

5517

DXF Electronic Approval Form

DRB Project Case #: 1005517

Subdivision Name: ENVIRCO TRACT TRACT B LOTS 2A1 & 2A2

Surveyor: RONALD A FORSTBAUER


Contact Person: RONALD A FORSTBAUER

Contact Information: 268-2112

DXF Received: 5/17/2007

Hard Copy Received: 5/17/2007

Coordinate System: Ground rotated to NMSP Grid


Approved

5-17-2007
Date

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

AGIS Use Only

Copied fc **5517** to agiscov on **5/17/2007** Contact person notified on **5/17/2007**



PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
04/25/07	ENVIRO TRACT 1005517	SKETCH	

*Index
referred
at AL*

*Comments
General agent
per S. Matton
5/17/07*

	<i>Same Proj 1005517</i>	<i>Preld final Internal Routing</i>	<i>Approved 5/18/07</i>
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CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005517 AGENDA ITEM NO: 10

SUBJECT:

1005517

Sketch Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

P.O. Box 1293

~~No adverse comments.~~
Cross-lot drainage

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

Indef

APPROVED ___; DENIED ___; DEFERRED X; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: APRIL 25, 2007

0

)

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

DRB- 1005517 Item No. 10 Zone Atlas E-17

DATE ON AGENDA 4-25-07

INFRASTRUCTURE REQUIRED () YES () NO

CROSS REFERENCE: _____

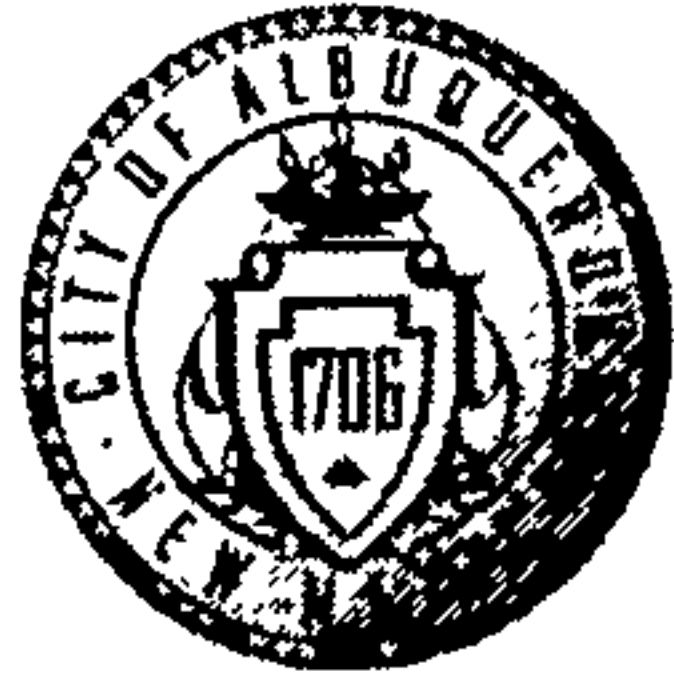
TYPE OF APPROVAL REQUESTED:

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

No. Comment

- 1) What is proposed for lot 2-A-1? Are the uses changing for lot 2-A-2?
- 2) Jefferson is a minor arterial and requires bikelanes. In addition, a median turn lane is needed in this area.
- 3) Cross sections of the new section are needed to evaluate dedications and required improvements.
- 4) Are the existing driveways in place? The south drive seems inadequate.
- 5) Will the west lot only have one access point? Or will there be cross access between the tracts?

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



IMPACT FEES – # 1005517

Development Review Board 4/25/07 Agenda Item #10 Sketch Plat: Lot 2A, Tract B, Envirco Tract Subdivision

Construction for the proposed new office warehouse use will require payment of Impact Fees. Drainage fees will be \$10,208 per impervious acre. Public Safety Fees will be \$100 per 1,000 square feet of floor area for the office use and they will be \$111 per 1,000 square feet of floor area for the warehouse use. Roadways Fees will be \$4,412 per 1,000 square feet of floor area for the office use and they will be \$1,546 per 1,000 square feet of floor area for the warehouse use.

Fees for the vacant lot will be determined upon submittal of a proposed use and site development plan.

**JACK CLOUD
IMPACT FEE ADMINISTRATOR**

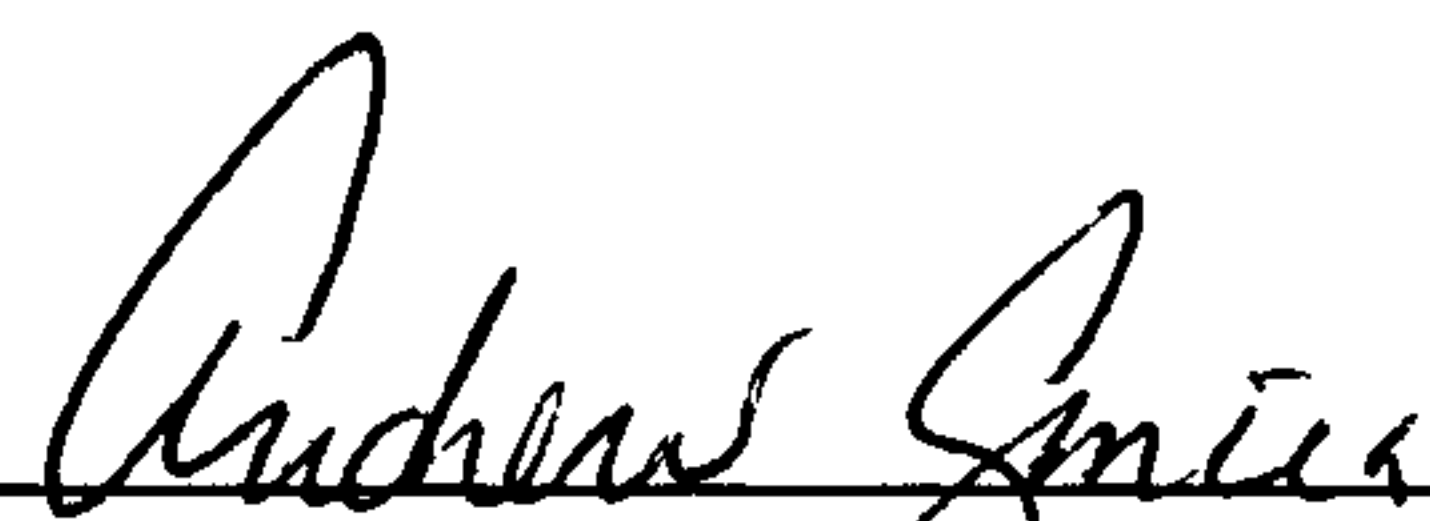
**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
April 25, 2007
DRB Comments**

ITEM # 10

PROJECT # 1005517 APPLICATION # 07-00506

RE: Lot 2-A, Tract B, Enviro Tract/sketch

Planning has no adverse comments to this request.



Andrew Garcia, Planning Alternate
agarcia@cabq.gov 924-3858



DEVELOPMENT REVIEW BOARD
Agenda
Plaza del Sol Building Basement Hearing Room

February 10, 2016

MEMBERS:

Jack Cloud..... DRB Chair
 Racquel Michel Transportation Development
 Kris Cadena ABCWUA
 Rita HarmonCity Engineer
 Carol Dumont..... Parks & Recreation

Angela Gomez ~ Administrative Assistant

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

1. ~~Project#-1005517~~
 16DRB-70039 VACATION OF PRIVATE EASEMENT
 16DRB-70042 EPC APPROVED SDP FOR SUBDIVISION
 16DRB-70046 PRELIMINARY/ FINAL PLAT APPROVAL
 TIERRA WEST LLC & CARTESIAN SURVEYS INC agent(s) for ARGUS FEFFERSON PARTNERS, LLC request(s) the above action(s) for all or a portion of Lot(s) 2-A-1, 2-A-2 & 2-A-1, 2-A-2, Tract(s) B, **ENVIRCO TRACT** zoned M-1, located on JEFFERSON ST BETWEEN OSUNA RD AND ELLISON ST containing approximately 7.1472 acre(s). (E-17) **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING AND WATER AUTHORITY. THE VACATION AND THE PRELIMINARY/FINAL PLAT WERE INDEFINITELY DEFERRED.**

Current DRC
Project Number: _____

FIGURE 12

Date Submitted: 1/29/16

Date Site Plan Approved: _____

Date Preliminary Plat Approved: _____

Date Preliminary Plat Expires: _____

DRB Project No.: _____

DRB Application No.: _____

INFRASTRUCTURE LIST

(Rev 9-20-05)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST
LOTS 1-4, INDEPENDENCE SQUARE
PROPOSED NAME OF PLAT**

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		12' F-E	Arterial Paving 6' Sidewalk, Curb & Gutter	Jefferson Street, NE	70' north of Property Line	60' south of Property Line	/	/	/
		-	Traffic Signal	Jefferson Street, NE	Jefferson Street	Private Roadway	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

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

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

NOTES

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

1
2
3

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

VINCENT CARRICA, PE

NAME (print)

TIERRA WEST, LLC

FIRM

[Handwritten Signature] 1-29-16

SIGNATURE - date

DRB CHAIR - date

PARKS & RECREATION - date

TRANSPORTATION DEVELOPMENT - date

AMAFCA - date

UTILITY DEVELOPMENT - date

_____ - date

CITY ENGINEER - date

_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West, LLC PHONE: 505-858-3100
 ADDRESS: 5571 Midway Park Place, NE FAX: 505-858-1118
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: rrb@tierrawestllc.com

APPLICANT: Argus Jefferson Partners, LLC Jeff Jesionowski PHONE: 505-855-7602
 ADDRESS: 4700 Montgomery Blvd. NE Suite 200 FAX: 505-837-0633
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: jeff@amcdevelopment.net

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: Final Sign-off for EPC Approved Site Development Plan for Subdivision

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. LT 2-A-1 & 2-A-2 of Tract B Plat of Lots 2-A-1 & 2-A-2 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Envirco Tract
 Existing Zoning: M-1 Proposed zoning: M-1 MRGCD Map No _____
 Zone Atlas page(s): E-17-Z UPC Code: 101706228445410108/101706231145410107

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): _____
1005517

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? N/A
 No. of existing lots: 2 No. of proposed lots: 4 Total site area (acres): 7.1472 acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Jefferson Street
 Between: Osuna Rd and Ellison St

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

SIGNATURE [Signature] DATE 1-27-16

(Print Name) Ronald R. Bohannon Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>16DRB - 70042</u>	<u>SBP</u>	_____	\$ <u>0</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
Hearing date <u>February 10, 2016</u>				Total
_____ <u>1-29-16</u>				\$ <u>20.00</u>
Staff signature & Date				Project # <u>1005517</u>

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.**

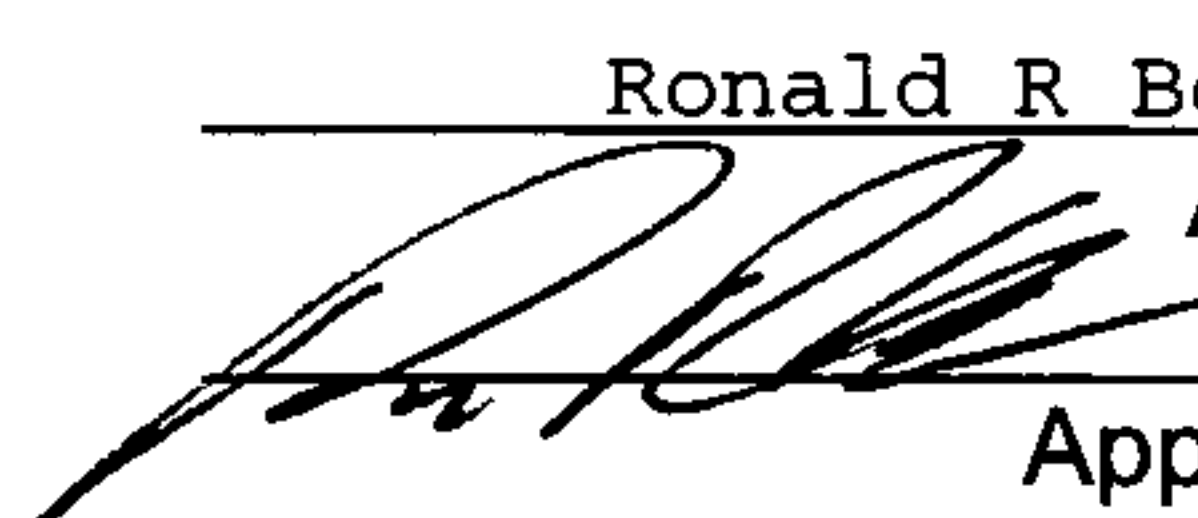
- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
 - Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - DRB signed Site Plan being amended (folded 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.**

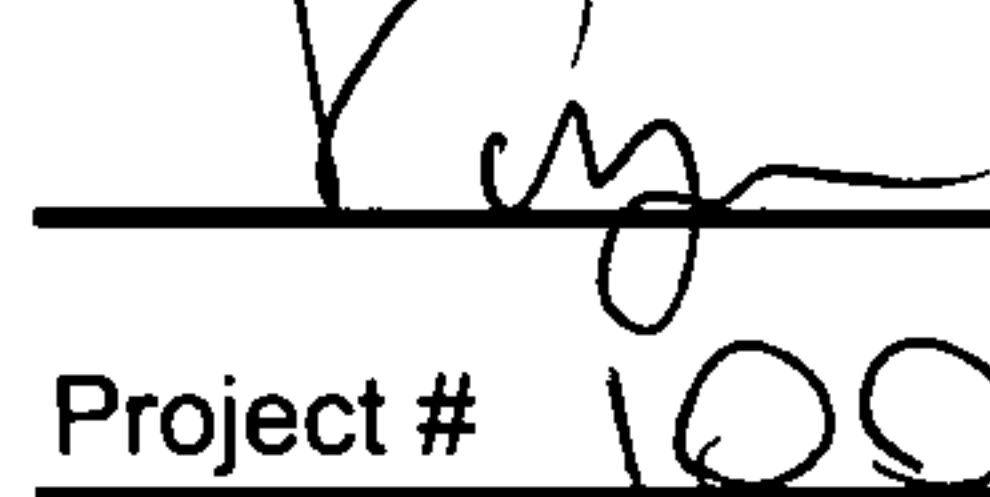
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Ronald R Bohannon

 Applicant name (print)
 Applicant signature / date 1/27/16

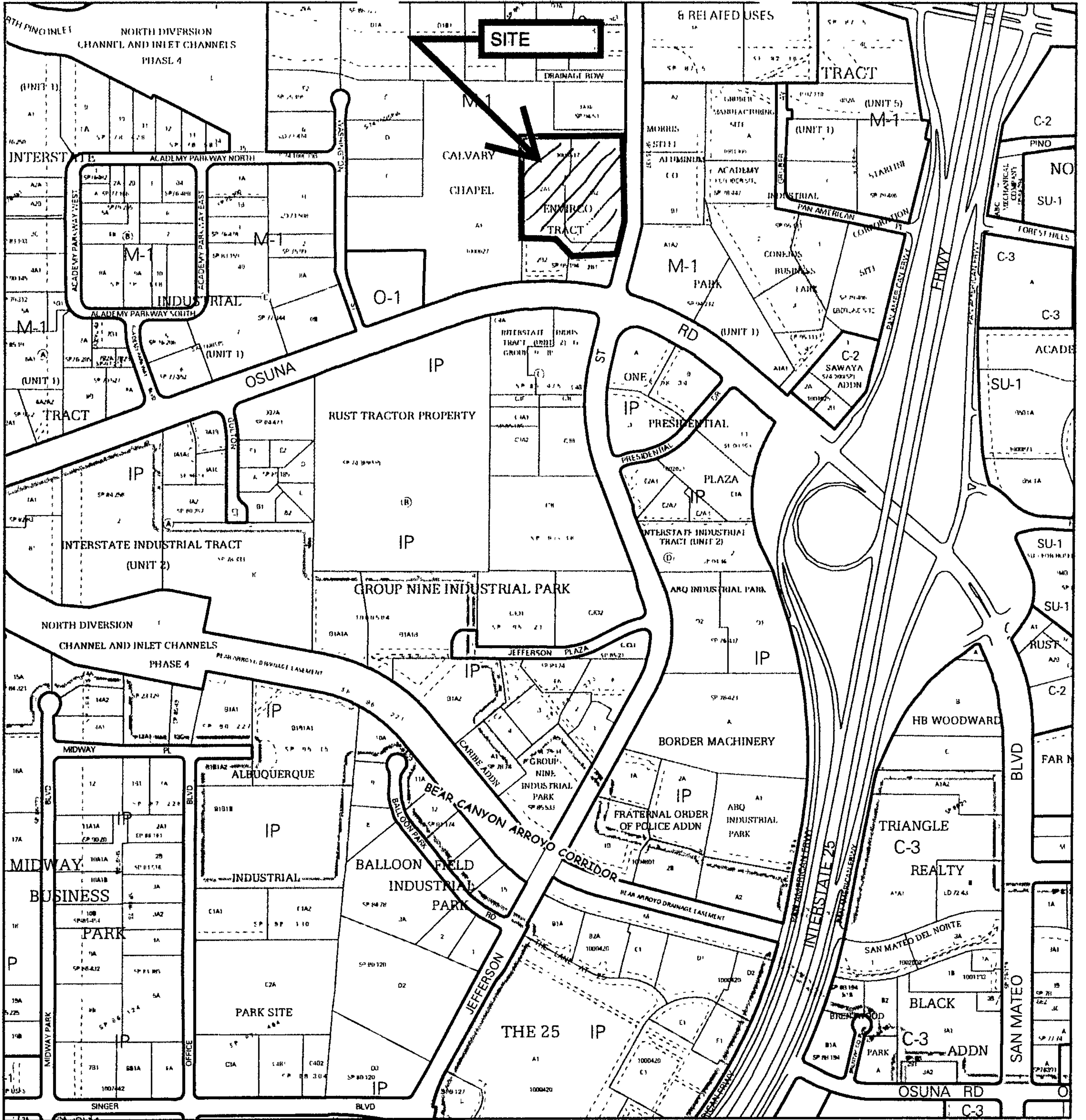


Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 16DRB- _____ - 70042


 Planner signature / date 1-29-16

Project # 1005517



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

AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
E-17-Z

Selected Symbols

0 750 1,500 Feet

TIERRA WEST, LLC

January 29, 2016

Mr. Jack Cloud, Chair
Development Review Board n
City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

**RE: JEFFERSON & OSUNA
SITE DEVELOPMENT PLAN FOR SUBDIVISION
CONDITIONS OF APPROVAL-15 EPC-40021**

Dear Mr. Cloud

Per the Official Notice of Decision we are requesting the approval of the Site Plan for Subdivision for the above reference project. The following address how each of the conditions have been met:

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

This letter specifies how the Site Plan for Subdivision was modified to address EPC conditions.

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 met with Catalina Lehner, Planner on January 21, 2016 to confirm all conditions were met and to the best of our knowledge meet those conditions.

3. Future site development plans for building permit shall comply with the design standards.

The proposed development plans will comply with the design standards.

4. Site Development Plan for Subdivision:
The monument sign proposed along the private drive, on the subject site's northern side, shall be removed because it is not allowed pursuant to Zoning Code 14-16-3-2, Shopping Center Regulations.

The sign along the private drive was removed from the plan as shown on the Site Development Plan.

5. Design Standards-Clarification & Future Review:

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

- A. The requirement that pedestrian pathways be clearly demarcated with a contrasting material (ex. textured concrete) shall be stated [Subsection 3-1(H)(1), General Parking Regulations].

A note was added to the Design Standards stating this requirement (see attached redlines)

- B. The requirement for a minimum 8 foot sidewalk along building facades shall be listed [14-16-3-18(C)(1), General Building and Site Design Regulations for Non-Residential Uses].

A note was added to the Design Standards stating this requirement (see attached redlines).

- C. The requirement for outdoor seating for major facades greater than 100 feet in length shall be listed [14-16-3-18 (C)(3), General Building and Site Design Regulations for Non- Residential Uses].

A note was added to the Design Standards stating this requirement (see attached redlines).

- D. Pursuant to the Shopping Center Regulations, Signage Standard F shall be clarified to indicate that monument signs are allowed at the rate of 1 for each 300 feet of frontage on an arterial roadway. The signs do not have to be spaced 300 feet apart as stated in the proposed standard.

A note was added to the Design Standards stating this requirement (see attached redlines). The length of frontage along Jefferson Blvd will allow for two monument signs.

- E. Instances of "should" in the Utilities introductory language and Signage introductory language shall be changed to "shall" as to not contradict subsequent language in each section.

All instances of "should" in the Design Standards have been changed to "shall" (see attached redlines).

6. The following conditions from Transportation Planning Staff shall be met:

- A. Indicate that sufficient space within the site properties will be provided to accommodate required number of parking spaces for the proposed development. Traffic Circulation Layout requirements shall be followed as per the development Process Manual, Chapter 23.

A note was added to the Site Plan for Subdivision stating this requirement (see attached redlines).

- B. Based on proposed site access locations, provide copies of all access agreements with adjacent properties.

Copies of access agreements are attached to this letter. The recorded agreements will be provided to DRB at the hearing.

- C. Show existing sidewalk facilities on Osuna and on Jefferson. Label existing driveway width for the westernmost driveway onto Osuna Road. Also, show all three existing driveways and respective driveway widths off of Osuna Road that are being utilized by the proposed development as indicated in the Traffic Impact Study dated May 28, 2015.

Existing sidewalk facilities on Osuna & Jefferson and existing drives with respective widths on Osuna were added to the Site Plan for Subdivision (see attached redlines).

- D. A six-foot sidewalk from handicapped parking spaces and from existing sidewalk on public right-of-way to the proposed doorways for the new buildings will be required for the proposed development. All ADA accessibility guidelines shall apply for the proposed traffic circulation layout.

A note was added to the Design Standards stating this requirement (see attached redlines).

- E. Developer will be required to implement improvements that are recommended in the approved Traffic Impact Study.

Agree to general comment. An Infrastructure List with the proposed improvements which track with the recommendation from the study will be provided with Site Plan for Building Permit submittals.

- F. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)

Agree to general comment and will provide an infrastructure list for the improvements with Site Plan for Building Permit submittals.

7. The following conditions from PNM shall be met:

- A. PNM easements are located on the northwest portion of the property. It is the applicant's obligation to abide by any conditions or terms of those easements.

A vacation request was submitted Jan 29th for DRB vacation showing the existing easements that serviced the previous use that no longer exists. New easements will be granted for the required new PNM facilities to service the new development.

- B. On the Design Standards Sheet in the section entitled "Screening, Fencing and Walls" delete "Public Utility Structures" and insert the following language as an additional bullet:

"Screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

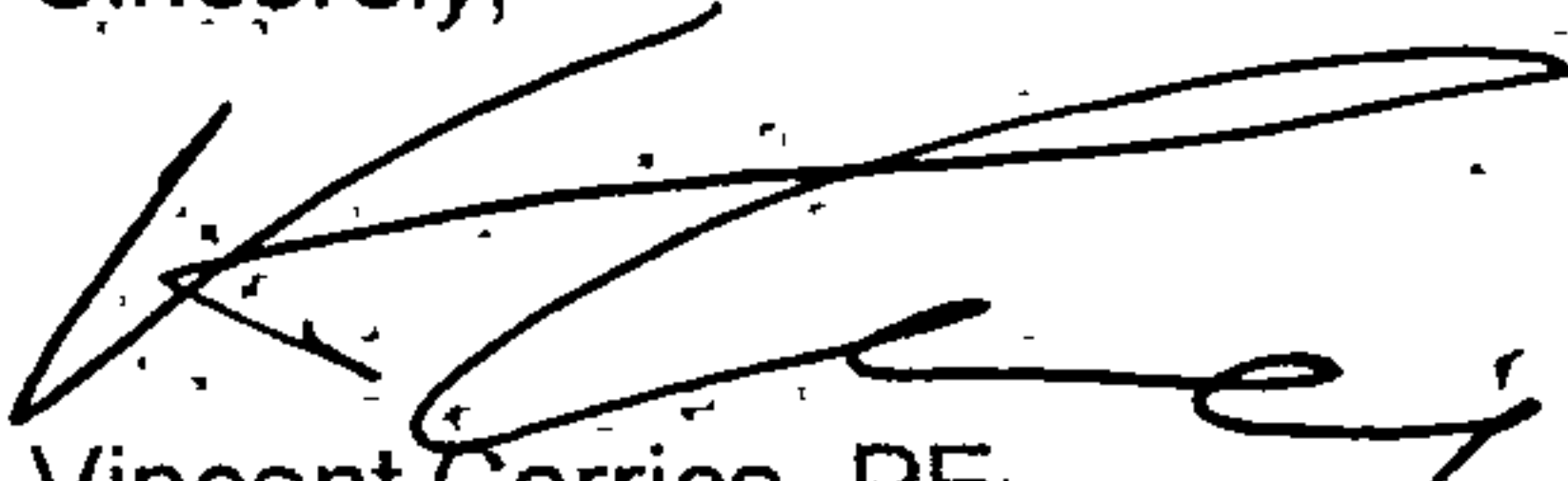
This note was added to the Design Standards (see attached redlines).

- C. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances. Contact Mike Moyer, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107.

Agree to general comment and we are in contact with PNM for routing of lines along with new service to the site.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



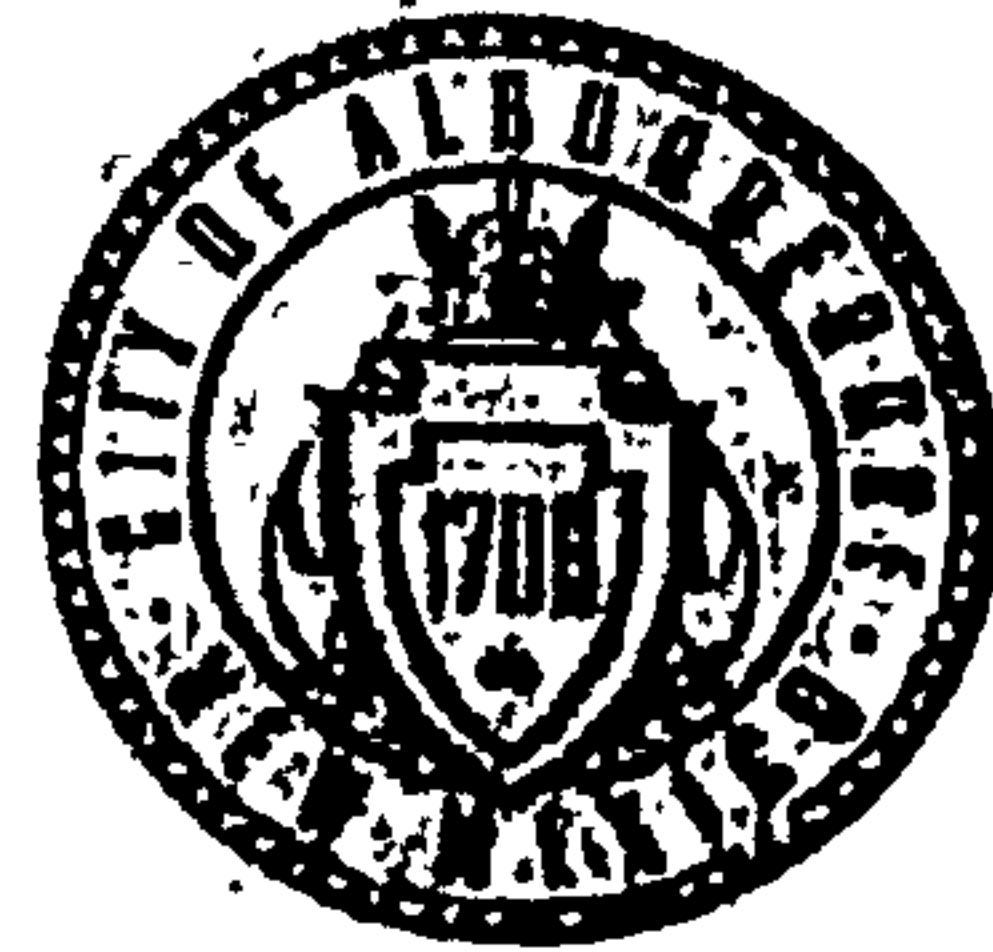
Vincent Carrica, PE

JN: 2014065

VC/rrb/jg

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

December 11, 2015

Argus Jefferson Partners, LLC
Attn: Jeff Jesionowski
4700 Montgomery Blvd. NE, #200
Albuquerque, NM 87109

Project# 1005517
15EPC-40021 Site Development Plan for Subdivision

LEGAL DESCRIPTION:

The above action for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Envirco Tract (being a replat of Lot 2-A, Tract B), zoned M-1, located on Jefferson Street NE, between Osuna Road NE and Ellison Street NE, containing approximately 7.2 acres. (E-17)
Staff Planner: Catalina Lehner

PO Box 1293

On December 10, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1005517/15EPC-40021, a Site Development Plan for Subdivision, based on the following findings:

Albuquerque FINDINGS:

1. The subject request is for a site development plan for subdivision, with design standards, for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Envirco Tract (being a replat of Lot 2-A, Tract B), an approximately 7.2 acre site located on the western side of Jefferson St. NE, between Osuna Rd. NE and Ellison St. NE (the "subject site").
2. The subject site, zoned M-1 Light Manufacturing Zone, is presently vacant. The previously existing warehouse was demolished. The applicant proposes to consolidate the two existing lots, subdivide them and create four new lots in order to develop commercial uses, such as a restaurant with a drive-up service window, a bank, and a possible office building.
3. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan and is located within the Journal Center Major Activity Center. The North Valley Area Plan (NVAP) also applies.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the NVAP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. Because the subject site is greater than 5 acres in size, it is a Shopping Center (SC) site by definition and is subject to the regulations of Zoning Code §14-16-3-2 and review by the

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Environmental Planning Commission (EPC).

6. The request generally furthers the Established Urban Goal of the Comprehensive Plan because it would result in development of some retail uses and a future office building, which generally would contribute to variety and maximum choice in the Jefferson Corridor area. The Jefferson Corridor area is part of Journal Center, which is a Major Activity Center. The design standards would generally help create quality development and create a visually pleasing built environment.
7. The request furthers the following, applicable Land Use policies in the Comprehensive Plan:
 - A. Policy II.B.5d-neighborhood values/natural environmental conditions. The location and intensity of the proposed development would generally respect conditions in the immediate area, which is primarily zoned M-1. The design standards would generally help ensure that new development respects scenic resources by limiting FAR and providing internal and external connectivity. Staff has not received any comments as of this writing.
 - B. Policy II.B.5e-new growth/urban facilities. The subject site is vacant and contiguous to a developed area served by existing urban facilities. No neighborhoods are nearby to be affected by development on the subject site.
 - C. Policy II.B.5k- land/arterial streets/traffic effects. The subject site is adjacent to Jefferson St. NE, a Minor Arterial, and is separated from Osuna Rd. NE, a Major Arterial, by two, relatively small lots. Transportation Staff provided comments that, when addressed, would help minimize harmful effects of traffic. The TIS indicates that there would be no significant, adverse effects on the nearby roadway system.
 - D. Policy II.B.5l-quality design/new development. The proposed architectural standards would require quality building materials and articulation, and would result in "modern" style buildings that would generally create quality. The buildings would be cohesive in terms of design and materials.
8. The request partially furthers the following Comprehensive Plan Goal and policy regarding Activity Centers:
 - A. Goal. The subject site is located in the Journal Center Major Activity Center (MAC), which is designated in the Comprehensive Plan (see Figure 30). The most intense uses in the City are intended to be in MACs (ex. Downtown, Uptown and Cottonwood). The request would add economic activities, such as retail and eventually an office use, which could help reduce auto travel needs and urban sprawl, though the uses would not be as moderate or high density as desired in a MAC. The cost-effectiveness of City services would not be maximized to the extent that it could be.
 - B. Policy II.B.7a- mixed use/transit and pedestrian access/cost-effectiveness of services. Retail and office uses are generally intended to be located in Activity Centers. However, the envisioned retail uses would be small and auto-oriented and the office building would be relatively low density and low in height compared to what is intended and allowed for a MAC according to Table 22 (ex. FARs of 1.0 and greater, 3 story and higher buildings). The cost effectiveness of City services would not be maximized to the extent that it could be.

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9. The request furthers the following applicable General Goals of the North Valley Area Plan (NVAP):
 - A. General Goal #6: The subject site is located in an already developed/established commercial industrial area and is zoned M-1 Manufacturing Zone. The design standards would provide sufficient guidance to ensure quality development and redevelopment of the subject site.
 - B. General Goal #11: The request would result in commercial development within the I-25 corridor of the NVAP.
10. Design standards are proposed for the entire, approximately 7.2 acre site. Delegation of approval authority to the Development Review Board (DRB) is requested.
11. A Traffic Impact Study (TIS) was required. The land uses modeled include fast-food with drive-up service window, banks, retail and office uses.
12. Since the subject site is greater than 5 acres in size and a site development plan is proposed, the Albuquerque Archaeological Ordinance (Bill No. O-07-72) applies. The City Archaeologist issued a Certificate of No Effect due to lack of significant archaeological sites in the area and extensive, prior land disturbance.
13. The affected neighborhood organizations are the Alameda North Valley Association, the District 4 Coalition of Neighborhood Associations (NAs), and the North Valley Coalition. The applicant notified them as required. As of this writing, Staff has not received any written comments. A representative of the church inquired about the request, but has not expressed any concerns.

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. Future site development plans for building permit shall comply with the design standards.
4. Site Development Plan for Subdivision:
The monument sign proposed along the private drive, on the subject site's northern side, shall be removed because it is not allowed pursuant to Zoning Code 14-16-3-2, Shopping Center Regulations.

5. **Design Standards—Clarification & Future Review:**
 - A. The requirement that pedestrian pathways be clearly demarcated with a contrasting material (ex. textured concrete) shall be stated [Subsection 3-1(H)(1), General Parking Regulations].
 - B. The requirement for a minimum 8 foot sidewalk along building facades shall be listed [14-16-3-18(C)(1), General Building and Site Design Regulations for Non-Residential Uses].
 - C. The requirement for outdoor seating for major facades greater than 100 feet in length shall be listed [14-16-3-18(C)(3), General Building and Site Design Regulations for Non-Residential Uses].
 - D. Pursuant to the Shopping Center Regulations, Signage Standard F shall be clarified to indicate that monument signs are allowed at the rate of 1 for each 300 feet of frontage on an arterial roadway. The signs do not have to be spaced 300 feet apart as stated in the proposed standard.
 - E. Instances of "should" in the Utilities introductory language and the Signage introductory language shall be changed to "shall" as to not contradict subsequent language in each section.
6. The following conditions from Transportation Planning Staff shall be met:
 - A. Indicate that sufficient space within the site properties will be provided to accommodate required number of parking spaces for the proposed development. Traffic Circulation Layout requirements shall be followed as per the Development Process Manual, Chapter 23.
 - B. Based on proposed site access locations, provide copies of all shared access agreements with adjacent properties. The access agreements shall be recorded.
 - C. Show existing sidewalk facilities on Osuna and on Jefferson. Label existing driveway width for the westernmost driveway onto Osuna Road. Also, show all three existing driveways and respective driveway widths off of Osuna Road that are being utilized by the proposed development as indicated in the Traffic Impact Study dated May 28, 2015.
 - D. A six-foot sidewalk from handicapped parking spaces and from existing sidewalk on public right-of-way to the proposed doorways for the new buildings will be required for the proposed development. All ADA accessibility guidelines shall apply for the proposed traffic circulation layout.
 - E. Developer will be required to implement improvements that are recommended in the approved Traffic Impact Study.
 - F. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
 - G. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
7. The following conditions from PNM shall be met:
 - A. PNM easements are located on the northwest portion of the property. It is the applicant's obligation to abide by any conditions or terms of those easements.

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- B. On the Design Standards Sheet in the section entitled "Screening, Fencing and Walls" delete "Public Utility Structures" and insert the following language as an additional bullet:
"Screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications."
- C. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances. Contact:
Mike Moyer, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 28, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th 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 through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permits.

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submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

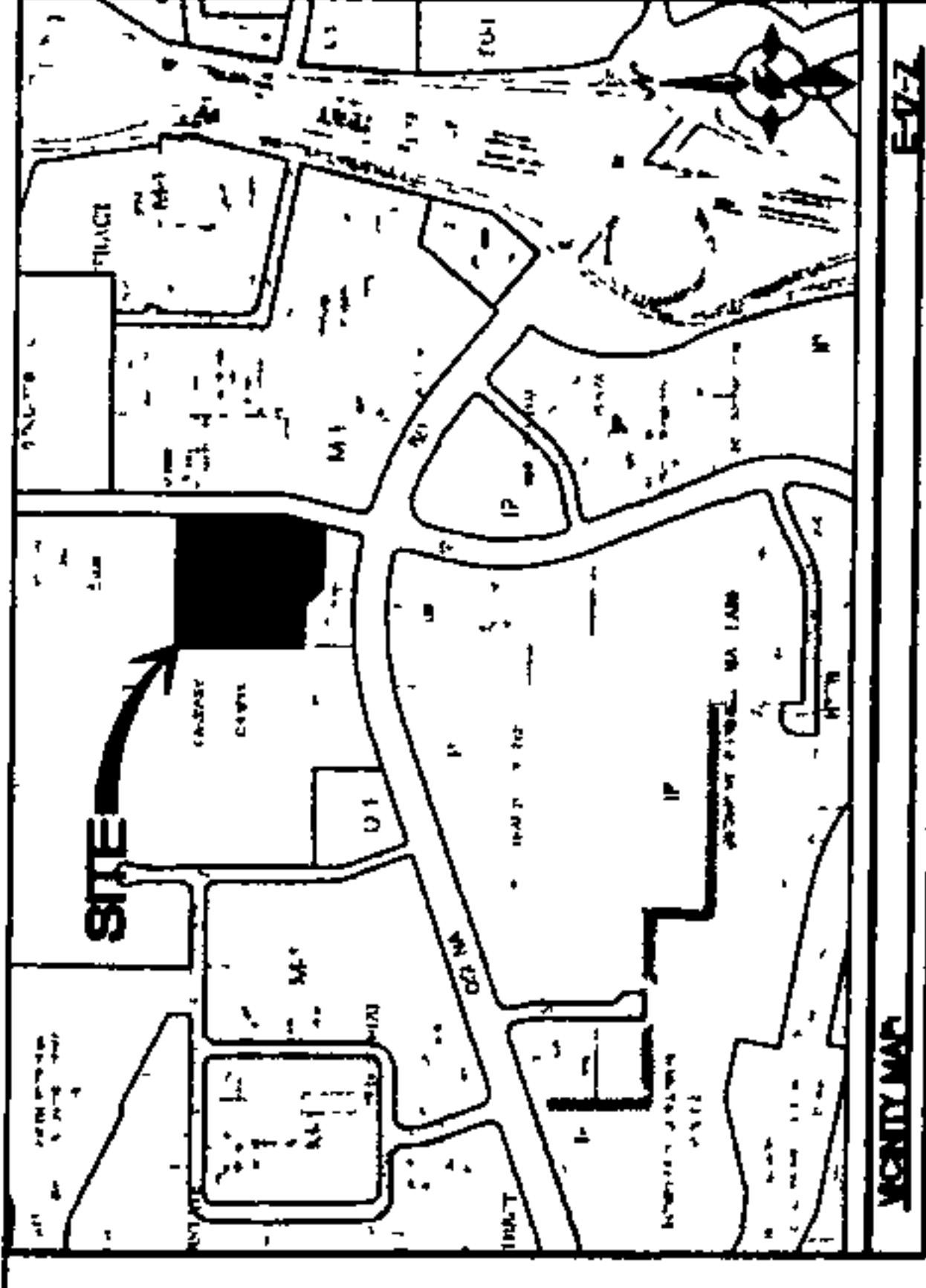
DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


For Suzanne Lubar
Planning Director

SL/CLL

cc: Argus Jefferson Partners, Attn: Jeff Jesionowski, 4700 Montgomery Blvd. NE #200, ABQ, NM 87109
Tierra West, LLC. Attn: Vince Carrica, 5571 Midway Park Place NE, Albuquerque, NM 87109
DPS, Attn: Chris Gunning, 7601 Jefferson NE, Suite 100, Albuquerque, NM 87109
Steve Wentworth, Alameda North Valley Assoc., 8919 Boe Lane NE, Albuquerque, NM 87113
Mark Rupert, Alameda North Valley Assoc., PO Box 10454, Albuquerque, NM 87184
Michael Pridham, District 4 Coalition of NAs, 6413 Northland Ave. NE, Albuquerque, NM 87109
Peggy Neff, District 4 Coalition of NAs, 8305 Calle Soquelle NE, Albuquerque, NM 87113
Kyle Silfer, North Valley Coalition, PO Box 70232, Albuquerque, NM 87197
David Wood, North Valley Coalition, 158 Pleasant NW, Albuquerque, NM 87107



SITE INFORMATION
 LEGAL DESCRIPTION: LOT 2-A-1 AND LOT 2-A-2 ENHARD TRACT
 EXISTING ZONING: M-1
 LOT AREA: 71472 ACRES
 ADDRESS: 6701 JEFFERSON STREET, N.E.

GENERAL NOTES: **CONDITION 6A & 6D**
 1. SUFFICIENT SPACE WITHIN THE SITE PROPERTIES WILL BE PROVIDED TO ACCOMMODATE REQUIRED NUMBER OF PARKING SPACES FOR THE PROPOSED DEVELOPMENT. THE CIRCULATION LAYOUT REQUIREMENTS SHALL BE FOLLOWED AS PER THE DEVELOPMENT PROCESS MANUAL, CHAPTER 25.
 2. A SIX-FOOT SIDEWALK FROM HANDICAPPED PARKING SPACES AND FROM EXISTING SIDEWALK ON PUBLIC RIGHT-OF-WAY TO THE PROPOSED DEVELOPMENT SHALL BE PROVIDED. ALL ACCESS COULEDES SHALL APPLY FOR THE PROPOSED TRAFFIC CIRCULATION LAYOUT.

PROJECT NUMBER

APPLICATION NUMBER:

This site is consistent with the Comprehensive Zoning Ordinance and the Comprehensive Planning Commission (CPC) and the Planning Board. The site is located in the M-1 (Light Manufacturing) Zone and is zoned for light industrial use. The site is currently vacant and is being developed for a new use. The site is located in the M-1 (Light Manufacturing) Zone and is zoned for light industrial use. The site is currently vacant and is being developed for a new use.

CMB SITE DEVELOPMENT PLAN SECTOR APPROVAL:

Traffic Engineer, Transportation Division	Date
ASB/SLA	Date
Parks & Recreation Department	Date
City Engineer	Date
Environmental Health Department (conditional)	Date
Solid Waste Management	Date
DRB Chairperson, Planning Department	Date
Environmental Health, if necessary	Date

1/18/18	ADDRESS FOR COMMENTS	DATE	7/13/15
2/13/15	ADDRESS INITIAL COMMENTS	DATE	201483-SPW
4/29/18	ADDRESS INITIAL COMMENTS	DATE	SP-1
10/18/18	ADDRESS INITIAL COMMENTS	DATE	201483-SPW

REVISIONS

OWNER'S SEAL

DRAWN BY 6701 JEFFERSON ST, NE

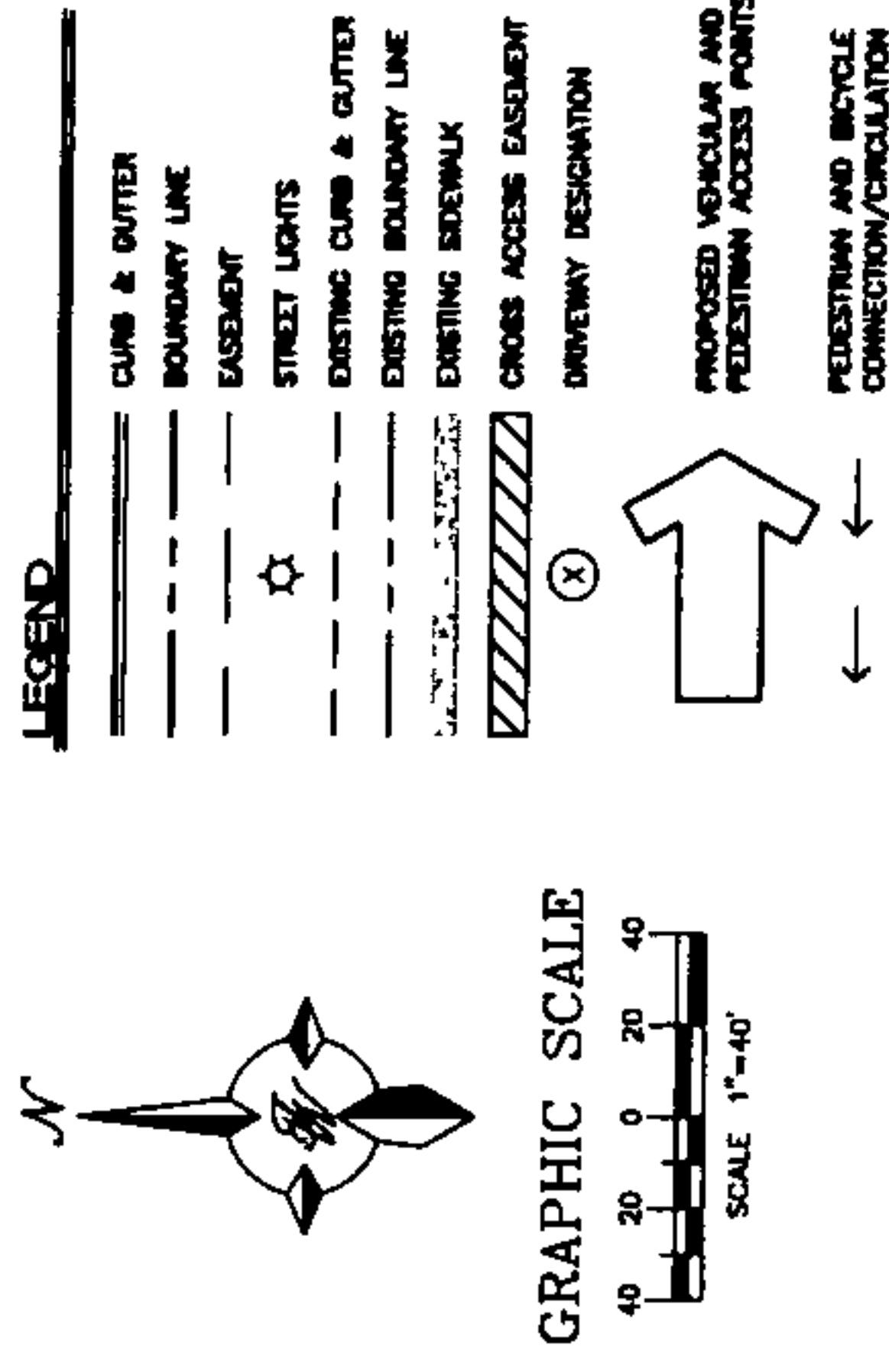
DATE 7/13/15

SITE DEVELOPMENT PLAN FOR SUBDIVISION

SHEET # SP-1

CLIENT TEMA WEST, LLC
 5371 HUNNY PARK PLACE, NE
 ALBUQUENQUE, NM 87110
 (505) 858-3100
 www.temawestllc.com

DESIGNER'S SEAL WENDY P. CAMERON
 P.E. 118212



SITE PLAN FOR SUBDIVISION - REQUIRED INFORMATION

THE SITE
 The site consists of approximately 7.15 acres and is located in the North E-25 corridor. It is bounded to the west by developed church property to the north by existing developed church parking and office property, to the east by Jefferson Street and on the south by existing retail developments.

ZONING AND PROPOSED USES
 The site is zoned M-1 (Light Manufacturing Zone). The site does not lie within a Sector Development Plan Area.

APPLICABLE PLANS
 City of Albuquerque/Bernalillo County Comprehensive Plan (Book 1)
 North Valley Area Plan

PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS
 Vehicular Access and Circulation - The applicant is requesting three access to Jefferson Street to the east in addition to one access point off the adjacent existing private drive to the north and the east. The applicant is requesting three access to Jefferson Street to the east in addition to one access point off the adjacent existing private drive to the north and the east.

TRAIL
 The property is currently served by transit facilities on Jefferson Street including an existing bus stop/stop shelter that is to remain.

BICYCLE FACILITIES
 There are existing bike lanes along Jefferson Street which provide connectivity to Bear Arroyo Trail and North Overlook Channel Trail. New bike lanes will be added by the City on Osura Road under the Osura Road Widening Project.

PEDESTRIAN FACILITIES
 Internal sidewalks and pedestrian facilities will be designed consistent with the design guidelines included in the site plan and future site plans for building permits. Existing public sidewalks along Jefferson and Osura will remain or be adjusted as development occurs within the site.

PEDESTRIAN MOVEMENT
 Pedestrian movement from off-site and between buildings shall be encouraged by providing continuous pedestrian connections through parking areas and at the sites perimeter.

BUILDING HEIGHTS AND SETBACKS
 Building shall not exceed the heights as specified in the O.S. Zone (for reference from Section 14.18.2-20) of the Comprehensive Zoning Code. Structure height up to 28 feet from the ground level. The height and width of the structure over 28 feet shall fall within 65' angle planes down from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right-of-way centerline.

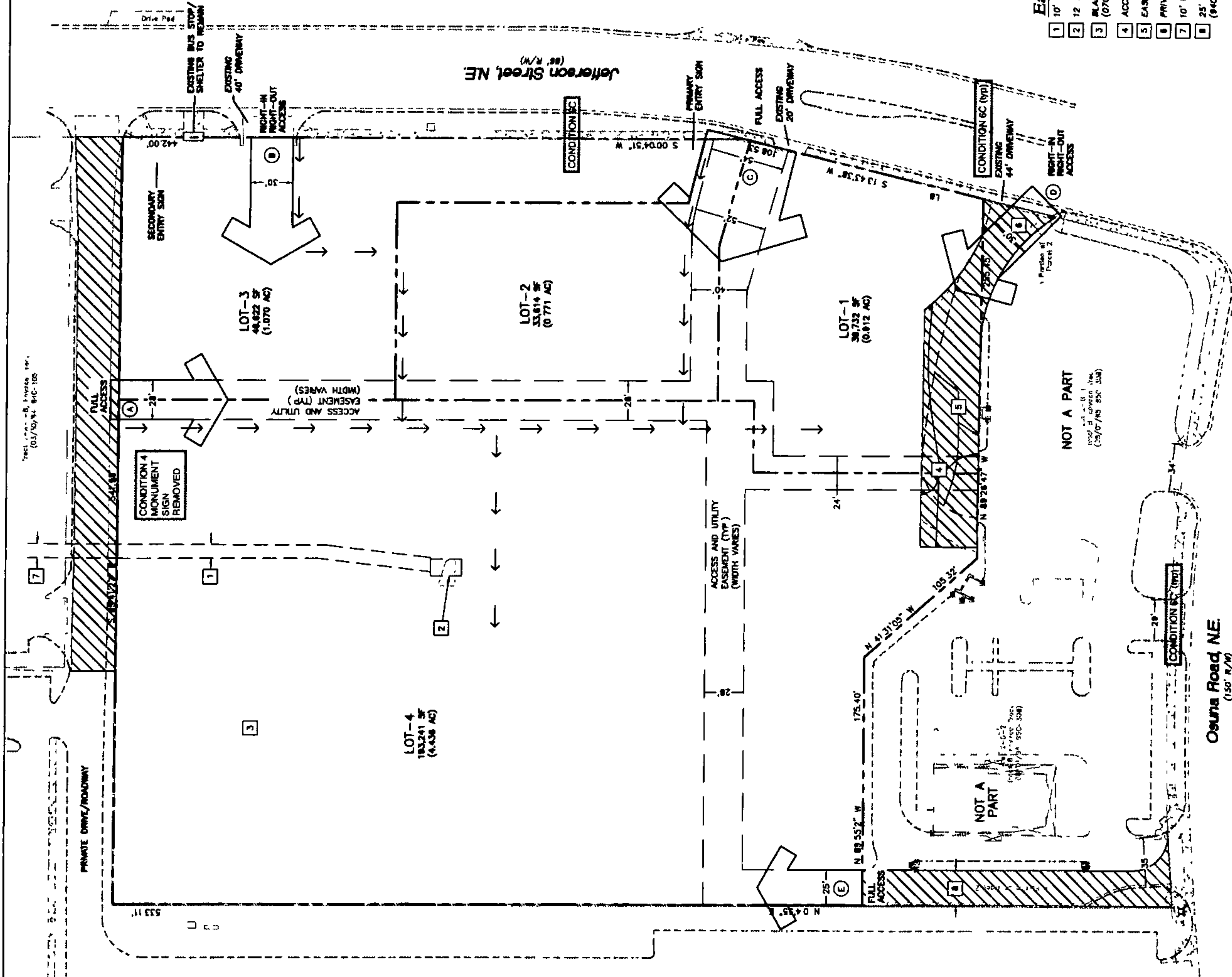
MINIMUM SIDEWALKS
 Minimum Sidewalks: 5 ft
 Corner side yard = 5 ft
 Junction of driveway/sidewalk and a public sidewalk = 11 ft

MAXIMUM F.A.R. DENSITY
 Buildings within Lots 2, 3 and 4 shall not exceed a maximum F.A.R. of 0.5. Buildings within Lot 4 shall not exceed a maximum F.A.R. of 1.0.

LANDSCAPE PLAN
 Landscape plans shall be submitted with future Site Plans for Building Permit and shall be consistent with the Water Conservation Landscaping and Water Waste Ordinance and Pollen Control Ordinance.

Easement Notes

- 10' PNM EASEMENT (94C-180, 06/02/94)
- 12 x 27' PNM SURFACE DRAINAGE EASEMENT ON LOT 2-A-1, FOR THE BENEFIT OF LOT 2-A-2 (07C-127, 05/16/07)
- ACCESS EASEMENT AGREEMENT (BK 95-21, PG. 6308-6315, 09/06/95)
- EASEMENT AGREEMENT (BK 95-9, PG. 1118-1134, 04/12/95)
- PRIVATE INGRESS & EGRESS EASEMENT & LANDSCAPE EASEMENT (94C-180, 06/02/94)
- 10' UNDERGROUND ELECTRIC EASEMENT (C20-120, 12/10/82)
- 25' PRIVATE INGRESS/EGRESS, SANITARY SEWER EASEMENT AND PRIVATE DRAINAGE EASEMENT (94C-180, 06/02/94)



DESIGN STANDARDS

I. PURPOSE & INTENT

The purpose of these Design Standards is to provide a framework for designers to understand the vision and development goals for the property, and assist them in decision making to achieve the vision and goals. The intent of these standards is to create an aesthetically pleasing, pedestrian friendly, mixed use development that adds office space and supporting retail / restaurant establishment amenities to the Journal Center area. Intended uses include a multi-story office building, with retail, restaurant establishment, and bank pads along Jefferson Street.

- a. Goals
 - i. Aesthetic treatments and material selection that provides consistency in design across the entire property
 - ii. A pedestrian friendly environment that provides pleasant outdoor spaces for users and achieves a 'park once and walk' outcome
- b. Permissive and conditional uses shall be as allowed under the M-1 Zone of the City of Albuquerque's Code of Ordinances
- c. All Design Standards are intended to meet or exceed the requirements of the City of Albuquerque's Code of Ordinances

II. SETBACKS & BUILDING HEIGHT LIMITATIONS

Although the underlying site zoning is M-1, the site is surrounded by development that consists primarily of office and retail uses. M-1 zoning references O-1 for setbacks, therefore, the setbacks and building heights shall be similar to those in O-1 zone and the nearby Journal Center area.

- a. Building setbacks shall conform to the requirements of the O-1 Zone, by reference from Section 14-16-2-20, M-1 Zone of the City of Albuquerque's Code of Ordinances except as noted below
 - i. Buildings on lots along Jefferson Street shall be setback not more than 90 feet from the public right-of-way in order to limit the amount of parking between the buildings and the street
- b. Landscape setbacks shall conform to the requirements of Section 14-16-3-10 of the City of Albuquerque's Code of Ordinances except as noted below
 - i. Parking areas along Jefferson Street shall be setback 15 feet from the public right-of-way to provide space for screening of parked cars through the use of plant materials or low walls. Where parking areas or driveways are not parallel with the street, the setback shall be an average of at least 15 feet
- c. Building heights shall be as allowed under Section 14-16-2-15, O-1 Zone of the City of Albuquerque's Code of Ordinances

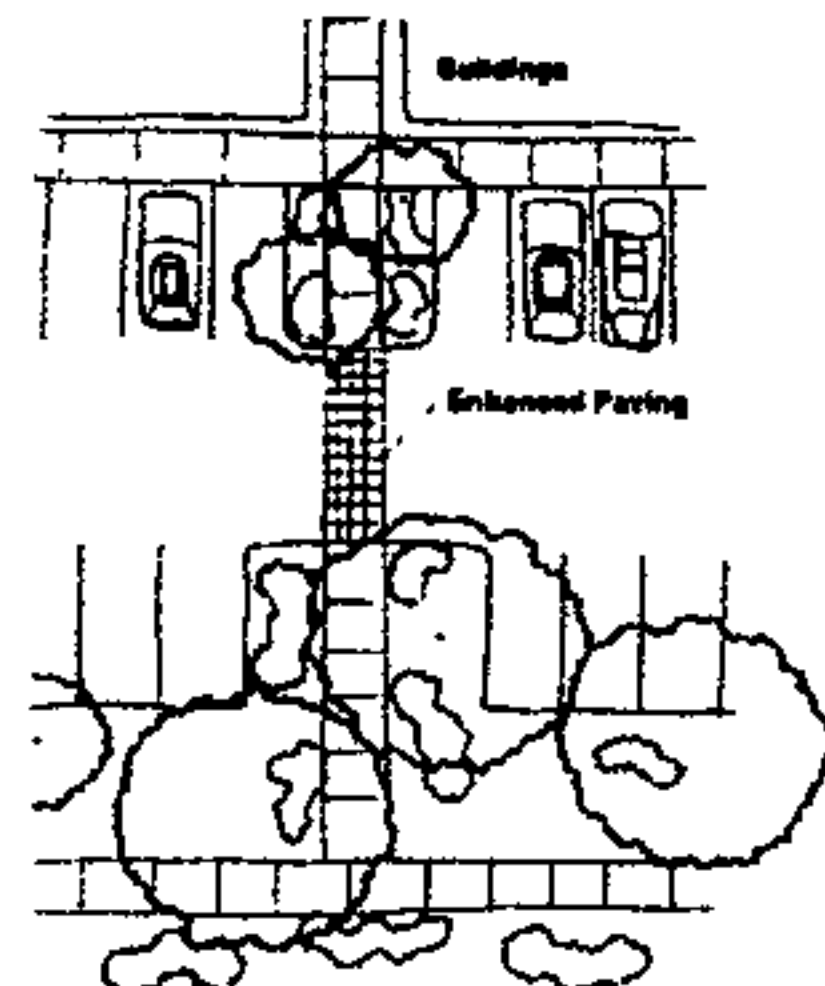
III. PARKING

In order to support the goal of creating a pedestrian friendly environment, careful attention shall be given to parking area design. To lessen its visual impact, parking shall be broken into a series of smaller areas, and views of parking from off-site shall be interrupted with screening materials.

- a. Off-street parking areas, including space size, aisle widths, pedestrian pathways, and screening, shall comply with Section 14-16-3-1 of the City of Albuquerque's Code of Ordinances
 - i. Parking areas shall be designed to include a 6 foot wide minimum pedestrian connection to buildings
 - ii. Parking shall be placed behind buildings or screened from surrounding neighborhoods by means of 2.5 to 3 foot high walls and / or landscaping. Walls shall be architecturally cohesive with surrounding buildings
- b. Bicycle parking shall comply with Section 14-16-3-1(B) of the City of Albuquerque's Code of Ordinances
 - i. To encourage non-vehicular travel, provisions for convenient on-site secure bicycle parking shall be provided near building entrances
- c. Motorcycle parking shall comply with Section 14-16-3-1(C) of the City of Albuquerque's Code of Ordinances
- d. Building orientation shall allow for clear visibility of the main entry from parking areas and pedestrian connections

- e. Grading & drainage design of parking areas shall comply with Chapter 22 of the City of Albuquerque's Code of Ordinances, and shall incorporate low impact development principles

- i. Parking islands shall allow flow of water as a water harvesting device and as required to maintain proper drainage of the site



PARKING pedestrian links should be provided between parking areas and buildings

IV. PEDESTRIAN CONNECTIONS & AMENITIES

Pedestrian connectivity plays a major role in providing a pleasing environment. The following requirements are intended to help meet the property's goal of creating a pedestrian friendly atmosphere.

- a. Pedestrian connections within parking lots shall comply with Section 14-16-3-1(H) of the City of Albuquerque's Code of Ordinances

- i. Pedestrian pathways shall be clearly demarcated with a contrasting material such as textured concrete **Condition 5A**
- ii. Pedestrian movement from off-site and between buildings shall be encouraged by providing continuous pedestrian connections through parking areas and at the site's perimeter
- iii. Parking areas shall include pedestrian connections to all buildings within the approximately seven (7) acre site
- iv. Shade provided with trees or shade structures shall be provided at pedestrian connections to enhance the pedestrian experience

- iv. Sidewalks shall be 8'-0" wide along facades of buildings per Section 14-16-3-18(C)(1) of the City of Albuquerque's Code of Ordinances **Condition 5B**

- b. A minimum 200 square feet of public space shall be provided at each restaurant establishment for outdoor seating or gathering. Public spaces for multiple restaurant establishments may be combined into one with a total area equal to 200 square feet per establishment

- i. Public space or outdoor seating shall have areas of shade and be adjacent to landscaped areas including trees or shrubs per Section 14-16-3-18(C)(4) of the City of Albuquerque's Code of Ordinances
- ii. Shade provided may include shade sails, canopies, canvas umbrellas at tables, trees, or planting materials significant enough to provide shade and refuge from the sun
- iii. Areas designated for public space or seating shall be defined with landscape elements, low seat walls, benches, planters, paving patterns, or materials distinguishable from the pedestrian sidewalk and parking areas

- c. Major facades greater than 100 feet in length shall incorporate outdoor seating per the requirements of Section 14-16-3-18(C)(3) of the City of Albuquerque's Code of Ordinances **Condition 5C**



PEDESTRIAN AREAS should include shade trees

V. LANDSCAPING

The site development landscape shall serve to enhance the visual aesthetic of the site and aid in reinforcing the street presence and pedestrian experience. The intent is to provide year round color and interest and reflect the natural environment of New Mexico landscape. A clear theme and image for the development shall be enforced throughout by consistent paving materials, plantings, signage, etc.

- a. Street trees shall be provided as per the Street Tree Ordinance (6-6-2-1 et seq., Street Tree Ordinance) of the City of Albuquerque's code of ordinances
- b. A minimum of 15% of the net site area shall be devoted to landscape materials
- c. Gravel, mulch, cobble, bark, and other similar materials are acceptable as a top dressing for the landscape areas
- d. Gravel shall be a 1-1/2" maximum, the color to be consistent with across the entire property
- e. All plant material shall be maintained by the Owner in a living, attractive condition. All areas shall be free of weeds
- f. Minimum plant material sizes at the time of installation shall be
 - i. Canopy Trees - 2" Caliper
 - ii. Evergreen Trees - 10' Minimum height
 - iii. Accent Trees - 2" Caliper
 - iv. Shrubs and Groundcovers - 1 gallon minimum
- g. Landscape plans shall comply with the City's Water Conservation Ordinance and Pollen Ordinance
- h. Drought tolerant species shall be used at landscape areas. Live plant materials shall cover a minimum of 75% of landscape areas at maturity
- i. An automatic underground irrigation system is required to support all site landscaping. The system shall be designed to avoid over-spraying onto wall, buildings, fences, sidewalks, etc. Irrigation components shall be checked periodically to ensure maximum efficiency
- j. The irrigation system serving landscaped areas shall be a fully automated system with centralized computer controls
- k. Landscape beds shall be at grade to promote water harvesting
- l. Landscape Plans shall be designed using plants selected from the following palette:

LARGE TREES

- Accolade Elm
- African Pine
- Austrian Pine
- Chinese Pistache
- Escarpment Oak
- Japanese Pagoda Tree
- Modesto Ash
- Purple Robe Locust
- Ulmus hybrid "Accolade"
- Pinus edulis
- Pinus nigra
- Pistacia chinensis
- Quercus fusiformis
- Sophora japonica
- Fraxinus velutina "Modesto"
- Robinia pseudoacacia "Purple Robe"

- Raywood Ash
- Rio Grande Cottonwood
- Texas Red Oak
- Fraxinus velutina "Raywood"
- Populus wislizenii
- Quercus buckleyi

SMALL TREES

- Chaste Tree
- Desert Willow
- Golden Ran Tree
- New Mexico Olive
- Oklahoma Redbud
- Sensation Maple
- Vitex agnus-castus
- Chilopsis linearis
- Koeleria paniculata
- Forestiera mexicana
- Cercis formosa
- Acer negundo "Sensation"

SHRUBS

- Apache Plume
- Bird of Paradise
- Blue Rubber Rabbitbrush
- Buffalo Juniper
- Creeping Mahonia
- Damianita
- Dark Knight Blue Mist Spirea
- Black Knight Butterflybush
- Dwarf Fragrant Sumac
- Fernbush
- Littleleaf Mountain Mahogany
- Moonlight Scotch Broom
- Pawnee Buttes Western Sand Cherry
- Fallugia paradoxa
- Caesalpinia gilliesii
- Ericameria nauseosus "Blue"
- Juniperus
- Mahonia repens
- Chrysothamnus mexicanus
- Caryopteris danonensis "Dark Knight"
- Buddleia davidii "Black Knight"
- Rhus aromatica "Gro-low"
- Chamaebatanium filiforme
- Cercocarpus intricatus
- Cytisus scoparius "Moonlight"
- Prunus besseyi "Pawnee Buttes"

Thompson Broom

- Threeleaf Sumac
- Turpentine Bush
- Winter Gem Boxwood

GRASSES

- Blonde Ambition Blue Grama Grass
- Blue Avena Grass
- Deergrass
- Giant Secaton
- Indian Grass
- Karl Foerster Feather Reed Grass
- Native Wonder Grass Blend
- Mexican Feathergrass
- Prairie Dropseed
- The Blues Bluestem
- Variagated Reed Grass
- Bouteloua hybrid "Stam Thompson"
- Rhus trilobata
- Encarnacionifolia
- Buxus japonica "Winter Gem"
- Bouteloua "Blond Ambition"
- Helictotrichon sempervirens
- Muhlenbergia rigens
- Sporobolus wrightii
- Sorghastrum nutans
- Calamagrostis acutiflora "Karl Foerster"
- 50% Buchloedactyloides / 50% Bouteloua gracilis
- Nasella tenuissima
- Sporobolus heterolepis
- Schizachyrium scoparium "The Blues"
- Calamagrostis acutiflora "Overdam"

ACCENTS

- Beargrass
- Broadleaf Yucca
- Desert Spoon
- Parry's Agave
- Prickly Pear Cactus
- Red Yucca
- Nolina microcarpa
- Yucca baccata
- Dasyliodon wheeleri
- Agave parryi
- Opuntia engelmannii
- Hesperaloe parviflora

PERENNIALS

- Autumn Sage varieties
- Blanketflower species
- Butterfly Weed
- Catmint species
- Germander species
- Desert Zinnia
- Whirling Butterfly species
- Hyssop species
- Lavender species
- May Night Sage
- Penstemon species
- Poppy Mallow
- Rocky Mountain Columbine
- Tickseed species
- Turkish Speedwell
- Yarrow species
- Salvia greggii varieties
- Gallardia species
- Asclepias species
- Nepeta species
- Teucrium species
- Zinnia grandiflora
- Gaura lindheimeri varieties
- Agastache species
- Lavandula species
- Salvia nemerosa
- Penstemon species
- Callirhoe involucrata
- Aquilegia caerulea
- Coreopsis species
- Veronica lwanensis
- Achillea species

VINES

- Chinese Wistena
- Trumpet Vine
- Wistenachnensis
- Campsis radicans

VI. WALLS & FENCES

Screening of less attractive areas such as parking and utility items, as well as management of grade changes that exceed simple slopes, shall be accomplished through the use of walls and fences that are designed to be an integral part of the project's overall aesthetic.

- a. Parking shall be screened from public rights-of-way by means of 2.5 to 3 foot high walls and / or landscaping. These walls shall be architecturally cohesive with surrounding buildings
- b. Trash receptacles, mechanical equipment, and loading docks shall be screened from public streets through the use of solid walls, solid fences, berms, or dense evergreen foliage
 - i. Trash enclosures shall be consistent with the architectural theme and materials of adjacent buildings
 - ii. All outdoor refuse containers shall be screened within a minimum 6 foot tall enclosure which is large enough to contain all trash generated between collections
 - iii. Trash enclosures shall have solid, opaque gates as tall as the enclosure
- c. Walls and fences shall be at least as tall as the objects they are intended to screen and shall not exceed 8 feet high
- d. All screening devices shall be in compliance with the City of Albuquerque DPM's Clear Sight Triangle regulations
- e. All mechanical equipment shall meet the screening requirements of Section 14-16-3-18(C)(6) of the City of Albuquerque's Code of Ordinances
 - i. All mechanical equipment shall be screened from public

**DEKKER
PERICH
SABATINI**

7601 JEFFERSON NE, SUITE 100
ALBUQUERQUE, NM 87109

505 761 9700 / OPSDESIGN.ORG

ARCHITECT

ENGINEER

PROJECT

6701 JEFFERSON NE
ALBUQUERQUE, NM

REVISIONS

- 03/28/16 PLANNING COMMENTS
- 07/13/16 PLANNING COMMENTS
- 12/18/16 EPC CONDITIONS

DRAWN BY GG

REVIEWED BY CG

DATE 06/27/2016

PROJECT NO. 16-P084 / 15-0073

DRAWING NAME

**SITE DEVELOPMENT
PLAN FOR
SUBDIVISION
DESIGN STANDARDS**

SHEET NO.

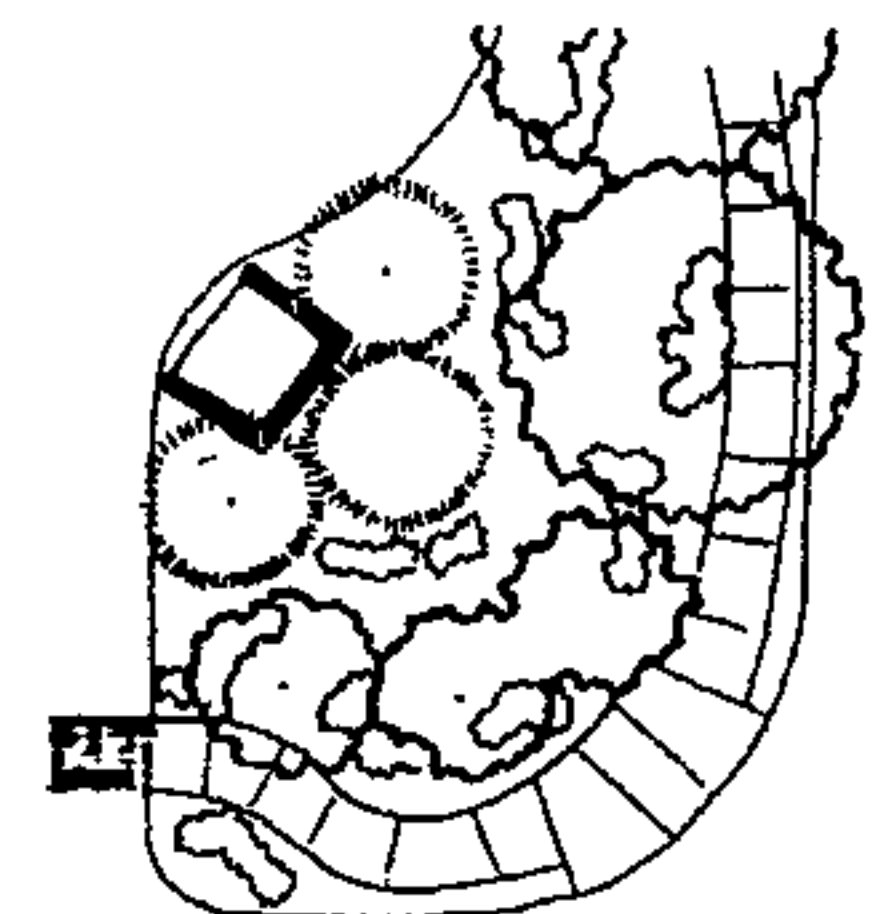
DS01

DESIGN STANDARDS (continued)

view by materials of the same nature as the adjacent buildings

- f Walls and fences shall comply with Section 14-16-3-19 of the City of Albuquerque's Comprehensive Zoning Code
- g Perimeter walls shall include openings at all pedestrian connections to ensure convenient access to adjacent tracts
- h The use of razor ribbon, razor wire, barbed wire, chain link fencing with or without slats, cyclone fencing or unfinished solid CMU is prohibited
- i Acceptable wall & fence materials include but are not limited to
 - i stucco over concrete masonry units (CMU)
 - ii split face block
 - iii brick
 - iv stone
 - v curved interlock blocks
 - vi tubular steel, wrought iron bars, or other grill work
- j The finish of walls & fences shall be attractive and compatible with the building materials of adjacent buildings on the site
- k The site is fairly level, but will likely require some retaining at the west perimeter adjacent to the Calvary parking lot
 - i Retaining walls are permitted, but they must be shown and approved on the Site Development Plan for Building Permit
 - ii Retaining walls, seal walls, or elements intended to compensate for a slope in the site, shall avoid long unarticulated expanses of wall. Walls shall have varied setbacks of at least one foot with planes not running in one continuous direction for more than fifty feet without a change in height or setback
 - iii Pedestrian sidewalks and landscape shall be integrated into these locations where applicable to allow for pedestrian access through elevation changes within the site
- l Grading and Drainage plans must comply with the City of Albuquerque's Drainage Ordinance
 - i All measures shall be taken to provide public safety at pond locations
 - ii Site ponding shall be integrated with the landscape plan

m Screening shall be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electrical Service Guide at www.pnm.com for specifications
Condition 7B

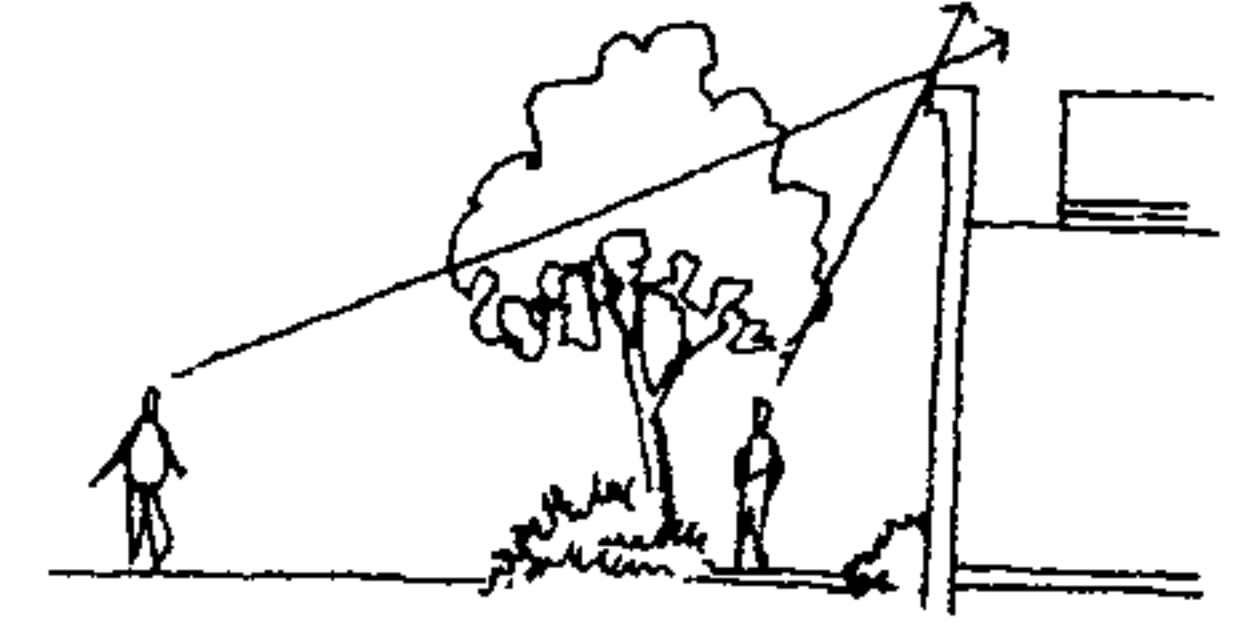


REFUSE CONTAINERS - shall be screened by a 6 foot tall enclosure and plant materials

VII UTILITIES

To ensure the overall aesthetic quality of the property and natural environment, the visual impact of utilities and equipment shall be minimized by the following

- a All new electrical distributions lines shall be placed underground
- b Transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or vegetation when viewed from the public right-of-way
- c When an above-ground backflow prevention device is required, the heated enclosure shall be constructed of materials compatible with the architectural materials used on the adjacent buildings. If prefabricated enclosures are used, they shall be appropriately screened from view with walls and/or landscaping



MECHANICAL SCREENING - should be screened from public view

VIII ARCHITECTURE

Architectural design of buildings and site features shall demonstrate a high quality aesthetic character throughout the property and shall respond to climate, views, solar access, and aesthetic considerations

- a All development shall comply with General Building & Site Design Regulations for Non-Residential Uses of the City Zoning Code (14-16-3-18)
- b Architectural Style
 - i The development shall provide a cohesive material and color palette among all buildings
 - ii All buildings shall be "modern" in design
 - iii Historical references to traditional New Mexico styles shall be a modern interpretation of those styles
 - iv Generic franchise architecture is prohibited
- c Articulation
 - i Buildings shall have a variety of structural forms to create visual character and interest
 - ii Long unarticulated facades shall be avoided. Facades shall have varied front setbacks, with wall planes not running in one continuous direction for more than 100 feet without a change in architectural treatment such as offset, material, or fenestration
 - iii Massing elements shall be reinforced with color variation or material distinctions
- d Materials
 - i The architectural expression of all buildings shall reflect modern design with the use of materials appropriate to the New Mexico climate
 - ii Individual building elements shall be of excellent design and quality materials such as
 - 1 Metal wall panels
 - 2 Porcelain tile
 - 3 Natural stone panels
 - 4 Concrete
 - 5 Rammed earth
 - 6 Glass
 - 7 Stucco or Exterior Insulation & Finish System
 - 8 Brick or decorative concrete masonry units

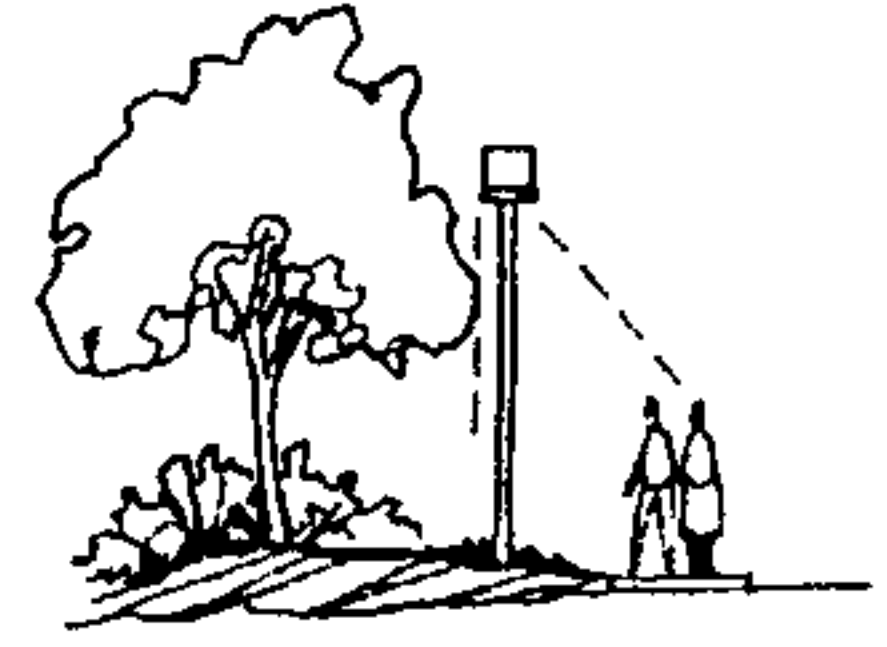
Condition 5E

- iii The following external building materials shall be prohibited
 - 1 Engineered wood paneling
 - 2 Vinyl or plastic siding
 - 3 Plain concrete masonry units
- iv All glazing shall be clear and neutral in color. Reflective, deeply colored, and patterned glazing is prohibited
- v Canopies, trellises, and awnings shall be of durable materials such as metal, corrugated metal, or steel
- vi Colors shall include light to medium earth tones with accent colors in limited areas
 - 1 No more than one accent color shall be used per building
 - 2 The use of contrasting colors for shade elements or awnings is encouraged

IX LIGHTING

To enhance safety, security and visual aesthetics, daytime and night-time appearance of lighting design and fixtures shall be considered. The primary design objective of site lighting shall be to maximize public safety without impacting the adjacent properties, buildings, or roadways with unnecessary glare or reflection

- a All lighting shall comply with Section 14-16-3-9, Area Lighting Regulations of the City of Albuquerque's Comprehensive Zoning Code
- b Lighting fixtures shall conform to the requirements of the State of New Mexico Night Sky Protection Act
- c All free-standing lights shall be of consistent design throughout the site
- d High pressure sodium & cobra-head type lighting fixtures are not permitted
- e Light fixtures shall be located on Site Development Plans for Building Permit
- f The height of street lights and off-street parking areas lights shall not exceed 26 feet.
- g All lights shall be a shielded source to prevent spillage onto adjoining properties or the public right-of-way
- h Pedestrian lighting shall not exceed 12 feet in height
- i Tree canopy lighting may be used to accent and enhance pedestrian connections
- j Exterior elevations of buildings fronting the public right-of-way may be feature lighted to enhance the identity of the building

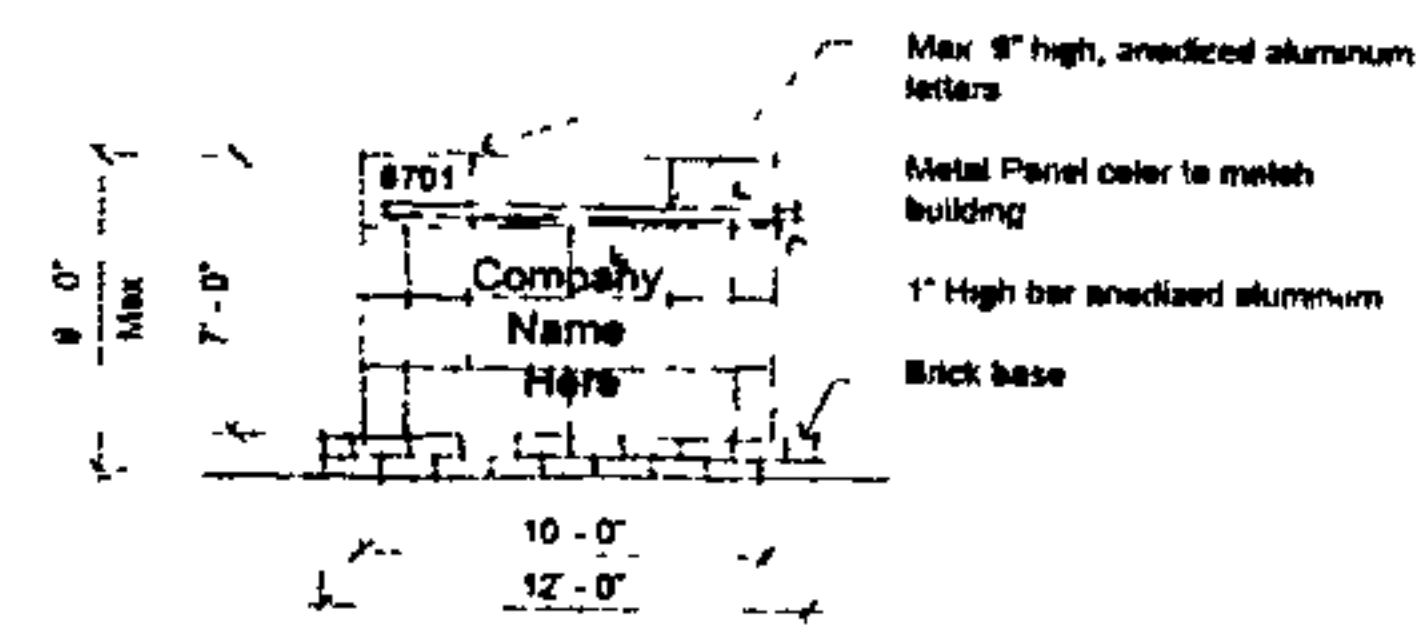


LIGHTING - should be shielded source with the height light to a minimum necessary to meet safety standards

X SIGNAGE

Signage and graphics shall create a sense of arrival to the development and provide visual continuity between the various lots and their uses

- a Signage shall comply with the Section 14-16-3-5 General Sign Regulations of the City of Albuquerque's Code of Ordinances
- b Free standing signs shall be designed so as not to require any external bracing, angle supports, guy wires or similar devices for support
- c No signage is allowed that uses moving parts, makes audible sounds, or has blinking or flashing lights
- d Signs shall not overhang into the public right-of-way or extend above the building roof line
- e Off-premise signs and portable signs are prohibited
- f Monument signs shall comply with Section 14-16-3-2(B) (4) and are permissible at the rate of one sign for each 300 feet of frontage on an arterial roadway. These signs shall be coordinated to have the same appearance (height, size, color, material, text height, style etc.) at all locations
- g Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability
- h No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features



SIGNAGE - should be coordinated with building and fence

XI PROCESS

Site Development Plans for Building Permit shall be delegated to the Development Review Board and shall be consistent with the Design Standards established by this Site Development Plan for Subdivision

DEKKER
PERICH
SABATINI

7601 JEFFERSON NE, SUITE 100
ALBUQUERQUE, NM 87109
505 741 9700 / DPSDESIGN.ORG
ARCHITECT

ENGINEER

PROJECT

6701 JEFFERSON NE
ALBUQUERQUE, NM

REVISIONS	
△ 06/27/15	PLANNING COMMENTS
△ 07/02/15	PLANNING COMMENTS
△ 07/14/15	EPC CONDITIONS
△	

DRAWN BY	GG
REVIEWED BY	CG
DATE	06/27/2015
PROJECT NO.	15-POB4 / 15-0073
DRAWING NAME	

SITE DEVELOPMENT
PLAN FOR
SUBDIVISION
DESIGN STANDARDS

SHEET NO.
DS02
OF

PROJECT #

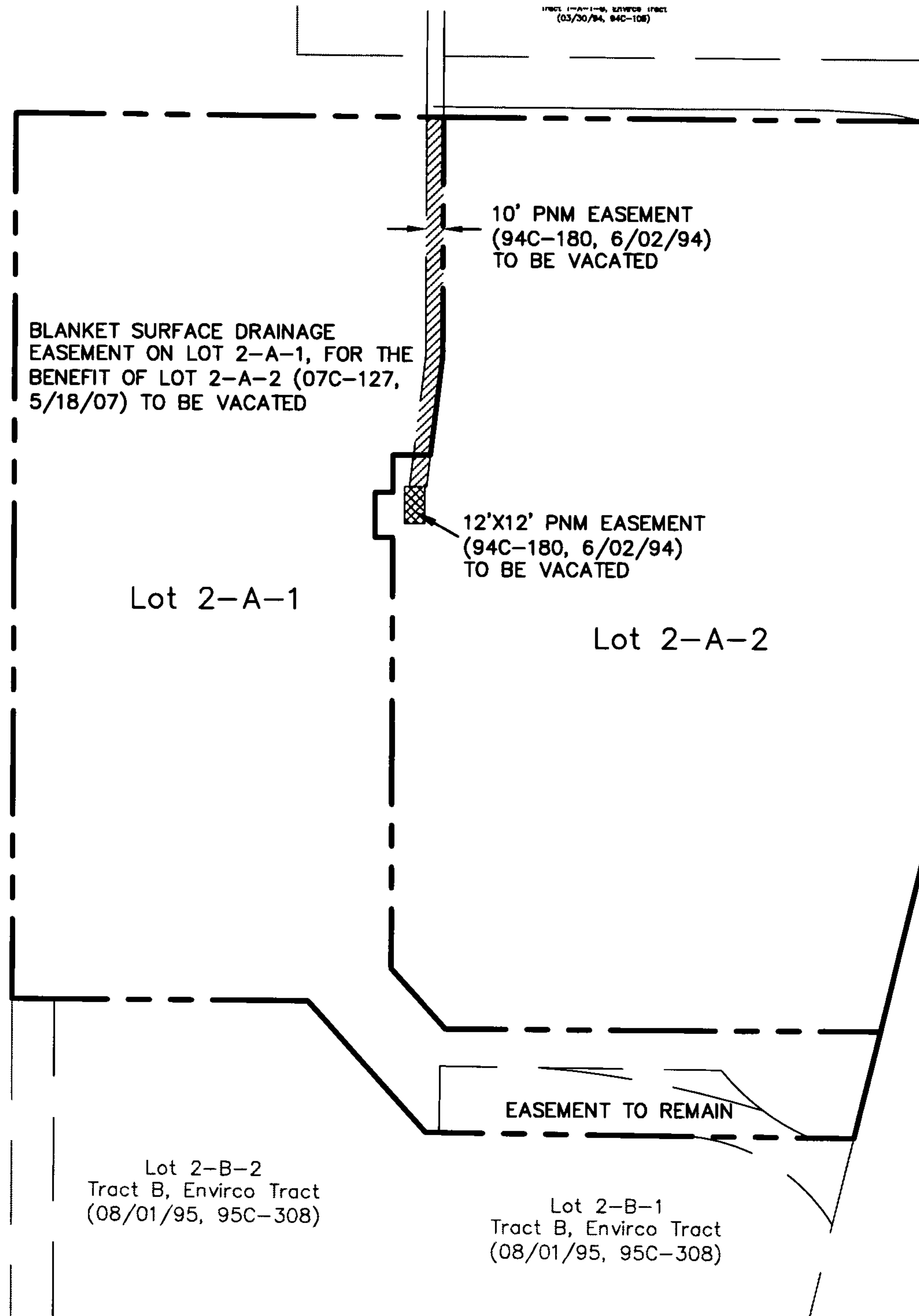
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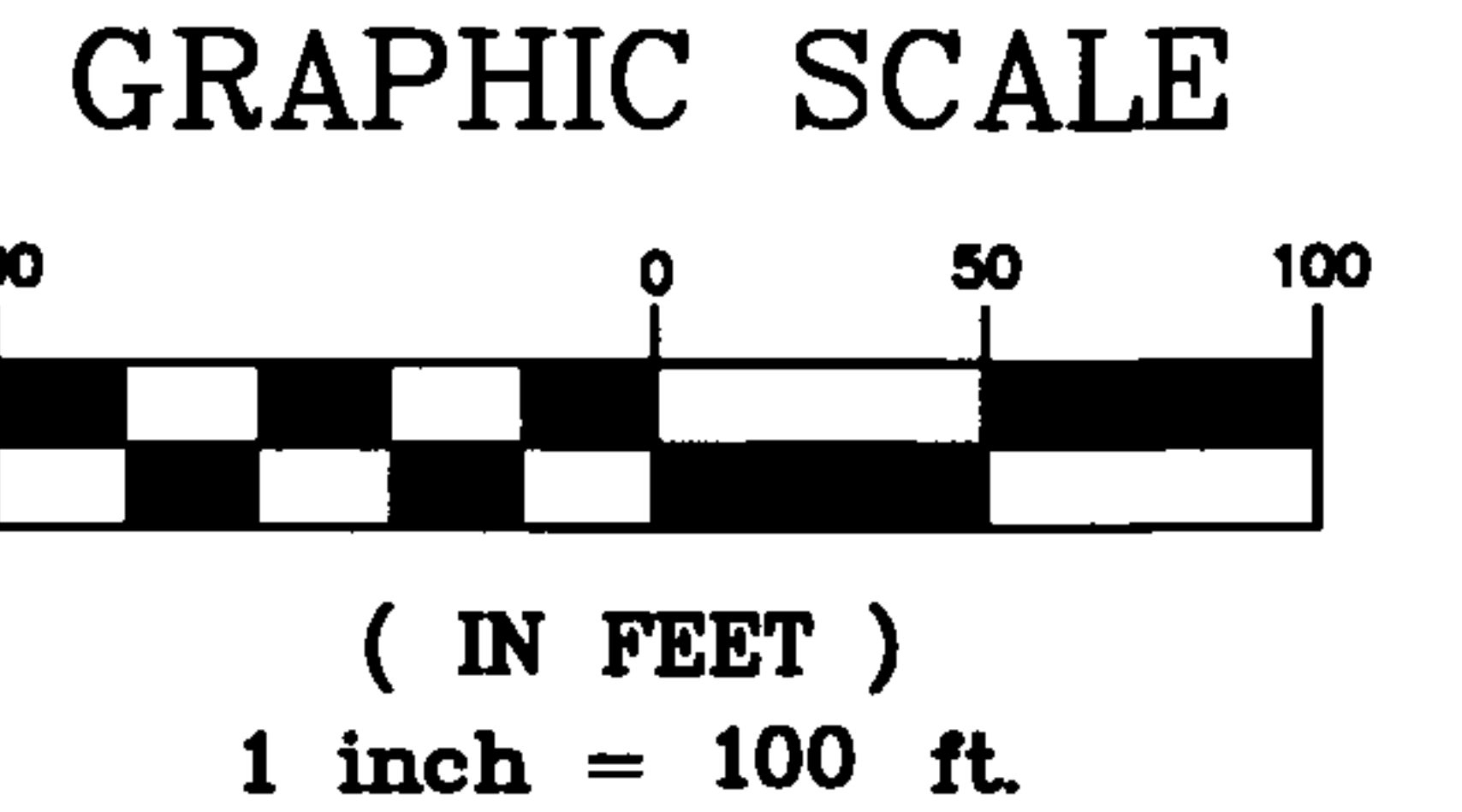
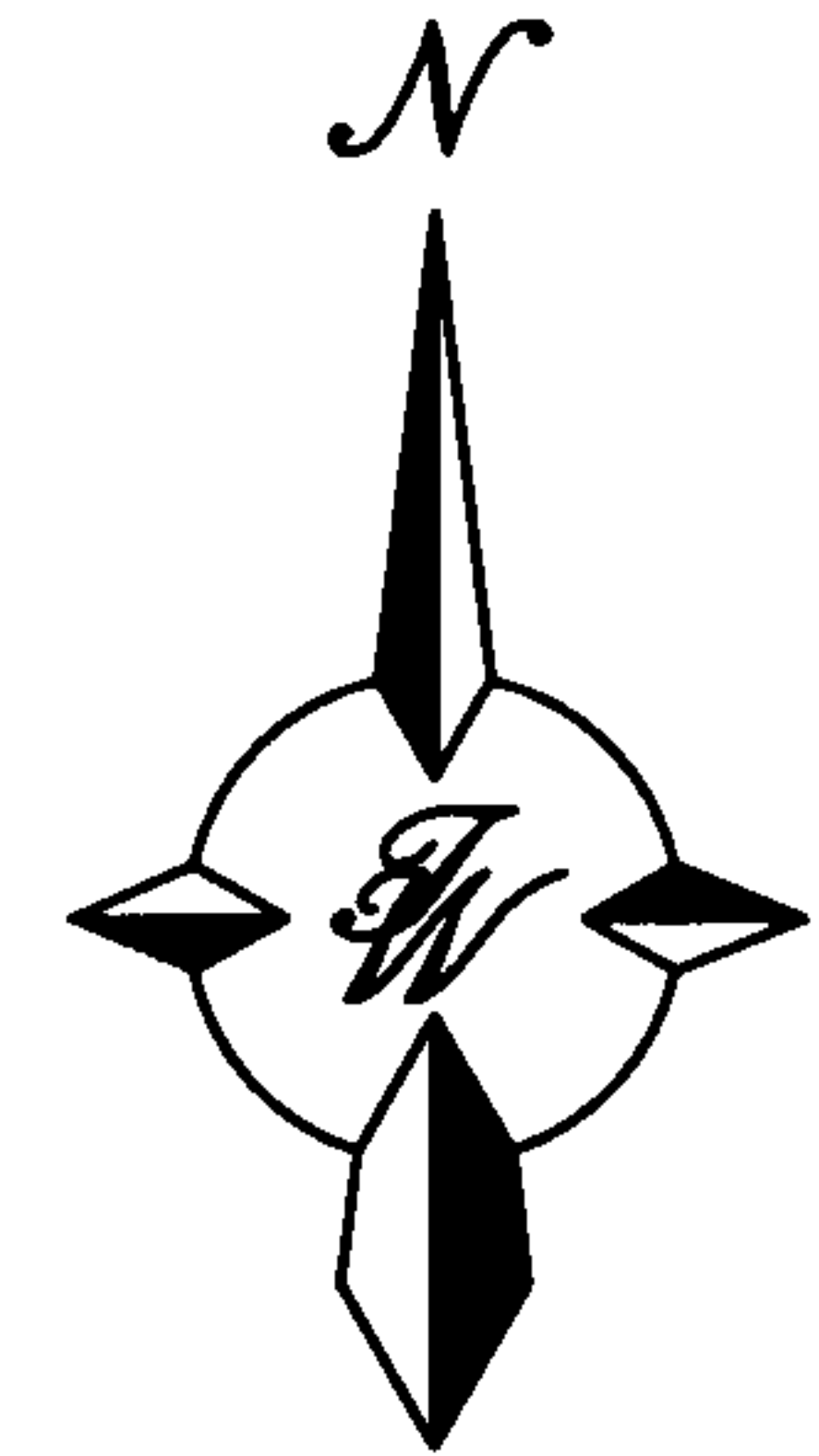
February 10, 2016

SR

PROJECT 100-3317
DATE: 2-10-16
APP: 16-70034 (VPRC)



6701 Jefferson Street, N.E.
(86' R/W)



**EASEMENT VACATION EXHIBIT
LOTS 2-A-1 AND 2-A-2 TRACT
ENVIRCO TRACT
1-26-16**



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Tierra West, LLC PHONE: 505-858-3100
 ADDRESS: 5571 Midway Park Place, NE FAX: 505-858-1118
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: rrb@tierrawestllc.com

APPLICANT: Argus Jefferson Partners, LLC Jeff Jesionowski PHONE: 505-855-7602
 ADDRESS: 4700 Montgomery Blvd. NE Suite 200 FAX: 505-837-0633
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: jeff@amcdevelopment.net

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: Vacation of Private Easement

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. LT 2-A-1 & 2-A-2 of Tract B Plat of Lots 2-A-1 & 2-A-2 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Envirco Tract
 Existing Zoning: M-1 Proposed zoning: M-1 MRGCD Map No _____
 Zone Atlas page(s): E-17-Z UPC Code: 101706228445410108/101706231145410107

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): _____
 1005517

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? N/A
 No. of existing lots: 2 No. of proposed lots: 4 Total site area (acres): 7.1472 acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Jefferson Street
 Between: Osuna Rd and Ellison St

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

SIGNATURE [Signature] DATE 1/22/16
 (Print Name) Ronald R. Bohannon Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>16 DRB - 70034</u>	<u>VPRE</u>		<u>\$ 135.00</u>
<input type="checkbox"/> All fees have been collected				<u>\$ 20.00</u>
<input type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
				Total
				<u>\$ 155.00</u>

Hearing date February 10 2016

[Signature]
 Staff signature & Date 1-28-16

Project # 1005517

FORM V: SUBDIVISION VARIANCES & VACATIONS

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

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

- VACATION OF PUBLIC EASEMENT (DRB27)**
- VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
 - The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
 - Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
- SIDEWALK WAIVER (DRB21)**
 - Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance or waiver
 - List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

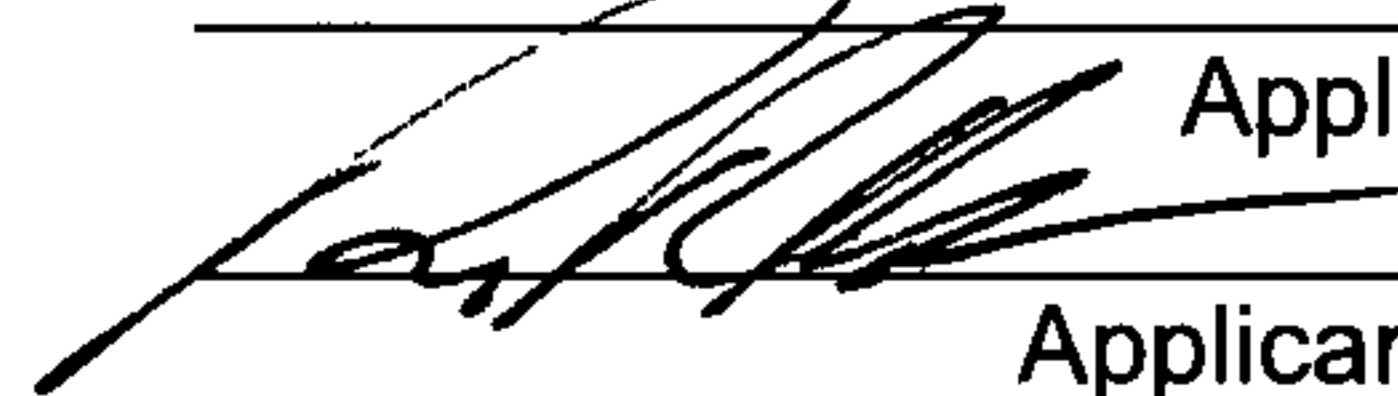
- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
- EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
 - Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the deferral or extension
 - List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- VACATION OF PRIVATE EASEMENT (DRB26)**
- VACATION OF RECORDED PLAT (DRB29)**
 - The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - Letter of authorization from the grantors and the beneficiaries (private easement only)
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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


Ronald R. Bohannon

 Applicant name (print)
 Applicant signature / date 1-27-16

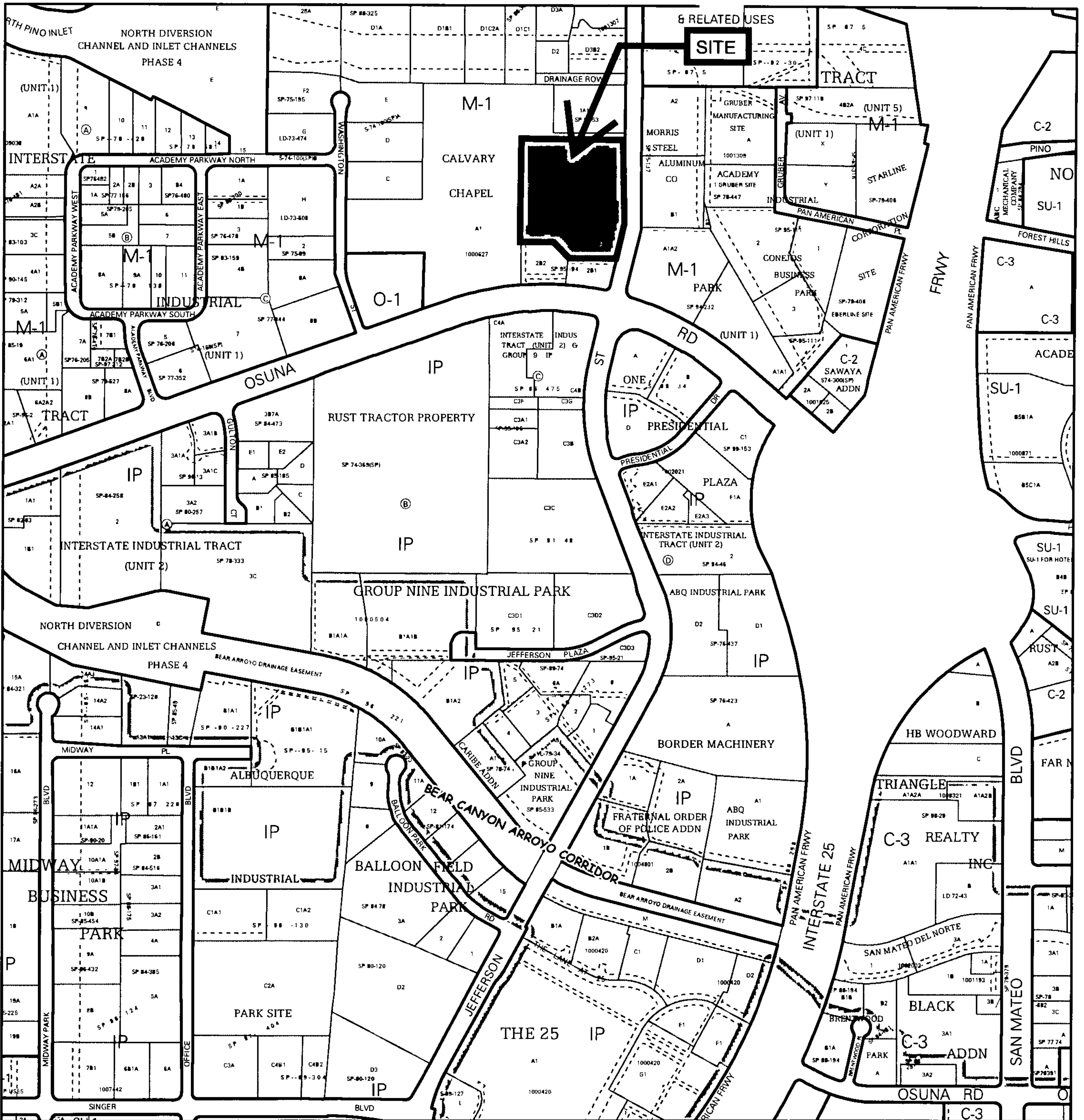


Form revised 4/07

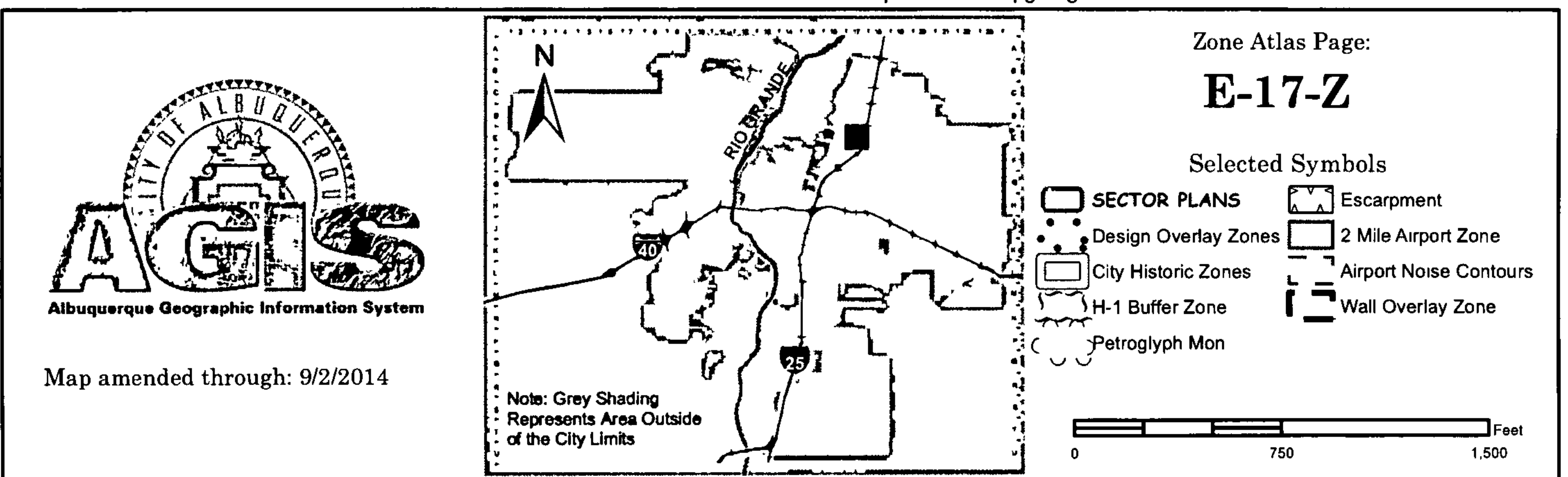
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 16DRB-70039


 Planner signature / date 1-28-16
 Project # 1005517



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

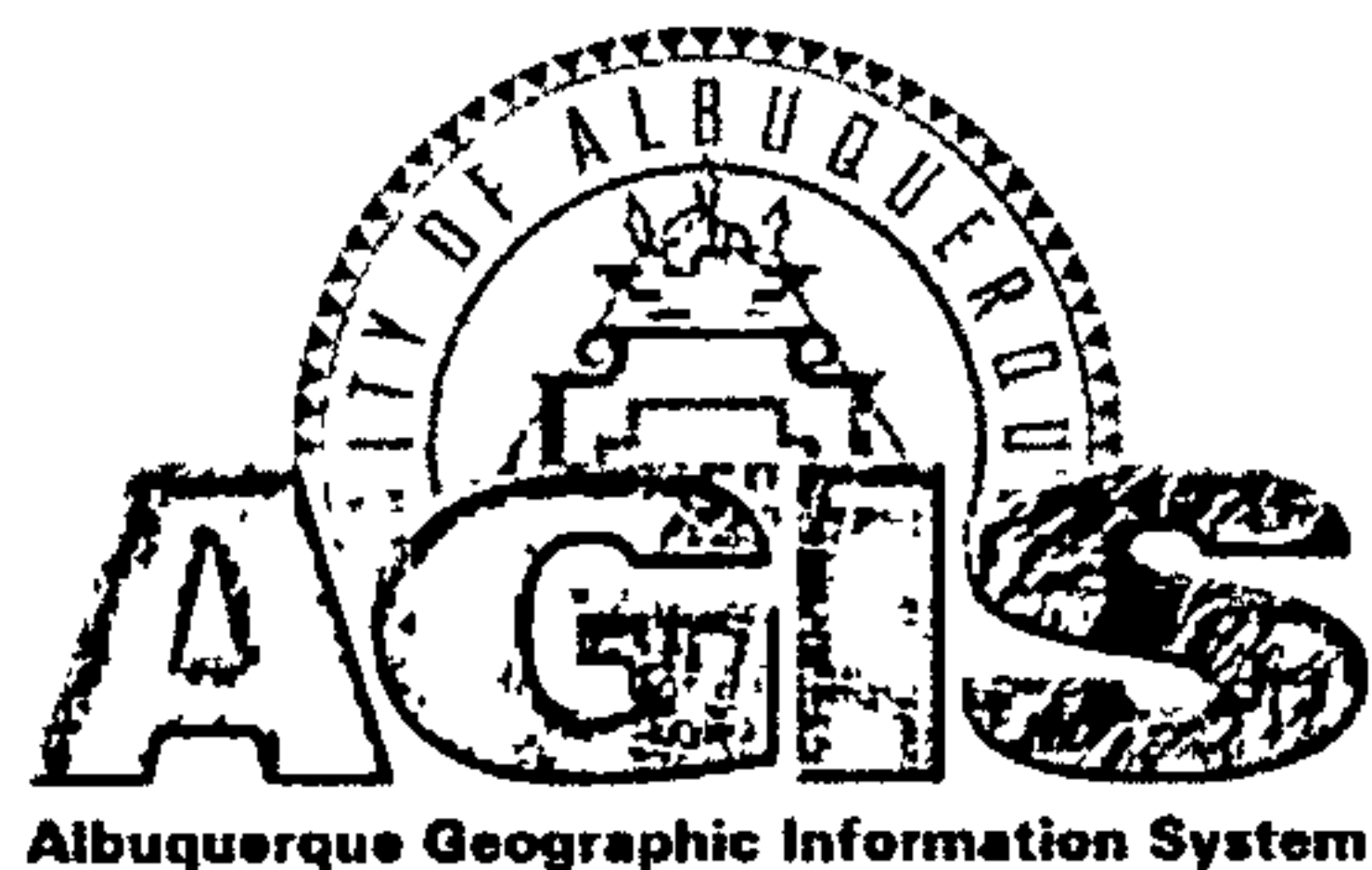


Zone Atlas Page:

E-17-Z

Selected Symbols

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



Map amended through: 9/2/2014

gaw

TIERRA WEST, LLC

January 26, 2016

Mr. Jack Cloud, Chair
Development Review Board
P.O. Box 1293
Albuquerque, NM 87102

**RE: VACATION OF PRIVATE EASEMENT
LT 2-A-1 & TRACT 2-A-2 OF TRACT B PLAT OF
LOTS 2-A-1 & 2-A-2 ENVIRCO TRACT
(BEING A REPLAT OF LOT 2-A TRACT B)
CONTAINING 7.1472 ACRES
ZONE ATLAS PAGE E-17-Z**

Dear Chairman Cloud:

Tierra West LLC, on behalf of Argus Jefferson Partners LLC, requests a vacation of private easements for Lots 2-A-1 & 2-A-2 of Tract B, Envirco Tract, a commercial development property located in the North I-25 corridor.

The preliminary-final plat action is to reconfigure the two Lots 2-A-1 & 2-A-2 into four lots, Lot One through Four. There are three easements that will need to be vacated between the two current lots; a 10' PNM easement, a 12'x12' PNM easement, and a blanket surface drainage easement on Lot 2-A-1 for the benefit of Lot 2-A-2. The two PNM easements were previously created to provide power to the warehouse facilities, which have since been demolished. New PNM easements will be established as the new lots are developed. The drainage easement will no longer be required as ownership and control of the proposed four lots will be under one ownership.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



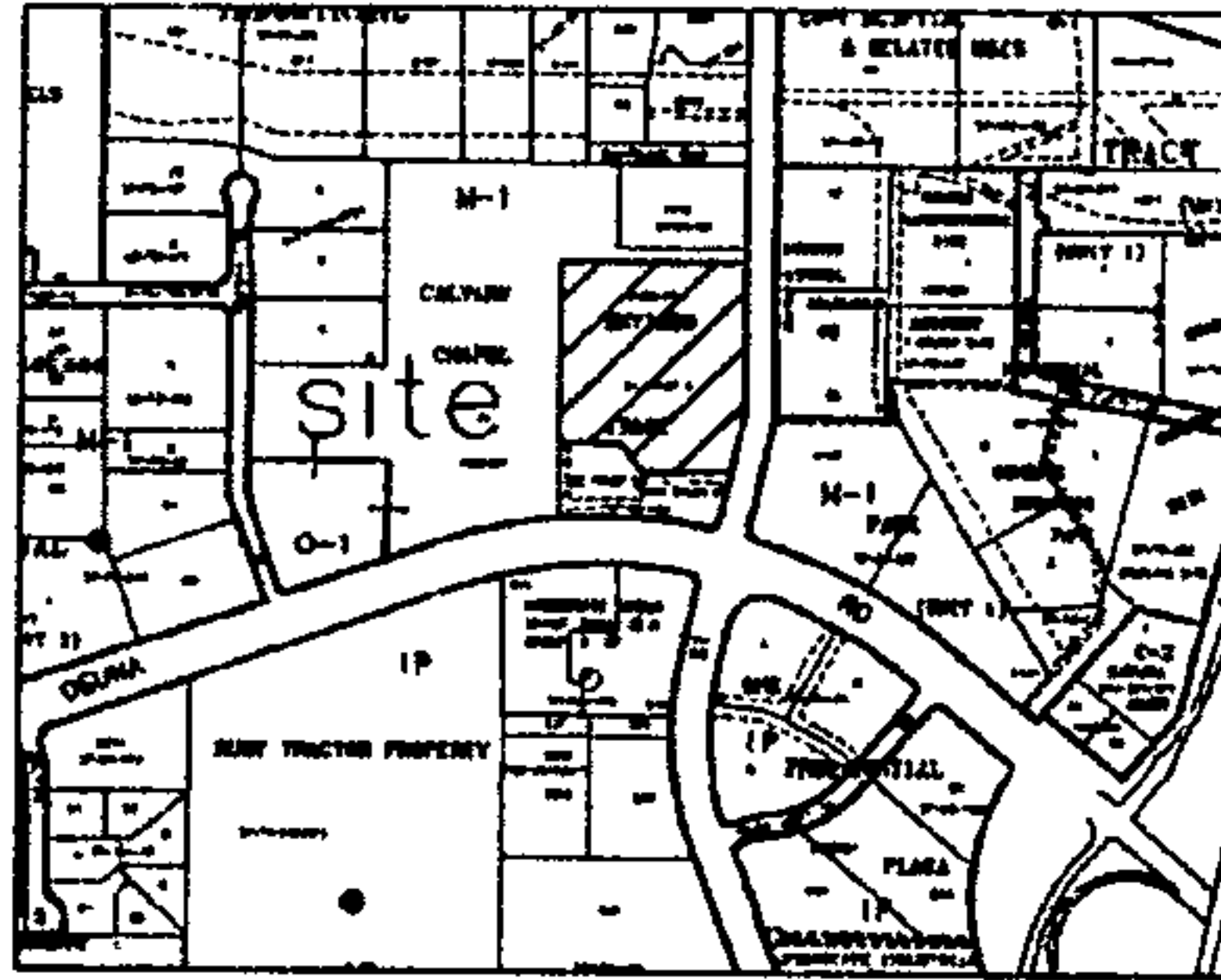
Ronald R. Bohannon, P.E.

Enclosure/s

cc: Jeff Jesionowski
Scott Throckmorton

JN: 2015023
RRB/vp/jg

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com



Vicinity Map
no scale

Lots 2-A-1 & 2-A-2
Being a Replat of
Lot 2-A
Tract B, Envirco Tract
Projected Section 26, T.11N., R.3E., N.M.P.M.
Elena Gallegos Grant
City of Albuquerque
Bernalillo County, New Mexico
April 2007

Zone Atlas Page Number E-17
Atlas Log Number 2007151508

Subdivision Data

- Total gross acreage: 7.1472 acres
- Zoning: M-1
- Total number of lots created by this plat is 2.
- Bearings are based on the Plat of Lots 2-A & 2-B, Tract B, Envirco Tract filed June 2, 1994, Volume 94C, Folio 180. Reticle bearings 00°08'30" clockwise to obtain New Mexico State Plane Grid, Central Zone bearings.
- Records and measured bearings and distances are identical.
- Unless otherwise indicated all corners are set 1/2" rebar w/asp LS #126.
- Date of field survey: April 2007
- Documents used:
Plat of Lots 2-A & 2-B, Tract B, Envirco Tract filed June 2, 1994, Volume 94C, Folio 180.
Title Commitment No. #219001792, effective December 15, 2006, issued by Commonwealth Land Title Insurance Company, counterinsured by LandAmerica Albuquerque TRIs.
Warranty Deed recorded 2/12/2007, Book A132, Page 285!

PUBLIC UTILITY EASEMENTS

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

- PNM Electric Services for the installation, maintenance, and service of overhead and underground electric lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
- PNM Gas Services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas service.
- Qwest Telecommunications for the installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
- Comcast, Inc. for the installation, maintenance and service of such lines, cable and 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 Electric Safety Code caused by construction or pools, decking, or any structures adjacent to, within, or near easements shown on this plat.

N/A	DATE
PNM ELECTRIC SERVICES	DATE
N/A	DATE
PNM GAS SERVICES	DATE
N/A	DATE
QWEST TELECOMMUNICATIONS	DATE
N/A	DATE
COMCAST, INC.	DATE

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.

In approving this plat, PNM Electric Services and Gas Services (PNM) did not conduct a Title Search of the properties shown herein. Consequently, PNM does not waive nor release any easement or easement rights to which it may be entitled.

LEGAL DESCRIPTION

Lot 2-A as the same is shown and designated on the Plat of Lots 2-A & 2-B, Tract B, Envirco Tract, City of Albuquerque, Bernalillo County, New Mexico, filed in the office of the County Clerk of Bernalillo County, New Mexico on June 2, 1994 in Plat Book 94C, page 180

FREE CONSENT AND DEDICATION

The platting of the land comprising Lots 2-A-1 and 2-A-2 as shown herein and all easements shown herein are with the free consent of and in accordance with the wishes and desires of the undersigned owners and proprietors thereof. Said owners do hereby grant all easements shown herein, including the right of ingress and egress and the right to trim interfering trees. Said owners warrant that they hold among them complete and indefeasible title in fee simple to the land subdivided.

Centurian Jefferson, LLC, a New Mexico Limited Liability Company

[Signature]
Aron Hessrigg, Member



ACKNOWLEDGMENT

State of New Mexico }
County of Bernalillo } SS
This instrument was acknowledged before me this 16th day of MAY, 2007 by
Aron Hessrigg.

Notary Public *Terese Forstbauer* My Commission expires August 10, 2010

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND
PAID ON UPC # 10170462924661007
PROPERTY OWNER OF RECORD
Garland Bruce Mangun
BERNALILLO COUNTY TAX COLLECTOR'S OFFICE
Complete 5/18/07



PROJECT NUMBER 1005517
Application Number 01 DEB 00660

The purpose of this plat is to divide Lot 2-A into two (2) lots and grant a blanket surface drainage easement.

APPROVED AND ACCEPTED BY:

<i>[Signature]</i>	5-16-07
CITY SURVEYOR	DATE
N/A <i>[Signature]</i>	5/18/07
REAL PROPERTY DIVISION	DATE
N/A <i>[Signature]</i>	5/18/07
ENVIRONMENTAL HEALTH DEPARTMENT	DATE
<i>[Signature]</i>	5-17-07
TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	DATE
Roger A. Dixon	5-18-07
WATER UTILITY DEPARTMENT	DATE
Christina Sandoval	5/18/07
PARKS & RECREATION DEPARTMENT	DATE
Bradley L. Bish	5/17/07
A.M.A.F.C.A.	DATE
Bradley L. Bish	5/17/07
CITY ENGINEER	DATE
<i>[Signature]</i>	5/18/07
DMB-CHAIRPERSON, PLANNING DEPARTMENT	DATE

SURVEYOR'S AFFIDAVIT

I, Ronald A. Forstbauer, registered New Mexico Land Surveyor No. 6126, do hereby certify that the plat shown herein was prepared by me or under my direct supervision from an actual field survey and meets the minimum requirements for measurement and surveys of the Albuquerque Subdivision Ordinance and the City Detailed Design Standards for surveying and meets the Standards for Land Surveys in New Mexico as adopted by the New Mexico Board of Registration for Professional Engineers and Professional Land Surveyors effective May 1, 2007 and shows easements of record as indicated on Title Commitment No. #219001792, effective December 15, 2006 issued by Commonwealth Land Title Insurance Company, counterinsured by LandAmerica Albuquerque Title, and that the information shown hereon is true and correct to the best of my knowledge and belief.

[Signature] 5/18/07
Ronald A. Forstbauer
N.A.L.S. No. 6126 Date



Forstbauer Surveying, L.L.C.
4116 Lomas Boulevard NE
Albuquerque, New Mexico 87110
(505) 268-2112 Fax 268-2032
Sheet 1 of 2



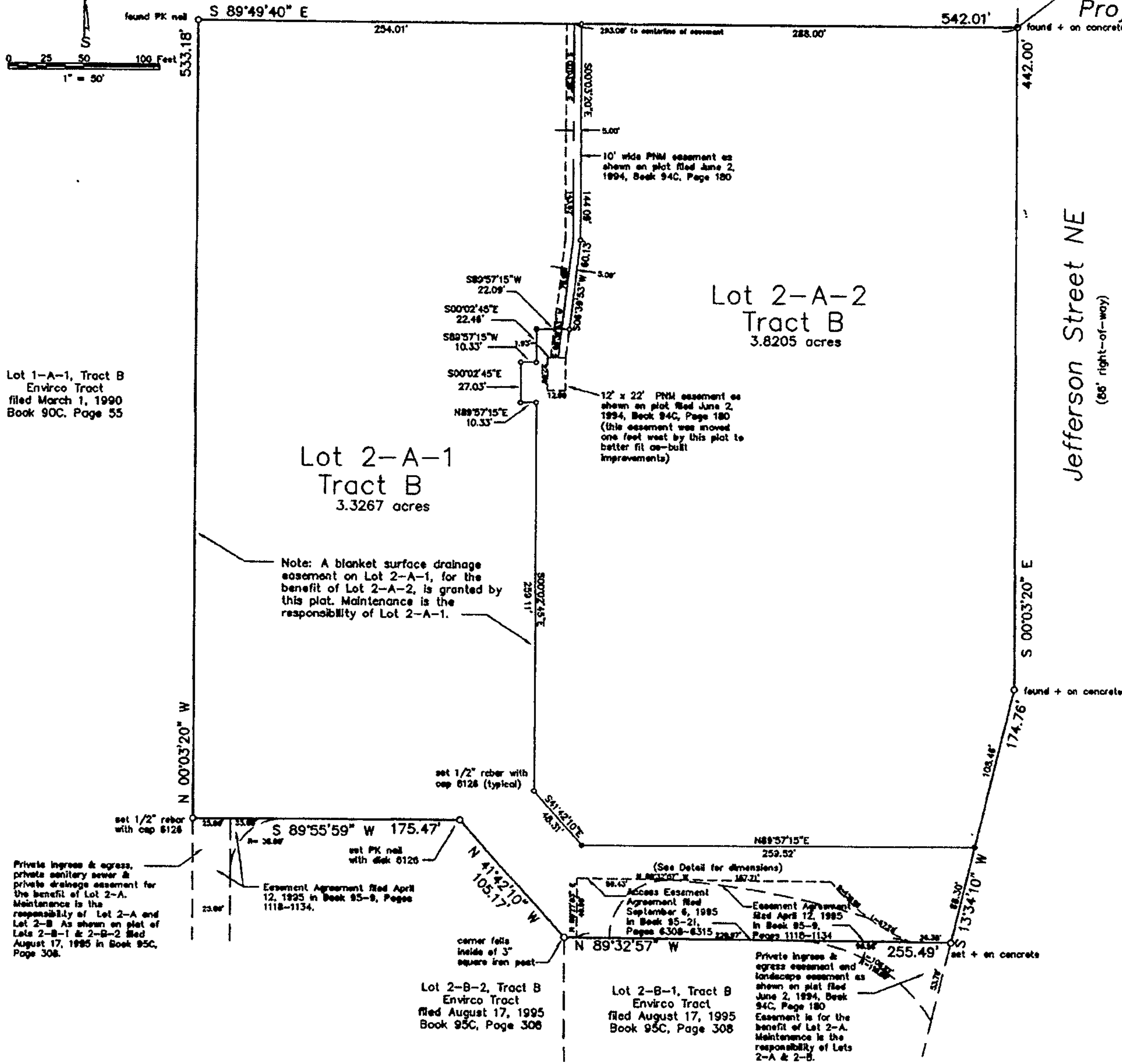


Lot 1-A-1, Tract B
Envirco Tract
filed March 1, 1990
Book 90C, Page 55

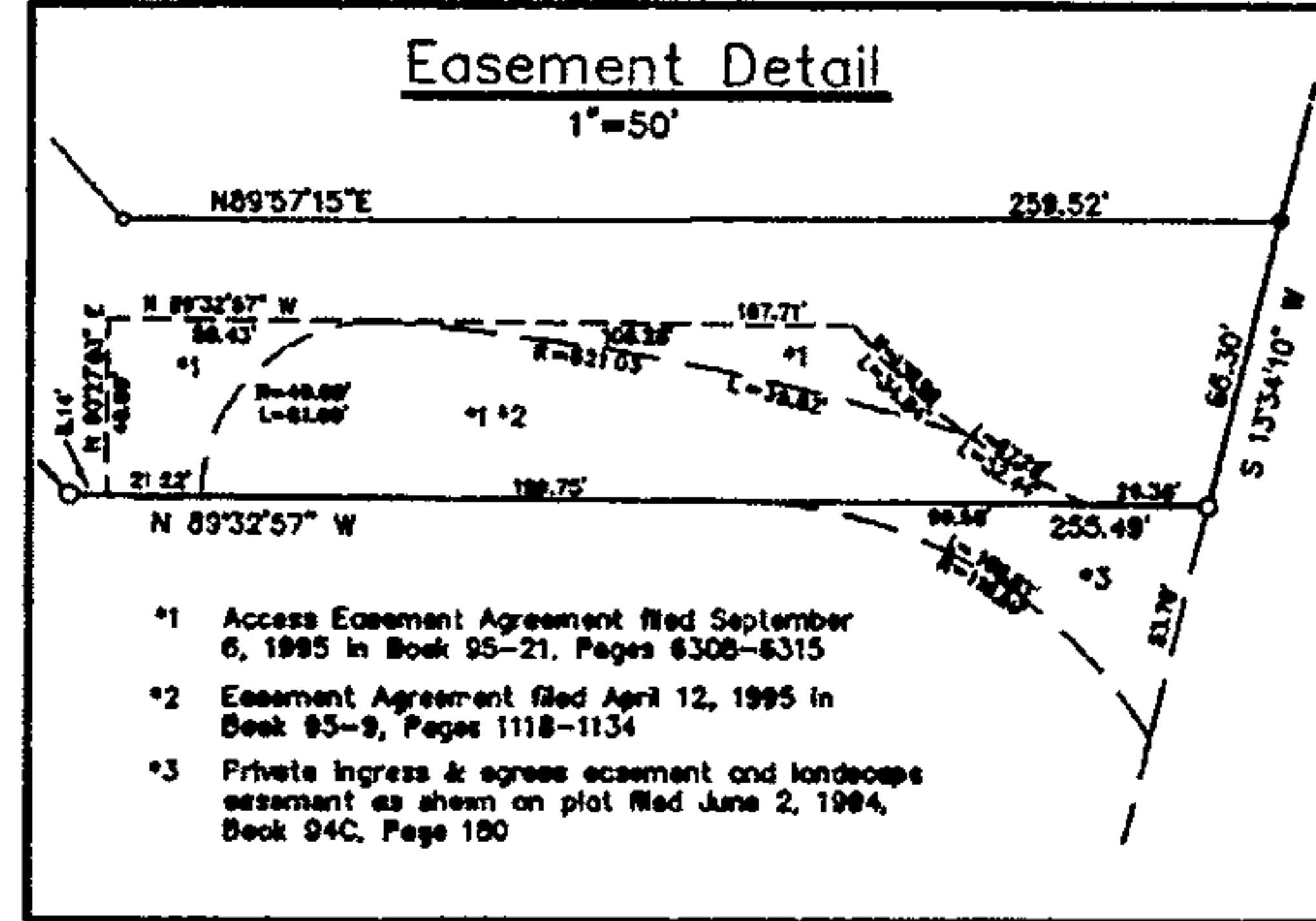
Albuquerque Control Survey
1-25-14
New Mexico State Plane
Grid Coordinates
Central Zone NAD 1927
X = 399,828.26
Y = 1,514,860.92
G/G Factor 0.99966298
delta alpha = -00'11'35"
NGVD 1929 Elevation 5196.73

Lots 2-A-1 & 2-A-2
Being a Replat of
Lot 2-A

Tract B, Envirco Tract
Projected Section 26, T.11N., R.3E., N.M.P.M.
Elena Gallegos Grant
City of Albuquerque
Bernalillo County, New Mexico
April 2007



Jefferson Street NE
(66' right-of-way)



Lot 1-A-1, Tract B
Envirco Tract
filed March 1, 1990
Book 90C, Page 55

Lot 2-A-1
Tract B
3.3267 acres

Lot 2-A-2
Tract B
3.8205 acres

Note: A blanket surface drainage easement on Lot 2-A-1, for the benefit of Lot 2-A-2, is granted by this plat. Maintenance is the responsibility of Lot 2-A-1.

Private ingress & egress, private sanitary sewer & private drainage easement for the benefit of Lot 2-A. Maintenance is the responsibility of Lot 2-A and Lot 2-B. As shown on plot of Lots 2-A-1 & 2-B-2 filed August 17, 1995 in Book 95C, Page 308.

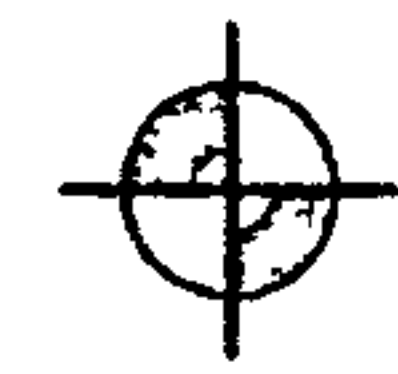
Easement Agreement filed April 12, 1995 in Book 95-9, Pages 1118-1134.

(See Detail for dimensions)
Access Easement Agreement filed September 6, 1995 in Book 95-21, Pages 6308-6315

Private ingress & egress easement and landscape easement as shown on plot filed June 2, 1994, Book 94C, Page 180. Easement is for the benefit of Lot 2-A. Maintenance is the responsibility of Lots 2-A & 2-B.

Lot 2-B-2, Tract B
Envirco Tract
filed August 17, 1995
Book 95C, Page 308

Lot 2-B-1, Tract B
Envirco Tract
filed August 17, 1995
Book 95C, Page 308



Forstbauer Surveying, L.L.C.
4116 Lomas Boulevard NE
Albuquerque, New Mexico 87110
(505) 268-2112 Fax 268-2032
Sheet 2 of 2

94073139

941002 Sue D LTIC

13
(11)

SEWER LINE RELOCATION AGREEMENT

6821

THIS AGREEMENT is made effective the 31st day of May, 1994, by and between THEODORE G. HOUSTON, a married man dealing in his solo and separate property, as to an undivided one-quarter (1/4) interest, PHASE ONE EQUITIES GENERAL PARTNERSHIP II, a New Mexico general partnership, as to an undivided one-quarter (1/4) interest, and WILLIAM W. BOKMAN, AS TRUSTEE OF THE WILLIAM W. BOKMAN TRUST U/A DATED APRIL 30, 1993, as to an undivided one-half (1/2) interest, as tenants-in-common ("Houston, et. al."), and BRUCE FRANKLIN GARNAND AND MARILYN MANGUN GARNAND, AND THEIR SUCCESSORS, AS TRUSTEES OF THE BRUCE AND MARILYN GARNAND TRUST U/A DATED JUNE 2, 1988 ("Garnand").

RECITALS

A. Houston, et. al. are the owners of Lot 2-B ("Lot 2-B") shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico, on June 2, 1994, 1994, in Volume 94C, folio 180 (the "Plat");

B. Garnand are the owners of Lot 2-A ("Lot 2-A") as also shown on the Plat;

C. A certain existing sanitary sewer line serving the building located on Lot 2-A crosses a portion of Lot 2-B (the "Sewer Line");

D. In order to fully develop Lot 2-B it may be necessary to relocate the Sewer Line;

E. The parties desire, by this Agreement, to set forth their understanding and agreement regarding the rights, duties and obligations relating to the relocation of the Sewer Line.

5822

NOW, THEREFORE, in consideration of the above recitals, the following mutual agreements, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The owner of Lot 2-B, or such owner's assigns, shall be entitled, at any time, to relocate the Sewer Line, to a location, to be determined by the owner of Lot 2-B, running across Lot 2-B and/or Lot 2-A. The owner of Lot 2-B, and such owner's assigns, contractors, etc., are hereby granted the right to go upon such portions of Lot 2-A, and to perform such excavation and other work upon Lot 2-A and the Sewer Line, as are reasonably necessary to relocate the Sewer Line.

2. If the Sewer Line is not relocated to a location within a platted or granted sewer line easement, then a sewer line easement, of a reasonably necessary width, shall be granted to accommodate the relocated Sewer Line. The owners of Lot 2-B and Lot 2-A shall join, as necessary, in the granting of any easements for the relocated Sewer Line.

3. The owners of Lot 2-B shall relocate the Sewer Line in a good and workmanlike manner, reasonably designed to cause the least possible interference and disruption of service to the owner and any tenant of Lot 2-A. The owner of Lot 2-B shall repair any damage to Lot 2-A caused by the relocation of the Sewer Line and shall restore Lot 2-A to the condition existing prior to the relocation. The relocated Sewer Line shall be

designed and constructed in such a manner as shall not substantially diminish the level of service being provided to the building on Lot 2-A by the existing Sewer Line.

4. The owner of Lot 2-A shall have responsibility for the maintenance and repair of the existing and relocated Sewer Line.

5. The owner of Lot 2-B shall indemnify, defend and hold harmless the owner of Lot 2-A from any and all claims, demands, liabilities, damages, actions, causes of action, suits, costs and expenses, including, without limitation, reasonable attorneys' fees and other litigation costs, incurred by the owner of Lot 2-A as a result of or relating to the relocation of the Sewer Line, excluding, however, the breach of this Agreement by the owner of Lot 2-A.

6. If either party defaults in the performance of this Agreement, the non-defaulting party shall have the right to bring an action for specific performance and/or damages, and any other remedy provided by law. If suit is brought on or under this Agreement, the party substantially prevailing in such suit shall be entitled to recover such party's reasonable attorney's fees and costs incurred in bringing or defending such suit, as the case may be.

7. This Agreement shall be binding upon the parties and their respective heirs, personal representatives, successors in interest and assigns, and shall burden and run with the title to Lot 2-A and Lot 2-B, whether or not mentioned in any future deeds

5821

of conveyance. The unenforceability or invalidity of any provision or provisions hereof shall not render any other or remaining provisions hereof unenforceable or invalid. This Agreement is to be construed and enforced according to, and governed by, the laws of the State of New Mexico. No modification, amendment, waiver or discharge of this Agreement or any term or provision hereof shall be valid unless the same has been reduced to writing and signed by both parties. This Agreement contains the entire understanding and agreement of the parties with regards to the matters addressed herein and supersedes and replaces all prior or contemporaneous, written or verbal, understandings, representations, agreements, etc.

WITNESS their hands and seals effective the 31st day of May, 1994.


THEODORE G. HOUSTON

PHASE ONE EQUITIES GENERAL
PARTNERSHIP II, a New Mexico
general partnership

By:


JOHN J. GRAB
Its: Managing Partner

THE WILLIAM W. BOKMAN TRUST
U/A DATED APRIL 30, 1993

By:


WILLIAM W. BOKMAN
Its: Trustee

5825

THE BRUCE AND MARILYN GARNAND
TRUST U/A DATED JUNE 2, 1988

By: Bruce F. Garnand
BRUCE FRANKLIN GARNAND
Its: Trustee

By: Marilyn M. Garnand
MARILYN MARGON GARNAND
Its: Trustee

ACKNOWLEDGEMENTS

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

This instrument was acknowledged before me this 30th day of May, 1994 by Theodore G. Houston.

Anita L. Masten
Notary Public

My Commission expires:

5-18-95

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

This instrument was acknowledged before me this 15th day of June, 1994 by John J. Grab, Managing Partner of Phase One Equities General Partnership II, a New Mexico general partnership, on behalf of such partnership.

Anita L. Masten
Notary Public

My Commission expires:

5-18-95

5826

STATE OF NEW MEXICO)
) SS.
COUNTY OF SANTA FE)

This instrument was acknowledged before me this 31st day of May, 1994 by William W. Bokman, Trustee of the William W. Bokman Trust U/A Dated April 30, 1993, on behalf of such trust.

[Signature]
Notary Public

My Commission expires:

5-18-95

STATE OF NEW MEXICO)
) SS.
COUNTY OF SANTA FE)

This instrument was acknowledged before me this 1st day of June, 1994 by Bruce Franklin Garnand and Marilyn Mangan Garnand, Trustees of the Bruce and Marilyn Garnand Trust U/A Dated June 2, 1988, on behalf of such trust.

[Signature]
Notary Public

My Commission expires:

5-18-95

STATE OF NEW MEXICO
COUNTY OF SANTA FE

94 JUN-3 PM 2:04

9417 6821

[Signature]

PROJECT#

100557

(78034)

February 10, 2016

REIN

5

14
①

1118

95036188

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Easement") is entered into as of the 10th day of April, 1995, 1995, by and between WESTFIELD DEVELOPMENT COMPANY, INC., a Colorado corporation ("Westfield") and BRUCE FRANKLIN GARNAND and MARILYN GARNAND, as Trustees of the Bruce and Marilyn Garnand Trust, U/A dated June 2, 1988 ("Adjacent Owner") with the consent of ENVIRCO CORPORATION, a New Mexico corporation ("Envirco").

RECITALS

A. Westfield is the owner of that certain parcel of land located in Albuquerque, New Mexico more particularly described on Exhibit A ("Westfield Property"), attached hereto and incorporated herein by this reference.

B. Adjacent Owner is the owner of that certain parcel of land located adjacent to the Westfield Property more particularly described on Exhibit B, attached hereto and incorporated herein by this reference ("Adjacent Property"). Envirco leases the Adjacent Parcel from Garnand pursuant to that certain Net/Net/Net Warehouse Lease dated January 5, 1987, as amended by Addendum No. 1, erroneously dated January 5, 1988 (intended to be January 5, 1987), a certain extension of Net/Net/Net Warehouse Lease dated June 1989, a certain Addendum Number One (intended to be Addendum Number Two) to Net/Net/Net Warehouse Lease, dated June 11, 1990, a certain Addendum Number Three to lease, dated effective May 29, 1993, a certain Addendum Number Four to Lease, dated effective May 30, 1994, and as transferred by a certain letter dated May 31, 1994 (as amended, "Lease").

C. Adjacent Owner has heretofore been granted an easement over the Westfield Property as shown on the plat recorded in Map Book C-20, Folio 120 in the records of Bernalillo County, New Mexico ("Prior Easement").

D. Westfield desires to grant to Adjacent Owner and any future owner of the Adjacent Property an additional access easement over and across a portion of the Westfield Property to serve the Adjacent Property according to the terms set forth herein.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Conveyance of Easement Subject to the terms and conditions hereof, Westfield hereby ~~assigns~~ transfers, sells, and conveys unto Adjacent Owner and to any future owners of the

95 APR 12 AM 11:11

50179 5/23274-2/040595A/MHFI

959.1118-
J. Yeaman 1134

2-B
(South)

2-A
(North)

PG
M
5567
C058
24-32937
BGT00

Adjacent Property, for their use and the use of their agents, tenants, employees, customers, licensees and invitees, and the agents, employees, customers, licensees and invitees of said tenants, a non-exclusive perpetual easement, as shown on Exhibit E attached hereto and incorporated herein by this reference ("New Easement") appurtenant to the Adjacent Property over and across that portion of the Westfield Property for the sole purpose of pedestrian and vehicular access, ingress and egress from and to public rights-of-way and the Adjacent Property.

2. Non-Exclusive. The utilization of both the New Easement and the Prior Easement are non-exclusive. Westfield hereby reserves to itself and the future owners of the Westfield Property, the right to use, improve and develop the Westfield Property for such purposes as Westfield or any future owners of the Westfield Property may elect, so long as said uses and development do not unreasonably interfere with or obstruct the easement and rights granted herein.

3. Conveyance of Diamond Shamrock Easement. Westfield hereby acknowledges that a portion of the Westfield Property may be conveyed to Diamond Shamrock Corporation or its assigns ("Diamond") pursuant to an agreement from Westfield or its affiliates and Diamond. In such event, Adjacent Owner hereby agrees to grant to Diamond an easement over that portion of the Adjacent Property generally depicted on Exhibit C attached hereto and incorporated herein by this reference ("Diamond Easement Property") substantially on the terms and conditions of Exhibit D attached hereto and incorporated herein by this reference.

4. Insurance. Each party covenants and agrees that it shall maintain or cause to be maintained at all times, at such party's, or its tenant's, sole cost and expense, its own, or its tenant's own, general comprehensive liability insurance covering the prior Easement and the New Easement written on an occurrence form in the amount it deems appropriate, which amount shall be in effect as of the date of execution of this Easement, but which amount may be adjusted from time to time to take into consideration the changes in the value of money and the changes in the financial risks for which the insurance is being carried.

5. Construction of Improvements. Upon completion of the improvements to the Prior Easement and the New Easement, Adjacent Owner shall reimburse to Westfield Four Thousand Five Hundred Dollars (\$4,500.00) of the cost to complete such improvements. In the event Westfield determines in its sole discretion to landscape any portion of the Westfield Property which is adjacent to the Prior Easement, Westfield shall be entitled to install a portion of such landscaping on the Prior Easement; provided that such landscaping shall not encroach more than one foot (1') into the Prior Easement.

6. Maintenance and Repair. Adjacent Owner covenants and agrees to reasonably maintain and repair the New Easement area and Prior Easement area at all times, and to keep the same properly surfaced and cleaned, and free from ice, snow, weeds, trash and debris in accordance with standard practice in the Albuquerque, New Mexico area.

7. Run with the Land. The Easement and rights granted herein and the provisions hereof shall run with the land, shall burden the Westfield Property and the Adjacent Property and shall be binding upon Westfield and Adjacent Owner, and all future owners and mortgagees of the Westfield Property.

8. Execution of Additional Documents and Amendments. Each of the parties hereto agrees to execute and deliver unto the other all such documents and amendments as may be necessary or appropriate for the effectuation of the provisions and intent of this Grant of Easement or such reasonable amendments as may be required from time to time by any applicable governmental authority.

9. Default and Remedies

(a) In the event that Adjacent Owner fails to pay to Westfield its share of the cost of any improvements as set forth in Paragraph 5, within fifteen (15) business days after receipt of an invoice for such amounts, such unpaid amounts shall bear interest at the prime rate of interest then charged by Norwest Bank, N.A., Denver, Colorado, to its most creditworthy customers plus five percent (5%). In addition, to the extent that Adjacent Owner fails to perform any maintenance activities on the New Easement area or Prior Easement area as required herein, Westfield may perform such activities and bill Adjacent Owner its actual costs for such activities. Adjacent Owner shall reimburse Westfield within five (5) business days after invoice of such amounts and the absence thereof, such unpaid amounts shall bear interest at the rate set forth above.

(b) In addition to the above, all amounts owing to Westfield by Adjacent Owner shall constitute a lien on the Adjacent Property and Westfield may record a notice in the real estate records (the "Lien Notice") setting forth the amount owing. Such Lien may be enforced by an administrative or judicial foreclosure as permitted under the laws of the State of New Mexico, and Adjacent Owner shall be required to pay the costs, expenses and attorneys' fees incurred for the filing of such Lien and in pursuing any foreclosure proceeding thereon.

(c) Adjacent Owner's rights to utilize the New Easement and Prior Easement shall be suspended during any period of time that Adjacent Owner is in default of its obligations hereunder.

1121

10. Mechanic's Liens. Westfield and Adjacent Owner shall be responsible for the timely payment of all liens and charges, the non-payment of which would give rise to the filing and foreclosure of a mechanic's lien or similar lien against their respective Properties.

11. Term. The term of this Easement Agreement shall be perpetual.

12. Invalidity. In the event one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any of the provisions hereof, all of which shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

13. Counterparts. This Easement may be executed in counterparts and such counterparts shall be construed together as one original document. Facsimile signatures on this Easement shall be considered as original signatures.

IN WITNESS WHEREOF, this Easement Agreement is executed by the parties hereto on the day and year first above written.

WESTFIELD:

WESTFIELD DEVELOPMENT COMPANY, INC.,
a Colorado corporation

By: Richard L. Mitchell
Its: President

ADJACENT OWNER:

THE BRUCE AND MARILYN GARNAND TRUST,
U/A DATED JUNE 2, 1988

By: Bruce Franklin Garnand, Trustee
Bruce Franklin Garnand, Trustee

By: Marilyn Garnand, Trustee
Marilyn Garnand, Trustee

STATE OF Colorado)
COUNTY OF Denver) ss.

The foregoing instrument was subscribed and sworn to before me this 5th day of April, 1995, by Richard G. McIntock, as President of WESTFIELD DEVELOPMENT COMPANY, INC., a Colorado corporation.

Witness my hand and official seal.

My commission expires: May 23, 1997

[Signature]
Notary Public

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

The foregoing instrument was subscribed and sworn to before me this 10th day of April, 1995, by Bruce Franklin Garnand, Trustee of the BRUCE AND MARILYN GARNAND TRUST, U/A dated June 2, 1988.

Witness my hand and official seal.

My commission expires: 5-18-95

[Signature]
Notary Public

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

The foregoing instrument was subscribed and sworn to before me this 10th day of April, 1995, by Marilyn Garnand, Trustee of the BRUCE AND MARILYN GARNAND TRUST, U/A dated June 2, 1988.

Witness my hand and official seal.

My commission expires: 5-18-95

[Signature]
Notary Public

CONSENT

ENVIRCO CORPORATION, Lessee under the Lease, as defined above, hereby consents to the granting of the non-exclusive easement set forth in the Agreement and the terms and conditions set forth therein.

ENVIRCO CORPORATION, a New Mexico corporation

By: *[Signature]*
Its: V.P. FINEART

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

)
) ss.
)

The foregoing instrument was subscribed and sworn to before me this 1st day of APRIL, 1995, by CLARA A. GARCIA as V.P. FINEART of ENVIRCO CORPORATION, a New Mexico corporation.

Witness my hand and official seal.

My commission expires:
4/22/96

[Signature]
Notary Public

EXHIBIT A

**LEGAL DESCRIPTION
LOTS 2-B, TRACT B, ENVIRCO TRACT**

Being that certain parcel of land situated within the Elena Gallegos grant, within Section 26 (as projected), Township 11 North, Range 3 East, New Mexico Principal Meridian, Albuquerque, Bernalillo County, New Mexico, and being identified as Lot 2-B, Tract B, Envirco Tract as the same is shown and designated on the plat of "LOTS 2-A AND 2-B, OF TRACT B, ENVIRCO TRACT", filed in the Office of the County Clerk, Bernalillo County, New Mexico, on June 2, 1994, in Volume 04-C, Folio 180, and being more particularly described by metes and bounds survey as follows:

BEGINNING, FOR A TIE, at the northeast corner of the parcel of land herein described being a point of the westerly right-of-way line of Jefferson Street NE, whence the ACS Control Station "8-D17A" bears N. 00° 09' 32" W., 470.08 feet distance; thence,

S. 00° 03' 20" E., 442.00 feet distance to a point; thence,

S. 13° 34' 10" W., 174.76 feet distance to the REAL PLACE OF BEGINNING and Northeast corner of the parcel of land herein described being a point on the westerly right-of-way line of Jefferson Street NE; continuing thence,

S. 13° 34' 10" W., 151.10 feet distance along the westerly right-of-way line of Jefferson Street NE to a Point of Curvature; thence,

Southwesterly, 38.21 feet distance along the arc of a curve bearing to the right (said arc having a radius of 25.00 feet, a central angle of 87° 33' 49" and a long chord which bears S. 57° 21' 05" W., 34.60 feet distance) to a point of Reverse Curvature on the northerly right-of-way line of Osuna Road NE; thence,

Northwesterly, 438.20 feet distance along the northerly right-of-way line of Osuna NE along the arc of a curve bearing to the left (said arc having a radius of 1,569.95 feet, a central angle of 15° 59' 32" and a chord which bears N. 86° 51' 45" W., 436.78 feet distance) to a Point on Curve on the northerly right-of-way line of Osuna Road NE and southwest corner of the parcel of land herein described; thence

N. 00° 03' 20" W., 221.97 feet distance to the northwest corner of the parcel of land herein described; thence,

N. 89° 55' 59" E., 175.47 feet distance to a point; thence,

S. 41° 42' 10" E., 105.17 feet distance to a point; thence,

N. 89° 32' 57" W., 255.49 feet distance to the northeast corner and REAL PLACE OF BEGINNING of the parcel of land herein described and containing 87,120 square feet (2.0000 acres) more or less.

EXHIBIT B

**LEGAL DESCRIPTION
LOT 2-A, TRACT B, ENVIRCO TRACT,**

Being that certain parcel of land situated within the Elena Gallegos Grant, within Section 26 (as projected), Township 11 North, Range 3 East, New Mexico Principal Meridian, Albuquerque, Bernalillo County, New Mexico, and being identified as Lot 2-A, Tract B, Envirco Tract, as the same is shown and designated on the plat of "LOTS 2-A & 2-B, OF TRACT B, ENVIRCO TRACT", filed in the Office of the County Clerk, Bernalillo County, New Mexico, on June 2, 1994, in Volume 94-C, Folio 180, and being more particularly described by metes and bounds survey as follows;

Beginning at the northeast corner of the parcel of land herein described being a point on the westerly right-of-way line of Jefferson Street NE, whence the ACS Control Station "8-D17A" bears N. 00° 09' 32" W., 470.08 feet distance; thence,

S. 00° 03' 20" E., 442.00 feet distance along the Westerly right-of-way line of Jefferson St. NE to a point; thence,

S. 13° 34' 10" W., 174.76 feet distance along the Westerly right-of-way line of Jefferson St. NE to the Southeast corner of the parcel of land herein described; thence,

N. 89° 32' 57" W., 255.49 feet distance to a point; thence,

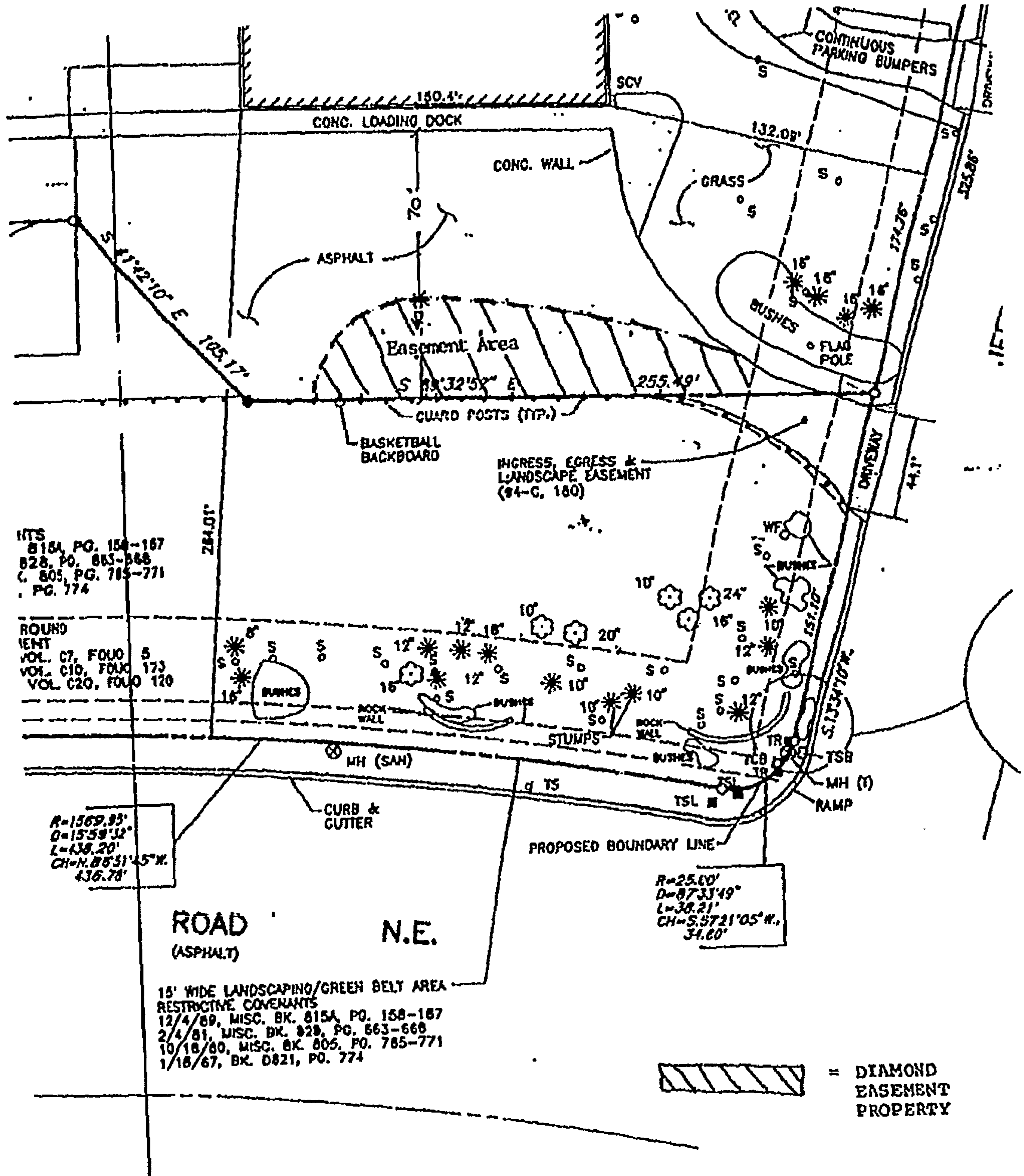
N. 41° 42' 10" W., 105.17 feet distance to a point; thence,

S. 89° 55' 59" W., 175.47 feet distance to the Southwest corner of the parcel of land herein described; thence,

N. 00° 03' 20" W., 533.18 feet distance to the northwest corner of the parcel of land herein described; thence,

S. 89° 49' 40" E., 542.01 feet distance to the northeast corner and point of beginning of the parcel of land herein described and containing 311,333 square feet (7.1472), more or less.

EXHIBIT C



ITS
 815A, PG. 158-167
 828, PG. 663-668
 C. 805, PG. 785-771
 PG. 774

ROUND
 VENT
 VOL. C7, FOLD 5
 VOL. C10, FOLD 173
 VOL. C20, FOLD 120

$R=1569.95'$
 $D=1559'32''$
 $L=438.20'$
 $CH=N.85°51'45''W.$
 $436.78'$

ROAD N.E.
 (ASPHALT)

15' WIDE LANDSCAPING/GREEN BELT AREA
 RESTRICTIVE COVENANTS
 12/4/89, MISC. BK. 815A, PG. 158-167
 2/4/81, MISC. BK. 828, PG. 663-668
 10/18/80, MISC. BK. 805, PG. 785-771
 1/18/67, BK. 0821, PG. 774

$R=25.00'$
 $D=87°33'49''$
 $L=38.21'$
 $CH=S.57°21'05''W.$
 $34.60'$

= DIAMOND
 EASEMENT
 PROPERTY

ACCESS EASEMENT AGREEMENT

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

THIS ACCESS EASEMENT AGREEMENT ("Agreement") is made and entered into to be effective as of the _____ day of, 1995, by and between BRAZOS RIVER LEASING L.P., a Texas Limited Partnership ("Brazos") and BRUCE FRANKLIN GARNAND AND MARILYN GARNAND, as Trustees of the Bruce and Marilyn Garnand Trust, U/A dated June 2, 1988 ("Garnand"), with the consent of ENVIRCO CORPORATION, a New Mexico Corporation ("Envirco").

WHEREAS, Brazos is the owner of certain real property situated in the County of Bernalillo, State of New Mexico, known as Lot 2-B 2, Tract B, Envirco Tract and more particularly described in Exhibit "A" attached hereto and made a part hereof.

(the "Brazos Parcel")

WHEREAS, Garnand is the owner of certain real property situated in the County of Bernalillo, State of New Mexico, located adjacent to the Brazos Parcel and more particularly described in Exhibit "B" attached hereto and made a part hereof.

(the "Adjacent Parcel")

WHEREAS, Envirco leases the Adjacent Parcel from Garnand pursuant to that certain Net/Net/Net Warehouse Lease, dated January 5, 1987, as amended by Addendum No. 1, erroneously dated January 5, 1988 (intended to be January 5, 1987), a certain Extension of Net/Net/Net Warehouse Lease dated June, 1989, a certain Addendum Number One (intended to be Addendum Number Two) to Net/Net/Net Warehouse Lease, dated June 11, 1990, a certain Addendum Number Three to Lease, dated effective May 29, 1993, a certain Addendum Number Four to Lease, dated effective May 30, 1994, and as transferred by a certain letter dated May 31, 1994 (as amended, "Lease").

WHEREAS, Brazos and Garnand, with the consent of Envirco, desire to establish a non-exclusive easement and right-of-way for the benefit of the Brazos Parcel across the portion of the Adjacent Parcel described as follows:

A parcel of land 40' in width running in an East/West direction immediately North of and abutting the Brazos Parcel, from a point approximately 30' west of the East Line of the Brazos Parcel (which is a platted

REC'D
IR
CLOSE
CORP

1128

ingress, egress easement) and continuing West for approximately 220' over, upon and across only the paved and unimproved portion of the Adjacent Parcel for a truck turning radius (described by metes and bounds in Exhibit "C" attached hereto and made a part hereof) (the "Easement Parcel").

for so long as the Brazos Parcel is used as a retail gasoline service station and convenience store.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. Garnand hereby grants and conveys to Brazos a non-exclusive easement under, over, and across the Easement Parcel for the purposes of permitting the passage of motor vehicles and the passage and accommodation of pedestrians in connection with the operation of a retail gasoline service station and convenience store on the Brazos Parcel. Brazos shall have the right to permit the use of the Easement Parcel by its Permittees as hereinafter defined, for the uses permitted under this Agreement. Garnand hereby reserves unto itself, Envirco, and their Permittees the right to use the Easement Parcel for all uses not inconsistent with the uses set forth in this Agreement.
2. "Permittees" shall mean and refer to the parties and their customers, tenants, subtenants, licensees, occupants, employees, contractors, invitees, and visitors. . The joinder of Permittees in any amendment to this Agreement shall not be required, except for the consent of Envirco, or its successors under the Lease.
3. This Access Easement Agreement shall terminate upon final cessation of use of the Brazos Parcel for operation of a retail gasoline service station and convenience store. . Final cessation is defined as a ceasing of such uses for a period of one year.
4. The Easement Parcel has already been paved and Brazos agrees to maintain and repair the Easement Parcel so long as Brazos owns the Brazos Parcel. Maintenance and repair obligations shall include the following:
 - a. Keeping the Easement Parcel in clean, unlittered, orderly, and sanitary condition, including replacements as necessary;

- b. Removing, when reasonably necessary, snow, ice, and other debris; and
 - c. Repairing, modifying and replacing, the pavement as may be reasonably necessary .
5. Neither Garnand nor Envirco have any obligation whatsoever to pave, maintain or repair the Easement parcel or to reimburse Brazos or its successors for the costs of same.
 6. Upon failure of Brazos or its successors and assigns to maintain and repair the Easement Parcel within thirty (30) days after receipt of Notice from Garnand, Envirco or their successors or assigns to do so, this Access Easement Agreement shall terminate.
 7. All written notices provided for herein shall be personally delivered or mailed by registered or certified United States Mail, postage prepaid, return receipt requested, to the parties at the addresses given below, or at such other address as may be specified by written notice:

If to Garnand:

BRUCE FRANKLIN GARNAND AND MARILYN
GARNAND, as Trustees of the Bruce and
Marilyn Garnand Trust, U/A dated June 2,
1988
ATTENTION:
Bruce Garnand _____
1213 Luisa Street
Santa Fe, New Mexico 87501

If to Brazos:

BRAZOS RIVER LEASING L.P.
‡ Diamond Shamrock
Attention: Real Estate Department
PO Box 696000
San Antonio, Texas 78269-6000

If to Envirco: Envirco
Attention: Skip Erickson
6701 Jefferson, N.E.
Albuquerque, New Mexico 87109

1130

All notices so mailed shall be deemed delivered three business days after mailing.

- 8. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of Brazos, GARNAND AND ENVIRCO, and their successors and assigns. The benefits and burdens hereof shall run with the land and be appurtenant thereto, with the effect that any person or entity which acquires an interest in the Brazos Parcel or the Adjacent Parcel shall be entitled to the benefits and be bound by the burdens hereof.
- 9. In the event that any party is required to commence any action or proceeding against other party in order to enforce the provisions hereto, the prevailing party's remedy include injunctive relief and damages for the alleged breach of any of the provisions, or termination of this Access Easement Agreement. The prevailing party in any such action shall be entitled to recover in addition to any amounts or relief otherwise awarded, all reasonable costs incurred in connection therewith, including attorney's fees. No waiver by either party of any default shall be deemed a waiver of any other or subsequent default hereunder.
- 10. None of the terms or provisions of this Agreement shall be deemed to create a partnership among the parties and their respective businesses or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise.

IN WITNESS WHEREOF this Access Easement Agreement is executed to be effective as of the day and year first above written.

BRUCE FRANKLIN GARNAND AND MARILYN GARNAND, as Trustees of the Bruce and Marilyn Garnand Trust, U/A dated June 2, 1988

By: Bruce Franklin Garnand Trustee
Bruce Franklin Garnand, Trustee

By: Marilyn Garnand Trustee
Marilyn Garnand, Trustee

1131

BRAZOS RIVER LEASING L.P.,
a Texas Limited Partnership
by its agent

By: _____

DIAMOND SHAMROCK REFINING AND
MARKETING COMPANY

By: _____
Vice President

STATE OF NEW MEXICO)
COUNTY OF ^{SANTA FE} BERNALILLO) ss.

The foregoing instrument was acknowledged before me on
April 10, 1995, by Bruce Franklin and Marilyn Garnand,
Trustees of the Bruce and Marilyn Garnand Trust, U/A June 2,
1988.


Notary Public State of Texas ^{NEW MEXICO}

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me on
_____, 1995, by _____, of Brazos
River Leasing, L.P., a Texas limited partnership.

Notary Public State of Texas

STATE OF TEXAS }
COUNTY OF BEXAR }

This instrument was acknowledged before me this _____ day of March, 1995 by _____, who being by me duly sworn, did depose and say that he is a Vice President of Diamond Shamrock Refining and Marketing Company, agent of Brazos River Leasing, L.P., a Texas Limited Partnership, and as said officer executed the foregoing instrument.

Witness my hand and seal of office.

Notary Public State of Texas

1133

CONSENT

ENVIRCO CORPORATION, Lessee under the Lease, as defined above, hereby consents to the granting of the non-exclusive easement set forth in the Agreement and the terms and conditions set forth therein.

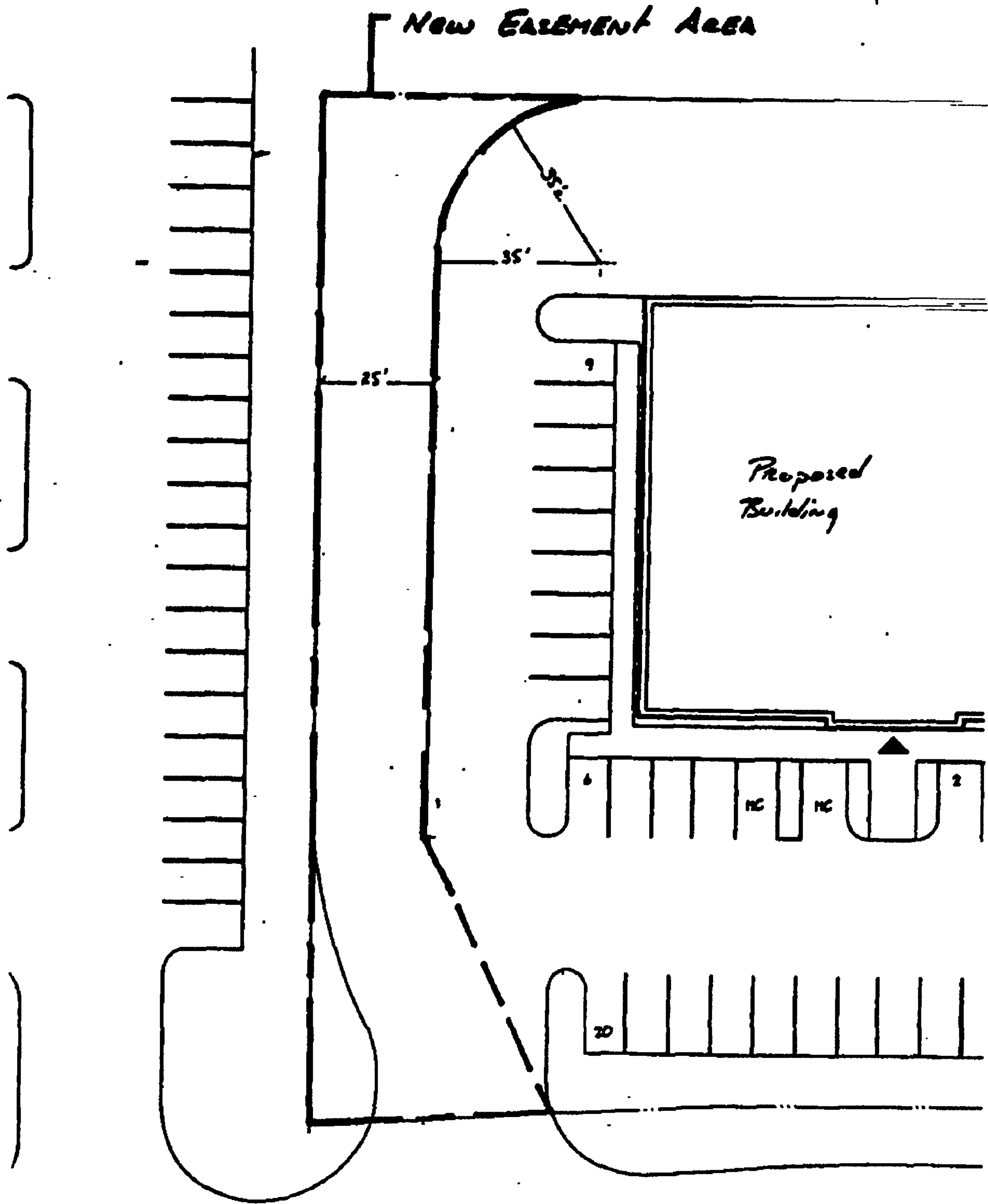
ENVIRCO CORPORATION,
a New Mexico Corporation
By: _____
Its: _____

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

The foregoing was acknowledged before me this _____ day of _____, 1995 by _____, on behalf of ENVIRCO CORPORATION, a New Mexico corporation.

Notary Public, State of New Mexico

New EASEMENT AREA

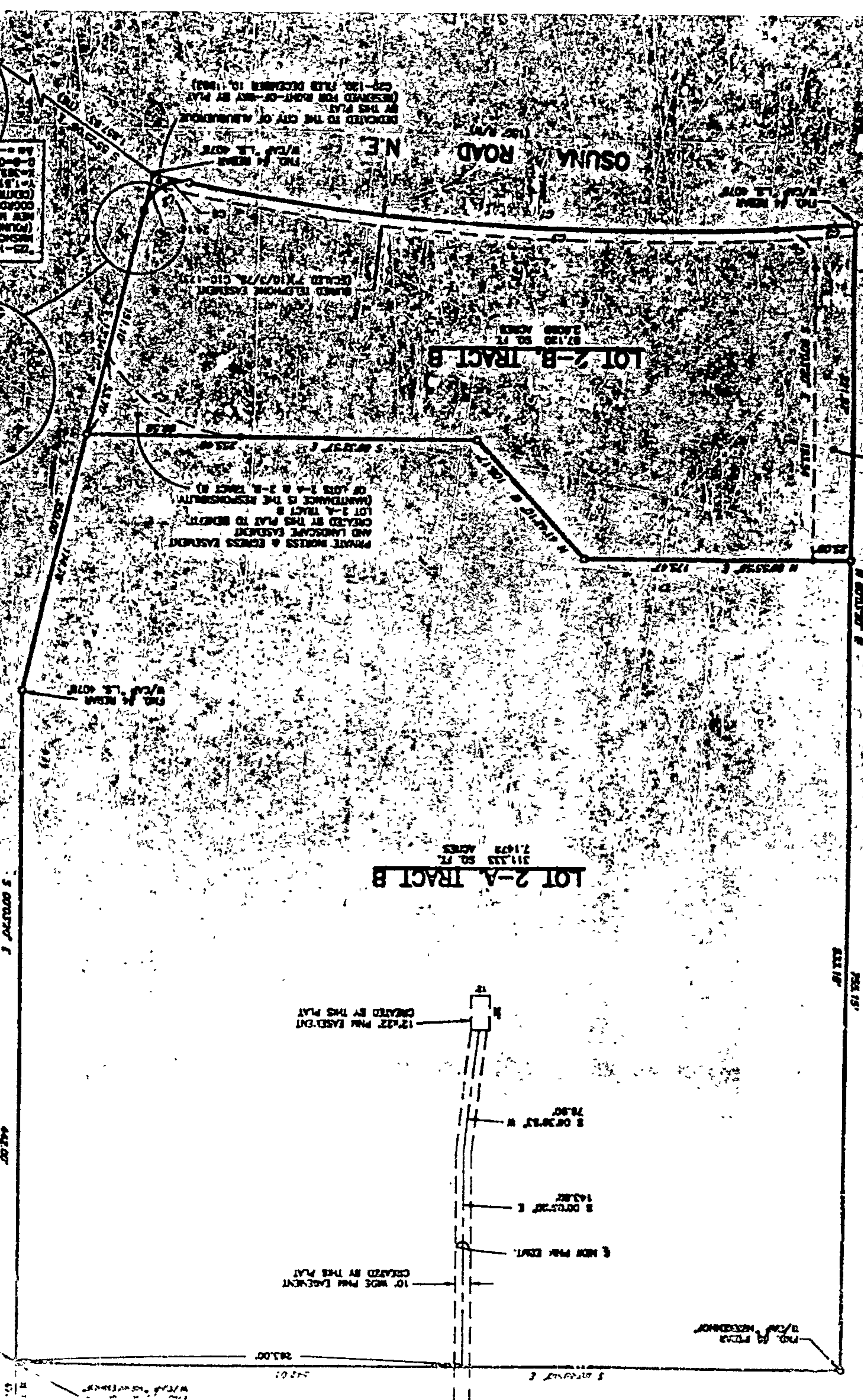
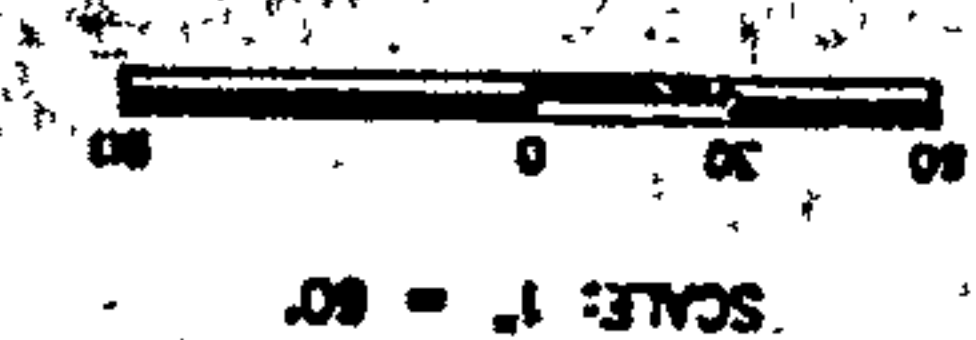
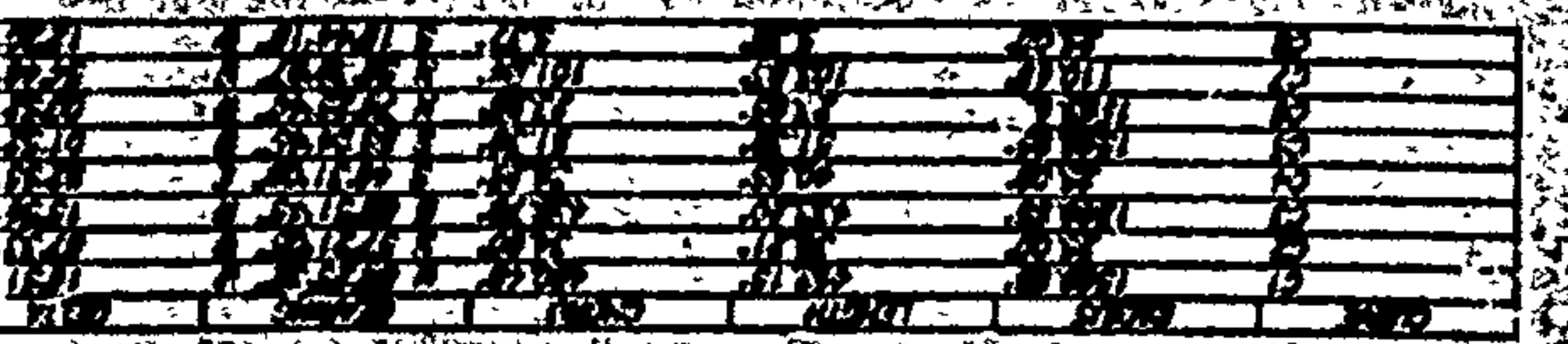




SURVEYOR'S CERTIFICATION
 I, **WADSWORTH A. DICK**, a duly qualified professional surveyor, certify that this plat was prepared by me or under my direct supervision, shows all easements, encumbrances and interests and that the survey meets the minimum requirements for non-utility and utility purposes. I further certify that the plat was prepared by me or under my direct supervision, shows all easements, encumbrances and interests and that the survey meets the minimum requirements for non-utility and utility purposes. I further certify that the plat was prepared by me or under my direct supervision, shows all easements, encumbrances and interests and that the survey meets the minimum requirements for non-utility and utility purposes.

NOTE: PRIOR TO DEVELOPMENT OF ALBUQUERQUE WATER AND SANITARY SYSTEM, CITY OF ALBUQUERQUE, N.M. AND COOPERATED WITH THE PUBLIC WORKS DEPARTMENT, CITY OF ALBUQUERQUE, N.M. A REQUEST FOR A WATER AND SANITARY SEWER WARRANTY STATEMENT

LEGAL DESCRIPTION
 POINT OF BEGINNING
 LEGAL DESCRIPTION



LOT 2-A TRACT B
 211.113 SQ. FT.
 2.1472 ACRES

LOT 2-B TRACT B
 87,130 SQ. FT.
 1.9983 ACRES

FILED 12/10/83
 WEL. CO. FIELD 100

94C 180

6

110

940-180(2)

LOT 1, TRACT B
EDMUNDO TRACT
FILED: 12/10/02
VOL. C80, FOLD 130

10' UNDERGROUND P.M.
(C80-120)

S 87°49' E

542

FILED AS PER
12/02

10' WIDE P.M. EASEMENT
CREATED BY THIS PLAT

NEW P.M. EMT.

S 00°07' E
143.82'

S 08°36' E
78.90'

SUB 10

NO. 10 ROAD
W/O. HORIZONS

LOT 1, TRACT B
DANCO TRACT
FILED 12/10/82
VOL. C28, PAGES 130

S 00'00" W 6'

10' UNDERGROUND PNM EASEMENT
(C20-120)

281.00'

542.01'

NO. 10 ROAD
W/O. HORIZONS

S 89°05' E
59.876'

POINT O
LEGAL D

6' HOV PNM EASEMENT

S 00°00' E
143.00'

S 06°30' E
79.00'

10' HOV PNM EASEMENT
CREATED BY THIS PLAT

12'22" PNM EASEMENT
CREATED BY THIS PLAT

LOT 2-A TRACT R

S 00°03'20" E

642.00'

100' 0" 0.00000000

100' 0" 0.00000000

5.00' 0.00000000
5.00' 0.00000000
5.00' 0.00000000

18'-02" 0.00000000
CREATED BY THIS PLAN

LOT 2-A TRACT B
51,520 22.17
7,102 0.00000000

LOT 2-B TRACT B
51,520 22.17
7,102 0.00000000

OSUNA ROAD

NE 1/2 SECTION 10

JEFFERSON STREET N.E.

642.00'



SCALE 1" = 60'



1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

FROM TO DEVELOPMENT CITY OF ALBUQUERQUE AFTER AN
 ORDER IS ISSUED UNDER THE LAWS OF THE STATE OF NEW MEXICO
 AND THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE
 WITH THE PUBLIC WORKS DEPARTMENT CITY OF ALBUQUERQUE
 A REQUEST FOR A WATER AND SEWER SERVICE CONNECTION
 AT THE POINT OF INTEREST AND POINT OF ENTRY

SURVEYOR'S CERTIFICATION

THE ABOVE DESCRIBED PLAT WAS PREPARED BY ME OR UNDER MY
 SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF NEW MEXICO
 AND I HEREBY CERTIFY THAT THE SAME IS TRUE AND CORRECT
 TO THE BEST OF MY KNOWLEDGE AND BELIEF

Walter J. ...



RECORDED IN THE CITY OF ALBUQUERQUE
 BY THIS PLAN
 RECORDED FOR BOOK-OF-NO. 11
 CITY-1000 PLAT EXEMPTED FROM
 PAYMENT OF RECORDING FEES

PRIVATE RESIDENTS & HOUSES
 AND LOTS ARE EXEMPT
 FROM THE CITY OF ALBUQUERQUE
 AND LOTS ARE EXEMPT
 FROM THE CITY OF ALBUQUERQUE
 AND LOTS ARE EXEMPT
 FROM THE CITY OF ALBUQUERQUE

E D C B A

OSUNA ROAD
 NE 1/2 SECTION 10
 ALBUQUERQUE, NEW MEXICO 87102 P.O. BOX 604-2050

11-11-11

PRO. 14 REBAR
W/CAD L.S. 4078

STREET
(08' W/E)

JEFFERSON

PRIVATE INGRESS & EGRESS EASEMENT
AND LANDSCAPE EASEMENT
CREATED BY THIS PLAT TO BENEFIT
LOT 2-A TRACT B
(MAINTENANCE IS THE RESPONSIBILITY
OF LOTS 2-A & 2-B TRACT B)

LOT 2-B TRACT B

87,120 SQ. FT.
2.0000 ACRES

BURIED TELEPHONE EASEMENT
(SCALED 7X10/3/75, C10-175)

OSUNA ROAD

N.E.

PRO. 14 REBAR
W/CAD L.S. 4078

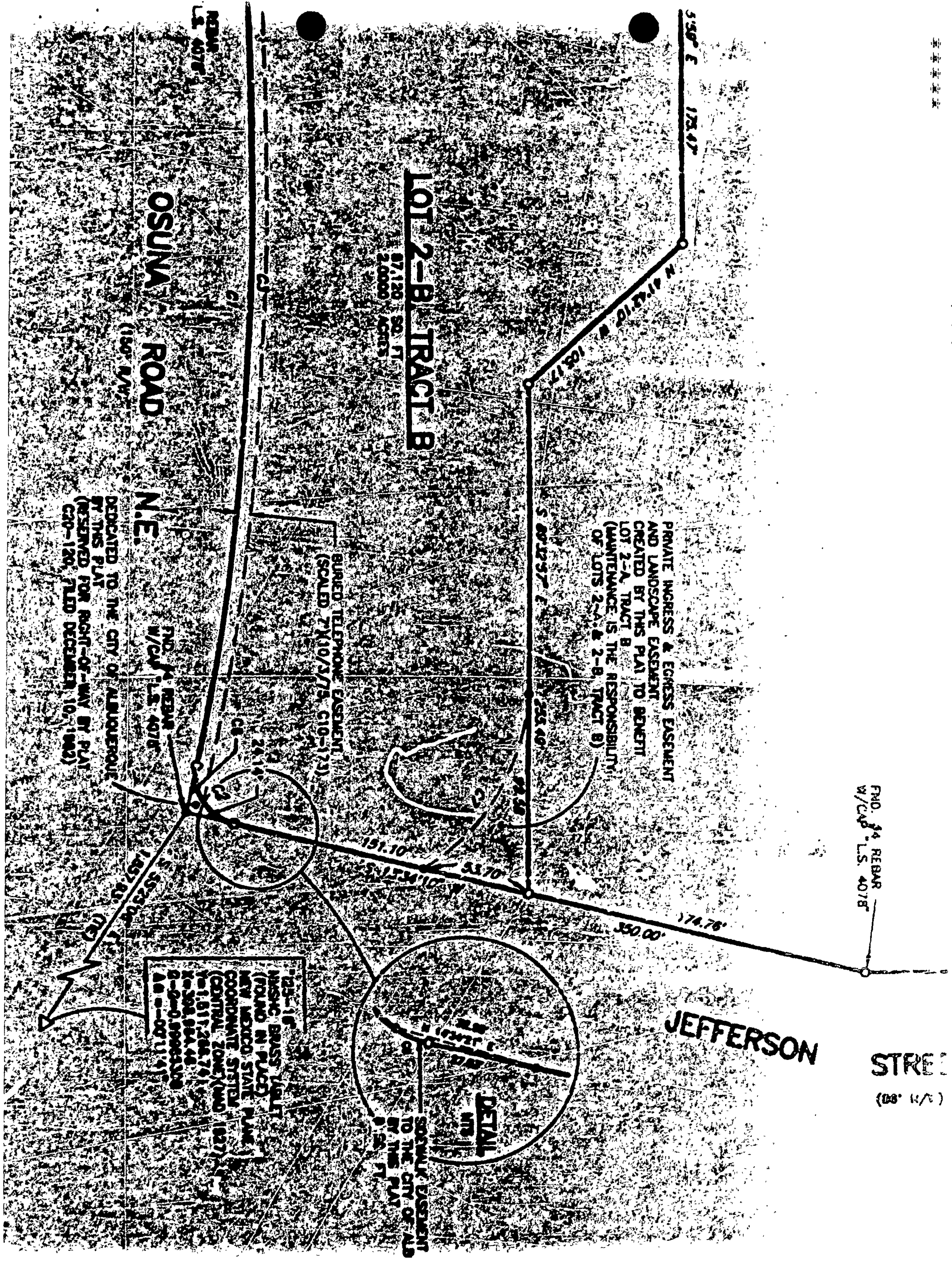
(150' R/W)

DEDICATED TO THE CITY OF ALBUQUERQUE
BY THIS PLAT
(RESERVED FOR RIGHT-OF-WAY BY PLAT
C20-120, FILED DECEMBER 10, 1982)

125-18
MUSIC BRASS TROOP
(FOUNDED IN PLACE)
NEW MEXICO STATE
COORDINATE SYSTEM
(CENTRAL ZONE) (NAD 83)
Y=1,817,288.791
X=308,984.48
Z=0-00.8998320
AA=0-00.1141

SPECIAL EASEMENT
TO THE CITY OF ALB
BY THIS PLAT
8.50 FT.

DETAIL



(8. R/W)

CLASS	ANNUALS	LENGTH	CREDS	DATE	DETA
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	
C1	153.8'	44.13'	22.08'	1/29/88	

NOTE: PRIOR TO DEVELOPMENT, CITY OF ALBUQUERQUE WATER AND SANITARY SEWER SERVICE TO LOT 2-B MUST BE VERIFIED AND COORDINATED WITH THE PUBLIC WORKS DEPARTMENT, CITY OF ALBUQUERQUE, VIA A REQUEST FOR A WATER AND SANITARY SEWER AVAILABILITY STATEMENT.

DETAIL

SOLEMN EASEMENT GRANTED TO THE CITY OF ALBUQUERQUE BY THIS PLAT 8.50 FT.

SURVEYOR'S CERTIFICATION

VADIMIR JURIK, A DULY QUALIFIED PROFESSIONAL SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNER...

addition to the south

17

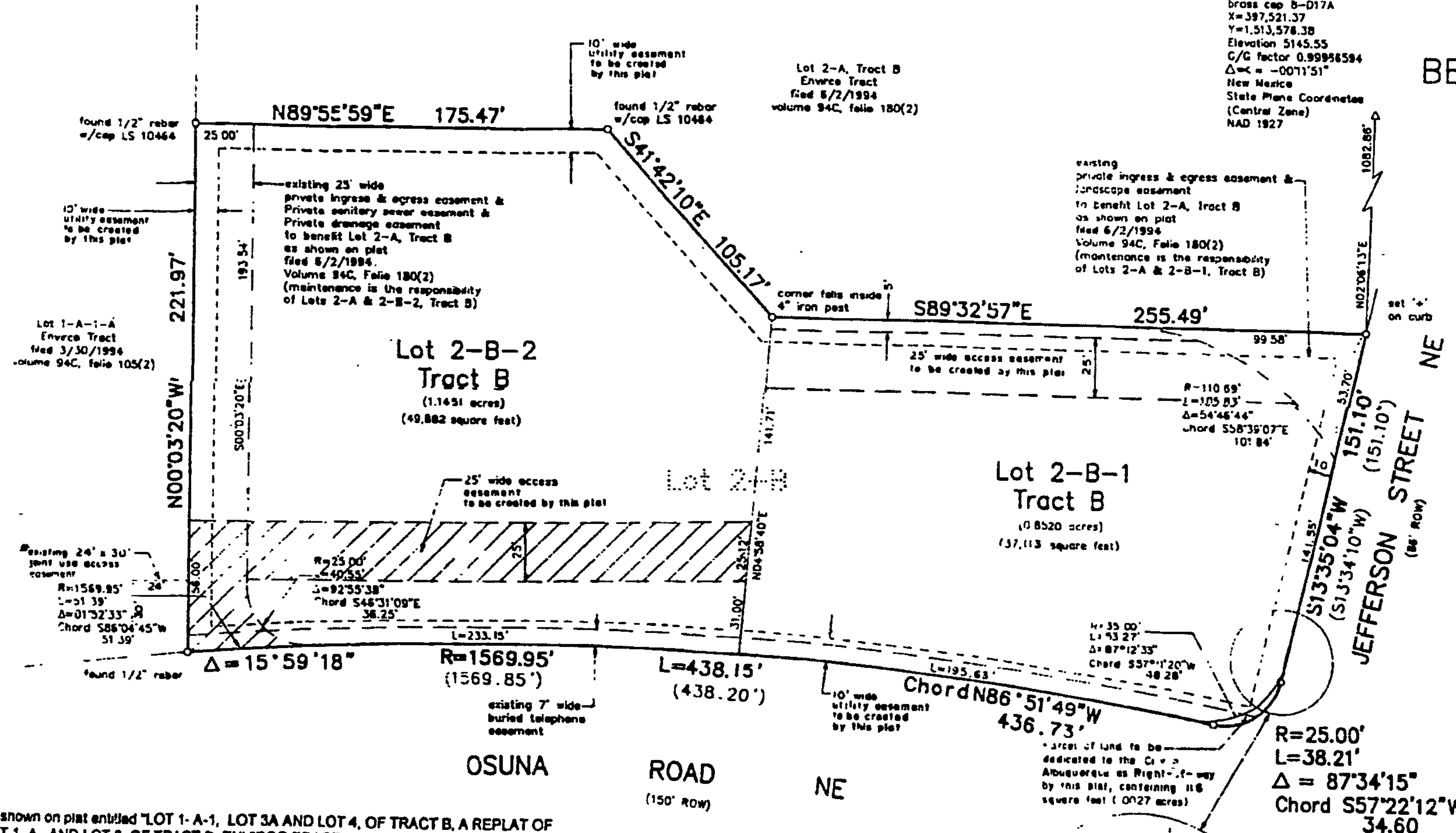
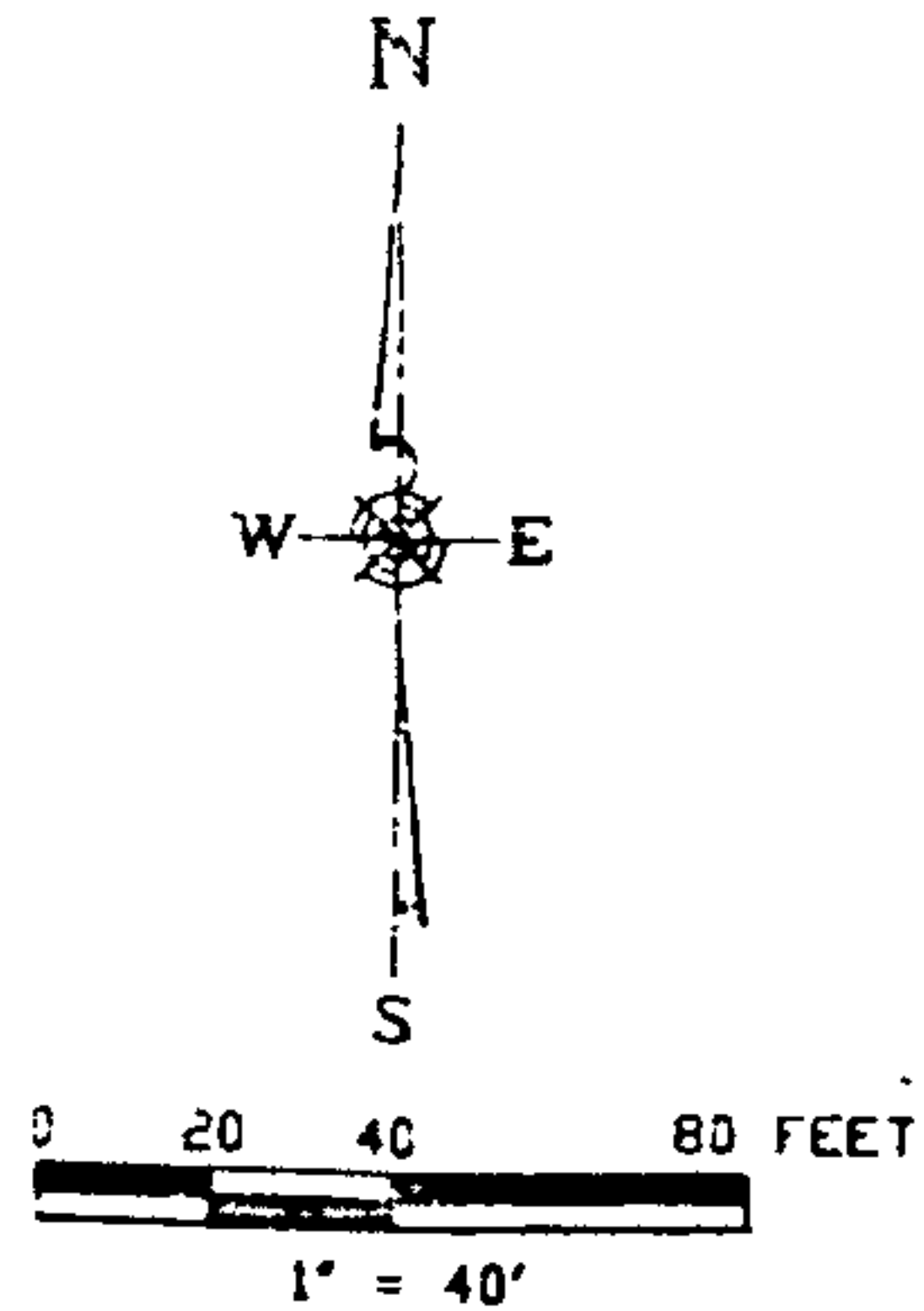
95C-308(2)

PLAT
LOT 2-B-1 &
TRACT
ENVIRCO
BEING A REP
LOT 2-B, TRACT
ENVIRCO TRACT
ALBUQUERQUE
BERNALILLO COUNTY
APRIL 1994

State of New Mexico
County of Bernalillo
This instrument was filed for record on

230
230
P
95C
308
New Mexico
State Plane Coordinates
(Central Zone)
NAD 1927

City of Albuquerque
cross cap 8-017A
X=397,521.37
Y=1,513,578.38
Elevation 5145.55
G/C factor 0.99956594
 $\Delta\epsilon = -00'11.51"$
New Mexico
State Plane Coordinates
(Central Zone)
NAD 1927



* as shown on plat entitled "LOT 1-A-1, LOT 3A AND LOT 4, OF TRACT B, A REPLAT OF LOT 1-A, AND LOT 3, OF TRACT B, ENVIRCO TRACT, ALBUQUERQUE, NEW MEXICO" filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 1, 1990 in Book 90C, Page 55

SURVEYOR'S AFFIDAVIT

I, Ronald A. Forstbauer, registered New Mexico Land Surveyor No. 1000, shown herein was prepared by me or under my direct supervision for

80 FEET
40
0

BEING A REF
LOT 2-B, T
ENVRICO
ALBUQUER
BERNALILLO COUNT
APRIL 19

N89°55'59"E 175.47'

City of Albuquerque
Area Map B-017A
X-872518.27
Y-1512576.28
Elevation 5143.58
C/G Sector 159946386
A-C-4-007151
New Mexico
State of the Corporation
(Center Zone)
AUG 1927

Lot 2-A, Tract 2
Envrigo Tract
Road 8/2/1994
Volume 842, Page 190(2)

City of Albuquerque
Area Map B-017A
X-872518.27
Y-1512576.28
Elevation 5143.58
C/G Sector 159946386
A-C-4-007151
New Mexico
State of the Corporation
(Center Zone)
AUG 1927

N00°03'20"W 221.97'

Lot 2-B-2
Tract B

Private Program & Egress easement & Private easement to be granted to the owner of Lot 2-A, Tract B, as shown on plat. Road 8/2/1994 Volume 842, Page 190(2) (Responsibility in the responsibility of Lots 2-A & 2-B-2, Tract B)

City of Albuquerque
Area Map B-017A
X-872518.27
Y-1512576.28
Elevation 5143.58
C/G Sector 159946386
A-C-4-007151
New Mexico
State of the Corporation
(Center Zone)
AUG 1927

Lot 2-A, Tract 2
Envrigo Tract
Road 8/2/1994
Volume 842, Page 190(2)

Private Program & Egress easement & Private easement to be granted to the owner of Lot 2-A, Tract B, as shown on plat. Road 8/2/1994 Volume 842, Page 190(2) (Responsibility in the responsibility of Lots 2-A & 2-B-1, Tract B)

Lot 2-B-1
Tract B

S13°35'04"W 151.10'
(S) 134.10'
JEFFERSON STREET

OSUNA ROAD

NE

NE

R=25.00
L=38.21'
A = 87°34'15"
Chord S57°22'12"W
34.60'

Chord N86°51'49"W
438.73'

L=438.19'
(438.20)

R=1569.95'
(1569.85)'

A=15°59'18"

As shown on plat original LOT 1-A, LOT 3A AND LOT 4, OF TRACT A, A REPLAT OF LOT 1, A, AND LOT 3, OF TRACT B, ENVRICO TRACT, ALBUQUERQUE, NEW MEXICO filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 1, 1990 in Book 800, Page 55.

MAINTENANCE AND BENEFICIARIES OF ACCESS EASEMENTS CREATED BY THIS PLAT

The 2nd access easement within Lot 2-B-1 shall be for the benefit of Lot 2-B-2 and Lot 2-B-3. The maintenance is the responsibility of the owners of Lot 2-B-1.

REVISIONS
1. Revised A.C. 1/10/95
2. Revised A.C. 1/10/95
3. Revised A.C. 1/10/95
4. Revised A.C. 1/10/95
5. Revised A.C. 1/10/95
6. Revised A.C. 1/10/95
7. Revised A.C. 1/10/95
8. Revised A.C. 1/10/95
9. Revised A.C. 1/10/95
10. Revised A.C. 1/10/95

95C-301(2)

found 1/2" rebar
w/cop LS 10464

10' wide
utility easement
to be created
by this plot

Lot 2-A, Tract B
Envrca Tract
filed 5/30/1994
volume 94C, folio 180(2)

existing 24" dia
drain use occurs
at
R=1569.95
A=0152.33
Chord 586'04" (51.39)

N00°03'20"W 221.97'

25.00'

N89°55'59"E 175.47'

existing 25' wide
private ingress & egress easement
Private sanitary sewer easement
Private drainage easement
to benefit Lot 2-A, Tract B
as shown on plot
filed 6/2/1994
Volume 94C, Folio 180(2)
(maintenance is the responsibility
of Lots 2-A & 2-B-2, Tract B)

S00°03'20"E 193.54'

Lot 2-B-2
Tract B
(49,691 sq ft)
(49,882 square feet)

25' wide access
easement
to be created by this plot

R=25.00'
A=92°35'38"
Chord 546'31.09"E
36.25'

Δ=15°59'18"

R=1569.95'
A=569'85.1'

10' wide
utility easement
to be created
by this plot

found 1/2" rebar
w/cop LS 10464

Lot 2-A, Tract B
Envrca Tract
filed 6/2/1994
volume 94C, folio 180(2)

corner falls inside
4" iron post

S89

31.00' 25.12'
N04°58'40"E

L=438.15'

existing 7 1/2' wide
buried telephone
easement

10' wide
utility easement
to be created
by this plot

Chor

Easement Plot 2



First American Title

Commitment

Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

COMMITMENT NUMBER

5011635-1783428-AL01

First American Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, First American Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.



First American Title Insurance Company

Dennis J. Gilmore
President

Timothy Kemp
Secretary

By:

Authorized Countersignature

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitration matters when the Amount of insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org>>.*



ISSUED THROUGH THE OFFICE OF:



FIRST AMERICAN
TITLE INSURANCE
COMPANY

Corporate Office
1 First American Way
Santa Ana, CA 92707



First American Title

Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

COMMITMENT NUMBER

5011635-1783428-AL01

Schedule A

Pursuant to the New Mexico Title Insurance Law §59A-30-4 NMSA 1978, Control and Supervision by Superintendent and Title Insurance Regulation §13.14.18.10 NMAC, no part of any title insurance commitment, policy or endorsement form may be added to, altered, inserted in or typed upon, deleted or otherwise changed from the title insurance form promulgated by the New Mexico Superintendent of Insurance, nor issued by a person or company not licensed with regard to the business of title insurance by the New Mexico Superintendent of Insurance, nor issued by a person or company who does not own, operate or control an approved title abstract plant as defined by New Mexico law and regulations for the county wherein the property is located.

File No.: 1783428-AL01

1. Effective Date: January 23, 2013 at 8:00 a.m.

2. Policy (or Policies) to be issued:	<u>AMOUNT</u>
a <input checked="" type="checkbox"/> NM-1 ALTA Owner's Policy of Title Insurance (6-17-06)	\$2,750,000.00

Proposed Insured: ARGUS Jefferson Partners, LLC

b <input checked="" type="checkbox"/> NM-2 ALTA Loan Policy of Title Insurance (6-17-06):	\$0.00
---	--------

Proposed Insured: To Be Determined

c. <input type="checkbox"/>	\$
(Identify form used)	

Proposed Insured:

3. The Estate or interest in the Land described or referred to in this Commitment is Fee Simple

4. Title to the said estate or interest in the land is at the Effective Date vested in:

Centurion Jefferson, LLC, a New Mexico limited liability company

5. The land referred to in the Commitment is described as follows:

Parcel 1:

Lot Two-A-1 (2-A-1) and Two-A-2 (2-A-2) of Tract lettered "B" ENVIRCO TRACT as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on May 18, 2007, in Map Book 2007C, folio 127.

Parcel 2:

Non Exclusive rights of easement for private ingress and egress, private sanitary sewer and private drainage and for private ingress and egress and landscape as created and shown on Plat of Lots 2-A & 2-B, Tract B, Envirco Tract, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 2, 1994 in Book 94C, page 180, and 25-foot pedestrian and vehicular access, ingress and egress easement from and to public rights-of-way and the insured premises created by paragraph 1 of Easement Agreement recorded in Book 95-9, page 1118, records of Bernalillo County, New Mexico, and 25-foot wide private ingress & egress easement & Private sanitary sewer easement & Private drainage easement as the same is shown and designated on Plat of Lot 2-B-1 & 2-B-2 Tract B Envirco Tract, filed August 17, 1995 in Book 95C, Page 308, records of Bernalillo County for the benefit of Lots 2-A-1 and 2-A-2 (formerly Lot 2-A), to the extent and duration provided therein.

APN: 1 017 062 311 454 10107

For informational purposes only address of property per county assessor's tax roll:

6701 Jefferson NE,
Albuquerque, New Mexico 87109



First American Title

Schedule BI

Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

COMMITMENT NUMBER

5011635-1783428-AL01

File No.: 1783428-AL01

REQUIREMENTS

The following requirements must be met:

1. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate of interest to be insured.
2. Instruments in insurable form which must be executed, delivered and duly filed for record.
3. Payment of taxes for the year 2012, second half.
4. Record a Release of the Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing executed by the Trustee named in the Deed of Trust from Centurion Jefferson, LLC, a New Mexico limited liability company, as Borrower, Mortgagor or Trustor, to First American Title Insurance Company, as Trustee, for the benefit of Avatar Capital Finance LLC, as Lender or Beneficiary, filed October 12, 2012, recorded as Document No. 2012106700, records of Bernalillo county, New Mexico.
5. Record a Release of the Mortgage executed by Centurion Jefferson, LLC, a New Mexico limited liability company to Compass Bank, filed March 23, 2007, recorded in Book A134, Page 4645 as Instrument No. 2007044732, records of Bernalillo County, New Mexico. Said Mortgage having been subsequently assigned to Jefferson M1, LLC, a New Mexico limited liability company, by Instrument filed October 12, 2012, recorded in Document No. 2012106698, records of Bernalillo County, New Mexico. Subordination Agreement filed October 12, 2012, recorded as Document No. 2012106737, records of Bernalillo County, New Mexico.
6. Record a Release of the Assignment of Leases and Rents executed by Centurion Jefferson, LLC, a New Mexico limited liability company to Compass Bank, filed March 23, 2007, recorded in Book A134, Page 4646 as Instrument No. 2007044733, records of Bernalillo County, New Mexico.
7. Provide a copy of the Articles of Organization and Operating Agreement of ARGUS Jefferson Partners, LLC, a New Mexico limited liability company, to First American Title Insurance Company for review and evaluation. Upon examination of the required document, additional exceptions and/or requirements may be made.
8. Record a Warranty Deed from Centurion Jefferson, LLC, a New Mexico limited liability company to ARGUS Jefferson Partners, LLC, a New Mexico limited liability company.
9. Satisfactory proof that any improvements made upon the subject land within the past 120 days have been paid in full. **(Note: This requirement is only applicable, if the proposed insured, herein, is requesting deletion of Schedule B, standard exception 4.)**

10. Execution of an Owners Affidavit as to survey matters, to First American Title Insurance Company for review and evaluation. Upon examination of this affidavit, additional exceptions and/or requirements may be made. **(Note: This requirement is only applicable, if the proposed insured lender, herein, is requesting deletion of Schedule B, standard exceptions 2 and 3.)**
11. Record a Mortgage from ARGUS Jefferson Partners, LLC, a New Mexico limited liability company to To Be Determined in the amount of \$0.00.



First American Title

Schedule BII

Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

COMMITMENT NUMBER

5011635-1783428-AL01

File No.: 1783428-AL01

EXCEPTIONS FROM COVERAGE

Standard exceptions 1, 2, 3, and/or 4, may be deleted from any policy, upon compliance with all provisions of the applicable rules, upon payment of all additional premiums required by the applicable rules, upon receipt of the required documents and upon compliance with the company's underwriting standards for each such deletion. Standard exception 5 may be deleted from the policy if the named insured in the case of an owner's policy, or the vestee, in the case of a leasehold or loan policy, is a corporation, a partnership, or other artificial entity, or a person holding title as trustee. Except for the issuance of a U.S. Policy Form (NM7 or NM34), any policy to be issued pursuant to this commitment will be endorsed or modified in schedule B by the company to waive its right to demand arbitration pursuant to the conditions and stipulations of the policy at no cost or charge to the insured. The endorsement or the language added to schedule B of the policy shall read: "In compliance with Subsection D of 13.14.18.10 NMAC, the company hereby waives its right to demand arbitration pursuant to the title insurance arbitration rules of the American Land Title Association. Nothing herein prohibits the arbitration of all arbitrable matters when agreed to by both the company and the insured." [6-16-86, 3-1-90, 6-1-97, 6-1-98; 13.14.5.9 NMAC - Rn, 13 NMAC 14.5.9, 5-15-00; A, 8-29-03; A, 7-1-05]

Schedule B of the policy or policies to be issued will contain the exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Encroachments, overlaps, conflicts in boundary lines, shortages in area, or other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, survivorship, or homestead rights, if any, of any spouse of the insured (or vestee in a leasehold or loan policy).
6. RESERVED.
7. Water rights, claims or title to water.
8. RESERVED.
9. Taxes for the year 2013 and thereafter.

10. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
11. Reservations contained in the Patent from the United States of America recorded in Book 80, page 353, records of Bernalillo County, New Mexico.
12. Easement(s) reserved across the insured land, as shown on the recorded plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on May 18, 2007, in Plat Book 2007C, Folio 127 as Instrument No. 2007073888.
13. Sewer Line Relocation Agreement recorded in Book 94-17, page 6821, records of Bernalillo County, New Mexico.
14. Easement Agreement recorded in Book 95-9, page 1118, records of Bernalillo County, New Mexico.
15. Access Easement Agreement recorded in Book 95-21, page 6308, records of Bernalillo County, New Mexico.
- 16. Easements and maintenance obligations as set forth on the plat recorded in Plat Book 94C, page 180, records of Bernalillo County, New Mexico.
17. Encroachment by the loading dock appurtenant to Lot 2-A-2 onto Lot 2-A-1 and by sign onto right of way of Jefferson Street NE, as shown on ALTA/ACSM Survey prepared by Cartesian Surveys Inc., dated December 7, 2012.
- ① 18. Rights of easement, if any, relating to the sanitary sewer and manhole, transformer, gas meter, underground gas lines and underground telephone lines as shown on ALTA/ACSM Survey, prepared by Cartesian Surveys Inc., dated December 7, 2012.
- ② 19. Encroachment of the improvements of the covered bus stop onto the insured land as shown on Survey prepared by Cartesian Surveys Inc., dated December 7, 2012.
- ③ 20. Encroachment of the improvements of the public sidewalk onto the insured land as shown on Survey prepared by Cartesian Surveys Inc., dated December 7, 2012.
21. Easement(s) reserved across the insured land, as shown on the recorded plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 17, 1995, in Plat Book 95C, Folio 308. (As to Parcel 2)
- 22. Reciprocal Permanent Access Easement Agreement filed August 31, 1995, recorded in Book 9521, page 2180 as Document No. 95088622, records of Bernalillo County, New Mexico. (As to Parcel 2)
23. Taxes for the second half of the year 2012 and thereafter. (As to Parcel 2)

Easement
P 20 of 2

4

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RETURN TO ALBUQUERQUE TITLE CO.

139366

95090431

ACCESS EASEMENT AGREEMENT

STATE OF NEW MEXICO § 5308
COUNTY OF BERNALILLO §

THIS ACCESS EASEMENT AGREEMENT ("Agreement") is made and entered into to be effective as of the 31st day of August, 1995, by and between BRAZOS RIVER LEASING L.P., a Texas Limited Partnership ("Brazos") and BRUCE FRANKLIN GARNAND AND MARILYN GARNAND, as Trustees of the Bruce and Marilyn Garnand Trust, U/A dated June 2, 1988 ("Garnand"), with the consent of ENVIRCO CORPORATION, a New Mexico corporation ("Envirco").

WHEREAS, Brazos is the owner of certain real property situated in the County of Bernalillo, State of New Mexico, known as Lot 2-B-1, Tract B, Envirco Tract and more particularly described in Exhibit "A" attached hereto and made a part hereof:

(the "Brazos Parcel")

WHEREAS, Garnand is the owner of certain real property situated in the County of Bernalillo, State of New Mexico, known as Lot 2-A, Tract B, Envirco Tract, located adjacent to the Brazos Parcel, and more particularly described in Exhibit "B" attached hereto and made a part hereof.

(the "Adjacent Parcel")

WHEREAS, Envirco leases the Adjacent Parcel from Garnand pursuant to that certain Net/Net/Net Warehouse Lease, dated January 5, 1987, as amended by Addendum No. 1, erroneously dated January 5, 1988 (intended to be January 5, 1987), a certain Extension of Net/Net/Net Warehouse Lease dated June, 1989, a certain Addendum Number One (intended to be Addendum Number Two) to Net/Net/Net Warehouse Lease, dated June 11, 1990, a certain Addendum Number Three to Lease, dated effective May 29, 1993, a certain Addendum Number Four to Lease, dated effective May 30, 1994, and as transferred by a certain letter dated May 31, 1994 (as amended, "Lease").

WHEREAS, Brazos and Garnand, with the consent of Envirco, desire to establish a non-exclusive easement and right-of-way for the benefit of the Brazos Parcel across the portion of the Adjacent Parcel described as follows:

A parcel of land 40' in width running in an East/West direction immediately North of and abutting the Brazos Parcel, from a point approximately 30' west of the East Line of the Brazos Parcel (which is a platted ingress, egress easement) and continuing West for approximately 220'

over, upon and across only the paved and unimproved portion of the Adjacent Parcel for a truck turning radius (described by metes and bounds in Exhibit "c" attached hereto and made a part hereof) (the "Easement Parcel").

for so long as the Brazos Parcel is used as a retail gasoline service station and convenience store.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. Garnand hereby grants and conveys to Brazos a non-exclusive easement under, over, and across the Easement Parcel for the purposes of permitting the passage of motor vehicles and the passage and accommodation of pedestrians in connection with the operation of a retail gasoline service station and convenience store on the Brazos Parcel. Brazos shall have the right to permit the use of the Easement Parcel by its Permittees as hereinafter defined, for the uses permitted under this Agreement. Garnand hereby reserves unto itself, Envirco and their Permittees the right to use the Easement Parcel for all uses not inconsistent with the uses set forth in this Agreement.
2. "Permittees" shall mean and refer to the parties and their customers, tenants, subtenants, licensees, occupants, employees, contractors, invitees, and visitors. The joinder of Permittees in any amendment to this Agreement shall not be required, except for the consent of Envirco, or its successors under the Lease.
3. This Access Easement Agreement shall terminate upon final cessation of use of the Brazos Parcel for operation of a retail gasoline service station and convenience store. Final cessation is defined as a ceasing of such uses for a period of one year.
4. The Easement Parcel has already been paved and Brazos agrees to maintain and repair the Easement Parcel so long as Brazos owns the Brazos Parcel. Maintenance and repair obligations shall include the following:
 - a. Keeping the Easement Parcel in clean, uncluttered, orderly, and sanitary condition, including replacements as necessary;
 - b. Removing, when reasonably necessary, snow, ice, and other debris; and

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- c. Repairing, replacing and paving the ^{pavement/} concrete gutters and curbs as may be reasonably necessary.
5. Neither Garnand nor Envirco have any obligation whatsoever to pave, maintain or repair the Easement parcel or to reimburse Brazos or its successors for the costs of same.
6. Upon failure of Brazos or its successors and assigns to maintain and repair the Easement Parcel within thirty (30) days after receipt of Notice from Garnand, Envirco or their successors or assigns to do so, this Access Easement Agreement shall terminate.
7. All written notices provided for herein shall be personally delivered or mailed by registered or certified United States Mail, postage prepaid, return receipt requested, to the parties specified by written notice:

If to Garnand:

BRUCE FRANKLIN GARNAND AND MARILYN GARNAND, as
Trustees of the Bruce and Marilyn Garnand Trust,
U/A dated June 2, 1988
ATTENTION: Bruce Garnand
1213 Luisa Street
Santa Fe, New Mexico 87501

If to Enviroco: ENVIRCO:

ENVIRCO
Attention: Skip Erickson
6701 Jefferson, N.E.
Albuquerque, New Mexico 87109

If to Brazos:

Brazos River Leasing L.P.
Attention: Real Estate Department
P. O. Box 696000
San Antonio, Texas 78269-6000

All notices so mailed shall be deemed delivered three business days after mailing.

8. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of Brazos, Garnand and Envirco, and their successors and assigns. The benefits and burdens hereof shall run with the land and be appurtenant thereto, with the effect that any person or entity which acquires an interest in the Brazos Parcel or the Adjacent Parcel shall be entitled to the benefits and be bound by the burdens hereof.

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9. In the event that any party is required to commence any action or proceeding against the other in order to enforce the provisions hereof, the prevailing party's remedy shall be limited to injunctive relief and damages for the alleged breach of any of the provisions, or termination of this Access Easement Agreement. The prevailing party in any such action shall be entitled to recover, in addition to any amounts or relief otherwise awarded, all reasonable costs incurred in connection therewith, including attorney's fees. No waiver by either party of any default shall be deemed a waiver of any other or subsequent default hereunder.
10. None of the terms or provisions of this Agreement shall be deemed to create a partnership between the parties and their respective businesses or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise.

IN WITNESS WHEREOF this Access Easement Agreement is executed to be effective as of the day and year first above written.

BRUCE FRANKLIN GARNAND AND MARILYN
GARNAND, as Trustees of the Bruce
and Marilyn Garnand Trust, U/A
dated June 2, 1988

By: Bruce F. Garnand
Bruce Franklin Garnand, Trustee

By: Marilyn Garnand
Marilyn Garnand, Trustee

BRAZOS RIVER LEASING L.P.,
a Texas Limited Partnership
by its agent

DIAMOND SHAMROCK REFINING AND
MARKETING COMPANY, a Delaware
corporation

By: R. D. Becker
Vice President

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STATE OF NEW MEXICO §
COUNTY OF BERNALILLO §

The foregoing instrument was acknowledged before me on August 31st, 1995, by Bruce Franklin and Marilyn Garnand, Trustees of the Bruce and Marilyn Garnand Trust, U/A June 2, 1988.

[Signature]
Notary Public, State of New Mexico
Commission Expires April 25, 1996

STATE OF TEXAS §
COUNTY OF BEKAR §

This instrument was acknowledged before me this 25th day of August, 1995 by R. C. Becker, who, being by me duly sworn, did depose and say that he is a Vice President of Diamond Shamrock Refining and Marketing Company, a Delaware corporation, agent of Brazos River Leasing L.P., a Texas Limited Partnership, and as said officer executed the foregoing instrument.

Witness my hand and seal of office.

[Signature]
Notary Public, State of Texas
My Comm. Exp. 11/21/97

CONSENT

ENVIRCO CORPORATION, Lessee under the Lease, as defined above, hereby consents to the granting of the non-exclusive easement set forth in the Agreement and the terms and conditions set forth therein.

ENVIRCO CORPORATION,
a New Mexico Corporation

By: *[Signature]*
Its: LP FINANCE

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STATE OF NEW MEXICO §
 §
COUNTY OF BERNALILLO §

The foregoing was acknowledged before me this 30th day of August, 1995 by Robert A. Nelson, Vice President on behalf of ENVIRCO CORPORATION, a New Mexico corporation.

Don Cook
Notary Public, State of New Mexico

W2151.JB

4/1/96

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EXHIBIT "A"

A certain parcel of land being identified as ~~Lot 2-B-1~~ Lot 2-B-1, Tract B, as the same is shown and designated on the plat entitled "PLAT OF LOT 2-B-1 and 2-B-2, TRACT B, ENVIRCO TRACT", filed in the office of the County Clerk of Bernalillo County, New Mexico, on 8/17/95, 1995 in Volume 95C, folio 308, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of the parcel herein described, a point on the North right-of-way line of Osuna Road N.E., whence the Southwest corner of said Lot ~~2-B-1~~ Tract B, bears S89°24'01"W, a distance of 232.88 feet;

THENCE, N04°58'40"E, a distance of 141.71 feet to the Northwest corner of the parcel herein described;

THENCE, S89°32'57"E, a distance of 255.49 feet to a point on the West right-of-way line of Jefferson Street N.E. and the Northeast corner of the parcel herein described;

THENCE, S13°35'04"W, a distance of 151.00 feet along, adjoining and adjacent to said West right-of-way line of Jefferson Street N.E., to a point of curvature;

THENCE, Southwesterly along the arc of a curve bearing to the right (said arc having a radius of 25.00 feet and a long chord which bears S57°22'12"W, a distance of 34.60 feet) to a point of reverse curvature and a point on said North right-of-way line of Osuna Road N.E.;

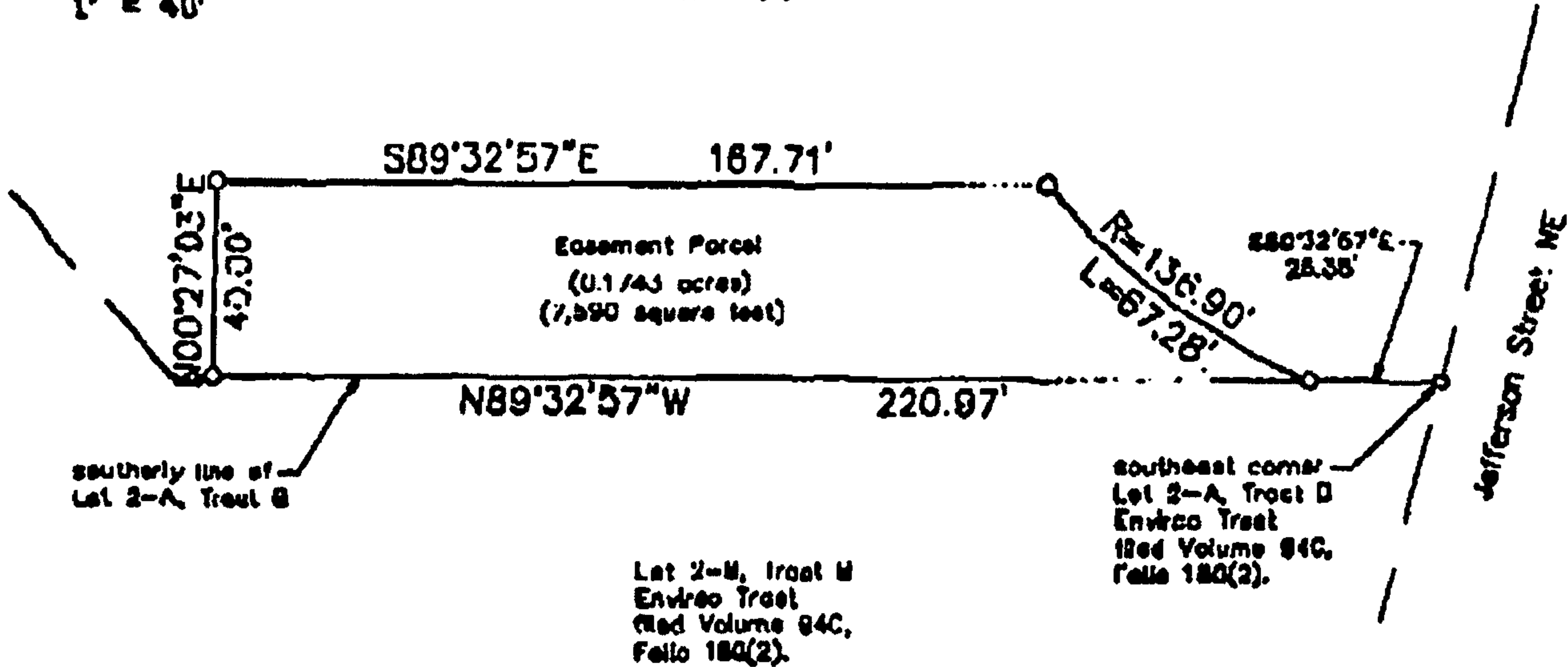
THENCE, Northwesterly a distance of 205.00 feet along the arc of a curve bearing to the left (said arc having a radius of 1569.95 feet and a chord which bears N82°36'20"W, a distance of 204.85 feet) along, adjoining and adjacent to said North right-of-way line of Osuna Road N.E. to the Southwest corner and point of beginning of the parcel herein described and containing 0.855 acres, (37,229) square feet more or less.



"Exhibit C"

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Lot 2-A, Tract B
Enviro Tract
filed Volume 94C,
Folio 180(2).



A certain parcel of land situate within the exterior boundaries of Lot 2-A, Tract B as the same is shown and designated on the plat entitled "PLAT OF LOTS 2-A & 2-B, TRACT B, ENVIRCO TRACT ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO" filed in the office of the County Clerk of Bernalillo County, New Mexico on June 2, 1984 in Volume 94C, Folio 180(2) and being further described by metes and bounds as follows:

Beginning at the southeast corner of the parcel herein described a point on curve, and a point on the southerly line of said Lot 2-A, Tract B, whence the southeast corner of said Lot 2-A, Tract B bears S89°32'57"E, a distance of 26.38 feet;
 Thence, N89°32'57"W, a distance of 220.97 feet along said southerly line of Lot 2-A, Tract B to the southwest corner of the parcel herein described;
 Thence, N00°27'03"E, a distance of 40.00 feet to the northwest corner of the parcel herein described;
 Thence, S89°32'57"E, a distance of 167.71 feet to a point on curve and the northeast corner of the parcel herein described;
 Thence, Southeastery, a distance of 67.28 feet along the arc of a curve bearing to the left (said arc having a radius of 136.90 feet and a chord which bears S82°38'28"E, a distance of 66.61 feet) to the southeast corner and point of beginning of the parcel herein described and containing 0.1743 acres (7,590 square feet) more or less.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

95 SEP -6 AM 10:41



8-21-84
6308-6315
JUDICIAL
Clerk



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action **Preliminary Plat**
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Cartesian Surveys Inc PHONE: 896-3050
 ADDRESS: PO Box 44414 FAX: 891-0244
 CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: cartesianamber@gmail.com
 APPLICANT: Argus Jefferson Partners LLC PHONE: _____
 ADDRESS: 4700 Montgomery Blvd NE #200 FAX: _____
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: _____
 Proprietary interest in site: _____ List all owners: Argus Jefferson Partners, LLC

DESCRIPTION OF REQUEST: Create 4 new lots from 2 existing lots,

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. Lot 2-A-1 + 2-A-2, Tract B Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Envirco Tract
 Existing Zoning: M-1 Proposed zoning: M-1 MRGCD Map No _____
 Zone Atlas page(s): E-17-Z UPC Code: 101706228445410108 (Lot 2-A-1)
101706231145410107 (Lot 2-A-2)

CASE HISTORY:

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

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 2 No. of proposed lots: 4 Total site area (acres): 7.1471 Acres
 LOCATION OF PROPERTY BY STREETS: On or Near: Jefferson St NE
 Between: Osuna Rd NE and Ellison St NE
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE Amber Palmer DATE 1/13/2016
 (Print Name) Amber Palmer Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>16 DRB - 70046</u>	<u>PAF</u>	_____	<u>\$ 425.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CME</u>	_____	<u>\$ 20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>Feb. 10, 2016</u>			Total <u>\$ 445.00</u>

2-2-16
Staff signature & Date

Project # 1005517

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

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

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

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

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

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

Extension of preliminary plat approval expires after one year.

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

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

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

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

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

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

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

Amber Palmer
Applicant name (print)
Amber Palmer 1/13/2016
Applicant signature / date

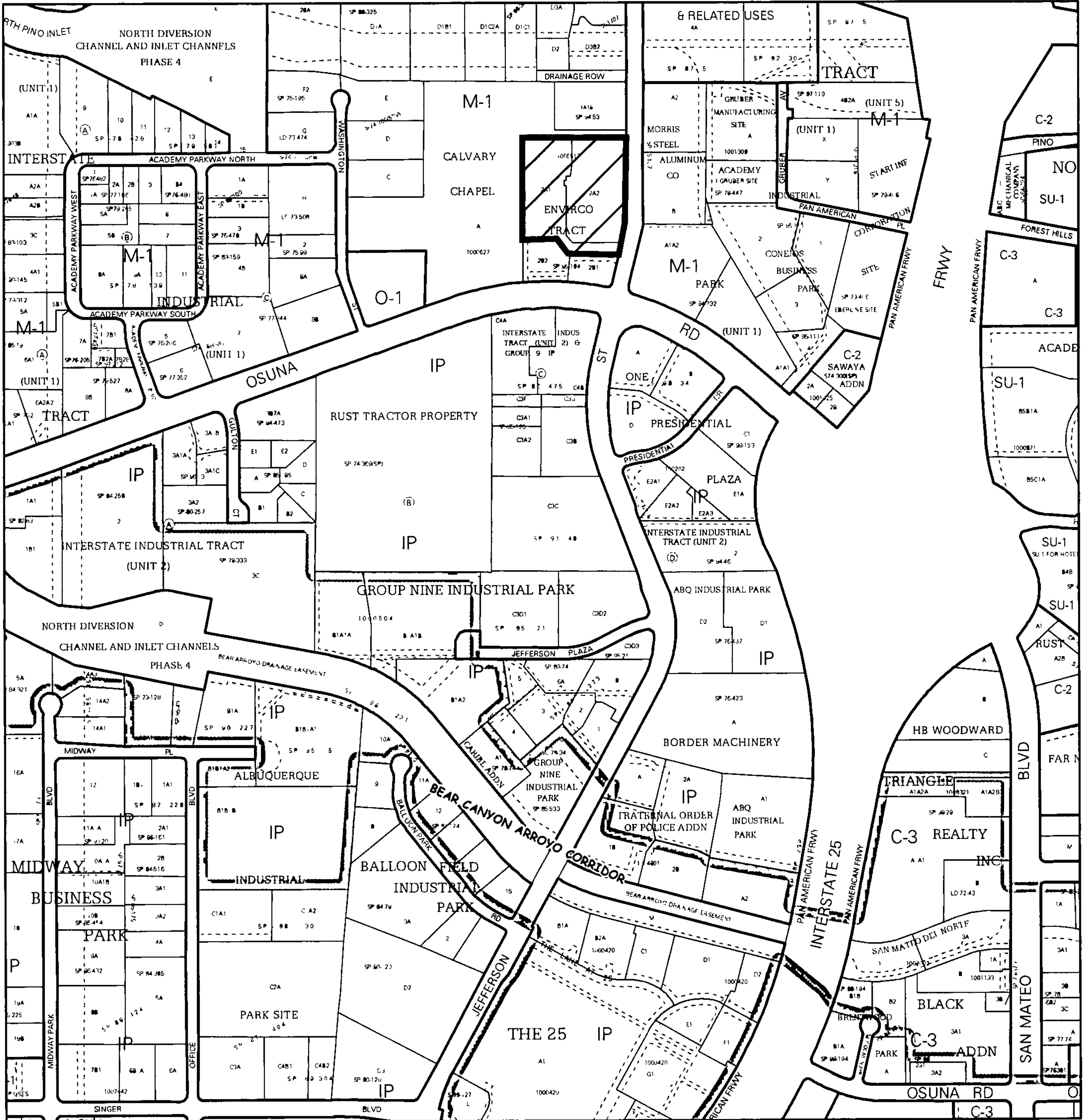


Form revised October 2007

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

Application case numbers
16 - DRB - 70046

[Signature] 2-2-16
Planner signature / date
Project # 1005517



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

AGIS
Albuquerque Geographic Information System

Map amended through: 9/2/2014

Note Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
E-17-Z

Selected Symbols

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

0 750 1,500 Feet

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

January 13, 2016

Development Review Board
City of Albuquerque

Re: Existing Lots 2-A-1 & 2-A-2, Tract B, Envirco Tract

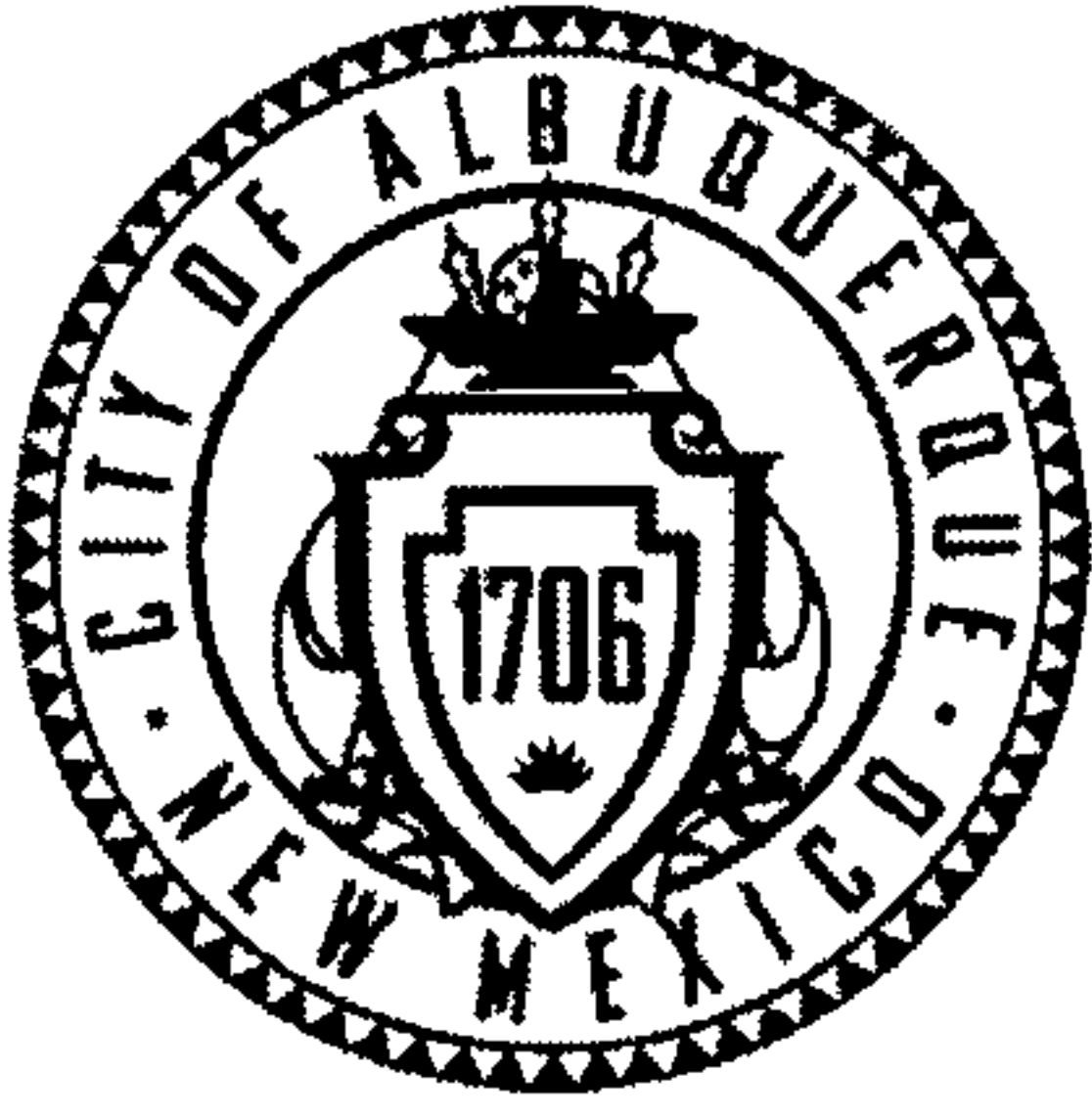
Members of the Board:

Cartesian Surveys is acting as an agent for the owner and requests approval of a plat creating four new lots from two existing lots, granting and vacating easements.

If you have any questions, please feel free to call.

Thank you for your time and consideration.

Will Plotner Jr., NMLS 14271



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103
Planning Department
Suzanne Lubar, Director

Richard J. Berry, Mayor
Robert J. Perry, CAO
January 13, 2016

SUBJECT: ALBUQUERQUE ARCHAEOLOGICAL ORDINANCE—Compliance Documentation

Project Number(s):

Case Number(s):

Agent:

Cartesian Surveys Inc

Applicant:

Argus Jefferson Partners, LLC

Legal Description:

Lots 2-A-1 & 2-A-2, Tract B, Envirco Tract

Zoning:

M-1

Acreage:

7.15 acres

Zone Atlas Page:

E-17

CERTIFICATE OF NO EFFECT: Yes No

CERTIFICATE OF APPROVAL: Yes No

**TREATMENT PLAN REVIEW:
DISCOVERY:**

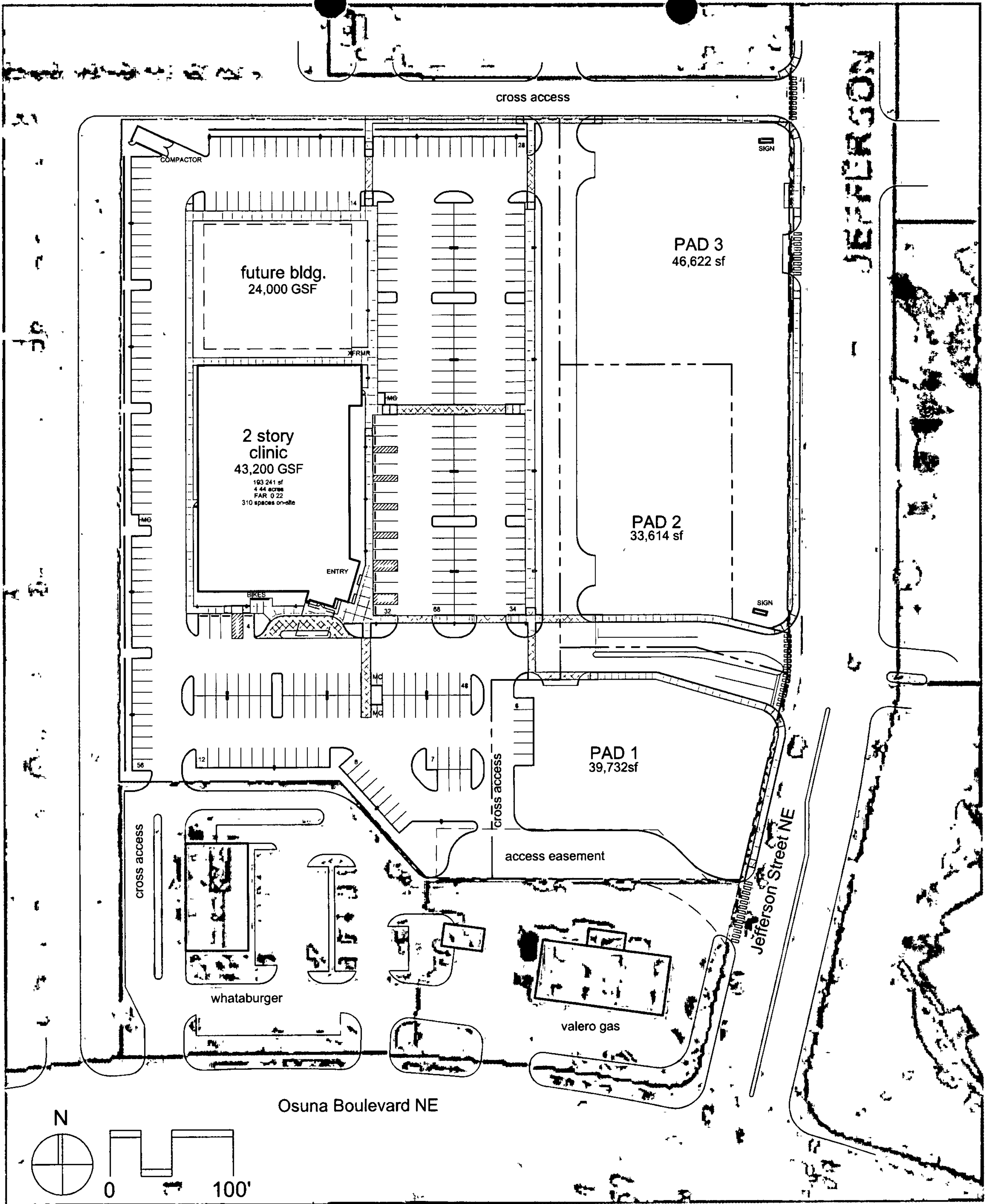
**SUPPORTING DOCUMENTATION:
SITE VISIT: n/a**

RECOMMENDATION(S):

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(2)—extensive previous land disturbance).***

SUBMITTED:

Matthew Schmader, PhD
Superintendent, Open Space Division
City Archaeologist



JEFFERSON

PROJECT #
100517

February 10, 2016

14

C. updated 5/18/07
OS

R

APPLICATION NO. 07DRB 00660	PROJECT NO. 1005517
PROJECT NAME TR. B, ENVIRO TRACT	
EPC APPLICATION NO.	
APPLICANT / AGENT TERESE FORSTBAUER	PHONE NO. 268-2112
ZONE ATLAS PAGE E-17	
(SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEV PLAN), (IR), (AA)	
ONE STOP COMMENT FORM LOG	

HYDROLOGY DEV (505) 924-3986			
PLANS DISAPPROVED	DATE	DATE	DATE
PLANS APPROVED BLS	DATE 5/17/07	DATE	DATE
COMMENTS:			

UTILITY DEV (505) 924-3989			
PLANS DISAPPROVED	DATE	DATE	DATE
PLANS APPROVED RLK	DATE 5/18/07	DATE	DATE
COMMENTS:			

TRANSPORTATION DEV (505) 924-3990			
PLANS DISAPPROVED	DATE	DATE	DATE
PLANS APPROVED w/b	DATE 5-17-07	DATE	DATE
COMMENTS:			

PARKS AND REC (505) 768-5328			
PLANS DISAPPROVED	DATE	DATE	DATE
PLANS APPROVED OS	DATE 5/18/07	DATE	DATE
COMMENTS:			

PLANNING (505) 924-3858			
PLANS DISAPPROVED	DATE	DATE	DATE
PLANS APPROVED FMM	DATE 5/18/07	DATE	DATE
COMMENTS:			

Revised 3/3/04

(Return form with plat / site plan)



DEVELOPMENT/ PLAN REVIEW APPLICATION

- Supplemental form **S**
- SUBDIVISION**
- Major Subdivision action
 - Minor Subdivision action
 - Vacation
 - Variance (Non-Zoning)
- Supplemental form **V**
- SITE DEVELOPMENT PLAN**
- ...for Subdivision Purposes
 - ...for Building Permit
 - IP Master Development Plan
 - Cert. of Appropriateness (LUCC)
- Supplemental form **P**
- Supplemental form **L**

- Supplemental form **Z**
- ZONING & PLANNING**
- Annexation
 - Zone Map Amendment (Establish or Change Zoning)
 - Sector Plan (Phase I, II, III)
 - Amendment to Sector, Area, Facility or Comprehensive Plan
 - Text Amendment (Zoning Code/Subdivision Regulations)

- Supplemental form **A**
- APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

APPLICANT INFORMATION:

NAME: CENTURION JEFFERSON, LLC PHONE: 239-1003
 ADDRESS: 5301 CENTRAL AV NE, SUITE 200 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87108 E-MAIL: _____
 Proprietary interest in site: OWNER
 AGENT (if any): FORSTRAWER SURVEYING LLC PHONE: 268-2112
 ADDRESS: 4116 LOMAS BL NE FAX: 268-2032
 CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: FORSTRAW@AOL.COM

DESCRIPTION OF REQUEST: DIVIDE LOT 2-A INTO 2 LOTS; GRANT A BLANKET SURFACE DRAINAGE EASEMENT

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

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

Lot or Tract No. 2-A Block: TRACT B Unit: _____
 Subdiv. / Addn. ENVILCO TRACT
 Current Zoning: M-1 Proposed zoning: _____
 Zone Atlas page(s): E-17 No. of existing lots: 1 No. of proposed lots: 2
 Total area of site (acres): 7.1473 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO
 UPC No. 101706229246510107 MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: JEFFERSON ST NE
 Between: OSUNA and ELISON

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): Proj # 1005517 07 DRB 00506 (SKETCH plat deferred indefinitely 4/25/07)

Check-off if project was previously reviewed by Sketch Plat/Plan ?, or Pre-application Review Team ? . Date of review: _____ DATE 5/17/07

SIGNATURE [Signature] DATE _____
 (Print) TERESE C. FORSTRAWER FOR FORSTRAWER SURVEYING Applicant Agent

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>07DRB - 00660</u>	<u>IR</u>	<u>PLF</u>	\$ <u>[Signature]</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____

Hearing date 5/17/07 IR
 Planner signature / date [Signature] Project # 1005517

Form revised 9/01, 3/03

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

SKETCH PLAT REVIEW AND COMMENT

YOUR ATTENDANCE IS REQUIRED.

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

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

Your attendance is required.

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

Extensions are not reviewed through internal routing.

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- SIA financial guaranty verification
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Any original and/or related file numbers are listed on the cover application

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

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Signed Pre-Annexation Agreement if Annexation required.
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

NO INTERNAL ROUTING

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

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

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

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

Amended preliminary plat approval expires after one year

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

TEASE FORSTNER FOR FORSTNER SURVEYING

Applicant name (print)

Tease Forstner 5/17/07

Applicant signature / date



Form revised 11/04

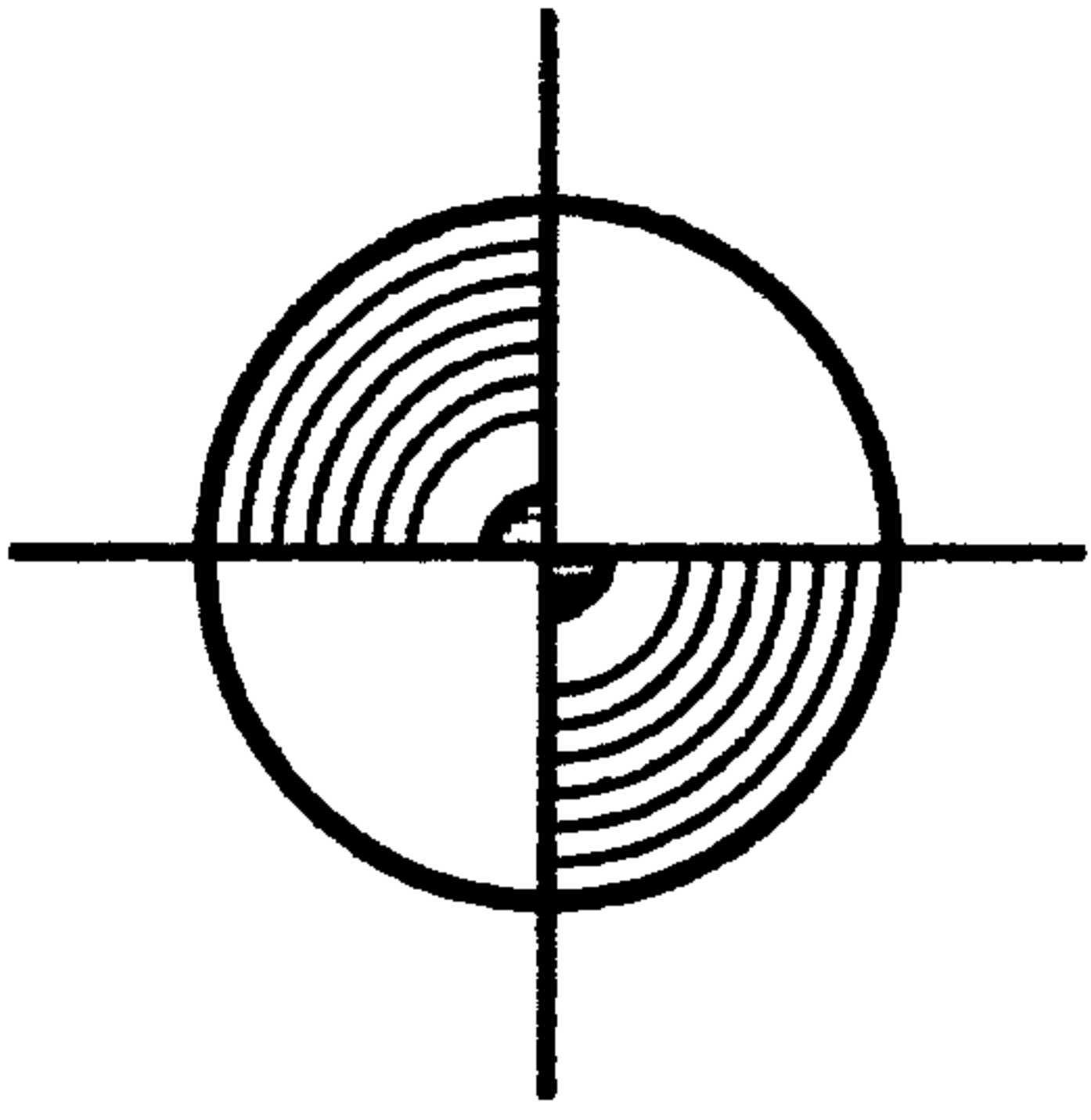
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 07DRB - _____ - 00660

[Signature] 5/17/07

Planner signature / date

Project # 1005517



**Forstbauer
Surveying
Company, LLC**

*Professional Surveyor
New Mexico • Arizona • Colorado
United States Mineral Surveyor*

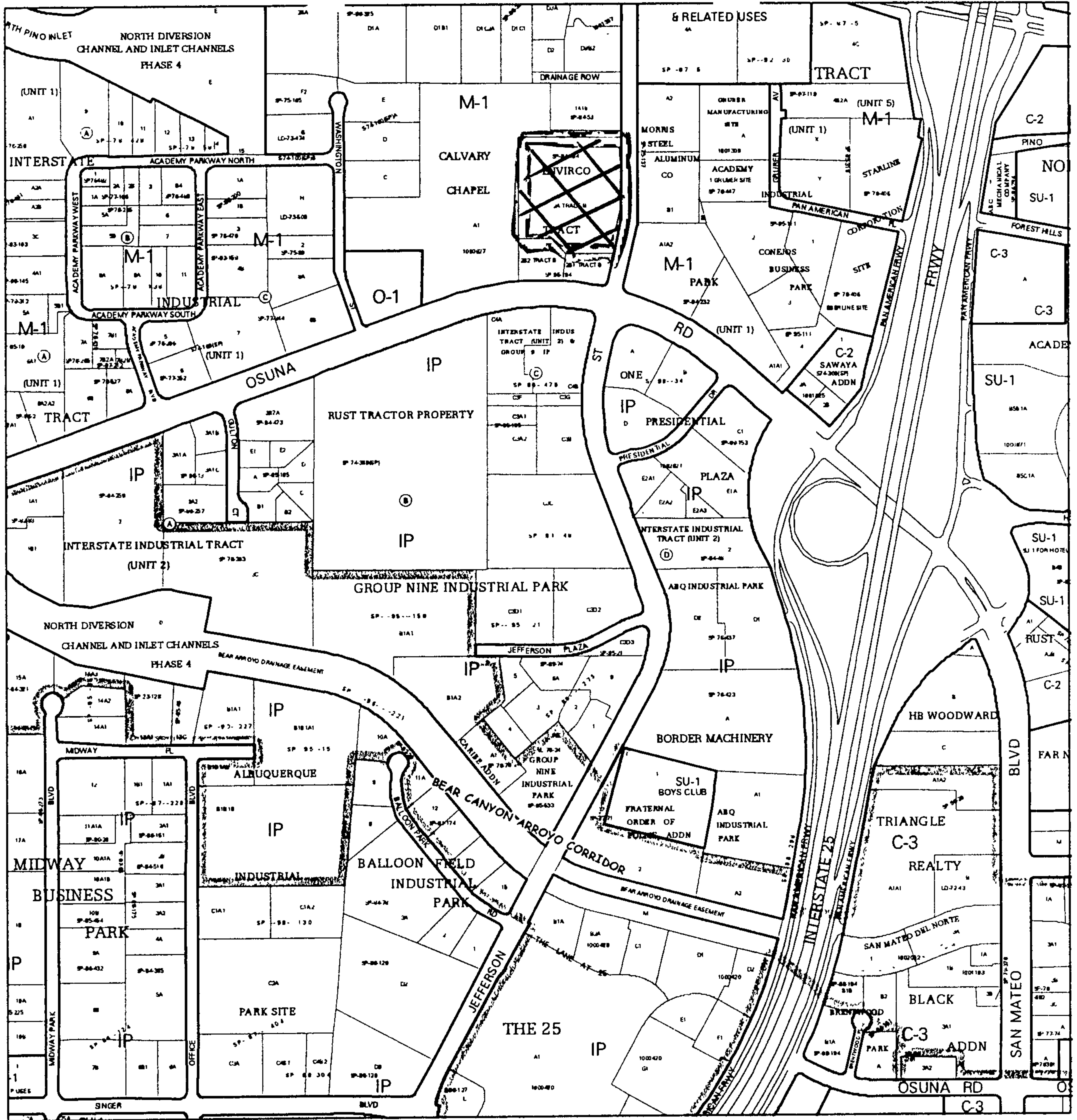
May 16, 2007

To: Development Review Board

From: Terese C. Forstbauer

Re: Lot 2-A, Tract B, Envirco Tract

Forstbauer Surveying LLC, agent for Centurion Jefferson, LLC, requests preliminary / final plat approval for replat dividing said Lot 2-A into two lots and granting a blanket surface drainage easement. The subdivision will allow for increased opportunities for future development.



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

AGIS
Albuquerque Geographic Information System

Map amended through: 3/22/2007

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
E-17-Z

Selected Symbols

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

0 750 1,500 Feet

APPLICATION NO. 07 DRB 00660	PROJECT NO. 1005517
PROJECT NAME TR.B ENVIRO TRACT	
APPLICANT / AGENT TERESE FORSTBAUER	PHONE NO. 268-2112
ZONE ATLAS PAGE E-17	DATE SUBMITTED

1R

ONE STOP CASE TRACKING LOG

(This tracking log is for DRB Delegation Actions / Over the Counter Routing)
(rev. 7/03)

TYPE OF APPROVAL	TRANSP DEV	UTILITY DEV	PARKS & REC	HYD DEV (City Engr)	PLANNING	
					CASE PLANNER	DRB CHAIR
SDP-Building Permit / SDP-Subdivision	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____
Administrative Amendments (GAs)	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____		F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	
Minor Plat / Major Final Plat <i>1R</i>	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____		F: _____ D: _____ F: _____ D: _____ A: _____
Vacation-Private Easement	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____	F: _____ D: _____ F: _____ D: _____ A: _____		F: _____ D: _____ F: _____ D: _____ A: _____

Project Number 1005517

First Review- Total City Days	
Second Review- Total City Days	
Third Review- Total City Days	
Subtotal	
Total Number of Developer Days (from back of form)	
Total Days	

*Business Days
**Pulled by Agent (P)

F = forwarded
D = disapproved
A = approved

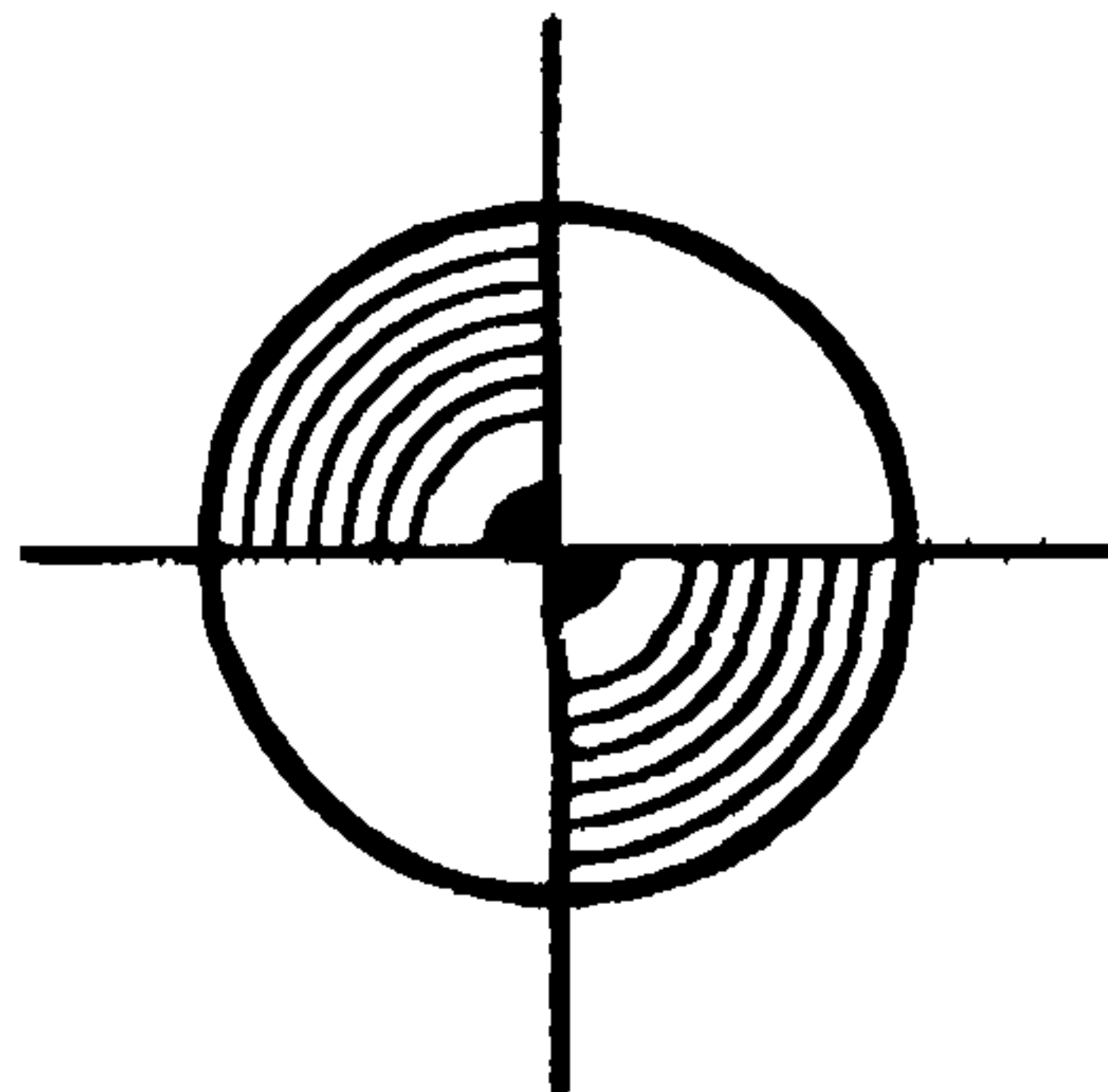
PLANS RELEASED TO APPLICANT OR AGENT TO CORRECT REJECTS

	First Review	
Called Applicant: _____	Date Returned: _____	Developer Days: _____
Date Released: _____		
Print Name: _____		
Signed: _____		

	Second Review	
Called Applicant: _____	Date Returned: _____	Developer Days: _____
Date Released: _____		
Print Name: _____		
Signed: _____		

	Third Review	
Called Applicant: _____	Date Returned: _____	Developer Days: _____
Date Released: _____		
Print Name: _____		
Signed: _____		

	Fourth Review	
Called Applicant: _____	Date Returned: _____	Developer Days: _____
Date Released: _____		
Print Name: _____		
Signed: _____		



**Forstbauer
Surveying
Company, LLC**

*Professional Surveyor
New Mexico • Arizona • Colorado
United States Mineral Surveyor*

April 24, 2007

**To: Development Review Board
Attention: Claire Senova @ Facsimile 924-3864**

From: Terese C. Forstbauer

**Re: Lot 2-A, Tract B, Envirco Tract
Project Number 1005517**

Forstbauer Surveying LLC, agent for Centurion Jefferson, LLC, requests indefinite deferral on our request for sketch plat review and comments for the above Project Number. Thank you.

A City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

SUBDIVISION Supplemental form **S**

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

SITE DEVELOPMENT PLAN Supplemental form **P**

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

ZONING & PLANNING Supplemental form **Z**

- Annexation
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Subdivision Regulations)

APPEAL / PROTEST of... Supplemental form **A**

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

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

APPLICANT INFORMATION:

NAME: CENTURION JEFFERSON, LLC PHONE: _____
 ADDRESS: 5301 CENTRAL AV NW, SUITE 200 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87108 E-MAIL: _____
 Proprietary interest in site: OWNER
 AGENT (if any): FORSTBAUER SURVEYING LLC PHONE: 268-2112
 ADDRESS: 4116 LOMAS BL NE FAX: 268-2032
 CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: FORSTSURV@AOL.COM

DESCRIPTION OF REQUEST: Divide lot 2-A into 2 lots

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

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

Lot or Tract No. 2-A Block: TRACT B Unit: _____
 Subdiv. / Addn. ENVILCO TRACT
 Current Zoning: M-1 Proposed zoning: _____
 Zone Atlas page(s): E-17 No. of existing lots: 1 No. of proposed lots: 2
 Total area of site (acres): 7.1473 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? _____
 UPC No. 101706229246510107 MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS (On or Near: JEFFERSON ST NE
 Between: OSUNA NE and ELI'SON NE

CASE HISTORY:

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

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

SIGNATURE Tenese C F DATE 4/16/07
 (Print) FORSTBAUER SURVEYING LLC by TENESE FORSTBAUER Applicant Agent
 Form revised 9/01, 3/03

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
071223 - 00506	SK	5(3)	\$ 0
-	-	-	\$
-	-	-	\$
-	-	-	\$
-	-	-	\$
Total			\$ 0

Hearing date April 25, 2007

Radem J... 4/16/07
 Planner signature / date

Project # 1005517

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

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

- MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT** **Your attendance is required.**
- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Copy of previous D.R.B. approved infrastructure list
 - Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
 - Any original and/or related file numbers are listed on the cover application
- Extensions are not reviewed through internal routing.**
Extension of preliminary plat approval expires after one year.

- MAJOR SUBDIVISION FINAL PLAT APPROVAL** **Your attendance is required.**
- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
 - Design elevations & cross sections of perimeter walls **3 copies**
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
 - Property owner's and City Surveyor's signatures on the Mylar drawing
 - SIA financial guaranty verification
 - Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
 - Any original and/or related file numbers are listed on the cover application
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

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

- AMENDMENT TO PRELIMINARY PLAT (with minor changes)** **Your attendance is required.**
- AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**
- AMENDMENT TO GRADING PLAN (with minor changes)**
- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
 - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
 - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year

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

FORSTBAUER SURVIVING LLC
by TERESA FORSTBAUER
Applicant name (print)

[Signature] 4/16/07
Applicant signature / date

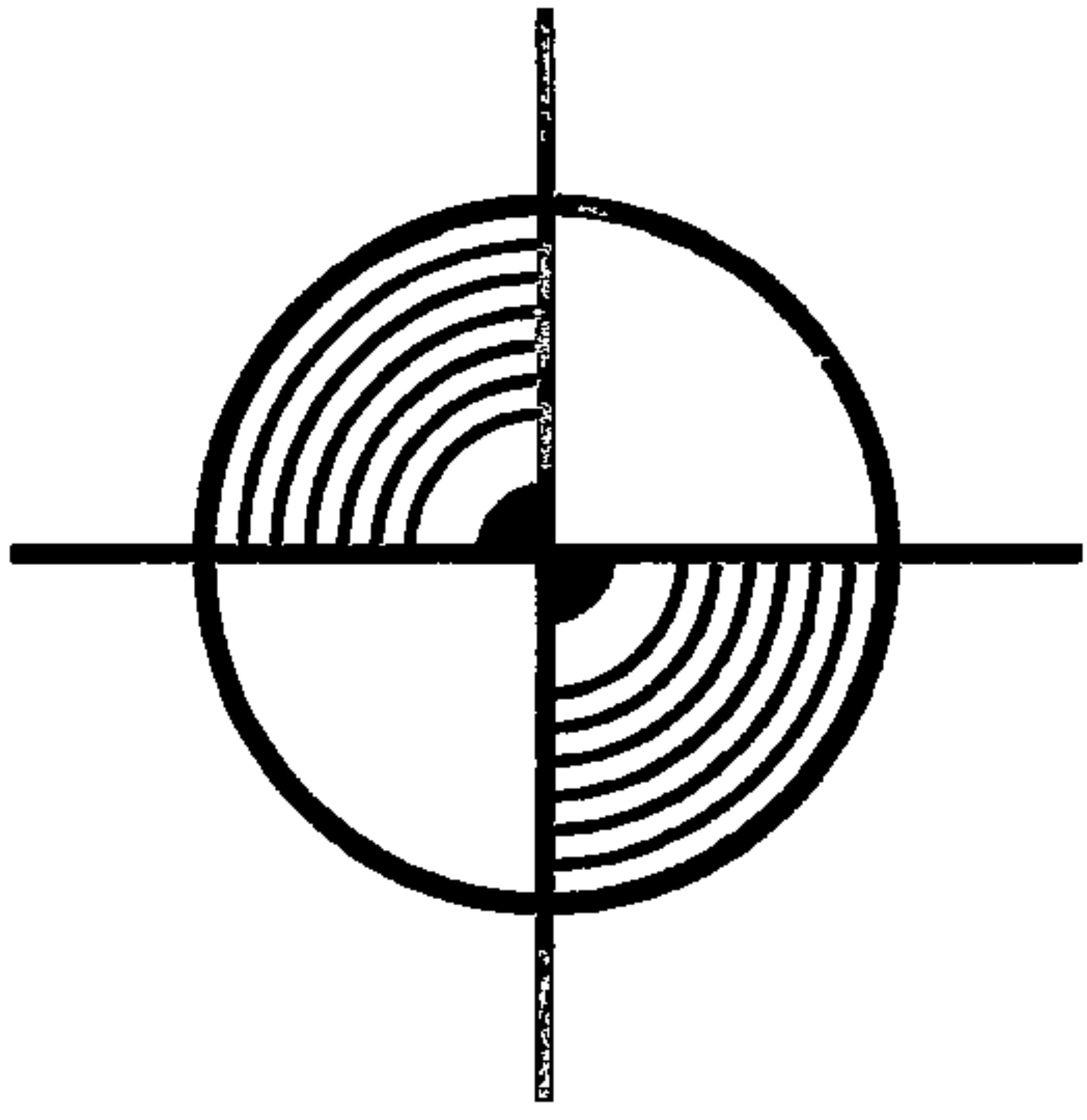


Form revised 11/04


- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
07D123 - 00506

[Signature] 4/16/07
Planner signature / date

Project # 1005517



Forstbauer Surveying Company, LLC


Professional Surveyor
New Mexico • Arizona • Colorado
United States Mineral Surveyor

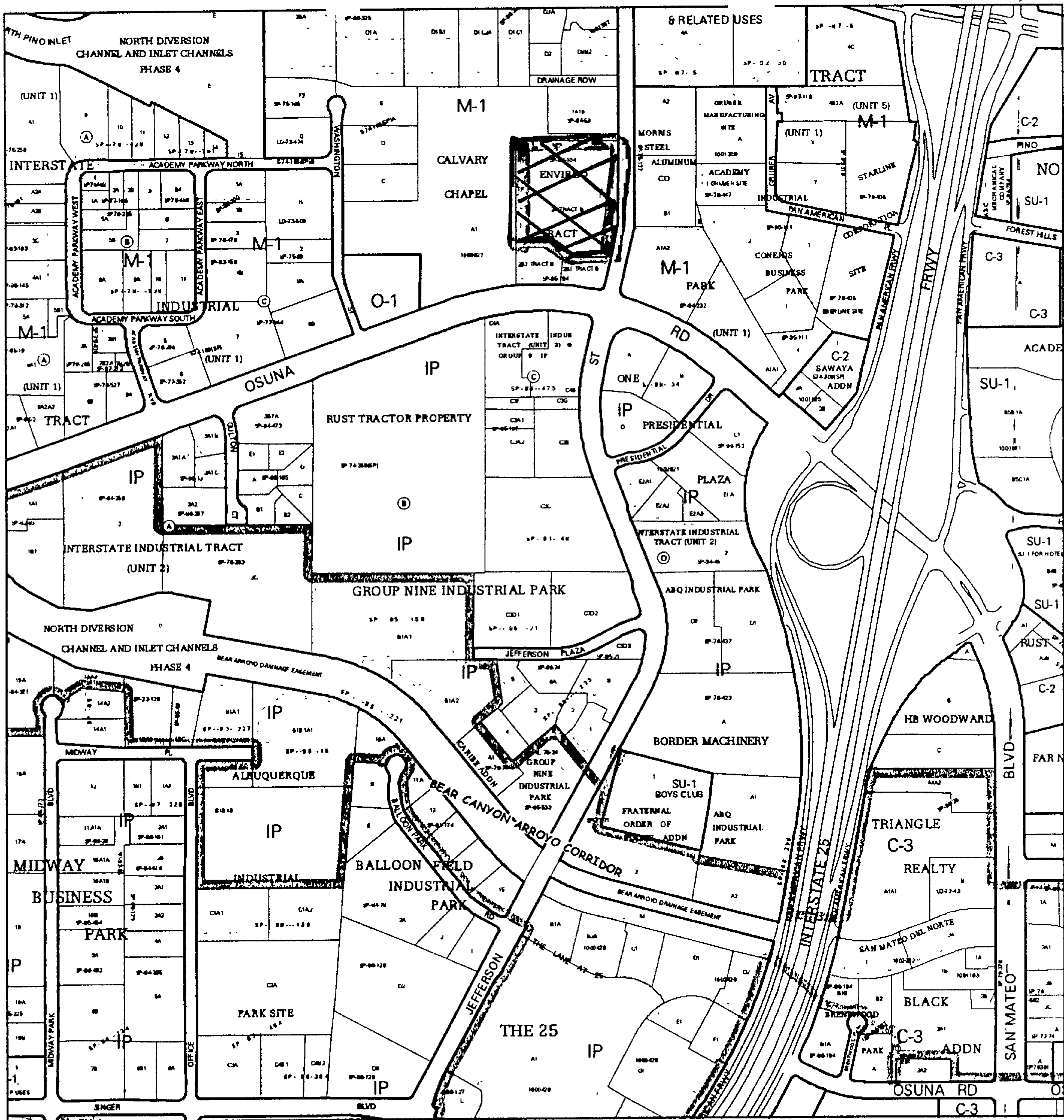
April 16, 2007

To: Development Review Board

From: Terese C. Forstbauer

Re: Lot 2-A, Tract B, Envirco Tract

Forstbauer Surveying LLC, agent for Centurion Jefferson, LLC, requests sketch plat review and comments for replat dividing said Lot 2-A into two lots. The subdivision will allow for increased opportunities for future development.



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

