



Complete VS
9.29.09

DRB CASE ACTION LOG

REVISED 10/08/07

(SITE PLAN - BUILD P.)

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.: 09DRB-70287 Project # 1005243
 Project Name: Stoddardstone Towne Ctr.
 Agent: Alex Harrison Phone No.: _____

Your request was approved on 9-9-09 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: - address comments
- UTILITIES: _____
- CITY ENGINEER / AMAFCA: _____
- PARKS / CIP: _____
- PLANNING (Last to sign): _____

- 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.**

Created On:



Completed

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 - Property Management's signature must be obtained prior to Planning Department's signature.**
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 - Copy of recorded plat for Planning.**

Created On:



**DEVELOPMENT REVIEW BOARD
AGENDA**

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

September 9, 2009 9:00 AM

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer**

**Roger Green, P.E., Albuquerque/ Bernalillo Co. WUA
Christina Sandoval, Parks/Municipal Development**

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1007918**
09DRB-70259 VACATION OF PUBLIC
RIGHT-OF-WAY
09DRB-70286 SKETCH PLAT REVIEW
AND COMMENT
WILSON AND COMPANY INC agent(s) for
ALBUQUERQUE PUBLIC SCHOOLS request(s) the
referenced/ above action(s) for WALTER STREET NE
adjacent to Longfellow Elementary School located on the
north side of DR MARTIN LUTHER KING AVE between
EDITH BLVD NE and ELM ST NE. (J-14 & K-14)
**THE VACATION WAS APPROVED AS SHOWN ON
EXHIBIT B IN THE PLANNING FILE PER SECTION 14-
14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION
ORDINANCE. THE SKETCH PLAT WAS REVIEWED
AND COMMENTS WERE GIVEN.**
2. **Project# 1007948**
09DRB-70275 MAJOR – SITE
DEVELOPMENT PLAN FOR
BUILDING PERMIT
SCOTT ANDERSON agent(s) for HB CONSTRUCTION
request(s) the referenced/ above action(s) for all or a
portion of Lot(s) 30, Block 4, Tract A, Unt B, **NORTH
ALBUQUERQUE ACRES** zoned IP, located on the north
side of BEVERLY HILLSAVE NE between SAN
MATEO BLVD NE and the PAN AMERICAN
FREEWAY containing approximately .8864 acre(s). (B-
18)**DEFERRED TO 9/16/09 AT THE AGENT'S REQUEST.**

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

3. **Project# 1005243**
09DRB-70287 EPC APPROVED SDP
FOR BUILD PERMIT
ALEX HARRISON agent(s) for DION'S request(s) the
above action(s) for all or a portion of Lot(s) 5,
BROADSTONE TOWNE CENTER, zoned SU-1 FOR
C-2, located on TOWNE CENTER LN SE BETWEEN
GIBSON SE AND EASTERN SE containing
approximately 1.65 acre(s). (L-15) **THE SITE
DEVELOPMENT PLAN FOR BUILDING PERMIT WAS
APPROVED WITH FINAL SIGN-OFF DELEGATED TO
TRANSPORTATION TO ADDRESS WRITTEN
COMMENTS. 3 COPIES OF THE SITE PLAN MUST BE
PROVIDED TO PLANNING.**

City of Albuquerque
Planning Department
Inter-Office Memorandum

TO: Jack Cloud, DRB Chair

FROM: Randall Falkner, Planner

SUBJECT: Project # 1005243

On July 16, 2009, the Environmental Planning Commission approved Project # 1005243 09EPC-40033, a Site Development Plan for Building Permit, for all or a portion of Lot 5, Broadstone Towne Center, located on Towne Center Lane SE between Gibson SE and Eastern SE containing approximately 1.65 acres.

The applicant has satisfied all of the EPC conditions of approval for the site development plan for building permit.

Compliance with City Engineer conditions should be verified with the City Engineer. If you should have any questions regarding this case, please do not hesitate to call me at 924-3933.

Thank you.

City of Albuquerque
Planning Department
Inter-Office Memorandum

TO: Jack Cloud, DRB Chair

FROM: Randall Falkner, Planner

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Compliance with City Engineer conditions should be verified with the City Engineer. If you should have any questions regarding this case, please do not hesitate to call me at 924-3933.

Thank you.



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

March 19, 2008 9:00AM
MEMBERS:

**Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant**

**Kristal Metro, P.E., Transportation Development Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Brad Bingham, P.E., Hydrology/ Alternate City Engineer Christina Sandoval, Parks/Municipal Development**

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

- 1. Project# 1000029**
08DRB-70094 VACATION OF PUBLIC EASEMENT
08DRB-70095 MAJOR - FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for ARBOLERA DE VIDA request(s) vacation of certain roadway and turn around easments, and platting of Tract(s) 2-A 2-D & 2-E, **ARBOLERA DE VIDA** zoned S-M1, located on the north side of BELLAMAH AVE NW BETWEEN 19TH ST NW AND MILL POND RD NW containing approximately 15.5243 acre(s). (H-13) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE FINAL PLAT WAS APROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD.**
- 2. Project# 1007068**
08DRB-70090 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70091 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

COMMUNITY SCIENCES CORP agent(s) for JAMES S SANDERS request(s) vacation of the abandoned acequia right-of-way adjoining Lot K, and platting of the abandoned acequia together with Lot K, **ALVARADO GARDENS Unit(s) 2**, zoned RA-2, located on the east side of TRELIS DR NW BETWEEN ORO VISTA RD NW AMD CASTANEDA RD NW containing approximately 0.3441 acre(s). (G-12) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR PROPERTY MANAGEMENT SIGN-OFF, MRGCD SIGN OFF AND TO RECORD.**

3. **Project# 1004354**
08DRB-70048 SITE DEVELOPMENT
PLAN FOR BUILDING PERMIT

TIERRA WEST LLC agent(s) for MCDONALD'S CORPORATION request(s) the above action(s) for all or a portion of Lot 2, **KRANIA ADDITION**, zoned SU-2 PCA, located on the SE corner of 98TH ST NW AND VOLCANO RD NW containing approximately 1.1172 acre(s). (K-9) [Deferred from 2/20/08, 3/5/08 and 3/12/08] **DEFERRED TO 3/26/08 AT THE AGENTS' REQUEST.**

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

4. **Project# 1006819**
08DRB-70134 MINOR - EPC
APPROVED SDP FOR BUILDING
PERMIT
08DRB-70136 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DFA, LLC request(s) the above action(s) for all or a portion of Lot(s) 8, 9-A, 10-A & 11-A, Block(s) C, **SOUTH BROADWAY ACRES Unit(s) 1**, zoned SU-2 HM, located on BROADWAY BLVD SE BETWEEN WESMECO DR SE AND BETHEL DR SE containing approximately 4.43 acre(s). (M-14) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST, THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR COMMENTS AND TO THE CITY ENGINEER FOR 3 COPIES OF THE SITE PLAN. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR THE SIA.**

5. **Project# 1004677**
08DRB-70101 EPC APPROVED SDP
FOR SUBDIVISION

C DAVID DAY, MOULE & POLYZOIDES ARCHITECTS agent(s) for JAY REMBE AND/OR HIS ASSIGNS request(s) the above action(s) for all or a portion of Tract(s) 129A, 131, 133A1, 133A2, 133B, 134, AND 135A, **ALBUQUERQUE LITTLE THEATER, CALVIN HORN, AND LAGUNA SUBDIVISION**, zoned SU-1/SU-1/ ALBUQUERQUE LITTLE THEATER & SU-2/SU-1 CLD, located on CENTRAL AVE SW BETWEEN LAGUNA BLVD SW AND SAN PASQUALE SW containing approximately 3.86 acre(s). (J-13) [Deferred from 3/5/08] **DEFERRED TO 4/2/08 AT THE AGENT'S REQUEST.**

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

6. **Project# 1001115**
08DRB-70121 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for CHAVEZ PROPERTIES request(s) the above action(s) for all or a portion of Tract(s) 1-A, **LANDS OF PARKING COMPANY OF AMERICA**, zoned C-3, located on YALE BLVD SE BETWEEN RANDOLPH SE AND UNIVERSITY SE containing approximately 15.8726 acre(s). (M-15) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

7. **Project# 1002800**
08DRB-70130 MINOR - TEMP DEFR
SWDK CONST
08DRB-70131 EXT OF SIA FOR TEMP
DEFR SDWK CONST
- MARK GOODWIN AND ASSOCIATES PA agent(s) for ALPHA EQUITIES LLC request(s) the above action(s) for all or a portion of Lot(s) 10-23, Block(s) 12, Tract(s) 1, **QUIVERA ESTATES SUBDIVISION Unit(s) 3**, zoned RD, located on MODESTO AVE NE & GLENDALE AVE NE BETWEEN WYOMING BLVD NE AND BARSTOW ST NE containing approximately 13.9766 acre(s). (B-19) **THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT 'C' IN THE PLANNING FILE. A TWO YEAR EXTENSION TO THE 4-YEAR AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
8. **Project# 1004727**
08DRB-70135 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- GARCIA/KRAEMER & ASSOC. agent(s) for ELADIO F & ETNA L CHAVEZ request(s) the above action(s) for all or a portion of Lot(s) 2, Tract(s) 84B, **LANDS OF BACA AND CHAVEZ**, zoned RA-2, located on GRIEGOS NW BETWEEN SAN ISIDRO AND RIO GRANDE containing approximately 0.7791 acre(s). (F-13) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR VERIFICATION OF ADEQUATE RIGHT-OF-WAY, INDICATION OF WALL, AGIS DXF AND A COPY OF THE RECORDED PLAT.**
9. ~~**Project# 1005243**~~
08DRB-70133 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- HIGH MESA CONSULTING GROUP agent(s) for BROADSTONE TOWNE CENTER LLC request(s) the above action(s) for all or a portion of **UNPLATTED LANDS WITHIN SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST, N.M.P.M.**, zoned SU-1/PRD & SU-1 FOR C-2 PERMISSIVE USES, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA DR SE containing approximately 16.751 acre(s). (L-15) **THE PRELIMINARY/FINAL PLAT WAS APPROVED.**
10. **Project# 1006882**
08DRB-70132 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- BARELAS CDC agent(s) for VERA MONTOYA request(s) the above action(s) for all or a portion of Lot(s) 11 & 2, Block(s) 4, **SANTA FE ADDITION**, zoned SU-2 R-1, located on SANTA FE AVE SW BETWEEN 8TH ST SW AND 9TH ST SW containing approximately 0.254 acre(s). (K-13) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR UTILITY RE-LOCATION, UTILITIES SIGNATURES, AGIS DXF AND A COPY OF THE RECORDED PLAT, AND TO TRANSPORTATION FOR VERIFICATION OF IMPROVEMENTS AND 20 FOOT RADIUS.**

11. **Project# 1007062**
08DRB-70127 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for
ARCHDIOCESE OF SANTA FE request(s) the above
action(s) for all or a portion of Tract(s) 50 - 52, **TBK**
TRACT A, SOUTH SAN JOSE PARISH, zoned SU-2/
MR, located on BROADWAY BLVD SE BETWEEN
ETHLYN AVE SE AND SAN JOSE AVE SE containing
approximately 6.8196 acre(s). (M-14) **THE**
PRELIMINARY/FINAL PLAT WAS APPROVED.

12. Approval of the Development Review Board Minutes for February 6, 2008.

Other Matters: PROJECT # 1006879 Application # 08-70046 Preliminary/Final Plat Approval:

PRECISION SURVEYS INC agent(s) for ANSELMO C'DE BACA request(s) the above action(s) for all
or a portion of Lot(s) 23 & 24 TBKA 23-A & 24-A, Block(s) 5, **BELMONT PLACE**, zoned R-1,
located on BELLROSE AVE NW BETWEEN 6TH AND PUBLIC AVE 5TH STREET NW containing
approximately 0.1627 acre(s). (G-14)

**THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO
PLANNING FOR VERIFICATION OF GARAGE REMOVAL.**

ADJOURNED: 9:50

HIGH MESA Consulting Group

FORMERLY JEFF MORTENSEN AND ASSOCIATES, INC.

2006.003.2

March 20, 2008

Mr. Robert M. Hutt
Managing Director/Partner
Alliance Residential Company
2415 East Camelback Road, Suite 600
Phoenix, AZ 85016

Re: Tracts 1, 2, 3, 4 and 5, Broadstone Towne Center
DRB Project No. 1005243

Dear Mr. Hutt;

Transmitted herewith are the following items relating to the subject platting action:

- Four copies of the Recorded Plat
- Original Declaration of Covenants, Conditions and Restrictions

This concludes our efforts for this phase of the project. If you have questions regarding this information, or if we can be of further assistance on this project, please do not hesitate to call.

Sincerely,

HIGH MESA CONSULTING GROUP


Debie LeBlanc Trujillo

DLT
Enclosures

xc: Jackie Fishman, Consensus Planning, (one copy of Recorded Plat and one copy of the Declaration of Covenants, Conditions and Restrictions) w/ enc.

Jack Cloud, City of Albuquerque Planning Department (one copy of Recorded Plat and one copy of the Declaration of Covenants, Conditions and Restrictions) w/ enc.

Toni Weinstein, Locke Lord Bissell & Liddell LLP (one copy of Declaration of Covenants, Conditions and Restrictions) w/ enc.

Principals: Jeffrey G. Mortensen, P.E. • Charles G. Cala, Jr., P.S. • Juan M. Cala
Joseph M. Solomon, Jr., P.S. • J. Graeme Means, P.E. • Richard C. White • Grady E. Barrens

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BROADSTONE TOWNE CENTER

Albuquerque, Bernalillo County, New Mexico

AFTER RECORDING, RETURN TO:

Toni Weinstein
Locke Lord Bissell & Liddell LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201

Doc# 2008031640

03/20/2008 10:07 AM Page: 1 of 18
DEC R:\$43.00 M. Toulouse, Bernalillo County



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "**Declaration**") is made as of the 20th day of MARCH, 2028 by BROADSTONE TOWNE CENTER, LLC, a Delaware limited liability company (the "**Declarant**").

WHEREAS, Declarant is the owner of that certain approximate 16.75-acre tract of land situated in the City of Albuquerque, Bernalillo County, New Mexico, being more particularly described on Exhibit A attached hereto and made a part hereof (the "**Property**");

WHEREAS, the Property consists of five parcels as shown on the Plat (as defined below);

WHEREAS, Declarant intends to develop a multifamily residential project on Parcel 1 shown on the Plat (the "**Multifamily Parcel**"); and

WHEREAS, Declarant intends to sell each of Parcels 2 through 5 shown on the Plat (each, a "**Commercial Parcel**") for commercial development.

WHEREAS, Declarant desires to create certain rights, privileges, obligations and duties and to impose certain restrictions and covenants on the Property as set forth in this Declaration to ensure and facilitate the integrated ownership, use, enjoyment and development of the Property.

NOW, THEREFORE, Declarant hereby adopts, establishes and imposes upon the Property and declares that the Property shall be held, sold and conveyed subject to the following covenants, conditions, restrictions, easements, stipulations and reservations, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property and all of which shall be covenants running with the land and shall be binding upon and inure to the benefit of all persons having or acquiring any right, title or interest in all or any part of Property.

ARTICLE I DEFINITIONS

Unless the context otherwise specifies or requires the following words or phrases shall have the meanings given in this Article I when used in this Declaration:

(a) "**Building**" shall mean a building or other structural improvement constructed and maintained on a Parcel, including signage affixed to such building or other structural improvement.

(b) "**Common Area**" shall mean the private access easement (Keyed Note 2) together with all improvements situated thereon as depicted on the Plat.

(c) "**Common Area Improvements**" shall mean the improvements constructed and maintained within the Common Area, including, without limitation, driveways and drive lanes (including curb and gutter), service drives, striping, traffic directional arrows and signs, street lighting (including fixtures and standards), perimeter sidewalk and fences and

landscaping (including, trees, plants and irrigation systems and equipment), storm drainage facilities and Property monument signage (which shall not include Property Signage).

(d) **“Declarant”** shall mean Broadstone Towne Center, LLC, a Delaware limited liability company, and its successors and assigns; provided, that any assignment of the rights and powers of Broadstone Towne Center, LLC, as Declarant, must be expressly set forth in a written instrument that contains the acknowledgement and acceptance by the assignor and assignee of the assignment of such rights and powers. The mere conveyance of a portion of the Property without such written assignment and acknowledgement shall not constitute the assignment of the rights and powers of Declarant hereunder. At such time as Declarant shall no longer own any interest in any of the Property, if no successor Declarant has been appointed and accepted the duties and obligations of Declarant, then the Owners shall agree among themselves who shall discharge such duties and obligations.

(e) **“Lienholder”** shall mean any mortgagee under a mortgage or a trustee or beneficiary under a deed of trust constituting a lien on any Parcel.

(f) **“Owner”** shall mean the record holder of fee simple title to a Parcel, its heirs, personal representatives, successors and assigns.

(g) **“Parcel”** shall mean each separate parcel as shown on the Plat.

(h) **“person”** shall mean individuals, partnerships, firms, associations, corporations, trusts, governmental agencies, administrative tribunals or any other form of business or legal entity.

(i) **“Plat”** shall mean the plat of the Property as recorded on ^{MARCH} 20, 200~~8~~ in Book A, Page 052, Doc. No. 200~~8~~ 031639, in the Plat Records of Bernalillo County, New Mexico.

(j) **“Property Signage”** shall mean the signage on an exterior of a Building on any Parcel, excluding monument signage in the Common Area.

(k) **“Restrictions”** shall mean the covenants, conditions, restrictions, easements, liens and encumbrances contained in this Declaration.

ARTICLE II EASEMENTS

2.1 **Grant of General Easement for Ingress and Egress.** Each Owner, as grantor, hereby grants to the other Owners, their respective tenants, contractors, employees, agents, customers, licensees and invitees, and the subtenants, contractors, employees, agents, customers, licensees and invitees of such tenants, for the benefit of each Parcel belonging to the other Owners, as grantees, a perpetual nonexclusive easement for ingress and egress by vehicular and pedestrian traffic upon, over and across that portion of the Common Area located on the grantor's Parcel(s) from time to time developed for or used as driveways and drive lanes and walkway respectively. No Owner may construct or maintain any curb, fence, wall or other barrier preventing vehicular or pedestrian traffic from one Parcel to another over and across the

driveways, drive lanes and walkways existing on each Parcel from time to time. Each Owner shall, and shall cause its employees and agents, to observe and comply with all lane designations and directional signage on or about such driveways and drive lanes. Nothing in this Declaration shall be construed to create in favor of any Owner or its tenants, contractors, employees, agents, customers, licensees and invitees or the subtenants, contractors, employees, agents, customers, licensees and invitees of such tenants, nor shall any such person have, an easement for vehicular parking on the Parcel of any other Owner.

2.2 Future Access Pending Development Agreement. The Owner of the Multifamily Parcel will use reasonable efforts to enter into a development agreement (the "**Development Agreement**") with the owner (the "**Northern Owner**") of the property directly adjacent to the northern boundary of the Property. Upon execution of a Development Agreement, the Owner(s) will grant an easement for ingress and egress by vehicular and pedestrian traffic upon, over and across that portion of the Common Area located on such Owner's Parcel(s) from time to time developed for or used as driveways and drive lanes and walkway respectively to the Northern Owner. The Development Agreement shall address, among other matters, the reasonable proration of installation costs associated with existing and future Common Area Improvements and shared maintenance, repair, and use of the designated Common Area.

2.3 Recorded Plats. All dedications, limitations, restrictions and reservations shown on any Plat now or hereafter filed for record are incorporated herein and made a part hereof as if fully set forth herein and shall be construed as being adopted in each contract, deed or conveyance conveying any portion of the Property or any Parcel included within such Plat, whether specifically referred to therein or not.

2.4 Easements. Easements and rights-of-way may be reserved on any Plat now or hereafter filed for record for the purposes of constructing, maintaining and repairing a system or systems of electric light, electric power, gas, telephone, water distribution, sanitary sewers and storm drains, cable television, garbage collection or any other utility which the developer of any portion of the Property included within such Plat sees fit to install in, across and/or under the Property. Conveyance of any portion of the Property or any Parcel included within such Plat, by contract, deed or otherwise, shall be subject to all such easements. No structure, plant or material shall be placed or permitted in any easement area which may damage or interfere with installation or maintenance of any of the foregoing utilities.

ARTICLE III USE RESTRICTIONS

3.1 Retail Use. Each Commercial Parcel shall be used for private retail purposes exclusively, and no part of any Commercial Parcel shall be used or caused, allowed or authorized to be used in any way, directly or indirectly, for any manufacturing, mercantile, storing or other non-retail purpose.

3.2 Prohibited Uses. In no event shall any of the following activities be conducted on any Commercial Parcel or any portion thereof:

- (a) Any public or private nuisance;
- (b) Any activity creating any objectionable or loud noise or sound, as determined by the City of Albuquerque Code Enforcement;
- (c) Activities causing any obnoxious odor, as determined by the City of Albuquerque Code Enforcement;
- (d) Activities causing any dust, dirt or fly ash in excess quantities;
- (e) Activities causing fire, explosion or other damaging or dangerous hazard, including the storage, display or sale of explosives or fireworks;
- (f) Drilling for and/or removal of subsurface substances;
- (g) Dumping of garbage or refuse;
- (h) Billboards generating revenue from third parties (but the foregoing shall not prohibit or restrict the installation of any signage in connection with any owner or tenant of the Property or any business being conducted thereon);
- (i) Revenue generating cell towers or antennas (but the foregoing shall not prohibit or restrict the installation or maintenance of satellite dishes, antennas or other equipment for use in connection with any business being conducted on a Commercial Parcel);
- (j) Educational facility, but not including day care providing pre-school, kindergarten, before and after school and summer care, and other incidental services or tutoring services;
- (k) Vehicle sales, rental, service or repair;
- (l) Gas stations and general automotive sales or services;
- (m) Circus or carnival;
- (n) Parking lots generating revenue through public parking excluding, however, any parking that is incidental to any businesses being conducted on the Commercial Parcel;
- (o) Mini self-storage, storage structures and storage yards;
- (p) Activities in a tent;
- (q) Package liquor for off-premise consumption; or
- (r) "Drive-in" restaurants, but the foregoing shall not restrict or prohibit fast food restaurants that have drive-thru facilities.

3.3 Signs. Property Signage must conform to all applicable law. All signs on the exterior of a Building shall be restricted to identification of the business or service located or provided therein. No such exterior building sign shall extend above the Building roof or be painted on the exterior Building surface. No exterior building or free-standing sign shall utilize flashing, moving or audible lights or appurtenances.

**ARTICLE IV
MAINTENANCE AND USE OF THE COMMON AREA**

4.1 Maintenance, Repair and Use of the Commercial Parcels. Each Owner of a Commercial Parcel shall at all times repaint, repair, replace and maintain its Commercial Parcel and all Buildings and other improvements located thereon as may be reasonably necessary to keep such Commercial Parcel in a good condition and repair, and shall keep the parking areas and areas adjacent to the Buildings located thereon swept on a regular basis and kept free of trash and debris.

4.2 Construction of Common Area Improvements; Maintenance of the Common Areas. The Owner of the Multifamily Parcel shall, at such Owner's sole cost and expense, construct the Common Area Improvements. The Owner of the Multifamily Parcel shall maintain the Common Area and the Common Area Improvements at all times in a good and clean condition and repair, said maintenance to include, without limitation, the following:

(a) maintaining, repairing and resurfacing, when necessary, all paved surfaces in a level, smooth and evenly covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal or superior in quality, use and durability, and restriping, when necessary;

(b) removing all papers, debris, filth and refuse and thoroughly sweeping and otherwise maintaining the area to the extent reasonably necessary to keep the area in a clean and orderly condition;

(c) maintaining, repairing and replacing, when necessary, all traffic directional sign, markers and lines;

(d) operating, maintaining, repairing and replacing, when necessary, the artificial lighting facilities which are located on the Common Area;

(e) maintaining, repairing and replacing, when necessary, automatic sprinkler systems and water lines; mow all lawn areas, keep beds free of weeds and dead leaves and limbs, remove and replace dead trees and shrubs and generally maintain in a neat and clean manner all landscaped areas on the Common Area;

(f) maintaining, repairing and replacing, when necessary, all Common Area walls; and

(g) maintaining, repairing and replacing, when necessary, all storm drains, sewers and other utility lines and facilities not dedicated to the public or conveyed to any public or private utility which are necessary for the operation of the Common Area Improvements.

4.3 Costs of Maintenance. The Owner of the Multifamily Parcel shall be reimbursed by each other Owner for the costs of maintaining the Common Area and the Common Area Improvements in amounts equal to each such cost multiplied by a fraction the numerator of which is the gross acreage of the Parcel(s) owned by such other Owner and denominator of which is the gross acreage of the Property, in each case as shown on the Plat. If the Owner of the Multifamily Parcel fails to perform its maintenance obligations as provided in this Section 4.2, such failure shall constitute a default hereunder after receipt by such Owner of written notice in accordance with Section 6.9 of this Declaration and such Owner's failure to cure the default within the requisite time period provided in Section 6.8. In the event of any such default, then any other Owner which is not then in default of its obligations under this Declaration, may go upon the Common Area and perform or cause the performance of such maintenance and bill the other Owner(s) for the reasonable expenses thereby incurred pro rata in proportion to the gross areas of the Parcel(s) owned by the Owners. Anything to the contrary herein notwithstanding, in the event that an emergency condition should exist relative to failure of the Owner of the Multifamily Parcel to perform its maintenance obligations hereunder, such Owner shall not be entitled to an opportunity to cure before being in default hereunder, and any other Owner, may immediately cause the performance of the obligations and bill the other Owner(s) for the expenses incurred pro rata in proportion to the gross areas of the Parcel(s) owned by the Owners. For purposes of the preceding sentence, the phrase "**emergency condition**" shall mean any condition reasonably constituting an immediate risk of injury to person or serious damage to property. Notwithstanding any other provision hereof, if any damage to any portion of the Common Area or the Common Area Improvements is caused by the negligence of any Owner or its tenants, employees, agents, customers, licensees and invitees, such Owner shall be solely responsible for all of the costs of repairing such damage.

4.4 Costs of Maintaining the Common Area Improvements. If any Owner fails to reimburse another Owner for the maintenance costs as set forth in this Section 4.3 or Section 4.2 above, (the "**Defaulting Owner**"), such failure shall constitute a default hereunder after receipt by the Defaulting Owner of written notice in accordance with Section 6.9 of this Declaration and the Defaulting Owner's failure to cure the default within the requisite time period provided in Section 6.8. Expenses billed to a Defaulting Owner pursuant to this Section 4.3 or Section 4.2 above shall accrue interest from and after the date such bill is due at the lesser of (i) the highest rate allowed by applicable law or (ii) fifteen percent (15%) per annum.

4.5 Lien for Expenses.

(a) An Owner that incurs reasonable expenses in curing another Owner's default pursuant to Section 4.3 (the "**Curing Owner**") shall have a lien on the Parcel of the Defaulting Owner for the amount of said expenses plus interest thereon as provided above.

(b) The lien provided in this Section 4.5 shall only be effective when filed of record by the Curing Owner as claim of lien against the Parcel(s) of the Defaulting Owner in the Real Property Records of Bernalillo County, signed and verified, which shall contain at least:

(i) an itemized statement of all amounts due and payable pursuant hereto;

(ii) a description sufficient for identification of the Parcel owned by the Defaulting Owner which is the subject of the lien;

(iii) the name of the Owner or reputed Owner of the property which is the subject of the lien; and

(iv) the name and address of the Curing Owner.

(c) The lien, when so established against the real property described in the recorded lien notice, shall be prior and superior to any right, title, interest, lien or claim which may be or has been acquired or attached to such real property after the time of filing the lien, but not before. The lien shall be for the use and benefit of the Curing Owner and may be enforced and foreclosed in a suit or action brought in any court of competent jurisdiction.

(d) Upon payment of the sum secured by a lien, the lienholder shall promptly file of record a release of such lien.

4.6 Notice to Lienholders. Provided an Owner or Lienholder has given written notice to Declarant of the name and mailing address of any Lienholder, Declarant shall endeavor to simultaneously send a copy of any notice of default or assertion of a lien under Section 4.5 to such Owner and such Lienholder, provided Declarant shall have no liability to any such Owner or such Lienholder for failure to send any such notice to such Lienholder. A Lienholder shall have the right, but not the obligation, during any cure period granted to the applicable Owner, to cure any default by such Owner under this Declaration.

4.7 Subordination. Any lien created under Section 4.5 of this Declaration shall be subordinate and inferior to the liens, now or in the future affecting any Parcel, of any Lienholder holding a deed of trust covering a Parcel to secure the repayment of any construction or permanent financing, as any such liens may from time to time be renewed, extended, modified, consolidated or replaced.

ARTICLE V INDEMNIFICATION

Each Owner shall indemnify, defend and hold harmless the other Owners and their respective tenants, employees, agents, customers, licensees and invitees from and against any and all liabilities, claims, damages, expenses (including reasonable attorneys' fees and reasonable attorneys' fees on any appeal), judgments, proceedings and causes of action for injury to or death of any person or damage to or destruction of any property arising out of or resulting from the negligent or willful act or omission of such indemnifying Owner and its employees, agents and contractors in, on or about its Parcel and any Building or other improvements constructed thereon, except to the extent it is caused by the negligent or willful act or omission of the indemnified person.

**ARTICLE VI
GENERAL PROVISIONS**

6.1 Covenants Run With the Land. Each Restriction on each Parcel shall be a burden on that Parcel, shall be appurtenant to and for the benefit of the other Parcels and each part thereof and shall run with the land.

6.2 Successors and Assigns. This Declaration and the Restrictions created hereby shall inure to the benefit of and be binding upon the Owners, their heirs, personal representatives, successors and assigns, and upon any person acquiring a Parcel, or any portion thereof, or any interest therein, whether by operation of law or otherwise; provided, however, that if any Owner sells all or any portion of its interest in any Parcel, such Owner shall thereupon be released and discharged from any and all obligations as Owner in connection with the property sold by it arising under this Declaration after the sale and conveyance of title but shall remain liable for all obligations arising under this Declaration prior to the sale and conveyance of title. The new Owner of any such Parcel or any portion thereof (including, without limitation, any Owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all obligations arising under this Declaration with respect to such Parcel or portion thereof after the sale and conveyance of title.

6.3 Duration. Except as otherwise provided in Section 6.5, the term of this Declaration shall be for thirty-five (35) years from the date hereof, and thereafter shall automatically renew for successive ten-year periods unless not less than twelve (12) months prior to the end of the then-current term, the Owners elect to terminate this Declaration as provided in Section 6.5.

6.4 Injunctive Relief. In the event of any violation or threatened violation by any person of any of the Restrictions contained in this Declaration, Declarant shall have the right to enjoin such violation or threatened violation in a court of competent jurisdiction. The right of injunction shall be in addition to all other remedies set forth in this Declaration or provided by law.

6.5 Modification and Termination. This Declaration may not be modified in any respect whatsoever or terminated, in whole or in part, except with the consent of the Owner of the Multifamily Parcel at the time of such modification or termination, and then only by written instrument duly executed and acknowledged by the Owner of the Multifamily Parcel and recorded in the Real Property Records of Bernalillo County. Notwithstanding the foregoing, without the consent of any affected Owner no modification or termination of this Declaration may modify, impair or terminate (i) any access easement herein granted, (ii) the use or maintenance of the Common Area Improvements in existence at the time of any such modification or termination, (iii) the use restrictions provided in Article III, or (iv) the provisions of this Section 6.5.

6.6 Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Property to the general public or for the general public or for any public purpose whatsoever, it being the intention of the parties that this Declaration shall be strictly limited to and for the purposes herein expressed.

6.7 Breach Shall Not Permit Termination. It is expressly agreed that no breach of this Declaration shall entitle any Owner to terminate this Declaration, but such limitation shall not affect in any manner any other rights or remedies which such Owner may have hereunder by reason of any breach of this Declaration. Any breach of this Declaration shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value, but this Declaration shall be binding upon and effective against any Owner whose title is acquired by foreclosure, trustee's sale or otherwise.

6.8 Default. A person shall be deemed to be in default of this Declaration only upon the expiration of sixty (60) days (ten (10) days in the event of failure to pay money) from receipt of written notice from any Owner specifying in reasonable detail the manner in which such person has failed to perform the obligations of this Declaration unless such person, prior to the expiration of said sixty (60) days (ten (10) days in the event of failure to pay money), has rectified the matter specified in said notice of default.

6.9 Notices.

(a) All notices given pursuant to this Declaration shall be in writing and shall be given by United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the person and address designated below or, in the absence of such designation, to the person and address shown on the then current real property tax rolls of the County in which the Property is located. All notices to Declarant shall be sent to the person and address set forth below:

Declarant: Broadstone Towne Center, LLC
2415 E. Camelback Road, Suite 600
Phoenix, Arizona 85016
Attention: Robert M. Hutt

with a copy to:

Locke Lord Bissell & Liddell & Sapp LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201
Attention: Toni Weinstein

The person and address to which notices are to be given may be changed at any time by any party upon written notice to the other parties. All notices given pursuant to this Declaration shall be deemed given upon deposit in the mail as provided above.

(b) For the purpose of this Declaration, the term "receipt" shall mean the earlier of any of the following: (i) the date of delivery of the notice or other document to the address specified pursuant to subsection (a) above as shown on the return receipt, (ii) the date of actual receipt of the notice or other document by the person specified pursuant to subsection (a) above or (iii) in the case of refusal to accept delivery or inability to deliver any properly addressed notice or other document, the earlier of (A) the date of the attempted delivery or refusal to accept delivery, (B) the date of the postmark on the return receipt or (C) the date of receipt of notice of refusal or notice of nondelivery by the sending party.

6.10 Waiver. The failure of a person to insist upon strict performance of any of the Restrictions contained herein shall not be deemed a waiver of any rights or remedies that said person may have, and shall not be deemed a waiver of any subsequent breach or default in the performance of any of the Restrictions contained herein by the same or any other person.

6.11 Attorneys' Fees. In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Declaration, the prevailing party in any such action or proceeding shall be entitled to recover from the losing party in any such action or proceeding its reasonable costs and attorneys' fees (including its reasonable costs and attorneys' fees on any appeal).

6.12 Severability. If any term or provision of this Declaration or the application of it to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Declaration or the application of such term or provision to persons or circumstances, other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Declaration shall be valid and shall be enforced to the extent permitted by law.

6.13 Effect of Foreclosure. If any Lienholder or any other purchaser obtains title to any part of the Property by foreclosure, deed in lieu of foreclosure or otherwise, subject to Section 4.7 of this Declaration, the rights and interests of the parties and their successors in interest under this Declaration (including but not limited to any easements contained in this Declaration) shall nevertheless survive and continue in full force and effect. Upon acquiring title to such Property, the Lienholder or such purchaser will succeed to the benefits and burdens of this Declaration, but in no event shall the Lienholder or such purchaser be liable for any defaults or obligations occurring prior to the date that it acquired ownership of such Property. The Lienholder or such purchaser shall convey such Property subject to this Declaration, and neither Lienholder nor such purchaser nor their respective successors or assigns shall at any time disturb the rights and privileges of the parties and their successors and assigns under this Declaration.

6.14 Conveyances. Each Owner may freely convey its Parcel. The responsibility of each Owner for the liabilities and obligations contained in this Declaration shall be only for those that arise during the period of such Owner's ownership of its Parcel. If an Owner conveys its Parcel, then from and after the date of such conveyance, the conveying party shall be released from and shall have no further liability or obligation under this Declaration, which shall be enforceable only against the then Owner of such Parcel; provided, however, such Owner will remain liable for any of such Owner's liabilities and obligations for amounts under Section 4.5 together with any other liquidated amounts that were accrued and unpaid at the time of the conveyance and that remain unpaid.

6.15 Not a Partnership. The provisions of this Declaration are not intended to create, nor shall they be in any way interpreted or construed to create, a joint venture, partnership or any other similar relationship between the Owners.

6.16 Third Party Beneficiary Rights. This Declaration is not intended to create, nor shall it be in any way interpreted or construed to create, any third party beneficiary rights in any person other than an Owner unless otherwise expressly provided herein.

6.17 Estoppel Certificates. Upon not less than thirty (30) days' advance notice, any Owner will deliver to any other Owner a certificate to the effect that this Declaration is in full force and effect and that to the actual knowledge of the Owner delivering such certificate that the requesting Owner is not in default of any obligation to be performed by it under this Declaration and to such other matters as may be reasonably requested.

6.18 Captions and Headings. The captions and headings in this Declaration are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.

6.19 Entire Agreement. This Declaration contains the entire agreement and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Declaration shall be construed as a whole and not strictly for or against any person.

6.20 Construction. In construing the provisions of this Declaration and whenever the context so requires, the use of a gender shall include all other genders, the use of the singular shall include the plural, and the use of the plural shall include the singular.

6.21 Joint and Several Obligations. In the event a Parcel is owned by more than one person, the obligations with respect to such Parcel shall be joint and several as to such persons.

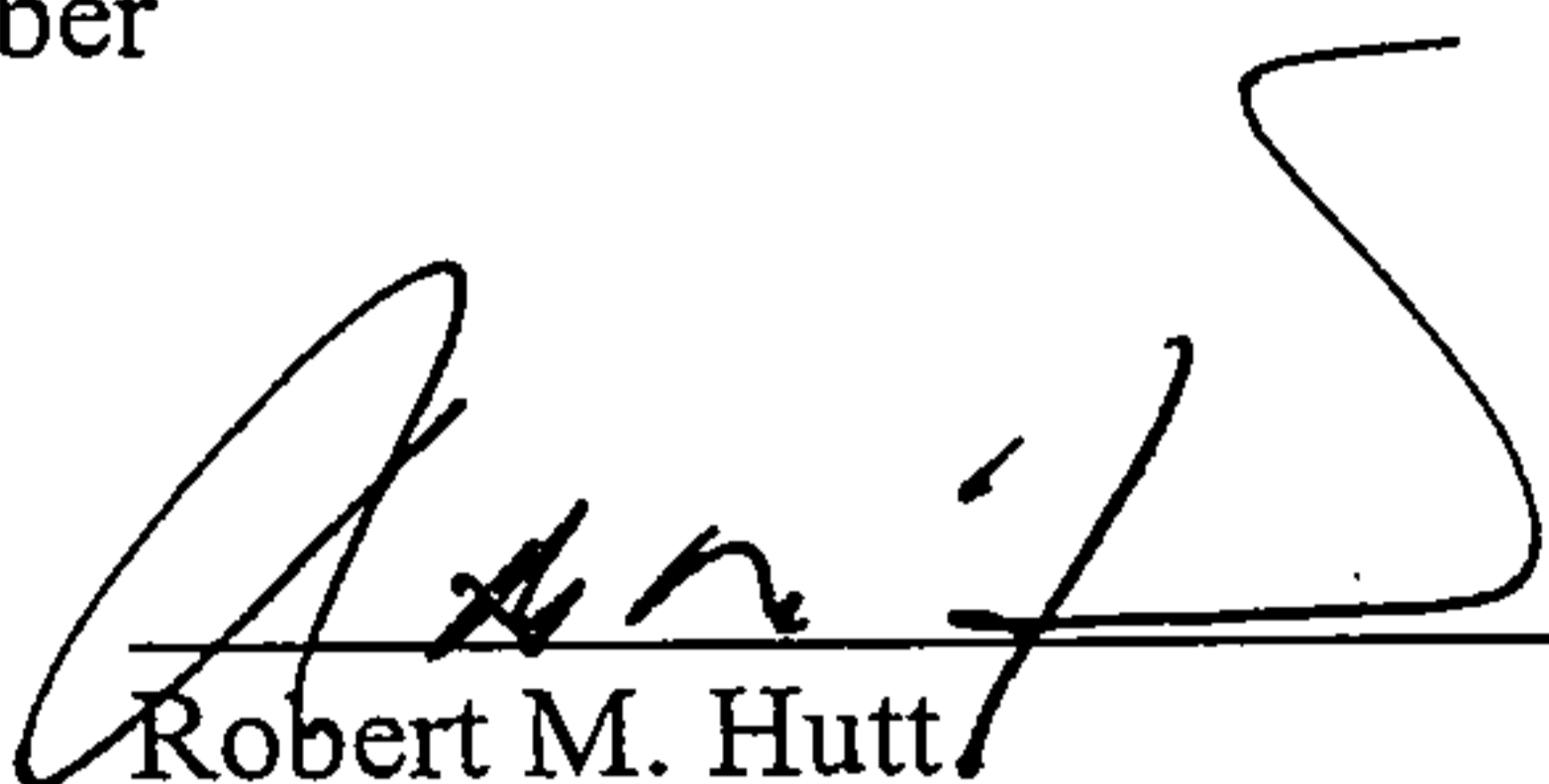
6.22 Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of New Mexico.

**Remainder of This Page
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EXECUTED as of the day and year first above written.

BROADSTONE TOWNE CENTER, LLC, a
Delaware limited liability company

By: Broadstone Towne Center Alliance, LLC, a
Delaware limited liability company, its
member

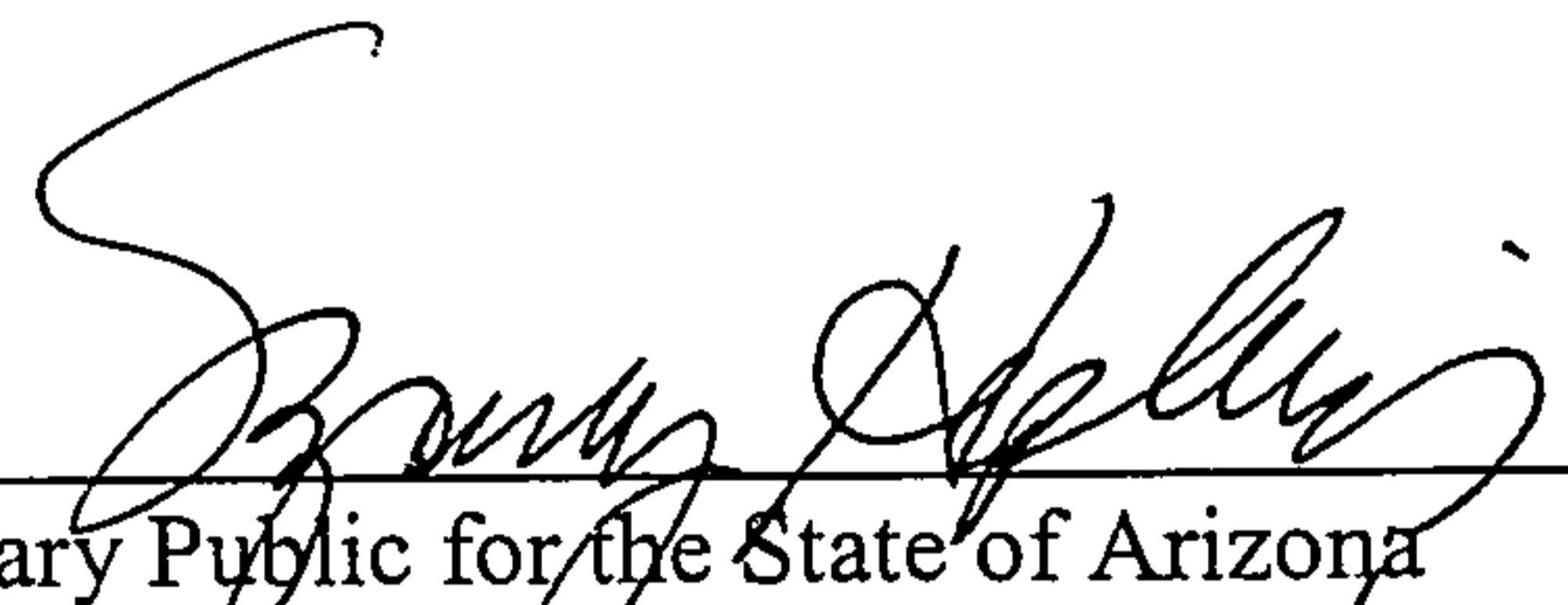
By: 
Robert M. Hutt
Member

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)



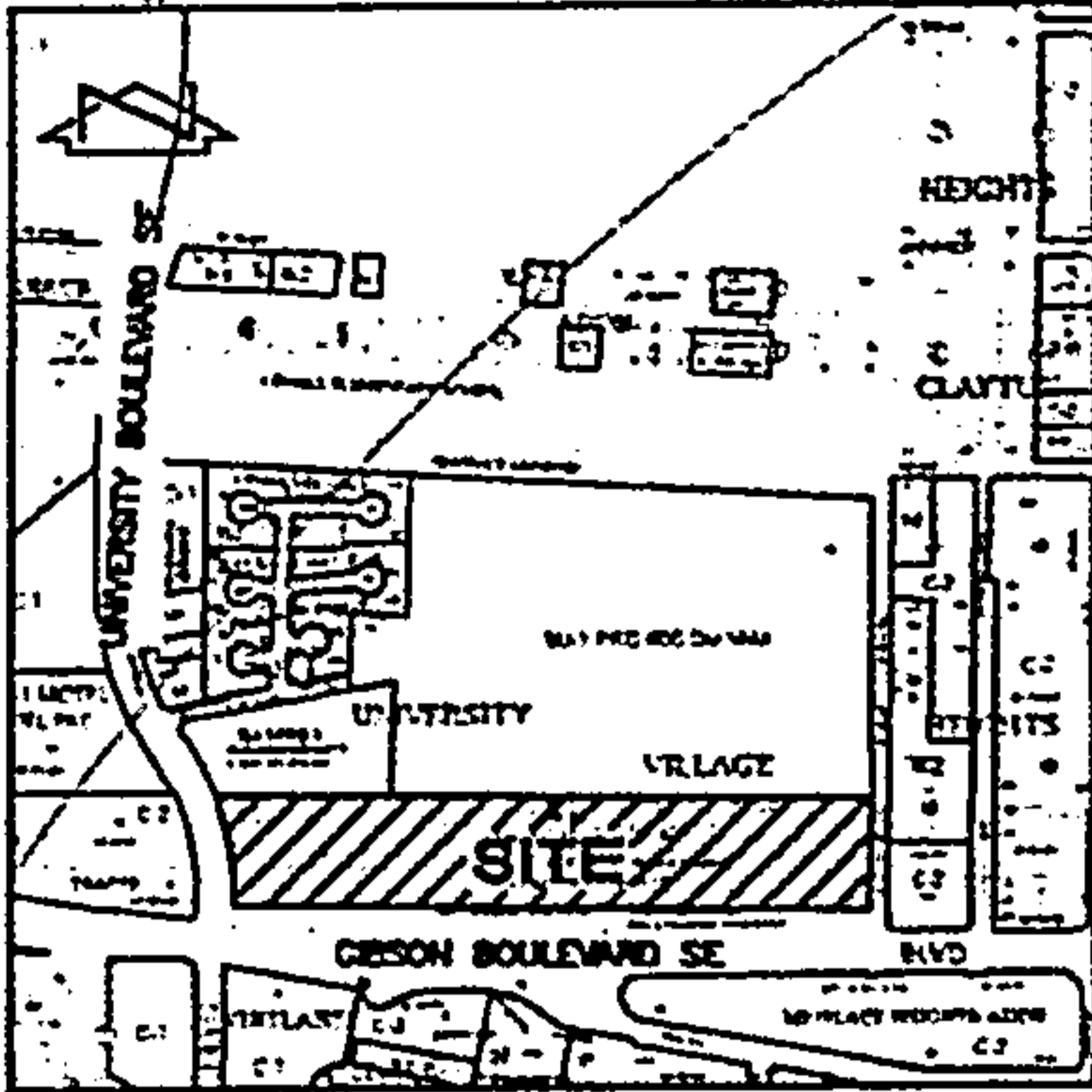
The foregoing instrument was acknowledged before me on the 11th day of March
2008 by Robert M. Hutt, a member of Broadstone Towne Center, LLC, a Delaware limited
liability company, a member of Broadstone Towne Center Alliance, LLC, a Delaware limited
liability company.

WITNESS MY HAND and official seal hereby affixed the day, month and year in this
certificate first above written.



Notary Public for the State of Arizona
My Commission Expires: 9/20/09.

SP #2007362580



VICINITY MAP

SCALE 1" = 750'

L-15

DEDICATION AND FREE CONSENT

The subdivision herein is with the free consent and in accordance with the desires of the undersigned owner and does hereby dedicate to the City of Albuquerque in fee simple with warranty covenants the additional public street rights-of-way and grant the easements as shown, including the rights of ingress and egress and the right to trim interfering trees. I hereby warrant that I hold complete and indefeasible title in fee simple to the land subdivided, hereon.

Robert M. Hutt, Member, Broadstone Towne Center, LLC, By Broadstone Towne Center Alliance, LLC, its General Partner

ACKNOWLEDGMENT

STATE OF ARIZONA) COUNTY OF MARICOPA) SS

This instrument was acknowledged before me on this ___ day of _____, 2008, by Robert M. Hutt, Member, Broadstone Towne Center, LLC, By Broadstone Towne Center Alliance, LLC, its General Partner.

Notary Public

Public Utility easements shown on this plot are ten (10) feet wide and are granted for the common and joint use of:

- 1. The P.N.M. Electric Services for the installation, maintenance, and service of overhead and underground electrical lines, transformers, poles and other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The P.N.M. Gas Services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest Corporation for the installation, maintenance, and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services including, but not limited to, above ground pedestals and closures.
4. Comcast Cable Vision of New Mexico, Inc. for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide Cable TV service.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said easements, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of the National Electric Safety Code caused by construction of pools, decking, or any structures adjacent to within or near easements shown on this plot.

PLAT OF TRACTS 1, 2, 3, 4 AND 5, BROADSTONE TOWNE CENTER

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO MARCH, 2008

DESCRIPTION

A certain tract of land located within the Corporate Limits of the City of Albuquerque, Bernalillo County, New Mexico, comprising unplatted parcels of land situated within the Town of Albuquerque Grant, within projected Section 28, Township 10 North, Range 3 East, N.M.P.M., as described by Special Warranty Deed filed September 20, 2007, Document No. 2007134831, and also described by Special Warranty Deed filed September 20, 2007, Document No. 2007134832, and being more particularly described as follows:

Beginning at the northeast corner of the parcel herein described, being the southeast property corner of Tract 1-B, University Village, as the same is shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on January 06, 1983, Book 93C, Page 2, also being a point on the west right-of-way line of Buena Vista Drive S.E., thence the N.L.S. Central Station "Stadium" bears N 30°42'47" W a distance of 2883.44 feet; thence S 00°34'38" W a distance of 372.58 feet along said west right-of-way line to the southeast corner of the parcel herein described, being the point of intersection of the west right-of-way line of Buena Vista Drive S.E. with the north right-of-way line of Gibson Boulevard S.E.; thence N 89°45'04" W a distance of 170.08 feet along said north right-of-way line; thence N 77°12'30" W a distance of 48.00 feet along said north right-of-way line; thence N 89°42'43" W a distance of 100.12 feet along said north right-of-way line; thence S 71°50'18" W a distance of 83.24 feet along said north right-of-way line; thence N 89°45'47" W a distance of 348.04 feet along said north right-of-way line; thence S 00°20'37" E a distance of 2.85 feet along said north right-of-way line; thence N 89°38'35" W a distance of 58.80 feet along said north right-of-way line; thence N 00°20'37" W a distance of 10.00 feet along said north right-of-way line; thence N 89°42'14" W a distance of 58.50 feet along said north right-of-way line; thence N 81°14'15" W a distance of 101.05 feet along said north right-of-way line; thence N 89°45'48" W a distance of 120.11 feet along said north right-of-way line; thence S 87°25'14" W a distance of 37.85 feet along said north right-of-way line; thence N 89°58'00" W a distance of 74.92 feet along said north right-of-way line; thence S 78°27'17" W a distance of 50.48 feet along said north right-of-way line to the northwest corner of a parcel known as Parcel No. 2-2, as depicted on the New Mexico State Highway Commission, Right-of-Way Map dated May 07, 2003, owned by Helen K. Woodward and the Sandia Foundation, being the northeast property corner of the remaining portion of Tract C, Gibson and Miles Area, as shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 22, 1983, Book D3, Page 110, and also being depicted on said New Mexico State Highway Commission, Right-of-Way Map, owned by the Sandia Foundation; thence N 89°48'05" W a distance of 180.08 feet along the north property line of said remaining portion of Tract C, Gibson and Miles Area; thence along an arc of a curve to the right with Delta = 0°25'00", R = 2482.88 feet and L = 278.19 feet, (Chord Bearing = N 87°24'21" W, Chord Length = 278.05 feet) along the north property line of said remaining portion of Tract C, Gibson and Miles Area, to the northwest property corner of said Tract C, being a point on the north right-of-way line of Gibson Boulevard S.E.; thence along an arc of a curve to the right with Delta = 02°10'28", R = 5880.00 feet and L = 214.84 feet, (Chord Bearing = N 87°48'10" W, Chord Length = 214.83 feet) along said north right-of-way line to the southwest corner of the parcel herein described, being the point of intersection of the north right-of-way line of Gibson Boulevard S.E. with the east right-of-way line of University Boulevard S.E.; thence along an arc of a curve to the left with Delta = 27°35'35", R = 608.08 feet and L = 388.20 feet, (Chord Bearing = N 09°04'18" W, Chord Length = 384.48 feet) along said east right-of-way line to the northwest corner of the parcel herein described, being the southwest property corner of said Tract 1-B, University Village; thence S 89°18'57" E a distance of 1832.08 feet to the point of beginning and containing 18.7513 acres more or less.

PREPARED BY: ROBERT M. HUTT, MEMBER, BROADSTONE TOWNE CENTER ALLIANCE, LLC

COUNTY CLERK FILING DATA

DRB PROJECT NUMBER 1005243

APPLICATION NUMBER 08EPC-01582, 08EPC-01583, 08EPC-01584

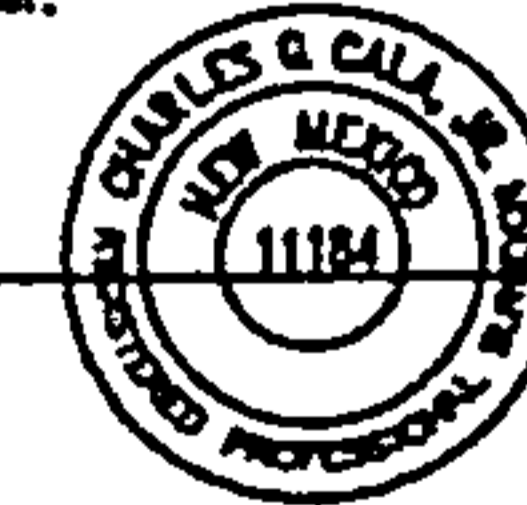
APPROVALS:

Table with columns for APPROVALS, NAME, and DATE. Includes entries for DRB Chairperson, Planning Department, City of Albuquerque; City Engineer; Traffic Engineering, Transportation Division; Parks and Recreation Department; City Surveyor; Real Property Division; P.N.M. Electric Services; Qwest Telecommunications; P.N.M. Gas Services; and Comcast Cable Vision of New Mexico, Inc.

SURVEYORS CERTIFICATION

I, Charles C. Cota, Jr., New Mexico Professional Surveyor No. 11184, do hereby certify that this Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that the survey shows all easements made known to me by this owner, utility companies, or other parties expressing an interest; that this survey complies with the minimum requirements for Monumentation and Surveys of the Albuquerque Subdivision Ordinance; 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.

Charles C. Cota, Jr., N.M.P.S. 11184



HIGH MESA Consulting Group

4010-B MIDWAY PARK BLVD. NE • ALBUQUERQUE, NEW MEXICO 87109 PHONE: 505.348.4250 • FAX: 505.348.4254 • www.highmesacg.com JOB #2008.0033 FINAL PLAT

EXHIBIT A

PLAT OF
TRACTS 1, 2, 3, 4 AND 5,
BROADSTONE TOWNE CENTER
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
 MARCH, 2008

COUNTY CLERK FILING DATA

Notes:

- A boundary survey was performed in June, 2006 and verified in August, 2007. Property corners were found or set as indicated.
- All distances are ground distances.
- Site located within projected Section 28, Township 10 North, Range 3 East, N.M.P.M. (Town of Albuquerque Grant).
- Bearings shown hereon are New Mexico State Plane Grid Bearings, Central Zone. These bearings are positioned from N.O.S. Central Station "Stadium".
- Record bearings and distances are shown in parentheses.
- Private street mileage created by this plat = 0.21 miles (full-width).
- Upon completion of the construction of the streets, City of Albuquerque approved centerline monuments shall be placed at all intersections or as otherwise indicated in lieu of subdivision block corner monumentation. Location of said monuments are designated with a "C" symbol.
- The purpose of this plat is to:
 - Eliminate the interior dead lines to create 5 (five) tracts from the unsplit parcels.
 - Dedicate in Fee Simple, with warranty covenants, the necessary additional public street right-of-way.
 - Grant the necessary ABCWUA Public Waterline, ABCWUA Public Sanitary Sewer, Public Roadway, Public Sidewalk, Private Access, Private Drainage, Equest Corporation and Public Utility Easements as shown.
- The property surveyed hereon is subject to a Public Service Company of New Mexico easement granted by document filed June 11, 1970, Book Misc. 178, Page 718, Records of Bernalillo County, New Mexico (See Keyed Note 9).
- The following documents and instruments were used for the performance and preparation of this plat:
 - ALTA Land Title Survey of Parcels of Land within Section 28, T 10 N, R 3 E, N.M.P.M., prepared by Harris Surveying, Inc., certified 08-13-2007 (unrecorded).
 - Plat of University Village filed 01-08-1983, Book 83C, Page 2, Records of Bernalillo County, New Mexico.
 - Plat of Lands of Matias Romero filed 05-05-1948, Book A, Page 118, Records of Bernalillo County, New Mexico.
 - Plat of Gibson & Mike Area filed 03-22-1983, Book 03, Page 110, Records of Bernalillo County, New Mexico.
 - New Mexico State Highway Commission, Right-of-Way Map, Project No. F-003-J (5) dated 03-18-1981.
 - New Mexico State Highway Commission, Right-of-Way Map, Project No. TPU-4078(5)00 prepared by Parsons Brinckerhoff dated 05-07-2003.
 - Commitment for Title Insurance, File No. NCS-220538-PH01, prepared by First American Title Insurance Company dated 08-18-2007.
 - Policy of Title Insurance, Policy No. 01-1085818, prepared by First American Title Insurance Company dated 09-20-2007.
 - Special Warranty Deed filed 09-20-2007, Doc. No. 2007134831, Records of Bernalillo County, New Mexico.
 - Special Warranty Deed filed 09-20-2007, Doc. No. 2007134832, Records of Bernalillo County, New Mexico.
- Gross subdivision acreage = 18.7513 acres.
- Current Zoning on site is SU-1/PRD and SU-1 for C-2 Permissive Use with Exclusions, based upon review of the City of Albuquerque Zone Map Amendment (08EPC-01584).
- No property within the area of requested final action shall at any time be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of the proposed plat.

BOUNDARY TABLES

LINE	DIRECTION	DISTANCE
L1	N 77°12'30" W	48.00'
(L1)	N 78°51'43" W	48.10'
L2	N 89°42'43" W	100.12'
(L2)	N 89°23'27" W	100.00'
L3	S 71°50'19" W	83.24'
(L3)	S 72°10'27" W	83.25'
L4	S 00°20'37" E	8.95'
(L4)	S 00°00'00" E	10.00'
L5	N 80°38'55" W	58.90'
(L5)	N 89°23'25" W	80.00'
L6	N 00°20'37" W	10.00'
(L6)	N 00°00'00" W	10.00'
L7	N 89°42'14" W	58.50'
(L7)	N 89°23'27" W	58.35'
L8	N 81°14'15" W	101.05'
(L8)	N 80°51'36" W	101.12'
L9	S 87°25'14" W	37.85'
(L9)	S 87°38'56" W	38.08'
L10	N 89°58'00" W	74.92'
(L10)	N 89°43'28" W	75.00'
L11	S 78°27'11" W	50.48'
(L11)	S 79°54'42" W	50.53'
L12	N 89°37'00" W	88.90'
L13	S 89°18'57" E	38.03'
L14	S 89°18'57" E	18.40'

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA
C1	2482.98'	279.19'	N 87°24'21" W	279.05'	08°25'00"
(C1)	2482.98'	279.84'	N 87°04'51" W	279.09'	08°25'04"
C2	5680.00'	214.84'	N 85°48'10" W	214.83'	02°10'28"
(C2)	5680.00'	214.91'	N 85°28'51" W	214.90'	02°10'32"
C3	808.09'	388.20'	N 08°04'18" W	384.48'	27°35'35"
(C3)	808.09'	388.84'	N 07°40'45" W	384.90'	27°37'31"
C4	80.00'	109.96'	S 54°18'57" E	103.24'	89°58'58"
C5	80.00'	109.96'	N 54°18'57" W	103.24'	89°58'58"
C6	808.09'	32.28'	N 20°43'18" W	32.28'	02°17'38"
C7	2482.98'	45.42'	S 88°54'28" W	45.42'	01°02'38"
C8	2482.98'	200.18'	N 87°18'12" W	200.13'	04°38'03"
C9	2482.98'	33.80'	N 84°35'01" W	33.80'	00°48'20"
C10	5680.00'	185.00'	N 85°57'13" W	184.99'	01°52'22"
C11	30.00'	48.42'	S 40°41'08" E	41.83'	88°38'53"
C12	808.09'	65.21'	N 01°18'48" E	65.19'	04°38'08"
C13	157.00'	48.28'	N 04°18'17" E	48.10'	18°53'00"
C14	812.55'	148.99'	N 08°35'45" W	148.78'	10°30'21"
C15	23.00'	41.98'	S 38°25'04" W	38.38'	104°31'59"
C16	808.09'	35.96'	N 18°17'15" W	35.96'	02°33'21"
C17	808.09'	29.22'	N 04°41'10" E	29.22'	02°04'38"
C18	5680.00'	29.84'	N 84°51'58" W	29.84'	00°18'07"
C19	808.09'	225.55'	N 09°00'12" W	224.81'	16°01'54"

KEYED NOTES

NEW EASEMENTS

- ABCWUA PUBLIC WATERLINE AND ABCWUA PUBLIC SANITARY SEWER EASEMENTS GRANTED BY THIS PLAT.
- PRIVATE ACCESS EASEMENT GRANTED BY THIS PLAT TO SERVE TRACTS 1 THROUGH 5, BROADSTONE TOWNE CENTER. MAINTENANCE AND OPERATION OF THIS EASEMENT SHALL BE IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BROADSTONE TOWNE CENTER, FILED _____-2008, DOCUMENT NO. 2008_____. ALSO, A PRIVATE DRAINAGE EASEMENT GRANTED BY THIS PLAT TO SERVE TRACTS 1 THROUGH 5, BROADSTONE TOWNE CENTER. MAINTENANCE AND OPERATION OF THIS EASEMENT SHALL BE IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BROADSTONE TOWNE CENTER, FILED _____-2008, DOCUMENT NO. 2008_____. NORTH-SOUTH PRIVATE ROAD IS NAMED "BROADSTONE WAY S.E.", WITH AN ENTRANCE OFF GIBSON BOULEVARD S.E. EAST-WEST PRIVATE ROAD IS NAMED "TOWNE CENTER LANE S.E." WITH AN ENTRANCE OFF UNIVERSITY BOULEVARD S.E.
- PUBLIC ROADWAY AND SIDEWALK EASEMENT GRANTED TO THE CITY OF ALBUQUERQUE BY THIS PLAT.
- ABCWUA PUBLIC WATERLINE EASEMENT GRANTED BY THIS PLAT.
- 10' DWEST CORPORATION EASEMENT GRANTED BY THIS PLAT.
- 10' PUBLIC UTILITY EASEMENT GRANTED BY THIS PLAT.

EASEMENTS - OFFSITE

- 12' PUBLIC SERVICE COMPANY EASEMENT GRANTED BY DOCUMENT FILED 11-17-1968, BOOK MISC. 158, PAGE 270
- 10' PUBLIC SERVICE COMPANY EASEMENT DEPICTED ON PLAT 83C-2

EASEMENT

- PUBLIC SERVICE COMPANY OF NEW MEXICO EASEMENT GRANTED BY DOCUMENT FILED 06-11-1970, BOOK MISC. 178, PAGE 718 AS DEPICTED BY THE ALTA LAND TITLE SURVEY PREPARED BY HARRIS SURVEYING, INC. CERTIFIED 08-13-2007

MONUMENTS

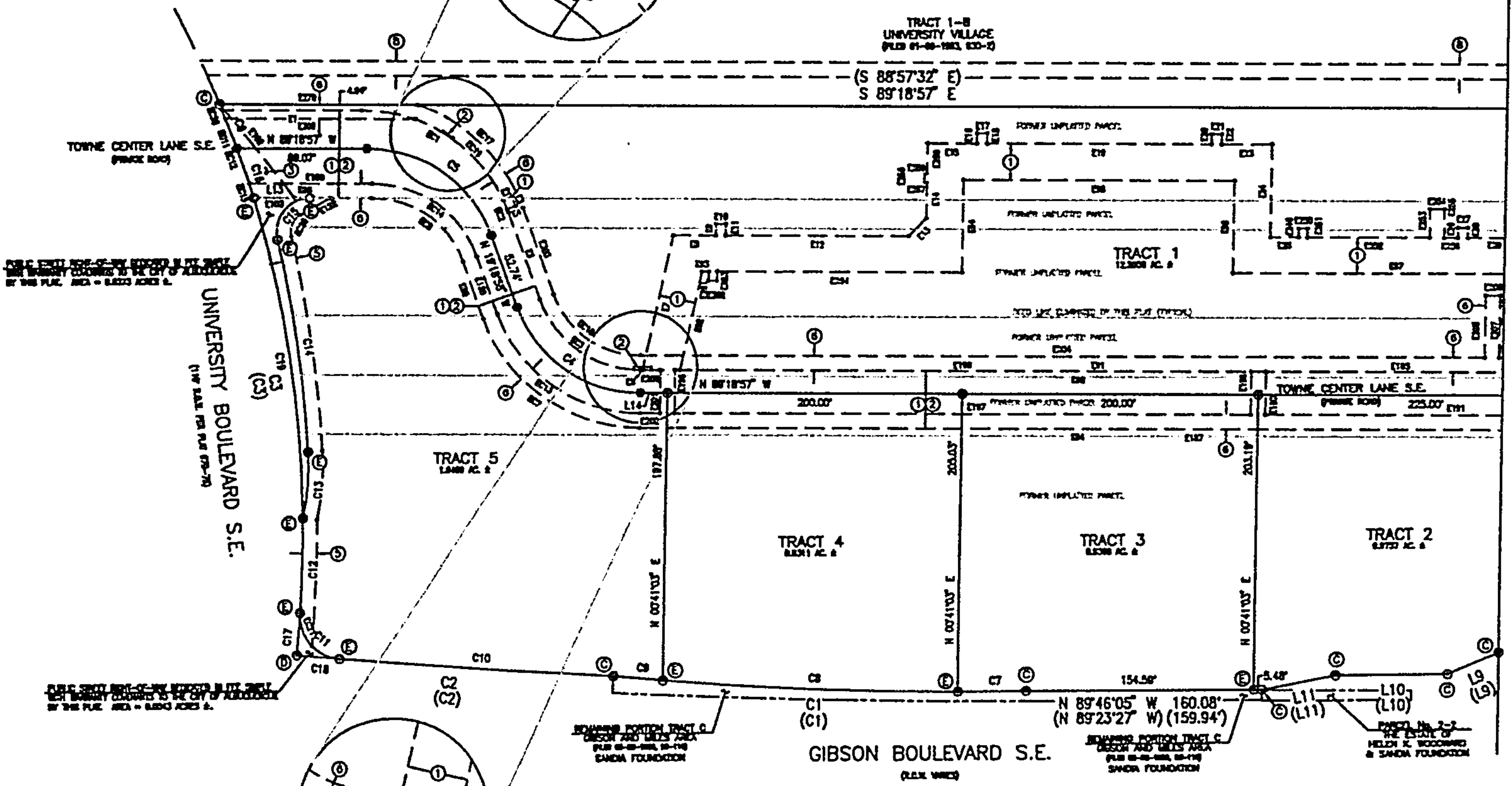
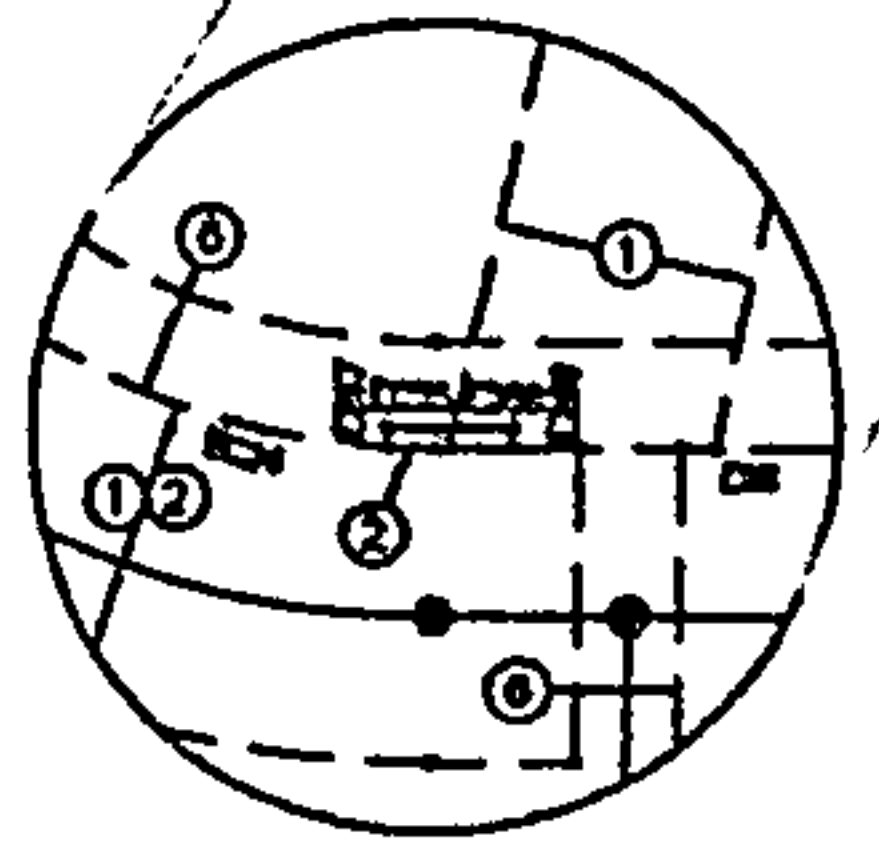
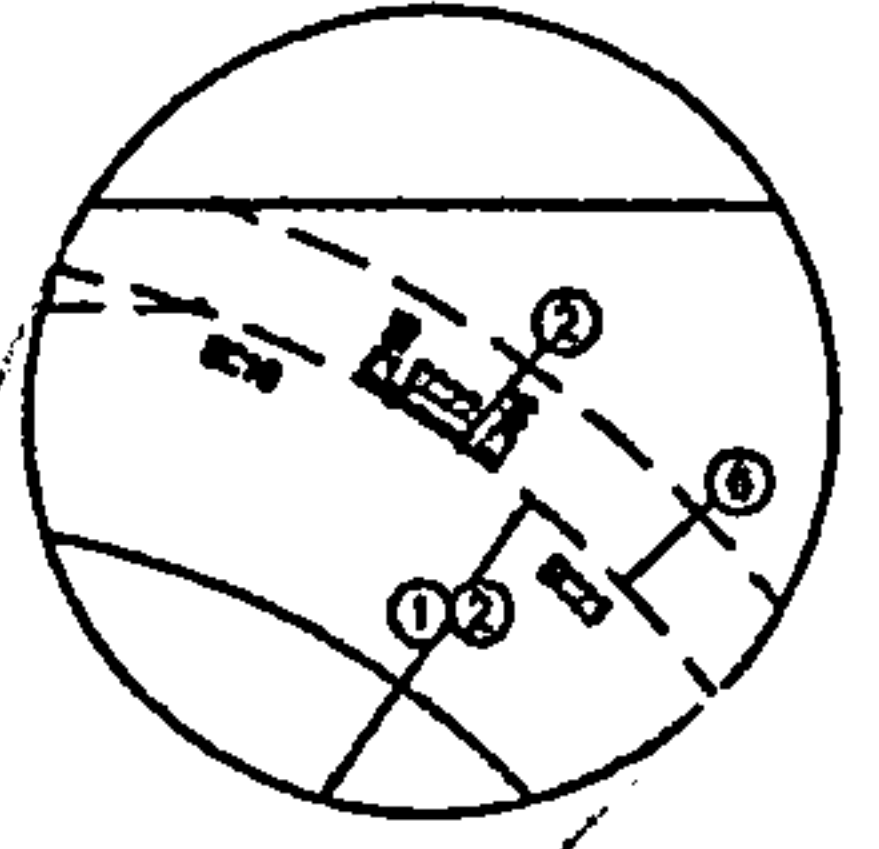
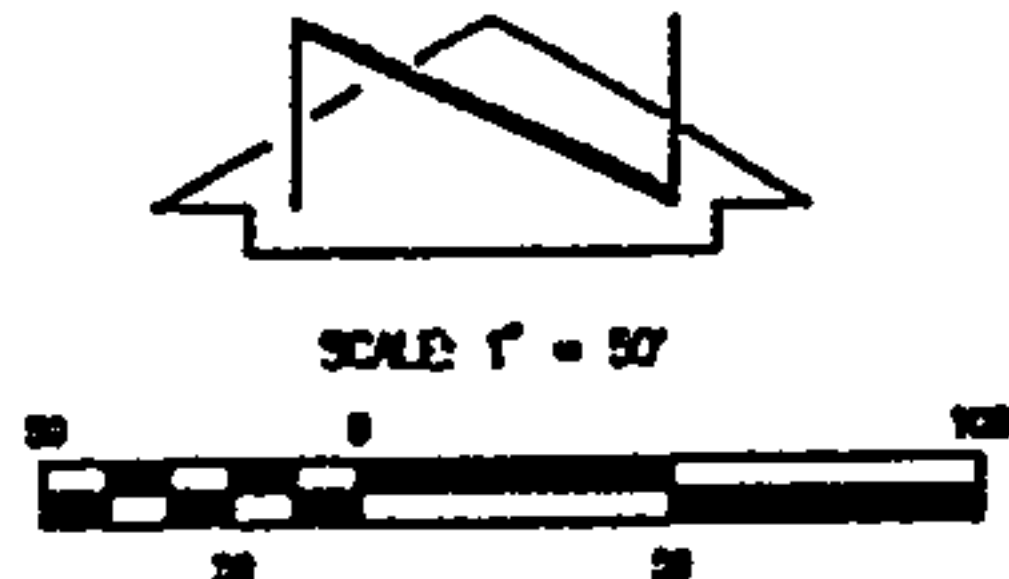
- FOUND #5 REBAR W/CAP STAMPED "MARG LS 1028J", TAGGED W/WASHER STAMPED "NMPS 11184"
- FOUND #4 REBAR, NO LD., TAGGED W/WASHER STAMPED "NMPS 11184"
- FOUND #4 REBAR W/CAP STAMPED "PS 1148J", TAGGED W/WASHER STAMPED "NMPS 11184"
- FOUND CONCRETE NAIL W/WASHER STAMPED "1148J"
- TO BE SET
- FOUND #4 REBAR W/CAP ILLEGIBLE, NOT HONORED (N 88°14'14" W 0.92')

HIGH MESA Consulting Group

4010-B MIDWAY PARK BLVD. NE • ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505.343.4250 • FAX: 505.348.4254 • www.HighMesaCG.com
 JOB #2008.003.2 FINAL PLAT

PLAT OF
TRACTS 1, 2, 3, 4 AND 5,
BROADSTONE TOWNE CENTER
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008

COUNTY CLERK FILING DATA



HIGH MESA Consulting Group

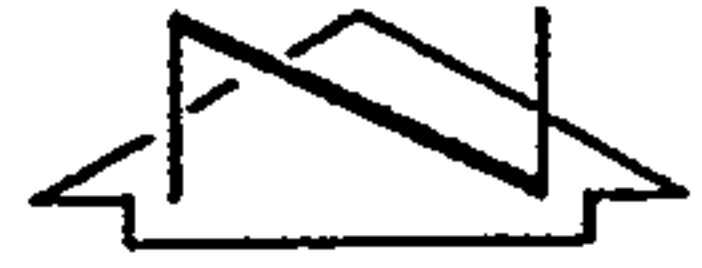
4010-B MIDWAY PARK BLVD. NE • ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505.345.4250 • FAX: 505.345.4254 • www.highmesacg.com
JOB #2008.003.3 FINAL PLAT

SP #2007362580

PLAT OF TRACTS 1, 2, 3, 4 AND 5, BROADSTONE TOWNE CENTER

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
MARCH, 2008

COUNTY CLERK FILING DATA



SCALE: 1" = 50'



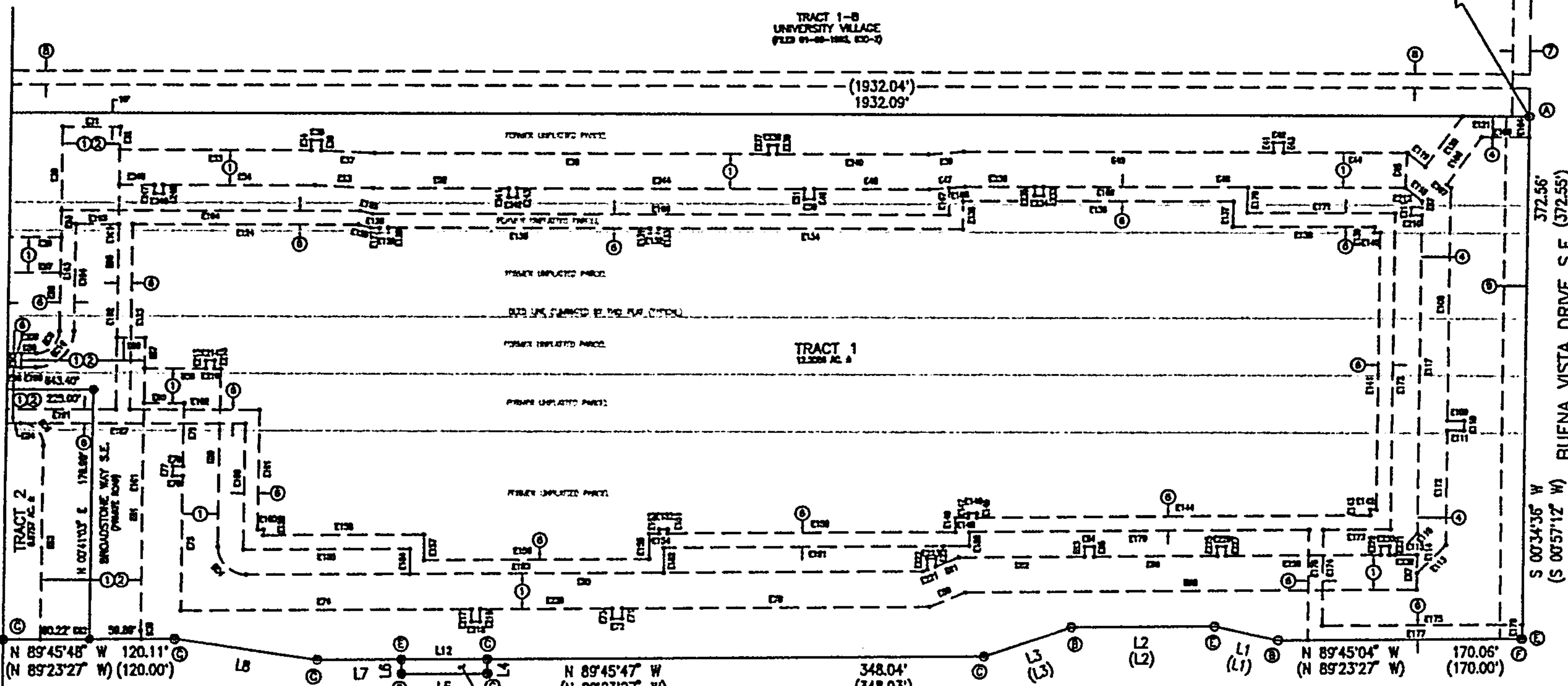
NEW MEXICO CONTROL ZONE-NO. 1027
N.A.S. STA. "3000"
S=300.000
Y=1478.000
COMBINED FACTOR=0.999999
DELTA ALPHA=0.0130"
TRUE ELONGATION=0.131" (NOV 27)

TRACT 1-5
UNIVERSITY VILLAGE
FILED 01-08-1982, 600-0

(1932.04')
1932.09'

TRACT 1
12,500 AC. ±

MATCH LINE -- FOR CONTINUATION SEE SHEET 4



TRACT 2
1,200 AC. ±
BROADSTONE WAY S.E.
PRIVATE ROAD

N 89°45'48" W 120.11'
(N 89°23'27" W) (120.00')

N 89°45'47" W
(N 89°23'27" W)

348.04'
(348.03')

N 89°45'04" W 170.06'
(N 89°23'27" W) (170.00')

372.56'
BUENA VISTA DRIVE S.E. (372.55')
S 00°34'36" W
(S 00°57'12" W)

GIBSON BOULEVARD S.E.
(P.A.R. 1982)

HIGH MESA Consulting Group

4010-B MIDWAY PARK BLVD, NE • ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505.348.4250 • FAX: 505.348.4254 • www.highmesacg.com
JOB #2008.0032 FWA/PL/07



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

October 31, 2007 9:00AM

MEMBERS:

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

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
Christina Sandoval, Parks & Recreation

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 ANGELA GOMEZ, 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: 10:06
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1001218**
07DRB-70301 MAJOR - 2YR SUBD IMP
AGMT (2YR SIA)

DALE & GALE ARMSTRONG request(s) the above actions(s) for all or a portion of Tract(s) 1A, **LANDS OF LAFARGE**, zoned M1, located on EDITH ELVD NE BETWEEN CARMONY RD NE AND MONTANO RD NE containing approximately 14.7 acre(s). (G-15-2) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED WITH THE CONDITION THAT IT BE CONVERTED TO A MODIFIED "C" TO ALLOW THE FUNDS TO BECOME PART OF THE ROADWAY EXTENSION PROJECT.**

2. **Project# 1006868**
07DRB-70302 MAJOR - PRELIMINARY
PLAT APPROVAL

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA**, zoned SU-2 FOR IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s). (C-18)
DEFERRED TO 11/21/07 AT THE AGENT'S REQUEST.
3. **Project# 1004820**
07DRB-70299 VACATION OF PUBLIC
EASEMENT

SURV-TEK INC agent(s) for ACI MANAGEMENT LLC request(s) the above action(s) for all or a portion of Tract(s) D-1-B-1, **ADOBE WELLS SUBDIVISION**, zoned C-2, located on EAGLE RANCH ROAD NW BETWEEN COORS BY PASS NW AND IRVING BLVD NW containing approximately 1.708 acre(s). (B-13)
THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. IF APPROVED WITHOUT THE PLAT, THE APPLICANT HAS 1 YEAR TO FILE THE PLAT.
4. **Project# 1004404**
07DRB-70296 VACATION OF PUBLIC
EASEMENT
07DRB-70297 BULK LAND VARIANCE
07DRB-70298 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 1-8, OS-1 & OS-2, 12, **THE TRAILS Unit 3A**, zoned SU-2 UR, SU-2 SRLL, SU-2SRSL, SU-2, SU-1, SU-VC, located on PASEO DEL NORTE NW BETWEEN WOODMONT AVE NW AND RAINBOW BLVD NW containing approximately 158.67 acre(s). (C-8 & C-9)
DEFERRED TO 11/14/07 AT THE AGENT'S REQUEST.
5. **Project# 1000934**
07DRB-70300 MAJOR - 2YR SUBD IMP
AGMT (2YR SIA)

BOHANNAN HUSTON INC agent(s) for LONGFORD HOMES OF NEW MEXICO request(s) the above action(s) for all or a portion of Tract(s) B, **SUNRISE RANCH WEST Unit(s) 2**, zoned RD, located on SUNSET GARDENS AVE SW BETWEEN 106TH STREET SW AND 98TH STREET SW containing approximately 9 acre(s). (L8, L9) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**
6. **Project# 1002739**
07DRB-70282 MAJOR - 2YR SUBD IMP
AGMT (2YR SIA)

MARK GOODWIN AND ASSOCIATES PA agent(s) for KB HOME NEW MEXICO INC. request(s) the above action(s) for all or a portion of Parcel 5 & 8, **ANDERSON HEIGHTS Unit(s) 1**, zoned R-D/R-LT, located on DENNIS CHAVEZ BLVD SW AND 118TH ST SW containing approximately 56.8667 acre(s). [REF: 05DRB-01834] (N-8, P-8) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

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

7. **Project# 1002776**
07DRB-70329 EPC APPROVED SDP
FOR BUILD PERMIT
07DRB-70330 EPC APPROVED SDP
FOR SUBDIVISION
- JUNO ARCHITECTS agent(s) for KLD ENTERPRISES LLC request(s) the above action(s) for all or a portion of Tract(s) Y-2A-1, **TAYLOR RANCH STORAGE**, zoned C-2 (SC), located on TAYLOR RANCH DR NW BETWEEN HOMESTEAD CIR NW AND SOONER TR NW containing approximately 10.1154 acre(s). (D-11) **DEFERRED TO 11/14/07 AT THE AGENT'S REQUEST.**
8. **Project# 1005243**
07DRB-70316 EPC APPROVED SDP
FOR BUILD PERMIT
07DRB-70317 EPC APPROVED SDP
FOR SUBDIVISION
- CONSENSUS PLANNING agent(s) for ALLIANCE RESIDENTIAL request(s) the above action(s) for all or a portion of Tract(s) 1-6, **UNIVERSITY VILLAGE to be known as Broadstone Towne Center**, zoned SU-1 FOR PRD AND SU-1 FOR C-2, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA SE containing approximately 16.76 acre(s). (L-15) **[Catalina Lehner, EPC Planner] [Deferred from 10/24/07] THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES.**
- 07DRB-70318 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- HIGH MESA CONSULTING GROUP agent(s) for BROADSTONE TOWNE CENTER LLC request(s) the above action(s) for all or a portion of Lot(s) UNPLATTED LANDS, **UNPLATTED LANDS WITHIN SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST, N.M.P.M. to be known as Broadstone Towne Center**, zoned SU-1/PRD & SU-1 FOR C-2 PERMISSIVE USES, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA containing approximately 16.76 acre(s). (L-15) **[Deferred from 10/24/07] WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 10/31/07, AND THE APPROVAL OF THE GRATING AND DRAINAGE PLAN DATED 10/02/07, THE PRELIMINARY PLAT WAS APPROVED. CONDITION OF FINAL PLAT: FINAL EASEMENTS MUST BE GRANTED TO ABCWUA FOR NOTES 1 & 4. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

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

9. **Project# 1000029**
07DRB-70336 EXT OF MAJOR
PRELIMINARY PLAT
- BOHANNAN HUSTON INC agent(s) for SAWMILL COMMUNITY LAND TRUST request(s) the above action(s) for all or a portion of Lot(s) C, B-1- A-1, **DUKE CITY LUMBER COMPANY ADDITION, LOT D-1-A OF ARBORERA DE VIDA PHASE 2**, zoned S-MI, S-DR, located on BELLAMAH AVE NW BETWEEN 19TH ST NW AND 18TH ST NW containing approximately 25.27 acre(s). (H-13) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED.**
10. **Project# 1000997**
07DRB-70331 SIDEWALK WAIVER
07DRB-70332 EXT OF SIA FOR TEMP
DEFR SDWK CONST
- TIERRA WEST LLC agent(s) for TS MCNANEY & ASSOCIATES request(s) the above action(s) for all or a portion of Lot(s) 1-13, **RIVERVIEW ACRES Unit(s) 1**, zoned RA-1, located on CALLE FACIO NW BETWEEN RIVERSIDE DRAIN CANAL AND GABALDON RD NW containing approximately 9.071 acre(s). (H-12) **THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. A TWO YEAR EXTENSION TO THE 4 YEAR AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
11. **Project# 1002718**
07DRB-70334 SIDEWALK WAIVER
07DRB-70335 EXT OF SIA FOR TEMP
DEFR SDWK CONST
- TIERRA WEST LLC agent(s) for TS MCNANEY & ASSOCIATES request(s) the above action(s) for all or a portion of Lot(s) 1-12, **RIVERVIEW ACRES Unit(s) 2**, zoned RA-1, located on CALLE FACIO NW BETWEEN RIVERSIDE DRAIN CANAL AND GABALDON RD NW containing approximately 9.81 acre(s). (H-12) **THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. A TWO YEAR EXTENSION TO THE 4 YEAR AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
12. **Project# 1006913**
07DRB-70333 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- SURV-TEK INC agent(s) for 110 RICHMOND , LLC request(s) the above action(s) for all or a portion of Lot(s) 1-A, 1-B, 2 & 3, Block(s) 40, **UNIVERSITY HEIGHTS ADDITION**, zoned CCR, located on RICHMOND AVE NE BETWEEN CENTRAL AVE NE AND SILVER AVE NE containing approximately 0.52 acre(s). (K-16) **DEFERRED TO 11/7/07 AT THE AGENT'S REQUEST.**

13. **Project# 1005465**
07DRB-70277 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC
agent(s) for DUKE CITY DISTRIBUTING request(s) the
above action(s) for all or a portion of Tract(s) C, **SOUTH
BROADWAY INDUSTRIAL ACRES**, zoned SU-2 HM,
located on WOODWARD RD SE BETWEEN BROADWAY
BLVD SE AND 2ND ST SE containing approximately 3.52
acre(s). (M-14) [*Deferred from 10/03/07, 10/17/07 &
10/24/07*] **DEFERRED TO 11/7/07 AT THE AGENT'S
REQUEST.**

14. Approval of the Development Review Board Minutes for September 19th & 26th 2007.

Other Matters:

ADJOURNED: 10:06



DRB CASE ACTION LOG (SITE DEV PLAN - BP)

REVISED 10/08/07

Completed AS
10/31/07

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

DRB Application No.: 07DRB-70316

Project # 1005243

Project Name: UNIVERSITY VILLAGE TBKA BROADSTONE TOWNE CENTER

Agent: CONSENSUS PLANNING

Phone No.: 764-9801

Your request was approved on 10/31/07 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): 3 Copies [Signature]

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

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



DRB CASE ACTION LOG (SITE DEV PLAN-SUBD)

REVISED 10/08/07

Complete Ag.
10/31/07

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

DRB Application No.: 07DRB-70317

Project # 1005243

Project Name: UNIVERSITY VILLAGE TBKA BROADSTONE TOWNE CENTER

Agent: CONSENSUS PLANNING

Phone No.: 764-9801

Your request was approved on 10/31/07 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): 3 Copies _____

[Signature]
10/31/07

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.

TRANSMISSION VERIFICATION REPORT

TIME : 10/23/2007 08:48
NAME :
FAX : 9243864
TEL : 5059243979
SER. # : BROL6J570919

DATE, TIME 10/23 08:47
FAX NO./NAME 98425495
DURATION 00:00:47
PAGE(S) 03
RESULT OK
MODE STANDARD
ECM



**DEVELOPMENT REVIEW BOARD
FAX FORM**

TO: Jackie

FAX NUMBER: 842-5495 # PAGES 3

SENT BY: Sheran Matson, DRB Chair DATE: _____


PHONE NUMBER: 924-3880 FAX # 924-3864

PROJECT NO: 1005243 APPLICATION NO: _____

Comments.

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

INTER-OFFICE MEMO

DATE: October 22, 2007
TO: Sheran Matson, DRB Chair
FROM: Catalina Lehner, Senior Planner 
RE: Project #1005243, Broadstone Towne Center

On January 18th, 2007, the Environmental Planning Commission (EPC) approved a Zone Map Amendment, a Site Development Plan for Subdivision and a Site Development Plan for Building Permit for Parcels 1, 2, 3, 4, 5 and 6, University Village Subdivision, approx. 17 acres. This case was appealed to the City Council, who did not grant the appeal as indicated in its March 22, 2007 decision.

Staff met with the agent, Jackie Fishman of Consensus Planning, on October 5th, 2007 to discuss compliance with the EPC's Conditions of Approval. Staff finds that some of the conditions are not complied with. Below Staff elaborates these instances and offers some suggestions. Note: Planning Staff did not check Transportation conditions.

A. Site Development Plan for Subdivision

Condition #8e

The applicant explained to Staff that, due to the project's size, not every landscape detail is shown. Instead of plant totals, Sheet LP-4 lists *TBD (To Be Determined) on the legend, though plant totals are shown on the sheet and listed as "typical concept." No plant totals are provided for the remaining portions of the development.

Even if the precise number of shrubs and groundcover is unknown, it is certain that 75% coverage with living vegetative material is required. Staff suggests adding the following note to the asterisk, which states "Final quantities will be based on total landscape area of plants (not including trees) shall be provided to ensure that coverage with living, vegetative material is a minimum of 75%. Tree canopy shall not count toward this requirement." This note will allow the applicant flexibility and ensure that the requirement is met.

B. Site Development Plan for Building Permit

Condition #3a

It appears that the Keynote 13 on Sheet A1.11 should reference the wall details on Sheet A1.20. Instead, Keynote 13 references a steel security fence, which Staff does not believe is intended for use around the project's perimeter.

Condition #3a and b

It appears that the perimeter wall (Detail 09 on sheet A1.20) does not comply with Zoning Code §14-16-3-19, General Height and Design Regulations for Walls, Fences and Retaining Walls. However, a detail of "pilaster at perimeter view fence" accompanies the perimeter wall detail, which could mean that there will be openings in the perimeter every so often.

Notes are needed on the detail sheet to explain how the perimeter wall will comply with Zoning Code §14-16-3-19.

Condition #6

This condition was placed here due to Staff error. Motorcycle parking is not required for residential projects. However, it is addressed in the design standards in the site development plan for subdivision.

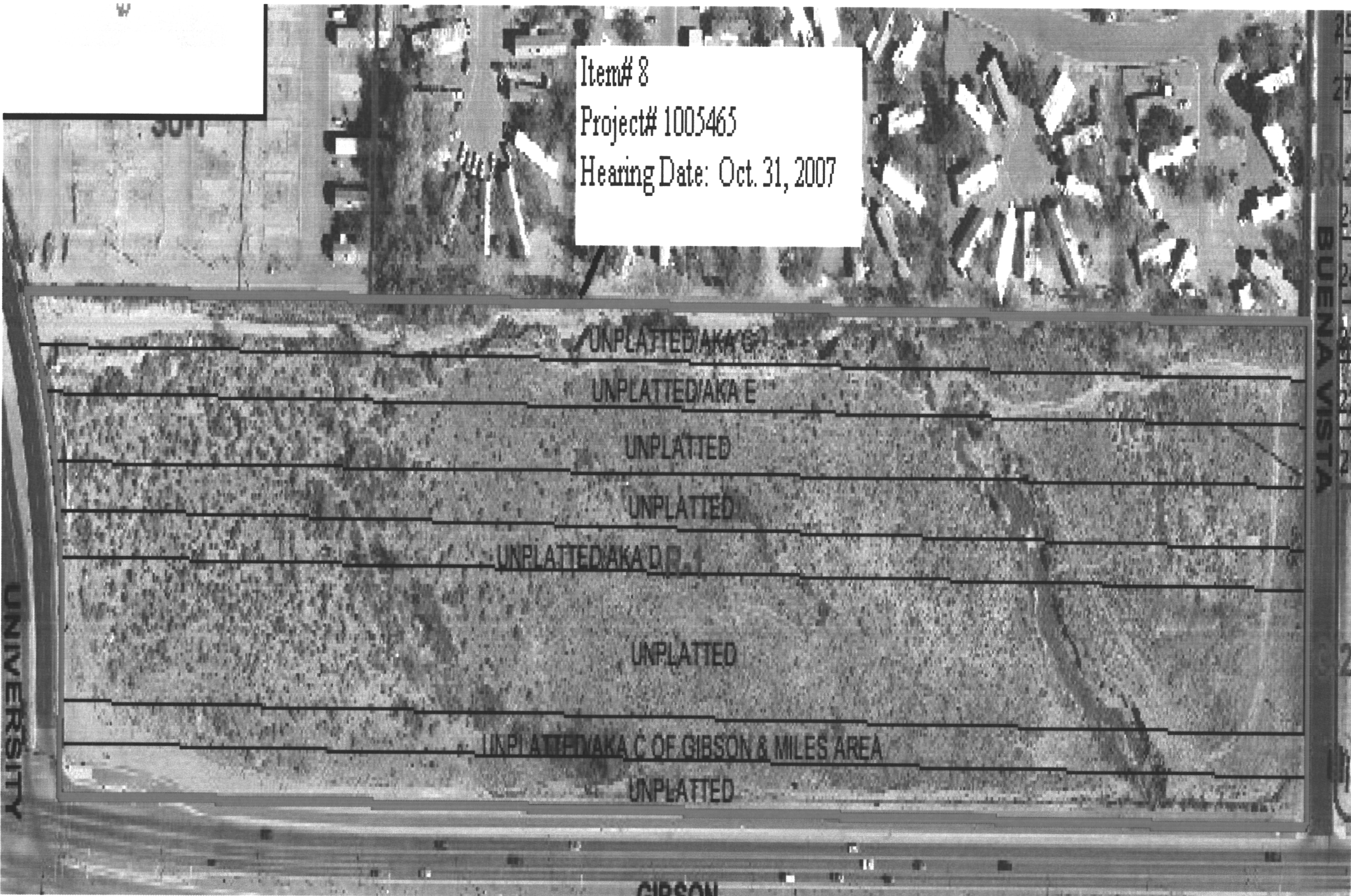
Condition #11

The bench and trash can need to be mentioned in Keynote #25, because it is not obvious what City Standard Drawing 2535.04 is or if it includes a bench and a trash can.

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

W

Item# 8
Project# 1005465
Hearing Date: Oct. 31, 2007



UNIVERSITY

BUENA VISTA

GIBSON

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DEVELOPMENT REVIEW BOARD
TRANSPORTATION DEVELOPMENT
Standard Comment Sheet

DRB- 1005243 Item No. 4 Zone Atlas L-15

DATE ON AGENDA 10-24-07

INFRASTRUCTURE REQUIRED YES () NO

CROSS REFERENCE: _____

TYPE OF APPROVAL REQUESTED:

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

<u>No.</u>	<u>Comment</u>
1)	For the parking stalls, the 2' over hang is encroaching onto the 6' sidewalks.
2)	What is the width of the sidewalk along Buena Vista? Is this going to be replaced? What is the distance from face of curb to the property line?
3)	Why is the asphalt trail only 9' wide? (Typically these are required to be 10'.
4)	How will the access to the northern parcels be handled? Where are the rights on the plat?

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



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

October 24, 2007 9:00AM

MEMBERS:

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

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
Christina Sandoval, Parks & Recreation

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 ANGELA GOMEZ, 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: 11:05 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1006842**
07DRB-70271 VACATION OF PUBLIC
RIGHT-OF-WAY

AQUEDA CANO agent(s) for IGNACIO ROJO request(s) the above action(s) for all or a portion of Lot(s) south 48 ft of west 80 ft of lot 16, Block(s) 2, **NEW ERA FRUIT ADDITION**, zoned SU-2/MR, located on WILLIAM ST SE BETWEEN TRUMBULL SE AND AVENIDA CESAR CHAVEZ SE containing approximately 0.09 acre(s). (L-14) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

2. **Project# 1006537**
07DRB-70247 MAJOR - PRELIMINARY
PLAT APPROVAL
07DRB-70248 MINOR - TEMP DEFR
SWDK CONST
07DRB-70249 MINOR - SDP FOR
SUBDIVISION

TIERRA WEST LLC agent(s) for KATHY TRUJILLO request(s) the above action(s) for all or a portion of Lot(s) 2 & 3, Block(s) 12, PETROGLYPH EDGE SUBDIVISION, UNIT 3 (to be known as **VOLCANO CLIFFS**), zoned R-1, located on MOJAVE ST NW BETWEEN UNSER BLVD NW AND TESUQUE ST NW containing approximately 4.24 acre(s). (E-10) *[Deferred from 10/03/07]*. **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED TODAY AND APPROVAL OF THE GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED OCTOBER 19, 2007, THE PRELIMINARY PLAT WAS APPROVED. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES AND A NOTE FOR ALL LOTS TO BE LABELED AS P-2.**

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

ALPHA PROFESSIONAL SURVEYING INC. agent(s) for ZIA PARK TOWNHOMES LLC request(s) the above action(s) for all or a portion of Tract(s) H & I, **LA CUESTA SUBDIVISION**, zoned SU-1/TOWNHOMES, located on ZIA RD NE BETWEEN JUAN TABO NE AND ZENA LONA RD NE containing approximately 2.9788 acre(s). (K-22) *[Deferred from 10/17/07]* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN-OFF DELEGATED TO PLANNING FOR AGIS DFX, 15 DAY APPEAL PERIOD AND FOR DRY UTILITIES' SIGNATURES.**

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

4. **Project# ~~1005243~~**
07DRB-70316 EPC APPROVED SDP
FOR BUILD PERMIT
07DRB-70317 EPC APPROVED SDP
FOR SUBDIVISION
- 07DRB-70318 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
5. **Project# 1006801**
07DRB-70240 MINOR - SDP FOR
BUILDING PERMIT
6. **Project# 1006726**
07DRB-70173 MAJOR – AMENDED SDP
FOR BUILDING PERMIT
- CONSENSUS PLANNING agent(s) for ALLIANCE RESIDENTIAL request(s) the above action(s) for all or a portion of Tract(s) 1-6, **UNIVERSITY VILLAGE to be known as Broadstone Towne Center**, zoned SU-1 FOR PRD AND SU-1 FOR C-2, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA SE containing approximately 16.76 acre(s). (L-15) **[Catalina Lehner, EPC Planner]**
DEFERRED TO 10/31/07 AT THE AGENT'S REQUEST.
- HIGH MESA CONSULTING GROUP agent(s) for BROADSTONE TOWNE CENTER LLC request(s) the above action(s) for all or a portion of Lot(s) UNPLATTED LANDS, **UNPLATTED LANDS WITHIN SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST, N.M.P.M. to be known as Broadstone Towne Center**, zoned SU-1/PRD & SU-1 FOR C-2 PERMISSIVE USES, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA containing approximately 16.76 acre(s). (L-15) **DEFERRED TO 10/31/07 AT THE AGENT'S REQUEST.**
- CLAUDIO VIGIL ARCHITECTS agent(s) for BRUNACINI DEVELOPMENT COMPANY, LTD request(s) the above action(s) for all or a portion of Tract(s) C, **BRUNACINI AT ATRISCO BUSINESS PARK**, zoned IP, located on LOS VOLCANES RD NW BETWEEN UNSER BLVD NW AND COORS BLVD NW containing approximately 22.5074 acre(s). (J-10) *[Deferred from 9/12/07, 9/26/07, 10/03/07 & 10/10/07]* **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE CITY ENGINEER FOR SIA AND TO PLANNING FOR 3 COPIES.**
- BRAD KILLMAN AND/OR MAX KILLMAN agent(s) for ALLSTAR MOVING & STORAGE INC A NEW MEXICO CORP request(s) the above action(s) for all or a portion of Lot(s) 31, Tract(s) D-1, **RICHFIELD PARK**, zoned IP, located on WASHINGTON ST NE BETWEEN ALAMEDA NE AND PASEO DEL NORTE NE containing approximately 0.89 acre(s). (C-17) *[Deferred from 8/29/07]* **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

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

7. **Project# 1006899**
07DRB-70314 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

CARTESIAN SURVEYS INC agent(s) for CITY OF ALBUQUERQUE request(s) the above action(s) for all or a portion of Tract(s) B-9-E-1-A, B-9-F-1, B-9-E-2-A, **SEVEN BAR RANCH**, zoned SU-1/R-2 USES, located on CIBOLA LOOP NW AND ELLISON DR NW containing approximately 29.79 acre(s). (A-13)**INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

8. **Project# 1006898**
07DRB-70313 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

CARTESIAN SURVEYS INC agent(s) for CURT RICHTER request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) 17, **REBONITO**, zoned R-1, located on NAINES AVE NE BETWEEN DELUBINA NE AND ANTONIO NE containing approximately 0.61 acre(s). (J-23) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO PLANNING FOR SOLAR COLLECTOR LANGUAGE ON THE PLAT, AGIS DFX AND TO RECORD.**

9. **Project# 1005387**
07DRB-70310 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for CENTURION PROPERTIES request(s) the above action(s) for all or a portion of Lot(s) 1-19, southerly 115 ft of the easterly 20 ft of lot 20 plus a portion of vacated alley, Block(s) 28, **NEW MEXICO DTOWN CO'S ORIGINAL TOWNSITE OF ALBUQUERQUE NEW MEXICO**, zoned SU-3 FOR PARKING LOT, located on GOLD AVE SW BETWEEN 7TH ST SW AND SILVER AVESW containing approximately 1.67 acre(s). (K-14) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN-OFF DELEGATED TO PLANNING FOR A REVISED AGIS DFX, 15FT RADIUS DEDICATION ON CORNERS, AND COPY OF LOT 20 DEED.**

10. **Project# 1005191**
07DRB-70319 EXT OF MAJOR
PRELIMINARY PLAT

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 13-20, Block(s) 29, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as SEVANO PLACE SUBDIVISION**, zoned R-D, located on LOUISIANA BLVD NE BETWEEN ALAMEDA BLVD NE AND SIGNAL AVE NE containing approximately 6.84 acre(s). (C-18) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED.**

11. **Project# 1005539**
07DRB-70279 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- WILSON AND COMPANY INC agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 5, **VOLCANO CLIFFS SUBDIVISION, Unit(s) 26, (to be known as TIERRA BUENA ESTATES)**, zoned SU-2 SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.62 acre(s). (C-11) *[Deferred from 10/03/07, 10/10/07, 10/17/07]* **WITH APPROVAL OF THE GRADING AND DRAINAGE PLAN DATED 10/8/07 AND THE INFRASTRUCTURE LIST DATED 10/24/07 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA AND THE DEVELOPMENT AGREEMENT.**
12. **Project# 1005182**
07DRB-70309 MAJOR - FINAL PLAT
APPROVAL
- WILSON AND COMPANY INC agent(s) for LA CUENTISTA II, LLC request(s) the above action(s) for all or a portion of Tract(s) C, **LA CUENTISTA SUBDIVISION Unit(s) 2**, zoned SU2-SRSL, located on ROSA PARKS ROAD NW BETWEEN ALOE ROAD NW AND KIMMICK DRIVE containing approximately 35.4714 acre(s). (C-10 C-11) *[Deferred from 10/17/07]* **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**
13. **Project# 1005465**
07DRB-70277 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DUKE CITY DISTRIBUTING request(s) the above action(s) for all or a portion of Tract(s) C, **SOUTH BROADWAY INDUSTRIAL ACRES**, zoned SU-2 HM, located on WOODWARD RD SE BETWEEN BROADWAY BLVD SE AND 2ND ST SE containing approximately 3.52 acre(s). (M-14) **DEFERRED TO 10/31/07 AT THE AGENT'S REQUEST.**
14. **Project# 1006890**
07DRB-70308 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- PRECISION SURVEYS INC agent(s) for NEW MEXICO BANK & TRUST request(s) the above action(s) for all or a portion of Lot(s) 5-11 AND PORTION OF 12 & 13-15, Block(s) 17, Tract(s) 15-A, **MONKBRIDGE ADDITION (TBK TRACTS A & B, NEW MEXICO BANK & TRUST)**, zoned P, C-1 & C-3, located on CANDELARIA NW BETWEEN 4TH ST NW AND 5TH ST NW containing approximately 1.9616 acre(s). (G-14) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN-OFF DELEGATED TO PLANNING FOR SOLAR LANGUAGE AND TO RECORD.**

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

15. **Project# 1003119**
07DRB-70321 SKETCH PLAT REVIEW
AND COMMENT
- WAYJOHN SURVEYING INC agent(s) for ASN, LLC request(s) the above action(s) for all or a portion of Tract(s) 4-B1, **HORNE DEVELOPMENT ADDITION**, zoned SU-1 PLANNED COMMERCIAL, located on HOTEL CIRCLE NE BETWEEN EUBANK BLVD NE AND TOMASITA ST NE containing approximately 5.0392 acre(s). **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
16. **Project# 1006904**
07DRB-70320 SKETCH PLAT REVIEW
AND COMMENT
- WAYJOHN SURVEYING INC agent(s) for VANCE DUGGER & ROSABELLA MONTOYA DUGGER request(s) the above action(s) for all or a portion of Lot(s) 17, Block(s) 5, **NORTH ALBUQUERQUE ACRES TRACT A Unit(s) A**, zoned M-1, located on SAN FRANCISCO DR. NE BETWEEN SAN PEDRO DR NE AND I-40 FRONTAGE RD containing approximately .7216 acre(s). (D-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
17. **Project# 1004557**
07DRB-70322 SKETCH PLAT REVIEW
AND COMMENT
- YOLANDA MONTOYA agent(s) for MIKE RIOLIA request(s) the above action(s) for all or a portion of Lot(s) 28, Block(s) 27, Tract(s) A, **NAA Unit(s) B**, zoned SU-2/IP, located on OKLAND AVE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately .89 acre(s). (C-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
18. **Project# 1006901**
07DRB-70315 SKETCH PLAT REVIEW
AND COMMENT
- AJAY JARIWALA/JARIM KASSAM request(s) the above action(s) for all or a portion of Lot(s) 2-A, Block(s) 2, **SUNPORT PARK**, zoned IP, located on WOODWARD SE BETWEEN UNIVERSITY BLVD SE AND TRANSPORT SE containing approximately 3.3 acre(s). **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
19. Approval of the Development Review Board Minutes for September 5, and September 12, 2007.

Other Matters:

ADJOURNED: 11:05

DRB CASE ACTION LOG - BLUE SHEET

Preliminary/Final Plat [FP]

Site Plan - Subdivision [SPS]

→ Site Plan - Building Permit [SBP]

DONE 12-13-12

HOLD FOR FILED PLAT

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

Project #: 1005243 Application #: 12DRB-70356
12DRB-70357
12DRB-70360
Project Name: Broadstone Towne Center
Agent: Consensus Planning Phone #:

Your request was approved on 11-28-12 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed

TRANSPORTATION: site plans - address comments

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): plat
site plan del utility Co. signatures
site plan for subdivision sign off

PLATS:

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

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

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

ALL SITE PLANS:

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

Complete
12-20-13
Y3

DRB CASE ACTION LOG - BLUE SHEET

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

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

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

Project #: 1005243 Application #: 13DRB-70783, 13DRB-70785

Project Name: BROADSTONE TOWN CENTER

Agent: CONSENSUS PLANNING

Phone #:

Your request was approved on 12-18-13 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed

TRANSPORTATION: _____

ABCWUA: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): _____

PLATS:

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

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

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

ALL SITE PLANS:

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

DRB CASE ACTION LOG - BLUE SHEET

Preliminary/Final Plat [FP]

~~Site Plan - Subdivision [SPS]~~

Site Plan - Building Permit [SBP]

Done 12-13-12

Signed

1-14-13

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

Project #: 1005243

Application #:

12DRB-70356
12DRB-70357
12DRB-70360

Project Name: Broadstone Towne Center

Agent: Consensus Planning

Phone #:

Your request was approved on 11-28-12 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed

TRANSPORTATION: site plan - address comments

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): plat, utility Co. signatures, site plan for subdivision sign off

PLATS:

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

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

Property Management's signature must be obtained prior to Planning Department's signature.

AGIS DXF File approval required.

Copy of recorded plat for Planning.

ALL SITE PLANS:

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

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

11/13/2012 Issued By: BLDADM 170627

Category Code **910**
2012 070 357

Application Number: 12DRB-70357, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: TOWNE CENTER LN BETWEEN GIBSON AND EASTERN

Project Number: 1005243

Applicant

VERDAD REAL ESTATE

502 NORTH CARROLL AVE, SUITE 120
SOUTHLAKE TX 76092

Agent / Contact

ISAACSON AND ARFMAN PA
FRED C. ARFMAN
128 MONROE ST NE
ALBUQUERQUE NM 87108

Application Fees

APN Fee

Conflict Mgmt Fee \$20.00

DRB Actions \$215.00

TOTAL: \$235.00

City of Albuquerque Treasury
Date: 11/13/2012 Office: ANNEX
Stat ID: W5000006 Cashier: TRSASR
Batch: 1008 Trans #: 20
Permit: 2012070357
Receipt Num 00070554
Payment Total: \$235.00
0901 Conflict Mgmts. Fee \$20.00
0903 DRB Actions \$215.00
Check Tendered : \$235.00

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

11/13/2012 Issued By: E08375 170625

Category Code **910**
2012 070 356

Application Number: 12DRB-70356, Epc Approved Sdp For Build Permit

Address:

Location Description: GIBSON BLVD BETWEEN BETWEEN UNIVERSITY AND BUENA VISTA

Project Number: 1005243

Applicant

VERDAD REAL ESTATE

502 NORTH CARROL AVE SUITE 120
SOUTHLAKE TX 76092
817-912-0222

Agent / Contact

CONSENSUS PLANNING
JAMES STROZIER
302 8TH ST NW
ALBUQUERQUE NM 87102

CP@CONSENSUSPLANNING

Application Fees

APN Fee

Conflict Mgmt Fee \$20.00

DRB Actions

TOTAL: \$20.00

City of Albuquerque Treasury
Date: 11/13/2012 Office: ANNEX
Stat ID: WS0000008 Cashier: TRSSIV
Batch: 1003 Trans #: 12
Permit: 2012070356
Receipt Num 00070549
Payment Total: \$20.00
0901 Conflict Mgmt Fee
Check Tendered : \$20.00

CITY OF ALBUQUERQUE



FROM: Carol Dumont, Parks & Recreation Department

DATE: November 28, 2012

**Parks & Recreation Comments for Development Review Board meeting
of November 28, 2012**

AGENDA ITEM #6

Project #1005243 BROADSTONE TOWNE CENTER

**12DRB-70356 – EPC Approved Site Development Plan for Building Permit
12DRB-70361 – EPC Approved Site Development Plan for Subdivision
12DRB-70357 Minor – Preliminary/Final Plat Approval**

- 1. Please add Landscaping/Irrigation “Maintenance Responsibility” note to Site Development Plan for Building Permit.**
- 2. A Streetscape Agreement between the owner and the City will be necessary for installation of landscaping and irrigation within the ROW.**

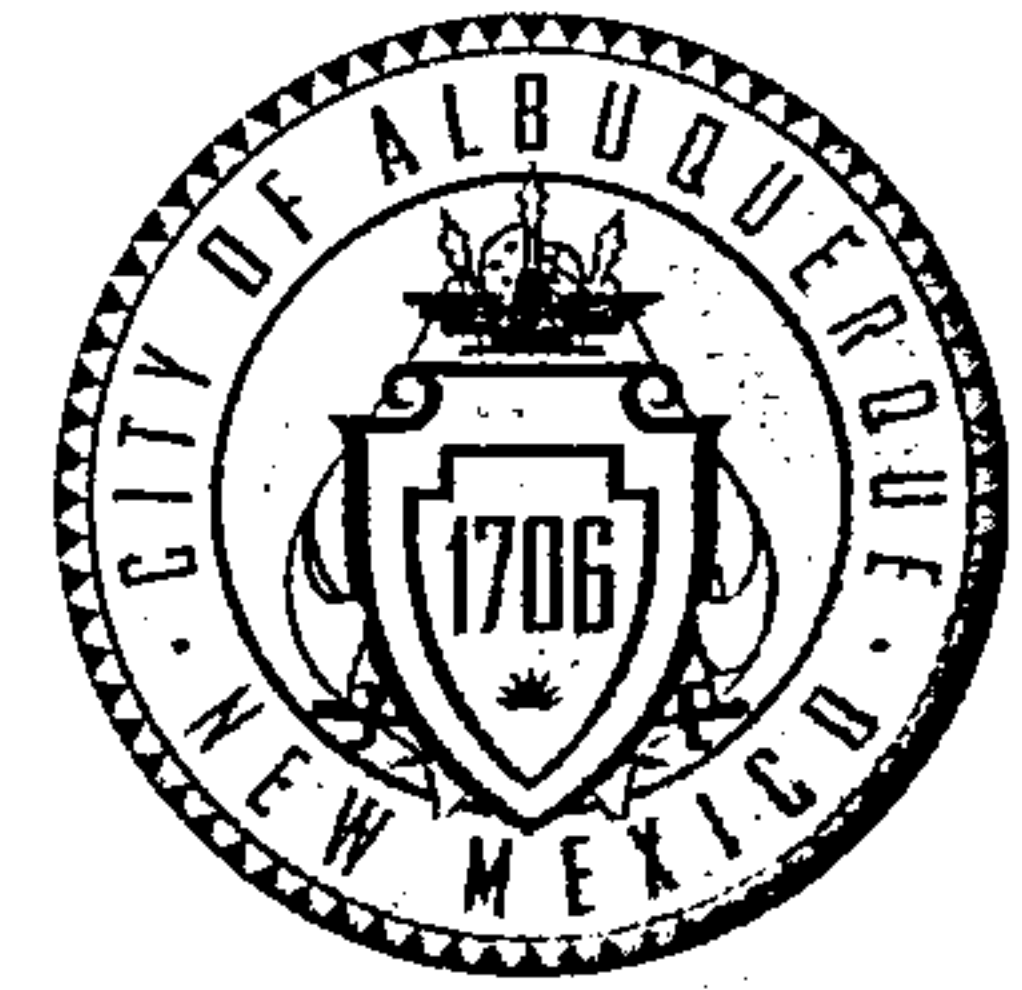
P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

CITY OF ALBUQUERQUE



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1005243

AGENDA ITEM NO: 3

SUBJECT:

Site Plan for BP

ACTION REQUESTED:

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

PO Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

NM 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
924-3986

DATE: September 9, 2009

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

09/01/2009 Issued By: PLNSDH

Permit Number: 2009 070 287 **Category Code 910**

Application Number: 09DRB-70287, Epc Approved Sdp For Build Permit

Address:

Location Description: TOWNE CENTER LN SE BETWEEN GIBSON SE AND EASTERN SE

Project Number: 1005243

Applicant

Alex Harrison
Dion'S
8525 Jefferson St Ne
Albuquerque NM 87113
858-1010
aharrison@dionspiza.com

Agent / Contact

Alex Harrison
Dion'S
8525 Jefferson St Ne
Albuquerque NM 87113
858-1010
aharrison@dionspiza.com

Application Fees

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

City Of Albuquerque
Treasury Division

9/1/2009 9:12AM LOC: ANNX
WSH 006 TRANSH 0007
RECEIPT# 00109612-00109612
PERMITH 2009070287 TRSDMG
Trans Amt \$20.00
Conflict Manag. Fee \$20.00
VI \$20.00
CHANGE \$0.00

Thank You

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): ALEX HARRISON (DION'S) PHONE: 858-1010
 ADDRESS: 8525 JEFFERSON ST NE FAX: 858-2421
 CITY: ALBU STATE NM ZIP 87113 E-MAIL: AHARRISON@DIONSPIZZA.COM

APPLICANT: SAME PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: _____

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

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

Lot or Tract No. 5 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: BROADSTONE TOWNE CENTER
 Existing Zoning: SUI FOR C-2 Proposed zoning: SAME MRGCD Map No _____
 Zone Atlas page(s): L-15-2 UPC Code: 101505629002340303

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 1005243

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): 1.65
 LOCATION OF PROPERTY BY STREETS: On or Near: TOWNE CENTER W. SE
 Between: GIBSON SE and EASTERN SE

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

SIGNATURE [Signature] DATE 8/31/09
 (Print) ALEX HARRISON Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
<u>09DRB 70287</u>	<u>SBP</u>	<u>P(3)</u>	<u>\$ 0</u>
_____	<u>CME</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>09/09/09</u>	_____	_____	Total <u>\$ 20.00</u>

Sandy Handley 09/01/09
 Planner signature / date

Project # 1005243

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

SKETCH PLAT REVIEW AND COMMENT (DRB22)

Maximum Size: 24" x 36"

- Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)

Maximum Size: 24" x 36"

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Copy of the document delegating approval authority to the DRB
- Completed Site Plan for Subdivision Checklist
- Infrastructure List, if relevant to the site plan
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)

Maximum Size: 24" x 36"

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
- Solid Waste Management Department signature on Site Plan
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Copy of the document delegating approval authority to the DRB
- Infrastructure List, if relevant to the site plan
- Completed Site Plan for Building Permit Checklist
- Copy of Site Plan with Fire Marshal's stamp
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01) **Maximum Size: 24" x 36"**

AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02) **Maximum Size: 24" x 36"**

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
- DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Infrastructure List, if relevant to the site plan
- Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)

FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
- Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
- Solid Waste Management Department signature on Site Plan for Building Permit
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
- Infrastructure List, if relevant to the site plan
- Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

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

ALEX HARRISON

 Applicant name (print)
[Signature]

 Applicant signature / date



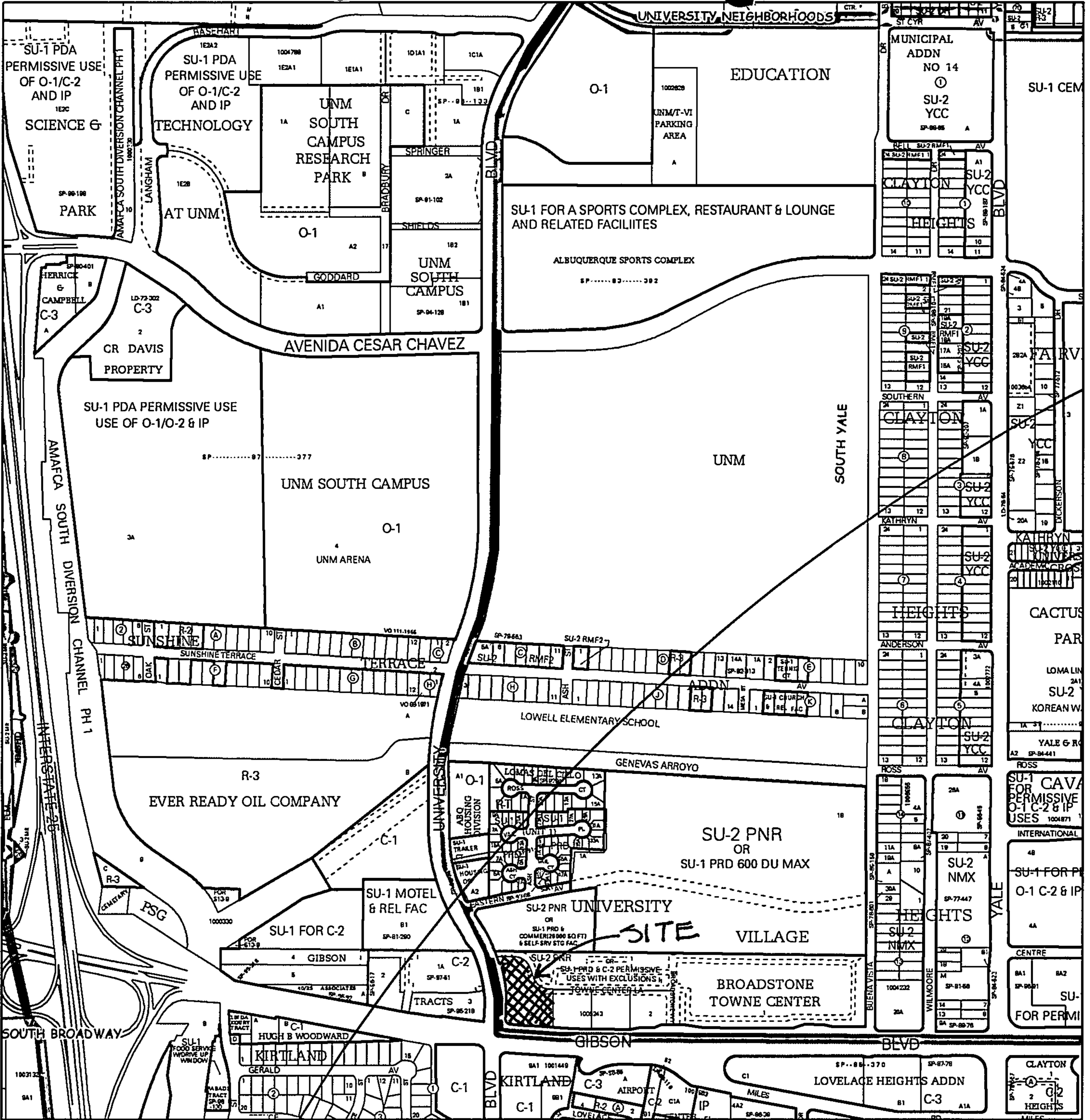
Form revised October 2007

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

Application case numbers
09DRB - 70287

Sandy Handley 09/01/09

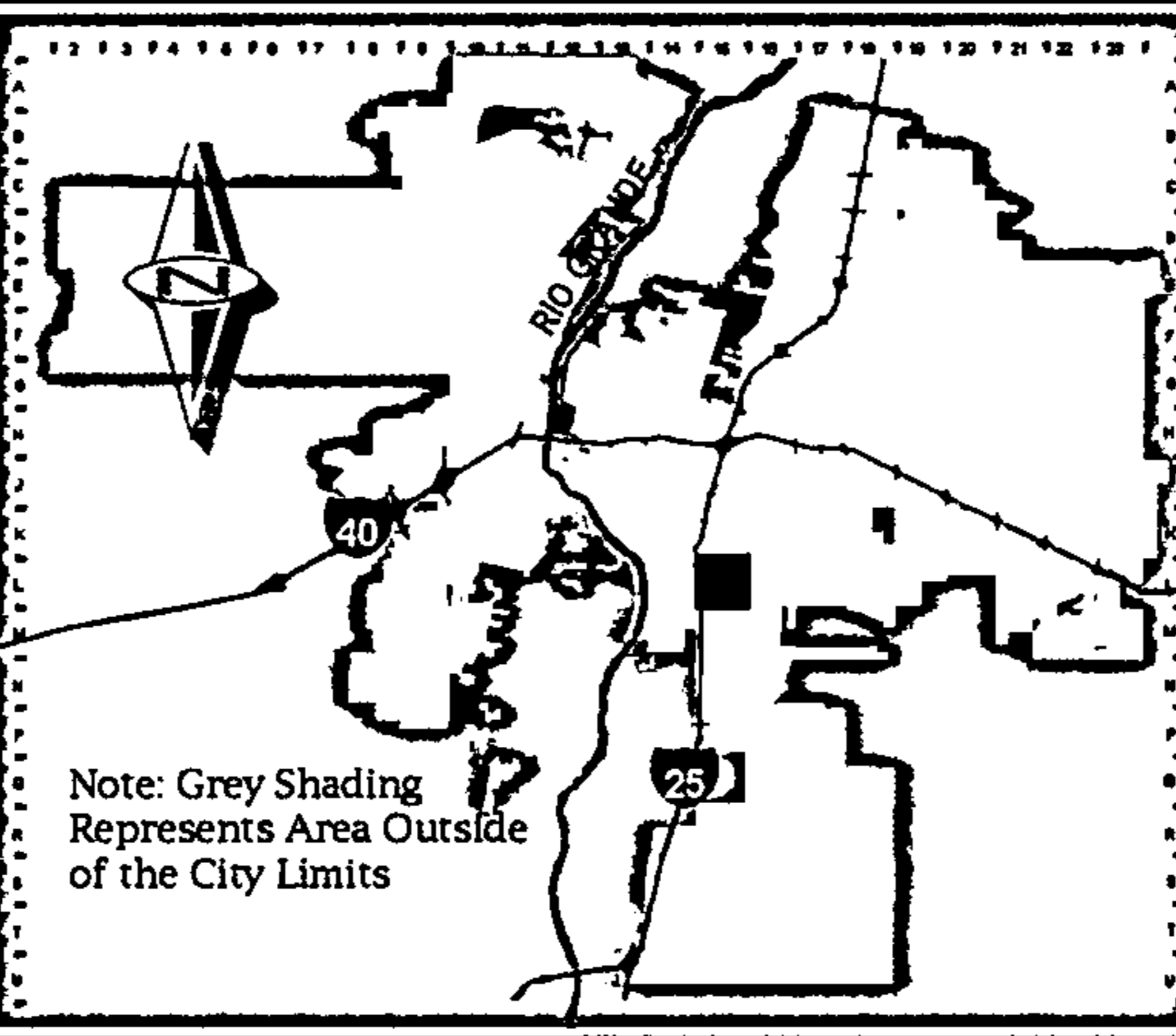
 Planner signature / date
 Project # 1005243



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



Map amended through: 3/10/2009

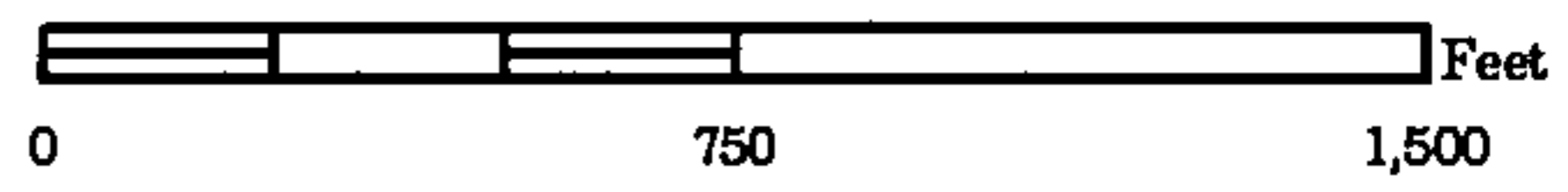


Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
L-15-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





August 31, 2009

Jack Cloud, Chairman
Development Review Board
City of Albuquerque

RE: Dion's Restaurant at Broadstone Towne Center
Project # 1005243 / 09EPC-40033

Dear Mr. Cloud,

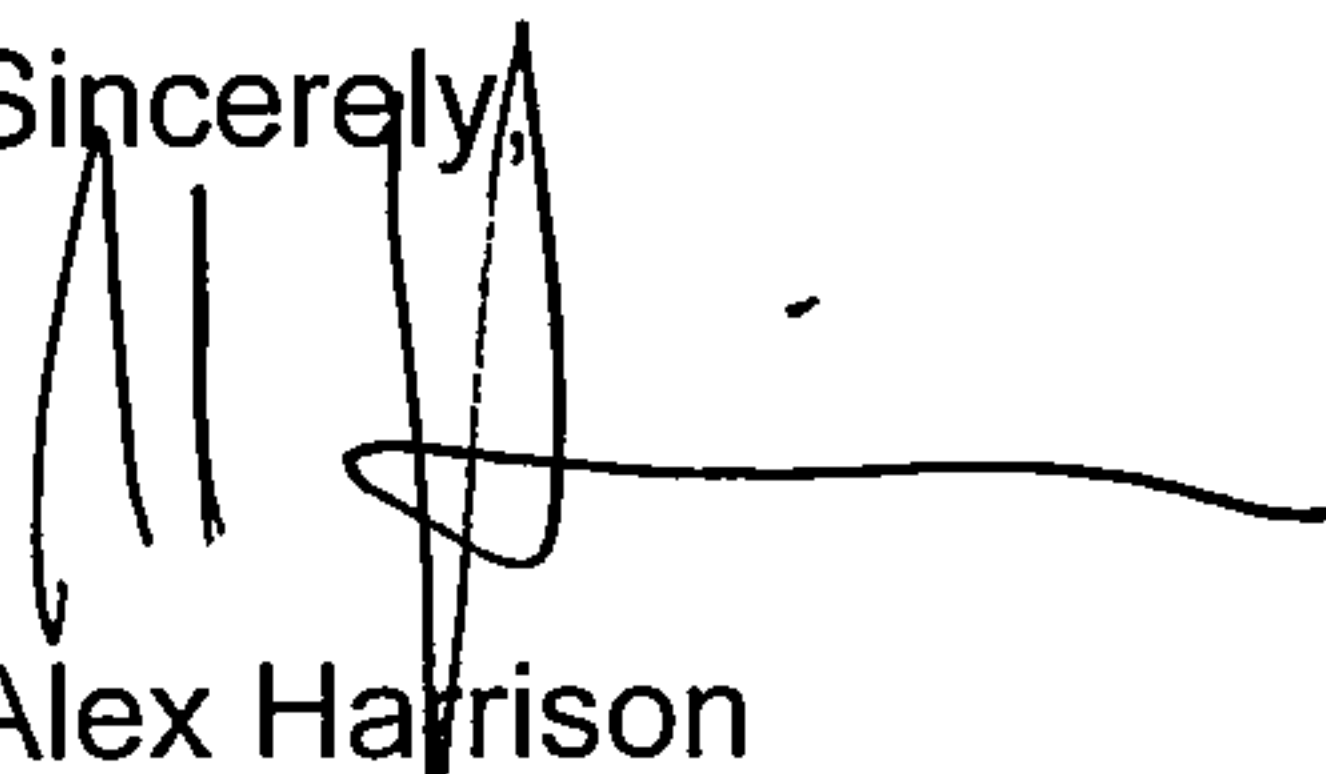
We are requesting approval to build a Dion's Restaurant in Broadstone Towne Center, Tract 5, located on the NE corner of Gibson and University. The zoning is SU-1 for C-2, 1.65 acres.

We were approved by the EPC on July 17, 2009

Following are the conditions and how we have addressed them:

1. This letter.
2. I discussed the conditions with Randall Falkner.
3. (a) All requirements of previous actions that pertain to this site will be provided for. (b) There are no improvements to the transportation facilities required. (c) The drive-thru window lane has painted arrows on the pavement and a "ONE WAY DO NOT ENTER" sign at the exit of the drive-thru lane. (d) The site plan will comply and be designed per DPM Standards.
4. (a) We will abide with all conditions of existing utility easements. (b) We will contact PNM to coordinate electric service. (c) No trees are planned within PNM's easements.
5. We will comply with the design guidelines of the Broadstone Towne Center site development plan for subdivision adopted in 2007.
6. (a) A note requiring a minimum 70% contrast between graphics and background has been added to Sheet 4. (b) No electronic display panels will be used.

Sincerely,



Alex Harrison

PETER-DEFRIES CORPORATION

8525 JEFFERSON N.E. • ALBUQUERQUE, NM 87113 • PHONE 505/858-1010 • FAX 505/858-2421

www.dionspizza.com



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

Date: July 17, 2009

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1005243**
09EPC-40033 SITE DEVELOPMENT -
BUILDG PRMT

Alex Harrison, Dions
8525 Jefferson St., NE
Albuquerque, NM 87111

LEGAL DESCRIPTION: ALEX HARRISON agent(s) for ALEX HARRISON request(s) the above action(s) for all or a portion of lot(s) 5, BROADSTONE TOWNE CENTER zoned PNR on SU-1 PRD & C-2 Permissive Uses w/Exclusions located on TOWNE CENTER LN SE BETWEEN GIBSON SE AND EASTERN SE containing approximately 1.65 acre(s). (L-15)
Randall Falkner, Staff Planner

On July 16, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1005243 / 09EPC-40033, a request for a site development plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for a site of approximately 1.65 acres located on Towne Center Lane between Gibson Boulevard and Eastern Avenue. The site comprises Tract 5, Broadstone Towne Center. The applicant intends to build a 5,871 square foot restaurant with a drive-up window.
2. The subject site is within the Established Urban area of the Comprehensive Plan.
3. The subject site is within the South Yale Sector Development Plan, which was adopted in February 2009.
4. The subject site is within a previously approved (April 2007) site development plan for subdivision, which has its own design standards (Broadstone Towne Center Design Standards). The project does not deviate from these design standards.
5. The following Comprehensive Plan policies for Developing and Established Urban areas are furthered by the proposal:

OFFICIAL NOTICE OF DECISION

JULY 16, 2009

PROJECT 1005243

PAGE 2 OF 5

- a. Policy II.B.5a – The site development plan will allow a full range of urban land uses. The request would add commercial land use to neighboring multi-family residential, office, commercial, public facility, and vacant land uses.
 - b. Policy II.B.5d – The location, intensity, and design of the new development respects existing neighborhood values and environmental conditions. The subject site is surrounded by commercial zoning to the south, southwest, and west. The subject site complies with the Broadstone Towne Center Design Standards, which are part of the existing site development plan for subdivision that was approved in 2007. The Design Standards address the issues of site planning, pedestrian circulation, parking, setbacks, landscaping, architecture, screening/buffering, lighting, utilities, and signage.
 - c. Policy II.B.5e – Full urban services are currently available to the proposed subject site, and the integrity of existing neighborhoods would be ensured by adding neighborhood commercial uses that would complement residential areas and improve the neighborhood. The request will provide infill development in an area that needs commercial development.
 - d. Policy II.B.5i – The request would complement the adjacent residential area by providing a quality development that offers employment and service opportunities to nearby residents. Adverse effects of development (lighting, pollution, traffic, etc.) would be minimized through appropriate site design.
 - e. Policy II.B.5l – Pedestrian access to Gibson Boulevard, University Boulevard, Towne Center Lane, and to the entire site is provided. The drive-up window is shielded from the townhomes to the east by the building itself, and from University Boulevard by the retaining/screen wall and landscaping on the western side of the property. The patio area will contain pavers with sand in between that will allow water to seep down to plant roots, improve stormwater runoff and create additional room for trees to grow. Commercial development is adjacent to the site to the south, southwest and west. This is a quality design which is appropriate to the plan area.
6. The request furthers Economic Development Policies II.D.6a and II.D.6b. The site will benefit the surrounding neighborhood and businesses by bringing a successful local business to an area that needs commercial development. New employment opportunities will be available to those in South Yale and surrounding areas. The request will help to develop a local business, as well as expand the local employment base.
7. The request furthers the following Goals of the South Yale Sector Development Plan:
- a. Develop South Yale into a retail/commercial destination with local identity to serve local needs – The request adds a local restaurant close to townhomes and other commercial businesses, creating a mixed use environment that ensures that commercial development is the priority. The development has good pedestrian access to the surrounding streets and throughout the site, providing access to nearby public transit and bicycles.
 - b. Develop South Yale with a public setting that reflects New Mexico, is family friendly, and an easy and attractive place to conduct business for all populations – Pedestrian pathways provide easy access to local public transit, and pedestrian crossings are clearly demarcated

with textured, colored concrete where they cross vehicular entrances and drive aisles. The proposed restaurant is a successful local business that is welcoming to all ages and socio-economic backgrounds and allows for social interaction and commercial activity.

8. There is no known opposition to the project and no letters of opposition have been received.
9. The Albuquerque/Bernalillo County Comprehensive Plan, the Comprehensive City Zoning Code and the South Yale Sector Development Plan are incorporated herein by reference and made part of the record for all purposes.
10. The design guidelines of the applicable site development plan for subdivision (for Broadstone Town Center) are applicable and controlling with respect to this application and not the design guidelines from the South Yale Sector Development Plan.
11. The applicant has elected to proceed under the zoning SU-1 PRD & C-2 Permissive Uses with Exclusions.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - c. Provide adequate directional signing and striping for drive-up window.
 - d. Site plan shall comply and be designed per DPM Standards.
4. RECOMMENDED CONDITIONS FROM PUBLIC SERVICE COMPANY OF NEW MEXICO:
 - a. As a condition, it is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

- b. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project.
 - c. As a condition, it is necessary that the applicant coordinate with PNM regarding proposed tree species, the height at maturity and tree placement to avoid interference with the existing electric distribution lines along the project site. PNM's standard is for trees to be planted outside the PNM easement.
5. For this application the design guidelines of the Broadstone Town Center site development plan for subdivision adopted in 2007 shall apply.
6. SIGNAGE
- a. Site monument signs shall provide a minimum 70% contrast between graphics and background.
 - b. No electronic display panels shall be permitted as signage.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY JULY 31, 2009 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

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

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

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

OFFICIAL NOTICE OF DECISION
JULY 16, 2009
PROJECT 1005243
PAGE 5 OF 5

Sincerely,


Richard Dineen
for Planning Director

RD/RF/ma

cc: Isabel Cabrera, Clayton Heights/Lomas Del Cielo N.A., 1720 Buena Vista NE, Albuquerque, NM 87106
Lee Graham, Clayton Heights/Lomas Del Cielo N.A., P.O. Box 27543, Albuquerque, NM 87125
Vincent Baty, Kirtland Community Assoc., 1924 Sunshine Terrace SE, Albuquerque, NM 87106
Barbara Williams, Kirtland Community Assoc., 1401 Alamo SE, Albuquerque, NM 87106

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

03/11/2008 Issued By: E08375

Permit Number: 2008 070 133

Category Code 910

Application Number: 08DRB-70133, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA DR SE

Project Number: 1005243

Applicant

Broadstone Towne Center Llc

2415 East Camelback Rd Suite 600
Phoenix AZ 85016

Agent / Contact

High Mesa Consulting Group

Debie Trujillo

6010-B Midway Park Blvd Ne
Albuquerque NM 87109

dtrujillo@highmesacg.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	
TOTAL:		\$20.00

City Of Albuquerque
Treasury Division

3/11/2008 11:33AM LDC: ANNIX
WEB CDS TRANSN 0006
RECEIPT# 00088551-00088551
PERMIT# 2008070133 TRSUNC
Trans Ant \$20.00
Conflict Manag. Fee \$20.00
CK \$20.00
CHANGE \$0.00

Thank You

2006.003.2

A City of Albuquerque



DEVELOPMENT PLAN REVIEW APPLICATION

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

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>Broadstone Towne Center LLC</u>	PHONE: <u>602-778-2800</u>
ADDRESS: <u>2415 East Camelback Road, Suite 600</u>	FAX: <u>602-778-2850</u>
CITY: <u>Phoenix</u> STATE <u>AZ</u> ZIP <u>85016</u>	E-MAIL: _____
Proprietary interest in site: <u>Owners</u>	
AGENT (if any): <u>High Mesa Consulting Group</u>	PHONE: <u>505-345-4250</u>
ADDRESS: <u>6010-B Midway Park Blvd. NE</u>	FAX: <u>505-345-4254</u>
CITY: <u>Albuquerque</u> STATE <u>NM</u> ZIP <u>87109</u>	E-MAIL: <u>dtrujillo@highmesacg.com</u>

DESCRIPTION OF REQUEST: Final Plat Approval *** TRACTS 1, 2, 3, 4 AND 5, BROADSTONE TOWNE CENTER ***

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

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

Lot or Tract No. Unplatted Lands ***See Attached*** Block: n/a Unit: n/a

Subdiv. / Addn. Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.

Current Zoning: SU-1/PRD & SU-1 for C-2 Permissive Uses Proposed zoning: n/a

Zone Atlas page(s): L-15 No. of existing lots: 6 No. of proposed lots: 5

Total area of site (acres): +/- 16.751 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. *** See Attached*** MRGCD Map No. n/a

LOCATION OF PROPERTY BY STREETS: On or Near: Gibson Boulevard, SE
Between: University Boulevard, SE and Buena Vista Drive 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.): Project No. 1005243, 06EPC-01592, 01593 and 01594, 07CC-00114 and 00117, 07DRB-70316, 70317 and 70318

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

SIGNATURE Debie LeBlanc Trujillo DATE March 10, 2008

(Print) Debie LeBlanc Trujillo for High Mesa Consulting Group Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>08DRB - 70133</u>	<u>FP</u>		<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>EMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned				<u>\$</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>Total</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$ 20.00</u>

Hearing date March 19 2008

3/11/08
Planner/signature / date

Project # 1005243

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

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

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

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

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

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

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

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

PREVIOUSLY SUBMITTED
PREVIOUSLY SUBMITTED
VACANT

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

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

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

- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year

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

HIGH MESA CONSULTING GROUP
DEBIE LEBLANC TRUJILLO
Debie LeBlanc Trujillo
Applicant name (print)
Applicant signature / date
03-10-08



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
08DRB - 20133

Form revised October 2007
[Signature] 3/11/08
Planner signature / date
Project # 1005243

5243

DXF Electronic Approval Form

DRB Project Case #: 1005243

Subdivision Name: BROADSTONE TOWNE CENTER TRACTS 1-5

Surveyor: CHARLES G CALA JR

Contact Person: TIMOTHY TESSENDORF

Contact Information: 345-4250

DXF Received: 3/19/2008

Hard Copy Received: 3/19/2008

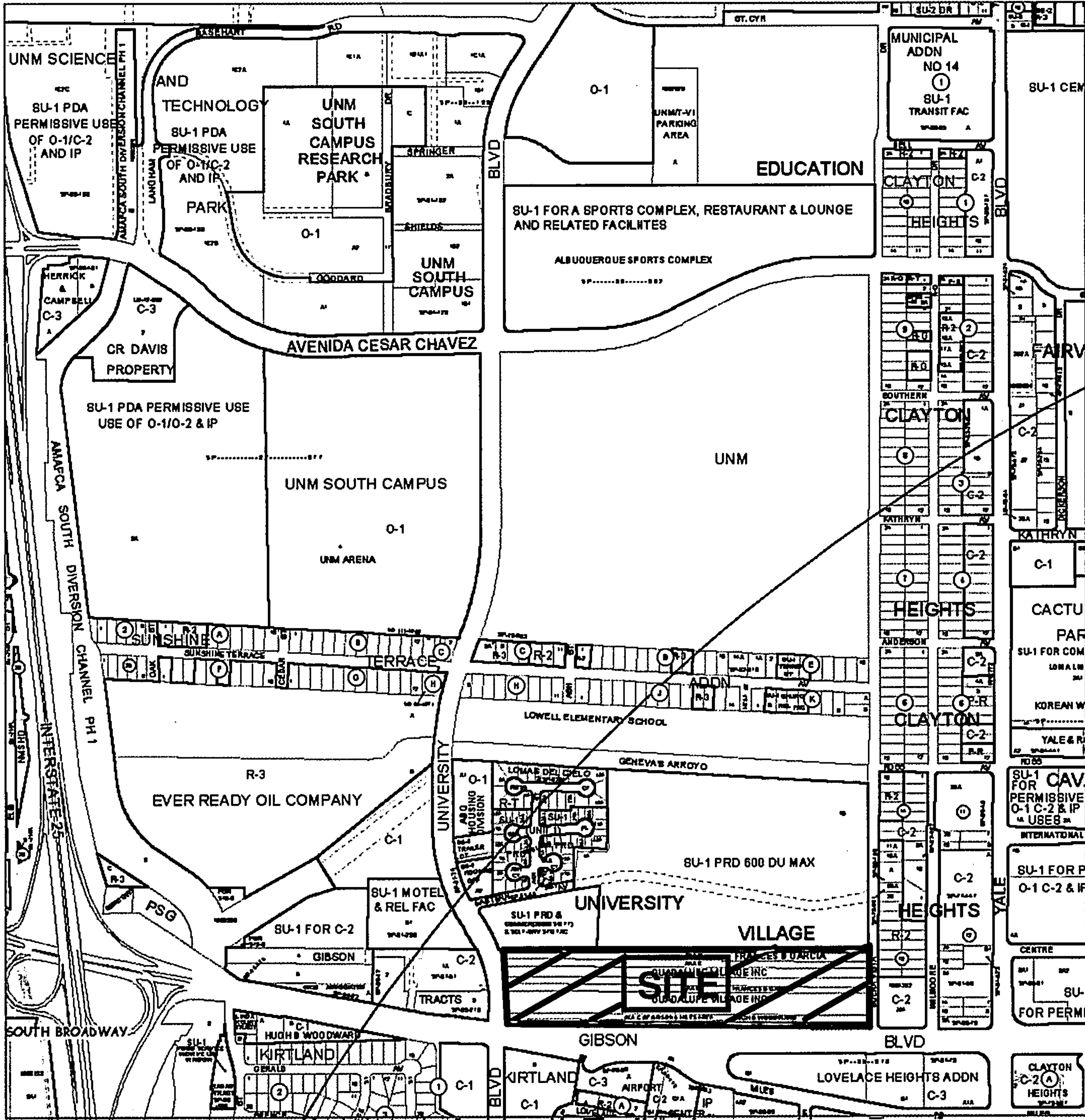
Coordinate System: NMSP Grid (NAD 27)


Approved

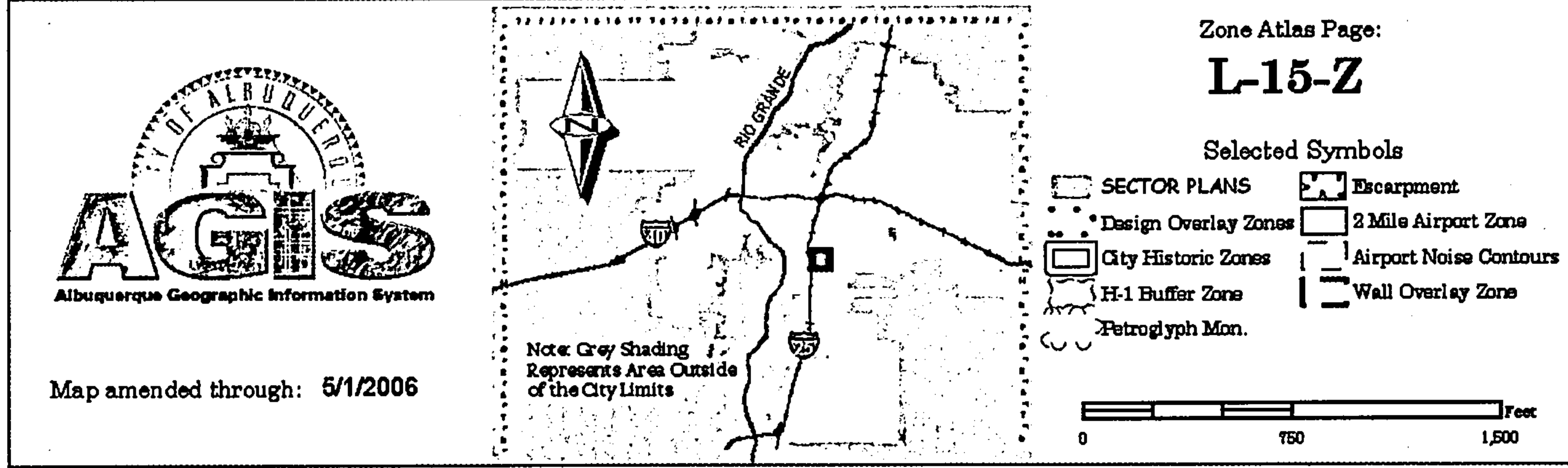
03.19.2008
Date

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

AGIS Use Only
Copied fc 5243 to agiscov on 3/19/2008 Contact person notified on 3/19/2008



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



Map amended through: 5/1/2006

HIGH MESA Consulting Group

FORMERLY JEFF MORTENSEN AND ASSOCIATES, INC.

2006.003.2

March 10, 2008

Jack Cloud, AICP
Planning Manager, DRB Chair
Planning Department Development & Building Services Division
City of Albuquerque
600 2nd Street, NW
Albuquerque, NM 87103

Re: Request for Final Plat Approval
TRACTS 1, 2, 3, 4 AND 5, BROADSTONE TOWNE CENTER
DRB Project No. 1005243 CPN: 584684

Dear Jack:

Transmitted are the following items associated with the subject request:

- DRB Application, Supplemental Form S(3) along with related fees
- Six (6) copies of the Final Plat
- Signed and Recorded Final Pre-Development Facilities Fee Agreement
- City of Albuquerque Zone Atlas H – 13 (with Site highlighted)
- Approved Infrastructure List dated October 31, 2007
- Recorded Figure 12 Subdivision Improvement Agreement Procedure B dated February 19, 2008
- Executed Figure 13 Subdivision Improvement Agreement Procedure C dated February 14, 2008

On behalf of our clients, Broadstone Towne Center, LLC, we are requesting Final Plat Approval for Tracts 1, 2, 3, 4 and 5, Broadstone Towne Center. The Site Development Plan for Building Permit and Site Development Plan for Subdivision were approved (Project No. 1005243 – 06EPC 01592, 01593 and 01594) on October 31, 2007.

Please schedule this matter for the next appropriate DRB Hearing. In the meantime, if you or other DRB representatives are in need of additional explanation or information, please feel free to call.

Sincerely,

HIGH MESA CONSULTING GROUP


Debie LeBlanc Trujillo

DLT
Enclosures

xc: Robert Hutt, Broadstone Towne Center, LLC w/enc.

Principals: Jeffrey G. Mortensen, P.E. • Charles G. Cala, Jr., P.S. • Juan M. Cala
Joseph M. Solomon, Jr., P.S. • J. Graeme Means, P.E. • Richard C. White • Grady E. Barrens

Attachment to Development Review Application

Project No. 1005243**To Be Known as TRACTS 1 through 5, BROADSTONE TOWNE CENTER**Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.Existing Uniform Property Codes

<u>Property</u>	<u>UPC Code</u>
Unplatted Lands aka Parcel 1	101505639505440308
Unplatted Lands aka Parcel 2	101505639505140307
Unplatted Lands aka Parcel 3	101505639404540306
Unplatted Lands aka Parcel 4	101505639504340305
Unplatted Lands aka Parcel 5	101505639403840304
Unplatted Lands aka Parcel 6	101505639402540303

Legal Description

Unplatted Parcels Of Land Situated Within The Town Of Albuquerque Grant Within Project Section 28, Township 10 North, Range 3 East, N.M.P.M., as described by Special Warranty Deed filed on September 20, 2007, Document No. 2007134831 and also described by Special Warranty Deed filed on September 20, 2007, Document No. 2007134832

EXHIBIT B
FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and **Broadstone Towne Center, LLC** ("Owner") effective as of this 11th day of March 2008, and pertains to the subdivision commonly known as **Tracts 1, 2, 3, 4 and 5, Broadstone Towne Center**, and more particularly described as **Tracts 1, 2, 3, 4 and 5, Broadstone Towne Center** (the "Subdivision".)

The following individual lots comprise the subdivision:

1801 Gibson Boulevard SE -- Tract 1, Broadstone Towne Center -- Multifamily - 240 Units
[List lots by street address and new legal description; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and WHEREAS, Developer is proposing the development of a new subdivision, and requires APS approval of the plat for said subdivision; and

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

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

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

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

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

Doc# 2008027767

03/11/2008 10:53 AM Page: 1 of 5
AGRE R: \$17.00 M. Toulouse, Bernalillo County



- If the building permit is issued on or after January 1, 2007, the fee shall be \$1,875 per dwelling unit*.

**The fee is currently being examined by APS and may be reduced accordingly.*

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

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

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

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

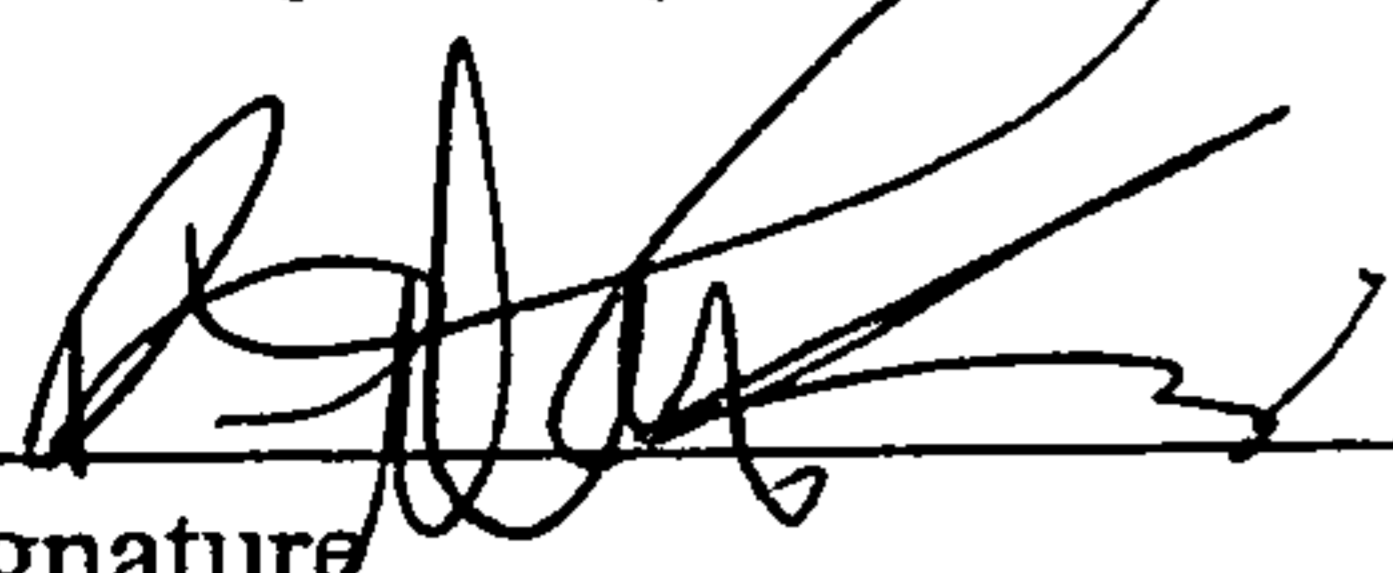
5. This contract shall be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a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

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

Project # 1005243

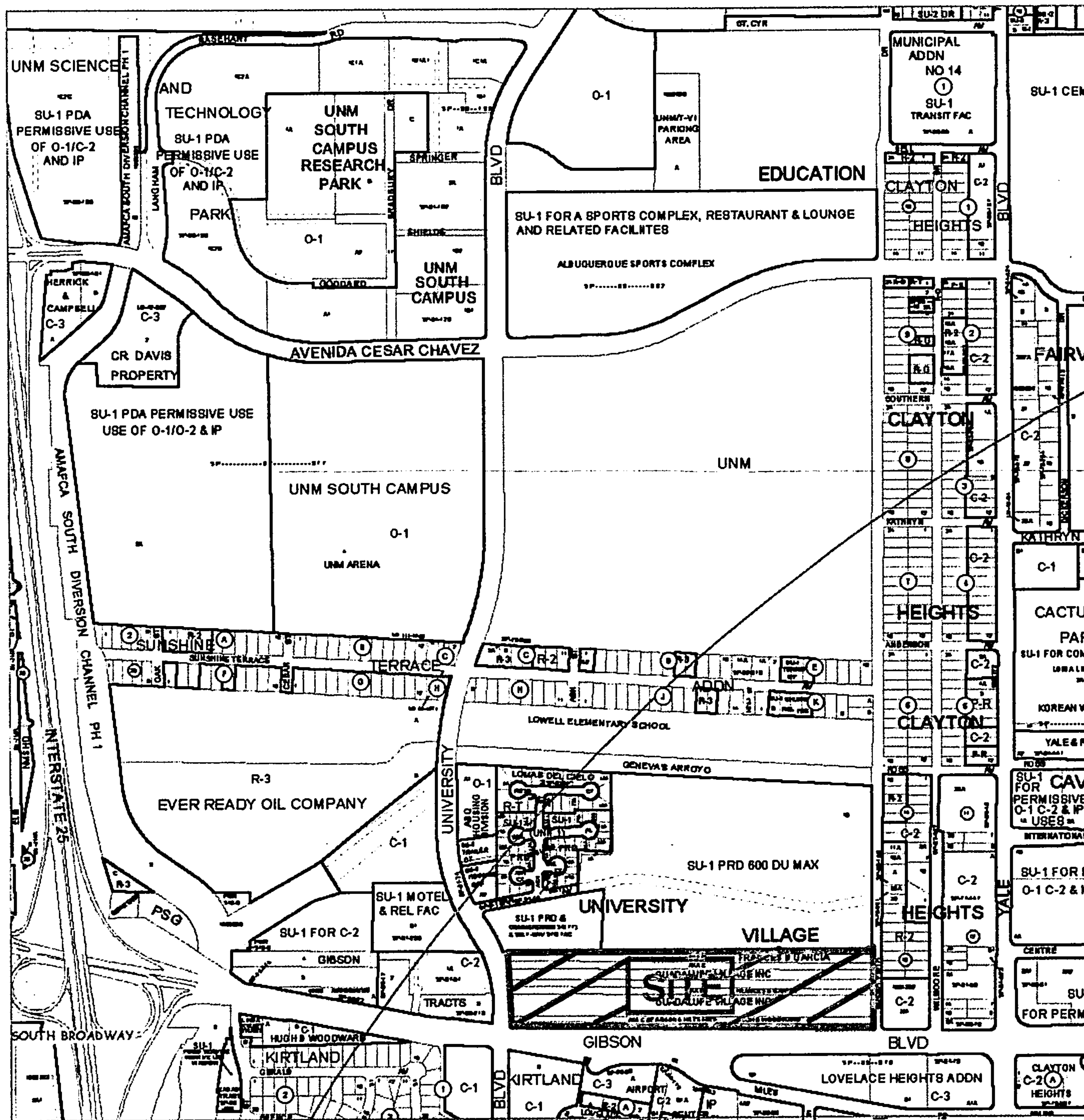
APS Cluster Albuquerque

ALBUQUERQUE PUBLIC SCHOOLS



Signature

BETTY KING, APS PLANNER
Name (typed or printed) and title



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

Albuquerque Geographic Information System

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
L-15-Z

Selected Symbols

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

Map amended through: 5/1/2006

0 750 1,500 Feet

FIGURE 13

AGREEMENT TO CONSTRUCT
PUBLIC IMPROVEMENTS BY CITY CONTRACT

THIS AGREEMENT is made this 14th day of February, 2008, by and between the City of Albuquerque, New Mexico ("City"), whose address is P.O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Broadstone Towne Center, LLC ("Developer"), a [state the type of business entity, for instance, "New Mexico corporation", "general partnership" "joint venture", "individual"etc.:] Limited Liability Corporation whose address is and whose telephone number is (602)778-2800, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Developer owns certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] Unplatted Parcels Of Land Situated Within The Town Of Albuquerque Grant Within Project Section 28, Township 10 North, Range 3 East, N.M.P.M., as described by Special Warranty Deed filed on September 20, 2007, Document No. 2007134831 and also described by Special Warranty Deed filed on September 20, 2007, Document No. 2007134832 ("Developer's Property"). The Developer's Property is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in Developer's Property to the present owner:] Broadstone Towne Center, LLC ("Owner").

The developer of the property is seeking [describe: "preliminary/final plat", "site development plan", etc.] Final Plat approval. The City and the property developer have agreed that it would be beneficial to all parties and the general public to make certain improvements to the public roadways and that it is appropriate that the Developer contribute to the cost of the improvements.

Developer's Property will benefit from the construction of certain improvements detailed below, which will be located on public right-of-way, and the City is willing to construct those improvements with the participation of the Developers.

Therefore, the City and the Developer agree:

2. Improvements. The City agrees to install and complete the following public improvements, identified as City Project No.: 584684 ("Improvements").

3. Developer's Estimated Cost. The Developer's share has been determined to be Three Hundred Thirteen Thousand Four Hundred Thirty dollars and Eighty Eight cents (\$313,430.88) ("Developer's Share"), as detailed in the City-approved estimate which is attached as Exhibit A. The estimate includes City fees and contingencies and is the only amount developer will be required to contribute for this project.

4. Payment. All payments will be made only in the following form: cash, certified check, cashier's check or other form of payment approved by the City.

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

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

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

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

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


10. Authority to Execute. If the Developer signing below is not the Owner of the Developer's Property, the City may require the Developer to provide the City with satisfactory proof of Developer's authority to execute this Agreement.

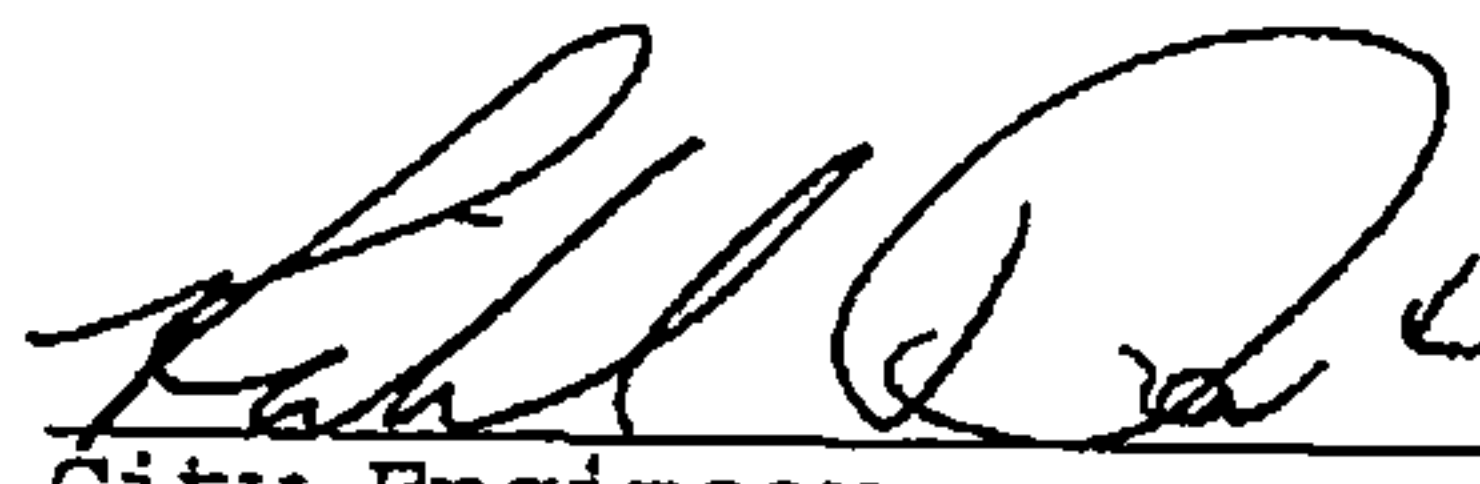
Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER: BROADSTONE TOWNE CENTER, LLC

CITY OF ALBUQUERQUE

By: Broadstone Towne Center Alliance, LLC
Its: General Partner

By [Signature]: 
Name: Robert M. Hutt
Title: Member
Dated: 2/7/08


City Engineer
Dated: 2-14-08

hjt 2/14/08

*W
2-13-08*

DEVELOPER'S NOTARY

STATE OF Arizona)
) ss.
COUNTY OF Maricopa)

This instrument was acknowledged before me on 7th day of February, 20 08
by [name of person:] Robert M. Hutt, [title or capacity, for instance,
"President" or "Owner":] Member of Broadstone Towne Center Alliance, LLC, as
General Partner for [Subdivider:] Broadstone Towne Center LLC

My Commission Expires:
9/20/09



Notary Public *Suzanne Y. Hopkins*
Suzanne Hopkins

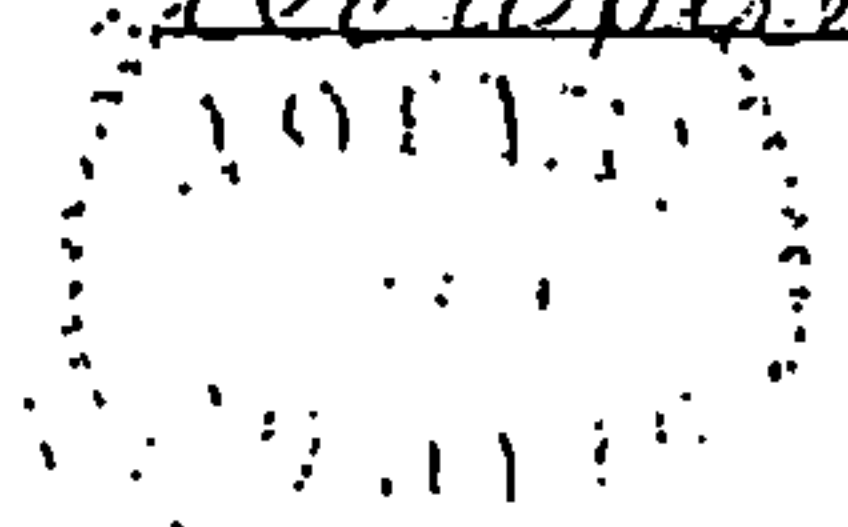
CITY'S NOTARY

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

This instrument was acknowledged before me on 14th day of February,
2008 by Richard Dante, City Engineer, of the City of
Albuquerque, a municipal corporation on behalf of said corporation.

My Commission Expires:
October 7, 2008

Notary Public
Linda Evans



Current DRC
Project Number: _____
HMCG: 2006.003.3

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 9-20-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST
TRACTS 1, 2, 3, 4 and 5, BROADSTONE TOWNE CENTER
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Date Submitted: 10-17-2007
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 10/31/07
Date Preliminary Plat Expires: 10/31/08
DRB Project No.: 1005243
DRB Application No.: 07 DRB-70318

1-30-0000

ORIGINAL

Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		36'	Storm Drain	University Blvd., SE	54" Storm Drain Stub University Blvd., SE	Towne Center Lane, SE	/	/	/
		Varies 18" - 30"	Storm Drain	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		12' Wide	Right Turn / Decel Lane	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		6'	Sidewalk (East side)	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		50' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	University Blvd., SE	West Entrance to Tract 1	/	/	/
		30' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	West Entrance to Tract 1	Broadstone Way, SE	/	/	/
		8'	Sidewalk (South side)	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		56' F-F	Commercial Pavement with Curb and Gutter Both sides and Median	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		8'	Sidewalk (West side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		8'	Sidewalk (East side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		12' Wide 350 Ft Long Transition	Right Turn / Decel Lane with New 9' Asphalt Sidewalk	Gibson Blvd., SE	350' East of Broadstone Way, SE	Broadstone Way, SE	/	/	/
		GM 8"	Sanitary Sewer	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane SE	/	/	/
		8"	Sanitary Sewer	Towne Center Lane, SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		8"	Water Line	Towne Center Lane, SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	Easement on Tract 1 Through Townhomes	NW Corner of Tract 4	Broadstone Way, SE	/	/	/
		8"	Water Line	Easement on Tract 1 Through Townhomes	NW Corner of Tract 4	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	North Easement on Tract 1 Apartments	Broadstone Way, SE	110' West of Buena Vista Drive, SE	/	/	/
		8"	Water Line	North Easement on Tract 1 Apartments	Broadstone Way, SE	Buena Vista Drive, SE	/	/	/
		8"	Sanitary Sewer	South Easement on Tract 1 Apartments	Broadstone Way, SE	90' West of Buena Vista Drive, SE	/	/	/
		8"	Water Line	South Easement on Tract 1 Apartments	Broadstone Way, SE	NE Corner of Tract 1	/	/	/
		GM PER DRC	SOUTH BOUND TO EAST DUAL LEFT TURN LANES (STRIPING)	UNIVERSITY	AS REQUIRED	GIBSON	/	/	/
							/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
							/	/	/	
							/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

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

- GM
- 1 Row Acquisition, Offsite Street Widening, Median Modifications and Striping as required to provide Dual Eastbound Left Turn Lanes in Gibson Boulevard, SE at University Boulevard, SE. Cash Payment to be made to City for Future Construction. - Procedure "C" Modified Non-Work Order Agreement
▲ For: \$ 313,430.88 (MC-1)
 - 2
 - 3

AGENT / OWNER
 J. Graeme Means, PE
 NAME (print)
 High Mesa Consulting Group
 FIRM
J. Graeme Means 10/2/07
 SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Jones 10/3/07
 DRB CHAIR - date

William J. Pickett 10/31/07
 TRANSPORTATION DEVELOPMENT - date

Bradley A. Bingham 10/31/07
 UTILITY DEVELOPMENT - date

William J. Pickett 10/31/07
 PARKS & RECREATION - date

AMAFCA - date
 - date
 - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRG CHAIR	USER DEPARTMENT	AGENT / OWNER
▲	1-30-08	<i>A. Woodall</i>	<i>JMD</i>	<i>J. Graeme Means</i>



City of Albuquerque

P.O. Box 1293 Albuquerque, New Mexico, 87103

Department of Municipal Development

Martin J. Chavez, Mayor

Interoffice Memorandum

January 18, 2008

To: Stephen Woodall, DRC

From: Michael J. Riordan P.E, Deputy Director, DMD

A handwritten signature in black ink, appearing to read "MJR", positioned to the right of the "From:" line.

Subject: **PROCEDURE "C" MODIFIED**
Non-work Order for Project 585684
Gibson & University Intersection

We have reviewed the information you sent me dated January 9, 2008 and are in general agreement with the proposed plans for the addition of dual eastbound left-turn lanes at the intersection of Gibson Boulevard and University Boulevard. We have also reviewed the engineer's estimate for financial guaranty prepared by the High Mesa Consulting Group and feel that revisions are necessary to more accurately reflect the future cost of both designing and constructing these improvements. Our revised engineer's cost estimate is attached for your review.

If you have any questions or comments, please don't hesitate to contact me (768-3830).

BROADSTONE TOWNE CENTER

1/17/2008

PROJECT NAME:

Dual Gibson Eastbound Left Turn Lanes

BID ITEM NO.	SPEC ITEM NO.	SHORT DESCRIPTION	UNIT	QTY	BID UNIT POST	AMT ESTIMATE	High Mesa UNIT COST	High Mesa COST ESTIMATE
		ROADWAY						
1	4.010	STKG	LS	JOB	3,000.00	3,000.00		0.00
2	6.010	CONST SIGN	EA	2	0.00	2,000.00		0.00
3	6.050	MOB	LS	1	0.00	3,000.00		0.00
4	6.060	DEMOB	LS	1	0.00	3,500.00		0.00
5	19.010	TRAFF CONT & BARR	LS	JOB	5,000.00	15,000.00	15,000.00	15,000.00
6	30.010	FLOOD PROTECTION	LS	1	2,500.00	1,000.00		0.00
7	30.020	NPDES PERMITTING	LS	1	2,000.00	600.00		0.00
8	201.010	SITE CLEAR & GRUB	AC	1	2,000.00	2,500.00		0.00
9	XXX.XXX	RIGHT OF WAY/ESMT ACQUISITION,	SF	1927	5.76	10,275.00	5.50	10,598.50
10	201.061	EROS CNTRL SILT FNCE	LF	200	0.00	0.00		0.00
11	202.012	EXCAV & DISP, UNSUT MAT	CY	50	5.00	250.00		0.00
12	301.020	SUBGRADE PREP, 12"	SY	450	0.00	350.00		0.00
13	337.04X	8.5" PCC PAVEMENT, CIP	SY	450	9.50	4,275.00	65.00	29,250.00
14	340.023	WLCHR ACC RAMP, 4" PCC	EA	1	1,000.00	1,000.00	1,000.00	1,000.00
15	340.05X	MDN PVMT, PCC	LF	1320	18.00	23,760.00	18.00	23,760.00
16	340.300	4" MED PVMT, PCC	SY	120	50.00	6,000.00	50.00	6,000.00
17	343.080	CURB & GUT, PCC, R&D	SY	1000	4.25	4,250.00	4.25	4,250.00
18	343.XXX	PCC SDWK, R & D & R,	SY	500	35.00	17,500.00	35.00	17,500.00
19	343.050	CONC PVMT, >4", SAW, R&D	SY	200	12.00	2,400.00	12.00	2,400.00
20	346.XXX	MFN PBMV, 4" CLR, PCC, R&D,	SY	40	5.00	200.00	5.00	200.00
21	422.102	TR SG PP REM & REL	EA	1	600.00	600.00	600.00	600.00
22	422.111	TR SG MA REM & REL	EA	1	1,100.00	1,100.00	1,100.00	1,100.00
23	423.001	TR SG FD PP	EA	1	600.00	600.00	600.00	600.00
24	423.002	TR SG MA FD	EA	1	1,100.00	1,100.00	1,100.00	1,100.00
22	423.101	TR SG MA FD REM & DISP	EA	1	500.00	500.00	500.00	500.00
22	423.102	TR SG FD S CAB REM & DIS	EA	1	500.00	500.00	500.00	500.00
23	425.102	EL PB, REM & REL	EA	2	300.00	600.00	300.00	600.00
24	426.XXX	MISC COND/CABL WORK	LS	1	1,000.00	1,000.00	1,000.00	1,000.00
23	441.001	REF PLAS MRK 4"	LF	1860	1.50	2,790.00	1.50	2,790.00
23	441.002	REF PLAS MRK 6"	LF	480	3.00	1,440.00	3.00	1,440.00
23	441.010	REF PLAS ARW RT	EA	2	150.00	300.00	150.00	300.00
23	441.011	REF PLAS ARW LT	EA	6	150.00	900.00	150.00	900.00
23	441.012	REF PLAS ARW TH	EA	4	150.00	600.00	150.00	600.00
23	441.020	REF PLAS WD ONLY	EA	4	120.00	480.00	120.00	480.00
23	441.XXX	REF PLAS WD ONLY BIKE LANE	EA	2	95.00	190.00	95.00	190.00
23	441.031	REF PLAS SYM BIKE	EA	2	110.00	220.00	110.00	220.00
23	443.101	REM PAV STRP	LF	2000	0.75	1,500.00	0.75	1,500.00
23	443.102	REM PAV ARR, SYM, WD	EA	6	45.00	270.00	45.00	270.00
23	450.102	SGN & POST, REM & RELOC	EA	3	55.00	165.00	55.00	165.00

BROADSTONE TOWNE CENTER

1/17/2008

PROJECT NAME:

Dual Gibson Eastbound Left Turn Lanes

BID ITEM NO.	SPEC ITEM NO.	SHORT DESCRIPTION	UNIT	QTY	High Mesa UNIT COST	High Mesa COST ESTIMATE
23	915.040	ROADWAY CTH BSN, C, DG	EA	1	4,500.00	4,500.00
23	915.070	CTH BSN, REM TRUNCATED DOME DETACTABLE	EA	1	550.00	550.00
25	999.001	WARING	SY	16		
Subtotal		ROADWAY ABOVE				\$129,863.50
Subtotal		CONSTRUCTION IMPROVEMENTS				\$129,863.50
Subtotal		CONTINGENCIES =	20.00%			\$27,834.75
		DESIGN =	20.00%			\$157,698.25
		BONDS, TESTING, INSP., & SURVEYING =	20.00%			\$31,539.65
		NMGRT =	6.8750%			\$10,841.75
		TOTAL =				\$231,619.30

FINANCIAL GUARANTY AMOUNT

01/29/2008

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

Project Description:

Project ID #: 584684, Broadstone Towne Center, Phase/Unit #: 1

Requested By: Graeme Means

TOTAL FINANCIAL GUARANTY REQUIRED \$313,430.88

APPROVAL:

DATE:

J Woodall

1-30-08

Notes: MC-1, Offsite st. widening of Gibson Blvd, median mod. and stripping, ROW Acquisition, as required to provide dual eastbound Lt. turn lanes at University Blvd. COA Account #461611; Activity #7117460.

TREASURER'S REPORT OF DEPOSITS

<p>Depositor: Broadstone Towne Center</p> <p>California Bank & Trust</p> <p>Check No. <u>1066</u></p>	<p>Project Name: Broadstone Towne Center</p> <p>CPN: <u>584684</u></p>
<p>Comments: Financial Guaranty SIA C-Modified</p>	<p>Account: <u>233100</u> 461611</p> <p>Activity: <u>7000110</u> 7217460</p> <p>Amount: <u>\$313,430.88</u></p>

Total Amount: \$313,430.88
Verified By: Marilyn Maldonado
Phone Number: 924-3997
Deposit Date: February 11, 2008

DUPLICATE
 City Of Albuquerque
 Treasury Division

City Of Albuquerque
 Treasury Division

2/11/2008 3:31PM LOC: ANNX
 RECEIPT# 00087563 WSH 008 TRANSH 0072
 Account 461611 Fund 0305
 Activity 7217460 TRSDMG
 Trans Amt \$313,430.88
 J24 Misc \$313,430.88
 CK \$313,430.88
 CHANGE \$0.00

2/11/2008 3:25PM LOC: ANNX
 RECEIPT# 00087561 WSH 008 TRANSH 0070
 Account 233100 RUDH 0110
 Activity 7000110 TRSDMG
 Trans Amt \$313,430.88
 J24 Misc \$313,430.88
 CK \$313,430.88
 CHANGE \$0.00

Thank You

Thank You

Broadstone Towne Center
2415 E. Camelback Road, Ste 600
Phoenix, AZ 85016
602-778-2800

California Bank & Trust
1900 Main Street Suite 100
Irvine, CA 92614

18-339
1220

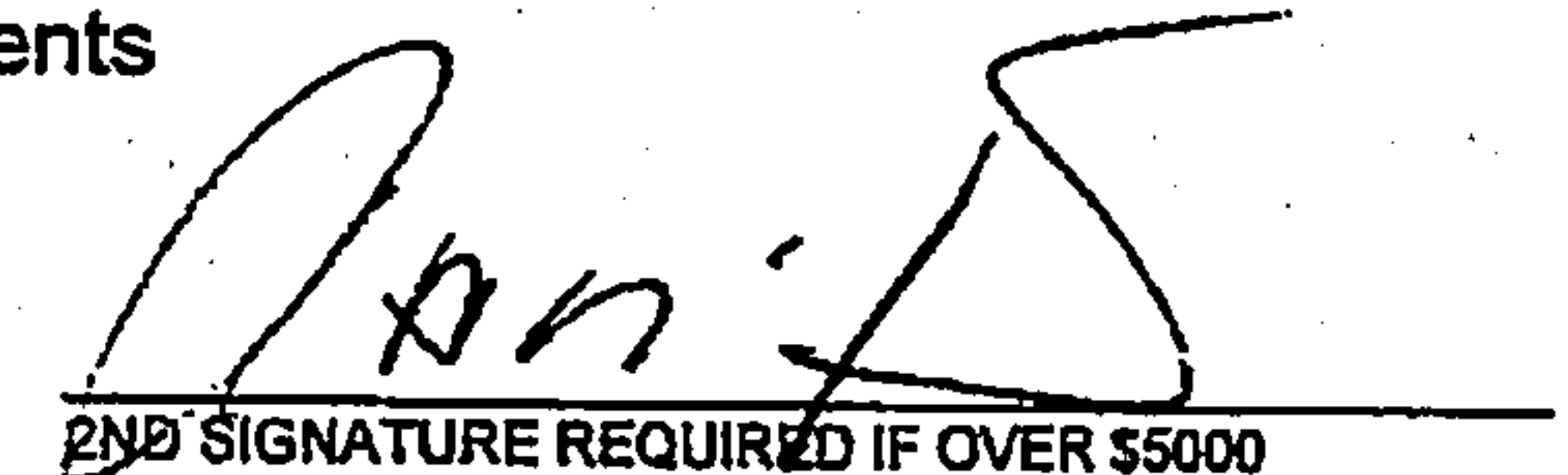
DATE
February 1, 2008

CHECK NO.
1066

AMOUNT
\$****313,430.88

Pay: Three hundred thirteen thousand four hundred thirty dollars and 88 cents

PAY TO THE ORDER OF
City of Albuquerque
P.O. Box 1313
Albuquerque, NM 87103-1313


2ND SIGNATURE REQUIRED IF OVER \$5000


AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈000001066⑈ ⑆122003396⑆3090319541⑈

Broadstone Towne Center

CIT001

City of Albuquerque

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
1-28-08	CR012808	revised infrastructure	313430.88		313430.88
CHECK DATE	2-01-08	CHECK NUMBER	1066	TOTAL >	313430.88
				313430.88	313430.88

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

Broadstone Towne Center

CIT001

City of Albuquerque

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
1-28-08	CR012808	revised infrastructure	313430.88		313430.88
CHECK DATE	2-01-08	CHECK NUMBER	1066	TOTAL >	313430.88
				313430.88	313430.88

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

No. of Lots: 5
 Nearest Major Streets: NEC of University Blvd. & Gibson Blvd.

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

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 14th day of January, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Broadstone Towne Center, LLC ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:] Limited Liability Corporation, whose address is 2415 E. Camelback Rd., Phoenix, AZ 85016 and whose telephone number is (602)778-2800, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Unplatted Parcels Of Land Situated Within The Town Of Albuquerque Grant Within Project Section 28, Township 10 North, Range 3 East, N.M.P.M., as described by Special Warranty Deed filed on September 20, 2007, Document No. 2007134831 and also described by Special Warranty Deed filed on September 20, 2007, Document No. 2007134832 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Broadstone Towne Center, LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Tracts 1, 2, 3, 4 and 5, Broadstone Towne Center (DRB Project No. 1005243) describing Subdivider's Property.

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

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 28 day of December, 2008 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 584684.

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

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



If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

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

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

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

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

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

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

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

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

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

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

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

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

Type of Financial Guaranty: Loan Reserve Letter

Amount: \$ 1,624,234.73

Name of Financial Institution or Surety providing Guaranty: California Bank & Trust

Date City first able to call Guaranty: December 28 2008

[Construction Completion Deadline]: DECEMBER 28 20 08

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

February 28, 20 09

Additional information:

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

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

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

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

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

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

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

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

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

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

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

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

13. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has entered into a Subdivision Improvements Agreement

with the City. Thereafter, if the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

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

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

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

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

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

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

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

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

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

Current DRC
Project Number: _____
HMCG: 2006.003.3

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 8-20-05)

EXHIBIT "A"

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

TRACTS 1, 2, 3, 4 and 5, BROADSTONE TOWNE CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Date Submitted: 10-17-2007
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 10/31/07
Date Preliminary Plat Expires: 10/31/08
DRB Project No.: 1005243
DRB Application No.: 07 DRB-70318

1-3-0001

ORIGINAL

Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		36'	Storm Drain	University Blvd., SE	54" Storm Drain Stub University Blvd., SE	Towne Center Lane, SE	/	/	/
		Varies 18" - 30"	Storm Drain	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		12' Wide	Right Turn / Decel Lane	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		6'	Sidewalk (East side)	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		50' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	University Blvd., SE	West Entrance to Tract 1	/	/	/
		30' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	West Entrance to Tract 1	Broadstone Way, SE	/	/	/
		8'	Sidewalk (South side)	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		56' F-F	Commercial Pavement with Curb and Gutter Both sides and Median	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		8'	Sidewalk (West side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		6'	Sidewalk (East side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Crst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

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

Street lights per City requirements.

GM

1 Row Acquisition, Offsite Street Widening, Median Modifications and Striping as required to provide Dual Eastbound Left Turn Lanes in Gibson Boulevard, SE at University Boulevard, SE. Cash Payment to be made to City for Future Construction. - Procedure "C" Modified Non-Work Order Agreement

△ For \$313,430.58 (MC-1)

2

3

AGENT / OWNER

J. Graeme Means, PE

NAME (print)

High Mesa Consulting Group

FIRM

J. Graeme Means 10/2/07
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Jones 10/3/07
DRB CHAIR - date

Ms. [Signature] 10/31/07
TRANSPORTATION DEVELOPMENT - date

William J. [Signature] 10/31/07
UTILITY DEVELOPMENT - date

Bradley A. [Signature] 10/31/07
CITY ENGINEER - date

[Signature] 10/31/07
PARKS & RECREATION - date

AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRB CHAIR	USER DEPARTMENT	AGENT OWNER
A	1-30-08	<i>A. Woodall</i>	<i>[Signature]</i>	<i>J. Graeme Means</i>

FINANCIAL GUARANTY AMOUNT

12/24/2007

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

Project Description:

Project ID #: 584684, Broadstone Towne Center, Phase/Unit #: 1

Requested By: Graeme Means

Approved estimate amount:		\$1,017,747.75
Contingency Amount:	10.00%	\$101,774.77
Subtotal:		\$1,119,522.53
NMGRT	6.875%	\$76,967.17
Subtotal:		\$1,196,489.70
Engineering Fee	6.60%	\$78,968.32
Testing Fee	2.00%	\$23,929.79
Subtotal:		\$1,299,387.78
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$1,624,234.73</u>

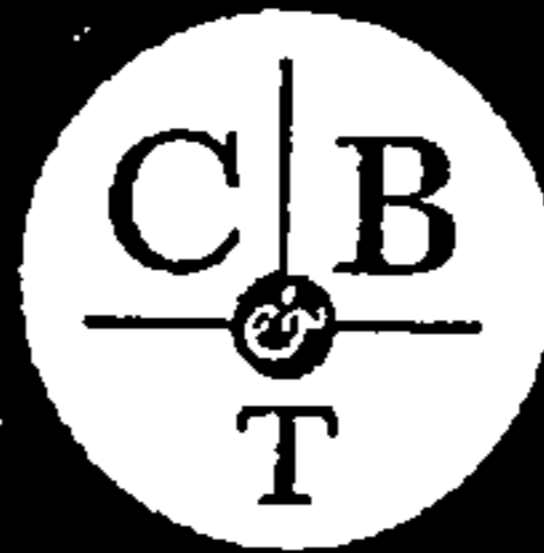
APPROVAL:

DATE:

S. Woodall

12-24-07

Notes: B-1, Plans and final eng. estimate have not been approved, 10% contingency, This FG does not include Gibson Blvd widening improvements - (requires MC-1).



REAL ESTATE FINANCE

A Division of California Bank & Trust

February 8, 2008

Chief Administrative Officer
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Mark Stebbings:
602.241.2219

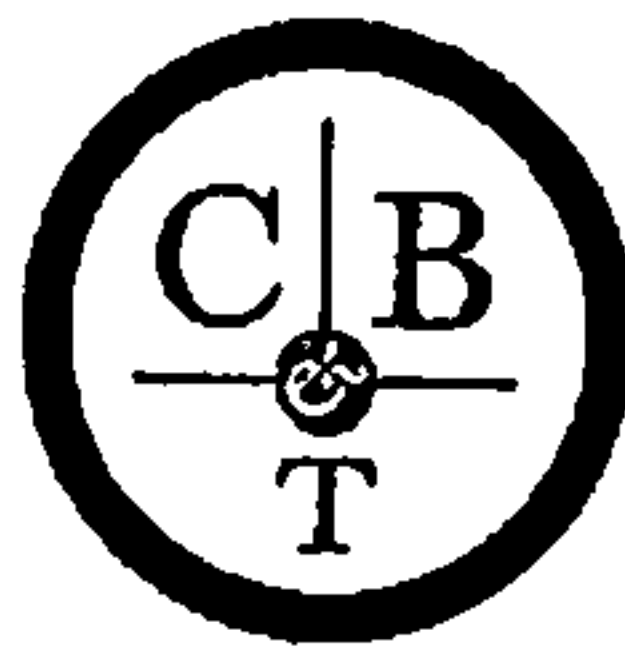
RE: Loan Reserve for Subdivider's name as stated in Agreement to Construct
Subdivision Improvements: Broadstone Towne Center, LLC
City of Albuquerque Project No.: 584684
Project Name: Broadstone Towne Center

Dear:

This is to advise the City of Albuquerque ("City") that, at the request
of [Name:] Broadstone Towne Center, LLC [name of financial
institution:] California Bank & Trust
("Financial Institution") in [city:] Phoenix
[state:] Arizona, holds as a loan reserve the sum of [written
One million six hundred twenty four thousand two hundred thirty four dollars and seventy three cents
\$ 1,624,234.73 ("Loan Reserve") for the exclusive purpose of providing the
financial guaranty which the City requires [subdivider's name as stated in
agreement:] Broadstone Towne Center, LLC ("Subdivider") to provide for
the installation of the improvements which must be constructed at [name of
subdivision:] Broadstone Towne Center, Project NO. 584684
("Project"). The amount of the Loan Reserve is 125% of the City's estimated
cost of the Project, as required by the City's Subdivision Ordinance. The
improvements are identified in the agreement between the City of Albuquerque
and Subdivider, which was recorded on
19 in the records of the Clerk of Bernalillo County, New Mexico in Book
Misc. pages to
("Agreement").

1. Reduction of Reserve. If the City Engineer for the City, or that
person's authorized designee, determines that it is appropriate to release a
specified amount of the loan reserves as a result of the Subdivider's
construction of a portion of the required infrastructure, then the City
Engineer, or that person's authorized designee, may execute an "Authorization
to Release" which will authorize the Financial Institution to release a
specified amount from the loan reserves. The Authorization to Release will
state the amount of the "Reduced Loan Reserve Balance" which must be
maintained following the reduction. The Reduced Loan Reserve Balance shall
not be reduced by more than 90% of the City's estimated cost of the Project
until the Project is accepted by the City. When the Financial Institution
receives the Authorization to Release, which has been signed by the City, the
Financial Institution may reduce the loan reserve to the Reduced Loan Reserve
Balance.

2. Liability of Financial Institution. Although the City may approve
the Financial Institution's release of a part of the loan reserves, the
approval will not constitute the City's final acceptance of part or all of the
Project. However, no matter what agreement exists between the Subdivider and
the City, the total liability of the Financial Institution to the City with
respect to the loan reserves established pursuant to this Loan Reserve Letter
shall at all times be limited to the lesser of the amount stated in this Loan



Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4. herein.

3. Draw on Reserve. If by [insert "Construction Completion Deadline" as stated in Agreement:] December 28, 20 08, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between [insert Construction Completion Deadline:] December 28, 20 08, and [60 days thereafter:] February 28, 20 09, inclusive, the City may demand payment from the Financial Institution up to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment" executed by the CAO or the CAO's authorized designee, which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost of completing the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

- A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
- B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or
- C. Expiration of the date [60 days after Construction Completion Deadline:] February 28, 20 09; or
- D. Written termination of this Loan Reserve Letter, signed by the City Engineer of the City.

Very truly yours,
California Bank & Trust, a California
Banking Corporation, As Agent Bank, on
Behalf of Lenders

By: Bruce Weyers
Title: Vice President

ACCEPTED:
CITY OF ALBUQUERQUE
By: [Signature]
City Engineer
Dated: 2-14-08

lp
2/14/08

W
2/13/08

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1005243

AGENDA ITEM NO: 9

SUBJECT:

Final Plat

ACTION REQUESTED:

REV/CMT:0 APP:(x) SIGN-OFF:0 EXTN:0 AMEND:0

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION:

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

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

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

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee
924-3986

DATE: March 19, 2008

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Current DRC
Project Number: _____
HMCG: 2006.003.3

FIGURE 12

Date Submitted: 10-17-2007

INFRASTRUCTURE LIST

(Rev. 9-20-05)

EXHIBIT "A"

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

Date Site Plan Approved: _____

Date Preliminary Plat Approved: 10/31/07

Date Preliminary Plat Expires: 10/31/08

DRB Project No.: 1005243

DRB Application No.: 07 DRB-70318

1-30-2008

TRACTS 1, 2, 3, 4 and 5, BROADSTONE TOWNE CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

ORIGINAL

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		36'	Storm Drain	University Blvd., SE	54" Storm Drain Stub University Blvd., SE	Towne Center Lane, SE	/	/	/
		Varies 18" - 30"	Storm Drain	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		12' Wide	Right Turn / Decel Lane	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		6'	Sidewalk (East side)	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		50' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	University Blvd., SE	West Entrance to Tract 1	/	/	/
		30' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	West Entrance to Tract 1	Broadstone Way, SE	/	/	/
		8'	Sidewalk (South side)	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		56' F-F	Commercial Pavement with Curb and Gutter Both sides and Median	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		8'	Sidewalk (West side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		8'	Sidewalk (East side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private		City Cnst Engineer
							Inspector	P.E.	
		12' Wide 350 Ft Long Transition	Right Turn / Decel Lane with New 9' Asphalt Sidewalk	Gibson Blvd., SE	350' East of Broadstone Way, SE	Broadstone Way, SE	/	/	/
		GM 8"	Sanitary Sewer	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane SE	/	/	/
		8"	Sanitary Sewer	Towne Center Lane, SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		8"	Water Line	Towne Center Lane, SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	Easement on Tract 1 Through Townhomes	NW Corner of Tract 4	Broadstone Way, SE	/	/	/
		8"	Water Line	Easement on Tract 1 Through Townhomes	NW Corner of Tract 4	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	North Easement on Tract 1 Apartments	Broadstone Way, SE	110' West of Buena Vista Drive, SE	/	/	/
		8"	Water Line	North Easement on Tract 1 Apartments	Broadstone Way, SE	Buena Vista Drive, SE	/	/	/
		8"	Sanitary Sewer	South Easement on Tract 1 Apartments	Broadstone Way, SE	90' West of Buena Vista Drive, SE	/	/	/
		8"	Water Line	South Easement on Tract 1 Apartments	Broadstone Way, SE	NE Corner of Tract 1	/	/	/
		GM PER DRC	SOUTH BOUND TO EAST DUAL LEFT TURN LANES (STRIPING)	UNIVERSITY	AS REQUIRED	GIBSON	/	/	/
							/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
							/	/	/
							/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature Date							City User Dept. Signature Date		

NOTES

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

GM

1 Row Acquisition, Offsite Street Widening, Median Modifications and Striping as required to provide Dual Eastbound Left Turn Lanes in Gibson Boulevard, SE at University Boulevard, SE. Cash Payment to be made to City for Future Construction. - Procedure "C" Modified Non-Work Order Agreement

△ For: \$ 313,430.88 (MC-1)

2

3

AGENT / OWNER

J. Graeme Means, PE

NAME (print)

High Mesa Consulting Group

FIRM

J. Graeme Means 10/2/07
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Jones 10/3/07
DRB CHAIR - date

McRae 10/31/07
TRANSPORTATION DEVELOPMENT - date

William J. Parker 10/31/07
UTILITY DEVELOPMENT - date

Bradley S. Brinson 10/31/07
CITY ENGINEER - date

Christina D. ... 10/31/07
PARKS & RECREATION - date

AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
A	1-30-08	<i>Woodall</i>	<i>JMD</i>	<i>J. Graeme Means</i>

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005243

AGENDA ITEM NO: 4

SUBJECT:

Final Plat
Preliminary Plat
Site Plan for Building Permit
Site Plan for Subdivision

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

P.O. Box 1293

An approved grading and drainage plan dated 10-02-07 is on file for Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ¹⁰⁻³¹⁻⁰⁷ **X**; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee
(L-15/D055 - BROADSTONE TOWNE CENTER)

505-924-3986

DATE: OCTOBER 24, 2007

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005243

AGENDA ITEM NO: 8

SUBJECT:

Final Plat
Preliminary Plat
Site Plan for Building Permit
Site Plan for Subdivision

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

P.O. Box 1293

An approved grading and drainage plan dated 10-02-07 is on file for Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

signal I.L.

FP indef

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
(L-15/D055 - BROADSTONE TOWNE CENTER)

505-924-3986

DATE: OCTOBER 31, 2007

CITY OF ALBUQUERQUE PLANNING DEPARTMENT

INTER-OFFICE MEMO

DATE: October 22, 2007
TO: Sheran Matson, DRB Chair
FROM: Catalina Lehner, Senior Planner 
RE: Project #1005243, Broadstone Towne Center

On January 18th, 2007, the Environmental Planning Commission (EPC) approved a Zone Map Amendment, a Site Development Plan for Subdivision and a Site Development Plan for Building Permit for Parcels 1, 2, 3, 4, 5 and 6, University Village Subdivision, approx. 17 acres. This case was appealed to the City Council, who did not grant the appeal as indicated in its March 22, 2007 decision.

Staff met with the agent, Jackie Fishman of Consensus Planning, on October 5th, 2007 to discuss compliance with the EPC's Conditions of Approval. Staff finds that some of the conditions are not complied with. Below Staff elaborates these instances and offers some suggestions. Note: Planning Staff did not check Transportation conditions.

A. Site Development Plan for Subdivision

Condition #8e

The applicant explained to Staff that, due to the project's size, not every landscape detail is shown. Instead of plant totals, Sheet LP-4 lists *TBD (To Be Determined) on the legend, though plant totals are shown on the sheet and listed as "typical concept." No plant totals are provided for the remaining portions of the development.

Even if the precise number of shrubs and groundcover is unknown, it is certain that 75% coverage with living vegetative material is required. Staff suggests adding the following note to the asterisk, which states "Final quantities will be based on total landscape area of plants (not including trees) shall be provided to ensure that coverage with living, vegetative material is a minimum of 75%. Tree canopy shall not count toward this requirement." This note will allow the applicant flexibility and ensure that the requirement is met.

B. Site Development Plan for Building Permit

Condition #3a

It appears that the Keynote 13 on Sheet A1.11 should reference the wall details on Sheet A1.20. Instead, Keynote 13 references a steel security fence, which Staff does not believe is intended for use around the project's perimeter.

Condition #3a and b

It appears that the perimeter wall (Detail 09 on sheet A1.20) does not comply with Zoning Code §14-16-3-19, General Height and Design Regulations for Walls, Fences and Retaining Walls. However, a detail of "pilaster at perimeter view fence" accompanies the perimeter wall detail, which could mean that there will be openings in the perimeter every so often.

Notes are needed on the detail sheet to explain how the perimeter wall will comply with Zoning Code §14-16-3-19.

Condition #6

This condition was placed here due to Staff error. Motorcycle parking is not required for residential projects. However, it is addressed in the design standards in the site development plan for subdivision.


Condition #11

The bench and trash can need to be mentioned in Keynote #25, because it is not obvious what City Standard Drawing 2535.04 is or if it includes a bench and a trash can.

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

CITY OF ALBUQUERQUE PLANNING DEPARTMENT

INTER-OFFICE MEMO

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TO: Sheran Matson, DRB Chair
FROM: Catalina Lehner, Senior Planner 
RE: Project #1005243, Broadstone Towne Center

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



DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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

DRB Application No.: 07DRB-70318

Project # 1005243

Project Name: Unplatted lands within section 28, township 10 north TBKA Broadstone Towne Center

Agent: High Mesa Consulting Group

Phone No.: 345-4250

Your request was approved on _____ by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: SIA 1

PARKS / CIP: _____

PLANNING (Last to sign): _____

- 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.

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

10/26/2007 Issued By: PLNABG

Permit Number: 2007 070 318

Category Code 910

Application Number: 07DRB-70318, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA

Project Number: 1005243

Applicant

Broadstone Towne Center Llc

2415 East Camelback Road Suite 600

Phonix, AZ 85016

602-778-2800

Agent / Contact

High Mesa Consulting Group

Debie Trujillo

6010-B Midway Park Blvd Ne

Albuquerque, NM 87109

dtujillo@highmesacg.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441008/4983000	DRB DEFERRAL FEE	\$50.00
TOTAL:		\$50.00

City Of Albuquerque
Treasury Division

10/26/2007 11:14AM LOC: ANNX
WS# 006 TRANSH 0022
RECEIPT# 00083914-00083914
PERMITH 2007070318 TRSCCS
Trans Amt \$50.00
DRB Actions \$50.00
CK \$50.00
CHANGE \$0.00

Thank You

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

10/16/2007 Issued By: PLNABG

Permit Number: 2007 070 316 **Category Code 910**

Application Number: 07DRB-70316, Epc Approved Sdp For Build Permit

Address:

Location Description: GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA SE

Project Number: 1005243

Applicant
Alliance Residential

2415 East Camelback Suite 600
Phoenix, AZ 85106

Agent / Contact
Consensus Planning
James Strozier
302 8th St Nw
Albuquerque, NM 87102

cp@consensusplanning

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	
TOTAL:		\$20.00

City Of Albuquerque
Treasury Division

10/16/2007 9:39AM LOC: ANNX
WS# 007 TRANS# 0006
RECEIPT# 00089460-00089460
PERMIT# 2007070316 TRSMSP
Trans Amt \$20.00
Conflict Manag. Fee \$20.00
MC \$20.00
CHANGE \$0.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

10/16/2007 Issued By: PLNABG

Permit Number: 2007 070 318

Category Code 910

Application Number: 07DRB-70318, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA

Project Number: 1005243

Applicant

Broadstone Towne Center Llc

2415 East Camelback Road Suite 600
Phonix, AZ 85016
602-778-2800

Agent / Contact

High Mesa Consulting Group
Debie Trujillo
6010-B Midway Park Blvd Ne
Albuquerque, NM 87109

dtrujillo@highmesacg.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441008/4983000	DRB Actions	\$495.00
TOTAL:		\$515.00

City Of Albuquerque
Treasury Division

10/16/2007 10:38AM LOC: ANNX
WS# 006 TRANS# 0021
RECEIPT# 00083314-00083314
PERMIT# 2007070318 TRSCCS
Trans Amt \$515.00
Conflict Manag. Fee \$20.00
DRB Actions \$495.00
CK \$515.00
CHANGE \$0.00

Thank You

2006-003.2

A City of Albuquerque



DEVELOPMENT PLAN REVIEW APPLICATION

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

- Annexation & Zone Establishment
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Zone Change
- Text Amendment

Z

APPEAL / PROTEST of...

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

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: Broadstone Towne Center LLC
 ADDRESS: 2415 East Camelback Road, Suite 600
 CITY: Phoenix
 Proprietary interest in site: Owners
 AGENT (if any): High Mesa Consulting Group
 ADDRESS: 6010-B Midway Park Blvd. NE
 CITY: Albuquerque

STATE AZ ZIP 85016

STATE NM ZIP 87109

PHONE: 602-778-2800
 FAX: 602-778-2850
 E-MAIL: _____

PHONE: 505-345-4250
 FAX: 505-345-4254
 E-MAIL: dtrujillo@highmesacg.com

DESCRIPTION OF REQUEST: Preliminary Plat Approval *** To Be Known as TRACTS 1, 2, 3, 4 AND 5, BROADSTONE TOWNE CENTER ***

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

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

Lot or Tract No. Unplatted Lands Block: n/a Unit: n/a

Subdiv. / Addn. Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.

Current Zoning: SU-1/PRD & SU-1 for C-2 Permissive Uses Proposed zoning: n/a

Zone Atlas page(s): L-15 No. of existing lots: 6 No. of proposed lots: 5

Total area of site (acres): +/- 16.751 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. *** See Attached*** MRGCD Map No. n/a

LOCATION OF PROPERTY BY STREETS: On or Near: Gibson Boulevard, SE
Between: University Boulevard, SE and Buena Vista Drive 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.): Project No. 1005243, 06EPC-01592, 01593 and 01594, 07CC-00114 and 00117

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

SIGNATURE Debie LeBlanc Trujillo DATE October 8, 2007

(Print) Debie LeBlanc Trujillo for High Mesa Consulting Group

Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03

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

07DRB - 70316

Action

DRB

S.F.

Fees

\$ 495.00

\$ 20.00

\$

\$

\$

\$

Total

\$ 515.00

Hearing date October 24, 2007

[Signature]

10/16/07
Planner signature / date

Project # 1005243

2006.003.2

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

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

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

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

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

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

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

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

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

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

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

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

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

Amended preliminary plat approval expires after one year

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

HIGH MESA CONSULTING GROUP

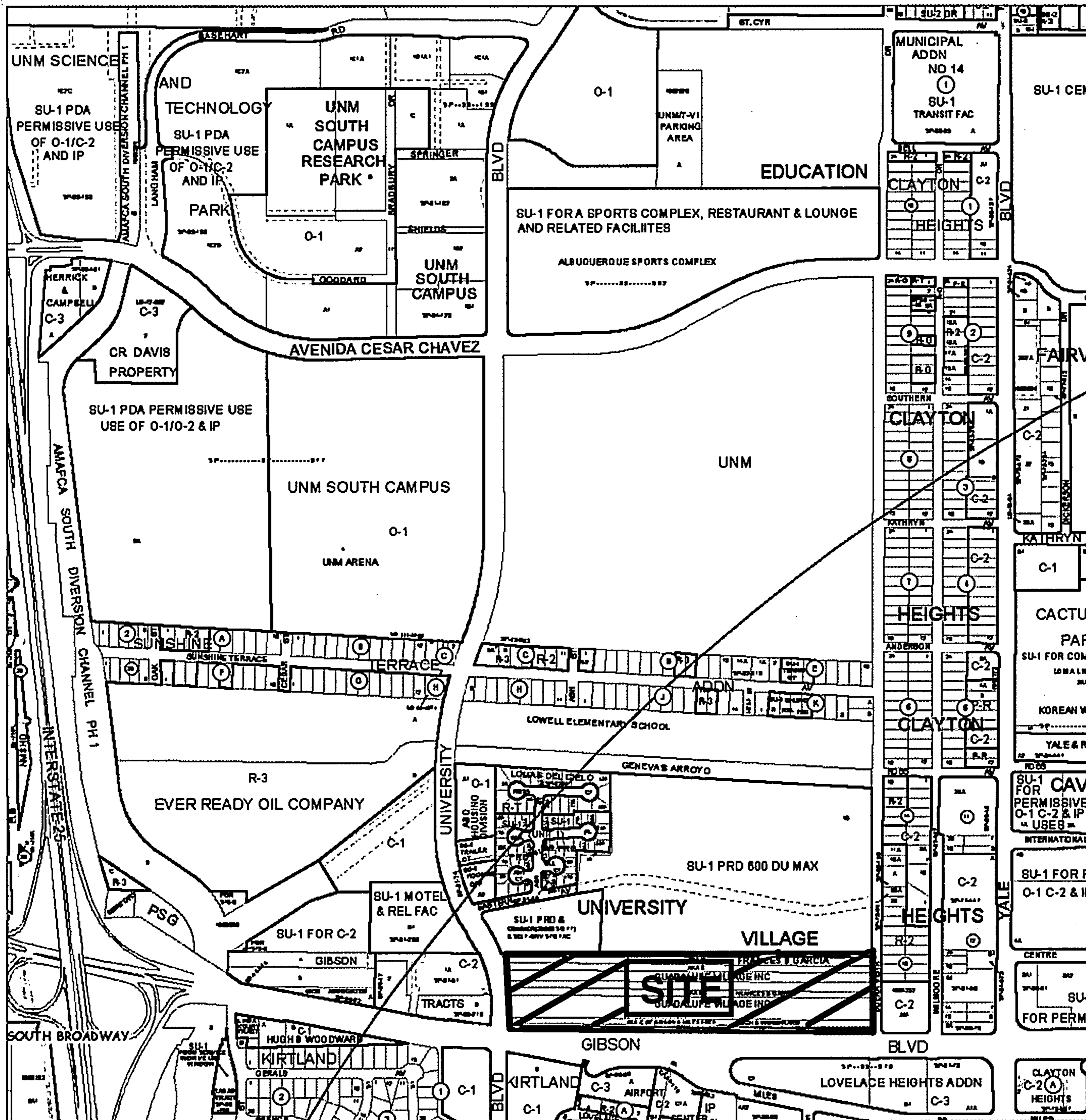
DEBIE TRUJILLO
Applicant name (print)
Debie Trujillo
Applicant signature / date
10-16-07



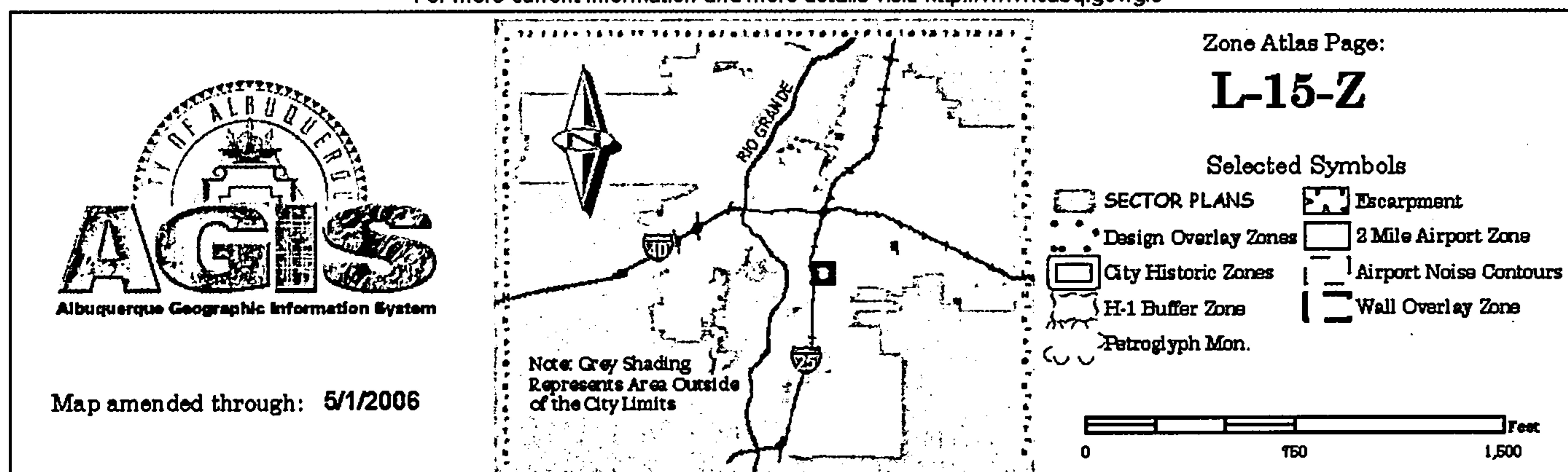
Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
01 DRB - 70318

Andrew Jimenez
Planner signature / date
10/16/07
Project # 1000243



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



HIGH MESA Consulting Group

FORMERLY JEFF MORTENSEN AND ASSOCIATES, INC.

2006.003.2

October 15, 2007

Sheran Matson, AICP
Planning Manager, DRB Chair
Planning Department Development & Building Services Division
City of Albuquerque
600 2nd Street, NW
Albuquerque, NM 87103

Re: Request for Preliminary Plat Approval - DRB Project No. 1005243
Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.
To Be Known As TRACTS 1, 2, 3, 4 AND 5, BROADSTONE TOWNE CENTER

Dear Ms. Matson:

Transmitted are the following items associated with the subject request:

- DRB Application, Supplemental Form S(3) along with related fees
- Certificate of No Effect from the Superintendent, Open Space Division
- Six (6) copies of the Preliminary Plat
- Approved Preliminary Pre-Development Facilities Fee Agreement
- City of Albuquerque Zone Atlas H – 13 (with Site highlighted)
- Six (6) copies of proposed Infrastructure List w/ exhibit to describe improvements
- Declaration of Covenants, Conditions and Restrictions for Broadstone Towne Center

On behalf of our clients, Broadstone Towne Center, LLC, we are requesting Preliminary Plat Approval for Tracts 1, 2, 3, 4 and 5, Broadstone Towne Center. We are proposing to create five tracts from the existing unplatted parcels. We will also be dedicating public street right-of-way along with granting public waterline, sanitary sewer, public roadway, public sidewalk, private access, private drainage and public utility easements as shown on our preliminary plat. This project has been through the Environmental Planning Commission (EPC) for Site Development Plan for Building Permit, Site Development Plan for Subdivision and Zone Map Amendment earlier this year (Project No. 1005243 – 06EPC 01592, 01593 and 01594).

Please schedule this matter for the next appropriate DRB Hearing. We look forward to providing a detailed presentation to the DRB during the upcoming hearing. In the meantime, if you or other DRB representatives are in need of additional explanation or information, please feel free to call.

Sincerely,

HIGH MESA CONSULTING GROUP


Debie LeBlanc Trujillo

DLT
Enclosures

xc: Robert Hutt, Broadstone Towne Center, LLC w/enc.
Principals: Jeffrey G. Mortensen, P.E. • Charles G. Cala, Jr., P.S. • Juan M. Cala
Joseph M. Solomon, Jr., P.S. • J. Graeme Means, P.E. • Richard C. White • Grady E. Barrens

Attachment to Development Review Application

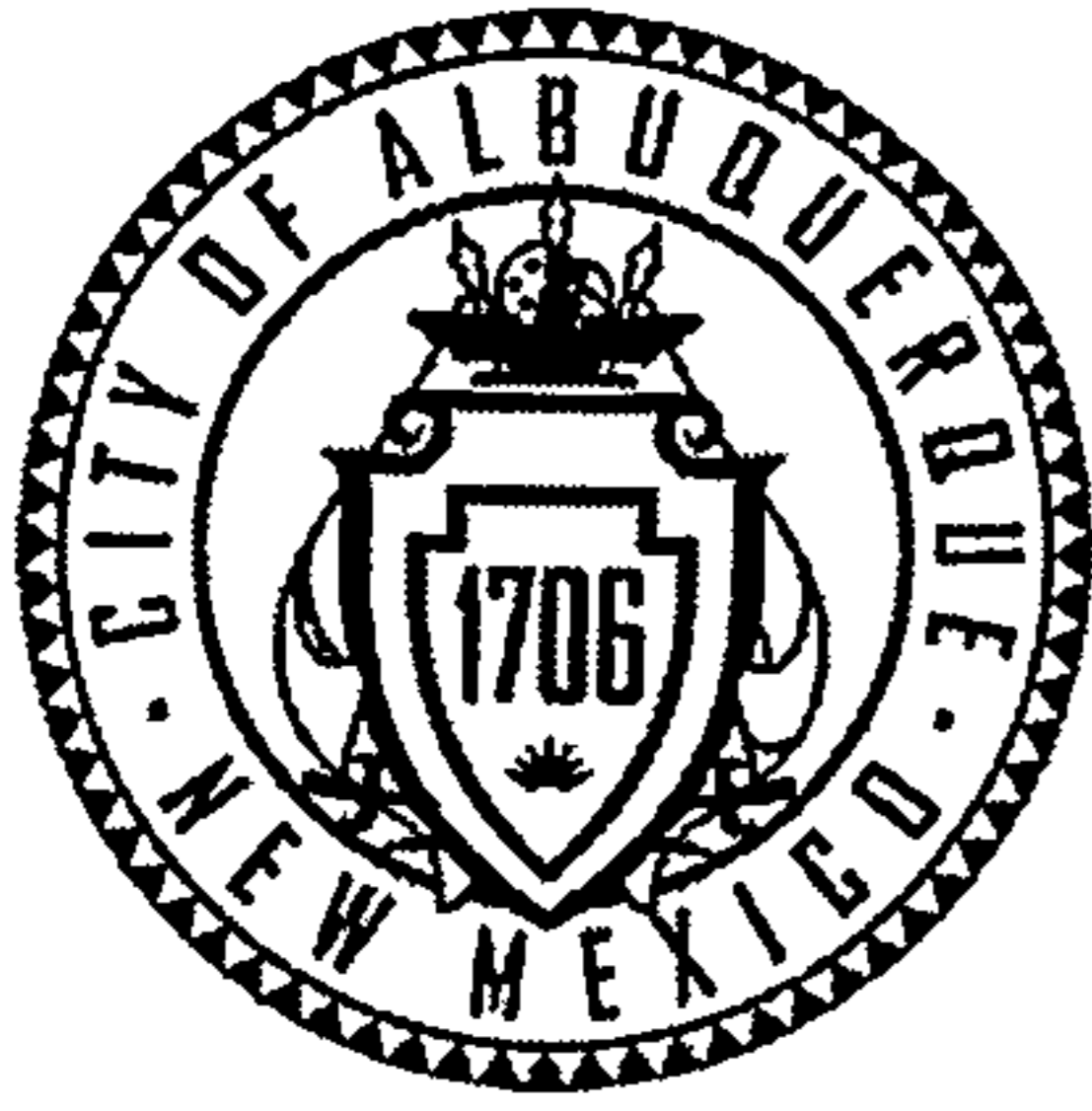
Project No. 1005243

To Be Known as TRACTS 1 through 5, BROADSTONE TOWNE CENTER

Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.

Existing Uniform Property Codes

<u>Property</u>	<u>UPC Code</u>
Unplatted Lands aka Parcel 1	101505639505440308
Unplatted Lands aka Parcel 2	101505639505140307
Unplatted Lands aka Parcel 3	101505639404540306
Unplatted Lands aka Parcel 4	101505639504340305
Unplatted Lands aka Parcel 5	101505639403840304
Unplatted Lands aka Parcel 6	101505639402540303



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor

Richard Dineen, Director

Interoffice Memorandum

October 15, 2007

Subject: Albuquerque Archaeological Ordinance—Compliance Documentation

Project Number(s):

Case Number(s):

Agent: High Mesa Consulting Group

Applicant: Broadstone Towne Center

Legal Description: Unplatted Lots of Gibson & Miles

Acreage: 17.5 acres

Zone Atlas Page: L-15

CERTIFICATE OF NO EFFECT: Yes No

CERTIFICATE OF APPROVAL: Yes No

SUPPORTING DOCUMENTATION:

An Archaeological Survey Adjacent to Gibson Boulevard, Albuquerque New Mexico.
by David V. Hill PhD, Archaeological Research and Technology (October 2007).

SITE VISIT: n/a

RECOMMENDATION(S):

1. Please provide follow-up documentation regarding history of platting for the parcels, in particular: are the long narrow lots related to tracts created over 75 years ago? Any historic information contained in deeds of the property would be useful for the case file.

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(1)-- no significant sites in project area).***

SUBMITTED:

Matthew Schmader, PhD
Superintendent, Open Space Division
Acting City Archaeologist

EXHIBIT A

PRELIMINARY
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and ALLIANCE REALTY PARTNERS ("Developer") effective as of this 28 day of September, 2007, and pertains to the subdivision commonly known as CLAYTON HEIGHTS, and more particularly described as [use current legal description] SEE ATTACHED LEGAL DESCRIPTION (EXHIBIT A)

_____ (the "Subdivision".)

WHEREAS, In order to provide for APS becoming more knowledgeable of development plans within the City so that APS may better plan for future growth, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

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

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

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

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

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

1. Developer agrees that a facilities fee will be paid to APS for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:
 - If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.

DRB Project # 1005243

APS Cluster Albuquerque

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

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

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

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

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

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

[Signature]
Signature

ROBERT M. HUTT - MEMBER
Name (typed or printed) and title

Developer

ALLIANCE REALTY PARTNERS
Developer

STATE OF ARIZONA

COUNTY OF MARICOPA

This instrument was acknowledged before me on 9/28/07, by Robert M. Hutt

as Member _____ of Alliance Realty Partners, LLC.



[Signature]
Notary Public

My commission expires: 9/20/09

ALBUQUERQUE PUBLIC SCHOOLS

By: [Signature]
Signature

BETTY KING, PLANNER, APS CMP
Name (typed or printed) and title

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on October 4, 2007, by Betty King
as Planner, APS, CMP of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

[Signature]
Notary Public

My commission expires: May 18, 2011

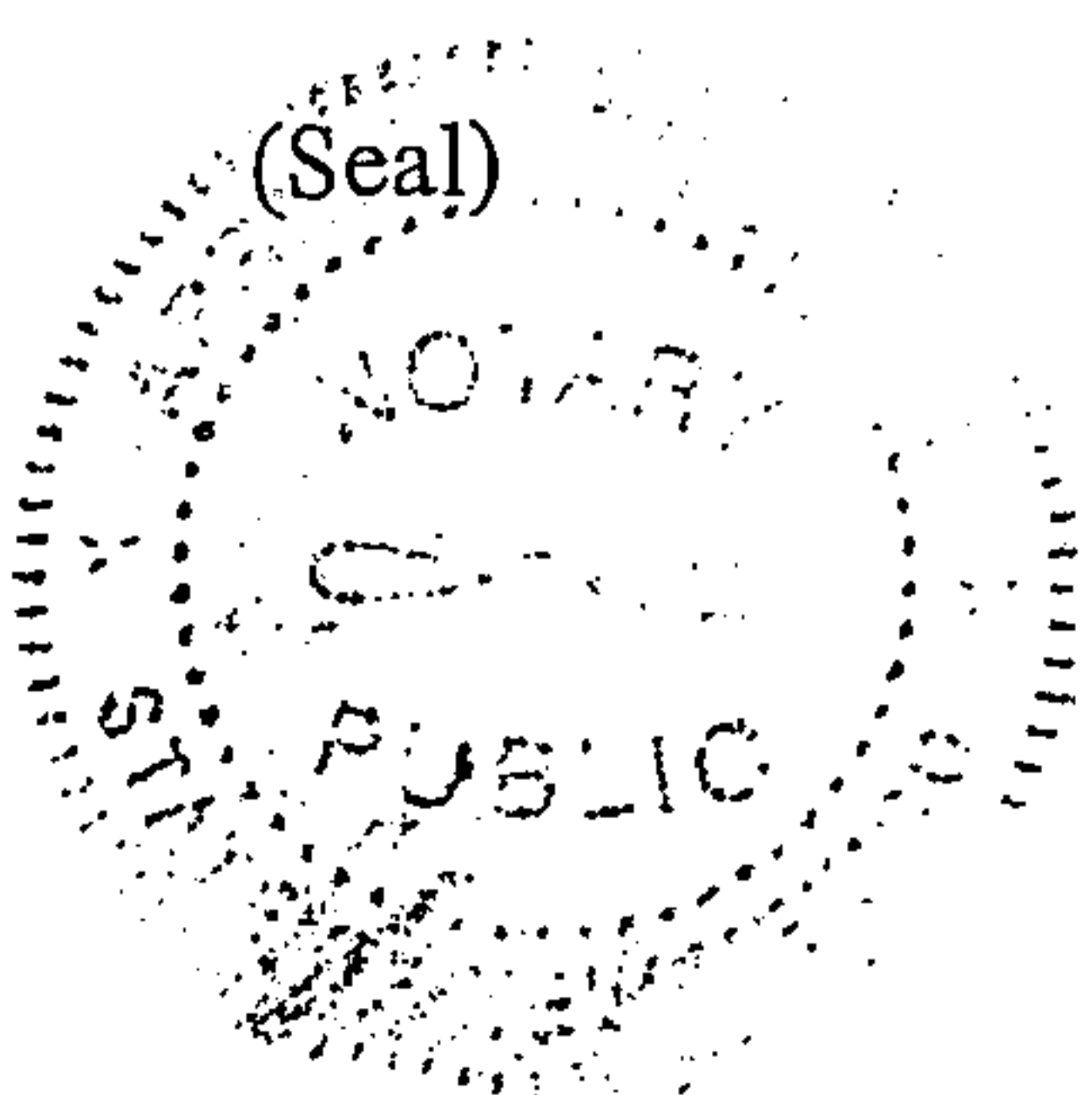


EXHIBIT A
Legal Description

A CERTAIN TRACT OF LAND SITUATE WITHIN SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST OF THE N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING DESCRIBED AS INDIVIDUAL PARCELS 1 THRU 6, ALL PARCELS BEING COMBINED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING A POINT ON THE WEST LINE OF BUENA VISTA DRIVE, SAID POINT BEING COMMON WITH THE SOUTHEAST CORNER OF TRACT "C" OF UNIVERSITY VILLAGE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 3, 1972 IN VOLUME D4, FOLIO 196 RUNNING THENCE S. 00 DEG 57' 12" W., ALONG THE WEST LINE OF BUENA VISTA DRIVE, A DISTANCE OF 372.55 FEET TO THE SOUTHEAST CORNER, BEING A POINT ON THE NORTH LINE OF GIBSON BOULEVARD; THENCE ALONG THE NORTH LINE OF GIBSON BOULEVARD FOR THE NEXT 14 CALLS;

N. 89 DEG 23' 27" W., A DISTANCE OF 170.00 FEET TO A POINT;

N. 76 DEG 43" W., A DISTANCE OF 46.10 FEET TO A POINT;

N. 89 DEG. 23' 27" W., A DISTANCE OF 100.00 FEET TO A POINT;

S. 72 DEG. 10' 27" W., A DISTANCE OF 63.25 FEET TO A POINT;

N. 89 DEG. 23' 27" W., A DISTANCE OF 348.03 FEET TO A POINT;

SOUTH, A DISTANCE OF 10.00 FEET TO A POINT;

N. 89 DEG. 23' 25" W., A DISTANCE OF 60.00 FEET TO A POINT;

NORTH, A DISTANCE OF 10.00 FEET TO A POINT;

N. 89 DEG. 23' 27" W., A DISTANCE OF 58.35 FEET TO A POINT;

N. 80 DEG. 51' 36" W., A DISTANCE OF 101.12 FEET TO A POINT;

N. 89 DEG. 23' 27" W., A DISTANCE OF 120.00 FEET TO A POINT;

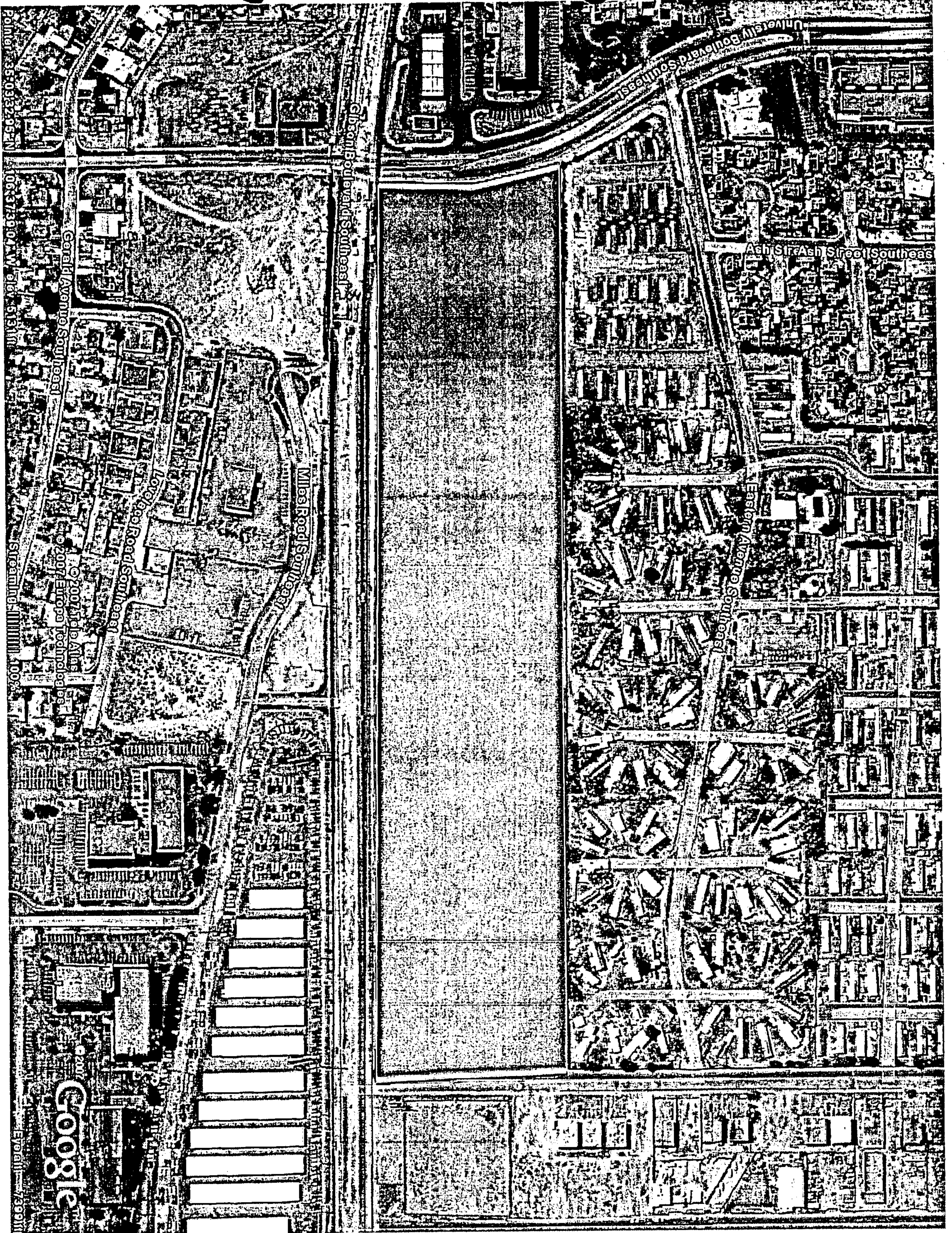
S. 67 DEG. 38' 56" W., A DISTANCE OF 38.08 FEET TO A POINT;

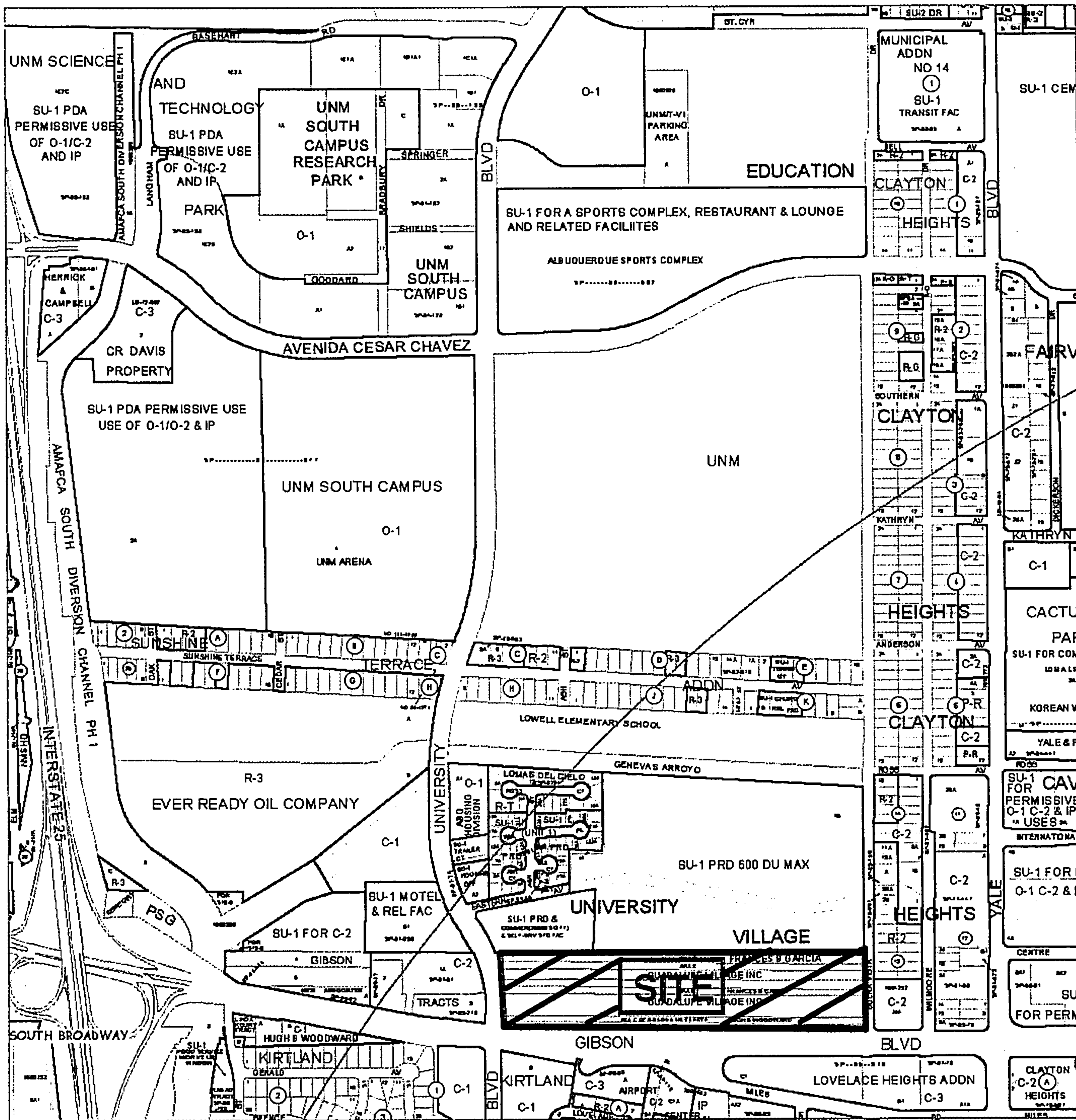
N. 89 DEG. 43' 26" W., A DISTANCE OF 75.00 FEET TO A POINT;

S. 79 DEG. 54' 42" W., A DISTANCE OF 50.53 FEET TO A POINT;

THENCE LEAVING THE NORTH LINE OF GIBSON BOULEVARD, N 89 DEG 23' 27" W., A DISTANCE OF 159.94 FEET TO A POINT OF CURVE; THENCE 279.84 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2492.96 FEET AND A CHORD BEARING AND DISTANCE OF N 87 DEG 04' 51" W., 279.09 FEET TO A POINT ON THE NORTH LINE OF GIBSON BOULEVARD;

THENCE 214.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5660.00 FEET AND A CHORD BEARING AND DISTANCE OF N 85 DEG 28' 51" W., 214.90 FEET TO THE SOUTHWEST CORNER, BEING A POINT ON THE EASTERLY LINE OF UNIVERSITY BOULEVARD; THENCE ALONG THE EASTERLY LINE OF UNIVERSITY BOULEVARD, 388.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 806.09 FEET AND A CHORD BEARING AND DISTANCE OF N 07 DEG. 40' 45" W., 384.90 FEET TO THE NORTHWEST CORNER; THENCE N. 88 DEG 57' 32' E., A DISTANCE OF 1932.04 FEET TO THE NORTHEAST CORNER AND PLACE OF BEGINNING.





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

Albuquerque Geographic Information System

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
L-15-Z

Selected Symbols

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

Map amended through: 5/1/2006

Scale: 0 750 1500 Feet



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor

Richard Dineen, Director

Interoffice Memorandum

October 15, 2007

Subject: Albuquerque Archaeological Ordinance—Compliance Documentation

Project Number(s):

Case Number(s):

Agent: High Mesa Consulting Group

Applicant: Broadstone Towne Center

Legal Description: Unplatted Lots of Gibson & Miles

Acreage: 17.5 acres

Zone Atlas Page: L-15

CERTIFICATE OF NO EFFECT: Yes No

CERTIFICATE OF APPROVAL: Yes No

SUPPORTING DOCUMENTATION:

**An Archaeological Survey Adjacent to Gibson Boulevard, Albuquerque New Mexico.
by David V. Hill PhD, Archaeological Research and Technology (October 2007).**

SITE VISIT: n/a

RECOMMENDATION(S):

1. Please provide follow-up documentation regarding history of platting for the parcels, in particular: are the long narrow lots related to tracts created over 75 years ago? Any historic information contained in deeds of the property would be useful for the case file.

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(1)— no significant sites in project area).***

SUBMITTED:

Matthew Schmader, PhD
Superintendent, Open Space Division
Acting City Archaeologist

Current DRC
Project Number: _____
HMCG: 2006.003.3

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 9-20-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

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

TRACTS 1, 2, 3, 4 and 5, BROADSTONE TOWNE CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Unplatted Lands within Section 28, Township 10 North, Range 3 East, N.M.P.M.

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Date Submitted: 10-17-2007

Date Site Plan Approved: _____

Date Preliminary Plat Approved: _____

Date Preliminary Plat Expires: _____

DRB Project No.: 1005243

DRB Application No.: _____

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		36'	Storm Drain	University Blvd., SE	54" Storm Drain Stub University Blvd., SE	Towne Center Lane, SE	/	/	/
		Varies 18" - 30"	Storm Drain	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		12' Wide	Right Turn / Decel Lane	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		6'	Sidewalk (East side)	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		50' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	University Blvd., SE	West Entrance to Tract 1	/	/	/
		30' F-F	Commercial Pavement with Curb and Gutter Both sides	Towne Center Lane, SE	West Entrance to Tract 1	Broadstone Way, SE	/	/	/
		8'	Sidewalk (South side)	Towne Center Lane SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		56' F-F	Commercial Pavement with Curb and Gutter Both sides and Median	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		8'	Sidewalk (West side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/
		6'	Sidewalk (East side)	Broadstone Way, SE	Gibson Blvd., SE	Towne Center Lane, SE	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		12' Wide 350 Ft Long Transition	Right Turn / Decel Lane with New 9' Asphalt Sidewalk	Gibson Blvd., SE	350' East of Broadstone Way, SE	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	University Blvd., SE	Gibson Blvd., SE	Towne Center Lane SE	/	/	/
		8"	Sanitary Sewer	Towne Center Lane, SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		8"	Water Line	Towne Center Lane, SE	University Blvd., SE	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	Easement on Tract 1 Through Townhomes	NW Corner of Tract 4	Broadstone Way, SE	/	/	/
		8"	Water Line	Easement on Tract 1 Through Townhomes	NW Corner of Tract 4	Broadstone Way, SE	/	/	/
		8"	Sanitary Sewer	North Easement on Tract 1 Apartments	Broadstone Way, SE	110' West of Buena Vista Drive, SE	/	/	/
		8"	Water Line	North Easement on Tract 1 Apartments	Broadstone Way, SE	Buena Vista Drive, SE	/	/	/
		8"	Sanitary Sewer	South Easement on Tract 1 Apartments	Broadstone Way, SE	90' West of Buena Vista Drive, SE	/	/	/
		8"	Water Line	South Easement on Tract 1 Apartments	Broadstone Way, SE	NE Corner of Tract 1	/	/	/
							/	/	/
							/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature Date							City User Dept. Signature Date		

NOTES

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

Street lights per City requirements.

- 1 Offsite Street Widening, Median Modifications and Striping as required to provide Dual Eastbound Left Turn Lanes in Gibson Boulevard, SE at University Boulevard, SE. Cash Payment to be made to City for Future Construction. -- Procedure "C" Modified Non-Work Order Agreement
- 2 _____
- 3 _____

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

J. Graeme Means, PE

NAME (print)

High Mesa Consulting Group

FIRM

J. Graeme Means 10/2/07
SIGNATURE - date

DRB CHAIR - date

PARKS & RECREATION - date

TRANSPORTATION DEVELOPMENT - date

AMAFCA - date

UTILITY DEVELOPMENT - date

_____ - date

CITY ENGINEER - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 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: Alliance Residential PHONE: 602-778-2831
 ADDRESS: 2415 East Camelback, Suite 600 FAX: _____
 CITY: Phoenix STATE AZ ZIP 85016 E-MAIL: _____
 Proprietary interest in site: owner List all owners: _____
 AGENT (if any): Consensus Planning PHONE: 505-764-9801
 ADDRESS: 302 8th Street NW FAX: 505-842-5495
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: cp@consensusplanning.com

DESCRIPTION OF REQUEST: DRB Final Sign-off of Site Development Plan for Subdivision and Site Development Plan Building Permit

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 1 - 6 Block: _____ Unit: _____
 Subdiv. / Addn. University Village
 Current Zoning: SU -1 for PRD and C-2 Proposed zoning: na
 Zone Atlas page(s): L-15-Z No. of existing lots: 6 No. of proposed lots: 5
 Total area of site (acres): 16.76 Density if applicable: dwellings per gross acre: 19.67 dwellings per net acre: _____
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? no
 UPC No. See Attached MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: Gibson Boulevard SE
 Between: University Boulevard SE and Buena Vista 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.): Project #1005243 06 EPC-01594, 06EPC-01592, 06EPC-01593

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

SIGNATURE [Signature] DATE 10/5/07
 (Print) Jacqueline Fishman, AICP _____ Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07DRB - 70316</u>	<u>SPS</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>- 70317</u>	<u>SBP</u>	_____	<u>\$ 0</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	<u>\$ _____</u>
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	<u>\$ _____</u>
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	<u>\$ _____</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	<u>\$ _____</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	<u>\$ _____</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	<u>\$ _____</u>
Hearing date <u>10/24/07</u>				Total <u>\$ 20.00</u>

Sandy Landley 10/16/07

Project # 1005243

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

SKETCH PLAN REVIEW AND COMMENT

- Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

SITE DEVELOPMENT PLAN FOR SUBDIVISION

- Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Copy of the document delegating approval authority to the DRB
 - Completed Site Plan for Subdivision Checklist
 - Infrastructure List, if relevant to the site plan
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
 - Solid Waste Management Department signature on Site Plan
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Copy of the document delegating approval authority to the DRB
 - Infrastructure List, if relevant to the site plan
 - Completed Site Plan for Building Permit Checklist
 - Copy of Site Plan with Fire Marshal's stamp
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION

AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Infrastructure List, if relevant to the site plan
 - Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

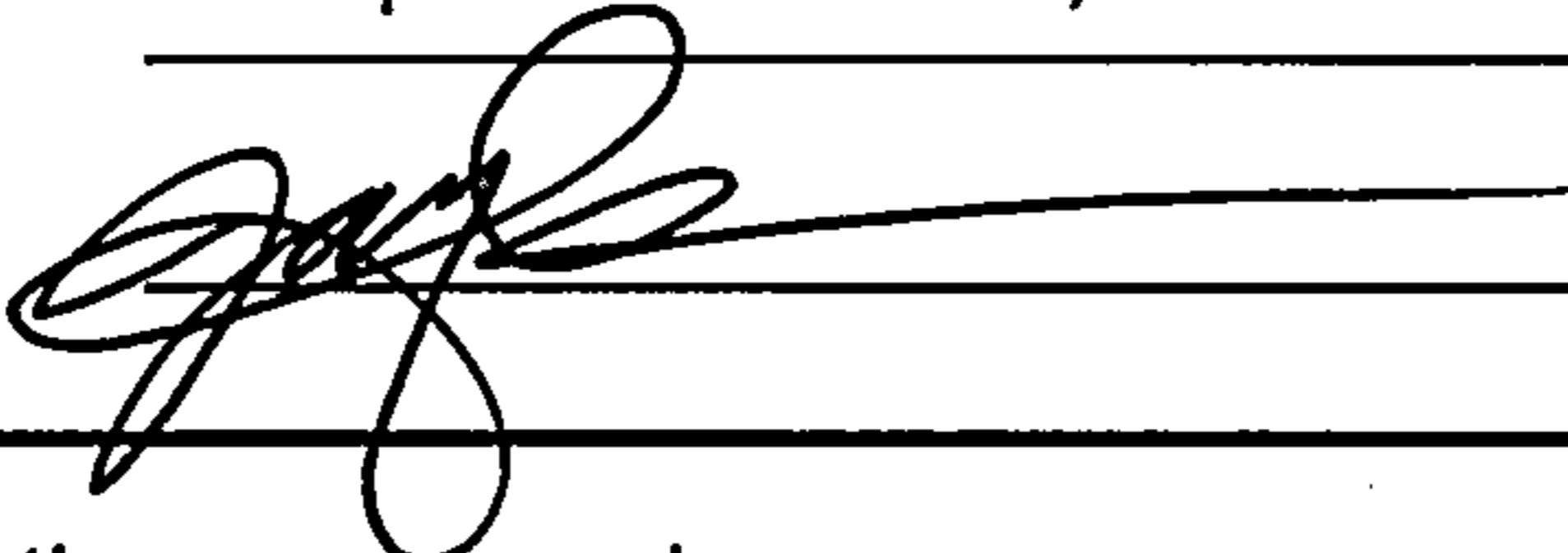
D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION

D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies.
 - Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision)
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
 - Infrastructure List, if relevant to the site plan
 - Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
 - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

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

Jacqueline Fishman, AICP



 Applicant name (print) _____
 10/5/07
 Applicant signature / date _____

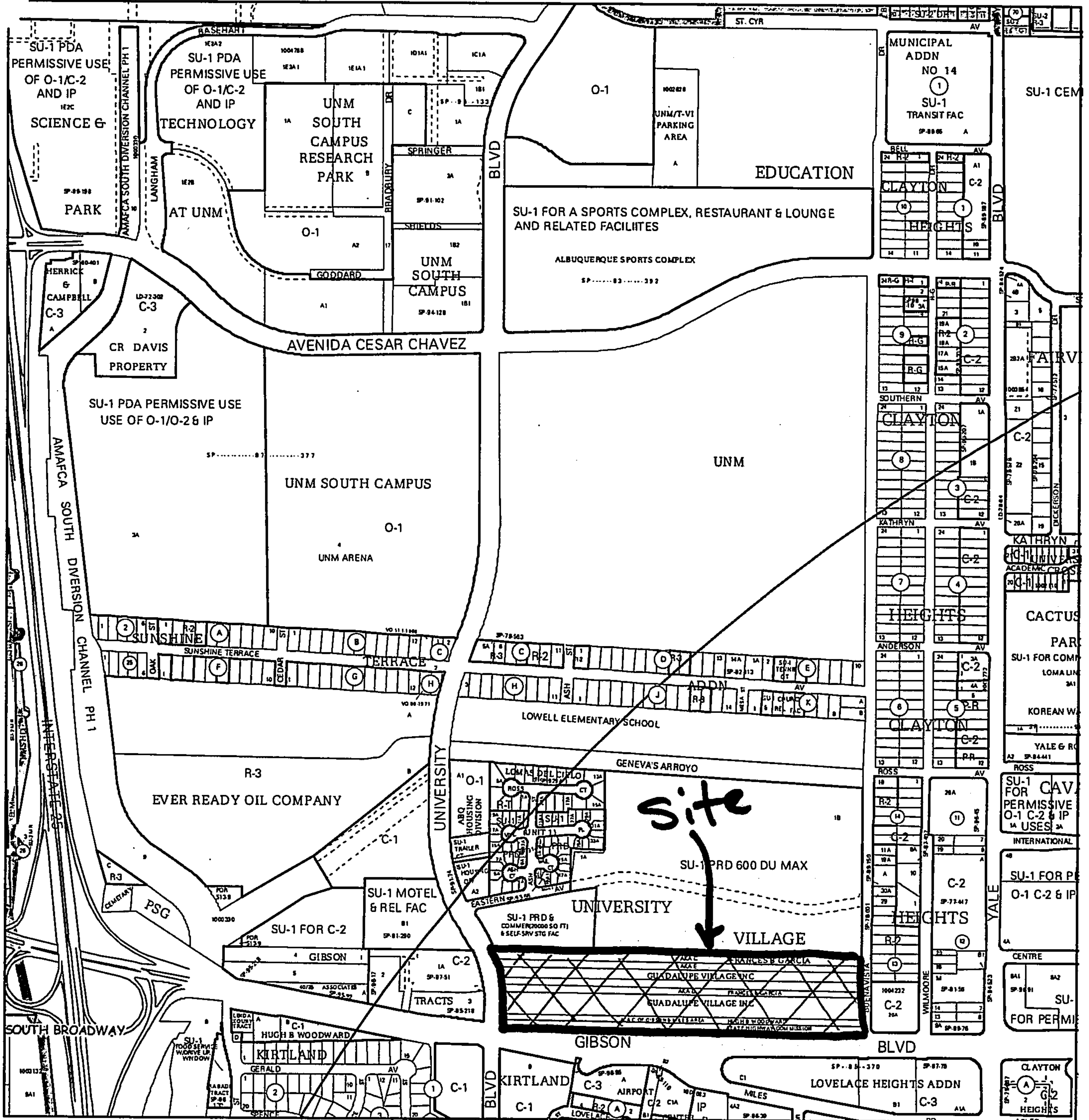


Form revised JUNE 2005

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

Application case numbers
 07DRB- ~~70316~~
 - ~~20317~~
 -
 -


 Planner signature / date _____
Project # 1005243



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

Map amended through: 9/5/2006

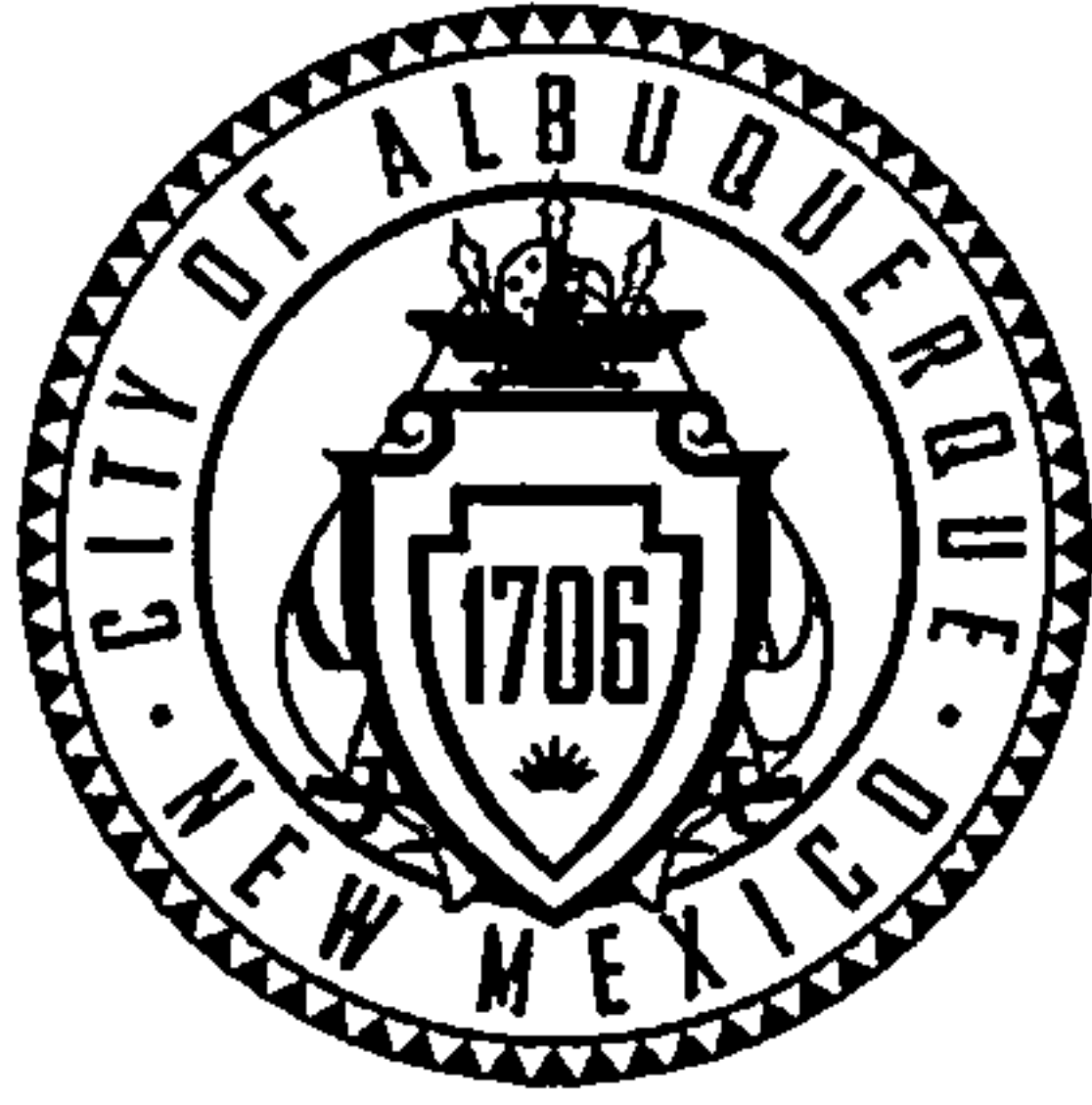
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
L-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.		

0 750 1,500 Feet



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor

Richard Dineen, Director

Interoffice Memorandum

October 15, 2007

Subject: Albuquerque Archaeological Ordinance—Compliance Documentation

Project Number(s):

Case Number(s):

Agent: High Mesa Consulting Group

Applicant: Broadstone Towne Center

Legal Description: Unplatted Lots of Gibson & Miles

Acreage: 17.5 acres

Zone Atlas Page: L-15

CERTIFICATE OF NO EFFECT: Yes No

CERTIFICATE OF APPROVAL: Yes No

SUPPORTING DOCUMENTATION:

An Archaeological Survey Adjacent to Gibson Boulevard, Albuquerque New Mexico.
by David V. Hill PhD, Archaeological Research and Technology (October 2007).

SITE VISIT: n/a

RECOMMENDATION(S):

1. Please provide follow-up documentation regarding history of platting for the parcels, in particular: are the long narrow lots related to tracts created over 75 years ago? Any historic information contained in deeds of the property would be useful for the case file.

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(1)-- no significant sites in project area).***

SUBMITTED:

Matthew Schmader, PhD

Superintendent, Open Space Division

Acting City Archaeologist

ITE Trip Generation

Use: 224, Rental Townhouse

PM Weekday Peak Hour Generator (55% Enter, 45% Exit)

$$T = 0.73 X$$

where: X = 60 Units

$$\text{then: } T = 44, T_{\text{enter}} = 0.55 (44) = 24$$

Assume half use east entrance and half use west

$$T_{\text{enter,west}} = 0.5 (24) = 12/\text{hr} = 0.2/\text{min}$$

West Gated Entrance (Residents Only)

Queuing Theory

The analysis was performed using a Poisson distribution assuming a 30 second cycle time for the gated entry (remote control – residents only). The target storage length is 25 ft/car for the 95% confidence level.

Probability Distribution. Using the Poisson Distribution, the calculation was performed to determine how many vehicles will arrive during the 30 second cycle. The target value for this parameter is 95% or higher.

1. The probability of x units arriving during a time interval is given by:

$$P(x) = \frac{e^{-\lambda} \lambda^x}{x!}$$

where: cycle time assumed to be 30 sec = 0.5 min

λ = expected number of occurrences during cycle time

$\lambda = (0.2 \text{ arrivals / minute}) * 0.5 \text{ min} = 0.1 \text{ arrivals expected during 30 seconds}$

x = actual number of vehicles arriving during cycle time

2. The cumulative distribution F(x), for $0 \leq F(x) \leq 1$ is given by:

$$F(x) = \sum_0^x P(x) = P(0) + P(1) + P(2) + \dots + P(x)$$

Using the probability equation listed under items number one, above:

<u>Probability (#cars)</u>	<u>Cumulative</u>
P(0) = 0.904834	0.904834
P(1) = 0.090484	0.995318
P(2) = 0.004524	0.999842
P(3) = 0.000151	0.999993

Probability of 1 vehicles or less arriving during one 30 second cycle:

$$P(0 \leq x \leq 1) = 99.5\% > 95\% \text{ target value}$$



9/25/07

Kizito Wijenje, AICP
Capital Master Plan Director
Albuquerque Public Schools

Re: Waiver request for APS PDFF for Broadstone Towne Center
• Project #: 1005243

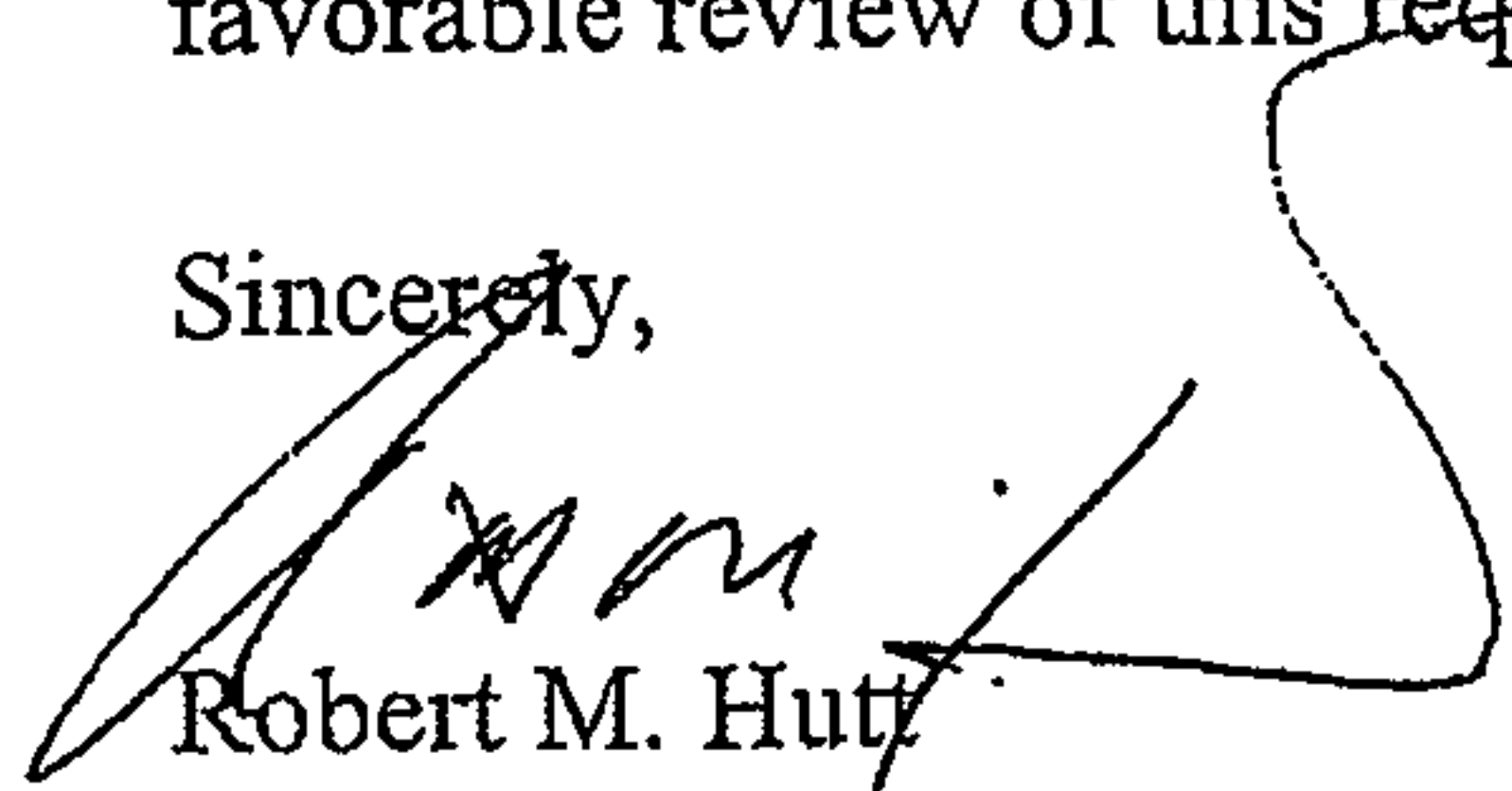
Dear Mr. Wijenje,

Please accept this letter as a formal *request for waiver* of Albuquerque Public Schools (APS) Pre Development Facilities Fee (PDFF) for the development indicated above ("the Project"). Council Bill No: F/S R-06-74 (the "relevant legislation"), which provides the legislation for the PDFF, clearly states that APS and the developer of a residential subdivision may, "reach an agreement" concerning the effect a proposed development may have on APS facilities. Per this legislation, Alliance Realty Partners ("Developer") presents the following justification for waiver the PDFF:

1. The relevant legislation is clearly designed to primarily address impacts to "west-side" development per the repeal of Enactment No. R-2005-177 (F/S R-05-297) regarding amendments to the West Side Strategic Plan. The Project is not located within the boundaries of the West Side Strategic Plan.
2. The Project is located in the Clayton Heights/Lomas del Cielo Metropolitan Redevelopment Area (MRA). MRAs are designated "blighted" by the City of Albuquerque. Thus the City is actively encouraging redevelopment in MRAs. Both the City's MRA designation and APS's PDFF agreement are intended to encourage development in areas where capacity and infrastructure exist. APS charging a PDFF within MRAs is contrary to the goals of the City and the PDFF legislation. To enable the intent of the City's MRA designation, APS should not encumber desirable developments within MRAs by assessing PDFFs.

Based on the arguments presented above, the Developer requests that the PDFF for the Project be waived. The Project utilizes existing infrastructure and assists in the implementation of the Clayton Heights/Lomas del Cielo MRA. Please contact me if you have any questions or require any additional information. We look forward to your favorable review of this request.

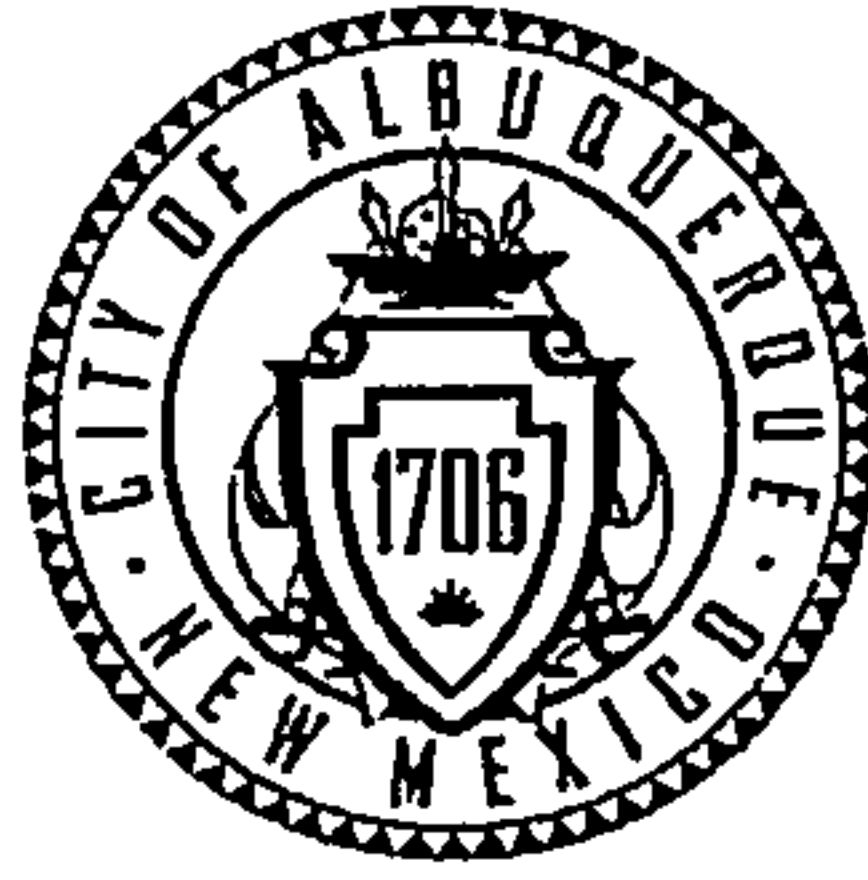
Sincerely,



Robert M. Hutz
Alliance Realty Partners

**UPC NUMBERS FOR THE ATTACHED LEGAL DESCRIPTIONS
Parcels 1, 2, 3, 4, 5, and 6, University Village Subdivision**

PARCEL	UPC #'s
Parcel 1	101505639505440308
Parcel 2	101505639505140307
Parcel 3	101505639404540306
Parcel 4	101505639504340305
Parcel 5	101505639403840304
Parcel 6	101505639402540303



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

Date: January 19, 2007

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1005243
06EPC-01594 Zone Map Amendment
06EPC-01592 EPC Site Development Plan-
Subdivision
06EPC-01593 EPC Site Development Plan-
Building Permit

Alliance Residential
2415 East Camelback, Suite 600
Phoenix, AZ 85016

LEGAL DESCRIPTION: for all or a portion of
Parcels 1, 2, 3, 4, 5, and 6, **University Village
Subdivision**, a zone map amendment from R-1 to
SU-1/PRD and SU-1 for C-2 Permissive Uses
with Exclusions, located on GIBSON BLVD. SE,
between UNIVERSITY BLVD. SE and BUENA
VISTA SE, containing approximately 17 acres.
(L-15) Catalina Lehner, Staff Planner

On January 18, 2007 the Environmental Planning Commission voted to approve Project 1005243/06EPC 01594, a request for a zone map amendment from R-1 to SU-1 for PRD and SU-1 for C-2 Permissive Uses with Exclusions, for Parcels 1, 2, 3, 4, 5 and 6 of the University Village Subdivision, located on Gibson Blvd. between University Blvd. SE and Buena Vista St. SE, based on the follow Findings and subject to the following Conditions:

FINDINGS:

1. This request is for a zone map amendment for an approximately 17 acre site located on Gibson Blvd., between University Blvd. SE and Buena Vista St. SE. A site development plan for subdivision (06EPC-01592) and a site development plan for building permit (06EPC-01593) accompany this zone map amendment request.
2. This is a two-part zone map amendment request. The applicant proposes to change the subject site's zoning from R-1 to SU-1 for PRD for the residential portion of the site (approx. 12.2 acres) and SU-1 for C-2 Permissive Uses with Exclusions for the commercial portion (approximately 4.5 acres). Excluded uses are: antennas, school, vehicle sales, rental, service, repair, circus or carnival, gasoline, oil, & liquefied petroleum gas retailing, drive in restaurants, parking lot, storage structures, storage yards, use activities in a tent, package liquor for off-premise consumption and off-premise signs including billboards.

3. The proposal *further*s the intent of some relevant Comprehensive Plan policies. It will increase land use variety in the area (Policy II.B.5a) by providing more housing choices and additional commercial services, infrastructure is already available (Policy II.B.5e) and the location is appropriate for higher density housing (Policy II.B.5h) because of good access to major streets.
4. The proposal *partially further*s Comprehensive Plan policies with respect to land adjacent to arterial streets (Policy II.B.5k), design quality/innovation (Policy II.B.5l) and siting of employment/service uses (Policy II.B.5i). Limited access to Gibson Blvd. minimizes traffic impacts, but the access street for the commercial tracts is adjacent to residential uses. There are some quality features, but the overall design is not particularly innovative and the commercial uses do not complement the residential uses to the extent that they could.

- ~~5. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980:~~
 - A. Section A: The applicant has demonstrated how the proposal furthers the policies (justification based on Plans) and has established an acceptable nexus (justification based on changed conditions).
 - B. Section B: The current R-1 zoning is inappropriate; the subject site would not be a suitable location for single-family homes.
 - C. Section C: The applicant cites a preponderance of Comprehensive Plan policies. The demonstration of how policies are furthered and the nexus between policies and the proposal are mostly acceptable.
 - D. Section D: The proposed zoning, with additional restrictions, would be more advantageous to the community than the current R-1 zoning, which would result in single-family homes adjacent to a major roadway. Also, community conditions have changed as evidenced by the development of hotels and airport-related services in the area.
 - E. Section E: The request for SU-1 for PRD zoning would not be harmful to adjacent property, the neighborhood or the community. The C-2 permissive uses with restrictions could still be harmful; additional restrictions are warranted. C-2 conditional uses are no longer being requested.
 - F. Section F: This project will not use any City funding and no infrastructure is needed.
 - G. Section G: The applicant is not requesting considerations of economic factors.
 - H. Section H: The subject site's location on a major street is not the driving element behind this zone change request.
 - I. Section I: This zone change would create a justified "spot zone" because of the variety of uses in the area and the site plan control nature of the SU-1 zone.
 - J. Section J: This zone change would not result in a strip zone.
6. A facilitated meeting was held. Neighbors have expressed concern regarding the rental nature of the apartment complexes. The applicant should explore the neighborhood concerns and address them as much as possible.
7. The applicant agrees to the additional excluded uses that they did not propose.

OFFICIAL NOTICE OF DECISION
JANUARY 18, 2007
PROJECT #1005243
PAGE 3 OF 12

CONDITIONS:

1. The following C-2 permissive uses shall be excluded: antennas, school, vehicle sales, rental service repair, storage, circus or carnival, gasoline, oil, liquefied petroleum retailing, drive-in restaurant, parking lot, storage structure, storage yard, uses/activities in a tent, package alcohol sales for off premise consumption and off premise signs including billboards.
2. Platting is required as well as final sign off on the associated site development plan for building permit.

On January 18, 2007 the Environmental Planning Commission voted to approve Project 1005243/06EPC 06EPC 01592, a Site Development Plan for Subdivision for Parcels 1, 2, 3, 4, 5 and 6 of the University Village Subdivision, an approximately 17 acre site located on Gibson Blvd. between University Blvd. SE and Buena Vista St. SE, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for approval of a site development plan for subdivision for Parcels 1, 2, 3, 4, 5 and 6 of the University Village Subdivision, an approximately 17 acre site located on Gibson Blvd. between University Blvd. SE and Buena Vista St. SE, zoned R-1.
2. This request proposes subdividing the subject site into five tracts. The approximately 12.2 acre Tract 1 is for a residential development. Tracts 2 through 5, approximately 4.54 acres, are reserved for future commercial development; design standards proposed. There is an associated site development plan for building permit request for the residential portion (06EPC-01593).
3. The proposal *further*s the intent of some relevant Comprehensive Plan policies. It will increase land use variety in the area (Policy II.B.5a) by providing more housing choices and additional commercial services, infrastructure is already available (Policy II.B.5e) and the location is appropriate for higher density housing (Policy II.B.5h) because of good access to major streets.
4. The proposal *partially further*s Comprehensive Plan policies with respect to land adjacent to arterial streets (Policy II.B.5k), design quality/innovation (Policy II.B.5l) and siting of employment/service uses (Policy II.B.5i). Limited access to Gibson Blvd. minimizes traffic impacts, but the access street for the commercial tracts is adjacent to residential uses. There are some quality features, but the overall design is not particularly innovative and the commercial uses do not complement the residential uses to the extent that they could.

5. The proposal *does not further* relevant Comprehensive Plan policies regarding location in a small-neighborhood center or area-wide shopping center (Policy II.B.5j), clustering to provide usable open space (Policy II.B.5f) and the location, design and intensity of new development (Policy II.B.5d). The subject site is not located in a neighborhood center or area-wide shopping center, dwellings are not clustered, and neighbors are concerned that the development's density is high for the area.
6. The proposed design standards need to be strengthened, particularly with respect to parking/circulation, landscape, lighting and signage. Many of the standards reiterate existing requirements, which they need to go beyond to create the high-quality redevelopment project envisioned in the standards.
- ~~7. The proposed design standards comply with the interim design regulations established via City Council Enactment No. R-2006-33 (R-06-81), which applies to properties zoned C-1, C-2, C-3, O-1, R-C, or SU-1 where the use is commercial or office. Provided the zoning is changed from R-1, the interim design guidelines will apply to the future commercial tracts.~~
8. A Traffic Impact Study (TIS) and an Air Quality Impact Analysis (AQIA) were required and completed.
9. With the modifications outlined in the proposed conditions of approval, the site plan for subdivision will further the intent of Comprehensive Plan policies to a greater degree and will do a better job of ensuring compatibility between the residential and future commercial uses.
10. A facilitated meeting was held. Neighbors have expressed concern regarding the rental nature of the apartment complexes.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to DRB sign off, the applicant must meet with the Staff planner to ensure that conditions of approval are thoroughly addressed.

3. The following C-2 permissive uses shall be excluded: antennas, school, vehicle sales, rental service repair, storage, circus or carnival, gasoline, oil, liquefied petroleum retailing, drive-in restaurant, parking lot, storage structure, storage yard, uses/activities in a tent, package alcohol sales for off premise consumption and off premise signs including billboards.
4. Instances of "should" shall be changed to "shall".
5. To comply with the South Yale Interim Development Management Area (IDMA) design standards in Enactment R-2006-33 (R-06-81), minimum FAR shall be between 0.5 and 2.0 and density shall be between 10 and 30 DU/ac.
6. Pedestrianism:
 - A. Pedestrian crossings shall be at least 6 ft. wide and shall be of textured, colored concrete.
 - B. Enhanced paving shall be defined as textured, colored concrete.
 - C. Pedestrian circulation shall be discussed in a separate section.
7. Heights & Setbacks:
 - A. Maximum building height shall be 40 feet.
 - B. Maximum front setbacks shall be 10 ft. to comply with the Interim Design Regulations.
8. Landscape-General:
 - A. A landscape theme shall be developed for the property based on low-water use plants.
 - B. High-water use turf (i.e. Kentucky Bluegrass) shall comprise no more than 20% of the turf blend.
 - C. The property owner shall maintain street trees in a living, attractive condition.
 - D. The irrigation system must be appropriate to maintain the quantity of trees and plants.
 - E. Plant totals shall be included on the site plan.
9. Landscape-Plants:
 - A. Raywood Ash (allergenic) shall be replaced by Golden Raintree.
 - B. Flowering Pear (high water user, poor canopy) shall not be used.
 - C. Texas Red Oak shall be replaced with Escarpment Live Oak.
 - D. At least two types of trees shall be used along University Blvd.
 - E. Vitex, Desert Willow and Mesquite shall be added to the plant palette.
 - F. Hackberry shall be changed to Desert Hackberry (*Celtis pallida*).
 - G. Additional street trees shall be added along Gibson Blvd.
10. Walls/Fences:
 - A. All refuse enclosures shall have gates.
 - B. Chain link fencing, barbed wire and concertina wire shall be prohibited.

11. Lighting: To comply with the Zoning Code, parking lot light poles shall not exceed 20 ft. from top to grade (16. ft. if within 100 ft. of a residential zone) with full cut off fixtures and with down lighting only.
12. Signage:
 - A. Building-mounted signage shall not exceed 6% of the façade to which it is applied.
 - B. Monument signs on the internal site drive, facing a residential zone, shall be limited to 4 ft. in height and 20 sf of sign face area.
 - C. The monument sign on University Blvd. shall not exceed 10 ft. high with 50 sf of sign face.
 - D. The monument signs on Gibson Blvd. shall not exceed 15 ft. high with 72 sf of sign face.
15. Other:
 - A. Awnings shall be made of cloth.
 - ~~B. Rooftop equipment shall be screened from view.~~
16. Limited to two drive thru uses with no more than one being a drive thru restaurant.
17. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (dwg. 2441).
 - b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - c. Provide truck circulation route (Fire, Solid Waste, delivery vehicles, etc.) by overlaying turning templates on site development plan for building permit.
 - d. Fire Department concurrence with respect to maneuverability and accessibility required.
 - e. Gates to be located per queuing analysis and designed for fire and solid waste access.
 - f. Site drives to be located and designed per TIS or as previously discussed with Traffic Engineer.
 - g. Gibson Blvd. access point to be 36' to 40' wide with 25' to 30' curb return radii. This drive is limited to right-turn in right-turn out and left-turn in only. Provide left turn bay and right turn deceleration lane on Gibson Blvd. at site drive per TIS.
 - h. University Blvd. access is limited to right-turn in right-turn out only. Provide right turn deceleration lane at site drive, as needed, per DPM and TIS.
 - i. Concurrence with Traffic Operations required for potential signalization at Gibson site drive.

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- j. Cross access between tracts will need to be identified by note on site plan or by written agreement.
- k. Site plan shall comply and be designed per DPM Standards.
- l. Platting must be a concurrent DRB action.
- m. Approval of the proposed access to Gibson Boulevard by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09, granted by MTB final resolution, within twelve months of this date.
- n. Dedication of an additional 6 feet of right-of-way along University Boulevard as required by the City Engineer to provide for on-street bicycle lanes adjacent to the subject property.
- o. Construction of an on-street bicycle lane along University Boulevard adjacent to the subject property, as designated on Long Range Bikeways System map.

On January 18, 2007 the Environmental Planning Commission voted to approve Project 1005243/06EPC 06EPC 01593, a Site Development Plan for Building Permit for Parcels 1, 2, 3, 4, 5 and 6 of the University Village Subdivision, an approximately 17 acre site located on Gibson Blvd. between University Blvd. SE and Buena Vista St. SE, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for approval of a site development plan for building permit for Parcels 1, 2, 3, 4, 5 and 6 of the University Village Subdivision, an approximately 17 acre site located on Gibson Blvd. between University Blvd. SE and Buena Vista St. SE, zoned R-1.
2. The applicant proposes to construct two apartment complexes, consisting of 60 units on the western portion and 180 units on the eastern portion. A site development plan for subdivision to create the lots is associated with this request (06EPC-01593).
3. The proposal *further*s the intent of some relevant Comprehensive Plan policies. It will increase land use variety in the area (Policy II.B.5a) by providing more housing choices and additional commercial services, infrastructure is already available (Policy II.B.5e) and the location is appropriate for higher density housing (Policy II.B.5h) because of good access to major streets.
4. The proposal *partially further*s Comprehensive Plan policies with respect to land adjacent to arterial streets (Policy II.B.5k), design quality/innovation (Policy II.B.5l) and siting of employment/service uses (Policy II.B.5i). Limited access to Gibson Blvd. minimizes traffic impacts, but the access street for the commercial tracts is adjacent to residential uses. There are some quality features, but the overall design is not particularly innovative and the commercial uses do not complement the residential uses to the extent that they could.

5. The proposal *does not further* relevant Comprehensive Plan policies regarding location in a small-neighborhood center or area-wide shopping center (Policy II.B.5j), clustering to provide usable open space (Policy II.B.5f) and the location, design and intensity of new development (Policy II.B.5d). The subject site is not located in a neighborhood center or area-wide shopping center, dwellings are not clustered, and neighbors are concerned that the development's density is high for the area.
6. The proposed design standards need to be strengthened, particularly with respect to parking/circulation, landscape, lighting and signage. Many of the standards reiterate existing requirements, which they need to go beyond to create the high-quality redevelopment project envisioned in the standards.
- ~~8. The proposed design standards comply with the interim design regulations established via City Council Enactment No. R-2006-33 (R-06-81), which applies to properties zoned C-1, C-2, C-3, O-1, R-C, or SU-1 where the use is commercial or office. Provided the zoning is changed from R-1, the interim design guidelines will apply to the future commercial tracts.~~
9. A Traffic Impact Study (TIS) and an Air Quality Impact Analysis (AQIA) were required and completed.
10. With the modifications outlined in the proposed conditions of approval, the site plan for building permit will further the intent of Comprehensive Plan policies to a greater degree and will do a better job of ensuring compatibility between the residential and future commercial uses.
11. A facilitated meeting was held. Neighbors have expressed concern regarding the rental nature of the apartment complexes.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to DRB sign off, the applicant must meet with the Staff planner to ensure that conditions of approval are thoroughly addressed.
3. Walls/Fences:

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- A. A fence detail shall be provided.
 - B. The color of the perimeter wall shall be specified and shall match the apartment complexes.
4. Pedestrian/Bicycle/Transit Circulation:
- A. Pedestrian access shall be provided on the western complex, near the amenity area.
 - B. Pedestrian access shall be provided at the subject site's northeastern corner, to Buena Vista Dr.
 - C. Pedestrian (stair) access shall be provided from the eastern complex to Gibson Blvd in close proximity to the bus stop.
 - D. A separate pedestrian gate shall be provided at the University Blvd. entrance to the western complex.
 - E. A separate pedestrian gate shall be provided at the entrance to the eastern complex.
5. Sidewalks/Open Space:
-
- A. The 3.5 ft. wide internal sidewalk shall be increased to 4 ft.
 - B. At least eight benches shall be provided along the linear open space in the eastern complex.
 - C. An outdoor shade structure shall be provided in the linear open space.
 - D. A child's play area shall be added to the eastern complex.
6. Parking: Motorcycle parking shall be provided to comply with the Zoning Code.
7. Landscape:
- A. The turf mix shall not contain more than 20% high-water use turf (i.e. Kentucky Bluegrass).
 - B. Honey Locust shall be replaced with Purple Robe Locust.
 - C. Ash shall be replaced with Chinese Pistache.
 - D. Littleleaf Linden (high water user) shall be replaced with Escarpment Live Oak.
 - E. Photinia and Potentilla (high-water users) shall be replaced by Lavender and Butterfly Bush.
 - F. Pine trees are required to be at least 10 ft. at planting time.
 - G. Additional landscape (especially shrubs) are needed to meet the requirement for 75% coverage with living, vegetative materials.
8. Architecture:
- A. A feature shall be added to the garage doors. Every other garage door shall have a different design.
 - B. Tile roofs are required.
 - C. A three color stucco system shall be used.
 - D. Railings shall be metal.
9. Signage: The free-standing identification signs for each complex shall comply with Zoning Code §14-16-3-5 and not exceed 24 sf of sign face.
10. RECOMMENDED CONDITIONS FROM THE TRANSIT DEPARTMENT:
- A. The applicant shall construct a bus pull-out bay for safety reasons and coordinate with the Transit Department.

B. The applicant shall provide a shelter, bench and trash can for the new bus stop along Gibson, which will serve the development.

12. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- p. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within ~~public right-of-way or public easements shall be to City Standards. Those Standards will~~ include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (dwg. 2441).
- q. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- r. Provide truck circulation route (Fire, Solid Waste, delivery vehicles, etc.) by overlaying turning templates on site development plan for building permit.
- s. Fire Department concurrence with respect to maneuverability and accessibility required.
- t. Gates to be located per queuing analysis and designed for fire and solid waste access.
- u. Site drives to be located and designed per TIS or as previously discussed with Traffic Engineer.
- v. Gibson Blvd. access point to be 36' to 40' wide with 25' to 30' curb return radii. This drive is limited to right-turn in right-turn out and left-turn in only. Provide left turn bay and right turn deceleration lane on Gibson Blvd. at site drive per TIS.
- w. University Blvd. access is limited to right-turn in right-turn out only. Provide right turn deceleration lane at site drive, as needed, per DPM and TIS.
- x. Concurrence with Traffic Operations required for potential signalization at Gibson site drive.
- y. Cross access between tracts will need to be identified by note on site plan or by written agreement.
- z. Site plan shall comply and be designed per DPM Standards.
- aa. Platting must be a concurrent DRB action.
- bb. Approval of the proposed access to Gibson Boulevard by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09 granted by MTB final resolution within 12 months of this date.
- cc. Dedication of an additional 6 feet of right-of-way along University Boulevard as required by the City Engineer to provide for on-street bicycle lanes adjacent to the subject property.
- dd. Construction of an on-street bicycle lane along University Boulevard adjacent to the subject property, as designated on Long Range Bikeways System map.

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IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **FEBRUARY 2, 2007** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

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

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

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

Sincerely,

CMarone

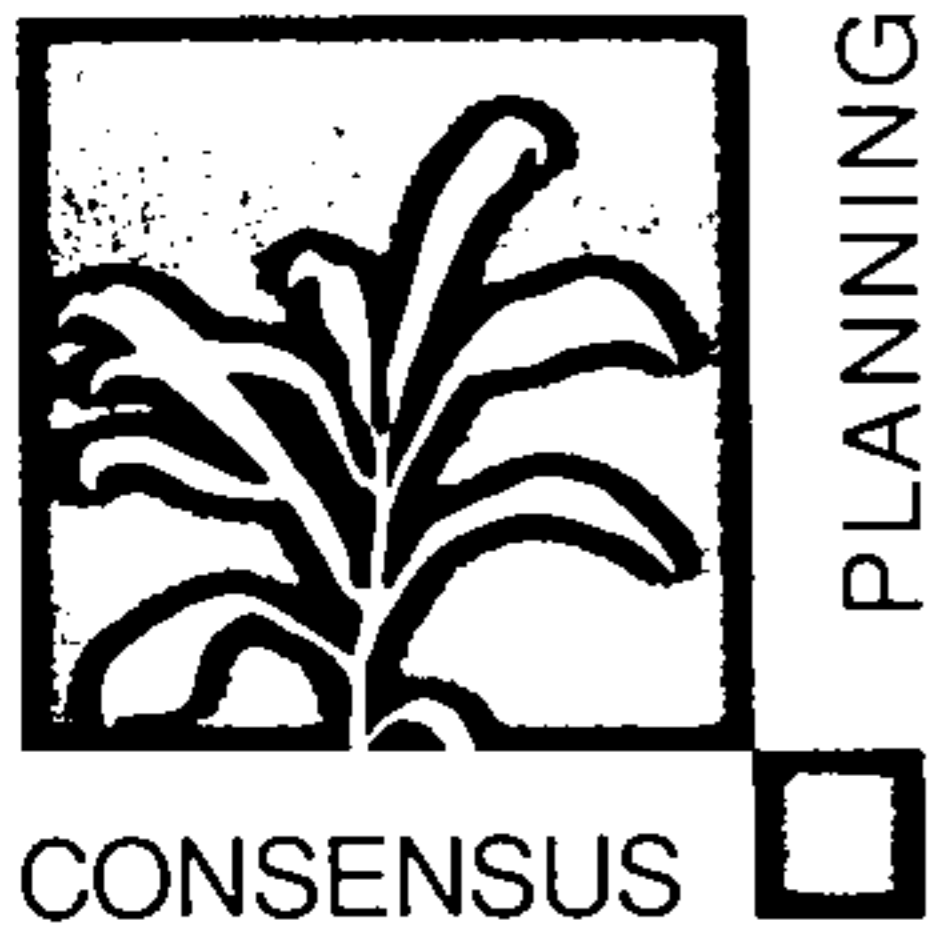
for

Richard Dineen
Planning Director

RD/CL/ac

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cc: Consensus Planning, 302 8th St. NW, Albuquerque, NM 87102
Isabel Cabrera, Clayton Heights/Lomas Del Cielo NA, 1720 Buena Vista SE, Albuquerque, NM 87106
Linda Gordon, Clayton Heights/Lomas del Cielo NA, 2509 Spruce SE, Albuquerque, NM 87106
Marcia Boyer, Kirtland Community Assoc., 1624 Alamo Ave. SE, Albuquerque, NM 87106
Joycelyn Lewis, Kirtland Community Assoc., P.O. Box 9902, Albuquerque, NM 87119-1002
Paula Welsh, 1517 Wilmore Dr. SE, Albuquerque, NM 87106
Gertrude Boyer, 1300 San Jose Ave. SE, Albuquerque, NM 87106
Richard Chess, 107 Buena Vista #100, Albuquerque, NM 87106
Rita Conlon, 1212 Molmore Dr. SE, Albuquerque, NM 87106



October 9, 2007

Sheran Matson, Chair.
Development Review Board
City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Landscape Architecture
Urban Design
Planning Services

RE: Project #1005243, Case # 06EPC-01594/01592/01593

Dear Madame Chair:

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

The purpose of this letter is to explain how we have addressed the Environmental Planning Commission's (EPC) conditions of approval for the above-referenced project -- a zone map amendment, Site Plan for Building Permit, and Site Plan for Subdivision.

Each condition is listed below. Our response to the condition follows in italicized text:

ZONE MAP AMENDMENT

1. The following C-2 permissive uses shall be excluded: antennas, school, vehicle sales, rental service repair, storage, circus or carnival, gasoline, oil, liquefied petroleum retailing, drive-in restaurant, parking lot, storage structure, storage yard, uses/activities in a tent, package alcohol sales for off premise consumption and off premise signs including billboards.
The restrictions have been changed in the Site Plan for Subdivision on Sheet 1, General Notes, #5, and on Sheet 3, Design Guidelines, Item A -- Site Planning, #9.
2. Platting is required as well as final sign off on the associated site development plan for building permit.
We agree.

SITE PLAN for SUBDIVISION

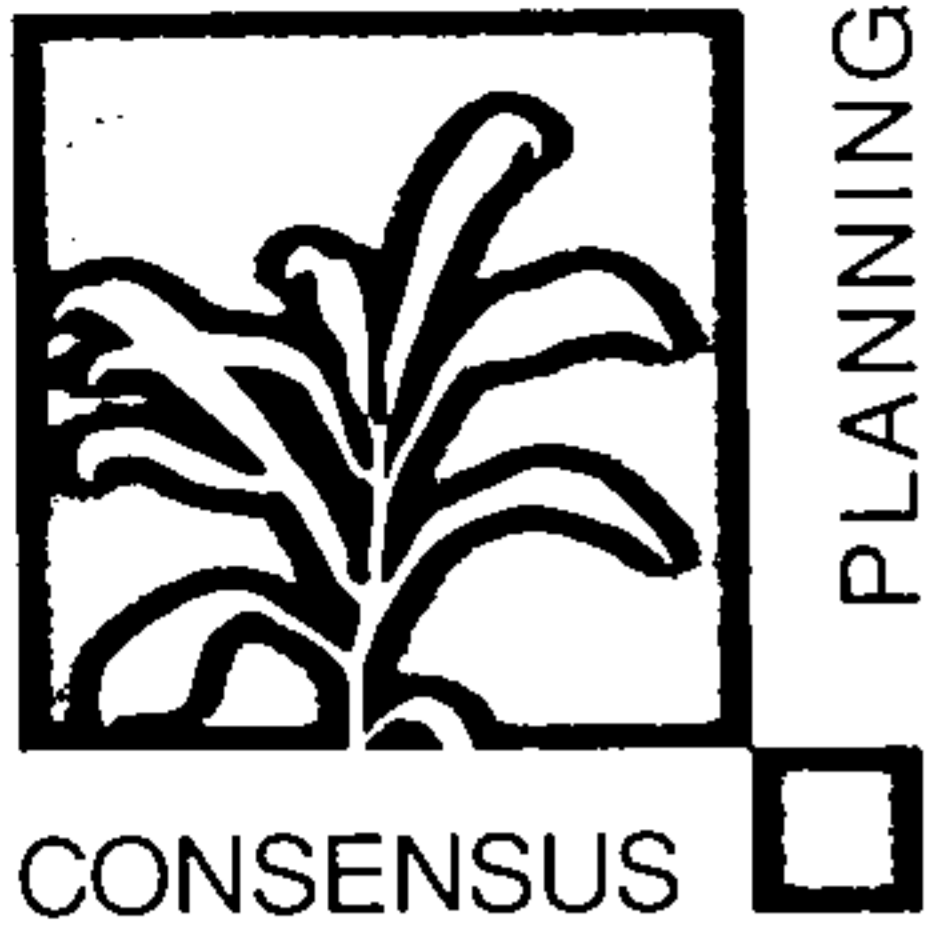
1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying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

PRINCIPALS

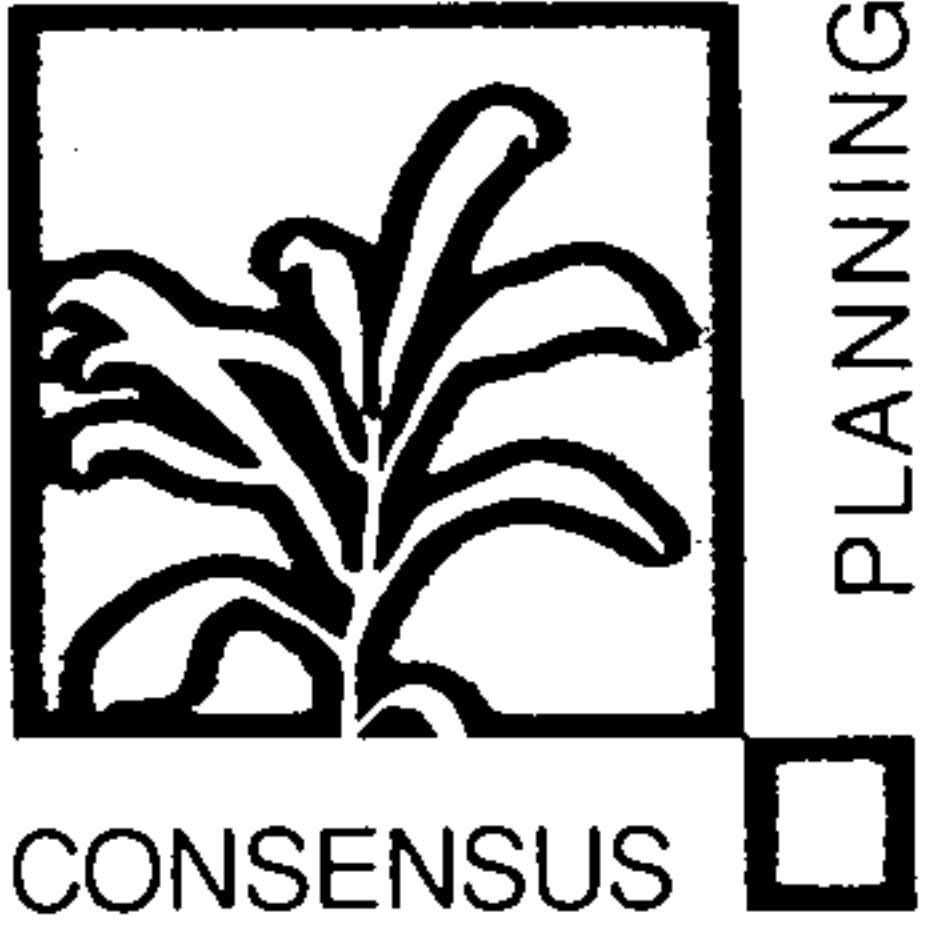
Karen R. Marcotte, AICP
James K. Strozier, AICP
Christopher J. Green, ASLA

ASSOCIATES

Jacqueline Fishman, AICP



2. Prior to DRB sign off, the applicant must meet with the Staff planner to ensure that conditions of approval are thoroughly addressed.
Consensus Planning has met with the Staff Planner, Catalina Lehner, on October 5, 2007 prior to the submittal to DRB.
3. The following C-2 permissive uses shall be excluded: antennas, school, vehicle sales, rental service repair, storage, circus or carnival, gasoline, oil, liquefied petroleum retailing, drive-in restaurant, parking lot, storage structure, storage yard, uses/activities in a tent, package alcohol sales for off premise consumption and off premise signs including billboards.
The Site Plan for Subdivision on Sheet 1, General Note 5 has been changed to reflect this condition.
4. Instances of "should" shall be changed to "shall".
Changes have been made in the appropriate places in the documents.
5. To comply with the South Yale Interim Development Management Area (DMA) design standards in Enactment R-2006-33 (R-06-81), minimum FAR shall be between 0.5 and 2.0 and density shall be between 10 and 30 DU/ac.
The required FARs are on Sheet 1. The project was designed to meet standards – the residential portion of the project is 19.76 DU/acre (an FAR of .63); the retail shall have an minimum FAR of .15 to meet the minimum requirement of .5.
6. Pedestrianism:
 - a. Pedestrian crossings shall be at least 6 ft. wide and shall be of textured, colored concrete.
The Design Standards, Sheet 3, Pedestrian Circulation, B.5 has been modified to specify that pedestrian crossings shall be a minimum of 6 feet wide and shall be made of textured colored concrete.
 - b. Enhanced paving shall be defined as textured, colored concrete.
This condition is part of the original Design Standards, Sheet 3, Pedestrian Circulation, B.5.
 - c. Pedestrian circulation shall be discussed in a separate section.
A new section called "Pedestrian Circulation" is now Section B on the Design Standards, Sheet 3.
7. Heights & Setbacks:
 - a. Maximum building height shall be 40 feet.
The maximum building height requirement has been changed on Site Plan, Sheet 1 and Design Standards under Architecture F.1 to reflect this condition.
 - b. Maximum front setbacks shall be 10 ft. to comply with the Interim



Design Regulations.

The maximum front set-back requirement has been changed on Site Plan, Sheet 1 and Design Standards, under D. Setbacks to reflect this condition.

8. Landscape-General:

- a. A landscape theme shall be developed for the property based on low-water use plants.

The original landscape plan was developed with this theme in mind and text has been added to the first paragraph under E. Landscape. Plant palette substitutions were made to further this goal, per suggestions by the Planning staff.

- b. High-water use turf (i.e. Kentucky Bluegrass) shall comprise no more than 20% of the turf blend.

The original landscape plan was developed with this requirement, listed under Landscape Palette on Sheet 2, Landscape Plan.

- c. The property owner shall maintain street trees in a living, attractive condition.

This condition is part of the original Design Standards, under Landscape E.3.

- d. The irrigation system must be appropriate to maintain the quantity of trees and plants.

This condition is part of the original Landscape Plan, Sheet 2 under the "Notes:", "Irrigation System".

- e. Plant totals shall be included on the site plan.

Plant totals for trees have been added to the Landscape Plan, Sheet 2.

9. Landscape-Plants: [Off-Site Perimeter Landscape]

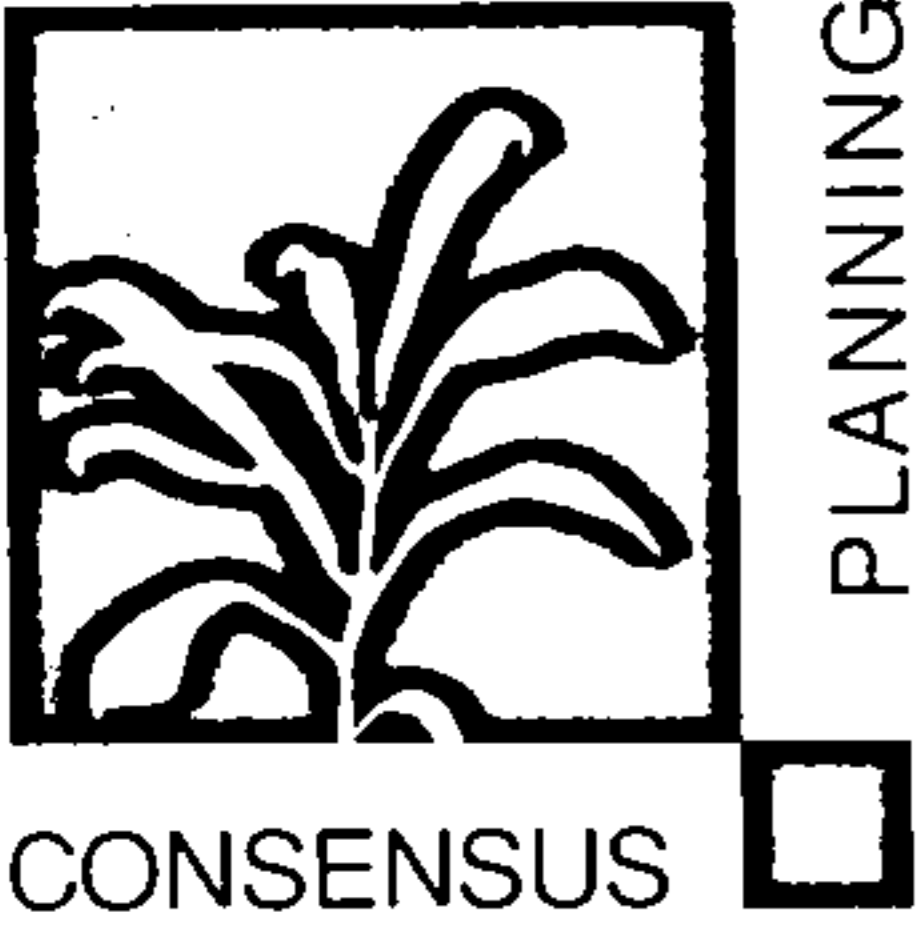
- a. Raywood Ash (allergenic) shall be replaced by Golden Raintree.
b. Flowering Pear (high water user, poor canopy) shall not be used.
c. Texas Red Oak shall be replaced with Escarpment Live Oak.
d. At least two types of trees shall be used along University Blvd.
e. Vitex, Desert Willow and Mesquite shall be added to the plant palette.
f. Hackberry shall be changed to Desert Hackberry (*Celtis pallida*).
g. Additional street trees shall be added along Gibson Blvd.

The above deletions and replacements have been made to the Plant Palette on the Landscape Plan. Additional street trees have been added along Gibson and a second type of tree species was added along University.

10. Walls/Fences:

- a. All refuse enclosures shall have gates.

This requirement is part of the original Design Standards, under Screening and Buffering, G.2.



- b. Chain link fencing, barbed wire and concertina wire shall be prohibited.
This requirement is part of the original Design Standards, under Screening and Buffering, G.3.

- 11. Lighting: To comply with the Zoning Code, parking lot light poles shall not exceed 20 ft. from top to grade (16 ft. if within 100 ft. of a residential zone) with full cut off fixtures and with down lighting only.
This requirement is part of the original Design Standards, under Lighting, H.3.

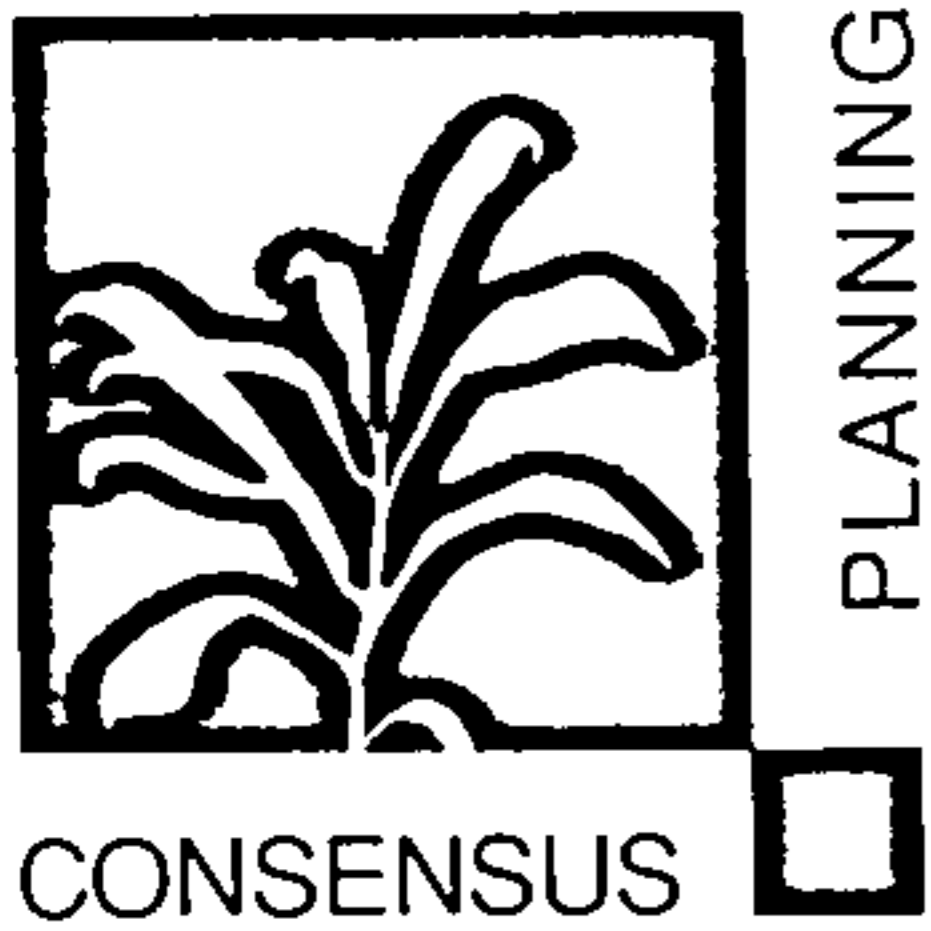
12. Signage:

- a. Building-mounted signage shall not exceed 6% of the facade to which it is applied.
This requirement is part of the original Design Standards, under Signage J.3.
- b. Monument signs on the internal site drive, facing a residential zone, shall be limited to 4 ft. in height and 20 sf of sign face area.
The text change has been made on the Design Standards, under J.2 and the illustration has been modified.
- c. The monument sign on University Blvd. shall not exceed 10 ft. high with 50 sf of sign face.
The text change has been made on the Design Standards, under J.2 and the illustration has been modified.
- d. The monument signs on Gibson Blvd. shall not exceed 15 ft. high with 72 sf of sign face.
The text change has been made on the Design Standards, under J.2 and the illustration has been modified.

[Notice of Decision skipped 13 and 14)

15. Other:

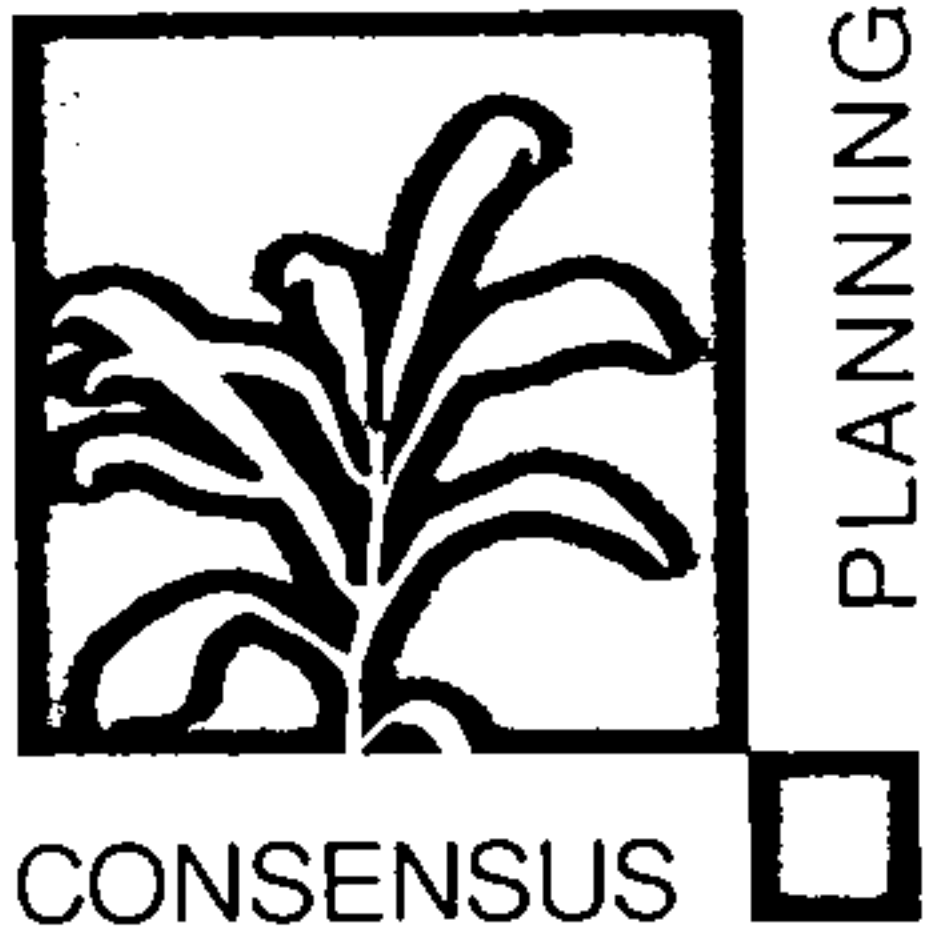
- a. Awnings shall be made of cloth.
This requirement is part of the original Design Standards, under Architecture F.5.
 - b. Rooftop equipment shall be screened from view.
This requirement is part of the original Design Standards, under Screening/Buffering, G.1.
- 16. Limited to two drive-thru uses with no more than one being a drive-thru restaurant.
The change has been made on Sheet 1, General Note 4.



17. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

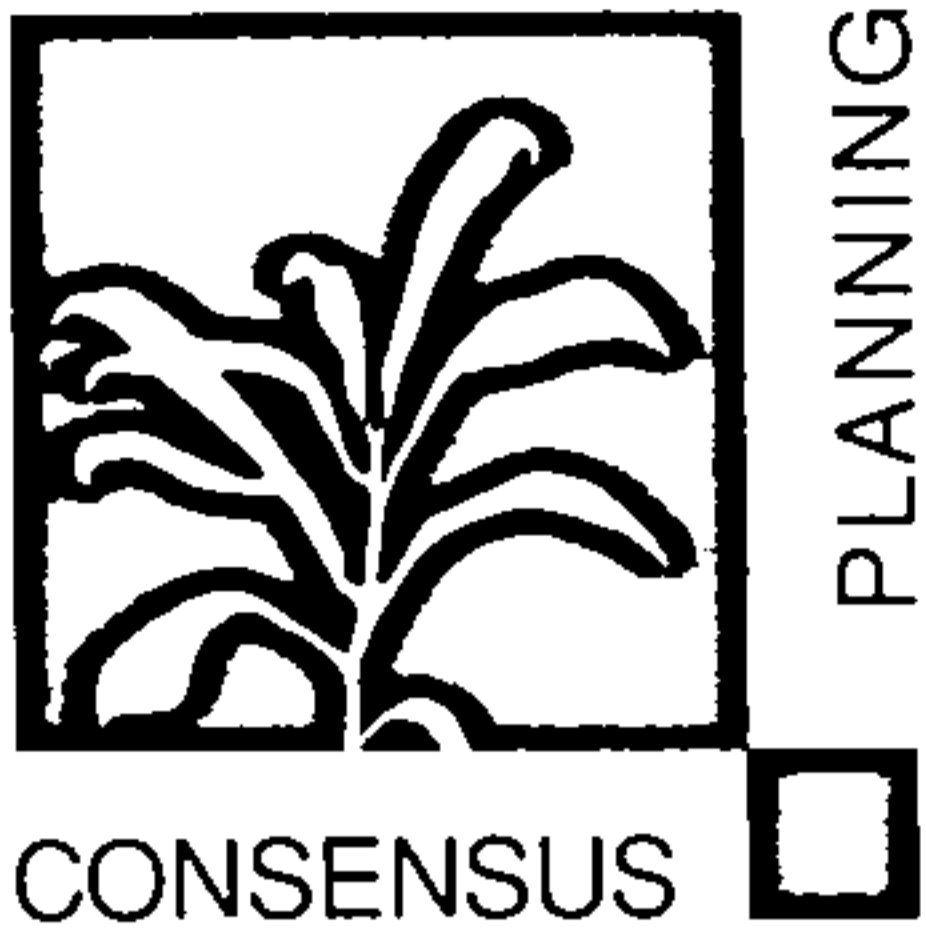
Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (dwg. 2441).
The site plan shows the proposed improvements and has been designed to comply with City Standards.
- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
We agree.
- c. Provide truck circulation route (Fire, Solid Waste, delivery vehicles, etc.) by overlaying turning templates on Site Development Plan for Building Permit.
This was done in a meeting with Brad Bingham on 10/2/2007.
- d. Fire Department concurrence with respect to maneuverability and accessibility required.
A copy of the site plan signed by the Fire Marshall "Approved for Access" is included with the submittal.
- e. Gates to be located per queuing analysis and designed for fire and solid waste access.
The queuing analysis that supports the gate location is included with the submittal. Fire and Solid Waste will have access to the sites via Knox Box and remote, respectively.
- f. Site drives to be located and designed per TIS or as previously discussed with Traffic Engineer.
Site drives are per TIS and as discussed with traffic engineer in pre-design meetings.
- g. Gibson Blvd. access point to be 36' to 40' wide with 25' to 30' curb return radii. This drive is limited to right-turn in right-turn out and left-turn in only. Provide left turn bay and right turn deceleration lane on Gibson Blvd. at site drive per TIS.



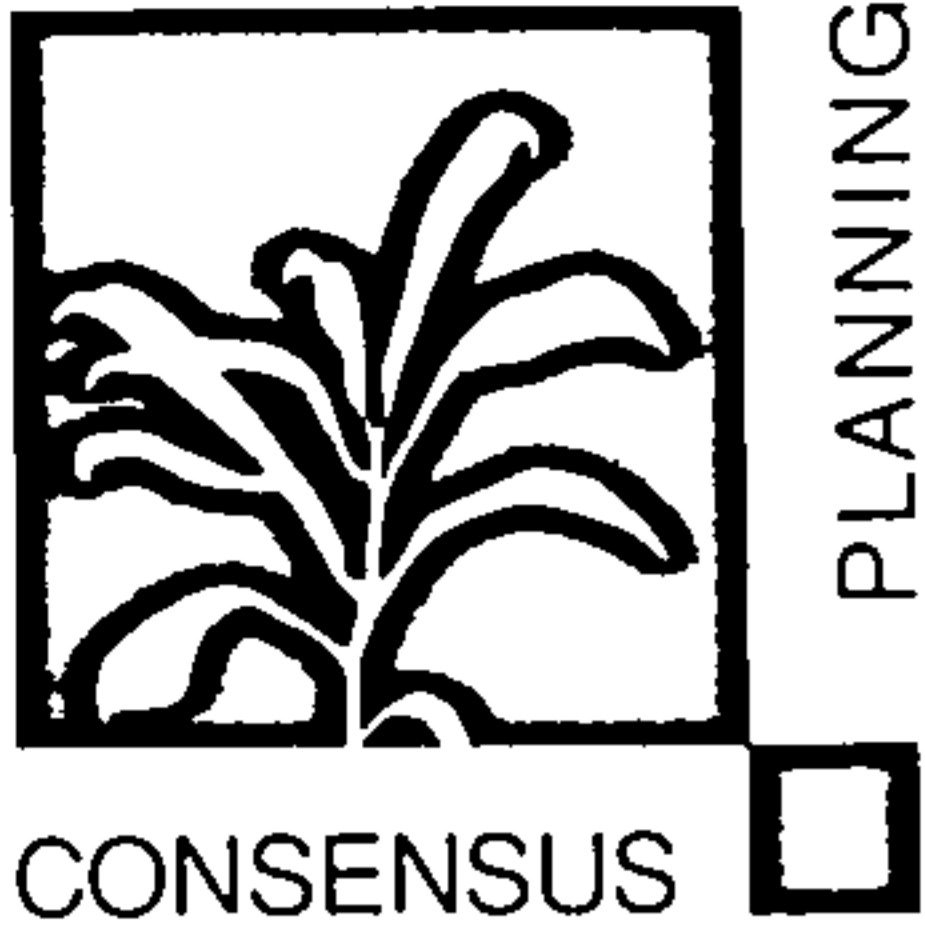
Access is a total of 44 ft wide (Divided entry 20 ft out and 24 ft in). This access is limited to right-in and right-out at this time. The right turn deceleration lane is designed per the TIS.

- h. University Blvd. access is limited to right-turn in right-turn out only. Provide right turn deceleration lane at site drive, as needed, per DPM and TIS.
Right-in / right-out entrance is provided with a right turn deceleration lane.
- i. Concurrence with Traffic Operations required for potential signalization at Gibson site drive.
Signalization was not supported by John Castillo, therefore, the TCC only granted right-in/right-out at this time.
- j. Cross access between tracts will need to be identified by note on site plan or by written agreement.
All tracts are identified on the plat as being beneficiaries of the access easement corresponding to the roadway and adjacent sidewalks.
- k. Site plan shall comply and be designed per DPM Standards.
We agree.
- l. Platting must be a concurrent DRB action.
We agree. The site plans will be heard concurrently with the preliminary plat submitted by High Mesa Consulting Group.
- m. Approval of the proposed access to Gibson Boulevard by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09, granted by MTB final resolution, within twelve months of this date.
The TCC granted approval for a right-in, right-out access at Gibson on September 14, 2007; see attached TCC Resolution 07-04.
- n. Dedication of an additional 6 feet of right-of-way along University Boulevard as required by the City Engineer to provide for on-street bicycle lanes adjacent to the subject property.
University Boulevard already includes on-street bike lanes and no additional right-of-way is required.
- o. Construction of an on-street bicycle lane along University Boulevard adjacent to the subject property, as designated on Long Range Bikeways System map.
University Boulevard already includes on-street bike lanes and no new construction is required.

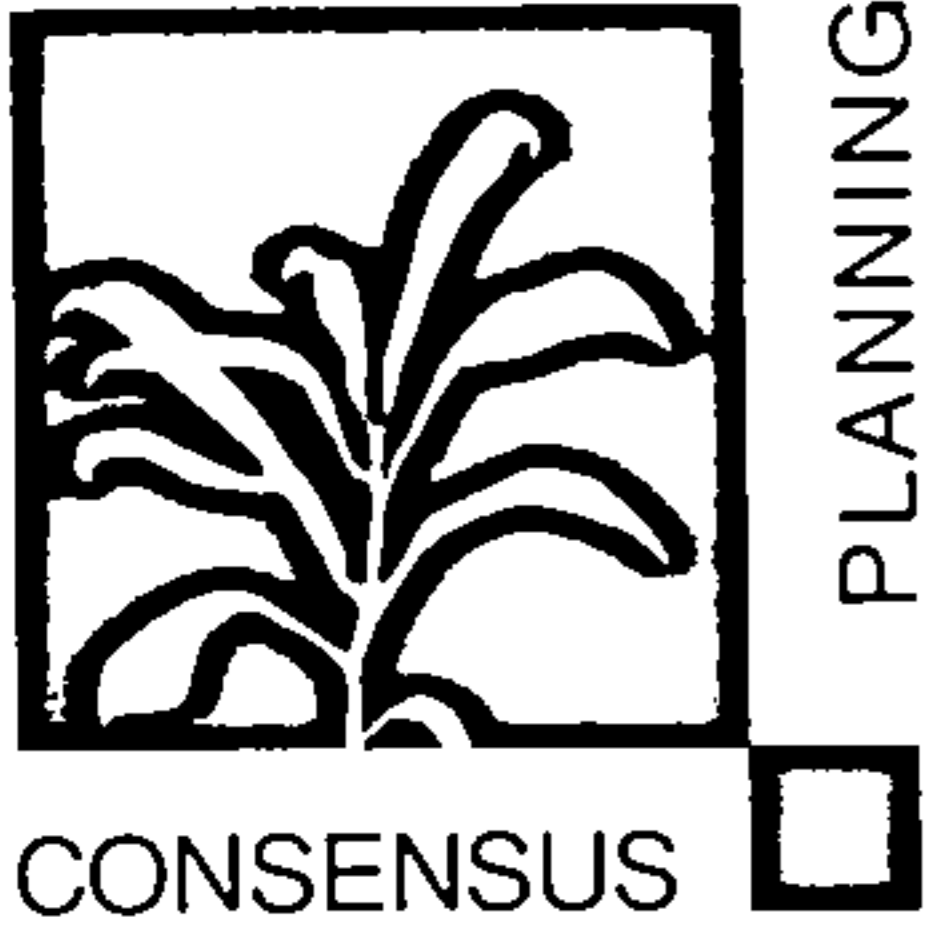


SITE PLAN for BUILDING PERMIT

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
This letter is intended to satisfy this condition.
2. Prior to DRB sign off, the applicant must meet with the Staff planner to ensure that conditions of approval are thoroughly addressed.
Consensus Planning met with Catalina Lehner prior to the submittal to review the revisions made in response to the conditions.
3. Walls/Fences:
 - a. A fence detail shall be provided.
Both perimeter fence and wall (at entrances) details have been provided. The perimeter fence is tubular steel. The entry walls are stucco to be painted in harmony with the building colors. (See Sheet A1.20).
 - b. The color of the perimeter wall shall be specified and shall match the apartment complexes.
See above specifications. The colors (where applicable) will match the building color selection.
4. Pedestrian/Bicycle/Transit Circulation:
 - a. Pedestrian access shall be provided on the western complex, near the amenity area.
Pedestrian access has been provided in a convenient central location to the project near the amenity area with a 6' wide patterned colored concrete crosswalk added across the loop road. See Key Note 19 on A1.10 and A1.11.
 - b. Pedestrian access shall be provided at the subject site's northeastern corner, to Buena Vista Dr.
Stair access has been provided along with a pedestrian gate at this location.
 - c. Pedestrian (stair) access shall be provided from the eastern complex to Gibson Blvd in close proximity to the bus stop.
Stair access with a pedestrian gate has been provided in close proximity to the bus stop at Gibson.

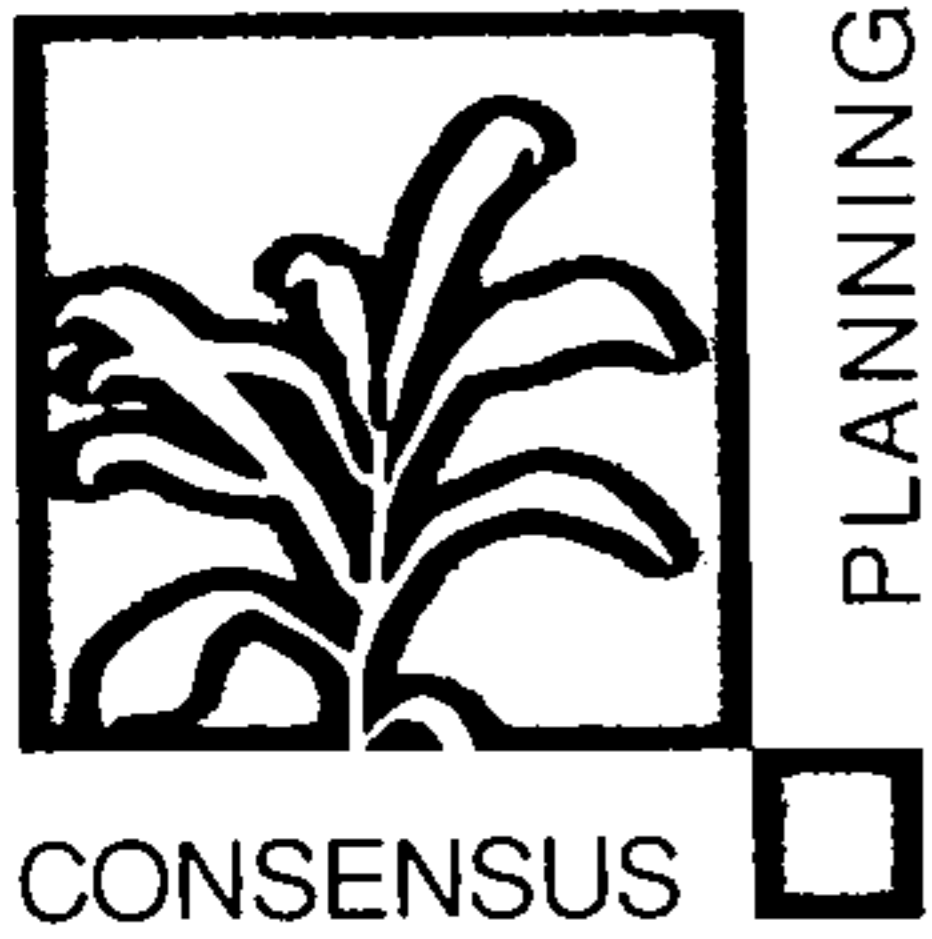


- d. A separate pedestrian gate shall be provided at the University Blvd. entrance to the western complex.
A separate pedestrian gate has been provided for resident access to the western complex. See Key Note 11.
 - e. A separate pedestrian gate shall be provided at the entrance to the eastern complex.
Separate pedestrian gates north and south of the clubhouse amenity area have been provided for access to the east complex.
5. Sidewalks/Open Space:
- a. The 3.5 ft. wide internal sidewalk shall be increased to 4 ft.
All internal sidewalk systems have been shown at 4 feet in width. See Key Note 8.
 - b. At least eight benches shall be provided along the linear open space in the eastern complex.
Eight benches have been provided throughout the common green space central to the project. One of these eight benches is in the gazebo at the eastern end of the common area. See Key Note 18.
 - c. An outdoor shade structure shall be provided in the linear open space.
Two shade structures have been provided in the linear open space. A ramada is located at the pool area and a gazebo at the far eastern end of the common area. See Key Note 23.
 - d. A child's play area shall be added to the eastern complex.
A child's play area has been added in the center of the common area. See Key Note 24.
6. Parking: Motorcycle parking shall be provided to comply with the Zoning Code.
This requirement pertains to the Site Plan for Subdivision, Design Standards, which covers the commercial area, and is addressed under Parking B6. A minimum of two motorcycle parking spaces will be provided on each commercial parcel. The Zoning Code does not require motorcycle parking on residential projects.
7. Landscape:
- a. The turf mix shall not contain more than 20% high-water use turf (i.e. Kentucky Bluegrass).
The turf/sod areas have been changed to "Bluemuda" a mixture of dominant Bermuda grass seed blended with 20% bluegrass for an extended period of green presence and cool area tolerance.
 - b. Honey Locust shall be replaced with Purple Robe Locust.
The specified Gleditsia triacanthos 'Moraine' has been deleted from



the plant list and replaced with Purple Robe Locust and Goldenrain Tree.

- c. Ash shall be replaced with Chinese Pistache.
The Raywood Ash has been replaced with a combination of Chinese Pistache, Goldenrain Tree, and Bur Oak throughout the project.
 - d. Littleleaf Linden (high water user) shall be replaced with Escarpment Live Oak.
Littleleaf Linden has been removed from the landscape plans and has been replaced with Escarpment Live Oak and Prunus cerasifera 'Hollywood', a columnar upright species of flowering plum. This substitution conforms to the medium water use and non-allergenic potential as defined on the City's Plant List.
 - e. Photinia and Potentilla (high-water users) shall be replaced by Lavender and Butterfly Bush.
Photinia will be replaced with Butterfly Bush and Potentilla fruticosa with lavender species.
 - f. Pine trees are required to be at least 10 ft. at planting time.
The above note has been made to the Landscape Plan.
 - g. Additional landscape (especially shrubs) are needed to meet the requirement for 75% coverage with living, vegetative materials.
All available planting areas of the project are planted with either the allowed turf area or mass shrub and ground cover planting achieving greater than 75% coverage.
8. Architecture:
- a. A feature shall be added to the garage doors. Every other garage door shall have a different design.
A series of windows has been added to garage doors. The locations are identified on Sheets A2.14 and A3.1.
 - b. Tile roofs are required.
All structures, other than carports, will have tile roofs as shown on all of the elevation sheets.
 - c. A three color stucco system shall be used.
All structures other than carports and garages will have three-color stucco system.
 - d. Railings shall be metal.
All exposed railings shall be tubular steel. See Sheet A1.2.
9. Signage: The free-standing identification signs for each complex shall comply with Zoning Code *14-16-3-5 and not exceed 24 sf of sign



face.

The entry signs as shown on the detail sheet LD-1 have been modified to conform to a sign face not exceeding 24 sf.

10. RECOMMENDED CONDITIONS FROM THE TRANSIT DEPARTMENT:

- a. The applicant shall construct a bus pull-out bay for safety reasons and coordinate with the Transit Department.

We have coordinated with Transit and have indicated a new shelter location along Gibson. Transit policy is for no bus pull-outs, rather, the preference is to stop in traffic lane. This has been verified with Andrew DeGarmo in an email sent to Catalina Lehner and myself on October 5, 2007.

- b. The applicant shall provide a shelter, bench, and trash can for the new bus stop along Gibson, which will serve the development.

The bus stop has been provided with a shelter, bench, and trash can per City standard.

12. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

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

We agree.

- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.

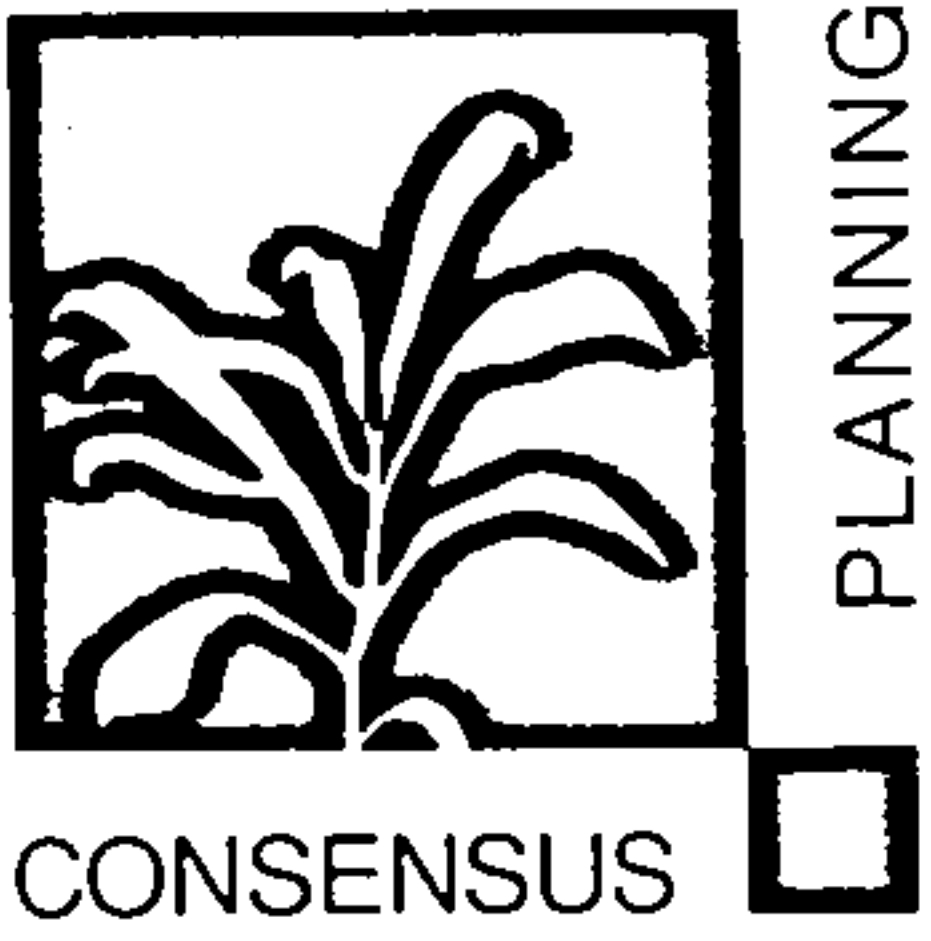
The site plan shows the proposed improvements and has been designed to comply with City Standards.

- c. Provide truck circulation route (Fire, Solid Waste, delivery vehicles, etc.) by overlaying turning templates on site development plan for building permit.

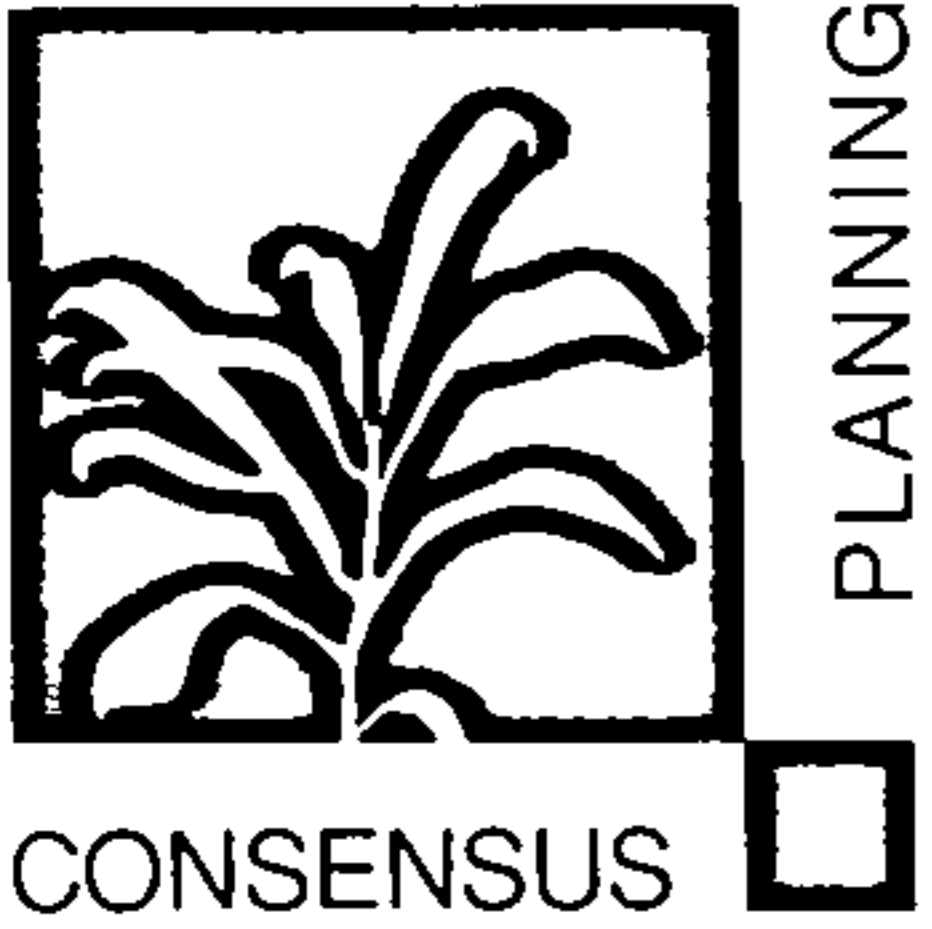
This was done in a meeting with Brad Bingham on 10/2/2007.

- d. Fire Department concurrence with respect to maneuverability and accessibility required.

A copy of the site plan signed by the Fire Marshall "Approved for Access" is included in the submittal.



- e. Gates to be located per queuing analysis and designed for fire and solid waste access.
A copy of the queuing analysis that supports the gate location is included in the submittal. Fire and Solid Waste will have access to the sites via Knox Box and remote, respectively.
- f. Site drives to be located and designed per TIS or as previously discussed with Traffic Engineer.
Site drives are per TIS and as discussed with traffic engineer in pre-design meetings.
- g. Gibson Blvd. access point to be 36' to 40' wide with 25' to 30' curb return radii. This drive is limited to right-turn in right-turn out and left-turn in only. Provide left turn bay and right turn deceleration lane on Gibson Blvd. at site drive per TIS.
Access is a total of 44 ft wide (divided entry 20 ft out and 24 ft in). This access is limited to right-in, right-out at this time. The right turn deceleration lane is provided per TIS.
- h. University Blvd. access is limited to right-turn in, right-turn out only. Provide right turn deceleration lane at site drive, as needed, per DPM and TIS.
Right-in / right-out entrance is provided with a right turn deceleration lane.
- i. Concurrence with Traffic Operations required for potential signalization at Gibson site drive.
Signalization at this location was not supported by John Castillo, therefore, this condition is irrelevant.
- j. Cross access between tracts will need to be identified by note on site plan or by written agreement.
All tracts are identified on the plat as being beneficiaries of the access easement corresponding to the roadway and adjacent sidewalks.
- k. Site plan shall comply and be designed per DPM Standards.
We agree.
- l. Platting must be a concurrent DRB action.
We agree. The site plans will be heard concurrently with the preliminary plat submitted by High Mesa Consulting Group.
- m. Approval of the proposed access to Gibson Boulevard by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG Resolution R-05-09 granted by MTB final



resolution within 12 months of this date.

The TCC granted approval for a right-in, right-out access at Gibson on September 14, 2007 – see attached TCC Resolution 07-04.

- n. Dedication of an additional 6 feet of right-of-way along University Boulevard as required by the City Engineer to provide for on-street bicycle lanes adjacent to the subject property.
University Boulevard already includes on-street bike lanes and no additional right-of-way is required.

- o. Construction of an on-street bicycle lane along University Boulevard adjacent to the subject property, as designated on Long Range Bikeways System map.
University Boulevard already includes on-street bike lanes and no new construction is required.

Please feel free to call me if you have any questions or need additional information.

Sincerely,

Jacqueline Fishman, AICP
Associate

8
RESOLUTION

1
2 of the

3 TRANSPORTATION COORDINATING COMMITTEE

4 of the

5 METROPOLITAN TRANSPORTATION BOARD

6 of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-07-04 TCC)

9 **APPROVING AN ACCESS MODIFICATION AT GIBSON BOULEVARD AND**
10 **UNIVERSITY BOULEVARD**

11
12
13
14 WHEREAS, Resolution UTPPB R-86-5 designated Gibson Boulevard from I-25 to
15 San Mateo Boulevard as a high-capacity, high-speed, limited access principal arterial
16 with full access limited to approximately one-half mile at-grade intersections and with
17 right-in/right-out access limited to one-quarter mile intervals; and

18 WHEREAS, there are currently existing full access breaks at University
19 Boulevard and at Yale Boulevard and an existing right-in/right-out access along the
20 south side of Gibson approximately midway between University and Yale; and

21 WHEREAS, this action would add a permissive right-in, right-out on the north
22 side of Gibson approximately 800 feet east of University; and

23 WHEREAS, Resolution R-05-09 MTB adopted policies for determining roadway
24 access modifications in the Albuquerque Metropolitan Planning Area; and

25 WHEREAS it is the responsibility of the Transportation Coordinating Committee
26 of the Metropolitan Transportation Board to affect any changes to the Limited Access
27 Roadways in the Albuquerque Metropolitan Planning Area.

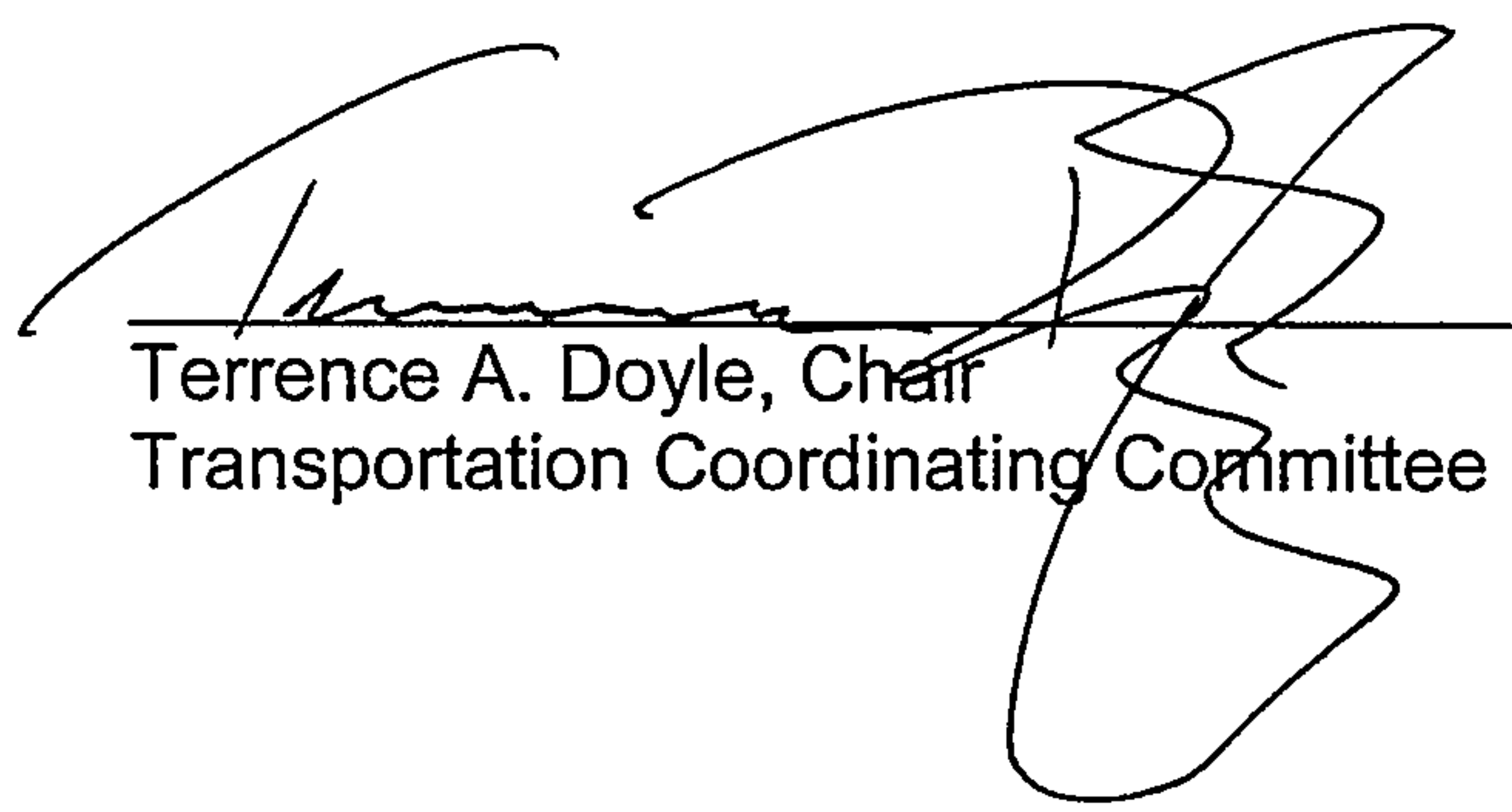
28 NOW, THEREFORE BE IT RESOLVED by the Transportation Coordinating
29 Committee of the Metropolitan Transportation Board of the Mid-Region Council of
30 Governments of New Mexico that the Roadway Access Policies for the Albuquerque
31 Metropolitan Planning Area are amended, as shown on Attachment "A", adding a
32 permissive right-in, right-out turn along the north side of Gibson Boulevard
33 approximately 800 feet east of University Boulevard.

34

35 PASSED, APPROVED, AND ADOPTED this 14th day of September 2007 by the
36 Transportation Coordinating Committee of the Metropolitan Transportation Board of the
37 Mid-Region Council of Governments of New Mexico.

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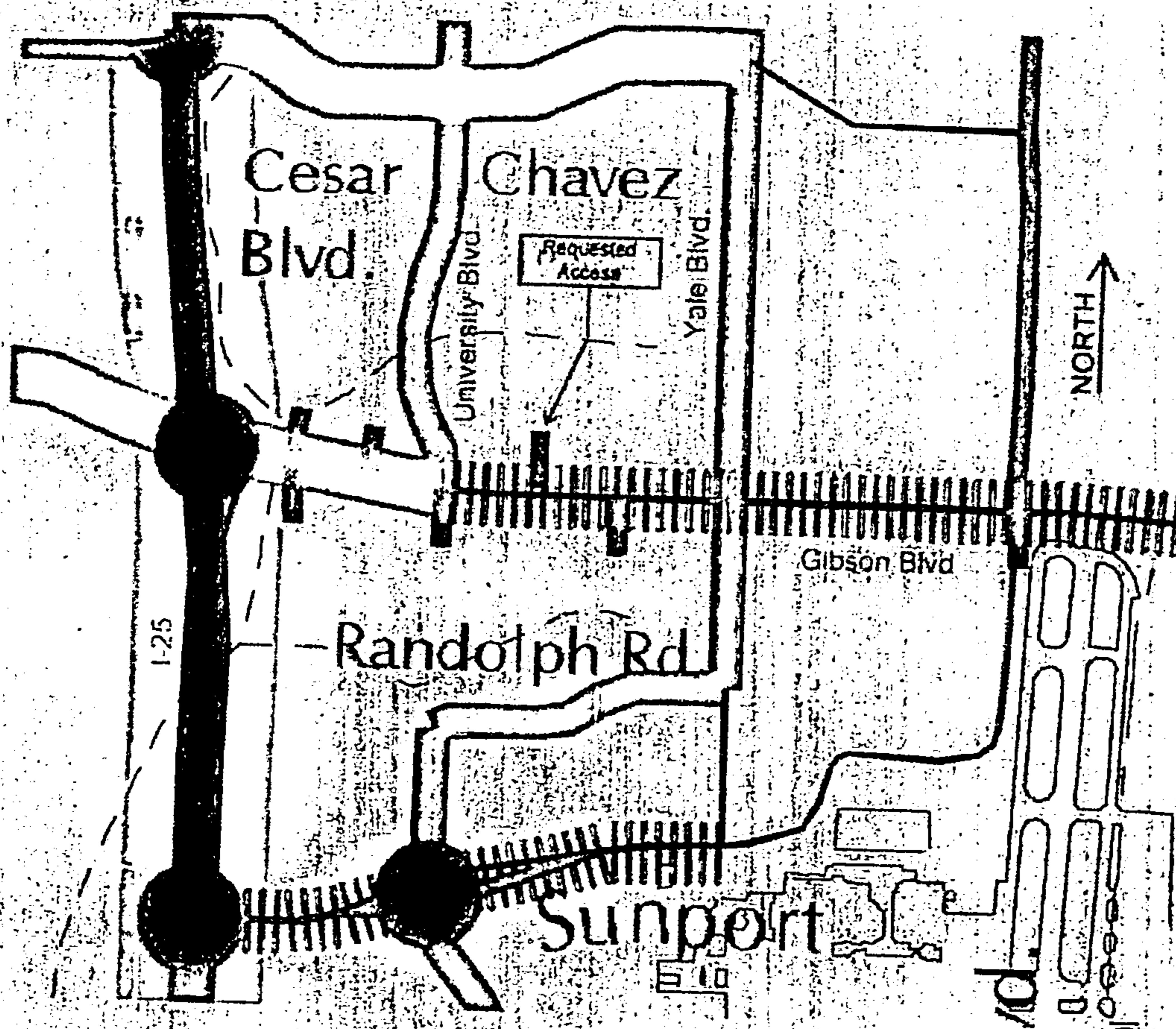


Terrence A. Doyle, Chair
Transportation Coordinating Committee

42

43

44 ATTEST: 
45
46
47
48 _____
49 Lawrence Rael
Executive Director



R-07-04 TCC Attachment A



August 31, 2009

Jack Cloud, Chairman
Development Review Board
City of Albuquerque

RE: Dion's Restaurant at Broadstone Towne Center
Project # 1005243 / 09EPC-40033

Dear Mr. Cloud,

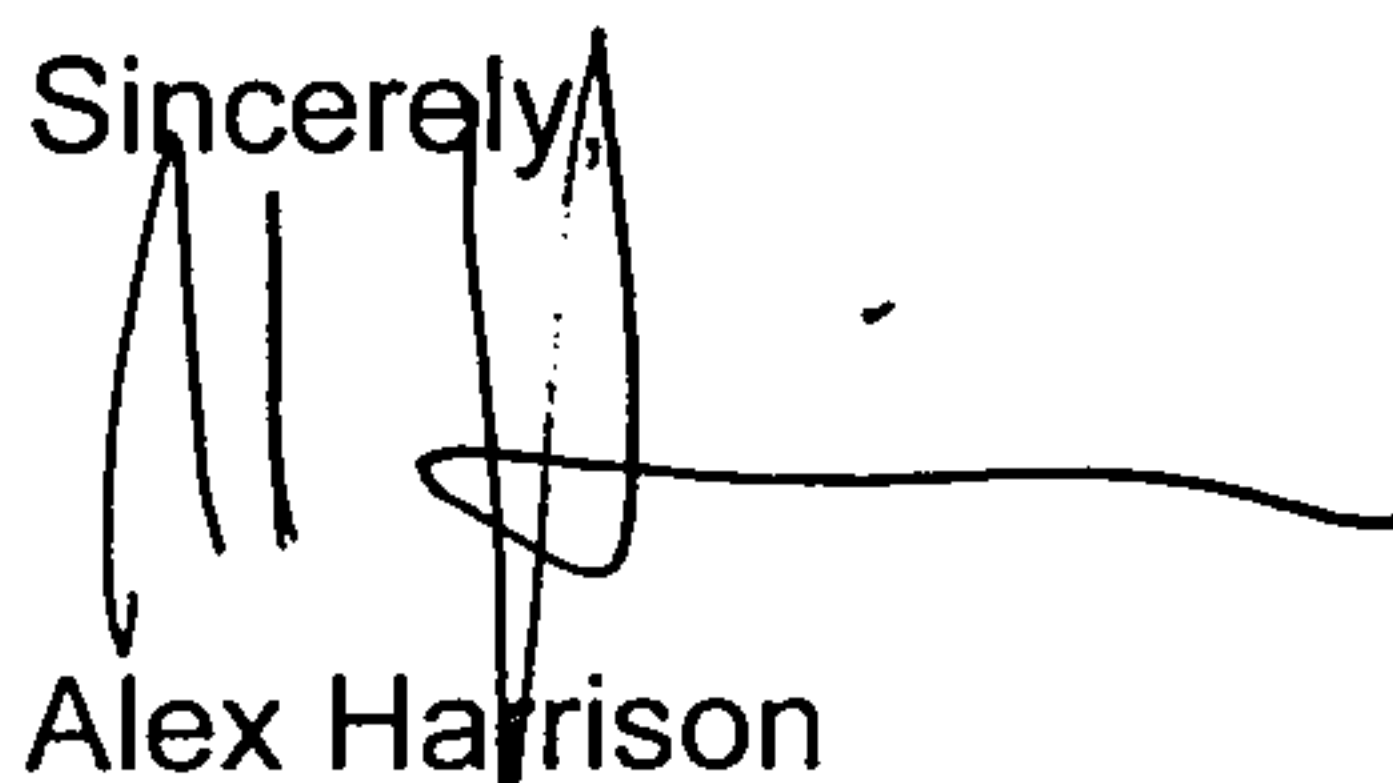
We are requesting approval to build a Dion's Restaurant in Broadstone Towne Center, Tract 5, located on the NE corner of Gibson and University. The zoning is SU-1 for C-2, 1.65 acres.

We were approved by the EPC on July 17, 2009

Following are the conditions and how we have addressed them:

1. This letter.
2. I discussed the conditions with Randall Falkner.
3. (a) All requirements of previous actions that pertain to this site will be provided for. (b) There are no improvements to the transportation facilities required. (c) The drive-thru window lane has painted arrows on the pavement and a "ONE WAY DO NOT ENTER" sign at the exit of the drive-thru lane. (d) The site plan will comply and be designed per DPM Standards.
4. (a) We will abide with all conditions of existing utility easements. (b) We will contact PNM to coordinate electric service. (c) No trees are planned within PNM's easements.
5. We will comply with the design guidelines of the Broadstone Towne Center site development plan for subdivision adopted in 2007.
6. (a) A note requiring a minimum 70% contrast between graphics and background has been added to Sheet 4. (b) No electronic display panels will be used.

Sincerely,

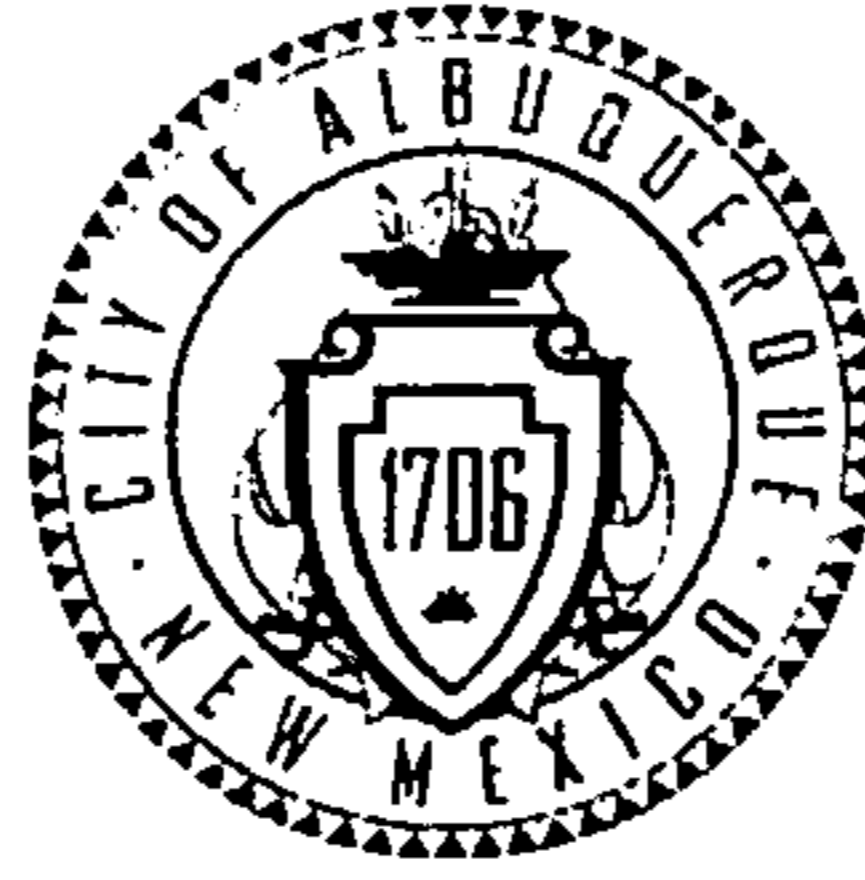


Alex Harrison

PETER-DEFRIES CORPORATION

8525 JEFFERSON N.E. • ALBUQUERQUE, NM 87113 • PHONE 505/858-1010 • FAX 505/858-2421

www.dionspizza.com



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

Date: July 17, 2009

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1005243**
09EPC-40033 SITE DEVELOPMENT -
BUILDG PRMT

Alex Harrison, Dions
8525 Jefferson St., NE
Albuquerque, NM 87111

LEGAL DESCRIPTION: ALEX HARRISON agent(s) for ALEX HARRISON request(s) the above action(s) for all or a portion of lot(s) 5, BROADSTONE TOWNE CENTER zoned PNR on SU-1 PRD & C-2 Permissive Uses w/Exclusions located on TOWNE CENTER LN SE BETWEEN GIBSON SE AND EASTERN SE containing approximately 1.65 acre(s). (L-15)
Randall Falkner, Staff Planner

On July 16, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1005243 / 09EPC-40033, a request for a site development plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for a site of approximately 1.65 acres located on Towne Center Lane between Gibson Boulevard and Eastern Avenue. The site comprises Tract 5, Broadstone Towne Center. The applicant intends to build a 5,871 square foot restaurant with a drive-up window.
2. The subject site is within the Established Urban area of the Comprehensive Plan.
3. The subject site is within the South Yale Sector Development Plan, which was adopted in February 2009.
4. The subject site is within a previously approved (April 2007) site development plan for subdivision, which has its own design standards (Broadstone Towne Center Design Standards). The project does not deviate from these design standards.
5. The following Comprehensive Plan policies for Developing and Established Urban areas are furthered by the proposal:

OFFICIAL NOTICE OF DECISION

JULY 16, 2009

PROJECT 1005243

PAGE 2 OF 5

- a. Policy II.B.5a – The site development plan will allow a full range of urban land uses. The request would add commercial land use to neighboring multi-family residential, office, commercial, public facility, and vacant land uses.
 - b. Policy II.B.5d – The location, intensity, and design of the new development respects existing neighborhood values and environmental conditions. The subject site is surrounded by commercial zoning to the south, southwest, and west. The subject site complies with the Broadstone Towne Center Design Standards, which are part of the existing site development plan for subdivision that was approved in 2007. The Design Standards address the issues of site planning, pedestrian circulation, parking, setbacks, landscaping, architecture, screening/buffering, lighting, utilities, and signage.
 - c. Policy II.B.5e – Full urban services are currently available to the proposed subject site, and the integrity of existing neighborhoods would be ensured by adding neighborhood commercial uses that would complement residential areas and improve the neighborhood. The request will provide infill development in an area that needs commercial development.
 - d. Policy II.B.5i – The request would complement the adjacent residential area by providing a quality development that offers employment and service opportunities to nearby residents. Adverse effects of development (lighting, pollution, traffic, etc.) would be minimized through appropriate site design.
 - e. Policy II.B.5l – Pedestrian access to Gibson Boulevard, University Boulevard, Towne Center Lane, and to the entire site is provided. The drive-up window is shielded from the townhomes to the east by the building itself, and from University Boulevard by the retaining/screen wall and landscaping on the western side of the property. The patio area will contain pavers with sand in between that will allow water to seep down to plant roots, improve stormwater runoff and create additional room for trees to grow. Commercial development is adjacent to the site to the south, southwest and west. This is a quality design which is appropriate to the plan area.
6. The request furthers Economic Development Policies II.D.6a and II.D.6b. The site will benefit the surrounding neighborhood and businesses by bringing a successful local business to an area that needs commercial development. New employment opportunities will be available to those in South Yale and surrounding areas. The request will help to develop a local business, as well as expand the local employment base.
7. The request furthers the following Goals of the South Yale Sector Development Plan:
- a. Develop South Yale into a retail/commercial destination with local identity to serve local needs – The request adds a local restaurant close to townhomes and other commercial businesses, creating a mixed use environment that ensures that commercial development is the priority. The development has good pedestrian access to the surrounding streets and throughout the site, providing access to nearby public transit and bicycles.
 - b. Develop South Yale with a public setting that reflects New Mexico, is family friendly, and an easy and attractive place to conduct business for all populations – Pedestrian pathways provide easy access to local public transit, and pedestrian crossings are clearly demarcated

with textured, colored concrete where they cross vehicular entrances and drive aisles. The proposed restaurant is a successful local business that is welcoming to all ages and socio-economic backgrounds and allows for social interaction and commercial activity.

8. There is no known opposition to the project and no letters of opposition have been received.
9. The Albuquerque/Bernalillo County Comprehensive Plan, the Comprehensive City Zoning Code and the South Yale Sector Development Plan are incorporated herein by reference and made part of the record for all purposes.
10. The design guidelines of the applicable site development plan for subdivision (for Broadstone Town Center) are applicable and controlling with respect to this application and not the design guidelines from the South Yale Sector Development Plan.
11. The applicant has elected to proceed under the zoning SU-1 PRD & C-2 Permissive Uses with Exclusions.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
 - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - c. Provide adequate directional signing and striping for drive-up window.
 - d. Site plan shall comply and be designed per DPM Standards.
4. RECOMMENDED CONDITIONS FROM PUBLIC SERVICE COMPANY OF NEW MEXICO:
 - a. As a condition, it is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

OFFICIAL NOTICE OF DECISION

JULY 16, 2009

PROJECT 1005243

PAGE 4 OF 5

- b. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project.
 - c. As a condition, it is necessary that the applicant coordinate with PNM regarding proposed tree species, the height at maturity and tree placement to avoid interference with the existing electric distribution lines along the project site. PNM's standard is for trees to be planted outside the PNM easement.
5. For this application the design guidelines of the Broadstone Town Center site development plan for subdivision adopted in 2007 shall apply.
6. SIGNAGE
- a. Site monument signs shall provide a minimum 70% contrast between graphics and background.
 - b. No electronic display panels shall be permitted as signage.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY JULY 31, 2009 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

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

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

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

OFFICIAL NOTICE OF DECISION
JULY 16, 2009
PROJECT 1005243
PAGE 5 OF 5

Sincerely,


Richard Dineen
Planning Director

RD/RF/ma

cc: Isabel Cabrera, Clayton Heights/Lomas Del Cielo N.A., 1720 Buena Vista NE, Albuquerque, NM 87106
Lee Graham, Clayton Heights/Lomas Del Cielo N.A., P.O. Box 27543, Albuquerque, NM 87125
Vincent Baty, Kirtland Community Assoc., 1924 Sunshine Terrace SE, Albuquerque, NM 87106
Barbara Williams, Kirtland Community Assoc., 1401 Alamo SE, Albuquerque, NM 87106