

# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

10/22/2013 Issued By: BLDAVM 212184

Category Code **910**  
**2013 070 724**

**Application Number:** 13DRB-70724, Minor - Preliminary/ Final Plat Approval

**Address:**

**Location Description:** MCMAHON BLVD NW BETWEEN UNSER BLVD NW AND FINELAND DR NW

**Project Number:** 1005280

#### Applicant

JMD - MCMAHON, LLC

2325 SAN PEDRO NE SUITE 2-A  
ALBUQUERQUE NM 87110  
884-3578

#### Agent / Contact

SURV-TEK INC  
RUSS HUGG  
9384 VALLEY VIEW DR NW  
ALBUQUERQUE NM 87114

RUSSHUGG@SURVTEK.COM

Application Fees	
APN Fee	
Conflict Mgmt Fee	\$20.00
DRB Actions	\$285.00
<b>TOTAL:</b>	<b>\$305.00</b>

City of Albuquerque Treasury  
Date: 10/22/2013 Office: ANMEX  
Stat ID: W5000007 Cashier: TRSDLF  
Batch: 2740 Trams #: 15  
Permit: 2013070724  
Receipt Num 00158500  
Payment Total: \$305.00  
0901 Conflict Monies. Fee  
0903 DRB Actions  
Check Tendered :  
\$20.00  
\$285.00  
\$305.00

# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

10/22/2013 Issued By: BLDAVM 212187

Category Code **910**  
**2013 070 726**

**Application Number:** 13DRB-70726, Epc Approved Sdp For Build Permit

**Address:**

**Location Description:** MCMAHON BLVD NW BETWEEN UNSER BLVD NW AND FINELAND DR NW

**Project Number:** 1005280

#### Applicant

JMD - MCMAHON, LLC

2325 SAN PEDRO NE SUITE 2-A  
ALBUQUERQUE NM 87110  
884-3578

#### Agent / Contact

CONSENSUS PLANNING, INC

302 8TH ST NW  
ALBUQUERQUE NM 87102  
764-9801  
CP@CONSENSUSPLANNING.COM

#### Application Fees

APN Fee

Conflict Mgmt Fee \$20.00

DRB Actions

**TOTAL: \$20.00**

City of Albuquerque Treasury  
Date: 10/22/2013 Office: ANNEX  
Stat ID: WS000007 Cashier: TRSOLF  
Batch: 2740 Trans #: 18  
Permit: 2013070726  
Receipt Num 00159505  
Payment Total: \$20.00  
0901 Conflict Mgmt Fee  
Check Tendered : \$20.00

# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

09/20/2013 Issued By: E08375 207510

Category Code **910**  
**2013 070 686**

**Application Number:** 13DRB-70686, Major - 2yr Subd Imp Agmt Ext (2yr Sia)

**Address:**

**Location Description:** MCMAHON BETWEEN UNSER AND FINELAND

**Project Number:** 1005280

#### Applicant

PETERSON INV-MCHAHON, LLC  
C/O PETERSON PROPERTIES, LLC  
2325 SAN PEDRO NE, SUITE 2-A  
ALBUQUERQUE NM 87110

#### Agent / Contact

ISAACSON AND ARFMAN PA  
GENEVIEVE DONART  
128 MONROE ST NE  
ALBUQUERQUE NM 87108

IAMENGRS@SWCP.COM

#### Application Fees

<b>APN Fee</b>	<b>\$75.00</b>
<b>Conflict Mgmt Fee</b>	<b>\$20.00</b>
<b>DRB Actions</b>	<b>\$50.00</b>
<b>TOTAL:</b>	<b>\$145.00</b>

City of Albuquerque Treasury  
Date: 9/20/2013 Office: ANNEX  
Stat ID: WS000009 Cashier: TRSRMS  
Batch: 2599 Trans #: 7  
Permit: 2013070686  
Receipt Num 00153048  
Payment Total: \$145.00  
0900 APN Fee \$75.00  
0901 Conflict Mgmt. Fee \$20.00  
0903 DRB Actions \$50.00  
Check Tendered : \$145.00

City of Albuquerque

Parks and Recreation Department

☐ **Project #1005280 McMahon Marketplace**

☐ **Item #2**

**October 30, 2013**

☐ **13DRB-70726 EPC Approved SDP For Building Permit**

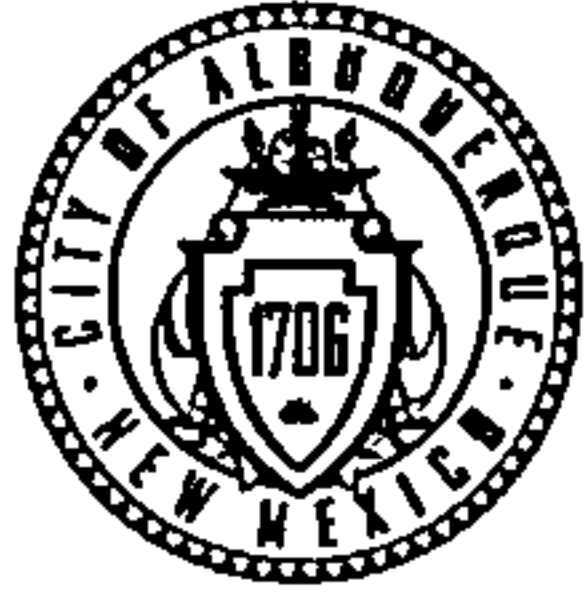
**Need Note on Landscape Plan and letter from owner stating that Irrigation for landscaping in City ROW will be provided from connection to irrigation system for landscaping on subject property.**

☐ **13DRB-70728 EPC Approved SDP for Subdivision**

**No comments**

☐ **13DRB-70724 Preliminary/Final Plat Approval**

**See comments above requiring note on plat and letter from owner regarding Irrigation in City ROW.**



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

October 16, 2013

**Project# 1005280**

13DRB-70686 MAJOR - 2YR SUBDIVISION IMPROVEMENT AGREEMENT  
EXTENSION (2YR SIA)

ISAACSON AND ARFMAN PA agents for PETERSON INV-MCMAHON, LLC request the referenced/ above action for MCMAHON MARKETPLACE zoned SU-1/ C-1 Uses, located On the southeast corner of UNSER BLVD NW and MCMAHON BLVD NW containing approximately 12.2230 acre(s). (A-11)

At the October 16, 2013 Development Review Board meeting, a one year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by October 31, 2013 in the manner described below.

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

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

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



Jack Cloud, DRB Chair

Cc: ISAACSON AND ARFMAN PA  
Marilyn Maldonado  
File

Complete

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 #: 1005280      Application #: 13DRB-70726/ 13DRB-70728/ 13DRB-70724

Project Name: MCMAHON MARKET PLACE

Agent: CONSENSUS PLANNING INC.

Phone #:

\*\*Your request was approved on 10-30-13 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed\*\*

TRANSPORTATION:

ABCWUA:

CITY ENGINEER / AMAFCA: *Examination of adequacy of drainage easement SBP, FP*

PARKS / CIP:

PLANNING (Last to sign):

*Land use note on SBP + FP utilities FP*

PLATS:

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

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

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

ALL SITE PLANS:

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

DRB CASE ACTION LOG - BLUE SHEET

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

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

*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 #: 1005280                      Application #: 13DRB-70726/ 13DRB-70728/ 13DRB-70724

Project Name: MCMAHON MARKET PLACE

Agent: CONSENSUS PLANNING INC.

Phone #:

**\*\*Your request was approved on 10-30-13 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed\*\***

TRANSPORTATION:

ABCWUA:

CITY ENGINEER / AMAFCA:

*daily 2x met*

PARKS / CIP:

PLANNING (Last to sign):

*landscape notes on SBP FP  
utilities FP*

**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.



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

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

**D Street Name Change (Local & Collector)**

**L A APPEAL / PROTEST of...**

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

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): Consensus Planning, Inc. PHONE: (505) 764-9801

ADDRESS: 302 Eighth St. NW FAX: (505) 842-5495

CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: cp@consensusplanning.com

APPLICANT: JMD - McMahon, LLC PHONE: (505) 884-3778

ADDRESS: 2325 San Pedro NE, Suite 2-A FAX: (505) 884-6793

CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: nicole@petersonproperties.net

Proprietary interest in site: \_\_\_\_\_ List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: DRB final sign-off of EPC approved Site Plan for Subdivision and Site Plan for Building Permit.

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

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

Lot or Tract No. 7 Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdiv/Addn/TBKA: McMahon Marketplace

Existing Zoning: SU-1 for C-1 uses Proposed zoning: no change MRGCD Map No \_\_\_\_\_

Zone Atlas page(s): A-11-Z UPC Code: 101106640130310407

**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 # 1005280; 13EPC-40124 & 40125

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? \_\_\_\_\_

No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.3

LOCATION OF PROPERTY BY STREETS: On or Near: McMahon Blvd.

Between: Unser Blvd. and Fineland Dr.

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

SIGNATURE [Signature] DATE 10/22/13

(Print Name) James K. Strozic, AICP Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

INTERNAL ROUTING

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

Application case numbers	Action	S.F.	Fees
<u>13DRB - 70726</u>	<u>SBP</u>	_____	\$ <u>0</u>
<u>13DRB - 70728</u>	<u>SPS</u>	_____	\$ <u>0</u>
_____	<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Hearing date October 30, 2013

Total  
\$ 20.00

[Signature] 10-22-13  
Staff signature & Date

Project # 1005280



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

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

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

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

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

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

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

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

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

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
  - Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
  - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
  - Solid Waste Management Department signature on Site Plan for Building Permit
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
  - 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.

James K. Strozic, AICP  
 Applicant name (print)  
[Signature] 10/22/13  
 Applicant signature / date

Form revised October 2007  
[Signature] 10-22-13  
 Planner signature / date  
 Project # 1005280



<input checked="" type="checkbox"/> Checklists complete	Application case numbers
<input checked="" type="checkbox"/> Fees collected	13DRB - 70726
<input checked="" type="checkbox"/> Case #s assigned	13DAB - 70728
<input checked="" type="checkbox"/> Related #s listed	_____



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

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

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

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 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: cp@consensusplanning.com

APPLICANT: JMD - McMahan, LLC PHONE: (505) 884-3778  
 ADDRESS: 2325 San Pedro NE, Suite 2-A FAX: (505) 884-6793  
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: nicole@petersonproperties.net  
 Proprietary interest in site: \_\_\_\_\_ List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: DRB final sign-off of EPC approved Site Plan for Subdivision and Site Plan for Building Permit.

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

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

Lot or Tract No. 7 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: McMahon Marketplace  
 Existing Zoning: SU-1 for C-1 uses Proposed zoning: no change MRGCD Map No. \_\_\_\_\_  
 Zone Atlas page(s): A-11-Z UPC Code: 101106640130310407

**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 # 1005280; 13EPC-40124 & 40125

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? \_\_\_\_\_  
 No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.3  
 LOCATION OF PROPERTY BY STREETS: On or Near: McMahon Blvd.  
 Between: Unser Blvd. and Fineland Dr.

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

SIGNATURE [Signature] DATE 10/23/13  
 (Print Name) James K. Strozic, AICP Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>13DRB - 70726</u>	<u>SBP</u>		<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>13DRB - 70728</u>	<u>SPS</u>		<u>\$ 0</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				
<input checked="" type="checkbox"/> Case history #s are listed				
<input type="checkbox"/> Site is within 1000ft of a landfill				
<input type="checkbox"/> F.H.D.P. density bonus				
<input type="checkbox"/> F.H.D.P. fee rebate				
				Total
				<u>\$ 20.00</u>

Hearing date October 30, 2013

[Signature] 10-22-13 Project # 1005280  
 Staff signature & Date

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

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

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

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

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

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

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

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

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

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
  - Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
  - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
  - Solid Waste Management Department signature on Site Plan for Building Permit
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
  - 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.

James K. Strouin, AICP  
 Applicant name (print)  
[Signature] 10/22/13  
 Applicant signature / date

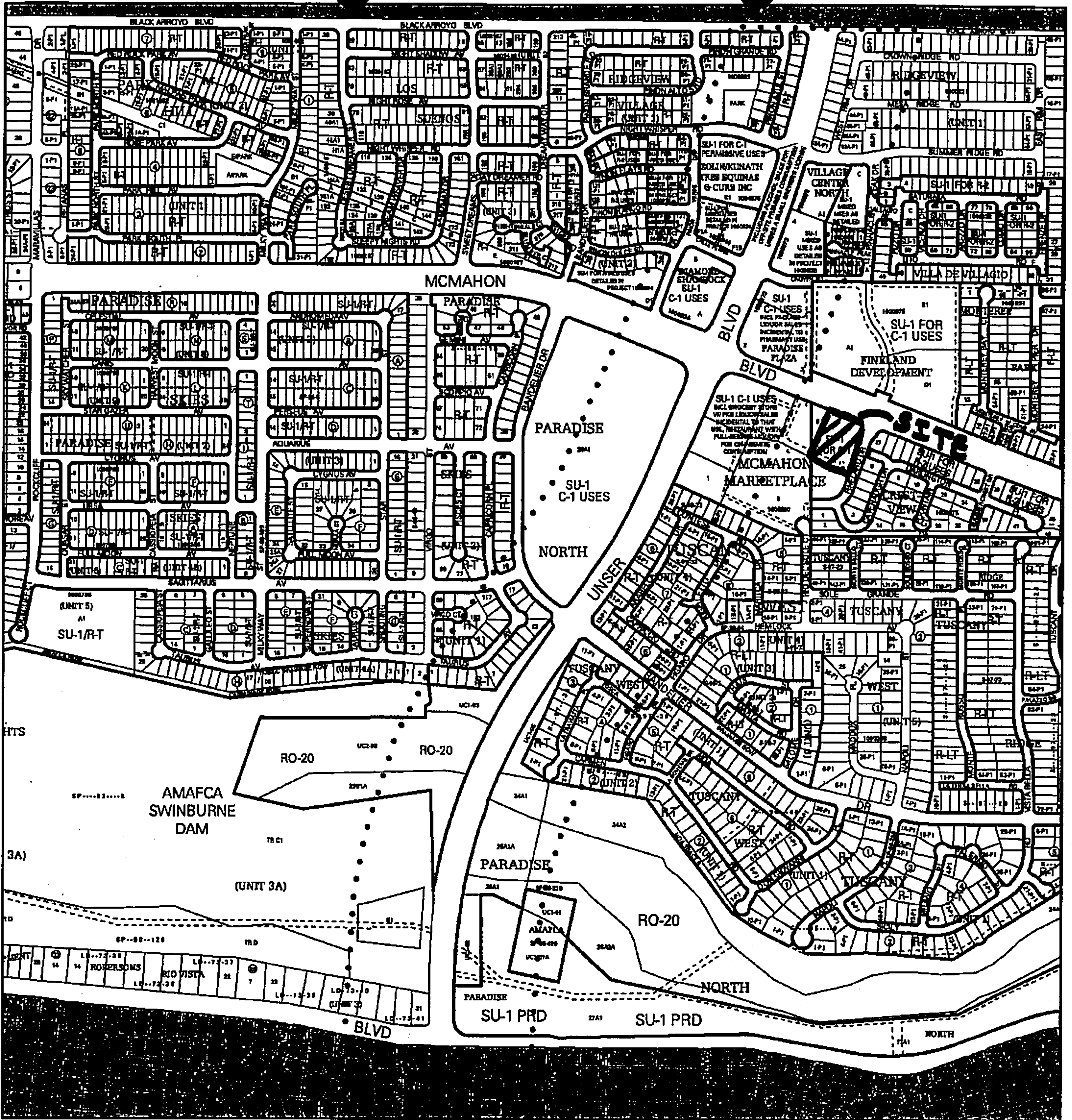


Form revised October 2007

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

Application case numbers  
 13DRS - 70726  
 13DAB - 70728

[Signature] 10-22-13  
 Planner signature / date  
 Project # 1005280



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



**AGIS**  
Albuquerque Geographic Information System

Map amended through: 1/10/2013



Zone Atlas Page:  
**A-11-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



October 10, 2013

City of Albuquerque  
ATTN: Jack Cloud, Chairman of the DRB  
600 2nd Street NW  
1st Floor  
Albuquerque, NM 87103

RE: LOTS 6 AND 7 OF MCMAHON MARKETPLACE  
SOUTHWEST CORNER OF MCMAHON AND FINELAND  
PROJECT #1005280, CASE 13EPC-40124 AND EPC-40125  
ENCROACHMENT OF IMPROVEMENTS

Dear Mr. Cloud,

With respect to the two above-referenced lots, my company, JMD-McMahon, LLC, is the fee simple owner of both. With respect to any improvements to be constructed pursuant to the above-referenced Site Plan for Building Permit which encroach onto Lot 6, JMD-McMahon, LLC, approves of such encroachment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Peterson', is written over a horizontal line.

Doug Peterson, Esq.  
Managing Member of JMD Partnership, LLC, Managing Member of JMD-McMahon, LLC

**EXHIBIT "B-1"**  
**PARCEL 1 LEGAL DESCRIPTION**

That certain parcel of land situate within the Town of Alameda Grant in Projected Sections 1, 2, 11 & 12, T11N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico being and comprising a Northwesterly portion of Tract 16A-1, as the same is shown and designated on the plat entitled "Vacation, Amended Plat and Replat of PARADISE NORTH, situate within the Town of Alameda Grant ("Projected" Sections 1, 2, 11 & 12, T11N, R2E, N.M.P.M.), City of Albuquerque, Bernalillo County, New Mexico" filed for record in the office of the County Clerk of Bernalillo County, New Mexico, on August 8, 1990, in Volume 90C, folio 182 more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane grid bearings and ground distances as follows:

**BEGINNING** at the Northeast corner of the parcel herein described, a point on the Southerly right of way line of McMahon Boulevard N.W. and a point on the Northerly line of said Tract 16A-1 whence the Northeast corner of said Tract 16A-1 (a 5/8" rebar and cap stamped "L.S. 9750" found in place) bears S 69° 22' 14" E, 233.99 feet distant; Thence,

S 24° 02' 19" W ,                      284.94 feet to the Southeast corner of the parcel herein described; Thence,

N 65° 57' 41" W ,                      267.16 feet to a point on the Easterly right of way line of Unser Boulevard N.W. and the Southwest corner of the parcel herein described; Thence Northeasterly along said Easterly right of way line of Unser Boulevard N.W. for the following four (4) courses:

N 24° 02' 19" E ,                      163.42 feet to a point of curvature; Thence,

Northeasterly ,                      60.81 feet on the arc of a curve to the right (said curve having a radius of 180.00 feet, a central angle of 19° 21' 21" and a chord which bears N 33° 43' 00" E, 60.52 feet) to a point of compound curvature; Thence,

Northeasterly ,                      54.32 feet on the arc of a curve to the right (said curve having a radius of 65.00 feet, a central angle of 47° 53' 03" and a chord which bears N 67° 09' 36" E, 52.76 feet) to a point of compound curvature; Thence,

Northeasterly ,

60.81 feet on the arc of a curve to the right (said curve having a radius of 180.00 feet, a central angle of  $19^{\circ} 21' 21''$  and a chord which bears  $S 79^{\circ} 02' 55'' E$ , 60.52 feet) to a point of tangency on said Southerly right of way line of McMahon Boulevard N.W.; Thence,

S  $69^{\circ} 22' 14'' E$  ,

162.26 feet along said Southerly right of way line of McMahon Boulevard N.W. to the Northeast corner and point of beginning of the parcel herein described.

**EXHIBIT "B-2"**  
**PARCEL 2 LEGAL DESCRIPTION**

Tract E-1-A-1 Crestview Subdivision (Being a replat of Tract E-1-A, Crestview Subdivision) within The Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on 8/25/08 as document #2008095504 Plat Book 2008C, p: 0192.

*DF*



**EXHIBIT "B-3"**

**PARCEL 3 LEGAL DESCRIPTION**

That certain parcel of land situate within the Town of Alameda Grant in Projected Sections 1, 2, 11 & 12, T11N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico being and comprising Tract 16A-1, as the same is shown and designated on the plat entitled "Vacation, Amended Plat and Replat of PARADISE NORTH, situate within the Town of Alameda Grant ("Projected" Sections 1, 2, 11 & 12, T11N, R2E, N.M.P.M.), City of Albuquerque, Bernalillo County, New Mexico" filed for record in the office of the County Clerk of Bernalillo County, New Mexico, on August 8, 1990, in Volume 90C, folio 182;

**LESS AND EXCEPTING THEREFROM PARCEL 1 AS DESCRIBED IN EXHIBIT "B-1"**

Exhibit "C"

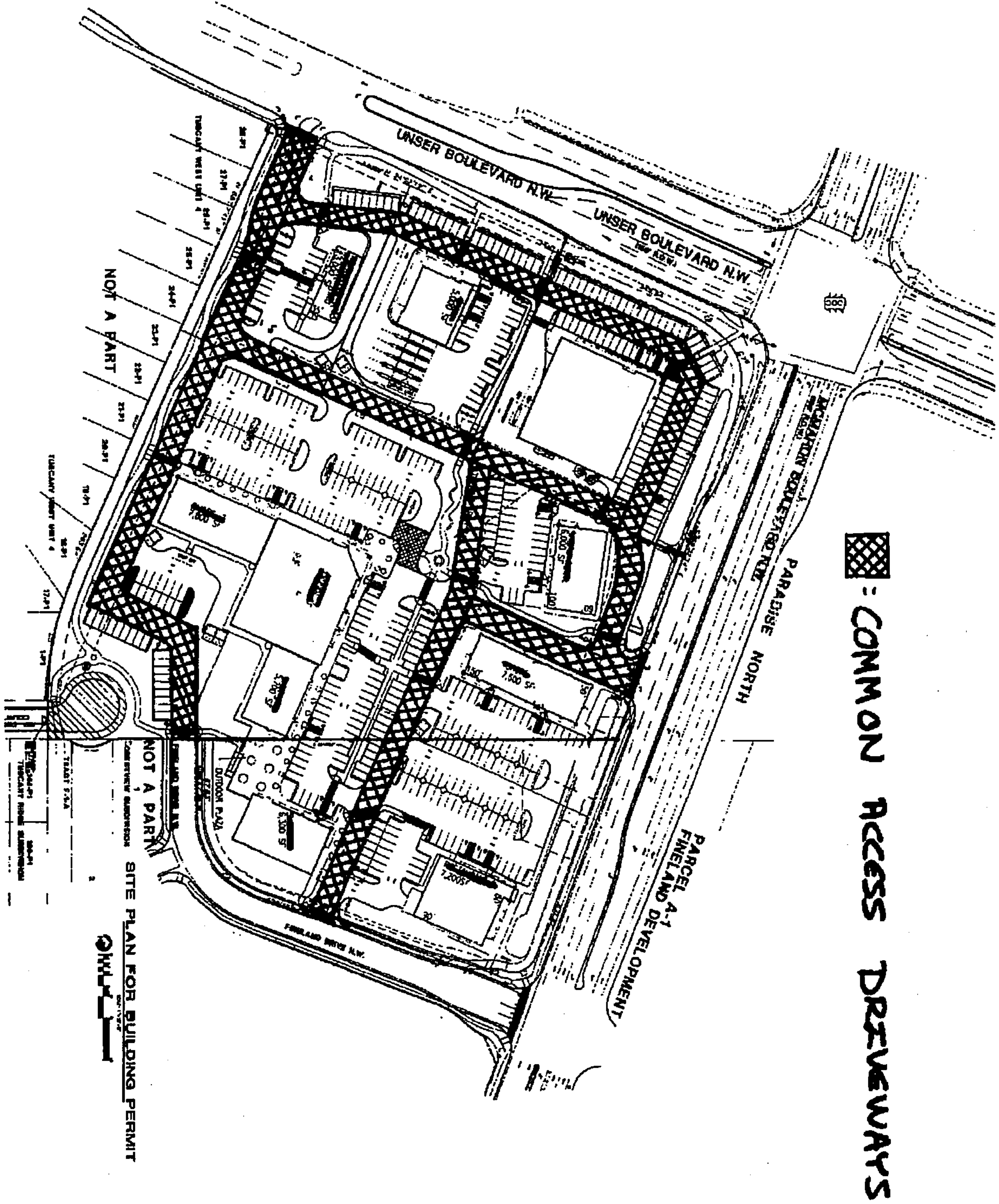
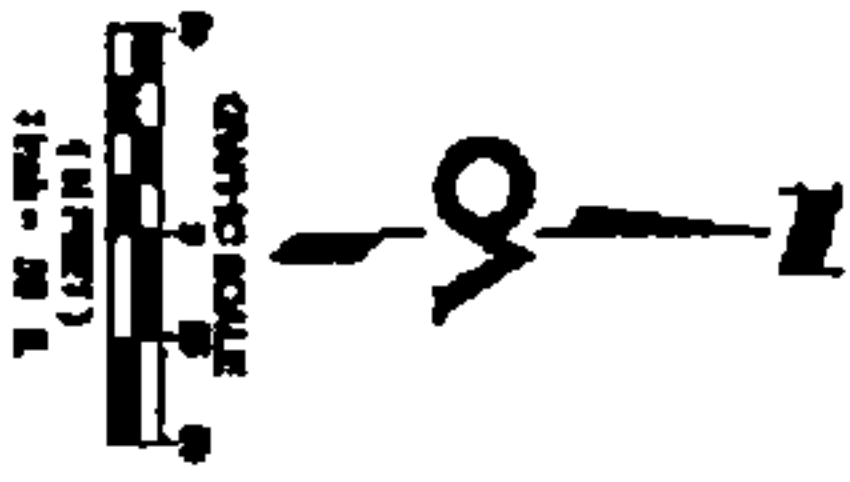
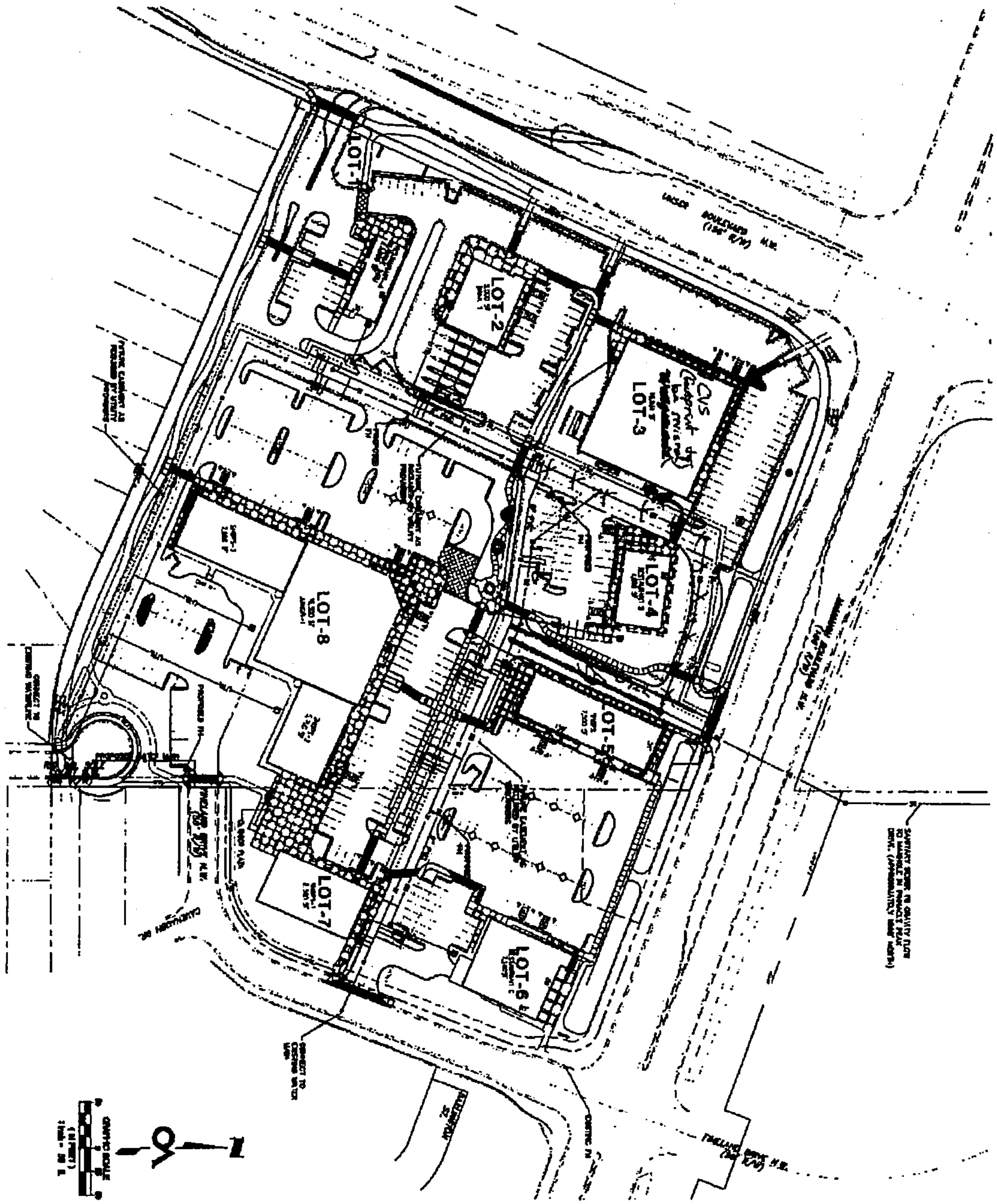


Exhibit "D"



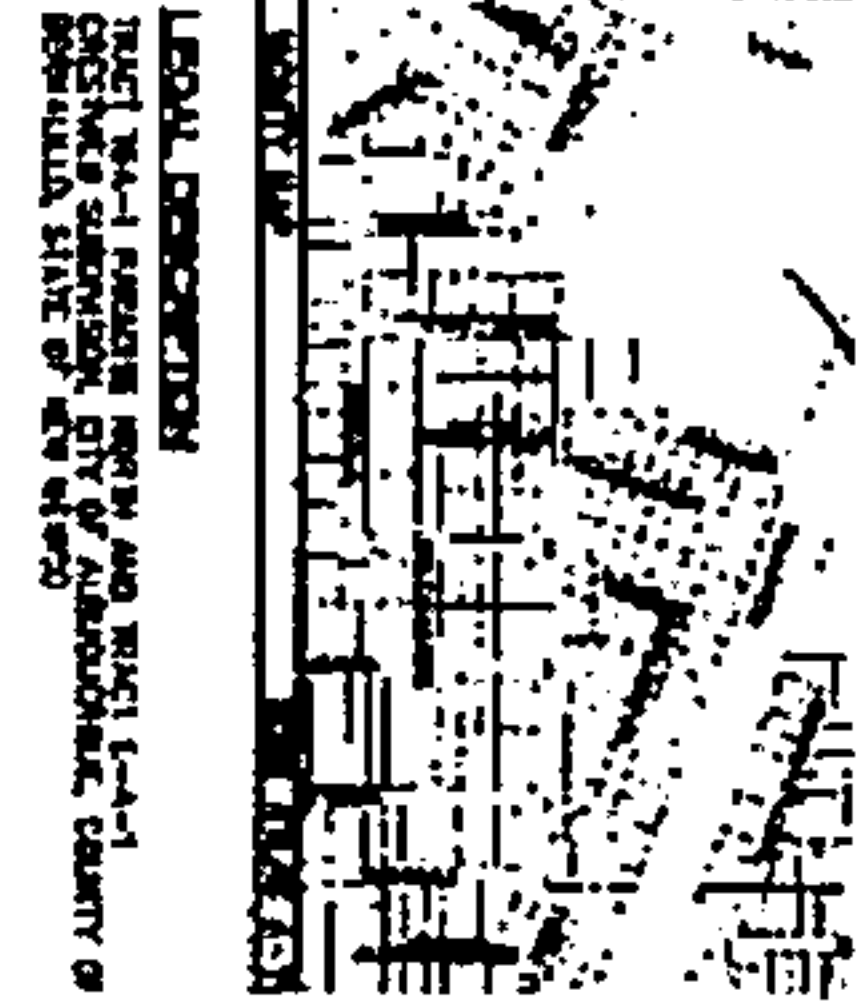
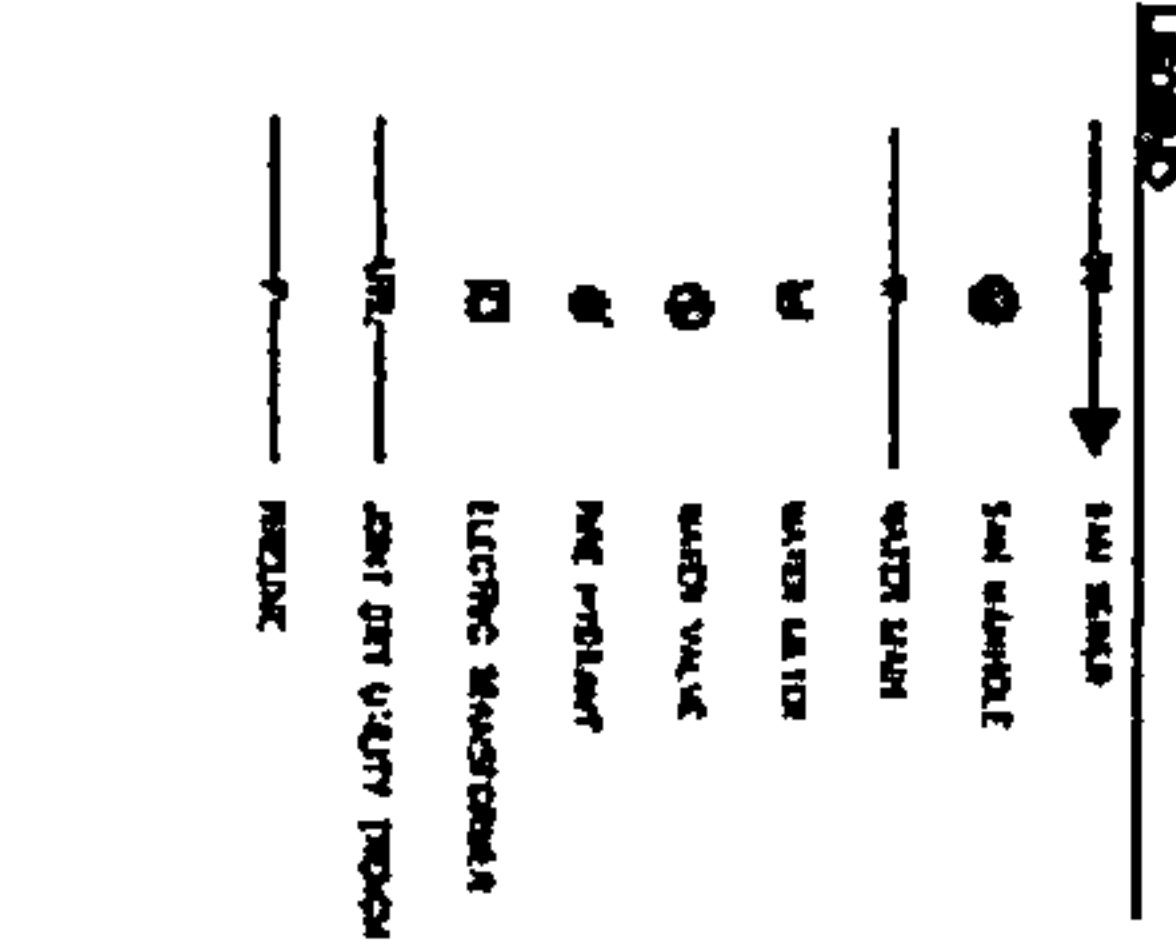
<b>OLSSON ASSOCIATES</b> 10100 N. ALBUQUERQUE BLVD. SUITE 200 ALBUQUERQUE, NM 87124 TEL: (505) 263-1111 FAX: (505) 263-1112	
<b>CITY OF ALBUQUERQUE</b> PUBLIC WORKS DEPT. MCMAHON MARK PRELIMINARY UTILS	
CITY PROJECT NO.	DATE

*Rev. DHP  
8/28/09*

**UTILITY SERVICE TABLE**

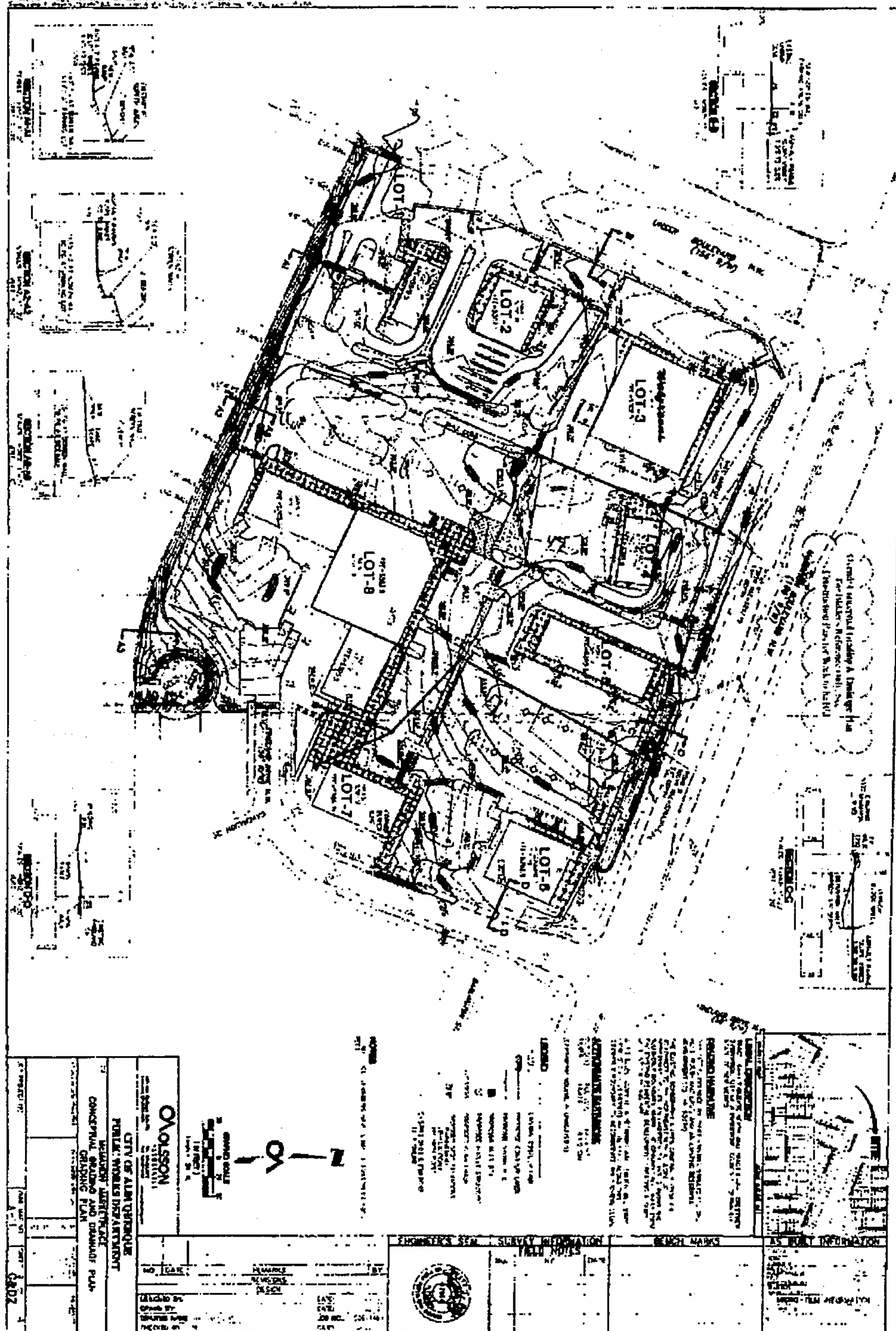
1. CITY PROJECT NO. 2. SITE PLAN NO. 3. DATE OF PREPARATION

LOT	DESCRIPTION	WATER	SEWER	GAS
1	RESIDENTIAL - A	1 1/2"	8"	6"
2	RESIDENTIAL - B	1 1/2"	8"	6"
3	RESIDENTIAL - C	1 1/2"	8"	6"
4	RESIDENTIAL - D	1 1/2"	8"	6"
5	RESIDENTIAL - E	1 1/2"	8"	6"
6	RESIDENTIAL - F	1 1/2"	8"	6"
7	RESIDENTIAL - G	1 1/2"	8"	6"
8	RESIDENTIAL - H	1 1/2"	8"	6"

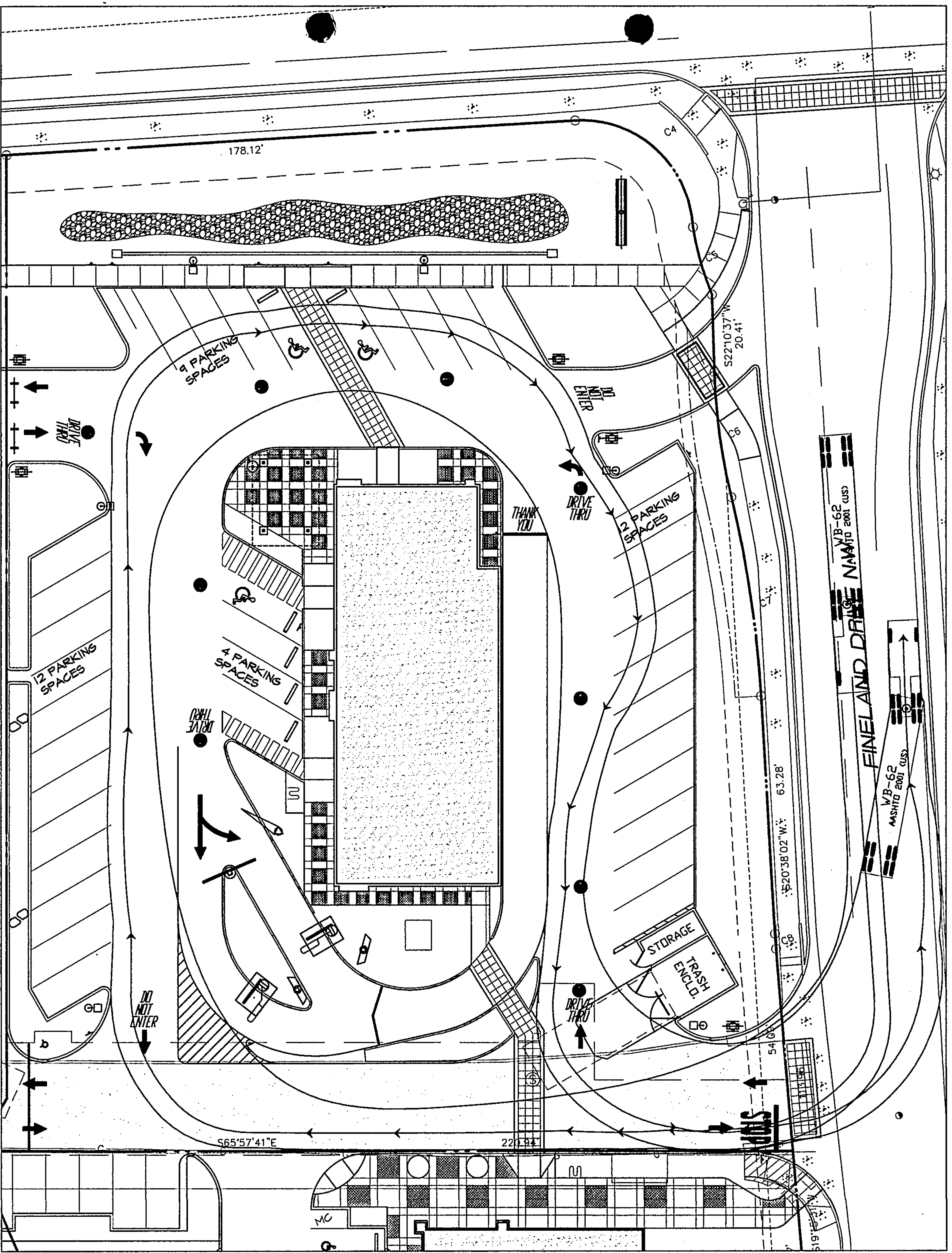


*[Handwritten signature]*

Exhibit "E"



*Handwritten signature*



178.12'

9 PARKING SPACES

12 PARKING SPACES

4 PARKING SPACES

2 PARKING SPACES

STORAGE  
TRASH ENCLD.

V/B-62  
NASHITA 2001 (US)  
FINLAND DRIVE  
V/B-62  
AASHITA 2001 (US)

S65°57'41"E

220.94'

S22°10'37"W  
20.41'

S20°38'02"W  
63.28'

54.08'

519'



October 22, 2013

Jack Cloud, Chairman  
Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495

cp@consensusplanning.com  
www.consensusplanning.com

RE: Project 1005280/13EPC-40124: Site Development Plan for Building Permit and Site Plan for Subdivision Amendment

Dear Mr. Chairman:

The purpose of this letter is to explain how we have addressed the Environmental Planning Commission's (EPC) conditions of approval for Project 1005280, 13EPC-40124, a Site Development Plan for Building Permit and a Site Plan for Subdivision Amendment, which were approved on September 12, 2013.

Each condition for the Site Plan for Building Permit is enumerated below and our response is indicated in italics:

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 all 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.

*We agree and this letter satisfies that requirement.*

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.

*We have met with the staff planner, Chris Glore and Cynthia Beck on October 11, 2013 to ensure that all conditions of approval have been met.*

3. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.

*We agree to this condition.*

4. Site plan shall comply and be in accordance with DPM (Development process Manual) and current ADA standards/requirements.

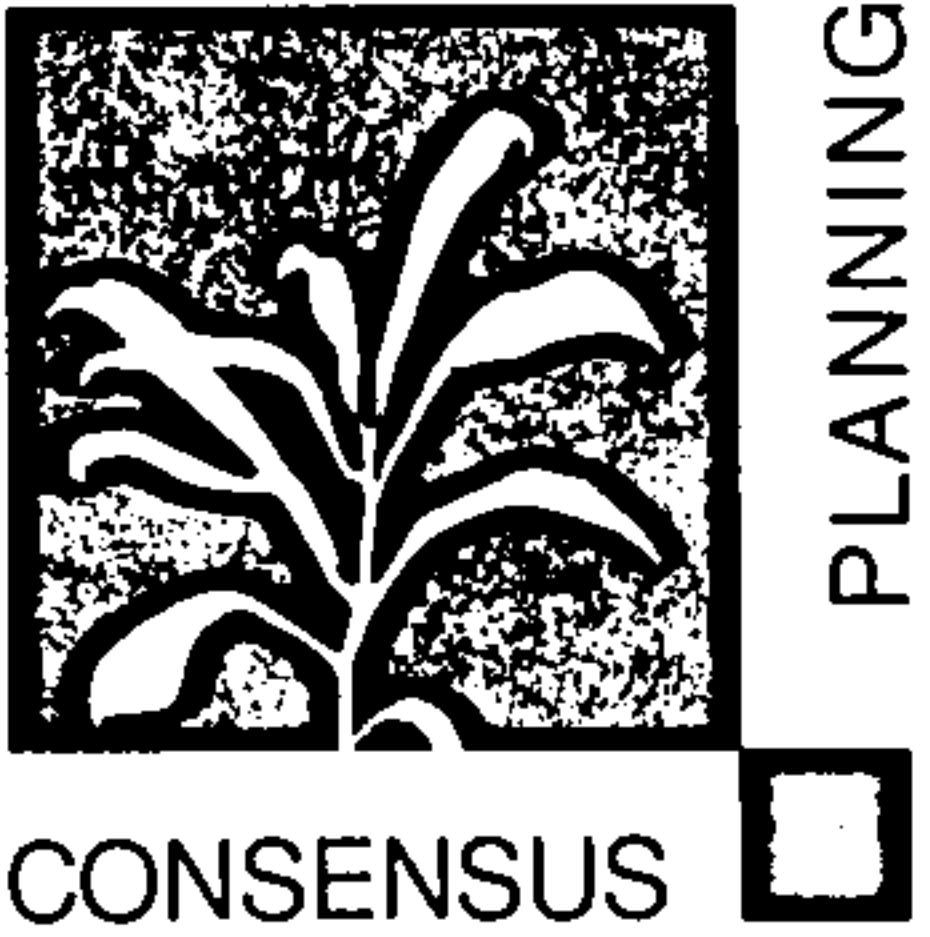
*We agree to this condition.*

PRINCIPALS

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

ASSOCIATES

Jacqueline Fishman, AICP



5. Provide cross access agreement between lot 7 and lot 6.

*We have provided this agreement to Chris Glore, the staff planner and a copy is attached to this application.*

6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Finland Drive.

*Terri Brown, PE has provided the required queuing analysis. A copy was provided to Kristal Metro and Tony Loyd.*

7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Finland Dr.

*We have included a turning template exhibit as part of this DRB application.*

8. If the request for the single ingress access on Finland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.

*On the west side of the single ingress, parking spaces have been reconfigured as angled spaces to discourage vehicles from exiting through this access. This access has also been re-designed as a pork chop shape to discourage using it as an exit.*

9. A replat of the lots must be a concurrent DRB action.

*We agree to this condition. A replat has been submitted concurrently with this DRB application.*

10. Vehicular Signage: Provide posted "Do Not Enter" signs in addition to pavement markings at all points of egress of one-way only drive aisles.

*These signs and pavement markings have been added. See Site Plan for Building Permit.*

11. Label and dimension all proposed infrastructure.

*Keyed note number 13 addresses this condition.*

12. Please identify all line types and symbol used within the SPBP.

*This condition has been met. See keyed notes on Site Plan for Building Permit.*

13. Please provide documentation allowing the encroachment of proposed infrastructure onto Lot 6.

*A letter approving the encroachment of infrastructure onto Lot 6 has been provided by the owner of Lots 6 and 7 and is attached.*



14. Please remove the pavement marking "Drive Thru" and accompanying directional arrow, from the access road just west of the Finland Drive entrance.

*This condition has been met. See Site Plan for Building Permit.*

15. Please provide proper striping and signing at the Finland Drive entrance per the DPM Ch. 23, Sec. 6.10 Curb Cuts and Drivepads.

*Striping and signing at the Finland Drive entrance have been provided.*

16. Revise landscape plans to provide stepping stones within the planter on the west boundary of Lot 7 to enable shared use of parking between Lots 5, 6, and 7.

*We agree to this condition. Please see revised Landscape Plan.*

17. Please provide a vicinity map on the SPBP.

*A vicinity map has been included on the Site Plan for Building Permit.*

18. Show the entire pipe to the terminus of the pond outfall pipe on the Conceptual Grading and Drainage Plan for DRB approval (refer to Keyed Note 2).

*The pipe is shown from the pond, to the connection, to the public storm drain. Please see Conceptual Grading and Drainage Plan.*

19. Provide drainage easement information for proposed pipe (Keyed Note 2 on Conc. G&D Plan) for DRB approval.

*There is an existing cross-lot drainage easement in place. Please see Site Plan for Subdivision for existing easement notes.*

20. Provide information on the Master Drainage Plan referenced so Hydrology can verify the drainage scheme. The entire site may have to drain to the pond.

*A copy of the existing McMahon Marketplace Preliminary Grading and Drainage Plan and the Drainage Management Master Plan from 2007 and 2010 are provided with this submittal.*

Each condition for the Site Plan for Subdivision Amendment is enumerated below and our response is indicated in italics:

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 all 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.





*We agree and this letter satisfies that requirement.*

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.

*We have met with the staff planner, Chris Glore and Cynthia Beck on October 11, 2013 to ensure that all conditions of approval have been met.*

3. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/requirements.

*We agree to this condition.*

4. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.

*We agree to this condition.*

5. Provide a cross access agreement between lot 7 and lot 6.

*We have provided this agreement to Chris Glore, the staff planner.*

6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Finland Drive.

*Terri Brown has provided a queuing analysis.*

7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Finland Drive.

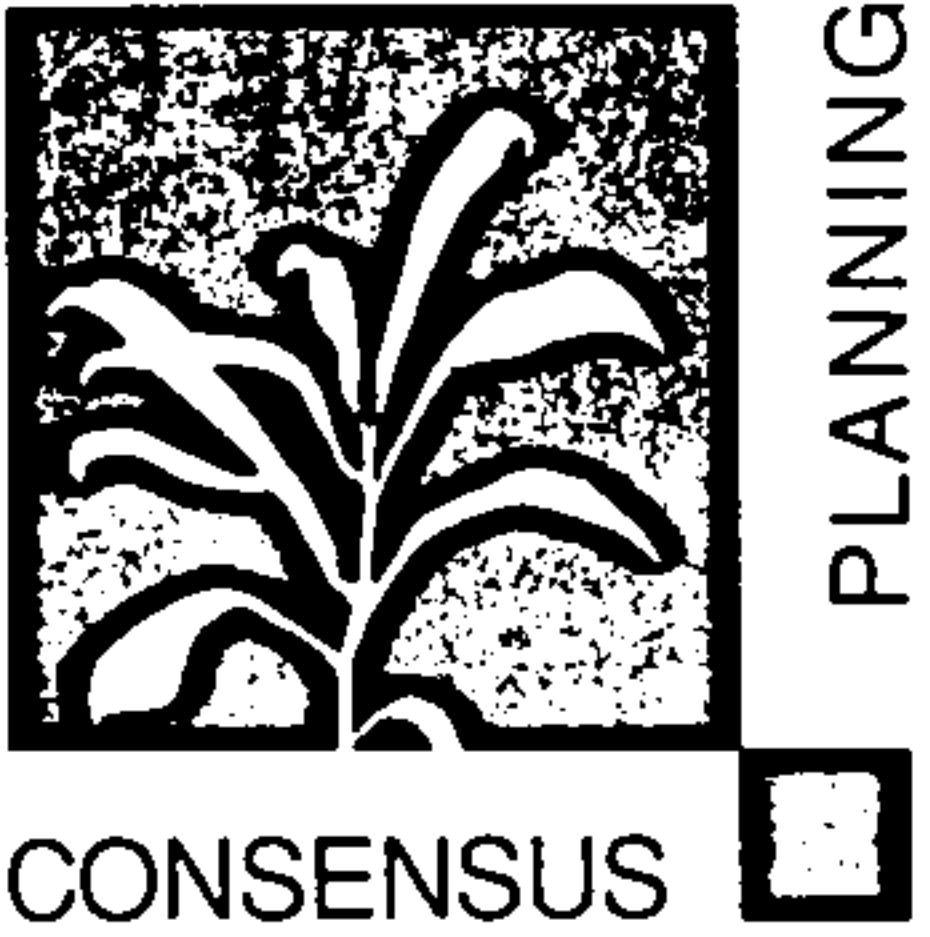
*We have included a turning template exhibit as part of this DRB application.*

8. If the request for the single ingress access on Finland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.

*On the west side of the single ingress, parking spaces have been reconfigured as angled spaces to discourage vehicles from exiting through this access. This access has also been re-designed as a pork chop shape to discourage using it as an exit.*

9. A replat of the lots must be a concurrent DRB action.

*We agree to this condition. A replat has been submitted concurrently with this DRB application.*



10. Please remove the pavement marking "Drive Thru" on the 30 foot access road.

*The pavement marking has been removed. See Site Plan for Subdivision.*

11. Please provide proper striping and signing at the Fineland Drive entrance per the DPM Ch. 23, Sec. 6.10 Curb Cuts and Drivepads.

*Striping and signing at the Fineland Drive entrance have been provided. See Site Plan for Subdivision.*

12. Design Standards provided in the SDPSD are to guide future development, however the location of buildings, parking lots, dumpsters, and other infrastructure provided on the SDPSD shall be marked "For Illustrative purposes only".

*A note has been added on the Site Plan for Subdivision to address this condition.*

13. The current request to amend the previously amended SDPSD (3/2/12) dropped some information. The proposed request must reflect the latest approved SDPSD and only modify areas identified to be amended. Please add any information that was dropped, including the square footage of building on Lot 2 "Retail 11,584 SF", building on Lot 9 "Shop 3 7,800 SF", and label Lot 6 as "Lot 6".

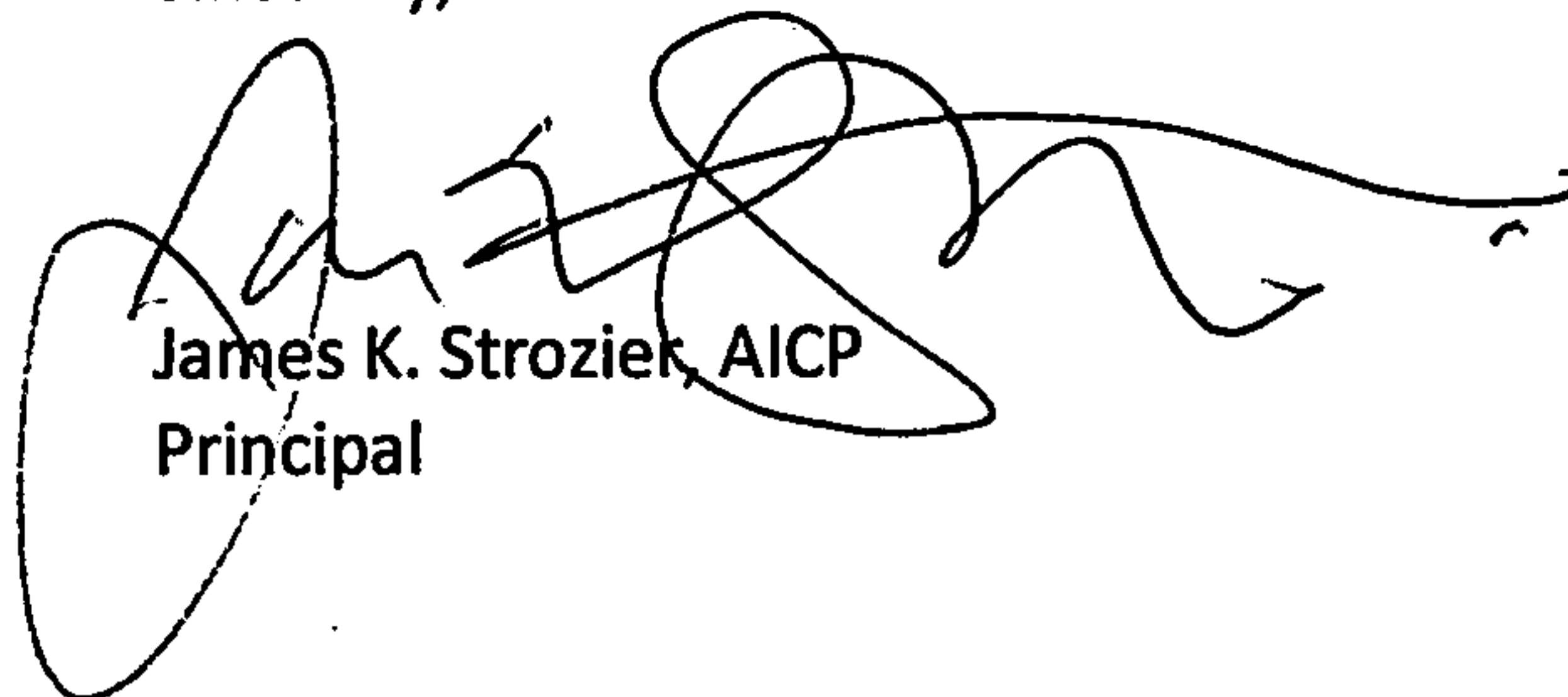
*We have added the information that was dropped from the previously amended Site Plan for Subdivision.*

14. Show all drainage easement on SDPSD.

*There is an existing cross-lot easement agreement in place. Please see Easement Schedule on the Site Plan for Subdivision.*

Please feel free to call me if you have any questions or need additional information.

Sincerely,



James K. Strozier, AICP  
Principal

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

September 12, 2013

JMD-McMahon, LLC  
2325 San Pedro NE, Suite 2-A  
Albuquerque, NM 87110

**Project# 1005280**  
13EPC-40124 Site Development Plan for  
Building Permit  
13EPC-40125 Site Development Plan for  
Subdivision Amendment

### LEGAL DESCRIPTION:

For all or a portion of Lot 6 and Lot 7, McMahon Marketplace, located at 5700 McMahon Blvd. NW, between Under Blvd. and Fineland Dr., containing approximately 1.55 acres.

Staff Planner: Chris Glore

PO Box 1293

Albuquerque

NM 87103

On September 12, 2013, the Environmental Planning Commission voted to APPROVE Project #1005280, 13EPC-40124, a Site Development Plan for Building Permit and 13EPC-40125 a Site Development Plan for Subdivision Amendment, based on the following Findings and subject to the following Conditions:

### **Project No. 13EPC-40124- Site Development Plan for Building Permit**

#### **FINDINGS:**

1. This is a request for a Site Development Plan for Building Permit for Lots 6 and 7, McMahon Marketplace, containing approximately 1.55-acres of land located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr.
2. The request involves construction of a fast-food restaurant with drive-through on Lot 7.
3. The subject site is in the Established Urban Areas of the Comprehensive Plan and within the area of the Westside Strategic Plan. It is also within the McMahon Marketplace Neighborhood Center and is subject to the design standards of the Center. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.

www.cabq.gov

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 2 of 8

4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The character of the surrounding area generally consists of single-family detached residences, and some commercial pad site development surrounded by vacant land.
6. The Site Development Plan for Building Permit request furthers the following Comprehensive Plan policy:

Policy II.B.5.m: Urban and site design which improves the quality of the visual environment shall be encouraged. Development at this site will improve the visual quality of the property, following all SPSD regulations regarding building architecture, lighting, landscaping and signage.

7. The Site Development Plan for Building Permit request partially furthers the following Comprehensive Plan policies:

Policy II.B.5.d: New development respects neighborhood values, environmental conditions, scenic resources, and other resources. Neighborhood values are respected with increased commercial activity in close proximity and by site development that maintains aesthetic qualities required for the commercial center. Neighborhood values concerning increased traffic on local roads are not furthered by the new vehicular ingress from Fineland Dr.

Policy II.B.5.k: Land and transportation planned to minimize harmful effects of traffic; livability and safety of residential neighborhoods. Project traffic will not adversely impact traffic on McMahan Blvd. or Unser Blvd. However, the direct ingress from Fineland Dr. is a concern in regard to impact on traffic flow at the intersection of McMahan Blvd. and Fineland Dr.

8. The Site Development Plan for Building Permit request furthers the following Rank II Westside Strategic Plan policies:

Policy 1.1: Development in Community and Neighborhood Centers. The SPBP will increase the commercial intensity within the Neighborhood Center.

Policy 1.3. Commercial development to occur in concentrated clustered areas. The SPBP represents clustered commercial development.

9. The Site Development Plan for Building Permit request partially furthers the following Rank II Westside Strategic Plan policies:

Policy 1.5: Provide pedestrian/bicycle access to key activity areas. The approved SPSD has a pedestrian circulation system connecting each development site to a pedestrian gathering area, while the proposed SPS Amendment will reduce the pedestrian connectivity of Lot 7 with the rest of the commercial center. Pedestrian connectivity will be lessened by changing the building footprint and the connection between Lot 7 and Lot 8 to the south, because of the intervening drive-through lane.

Policy 1.9: Future neighborhood and community centers to be very accommodating to the pedestrian, and Neighborhood centers should have small clusters of shared

**OFFICIAL NOTICE OF DECISION**

Project #1005280

September 12, 2013

Page 3 of 8

parking. The proposed restaurant use on Lot 7 provides more parking than required by the Zoning Code; however the total of provided parking spaces over Lots 5, 6, and 7 will meet the Zoning Code requirements. The SPBP will construct a narrow landscape buffer along the west side of the lot that will close off access to shared parking with Lots 5 and 6.

10. The request is consistent with the McMahon Marketplace SPS in that the architecture of the proposed restaurant building is consistent with the SPS Architectural Guidelines, and landscaping and signage are consistent with the applicable design standards of the SPS.

**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. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.
4. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
5. Provide a cross access agreement between lot 7 and lot 6.
6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Fineland Drive.
7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Fineland Dr.
8. If the request for the single ingress access on Fineland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.
9. A replat of the lots must be a concurrent DRB action.
10. Vehicular Signage: Provide posted "Do Not Enter" signs in addition to pavement markings at all points of egress of one-way only drive aisles.
11. Label and dimension all proposed infrastructure.
12. Please identify all line types and symbol used within the SPBP.

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 4 of 8

13. Please provide documentation allowing the encroachment of proposed infrastructure onto Lot 6.
14. Please remove the pavement marking "Drive Thru" and accompanying directional arrow, from the access road just west of the Fineland Dr. entrance.
15. Please provide proper striping and signing at the Fineland Dr. entrance per the DPM Ch 23, Sec. 6.10 Curb Cuts and Drivepads.
16. Revise landscape plans to provide stepping stones within the planter on the west boundary of Lot 7 to enable shared use of parking between Lots 5, 6 and 7.
17. Please provide a vicinity map on the SPBP.
18. Show the entire pipe to the terminus of the pond outfall pipe on the Conceptual Grading and Drainage Plan for DRB approval (refer to Keyed Note 2).
19. Provide drainage easement information for proposed pipe (Keyed Note 2 on Conc. G&D Plan) for DRB approval.
20. Provide information on the Master Drainage Plan referenced so Hydrology can verify the drainage scheme. The entire site may have to drain to the pond.

**Project No. 13EPC-40125 –Site Development Plan for Subdivision Amendment**

**FINDINGS:**

1. This is a request for an Amendment to a Site Development Plan for Subdivision for Lots 6 and 7, McMahan Marketplace, containing approximately 1.55-acres of land located at 5700 McMahan Blvd. NW, between Unser Blvd. and Fineland Dr.
2. The request involves a second drive-through restaurant, a lot line shift and an additional vehicular access point.
3. The subject site is in the Established Urban Areas of the Comprehensive Plan and within the area of the Westside Strategic Plan. It is also within the McMahan Marketplace Neighborhood Center and is subject to the design standards of the Center. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.
4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The character of the surrounding area generally consists of single-family detached residences, and some commercial pad site development surrounded by vacant land.
6. The Site Development Plan for Subdivision Amendment request partially furthers the following **Comprehensive Plan** policies:

Policy II.B.5.d: New development respects neighborhood values, environmental conditions, scenic resources, and other resources. Neighborhood values are respected with increased commercial activity in close proximity and by site development that maintains aesthetic qualities required for the commercial center.

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

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Neighborhood values concerning increased traffic on local roads are not furthered by the new vehicular ingress from Fineland Dr.

Policy II.B.5.k: Land and transportation planned to minimize harmful effects of traffic; livability and safety of residential neighborhoods. Project traffic will not adversely impact traffic on McMahon Blvd. or Unser Blvd. However, the direct ingress from Fineland Dr. is a concern in regard to impact on traffic flow at the intersection of McMahon Blvd. and Fineland Dr.

7. The Site Development Plan for Subdivision request furthers the following Rank II **Westside Strategic Plan** policies:

Policy 1.1: Development in Community and Neighborhood Centers. The SPS Amendment will increase the commercial intensity within the Neighborhood Center.

Policy 1.3. Commercial development to occur in concentrated clustered areas. The SPS Amendment represents clustered commercial development.

8. The Site Development Plan for Subdivision Amendment request partially furthers the following Rank II **Westside Strategic Plan** policies:

Policy 1.5: Provide pedestrian/bicycle access to key activity areas. The approved SPS has a pedestrian circulation system connecting each development site to a pedestrian gathering area, while the proposed SPS Amendment will reduce the pedestrian connectivity of Lot 7 with the rest of the commercial center. The SPS Amendment removes part of the sidewalk connection within Lot 7, between Lot 7 and the closest sidewalk. Pedestrian connectivity will be lessened by changing the building footprint and the connection between Lot 7 and Lot 8 to the south, because of the intervening drive-through lane.

Policy 1.9: Future neighborhood and community centers to be very accommodating to the pedestrian, and Neighborhood centers should have small clusters of shared parking. The proposed restaurant use on Lot 7 provides more parking than required by the Zoning Code; however the total of provided parking spaces over Lots 5, 6, and 7 will meet the Zoning Code requirements. The SPS Amendment will add a narrow landscape buffer along the west side of the lot that will close off access to shared parking with Lots 5 and 6.

9. The request is generally consistent with the McMahon Marketplace SPS Land Use Concept in that while the proposed fast food restaurant with drive-through is not primarily pedestrian oriented, its location at the perimeter of the commercial center will minimize interference with walkability in the core of the center.

**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

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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. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
4. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.
5. Provide a cross access agreement between lot 7 and lot 6.
6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Fineland Drive.
7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Fineland Dr.
8. If the request for the single ingress access on Fineland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.
9. A replat of the lots must be a concurrent DRB action.
10. Please remove the pavement marking "Drive Thru" on the 30 foot access road.
11. Please provide proper striping and signing at the Fineland Dr. entrance per the DPM Ch 23, Sec. 6.10 Curb Cuts and Drivepads
12. Design Standards provided in the SDPSD are to guide future development, however the location of buildings, parking lots, dumpsters, and other infrastructure provided on the SDPSD shall be marked "For Illustrative purposes only".
13. The current request to amend the previously amended SDPSD (3/2/12) dropped some information. The proposed request must reflect the latest approved SDPSD and only modify areas identified to be amended. Please add any information that was dropped, including the square footage of building on Lot 2 "Retail 11,584 SF", building on Lot 9 "Shop 3 7,800 SF", and label Lot 6 as "Lot 6".
14. Show all drainage easements on S.D.P.S.



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**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 27, 2013**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. 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.

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 Zoning Code must be complied with, even after approval of the referenced application(s).

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

**DEFERRAL FEES:** Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,

*CMarone*

*for*

Suzanne Lubar  
Acting Director, Planning Department

SL/CG/mc

cc: Tom Skopayko, 10523 Taurus Ct. NW, Albuquerque NM 87114

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**Consensus Planning, 302 Eighth Street NW, Albuquerque, NM 87102**  
**Hiram Cruz, 10515 Taurus Ct. NW, Albuquerque NM 87114**  
**Harry Hendrickson, 10592 Rio del Sol Ct. NW, Albuquerque NM 87114**  
**Candelaria Patterson, 7608 Elderwood NW, Albuquerque NM 87120**  
**Janelle Johnson, P.O. Box 6270, Albuquerque NM 87197**

## COVENANTS, CONDITIONS, RESTRICTIONS AND CROSS-EASEMENTS AGREEMENT

This Covenants, Conditions, Restrictions and Cross-Easements Agreement ("Agreement") is made as of the 13<sup>th</sup> day of November, 2009, by and between Peterson Inv -McMahon, LLC, a New Mexico limited liability company ("Peterson"); JMD - McMahon, LLC, a New Mexico limited liability company ("JMD"); and Mark Gonzales, Jennie Gonzales, and Elsie Gonzales (collectively "Gonzales"). The foregoing shall hereinafter sometimes be collectively referred to as the "Parties" or individually as a "Party".

### PREAMBLE

A. Whereas, Peterson is, or will become, the fee owner of that certain parcel of real property located at the southeast corner of Unser Blvd. and McMahon Blvd. in the City of Albuquerque, County of Bernalillo, State of New Mexico ("Parcel 1"), which real property is shown on Exhibit "A" and more particularly described in Exhibit "B-1" attached hereto and by this reference incorporated herein.

B. Whereas, JMD is the fee owner of that certain parcel of real property located at the southwest corner of Fineland Drive and McMahon Blvd. in the City of Albuquerque, County of Bernalillo, State of New Mexico ("Parcel 2"), which real property is shown on Exhibit "A" and more particularly described in Exhibit "B-2" attached hereto and by this reference incorporated herein.

C. Whereas, Gonzales is the fee owner of that certain parcel of real property located near the southeast corner of Unser Blvd. and McMahon Blvd. in the City of Albuquerque, County of Bernalillo, State of New Mexico ("Parcel 3"), which real property is shown on Exhibit "A" and more particularly described in Exhibit "B-3" attached hereto and by this reference incorporated herein.

D. Whereas, Parcels 1, 2, and 3 (collectively, the "Property") are located adjacent to each other at the southeast corner of Unser Blvd. and McMahon Blvd.



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E. Whereas, the Parties desire to enter into this Agreement to place certain restrictions upon the Property, and to establish cross-easements within the common areas of each Parcel for the mutual benefit of each Parcel.

**NOW THEREFORE**, in consideration of the above premises and the mutual covenants and conditions herein contained, the Parties hereby grant and establish the following covenants, conditions, restrictions and cross-easements for the mutual benefit of Parcels 1, 2, and 3.

**ARTICLE I  
DEFINITIONS**

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, for all purposes of this Agreement have the meaning herein specified.

Section 1.01. Common Area. "**Common Area**" shall mean all of those areas on the Property which are not from time to time, and at any applicable time, occupied by buildings or planned (in accordance with the government-approved site plan) to be occupied by buildings (specifically excluding, however, drive-thru and loading/unloading areas located on Parcel 1). By way of illustration, and not limitation, Common Area shall include all private streets, driveways, areas of ingress and egress, parking areas, service areas, sidewalks and other pedestrian ways, landscape areas and similar amenities designated and maintained for such uses from time to time. Except for the Access Easements granted in Section 2.01 below, the Owner of each Parcel shall have the right to change that portion of the Common Area located on its Parcel at any time and from time to time, provided access as hereinafter granted is not adversely affected.

Section 1.02. Mortgage/Mortgagee. "**Mortgage**" shall mean a mortgage, deed of trust or other security device affecting all or any portion of or interest in the Property and which has been recorded in the real property records of Bernalillo County (hereinafter "Official Records") and "**Mortgagee**" shall mean and refer to the mortgagee, beneficiary or other holder of any of the foregoing instruments, provided the name and address of such mortgagee, beneficiary or other holder shall appear among the aforesaid Official Records.

Section 1.03. Owner. "Owner" shall mean any Person having any fee simple estate in any portion of the Property, excluding any Person who holds such interest as security for the payment of an obligation, but including any Mortgagee or other security holder in actual possession of any portion of the Property by foreclosure or otherwise, and any Person taking title from any such security holder.

Section 1.04. Person. "Person" shall mean artificial persons or legal entities (such as corporations, limited liability companies, partnerships, trusts, etc.) as well as natural persons.

Section 1.05. CVS. "CVS" shall mean an entity which owns or controls, is owned or controlled by, or under common ownership or control with CVS Caremark Corporation, a Delaware corporation, proposed occupant of Parcel 1.

## ARTICLE II EASEMENTS

### Section 2.01. Ingress and Egress.

(A) Peterson hereby grants to and conveys for the benefit of Parcels 2 and 3, the Owners thereof, their lessees, customers and invitees a perpetual, non-exclusive, reciprocal easement for vehicular and pedestrian ingress to and egress from Unser Blvd., McMahon Blvd. and Fineland Drive (i) over, upon and across those areas of Parcel 1 crosshatched and designated "Common Access Driveways" as shown on Exhibit "C" hereto; and (ii) over, upon and across the Common Area of Parcel 1 as such Common Area may exist from time to time. The Common Access Driveways on Parcel 1 may be adjusted by the Owner thereof to be the same as the drive aisles on Parcel 1 consistent with a revised building layout on Parcel 1 as may be set forth by the Owner of Parcel 1.

(B) JMD hereby grants to and conveys for the benefit of Parcels 1, and 3, the Owners thereof, their lessees, customers and invitees a perpetual, non-exclusive, reciprocal easement for vehicular and pedestrian ingress to and egress from Unser Blvd., McMahon Blvd. and Fineland Drive (i) over, upon and across those areas of Parcel 2 crosshatched and designated "Common Access Driveways" as shown on Exhibit "C" hereto; and (ii) over, upon and across the Common Area of Parcel 2 as such Common Area may exist from time to time.



(C) Gonzales hereby grants to and conveys for the benefit of Parcels 1 and 2, the Owners thereof, their lessees, customers and invitees a perpetual, non-exclusive, reciprocal easement for vehicular and pedestrian ingress to and egress from Unser Blvd., McMahon Blvd. and Fineland Drive (i) over, upon and across those areas of Parcel 3 crosshatched and designated "**Common Access Driveways**" as shown on Exhibit "C" hereto; and (ii) over, upon and across the Common Area of Parcel 3 as such Common Area may exist from time to time.

(D) The easement rights created in this Section 2.01 are collectively referred to as "**Access Easements**".

(E) No Owner of any Parcel shall construct or permit any barrier, fence, wall, building or any other structure of any kind which prevents or materially and adversely affects access over the Common Area and or the Common Access Driveways.

(F) Nothing contained herein shall be construed as a grant by Parcel 1 Owner of any vehicular parking rights in Parcel 1 for the benefit of any other Parcel or a grant by the Owners of Parcels 2 and 3 of any vehicular parking rights in Parcels 2 and 3 for the benefit of Parcel 1, and the Owner of Parcel 1 and the Owners of Parcels 2 and 3 shall at all times provide sufficient parking on its/their Parcel(s) or portion thereof to satisfy any and all governmental parking requirements applicable thereto. Additionally, no facility on any Parcel containing a vehicular drive-up or drive-thru in which the stopping or standing of motor vehicles in line at a location for drop off and or pickup is intended (as, for example, at a restaurant, car wash or bank) shall be designed, constructed, used or operated in any manner such that motor vehicles in line at such facility stop or stand onto any other Parcel or otherwise interfere with the normal pattern and flow of pedestrian or vehicular traffic on and across any other Parcel.

(G) In the event the development of any Parcel precedes the development of any other Parcel(s), the Owner first commencing construction on its Parcel shall have the right to construct, erect and install, the Common Access Driveways (in whole or in part) located on the other Parcels as are approximately shown on Exhibit "C", together with any off- and/or on-site improvements on the Property that may be required in conjunction therewith by any governmental authority with jurisdiction ("Early Access Construction"). Early Access Construction shall be commenced and thereafter

completed, if at all: (i) in accordance with the government-approved site development plan for the Property; (ii) executed in a good and workmanlike manner using new materials and in accordance with all applicable codes and ordinances; (iii) so as to minimize any interference with any construction activities occurring on the other Parcels; and (iv) only after providing twenty (20) days prior written notice together with a complete set of plans to each of the other Owners.

(H) Such Common Access Driveways shall be constructed to the extent deemed necessary by the Owner first commencing construction on its Parcel in its sole discretion. Thereafter, the Owners of each of the other Parcels, concurrent with the development of their respective Parcels, shall complete construction of all those portions of the Common Access Driveways as exist on their respective Parcel, and which were not previously constructed by the Owner first commencing construction on its Parcel. Grades shall be required to match existing Common Access Driveways grades at the boundary of any other Parcel. During the development of any Parcel the existing Common Access Driveways shall at all times remain open, except that during the construction of improvements on Parcel 3, the Owner of such Parcel(s) shall have the right to close, to the extent and for the period reasonably necessary due to construction activities, that particular portion of Common Access Driveway which fronts, is parallel to, and is closest to Unser Blvd. (provided that, if construction of the building on Parcel 1 has begun, the portion of the Common Access Driveways immediately east of and parallel to such temporarily closed portion must be constructed prior to such temporary closing). Notwithstanding anything to the contrary herein, in no event shall such closure extend for a period in excess of six (6) months.

(I) After construction, the Owner of each Parcel, its successors, assigns, lessees or occupants, shall maintain those portions of the Common Access Driveways as exist on its Parcel, each at their sole cost and expense, in good condition and repair, clean and free of all rubbish and obstructions. Notwithstanding anything to the contrary contained herein, the improvements constructed by the Owners of each Parcel may differ from those shown on the attached Exhibit "C" except the Common Access Driveways (other than the adjustment permitted for Parcel 1 as set forth in Section 2.01(A), provided they comply with all applicable governmental approvals and

requirements). Notwithstanding anything to the contrary contained herein, the Common Access Driveways shall be increased or decreased in length, as necessary, to directly connect with the median and/or curb cuts along Unser Blvd. and McMahon Blvd., and to directly connect with Fineland Drive. In the event it is requested by a governmental entity with appropriate authority or by a utility company in order to accommodate the development of an Owner's Parcel, the other Owner(s) shall, in good faith, execute such documentation as is reasonably necessary to allow easements to be granted to such authority or utility company for underground improvements in the Common Access Driveways, but only if the purpose of such easement could not be accomplished by using the ten (10) foot wide public utility easement existing on the Property by way of plat. In the event of blockage or material impairment of the easement rights over the Access Easements by an Owner, its agents, employees, or tenants, any Owner may cure same; in the event of the unauthorized parking of vehicles on Parcel 1 (by any other Owner, its employees, agents or tenants), the Owner of Parcel 1 may cure the same.

Section 2.02. Utilities. (A) The Parties hereby jointly establish, grant and convey for the benefit of the entire Property, each Owner thereof, its successors, assigns and lessees, a perpetual, non-exclusive, reciprocal underground easement across the Common Area of each Parcel (as may exist from time to time), for the purpose of installing, maintaining, operating, repairing, replacing and renewing any and all utility lines and related facilities, including without limitation, electricity, water, gas, sewer, telephone, cable television and storm drains ("Utilities"), but only if the purpose of such easement could not be accomplished by using public utility easements existing on the Property. To the extent required by any applicable utility provider, each Owner, its successors, assigns and lessees, does hereby warrant and covenant that it will, within ten (10) business days of receiving a written request therefore together with all documents necessary for proper review, including legal description and drawings, execute, at no cost to such executing Owner, a commercially reasonable agreement or easement necessary to provide utility service to all or any portion of the Property, provided any such easement shall only be located within the Common Area of each Parcel (as may exist from time to time), and provided the form and location of any such easement shall be reasonably acceptable to the Owner of the burdened Parcel.



(B) Unless otherwise required by a utility provider, all Utilities shall be installed and maintained below the ground level or surface of the Parcel (except for such parts thereof that cannot and are not intended to be placed below the surface, such as transformers and control panels) and shall be placed within easements granted as a part of the development plan or within easements granted by the Owner of the burdened Parcel. No such Utilities shall be located within any existing or reasonably planned building footprint, or encroach upon any existing or reasonably planned permanent improvements located on the Property from time to time, and all such easements, shall (if practical) be located along perimeters or boundary lines of the Property, but in any event shall be situated so as to minimize damage, diminution in value or other negative impacts upon the burdened Parcel or Common Areas.

(C) If a utility installed shall serve only the party installing the same, it shall be the responsibility of that party to maintain that utility to the extent not maintained by the utility provider, wherever located on the Property.

(D) The utility easements granted hereby are solely for the purposes set forth above, provided, however, that in using the easements granted hereby, any Owner who goes, or causes its agent or any utility company to go, upon any other Owner's property or Common Area shall (i) give the other Owner(s) at least twenty (20) days prior written notice together with a drawing of any proposed installation or relocation of any Utilities; (ii) cause such use of its utility easement to be conducted in a manner which, under the circumstances, is the least disruptive to the other Owner(s), their tenants, and the customers and invitees of each of them; (iii) cause such use to be completed with due regard for the safety of all persons coming onto such property or Common Area, and (iv) cause, at its expense, any damage to any other Owner's or its tenant's improvements (including without limitation, pavement) to be promptly repaired and restored as near as practicable to the prior condition of such improvement.

(E) Each such Owner shall be liable to such other Owners and tenants for any breach of the foregoing obligations, and each such Owner shall indemnify such other Owners and tenants and hold such other Owners and tenants free, clear and harmless from any and all claims, actions, demands, causes of action, costs and expenses

whatsoever (including attorneys fees and court costs) for any personal injury or property damage arising from or as a result of such Owner's use of a utility easement upon such other Owner's property or Common Area. Except as set forth hereinabove relating to utilities serving a single party, the Owner of each Parcel shall maintain, each at its sole cost and expense, in good condition and repair, those portions of the Utilities as exist on its respective Parcel.

(F) Without limiting the provisions of this Section 2.02, the initial conceptual utility plan is attached hereto as Exhibit "D" and may be adjusted from time to time as needed to accommodate the requests of governmental authority, utility providers, or the Owners in accordance with this Agreement.

Section 2.03. Drainage. (A) The Parties hereby jointly establish, grant and convey for the benefit of the entire Property, each Owner thereof, its successors, assigns and lessees, a perpetual, non-exclusive, reciprocal drainage easement over, upon, under and across the Common Area of each Parcel for the benefit of each other Parcel, for the purposes of drainage of storm and surface water. The Parties also hereby agree to establish, grant and convey non-exclusive and perpetual easements to each other to install, maintain, operate, repair and replace storm water collection, retention, detention and distribution lines, conduits, pipes and other drainage apparatus (the "**Drainage Facilities**") under and across the Common Area of each Parcel.

(B) The drainage easements granted hereby are solely for the purposes set forth above, provided, however, that in using the easements granted hereby, any Owner who goes, or causes its agent or any utility company to go, upon any other Owner's property or Common Area shall (i) give the other Owner(s) at least twenty (20) days prior written notice together with a drawing of any proposed installation or relocation of any Drainage Facilities; (ii) cause such use of its drainage easement to be conducted in a manner which, under the circumstances, is the least disruptive to the other Owner(s), their tenants, and the customers and invitees of each of them; (iii) cause such use to be completed with due regard for the safety of all persons coming onto such property or Common Area, and (iv) cause, at its expense, any damage to any other Owner's or its tenant's improvements (including without limitation, pavement) to be promptly repaired and restored as near as practicable to the prior condition of such improvement.

(C) Each such Owner shall be liable to such other Owners and tenants for any breach of the foregoing obligations, and each such Owner shall indemnify such other Owners and tenants and hold such other Owners and tenants free, clear and harmless from any and all claims, actions, demands, causes of action, costs and expenses whatsoever (including attorneys fees and court costs) for any personal injury or property damage arising from or as a result of such Owner's use of a drainage easement upon such other Owner's property or Common Area.

(D) Once constructed, (i) the Drainage Facilities shall not be modified, altered or otherwise changed, without the prior written consent of all Owners; and (ii) each Owner shall operate and maintain, or cause to be operated and maintained, in good order, condition and repair, the Drainage Facilities located upon its Parcel and make any and all repairs and replacements that may from time to time be required with respect thereto.

(E) Without limiting the provisions of this Section 2.03, the initial conceptual drainage plan is attached hereto as Exhibit "E" and may be adjusted from time to time as needed to accommodate the requests of governmental authority, utility providers, or the Owners in accordance with this Agreement.

### ARTICLE III RESTRICTIONS

Section 3.01. Drugstore Exclusive. No portion of Parcel 2 or 3 shall be used for any of the following (which shall collectively be referred to hereinafter as the "**Drugstore Exclusive**"):

1. the sale of packaged beer, wine and alcoholic beverages for off premises consumption;
2. a prescription pharmacy or the sale of items requiring dispensing by or through a registered or licensed pharmacist, whether such dispensing is in connection with the operation of a mail order facility;
3. the operation of a business in which greeting cards or gift wrap are offered for sale (except that the incidental sale of said items in an

- area which does not exceed two hundred square feet [200 S.F.] of floor area per individual business on Parcels 2 and 3 shall be permitted and this restriction shall not apply to a Hastings, Barnes & Noble, or Best Buy store);
4. the operation of a business in which photofinishing services (including digital photographic processing or printing, or the sale of any other imaging services, processes or goods) or photographic film are offered for sale (except that the incidental sale of said items in an area which does not exceed two hundred square feet [200 S. F.] of floor area per individual business on Parcel 2 and 3 shall be permitted and except further that a shop with the primary use of a photography studio or providing copying services such as Fed Ex/Kinko's or Minuteman Press shall be permitted provided such operator does not contain a photo lab and does not have an area for digital photoprocessing directly by consumers;
  5. a vitamin store (except that the incidental sale of vitamins in an area which does not exceed two hundred square feet [200 S.F.] of floor area per individual business on Parcel 2 and 3 shall be permitted;
  6. the sale of so-called health and beauty aids or drug sundries (except that the incidental sale of said items in an area which does not exceed two hundred square feet [200 S.F.] of floor area within a business on Parcel 2 or 3 shall be permitted, and
  7. any one of the following so-called dollars stores: Family Dollar Store, Fred's, Dollar Tree, Variety Wholesale, Dollar General, \$.99 Only, Deals, Big Lots or Dollar Bills.

**Notwithstanding the foregoing, in the event CVS does not operate a pharmacy on the Parcel 1 or otherwise offer for sale on the Parcel 1 pharmaceutical products requiring the services of a registered pharmacist for a period of thirty six (36) consecutive months, other than any period of closure due to reasonable periods for**

**remodelling, repairs, alterations or due to fire, casualty, catastrophe or condemnation, then the Drugstore Exclusive granted to CVS shall cease and be of no further force and effect.**

**ARTICLE IV  
GENERAL**

**Section 4.01. Notices.** All notices required to be given pursuant to the provisions of this Agreement shall be in writing and delivered in accordance with the following accepted forms of delivery: (a) hand delivery with a signature and date to verify receipt; (b) via Federal Express (or similar overnight carrier) for priority overnight delivery; (c) via United States Postal Service postage prepaid, by Certified or Registered Mail, return receipt requested; or (d) via facsimile (together with a copy sent by regular United States mail) to:

- If to Peterson:** Peterson INV – McMahon, LLC  
c/o Peterson Properties Real Estate Services, Inc.  
2325 San Pedro NE, Suite 2A  
Albuquerque, NM 87110  
PH: 505.884.3578  
FAX: 505.884.6793
- If to JMD:** JMD – McMahon, LLC  
c/o Peterson Properties Real Estate Services, Inc.  
2325 San Pedro NE, Suite 2A  
Albuquerque, NM 87110  
PH: 505.884.3578  
FAX: 505.884.6793
- If to Gonzales:** Mark, Jennie, & Elsie Gonzales  
1100 Juan Tabo Blvd. NE  
Albuquerque, NM 87112
- If to CVS:** CVS Caremark Corporation  
One CVS Drive  
Woonsocket, RI 02895  
Attn: Property Administration Department, Store No.  
\_\_\_\_\_

If to any other Owner or occupant:

To such address as such Owner or occupant shall designate in writing to the other Parties, or to the Owner's or occupant's address in the Property, if no other address is designated;

or to such address as is thereafter provided by the parties hereto. If written notice is hand delivered it shall be deemed received upon delivery. If written notice is sent via Federal Express, it shall be deemed received the next business day following the date of sending. If written notice is mailed via United States Certified or Registered Mail, it shall be deemed received upon the earlier of actual receipt or on the third business day following the date of mailing. If written notice is sent via facsimile, it shall be deemed received upon transmission provided successful transmission has been confirmed by a printed confirmation sheet. In addition, all notices sent by facsimile shall also be mailed via regular United States Mail.

**Section 4.02. Maintenance.** Each Owner shall at all times maintain its portion of the Property and all improvements thereon in a safe, clean, neat, attractive and sanitary condition as appropriate for a first class commercial property, and in all respects in compliance with all governmental zoning, health, fire and police requirements. By way of illustration and not limitation, such maintenance shall include (i) maintaining the surfaces of all driveways and parking areas of its portion of the Property in a level, smooth and evenly covered condition with asphalt pavement or similarly appropriate surfacing material; (ii) planting, weeding, irrigating, pruning and otherwise maintaining landscaping on all of its portions of the Property (including any landscaping within the adjacent public right-of-way, to the extent the same is not maintained by the city or another governmental entity) which are not covered by a structure or paving; (iii) repainting, cleaning and repairing the exterior of all buildings and other improvements on a regular basis; (iv) removing all trash, refuse, papers and debris; (v) placing and keeping in repair and replacing as necessary directional signs, markers, lines and striping; and (vi) operating, keeping in repair and replacing as necessary such artificial lighting facilities as shall be reasonably required for the safe and attractive condition of its portion of the Property.

*Ph*

**Section 4.03. Taxes.** As to any portion of the Property, it is intended that all real estate taxes and assessments by public authority relating to said land and improvements thereon or the ownership thereof, shall be paid prior to delinquency by the respective Owner thereof.

**Section 4.04. Default.** This Agreement shall create privity of contract and estate with and among all grantees of all or any part of the Property and their respective heirs, executors, administrators, successors and assigns. In the event of a breach, or attempted or threatened breach by any Owner of any part of the Property, in any of the terms, covenants, and conditions hereof, any one or all such other Owners of any part of the Property shall be entitled forthwith to full and adequate relief by injunction and all such other available legal and equitable remedies from the consequences of such breach. In addition to all other remedies available at law or in equity, upon the failure of a defaulting party to cure a breach of this Agreement within thirty (30) days following written notice thereof by another party (unless, with respect to any such breach the nature of which cannot reasonably be cured within such thirty (30) day period, the defaulting party commences such cure within such thirty (30) day period and thereafter diligently pursues such cure to completion) the non-defaulting party or parties shall have the right to perform such obligation contained in this Agreement on behalf of such defaulting party and be reimbursed by such defaulting party, upon demand, for the reasonable costs incurred in the course of curing such default together with interest thereon at the prime rate for Wells Fargo Bank (or any successor institution) plus two percent (2%) (not to exceed the maximum rate of interest allowed by law). The remedies permitted at law or equity of any one or all such Owners specified herein shall be cumulative as to each and as to all.

**Section 4.05. Insurance.** Each Owner shall maintain at all times insurance against claims for personal injury or property damage in an amount not less than \$2,000,000.00 with respect to all personal injuries suffered in an accident, and \$500,000.00 with respect to property damage, unless otherwise agreed to in writing by the then record Owners. Upon request, annually each Owner shall provide the other Owner(s) with a certificate of insurance, evidencing the existence of a valid policy of insurance in conformity with the above specifications.

**Section 4.06. Covenants Running With The Land.** The easements and covenants established by this Agreement shall run in perpetuity and are intended to be and shall be construed as covenants running with the land, binding upon, and inuring to the benefit of and enforceable by the Parties and all subsequent Owners of the Property or any part thereof, provided however, that nothing contained herein shall be construed as a grant for the benefit of any other Owner of any right or easement in any part of its property for parking purposes. If during the existence of this Agreement, an Owner of all or any part of the Property shall sell or transfer or otherwise terminate its interest as Owner, then from and after the effective date of such sale, transfer, or termination of interest, such party shall be released and discharged from any and all obligations, responsibilities and liabilities under this Agreement as to the parts sold or transferred provided that the transferee assumes all of said obligations, responsibilities and liabilities, except those obligations, responsibilities and liabilities (if any) which have already accrued as of such date, and any such transferee by the acceptance of the transfer of such interest shall thereupon become subject to the covenants contained herein to the same extent as if such transferee were originally a party hereto. The covenants and easements established hereby are not intended and shall not be construed as a dedication of such rights in the Property for public use, and this Agreement shall not be deemed to vest any rights in any customers, invitees or the public at large, but are solely for the benefit of the Owners of the Property and their lessees, customers and invitees to the extent heretofore established.

**Section 4.07. Attorneys Fees.** In the event any Owner (or CVS as the case may be) is required to enforce the provisions hereof through judicial proceedings, the prevailing party shall be entitled to reasonable attorneys fees and court costs from the non-prevailing party.

**Section 4.08. Estoppel Certificates.** Any Owner of any Parcel shall execute and deliver to any other Owner or its Mortgagee within fifteen (15) days from receipt of such other Owner's request from time to time, an estoppel certificate, in a form reasonably acceptable to the Owner to whom such request is made, which certificate shall include information as to any modification of this Agreement and to the best knowledge of the



Owner to whom such request is made, whether or not the requesting Owner is in Default of this Agreement.

Section 4.09. Effective Date. The covenants, conditions, restrictions and cross-easements contained herein shall be effective commencing on the date of recordation of this Agreement in the Official Records and may be modified, amended or canceled by recordation in the Official Records of a writing executed by all of the fee Owners of the land area of the Property (less any area dedicated for right of way, etc) at the time of such modification, amendment or cancellation.

Section 4.10. Severability. Each provision of this Agreement and the application thereof to each Parcel are hereby declared to be independent of and severable from the remainder of this Agreement. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Agreement.

Section 4.11. Waiver. No waiver of any default of any obligation by any Owner of all or any part of the Property shall be implied from any omission by the other Owner or Owners to take any action with respect to such default.

Section 4.12. Relationship of the Owners. Nothing in this Agreement shall be deemed or construed by any Party or by any third person to confirm, create or imply the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the Parties.

Section 4.13. Jurisdiction. The laws of the State of New Mexico shall govern the interpretation, validity, performance and enforcement of this Agreement.

Section 4.14. Subdivision. Nothing contained herein shall be construed as limiting the right of the Owner of any Parcel to subdivide and or sell all or any portion of its Parcel to any third party, so long as such third party assumes the rights and obligations established hereunder (such assumption need not be express and shall, in the least, be in accordance with Article V below).

Section 4.15. Legal Descriptions. In the event the validity or enforceability of any provision of this Agreement is held to be dependent upon the existence of a specific legal description, the Owners of each Parcel or any portion thereof, shall agree to promptly cause such legal description to be prepared and made a part hereof.

Section 4.16. Liens. All persons doing work for or furnishing labor or materials to any Parcel on the order of or on behalf of such Parcel's Owner shall look solely to that Party for payment. Other than as may be set forth specifically to the contrary below, the interests of each Party shall not be subject to liens for improvements made by any other Party as allowed under this Agreement. If any mechanic's and/or other liens, or order for the payment of money, shall be filed against any Parcel as a result of work performed by or on behalf of any other Owner, the Owner performing or causing such work shall cause the same to be canceled and discharged of record, by bond or otherwise, and shall also defend on behalf of the burdened Owner, any action, suit or proceeding which may be brought for the enforcement of such lien, liens or orders, and said Owner will pay any damage and satisfactorily discharge any judgment entered, and save harmless the burdened Owner from any associated claims, attorney's fees or damages. Notwithstanding anything to the contrary herein, in the event the Owner of any Parcel shall construct all or any portion of the Common Access Driveways located on the Property, the provisions of this Section 4.16 shall not be applicable with respect to the reimbursement obligations of the Owners benefited as set forth in Section 2.01(H).

Section 4.17. Legally Platted Parcels. The Parties acknowledge and agree that at such time as the Property is legally subdivided by the recording of a plat, the legal descriptions attached hereto shall be substituted and replaced with new legal descriptions created by and specifically referencing such recorded plat.

Section 4.18. Non-Disturbance. JMD represents that, as of the execution of this Agreement, there is no Mortgage against Parcel 2.

## ARTICLE V

### GRANTEE'S COVENANT

Each grantee, tenant or other person in interest, accepting either a deed or any other interest in any Parcel, whether or not the same incorporates or refers to this Agreement, covenants for himself, his heirs, successors and assigns to observe, perform and be bound by this Agreement and to incorporate this Agreement by reference in any deed or other document of conveyance of all or any portion of its interest in any real property subject hereto.

EXECUTED as of the date first above written.

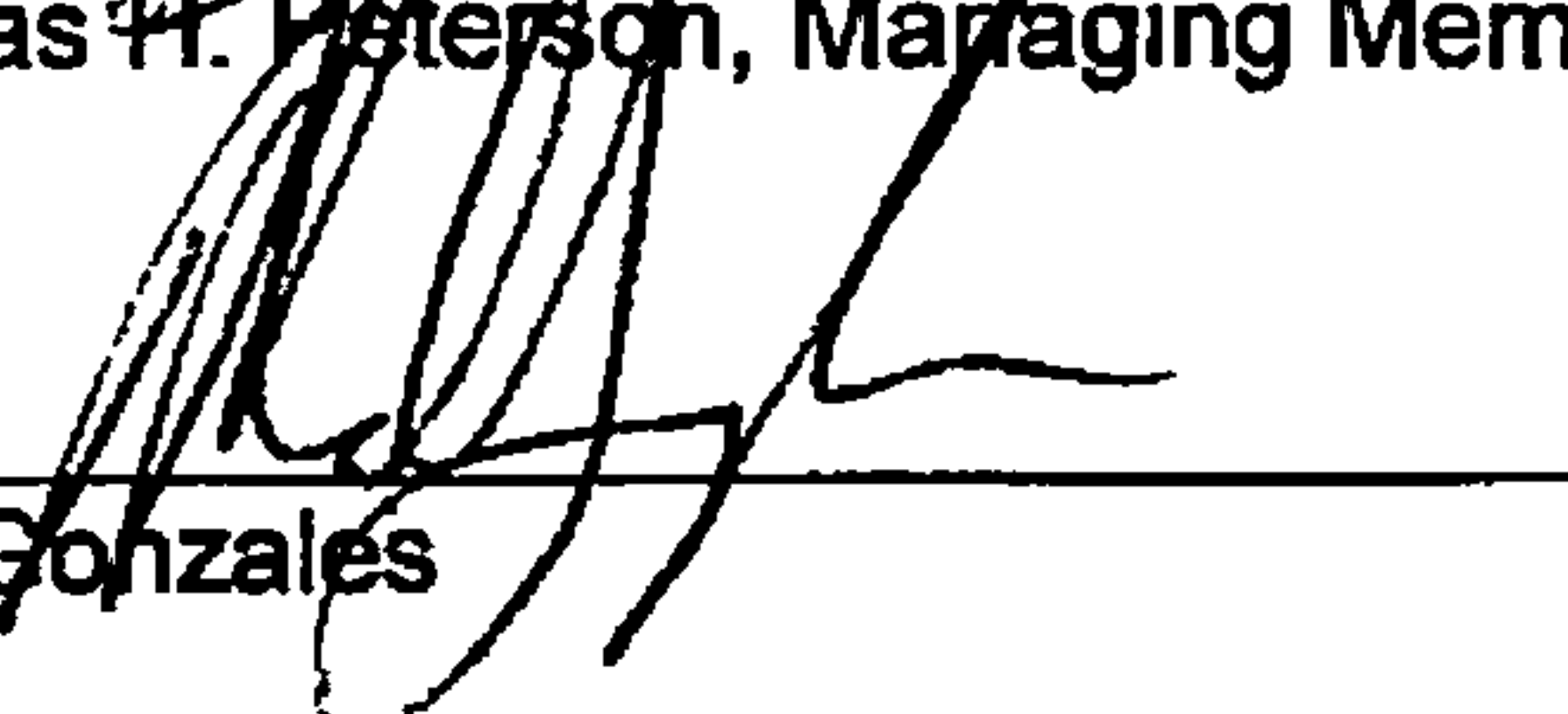
**Peterson Inv -McMahon, LLC**

By: Peterson Properties Investments, LLC, Managing Member  
By: James A. Peterson and Mary B. Peterson Revocable Trust (created 8/18/1998), Managing Member

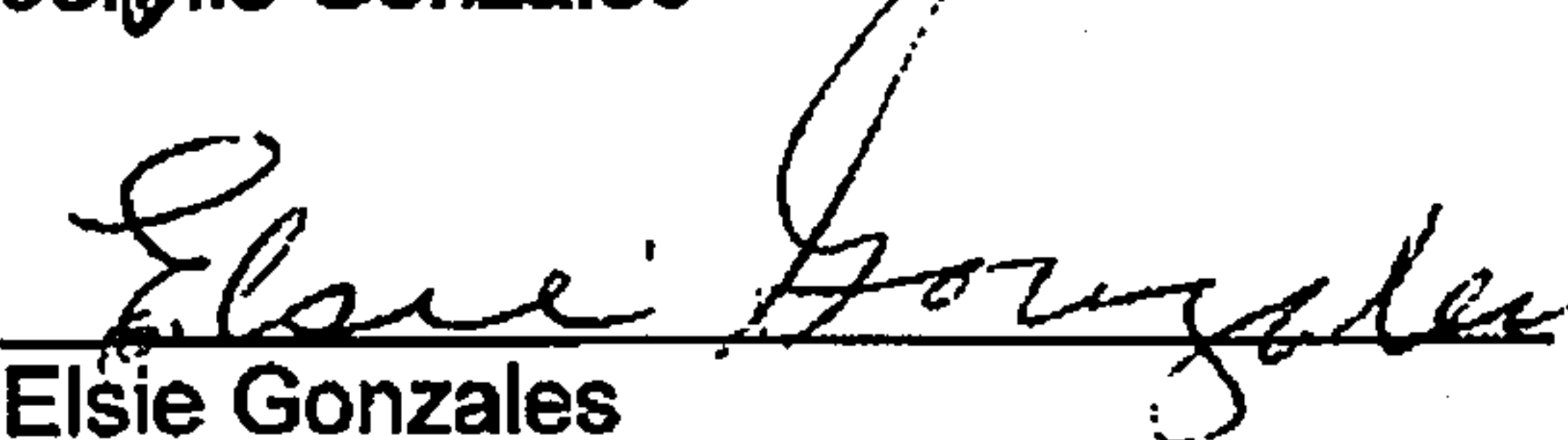
By:   
James A. Peterson, Trustee

**JMD – McMahon, LLC, a New Mexico limited liability company**  
**By JMD Partnership limited liability co., a New Mexico limited liability company**

By:   
Douglas H. Peterson, Managing Member

By:   
Mark Gonzales

By:   
Jennie Gonzales

By:   
Elsie Gonzales



STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )

SS

This instrument was acknowledged before me this 13th day of November, 2009 by James A. Peterson, Trustee of the James A. Peterson and Mary B. Peterson Revocable Trust (dated 8/18/1998), Managing Member of Peterson Properties Investments, LLC, Managing Member of Peterson Inv -McMahon LLC, on behalf of said limited liability company.

*James Peterson as Attorney in Fact for James A. Peterson*

Nicole T. Schnopp  
NOTARY PUBLIC  
My Commission Expires: 1-28-2013  
OFFICIAL SEAL  
Nicole T. Schnopp  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: 1-28-2013

STATE OF New Mexico  
COUNTY OF Bernalillo

SS

This instrument was acknowledged before me this 13th day of November, 2009, by Douglas H. Peterson, Managing Member JMD Partnership limited liability Co., Managing Member of of JMD - McMahon, LLC, on behalf of said limited liability company.

Nicole T. Schnopp  
NOTARY PUBLIC  
My Commission Expires: 1-28-2013  
OFFICIAL SEAL  
Nicole T. Schnopp  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: 1-28-2013

STATE OF New Mexico  
COUNTY OF Bernalillo

SS

This instrument was acknowledged before me this 24th day of November, 2009, by Mark Gonzales.

[Signature]  
NOTARY PUBLIC  
My Commission Expires:

STATE OF New Mexico  
COUNTY OF Bernalillo

SS

This instrument was acknowledged before me this 7th day of January, 2009, by Jennie Gonzales.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 7/16/2012  
OFFICIAL SEAL  
Stephen F. Easton  
NOTARY PUBLIC STATE OF NEW MEXICO  
My commission expires: 7/16/2012  
SEC UNSER/MCMAHON  
ALBUQUERQUE, NM

STATE OF New Mexico

*[Handwritten mark]*

COUNTY OF Bernillo) SS

This instrument was acknowledged before me this 24th day of November, 2009, by Elsie Gonzales.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:



CONSENT AND SUBORDINATION

The undersigned is currently the lien holder of the beneficiary of a certain Mortgage filed against Parcel 3 on June 21<sup>st</sup>, 2007, at Document No. 2007091139 ("Mortgage"). The undersigned hereby expressly consents to, and subordinates the Mortgage and beneficial interest there under to the foregoing Agreement.

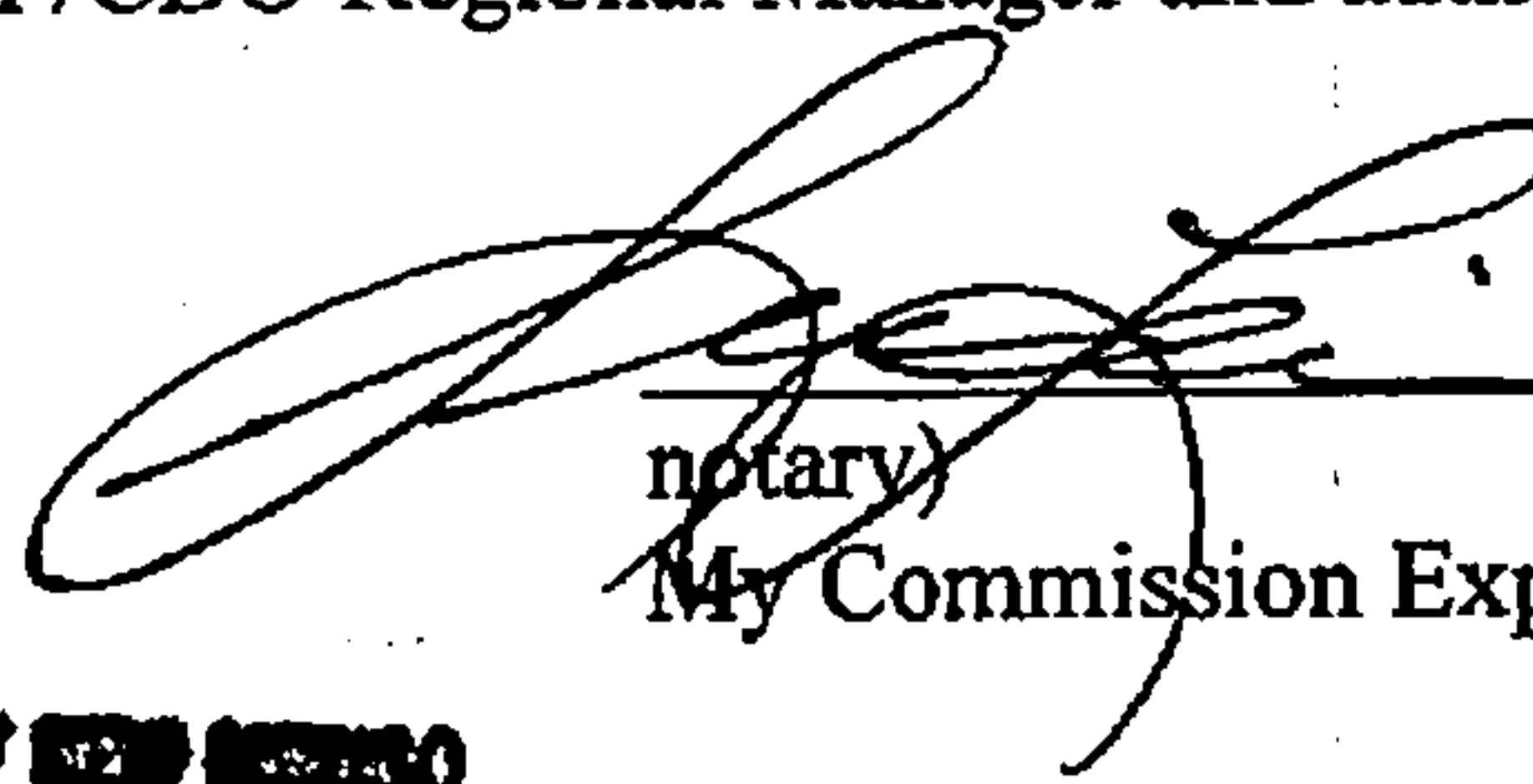
Bank of the West


By:   
Its: VP/CBO Regional Manager

STATE OF NEW MEXICO

County of Bernalillo.

On this 5th day of February, 2010, before me, the undersigned notary public, personally appeared Ross W. Busby, proved to me through satisfactory evidence of identification which was:  personally known to me to have the identity claimed; or  examination of \_\_\_\_\_ driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as VP/CBO Regional Manager and authorized signatory of Bank of the West.

 (official signature and seal of notary)  
My Commission Expires: 5-9-2010

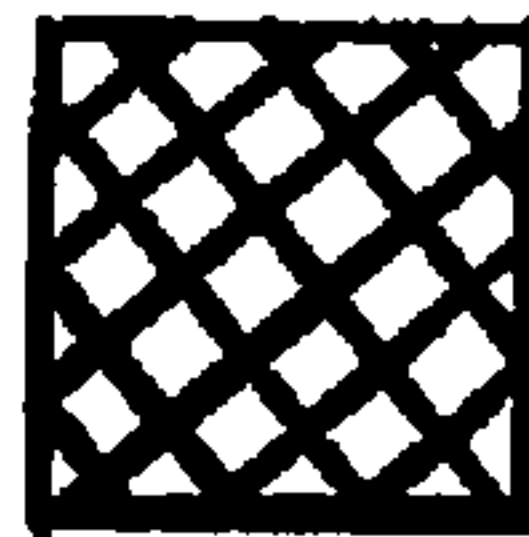
 OFFICIAL SEAL  
**SUSAN LEWIS**  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My Commission Expires: \_\_\_\_\_

*DB*

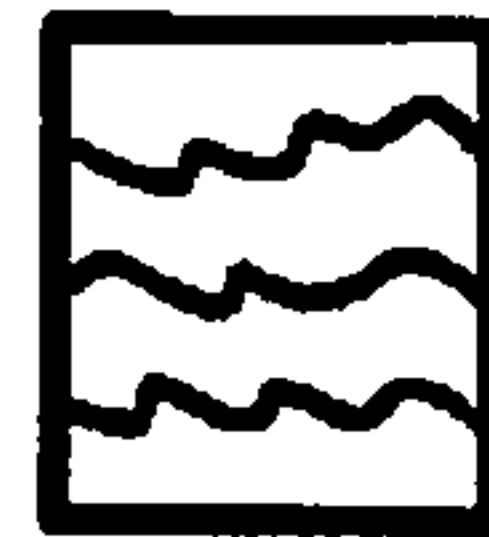
Exhibit A"



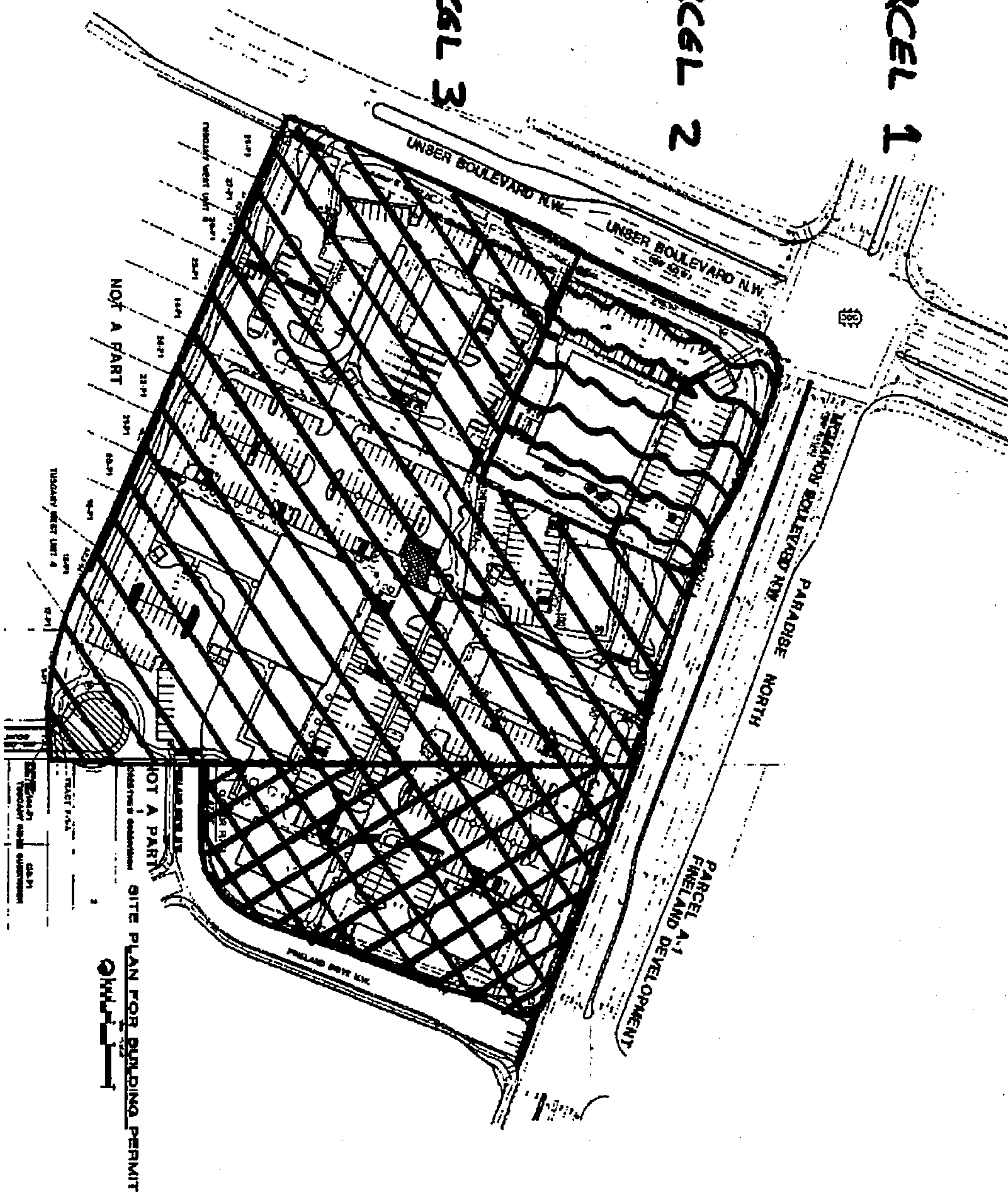
= PARCEL 3



= PARCEL 2



= PARCEL 1





Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

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

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): SURV-TEK, INC PHONE: 897-3366  
 ADDRESS: 9384 VALLEY VIEW DR NW FAX: 897-3377  
 CITY: ALB STATE NM ZIP 87114 E-MAIL: RUSSTHUGG@SURVTEK.COM

APPLICANT: JMD-McMAHON, LLC PHONE: 884-3578  
 ADDRESS: 2325 SAN PEDRO NE, SUITE 2-A FAX: \_\_\_\_\_  
 CITY: ALB STATE NM ZIP 87110 E-MAIL: \_\_\_\_\_

Proprietary interest in site: OWNERS List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: MINOR PRELIMINARY / FINAL PLAT APPROVAL TO ADJUST INTERIOR LOT LINE

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. LOTS 6 AND 7 Block: --- Unit: ---  
 Subdiv/Addn/TBKA: McMAHON MARKET PLACE  
 Existing Zoning: SU-1 FOR C-1 Proposed zoning: SAME MRGCD Map No N/A  
 Zone Atlas page(s): A-11 UPC Code: 101106640130310407  
101106639031310406

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.):  
1005280 13EPC-40124

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? N/A  
 No. of existing lots: 2 No. of proposed lots: 2 Total site area (acres): 1.6260  
 LOCATION OF PROPERTY BY STREETS: On or Near: McMAHON BOULEVARD NW  
 Between: UNSER BLVD NW and FINELAND DR NW

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

SIGNATURE [Signature] DATE 10.21.13  
 (Print Name) RUSS HUGG Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>13DRB 70724</u>	<u>P&amp;F</u>	_____	<u>\$ 283.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>October 30 2013</u>			Total <u>\$303.00</u>

[Signature] 10-22-13  
 Staff signature & Date

Project # 1005280



**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.**

- N/A* 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- N/A* Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- N/A* 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
- 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
- N/A* 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.

Rick Garcia  
Applicant name (print)  
[Signature] 10-22-13  
Applicant signature / date



Form revised October 2007

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

Application case numbers  
SDRB - 70724

[Signature] 10-22-13  
Planner signature / date  
Project # 1005280



Supplemental Form (SF)

**SUBDIVISION**

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

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- Street Name Change (Local & Collector)
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 ADDRESS: 2325 SAN PEDRO NE, SUITE 2-A FAX: \_\_\_\_\_  
 CITY: ALB STATE NM ZIP 87110 E-MAIL: \_\_\_\_\_

Proprietary interest in site: OWNERS List all owners: \_\_\_\_\_

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1005280 13EPC-40124

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 Between: UNSER BLVD NW and FINELAND DR NW

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

SIGNATURE [Signature] DATE 10.21.13  
 (Print Name) RUSSHUGG Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> INTERNAL ROUTING	<u>13DRB 70724</u>	<u>PBF</u>		<u>\$283.00</u>
<input checked="" type="checkbox"/> All checklists are complete		<u>CMF</u>		<u>\$20.00</u>
<input checked="" type="checkbox"/> All fees have been collected				\$
<input checked="" type="checkbox"/> All case #s are assigned				\$
<input checked="" type="checkbox"/> AGIS copy has been sent				\$
<input checked="" type="checkbox"/> Case history #s are listed				\$
<input type="checkbox"/> Site is within 1000ft of a landfill				\$
<input type="checkbox"/> F.H.D.P. density bonus				\$
<input type="checkbox"/> F.H.D.P. fee rebate				\$
	Hearing date <u>October 30 2013</u>			Total <u>\$303.00</u>

[Signature] 10-22-13  
 Staff signature & Date

Project # 1005280

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  - Design elevations and cross sections of perimeter walls (11" by 17" maximum) 3 copies
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  - 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.

Rick Garcia  
 Applicant name (print)  
R 10-22-13  
 Applicant signature / date



Form revised October 2007

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

Application case numbers  
 DRB - 70724

R 10-22-13  
 Planner signature / date  
 Project # 1005280

October 17, 2013

Mr. Russ Hugg  
Surv-Tek, Inc.  
5643 Paradise Blvd. N.W.  
Albuquerque, New Mexico 87114

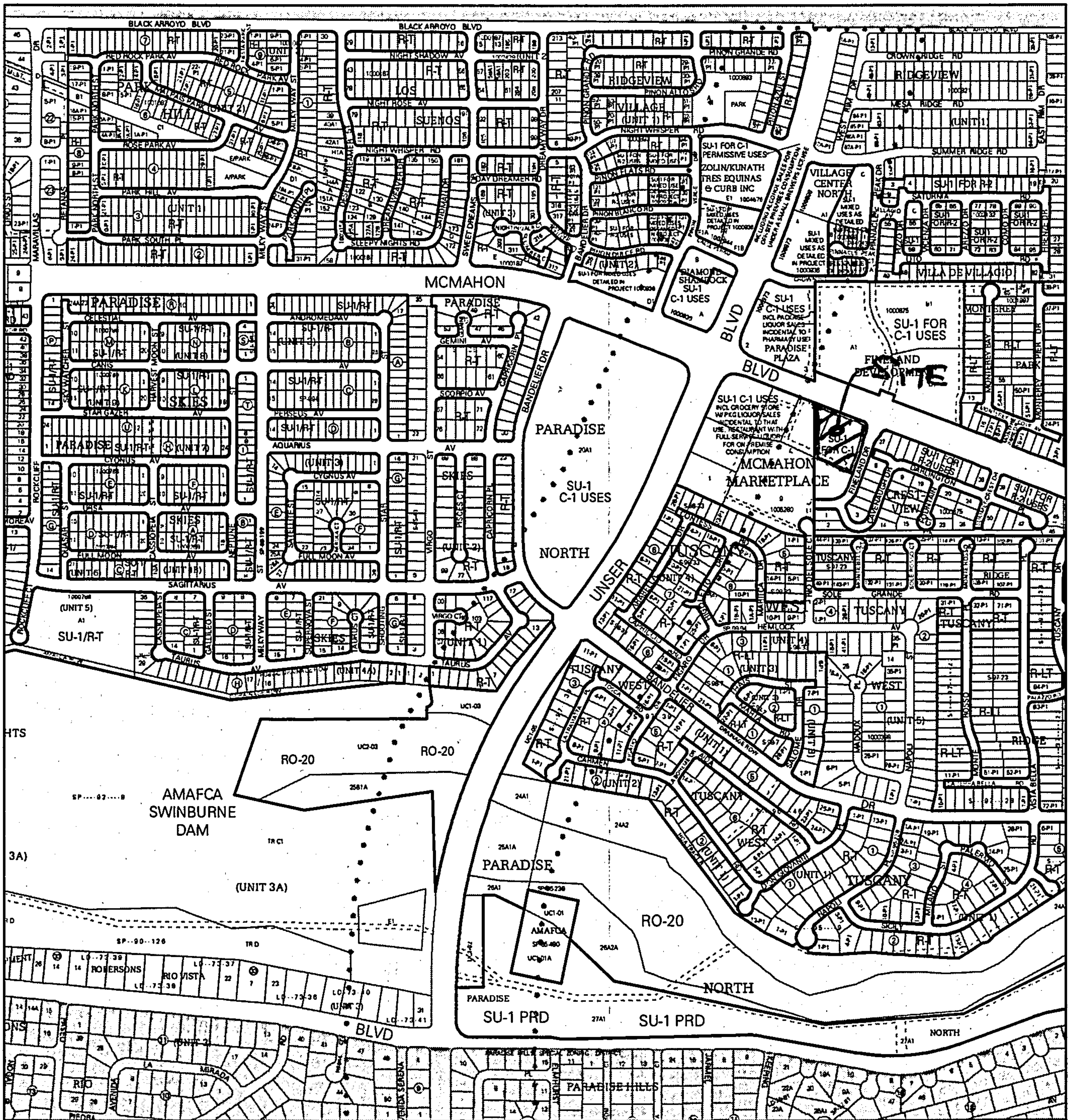
Dear Russ:

By this letter, I hereby authorize you to act as agent on behalf of JMD-McMahon, LLC, for the purpose of replatting Lots 6 and 7, McMahon Marketplace, City of Albuquerque, Bernalillo County, New Mexico.

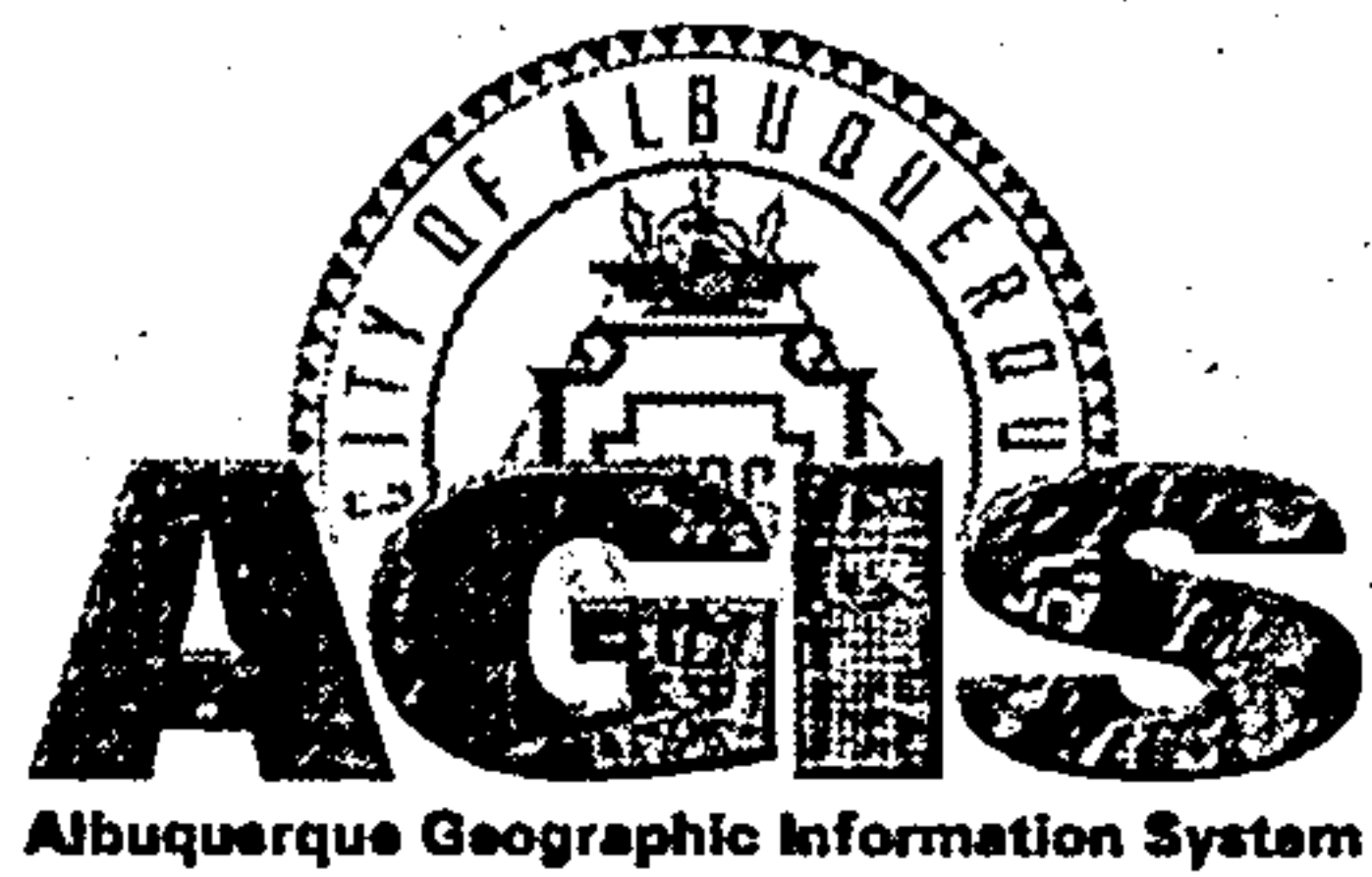
Sincerely,

JMD-McMahon, LLC

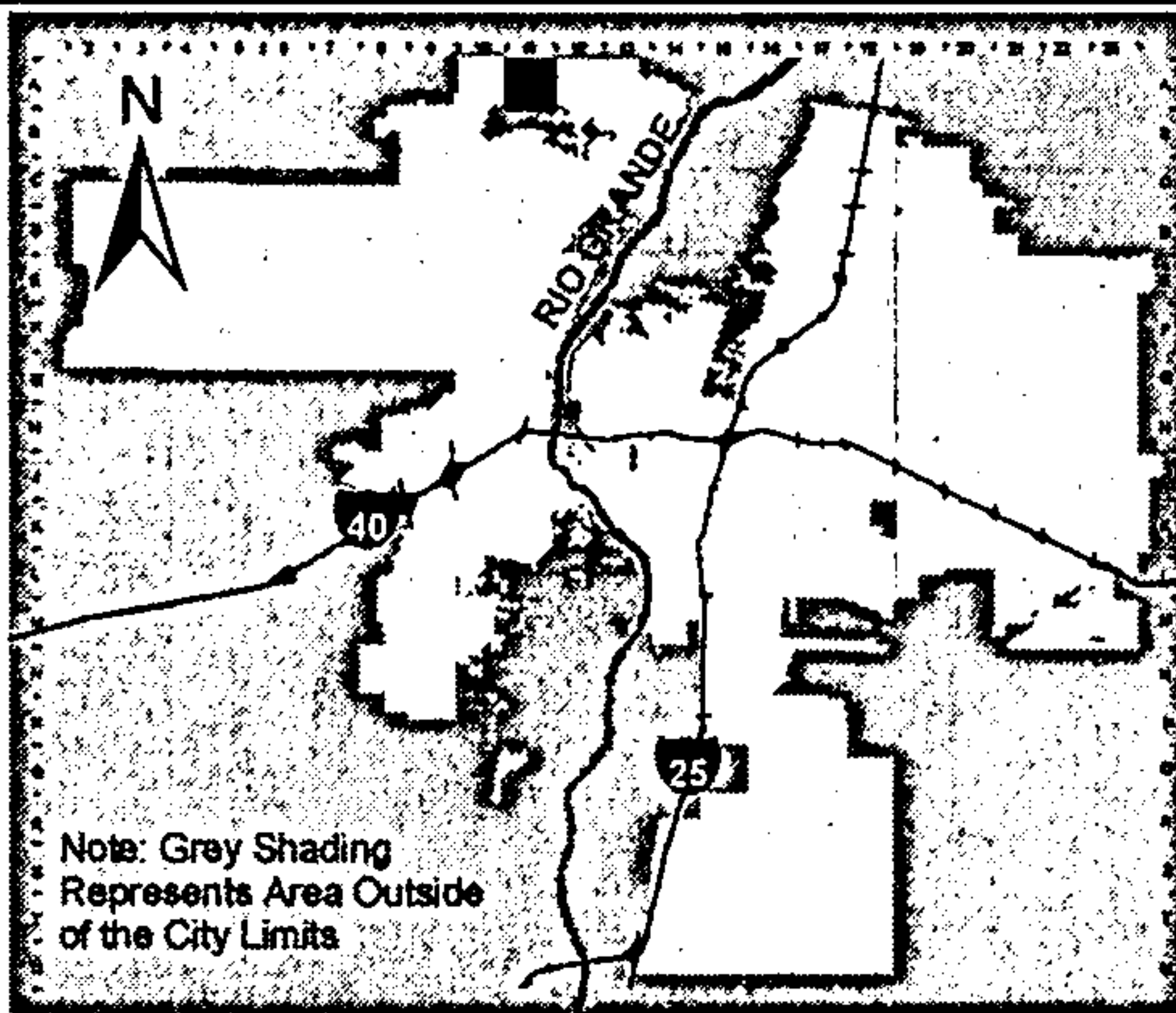
  
\_\_\_\_\_  
Douglas H. Peterson, Manager



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



Map amended through: 6/7/2013



Zone Atlas Page:

**A-11-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



# SURV TEK, INC.

## Consulting Surveyors

9384 Valley View Drive, NW Albuquerque, New Mexico 87114  
Phone: 505-897-3366 Fax: 505-897-3377 E-mail: russhugg@survtek.com

October 22, 2013

Albuquerque Development Review Board  
PO Box 1293  
Albuquerque, New Mexico 87103

Attention: Mr. Jack Cloud, Chair

Re: Lots 6 and 7, McMahon Marketplace, City of Albuquerque,  
Bernalillo County, New Mexico. *City Zone Atlas Page A-11.*

Dear Mr. Cloud

The owners of the above captioned property, JMD-McMahon, LLC, are hereby filing application with the City of Albuquerque Development Review Board for a Minor Preliminary/Final Plat approval to adjust the existing interior lot line between Lots 6 and 7 in conjunction with the Site Plan which will be submitted by Martin Grummer, AIA.

If you have any questions concerning this request, please feel free to contact me at your convenience.

Sincerely,



Russ P. Hugg, PS  
Surv-Tek, Inc.

October 30. 2013

\*\*\*

## Rusty Hugg

---

**From:** Gaulden, Tim H. [tgaulden@cabq.gov]  
**Sent:** Tuesday, October 29, 2013 1:05 PM  
**To:** Rusty Hugg  
**Cc:** Sammons, Joshua R.; Gricius, Michelle A.; Bradley, Catherine P.  
**Subject:** RE: DRB 1005280

Russ:

The DXF for project # 1005280 has been approved.

Tim

Tim Gaulden  
GIS Coordinator  
505 924-3805  
tgaulden@cabq.gov



---

**From:** Rusty Hugg [mailto:russhugg@survtek.com]  
**Sent:** Monday, October 28, 2013 7:11 AM  
**To:** Gaulden, Tim H.  
**Cc:** Sammons, Joshua R.; Gricius, Michelle A.; Bradley, Catherine P.  
**Subject:** RE: DRB 1005280

Tim

Wow- 0 for 2 on this simple one. Yes- I also sent you the old PDF, so here is the new one with control tie.  
Sorry for the confusion

Thanks

## ***Surv-Tek, Inc.***

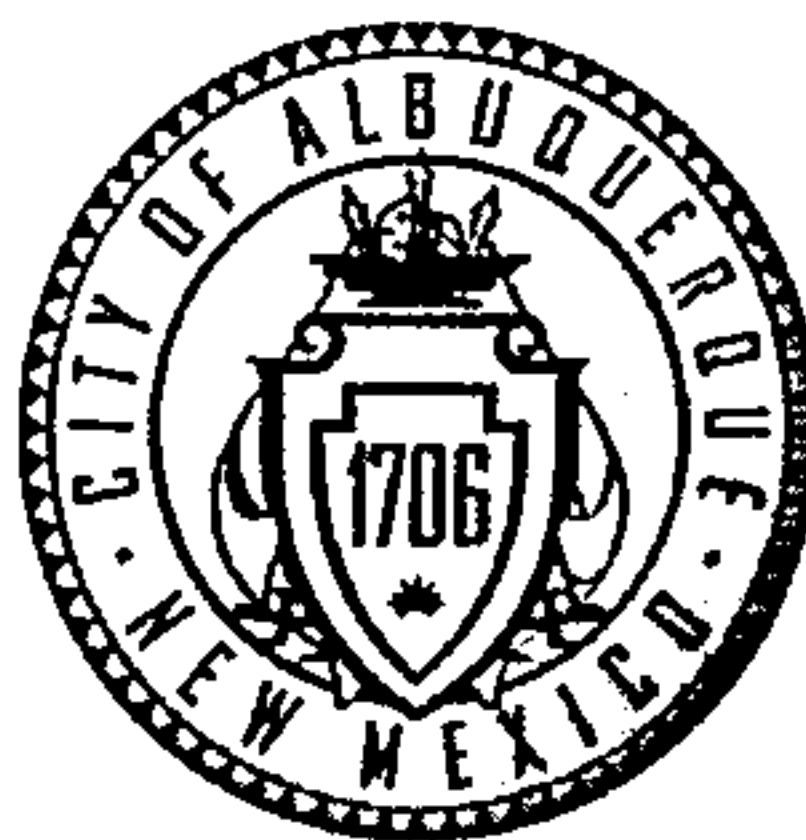
*Rusty Hugg*  
*9384 Valley View Drive, Albuquerque, NM 87114*  
*Phone (505) 897-3366 Fax (505) 897-3377*  
*russhugg@survtek.com*  
*Russ P. Hugg*  
*NMPS No. 9750*

---

**From:** Gaulden, Tim H. [mailto:tgaulden@cabq.gov]  
**Sent:** Friday, October 25, 2013 4:08 PM  
**To:** Rusty Hugg

10/29/2013





**INTER-OFFICE MEMORANDUM**

**COMMENTING AGENCIES**

<b>DEBBIE BAUMAN -</b>	Transportation Development
<b>SHABIH RIZVI -</b>	Transit & Parking Department
<b>KENDRA WATKINS/</b>	
<b>ANDREW GINGERICH -</b>	Council of Governments
<b>LYNN MAZUR -</b>	AMAFCA
<b>STEVE SINK -</b>	APD Crime Prevention
<b>SUSANNAH ABBEY -</b>	Open Space Division
<b>ANTONIO CHINCHILLA -</b>	Fire Department
<b>DAVID KILPATRICK -</b>	Zoning Enforcement Inspector
<b>STEPHANI WINKLEPLECK -</b>	Neighborhood Coordination
<b>DANIEL ARAGON -</b>	Public Service Company of New Mexico
<b>PATRICK SANCHEZ -</b>	New Mexico Gas Company
<b>APRIL WINTERS -</b>	Albuquerque Public Schools
<b>MICHELE RAMIREZ -</b>	CenturyLink
<b>MIKE MORTUS -</b>	Comcast Cable
<b>RAY GOMEZ -</b>	Middle Rio Grande
	Conservancy District (MRGCD)
<b>SUZANNE BUSCH -</b>	Environmental Health

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

PROJECT # 1005280

**Wednesday, October 16, 2013**

Comments must be received by:

**Wednesday, October 9, 2013**

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests. **If you have any questions, please contact me at 924-3946 or [agomez@cabq.gov](mailto:agomez@cabq.gov)**



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

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

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): Isaacson & Arfman, P.A. PHONE: (505) 268-8828

ADDRESS: 128 Monroe Street NE FAX: \_\_\_\_\_

CITY: Albuquerque STATE NM ZIP 87108 E-MAIL: gennyd@iacivil.com

APPLICANT: Peterson INV-McMahon, LLC PHONE: (505) 884-3578

ADDRESS: c/o Peterson Properties, LLC - 2325 San Pedro NE, Suite 2-A FAX: (505) 884-6793

CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: doug@petersonproperties.net

Proprietary interest in site: Owner List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Approval of SIA 3rd Extension for Major Subdivison

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. Lots 1 thru 9 Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdiv/Addn/TBKA: McMahon Marketplace, Phase 2

Existing Zoning: SU-1 for C-1 Proposed zoning: Same MRGCD Map No N/A

Zone Atlas page(s): A-11 UPC Code: See Attached List

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_V\_S\_, etc.): 09DRB-70170; 10DRB-70092; 12DRB-70003; 12DRB-70127

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill?  No

No. of existing lots: 9 No. of proposed lots: 9 Total site area (acres): 12.2230

LOCATION OF PROPERTY BY STREETS: On or Near: McMahon Blvd. NW

Between: Unser Blvd. NW and Fineland Dr. NW

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

SIGNATURE *Genevieve Donart* DATE 2/20/13

(Print Name) Genevieve Donart Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

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

Application case numbers  
13DRB - 70686

Action	S.F.	Fees
<u>ESIA</u>	_____	<u>\$ 50.00</u>
<u>CMF</u>	_____	<u>\$ 20.00</u>
<u>ADV</u>	_____	<u>\$ 75.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
		Total
		<u>\$ 145.00</u>

Hearing date Oct. 16, 2013

*Genevieve Donart*  
Staff signature & Date 9-20-13

Project # 1005280

**FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING**

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

**MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)**

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed** Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

**Preliminary plat approval expires after one year.**

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

**MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)**

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

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

**Amended preliminary plat approval expires after one year.**

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

**MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT EXTENSION (DRB09)**

**(Temporary sidewalk deferral extension use FORM-V)**

- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. **See explanation below\*\***
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers on the cover application
- Fee (see schedule)

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

**\*\*See attached Recorded Fig 18 - 2nd Extension Agreement Procedure B (which did not go through DRB)**

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

Genevieve Donart

*Genevieve Donart* 9/20/13  
Applicant name (print)  
Applicant signature / date



Form revised October 2007

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

Application case numbers  
13 - DRB - 70686

*[Signature]* 9-20-13  
Planner signature / date  
Project # 1005280

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from Oct. 1, 2013 To Oct. 16, 2013

5. REMOVAL

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

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

Ruth Lojuno  
(Applicant or Agent)

09/20/13  
(Date)

I issued 1 signs for this application,

9-20-13  
(Date)

[Signature]

(Staff Member)

DRB PROJECT NUMBER: 1005280



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

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- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
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- Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

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DESCRIPTION OF REQUEST: Approval of SIA 3rd Extension for Major Subdivison

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Lot or Tract No. Lots 1 thru 9 Block: \_\_\_\_\_ Unit: \_\_\_\_\_

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Zone Atlas page(s): A-11 UPC Code: See Attached List

**CASE HISTORY:**

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Between: Unser Blvd. NW and Fineland Dr. NW

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

SIGNATURE *Genevieve Donart* DATE 2/20/13

(Print Name) Genevieve Donart Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

- INTERNAL ROUTING
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Application case numbers	Action	S.F.	Fees
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_____	<u>ADV</u>	_____	<u>\$75.00</u>
_____	_____	_____	\$_____
_____	_____	_____	\$_____
Total			<u>\$145.00</u>

Hearing date Oct. 16, 2013

*[Signature]*  
Staff signature & Date 9-20-13

Project # 1005280

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

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(Temporary sidewalk deferral extension use FORM-V)

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- Fee (see schedule)

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\*\*See attached Recorded Fig 18 - 2nd Extension Agreement Procedure B (which did not go through DRB)

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

Genevieve Donart  
Applicant name (print)  
*Genevieve Donart* 9/20/13  
Applicant signature / date



Form revised October 2007

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

Application case numbers  
13 - DRB - 70686

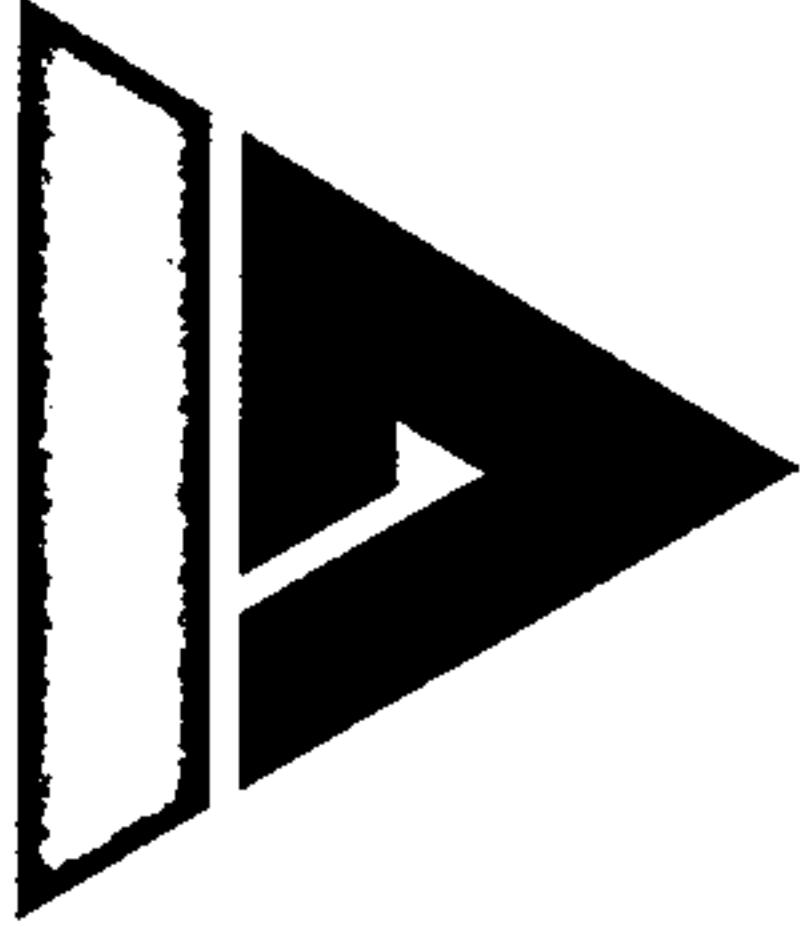
*[Signature]* 9-20-13  
Planner signature / date  
Project # 1005280



## McMAHON MARKETPLACE, PHASE 2

LOT #	UPC #:
1	101106632928310401
2	101106633830110402
3	101106634732210403
4	101106636631610404
5	101106637931010405
6	101106639031310406
7	101106640130310407
8	101106639428210408
9	101106636627910409





# Isaacson & Arfman, P.A.

Consulting Engineering Associates

*Thomas O. Isaacson, PE & LS \* Fred C. Arfman, PE \* Åsa Nilsson-Weber, PE*

Mr. Jack Cloud, DRB Chair  
City of Albuquerque  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

September 19, 2013

**RE: McMahon Marketplace Phase 2 (DRB Project No. 1005280)  
Application for Major SIA Extension**

Dear Mr. Cloud:

Isaacson & Arfman, P.A., as agents for are applying for an extension of the SIA for McMahon Marketplace, Phase 2. The construction was delayed on this project until DMD's improvements to Unser Blvd were complete. They are now nearly finished with construction, but the deadline date is approaching. We therefore request a 1-year extension of the existing SIA.

Sincerely,  
**ISAACSON & ARFMAN P.A.**

Genny Donart, PE  
GLD/gld



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 1, 2012

**Project# 1005280**

12DRB-70003 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS  
AGREEMENT (2YR SIA)

ISAACSON AND ARFMAN PA agent(s) for PETERSON INV-MCMAHON, LLC  
request(s) the referenced/ above action(s) for all or a portion of **MCMAHON  
MARKETPLACE** zoned SU-1 FOR C-1 Uses, located in the southeast corner of  
UNSER BLVD NW and MCMAHON BLVD NW containing approximately 12.2230  
acre(s). (A-11)

At the February 1, 2012 Development Review Board meeting, a one year extension of  
the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by February 16, 2012, in the manner  
described below.

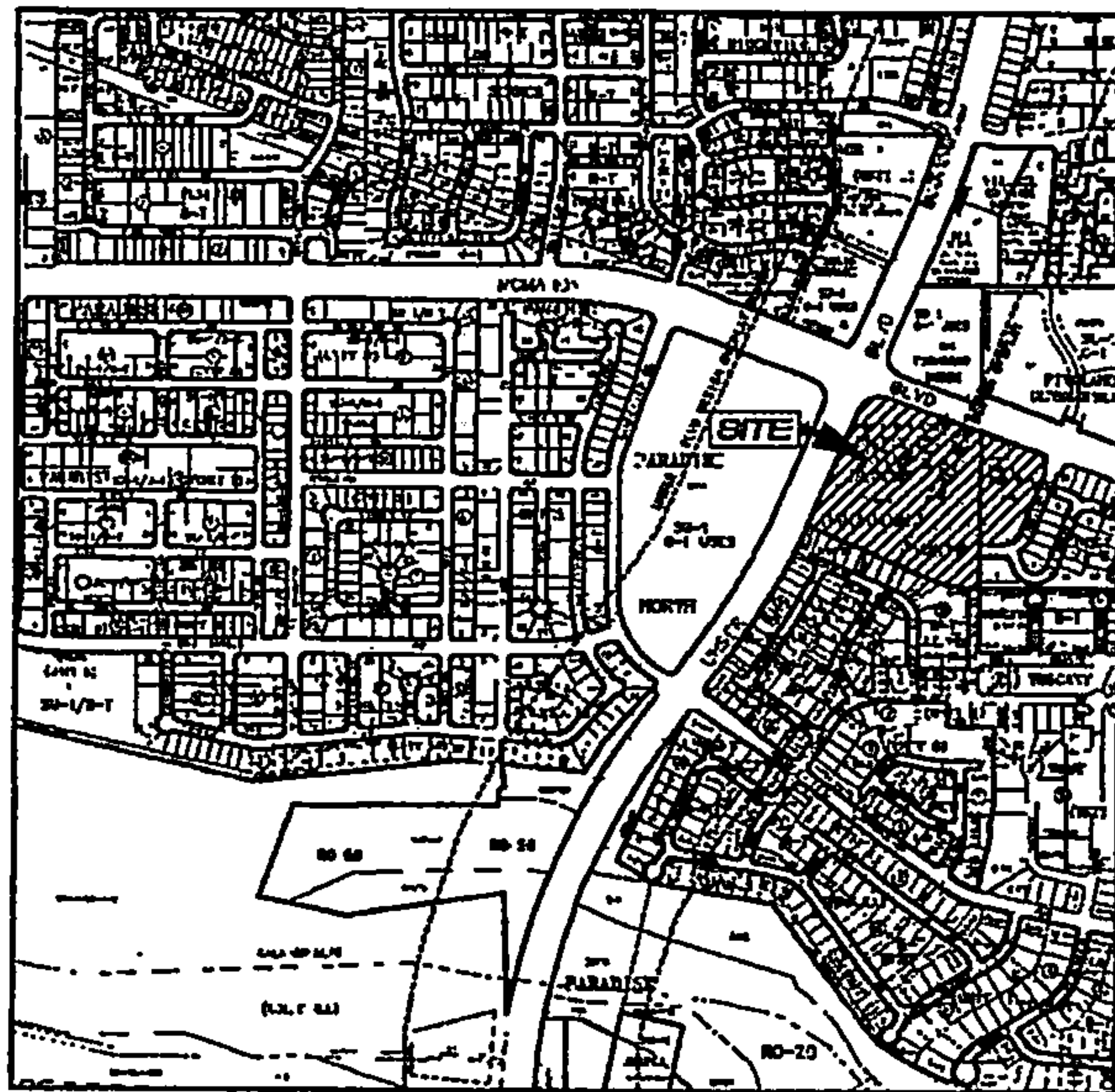
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any  
determination of the Development Review Board may file an appeal on the  
Planning Department form, to the Planning Department, within 15 days of the  
Development Review Board's decision. The date the determination in question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

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

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

Jack Cloud, DRB Chair

Cc: Isaacson & Arfman  
Marilyn Maldonado  
file



VICINITY MAP  
Not To Scale

**GENERAL NOTES**

- Bearings are New Mexico State Plane Grid Bearings (Central Zone - NAD83).
- Distances are ground.
- Record Plat or Deed bearings and distances, where they differ from those established by this field survey, are shown in parenthesis ( ).
- All corners found in place and held were tagged with a brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- All corners that were set are either a 5/8" rebar with cap stamped "HUGG L.S. 9750" or a concrete nail with brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- U.C.L.S. Log Number 2007261883
- City of Albuquerque Zone Atlas Pages: A-11-2

**SUBDIVISION DATA**

Total number of existing Tracts: 2  
 Total number of new lots created: 9  
 Gross Subdivision acreage: 12.2230 acres

**PURPOSE OF PLAT**

- Divide the Two (2) existing Tracts into Nine (9) new Lots.
- Grant the new Public and Private Easements as shown hereon.
- Dedicate additional Street Right of Way to the City of Albuquerque, in fee simple with warranty covenants.

**SOLAR NOTE**

**SECTION 14-1-4-7 PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS**

No property within the area of this plat shall at any time be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or created on the lots or parcels within the area of proposed plat. The foregoing requirement shall be a condition to approval of this plat.

**TREASURERS CERTIFICATION**

This is to certify that taxes are current and paid on the following:

Gonzalez Mack / JMD Partnership LTD LLC  
 1011 06626531010102, 10101637829710416

*[Signature]*  
 Bernalillo County Treasurer Date 9-24-2010

**PUBLIC UTILITY EASEMENTS**

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- Public Service Company of New Mexico for installation, maintenance, and service of underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical service.
- New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
- QWest Corporation for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to ground pedestals and closures.
- Comcast Cable for the installation, maintenance, and service of such lines, cable, 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 National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformer/switchgear doors and five feet (5') on each side.

**DISCLAIMER**

In approving this plat, Public Service Company of New Mexico and New Mexico Gas Company did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive nor release any easement or easement rights to which it may be entitled.

**UTILITY APPROVALS**

*[Signature]* 6-17-09  
 Public Service Company of New Mexico Date

*[Signature]* 6/19/2009  
 New Mexico Gas Company Date

*[Signature]* 6/11/09  
 QWest Corporation Date

*[Signature]* 6-17-09  
 Comcast Date

**SHEET INDEX**

- SHEET 1 General Notes and Approvals
- SHEET 2 Legal Description, Free Consent and Dedication
- SHEET 3 Existing Exterior Boundary and Existing Easements
- SHEET 4 New Tracts and New Easements created
- SHEET 5 Sanitary Sewer and Water Easement details
- SHEET 6 Curve and Line Tables

**PLAT OF  
MCMAHON MARKETPLACE**

(BEING A REPLAT OF TRACT 16A-1, PARADISE NORTH AND TRACT E-1-A-1, CRESTVIEW SUBDIVISION)

WITHIN  
 THE TOWN OF ALAMEDA GRANT  
 IN  
 PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST  
 NEW MEXICO PRINCIPAL MERIDIAN  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 FEBRUARY, 2009

PROJECT NUMBER: 1005280

Application Number: 10052-70092

**PLAT APPROVAL**

City Approvals

*[Signature]* 5-4-09  
 City Surveyor Date  
 Department of Municipal Development

N/A  
 Real Property Division Date

N/A  
 Environmental Health Department Date

*[Signature]* 03/31/10  
 Traffic Engineering, Transportation Division Date

*[Signature]* 03/31/10  
 ABCWA Date

*[Signature]* 3/31/10  
 Parks and Recreation Department Date

*[Signature]* 3/31/10  
 AMAPCA Date

*[Signature]* 3/31/10  
 City Engineer Date

*[Signature]* 9-24-10  
 DRP/Chairperson, Planning Department Date

DOC# 2818898125  
 02/24/2010 10:08 AM Page: 1 of 5  
 PLAT # 1312, 00 B, 2010C P, 0112 N, Toulon Olivera, Bernalillo Co, NM  
 1011 06626531010102, 10101637829710416

**SURVEYOR'S CERTIFICATION**

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify that this plat of survey was prepared from field notes of an actual ground survey performed by me or under my direct supervision; that it meets the Standards for Land Surveying in the State of New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors; that it meets the minimum requirements for surveys and monumentation of the Albuquerque Subdivision Ordinance; that it shows all easements of record; and that it is true and correct to the best of my knowledge and belief.

*[Signature]*  
 Russ P. Hugg  
 N.M.P.S. No. 9750  
 February 12, 2009



**SURVOTEK, INC.**  
 Consulting Surveyors  
 8304 Valley View Drive, N.W. Albuquerque, New Mexico 87114 Phone: 505-897-3388 Fax: 505-897-3377

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 BERNALILLO COUNTY, NEW MEXICO  
 FEBRUARY, 2009

BOOK 2818999123  
 PLAT 17219 1918 01 Page 1 of 1  
 T. J. HARRIS, Notary Public, Bernalillo, NM

**ACKNOWLEDGMENT**

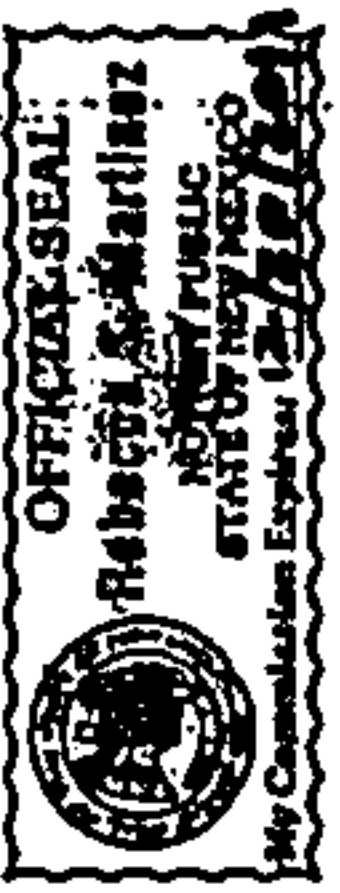
STATE OF NEW MEXICO  
 COUNTY OF BERNALILLO

Notary Public

This instrument was acknowledged before me on this 23<sup>rd</sup> day  
 of February, 2009, by Douglas H. Peterson.

Douglas H. Peterson  
 Notary Public

My Commission expires: 12/20/2011



**ACKNOWLEDGMENT**

STATE OF NEW MEXICO  
 COUNTY OF BERNALILLO

Notary Public

This instrument was acknowledged before me on this 4<sup>th</sup> day  
 of MAY, 2009, by Mark Gonzales and Jennie  
 Gonzales, his wife.

Mark Gonzales  
 Notary Public

My Commission expires: 5/20/11



**ACKNOWLEDGMENT**

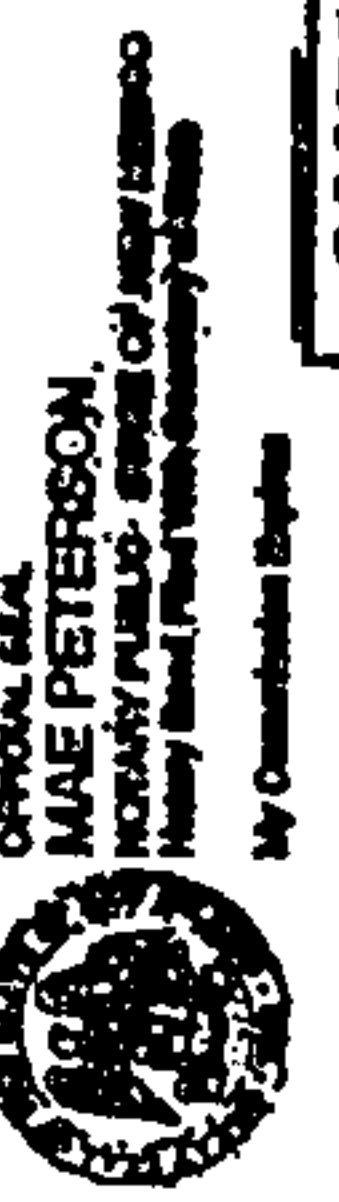
STATE OF NEW MEXICO  
 COUNTY OF BERNALILLO

Notary Public

This instrument was acknowledged before me on this 4<sup>th</sup> day  
 of MAY, 2009, by Elsie Gonzales, a single woman.

Elsie Gonzales  
 Notary Public

My Commission expires: 5/20/11



**LEGAL DESCRIPTION**  
 That certain parcel of land situated within the Town of Alameda Grant in Projected Section 2, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being and comprising all of Tract 16A-1, as shown and designated on the Vacation, Amended Plat and Replat of PARADISE NORTH, situated within the Town of Alameda Grant ("Projected Sections 1, 2, 11 & 12, T11N, R2E, N.M.P.M."), City of Albuquerque, Bernalillo County, New Mexico filed for record in the office of the County Clerk of Bernalillo County, New Mexico, on August 6, 2008, and the same is shown and designated on the plat SUBDIVISION OF TRACT E-1-A-1, CRESTVIEW SUBDIVISION (BEING A REPLAT OF TRACT E-1-A-1, CRESTVIEW SUBDIVISION) WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, COUNTY OF BERNALILLO, New Mexico, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 23, 2008 in Plat Book 2008C, Page 192, more particularly described by Murray P. Hugg, New Mexico Professional Surveyor, No. 9750 using New Mexico State plane, Central Zone (NAD 83) grid bearings and ground distances as follows:

**BEGINNING** at the Southwest corner of sold Tract 16A-1 (a 5/8" rebar and cap stamped "L.S. 4972" found in place) whence the Albuquerque Central Survey Monument "L.S. 103" bears S 49° 01' 21" W, 2544.09 feet distant; Thence Northwesterly along the Southerly line of sold Tract 16A-1 for the following three (3) courses:

N 89° 55' 37" W, 44.70 feet to a point of curvature (a 5/8" rebar and cap stamped "L.S. 9750" set); Thence,

Northwesterly, 154.22 feet on the arc of a curve to the right (sold curve having a radius of 300.00 feet, a central angle of 23°51'22" and a chord which bears N 78°08'44" W, 157.08 feet) to a point of tangency (a concrete nail and brass disc stamped "L.S. 9750" set); Thence,

N 65° 57' 41" W, 503.64 feet to the Southwest corner of sold Tract 16A-1 and a point on the Easterly right of way line of Unser Boulevard N.W. (a 9/16" set); Thence Northwesterly and Southerly along the Easterly right of way line of Unser Boulevard N.W. for the following four (4) courses:

N 24° 02' 19" E, 545.94 feet to a point of curvature (a 5/8" rebar and cap stamped "L.S. 7270" found in place); Thence

Northeasterly, 60.81 feet on the arc of a curve to the right (sold curve having a radius of 100.00 feet, a central angle of 19°21'21" and a chord which bears N 33°43'00" E, 60.52 feet) to a point of compound curvature (a 5/8" rebar and cap stamped "L.S. 7270" found in place); Thence,

Northeasterly, 54.32 feet on the arc of a curve to the right (sold curve having a radius of 65.00 feet, a central angle of 47°37'03" and a chord which bears N 87°08'39" E, 52.78 feet) to a point of compound curvature (a 5/8" rebar and cap stamped "L.S. 7270" found in place); Thence,

Southeasterly, 60.81 feet on the arc of a curve to the right (sold curve having a radius of 100.00 feet, a central angle of 19°21'21" and a chord which bears S 79°02'55" E, 60.52 feet) to a point of tangency on the Southerly right of way line of Melchior Boulevard N.W. (a 5/8" rebar and cap stamped "L.S. 7270" found in place); Thence,

S 69° 22' 14" E, 671.97 feet, along sold Southerly right of way line of Melchior Boulevard N.W. to a point of curvature on the Northerly line of sold Tract E-1-A-1, Crestview Subdivision; Thence,

Southeasterly, 47.18 feet along sold Southerly right of way line of Melchior Boulevard N.W. on the arc of a curve to the right (sold curve having a radius of 30.00 feet, a central angle of 40°06'00" and a chord which bears S 2°24'44" E, 42.46 feet) to a point of tangency on the reverse curve on the Easterly right of way line of Flakland Drive N.W.; Thence, Southeasterly and Southerly along sold Southerly right of way line of Flakland Drive N.W. for the following ten (10) courses:

Southwesterly, 15.46 feet on the arc of a curve to the left (sold curve having a radius of 77.37 feet, a central angle of 3°40'12" and a chord which bears S 07°53'41" W, 18.42 feet) to a non-tangent point on curve; Thence,

Southwesterly, 20.41 feet to a point of curvature; Thence,

Southwesterly, 33.47 feet on the arc of a curve to the left (sold curve having a radius of 130.00 feet, a central angle of 12°03'38" and a chord which bears S 16°28'49" W, 33.41 feet) to point of reverse curvature; Thence,

Southwesterly, 53.42 feet on the arc of a curve to the right (sold curve having a radius of 291.00 feet, a central angle of 10°31'02" and a chord which bears S 15°22'51" W, 53.34 feet) to point of tangency; Thence,

**FREE CONSENT AND DEDICATION**

SURVEYED and REPLATTED and now comprising PLAT OF MCMAHON MARKETPLACE (BEING A REPLAT OF TRACT 16A-1, PARADISE NORTH AND TRACT E-1-A-1, CRESTVIEW SUBDIVISION) WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, is with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) and Private and Public easements as shown hereon. Sold owner(s) and proprietor(s) do hereby dedicate to the City of Albuquerque in fee simple of way as shown hereon to the City of Albuquerque in fee simple with warranty easements by this plat. Sold owner(s) and proprietor(s) do hereby warrant that they hold among them, complete and indisputable title in fee simple to the land subdivided. Sold owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby certify that they are so authorized to set.

**OWNER(S)**

**TRACT E-1-A-1 CRESTVIEW**

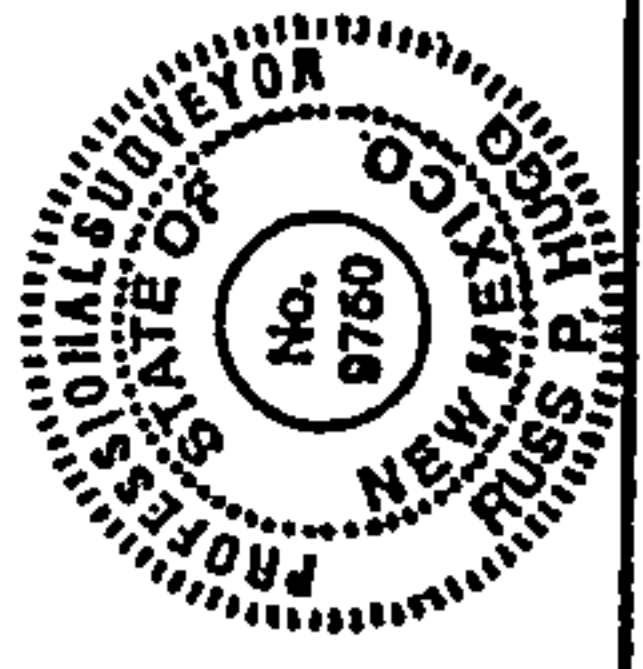
JMD - McMahon, LLC  
 a New Mexico limited liability company

Douglas H. Peterson  
 By: Douglas H. Peterson, Manager

**TRACT 16A-1 PARADISE NORTH**

Mark Gonzales  
 Mark Gonzales, his wife

Elsie Gonzales  
 Elsie Gonzales, a single woman



**FLAT OF  
McMAHON MARKETPLACE**

(BEING A REPLAT OF TRACT 16A-1, PARADISE NORTH  
AND TRACT E-1-A-1, CRESTVIEW SUBDIVISION)  
WITHIN

THE TOWN OF ALAMEDA GRANT

IN  
PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST  
NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO

FEBRUARY, 2009

DOC# 2815888128  
1/27/2009 10:41:50 AM  
1/27/2009 10:41:50 AM

**EXISTING BOUNDARIES AND EASEMENTS**

PROPERTY CORNER LEGEND

- - Pt. 5/8" Rebar and cap stamped "L.S. 7270"
- - Set 5/8" Rebar and cap stamped "L.S. 9750"



GRAPHIC SCALE:



( IN FEET )  
1 inch = 60 ft.



SHEET 3 OF 6

**SURVOTEK, INC.**  
Consulting Surveyors  
8841 Valley View Drive, N.E. Albuquerque, New Mexico 87114  
Phone: 505-887-3268  
Fax: 505-887-3077

PARCEL A-1  
FINELAND DEVELOPMENT

TRACT 16A-1  
PARADISE NORTH

McMAHON

BOULEVARD

N.W.

TRACT E-1-A-1  
CRESTVIEW SUBDIVISION  
Filed 8/23/2008 in Plat Book 2008C, Page 122

TRACT 16A-1  
PARADISE NORTH  
Filed August 6, 1999 in Volume 80C, Page 182

UNSER

BOULEVARD

N.W.

CRESTVIEW SUBDIVISION

TUSCANY RIDGE SUBDIVISION

TUSCANY WEST UNIT 4

TUSCANY WEST UNIT 3

TUSCANY WEST UNIT 2

TUSCANY WEST UNIT 1

TUSCANY WEST UNIT 0

Abuquerque Central Survey Monument T-110  
(NAD 83) - State Plane Coordinates, Central Zone  
N = 1,534,722.707  
E = 1,499,178.741  
Datum: Alaska - 00' 15" 21.72"  
G-C = 0.999997834 (NAVD 88)  
Elevation = 5116.008 (NAVD 88)

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Abuquerque Central Survey Monument T-110  
(NAD 83) - State Plane Coordinates, Central Zone  
N = 1,534,722.707  
E = 1,499,178.741  
Datum: Alaska - 00' 15" 21.72"  
G-C = 0.999997834 (NAVD 88)  
Elevation = 5116.008 (NAVD 88)

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Datum: Alaska - 00' 15" 21.72"  
G-C = 0.999997834 (NAVD 88)  
Elevation = 5116.008 (NAVD 88)

**McMAHON MARKETPLACE**  
 (BEING A REPLAT OF TRACT 18A-1, PARADISE NORTH  
 AND TRACT E-1-A-1, CRESTVIEW SUBDIVISION)  
 WITHIN  
 THE TOWN OF ALAMEDA GRANT  
 IN  
 PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST  
 NEW MEXICO PRINCIPAL MERIDIAN,  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 FEBRUARY, 2009

PARCEL A-1  
 FINELAND DEVELOPMENT

TRACT 18A-1  
 PARADISE NORTH

156' DEDICATED PUBLIC R/W

McMAHON  
 BOULEVARD

McMAHON  
 BOULEVARD

McMAHON  
 BOULEVARD

McMAHON  
 BOULEVARD

McMAHON  
 BOULEVARD

McMAHON  
 BOULEVARD

106' DEDICATED PUBLIC R/W

156' DEDICATED PUBLIC R/W

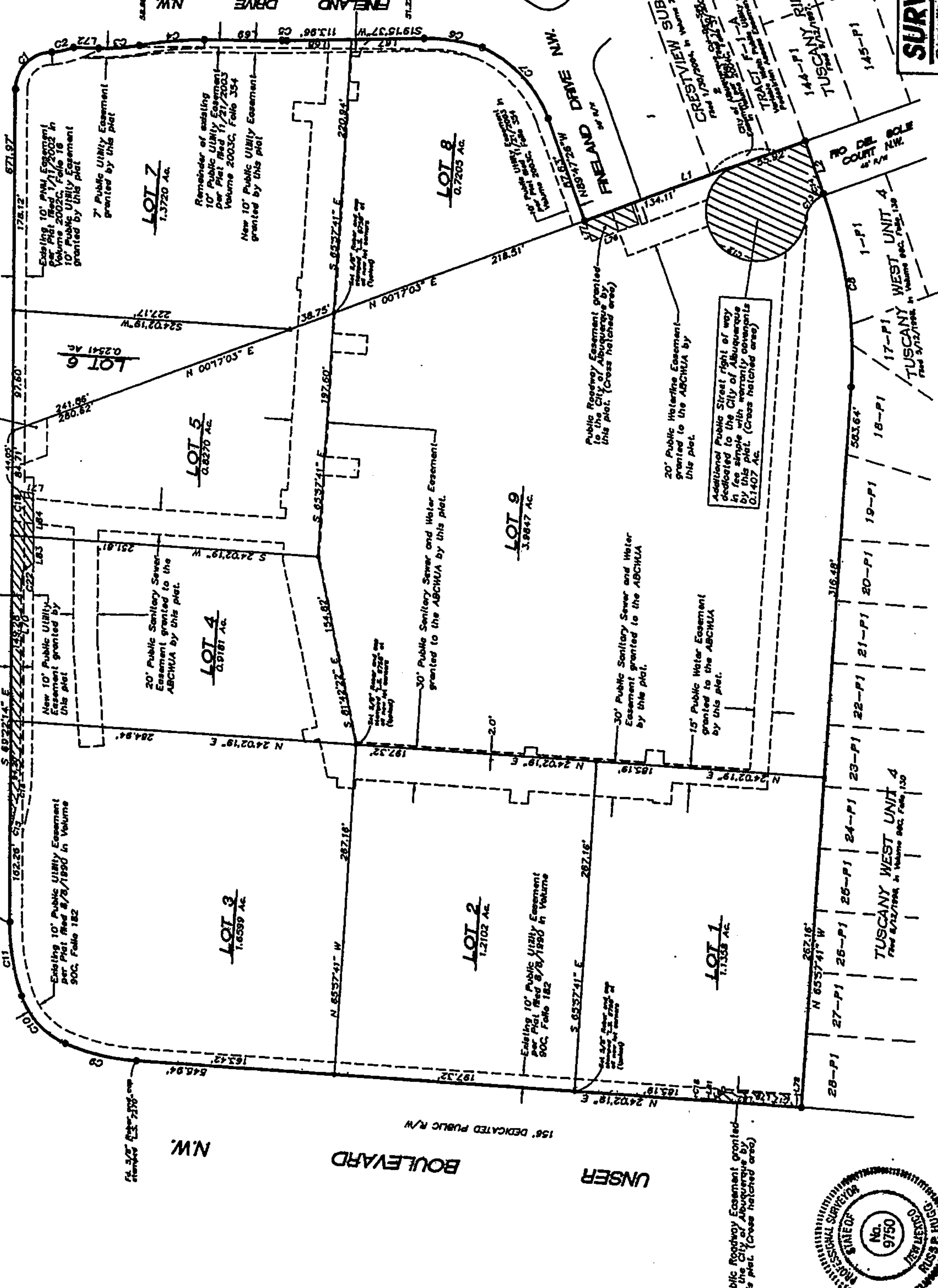
156' DEDICATED PUBLIC R/W

156' DEDICATED PUBLIC R/W

156' DEDICATED PUBLIC R/W

156' DEDICATED PUBLIC R/W

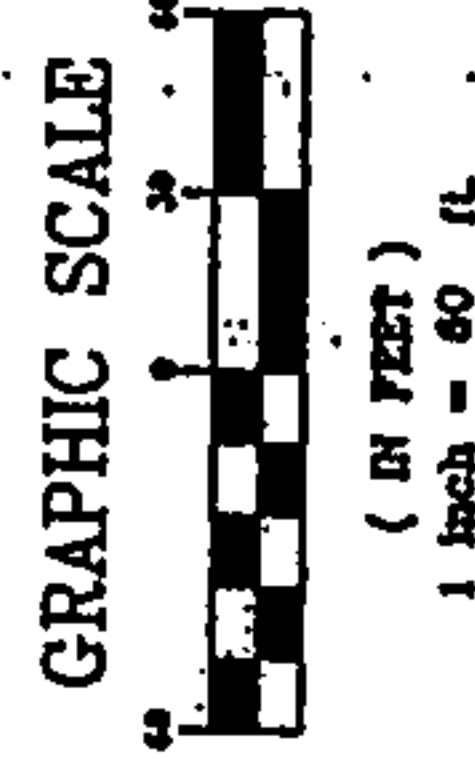
156' DEDICATED PUBLIC R/W



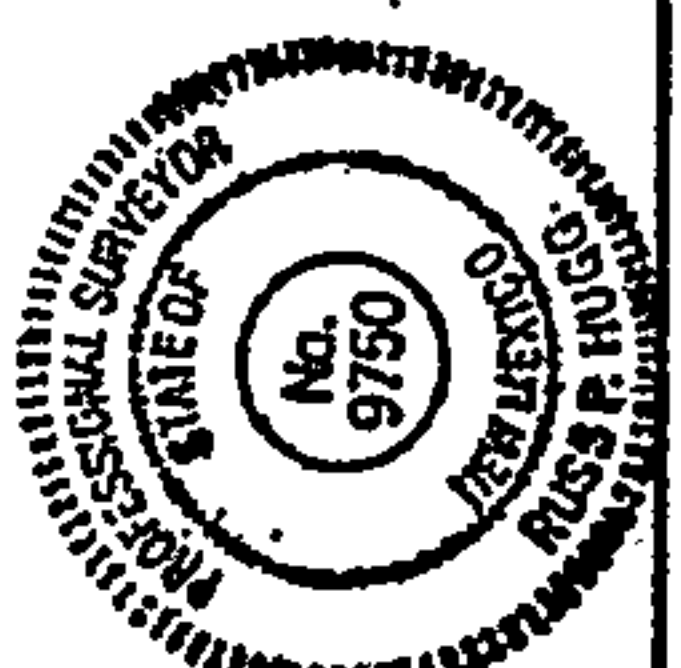
**NOTES:**  
 1. See Sheet 5 for Easement Details  
 2. See sheet 6 for Line and Curve  
 Tables

**PROPERTY CORNER LEGEND**  
 ○ = 5/8" Rubber and cap stamped "L.S. 7270"  
 ⊙ = 5/8" Rubber and cap stamped "L.S. 8750"

DOC# 2810006128  
 1-27-2009 10:00 AM  
 Existing Public Roadway Easement  
 granted to the City of Albuquerque  
 by Plat Rec'd August 25, 2008  
 in Plat Book 2008C, Page 192



**SURVOTEK, INC.**  
 10000 1st Avenue NE  
 Albuquerque, NM 87112  
 Phone: 505-887-0000  
 Fax: 505-887-0077



PARADISE NORTH

# PLAT OF McMAHON MARKETPLACE

(BEING A REPLAT OF TRACT 16A-1, PARADISE NORTH  
AND TRACT E-1-A-1, CRESTVIEW SUBDIVISION)

WITHIN  
THE TOWN OF ALAMEDA GRANT  
IN

PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST  
NEW MEXICO PRINCIPAL MERIDIAN.  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
FEBRUARY, 2009

DOCN 281688128  
02/24/2009 10:55 AM Page 5 of 8  
Tracy L. Smith, Surveyor  
1000 W. ...

### PUBLIC SANITARY SEWER AND WATERLINE EASEMENT DETAILS

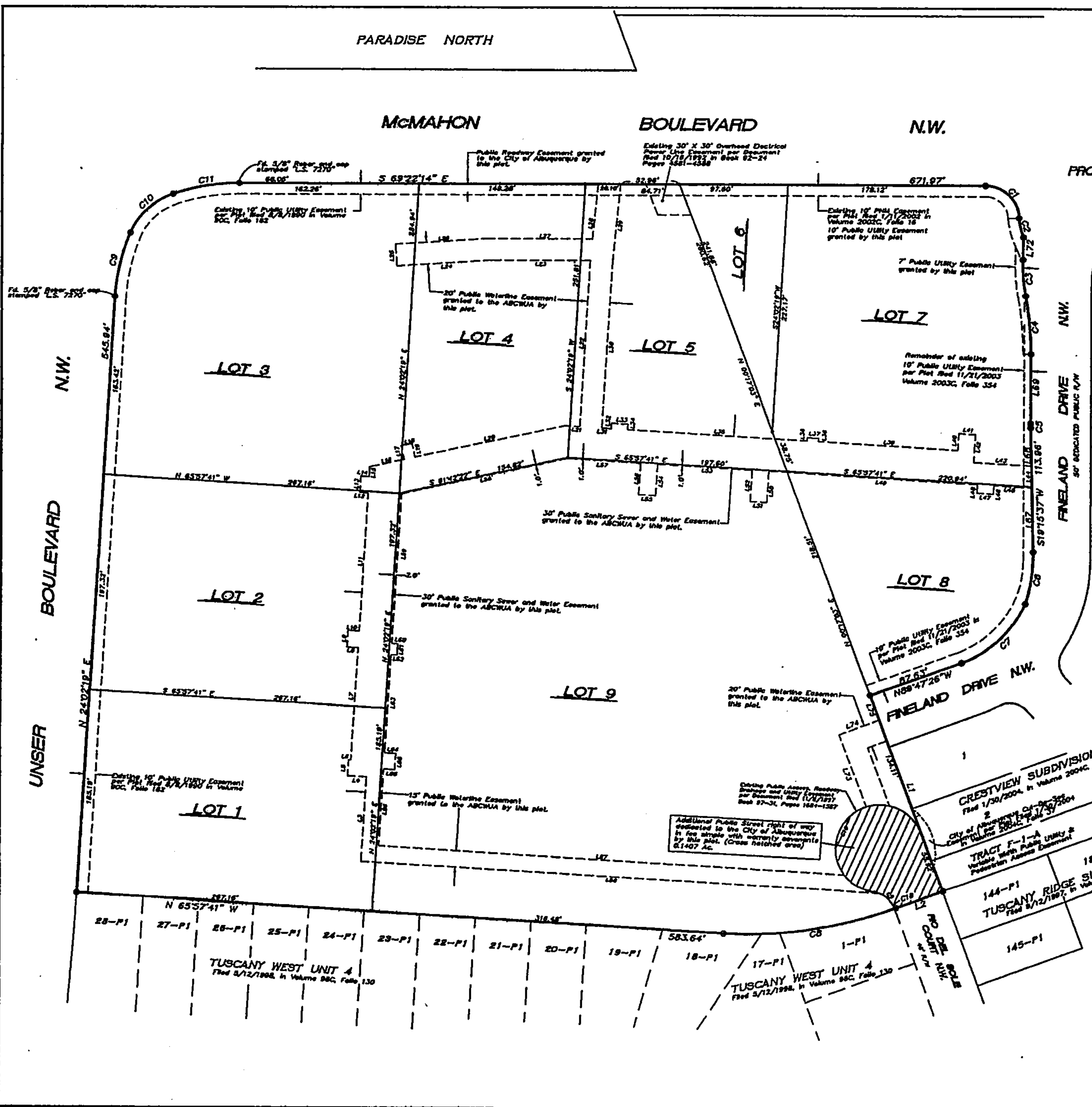
#### PROPERTY CORNER LEGEND

- = 5/8" Rebar and cap stamped "L.S. 7270"
- = Set 5/8" Rebar and cap stamped "L.S. 9750"

#### GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.



**SURVOTEK, INC.**  
 Consulting Surveyors  
 5084 Valley View Drive, N.E. Albuquerque, New Mexico 87114  
 Phone: 505-897-3368 Fax: 505-897-8777

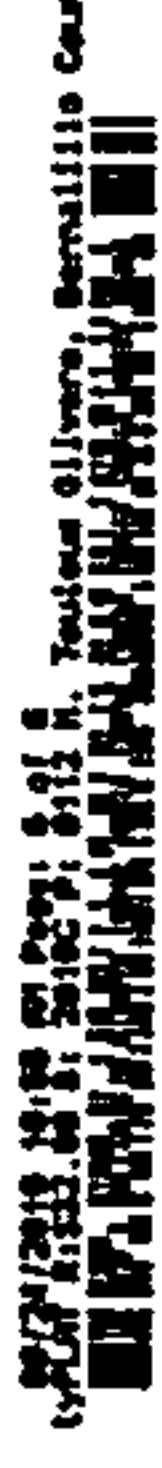
P:\marty\070355\DWG\070355\_BKTS 4-C\_1-19-10.dwg, 1/20/2010 11:21:31 AM, HP DesignJet 1050C by HP 2.pcl

PLAT OF  
**MCMAHON MARKETPLACE**  
 (BEING A REPLAT OF TRACT 16A-1, PARADISE NORTH  
 AND TRACT E-1-A-1, CRESTVIEW SUBDIVISION)

WITHIN  
 THE TOWN OF ALAMEDA GRANT  
 IN

PROJECTED SECTION 2, TOWNSHIP 11 NORTH, RANGE 2 EAST  
 NEW MEXICO PRINCIPAL MERIDIAN  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 FEBRUARY, 2009

DOC# 2818986128

BY:  **Pauline Olivero, Bernalillo Co.**

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	47.18'	30.00'	30.05'	42.46'	S24°24'44"E	90°06'00"
C2	18.46'	77.37'	9.27'	18.42'	S07°53'41"W	13°40'12"
C3	33.47'	159.00'	16.80'	33.41'	S16°08'49"W	12°03'38"
C4	53.42'	291.00'	28.78'	53.34'	S15°22'31"W	10°31'02"
C5	4.10'	171.50'	2.05'	4.10'	S19°56'38"W	1°22'15"
C6	47.87'	141.04'	24.17'	47.64'	S28°58'54"W	19°26'47"
C7	80.79'	100.00'	42.75'	78.61'	S67°03'48"W	46°17'22"
C8	158.22'	380.00'	80.27'	157.08'	N78°08'44"W	23°51'22"
C9	60.81'	180.00'	30.70'	60.52'	N33°43'00"E	19°21'21"
C10	54.32'	65.00'	28.85'	52.76'	N67°09'36"E	47°53'03"
C11	60.81'	180.00'	30.70'	60.52'	S79°02'55"E	19°21'21"
C12	169.75'	40.00'	65.08'	68.16'	S58°42'28"W	24°30'10"
C13	24.25'	22.00'	13.52'	23.04'	N31°18'07"W	63°09'11"
C14	1.30'	31301.99'	0.65'	1.30'	S89°58'35"E	0°00'09"
C15	19.38'	150.47'	9.71'	19.37'	N59°18'25"W	7°22'53"
C16	36.50'	157.62'	18.33'	36.42'	S62°45'42"E	13°16'06"
C17	11.34'	24.00'	5.78'	11.23'	S87°02'51"W	27°04'17"
C18	12.93'	55.50'	6.50'	12.90'	N17°21'47"E	13°21'04"
C19	13.50'	17.39'	7.11'	13.17'	S46°17'40"W	44°30'41"

LINE	LENGTH	BEARING
L1	190.03'	S00°17'03"W
L2	44.70'	N82°55'57"W
L3	76.56'	N24°02'13"E
L4	17.00'	N55°57'47"W
L5	15.00'	N24°02'13"E
L6	2.00'	S65°57'46"E
L7	102.27'	N24°02'13"E
L8	9.95'	N65°57'47"W
L9	15.00'	N24°02'13"E
L10	9.95'	S65°57'47"E
L11	127.16'	N24°02'13"E
L12	7.49'	N65°57'47"W
L13	15.00'	N23°43'59"E
L14	7.57'	S65°57'47"E
L15	8.89'	N24°02'13"E
L16	31.60'	S81°41'46"E
L17	12.61'	N09°18'14"E
L18	10.00'	S81°41'54"E
L19	12.61'	S08°18'14"W
L20	137.76'	S81°41'46"E
L21	13.29'	S65°58'35"E
L22	152.30'	N24°03'13"E
L23	89.63'	N69°20'53"W
L24	84.28'	N73°12'26"W
L25	20.00'	N16°47'03"E
L26	83.48'	S73°16'29"E
L27	93.68'	S69°21'48"E
L28	51.13'	N28°13'17"E
L29	71.23'	S28°13'17"W
L30	153.50'	S24°03'13"W
L31	8.16'	S65°49'57"E
L32	5.00'	N24°02'19"E
L33	15.00'	S65°57'41"E
L34	5.00'	S24°02'19"W
L35	161.88'	S65°57'41"E
L36	3.00'	N24°03'13"E
L37	10.00'	S65°57'41"E
L38	3.00'	S24°03'13"W
L39	126.00'	S65°57'41"E
L40	15.72'	N24°02'19"E
L41	15.00'	S65°57'41"E
L42	25.72'	S24°02'19"W
L43	51.96'	S65°57'41"E
L44	20.06'	S19°15'31"W

LINE	LENGTH	BEARING
L45	33.94'	N67°46'41"W
L46	7.41'	S24°02'19"W
L47	15.00'	N65°57'41"W
L48	7.41'	N24°02'19"E
L49	188.42'	N65°57'41"W
L50	28.42'	S24°02'19"W
L51	15.00'	N65°57'41"W
L52	28.42'	N24°02'19"E
L53	85.23'	N65°57'41"W
L54	28.42'	S24°02'19"W
L55	15.00'	N65°57'41"W
L56	28.42'	N24°02'19"E
L57	66.22'	N65°57'41"W
L58	152.50'	N81°41'46"W
L59	137.64'	S24°02'13"W
L60	5.49'	S65°53'36"E
L61	10.00'	S24°02'19"W
L62	5.49'	N65°53'36"W
L63	69.66'	S24°02'13"W
L64	10.01'	S65°57'47"E
L65	15.00'	S24°02'13"W
L66	109.85'	S24°02'13"W
L67	15.00'	S00°17'03"W
L68	21.10'	N89°45'54"W
L69	63.28'	S20°38'02"W
L70	23.44'	N69°22'14"W
L71	50.24'	N26°13'17"E
L72	20.41'	S22°10'38"W
L73	70.20'	S00°02'17"E
L74	38.70'	S89°45'54"E
L75	23.91'	S00°17'03"W
L76	41.41'	S00°10'36"W
L77	17.44'	S89°47'26"E
L78	6.29'	N24°02'19"E
L79	50.16'	N21°19'49"E
L80	9.83'	N14°37'16"W
L81	7.47'	N24°02'19"E
L82	83.17'	N24°02'19"E
L83	21.28'	S70°27'45"E
L84	35.72'	S70°27'45"E
L85	10.01'	N65°57'47"W
L86	69.87'	S24°02'13"W
L87	419.33'	S65°57'41"E
L88	467.39'	N65°57'41"W





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 3, 2009

**Project# 1005280**

09DRB-70170 MAJOR - PRELIMINARY PLAT APPROVAL

SURV-TEK INC agent(s) for JMD PARTNERSHIP, LTD request(s) the referenced/ above action(s) for all or a portion of Tract(s) 16A-1, PARADISE NORTH, & TRACT E-1-A-1 CRESTVIEW SUBDIVISION, (TBKA - MCMAHON MARKET PLACE), zoned SU-1/ C-1 & addl. uses, located on the southeast corner of UNSER BLVD NW and MCMAHON BLVD NW containing approximately 12.2230 acre(s). (A-11)

At the June 3, 2009 Development Review Board meeting, based on the approved Site Development Plan for Subdivision and with the signing of the infrastructure list date June 3, 2009 (originally signed August 1, 2007) the preliminary plat was approved. Application for final plat shall include a copy of the recorded subdivision Improvement Agreement (SIA) and the signed-off site plan for subdivision.

If you wish to appeal this decision, you must do so by June 18, 2009, in the manner described below.

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

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

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

  
Jack Cloud, AICP, DRB Chair

Cc: Surv-Tek Inc. – 9384 Valley View Dr. NW – Albuquerque, NM 87114

Cc: JMD Partnership LTD – 2325 San Pedro NE Ste 2-A – Albuquerque, NM 87110

Marilyn Maldonado

File

Current DRC Project No.

777283

ORIGINAL

Figure 12  
**INFRASTRUCTURE LIST**  
 EXHIBIT 'A'  
 TO SUBDIVISION IMPROVEMENTS AGREEMENT  
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST  
 McMAHON MARKETPLACE  
 (REPLAT OF TRACT 16A-1 PARADISE NORTH AND TRACT E-A-1 CRESTVIEW SUBDIVISION)

Date Submitted: March 9, 2010  
 Date Site Plan for Bldg Permit Approved: \_\_\_\_\_  
 Date Site Plan for Sub. Approved: \_\_\_\_\_

Date Preliminary Plat Approved: 3/10/10  
 Date Preliminary Plat Expires: 3/10/11

DRB Project No.: 1005280  
**⚠ 07-14-11**

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

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Crst Engineer
----------------	-------------------	------	---------------------	----------	------	----	-------------------	----------------	--------------------

**McMAHON MARKETPLACE PHASE 1**

**PUBLIC ROADWAY IMPROVEMENTS**

777283		30'-36' F-F (East Half)	Unser Half Street Improvements 2-12' Traffic Lanes, 6' Bike Lane (Arterial Pavement), Median C&G, Standard C&G, 10' Asphalt Trail	Unser Blvd.	360' South of McMahon Blvd.	South Property Line			
777283		12' Face to Edge	150 foot SB Left-Turn Lane with Transition, Median C&G	Unser Blvd.	South PL	Approx. 260' North of South PL			
777283		7.5' Edge to Edge (West Side)	Paving Addition (Arterial Pavement) to Unser Blvd. (west side) for Traffic Lane	Unser Blvd.	430' South of McMahon Blvd.	630' South of McMahon Blvd			
777283		18' Face to Edge	150 foot NB Right-Turn Lane with Transition, Standard C&G, 6' bike lane	Unser Blvd	South PL	Approx. 280' South of South PL			
777283		11.5' Face to Edge	150 foot EB Right-Turn Lane with Transition, Standard C&G, 6' sidewalk	McMahon Blvd.	Approx. 440' East of Unser	160' East of Unser			
777283		4-8' Face to Edge (Vanes)	Extend NB Left-Turn Lane at Fineland to 200 feet. New Transition, Standard C&G, 6' Sidewalk	Fineland Drive	McMahon Blvd.	400' South of McMahon Blvd.			

**PUBLIC DRAINAGE IMPROVEMENTS**

777283		A	"A" Inlet	NE Corner of CVS Site	NE Corner of CVS Site	Storm Drain in McMahon Blvd.			
777283		3 -88" 34"	RCP Storm Sewer Outfall with Manhole	McMahon Blvd	SD plug near north property line	McMahon Blvd. Storm Drain			

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

YOLANDA MOYER 3/10/10  
SCOTT STEPHEN, PE 10/21/2009  
 PREPARED BY: PRINT NAME DATE

*[Signature]* 3-10-10  
 DRB CHAIR DATE

Christina Landoval 3/10/10  
 PARKS & GENERAL SERVICES DATE

BOHANNAN HUSTON, INC.  
 FIRM  
*[Signature]*  
 SIGNATURE

*[Signature]* 03/10/10  
 TRANSPORTATION DEVELOPMENT DATE  
*[Signature]* 03/10/10  
 THE WATER UTILITY AUTHORITY DATE

*[Signature]* 3/10/10  
 AMAFCA CITY ENGINEER DATE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION  
 \_\_\_\_\_ DATE



DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRG CHAIR	USER DEPARTMENT	AGENT/OWNER

REVISION	DATE	DRG CHAIR	USER DEPARTMENT	AGENT/OWNER
1	07-14-11	<i>[Signature]</i> 5:9:11	<i>[Signature]</i>	<i>[Signature]</i>
2	11/16/11	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
3	11-17-11		Center O. Ch...	<i>[Signature]</i>

**2ND EXTENSION AGREEMENT**  
**Procedure "B"**

PROJECT NO. 777284

This Agreement made this 17<sup>th</sup> day of April, 2013, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer/subdivider:) JMD McMahon, LLC ("Subdivider"), whose address is c/o Peterson Properties, LLC; 2325 San Pedro NE, Suite 2A, Albuquerque, NM 87110 and whose telephone number is (505) 884-3578 is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Subdivider entered into an Agreement on the 21st day of September 2010, which was recorded on 09/24/2010, in Book -----, pages 1 through 13, as Document No. 2010096124 in the records of Bernalillo County Clerk, State of New Mexico ("Earlier Agreement"), by which the Subdivider agreed to complete the construction of certain infrastructure improvements on or before the 26th day of March 2012; and

WHEREAS, the Earlier Agreement was amended by a First Extension Agreement dated June 1, 2012 recorded on June 19, 2012, in Book -----, pages 1 through 4, as Document No. 2012061476 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to March 27, 2013; and

~~WHEREAS, the Earlier Agreement was amended by a \_\_\_\_\_ Extension Agreement dated \_\_\_\_\_ recorded on \_\_\_\_\_, in Book \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_, as Document No. \_\_\_\_\_ in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to \_\_\_\_\_; and~~

WHEREAS, it appears that the Subdivider will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Subdivider an extension of time in which to complete construction of all or part of the improvements, provided the Subdivider posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

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

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:



1. The required completion date for construction of the improvements, as set forth in the attached Exhibit A, is extended (Complete either A or B:)

A. For all improvements, the 26th day of March, 20 14.

B. On portions of the improvements as follows:

<u>IMPROVEMENTS</u>	<u>COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

2. With this Extension Agreement, Subdivider has provided the City with the following financial guaranty:

Amendment to

Type of Financial Guaranty: Letter of Credit No. S31413N

Amount: \$ 506,630.74

Name of Financial Institution or Surety providing Guaranty: BBVA Compass

Date City first able to call Guaranty (Construction Completion Deadline): ~~March 26, 2014~~ September 21, 2013 DB

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: May 26, 2014


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

3. The parties agree that all terms and conditions of the Earlier Agreement not in conflict with this Extension Agreement shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

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

SUBDIVIDER: JMD McMahan, LLC


CITY OF ALBUQUERQUE:

By [signature]: 

Name [print]: Douglas H. Peterson

Title: Managing Member

Dated: 4/3/13

By: 

Richard Dourte, City Engineer

Dated: 4-17-13

4-16-13  
on 4-8-2013

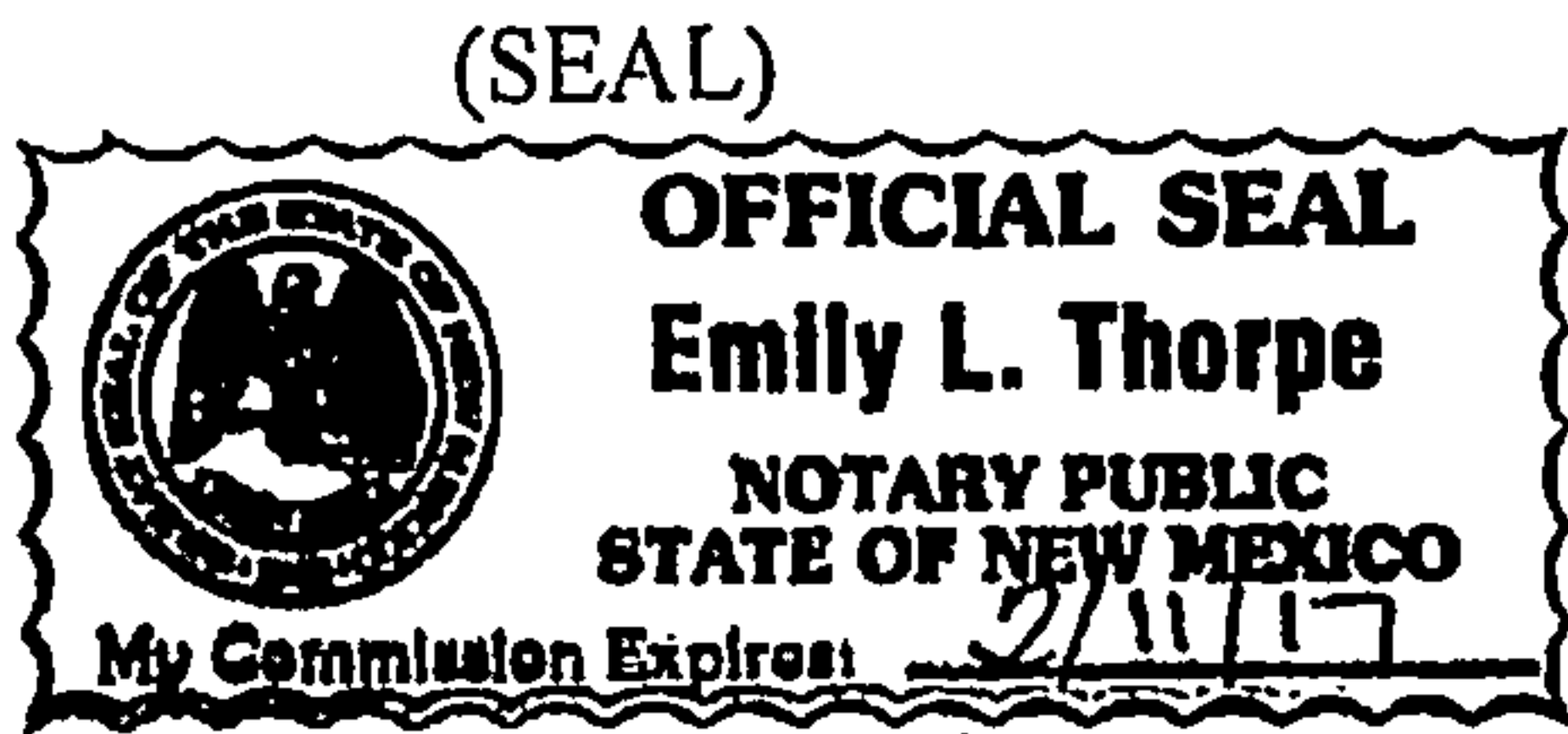
SUBDIVIDER'S NOTARY

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

This instrument was acknowledged before me on this 3<sup>rd</sup> day of APRIL,  
2013 by [name of person:] Douglas H. Peterson, [title or capacity,  
for instance, "President" or "Owner"] Managing Member  
of Subdivider:] JMD McMahon, LLC, a New Mexico Limited Liability Company.

Emily L. Thorpe  
Notary Public

My Commission Expires: FEBRUARY 11, 2017



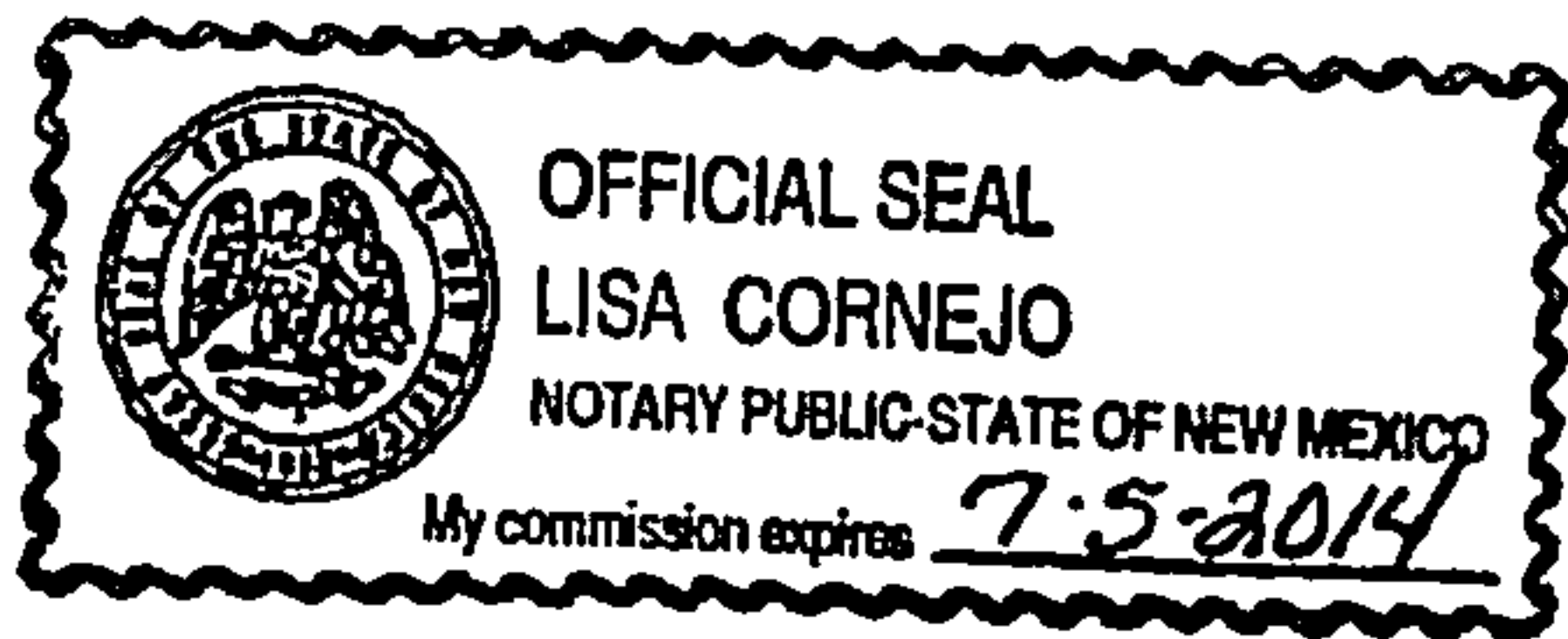
CITY'S NOTARY

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

This instrument was acknowledged before me on this 17 day of April,  
2013 by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on  
behalf of said corporation.

Lisa Cornejo  
Notary Public

My Commission Expires: 7-5-2014



## AMENDMENT TO LETTER OF CREDIT NO. S31413N

APRIL 1, 2013

**APPLICANT:**

PETERSON PROPERTIES INVESTMENTS, LLC  
2325 SAN PEDRO NE SUITE 2-A  
ALBUQUERQUE, NM 87110

**BENEFICIARY:**

CITY OF ALBUQUERQUE, ROBERT J. PERRY  
P.O. BOX 1293  
ALBUQUERQUE, NM 87103  
ATTN: CHIEF ADMINISTRATIVE OFFICER

RE: LETTER OF CREDIT FOR JMD MCMAHON, LLC  
CITY OF ALBUQUERQUE PROJECT NO.: 777284  
PROJECT NAME: MCMAHON MARKETPLACE  
APPLICANT: PETERSON PROPERTIES INVESTMENTS, LLC

AMENDMENT NO.: ONE (1)

GENTLEMEN:

PLEASE BE ADVISED THAT THE SUBJECT LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

**LETTER OF CREDIT EXPIRATION DATE HAS BEEN EXTENDED TO MAY 26, 2014.**

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

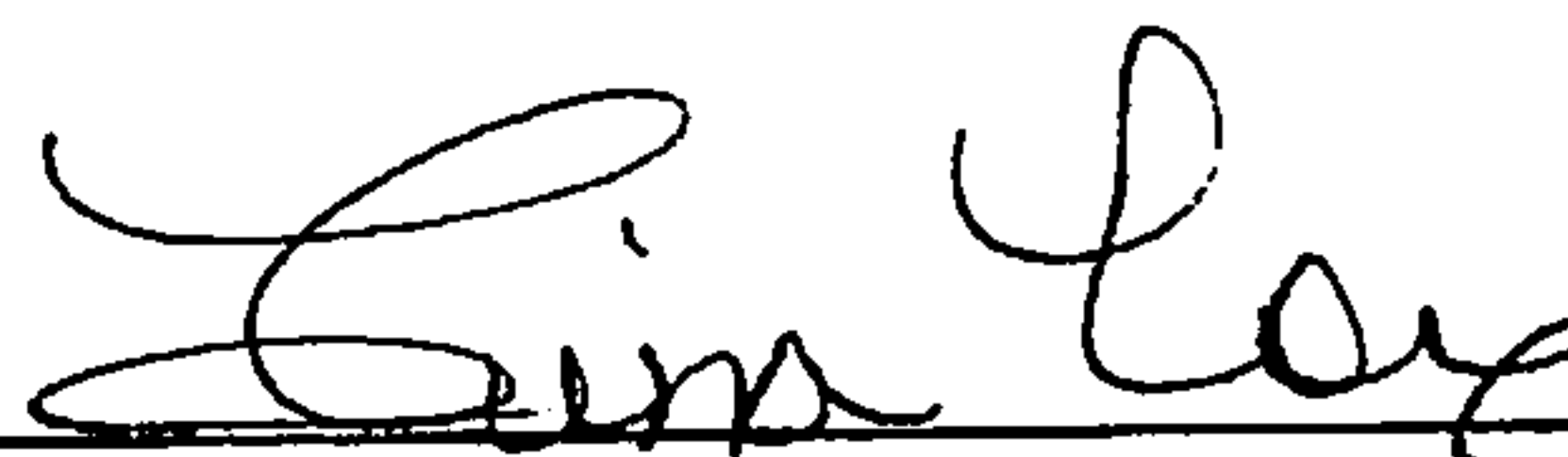
ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 600.

COMPASS BANK



Teresa Dever  
Vice President  
TC



Tina Cox  
Vice President





## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

September 19, 2013

Ruth Lozano  
Isaacson and Arfman, P.A.  
128 Monroe St. NE/87108  
Phone: (505) 268-8828/Fax: (505) 268-2632  
E-Mail: [Ruthl@iacivil.com](mailto:Ruthl@iacivil.com)

Dear Ruth:

Thank you for your inquiry of **September 19, 2013** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – MCMAHON MARKETPLACE, PHASE 2, LOCATED ON MCMAHON BOULEVARD NW BETWEEN UNSER BOULEVARD NW AND FINELAND DRIVE NW** zone map **A-11**.

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

### TUSCANY N.A. "R"

Harry Hendriksen, P.O. Box 6270/87197 344-0822 (o)

Janelle Johnson, P.O. Box 6270/87197 344-0822 (o)

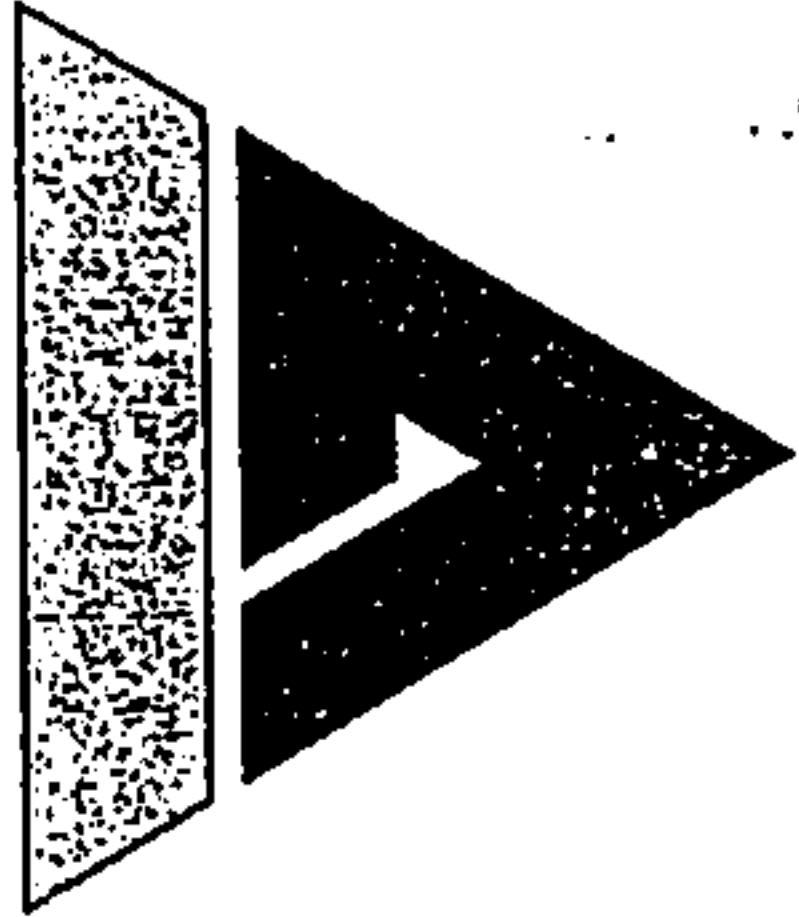
Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred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

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**LETTERS MUST BE SENT TO BOTH CONTACTS  
OF EACH NEIGHBORHOOD AND/OR  
HOMEOWNER ASSOCIATION FOR THIS  
PLANNING DEPARTMENT SUBMITTAL.**



# Isaacson & Arfman, P.A. Consulting Engineering Associates

Thomas O. Isaacson, PE(Ret.) & LS(Ret) · Fred C. Arfman, PE · Asa Nilsson-Weber, PE

September 19, 2013

CERTIFIED MAIL – 7005 1160 0001 1329 9089

Janelle Johnson  
Tuscany Neighborhood Association  
P.O. Box 6270  
Albuquerque, NM 87197

**RE: McMahon Marketplace, Phase 2  
(DRB Project No. 1005280)**

Dear: Ms. Johnson:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Tuscany Neighborhood Association that a request for approval of a Major Subdivision Improvements Agreement Extension is being submitted to the City of Albuquerque Development Review Board.

This request does not change the approved site in any way. It will allow for time to construct Phase 2 improvements in the public rights-of-way.

Please feel free to call our office at 268-8828 if additional information is desired on this action.

Sincerely,

**ISAACSON & ARFMAN, P.A.**

Genny L. Dobart, PE  
GLD/rtl  
Attachment

7005 1160 0001 1329 9089

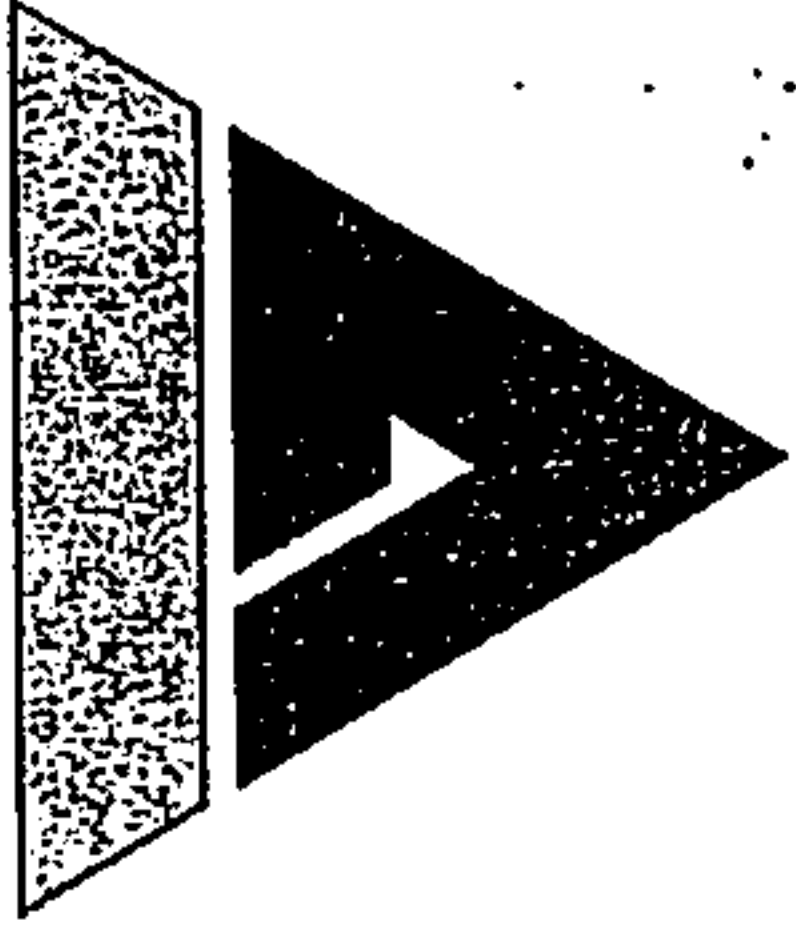
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Certified Fee	\$ 3.10
Return Receipt Fee (Endorsement Required)	\$ 2.55
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>

ALBUQUERQUE NM 87197

HIGHLAND STATION USPS 8666-8018  
SEP 19 2013  
Postmark Here  
ALBUQUERQUE NM 87108

Sent To	Janelle Johnson
Street, Apt. No.; or PO Box No.	Tuscany Neighborhood Assoc. P.O. Box 6270
City, State, ZIP+4	Albuquerque, NM 87197

PS Form 3800, June 2002 See Reverse for Instructions



# Isaacson & Arfman, P.A. Consulting Engineering Associates

Thomas O. Isaacson, PE(Ret.) & LS(Ret) · Fred C. Arfman, PE · Asa Nilsson-Weber, PE

September 19, 2013

CERTIFIED MAIL – 7005 1160 0001 1329 9072

Harry Hendriksen  
Tuscany Neighborhood Association  
P.O. Box 6270  
Albuquerque, NM 87197

**RE: McMahon Marketplace, Phase 2  
(DRB Project No. 1005280)**

Dear: Mr. Hendriksen:

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Please feel free to call our office at 268-8828 if additional information is desired on this action.

Sincerely,

**ISAACSON & ARFMAN, P.A.**

Genny L. Donart, PE  
GLD/rtl  
Attachment

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ALBUQUERQUE NM 87197  
 HIGHWAY STATION US 0108 8666-8018 NM 87108  
 SEP 19 2013  
 17 Postman Here  
 09/19/2013

Sent To	Harry Hendriksen
Street, Apt. No.; or PO Box No.	Tuscany Neighborhood Assoc. P.O. Box 6270
City, State, ZIP+4	Albuquerque, NM 87197

PS Form 3800, June 2002 See Reverse for Instructions

October 16, 2013