa del Sol, LLC, a New Mexico limited liability company.


Notary Public

My Commission Expires: 12/20/09



EXHIBIT "A"
PEDESTRIAN ACCESS EASEMENT

DESCRIPTION


A certain tract of land situated within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising a portion of Tract 4-B of PLAT OF MESA DEL SOL, TRACTS 4-A, 4-B & 4-C, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on June 22, 2006 in Book 2006-C Page 197 as Document No. 2006092610 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone, NAD 83) and ground distances as follows:

BEGINNING at a point on the north boundary line of said Tract 4-B, said point also being the most northerly corner of the tract herein described, whence the City of Albuquerque survey monument "1-R16, 1984", having New Mexico State Plane Grid coordinates for the Central Zone; X=1,533,242.626, Y=1,453,939.354 bears N41°08'35"E a distance of 2646.76 feet; thence leaving said north boundary line of Tract 4-B, S43°57'36"E a distance of 597.32 feet to a point; thence, S68°57'36"E a distance of 334.29 feet to a point of curvature; thence, 198.97 feet along the arc of a tangent curve to the right having a radius of 456.00 feet and a chord bearing S56°27'36"E a distance of 197.39 feet and an interior angle of 25°00'00" to a point of tangency; thence, S43°57'36"E a distance of 74.00 feet to a point on the south boundary line of said Tract 4-B, said point also being the most easterly corner of the tract herein described; thence running along the south boundary line of said Tract 4-B, S46°00'53"W a distance of 11.00 feet to a point of curvature, said point also being the most southerly corner of the tract herein described; thence, 7.86 feet along the arc of a non-tangent curve to the right having a radius of 5.00 feet and a chord bearing N88°58'22"W a distance of 7.07 feet and an interior angle of 90°01'31" to a point of non-tangency on the west boundary line of said Tract 4-B; thence running along the west boundary line of said Tract 4-B, N43°57'36"W a distance of 69.00 feet to a point of curvature; thence, 191.99 feet along the arc of a tangent curve to the left having a radius of 440.00 feet and a chord bearing N56°27'36"W a distance of 190.47 feet and an interior angle of 25°00'00" to a point of tangency; thence, N68°57'36"W a distance of 340.25 feet to a point; thence, N43°57'36"W a distance of 59.62 feet to a point; thence, N46°00'53"E a distance of 6.02 feet to a point; thence, N43°57'36"W a distance of 539.06 feet to a point being the most westerly corner of the tract herein described, also being the most westerly corner of said Tract 4-B; thence running along the north boundary line of said Tract 4-B, N46°02'24"E a distance of 11.00 feet to the point and place of beginning.

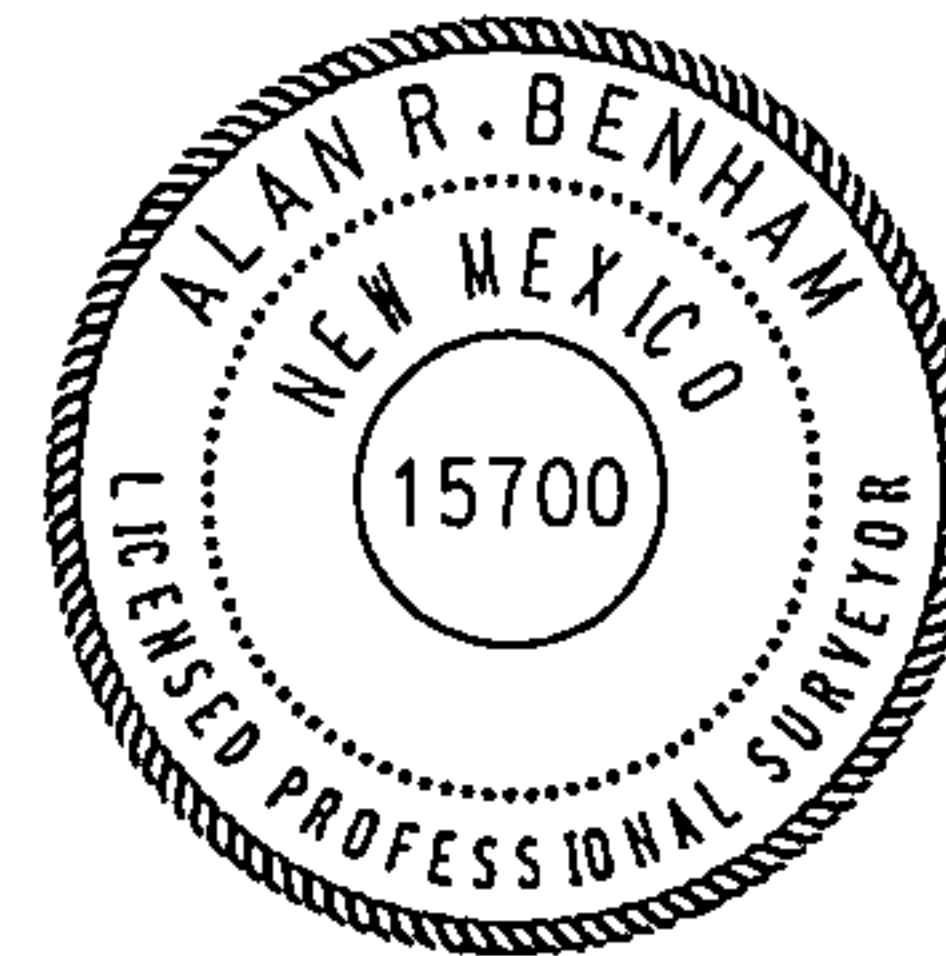
Said tract contains 0.3819 acres, more or less.

SURVEYOR'S CERTIFICATION

I, Alan R. Benham, New Mexico Professional Surveyor No. 15700, do hereby certify that this Easement Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is an Easement Survey for use in granting a new easement.


Alan R. Benham
New Mexico Professional Surveyor No. 15700

Date: 06/22/06



Maru Herrera

Bern. Co.

EASE

R 17.00

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Page: 4 of 5

06/22/2006 04:41P

Bk-A119 Pg-2350

Bohannon & Huston

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335

ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES

SHEET 1 OF 2

EXHIBIT "A" PEDESTRIAN ACCESS EASEMENT

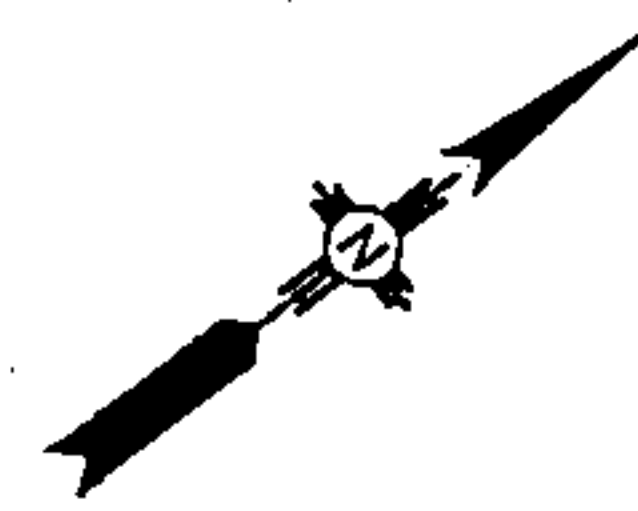
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GEOGRAPHIC POSITION (NAD 1983)
NM STATE PLANE COORDINATES (CENTRAL ZONE)
X = 1,533,242.626 Y = 1,453,939.354

TRACT 4-A

EXISTING 6.8627 AC.
PUBLIC ROADWAY EASEMENT
FILED: _____, 2006

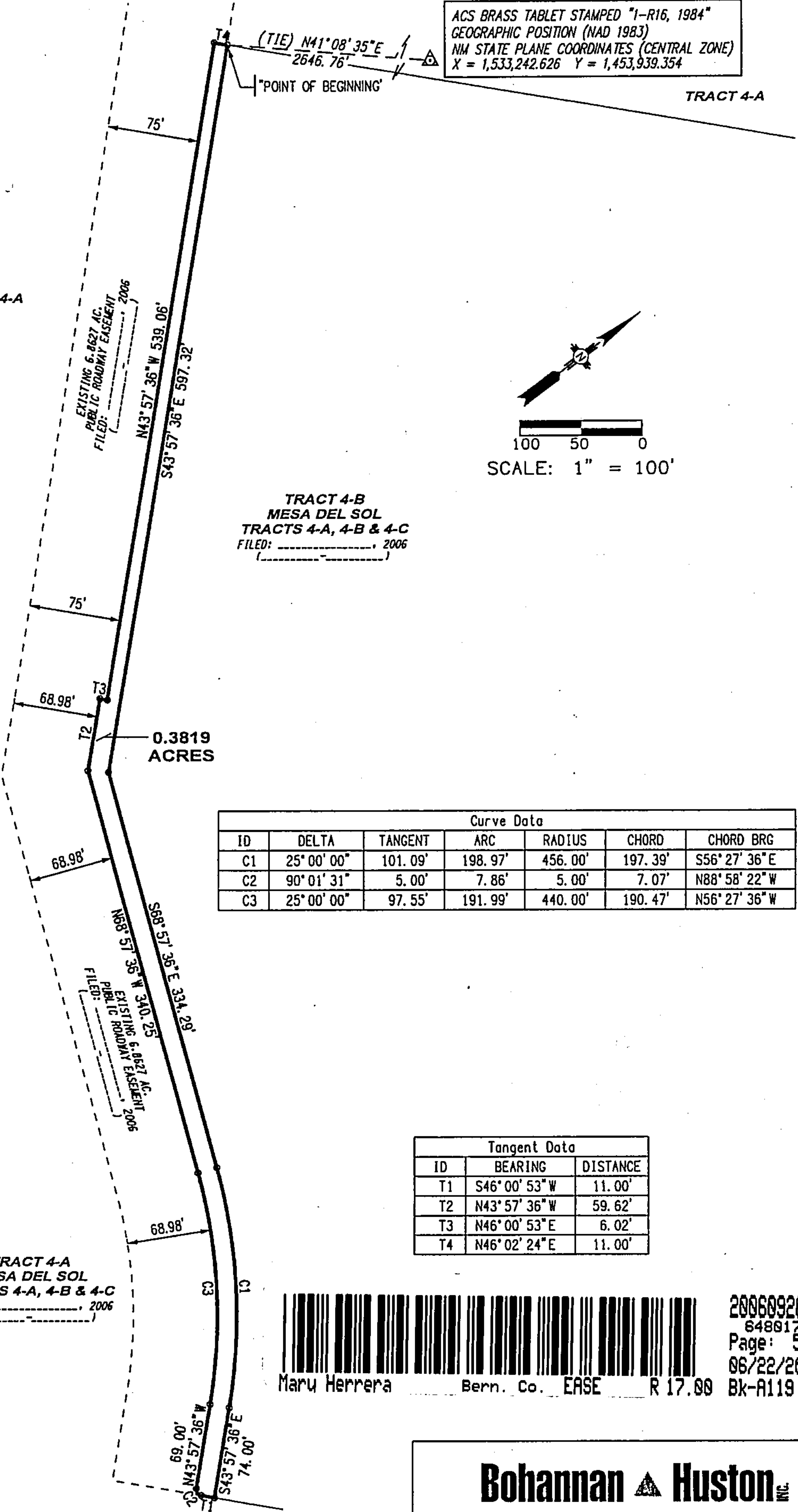
TRACT 4-B
MESA DEL SOL
TRACTS 4-A, 4-B & 4-C
FILED: _____, 2006

TRACT 4-A
MESA DEL SOL
TRACTS 4-A, 4-B & 4-C
FILED: _____, 2006



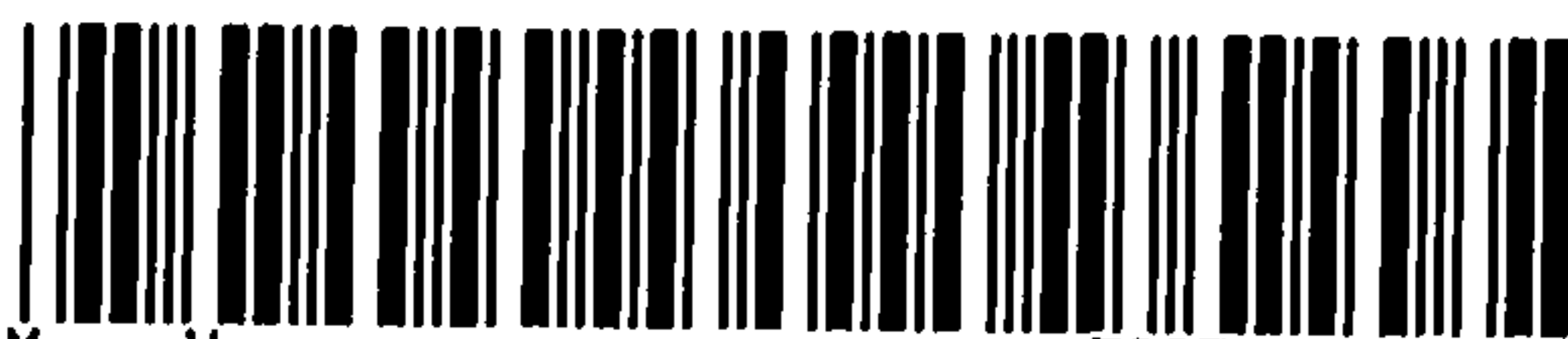
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SCALE: 1" = 100'



Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	25°00'00"	101.09'	198.97'	456.00'	197.39'	S56°27'36"E
C2	90°01'31"	5.00'	7.86'	5.00'	7.07'	N88°58'22"W
C3	25°00'00"	97.55'	191.99'	440.00'	190.47'	N56°27'36"W

Tangent Data		
ID	BEARING	DISTANCE
T1	S46°00'53"W	11.00'
T2	N43°57'36"W	59.62'
T3	N46°00'53"E	6.02'
T4	N46°02'24"E	11.00'



Maru Herrera

Bern. Co. EASE

R 17.00

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Page: 5 of 5
06/22/2006 04:41P
BK-A119 Pq-2350

Bohannon Huston INC.

Court yard | 7500 Jefferson St. NE Albuquerque, NM 87109-4335

ENGINEERING SPATIAL DATA ADVANCED TECHNOLOGIES

SHEET 2 OF 2