

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

6. **Project# 1008268**
10DRB-70111 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
RHOMBUS CONSULTING agent(s) for DAN MARTINEZ request(s) the above action(s) for all or a portion of Lot(s) 3, Block(s) 15, **MESA GRAND ADDITION** zoned OR-2, located on VALVERDE DR SE BETWEEN LEAD AVE SE AND MESA GRANDE PL SE containing approximately 0.1001 acre(s). (K-17) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS AND TO PLANNING TO VERIFY COMPLIANCE WITH BUILDING CODE, PARKING EASEMENT AND AGIS DXF FILE.**
7. **Project# 1002819**
10DRB-70090 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
GPS LLC agent(s) for 98TH STREET LLC request(s) the above action(s) for all or a portion of Tract(s) E-5-A, **ALBUQUERQUE SOUTH Unit(s) 3**, zoned C-2, located on GIBSON BLVD SW BETWEEN 98TH ST SW AND AMAFCA AMOLE CHANNEL containing approximately 3.8954 acre(s). (M-9) [Deferred from 3/24/10, 4/7/10] **DEFERRED TO 4/21/1 AT THE AGENT'S REQUEST.**

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

8. **Project# 1008267**
10DRB-70110 SKETCH PLAT REVIEW
AND COMMENT
RHOMBUS CONSULTING PC agent(s) for RON ROMERO request(s) the above action(s) for all or a portion of Lot(s) 6-7, Block(s) 6, **SANTA FE ADDITION** zoned SU-2 FOR R-1, located on PACIFIC AVE SW BETWEEN 8TH ST SW AND 9TH ST SW containing approximately 0.161 acre(s). (K-13) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**
9. **Project# 1008274**
10DRB-70117 SKETCH PLAT REVIEW
AND COMMENT
DAVID ROSENBLUME request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) 6, **SOMBRA DEL MONTE ADDITION**, zoned C-2, located on 2516 VERMONT NE BETWEEN MENAUL NE AND PHOENIX NE containing approximately 0.3925 acre(s). (H-19) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**
10. Approval of the Development Review Board Minutes for 4/7/10

Other Matters: Project # ~~1006001~~ Amended Infrastructure List for Tracts 22-A, 22-B, & 22-C
Mesa del Sol. **The Amended Infrastructure list was approved.**

ADJOURNED: 9:50



COMPLETED 04/18/08
DRB CASE ACTION LOG (FINAL PLAT)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70161 Project # 1006001
Project Name: REPLAT OF TRACT 22, MESA DEL SOL INNOVATION PARK
Agent: BOHANNAN HUSTON INC. Phone No.: 823-1000 Sally 798-7965

Your request was approved on 4/9/08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): Record

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

Created On:

Vacation requires Utilties Sign-AM



DRB CASE ACTION LOG (FINAL PLAT)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70161

Project # 1006001

Project Name: REPLAT OF TRACT 22, MESA DEL SOL INNOVATION PARK

Agent: BOHANNAN HUSTON INC.

Phone No.: 823-1000

Your request was approved on 4/9/08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): Record

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

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
- Tax printout from the County Assessor.

- 3 copies of the approved site plan. Include all pages.**
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- Property Management's signature must be obtained prior to Planning Department's signature.**
- AGIS DXF File approval required.**
- Copy of recorded plat for Planning.**

Created On:



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

April 9, 2008 9:00AM

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

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

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1006516**
07DRB-70030 BULK LAND VARIANCE
07DRB-70031 MAJOR - PRELIMINARY
PLAT APPROVAL
07DRB-70032 MINOR - TEMP DEFR
SWDK CONST
07DRB-70033 SIDEWALK WAIVER
07DRB-70034 VACATION OF PUBLIC
EASEMENT
07DRB-70085 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL, LLC request(s) the above action(s) for all or a portion of Tract(s) PORTION OF TRACT 4A, **MESA DEL SOL**, zoned SU-2/PC, located on UNIVERSITY BLVD. SE BETWEEN SOLAR MESA AVE. SE AND BOBBY FOSTER SE containing approximately 114.7792 acre(s). (R15, R16, S15, AND S16) [Deferred from 6/27/07, 7/25/07, 7/22/07, 8/22/07 & 9/26/07, 1/30/08, & 3/5/08] **DEFERRED TO 5/14/08 AT THE AGENT'S REQUEST.**

2. **Project # 1005546**
07DRB-00589 MAJOR-VACATION OF
PUBLIC RIGHT-OF-WAY

SURV TEK INC agent(s) for BLACK FARMS LLC request(s) the above action(s) for **BLACK FARMS ESTATE, UNIT 2**, zoned RA-1 located on IRVING BLVD NW between VALLEY VIEW DR NW and RIVERFRONTE DR NW. (C-13) [Deferred from 6/6/07, 9/5/07, 11/7/07 & 1/9/08] **DEFERRED TO 6/11/08 AT THE AGENT'S REQUEST.**

3. **Project# 1006833**
08DRB-70108 VACATION OF PUBLIC EASEMENT
08DRB-70111 VACATION OF PRIVATE EASEMENT
08DRB-70112 MAJOR - PRELIMINARY PLAT APPROVAL

07DRB-70254 MAJOR - SDP FOR SUBDIVISION
07DRB-70255 MAJOR - SDP FOR BUILDING PERMIT

SURV-TEK INC agent(s) for TABET LUMBER CO request(s) the above/ referenced action(s) for all or a portion of Tracts S-1A and S-2A-2, **ATRISCO BUSINESS PARK, UNIT 2** (TBK as Tract(s) A & B, MERIDIAN BUSINESS PARK II) together with Tract S-2A-1, **ATRISCO BUSINESS PARK, UNIT 2** (TBK as UNSER TOWNE CROSSING) zoned IP, located on the east side of UNSER BLVD NW BETWEEN LOS VOLCANES RD NW AND INTERSTATE ROUTE 40 containing approximately 70.3629 acre(s). (J-9, J-10) *[Deferred from 3/26/08]* **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

GEORGE RAINHART ARCHITECTS agent(s) for WEBER AND COMPANY request(s) the above action(s) for all or a portion of Tract(s) S2A2, S2A1 & S1A, **ATRISCO BUSINESS ADDITION (to be known as UNSER TOWNE CROSSING)** zoned IP, located on LOS VOLCANES NW BETWEEN UNSER BLVD NW AND GALATIN NW containing approximately 53 acre(s). (J-9 & J-10) *[Deferred from 10/10/07, 11/14/07, 12/12/07, 1/30/08, 2/27/08, 3/26/08]* **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

4. **Project# 1003916**
08DRB-70123 VACATION OF PUBLIC EASEMENT
08DRB-70124 SIDEWALK WAIVER
08DRB-70125 MINOR - TEMP DEFR SWDK CONST
08DRB-70126 MAJOR - PRELIMINARY PLAT APPROVAL

08DRB-70152 EPC APPROVED SDP FOR SUBDIVISION

ISAACSON AND ARFMAN PA agent(s) for DEL REY INVESTMENTS LLC request(s) the above action(s) for all or a portion of Block(s) 18 & 19, Tract A, Unit A, **NORTH ALBUQUERQUE ACRES** (TBK MONTERRA DEL REAY, UNITS 1-3), zoned SU-1/ PDA, located between SAN PEDRO DR NE and LOUISIANA BLVD NE, AND BETWEEN DERICKSON AVE NE and SANTA MONICA AVE NE containing approximately 63.3836 acre(s). (D-18) *[Deferred from 4/2/08]* **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

DEKKER PERICH SABATINI agent(s) for DEL RAY INVESTMENTS LLC request(s) the above action(s) for all or a portion of Block(s) 18 & 19, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) A**, zoned SU-1 FOR MOBILE HOME PARK, located on DERICKSON BETWEEN SAN PEDRO AND LOUISIANA containing approximately 58.52 acre(s). (D-18) *[Deferred from 4/2/08]* **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

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

TIERRA WEST LLC agent(s) for MCDONALD'S CORPORATION request(s) the above action(s) for all or a portion of Lot 2, **KRANIA ADDITION**, zoned SU-2 PCA, located on the SE corner of 98TH ST NW AND VOLCANO RD NW containing approximately 1.1172 acre(s). (K-9) [*Deferred from 2/20/08, 3/5/08, 3/12/08, 3/19/08, 3/26/08 & 4/2/08 .*] **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

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

6. **Project# 1002270**
08DRB-70151 EPC APPROVED SDP
FOR BUILD PERMIT

TOM LUCERO ARCHITECT agent(s) for MANNY AKA request(s) the above action(s) for all or a portion of Lot(s) 2-4, Block(s) 52, **TERRANCE ADDITION** zoned SU-2 FOR CMU, located on CENTRAL AVE SE BETWEEN ASH SE AND MAPLE SE containing approximately 0.49 acre(s). (L-15) [*Deferred from 4/2/08*] **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR CORRECTIONS ON THE SITE PLAN AND TO PLANNING FOR LANDSCAPING – 10' LANDSCAPE BUFFER ALONG CENTRAL AND THREE COPIES.**

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

C DAVID DAY, MOULE & POLYZOIDES ARCHITECTS agent(s) for JAY REMBE AND/OR HIS ASSIGNS request(s) the above action(s) for all or a portion of Tract(s) 129A, 131, 133A1, 133A2, 133B, 134, AND 135A, **ALBUQUERQUE LITTLE THEATER, CALVIN HORN, AND LAGUNA SUBDIVISION**, zoned SU-1/SU-1/ ALBUQUERQUE LITTLE THEATER & SU-2/SU-1 CLD, located on CENTRAL AVE SW BETWEEN LAGUNA BLVD SW AND SAN PASQUALE SW containing approximately 3.86 acre(s). (J-13) [*Deferred from 3/5/08, 3/19/08 & 4/2/08*] **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES OF SITE PLAN.**

08DRB-70143 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

ISAACSON AND ARFMAN PA agent(s) for COUNTRY CLUB PARTNERS LLC request(s) the above action(s) for all or a portion of Tract(s) B-2-A, 131, 132, 133-A-1, 133-A-2, 133-B, 134 & 135-A, 134 & 135-a, **LANDS OF ALBUQUERQUE LITTLE THEATER TBK COUNTRY CLUB PLAZA** zoned SU-2/SU-1 FOR MIXED USE, located on CENTRAL AVE SW BETWEEN SAN PASQUALE AVE SW AND LAGUNA BLVD SW containing approximately 4.7322 acre(s). (J-13)[*Deferred from 4/2/08*] **WITH THE SIGNING OF THE INFRA-STRUCTURE LIST DATED 4/9/08, THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA. CONDITION OF FINAL PLAT PER TRANSPORTATION:NEGOTIATION WITH UNDERLYING PROPERTY OWNERS FOR RELOCATED 28FT ACCESS EASEMENT.**

8. **Project# 1006973**
08DRB-70119 EPC APPROVED SDP
FOR BUILD PERMIT
08DRB-70120 EPC APPROVED SDP
FOR SUBDIVISION

08DRB-70058 MINOR -
PRELIMINARY/FINAL PLAT
APPROVAL

CONSENSUS PLANNING agent(s) for MIDWEST PHILLIPS EDISON AND COMPANY request(s) the above action(s) for all or a portion of Lot(s) 19 A-1, **PARADISE NORTH** zoned SU-1 FOR C-1 USES, located on UNSER BLVD NW BETWEEN MCMAHON BLVD NW AND SUMMER REDGE NW containing approximately 3.6 acre(s). (A-11) [Deferred from 3/12/08 & 3/26/08] **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

SURVEYS SOUTHWEST LTD agent(s) for THE PHILLIPS EDISON GROUP, LLC request(s) the above/referenced action(s) for the Temporary Drainage Easement on Tract(s) 19A1, **PARADISE NORTH**, zoned SU-1/ C-1 USES, located on the northeast corner of UNSER BLVD NW AND MCMAHON BLVD NW containing approximately 3.6 acre(s). (A-11) **DEFERRED TO 4/16/08 AT THE AGENT'S REQUEST.**

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

9. **Project# 1004720**
08DRB-70153 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

TERRA LAND SURVEYS agent(s) for RALPH GREEN request(s) the above action(s) for all or a portion of Lot(s) EAST 10 FT OF 2 , NORTH 97 FT OF 3, 3-A & 4, Block(s) K, **HIGHLAND ADDITION SOUTH** zoned SU-2 FOR NCR, located on BROADWAY BLVD SE BETWEEN HAZELDINE AVE SE AND SANTA FE AVE SE containing approximately 0.3882 acre(s). (K-14) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

10. **Project# 1004820**
08DRB-70157 VACATION OF PRIVATE
EASEMENT
08DRB-70158 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for ACI MANAGMENT LLC request(s) the above action(s) for all or a portion of Tract(s) D-1-B-2, **ADOBE WELLS SUBDIVISION** zoned C-2, located on EAGLE RANCH RD NW BETWEEN IRVING BLVD NW AND COORS BYPASS NW containing approximately 3.45 acre(s). (B-13) **WITHDRAWN AT THE AGENT'S REQUEST.**

11. **Project# 1005474**
08DRB-70163 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- CATHERINE HELLER request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, **ROSEMONT PARK ADDITION** zoned S-R, located on 11TH ST NW BETWEEN 10TH ST NW AND MOUNTAIN RD NW containing approximately 0.1608 acre(s). (J-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO ADD MAINTENANCE AND BENEFICIARY NOTE FOR 15FT ACCESS EASEMENT, AND THE CONDITION THAT THE VARIANCE FOR LOT SIZE BE APPROVED THROUGH THE ZONING HEARING EXAMINER.**
12. ~~Project# 10060013~~
08DRB-70161 MINOR - FINAL PLAT
APPROVAL
- BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 22-A, 22-B, 22-C, **REPLAT OF TRACT 22, MESA DEL SOL INNOVATION PARK** zoned PC, located on UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE containing approximately 15.82 acre(s). (R-16) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD.**
13. **Project# 1006200**
08DRB-70159 MINOR - FINAL PLAT
APPROVAL
- BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 1 & 2, **REPLAT OF TRACTS 1&2, MESA DEL SOL INNOVATION PARK** zoned PC, located on CRICK AVE SE BETWEEN UNIVERSITY SE AND WATSON DR SE containing approximately 41.2085 acre(s). (Q-15, Q-16) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR 30FT RADIUS AT UNIVERSITY AND CRIK SE, AND TO PLANNING FOR AGIS DXF AND TO RECORD.**
14. **Project# 1007200**
08DRB-70160 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- ALPHA PROFESSIONAL SURVEYING INC agent(s) for NAOMI CASTRO request(s) the above action(s) for all or a portion of Lot(s) 14, Block(s) G, **THE PALISADES** zoned R-T, located on ALALMOGORDO DR NW BETWEEN OURAY RD NW AND WESTERN BREEZE CT NW containing approximately 0.2436 acre(s). (H-11) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO CITY ENGINEER FOR CROSS LOT DRAINAGE EASEMENT AND 3 FT BUILDING MAINTENANCE EASEMENT, AND TO PLANNING FOR CERTIFICATION FROM BUILDING AND SAFETY.**

15. **Project# 1007201**
08DRB-70162 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

PRECISION SURVEYS INC agent(s) for MILDRED SKENDER request(s) the above action(s) for all or a portion of Lot(s) 8, **LOS HERMANOS ADDITION** zoned R-1, located on CARLTON ST NW BETWEEN GREGOS RD NW & BELLROSE ST NW containing approximately 0.375 acre(s). (G-15)**THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH NO DELEGATION.**

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

16. **Project# 1006767**
08DRB-70164 SKETCH PLAT REVIEW
AND COMMENT

MULLEN HELLER ARCHITECTURE agent(s) for CUARPARRAL ELECTRIC request(s) the above action(s) for all or a portion of Lot(s) 1-A (LOT-B, LOT 1 & LOT 2), Block(s) 2, **HILL'S ACRES SUBDIVISION** zoned S-M1, located on 6TH ST NW BETWEEN MCNIGHT AVE NW AND BEZEMEK AVE NW containing approximately 0.63 acre(s). (H-14) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. Approval of the Development Review Board Minutes for February 13, 2008.

Other Matters: None

ADJOURNED: 10:45

6001

DXF Electronic Approval Form

DRB Project Case #: 1006001

Subdivision Name: MESA DEL SOL INNOVATION PARK TRACTS 22A 22B & 22C

Surveyor: ROBERT GROMATZKY

Contact Person: MARY COLE

Contact Information: 798-7826

DXF Received: 4/8/2008

Hard Copy Received: 4/8/2008

Coordinate System: Ground rotated to NMSP Grid


Approved

04-08-2008
Date

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

AGIS Use Only
Copied fc **6001** to agiscov on **4/8/2008** Contact person notified on **4/8/2008**

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
April 9, 2008
DRB Comments**


ITEM # 12

PROJECT # 1006001 APPLICATION # 08-70161

RE: Tract 22, Mesa del Sol Innovation Park

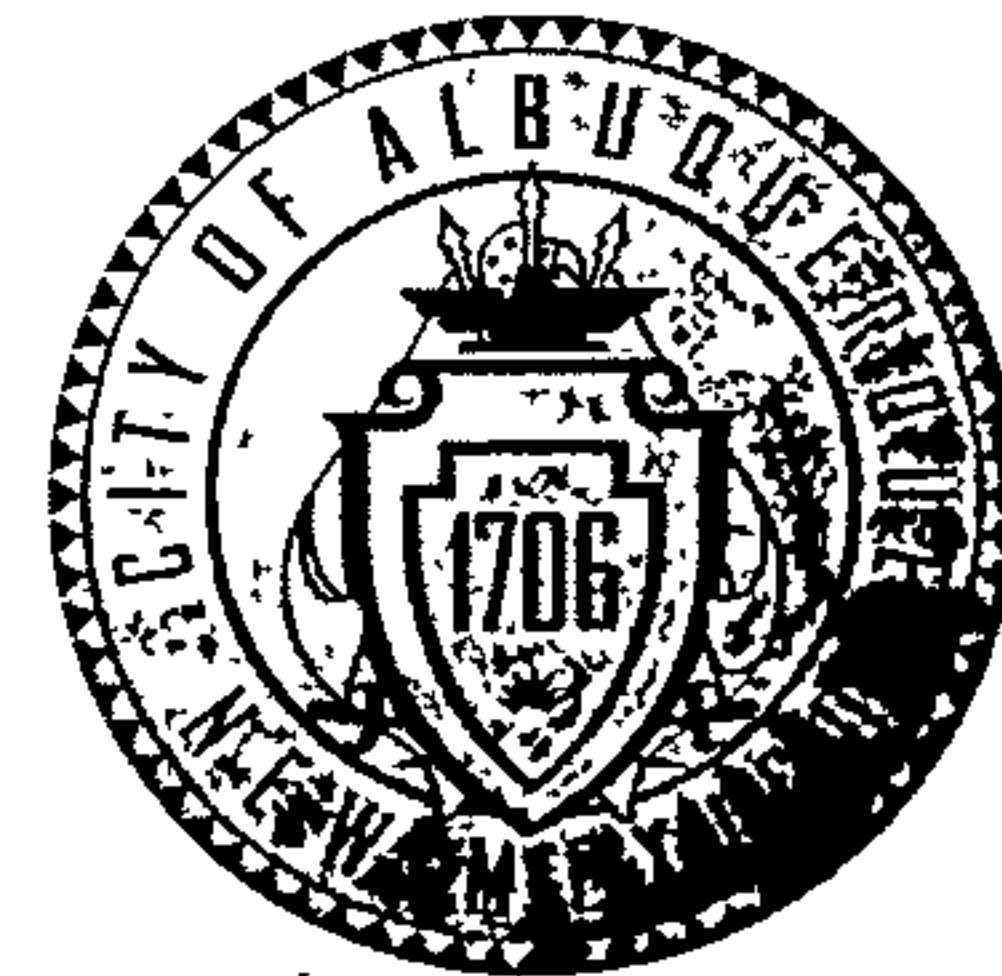
Maintenance of proposed Tract 22-C must be addressed per the Subdivision Ordinance prior to final sign-off.

For future reference, please do not identify the property's zoning (Note 3) on the plat. Also, please revise solar note to be specific to this type of request, i.e. use the words "THIS PLAT" and not "REQUESTED FINAL ACTION" and do not use the words "OR SITE DEVELOPMENT PLAN FOR SUBDIVISION" at the end of the note.



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

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006001

AGENDA ITEM NO: 12

SUBJECT:

Final Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION:

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

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP)

BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP)

TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

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

DATE: April 9, 2008

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

www.bhinc.com

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facsimile: 505.798.7988
toll free: 800.877.5332

SENT VIA FAX

April 1, 2008

Jack Cloud, DRB Chair
Development Review Board
City of Albuquerque
P O Box 1293
Albuquerque, NM 87103


Re: DRB # 1006001 - Mesa del Sol Innovation Park Replat of Tract 22
Minor Subdivision Final Plat Approval

Dear Jack:

On February 6th Bohannon Huston, Inc. received Preliminary Plat approval at DRB for the replat of Tract 22 within Mesa del Sol Innovation Park and was indefinitely differed pending a recorded SIA. We have obtained the recorded SIA and BHI requests that we are placed on the agenda for the April 9th, 2008 hearing.

If you have any questions or require further information, please call me at 823-1000.

Sincerely,



Mike Balaskovits, P.E.
Project Engineer
Community Development and Planning Group

MB/am



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 13, 2008

Project# 1006001/1006539

08DRB-70052 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

08DRB-70005 VACATION OF PUBLIC EASEMENT

08DRB-70007 VACATION OF PRIVATE EASEMENT

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 22, **MESA DEL SOL INNOVATION PARK**, zoned PC, located on UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE containing approximately 15.82 acre(s). (R-16) (*Deferred from 1/30/08 & 2/6/08*)

At the February 13, 2008, Development Review Board meeting, the vacations were approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B)(1)(3) of the Subdivision Ordinance.

(A)(1) The vacation requests were filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public easement.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

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

With the signing of the infrastructure list dated 2/13/08, the preliminary plat was approved subject to verification with the City Attorney regarding appropriate maintenance of Tract 22C. The final plat was indefinitely deferred.

If you wish to appeal this decision, you must do so by February 28, 2008 in the manner described below.


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

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

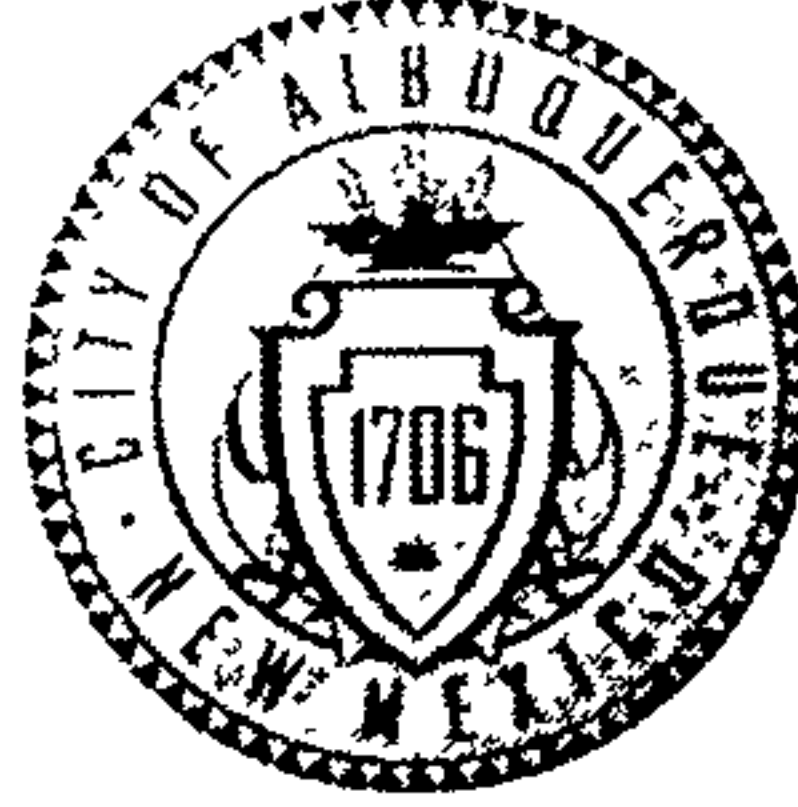
You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

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



Jack Cloud, AICP, DRB Chair

Bohannon Huston Inc. – 7500 Jefferson NE – Albuquerque, NM 87109
Mesa Del Sol, LLC – 801 University Blvd SE, Ste 200 – Albuquerque, NM 87106



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

February 13, 2008 9:00 AM
MEMBERS:

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

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

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

1. **Project# 1001789**
08DRB-70031 1YR YEAR EXTENSION OF
SUBDIVISION IMPROVEMENTS
JASON DASKALOS request(s) the above action(s) for all
or a portion of Lot(s) 28-A-1, Block 6 **MONTE VISTA
ADDN**, zoned CCR, located on CENTRAL AVE NE
BETWEEN WELLESLEY NE AND TULANE NE
containing approximately 0.8483 acre(s). (K-16)
**THE ONE YEAR EXTENSION OF THE SUBDIVISION
IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**
2. **Project# 1004972**
08DRB-70020 VACATION OF PUBLIC
RIGHT-OF-WAY
ROBERT WESTFALL request(s) the above action(s) for
all or a portion of Spruce Street NE, adjacent to Lot 1,
Block 27, **COUNTRY CLUB ADDITION**, zoned R-1,
located on the north side of SIGMA CHI RD NE
BETWEEN ENCINO PL NE AND UNIVERSITY BLVD
NE (J-15) **THE VACATION WAS DENIED.**
3. **Project# 1007051**
08DRB-70014 VACATION OF PUBLIC
RIGHT-OF-WAY
JOSEPH B. GARCIA agent(s) for JOE M. CRUZ
request(s) the above action(s) for all or a portion of **THE
AMOLE DEL NORTE DIVERSION**, adjacent to Tract
398-B, Town of Atrisco Grant Unit 3, zoned A-1 (County),
located on the north side of SAGE RD SW BETWEEN 75th
ST AND RAEL ST SW containing approximately 0.83
acre(s). (L-10) **DEFERRED TO 3/15/08 AT THE
AGENT'S REQUEST.**

4. **Project# 1000376**
08DRB-70033 - 1YR YEAR EXTENSION
OF SUBDIVISION IMPROVEMENTS

TIERRA WEST LLC agent(s) for CAPITAL ALLIANCE INVESTMENTS request(s) the above action(s) for all or a portion of Lot(s) 1-117 Unit 1 & 1-35 Unit 2, **PARADISE SKIES UNITS 1 & 2**, zoned R-LT, located on BANDELIER DRIVE NW BETWEEN MCMAHON BLVD NW AND UNSER BLVD NW containing approximately 23.2 acre(s). (A-11) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

5. **Project# 1001249**
08DRB-70032 VACATION OF PUBLIC
EASEMENT

TIERRA WEST LLC agent(s) for GOODMAN REALTY GROUP request(s) the above action(s) on a portion of Tract(s) A, **SNOW VISTA INVESTORS**, zoned C-1 (SC), located on 98TH ST SW BETWEEN SAGE RD SW AND BENAVIDES RD SW containing approximately 10.7651 acre(s). (M-9) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. CONDITION OF FINAL PLAT : EXISTING SANITARY SEWER LINE MUST BE RELOCATED AND APPROVED TO A NEW ALIGNMENT PER ABCWUA.**

6. **Project# 1007063**
08DRB-70030 VACATION OF PUBLIC
EASEMENT

PRECISION SURVEYS INC agent(s) for LARDNER FAMILY REVOCABLE LIVING TRUST request(s) the above action(s) on a portion of Tract(s) A, **LLD SUBDIVISION**, zoned M-1, located on PAN AMERICAN FREEWAY NE BETWEEN COMMERCE DR NE AND OFFICE BLVD NE containing approximately 3.463 acre(s). (F-16, F-17) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE VACATION MUST BE SHOWN ON THE PLAT.**

7. **Project# 1006953**
07DRB-70406 VACATION OF PUBLIC
EASEMENT

LOGAN HALL request(s) the above action(s) for all or a portion of Lot(s) 1-A, Block(s) 4, **TERRACE ADDITION**, zoned SU-2/NCR, located on LEAD AVE SE BETWEEN LOCUST AVE SE AND ELM ST SE containing approximately 0.4539 acre(s). (K-15) *(Deferred from 12/19/07, 12/23/07 & 2/6/08)* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. A TURN AROUND IS NOT REQUIRED BASED ON EXISTING CONDITIONS.**

2/6/08 < 8. **Project# 1006001**
08DRB-70052 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
08DRB-70005 VACATION OF PUBLIC
EASEMENT
08DRB-70007 VACATION OF PRIVATE
EASEMENT

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 22, **MESA DEL SOL INNOVATION PARK**, zoned PC, located on UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE containing approximately 15.82 acre(s). (R-16) *(Deferred from 1/30/08 & 2/6/08)* **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE WITH CONDITIONS. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/13/08 THE PRELIMINARY PLAT WAS APPROVED SUBJECT TO VERIFICATION WITH THE CITY ATTORNEY REGARDING APPROPRIATE MAINTENANCE OF TRACT 22C. THE FINAL PLAT WAS INDEFINITELY DEFERRED.**

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

9. **Project# 1004075**
07DRB-70453 LEVEL B PLAN PHSE 2
DRB FINAL SIGNOFF

DENISH & KLINE ASSOCIATES agent(s) for FOREST CITY COVINGTON NM LLC request(s) the above action(s) for all or a portion of **MESA DEL SOL LEVEL B MASTER PLAN**, zoned PC/PLANNED COMMUNITY, located on EAST OF BROADWAY SE SOUTH OF LOS PICARDOS SE, containing approximately 3,082 acre(s). *(Deferred from 1/9/08, 1/16/08 & 1/30/08, 2/6/08)* **LEVEL B PLAN RECEIVED FINAL SIGNOFF SUBJECT TO CONCURRENCE FROM CITY ENGINEER AND CITY ATTORNEY REGARDING THE PROCESS FLOWCHART.**

10. **Project# 1002404**
08DRB-70023 EPC APPROVED SDP FOR
BUILD PERMIT
08DRB-70024 EPC APPROVED SDP FOR
SUBDIVISION

GEORGE RAINHART ARCHITECT & ASSOCIATES
agent(s) for PETERSON PROPERTIES request(s) the
above action(s) for all or a portion of Lot(s) 1-B & 1-D,
LADERA INDUSTRIAL CENTER, located on UNSER
BLVD NW BETWEEN VISTA ORIENTE NW AND
LADERA CHANNEL containing approximately 7.08
acre(s). (H-9) (*Deferred from 1/23/08 & 1/30/08*)
INDEFINITELY DEFERRED AT THE AGENT' S
REQUEST.

- Project# 1002404**
08DRB-70029 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for PETERSON INV-
98TH/UNSER LLC request(s) the above action(s) for all or
a portion of Lot(s) 1-B & 1-D, **LADERA INDUSTRIAL**
CENTER, zoned SU-1 LIGHT INDUSTRIAL, located on
UNSER BLVD NW AND VISTA ORIENTE ST NW
containing approximately 7.0919 acre(s). (H-9) (*Deferred*
from 1/30/08) **INDEFINITELY DEFERRED AT THE**
AGENT' S REQUEST.

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

11. **Project# 1005513**
08DRB-70035 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

JACKS HIGH COUNTRY INC agent(s) for FRANK L
AND EVELYN S BARELA request(s) the above action(s)
for all or a portion of Tract(s) 2, **LANDS OF ALBERT**
L. MATTHEW, zoned R-1, located on 12TH ST NW
BETWEEN DON FRANCISCO NW AND DON
FRANCISCO PL NW containing approximately 0.3755
acre(s). (G-14) (*Deferred from 1/30/08*)

WITH AN APPROVED GRADING AND DRAINAGE PLAN
DATED 9/4/07, AND WITH THE SIGNING OF THE
INFRASTRUCTURE LIST DATED 2/13/08, THE
PRELIMINARY PLAT WAS APPROVED. FINAL PLAT
WAS INDEFINITELY DEFERRED PENDING
COMPLETION OR FINANCIAL GUARNATEE OF
INFRASTRUCTURE. FINAL SIGN OFF WAS
DELEGATED TO PLANNING FOR THE SITE
DEVELOPMENT PLAN TO BE TIED TO THE
INFRASTRUCTURE AND THE PLAT.

12. **Project# 1003717**
08DRB-70064 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for ERIC JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, Block(s) 38, **EASTERN ADDITION TOGETHER WITH A PORTION OF VACATED PUBLIC ALLEY**, zoned SU-2 FOR NCR, located on AVENIDA CESAR CHAVEZ SE BETWEEN BROADWAY BLVD SE AND ARNO ST SE containing approximately 0.1102 acre(s). (L-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR TURN AROUND EASEMENT AND ADDITIONAL COMMENTS, AND TO PLANNING TO RECORD.**

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

13. **Project# 1003991**
08DRB-70065 SKETCH PLAT REVIEW
AND COMMENT

SURVEYS SOUTHWEST LTD agent(s) for MOUNTAIN WEST DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 1-P1 - 26-P1, **SAGE RANCH**, zoned RLT, located on SNOW VISTA BLVD SW BETWEEN SAGE SW AND BENAVIDES RD SW containing approximately 3.7442 acre(s). (M-9) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

14. **Project# 1003916**
08DRB-70055 SKETCH PLAT REVIEW
AND COMMENT

ISAACSON AND ARFMAN PA agent(s) for DEL RAY INVESTMENTS LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONTERRA DEL RAY Unit(s) A**, zoned SU-1/PDA, located on DERICKSON AVE NE BETWEEN LOUISIANA BLVD NE AND SAN PEDRO DR NE containing approximately 58.2994 acre(s). (D-18) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project# 1007091**
08DRB-70062 SKETCH PLAT REVIEW
AND COMMENT

JULIE RAEL OR ROBERT GUTTIERREZ request(s) the above action(s) for all or a portion of Tract B, **AURELIA GUTIERREZ**, zoned R-1, located on GUADALUPE TRAIL NW BETWEEN SANDIA RD NW AND GRECIAN NW containing approximately 0.15 acre(s). (F-14) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. Approval of the Development Review Board Minutes for January 23, 2008.

Other Matters: None

ADJOURNED: 11:00

January 10, 2008

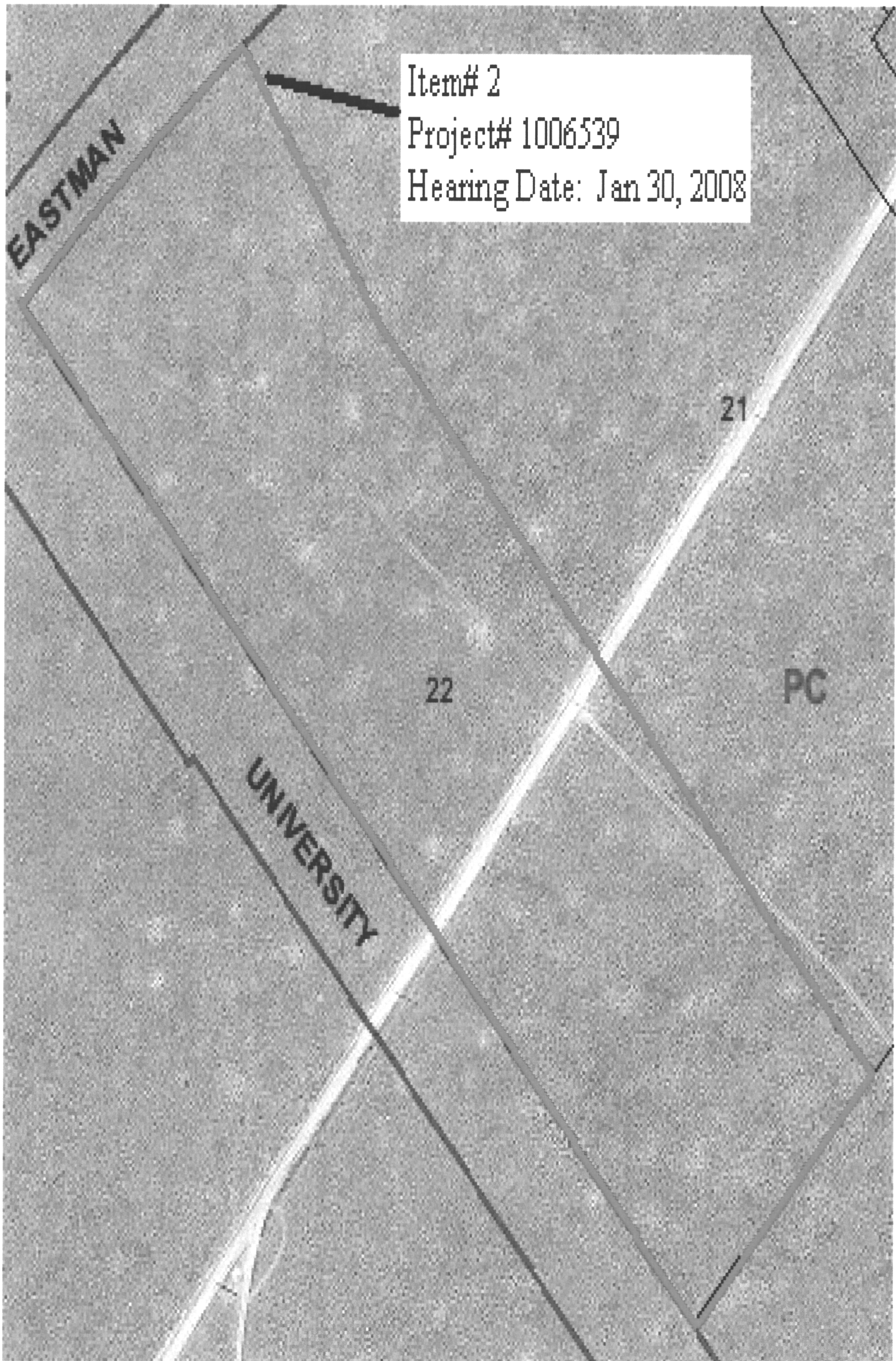
Date Prepared: January 15, 2008

DRB Meeting: Wednesday January 30, 2008

PNM Comments for the following DRB Cases:

- Project #1003709** **VACATION OF PUBLIC EASEMENT: NOT APPROVED** PNM has existing electric lines in this easement. Provisions will have to be made for the removal/relocation of the line with PNM New Service Delivery Department
MINOR-PRELIMINARY AND FINAL PLAT APPROVAL: **NOT APPROVED.** PNM has existing electric lines in this easement. Provisions will have to be made for the removal/relocation of the line with PNM New Service Delivery Department
- Project #1004462** Major 2yr Subd. Imp. Agmt. Ext.: **NO COMMENT**
- Project #1006539** Vacation of Public Easement: **APPROVED**
Vacation of Private Easement: **APPROVED**
- Project #1007018** **Vacation of Public Easement: NO COMMENT**

PNM GAS & ELECTRIC SERVICE CO.
Fernando Vigil. Senior R/W Agent
241-4434 e-mail – fvigil@pnm.com



Item# 2
Project# 1006539
Hearing Date: Jan 30, 2008

EASTMAN

UNIVERSITY

21

22

PC

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
February 6, 2008
DRB Comments

ITEM # 9

PROJECT # 1006001

APPLICATION # 08-70052

RE: Tract 22, Mesa del Sol

For future reference, please revise solar note (No. 7) to be specific to this type of request, i.e. replace the words "REQUESTED FINAL ACTION" with the words "THIS PLAT" at the beginning of the note, and delete the words "OR SITE DEVELOPMENT PLAN FOR SUBDIVISION" at the end of the note.

Discussion is needed regarding creation of Tract 22C as a separate parcel as opposed to remaining an easement on a larger parcel.



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



DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70052	Project # 1006001
Project Name: Mesa Del Sol Innovation Park	
Agent: Bohannan Huston, Inc.	Phone No.: 823-1000

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

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): _____

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

Created On:



DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70052

Project # 1006001

Project Name: Mesa Del Sol Innovation Park

Agent: Bohannon Huston, Inc.

Phone No.: 823-1000

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

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): _____

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

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

Created On:

[Handwritten mark]



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 30, 2008

Project# 1006539

08DRB-70005 VACATION OF PUBLIC EASEMENT

08DRB-70007 VACATION OF PRIVATE EASEMENT

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract 22, **MESA DEL SOL INNOVATION PARK**, zoned PC, located on UNIVERSITY BLVD SE BETWEEN EASTMAN SE AND STRYKER SE containing approximately 15.82 acre(s). (R-16)

AMAFCA No comment.
COG MPO Project ID 394.0 "University Bd to Mesa del Sol" is a City of Albuquerque project programmed in the 2013 TIP. Staff recommends close coordination with DMD to insure development consistent with this project. Development in this area is outpacing planning efforts, as evidenced by the lack of a functional classification for University Bd. For information purposes, University Bd. north of Rio Bravo Bd has a functional classification of urban minor arterial. Given the assumed trip lengths along University Bd, the City may want to consider reviewing the functional classification of University Bd in light of its intended use.
TRANSIT No comments received.
ZONING ENFORCEMENT No comments received.
NEIGHBORHOOD COORDINATION Letters sent to: Mountain View NA (R)
APS Mesa Del Sol Innovation Park , Tract 22, is located on University Blvd SE between Eastman SE and Stryker SE. The owner of the above property requests a Vacation of Public Easement and a Vacation of Private Easement for a property zoned PC. This will have no adverse impacts to the APS district.
POLICE DEPARTMENT No comments received.
FIRE DEPARTMENT No comments received.
PNM ELECTRIC & GAS Vacation of Public Easement: APPROVED Vacation of Private Easement: APPROVED

COMCAST No comments received.
QWEST No comments received.
ENVIRONMENTAL HEALTH No comments received.
M.R.G.C.D No Adverse Comments.
OPEN SPACE DIVISION Open Space has no adverse comments.
CITY ENGINEER No objection to the vacation requests. Did the private drainage easement appear on a plat? If so, it can be released without going through the vacation/replatting process.
TRANSPORTATION DEVELOPMENT No adverse comments.
PARKS AND RECREATION Defer to affected agencies.
ABCWUA No objection to Vacation requests.
PLANNING DEPARTMENT Approval of vacations would need to be conditioned upon 1) completion or financial guarantee of the storm drain for Tract 22 site plan, and 2) acknowledgment by the beneficiaries of the other easements.
IMPACT FEE ADMINISTRATOR No comment on the proposed vacation of the public easements. No comment on the proposed vacation of the private easement. No comment on the proposed vacation of right-of-way per This land lies within the Mesa Del Sol Master Plan Area. Per the Impact Fee Ordinance, Mesa Del Sol is not subject to Impact Fees.












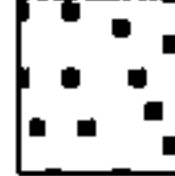






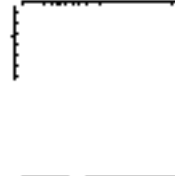
IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

Cc: Bohannon Huston, Inc. – 7500 Jefferson NE – Albuquerque, NM 87109

Cc: Mesa Del Sol, LLC – 801 University Blvd SE Ste 200 – Albuquerque, NM 87106

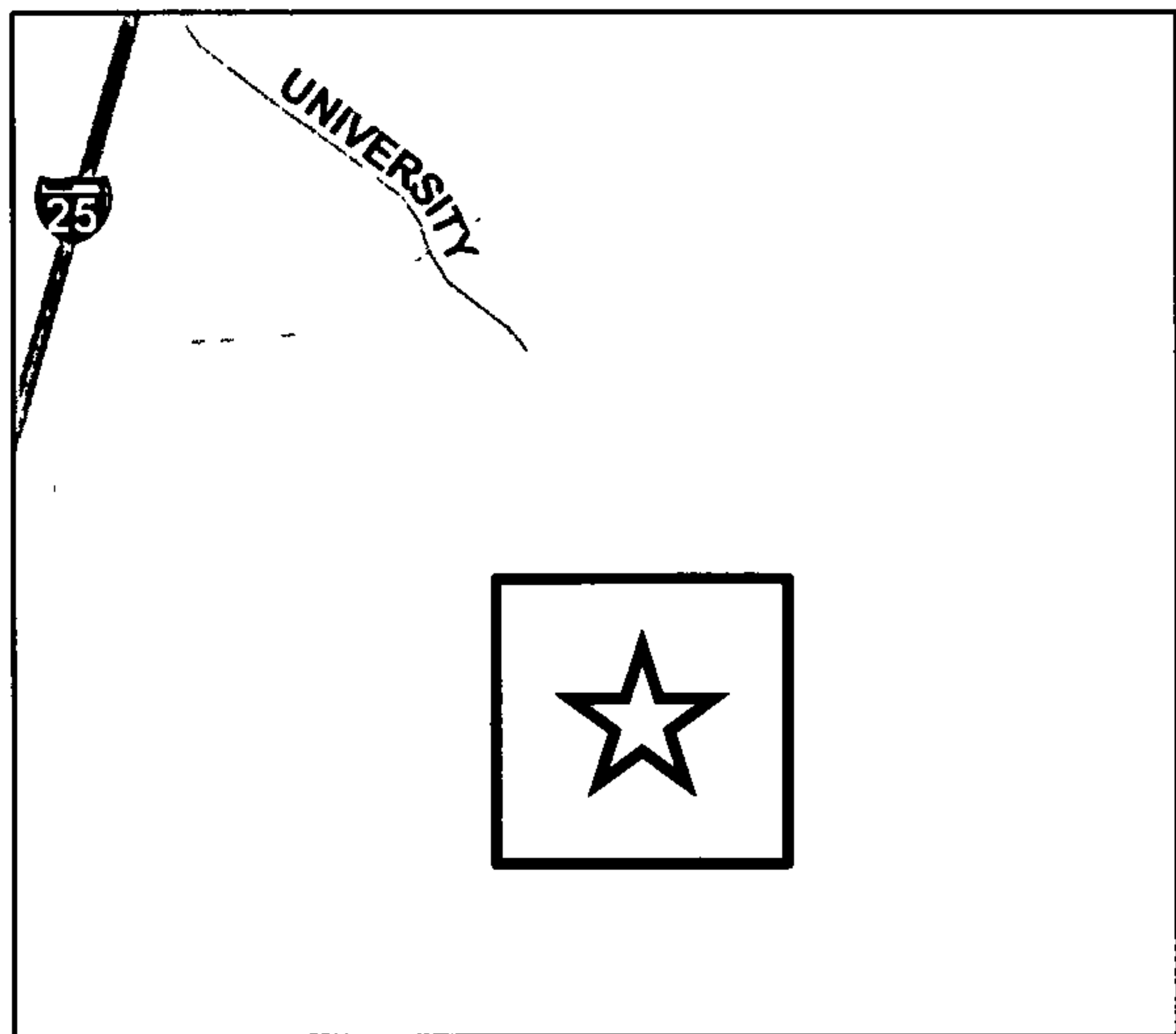
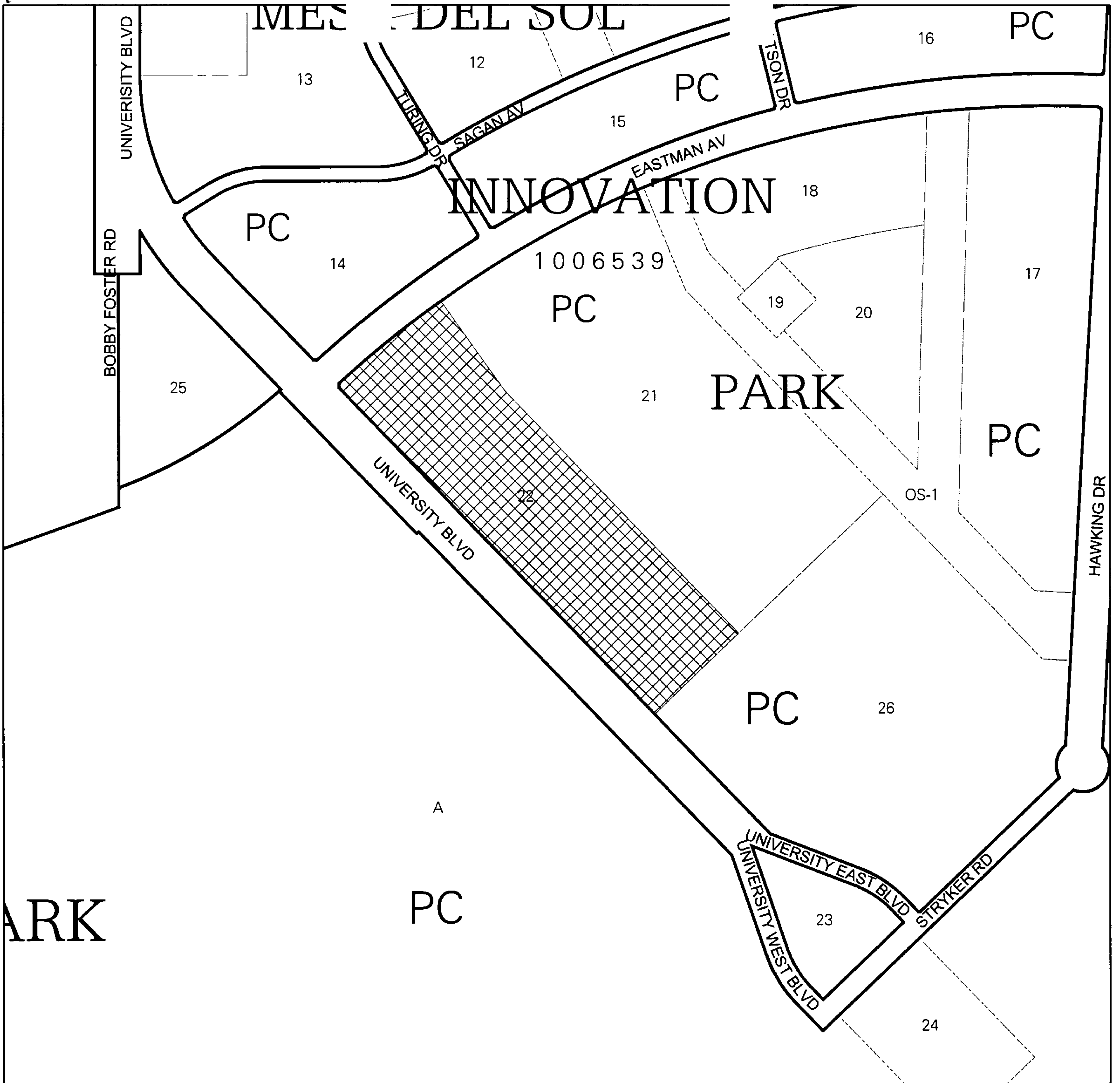


Public Facilities Map with One-Mile Site Buffer

- | | | | |
|---|---|---|---|
|  COMMUNITY CENTER |  FIRE |  APS Schools |  Developed County Park |
|  MULTI-SERVICE CENTER |  POLICE |  ABQ Ride Routes |  Undeveloped County Park |
|  SENIOR CENTER |  SHERIFF |  AGIS Jurisdiction |  Developed City Park |
|  LIBRARY |  SOLID WASTE |  Landfill Buffer (1000 feet) |  Undeveloped City Park |
|  MUSEUM | |  Landfills designated by EHD |  BC 06 |

Project Number: 1006539





ZONING MAP

Note: Grey shading indicates County



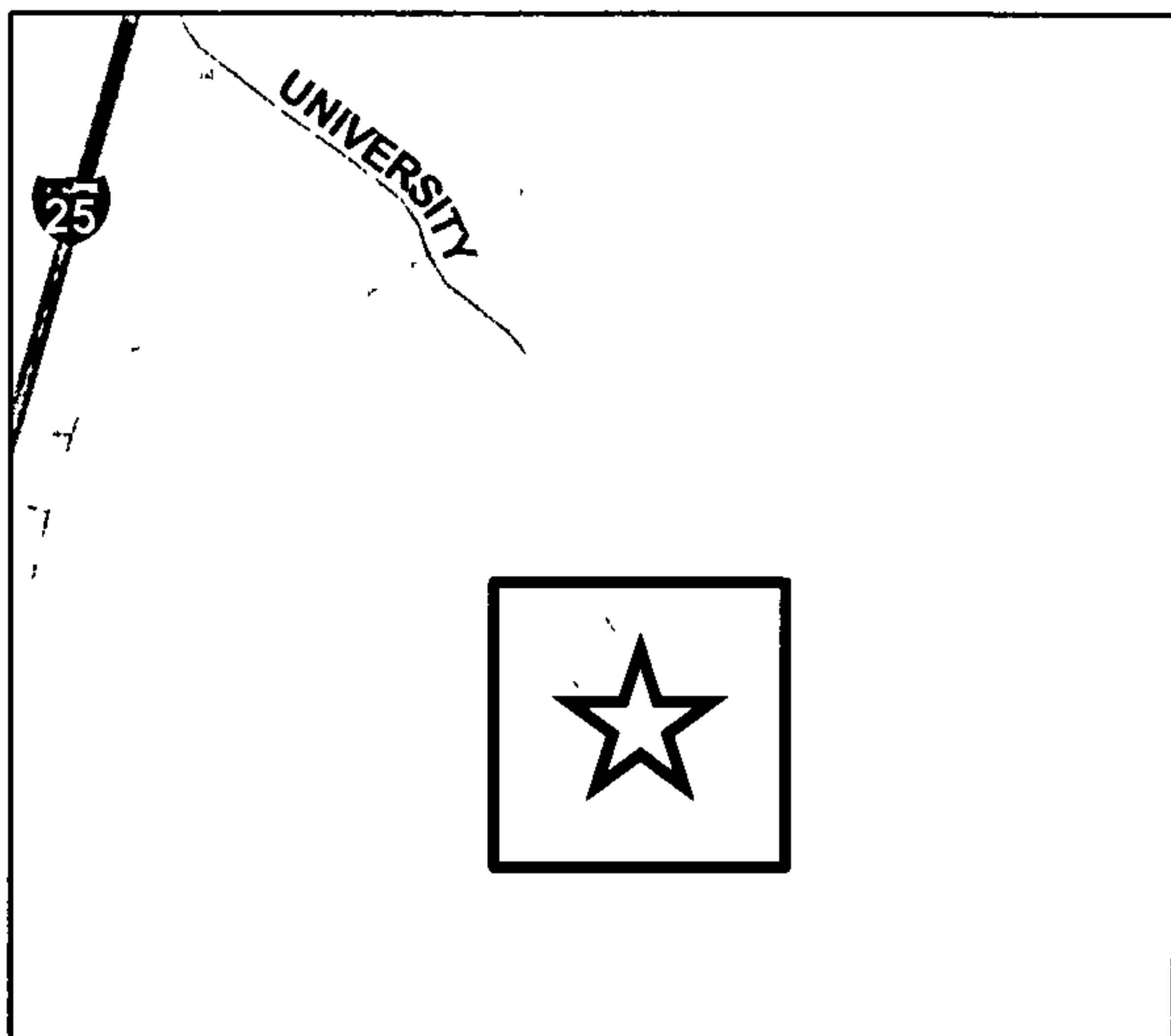
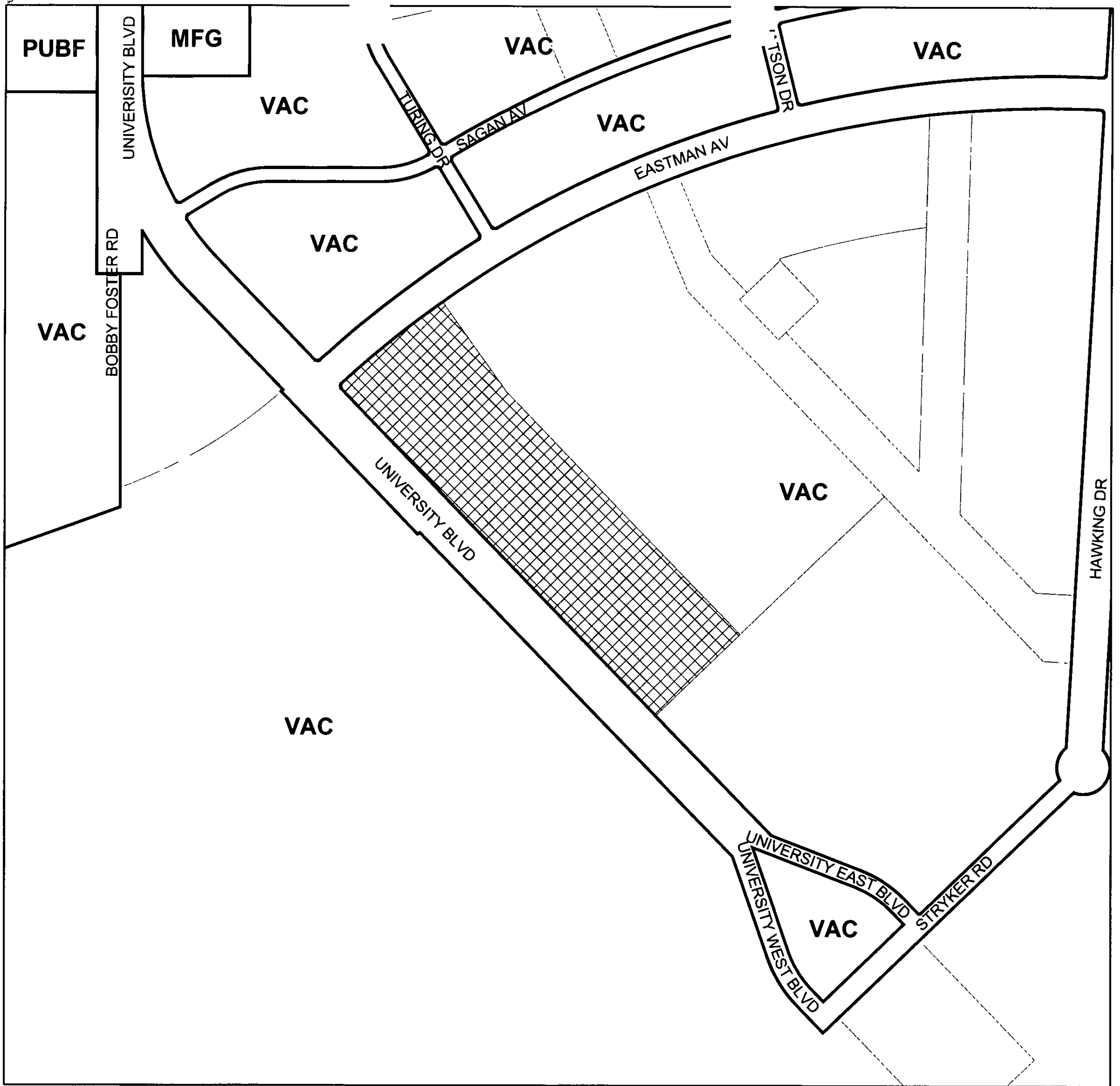
1 inch equals 500 feet

Project Number:
1006539

Hearing Date:
January 30, 2008

Zone Map Page:
R-16

Additional Case Numbers:
08DRB-70005
08DRB-70007



LAND USE MAP

Note: Grey shading indicates County

KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial - Retail
- DRNG Drainage
- MFG Manufacturing or Mining
- MULT Multi-Family or Group Home
- OFF Office
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch equals 500 feet

Project Number:

1006539

Hearing Date:

January 30, 2008

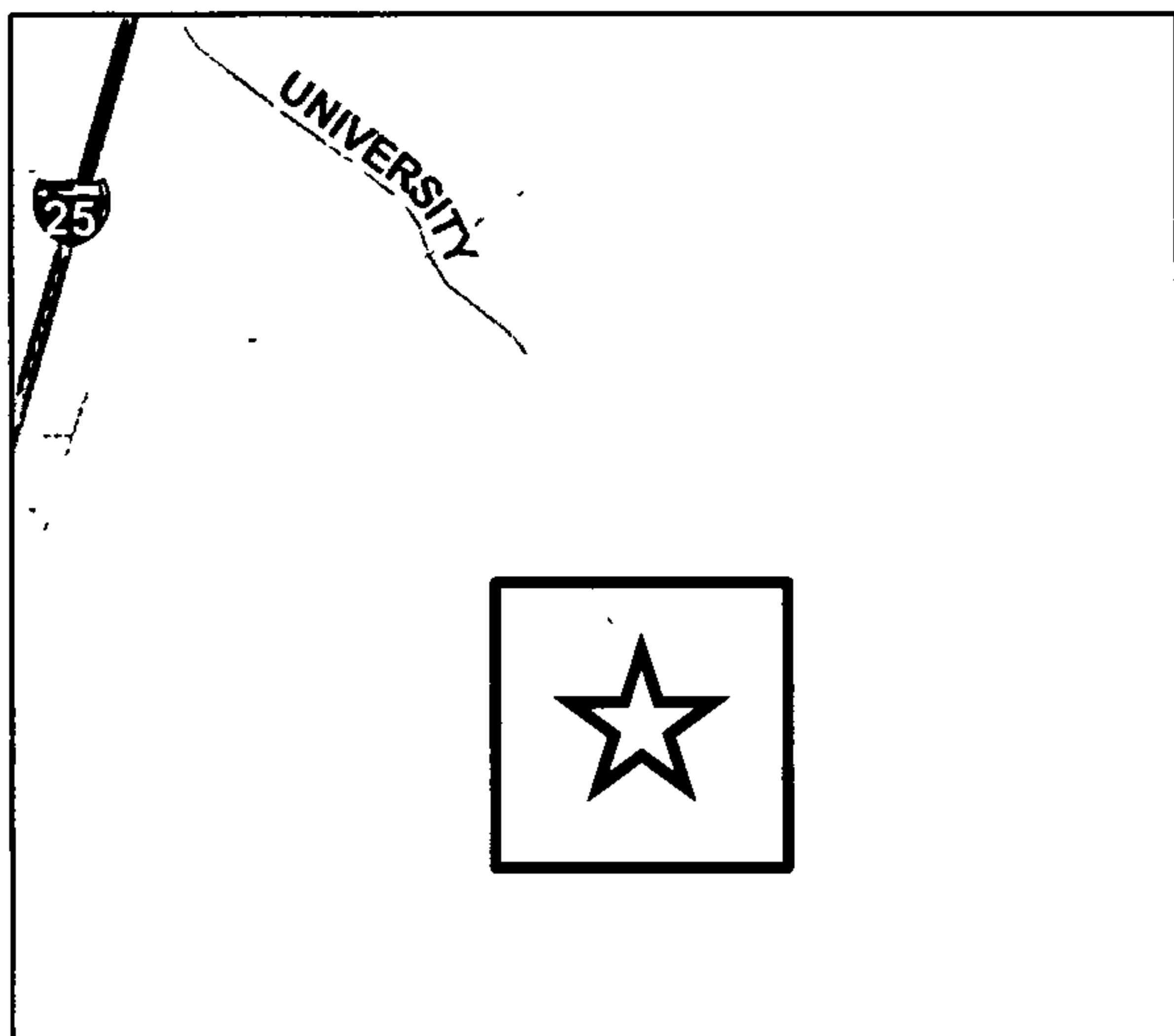
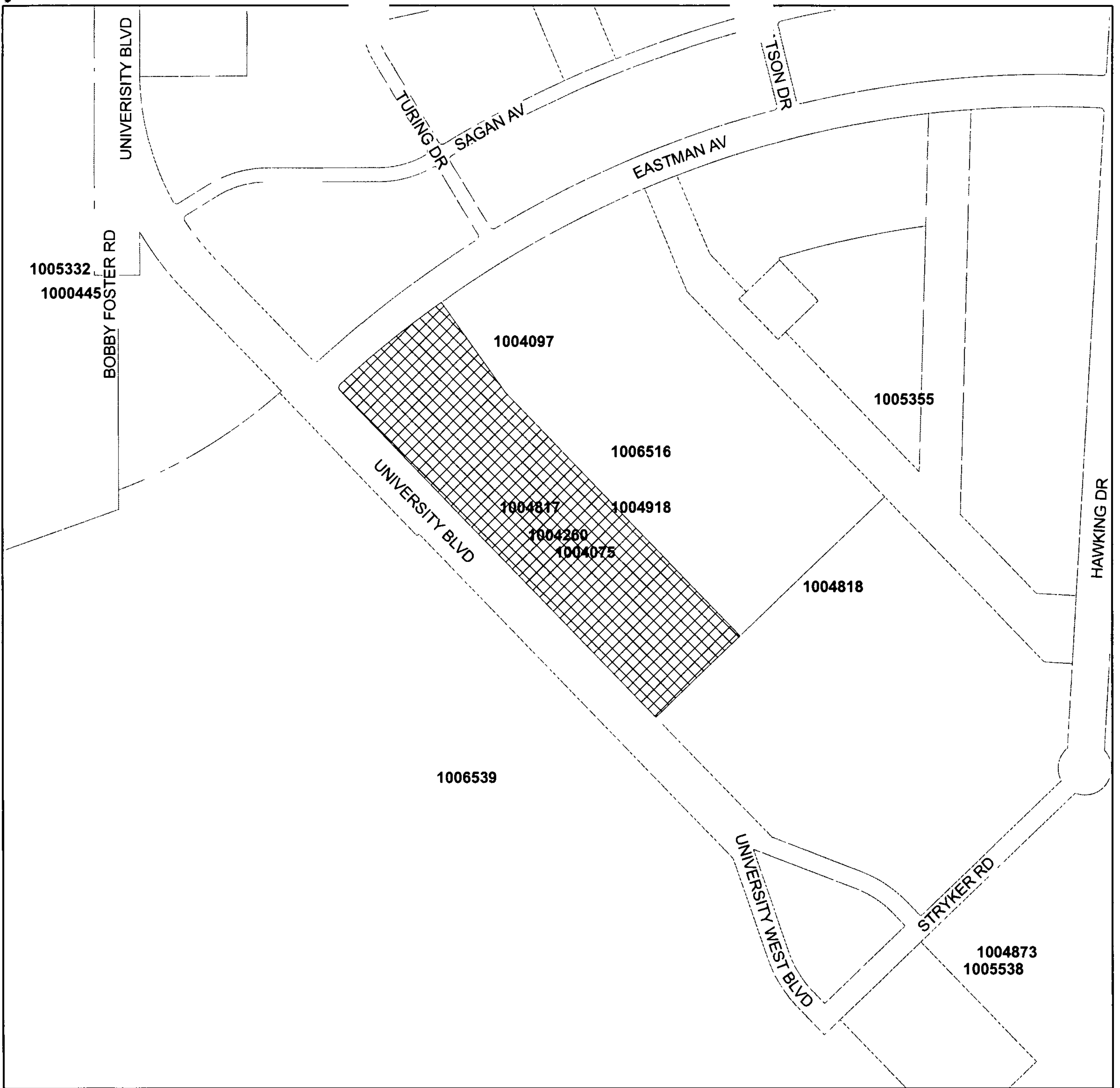
Zone Map Page:

R-16

Additional Case Numbers:

08DRB-70005

08DRB-70007



HISTORY MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:
1006539

Hearing Date:
January 30, 2008

Zone Map Page:
R-16

Additional Case Numbers:
08DRB-70005
08DRB-70007

ORIGINAL

Figure 12
INFRASTRUCTURE LIST

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

Tract 22-A, 22-B & 22-C
(Mesa del Sol, Innovation Park)

Date Submitted February 13, 2008
Date Site Plan for Bldg Permit App. N/A
Date Site Plan for Sub Approved N/A
Date Preliminary Plat Approved 2/13/08
Date Preliminary Plat Expires 2/13/09

DRB Project No 1006001

08-70052
⚠ 4/14/10

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.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
PUBLIC ROADWAY IMPROVEMENTS									
		24' E-E	PAVED ROADWAY, STRIPING, CURB AND GUTTER, STREET LIGHTS (1/2 STREET IMPROVEMENT - 530 LF APPROX, 90' F TO F AT FULL BUILD-OUT W/MEDIAN)	EASTMAN AVE	UNIVERSITY BLVD	ALBUQUERQUE STUDIOS ACCESS ROAD			

AGENT/OWNER _____ DEVELOPMENT REVIEW BOARD MEMBER APPROVALS _____

MICHAEL J. BALASKOVITS 2/13/2008 PREPARED BY PRINT NAME DATE
 DRB CHAIR: *[Signature]* 2/12/08
 PARKS & GENERAL SERVICES: Christina Sandoval 2/13/08
 FIRM: BOHANNAN HUSTON INC. TRANSPORTATION DEVELOPMENT
 SIGNATURE: *[Signature]* 2/13/08
 UTILITY DEVELOPMENT: *[Signature]* 2/13/08
 AMAFCA: N/A
 CITY ENGINEER: Bradley J. Bihn 2/13/08
 DATE: 4/14/10

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION _____ DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
⚠	4/14/10	@ DRB		

Project No.

1006339

5640 University Blvd.
SE.

MYERS, OLIVER & PRICE, P.C.

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

JOHN A. MYERS
SCOTT OLIVER
KEVIN J. McCREADY
HOPE MEAD WYNN

TELEPHONE:
(505)247-9080
FACSIMILE:
(505)247-9109

CHARLES P. PRICE III, *Of Counsel*
FLOYD D. WILSON, *Of Counsel*

J. MATT MYERS

e-mail: jmyers@moplaw.com

February 25, 2010

HAND DELIVERED

Debbie Stover, Planning Director
Planning Department
City of Albuquerque
Plaza del Sol, Third Floor
Albuquerque, New Mexico 87103

Re: Mesa del Sol/Project No. 775488

Dear Debbie:

This office represents Mesa del Sol, LLC ("Mesa"). In early 2008, Mesa was working with Sony Imageworks ("Sony") regarding locating at Mesa del Sol. To facilitate the Sony transaction, Mesa processed a plat for the Sony parcel and a site development plan for the Sony building. A copy of the plat (Plat of Tracts 22-A, 22-B and 22-C, Mesa del Sol Innovation Park) and the site plan ("Sony Imageworks @ Mesa del Sol") are enclosed.

As a condition of the plat and site plan approvals, Mesa entered into a Subdivision Improvement Agreement (the "SIA"), a copy of which is enclosed. The infrastructure the subject of the SIA is the south one-half of Eastman Avenue from University Blvd. to the Albuquerque Studios' north access easement. This road is highlighted on the Plat vicinity map.

The Sony transaction fell through at the 11th hour. Therefore, Mesa no longer needs the approved Sony site plan. Consequently, Mesa desires to be relieved of the SIA obligation to construct this portion of Eastman Avenue. Therefore, Mesa requests that the City void the Sony site plan and release the SIA and the associated financial guarantee.

In these difficult economic times it creates a hardship for Mesa to construct (or to continue to bear the cost of a financial guarantee) for infrastructure which is not yet

Debbie Stover, Planning Director
Planning Department
February 25, 2010
Page -2-

necessary. The City can condition future plat or site plan approvals upon the construction of this reach of Eastman Avenue.

Please advise us if you need additional information.

Thank you for your consideration of this request.

Very truly yours,

MYERS, OLIVER & PRICE, P.C.

By: _____
John A. Myers

JAM/kla
Enclosures

cc: Kevin Curran, Assistant City Attorney (w/enc.) (Hand Delivered)
Mr. Richard Dourte, City Engineer (w/enc.) (Hand Delivered)
Mr. Manny Barrera, Mesa del Sol (w/out enclosures) (email)

March 31, 2010



Mr. Richard Dourte, PE
City Engineer / Division Manager
City of Albuquerque, Development Review Services
600 Second Street, NW
Albuquerque, New Mexico 87103

Re: Request to Void/Withdraw Building Permit #200890246
5640 University Blvd SE, 87106
Sony Imageworks @ Mesa del Sol
Albuquerque, New Mexico

Dear Richard:

We are writing on behalf of our client Mesa del Sol to ask that the City void/withdraw the building permit referenced above. Please also destroy the two sets of building permit drawings.

Thank you for your attention to this matter.

Sincerely,

Dekker/Perich/Sabatini

A handwritten signature in black ink, appearing to read "Chris Gunning".

Christopher R. Gunning, AIA. LEED AP
Principal

Cc: Chris Anderson, Mesa del Sol
John Myers, Myers Oliver Price

7. **Project# 1006953**
07DRB-70406 VACATION OF PUBLIC
EASEMENT

LOGAN HALL request(s) the above action(s) for all or a portion of Lot(s) 1-A, Block(s) 4, **TERRACE ADDITION**, zoned SU-2/NCR, located on LEAD AVE SE BETWEEN LOCUST AVE SE AND ELM ST SE containing approximately 0.4539 acre(s). (K-15) *(Deferred from 12/19/07, 12/23/07 & 2/6/08)* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. A TURN AROUND IS NOT REQUIRED BASED ON EXISTING CONDITIONS.**

8. **Project# 1006001**
08DRB-70052 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
08DRB-70005 VACATION OF PUBLIC
EASEMENT
08DRB-70007 VACATION OF PRIVATE
EASEMENT

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 22, **MESA DEL SOL INNOVATION PARK**, zoned PC, located on UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE containing approximately 15.82 acre(s). (R-16) *(Deferred from 1/30/08 & 2/6/08)* **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE WITH CONDITIONS. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/13/08 THE PRELIMINARY PLAT WAS APPROVED SUBJECT TO VERIFICATION WITH THE CITY ATTORNEY REGARDING APPROPRIATE MAINTENANCE OF TRACT 22C. THE FINAL PLAT WAS INDEFINITELY DEFERRED.**

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

9. **Project# 1004075**
07DRB-70453 LEVEL B PLAN PHSE 2
DRB FINAL SIGNOFF

DENISH & KLINE ASSOCIATES agent(s) for FOREST CITY COVINGTON NM LLC request(s) the above action(s) for all or a portion of **MESA DEL SOL LEVEL B MASTER PLAN**, zoned PC/PLANNED COMMUNITY, located on EAST OF BROADWAY SE SOUTH OF LOS PICARDOS SE, containing approximately 3,082 acre(s). *(Deferred from 1/9/08, 1/16/08 & 1/30/08, 2/6/08)* **LEVEL B PLAN RECEIVED FINAL SIGNOFF SUBJECT TO CONCURRENCE FROM CITY ENGINEER AND CITY ATTORNEY REGARDING THE PROCESS FLOWCHART.**

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006001

AGENDA ITEM NO: 9

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

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

P.O. Box 1293

ENGINEERING COMMENTS:

Albuquerque

Need cross-lot drainage easements.

New Mexico 87103

RESOLUTION:

www.cabq.gov

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

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

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

FOR:

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

DATE: February 6, 2008

Current DRC Project No _____

ORIGINAL

Figure 12
INFRASTRUCTURE LIST

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

Tract 22-A, 22-B & 22-C
(Mesa del Sol, Innovation Park)

Date Submitted February 13, 2008
Date Site Plan for Bldg Permit App. N/A
Date Site Plan for Sub Approved N/A
Date Preliminary Plat Approved 2/13/08
Date Preliminary Plat Expires 2/13/09

DRB Project No 1006001
08-70052

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.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
PUBLIC ROADWAY IMPROVEMENTS									
		36' FC-FC, <i>SOUTH HALF OF MEDIAN</i>	PAVED ROADWAY, STRIPING, CURB AND GUTTER, STREET LIGHTS (1/2 STREET IMPROVEMENT - 530 LF APPROX, 90' F TO F AT FULL BUILD-OUT W/MEDIAN)	EASTMAN AVE	UNIVERSITY BLVD	ALBUQUERQUE STUDIOS ACCESS ROAD			

AGENT/OWNER		DEVELOPMENT REVIEW BOARD MEMBER APPROVALS			
MICHAEL J. BALASKOVITS PREPARED BY: PRINT NAME	2/13/2008 DATE	<i>[Signature]</i> DRB CHAIR	2/12/08 DATE	<i>Christina Sandoval</i> PARKS & GENERAL SERVICES	2/13/08 DATE
BOHANNAN HUSTON INC. FIRM		<i>[Signature]</i> TRANSPORTATION DEVELOPMENT	2/13/08 DATE	N/A AMAFCA	
<i>[Signature]</i> SIGNATURE		<i>[Signature]</i> UTILITY DEVELOPMENT	2/13/08 DATE	<i>Bradley J. Bihn</i> CITY ENGINEER	2/13/08 DATE
MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION					DATE

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



57 University West Blvd. Ste. 300, Albuquerque, NM 87106 PHONE: 505 452 2000 FAX: 505 452 1000

March 9, 2010

Mr. Richard Dourte
City Engineer
City of Albuquerque
Plaza del Sol Building, 2nd Floor
Albuquerque, New Mexico 87102

Re: Mesa del Sol – Sony Site
City Project No. 775488

Dear Mr. Dourte:

Mesa del Sol, LLC, hereby authorizes Myers, Oliver & Price, P.C. (John A. Myers) to do all things required by the City, including, but not limited to, execution of any documentation necessary to void the Site Plan (Sony Imageworks @ Mesa del Sol) approved May 15, 2008, the Subdivision Improvement Agreement and financial guaranty related to the Site Plan and filed in City Project No. 775488, and any work orders that may have been issued.

Very truly yours,

MESA DEL SOL, LLC

By: _____


Michael D. Daly

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

02/11/2008 Issued By: PLNSDH

Permit Number: 2008 070 052 **Category Code 910**

Application Number: 08DRB-70052, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE

Project Number: 1008001

Applicant

Mesa Del Sol Llc

801 University Blvd Se, Ste 200
Albuquerque NM 87106
400-3021

Agent / Contact

Bohannon Huston Inc

Kevin Patton

7500 Jefferson Ne
Albuquerque NM 87108

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441008/4983000	DRB Deferral Fee	\$110.00
TOTAL:		\$110.00

City Of Albuquerque
Treasury Division

2/11/2008 1:36PM LOC: ANNX
WS# 006 TRANS# 0047
RECEIPT# 00087675-00087675
PERMIT# 2008070052 TRSCCS
Trans Amt \$110.00
DRB Actions \$110.00
VI \$110.00
CHANGE \$0.00

Thank You

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

01/29/2008 Issued By: PLNSDH

Permit Number: 2008 070 052 **Category Code 910**
Application Number: 08DRB-70052, Minor - Preliminary/ Final Plat Approval
Address:
Location Description: UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE
Project Number: 1006001

Applicant
Mesa Del Sol Llc

801 University Blvd Se, Ste 200
Albuquerque NM 87108
400-3021

Agent / Contact
Bohannon Huston Inc
Kevin Patton
7500 Jefferson Ne
Albuquerque NM 87109

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$355.00
TOTAL:		\$375.00

City Of Albuquerque
Treasury Division

1/29/2008 11:15AM LOC: ANHX
ASH 007 TRANSR 0011
RECEIPT# 00093345-00093345
PERMITH 2008070052 TRSMSP
Trans Amt \$375.00
Conflict Manag. Fee \$20.00
DRB Actions \$355.00
CK \$375.00
CHANCE \$0.00

Thank You

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

02/11/2008 Issued By: FLNSDH

Permit Number: 2008 070 052 **Category Code 910**

Application Number: 08DRB-70052, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: UNIVERSITY BLVD SE BETWEEN EASTMAN AVE SE AND STRYKER SE

Project Number: 1008001

Applicant

Mesa Del Sol Llc

801 University Blvd Se, Ste 200

Albuquerque NM 87108

400-3021

Agent / Contact

Bohannon Husten Inc

Kevin Patton

7500 Jefferson Ne

Albuquerque NM 87109

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441008/4983000	DRB Deferral Fee	\$110.00
TOTAL:		\$110.00

City Of Albuquerque
Treasury Division

2/11/2008 1:36PM LDC: ANNIX
WS# 006 TRANS# 0047
RECEIPT# 00087675-00087675
PERMIT# 2008070052 IRSCCS
Trans Amt \$110.00
DRB Actions \$110.00
VI \$110.00
CHANGE \$0.00

Thank You



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

No. of Lots:
Nearest Major Streets

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 24th day of March, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and **MESA DEL SOL, LLC** ("Subdivider"), [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.], a **New Mexico limited liability company**, whose address is 801 University, SE, Suite 200, Albuquerque, New Mexico, 87106, and whose telephone number is 505-452-2600, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Tract 22, Mesa del Sol Innovation Park, recorded on September 13, 2007, in the records of the Bernalillo County Clerk at Book 2007-C, pages 259 through _____ (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Mesa del Sol, LLC, a New Mexico limited liability company ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Tracts 22-A, 22-B & 22-C, Mesa del Sol Innovation Park, Project No. 775488 describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 40K, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private Improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or

before the 21st day of March, 2010 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 775488.

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

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

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

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

(Note: The Subdivider must pay the City all City fees and price adjustments for asphalt and concrete paving, if applicable, which have been incurred during construction before the City will accept the public Improvements.)

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

A. Construction Surveying. Construction surveying for the construction of the public Improvements shall be performed by Bohannon & Huston, Inc., and construction

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

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

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

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

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

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

Type of Financial Guaranty: Subdivision Bond: 08886518

Amount: \$190,313.96

Name of Financial Institution or Surety providing Guaranty:

FIDELITY AND DEPOSIT Co. OF MARYLAND

Date City first able to call Guaranty: March 21, 2010

[Construction Completion Deadline]: March 21, 2010

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

_____, 20 _____

Additional information: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Notice. For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

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

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

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

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

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

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

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

SUBDIVIDER:

CITY OF ALBUQUERQUE

MESA DEL SOL, LLC
a New Mexico limited liability company

By: [Signature]
Director, Public Works

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

Approved by: [Signature]

By: Forest City NM, LLC, a New Mexico limited liability company, Member

City Engineer
Date: 3-24-08

By: Forest City Commercial Group, Inc., an Ohio corporation Member

Wp 3/24/08

By: [Signature]
Harry Relkin
Vice President
Date: 3/10/08

aw
3-14-08

Current Date
Project No.

Page 12
NECASTRICTURELIST

Date Submitted: 1/23/08
Date Site Plan for GIS Permitted: 1/23/08
Date Site Plan to City Approved: 1/23/08
Date Permitted for Review: 2/13/08
Date Permitted for Review: 2/13/08

LAND IMPROVEMENTS
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE UNIT
Tract 22-A, 22-B & 22-C
(Mass del Sol, Innovation Park)

08-70052

of the construction drawings if the DRB Chair deems that the construction items and/or unforeseen items have not been indicated in the infrastructure listing. The DRB Chair may include those items in the listing and related infrastructure approval by the DRB Chair. The City Department and approval of such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction of the project shall be reported to the DRB Chair for approval and the Subdivider's responsibility will be required as required by the City.

PUBLIC ROADWAY IMPROVEMENTS

Sequence #	CDR ORC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Curb Specialist
		35' x 10'	PAVED ROADWAY STRIPING, CURB AND GUTTER STREET LIGHTS (12 STREET IMPROVEMENTS - 539' LI APPROX. 50' F TO F AT FULL BUILD OUT WINTER 08)	EASTMAN AVE	UNIVERSITY BLVD	ALBUQUERQUE STUDIOS ACCESS ROAD			

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

AGENT/OWNER	DATE	DRB CHAIR	DATE	TRANSPORTATION DEVELOPMENT	DATE	PARKS & GENERAL SERVICES	DATE	AMERICA	DATE
MICHAEL J BALASKOVITS 300 PARK BLVD PLANT NW 117	2/13/08	<i>[Signature]</i>	2/12/08	<i>[Signature]</i>	2/13/08	<i>[Signature]</i>	2/13/08	<i>[Signature]</i>	2/13/08
JOHANN HUSTON INC		<i>[Signature]</i>	2/13/08	<i>[Signature]</i>	2/13/08	<i>[Signature]</i>	2/13/08	<i>[Signature]</i>	2/13/08

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRB CHAIR	ISSUE DEPARTMENT	AGENT/OWNER

FINANCIAL GUARANTY AMOUNT

02/22/2008

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

Project Description:

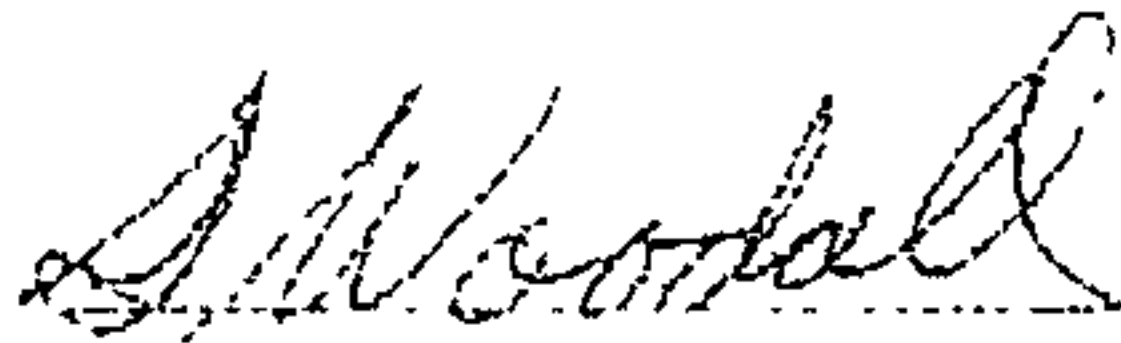
Project ID #: 775488, Mesa del sol Innvtn park trct 22 infrast, Phase/Unit #

Requested By: Mike Balaskovits

Approved estimate amount:		\$119,251.00
Contingency Amount, 10.00%		\$11,925.10
Subtotal:		\$131,176.10
NMGRT 6.875%		\$9,018.36
Subtotal:		\$140,194.46
Engineering Fee 6.60%		\$9,252.83
Testing Fee 2.00%		\$2,803.89
Subtotal:		\$152,251.17
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$0.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$190,313.96</u>

APPROVAL

DATE:



2-22-08

Notes B-1, 10% contingency. Plans and Final Eng. Est have not been approved.

FIGURE 16

CIRCLE ONE:
SUBDIVISION BOND FOR:
SIA, SW'S, SPCL.AGRMT.

BOND NO (SURETYS NO.): 08886518
CONTACT PERSON'S NAME: Brian O'Leary

SUBDIVISION IMPROVEMENTS BOND

KNOW ALL MEN BY THESE PRESENTS: That we Mesa del Sol, LLC ("SUBDIVIDER") a [state type of business entity, for instance, "New Mexico corporation," "general partnership", "joint venture", "individual", etc.:] New Mexico limited liability company as "Principal", and FIDELITY AND DEPOSIT COMPANY OF MARYLAND NAME OF SURETY), a corporation organized and existing under and by virtue of the laws of the State of MD, and authorized to do business in the State of New Mexico, as "Surety," whose address is 3910 Keswick Road, Baltimore, MD 21203, and whose telephone number is 847-240-8109, are held and firmly bound unto the CITY OF ALBUQUERQUE in the penal sum of One Hundred Ninety Thousand Three Hundred Thirteen and 96/100 (WRITTEN AMOUNT) Dollars, \$190,313.96 (AMOUNT OF FIGURES), as amended by change orders approved by the Surety or changes to the infrastructure list approved by the City Development Review Board, the payment of which is well and truly to be made, and each of us bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, and firmly by these presents.

NOW, THEREFORE, the condition of the above obligation is such that:

WHEREAS, the Principal is the owner and/or is interest in or is developing land and premises known as Mesa del Sol Innovation Park, Tract 22, City Project No. 775488 ("Name of Subdivision and City Project No); and

WHEREAS, said Subdivision is subject to the provisions and conditions of the ordinance of the CITY OF ALBUQUERQUE known as the Subdivision Ordinance, the requirements of which include the installation of various other improvements by the Principal; and

WHEREAS, the Subdivision Ordinance also requires the Principal to install and construct the following improvements at the Subdivision: [list the improvements, e.g., water, sewer, pavement, sidewalks:] paved roadway improvements, striping, curb and gutter, street lights ("IMPROVEMENTS")

All construction shall be performed in accordance with the Agreement to Construct Public and/or Private Subdivision Improvements Agreement entered into between Mesa del Sol, LLC ("NAME OF SUBDIVIDER") and the CITY OF ALBUQUERQUE, as recorded in the office of the Clerk of Bernalillo County, New Mexico, in Book Misc. (leave blank) _____, pages _____ through _____, as amended by change orders or amendments to the Agreement.

NOW, THEREFORE, if the Principal completes construction of the Improvements and facilitates and performs the work herein above specified to be performed, all on or before [Construction Completion Deadline established in Agreement or as amended; March 21, 2010 ("the Construction Completion Deadline"), then this obligation shall be null and void; if the Principal does not complete construction by or before the Construction Completion Deadline, the City may call on this obligation until released by the City.

IN WITNESS WHEREOF, this bond has been executed this _____ day of March 2008.

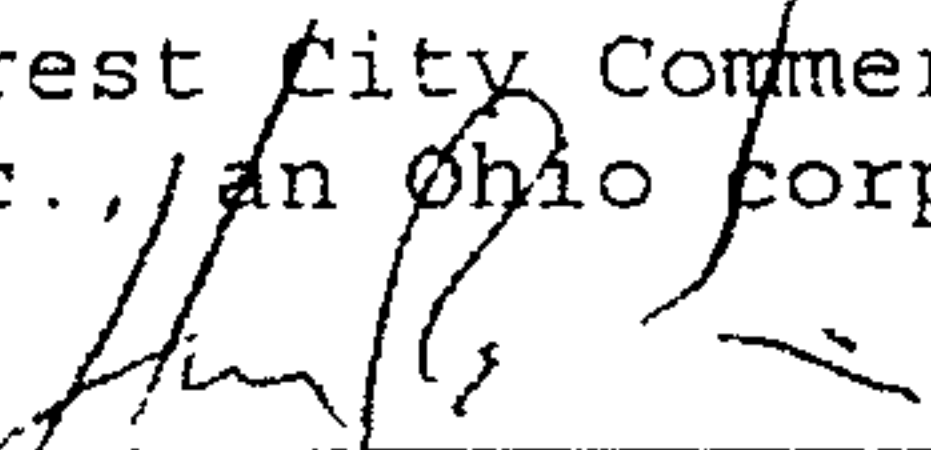
SUBDIVIDER:

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

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

By: Forest City NM, LLC, , a New Mexico limited liability company, Member

By: Forest City Commercial Group, Inc., an Ohio corporation

By: 
Harry Relkin
Vice President

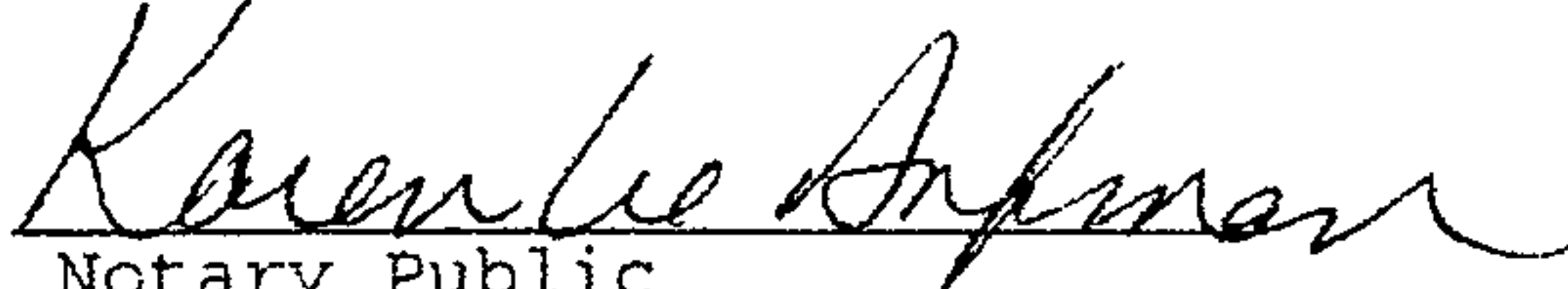
Date: March 10, 2008

SURETY: *See Attached*

By [signature:] _____
Name: _____
Title: _____
Dated: _____

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

Subscribed and sworn to before me this 10th day of March, 2008, by, Harry Relkin, Vice President of Forest City Commercial Group, Inc., as Member of Forest City NM, LLC, a New Mexico limited liability company, as Member of FC Covington Manager, LLC, a New Mexico limited liability company, as Member of Mesa del Sol, LLC, a New Mexico limited liability company.


Notary Public

My Commission Expires:
11-18-2009

*NOTE: Power of Attorney for Surety must be attached.

H:\forestcity\Leases\Sony\Legal\Subdivision Bond COA doc\4 45 PM

IN WITNESS WHEREOF, this bond has been executed this 10th day of March 2008.

SUBDIVIDER:

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

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

By: Forest City NM, LLC, , a New Mexico limited liability company, Member

By: Forest City Commercial Group, Inc., an Ohio corporation

By: _____
Harry Relkin
Vice President

Date: March _____, 2008

SURETY: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By [signature: *Linda Iser*]
Name: Linda Iser
Title: Attorney-in-Fact
Dated: March 10, 2008

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

Subscribed and sworn to before me this _____ day of March, 2008, by, Harry Relkin, Vice President of Forest City Commercial Group, Inc., as Member of Forest City NM, LLC, a New Mexico limited liability company, as Member of FC Covington Manager, LLC, a New Mexico limited liability company, as Member of Mesa del Sol, LLC, a New Mexico limited liability company.

Notary Public

My Commission Expires:

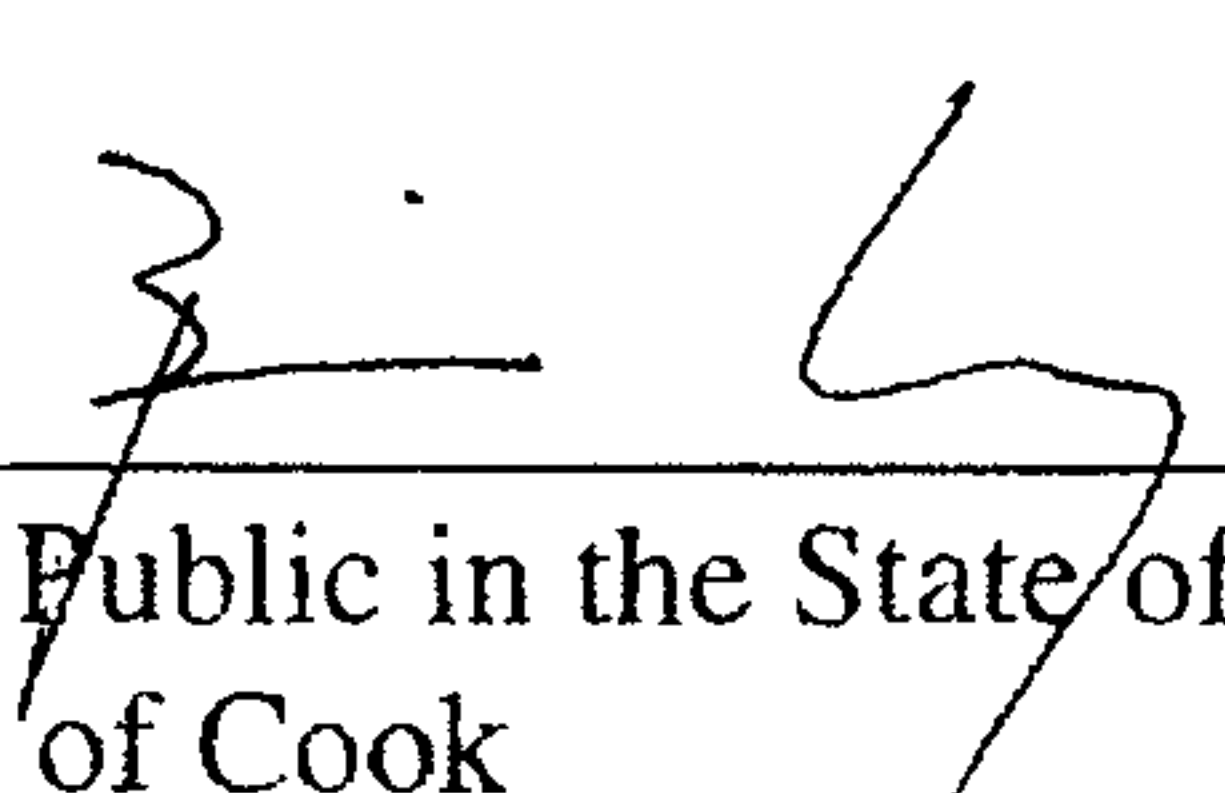
*NOTE: Power of Attorney for Surety must be attached.

ACKNOWLEDGEMENT BY SURETY

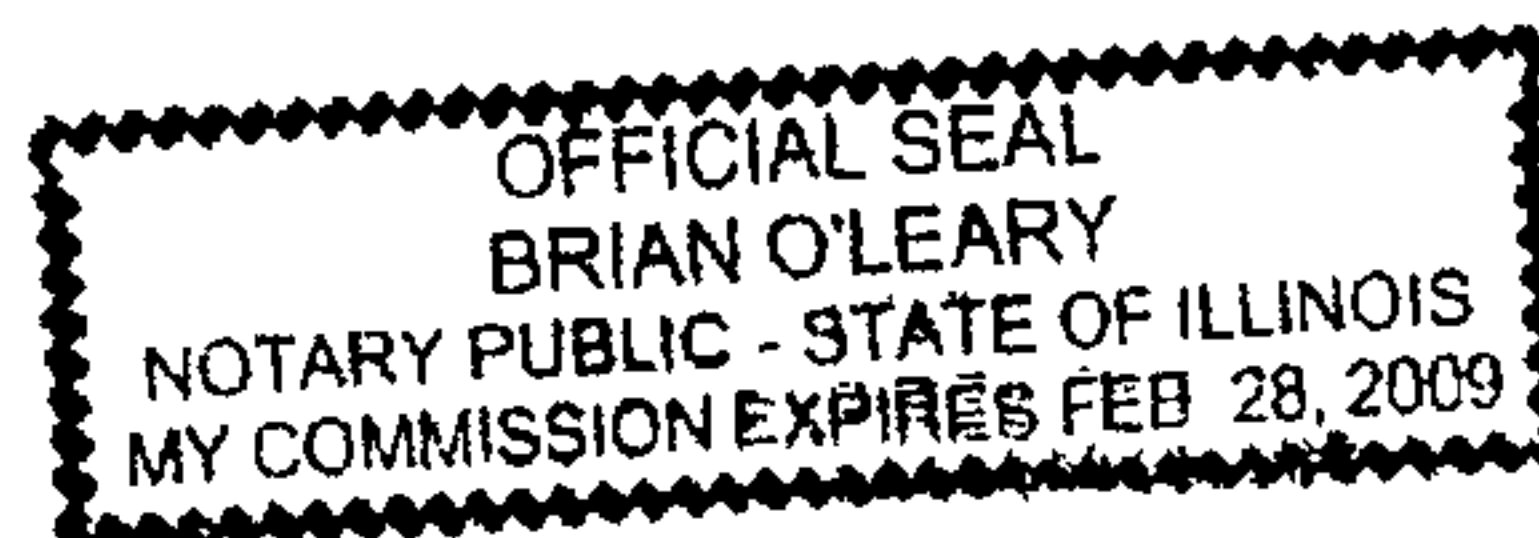
STATE OF ILLINOIS
COUNTY OF COOK

On this 10th day of March, 2008, before me, Brian O'Leary, a Notary Public, within and for said County and State, personally appeared Linda Iser to me personally known to be the Attorney-in-Fact of and for Fidelity and Deposit Company of Maryland acknowledged that she executed the said instrument as the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.



Notary Public in the State of Illinois
County of Cook



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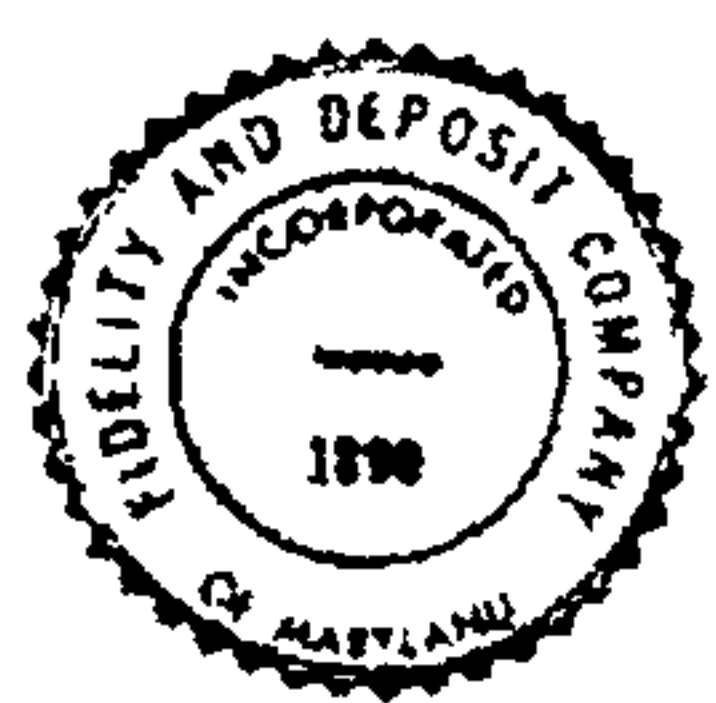
Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sandra MARTINEZ, Linda ISER, Kathleen J. MAILES, Karen DANIEL, Susan J. PREIKSA, Susan A. WELSH, Robert E. DUNCAN, Joellen M. MENDOZA, James A. CUTHBERTSON and Geoffrey E. HEEKIN, all of Chicago, Illinois, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: ~~any and all bonds and undertakings~~, and the execution of such bonds or undertakings in pursuance of these presents shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Sandra MARTINEZ, Linda ISER, Kathleen J. MAILES, Karen DANIEL, Susan J. PREIKSA, Susan A. WELSH, Robert E. DUNCAN, Joellen M. MENDOZA, James A. CUTHBERTSON, Geoffrey E. HEEKIN, dated April 17, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of November, A.D. 2004.

ATTEST: FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes *William J. Mills*
Eric D. Barnes Assistant Secretary By: William J. Mills Vice President

State of Maryland }
City of Baltimore } ss:

On this 24th day of November, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Dennis R. Hayden
Dennis R. Hayden Notary Public
My Commission Expires: February 1, 2009



FIDELITY AND DEPOSIT COMPANY

OF MARYLAND
3910 KESWICK ROAD, BALTIMORE, MD 21203

Statement of Financial Condition
As Of December 31, 2006

ASSETS

Table with 2 columns: Asset Name and Amount. Rows include Bonds, Stocks, Cash and Short Term Investments, Reinsurance Recoverable, Other Accounts Receivable, and TOTAL ADMITTED ASSETS.

LIABILITIES, SURPLUS AND OTHER FUNDS

Table with 2 columns: Liability/Category Name and Amount. Rows include Reserve for Taxes and Expenses, Ceded Reinsurance Premiums Payable, Securities Lending Collateral Liability, TOTAL LIABILITIES, Capital Stock, Paid Up, Surplus, Surplus as regards Policyholders, and TOTAL.

Securities carried at \$33,209,464 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2006 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$261,193,375 and surplus as regards policyholders \$192,706,000.

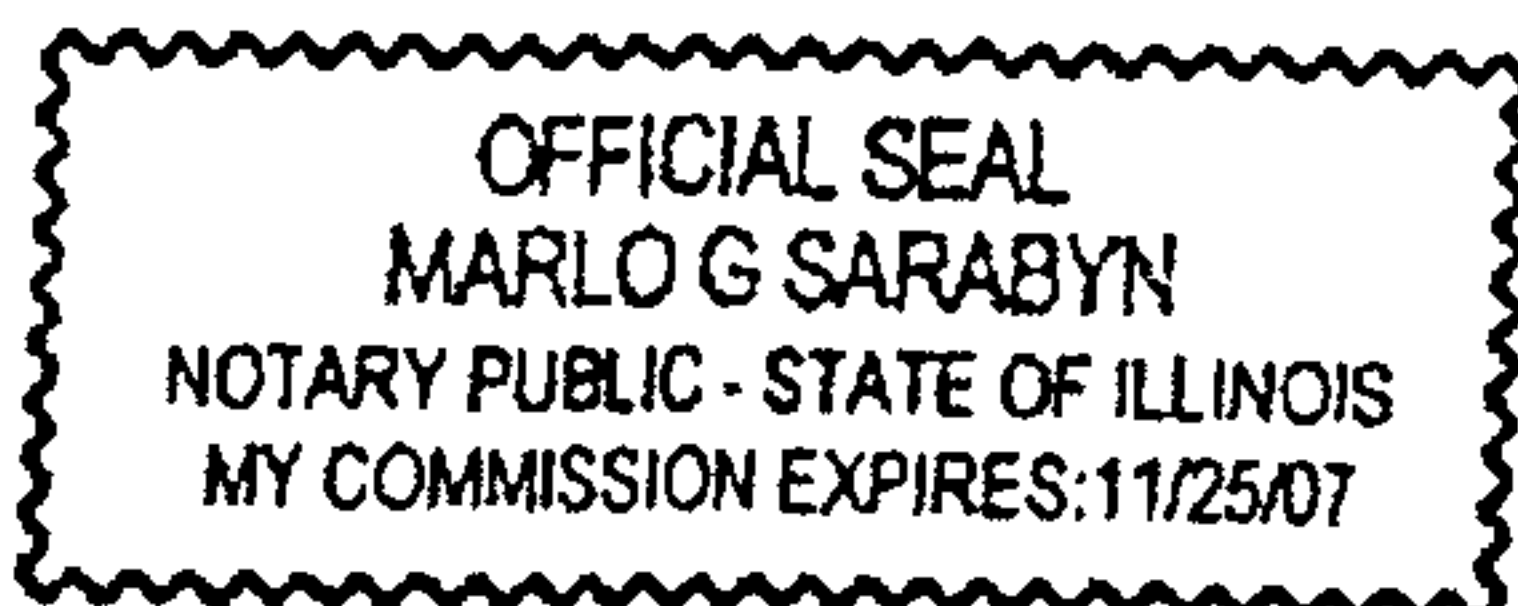
I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2006.

Handwritten signature of David A. Bowers over a horizontal line, with the title 'Corporate Secretary' printed below.

State of Illinois }
City of Schaumburg } SS

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 20th day of March, 2007

Handwritten signature of Marlo G. Sarabyn over a horizontal line, with the title 'Notary Public' printed below.





SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

Supplemental form

S

V

P

L

Supplemental form

ZONING & PLANNING

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

APPEAL / PROTEST of...

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

Z

A

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

APPLICANT INFORMATION:

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

STATE NM ZIP 87106

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

STATE NM ZIP 87109

PHONE: 823-1000
 FAX: 798-7988
 E-MAIL: _____

DESCRIPTION OF REQUEST: FINAL PLAT APPROVAL

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

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

Lot or Tract No. TRACT 22-A, 22-B, 22-C Block: _____ Unit: _____

Subdiv. / Addn. A REPLAT OF TRACT 22, MESA DEL SOL INNOVATION PARK

Current Zoning: PC Proposed zoning: _____

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

Total area of site (acres): 15.82 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

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

UPC No. 101106137536311405, 101106139430511404, 101106134130042015 MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: UNIVERSITY BLVD SE
 Between: EASTMAN AVENUE SE and STRYKER SE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): DRB# 1006001, 1004462/ 06DRB-00517

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

SIGNATURE DATE 04/01/08

(Print) MICHAEL BALASKOVITS, P.E. Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 10/03

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>08DRB - 70159</u>	<u>PBA</u>		<u>\$ 355.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$
<input checked="" type="checkbox"/> AGIS copy has been sent				\$
<input checked="" type="checkbox"/> Case history #s are listed				\$
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				\$
<input checked="" type="checkbox"/> F.H.D.P. density bonus				Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$ 375.00</u>

Hearing date April 9, 2008

4/1/08
 Planner signature / date

Project # 1006001

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

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

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

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

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

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

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

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

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

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

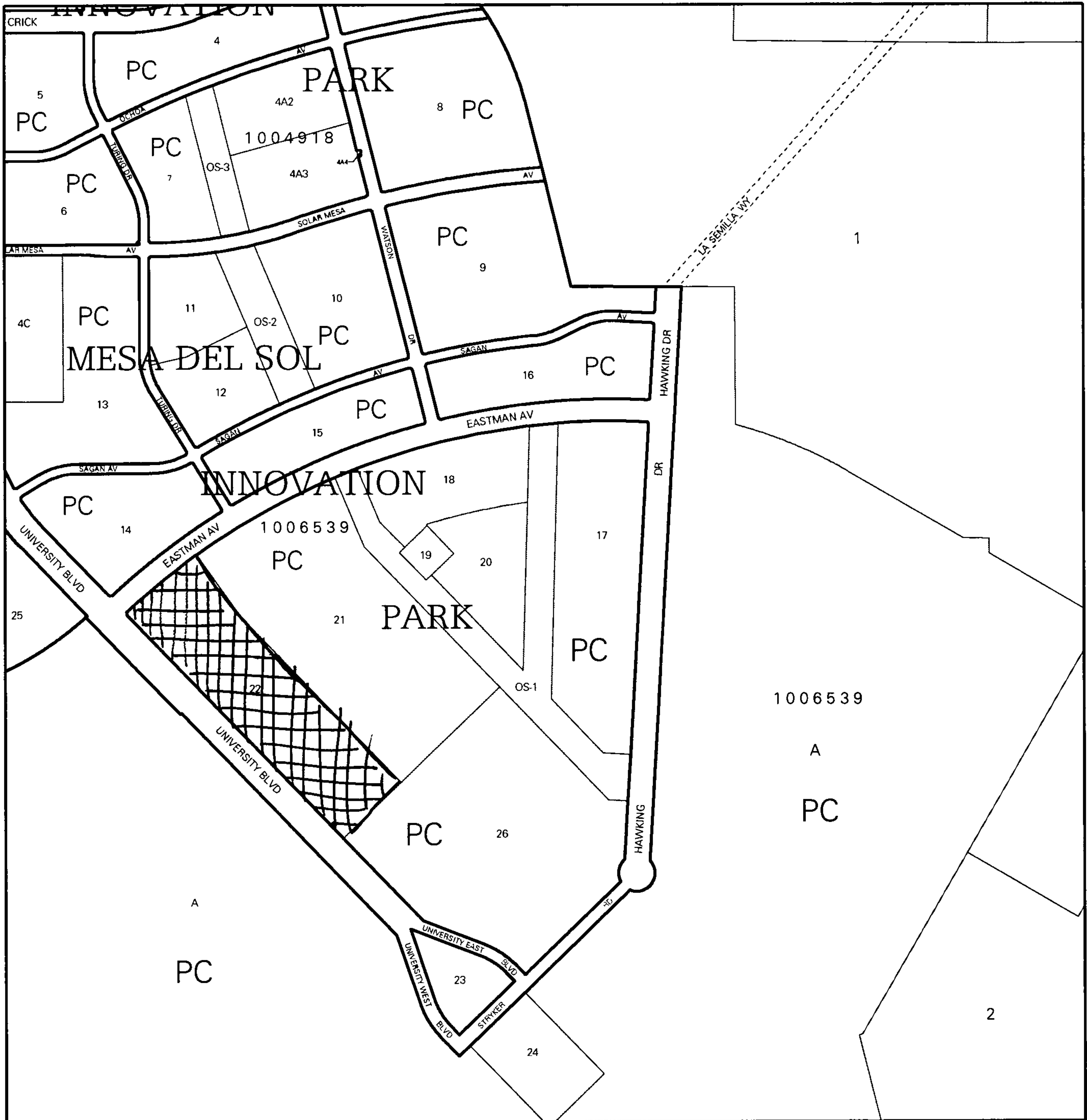
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

MICHAEL BALASKVITS
 Applicant name (print)
Michael Balaskvits 4/1/08
 Applicant signature / date

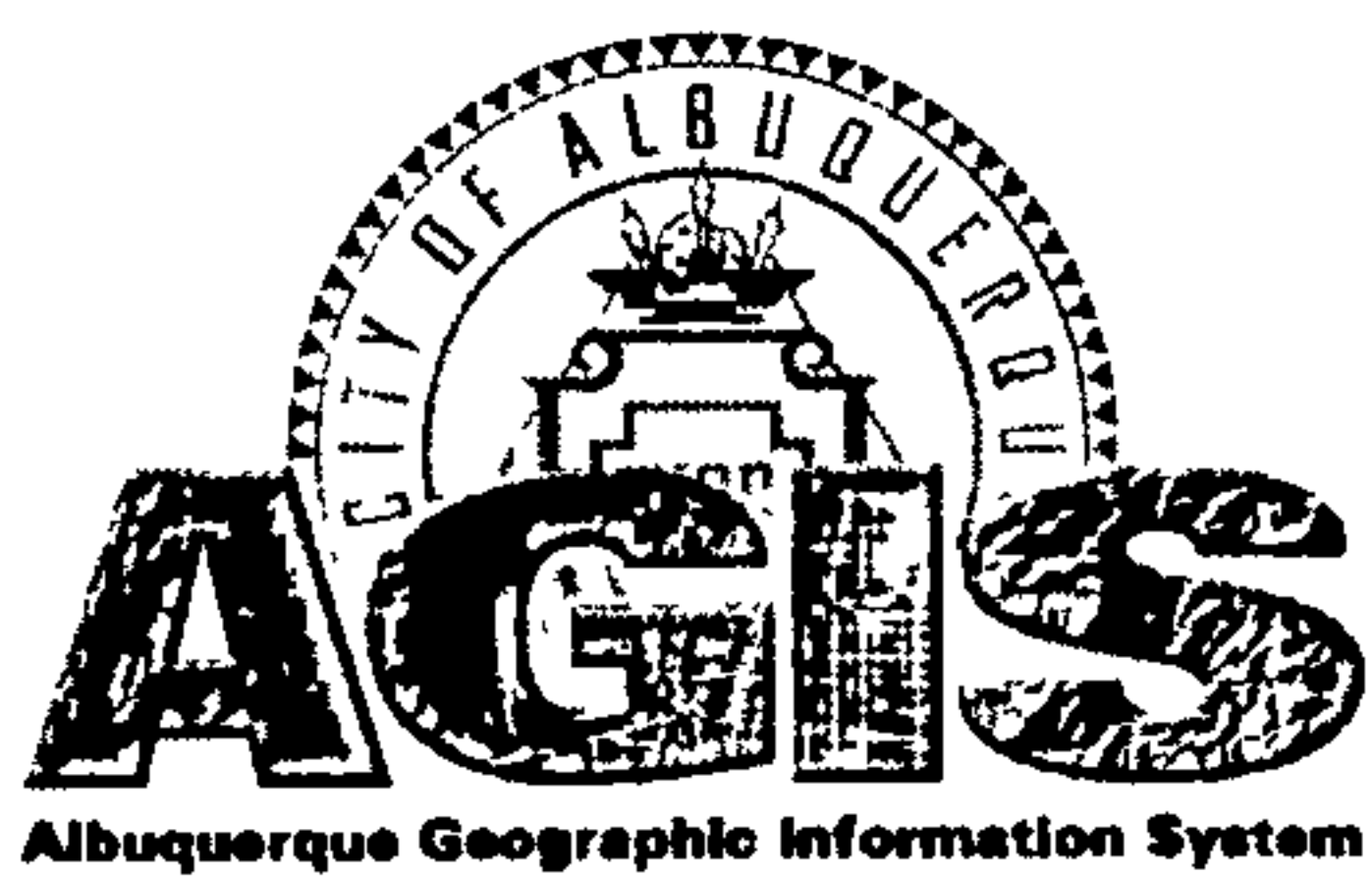


- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 DRB - 7059

Form revised October 2007
Val [Signature] 4/1/08
 Planner signature / date
 Project _____

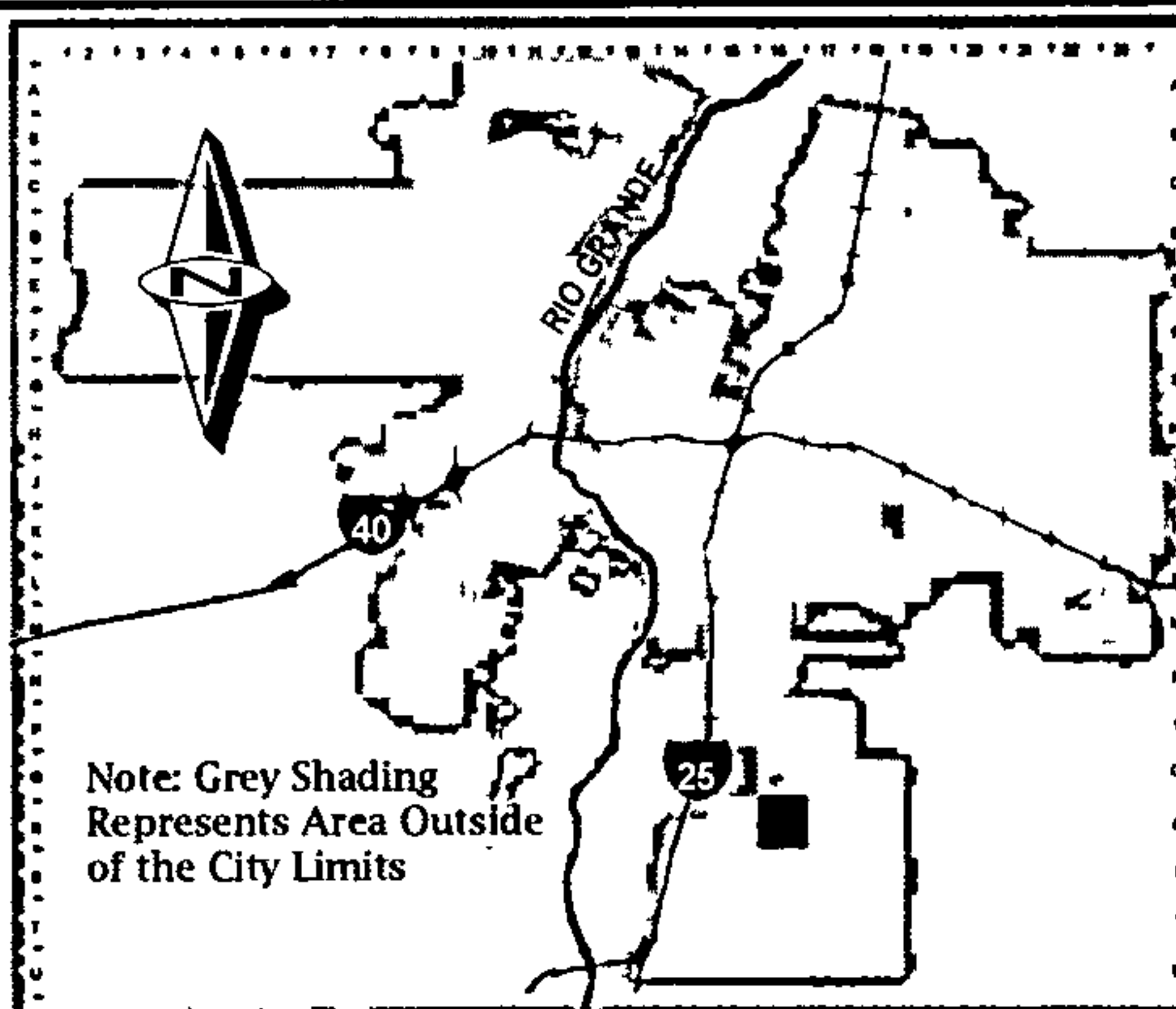


For more current information and more details visit: <http://www.cabq.gov/gis>



Albuquerque Geographic Information System

Map amended through: 1/4/2008



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

R-16-Z

Selected Symbols

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



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

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

April 1, 2008

Jack Cloud, DRB Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Final Plat Approval
A Replat of Tract 22, Mesa Del Sol Innovation Park

Dear Mr. Cloud:

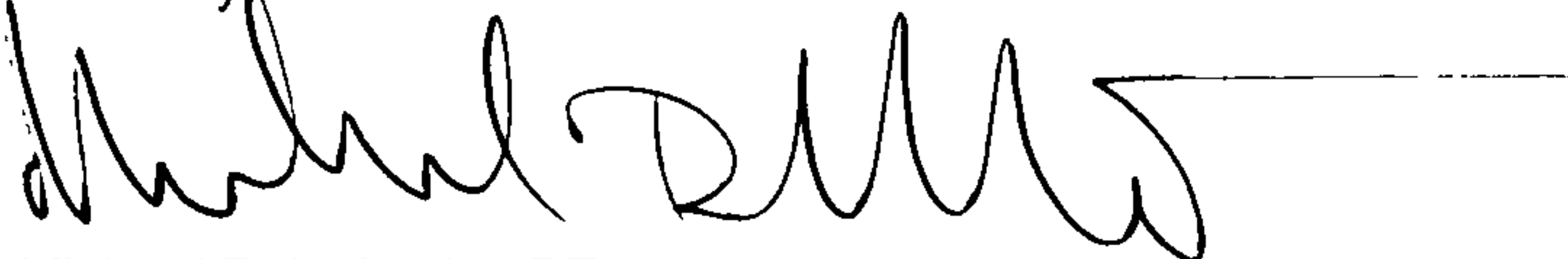
Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Six (6) copies of the Final Plat
- Zone Atlas Map R-16-Z
- DRB Fee
- Letter justifying and describing the request
- Figure 12 SUBD Improvements Agreement (Proc B)

The site is located on the east side of University Blvd SE between Eastman Avenue SE and Stryker SE. This request is to replat one (1) existing tract into three (3) for the purpose of conveying proposed Tracts 22-A, 22-B and 22-C.

Please place this item on the DRB Agenda to be heard on April 9, 2008. If you have any questions or require additional information, please contact me.

Sincerely,



Michael Balaskovits, PE
Project Engineer
Community Development and Planning

MB/ssc
Enclosures

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

Current DRC Project No _____

Date Submitted February 13, 2008
 Date Site Plan for Bldg Permit App: N/A
 Date Site Plan for Sub Approved: N/A
 Date Preliminary Plat Approved: 2/13/08
 Date Preliminary Plat Expires: 2/13/09

Figure 12
 INFRASTRUCTURE LIST

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

Tract 22-A, 22-B & 22-C
 (Mesa del Sol, Innovation Park)

DRB Project No 1000501
08-70052

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.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
PUBLIC ROADWAY IMPROVEMENTS									
		38' FC-FC, South HALF OF MEDIAN	PAVED ROADWAY, STRIPING, CURB AND GUTTER, STREET LIGHTS (1/2 STREET IMPROVEMENT - 530 LF APPROX, 90' F TO F AT FULL BUILD-OUT W/MEDIAN)	EASTMAN AVE	UNIVERSITY BLVD	ALBUQUERQUE STUDIOS ACCESS ROAD			

AGENT/OWNER DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

MICHAEL J. BALASKOVITS
 PREPARED BY PRINT NAME DATE 2/13/2008

[Signature] 2/12/08
 DRB CHAIR DATE
[Signature] Christina Sandorai 2/13/08
 PARKS & GENERAL SERVICES DATE

BOHANNAN HUSTON INC.
 FIRM

[Signature] 2/13/08
 TRANSPORTATION DEVELOPMENT DATE
 N/A
 AMAFCA DATE

[Signature]
 SIGNATURE

[Signature] 2/13/08
 CITY DEVELOPMENT DATE
[Signature] Bradley J. Bihn 2/13/08
 CITY ENGINEER DATE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION
 _____ DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1006001

AGENDA ITEM NO: 8

SUBJECT:

Vacation
Final Plat
Preliminary Plat

ACTION REQUESTED:

P.O. Box 1293

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

Albuquerque

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.
An executed Subdivision Improvements Agreement with financial guarantees is required for Final Plat sign-off.
Need cross-lot drainage easement.

New Mexico 87103

www.cabq.gov

RESOLUTION: *signed I.L.
app. Vac*

FP indet

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

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

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

FOR:

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

DATE: February 13, 2008

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

Meeting Date: January 30, 2008
Zone Atlas Page: R-16
Notification Radius: 100 Ft.

Project# 1006539
App#08DRB-70005
08DRB-70007

Cross Reference and Location: 65TH ST SW BETWEEN CENTRAL AVE SW AND
COORS BLVD SW

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

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

Special Instructions:

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

Date Mailed: JANUARY 11, 2008
Signature: ERIN TREMLIN

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

- SUBDIVISION**
- Major Subdivision action
 - Minor Subdivision action
 - Vacation
 - Variance (Non-Zoning)
- SITE DEVELOPMENT PLAN**
- for Subdivision
 - for Building Permit
 - Administrative Amendment (AA)
 - IP Master Development Plan
 - Cert of Appropriateness (LUCC)
- STORM DRAINAGE (Form D)**
- Storm Drainage Cost Allocation Plan

Supplemental form

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): BOHANNAN HUSTON, INC PHONE: _____
 ADDRESS: 7500 JEFFERSON NE FAX: 798-7988
 CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: _____

APPLICANT: MESA DEL SOL, LLC PHONE: 400-3021
 ADDRESS: 801 UNIVERSITY BLVD SE, STE 200 FAX: 242-2978
 CITY: ALBUQUERQUE STATE NM ZIP 87106 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: VACATION OF PUBLIC + PRIVATE EASEMENTS

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

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

Lot or Tract No. TRACT 22 Block: _____ Unit: _____
 Subdiv/Addn/TBKA. BULK LAND PLAT FOR MESA DEL SOL INNOVATION PARK
 Existing Zoning: PC Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): P-16 UPC Code: 1015051261260101444

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: 1 No. of proposed lots: N/A Total area of site (acres): 15.82

LOCATION OF PROPERTY BY STREETS: On or Near: UNIVERSITY BLVD SE
 Between: EASTMAN AVE SE and STRYKER SE

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

SIGNATURE Michael Balaskovits DATE 1/4/08
 (Print) MICHAEL BALASKOVITS Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers
08DRB 70005
10DRB 70007

Action	SF	Fees
VPE	<input checked="" type="checkbox"/>	\$135.00
IPRE	<input checked="" type="checkbox"/>	\$45.00
ADN	<input type="checkbox"/>	\$75.00
CME	<input type="checkbox"/>	\$20.00
Total		\$275.00

Hearing date 01/30/08

Sandy Handley 01/04/08
 Planner signature / date

Project # 1006539
1006001

Form revised 4/07

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.

MICHAEL BARASKOVITS
Applicant name (print)
Michael Baraskovits 1/4/07
Applicant signature / date



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

Application case numbers
CEDRB-70005
CEDRB-70007

Form revised 4/07
Sandy Landin 01/04/07
Planner signature / date
Project # 1006539

Rec	UPC CODE	OWNER	OWNER ADDRESSES	OWNER CITY	OWNER STATE	OWNER ZIP CODE	PROPERTY CLASS	TAX DISTRICT	LEGAL
1	101605 127127 110138	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	V	A1 A	ALL OF SEC 22 T9N R3E CONT 640.00 AC
2	101705 126026 010144	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	V	A1 A	ALL OF SEC 23 T9N R3E CONT 640.00 AC
3	101605 103903 930104	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	V	A1 A	T9N R3E SEC 22 A TR OF LAND CONT 10 AC
4	101505 226024 040190	HORNE-STEWART LLC	9630 N 25TH AVE SUITE 450	PHOENIX	A Z	850 21	V	X1 A	SEC 16 T9N R3E EXCL NORTH PORTS & THOSE PORTS OUT TO RW FOR U.S.R.R. SPUR & LOS PICAROS RD & UNIVERSITY BLVD EXTENSION CONT 294.8603 AC
5	101605 246306 640165	RIORDAN GUY & FRANCES & OVIS CHARLES & NANCY	9514 KANDACE DR NW	ALBUQUERQUE	N M	871 14	V	A1 A	SEC15 9N3E SE1/4 SE1/4 40.0 AC
6	101705 206606 630105	STATE OF NEW MEXICO	PO BOX 148	SAN TA FE	N M	875 04	C	A1 A	SEC 14 T9N R3E TR IN SW1/4 OF SW1/4 CONT 40 AC RES
7	101605 228121 040150	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	C	A1 A	S1/2 N1/2 & SW & N1/2 SE & SW SE OF SEC 15 T9N R3E CONT 440.0 AC M/L
8	101605 026026 010144	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	V	A1 A	ALL OF SEC 27 T9N R3E CONT 640.00 AC
9	101705 026026 010145	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	V	A1 A	ALL OF SEC 26 T9N R3E CONT 640 AC
10	101505 126126 010144 L1	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 148	SAN TA FE	N M	875 04 114 8	V	A1 A	LAND ONLY IN SECTION T9N R3E SECTION 21 AKA MESA DEL SOL CENTRE FOR PERFORMING ARTS CONT 634.3200 AC

Or Current Resident
HORNE-STEWART LLC
9630 N 25TH AVE SUITE 450
PHOENIX, AZ 85021

Or Current Resident
RIORDAN GUY & FRANCES & OVIS
CHARLES & NANCY
9514 KANDACE DR NW
ALBUQUERQUE, NM 87114

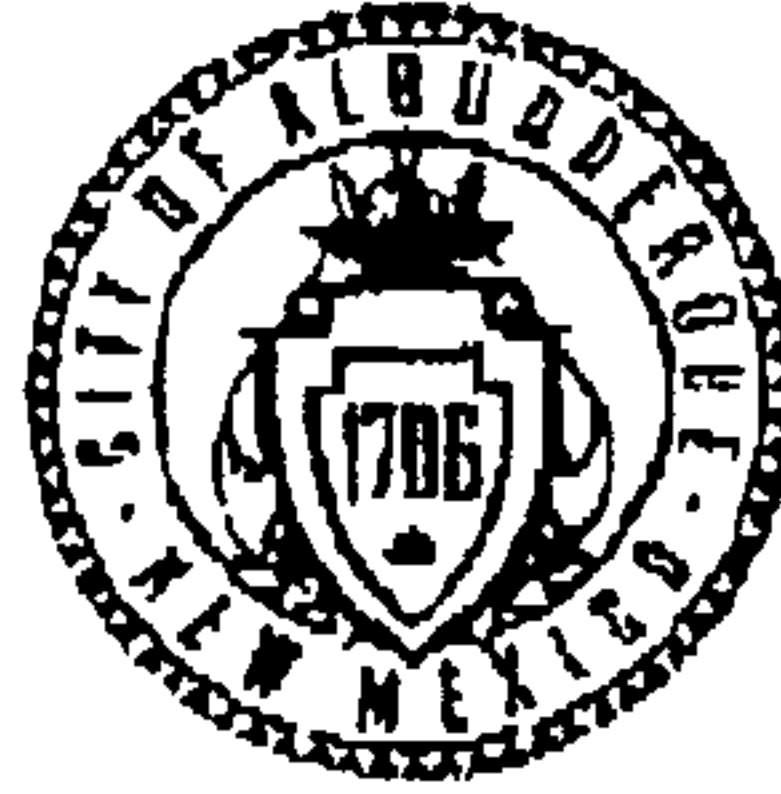
Or Current Resident
STATE OF NEW MEXICO
PO BOX 1148
SANTA FE, NM 87504

Project# 1006539
BOHANNAN HUSTON INC
7500 JEFFERSON NE
ALBUQUERQUE, NM 87109

Project# 1006539
MESA DEL SOL LLC
801 UNIVERSITY BLVD SE STE 200
ALBUQUERQUE, NM 87109

Project# 1006539
PATTY GRICE
Mountain View NA
206 FENTIMAN PL SE
ALBUQUERQUE, NM 87105

Project# 1006539
MARLA PAINTER
Mountain View NA
506 VALLEY HIGH ST SE
ALBUQUERQUE, NM 87106



City of Albuquerque

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

Date: January 4, 2008

TO CONTACT NAME: Mike Balaskovits
 COMPANY/AGENCY: Bohannon Huston Inc.
 ADDRESS/ZIP: 7500 Jefferson NE 87109
 PHONE/FAX #: 823-1000 / 798-7988

Thank you for your inquiry of January 4, 2008 (date) requesting the names of ALL Affected Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at University Blvd between Journal Pavilion Center and ABQ Studios zone map page(s) R-16.

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

Mountain View N.A.
 Neighborhood or Homeowner Association
 Contacts: Patty Grice
206 Fentiman Pl SE 87105
452-9159 (h)
Marla Painter
506 Valley High St. SE 87106
220-3969 (c)

Neighborhood or Homeowner Association
 Contacts: _____

See reverse side for additional Neighborhood and/or Homeowner Associations Information:

YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,
Adriana Carrasco
 OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

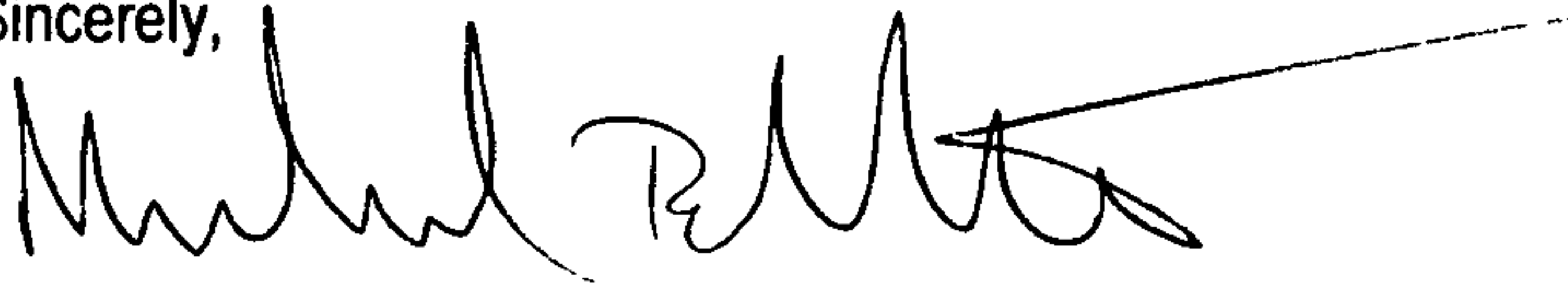
Mr. Jack Cloud
City of Albuquerque
January 4, 2008
Page 2

The two public easements granted to PNM are no longer needed as Albuquerque Studios has permanent underground power under separate easement and the Non-Directional Beacon site leased to FAA has been removed.

The Right-of-way permit granted to the Civil Aeronautics Authority will no longer be needed as the Non-directional Beacon site leased to FAA has been removed.

Please place this item on the DRB Agenda for hearing on January 30, 2008. If you have any questions or require further information, please contact me.

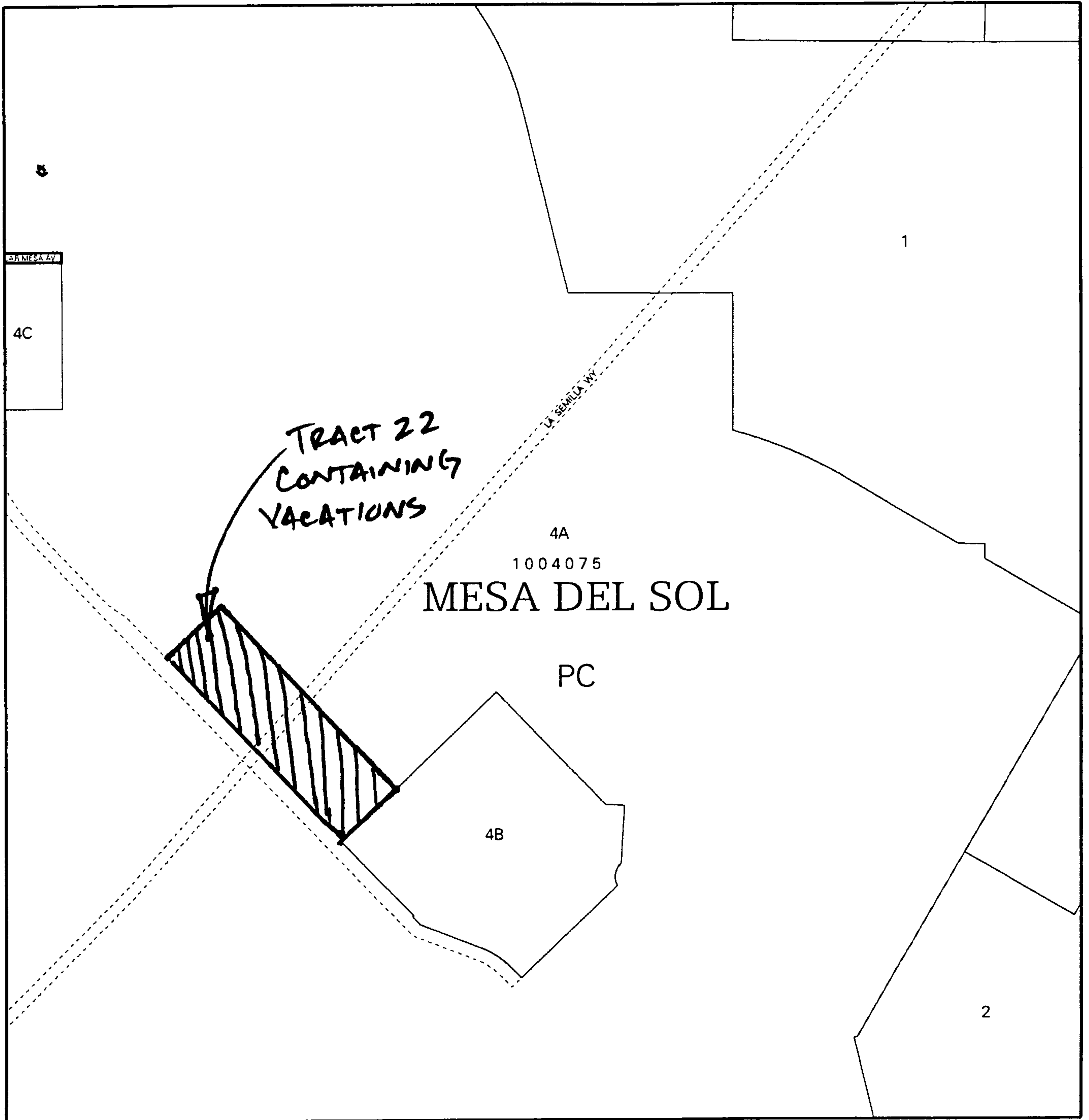
Sincerely,



Michael J. Balaskovits, P.E.
Engineer
Community Development and Planning Group

MJB/cc
Enclosures

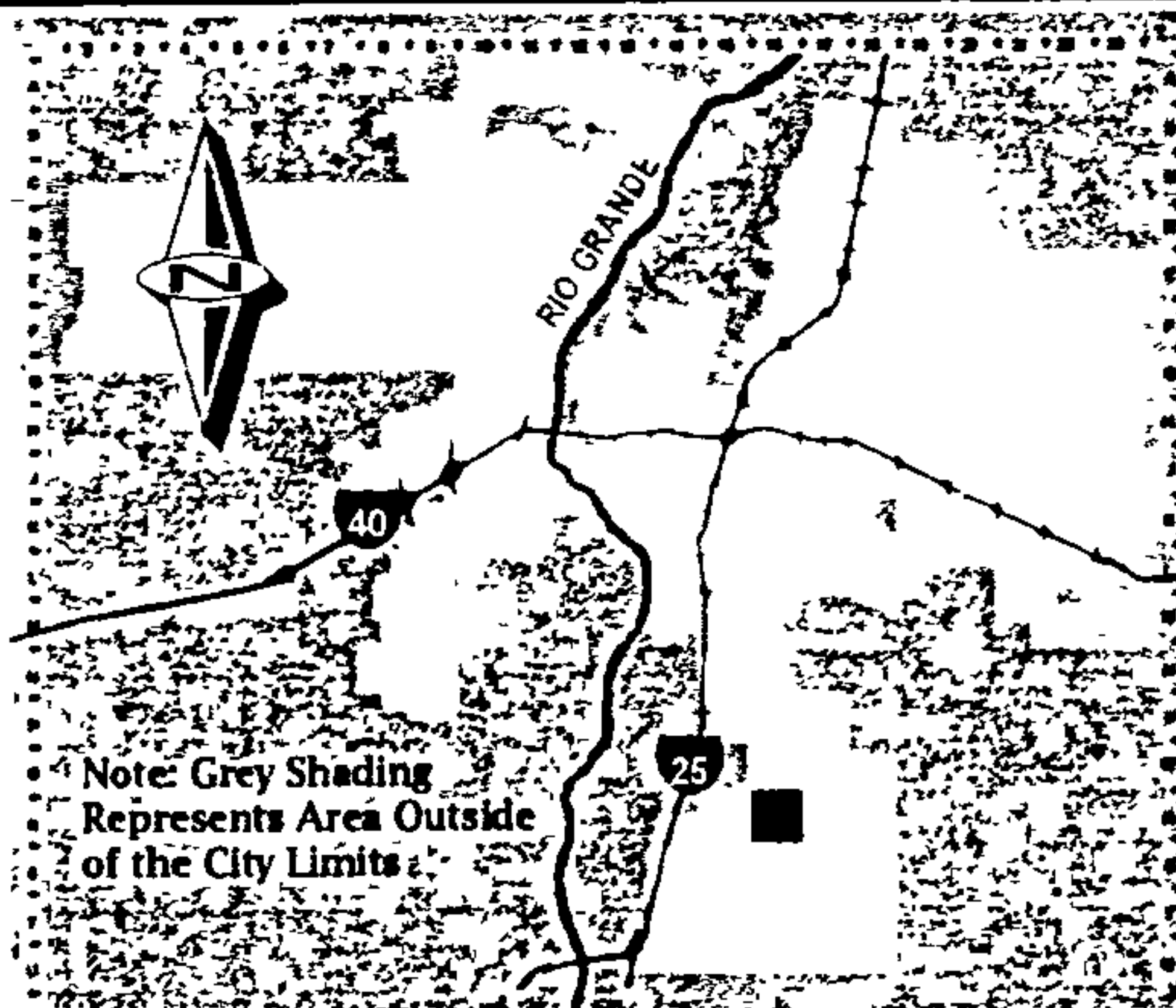
cc: John Myers, Myers, Oliver, & Price (w/encl.)
Lawrence Kline, Denish Kline & Associates (w/encl.)
Harry Relkin, Mesa Del Sol (w/encl.)
Jeffery Mulbery, Bohannon Huston Inc. (wo/encl.)
James Topmiller, Bohannon Huston Inc. (wo/encl.)



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



Map amended through: 5/17/2007

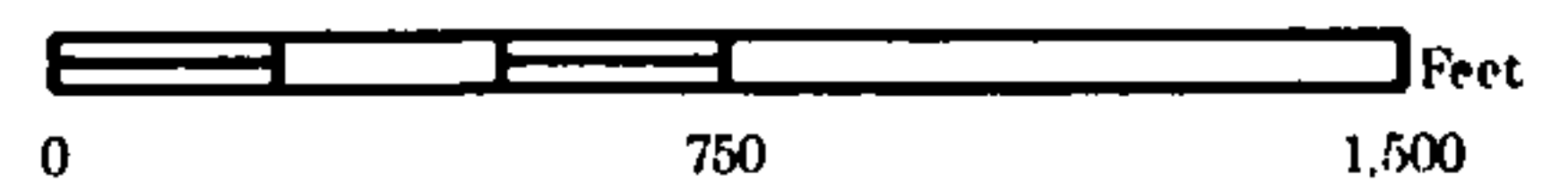


Zone Atlas Page:

R-16-Z

Selected Symbols

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



January 4, 2008

Mr. Jack Cloud, Acting Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Vacation of Public and Private Easements
A replat of Tract 22, Mesa Del Sol Innovation Park

Dear Jack:

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

- Development Review Applications
- Twenty-four (24) copies of the Vacation exhibit (Exhibit "A")
- Twenty-Four (24) copies of the documents which created the 3 public easements
- Six (6) copies of the documents which created the 1 private easement (with – Exhibit A)
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Map showing the location of the property, and
- Fee in the amount of \$_____.

There are 4 easements being vacated with this submittal;

1 Private easement granted to Pacifica Mesa Studios, LLC from Mesa Del Sol, LLC.

1. Drainage Easement granted for detention pond 2, to serve property adjacent (north) to Albuquerque Studios site.

2 Public easements granted to Public Service Company of New Mexico from Mesa Del Sol, LLC.

2. Temporary Easement (Electric) for the temporary power supply to the Albuquerque Studios site.
3. 10" Easement to serve previously existing Non-directional Beacon site leased to FAA.

1 Right-of-way permit granted to Civil Aeronautics Authority (Provided by state land office)

4. 60' Right-of-way permit granted to CAA as access to previously existing Non-directional Beacon site leased to FAA.

All easements are located on an existing Tract 22 which will be subdivided into three new tracts (22A, 22B, & 22C) to be submitted later.

The private drainage easement will no longer be needed as this pond was a temporary situation. The storm drain will be extended with the site plan to serve Tract 22.

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

02/01/2008 Issued By: E08375

Permit Number: 2008 070 005 **Category Code 910**

Application Number: 08DRB-70005, Vacation Of Public Easement

Address:

Location Description: UNIVERSITY BLVD SE BETWEEN EASTMEN SE AND STRYKER SE

Project Number: 1006539

Applicant:
Mesa Del Sol Llc

801 University Blvd Se, Ste 200
Albuquerque NM 87106
400-3021

Agent / Contact
Bohannon Huston Inc
Kevin Patton
7500 Jefferson Ne
Albuquerque NM 87108

kpatton@bhinc.com

Application Fees

441018/4871000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441008/4983000	DRB DEFERRAL FEE	\$110.00
TOTAL:		\$110.00

City Of Albuquerque
Treasury Division

2/1/2008 12:34PM LOC: ANNX
WSH 007 TRANS# 0031
RECEIPT# 00093602-00093602
PERMIT# 2008070005 TRSMSP
Trans Amt \$110.00
DRB Actions \$110.00
VI \$110.00
CHANGE \$0.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

01/04/2008 Issued By: E08375

Permit Number: 2008 070 005

Category Code 910

Application Number: 08DRB-70005, Vacation Of Public Easement

Address:

Location Description: UNIVERSITY BLVD SE BETWEEN EASTMEN SE AND STRYKER SE

Project Number: 1006539

Applicant

Mesa Del Sol Llc

801 University Blvd Se, Ste 200
Albuquerque NM 87106
400-3021

Agent / Contact

Bohannon Huston Inc

Kevin Patton

7500 Jefferson Ne

Albuquerque NM 87108

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$135.00
TOTAL:		\$230.00

City Of Albuquerque
Treasury Division

1/4/2008 11:34AM LOC: ANNX
WS# 008 TRANS# 0015
RECEIPT# 00086037-00086039
PERMIT# 2008070005 TRSDMG
Trans Amt \$420.00
APN Fee \$75.00
Conflict Manag. Fee \$20.00
DRB Actions \$135.00
VI \$420.00
CHANGE \$0.00

Thank You

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

01/04/2008 Issued By: E08375

Permit Number: 2008 070 007

Category Code 910

Application Number: 08DRB-70007, Vacation Of Private Easement

Address:

Location Description: UNIVERSITY BLVD SE BETWEEN EASTMEN SE AND STRYKER SE

Project Number: 1008539

Applicant

Mesa Del Sol Llc

801 University Blvd Se, Ste 200
Albuquerque NM 87106
400-3021

Agent / Contact

Bohannon Huston Inc
Kevin Patton
7500 Jefferson Ne
Albuquerque NM 87108

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441008/4983000	DRB Actions	\$45.00
TOTAL:		\$45.00

City Of Albuquerque
Treasury Division

1/4/2008 11:33AM LOC: ANN
WS# 008 TRANS# 0015
RECEIPT# 00086037-00086038
PERMIT# 2008070007 TRSDMG
Trans Amt \$420.00
DRB Actions \$45.00

Thank You



SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

Supplemental form

S

V

P

L

Supplemental form

ZONING & PLANNING

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

APPEAL / PROTEST of...

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

Z

A

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

APPLICANT INFORMATION:

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

STATE NM ZIP 87106

STATE NM ZIP 87109

PHONE: 400-3021

FAX: 242-2978

E-MAIL: _____

PHONE: 823-1000

FAX: 798-7988

E-MAIL: _____

DESCRIPTION OF REQUEST: PRELIMINARY FINAL PLAT APPROVAL

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

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

Lot or Tract No. TRACT 22 Block: _____ Unit: _____

Subdiv. / Addn. BULK LAND PLAT FOR MESA DEL SOL INNOVATION PARK

Current Zoning: PC Proposed zoning: _____

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

Total area of site (acres): 15.82 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____

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

UPC No. _____ MRGCD Map No. _____

LOCATION OF PROPERTY BY STREETS: On or Near: UNIVERSITY BLVD SE
 Between: EASTMAN AVENUE SE and STRYKER SE

CASE HISTORY:

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

REF. INFRA, LIST 1004818

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

SIGNATURE Jeff Mulbery DATE 01/23/08

(Print) JEFF MULBERY

Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 10/03

INTERNAL ROUTING

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

Application case numbers	Action	S.F.	Fees
<u>08DRB - 70252</u>	<u>P&E</u>	<u>5(3)</u>	<u>\$ 355.00</u>
	<u>CME</u>		<u>\$ 20.00</u>
			\$
			\$
			\$
			\$
Hearing date <u>02/06/08</u>			Total <u>\$ 375.00</u>

Sandy Handley 01/29/08
 Planner signature / date

Project # 1006001

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

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

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

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

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

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

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

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

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

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- 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.

MICHAEL BALASKOVITS
Applicant name (print)
[Signature] 1/29/08
Applicant signature / date

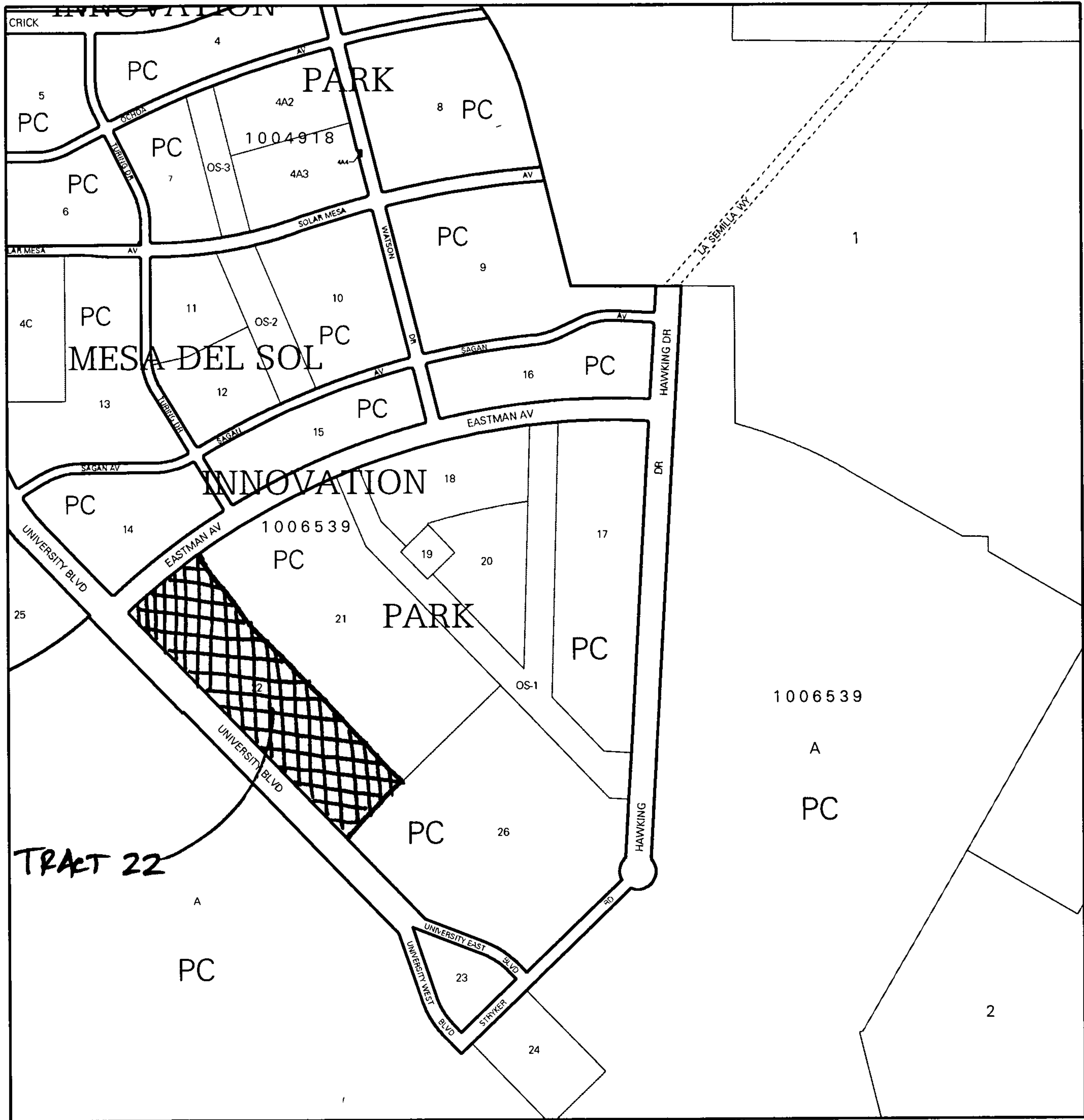


Form revised October 2007

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

Application case numbers
08DRB-70052

[Signature] 01/29/08
Planner signature / date
Project # 1006001



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

Map amended through: 1/4/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
R-16-Z

Selected Symbols

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

0 750 1,500 Feet

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

www.bhinc.com

voice: 505 823 1000
facsimile: 505.798.7988
toll free: 800 877.5332

January 29, 2008

Mr. Andrew Garcia, Acting Chair
Development Review Board
City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Re: Preliminary / Final Plat Approval
A Replat of Tract 22, Mesa Del Sol Innovation Park

Dear Andrew:

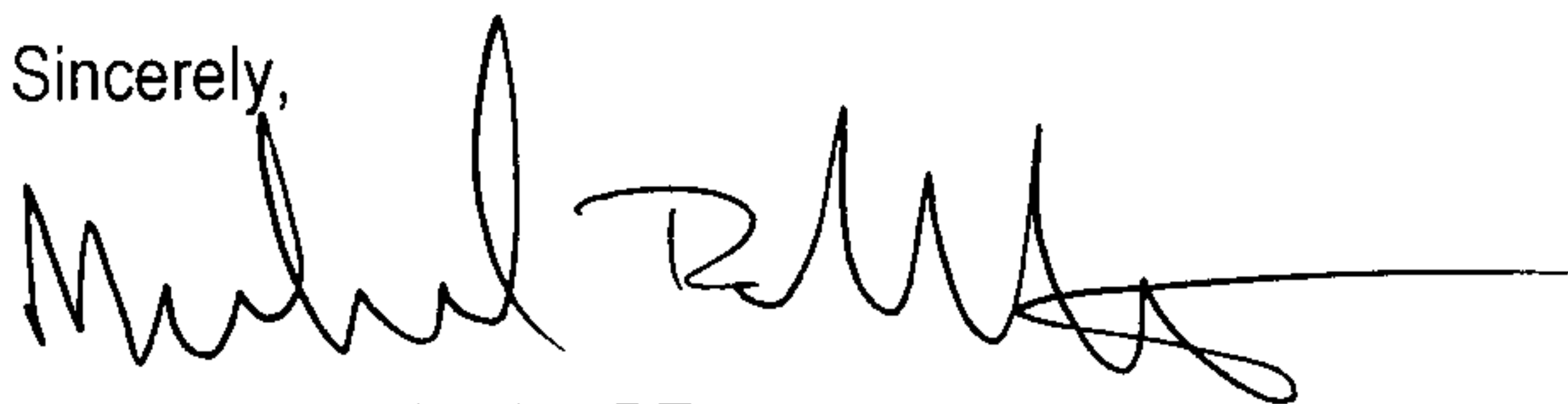
Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Six (6) copies of the Preliminary/Final Plat
- Zone Atlas Map showing the location of the property
- Fee in the amount of \$375.00.
- Correspondence concerning Archeological study
- Letter justifying and describing request.

The site is located on the east side of University Blvd SE between Eastman Avenue SE and Stryker SE. This request is to replat 1 existing tract into 3 for the purpose of conveying proposed Tracts 22-A, 22-B, 22-C and to vacate easements.

Please place this item on the DRB Agenda to be heard on February 06, 2008. If you have any questions or require additional information, please contact me.

Sincerely,



Michael Balaskovits, PE
Project Engineer
Community Development and Planning Group

MB/am
Enclosures

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

NMCRIS No. 108740

Cultural Resource Survey

**A Class I and Class III Cultural Resource Survey of
Tract 1 and Tract 22 Totaling 17 Hectares (42.1 Acres) on
Mesa del Sol, Albuquerque,
Bernalillo County, New Mexico**

By
Timothy G. McEnany, Kenneth L. Brown, and Marie E. Brown

Edited By
Kenneth L. Brown

Under
New Mexico State Survey Permit No. NM-07-160-S

Prepared by
**Marron and Associates, Inc.
7511 Fourth Street NW
Albuquerque, New Mexico 87107
(505) 898-8848
Fax: (505) 897-7847**

Prepared for
**Dekker, Perich, and Sabatini, Inc.
6801 Jefferson NE, Suite 100
Albuquerque, New Mexico 87109
(505) 761-9700
Fax: (505) 761-4222**

Cultural Resource Report No. 0290

Marron Project 07076.09

January 11, 2008

NMCRIS INVESTIGATION ABSTRACT FORM (NIAF)

1. NMCRIS Activity No.: 108740	2a. Lead (Sponsoring) Agency: City of Albuquerque, Bernalillo County	2b. Other Permitting Agency(ies):	3. Lead Agency Report No.:									
4. Title of Report: A Class I and Class II Cultural Resource Survey of Tract 1 and Tract 22 Totaling 17 Hectares (42.1 Acres) on Mesa del Sol, Albuquerque, Bernalillo County, New Mexico Author(s) Timothy G. McEnany, Kenneth L. Brown, and Marie E. Brown			5. Type of Report <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Positive									
6. Investigation Type <input type="checkbox"/> Research Design <input checked="" type="checkbox"/> Survey/Inventory <input type="checkbox"/> Test Excavation <input type="checkbox"/> Excavation <input type="checkbox"/> Collections/Non-Field Study <input checked="" type="checkbox"/> Overview/Lit Review <input type="checkbox"/> Monitoring <input type="checkbox"/> Ethnographic study <input type="checkbox"/> Site specific visit <input type="checkbox"/> Other												
7. Description of Undertaking (what does the project entail?): This report presents the results of a Class I (records search) and Class III (100 percent) cultural resource survey by Marron and Associates, Inc. (Marron) for the proposed development of Tract 1 and Tract 22 on Mesa del Sol, Bernalillo County, New Mexico. Marron conducted the cultural resource survey at the request of Mr. Will Gleason of Dekker, Perich and Sabatini, Inc. on December 26 and December 28, 2007 under New Mexico State Survey Permit No. NM-07-160-S. The project areas consist entirely of private lane owned Forest City Covington of Albuquerque. Forest City Covington is funding the project. The Tract 1 project Area of Potential Effect (APE) consists of a 10.6-ha (26.3-ac) parcel east of University Blvd and north of Advent Solar. The parcel is triangular in shape except for slight bends in its west and south sides. The Tract 22 project APE is a 6.4-ha (15.8-ac) parcel east of University Blvd and south of the Advent Solar facility. The parcel is rectangular in shape except for a slight bend in the east boundary. Tracts 1 and 22 combined represent a total of 17 ha (42.1 ac) consisting entirely of private land. Tract 22 is bordered by paved streets and a portion of Tract 21. Tract 21 had been surveyed previously for the Albuquerque Studios, a recently built motion picture film production facility. The eastern boundary of Tract 22 overlaps the film studio survey area. The south boundary is adjacent to the film studio area. The built environment APE includes buildings with construction dates prior to 1963 that are within 30 m (100 ft) of the project APE. No buildings occur on or near the project parcels.		8. Dates of Investigation: (from: December 26 to 28, 2007) 9. Report Date: January 11, 2008										
10. Performing Agency/Consultant: Marron and Associates, Inc. Principal Investigator: Kenneth L. Brown Field Supervisor: Timothy McEnany Field Personnel Names: Hansene Gustafson		11. Performing Agency/Consultant Report No.: Marron Report No. 0290 12. Applicable Cultural Resource Permit No(s): New Mexico State Survey No. NM-07-160-S										
13. Client/Customer (project proponent): Forest City Covington Contact: Chris Anderson Address: 801 University Blvd SE, Albuquerque, New Mexico 87106 Phone: (505) 452-2600		14. Client/Customer Project No.:										
15. Land Ownership Status (Must be indicated on project map): <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Land Owner</th> <th style="text-align: center;">Acres Surveyed</th> <th style="text-align: center;">Acres In APE</th> </tr> </thead> <tbody> <tr> <td>City of Albuquerque, Bernalillo County</td> <td style="text-align: center;">42.1</td> <td style="text-align: center;">42.1</td> </tr> <tr> <td style="text-align: right;">TOTALS</td> <td style="text-align: center;">42.1</td> <td style="text-align: center;">42.1</td> </tr> </tbody> </table>				Land Owner	Acres Surveyed	Acres In APE	City of Albuquerque, Bernalillo County	42.1	42.1	TOTALS	42.1	42.1
Land Owner	Acres Surveyed	Acres In APE										
City of Albuquerque, Bernalillo County	42.1	42.1										
TOTALS	42.1	42.1										

16 Records Search(es):

Date(s) of ARMS File Review December 21, 2007	Name of Reviewer(s) T. McEnany	
Date(s) of NR/SR File Review December 21, 2007	Name of Reviewer(s) T. McEnany	
Date(s) of Other Agency File Review	Name of Reviewer(s)	Agency

LA Number Name	Affiliation	NMCRIS No.	Reference
69519	Unknown-Artifact scatter (9500 BC to AD 1550)	25187 65751 72196	Doleman 1989 Goar and Acklen 1999 Goar 2000
112793	Unknown-Artifact scatter (9500 BC to AD 1800)	51993 66898	Brown 1997 AEM 2000
112794	Anasazi-Artifact scatter (AD 900 to 1300)	51993 79007 95220 102672	Brown 1997 Marshall 2002 Brown 2005b Brown et al. 2006
112795	Anasazi-Artifact scatter (AD 700 to 1300)	51993	Brown 1997
112796	Anasazi-Artifact scatter (AD 700 to 1300)	51993 66898	Brown 1997 Ecosystem Management 2000
112797	Anasazi-Artifact scatter (AD 700 to 1300)	51993 66898	Brown 1997 Ecosystem Management 2000
112798	Unknown-Artifact scatter (9500 BC to AD 1800)	51993 66898	Brown 1997 Ecosystem Management 2000
112799	Unknown-Artifact scatter (9500 BC to AD 1800)	51993	Brown 1997
129145	Unknown-Artifact scatter (9500 BC to AD 1550)	65751 72196	Goar and Acklen 1999 Goar 2000
153415	Euroamerican-Road/Trail (AD 1864-present)	100115 100120 101166	Estes et al. 2006a Estes et al. 2006b Quirolo et al. 2006

NMCRIS No.	Reference	NMCRIS No.	Reference
39571	Gossett 1989	63762	Goar et al. 1999
91947	Brown 2005a	102959	Parker et al. 2007
96048	Estes 2005		

17. Survey Data:

- a. Source Graphics NAD 27 NAD 83
 USGS 7.5' (1:24,000) topo map Other topo map, Scale:
 GPS Unit Accuracy <1.0m 1-10m 10-100m >100m

b. USGS 7.5' Topographic Map Name USGS Quad Code

Albuquerque East	35106-A5
Hubbell Spring	34106-H5

c. County(ies): Bernalillo

17. Survey Data (continued):

d. Nearest City or Town: Albuquerque

e. Legal Description:

Township 9 North, Range 3 East			
Tract 1 – Section 15		Tract 22 – Section 22	
NW ¼ SW ¼ SW ¼	SW ¼ NW ¼ SW ¼	NE ¼ NW ¼ SW ¼	NW ¼ NE ¼ SW ¼
SW ¼ SW ¼ SW ¼	SE ¼ NW ¼ SW ¼	SE ¼ NW ¼ SW ¼	SW ¼ NE ¼ SW ¼
NE ¼ SW ¼ SW ¼	NW ¼ SE ¼ SW ¼	NW ¼ SE ¼ SW ¼	SE ¼ NE ¼ SW ¼
SE ¼ SW ¼ SW ¼	SW ¼ SE ¼ SW ¼	NE ¼ SE ¼ SW ¼	

Projected legal description? Yes , No Unplatted

f. Other Description (e.g. well pad footages, mile markers, plats, land grant name, etc.): UTM (Zone 13) coordinate table

Project Landmark	UTM Coordinates	
	Easting	Northing
Tract 1 – northwest corner	352245	3874608
Tract 1 – southwest corner	352094	3874236
Tract 1 – southeast corner	352610	3874304
Tract 22 – northwest corner	352273	3873159
Tract 22 – southwest corner	352607	3872794
Tract 22 – northeast corner	352383	3873248
Tract 22 – southeast corner	352703	3872879

18. Survey Field Methods:

Intensity: 100% coverage <100% coverage

Configuration: block survey units linear survey units (l x w): other survey units (specify):

Scope: non-selective (all sites recorded) selective/thematic (selected sites recorded)

Coverage Method: systematic pedestrian coverage other method (describe)

Survey Interval (m): 15 Crew Size: 2 Fieldwork Dates: December 26 and December 28, 2007

Survey Person Hours: 20 Recording Person Hours: 8 Total Hours: 28

Additional Narrative: A two-person crew from Marron conducted a Class III (100 percent) cultural resource survey of the project APE on December 26 and 28, 2007. The built environment APE includes buildings with construction dates prior to 1963 that are within 30 m (100 ft) of the project APE. The boundaries (corners and/or bends in the boundaries) of Tract 1 and Tract 22 were generally marked with lathe and flagging prior to the survey. Otherwise, the project boundaries were located using maps provided by the project engineer. An aerial photo showing the project areas was also examined prior to the survey. Transects spaced no greater than 15 m (50 ft) apart were walked within each tract.

One new archaeological site—LA 158331—was recorded in Tract 1. In addition, eight isolated occurrences (IOs) were recorded in Tract 1. One previously recorded historic site—LA 153415—was revisited in Tract 22. The following criteria were used to identify an archaeological site: (1) 10 or more artifacts of two or more artifact classes or types within a 20-by-20-m (66-by-66-ft) area; or (2) the presence of a structure, feature, or midden. Resources not meeting these criteria were recorded as IOs—single artifacts, small clusters of less than 10 artifacts, and *descansos*. No buildings with construction dates prior to 1963 are in Tract 1 and Tract 22 or within 30 m (100 ft) of them.

Cultural resources were documented using standard procedures and field forms. No artifacts were collected and no subsurface testing of any kind was done. A datum, consisting of a rebar with an aluminum cap stamped “Marron—Do Not Disturb” and a field number (“1”), was placed in LA 158331. A datum established on LA 153415 about 500 m (1640 ft) west of the Tract 22 project area during a previous cultural resource survey (Estes et al. 2006a) served as the datum for the present survey. Location information was obtained with a Trimble GeoXm GPS unit using the Western U.S., 1927 North American Datum (NAD). Post-field differential correction of the data used the CORS Sandia base station and yielded an error of less than 2 m (6.6 ft). The GPS unit was also used to map the sites. The project area and archaeological sites were photographed with an Olympus Stylus 300 digital camera with 3.2 megapixels and a 3X zoom lens.

Climatic conditions during the survey were cold, but generally sunny. Ground disturbances in Tract 1 include a dirt road along the west boundary of the survey area. The road is one of many in the area used for off-road vehicle recreation. In addition to the road, a wood post and wire fence line traverses the north portion of the tract. Tract 22 has been impacted to a greater degree by recent developments including construction of the film studio. The University Blvd. extension is a paved road with curbs and adjacent bladed embankments on both sides. In areas with vegetation, ground visibility in both tracts averaged 50 percent. A few birds and

an occasional jackrabbit were the only wildlife observed during the project.

19. Environmental Setting (NRCS soil designation; vegetative community; elevation; etc.): see attachment

20.a. Percent Ground Visibility: 50 percent b. Condition of Survey Area (grazed, bladed, undisturbed, etc.): Ground disturbances in the Tract 1 project APE include a dirt road which occurs along the west boundary of the survey area. The road is one of many in the area used for off-road vehicle recreation. In addition to the road, a wood post and wire fence line traverses the north portion of the tract. Tract 22 has been impacted to a greater degree by recent developments including construction of the film studio. The University Blvd. extension is a paved road with curbs and adjacent bladed embankments on both sides. In areas with vegetation, ground visibility in both survey areas averaged 50 percent.

21. CULTURAL RESOURCE FINDINGS Yes, See Page 3 No, Discuss Why:

22. Required Attachments (check all appropriate boxes):

- USGS 7.5 Topographic Map with sites, isolates, and survey area clearly drawn
- Copy of NMCRIS Mapserver Map Check
- LA Site Forms - new sites (*with sketch map & topographic map*)
- LA Site Forms (update) - previously recorded & un-relocated sites (*first 2 pages minimum*)
- Historic Cultural Property Inventory Forms
- List and Description of Isolates, if applicable
- List and Description of Collections, if applicable

23. Other Attachments:
 Photographs and Log
 Other Attachments
(Describe):

24. I certify the information provided above is correct and accurate and meets all applicable agency standards.

Principal Investigator/Responsible Archaeologist:

Signature *Keith Beam*

Date *1-10-08* Title (if not PI):

25. Reviewing Agency:
Reviewer's Name/Date

Accepted () Rejected ()

Tribal Consultation (if applicable): Yes No

26. SHPO
Reviewer's Name/Date:

HPD Log #:
SHPO File Location:
Date sent to ARMS:

CULTURAL RESOURCE FINDINGS

[fill in appropriate section(s)]

1. NMCRIS Activity No.: 108740	2. Lead (Sponsoring) Agency: City of Albuquerque, Bernalillo County	3. Lead Agency Report No.:
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SURVEY RESULTS:

Sites discovered and registered: 1
 Sites discovered and NOT registered: 0
 Previously recorded sites revisited (site update form required): 1
 Previously recorded sites not relocated (site update form required): 0
TOTAL SITES VISITED: 2
 Total isolates recorded: 8 Non-selective Isolate recording?
 Total structures recorded (new and previously recorded, including acequias): 0

MANAGEMENT SUMMARY: This report presents the results of a Class I (records search) and Class III (100 percent) cultural resource survey by Marron for the proposed development of Tract 1 and Tract 22 on Mesa del Sol, Bernalillo County, New Mexico. Marron conducted the cultural resource survey at the request of Mr. Will Gleason of Dekker, Perich and Sabatini, Inc. on December 26 and December 28, 2007 under New Mexico State Survey Permit No. NM-07-160-S. The project areas consist entirely of private land owned Forest City Covington of Albuquerque. Forest City Covington is funding the project.

Tract 1 consists of a 10.6-ha (26.3-ac) parcel east of University Blvd. and north of Advent Solar. The parcel is triangular except for slight bends in the west and south sides. Tract 22 is a 6.4-ha (15.8-ac) parcel east of University Blvd. and south of the Advent Solar facility. The parcel is rectangular except for a slight bend in the eastern boundary. Tracts 1 and 22 combined represent a total of 17 ha (42.1 ac), consisting entirely of private land. Tract 22 is bordered by paved streets and a portion of the Tract 21 parcel. Tract 21 had been surveyed previously for the Albuquerque Studios, a recently built motion picture film production facility. The eastern boundary of Tract 22 overlaps the film studio survey area. The south boundary is adjacent to the film studio area. The built environment APE includes buildings with construction dates prior to 1963 that are within 30 m (100 ft) of the project APE.

One previously recorded site—LA 153415—and one newly discovered archaeological site—LA 158331—and eight isolated occurrences (IOs) were recorded. The IOs have been recorded and are not likely to yield important information beyond what has been documented. None is eligible for the NRHP and no additional investigations are recommended concerning the IOs. No buildings with construction dates prior to 1963 are in Tracts 1 and 22 or within 30 m (100 ft) of them.

LA 153415 is a historic road that connects Atrisco to the Hell's Canyon Road. The road originates on the south terrace of Tijeras Arroyo and continues southeast for 6 km (3.7 miles) to the McCormick Ranch. From there, the road continues southeast for 6.2 km (3.9 mi) to Hubbell Spring and then south for 2.4 km (1.5 mi) to Hell's Canyon Road, which went to the salt flats east of the Manzano Mountains. LA 153415 has appeared on published maps since 1864 and has been used more recently as a ranch road. A portion of the road crosses through the northern part of Tract 22 as well as areas previously surveyed for the film studio (Estes et al. 2006a) and an access road (Estes et al. 2006b). The road has become a southward extension of University Blvd. from the Journal Pavilion parking area to the west entrance of Albuquerque Studios.

LA 153415 was initially recorded during a cultural resource survey by Marron for the proposed University Blvd. temporary access road (Estes et al. 2006a). Additional segments of the historic road were present within boundaries of the film studio survey area (Estes et al. 2006b) as well as in previously surveyed transects inventoried in connection with other proposed residential and commercial development on Mesa del Sol (Quirolo et al. 2006). In each case, LA 153415 was recommended eligible for NRHP under Criterion A.

LA 158331 is a prehistoric artifact scatter dating to the Pueblo I (early Developmental period) (AD 600 to 900). Although relatively few artifacts are visible on the ground surface, the site is in an area covered by a fairly thick deposit of windblown (aeolian) sand. Additional cultural materials may be present. In addition, the presence of two pieces of fire-cracked rock suggests the presence of a possible datable feature. No ash stains were discerned. LA 158331 is recommended to be of undetermined eligibility. LA 158331 is partially in Tract 1, but most of the site is adjacent to the northwestern boundary of Tract 1. Marron recommends that LA 158331 be avoided during any development of Tract 1. If LA 158331 cannot be avoided, subsurface testing is recommended in order to determine the extent of subsurface cultural remains and NRHP eligibility.

Cultural resource management summary.

Cultural Resource	Description	Recommended NRHP Eligibility	Project Impact/ Recommendation
LA 153415	nineteenth century road	Criterion A	adverse effect/ none
LA 158331	Pueblo I/early Developmental Puebloan (AD 600-900)	undetermined	adverse effect/ test
IO-1	Obsidian flake medial fragment	no	none
IO-2	Corrugated gray jar rim fragment	no	none
IO-3	Plain jar fragment, polished interior	no	none
IO-4	Obsidian cortical flake, complete	no	none
IO-5	Unidentified plain jar fragment	no	none

IO-6	Chalcedony noncortical flake, complete	no	none
IO-7	Chalcedony noncortical flake, complete	no	none
IO-8	Milk bottle, complete, Wakefield Dairy, Washington D.C.	no	none

Although the proposed development of Tract 22 will not alter the characteristics of the majority of LA 153415 that qualify it for the NRHP, the project will alter the nature and use of an additional 250-m (820-ft) segment of the road. Portions of the previously recorded segments of LA 153415 along the University Blvd. extension and in the film studio area have been removed by construction. No associated artifacts or features were observed within Tract 22. No associated features were identified along the segments recorded previously (Estes et al. 2006a, 2006b; Quirolo et al. 2006) by Marron. Subject to comment, therefore, the criteria of adverse effect have been applied to the proposed undertaking regarding LA 153415. The road segment in Tract 22, however, has been documented and no additional investigations regarding this road segment are recommended.

No additional cultural resource investigations are recommended at this time. If cultural materials or human burials are encountered during construction, work in that area should stop and the City of Albuquerque archaeologist should be notified. In addition, in the case of human burials, the local law enforcement agency, the New Mexico OMI, and the New Mexico SHPO must also be notified immediately.

IF REPORT IS NEGATIVE YOU ARE DONE AT THIS POINT.

SURVEY LA NUMBER LOG

Sites Discovered:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)
LA 158331	1	Indeterminate

Previously recorded revisited sites:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)
153415		Yes, Criteria A

MONITORING LA NUMBER LOG *(site form required)*

Sites Discovered *(site form required)* : **Previously recorded sites** *(Site update form required)*:

LA No.	Field/Agency No.	LA No.	Field/Agency No.

Areas outside known nearby site boundaries monitored? Yes , No **If no explain why:**

TESTING & EXCAVATION LA NUMBER LOG *(site form required)*

Tested LA number(s)	Excavated LA number(s)

Michael Balaskovits

From: Will Gleason [WillG@dpsdesign.org]
Sent: Wednesday, January 23, 2008 9:13 AM
To: Schmader, Matthew F.; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown; tim@marroninc.com; Jeff Mulbery; Michael Balaskovits; Scott Leonard
Subject: RE: Pinnacle -
Follow Up Flag: Follow up
Flag Status: Red

Matt, I just got off a conference call with Ken Brown and Manny Barrera from Forest City. Here's what Ken is recommending on LA158331:

- 75' buffer around the site
- Fencing consisting of metal T-posts and orange construction fencing along buffer on Tract I
- Field monitoring by Marron staff if any blading is done in vicinity of buffer

Can you confirm this as an acceptable action plan so we can move forward? Thanks!

And on LA154315, Ken said that he would call Michelle at SHPO to determine if there was a letter of concurrence.

Will

From: Schmader, Matthew F. [mailto:MSchmader@cabq.gov]
Sent: Friday, January 18, 2008 4:11 PM
To: Will Gleason; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown; tim@marroninc.com; Jeff Mulbery; Michael Balaskovits; Scott Leonard
Subject: RE: Pinnacle -

I'll write them a quick note-- I suspect there never was a formal DoE (determination of eligibility). Is the project able to proceed pretty much on schedule, that's my goal.

From: Will Gleason [mailto:WillG@dpsdesign.org]
Sent: Friday, January 18, 2008 4:04 PM
To: Schmader, Matthew F.; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown; tim@marroninc.com; 'Jeff Mulbery'; Michael Balaskovits; Scott Leonard
Subject: RE: Pinnacle -

That's good news, Matt. With the guidance of Marron, we will generate a letter that commits to avoiding the site and will get a note put on the plat.

On the other site, Tract I, we are trying to track down if SHPO had any prior consultation on LA 154315. So far, we have found no response from them. Did you hear anything from them?

thanks, Will

From: Schmader, Matthew F. [mailto:MSchmader@cabq.gov]
Sent: Friday, January 18, 2008 3:28 PM

1/29/2008

To: Will Gleason; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown; tim@marroninc.com
Subject: RE: Pinnacle -

Thanks, Will--

If the site can be fully avoided, then the testing is not needed unless the owners would prefer to clear the whole project area.

A working buffer, flagged out to prevent equipment damage, is all that is needed at the time of grading. Commitment to avoid the site should be set out in a letter or some document to the file, including a note on the plat.

Let's not forget about the other site, though.

It sounds like you are able to submit to DRB?

From: Will Gleason [mailto:WillG@dpsdesign.org]
Sent: Friday, January 18, 2008 3:22 PM
To: Schmader, Matthew F.; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown; tim@marroninc.com
Subject: RE: Pinnacle -

My understanding is that the site CAN be preserved in-place. Do you need Marron to propose a working buffer? I am copying Tim from Marron since Ken is out-of-town.

From: Schmader, Matthew F. [mailto:MSchmader@cabq.gov]
Sent: Friday, January 18, 2008 3:19 PM
To: Will Gleason; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown
Subject: RE: Pinnacle -

I concur with Marron that the second option is the best.

But first, I want to ensure that submittals are able to proceed without any project delay. I am suggesting a working buffer to be avoided by any grading in order to keep the project moving and protect the site during the time it takes to get the testing plan approved.

Also, I am assuming that the site can't be left as preserved in-place. And I am wondering if the testing needs to also apply to LA 154315 since it was of undetermined age?

// Ed-- Does the ordinance enable the City to now act in lieu of HPD in the review capacity since we are a CLG? //

From: Will Gleason [mailto:WillG@dpsdesign.org]
Sent: Friday, January 18, 2008 2:29 PM
To: Schmader, Matthew F.; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown
Subject: RE: Pinnacle -

Matt, based on your direction, we are confident that we can avoid LA158331. Since the site lies mostly within land that is designated as open space, do we need to come up with a treatment plan or can the treatment plan consist of avoiding the site, establishing a prudent boundary, and fencing it off?

Marrons' initial recommendations follow. Please advise which course of action we should follow.

Ken Brown asked us to let you know about three options for addressing the size and nature of archaeological site LA 158331 on the Tract 1 northwest boundary.

- Immediate testing of up to 0.05 of 1% of the site area, as allowed under our survey permit. At LA 158331, this area would be equivalent to one 60 by 60 cm (about 2 ft by 2 ft) square. This would

1/29/2008

be two shovel test holes, or 36 auger test holes.

- Under current New Mexico legislation, up to 5 percent of the site area can be tested under a formal testing plan. This would allow test excavation of the equivalent of 6 square meters (about 20 ft by 20 ft). This is the equivalent of six 1-by-1-m test units, or 12 50-by-100-cm units, or 24 50-by-50-cm units, or some combination of these. Marron needs about two days to produce a testing plan. SHPO review of testing plans generally takes about 10 days.
- The third option is full-scale data recovery, with or without mechanical equipment. Data recovery excavations generally take place after National Register eligibility has been confirmed. SHPO review and CPRC review are required. The CPRC meets every two months.

Marron thinks the second option, testing of up to 5 percent of the site, provides the best coverage and the best likelihood of determining National Register eligibility.

If you have questions about the options or our recommendation, or want to discuss this further, please feel call (898-8848). Ken will be back on Monday, and Tim and Mary will be in the office all day Thursday the 17th and until 2:30 on Friday the 18th.

Thanks,

Mary Quirolo and Tim McEnany

From: Schmader, Matthew F. [mailto:MSchmader@cabq.gov]
Sent: Wednesday, January 16, 2008 10:18 AM
To: Will Gleason; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown
Subject: RE: Pinnacle and Sony Cultural Resource Survey - Summary

Thanks, Will--

In place avoidance is always preferable, especially if there is a time crunch and the design is flexible. Do we know where LA 153415 sits on the plans, and what prior consultation may have occurred with the State as to potential national register eligibility? I'm hoping to resolve as much as we can via e-mail because schedules are hard to mesh and this project needs to move along. One thing I did with regard to project schedule is recommend, outside of the ordinance, that the grading plan could proceed prior to acceptance of a treatment plan-- usually it would be the other way around.

From: Will Gleason [mailto:WillG@dpsdesign.org]
Sent: Wednesday, January 16, 2008 10:06 AM
To: Schmader, Matthew F.; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Cc: Ken Brown
Subject: RE: Pinnacle and Sony Cultural Resource Survey - Summary

Matt, here is LA158331 overlaid on the proposed site plan for Project Pinnacle. This is on Tract I in the north end

1/29/2008

of the Mesa del Sol Employment Center (Innovation Park). As you can see, the site can be avoided and should not be impacted by construction. It is located within a buffer area, more than 100' from the proposed building and 30' from a proposed trail (the actual alignment of this trail is flexible).

We will establish whatever Marron recommends for a buffer around the site to protect the site from disturbance and follow recommendations for preservation.

Do you have time for a meeting or conference call today so that we clear about what we need to do? We'll work around your schedule.

From: Schmader, Matthew F. [mailto:MSchmader@cabq.gov]
Sent: Tuesday, January 15, 2008 11:49 AM
To: Will Gleason; mbarrera@fcmds.com; canderson@fcmds.com; Dourte, Richard H.; Boles, Ed
Subject: RE: Pinnacle and Sony Cultural Resource Survey - Summary

Thank you, Will--

As this survey identified two sites, we will need to move to the next stage of project evaluation and have the consultant devise site treatment plans. Effectively, these are measures that ensure avoidance of the sites or retrieval of sufficient information to allow development to remove some or all of the site area.

If the project has enough flexibility in design, then sites can be preserved in-place and avoided.

If the project requires all of the land, then usually the sites have to be at least tested and/or documented to a degree that they can be graded.

We can move forward in the DRB process if you can show that the site areas will be avoided pending the treatment plans, and that site areas are protected from the grading of the balance of the parcel. You will need the grading plan submittal to DRB to reflect that. If you can do that then I would be able to issue some sort of provisional approval to allow DRB and grading permitting to continue.

Concurrently, I will need from Marron:

1. A proposed treatment plan for sites LA 153415 and LA 158331 (including methods for in-place preservation, testing, historic documentation, and consultation with Isleta Pueblo), and
2. Record of prior consultation with the State on eligibility status for LA 153415.

Hope this helps,
Matt S.

From: Will Gleason [mailto:WillG@dpsdesign.org]
Sent: Monday, January 14, 2008 3:09 PM
To: mbarrera@fcmds.com; canderson@fcmds.com
Cc: Schmader, Matthew F.
Subject: Pinnacle and Sony Cultural Resource Survey - Summary

Manny and Chris, here's the scanned summary of the report. I am copying Matt to give him a head-start on reviewing the report.

Matt, please advise on the new protocol - we need your review this week so that we can proceed with submittals to the City and anticipated grading permit next week. We will get you a full copy of the report tomorrow.

Will Gleason, AICP LEED AP

Associate

@dpsdesign.org

Dekker/Perich/Sabatini

1/29/2008

7601 Jefferson NE, Suite 100
Albuquerque, NM 87109
505.761.9700 tel
505.761.4222 fax

With offices located in New Mexico, Nevada and Texas, Dekker/Perich/Sabatini provides architecture, interior design, landscape, planning and engineering services to public and private clients. Please visit our new website at www.dpsdesign.org.

January 16, 2008

Jack Cloud, DRB Chair
Development Review Board
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Dear Mr. Cloud:

The purpose of this letter is to authorize Bohannon Huston Inc. to act as Mesa del Sol, LLC agent for the purpose of vacating one (1) storm water detention pond easement. The temporary detention pond is no longer needed and Mesa del Sol, LLC does hereby grant permission to vacate this easement.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. Thank you for your courtesy in this matter.

Thank you,



Mike Daly
Mesa del Sol, LLC

TERMINATION OF EASEMENT

THE STATE OF NEW MEXICO ((()
COUNTY OF BERNALILLO ((()

Date: June 21, 2007

Holder of Easement: United States of America, acting by and through the
Department of Transportation, Federal Aviation Administration

Holder's Mailing Address: Real Estate and Utilities Group, ASW-53,
Fort Worth, Texas 76193-0054

Easement is described in the following document:

Right of Way Permit No. M925, dated July 22, 1939 from the State of New Mexico, executed by the New Mexico Commissioner of Public Lands, Frank Worden, to the United States of America acting by and through its Civil Aeronautics Authority, presently identified as the Federal Aviation Administration.

Property to be released from easement:

A certain tract of land situated within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising a northerly portion of Tract 4-A-1 of the Plat of Tracts 4-A-1 thru 4-A-4, Mesa del Sol, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County New Mexico on April 17, 2007 in Book 2007C, Page 96 as Document No. 2007056330 together with a westerly portion of Tract 1 of the Bulk Land Plat of Mesa del Sol Tracts 1-15, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on June 21, 2006 in Book 2006C, Page 195 as Document No. 2006091342, and being more particularly described by New Mexico State Plane Grid Bearings NAD 27 (Central Zone) and ground distances as follows:

BEGINNING at the northwest corner of the tract herein described, a point on the northwesterly boundary line of an existing sixty (60) feet wide right-of-way permit granted to Civil Aeronautics Authority dated July 22, 1939, coincident with a point on the northerly boundary line of said Tract 1, whence the City of Albuquerque survey monument "3-Q16, 1984", having NAD 27 New Mexico State Plane Grid Coordinates (Central Zone) X=393,252.92 Y=1,456,982.37 bears N10°07'53"W a distance of 1472.44 feet:

THENCE crossing said 60' right-of-way along said northerly boundary line of Tract 1, S89°28'45"E a distance of 79.87 feet to a point on the southeasterly right-of-way line of said existing Civil Aeronautics Authority at the northeast corner of the tract herein described;

THENCE leaving said northerly boundary line of Tract 1 along said southeasterly right-of-way line, S41°49'34" W a distance of 5126.22 feet to the most southeast corner of the tract herein described;

THENCE crossing said right-of-way, N43°57'36" W a distance of 60.16 feet to a point on said northeasterly right-of-way of Civil Aeronautics Authority at the southwest corner of the tract herein described;

THENCE along said northerly right-of-way line, N41°49'34" E a distance of 5069.08 feet to the POINT OF BEGINNING.

This tract contains 7.0216 acres, more or less as more particularly identified as Exhibit "A," attached hereto and by this reference, made a part of this document.

Holder of the easement does hereby terminate and abandon the easement and does hereby quitclaim all rights of holder in and to the easement located on the property unto the current owners of the surface, that portion of the easement property owned by the current owners of the surface.

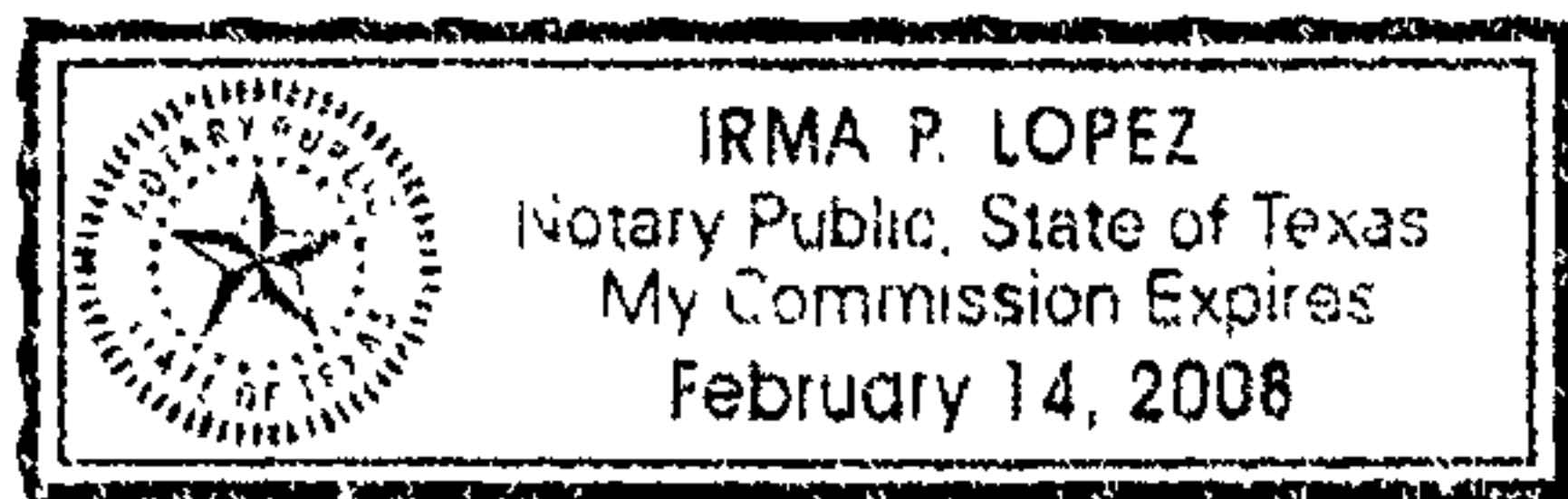
**THE UNITED STATES OF AMERICA,
acting by and through
The Department of Transportation
Federal Aviation Administration**

BY: *Patsy J. McComis*
Contracting Officer

(Acknowledgment)

State of Texas
County of *Tarrant*

This instrument was acknowledged before me on the *21st* day of *June*, 2007, by *Patsy J. McComis, Contracting Officer* of the United States of America, acting by and through The Department of Transportation, Federal Aviation Administration.



Irma P. Lopez
Notary Public, State of Texas

EXHIBIT "A"

DESCRIPTION

A certain tract of land situate within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising a northerly portion of Tract 4-A-1 of the Plat of Tracts 4-A-1 thru 4-A-4, Mesa Del Sol, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on April 17, 2007 in Book 2007C, page 96 as Document No. 2007056330 together with a westerly portion of Tract 1 of the Bulk Land Plat of Mesa Del Sol Tracts 1-15, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 21, 2006 in Book 2006C, page 195 as Document No. 2006091342, and being more particularly described by New Mexico State Plane Grid Bearings NAD 27 (Central Zone) and ground distances as follows:

BEGINNING at the northwest corner of the tract herein described, a point on the northwesterly boundary line of an existing sixty (60) feet wide right-of-way permit granted to Civil Aeronautics Authority dated July 22, 1939, coincident with a point on the northerly boundary line of said Tract 1, whence the City of Albuquerque survey monument "3-Q16, 1984", having NAD 27 New Mexico State Plane Grid Coordinates (Central Zone) X=393,252.92 Y=1,456,982.37 bears N10°07'53"W a distance of 1472.44 feet;

THENCE crossing said 60' right-of-way along said northerly boundary line of Tract 1, S89°28'45"E a distance of 79.87 feet to a point on the southeasterly right-of-way line of said existing Civil Aeronautics Authority at the northeast corner of the tract herein described;

THENCE leaving said northerly boundary line of Tract 1 along said southeasterly right-of-way line, S41°49'34"W a distance of 5126.22 feet to the most southeast corner of the tract herein described;

THENCE crossing said right-of-way, N43°57'36"W a distance of 60.16 feet to a point on said northeasterly right-of-way of Civil Aeronautics Authority at the southwest corner of the tract herein described;

THENCE along said northerly right-of-way line, N41°49'34"E a distance of 5069.08 feet to the POINT OF BEGINNING.

This tract contains 7.0216 acres, more or less.

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, New Mexico Professional Surveyor No. 16469, do hereby certify that this Legal Description and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is an Easement Survey for use in granting a new easement.





Robert Gromatzky
New Mexico Professional Surveyor No. 16469

Date: June 20, 2007



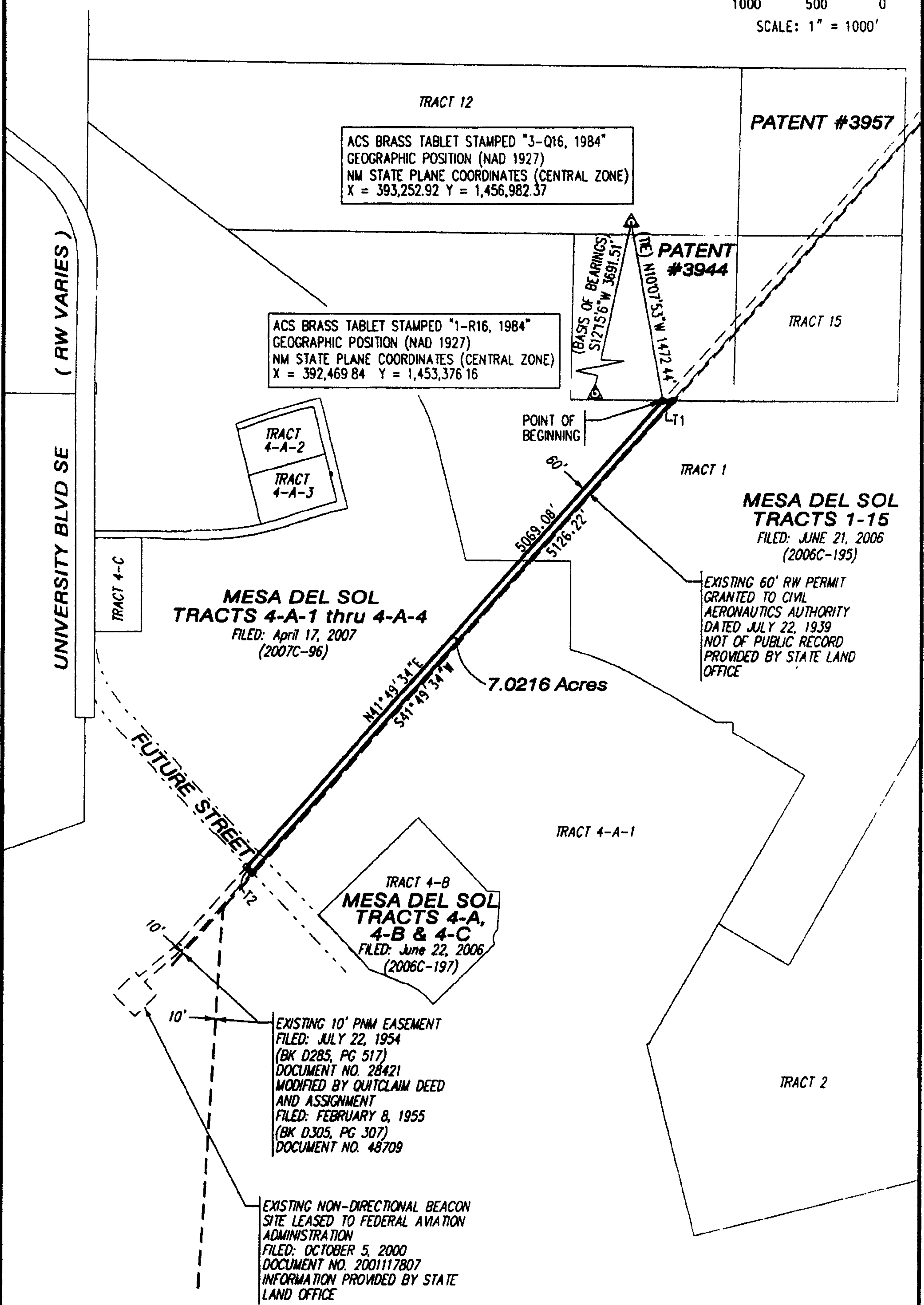
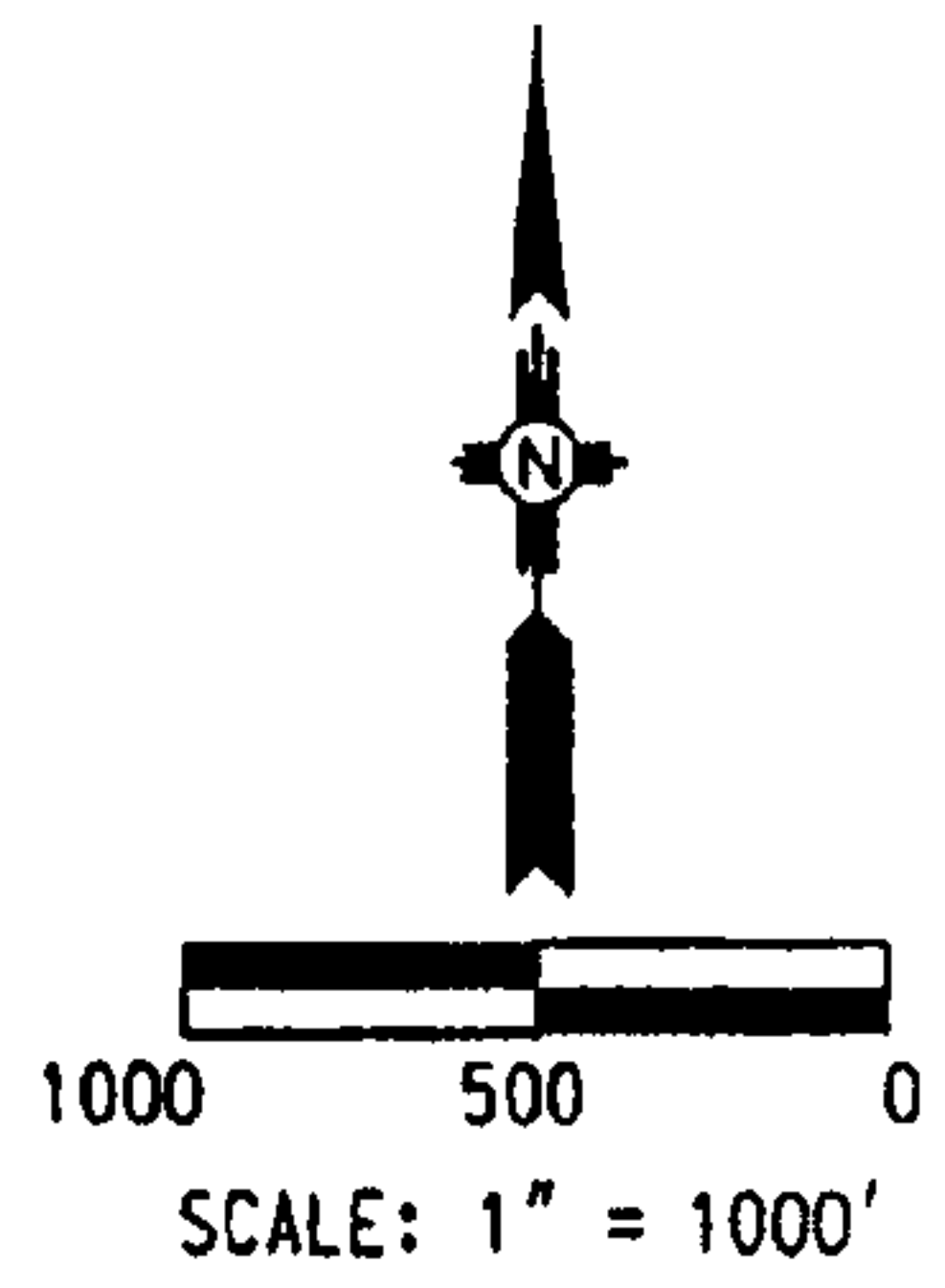
Bohannon  Huston

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING  SPATIAL DATA  ADVANCED TECHNOLOGIES

PAGE 1 OF 2

EXHIBIT "A"

Tangent Data		
ID	BEARING	DISTANCE
T1	S89°28'45"E	79.87'
T2	N43°57'36"W	60.16'



ACS BRASS TABLE STAMPED "3-Q16, 1984"
 GEOGRAPHIC POSITION (NAD 1927)
 NM STATE PLANE COORDINATES (CENTRAL ZONE)
 X = 393,252.92 Y = 1,456,982.37

ACS BRASS TABLE STAMPED "1-R16, 1984"
 GEOGRAPHIC POSITION (NAD 1927)
 NM STATE PLANE COORDINATES (CENTRAL ZONE)
 X = 392,469.84 Y = 1,453,376.16

MESA DEL SOL TRACTS 4-A-1 thru 4-A-4
 FILED: April 17, 2007
 (2007C-96)

MESA DEL SOL TRACTS 1-15
 FILED: JUNE 21, 2006
 (2006C-195)

TRACT 4-B MESA DEL SOL TRACTS 4-A, 4-B & 4-C
 FILED: June 22, 2006
 (2006C-197)

EXISTING 10' PNM EASEMENT
 FILED: JULY 22, 1954
 (BK D285, PG 517)
 DOCUMENT NO. 28421
 MODIFIED BY QUITCLAIM DEED
 AND ASSIGNMENT
 FILED: FEBRUARY 8, 1955
 (BK D305, PG 307)
 DOCUMENT NO. 48709

EXISTING NON-DIRECTIONAL BEACON
 SITE LEASED TO FEDERAL AVIATION
 ADMINISTRATION
 FILED: OCTOBER 5, 2000
 DOCUMENT NO. 2001117807
 INFORMATION PROVIDED BY STATE
 LAND OFFICE

EXISTING 60' RW PERMIT
 GRANTED TO CIVIL
 AERONAUTICS AUTHORITY
 DATED JULY 22, 1939
 NOT OF PUBLIC RECORD
 PROVIDED BY STATE LAND
 OFFICE

Bohannon & Huston

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

P:\060096\cdp\Employment Center\Misc. Survey Requests\FAA EXHIBIT\FAA EXHIBIT.dgn
 20-JUN-2007

AGREEMENT

THIS AGREEMENT ("**Agreement**") is entered into as of the 11 day of February by and between MESA DEL SOL, LLC, a New Mexico limited liability company ("**Mesa**") and PACIFICA MESA STUDIOS, LLC, a California limited liability company ("**Pacifica**").

RECITALS

A. Mesa, as Grantor, and Pacifica, as Grantee are the parties to that certain Storm Water Detention Ponds and Storm Drain Easement filed in the Bernalillo County, New Mexico real estate records on July 7, 2006 in Book A120, Page 639 (the "**Easement Agreement**").

B. Pursuant to the Easement Agreement, Pacifica is the beneficiary of Detention Pond 2 as defined in the Easement Agreement ("**Pond 2 Easement**").

C. Pacifica has agreed to release the Pond 2 Easement in consideration of the terms contained herein.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein the parties agree as follows:

1. Recitals/Terms. The Recitals are incorporated herein. All capitalized terms not defined herein shall have the meanings as ascribed to them in the Easement Agreement.

2. Release of Pond 2 Easement. Pacifica releases the Pond 2 Easement and consents to the vacation of the Pond 2 Easement by the City of Albuquerque, pursuant to its private easement vacation procedures to the extent required by the City.

3. Re-grading of Pond 2 Easement. A pond has been constructed on the Pond 2 Easement ("**Pond 2**"). Pond 2 was designed and constructed to capture up-stream storm waters during the 100 Year Design Storm Event as defined in the City of Albuquerque Development Process Manual (the "100 Year Event") before reaching the Dominant Estate, in accordance with the Drainage Plan. Mesa shall be responsible, at its expense, to perform any necessary re-grading of the Pond 2 Easement Property together with the construction of any required drainage infrastructure, in such a manner so that up-stream storm water flows do not enter the Dominant Estate upon the occurrence of a 100 Year Event which grading shall be in accordance with the grading plan attached as Exhibit "A".

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

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

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

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

By: *Harry Relkin*
HARRY RELKIN, VICE PRESIDENT

PACIFICA MESA STUDIOS, LLC, a
California limited liability company

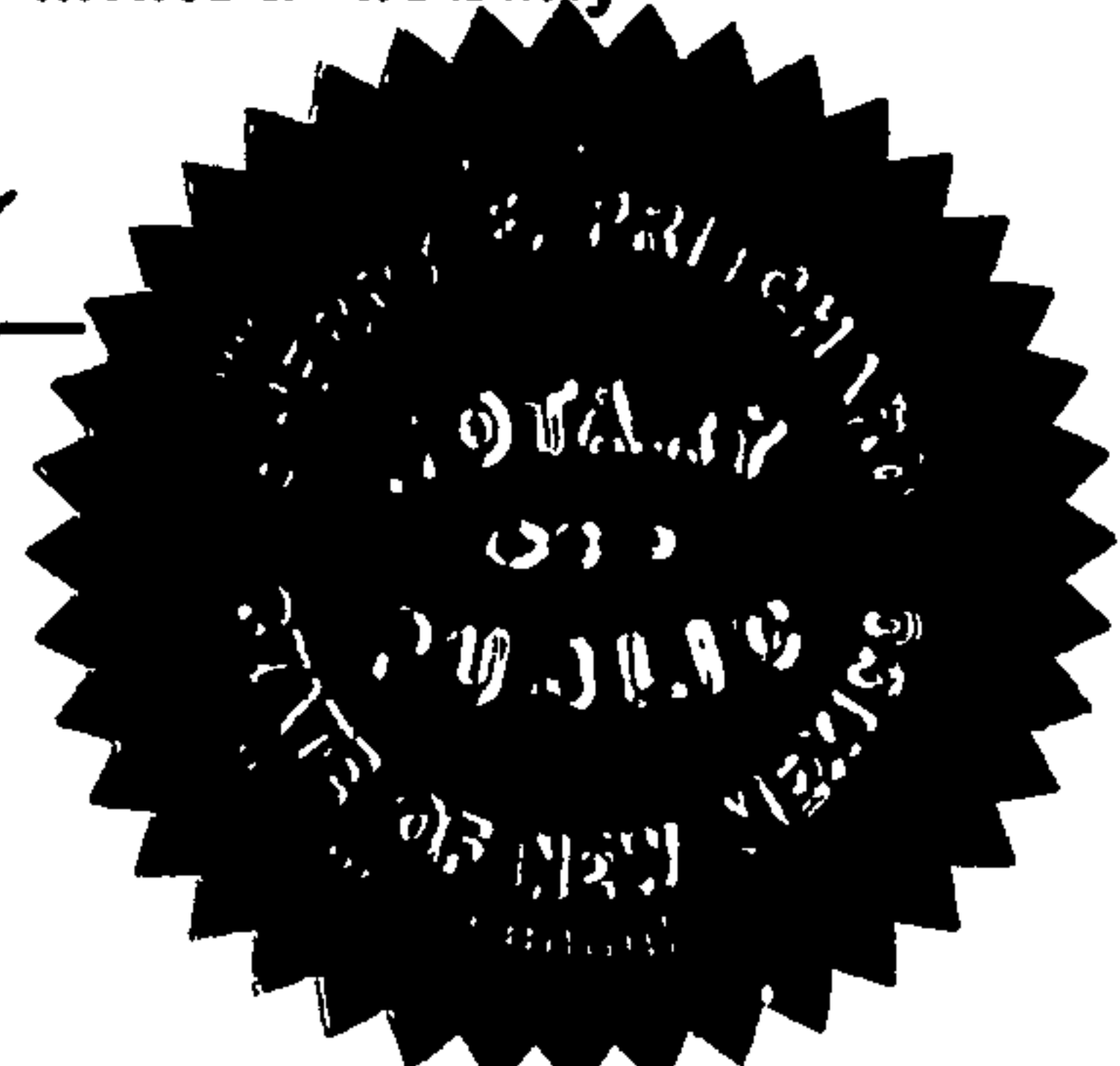
By: *Harold A Katersky*
Harold A Katersky, Manager

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

The foregoing instrument was acknowledged before me on the 12TH day of FEBRUARY, 2008, by HARRY RELKIN, VICE-PRESIDENT of FC Mesa, Inc, a New Mexico corporation as Member of FC Covington Manager, LLC, a New Mexico limited liability company, Member of Mesa Del Sol, LLC, a New Mexico limited liability company.

Mary E. Pritchard
Notary Public

My Commission Expires: 12/20/09



STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me on the ___ day of _____, 2008, by Harold A. Katersky, Manager of Pacifica Mesa Studios, LLC, a California limited liability company.

Notary Public

My Commission Expires: _____
H:\forestcity\Leases\Sony\Legal\Pond Release

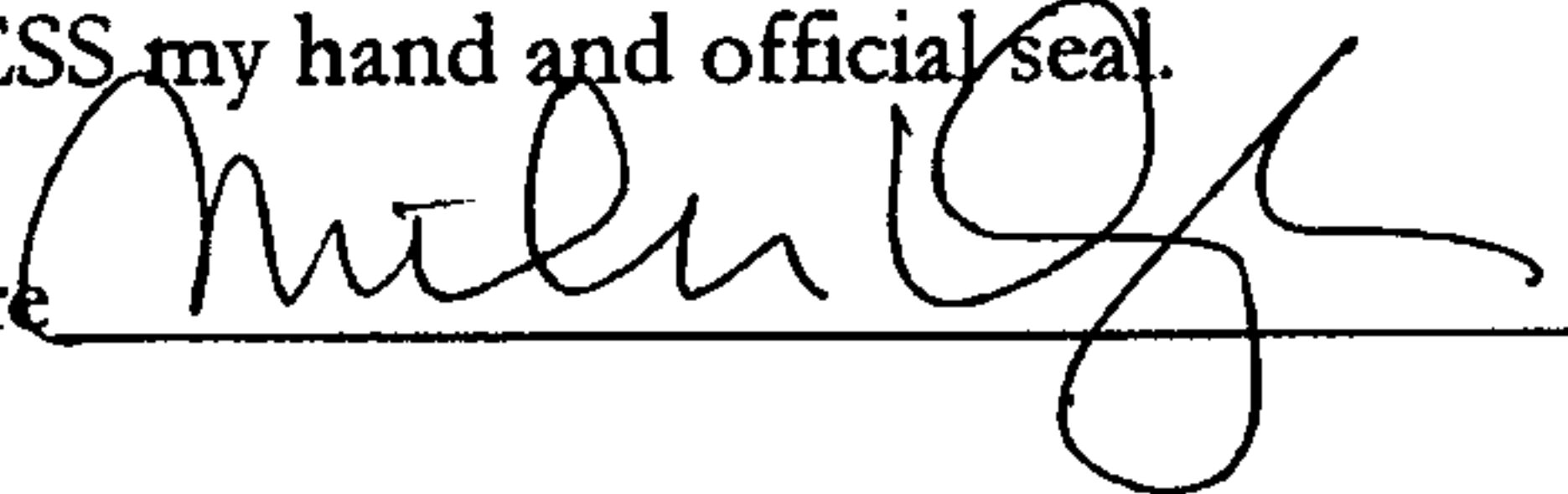
STATE OF CALIFORNIA
COUNTY OF Los Angeles

On Feb 11, 2008 before me, Mitra Karimi-Paydar, Notary Public, personally appeared Harold A. Katerky, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

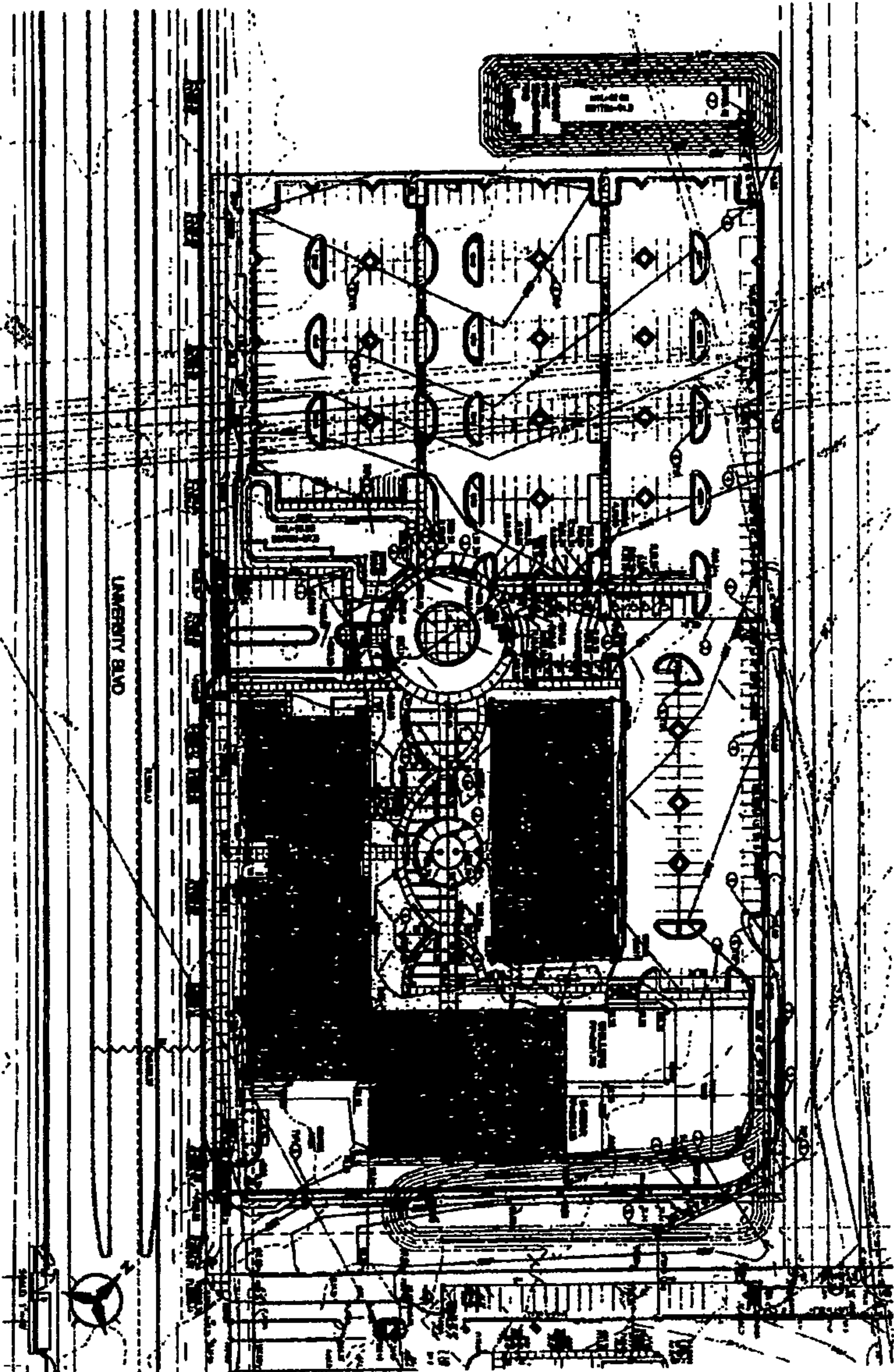
WITNESS my hand and official seal.

Signature



SEAL





1. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

2. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

3. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

4. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

5. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

6. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

7. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

8. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

9. The building shall be constructed in accordance with the provisions of the International Building Code, 2003 Edition, as amended, and the International Fire Code, 2003 Edition, as amended, and all applicable local, state and federal codes and regulations.

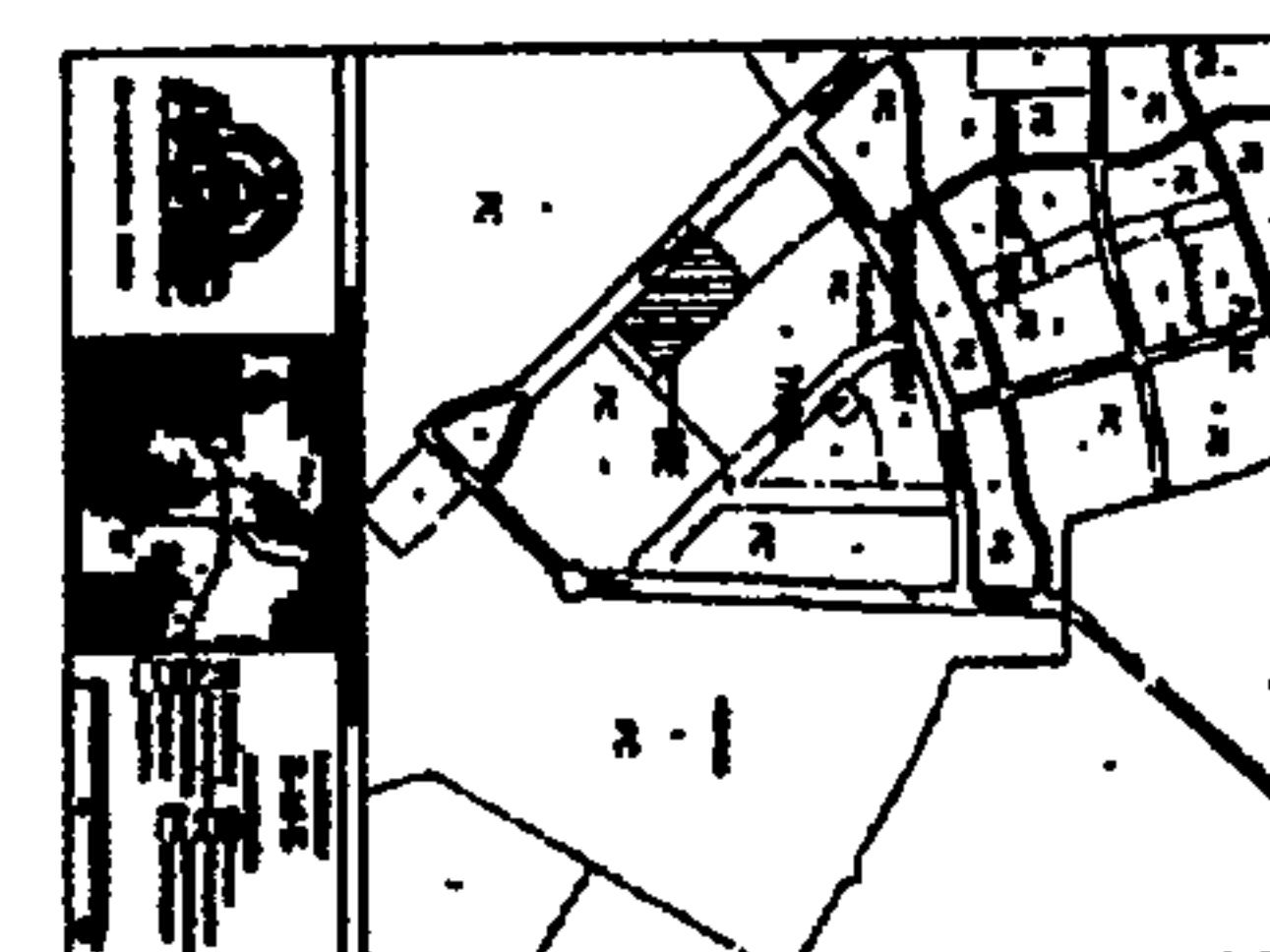
EXHIBIT
"A"

NO.	DESCRIPTION
1	FOUNDATION
2	CONCRETE
3	STEEL
4	MECHANICAL
5	ELECTRICAL
6	PLUMBING
7	PAINT
8	GLASS
9	WOOD
10	OTHER

NO.	DESCRIPTION
1	FOUNDATION
2	CONCRETE
3	STEEL
4	MECHANICAL
5	ELECTRICAL
6	PLUMBING
7	PAINT
8	GLASS
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NO.	DESCRIPTION
1	FOUNDATION
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3	STEEL
4	MECHANICAL
5	ELECTRICAL
6	PLUMBING
7	PAINT
8	GLASS
9	WOOD
10	OTHER

C100



SONY IMAGEWORKS
@ Mesa del Sol
Albuquerque, NM



DESIGN
DEVELOPMENT
SUBMITTAL

Doctor
Perich
Salatini
1000 Avenue B
Albuquerque, NM 87102
505.263.1111
www.dpsa.com



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

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

SENT VIA FAX

February 5, 2008

Jack Cloud, DRB Chair
Development Review Board
City of Albuquerque
P O Box 1293
Albuquerque, NM 87103

Re: Request for Deferral
Preliminary / Final Plat Approval - DRB# 1006001

Dear Mr. Cloud:

Bohannan Huston, Inc. requests a one-week deferral of the following items associated with Project Number DRB 1006001 (Item 9) on the February 6, 2008 agenda: Preliminary / Final Plat Approval. Based on this request, we anticipate a hearing date of February 13, 2008.

If you have any questions or require further information, please call me at 823-1000.

Sincerely,

Mike Balaskovits, P.E.
Project Engineer
Community Development and Planning Group

MB/ssc

ENGINEERING

SPATIAL DATA

ADVANCED TECHNOLOGIES

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

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

SENT VIA FAX

February 5, 2008

Jack Cloud, DRB Chair
Development Review Board
City of Albuquerque
P O Box 1293
Albuquerque, NM 87103

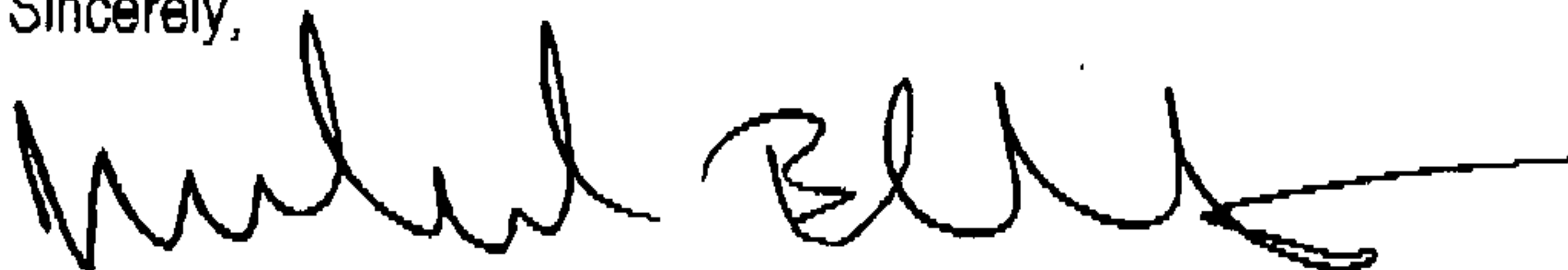
Re: Request for Deferral
Vacation of Public and Private Easements - DRB# 1006539

Dear Mr. Cloud:

Bohannon Huston, Inc. requests a one-week deferral of the following items associated with Project Number DRB 1006539 (Item 6) on the February 6, 2008 agenda: Vacation of Public and Private Easements. Based on this request, we anticipate a hearing date of February 13, 2008.

If you have any questions or require further information, please call me at 823-1000.

Sincerely,



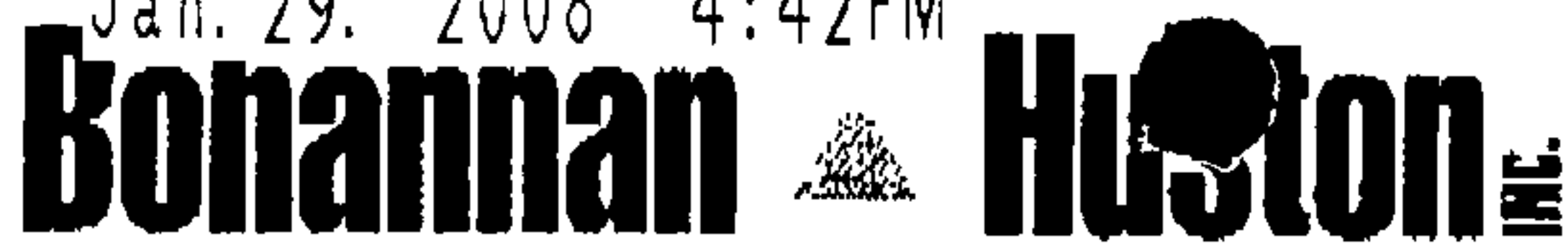
Mike Balaskovits, P.E.
Project Engineer
Community Development and Planning Group

MB/ssc

ENGINEERING *

SPATIAL DATA *

ADVANCED TECHNOLOGIES *



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

www.bhinc.com

voice: 505 823.1000
facsimile: 505 798.7988
toll free: 800.877.5332

SENT VIA FAX

January 29, 2008

Jack Cloud, DRB Chair
Development Review Board
City of Albuquerque
P O Box 1293
Albuquerque, NM 87103

Re: Request for Deferral
Vacation of Public and Private Easements - DRB# 1006539

Dear Jack:

Bohannon Huston, Inc. requests a one-week deferral of the following items associated with Project Number DRB 1006539 (Item 2) on the January 30, 2008 agenda: Vacation of Public and Private easements. Based on this request, we anticipate a hearing date of February 6, 2008.

If you have any questions or require further information, please call me at 823-1000.

Sincerely,

Mike Balaskovits, P E.
Project Engineer
Community Development and Planning Group

MB/am

ENGINEERING

SPATIAL DATA

ADVANCED TECHNOLOGIES

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): BOHANNAN HUSTON, INC PHONE: _____
 ADDRESS: 7500 JEFFERSON NE FAX: 798-7988
 CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: _____

APPLICANT: MESA DEL SOL, LLC PHONE: 400-3021
 ADDRESS: 801 UNIVERSITY BLVD SE, STE 200 FAX: 242-2978
 CITY: ALBUQUERQUE STATE NM ZIP 87106 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: VACATION OF PUBLIC + PRIVATE EASEMENTS

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

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

Lot or Tract No. TRACT 22 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: BULK LAND PLAT FOR MESA DEL SOL INNOVATION PARK
 Existing Zoning: PC Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): R-16 UPC Code: 1015051261260101444

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: 1 No. of proposed lots: N/A Total area of site (acres): 15.82
 LOCATION OF PROPERTY BY STREETS: On or Near: UNIVERSITY BLVD SE
 Between: EASTMAN AVE SE and STRYKER SE

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

SIGNATURE Michael Balaskovits DATE 1/4/08
 (Print) MICHAEL BALASKOVITS Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

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

Application case numbers
08DRB 70005
08DRB 70007

Action	S.F.	Fees
<u>VPE</u>	<u>Y</u>	<u>\$ 135.00</u>
<u>VPRE</u>	<u>Y</u>	<u>\$ 45.00</u>
<u>ADU</u>	<u>-</u>	<u>\$ 75.00</u>
<u>OME</u>	<u>-</u>	<u>\$ 20.00</u>
Total		<u>\$ 275.00</u>

Hearing date 01/30/08

Sandy Handley 01/04/08
 Planner signature/ date

Project # 1006539

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.

MICHAEL BARASKOVITS
 Applicant name (print)
Michael Baraskovits 1/4/07
 Applicant signature / date

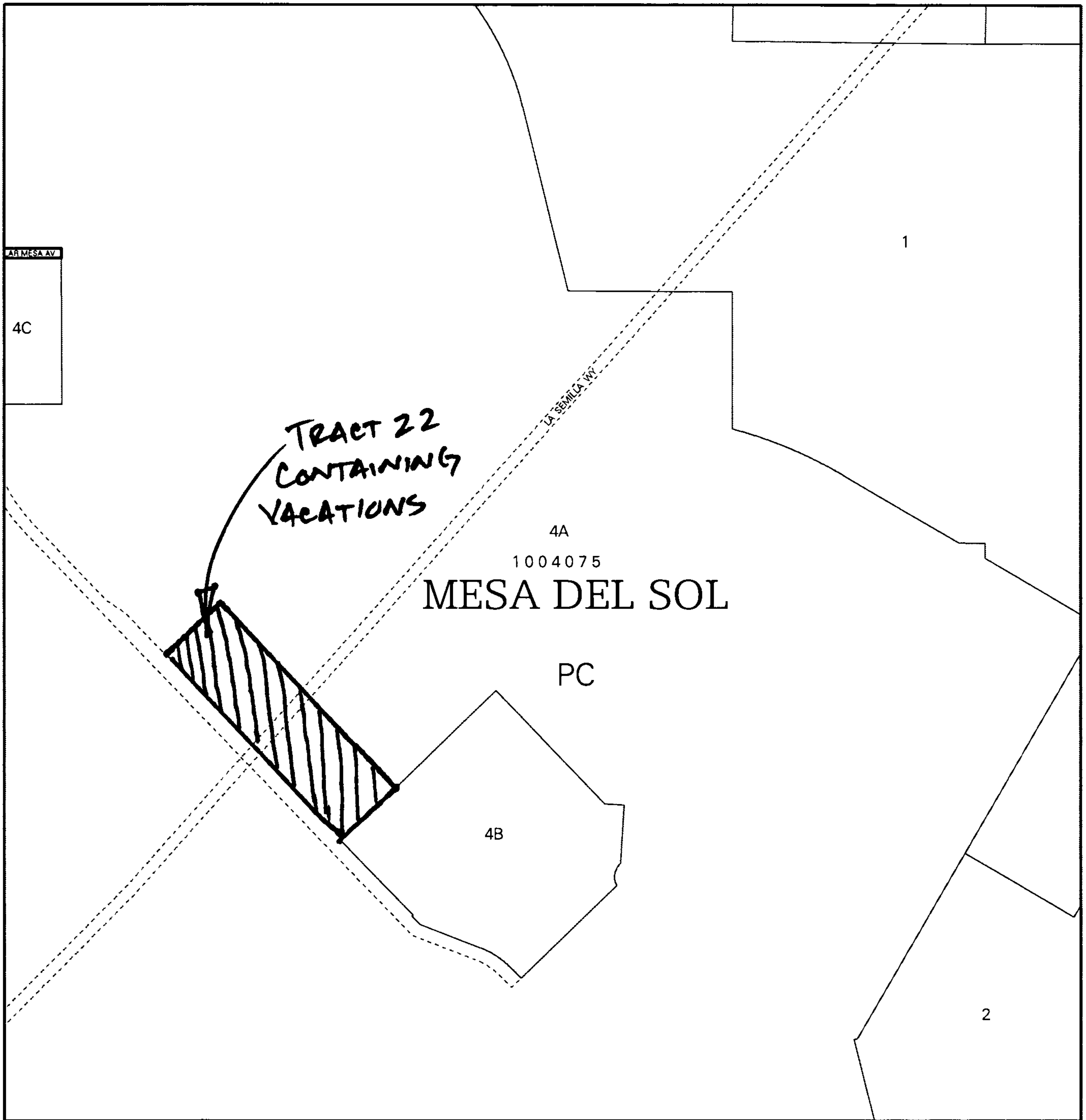


Form revised 4/07

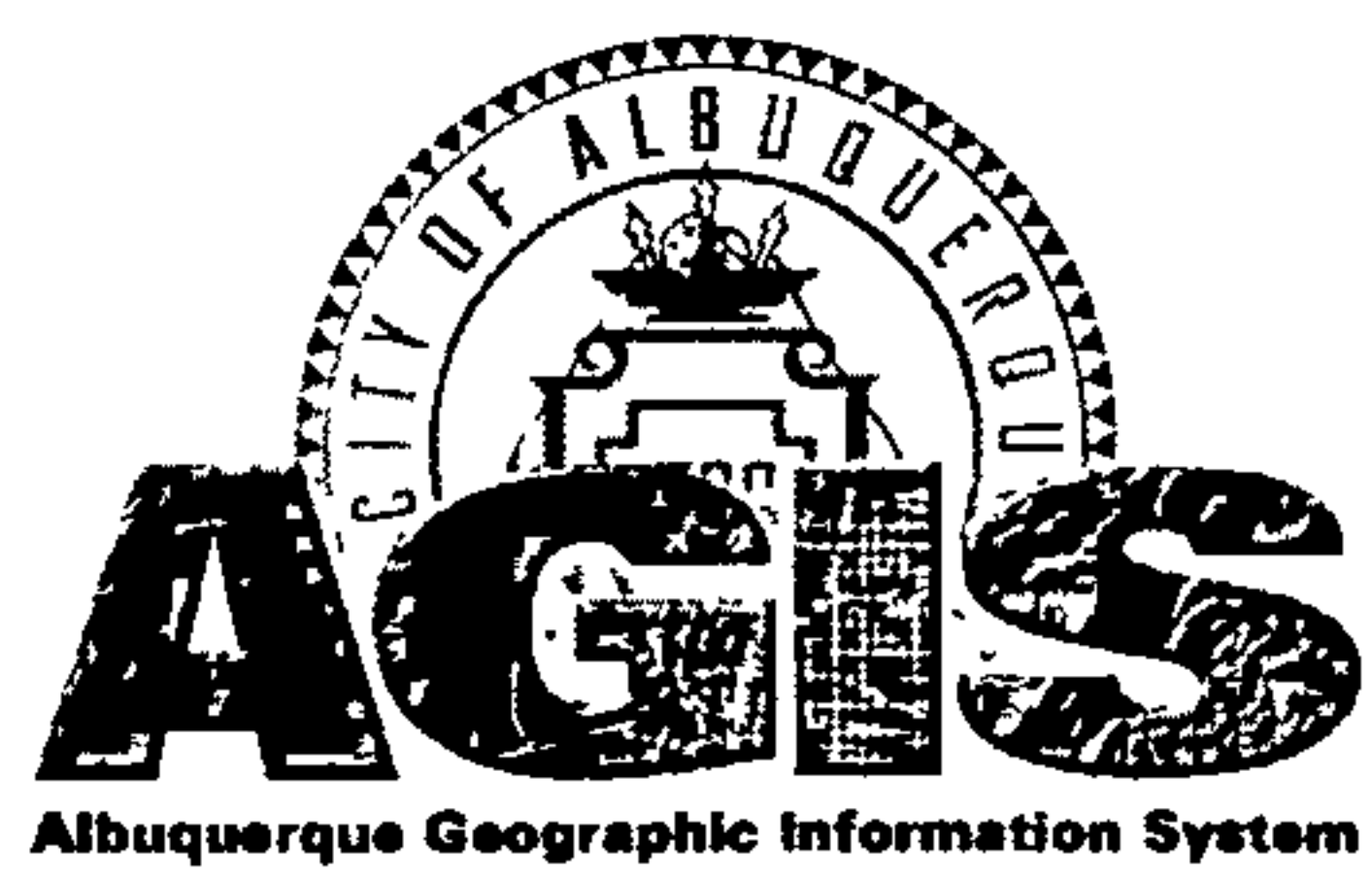
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 08DRB-70005
 08DRB-70007

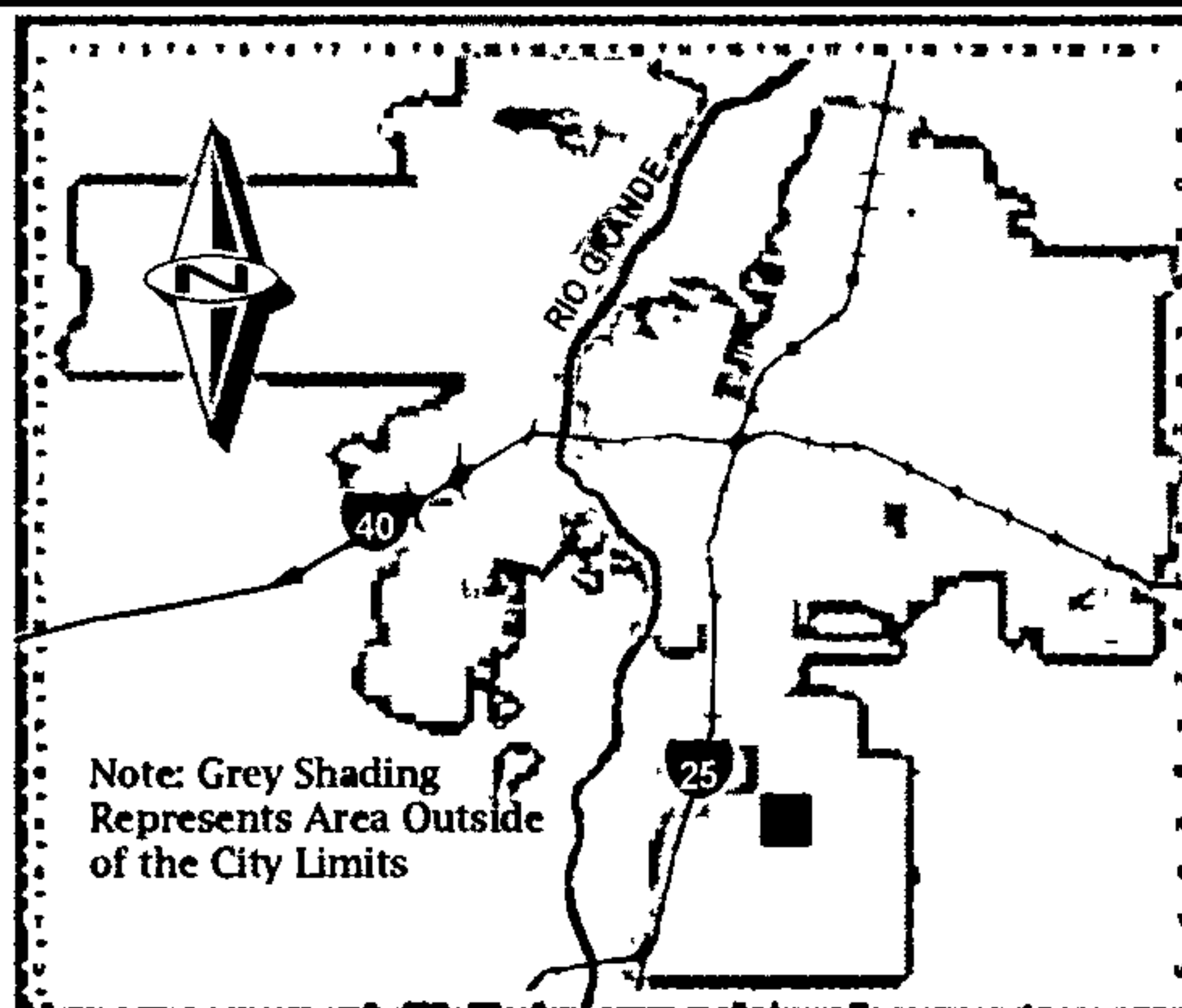
Sandy Handley 01/04/07
 Planner signature / date
 Project # 1006539



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



Map amended through: 5/17/2007



Zone Atlas Page:

R-16-Z

Selected Symbols

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



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January 4, 2008

Mr. Jack Cloud, Acting Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Vacation of Public and Private Easements
A replat of Tract 22, Mesa Del Sol Innovation Park

Dear Jack:

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

- Development Review Applications
- Twenty-four (24) copies of the Vacation exhibit (Exhibit "A")
- Twenty-Four (24) copies of the documents which created the 3 public easements
- Six (6) copies of the documents which created the 1 private easement (with – Exhibit A)
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Map showing the location of the property, and
- Fee in the amount of \$_____.

There are 4 easements being vacated with this submittal;

1 Private easement granted to Pacifica Mesa Studios, LLC from Mesa Del Sol, LLC.

1. Drainage Easement granted for detention pond 2, to serve property adjacent (north) to Albuquerque Studios site.

2 Public easements granted to Public Service Company of New Mexico from Mesa Del Sol, LLC.

2. Temporary Easement (Electric) for the temporary power supply to the Albuquerque Studios site.
3. 10" Easement to serve previously existing Non-directional Beacon site leased to FAA.

1 Right-of-way permit granted to Civil Aeronautics Authority (Provided by state land office)

4. 60' Right-of-way permit granted to CAA as access to previously existing Non-directional Beacon site leased to FAA.

All easements are located on an existing Tract 22 which will be subdivided into three new tracts (22A, 22B, & 22C) to be submitted later.

The private drainage easement will no longer be needed as this pond was a temporary situation. The storm drain will be extended with the site plan to serve Tract 22.

ENGINEERING ▲

SPATIAL DATA ▲

ADVANCED TECHNOLOGIES ▲

Mr. Jack Cloud
City of Albuquerque
January 4, 2008
Page 2

The two public easements granted to PNM are no longer needed as Albuquerque Studios has permanent underground power under separate easement and the Non-Directional Beacon site leased to FAA has been removed.

The Right-of-way permit granted to the Civil Aeronautics Authority will no longer be needed as the Non-directional Beacon site leased to FAA has been removed.

Please place this item on the DRB Agenda for hearing on January 30, 2008. If you have any questions or require further information, please contact me.

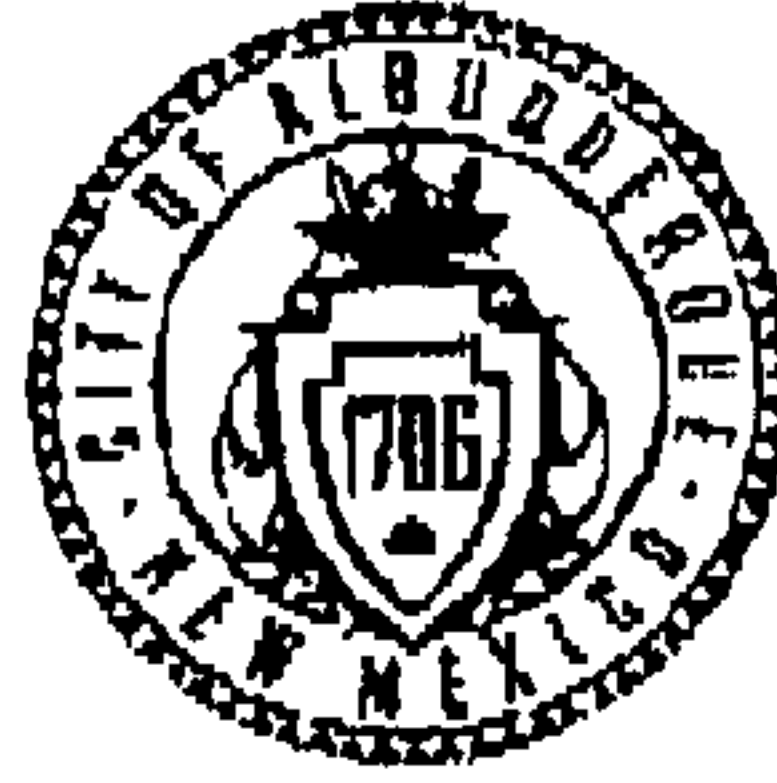
Sincerely,



Michael J. Balaskovits, P.E.
Engineer
Community Development and Planning Group

MJB/cc
Enclosures

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



City of Albuquerque

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

Date: January 4, 2008

TO CONTACT NAME: Mike Balaskovits
 COMPANY/AGENCY: Bohannon Huston Inc.
 ADDRESS/ZIP: 7500 Jefferson NE 87109
 PHONE/FAX #: 823-1000 / 798-7988

Thank you for your inquiry of January 4, 2008 requesting the names of ALL Affected Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at University Blvd between Journal Pavilion Center and ABQ Studios
 zone map page(s) R-16

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

Mountain View N.A.
 Neighborhood or Homeowner Association
 Contacts: Patty Grice
206 Fentiman Pl SE 87105
452-9159 (h)
Marla Painter
506 Valley High St. SE 87106
220-3969 (c)

Neighborhood or Homeowner Association
 Contacts: _____

See reverse side for additional Neighborhood and/or Homeowner Associations Information:

YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Adriana Carriona

OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

NOTICE TO APPLICANTS - SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

INFORMATION FROM THE OFFICE OF NEIGHBORHOOD COORDINATION

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

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

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

(Below this line for ONC use only)

Date of Inquiry: 01.04.08 Time Entered: 8:34 AM ONC Rep. Initials: OC

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

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

January 4, 2008

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

RE: Vacation of Public and Private Easements
Tract 22, Mesa Del Sol Innovation Park

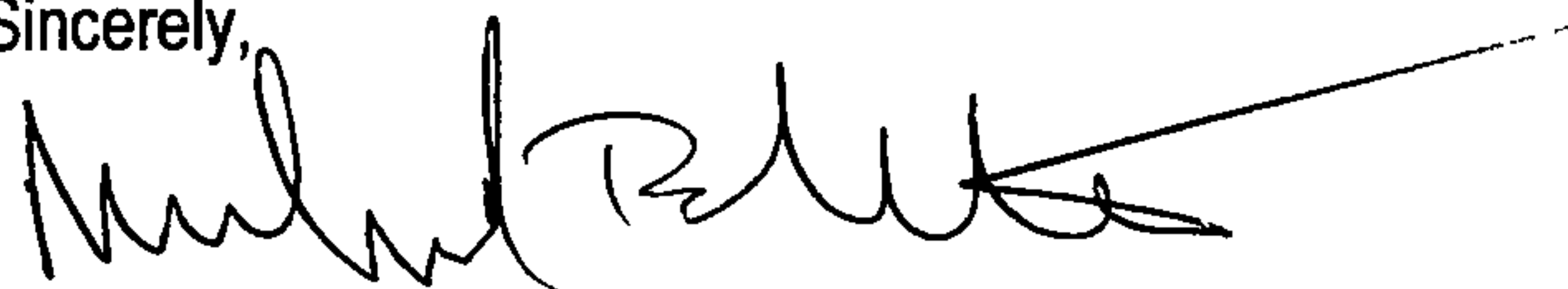
Dear Ms. Grice:

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

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

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

Sincerely,



Michael J. Balaskovits, P.E.
Engineer
Community Development and Planning Group

MJB/cc
Enclosure

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Ms Patty Grice
 206 Fentiman PI SE
 Albuquerque, NM 87105

2. Article Number
(Transfer from service label)

91 7108 2133 3933 4924 7919

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

Courtyard I
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Albuquerque, NM
87109-4335

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voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

January 4, 2008

Ms. Marla Painter
506 Valley High St. SE
Albuquerque, New Mexico 87106

RE: Vacation of Public and Private Easements
Tract 22, Mesa Del Sol Innovation Park

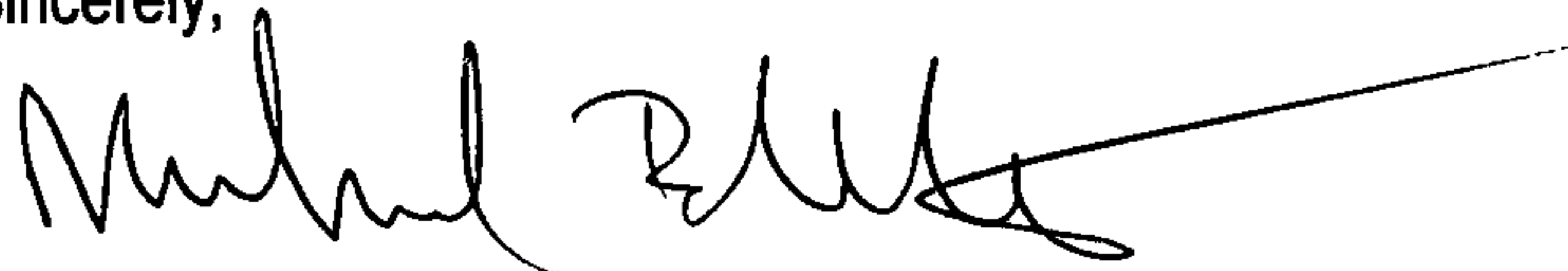
Dear Ms. Painter:

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

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

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

Sincerely,



Michael J. Balaskovits, P.E.
Engineer
Community Development and Planning Group

MJB/cc
Enclosure

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Ms. Mark Painter
506 Valley High St. SE
Albuquerque NM 87106*

2. Article Number
(Transfer from service label)

91 7108 2133 3933 4924 7926

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from JAN. 15, 2008 To JAN. 30, 2008

5. REMOVAL

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

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

[Signature]
(Applicant or Agent)

1/4/07
(Date)

I issued 2 signs for this application, 01/04/08 Sandy Handley
(Date) (Staff Member)

DRB PROJECT NUMBER: 1006539

14

PUBLIC SERVICE COMPANY OF NEW MEXICO
TEMPORARY EASEMENT (ELECTRIC)

THIS EASEMENT IS MADE THIS 17th day of August 2006 by and between

Mesa Del Sol, LLC

(Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO a New Mexico corporation (Grantee), and their successors and assigns

WITNESSETH

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantee a temporary easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain overhead and/or underground facilities for the transmission and distribution of electric power and energy and facilities for fiber optics and other communication purposes. Such facilities may include (but are not limited to) lines, cables, poles, guy wires, anchors, conduits and other equipment, fixures, appurtenances and structures necessary to maintain such facilities on, over, beneath, through and across the easement hereinafter described, together with free access to, from and over said easement, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein, and with the right to utilize the easement to extend services to customers of Grantee, and to trim and remove any trees, shrubs, bushes or vegetation and remove any structures which interfere with the purposes set forth herein. The easement granted herein is within lands situate in Bernalillo County, New Mexico, and is more particularly described as follows, to wit:

PNM ROWT Number 14381

An easement within Tract 4-C, 4-A, Mesa Del Sol, Plat of Tracts 4-A, 4-B, 4-C situate in Section 22, T. 9N., R. 3E., N.M.P.M., Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk of Bernalillo County on June 22, 2006 in Plat Book 2006C, Page 197, and being more particularly described as follows:

Said easement is ten (10) feet wide, being five (5) feet on each side of the electrical power line(s) to be installed on the property described above. For the transformer site, the easement extends to ten (10) feet wide in front of the transformer door and five (5) feet wide on each side of the transformer, as installed on the property described above.

All as generally shown on the drawing attached hereto and made a part hereof as EXHIBIT "A".

Commencing on the date of execution of this Easement and for a period of up to one (1) year thereafter, Grantor grants Grantee the full right to use and occupy the easement for the purposes set forth above. Grantee shall have the option to extend the term of this Easement for additional 6 month term under the same general terms and conditions expressed herein by giving written notice at least seven (7) days before the end of the original term.

Grantor hereby covenants that Grantor is the true and lawful owner of the land described herein. Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect nor construct any building, pool or other structure thereon, nor drill nor operate any well thereon, nor conduct any activity which violates provisions of the National Electric Safety Code. The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgagees, lessees, tenants, successors and assigns of the parties hereto. Grantee shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of, in whole or in part, any interest in the easement, and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantee.

WITNESS My hand this 17 day of August 2006

(SIGNATURE)

Mesa Del Sol, LLC Name: Mike Daly
By: FC Covington Manager, LLC its sole member ACKNOWLEDGMENT Title: Chief Operating Officer
STATE OF NEW MEXICO By: FC Mesa Inc., Its Authorized Member
COUNTY OF BERNALILLO

This instrument was acknowledged before me on August 17 2006

By: Polly E. Lydens Acknowledging the signature of Mike Daly, COO, FC Mesa Inc.

My commission expires 8-12-07
(Seal) Polly E. Lydens
NOTARY PUBLIC
STATE OF NEW MEXICO
Commission Expires: 8-12-07 Notary Public

FOR RECORDER'S USE ONLY

STATE OF _____
COUNTY OF _____
This instrument was acknowledged before me on _____ 20____
By _____
(Name of Officer) (Title of Officer)

Mary Herrera Bernal Co ERSE R 13.00

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Page: 1 of 3
12/14/2006 10:14A
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(Corporation Acknowledgment)

corporation, on behalf of said corporation.
(State of Incorporation)
Said officer hereby acknowledges that s/he is the duly authorized signatory for said corporation.
My commission expires _____
(Seal)

Notary Public

ADDENDUM TO EASEMENT # 14381

This Addendum is attached to and amends the terms of that certain Public Service Company of New Mexico Easement, PNM Project No. 14390. By acceptance of the Easement, Grantees agree as follows:

1. Termination and Reconveyance. If Grantees vacate, abandon or cease to use the Easement Property for the purposes provided in this Easement, upon written request by Grantor, Grantees shall waive and release said Easement and the ownership of the Easement Property will revert to and revest in Grantor and in the successors or assigns of Grantor, as fully and completely as if this Grant of Easement had never been signed by Grantor.

2. Indemnification and Restoration. As part of the consideration for this Grant of Easement, Grantees will indemnify and hold Grantor harmless from any and all liability arising from the negligent use of the Easement by Grantees. After the completion of any operations on the Easement Property, Grantees will restore the surface of the Property to the same condition the Easement Property was in before the start of operations by Grantees, provided that Grantees shall not be liable for restoring the Property when said Property is disturbed due to removal of encroachments that interfere with the rights granted to Grantees under the Easement.

Grantor Initials: XJ
Grantee Initials: ZV

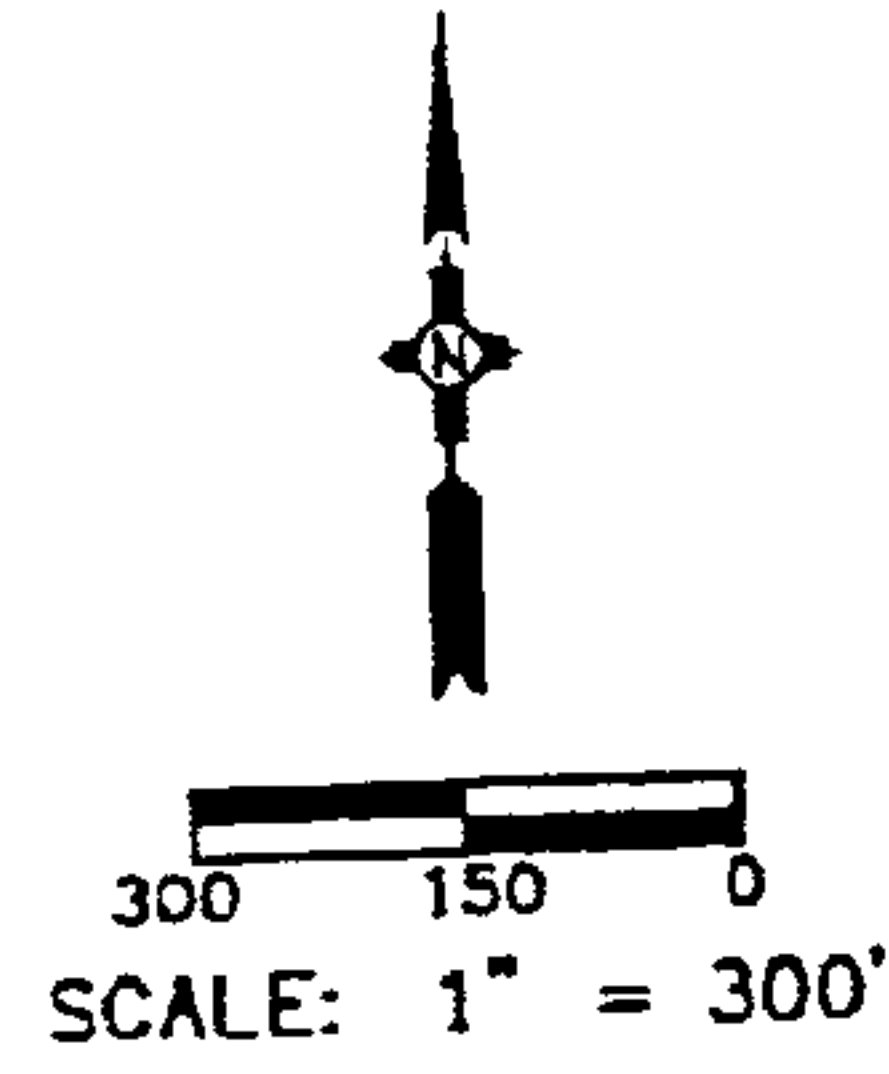


**EXHIBIT "A"
TEMPORARY PNM OVERHEAD EASEMENT**

TRACT 4-C
MESA DEL SOL
TRACTS 4-A, 4-B & 4-C
FILED: JUNE 22, 2006
(2006C-197)

EXISTING 10' PUBLIC
UTILITY EASEMENT
FILED: JUNE 22, 2006
(2006C-197)

S00°07'15"E 538.46'



TRACT 4-A
MESA DEL SOL
TRACTS 4-A, 4-B & 4-C
FILED: JUNE 22, 2006
(2006C-197)

PROPOSED BOBBY
FOSTER ROAD

OPTION
PARCEL

UNIVERSITY BOULEVARD SE

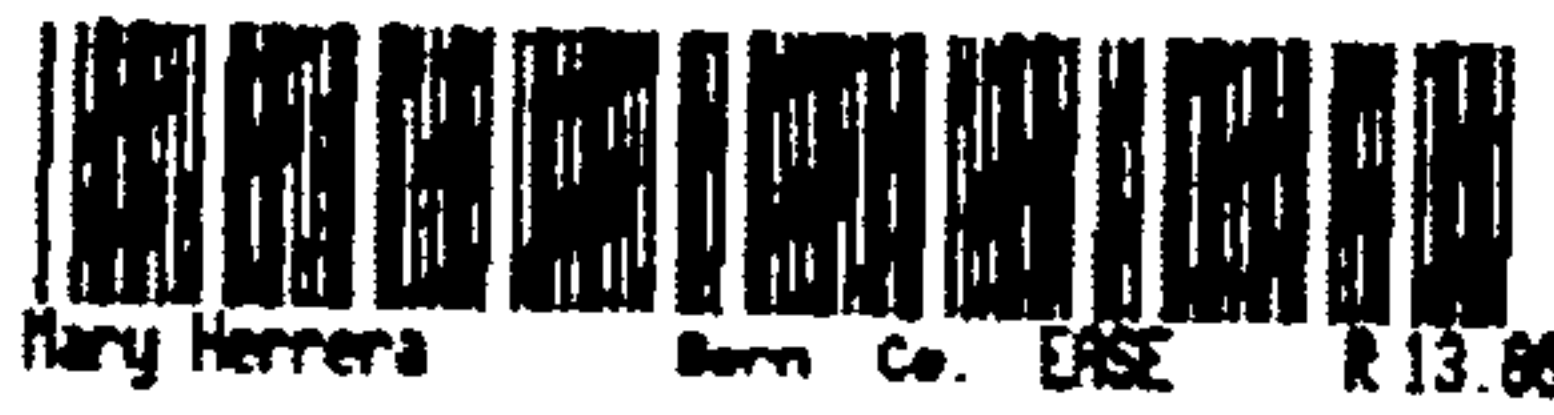
S43°57'36"E 2514.18'

377.5'

22.5'

EXISTING 6.0627 AC.
PUBLIC ROADWAY EASEMENT
FILED: JUNE 22, 2006
(2006C-197)

TRACT 4-B
MESA DEL SOL
TRACTS 4-A, 4-B & 4-C
FILED: JUNE 22, 2006
(2006C-197)



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Page: 3 of 3
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#14381

Bohannon & Huston

Courtyard I 7600 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES

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48709

The Public Service Company of New Mexico Corporation, for consideration of the right, title and interest to the United States of America the right, title and interest of said company in and to the following described easements in Bernalillo County, New Mexico:

The Board of Regents of the University of New Mexico, grantor, to Public Service Company of New Mexico, dated June 4, 1954, approved and assented on June 7, 1954, recorded June 10, 1954, in Vol. D-281, folio 187, records of Bernalillo County, New Mexico;

Mr. and Mrs. R. E. Meyers to Public Service Company of New Mexico, dated June 18, 1954, recorded June 28, 1954, in Vol. D-283 at folio 145, records of this county and state;

Permit for Right-of-Way Easement and Grant of Right-of-Way, Commissioner of Public Lands of the State of New Mexico to Public Service Company of New Mexico, application No. M-4961, State Permit No. 4961, dated May 20, 1954, Vol. D-285, Folio 517.

TO HAVE AND TO HOLD unto the United States of America and its assigns forever.

DATED this 6th day of December, 1954.



PUBLIC SERVICE COMPANY OF NEW MEXICO

By [Signature]

[Signature]
SECRETARY

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

On this 6th day of December, 1954, before me personally appeared D. W. Reeves, to me personally known, who being by me duly sworn, did say that he is Executive Vice President of PUBLIC SERVICE COMPANY OF NEW MEXICO, a corporation organized under the laws of the State of New Mexico, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation, by authority of its board of directors and said D. W. Reeves acknowledged said instrument to be the free act and deed of said corporation.

WITNESS my hand and seal on this the day and year first above written.



Mabel C. Lawson
NOTARY PUBLIC

CERTIFICATE

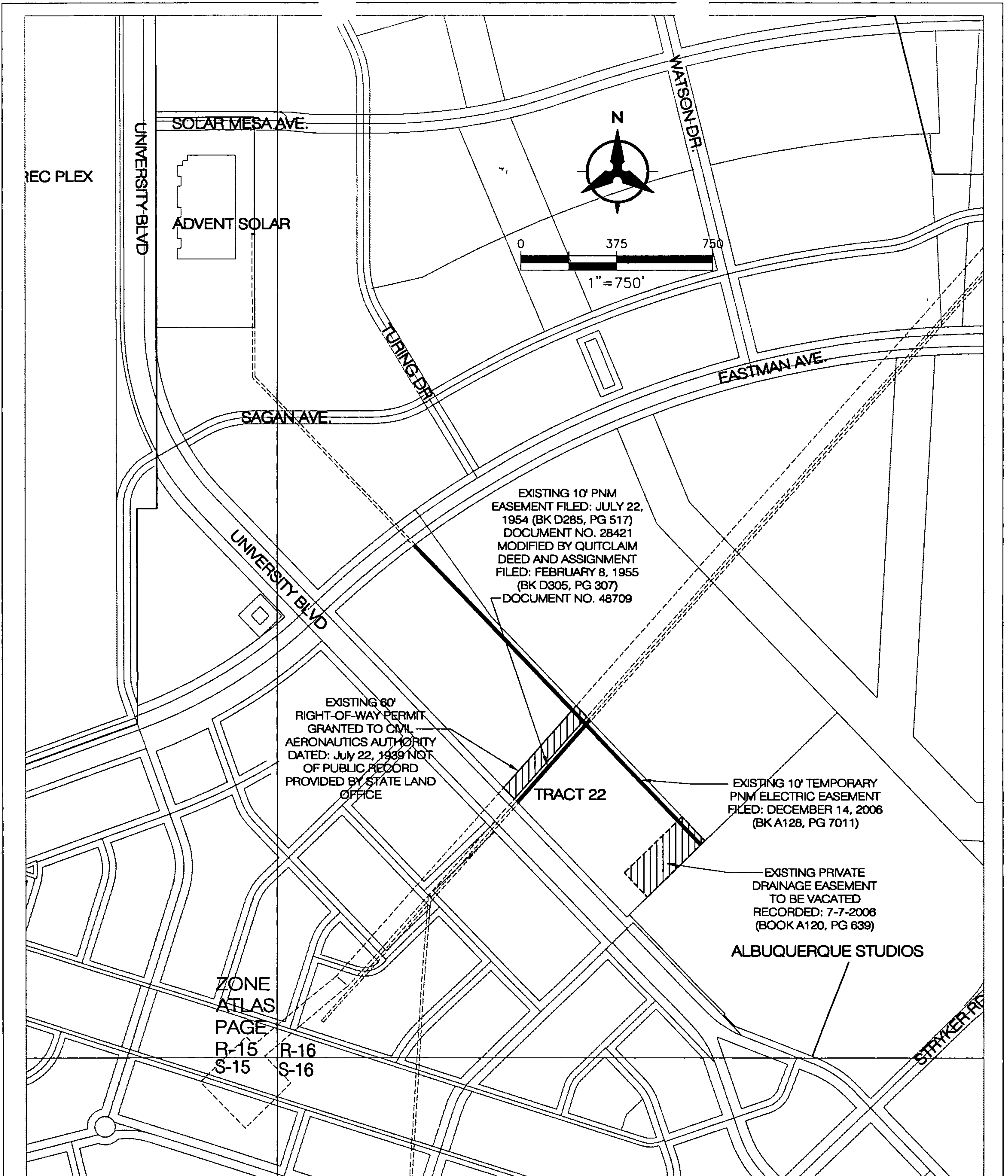
I, R. T. MacBain, certify that I am the
 Secretary of the corporation named as Grantor in the attached deed; that
D. W. Reeves who signed said deed on behalf of the
 Grantor, was then Executive Vice President of said corporation; that
 said deed was duly signed for and in behalf of said corporation by authority
 of its governing body, and is within the scope of its corporate powers.

[Handwritten signature]

 PUBLIC RECORDS
 COUNTY OF BERNILLO, N.M.
 RECORDED
 FEB 8 1955

[Handwritten mark]

State of New Mexico }
 County of Bernalillo, } ss
 This instrument was filed for record on
 1:51 FEB 8 - 1955 0-
 At _____ o'clock _____ m. Recorded in Vol. 305
 of records of said County Folio 307
W. May Clerk & Recorder
 Deputy Clerk
 2-8-55



**EXHIBIT 'A' - TRACT 22
EASEMENT VACATIONS
ZONE ATLAS PAGES**

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

Return To:

1063176RAD
FIDELITY NATIONAL TITLE INSURANCE CO.

①

STORM WATER DETENTION PONDS AND STORM DRAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Mesa Del Sol, LLC, a New Mexico limited liability company ("Grantor"), for good and valuable consideration, the receipt of which is hereby acknowledged, does grant unto Pacifica Mesa Studios, LLC, a California limited liability company ("Grantee"), permanent easements, for purposes of constructing, using and maintaining, in accordance with this Grant, storm-water detention ponds and improvements benefiting the property shown on Exhibit A as the Albuquerque Studios Site and described in Exhibit E (the "Dominant Estate") over the premises described as follows, to-wit:

- (a) See Exhibit A attached hereto (the "Regional Pond"), on the real property described in Exhibit B attached; and
- (b) See Exhibit A attached hereto ("Detention Pond 1"), on the real property described in Exhibit C attached; and
- (c) See Exhibit A attached hereto ("Detention Pond 2"), on the real property described in Exhibit D attached.

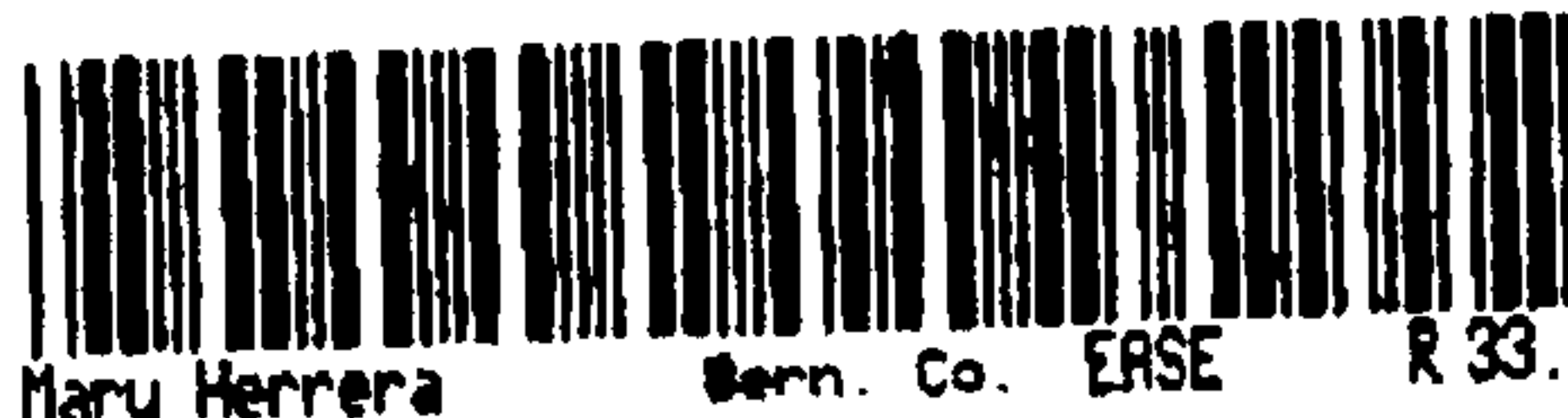
In addition to the foregoing, Grantor grants to Grantee a temporary construction easement on the real property labeled as such in Exhibit A attached hereto. This temporary construction easement herein granted shall be effective only for and during the time of the initial construction of the Regional Pond, Detention Pond 1, Detention Pond 2, and the Storm Drain.

Grantee, in consideration of the above, and of the terms and conditions herein stated, grants unto Grantor a permanent easement, for purposes of maintaining, in accordance with this Grant, a storm drain over the premises shown on Exhibit A attached hereto and marked as "Studio Storm Drain" ("Storm Drain").

TO HAVE AND TO HOLD the above-described easements unto Grantee and Grantor, as stated above, in accordance with the conditions and covenants as follows:

(1) Grantee is responsible for the construction of the Regional Pond, Detention Pond 1, Detention Pond 2, and the Storm Drain. The Regional Pond, Detention Pond 1, Detention Pond 2, and the Storm Drain shall be constructed in accordance with the drainage plan for such prepared by Bohannon-Huston (two sheets submitted to the City for rough grading approval) dated 6/9/06 and stamped 6/6/06) as revised and accepted by the City (the "Drainage Plan").

(2) Each contractor hired by Grantee to construct the Regional Pond, Detention Pond 1, and Detention Pond 2 shall be licensed New Mexico contractors who shall provide Grantor, prior to the commencement of any work to construct the Regional Pond, Detention Pond 1, and Detention Pond 2, a Certificate of Insurance which contains



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Page: 1 of 13
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a provision for notification to Grantor thirty (30) days in advance of any material change in coverage or cancellation, and which certificate names Grantor as an additional insured under the Commercial General Liability policy. The insurance provided on each contractor's Certificate of Insurance shall include the following insurance coverages:

(i) Commercial General Liability Insurance, with bodily injury limits of not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage; and

(ii) Auto Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the construction of the Regional Pond, Detention Pond 1, and Detention Pond 2, with bodily injury limits of liability of not less than \$1,000,000 per person; and \$1,000,000 per occurrence and property damage limits of not less than \$1,000,000.

In addition, each contractor shall provide evidence that it has in place Worker's Compensation in accordance with New Mexico Statutory limits.

(3) Grantee shall hold Grantor harmless and save Grantor from agrees to indemnify and save harmless Grantor, its officers, agents, and employees, from and against any and all liability, claims, demands, damages, fines, fees, expenses, penalties, suits, proceedings, actions and cost of actions, including attorney's fees for trial and on appeal, of any kind and nature arising or growing out of or in any way connected with the construction of the Regional Pond, Detention Pond 1, and Detention Pond 2, other than for claims resulting from Grantor's negligent or intentional actions or as proscribed by Section 56-7-1 NMSA 1978 Comp. This indemnity shall only apply to and cover liabilities, claims, demands, damages, fines, fees, expenses, and penalties arising during the initial construction of the Regional Pond, Detention Pond 1, and Detention Pond 2 and shall expire upon substantial completion of the work to construct the Regional Pond, Detention Pond 1, and Detention Pond 2 by Grantee excepting any claim, demand, damage, fine, fee, expense or penalty, thereafter stated, that arose during such construction.

(4) Grantee shall have in place and maintain during the construction of the Regional Pond, Detention Pond 1, and Detention Pond 2 a Storm Water Pollution Prevention Plan ("SWPPP") in accordance with a National Pollutant Discharge Elimination System General Permit for Construction Activity ("Permit") for the Dominant Estate. Upon substantial completion of the Regional Pond, Detention Pond 1, and Detention Pond 2, Grantee will issue a letter terminating the SWPPP and the Permit as such pertains to the Regional Pond, Detention Pond 1, and Detention Pond 2.

(5) The cost of maintaining the Regional Pond, Detention Pond 1, Detention Pond 2, and the Storm Drain (including the cost of general public liability insurance) shall be shared by Grantor, Grantee and any other party making use of such improvements based on acreage of each parcel of land benefited by the use of such improvements (herein, said formulae the "Benefit Basis"). For example, if Detention

Pond 1, as constructed, accommodates and benefits only the Benefited Area, as shown on Exhibit A, by detaining storm water that would otherwise flow onto the Dominant Estate, but the Storm Drain, as constructed, accommodates and benefits both the Benefited Area and the Dominant Estate by accepting water from the Detention Ponds and from the Dominant Estate, owner(s) of the Benefited Area shall bear the entire cost of the maintenance of Detention Pond 1, and the owners of the Benefited Area and the Dominant Estate shall share the cost of maintenance of the Storm Drain proportionately based on the acreage of the land benefited by the Storm Drain. If the Detention Ponds and/or Regional Pond are later expanded to accommodate more benefited land, the maintenance of such, as altered, shall be shared by the owners benefited by such improvements in proportion to the amount of acreage benefited. The parties may, by agreement, assign the maintenance obligations arising under this Grant to an owners' association formed by Grantor.

(6) Grantor and Grantee shall share, on a Benefit Basis, the cost of the initial construction of the Regional Pond, Detention Pond 1, Detention Pond 2 and Storm Drain, once such are substantially completed by Grantee. From and after substantial completion of the Regional Pond, Detention Pond 1, and Detention Pond 2, Grantor shall have the right, following the initial construction of Regional Pond, Detention Pond 1, Detention Pond 2 and Storm Drain, as contemplated in the construction drawings attached hereto as Exhibit A), to make changes and additions to the Regional Pond, Detention Pond 1, Detention Pond 2 and Storm Drain provided that such changes and/or additions do not negatively impact the storm water detained for the benefit of the Dominant Estate, with the cost of such to be shared on a Benefit Basis once such changes and additions are substantially completed. Grantee retains the right to alter, reconstruct and, if appropriate, relocate the Storm Drain Easement provided such does not negatively impact the Benefited Area. If and when the Storm Drain is no longer necessary for detention of water that would otherwise flow from the Benefited Area onto the Dominant Estate, Grantee and Grantor agree, by written instrument, to terminate the permanent easement herein created for the Storm Drain.

The permanent easements shall include, for the benefit of Grantee, during the construction of the Regional Pond, Detention Pond 1, and Detention Pond 2, the right to cut and remove from said easement any trees, shrubs and other obstructions which may interfere with the construction of the Regional Pond, Detention Pond 1, and Detention Pond 2; the right to remove dirt excavated as a result of the construction of the Regional Pond, Detention Pond 1, and Detention Pond 2 and, with respect thereto, use such to balance the site that comprises the Dominant Estate, at no cost to the Grantee; and the right of ingress and egress to and over said above-described premises at any and all times for the purpose of inspecting and maintaining the open drainage detention basin.

Grantor shall have the right to relocate and/or reconfigure Detention Ponds 1 and 2 so long as the drainage characteristics of the storm drainage waters flowing from the Grantor's property onto the Dominant Estate are not altered from those shown in the Drainage Plan.

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Page: 3 of 13
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Grantee, upon substantial completion of Regional Pond, Detention Pond 1, and Detention Pond 2, shall restore the premises of Grantor, and any improvements disturbed by Grantee, other than in the areas wherein the Regional Pond, Detention Pond 1, and Detention Pond 2 have been installed, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and natural vegetation.

This Grant of Easements is intended to benefit the parcel of land acquired by Grantee from Grantor shown in Exhibit A hereto as the Albuquerque Studio Site and legal described in Exhibit E hereto and any other parcel of land hereafter described by supplemental Grant of Easement executed by both Grantor and Grantee (the "Dominant Estate").

This Grant of Easements may be executed in duplicate original counterpart.

IN WITNESS WHEREOF, Grantor has executed and delivered this Grant of Easements the date and year stated below.

Dated: June 23, 2006

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

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

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

By: 
Harry Relkin
Director of Land Development

Dated: June 23, 2006

Pacifica Mesa Studios, LLC,
A California limited liability company

By _____

Its: _____



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Page: 4 of 13
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Grantee, upon substantial completion of Regional Pond, Detention Pond 1, and Detention Pond 2, shall restore the premises of Grantor, and any improvements disturbed by Grantee, other than in the areas wherein the Regional Pond, Detention Pond 1, and Detention Pond 2 have been installed, to as good condition as they were prior to any such installation or work, including the restoration of any topsoil and natural vegetation.

This Grant of Easements is intended to benefit the parcel of land acquired by Grantee from Grantor shown in Exhibit A hereto as the Albuquerque Studio Site and legal described in Exhibit E hereto and any other parcel of land hereafter described by supplemental Grant of Easement executed by both Grantor and Grantee (the "Dominant Estate").

This Grant of Easements may be executed in duplicate original counterpart.

IN WITNESS WHEREOF, Grantor has executed and delivered this Grant of Easements the date and year stated below.

Dated: June 23, 2006

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

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

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

By: 
Harry Relkin
Director of Land Development

Dated: June ²⁴23, 2006

Pacifica Mesa Studios, LLC,
A California limited liability company

By: 

Its: 



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Page: 5 of 13
07/07/2006 11:05A
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STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on June 23, 2006, by Harry Relkin as Director of Land Development of FC Mesa, Inc., a New Mexico limited liability company as Managing Member FC Covington Manager, LLC, a New Mexico limited liability company, as Managing Member of Mesa Del Sol, LLC, a New Mexico limited liability company

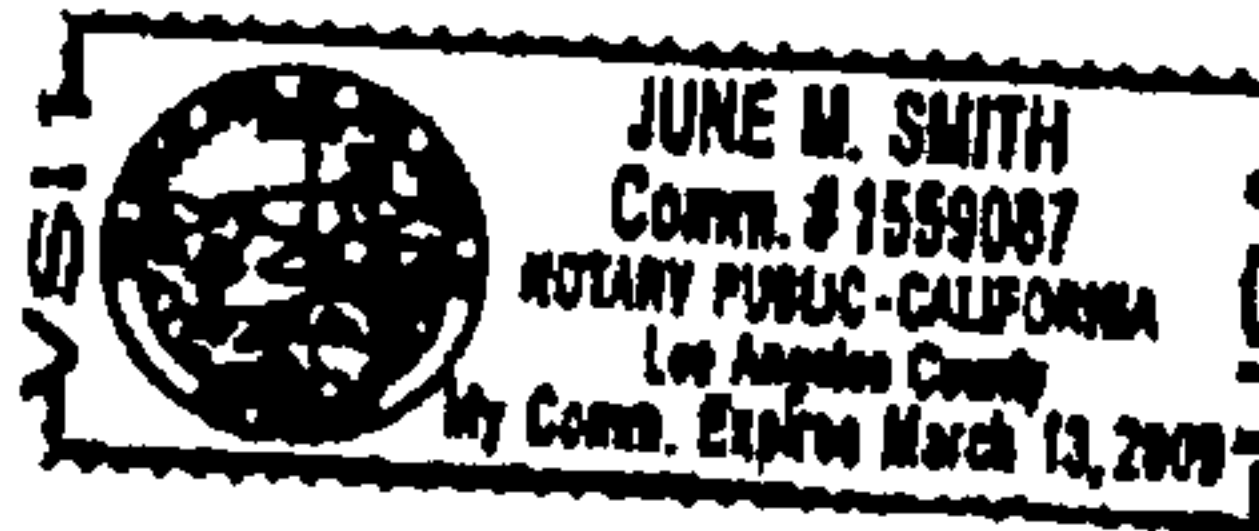
WITNESS my hand and official seal.

Karen L. Papman
Notary Public (Seal)
My Commission Expires
11-18-2009
California
State of ~~New Mexico~~)
Los Angeles)ss
County of ~~Bernalillo~~)

This Grant of Easement was acknowledged on this ^{26th} 23rd day of June, 2006, by Harold A. Katersky, as Manager of Pacifica Mesa Studios, LLC, a California limited liability company, on behalf of said company.

Jennifer Smith
Notary Public

My Commission Expires: 3/13/09



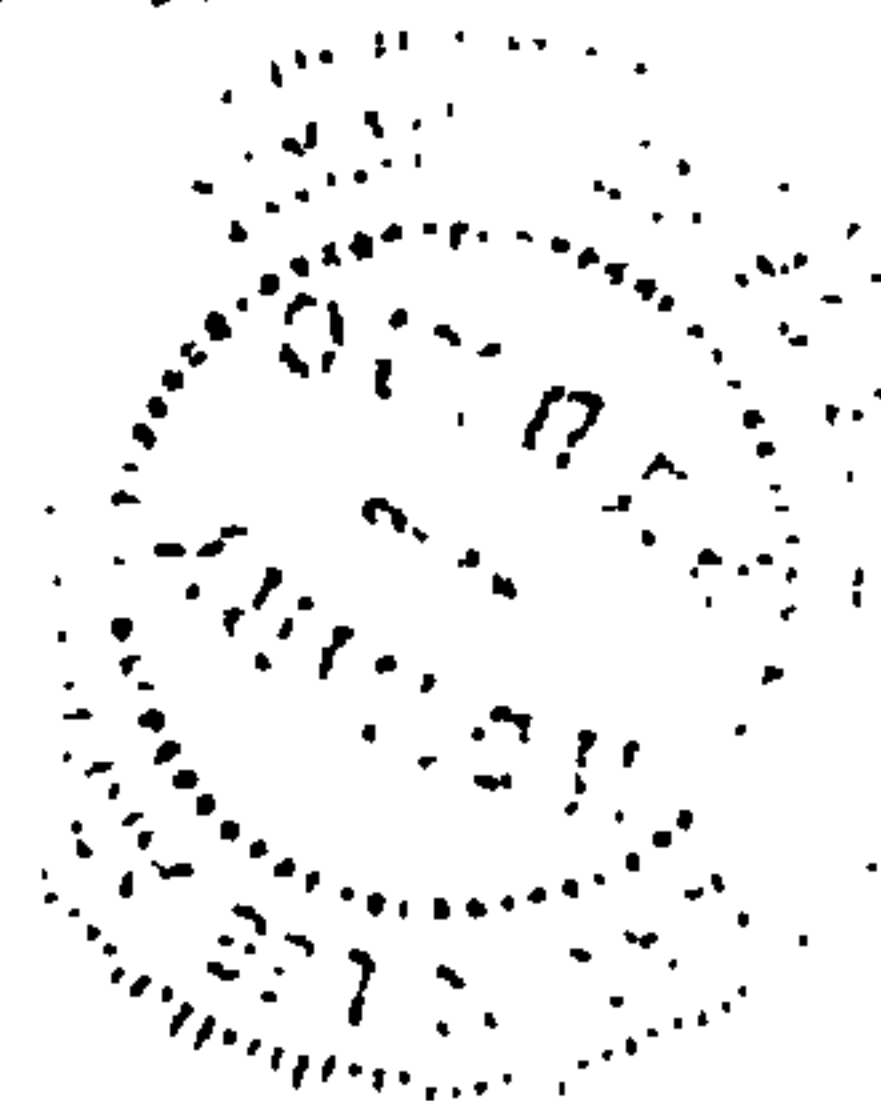
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STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on June 23, 2006, by Harry Relkin as Director of Land Development of FC Mesa, Inc., a New Mexico limited liability company as Managing Member FC Covington Manager, LLC, a New Mexico limited liability company, as Managing Member of Mesa Del Sol, LLC, a New Mexico limited liability company

WITNESS my hand and official seal.

[Handwritten Signature]
Notary Public (Seal)
My Commission Expires 11-18-2009



State of New Mexico)
) ss
County of Bernalillo)

This Grant of Easement was acknowledged on this 23rd day of June, 2006, by _____, as _____ of Pacifica Mesa Studios, LLC, a California limited liability company, on behalf of said company.

Notary Public

My Commission Expires: _____


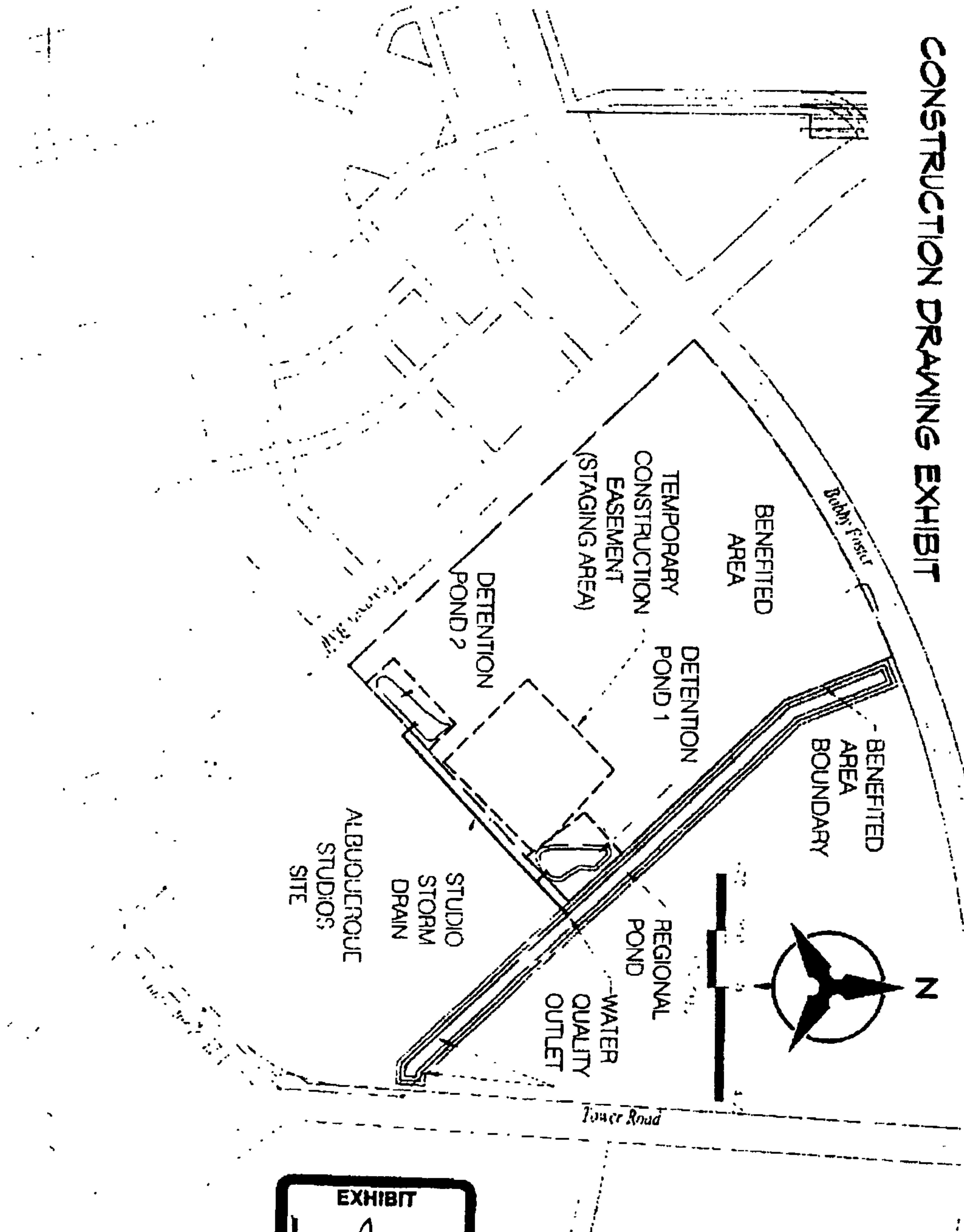

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Page: 7 of 13
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Exhibit A
Construction Drawing

CONSTRUCTION DRAWING EXHIBIT



Maru Herrera

Bern. Co. EASE

R 33.00

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Page: 8 of 13
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**Exhibit B
Legal Description of Land within Regional Pond**

**EXHIBIT "B"
DRAINAGE EASEMENT**

DESCRIPTION

A certain tract of land situated within Sect 37 22, Township 8 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising a portion of Tract 4-A of PLAT OF MESA DEL SOL, TRACTS 4-A, 4-B & 4-C, Albuquerque, New Mexico as the same is shown and delineated on the plat thereof recorded in the office of the County Clerk of Bernalillo County, New Mexico on June 22, 2008 at Book 20780, Page 157 as Document No. 2008082670 and being more particularly described by New Mexico State Plane (NAD 83) and ground distances as follows:

BEGINNING at a point being the most easterly corner of the tract herein described, whence the City of Albuquerque survey monument 11-R19, 1984, having New Mexico State Plane Grid coordinates for the Central Zone; X=1,633,242.82E, Y=1,453,830.35N bears N08°46'38"E a distance of 1734.94 feet, thence S38°17'38"W a distance of 100.00 feet to a point being the most southerly corner of the tract herein described, also being the most easterly corner of Tract 4-B of said PLAT OF MESA DEL SOL, TRACTS 4-A, 4-B & 4-C, thence along the north boundary of said Tract 4-B N48°42'58"W a distance of 100.00 feet to a point, thence S43°57'38"W a distance of 1832.15 feet to a point being the most westerly corner of the tract herein described; thence S22°41'50"W a distance of 400.00 feet to a point of curvature; thence S20°31'42"W along the arc of a non-circular curve to the right having a radius of 3744.32 feet and a chord bearing N88°02'05"E a distance of 100.00 feet and an interior angle of 01°31'48" to a point of non-tangency and being the most northerly corner of the tract herein described; thence S22°41'50"W a distance of 379.82 feet to a point; thence S41°57'38"W a distance of 1774.47 feet to a point; thence N48°42'58"W a distance of 61.85 feet to the point and place of beginning.

TOGETHER WITH 6.2204 acres, more or less.

SURVEYOR'S CERTIFICATION

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

Alan R. Bernham
Alan R. Bernham
New Mexico Professional Surveyor No. 15700

Date 06/23/06



Bohannon & Huston

1800 Jefferson Blvd NE, Albuquerque, NM 87103-4136
ENGINEERING SPATIAL DATA ADVANCED TECHNOLOGIES

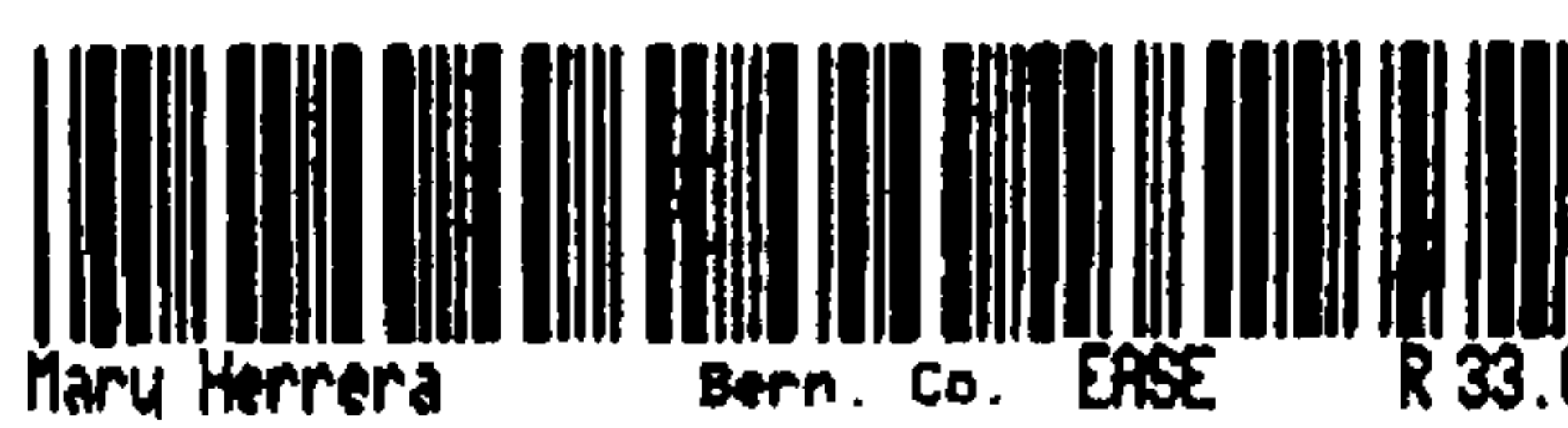
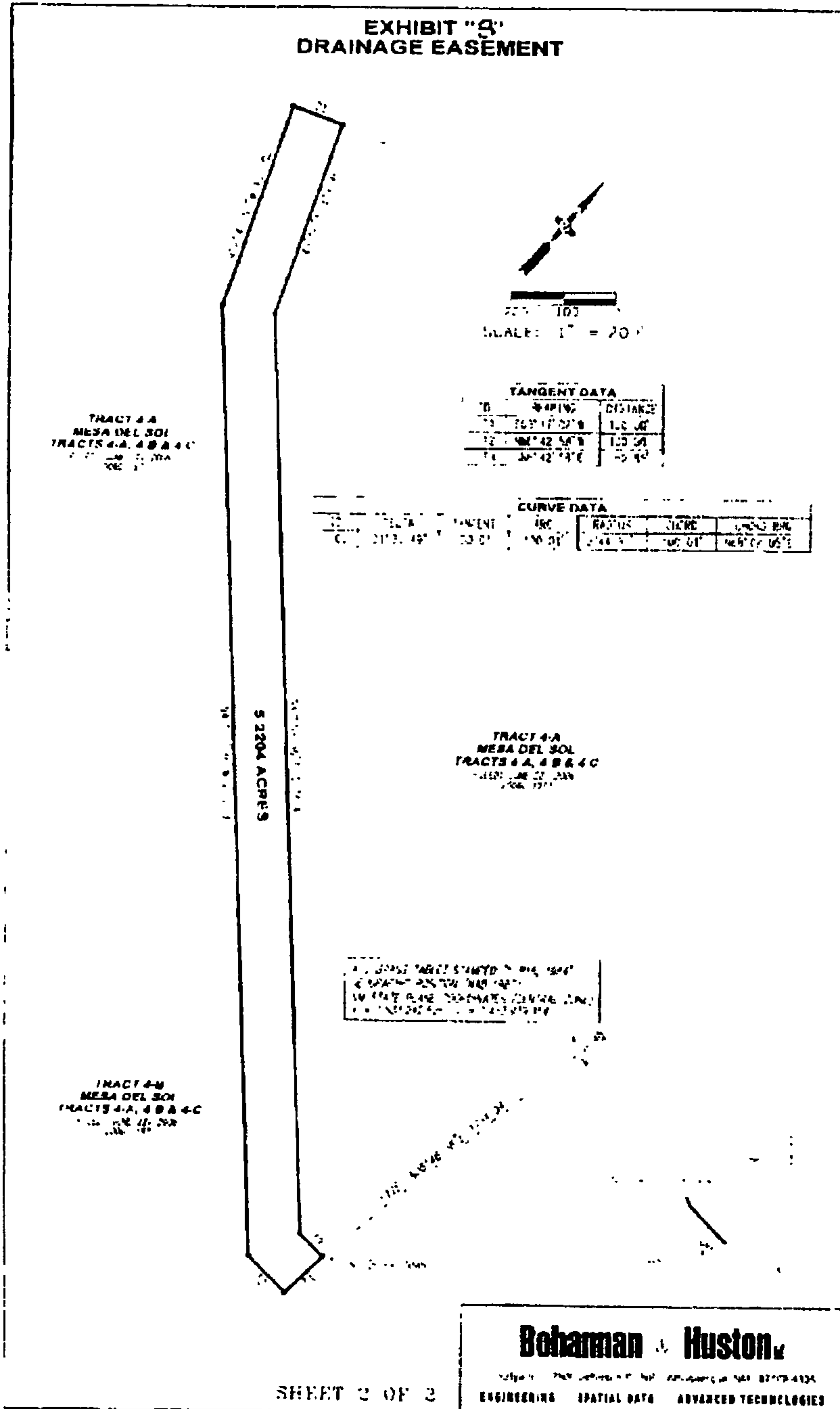
SHEET 1 OF 2



Maru Herrera Bern Co. ERSE R 33.00

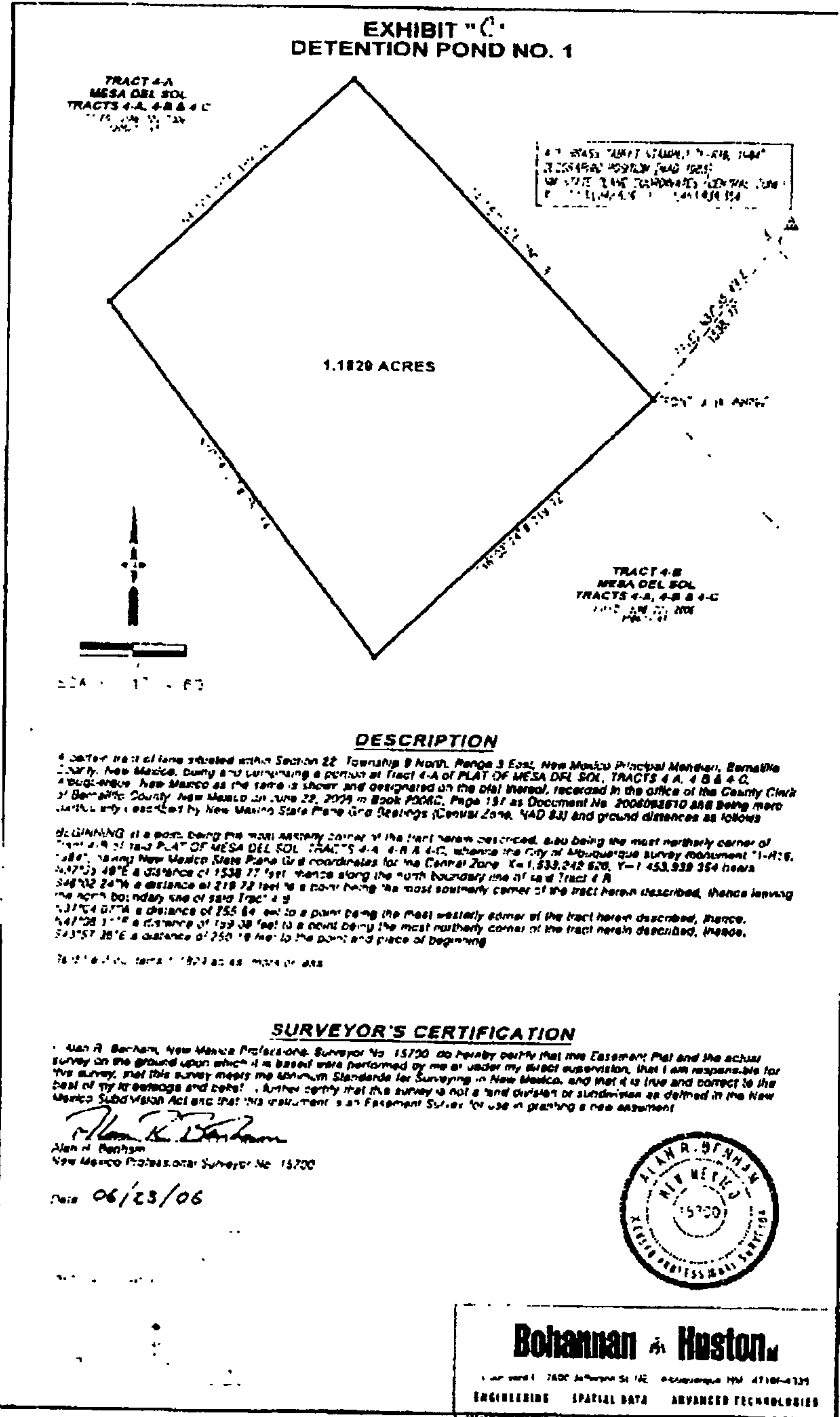
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Page: 9 of 13
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**EXHIBIT "G"
DRAINAGE EASEMENT**



2006100923
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Page: 10 of 13
07/07/2006 11:05A
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Exhibit C
Legal Description of Land within Detention Pond 1



DESCRIPTION

to better part of land situated within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and containing a portion of Tract 4-A of PLAT OF MESA DEL SOL, TRACTS 4-A, 4-B & 4-C, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on June 29, 2004 in Book 2006C, Page 157 as Document No. 2004062870 and being more particularly described by New Mexico State Plane Grid Bearings (CONUS Zone, NAD 83) and ground distances as follows:

BEGINNING at a point being the most northerly corner of the tract herein described, also being the most northerly corner of Tract 4-A of PLAT OF MESA DEL SOL, TRACTS 4-A, 4-B & 4-C, whence the City of Albuquerque survey monument "1-N-16," having New Mexico State Plane Grid coordinates for the Central Zone: X=1,533,242.620, Y=1,453,939.354 bears S47°23'48"E a distance of 1338.77 feet, thence along the north boundary line of said Tract 4-A S48°02'24"W a distance of 218.72 feet to a point being the most southerly corner of the tract herein described, thence leaving the north boundary line of said Tract 4-A

S37°04'07"W a distance of 255.64 feet to a point being the most westerly corner of the tract herein described, thence, S47°28'31"W a distance of 199.38 feet to a point being the most northerly corner of the tract herein described, thence, S43°57'38"E a distance of 250.18 feet to the point and place of beginning.

78.12 feet, same as mark of area.

SURVEYOR'S CERTIFICATION

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

Alan R. Bertram
 Alan R. Bertram
 New Mexico Professional Surveyor No. 15700

Date 06/23/06



Bohannon & Huston

1000 West 7400 Jefferson Street Albuquerque, NM 87106-4329
 ENGINEERING SPATIAL DATA ADVANCED TECHNOLOGIES



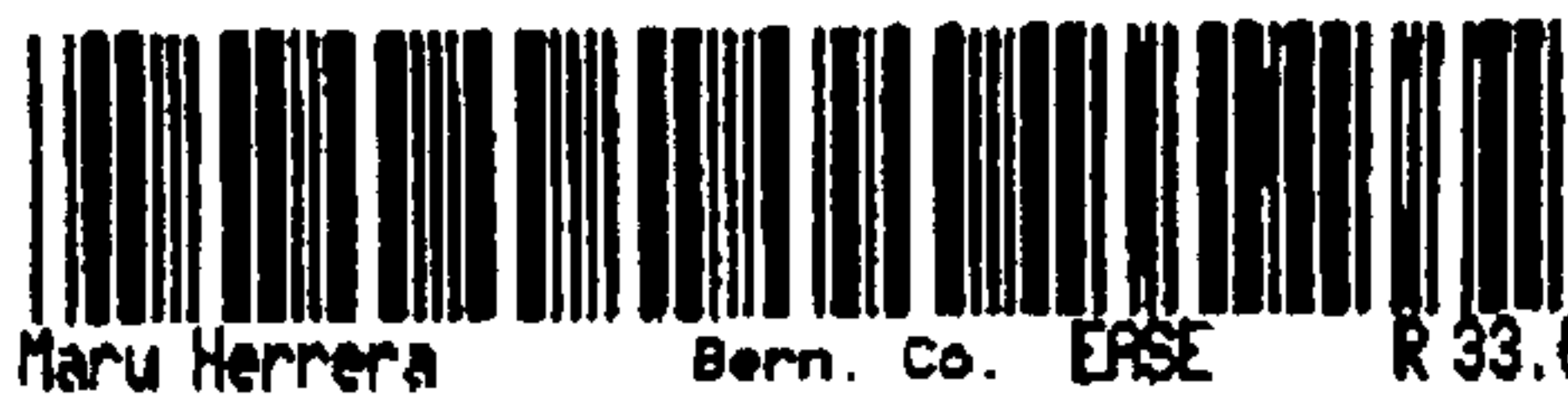
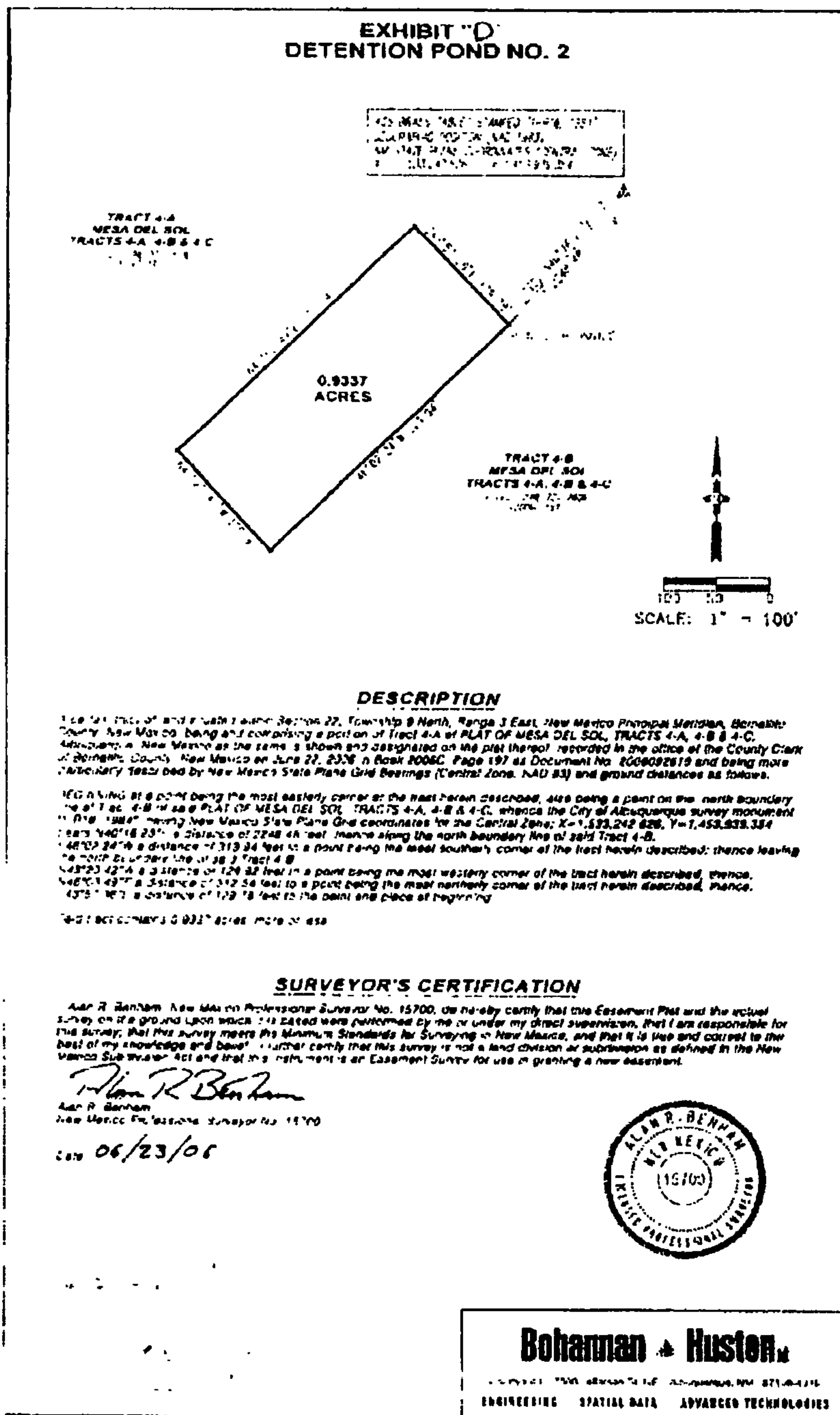
Maru Herrera

Bern. Co. EASE

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 Page: 11 of 13
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**Exhibit D
Legal Description of Land within Detention Pond 2**



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Page: 12 of 13
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Exhibit E
Legal Description of Land comprising Dominant Estate

TRACT 4-B of PLAT OF TRACTS 4-A, 4-B & 4-C, MESA DEL SOL, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on June 22, 2006, in Book 2006-C, Page 197.

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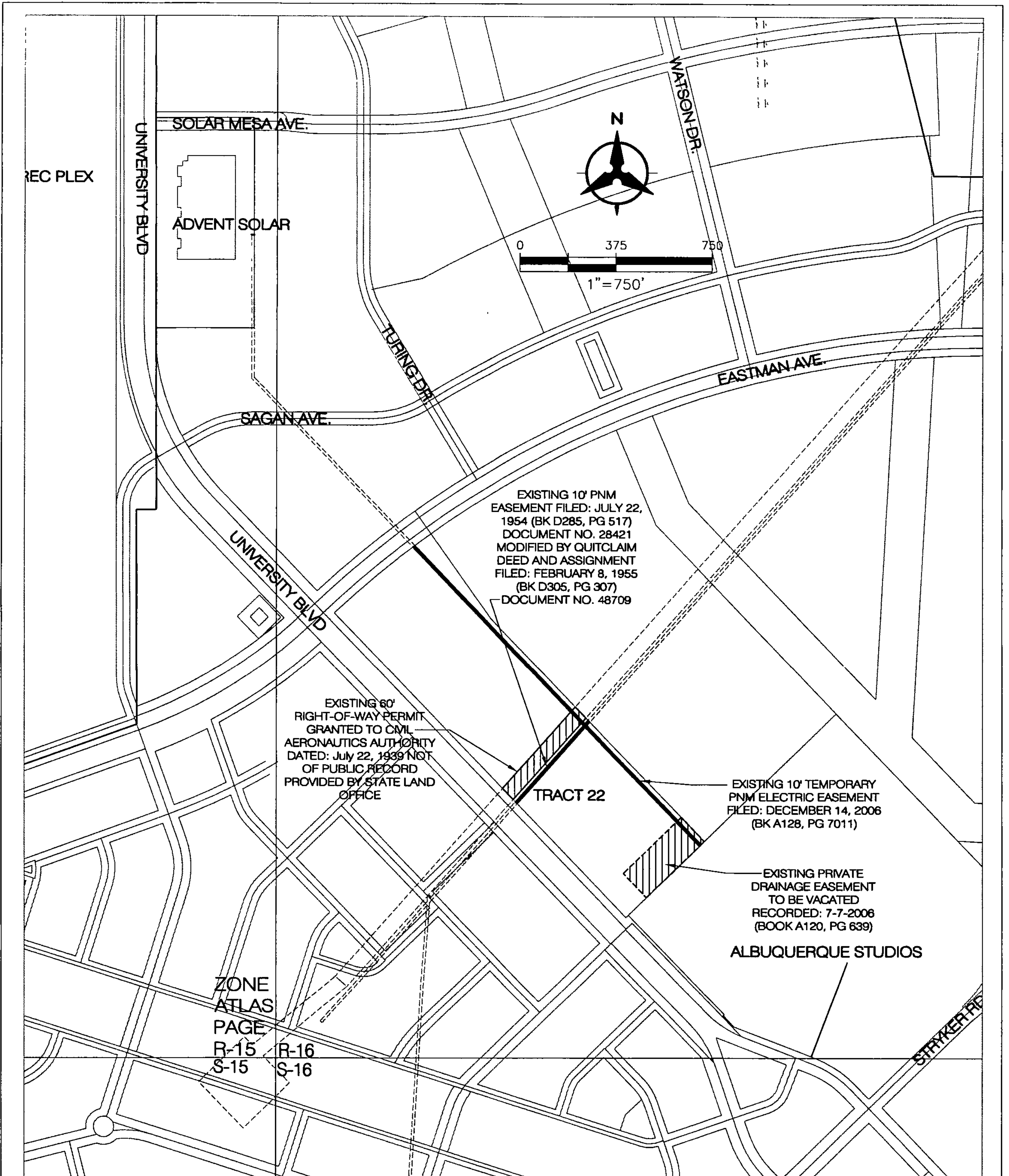


Maru Herrera

Bern. Co. EASE

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Page: 13 of 13
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**EXHIBIT 'A' - TRACT 22
EASEMENT VACATIONS
ZONE ATLAS PAGES**

12''

Bohannon & Huston

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

PRIVATE

PUBLIC
EASEMENTS