

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

Meeting Date: October 1, 2008
Zone Atlas Page: H-17
Notification Radius: 100 Ft.

Project# 1006549
App# 08DRB-70385

**Cross Reference and Location: MENAUL BLVD NE BETWEEN CARLISLE
BLVD NE AND SOLANO DR NE**

Applicant: BRUCE WALKOWSKI
BENCOR
9400 HOLLY AVE NE BLDG 2 STE 202
ALBUQUERQUE, NM 87122

Agent: SURVEYS SOUTHWEST LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Special Instructions:

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

Date Mailed: SEPTEMBER 12, 2008
Signature: ERIN TREMLIN



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation of PUBLIC & PRIVATE UTILITY EASEMENT
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0305
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: BENCOR, BRUCE WALKOWSKI PHONE: 797-6670
 ADDRESS: 9400 HOLLY AVE NE, BLDG 2, SUITE 202 FAX: _____
 CITY: ALBU STATE NM ZIP 87122 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: N/A

DESCRIPTION OF REQUEST: TO VACATE PUBLIC & PRIVATE UTILITY EASEMENT (RESERVED) IN THE VACATED ALLEY (V-1751, JULY 5, 1960).

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: ADJACENT TO TRACT Z Block: N/A Unit: N/A
 Subdiv/Addn/TBKA: MILLS & SOREN SUBDIVISION
 Existing Zoning: C-2 Proposed zoning: N/A
 Zone Atlas page(s): H-17-Z UPC Code: 1-017-054-031-245-31035 MRGCD Map No: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): V-240, Z-759, 07DRB-70061 Proj # 1006549, 07DRB-70195, V-273

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): 1.6600 AC.
 LOCATION OF PROPERTY BY STREETS: On or Near MENARD BLVD NE
 Between: CARLISLE BLVD NE and SOLANO BLVD NE

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

SIGNATURE Sarah Gibson DATE 9.03.08
 (Print) SARAH GIBSON 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	Action	S.F.	Fees
<u>08-DRB-703845</u>	<u>VPE</u>	<u>✓</u>	<u>\$ 45.00</u>
_____	<u>ADV</u>	_____	<u>\$ 75.00</u>
_____	<u>CME</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Hearing date 10/01/08

Total \$ 140.00

Candy Handley 09/05/08
 Planner signature / date

Project # 1006549

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.

Sarah Gibson
Sarah Gibson Applicant name / print
9.03.08 Applicant signature / date



Form revised 4/07

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

Application case numbers
08DEB-70385

Sandy Handley 09/05/08
 Planner signature / date
 Project # 1006549

Rec	UPC	OWNER	OWNADD	OWN CITY	OWNS STATE	OWN ZIP CODE	PROP CLASS	TAX DIST	LEGALDESC	ACRES	OBJECT ID
1	1017 0590 3124 5310 5310 35	BENCOR/CARLISLE LIMITED PARTNERSHIP ATT N: JON GORSKI	90 S CASCADE AVE SUITE 330	COLORADO SPRINGS	CO	80903	C	A1A	TRACT Z MILLS AND BOREN SUBDIVISION A REPLAT OF LOTS 7 TO 15 INCLUSIVE PORTION OF LOT 16 AND TRACT A CONT 1.6428 AC M/L	1.62189026	59545
2	1017 0590 5424 5310 29	CRANDELL LEROY D TRUSTEE CRANDELL LIVING TRUST	9531 GIDDINGS AVE NE	ALBUQUERQUE	NM	87109	C	A1A	THE NORTHERLY 295.60FT OF TRACT B TIMOTEO CHAVEZ ADDN	1.45606528	59554
3	1017 0590 5518 7310 30	APHM CARLISLE LLC	8910 UNIVERSITY CENTER LN SUITE 100	SAN DIEGO	CA	92122	C	A1A	TRS 1, 2, & 3 UNIT 1 TOGETHER WITH TRS 4, 5 & 6A UNIT 2 DALE J. BELLAM AHS CARLISLE REPLAT CONT 11.0727 AC	11.12314151	74246
4	1016 0595 1422 5417 19	NEW MEXICO STATE POLICE BOARD	PO BOX 1628	SANTA FE	NM	87501	C	A1A	TRACT C-1, PLAT FOR JOSEPH REALTY PARCELS A-1, A-2, C-1 & C-2, EXCEPT AN EASTERLY PORTION TO RW CONT. 1.68 AC.	1.66610455	74247
5	1017 0590 6729 6201 10	HERRMANN ODELIA B ETAL TR OF ADRIAN J & L EILA B JOHNSON RVT C/O AAMS (LESSEE)	4711 W GOLF RD SUITE 1000	SKOKIE	IL	60076	C	A1A	TRACT C-1A A J JOHNSON PROPERTY CONT 13.6162 AC +-	13.31620829	72718
6	1016 0595 1625 2417 21	RABADI SHARIF A & SAMIA TRUSTEES STAR TRUST	120 WYOMING SE	ALBUQUERQUE	NM	87123	C	A1A	PARCEL B-1 PLAT FOR JOSEPH REAY TR PARCELS B-1 & B-2 CONT 16,483 SQ FT +/- 0.3784 AC +-	0.37950271	72193
7	1017 0590 1425 1310 34	BOREN 2536 LLC	11400 SANTA MONICA DR NE	ALBUQUERQUE	NM	87122	C	A1A	LOTS 1 THRU 6 MILLS AND BOREN SUBDIVISION CONT .5048 AC	0.5050446	59542
8	1016 0594 9523 3417 22	NEW MEXICO STATE POLICE BOARD	PO BOX 1628	SANTA FE	NM	87501	V	A1A	PARCEL A-1 EXC THE NLY 125 FT OF PLAT FOR JOSEPH REAY TR PARCELS A-1, A-2, C-1 & C-2 CONT 1.3560 AC M/L OR 59,067 SQ FT M/L	1.37047187	66469

OR CURRENT RESIDENT
101705905518731030
APHM CARLISLE LLC
8910 UNIVERSITY CENTER LN SUITE
100
SAN DIEGO, CA 92122

OR CURRENT RESIDENT
101705905424531029
CRANDELL LEROY D TRUSTEE
CRANDELL LIVING TRUST
9531 GIDDINGS AVE NE
ALBUQUERQUE, NM 87109

OR CURRENT RESIDENT
101605951625241721
RABADI SHARIF A & SAMIA
TRUSTEES STAR TRUST
120 WYOMING SE
ALBUQUERQUE, NM 87123

Project# 1006549
BARB JOHNSON
Bel-Air NA
2700 HERMOSA NE
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT
101705903124531035
BENCOR/CARLISLE LIMITED
PARTNERSHIP ATTN: JON GORSKI
90 S CASCADE AVE SUITE 330
COLORADO SPRINGS, CO 80903

OR CURRENT RESIDENT
101705906729620110
HERRMANN ODELIA B ETAL TR OF
ADRIAN J & LEILA B JOHNSON RVT
C/O AAMS (LESSEE)
4711 W GOLF RD SUITE 1000
SKOKIE, IL 60076

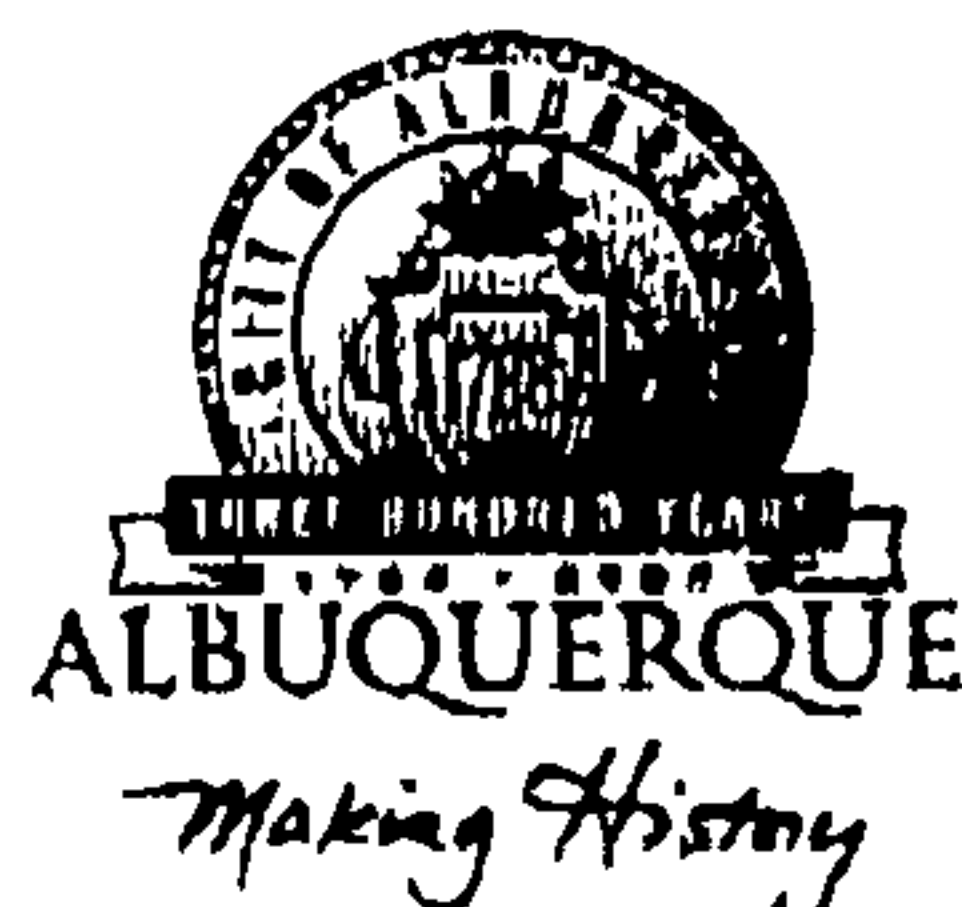
Project# 1006549
SURVEYS SOUTHWEST LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Project# 1006549
MS LEE JULIAN
2724 MONROE NE
ALBUQUERQUE., NM 87110

OR CURRENT RESIDENT
101705901425131034
BOREN 2536 LLC
11400 SANTA MONICA DR NE
ALBUQUERQUE, NM 87122

OR CURRENT RESIDENT
101605951422541719
NEW MEXICO STATE POLICE BOARD
PO BOX 1628
SANTA FE, NM 87501

Project# 1006549
BENCOR WALKOWSKI
9400 HOLLY AVE NE
BLDG 2 STE 202
ALBUQUERQUE, NM 87122



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

October 3, 2007

Sarah Gibson
GPS, LLC/Surveys Southwest, LTD.
333 Lomas Boulevard NE/87102
Phone: 998-0303/Fax: 998-0306

Dear Sarah:

Thank you for your inquiry of October 3, 2007 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **TRACT Z, MILLS AND BOREN SUBDIVISION LOCATED ON CARLISLE BOULEVARD NE BETWEEN MENAUL BOULEVARD NE AND SOLANO DRIVE NE** zone map **H-17**.

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

BEL-AIR N.A. (BLA) "R"

***Barb Johnson**

2700 Hermosa NE/87110 889-0293 (h)

Ms. Lee Julian

2724 Monroe NE/87110 888-3042 (h)

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

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

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.

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
NEIGHBORHOOD ASSOCIATION.**

planningmaform(07/23/07)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

Information from the Office of Neighborhood Coordination

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

[] [REDACTED]

-OR-

[] The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.

[] [REDACTED]

[] [REDACTED]

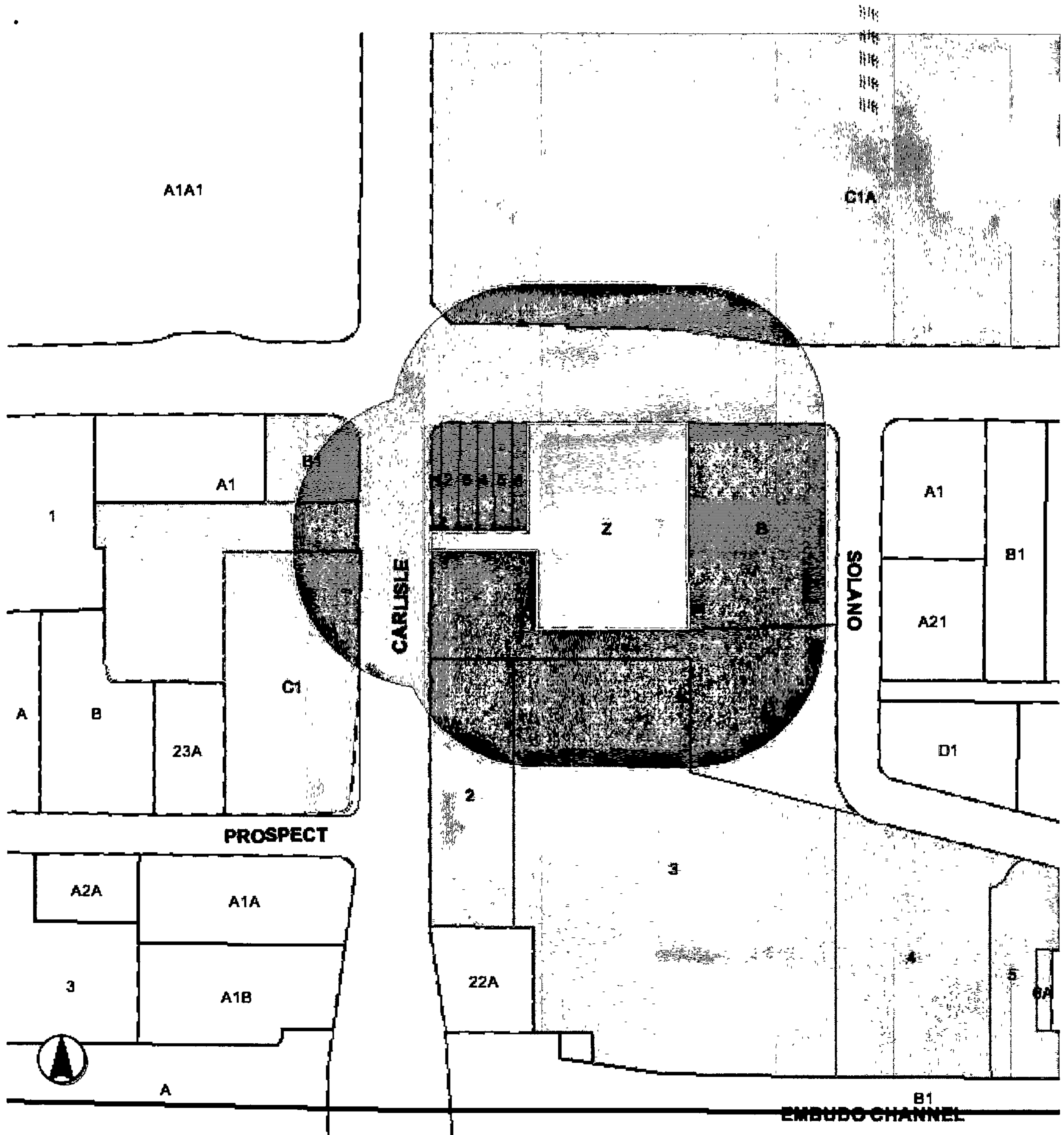
Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and If you haven't submitted your application by this date, you will need to get an updated letter from our office.

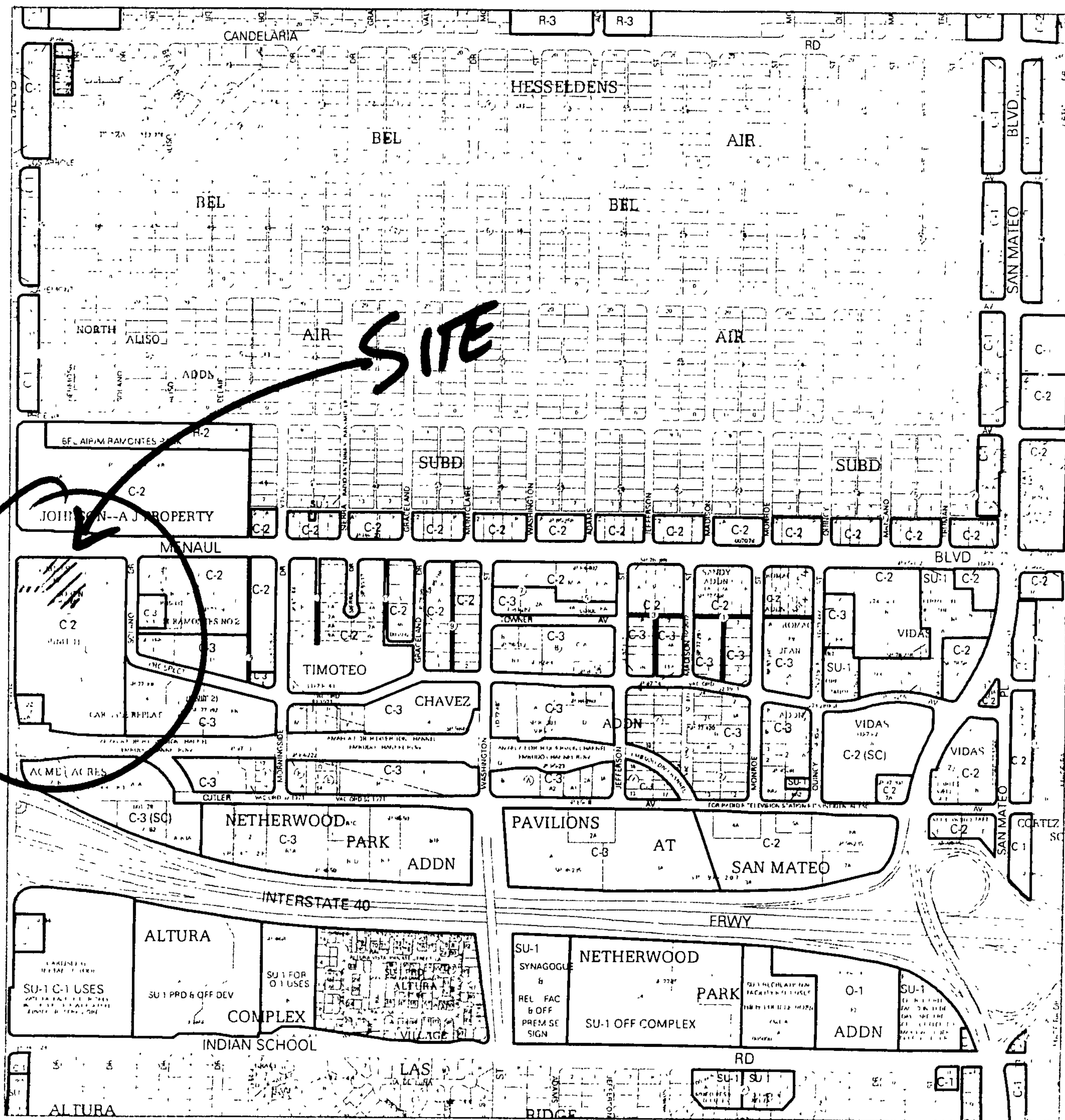
Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

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

Date of Inquiry: **09/03/08** Time Entered: **4 p.m.** ONC Rep. Initials: **SW**





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

Map amended through: 6/13/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page
H-17-Z

Selected Symbols

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

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0305

September 3, 2008

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

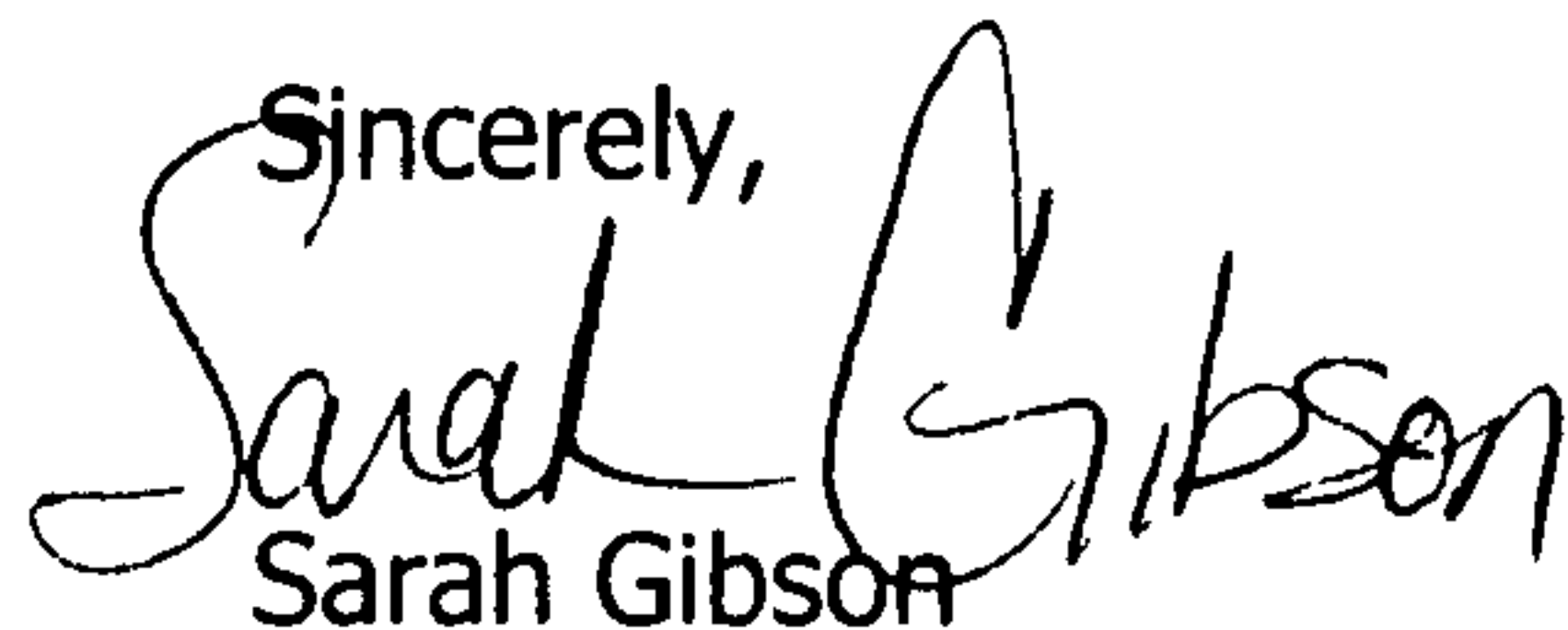
REF: VACATION ACTION (PROJECT #1006549) - TRACT Z, MILLS & BOREN
SUBDIVISION

Dear Board Members:

At the July 11, 2007, DRB meeting, the vacation action for the above referenced property was approved. The vacation action has since expired.

We are requesting to vacate the public & private utility easements within Tract Z, Mills & Boren Subdivision so that we may facilitate the preliminary/final plat that was approved on November 28, 2007.

If you have any questions please feel free to contact me.

Sincerely,

Sarah Gibson



COMPLETED 10/20/08 5th DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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

DRB Application No.: 07DRB-70195

Project # 1006549

Project Name: MILLS & BOREN SUBDIVISION

Agent: SURVEY'S SOUTHWEST LTD

Phone No.: 998-0303

Your request was approved on 11/28/07 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): Set language on Plat. OK
AMAFCA'S signature - BRAD

- 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. OK**
 - Copy of recorded plat for Planning.**

Created For:



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 1, 2008

Project# 1006549

08DRB-70385 VACATION OF PUBLIC & PRIVATE UTILITY EASEMENT(S)

SURVEYS SOUTHWEST LTD agent(s) for BENCOR/ CARLISLE LIMITED PARTNERSHIP request(s) the referenced/ above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on the south side of MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE containing approximately 1.66 acre(s). (H-17)

At the October 1, 2008 Development Review Board meeting, 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)(1) The public & private utility easement 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 & private utility easements.

(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:

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

If you wish to appeal this decision, you must do so by October 16, 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

Cc: Survey's Southwest, Ltd – 333 Lomas Blvd NE – Albuquerque, NM 87102

Cc: Bencor – Bruce Walkowski – 9400 Holly Ave NE Bldg 2 Ste 202 –
Albuquerque, NM 87122

Scott Howell

Marilyn Maldonado

File



DEVELOPMENT REVIEW BOARD
Action Sheet

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

October 1, 2008 9:00 AM
MEMBERS:

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

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

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1000072**
08DRB-70386 VACATION OF PUBLIC DRAINAGE EASEMENT(S)
08DRB-70387 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL
SHAKEEL RIZVI request(s) the referenced/ above action(s) for all or a portion of Tract AA, Block 2, and Tract BB, Block 1, **CARMEL SUBDIVISION**, zoned R-D, located on CARMELITO LOOP NE BETWEEN HOLLY AVE NE AND CARMEL AVE NE containing approximately 0.25 acre(s). (C-18) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR EXHIBIT INDICATING LOCATION OF SIDEWALKS AND DISTANCE OF FACE OF CURB TO PROPERTY LINE, AND TO PLANNING TO RECORD.**

2. ~~Project# 1006549~~
08DRB-70385 VACATION OF PUBLIC & PRIVATE UTILITY EASEMENT(S)
SURVEYS SOUTHWEST LTD agent(s) for BENCOR/ CARLISLE LIMITED PARTNERSHIP request(s) the referenced/ above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on the south side of MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE containing approximately 1.66 acre(s). (H-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.**

3. **Project# 1007140**
 08DRB-70297 VACATION OF PUBLIC EASEMENT
 08DRB-70300 SIDEWALK WAIVER
 08DRB-70301 MINOR - TEMP DEFR SWDK CONST
 08DRB-70302 MAJOR - SDP FOR SUBDIVISION
 08DRB-70303 MAJOR - PRELIMINARY PLAT APPROVAL
- MARK GOODWIN AND ASSOCIATES PA agent(s) for JUAN TABO HILLS, LLC request(s) the above action(s) for all or a portion of Tract(s) 2-A, A-C, **JUAN TABO HILLS, UNIT 1**, zoned AD, SU-1, located on JUAN TABO BLVD BETWEEN VIA POSADA RD AND JULFSTREAM DR containing approximately 41.0242 acre(s). (M-22) [Deferred from 7/30/08, 8/20/08 8/27/08, 9/3/08, 9/17/08] **DEFERRED TO 10/22/08 AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS MASTER DEVELOPMENT PLANS

4. **Project# 1001370**
 08DRB-70425 EPC APPROVED SDP FOR SUBDIVISION
- MARK GOODWIN AND ASSOCIATES PA agent(s) for JTH, LLC request(s) the above action(s) for all or a portion of **JUAN TABO HILLS SUBDIVISION**, zoned R-D SU-1 VILLABGE, located on JUAN TABO BLVD BETWEEN TIJERAS ARROYO AND KIRTLAND AIR FORCE BACE containing approximately 326 acre(s). (M-21 & M-22) **DEFERRED TO 10/8/08 AT THE AGENT'S REQUEST.**
5. **Project# 1007099**
 08DRB-70422 EPC APPROVED SDP FOR BUILD PERMIT
- VAN H GILBERT ARCHITECT agent(s) for SANDIA FOUNDATION, A NM NON-PROFIT request(s) the above action(s) for all or a portion of Lot(s) 1-11 & 33-38, Block(s) 17, **ZUNI ADDITION**, zoned C-2 / SU-1 FOR NURSERY, located on MENAUL BLVD NE BETWEEN MESILLA AND PENNSYLVANIA containing approximately 3.9197 acre(s). (H-19) **DEFERRED TO 10/15/08 AT THE AGENT'S REQUEST.**
6. **Project# 1007204**
 08DRB-70407 AMENDED SDP FOR SUBDIVISION
- DARREN SOWELL ARCHITECTS LLC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the above action(s) for all or a portion of Tract(s) 1A, 1B, 2A, 2B, 3B, 4B 3A, 6, 4-A-1, 5-B-1& 5-B-2, **BARRETT & LANDS OF WEFCO**, zoned C-2, located on SW CORNER OFCENTRAL AVE SW AND UNSER SW BETWEEN BRIDGE ST SW AND 86TH ST SW containing approximately 50 acre(s). (K-9/10 & L-10) **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR CLEAR SIGHT TRIANGLES PER DPM, AND TO PLANNING FOR CASE PLANNERS REVIEW AND APPROVAL, AND FOR 3 COPIES OF THE APPROVED SITE PLAN.**

**CITY OF ALBUQUERQUE
Planning Department
August 22, 2007
DRB COMMENTS**

ITEM # 16

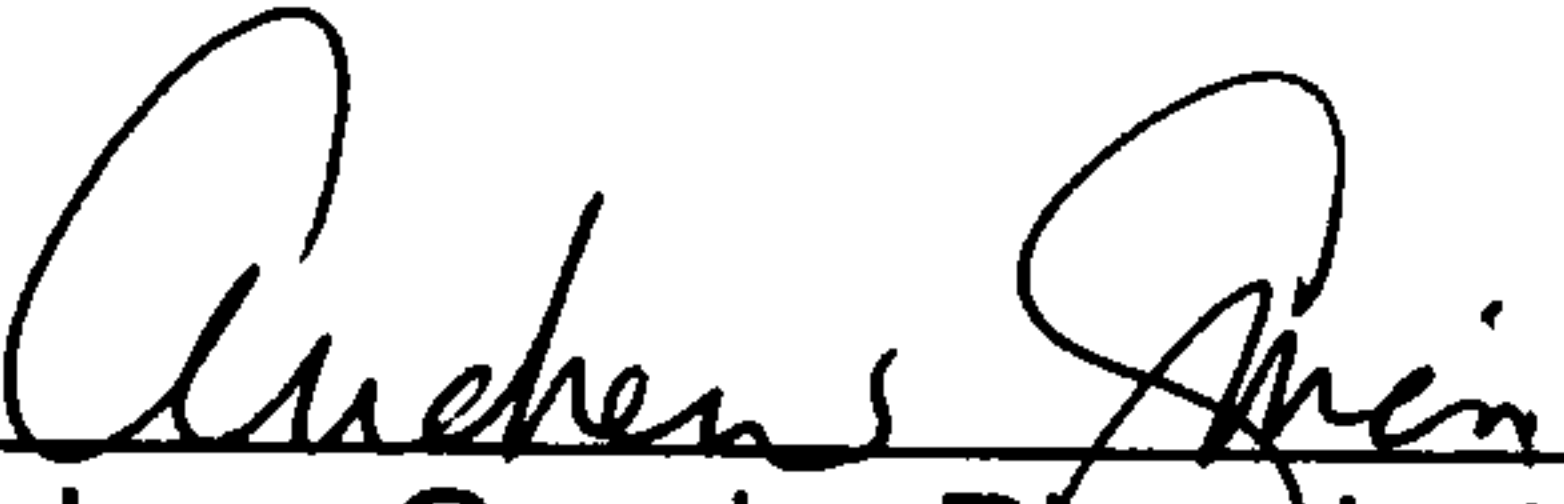
PROJECT # 1006549

APPLICATION # 07-70195

RE: Trat Z, Mills & Boren Subdivision/p&f

There is a moratorium on the issuance of new building permits on property fronting Menaul Blvd. between Carlisle Blvd and Morris NE.

Section 14-14-4-7(B) states "No property within the area of requested final action shall at any time be subject to a deed restriction, covenant, or building agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of proposed plat. The foregoing requirement shall be a condition to approval of this plat or site development plan for subdivision,"



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

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006549 AGENDA# 2 DATE: 10/1/08

1. Name: _____ Address: _____ Zip: _____
2. Name: _____ Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
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12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

October 1, 2008

Project# 1006549

08DRB-₇0385 VACATION OF PUBLIC & PRIVATE UTILITY EASEMENT(S)

SURVEYS SOUTHWEST LTD agent(s) for BENCOR/ CARLISLE LIMITED PARTNERSHIP request(s) the referenced/ above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on the south side of MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE containing approximately 1.66 acre(s). (H-1₇)

AMAFCA No comment.
COG Menaul Bd is designated on the ITS Implementation Map as having ITS improvements made to it within the 2030 planning horizon of the MTP. Coordination with City representative on the ITS Committee is recommended. For information purposes, the functional classification of Menaul Bd is that of urban principal arterial. The functional classification of Carlisle Bd is that of urban minor arterial.
TRANSIT No comments received.
ZONING ENFORCEMENT No comment
NEIGHBORHOOD COORDINATION Letters sent to: Bel-Air NA (R)
APS Mills and Boren Subdivision, Tract Z, is located on the south side of Menaul Blvd NE between Carlisle Blvd NE and Solano Dr NE. The owner of the above property requests approval of a Vacation of Public and Private Utility Easements for a property zoned C-2 with existing C-2 uses. This will have no adverse impacts to the APS district.
POLICE DEPARTMENT No comments received.
FIRE DEPARTMENT No comments received.
PNM ELECTRIC & GAS No comments received.
COMCAST No comments received.
QWEST No comments received.

ENVIRONMENTAL HEALTH No comments received.
M.R.G.C.D No adverse comments
OPEN SPACE DIVISION No comments received
CITY ENGINEER The Hydrology section has no objection to the vacation request.
TRANSPORTATION DEVELOPMENT No adverse comments.
PARKS AND RECREATION Defer to the affected agencies.
ABCWUA No objections to Vacation requests.
PLANNING DEPARTMENT Refer to comments from affected agencies regarding proposed vacation.

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

Cc:



DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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

DRB Application No.: 07DRB-70195 Project # 1006549
 Project Name: MILLS & BOREN SUBDIVISION
 Agent: SURVEY'S SOUTHWEST LTD Phone No.: 998-0303

Your request was approved on 11/28/07 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: _____

- UTILITIES: _____

- CITY ENGINEER / AMAFCA: _____

- PARKS / CIP: _____

- PLANNING (Last to sign): Set language on Plat. OK
AMAFCA's signature

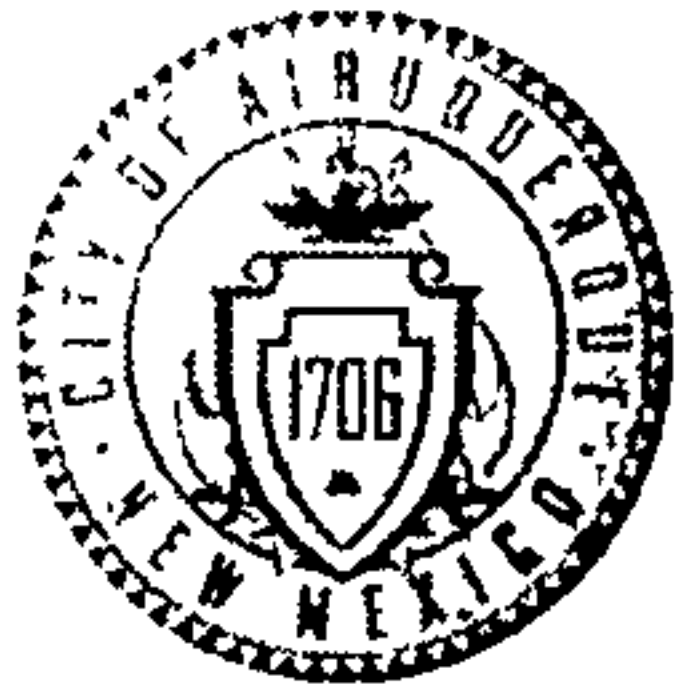
- Planning must record this plat. Please submit the following items:**
 - The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
 - Tax printout from the County Assessor.
 -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

Created For:

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006549 AGENDA# 6 DATE: 11/28/07

1. Name: _____ Address: _____ Zip: _____
2. Name: _____ Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
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11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

November 28, 2007 9:00 AM

MEMBERS:

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

Kristal Metro, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
Christina Sandoval, Parks & Recreation

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

- 1. Project# 1000579**
07DRB-70357 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)

TIERRA WEST LLC agent(s) for KOHL'S DEPARTMENT STORES INC request(s) the above action(s) for all or a portion of Tract(s) A, **PASEO DE LOUISIANA**, zoned SU-2/C-1, located on HOLLY AVE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 7.357 acre(s). (C-18)
THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED

2. **Project# 1000965**
07DRB-70354 STREET NAME CHANGE
(DRB)

BOHANNAN HUSTON INC agent(s) for ANDALUCIA AT LA LUZ request(s) the above action(s) for all or a portion of **ANDALUCIA AT LA LUZ**, zoned SU-1 PRD 5, located on LA BIENVENIDA PL NW BETWEEN TRES GRACIAS DR NW AND SAN JORGE AVE NW (F-11) **The Street Naming Ordinance requires DRB to submit a report to EPC which makes the final decision.**

The criteria for the DRB to decide whether or not to recommend approval of the local street name change is contained in Section 6-5-1-1(B)(1) of this ordinance. The language reads, "A street name shall be changed only if the decisionmaker finds that there will be a public benefit which clearly outweighs the public confusion and cost which would be created by the name change."

In addition, all owners of the lots adjacent to the street proposed for the name change are to be notified by mail to give them the opportunity to comment. At least 30 days are to be allowed for receipt of comments before the decision is made.

3. **Project# 1004223**
07DRB-70355 VACATION OF PUBLIC
EASEMENT
07DRB-70356 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for LUTHER MARTINEZ request(s) the above action(s) for all or a portion of Tract(s) 6-B, **SUNDT'S INDUSTRIAL CENTRAL**, zoned M-2, located on MONTANO RD NE BETWEEN ALEXANDER BLVD NE AND DESERT SURF CIRCLE NE containing approximately 8.525 acre(s). (F-16) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND TO CITY ENGINEER FOR LETTER OF COMPLETION AND ACCEPTANCE.**

4. **Project# 1004677**
 07DRB-70358 VACATION OF PRIVATE EASEMENT
 07DRB-70359 MAJOR - PRELIMINARY PLAT APPROVAL
 07DRB-70361 SIDEWALK WAIVER
 07DRB-70362 MINOR - TEMP DEFR SWDK CONST
- ISAACSON AND ARFMAN PA agent(s) for INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Tract(s) B, A-1-A, A & B, **HUNING CASTLE ADDITION**, zoned SU-2/CLD, located on CENTRAL AVE SW BETWEEN LAGUNA BLVD SW SAN PASQUALE AVE SW containing approximately 3.1303 acre(s). (J-13) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/28/07, AND WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 11/2/07 THE PRELIMINARY PLAT WAS APPROVED. THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**
5. **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*] **DEFERRED TO 1/30/08 AT THE AGENT'S REQUEST.**
6. ~~**Project# 1006549**~~
 07DRB-70195 MINOR - PRELIMINARY/FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for BENCOR request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on CARLISLE BLVD NE BETWEEN MENAUL BLVD AND SOLANO NE containing approximately 1.66 acre(s). (H-17) [*Deferred from 8/22/07*] **THE FINAL PLAT WAS APROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE.**

7. **Project# 1004404**
07DRB-70296 VACATION OF PUBLIC
EASEMENT
07DRB-70297 BULK LAND VARIANCE
07DRB-70298 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 1-8, OS-1 & OS-2, 12, **THE TRAILS Unit 3A**, zoned SU-2 UR, SU-2 SRL, SU-2SRSL, SU-2, SU-1, SU-VC, located on PASEO DEL NORTE NW BETWEEN WOODMONT AVE NW AND RAINBOW BLVD NW containing approximately 158.67 acre(s). (C-8 & C-9) [Deferred from 10/31/07, 11/14/07 & 11/21/07] **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE BULK LAND VARIANCE WAS APPROVED. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND AMAFCA SIGNATURE.**

8. **Project# 1006520**
07DRB-70360 VACATION OF PUBLIC
EASEMENT
07DRB-70363 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

HIGH MESA CONSULTING GROUP agent(s) for HOECH REAL ESTATE CORP, LLAVE DEV INC & EPISCOPAL CHURCH request(s) the above action(s) for all or a portion of Lot(s) 5-8 & 25-28, Block(s) 4, Tract(s) 3, **NORTH ALBUQUERQUE ACRES Unit(s) 3**, zoned SU-2/O-1 & R-T, located on ALAMEDA BLVD NE BETWEEN BARSTOW ST NE AND VENTURA ST NE (C-20) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD AND AMAFCA SIGNATURE.**

- 07DRB-70386 EPC APPROVED SDP
FOR BUILD PERMIT
07DRB-70387 EPC APPROVED SDP
FOR SUBDIVISION

BILL FANNING/FBT ARCHITECTS agent(s) for EPISCOPAL DIOCESE OF THE RIO GRANDE/HOPE EPISCOPAL CHURCH request(s) the above action(s) for all or a portion of Lot(s) 5-8 & 25-28, Block(s) 4, Tract(s) 3, **NORTH ALBUQUERQUE ACRES Unit(s) 3**, zoned SU-2 FOR O-1 & R-T, located on ALAMEDA BLVD NE BETWEEN BARSTOW NE AND VENTURA NE containing approximately 6.1928 acre(s). (C-20) **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

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

TIERRA WEST LLC agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as DEL NORTE PLAZA**, zoned SU-2 FOR C-2 & IP, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 6.7402 acre(s). (C-18) *[Deferred from 10-31-07 & 11/21/07]* **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/28/07 AND WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 11/1/06 THE PRELIMINARY PLAT WAS APPROVED.**

07DRB-70389 MINOR - SDP FOR
SUBDIVISION
07DRB-70390 MINOR - SDP FOR
BUILDING PERMIT

GEORGE RAINHART ARCHITECTS agent(s) for PACIFIC PASEO DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, Block(s) 35, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B**, zoned SU-2 FOR C2 & IP, located on SAN PEDRO DR NE BETWEEN PASEO DEL NORTE NE AND HOLLY AVE NE containing approximately 8.6 acre(s). (C-18) *[11/21/07]* **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/28/07 THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE CITY ENGINEER FOR THE SIA AND TRANSPORTATION COMMENTS AND TO PLANNING FOR 3 COPIES. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE CITY ENGINEER FOR THE SIA AND TO PLANNING FOR 3 COPIES.**

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

10. **Project# 1006721**
07DRB-70373 EPC/ SDP FOR
BUILDING PERMIT
07DRB-70374 EPC APPROVED SDP
FOR SUBDIVISION

RMKM ARCHITECTURE agent(s) for ALBUQUERQUE POLICE DEPARTMENT request(s) the above action(s) for all or a portion of Tract(s) B-9E-2-A, **SEVEN BAR RANCH**, zoned SU1 FOR R-2, located on CIBOLA LOOP RD NW BETWEEN ELLISON NW AND CIBOLA LOOP NW containing approximately 3.4 acre(s). (A-13) *[Anna DiMambro - EPC Planner]* *[Deferred from 11/14/07]* **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

11. **Project# 1004677**
07DRB-70221 EPC APPROVED SDP
FOR SUBDIVISION

INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Parcel 1, Tract(s) 133A1, 133A2, 133B, 134 & 135A and Parcel 2 Tract(s) 129B1A, MRGCD Map 38, Tract(s) A & B, LANDS OF HB AND CALVIN HORN & LAGUNA SUBDIVISION, Tract(s) A1A, LAGUNA SUBDIVISION (to be known as **COUNTRY CLUB PLAZA**) zoned SU-2/CLD, located on CENTRAL AVE SW BETWEEN LAGUNA BLVD SW AND SAN PASQUALE AVE SW containing approximately 4.45 acre(s) (J-13) [*Carmen Morrone, EPC Planner*] [*Deferred from 9/5/07 & 9/12/07*] **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES AND TO TRANSPORTATION FOR WRITTEN COMMENTS.**

12. **Project# 1003714**
07DRB-70364 EPC/SDP FOR BUILDING
PERMIT

ALEXANDER FINALE agent(s) for ASSOCIATED HOME & RV SALES, INC request(s) the above action(s) for all or a portion of Tract(s) C-3-A, **ADOBE WELLS SUBDIVISION**, zoned SU1 FOR IPC-2/R-2, located on EAGLE RANCH NE BETWEEN WESTSIDE NE AND COORS BYPASS BLVD NE containing approximately 2.29 acre(s). (B-13) [*EPC Planner - Carol Toffaleti*][*Deferred from 11/14/07 & 11/21/07*]. **DEFERRED TO 12/5/07 AT THE AGENT'S REQUEST.**

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

13. **Project# 1006717**
07DRB-70397 EPC APPROVED SDP
FOR BUILD PERMIT

JACK M HARRIS ARCHITECTS INC agent(s) for DR GIL FERNANDEZ request(s) the above action(s) for all or a portion of Lot(s) H-6A5A1A, **RIVERVIEW PARCELS**, zoned SU-1 FOR PERMISSIVE USES, located on GOLF COURSE LOOP NW BETWEEN PASEO DEL NORTE NW AND SHELLY ROAD NW containing approximately 1.03 acre(s). (C-12) [*Carol Toffaleti - EPC Planner*] **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR CAROL TOFFALETI'S (EPC) INITIALS AND FOR 3 COPIES AND TO TRANSPORTATION FOR WRITTEN COMMENTS.**

14. Adjourned: 11:25

6549

DXF Electronic Approval Form

DRB Project Case #: 1006549

Subdivision Name: MILLS AND BOREN TRACT Z1

Surveyor: MITCH REYNOLDS

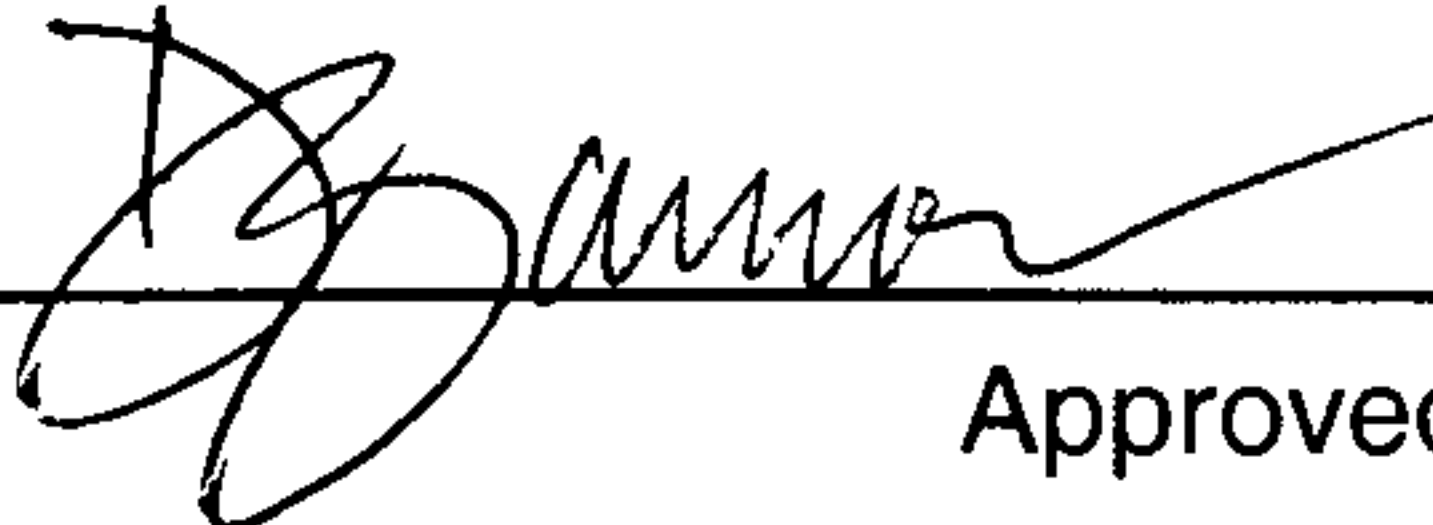
Contact Person: SARAH AMATO

Contact Information: 998-0303

DXF Received: 9/5/2007

Hard Copy Received: 9/5/2007

Coordinate System: Ground rotated to NMSP Grid


Approved

09.06.2007
Date

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

AGIS Use Only
Copied fc **6549** to agiscov on **9/6/2007** Contact person notified on **9/6/2007**



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

August 22, 2007

9:00 A.M.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Sandra Handley, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
Christina Sandoval, Parks & Recreation

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

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

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

- A. Call to Order: 9:00 A.M. Adjourned: 11:15 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1003859**
07DRB-70161 MAJOR - 2YR SUBD IMP
AGMT (2YR SIA)

BOHANNAN HUSTON INC agent(s) for SILVERLEAF VENTURES LLC request(s) the above action(s) for all or a portion of Tract(s) 1-9, **NORTH ANDALUCIA AT LA LUZ**, zoned SU-1 for C-2, O-1 & PRD, located on COORS BLVD NW BETWEEN MONTANO RD NW AND LEARNING RD NW containing approximately 50.77 acre(s). (E-12 & F-12) **TWO-YEAR EXTENSION OF THE SIA WAS APPROVED.**

2. **Project# 1004355**
07DRB-70146 VACATION OF PUBLIC
RIGHT-OF-WAY
- WILSON AND COMPANY INC agent(s) for KB HOME NEW MEXICO request(s) the above action(s) for all or a portion of **VISTA VIEJA, UNIT 2**, zoned R-D, located on VISTA TERRAZA DR NW BETWEEN BOUVARDIA RD NW AND MOCK HEATHER RD NW. (D-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.**
3. **Project# 1004607**
07DRB-70147 VACATION OF PUBLIC
RIGHT-OF-WAY
- WILSON AND COMPANY INC agent(s) for KB HOME NEW MEXICO request(s) the above action(s) for all or a portion of Block(s) 12 & 14, 20, **VISTA VIEJA, UNITS 3 & 4**, zoned R-D, located on VISTA TERRAZA DR NW BETWEEN BOUVARDIA RD NW AND MOCK HEATHER RD NW (D-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.**
4. **Project# 1002739**
07DRB-70148 VACATION OF PUBLIC
EASEMENT
07DRB-70149 MAJOR - PRELIMINARY
PLAT APPROVAL
07DRB-70150 MINOR - SDP FOR
SUBDIVISION
07DRB-70151 SUBDN DESIGN
VARIANCE FROM MIN DPM STDS
07DRB-70152 SIDEWALK WAIVER
07DRB-70153 MINOR - TEMP DEFR
SWDK CONST
- MARK GOODWIN AND ASSOCIATES PA agent(s) for KB HOME NEW MEXICO INC. request(s) the above action(s) for all or a portion of Parcel(s) 4 & 6, **ANDERSON HEIGHTS, UNIT 4 & 6**, zoned R-D, located on 118th ST NW BETWEEN COLONEL AVE NW AND AMOLE MESA NW containing approximately 56.8675 acre(s). *[Deferred from 08/15/07]* (N-8) **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. WITH AN APPROVED GRADING PLAN ENGINEER STAMP DATED 07/20/07, THE PRELIMINARY PLAT WAS APPROVED. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR THE SOLAR COLLECTOR LANGUAGE AND FOR 3 COPIES OF THE PLAN. A SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM DESIGN STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT D IN THE PLANNING FILE. THE SIDEWALK WAIVER AND THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS WERE APPROVED AS SHOWN OF EXHIBIT C.**

5. **Project# 1006516**
 07DRB-70030 BULK LAND VARIANCE
 07DRB-70031 MAJOR - PRELIMINARY
 PLAT APPROVAL
 07DRB-70034 VACATION OF PUBLIC
 EASEMENT
 07DRB-70032 MINOR - TEMP DEFR
 SWDK CONST
 07DRB-70033 SIDEWALK WAIVER
 07DRB-70085 MINOR-PRELIM&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) 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). *[Deferred from 06/27/07, 07/25/07, 07/22/07 & 08/22/07]* (R-15, R-16, S-15 & S-16) **DEFERRED AT THE AGENT'S REQUEST TO 09/26/07.**
6. **Project # 1005070**
 06DRB-01154 Major-Preliminary Plat
 Approval
 06DRB-01156 Minor-Sidewalk Waiver
 06DRB-01155 Minor-Temp Defer SDWK
- SURV-TEK INC & WILSON & COMPANY agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 8, THE TRAILS, UNIT 2 (to be known as **TAOS @ THE TRAILS, UNIT 2**) zoned SU-2-SRLL, located on WOODMONT AVE NW, between UNIVERSE BLVD NW and RAINBOW BLVD NW containing approximately 9 acre(s). *[Deferred from 9/6/06, 9/13/06, 9/27/06, 10/11/06, 10/25/06, 11/29/06, 12/20/06, 1/24/07, 4/18/07, 6/20/07, 7/18/07 & 08/22/07]* (C-9) **Deferred at the agent's request to 09/05/07.**

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

7. **Project# 1004622**
 07DRB-70197 EPC APPROVED SDP
 FOR BUILD PERMIT
- GEORGE RAINHART ARCHITECTS agent(s) for NEW MEXICO EDUCATORS FEDERAL CREDIT UNION request(s) the above action(s) for all or a portion of Lot(s) 18, PARCELS K, M & N, Tract(s) A, Block(s) 21, **NORTH ALBUQUERQUE ACRES, Unit(s) A**, zoned SU-2/C-1, located on PASEO DEL NORTE NE BETWEEN BARSTOW NE AND WYOMING BLVD NE containing approximately 1.45 acre(s). *[Deferred from 08/22/07]* **[Anna DiMambro, EPC Planner]** (D-19) **DEFERRED AT THE AGENT'S REQUEST TO 08/29/07.**
8. **Project# 1005484**
 07DRB-70196 EPC APPROVED SDP
 FOR BUILD PERMIT
- MULLEN HELLER ARCHITECTURE agent(s) for CAT STEVENS LLC request(s) the above action(s) for all or a portion of Tract(s) H-6A6A2A1, **RIVERVIEW PARCELS**, zoned SU-1 FOR IP USES, located on GOLF COURSE RD NW BETWEEN PASEO DEL NORTE NW AND SHELLY ROSE NW containing approximately 0.9607 acre(s). **[Carol Toffaleti, EPC Planner]** (C-12) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK EASEMENT AND TO PLANNING FOR 3 COPIES.**

9. **Project# 1005389**
07DRB-70189 MINOR - SDP FOR
BUILDING PERMIT
- SADLER CONSTRUCTION agent(s) for ALTUSA LLC request(s) the above action(s) for all or a portion of Tract(s) 7, **LAS LOMITAS BUSINESS PARK**, zoned SU-1/IP, located on EL PUEBLO NE BETWEEN EDITH NE AND JEFFERSON NE containing approximately 1.7015 acre(s). (D-16) **WITHDRAWN AT THE AGENT'S REQUEST.**
10. **Project# 1005282**
07DRB-70170 EPC APPROVED SDP
FOR BUILD PERMIT
- ANISSA CONSTRUCTION INC agent(s) for MIKE HOSNI of M & F AUTO PARKING GARAGE request(s) the above action(s) for all or a portion of Lot(s) A-26-B1, CASY SUBDIVISION, zoned SU-1 FOR C-2 USES, located on COORS BETWEEN QUAIL NW AND PHEASANT NW containing approximately 2.4334 acre(s). [Catalina Lehner, EPC Case Planner] [Deferred from 08/15/07] (G-11) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CATALINA LEHNER'S INITIALS AND 3 COPIES OF THE PLAN.**

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

11. **Project# 1005415**
07DRB-70188 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- JACKS HIGH COUNTRY INC agent(s) for LAWRENCE SEGURA request(s) the above action(s) for all or a portion of Tract(s) 43B1 ,43C1 & 43D1, TOWN OF ALBUQUERQUE GRANT (to be known as **LANDS OF JODI AND LAWRENCE SEGURA**, zoned RA-2, located on CARLOTA NW BETWEEN GABALDON RD NW AND LOS LUCEROS NW containing approximately 0.981 acre(s). (H-12) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT.**
12. **Project# 1003125**
07DRB-70192 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- MOLZEN-CORBIN & ASSOCIATES agent(s) for CITY OF ALBUQUERQUE/AVIATION & ECLIPSE AVIATION INC request(s) the above action(s) for all or a portion of Tract(s) D-1 & S-1, **LANDS OF DOUBLE EAGLE II AIRPORT AEROSPACE TECHNOLOGY PARK**, zoned SU-1/ AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW BETWEEN PASEO DEL VOLCAN NW AND SHOOTING RANGE PARK RD NW containing approximately 251 acre(s). (F-G/6). **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT**

13. **Project# 1003613**
07DRB-70193 MAJOR - FINAL PLAT
APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for SUNSET VILLA, LLC request(s) the above action(s) for all or a portion of Lot(s) 11, 1-4, Tract(s) 34 (to be known as **SUNSET VILLA**) zoned SU-1 for PRD, located on SUNSET GARDENS RD SW BETWEEN ATRISCO RD SW AND SUNSET GARDENS RD SW containing approximately 14.7 acre(s). (K-12) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR MRGCD SIGNATURE, REVISE NOTE 11, SHOW ACCESS EASEMENT TO TRACT 11, DEDICATION ON SUNSET GARDENS TO MOVE MRGCD EASEMENT AND TO PLANNING TO RECORD THE PLAT.**

14. **Project# 1002837**
07DRB-70191 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for BARBARA JARVIS request(s) the above action(s) for all or a portion of Lot(s) 12 & 13, Block(s) 3, **BUENA VISTA HEIGHTS**, zoned SU-2/UC, located on LEAD AVE SE BETWEEN SILVER SE AND YALE SE containing approximately 0.326 acre(s). (K-15) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR ISSUE ON LEAD AVENUE AND TO PLANNING FOR COPY OF THE RECORDED PLAT.**

15. **Project# 1006742**
07DRB-70194 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for JOE OLIVAS request(s) the above action(s) for all or a portion of Lot(s) 1 & 10, Block(s) 14, **EAST CENTRAL BUSINESS ADDITION**, with a portion of vacated Skyline Rd NE, zoned C-2, located on DOROTHY ST NE BETWEEN LINN AVE NE AND MARTHA ST NE containing approximately 0.5527 acre(s). (L-21) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR 15-FOOT RADIUS ON LINN AND DOROTHY AND COPY OF THE RECORDED PLAT.**

16. **Project# 1006549**
07DRB-70195 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for BENCOR request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on CARLISLE BLVD NE BETWEEN MENAUL BLVD AND SOLANO NE containing approximately 1.66 acre(s). (H-17) **THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

17. **Project# 1005160**
07DRB-70178 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for MARK GONZALES request(s) the above action(s) for all or a portion of Lot(s) 2-A & 4-A, Tract(s) 246, **JESUS ROMERO ADDITION, UNIT 2**, and Tract 246, MRGCD Map 38, zoned C-1 W/CONDITIONAL USE FOR DWELLING UNITS, located on RIO GRANDE BLVD NW BETWEEN HOLLYWOOD AVE NW AND SOTO NW containing approximately 0.4309 acre(s). *[Deferred from 08/15/07]* (J-13) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CONDITIONAL USE REVISION, AGIS DXF FILE AND COPY OF THE RECORDED PLAT.**
18. **Project # 1004387**
07DRB-00335 Final Plat Approval
- SURVEYS SOUTHWEST LTD agent(s) for JUDITH C SCHAAB request(s) the above action(s) for all or any portion of Lot(s) 31-35, Block(s) 12, **COUNTRY CLUB ADDITION**, together with a portion of LAS LOMAS RD NE, zoned O-1 located on LAS LOMAS RD NE between ENCINO PL NE and CEDAR CT NE containing approximately 1 acre(s). [REF: 06DRB00644, 05DRB01332] *[Deferred from 04/11/07, Indef defer 4/18/07]* (J-15) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR REAL PROPERTY'S SIGNATURE AND COPY OF THE RECORDED PLAT.**
19. **Project #1003828**
07DRB-00717 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- WILLIAM T CANIGLIA, agent(s) for CANDELARIA VILLAGE COMPANY request(s) the above action(s) for all or a portion of Lot(s) 38, **CANDELARIA VILLAGE**, zoned R-1, located on 12TH ST NW and DON FRANCISCO PL NW containing approximately 0.338 acre(s). *[Defer from 06/20/07, 7/11/07 & 08/22/07]* (G-13) **Deferred at the agent's request to 10/17/07.**
20. **Project# 1003445**
07DRB-70054 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- BOHANNAN HUSTON INC agent(s) for FOUNTAIN HILLS PLAZA LLC request(s) the above action(s) for Tract(s) B-1-A, C-1-A, D-1-A & Lot(s) 6-A-1-A, A and 10-A-2, Block(s) D, Unit 1, ALBUQUERQUE WEST, **FOUNTAIN HILLS** and Tract(s) B, RICHLAND HILLS, UNIT 1, zoned SU-1 FOR IP USES W/EXCEPTIONS & PDA TO INCLUDE C-3 USES, located on NUNZIO AVE NW between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 39.9074 acre(s). *[Defer from 06/20/07]* [REF: 07DRB00261] (C-12) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR SITE PLAN FOR SUBDIVISION AMENDMENT AND TO RECORD THE PLAT.**

21. **Project# 1006715**
07DRB-70169 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- JACK'S HIGH COUNTRY INC. agent(s) for ALVIN & NANCY ANDERSEN request(s) the above action(s) for all or a portion of Lot(s) 11, **RINCON DEL RIO ADDITION**, zoned RA-2, located on RINCON DEL RIO CT NW BETWEEN TRELIS DR NW AND GLENWOOD NW containing approximately 0.4719 acre(s). *[Deferred from 08/08/07,08/15/07 & 08/22/07]* (G-12) **Deferred at the agent's request to 08/29/07.**
22. **Project# 1003692**
07DRB-70035 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- WILSON AND COMPANY INC agent(s) for ALBUQUERQUE PUBLIC SCHOOLS request(s) the above action(s) for all or a portion of Tract(s) A, B, AND C, LANDS OF ALBUQUERQUE PUBLIC SCHOOLS (to be known as **HEIGHTS COMMUNITY CENTER**) zoned SU-2 for O-1, located on BUENA VISTA AVE SE BETWEEN ST. CYR AVE SE AND COAL AVE SE containing approximately 7.916 acre(s)(K-15) *[Deferred from 6/13/07 & 08/22/07. Indef deferred on 06/20/07]* **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE SOLAR COLLECTOR LANGUAGE ON THE PLAT AND TO RECORD.**
23. **Project# 1006507**
07DRB-70025 MINOR - FINAL PLAT
APPROVAL
- COMMUNITY SCIENCES CORP agent(s) for K & M DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 17, 18, 19 & 20, Block(s) 30, RAYNOLDS ADDITION (to be known as **14TH & COAL SUBDIVISION, UNIT 1**) zoned SU-2/MFR, located on 14TH ST SW BETWEEN IRON SW AND LEAD SW containing approximately 0.33 acre(s). [REF: DRB 1005244] *[Indef deferred on 06/20/07]* (K-13) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE SOLAR COLLECTOR LANGUAGE ON THE PLAT, AGIS DXF FILE AND TO RECORD.**
24. **Project# 1006509**
07DRB-70026 MINOR - FINAL PLAT
APPROVAL
- COMMUNITY SCIENCES CORP agent(s) for K & M DEVELOPMENT INC. request(s) the above action(s) for all or a portion of Lot(s) 13, 14, 15, 16, 17, 18 AND 19, Block(s) 29, HUNING CASTLE ADDITION (to be known as **14TH & COAL SUBDIVISION, UNIT 2**) zoned SU-2 FOR MFR, located on 14TH ST SW BETWEEN IRON SW AND LEAD SW containing approximately 0.68 acre(s). [REF: 1005244] *[Indef deferred on 06/20/07]* (K-19)) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE SOLAR COLLECTOR LANGUAGE ON THE PLAT, AGIS DXF FILE AND TO RECORD.**

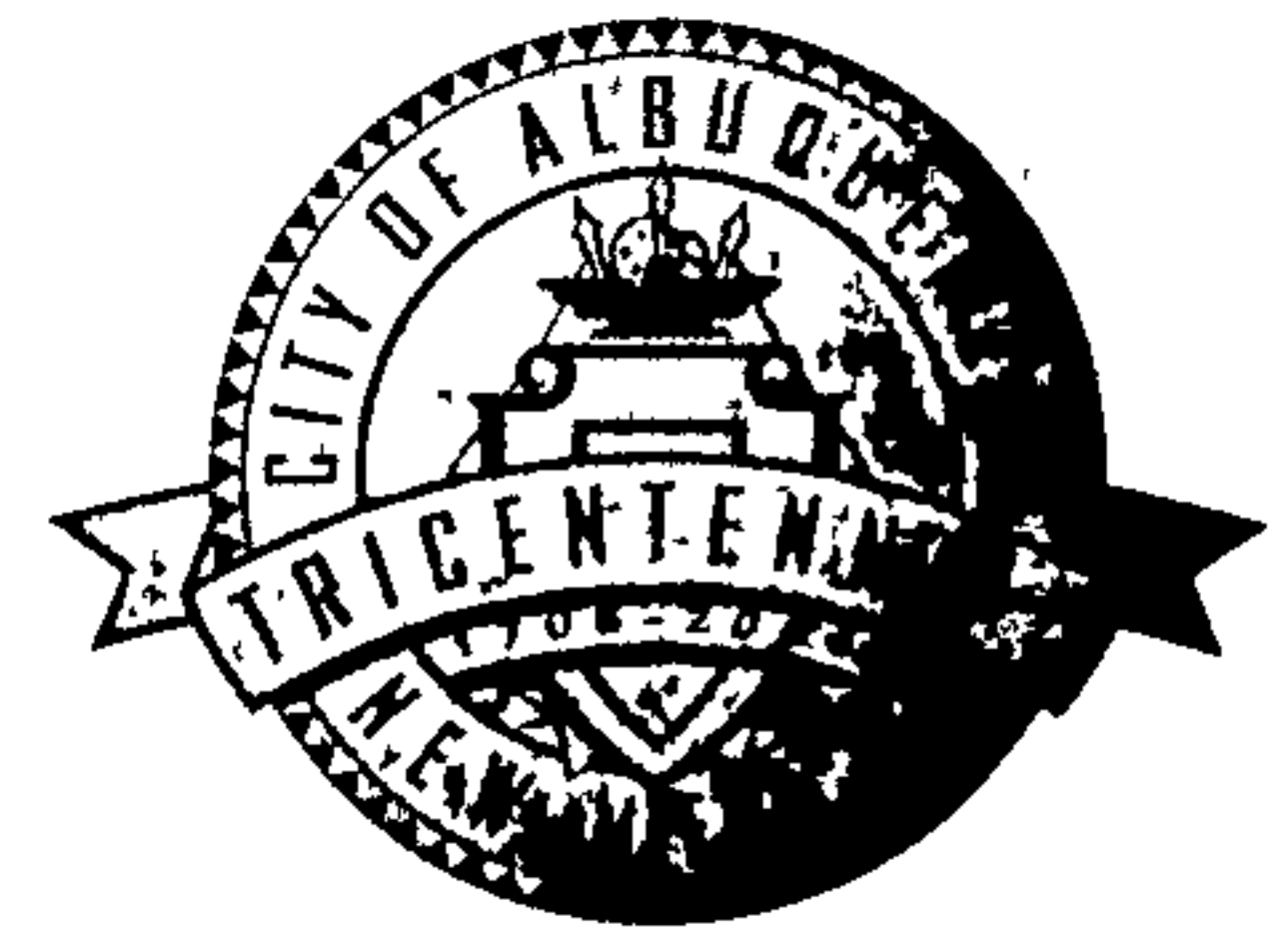
NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

25. **Project# 1005094**
07DRB-70190 SKETCH PLAT REVIEW
AND COMMENT
- ANTONIO BILOTTO request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) A, **GRANDE HEIGHTS SUBDIVISION**, zoned R-1, located on WARD CT NW BETWEEN VISTA GRANDE NW AND SEQUOIA CT NW containing approximately 1.573 acre(s). (G-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
26. Approval of the Development Review Board Minutes for July 25, 2007. **THE DRB MINUTES FOR JULY 25, 2007 WERE APPROVED BY THE BOARD.**

Other Matters:

ADJOURNED: 11:15 A.M.

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1006549

AGENDA ITEM NO: 16

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

P.O. Box 1293

Infrastructure List comments. *ok*

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED ; DENIED ; DEFERRED ; COMMENTS PROVIDED ; WITHDRAWN

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

SIGNED: Bradley L. Bingham

DATE: AUGUST 22, 2007

City Engineer / AMAFCA Designee 505-924-3986

0

signed I.L.
Indef F.P.

**CITY OF ALBUQUERQUE
Planning Department
August 22, 2007
DRB COMMENTS**

ITEM # 16

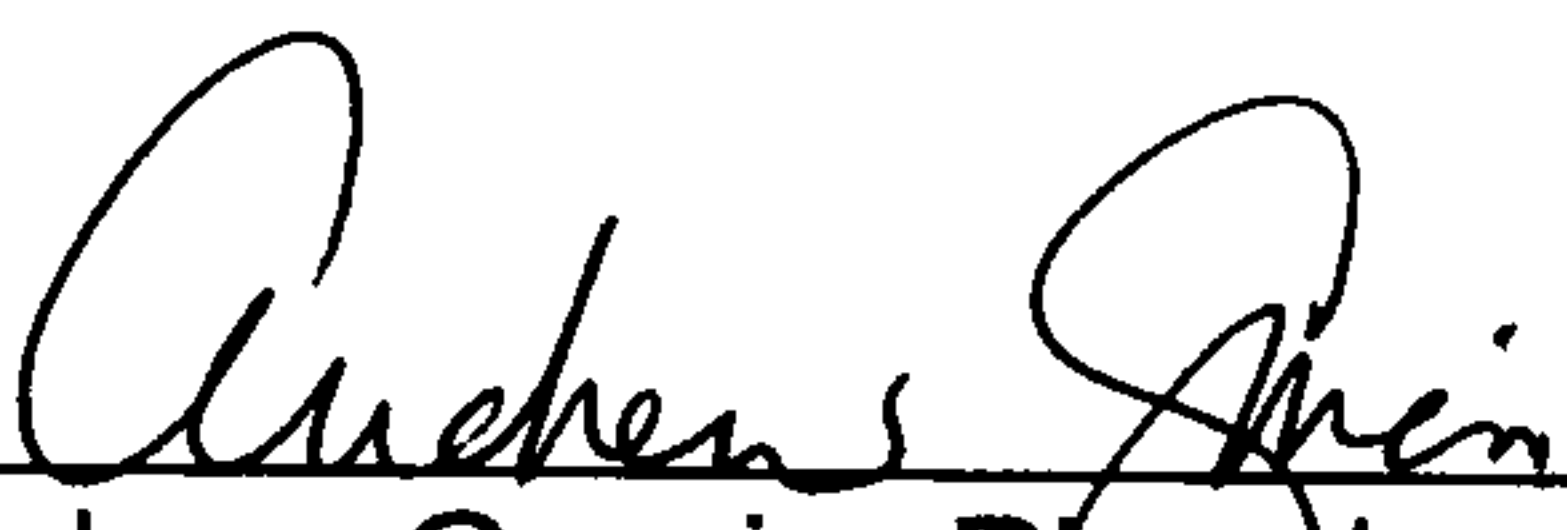
PROJECT # 1006549

APPLICATION # 07-70195

RE: Tract Z, Mills & Boren Subdivision/p&f

There is a moratorium on the issuance of new building permits on property fronting Menaul Blvd. between Carlisle Blvd and Morris NE.

Section 14-14-4-7(B) states "No property within the area of requested final action shall at any time be subject to a deed restriction, covenant, or building agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of proposed plat. The foregoing requirement shall be a condition to approval of this plat or site development plan for subdivision,"



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

**CITY OF ALBUQUERQUE
Planning Department
August 22, 2007
DRB COMMENTS**

ITEM # 16

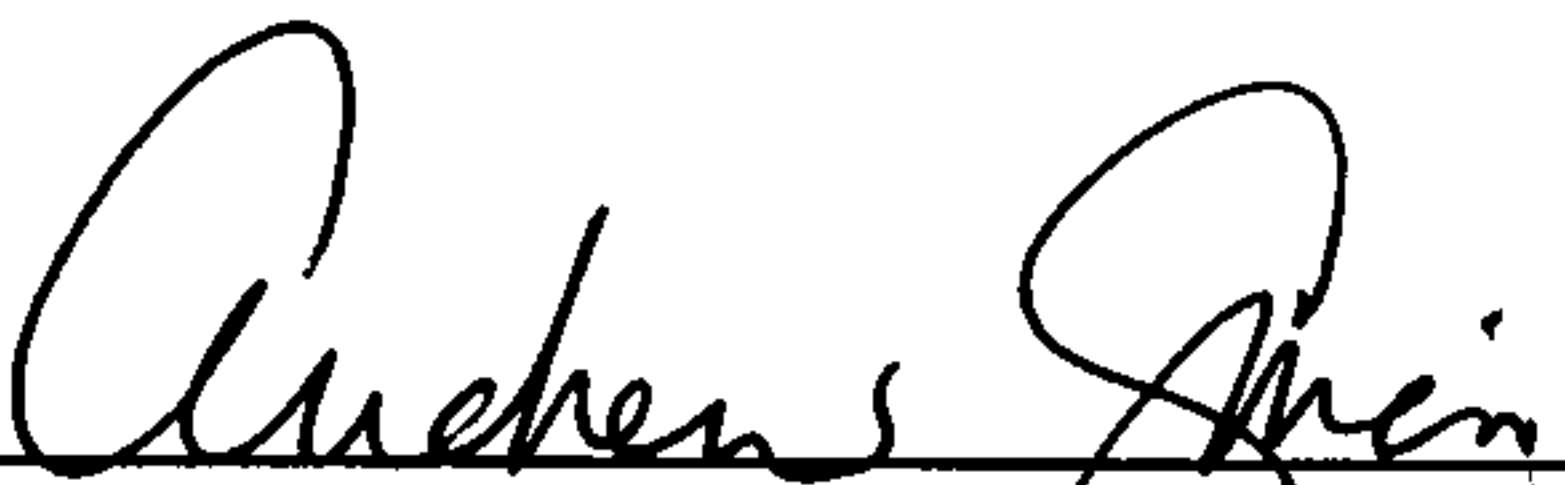
PROJECT # 1006549

APPLICATION # 07-70195

RE: Tract Z, Mills & Boren Subdivision/p&f

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



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 11, 2007

6. Project# 1006549
07DRB-70061 VACATION OF PUBLIC EASEMENT

SURVEYS SOUTHWEST LTD agent(s) for BENCOR, BRUCE WALKOWSKI, request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, located on MENAUL BLVD NE between CARLISLE BLVD NE and SOLANO DR NE. (H-17)

At the July 11, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
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. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by July 26, 2007, 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).



OFFICIAL NOTICE OF DECISION

PAGE 2

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

Sheran Matson, AICP, DRB Chair

Cc: Surveys Southwest LTD, 333 Lomas Blvd NE, 87102
Bencor, Bruce, Walkowski, 9400 Holly Ave NE, Bldg 2, Ste 202, 87122
Sam Boren, 11400 Santa Monica Dr NE, 87122
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1006549

AGENDA ITEM NO: 6

SUBJECT:

Vacation of Public Easements

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

No objection to Vacation request.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

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

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: JULY 11, 2007
505-924-3986

0



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 11, 2007

Project# 1006549
07DRB-70061 VACATION OF PUBLIC EASEMENT

SURVEYS SOUTHWEST LTD agent(s) for BENCOR, BRUCE WALKOWSKI, request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, located on MENAUL BLVD NE between CARLISLE BLVD NE and SOLANO DR NE. (H-17)

AMAFCA No adverse comments.

COG Menaul Bd is classified a principal arterial on the Long Range Roadway System map

Transit No comments received.

Zoning Enforcement No adverse comments.

Neighborhood Coordination

Letter(s) sent to Bel-Air NA (R)

APS The request to vacate a public and private utility easement reserved in a vacated alley, located on Menaul Blvd NE between Carlisle Blvd NE and Solano Dr NE (adjacent to tract 2, Mills and Boren Subdivision), will have no adverse impacts on the APS district.

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

Fire Department No comments received.

PNM Electric & Gas No comments received.

Comcast No comments received.

QWEST No comments received.

Environmental Health No comments received.

M.R.G.C.D.

Open Space Division

No adverse comments.

City Engineer

The Hydrology section has no objection to the vacation request.

Transportation Development

No objection to the request

Parks & Recreation

Defer to affected agencies

ABCWUA

No objection to Vacation request

Planning Department

No adverse comments.

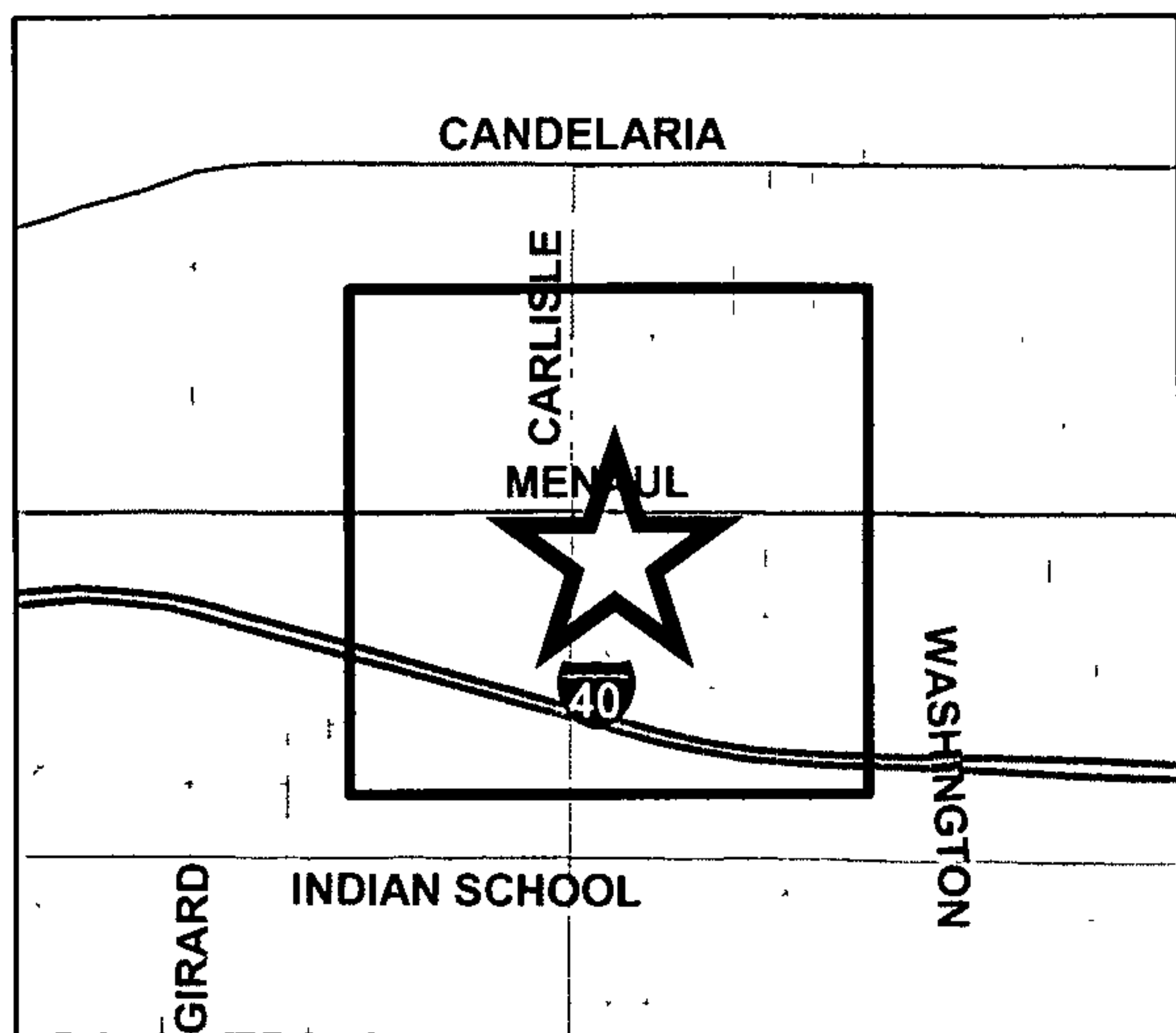
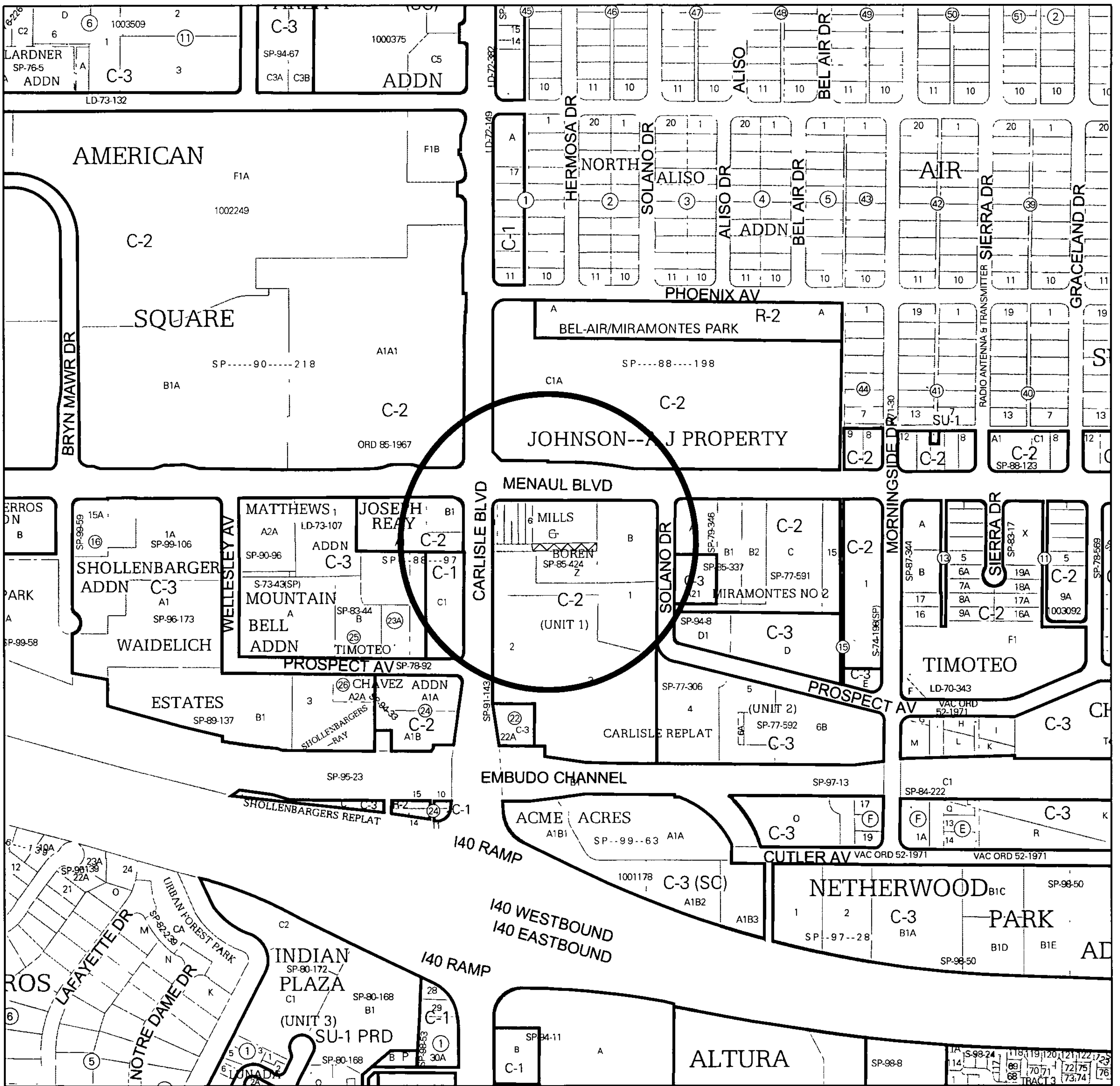
Impact Fee Administrator

No comments on the proposed vacation of utility easements.

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

Cc: Surveys Southwest LTD, 333 Lomas Blvd NE, 87102

Bencor, Bruce, Walkowski, 9400 Holly Ave NE, Bldg 2, Ste 202, 87122



ZONING MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:

1006549

Hearing Date:

7/05/2007

Zone Map Page:

H-17

Additional Case Numbers:

07DRB-70061

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1006549 AGENDA# 6 DATE: 7/11/07

- ✓ 1. Name: SAM BOREN Address: 11400 SANTA MONICA DR. N.E. Zip: 87122
2. Name: _____ Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
6. Name: _____ Address: _____ Zip: _____
7. Name: _____ Address: _____ Zip: _____
8. Name: _____ Address: _____ Zip: _____
9. Name: _____ Address: _____ Zip: _____
10. Name: _____ Address: _____ Zip: _____
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____

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

Meeting Date: July 11, 2007
Z one Atlas Page: H-17
Notification Radius: 100 Ft.

**Project# 1006549
App#07DRB-70061**

**Cross Reference and Location: MENAUL BLVD NE BETWEEN CARLISLE
BLVD NE AND SOLANO DR NE**

Applicant: SURVEYS SOUTHWEST, LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Agent: BENCOR, BRUCE, WALKOWSKI
9400 HOLLY AVE NE, BLDG 2 STE 202
ALBUQUERQUE, NM 87122

Special Instructions:

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

Date Mailed: JUNE 22, 2007
Signature: ERIN TREMLIN



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation *OF PUBLIC & PRIVATE UTILITY EASEMENT*
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: BENCOR, BRUCE WALKOWSKI PHONE: 797-6670
 ADDRESS: 9400 HOLLY AVE NE BLDG 2 SUITE 202 FAX: _____
 CITY: ALBU STATE NM ZIP 87122 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: TO VACATE PUBLIC & PRIVATE UTILITY EASEMENT RESERVED IN THE VACATED ALLEY (V-1751, JULY 5, 1960)

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 ADJACENT TO TRACT 2 Block: N/A Unit: N/A
 Subdiv/Addn/TBKA: MILLS & BOREN SUBDIVISION
 Existing Zoning: C-2 Proposed zoning: N/A
 Zone Atlas page(s): H-17-2 UPC Code: 1-017-059-031-245-31035 MRGCD Map No NO

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj, App., DRB-, AX-, Z-, V-, S-, etc): V-240, Z-759, V-273,

CASE INFORMATION:

Within city limits? Yes No Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near W JENAIL BLVD NE
 Between CARLISLE BLVD NE and SOLANO DR. NE
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: N/A

SIGNATURE Van Grancy DATE 6-13-07
 (Print) Van Grancy Applicant: Agent:

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07DRB-70061</u>	<u>VPE</u>	<u>V</u>	\$ <u>45.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>AVD</u>	_____	\$ <u>75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F H D P density bonus	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F H D P fee rebate	_____	_____	_____	\$ _____
Hearing date <u>7-11-07</u>	_____	_____	_____	Total \$ <u>140.00</u>

Jacob [Signature] 6/15/07
 Planner signature / date

Project # 100 65 49

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.

Dan Graney
 Applicant name (print)
Dan Graney 6-13-07
 Applicant signature / date



- Form revised 4/07
- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- Application case numbers
 070RB - 70061

Jack M. Lopez 6/15/07
 Planner signature / date
 Project # 1006549

R e c	UPC CODE	OWNER	OWNER ADDRESS	OW NER CITY	OW NER STA TE	OW NER ZIP CO DE	PR OP ER TY CL AS S	TA X DI ST RI CT	LEGAL
1	10170 59014 25131 034	BOREN 2536 LLC	11400 SANT A MONICA D R NE	ALB UQU ERQ UE	N M	87 12 2	C	A1 A	LTS 1 THRU 6 MILLS AND BOREN SUBDIVI SION CONT .5048 AC
2	10170 59031 24531 035	DILLER RICHARD L & DEBR A L & ARNOLD WALTER H & MARILYN ANN	6010 LOMA S BLVD NE	ALB UQU ERQ UE	N M	87 11 0	C	A1 A	TRACT Z MILLS AND BOREN SUBDIVISION A REPLAT OF LOTS 7 TO 15 INCLUSIVE P ORTION OF LOT 16 AND TRACT A CONT 1. 6428 AC M/L
3	10170 59054 24531 029	CRANDELL LEROY D TRUS TEE CRANDELL LIVING TRU ST	9531 GIDDI NGS AVE NE	ALB UQU ERQ UE	N M	87 10 9	C	A1 A	THE NORTHERLY 295.60FT OF TRACT B TI MOTEO CHAVEZ ADDN
4	10160 59495 23341 722	NEW MEXICO STATE POLIC E BOARD	PO BOX 1628	SAN TA F E	N M	87 50 11 62 8	V	A1 A	PARCEL A- 1 EXC THE NLY 125 FT OF PLAT FOR JOS EPH REAY TR PAR CELS A-1, A-2, C-1 & C- 2 CONT 1.3560 AC M/L OR 59,067 SQ FT M/ L
5	10160 59516 25241 721	RABADI SHARIF A & SAMIA TRUSTEES STAR TRUST	120 WYOMI NG SE	ALB UQU ERQ UE	N M	87 12 3	C	A1 A	PARCEL B- 1 PLAT FOR JOSEPH REAY TR PARCELS B-1 & B-2 CONT 16 ,483 SQ FT +- / 0.3784 AC +-
6	10170 59067 29620 110	HERRMANN ODELIA B ETAL TR OF ADRIAN J & LEILA B JOHNSON RVT C/O AAMS (L ESSEE)	4711 W GO LF RD SUIT E 1000	SKO KIE	IL	60 07 6	C	A1 A	TR C- 1A A J JOHNSON PROPERTY CONT 13.616 2 AC +-
7	10170 59055 18731 030	APHM CARLISLE LLC	8910 UNIVE RSITY CENT ER LN SUIT E 100	SAN DIE GO	C A	92 12 2	C	A1 A	TRS 1, 2, & 3 UNIT 1 TOGETHER WITH TRS 4, 5 & 6A UNIT 2 DALE J. BELLAMAHS CA RLISLE REPLAT CONT 11.0727 AC
8	10160 59514 22541 719	NEW MEXICO STATE POLIC E BOARD	PO BOX 1628	SAN TA F E	N M	87 50 1	C	A1 A	TRACT C- 1, PLAT FOR JOSEPH REALTY PARCELS A -1, A-2, C-1 & C- 2, EXCEPT AN EASTERLY PORTION TO R/ W CONT. 1 68 AC.

Or Current Resident
APHM CARLISLE LLC
8910 UNIVERSITY CENTER LN
SUITE 100
SAN DIEGO, CA 92122

Or Current Resident
DILLER RICHARD L & DEBRA L &
ARNOLD WALTER H & MARILYN
ANN
6010 LOMAS BLVD NE
ALBUQUERQUE, NM 87110

Or Current Resident
RABADI SHARIF A & SAMIA
TRUSTEES STAR TRUST
120 WYOMING SE
ALBUQUERQUE, NM 87123

Project# 1006549
BARB JOHNSON
Bel Air
2700 HERMOSA
ALBUQUERQUE, NM 87110

Or Current Resident
BOREN 2536 LLC
11400 SANTA MONICA DR NE
ALBUQUERQUE, NM 87122

Or Current Resident
HERRMANN ODELIA B ETAL TR OF
ADRIAN J & LEILA B JOHNSON RVT
C/O AAMS (LESSEE)
4711 W GOLF RD SUITE 1000
SKOKIE, IL 60076

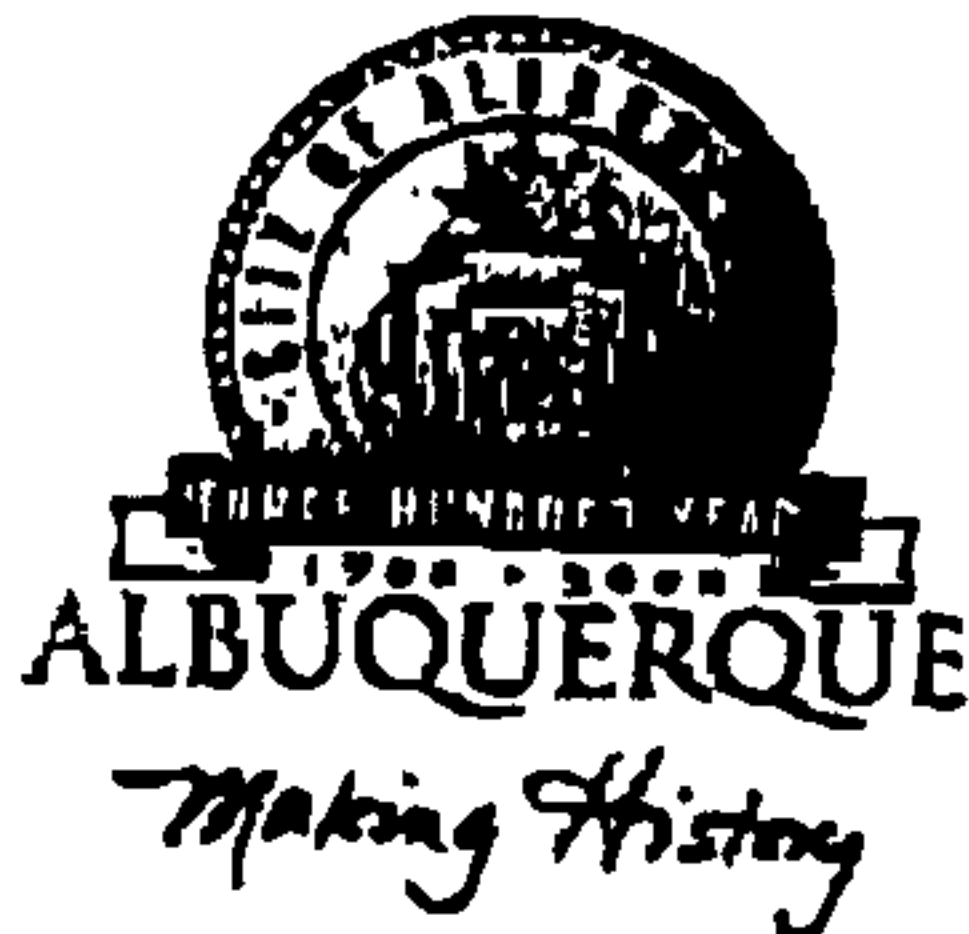
Project# 1006549
SURVEY SOUTHWEST, LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Project# 1006549
MS. LEE JULIAN
Bel Air
2724 MONROE NE
ALBUQUERQUE, NM 87110

Or Current Resident
CRANDELL LEROY D TRUSTEE
CRANDELL LIVING TRUST
9531 GIDDINGS AVE NE
ALBUQUERQUE, NM 87109

Or Current Resident
NEW MEXICO STATE POLICE BOARD
PO BOX 1628
SANTA FE, NM 87501 1628

Project# 1006549
BENCOR, BRUCE, WALKOWSKI
9400 HOLLY AVE NE, BLDG 2 STE 202
ALBUQUERQUE, NM 87122



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: June 13, 2007

TO CONTACT NAME: Sarah
COMPANY/AGENCY: Survey's Southwest LTD
ADDRESS/ZIP: 333 Tomas Blvd. NE
PHONE/FAX #: 998-0303 505-998-0306

Thank you for your inquiry of June 13, 2007 requesting the names of **Recognized Neighborhood Associations** who would be affected under the provisions of O-92 by your proposed project at Tract 2, Mills & Boren Subd.

zone map page(s) H-17

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

Bel-Air
Neighborhood Association
Contacts: Barb. Johnson
2700 Hermosa 87110
889-0293 (h)
Ms. Lee Julian
2724 Monroe NE 87110
888-3042 (h)

Neighborhood Association
Contacts: _____

See reverse side for additional Neighborhood Association Information: YES { } NO {X}

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,


OFFICE OF NEIGHBORHOOD COORDINATION

.....
Attention: Both contacts per neighborhood association 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 DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

The street address of the subject property.

The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.

A physical description of the location, referenced to streets and existing land uses.

A complete description of the actions requested of the EPC:

- 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").
- If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
- 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.
- The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

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

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

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

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


Thank you for your cooperation on this matter.

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

Date of Inquiry: 6/13/09

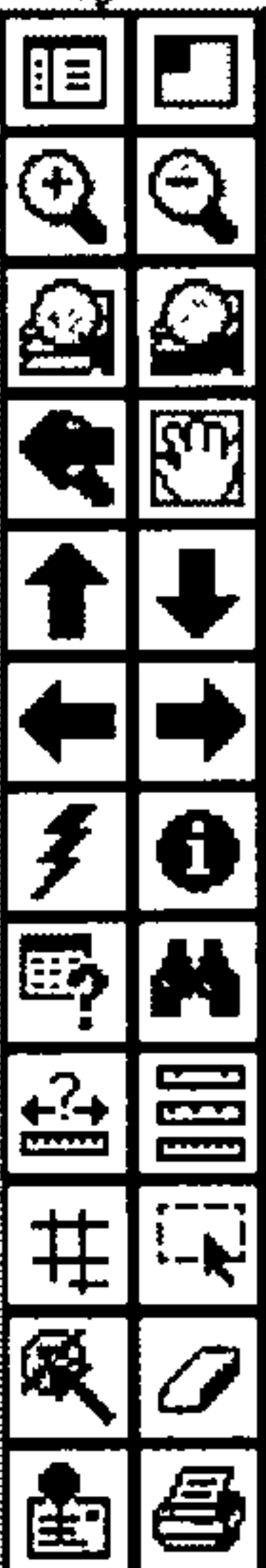
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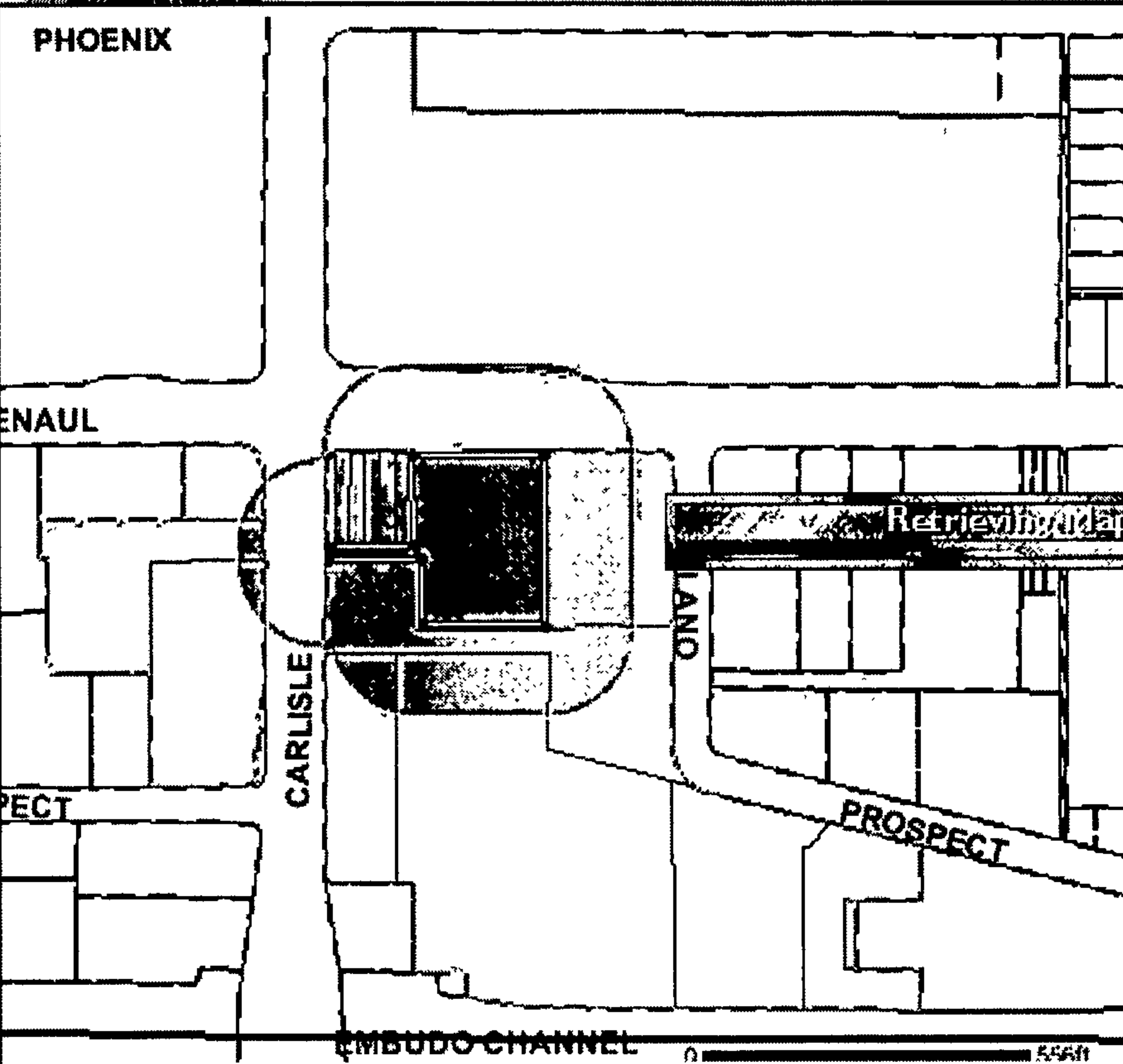
ONC Rep. Initials: [Signature]



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
- 2006 AIR PHOTO
- 2004 AIR PHOTO
- 2002 AIR PHOTO
- 1999 AIR PHOTO

Refresh Map

Auto Refresh

Help:

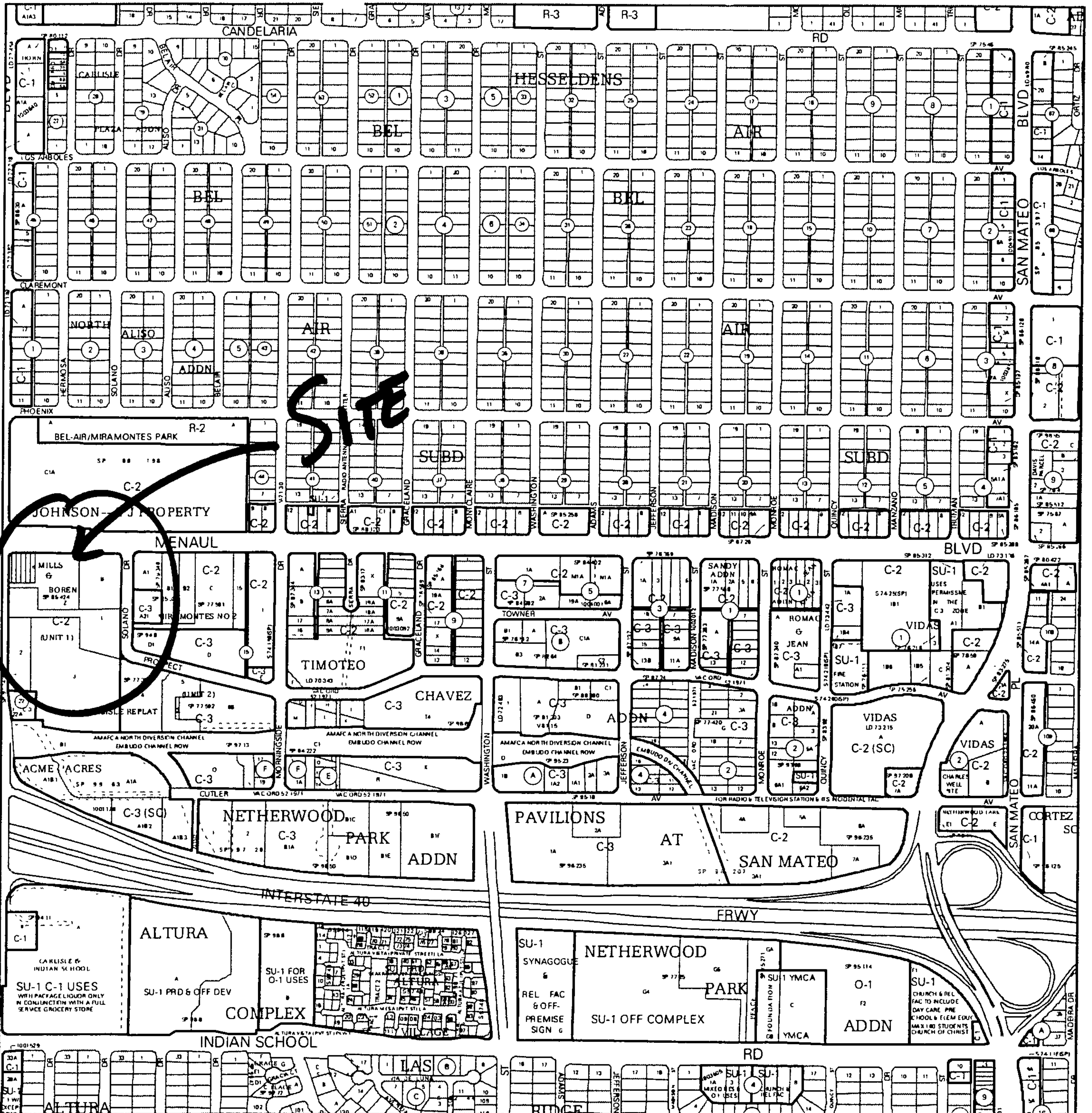
- Closed group, click to open.
- Open group, click to close.
- Map layer.
- Hidden group/layer, click for visible.
- Visible group/layer, click to hide.
- Layer not visible at this scale.
- Partially visible group, click for visible.
- Inactive layer, click for active.
- The active layer.

OWNERSHIP

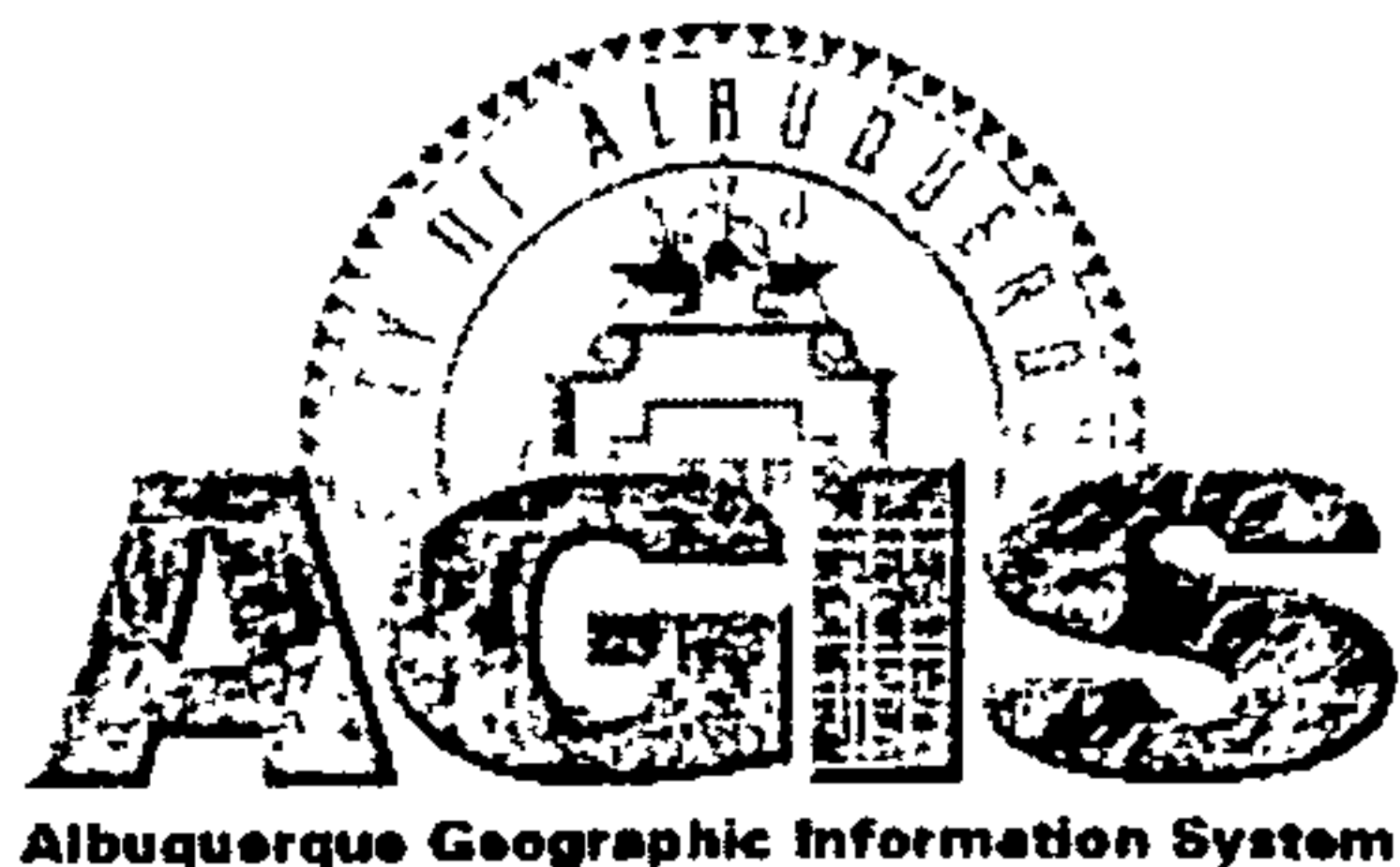
Rec	UPC CODE	OWNER
1	101705901425131034	BOREN 2536 LLC
2	101705903124531035	DILLER RICHARD L & DEBRA L & ARNOLD WALTER H & MA
3	101705905424531036	GRANDELL LEROY D. TRUSTEE, GRANDELL LIVING TRUST

Pan
SEARCH
REFRESH
HELP
INDEX PAGE

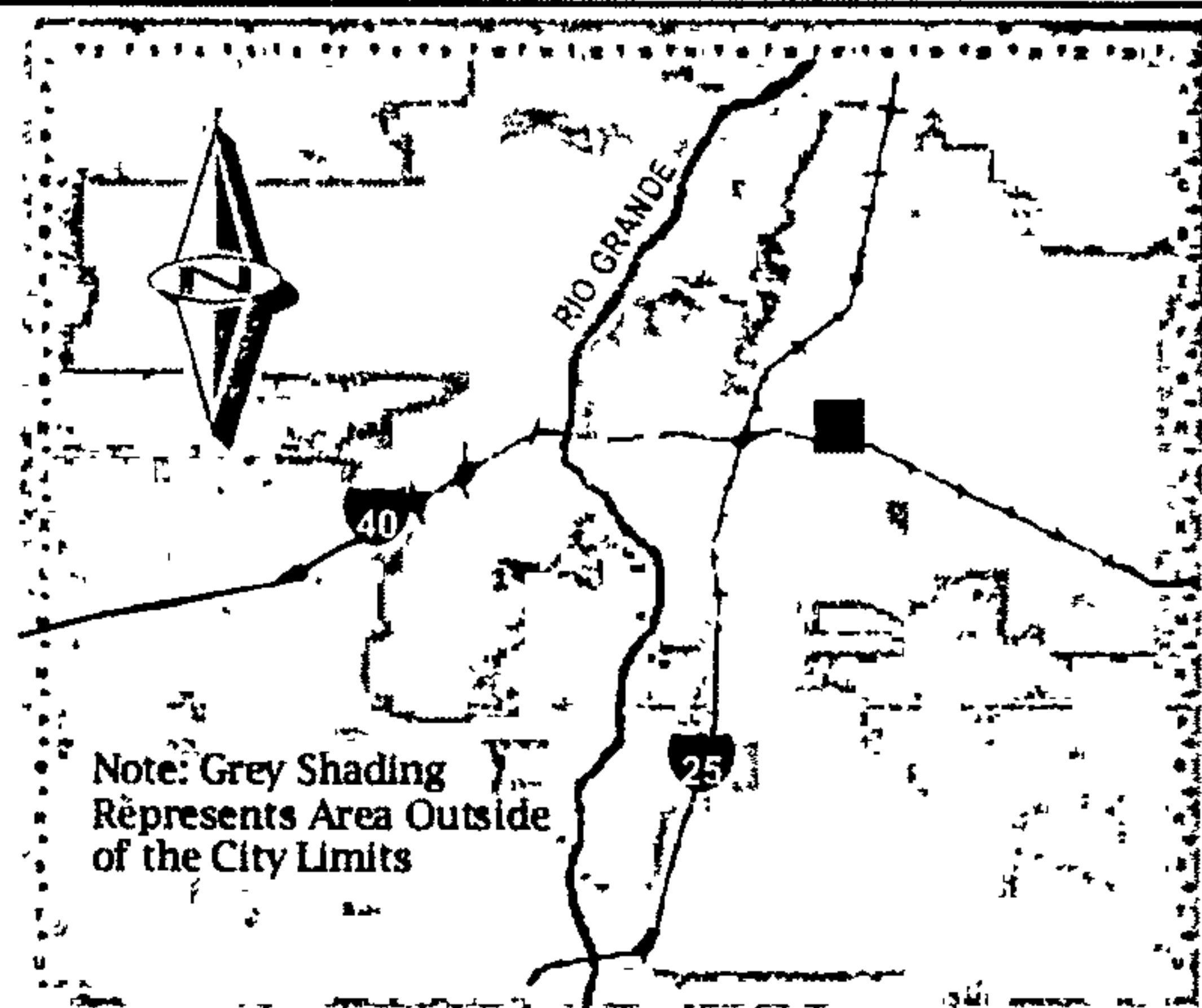
[CONTACT](#)



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



Map amended through: 10/25/2006



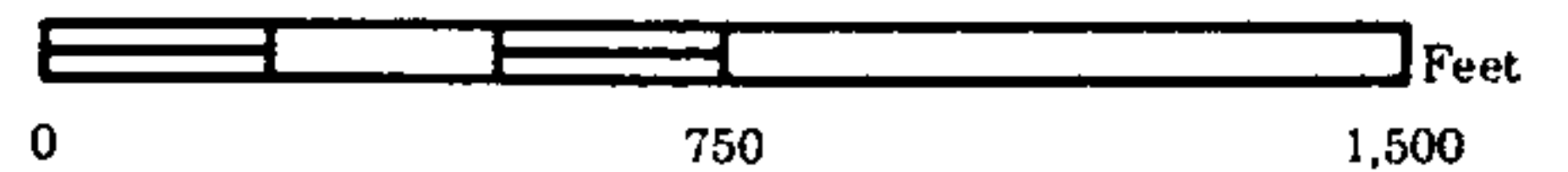
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

H-17-Z

Selected Symbols

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



Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

June 13, 2007

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

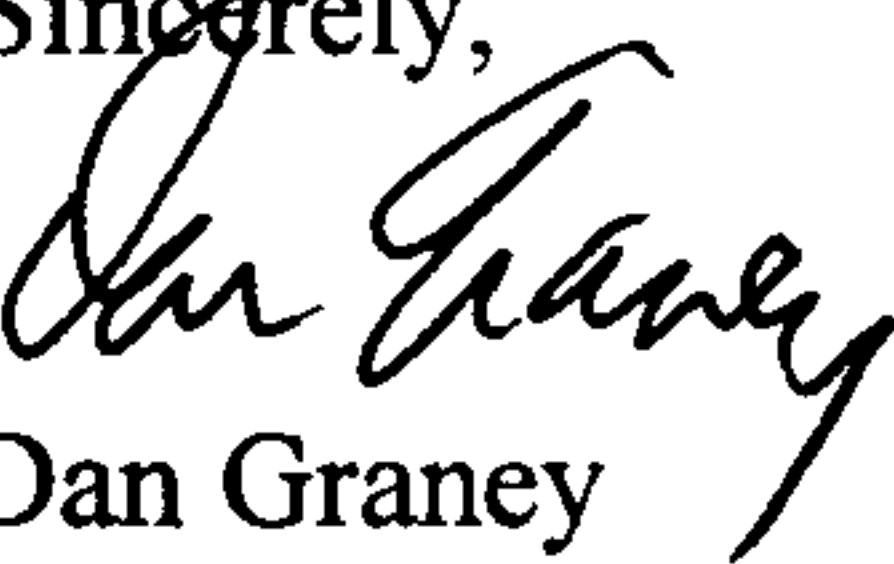
REF: VACATION ACTION / TRACT Z, MILLS & BOREN SUBDIVISION

Dear Board Members:

Surveys Southwest, Ltd is requesting to vacate reserved public & private utility easements within a portion of the alley vacated July 5, 1960 (V-1751) in Tract Z, Mills & Boren Subdivision recorded October 10, 1984.

If you have any questions please feel free to contact me.

Sincerely,


Dan Graney
President



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

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW**, on **Wednesday, July 11, 2007**, beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1002529

07DRB-70049 MAJOR - 2YR SUBD IMP AGMT
(2YR SIA)

BORDENAVE DESIGNS agent(s) for CAS, LLC / ROBRO, INC request(s) the above action(s) for all or a portion of Lot(s) 1 thru 4, **CAS ADDITION**, zoned SU-1 FOR C-1 & SU-1 FOR O-1, located on COORS BLVD NW between WESTSIDE DR NW and the CALABACILLAS ARROYO containing approximately 6 acre(s). [REF: 04EPC-01840] (B-13/14)

Project# 1006539

07DRB-70047 BULK LAND VARIANCE
07DRB-70043 VACATION OF PUBLIC
EASEMENT
07DRB-70045 VACATION OF PUBLIC RIGHT-OF-
WAY
07DRB-70048 MINOR - PRELIMINARY/ FINAL
PLAT APPROVAL
07DRB-70046 VACATION OF PRIVATE EASE.

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL, LLC request(s) the above action(s) for all or a portion of Tract(s) 4-A-1 & 4-B, **MESA DEL SOL (to be known as INNOVATION PARK)** zoned SU-2 PLANNED COMMUNITY, located on I-25 and UNIVERSITY BLVD SE containing approximately 2,270.5622 acre(s). (Q-16, R-15-17, S-14, S-16-17, T-16)

Project# 1000976

07DRB-70042 MAJOR - PRELIMINARY PLAT
APPROVAL
07DRB-70044 MINOR - TEMP DEFR SWDK
CONST

ABQ ENGINEERING INC. agent(s) for RIVERSIDE WEST LLC request(s) the above action(s) for all or a portion of Tract(s) 1 & 2, **LANDS OF WESTLAND DEVELOPMENT CO., INC.**, zoned SU-1 FOR PRD, located on ERVIEN LN SW between COORS BLVD SW and UNSER BLVD SW containing approximately 40.85 acre(s). (M-10 & N-10)

Project# 1005334

07DRB-70062 VACATION OF PUBLIC RIGHT-OF-
WAY
07DRB-70063 MINOR - PRELIMINARY/ FINAL
PLAT APPROVAL

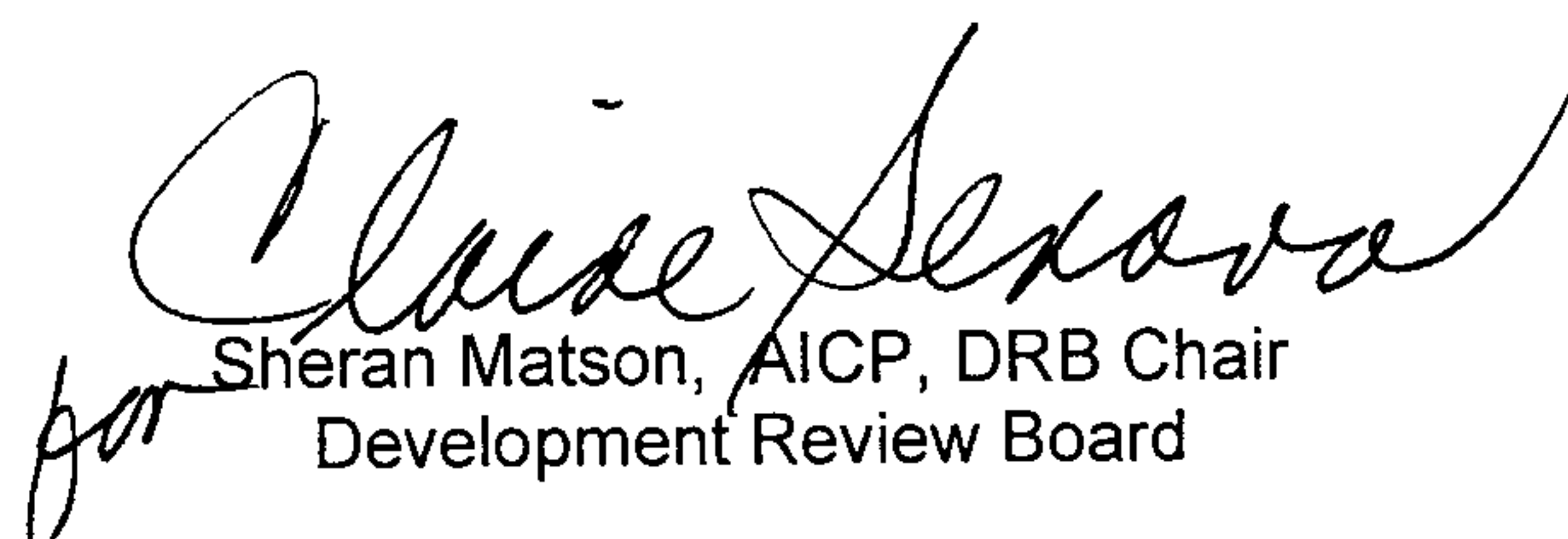
SURVEYS SOUTHWEST LTD agent(s) for THOMAS SCHROEDER request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 13, **MESA GRANDE ADDITION**, zoned O-R, located on MESA GRANDE PL SE between GRACELAND ST SE and VALVERDE SE containing approximately .1062 acre(s). (K-17)

Project# 1006549

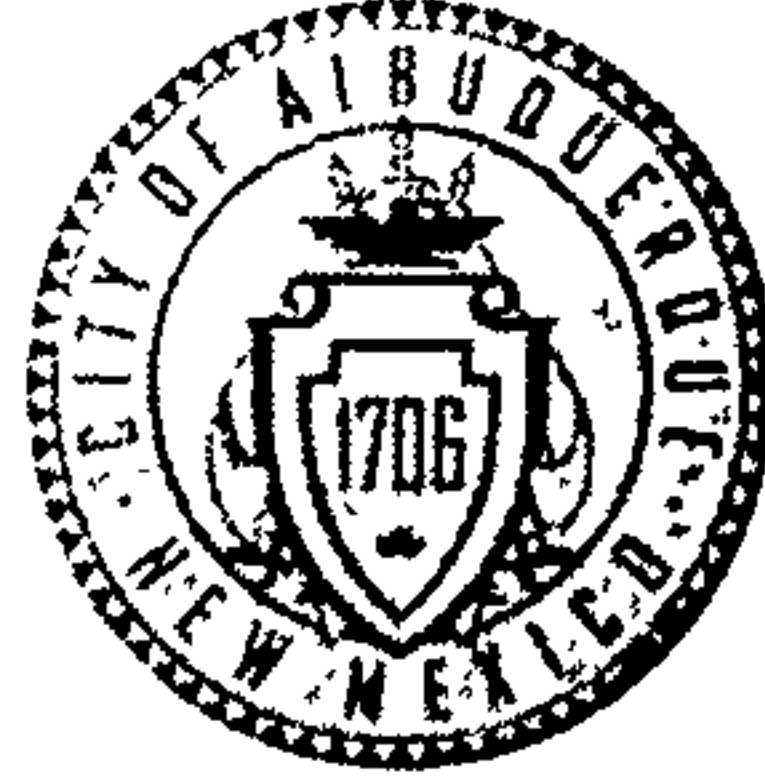
07DRB-70061 VACATION OF PUBLIC
EASEMENT

SURVEYS SOUTHWEST LTD agent(s) for BENCOR, BRUCE WALKOWSKI, request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, located on MENAUL BLVD NE between CARLISLE BLVD NE and SOLANO DR NE. (H-17)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.


for Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JUNE 25, 2007.



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

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW**, on **Wednesday, October 1, 2008**, beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1000072

08DRB-70386 VACATION OF PUBLIC DRAINAGE EASEMENT(S)
08DRB-70387 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

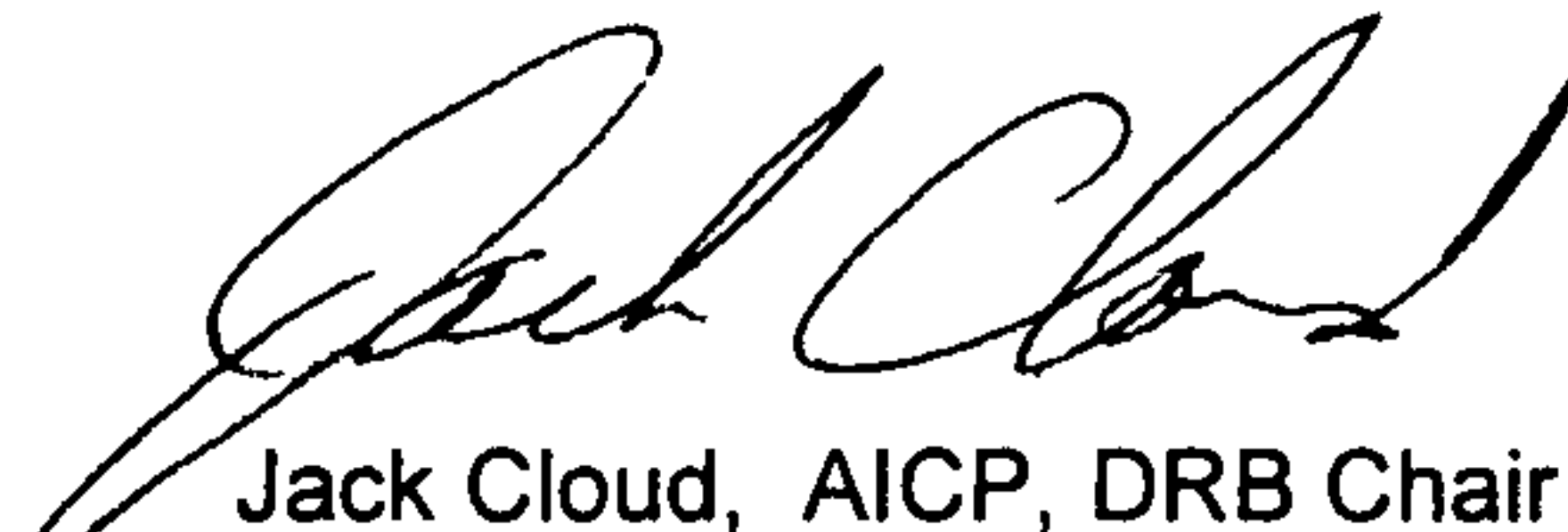
SHAKEEL RIZVI request(s) the referenced/ above action(s) for all or a portion of Tract AA, Block 2, and Tract BB, Block 1, **CARMEL SUBDIVISION**, zoned R-D, located on CARMELITO LOOP NE BETWEEN HOLLY AVE NE AND CARMEL AVE NE containing approximately 0.25 acre(s). (C-18)

Project# 1006549

08DRB-70385 VACATION OF PUBLIC & PRIVATE UTILITY EASEMENT(S)

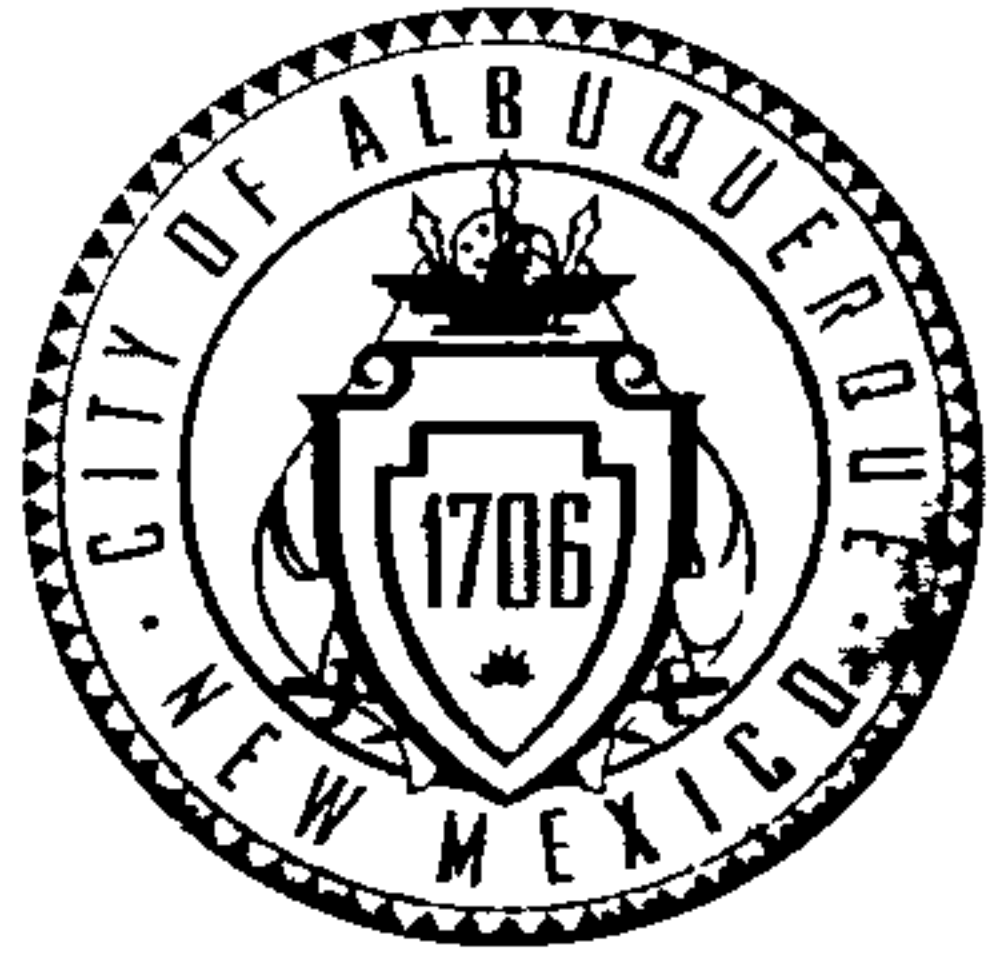
SURVEYS SOUTHWEST LTD agent(s) for BENCOR/ CARLISLE LIMITED PARTNERSHIP request(s) the referenced/ above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on the south side of MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE containing approximately 1.66 acre(s). (H-17)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.


Jack Cloud, AICP, DRB Chair
Development Review Board

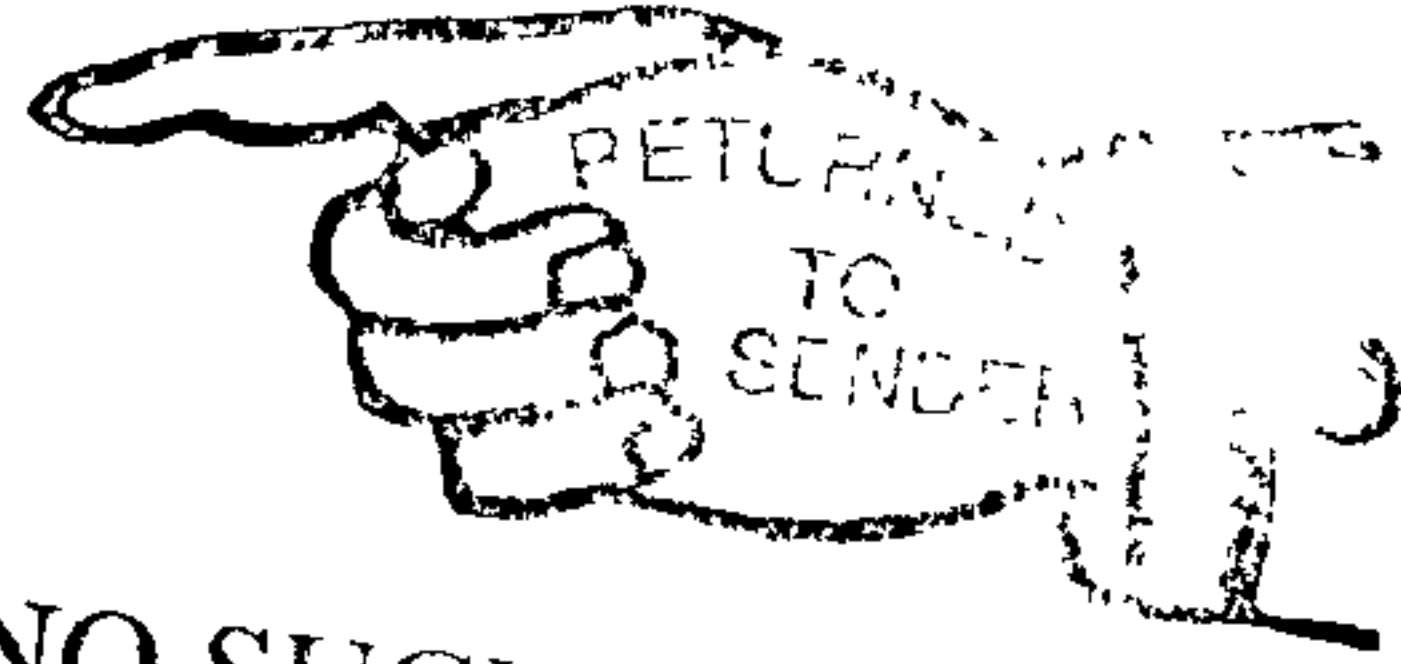
TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, SEPTEMBER 15, 2008.

CITY OF ALBUQUERQUE



Planning Department

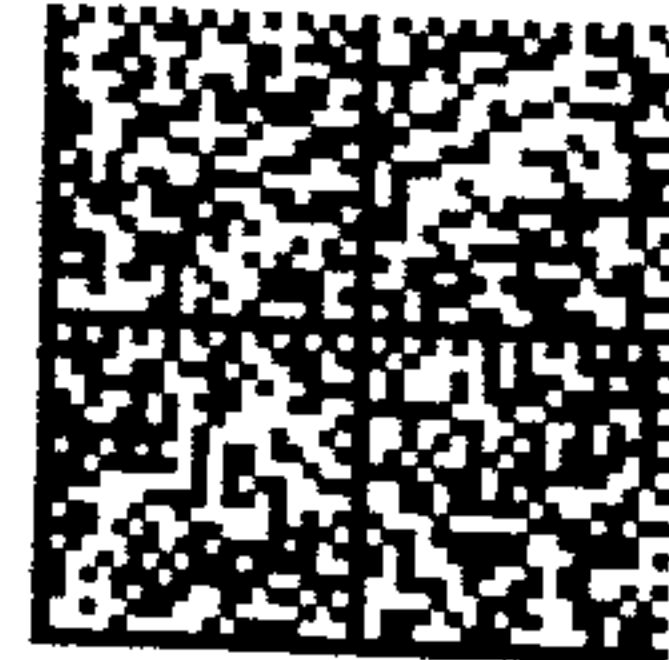
DRB



NO SUCH ADDRESS

Do not remail in this envelope.

Project# 1006549
BENCOR WALKOWSKI
[REDACTED]
[REDACTED]
ALBU [REDACTED]



02 1M \$ 00.42⁰
0004261639 SEP 12 2008
MAILED FROM ZIP CODE 8710

*Please forward
to 5600 Lubank N.E.
Suite 180
ABQ NM. 87111*



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

09/05/2008 Issued By: PLNSDH

Permit Number: 2008 070 385 **Category Code 910**

Application Number: 08DRB-70385, Vacation Of Public Easement

Address:

Location Description: MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE

Project Number: 1008549

Applicant

Bencor Bruce Walkowski

9400 Holly Ave Ne, Bladg 2, Ste 202
Albuquerque NM 87122
787-6870

Agent / Contact

Surveys Southwest Ltd

Dan Graney
333 Lomas Blvd Ne
Albuquerque NM 87102

dmgraney@swsurvey.com

Application Fees

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$45.00
TOTAL:		\$140.00

City Of Albuquerque
Treasury Division

9/5/2008 10:04AM LDC: ANNX
WS# 007 TRANS# 0012
RECEIPT# 00103490-00103490
PERMIT# 2008070385 TRSCXG
Trans Amt \$140.00
APN Fee \$75.00
Conflict Manag. Fee \$20.00
DRB Actions \$45.00
CK \$140.00
CHANGE \$0.00

Thank You



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation OF PUBLIC & PRIVATE UTILITY EASEMENT
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0305
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: BENCOR BRUCE WALKOWSKI PHONE: 797-6670
 ADDRESS: 9400 HOLLY AVE NE, BLDG 2, SUITE 202 FAX: _____
 CITY: ALBU STATE NM ZIP 87122 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: N/A

DESCRIPTION OF REQUEST: TO VACATE PUBLIC & PRIVATE UTILITY EASEMENT (RESERVED) IN THE VACATED ALLEY (V-1751, JULY 5, 1960).

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. ADJACENT TO TRACT 2 Block N/A Unit: N/A
 Subdiv/Addn/TBKA: MILLS & BOREN SUBDIVISION
 Existing Zoning: C-2 Proposed zoning: N/A
 Zone Atlas page(s): H-17-Z UPC Code: 1-017-059-031-245-31035 MRGCD Map No N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App, DRB, AX, Z, V, S, etc.): V-240, 2-759, 07DRB-70061 PROJ # 1006549, 07DRB-70195, V-273

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): 1.6600 AC.
 LOCATION OF PROPERTY BY STREETS: On or Near MENALL BLYD NE
 Between: CARLISLE BLYD NE and SOLANO DE NE

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

SIGNATURE Sarah Gibson DATE 9.03.08
 (Print) SARAH GIBSON Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
<u>08DRB 70385</u>	<u>VPE</u>	<u>✓</u>	<u>\$ 45.00</u>
_____	<u>ADV</u>	_____	<u>\$ 75.00</u>
_____	<u>CME</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	<u>\$ _____</u>
_____	_____	_____	<u>\$ _____</u>
Hearing date <u>10/01/08</u>			Total <u>\$ 140.00</u>

Sandy Handley 09/05/08
 Planner signature / date

Project # 1006549

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.

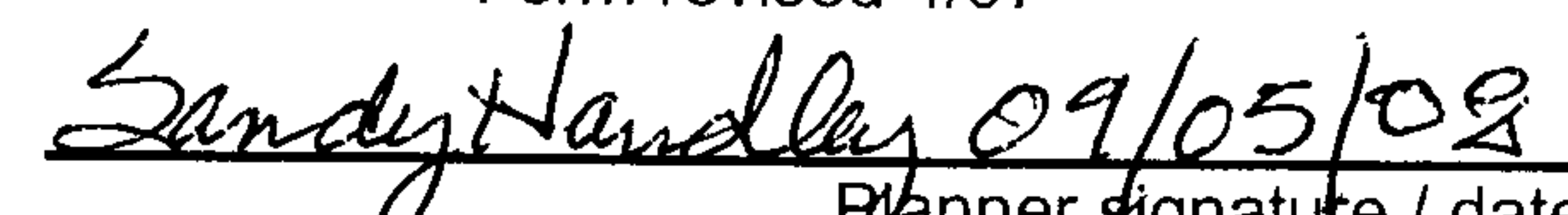
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

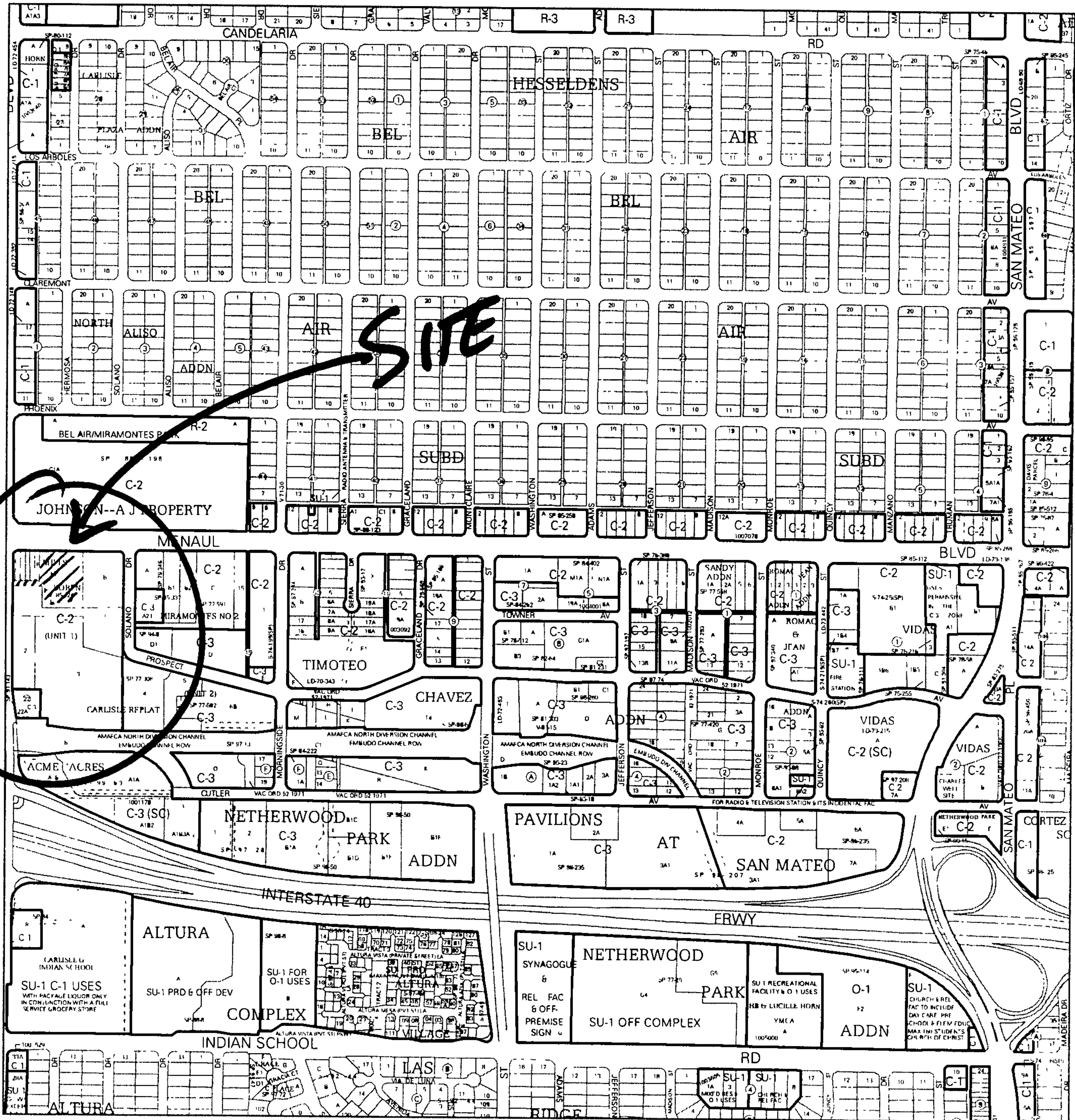
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.


 Applicant name (print)
 9.03.08
 Applicant signature / date



Form revised 4/07

<input checked="" type="checkbox"/> Checklists complete <input checked="" type="checkbox"/> Fees collected <input checked="" type="checkbox"/> Case #s assigned <input type="checkbox"/> Related #s listed	Application case numbers 08DEB - 70385 _____ _____	<p style="text-align: right;">  Planner signature / date </p> Project # <u>1000549</u>
---	---	--



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

AGIS
Albuquerque Geographic Information System

Map amended through: 6/13/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page.
H-17-Z

Selected Symbols

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

0 750 1,500 Feet

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0305

September 3, 2008

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

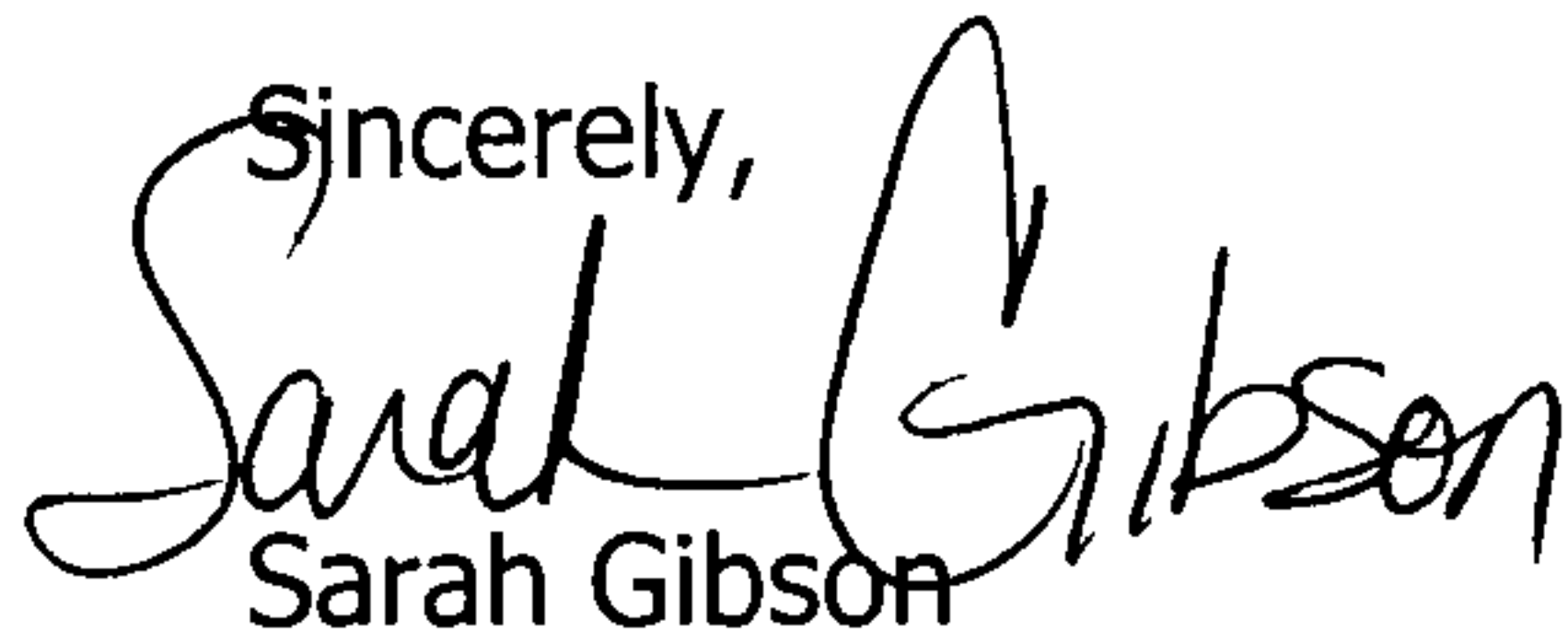
REF: VACATION ACTION (PROJECT #1006549) - TRACT Z, MILLS & BOREN
SUBDIVISION

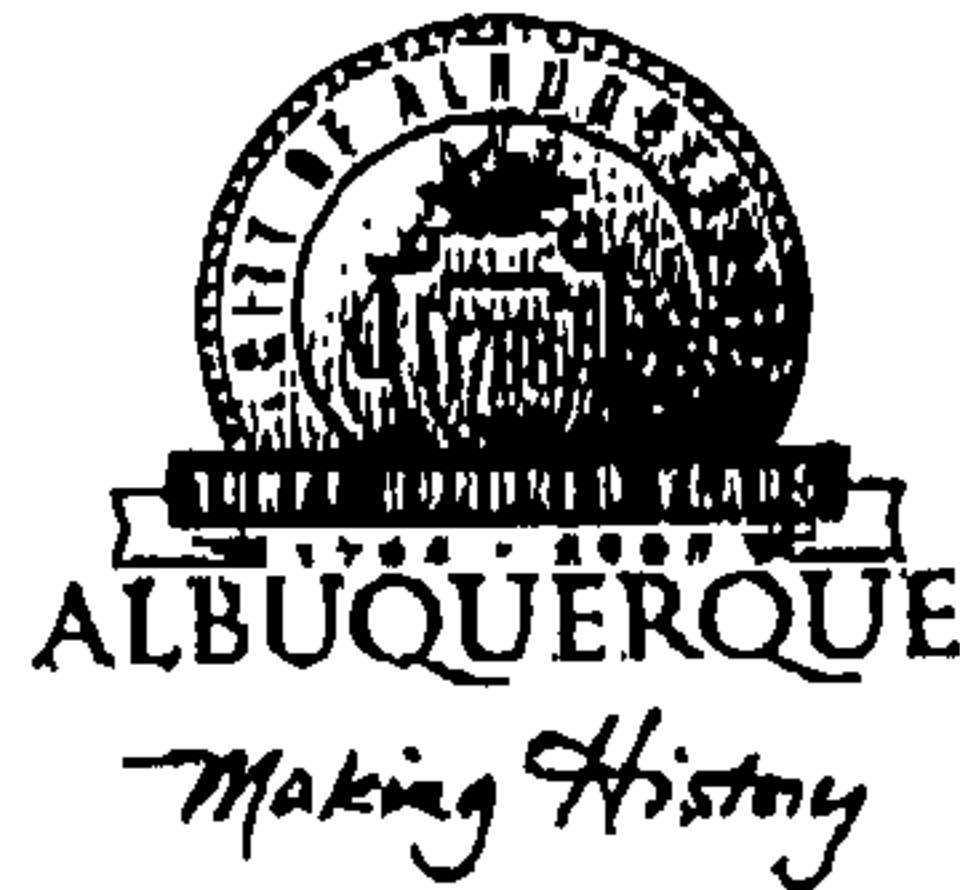
Dear Board Members:

At the July 11, 2007, DRB meeting, the vacation action for the above referenced property was approved. The vacation action has since expired.

We are requesting to vacate the public & private utility easements within Tract Z, Mills & Boren Subdivision so that we may facilitate the preliminary/final plat that was approved on November 28, 2007.

If you have any questions please feel free to contact me.

Sincerely,

Sarah Gibson



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

October 3, 2007

Sarah Gibson
GPS, LLC/Surveys Southwest, LTD.
333 Lomas Boulevard NE/87102
Phone: 998-0303/Fax: 998-0306

Dear Sarah:

Thank you for your inquiry of October 3, 2007 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **TRACT Z, MILLS AND BOREN SUBDIVISION LOCATED ON CARLISLE BOULEVARD NE BETWEEN MENAUL BOULEVARD NE AND SOLANO DRIVE NE** zone map **H-17**.

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

BEL-AIR N.A. (BLA) "R"

***Barb Johnson**

2700 Hermosa NE/87110 889-0293 (h)

Ms. Lee Julian

2724 Monroe NE/87110 888-3042 (h)

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

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

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.

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
NEIGHBORHOOD ASSOCIATION.**

planningnaform(07/23/07)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

Information from the Office of Neighborhood Coordination

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

[] **The ONC "Official" Letter** (if there are no associations). A copy must be submitted with application packet.

[] **The ONC "Official" Letter** (if there are no associations). A copy must be submitted with application packet.

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

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

Thank you for your cooperation on this matter.

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

Date of Inquiry: **09/03/08** Time Entered: **4 p.m.** ONC Rep. Initials: **SW**

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0305

September 4, 2008

BEL-AIR NEIGHBORHOOD ASSOCIATION
MS. LEE JULIAN
2724 MONROE NE
ALBUQUERQUE, NM 87110

REF: TRACT Z, MILLS & BOREN SUBDIVISION

Dear Ms. Lee Julian:


This letter is a notice to you of continuing action for the above referenced property.

Surveys Southwest, Ltd is re-submitting the above referenced property for a vacation action to facilitate the final plat approval. The prior vacation action expired July 11, 2007. A copy of the drawing showing the vacation action is enclosed. When approved, this will become the final plat for the Mills & Boren Subdivision.

The date and time if the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is October 1, 2008.

If you have any questions please feel free to contact me.

Sincerely,


Sarah Gibson

2902 2959 0000 6532 7062
7008 0150 0000 0510 8001

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32
Postmark Hend 9.05.08	
Sent To MS. LEE JULIAN	
Street, Apt. No., or PO Box No. 2724 MONROE NE	
City, State, ZIP+4® ALBU. N. MEX 87110	
PS Form 3800, August 2006	
See Reverse for Instructions	

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0305

September 4, 2008

BEL-AIR NEIGHBORHOOD ASSOCIATION
BARB JOHNSON
2700 HERMOSA NE
ALBUQUERQUE, NM 87110

REF: TRACT Z, MILLS & BOREN SUBDIVISION

Dear Barb Johnson:

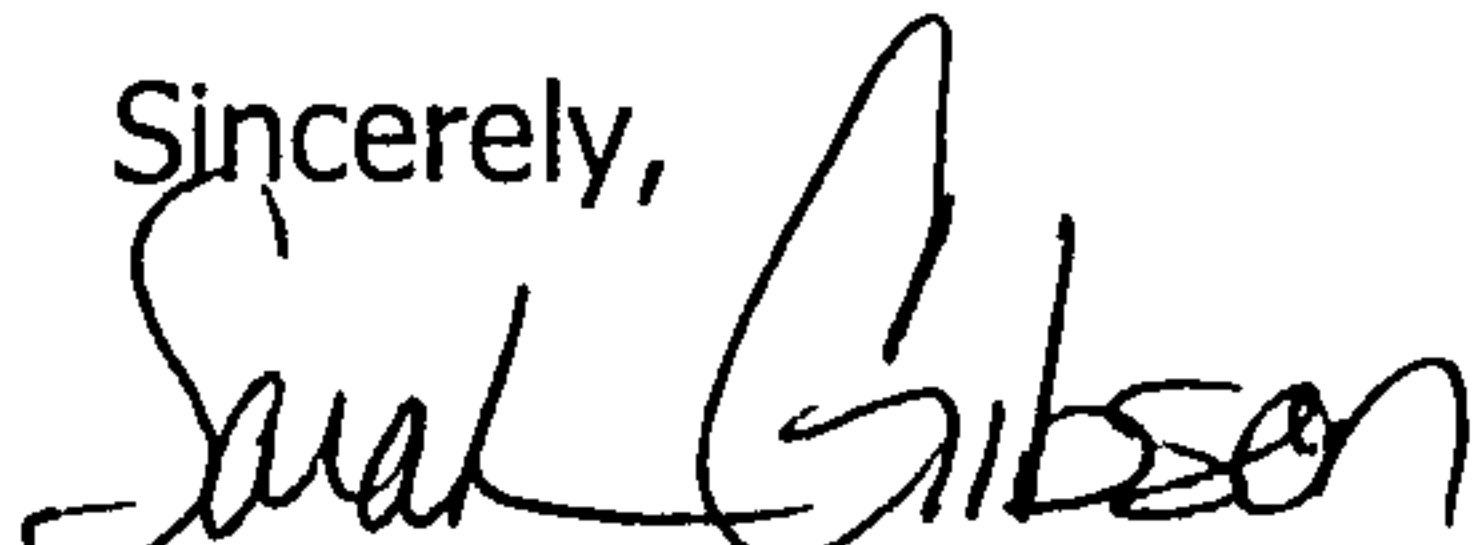
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If you have any questions please feel free to contact me.

Sincerely,


Sarah Gibson

7008 0150 0000 6532 7079
7002 2599 0000 0570 9007

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark
Here

9.03.08

Sent To BARB JOHNSON
Street, Apt. No.,
or PO Box No. 2700 HERMOSA NE
City, State, Zip+4 ALBU, N. MEX 87110

PS Form 3800, August 2006

See Reverse for Instructions

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 SEPT 16, 2008 To OCT. 1, 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.

Sam Gibson (Applicant or Agent) 9.05.08 (Date)

I issued 1 signs for this application, 09/05/08 (Date) Sandy Handley (Staff Member)

DRB PROJECT NUMBER: 1006549

CONSULTING ENGINEERS
1800 MARBLE AVENUE, NE SUITE 10
ALBUQUERQUE, NM 87110
PHONE (505) 265 7703

CA 28-17

State of New Mexico
County of Bernalillo
This instrument was filed for record
on LOT 10 1230
at 10:00 am on June 11, 1985
at the County Clerk's Office
County of Bernalillo, New Mexico
[Signature] Clerk & Recorder
Deputy Clerk

85 85018

H-17

A PLAT OF
Tract 'Z'
MILLS AND BOREN SUBDIVISION

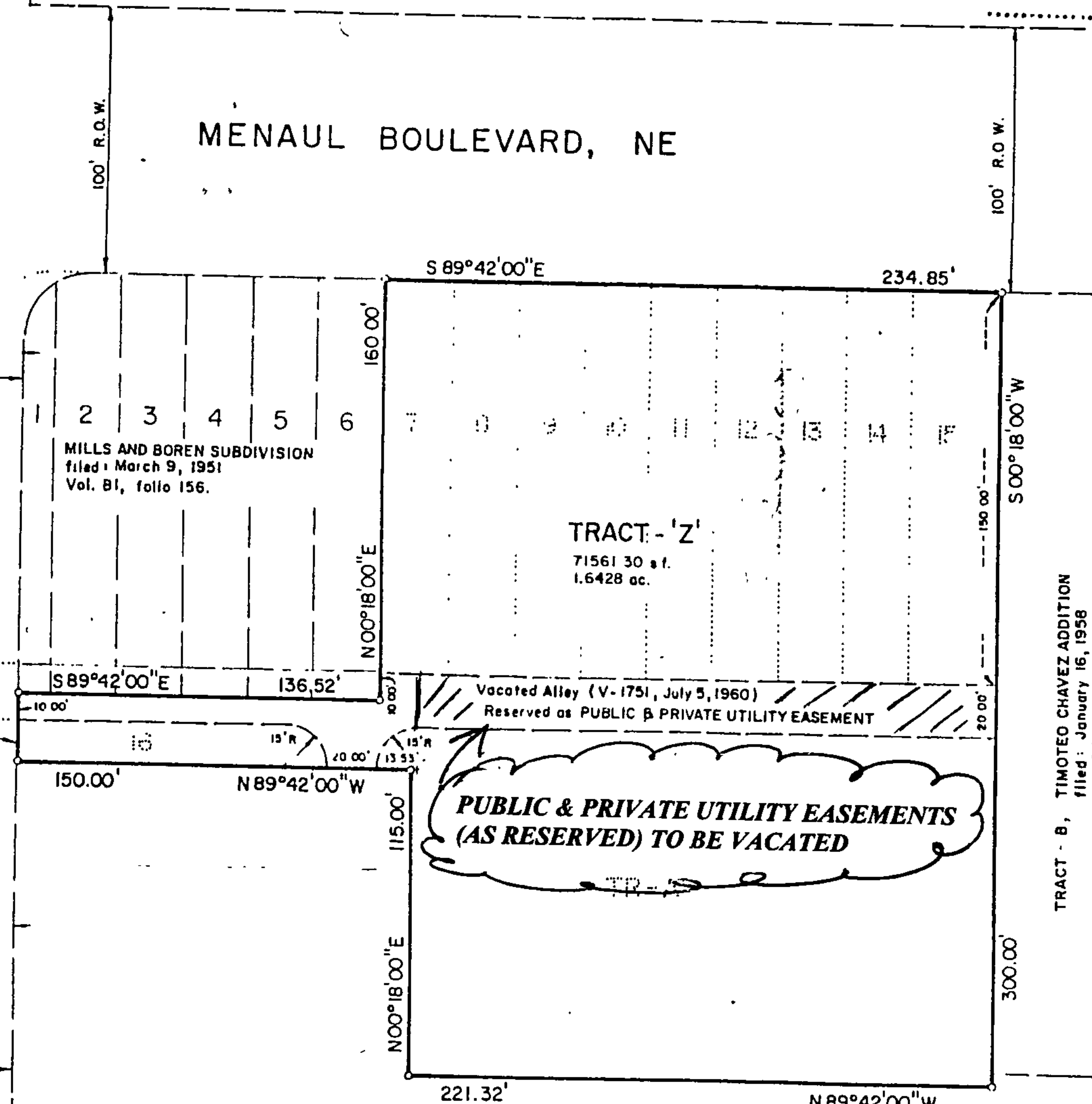
A REPLAT OF LOTS 7 TO 15 INCLUSIVE
PORTIONS OF LOT-16 AND TRACT-'A'
MILLS AND BOREN SUBDIVISION
(PLAT FILED MARCH 9, 1951, BI, 156)
TOGETHER WITH PORTION OF VACATED ALLEY
(V-1751, JULY 5, 1960)
ALBUQUERQUE, NEW MEXICO

JUNE 1985

**CITY ENGINEERS
OFFICE
APPROVAL**

CARLISLE BOULEVARD, NE

MENAU BOULEVARD, NE



MILLS AND BOREN SUBDIVISION
filed March 9, 1951
Vol. BI, folio 156.

TRACT - 'Z'
71561.30 sq. ft.
1.6428 ac.

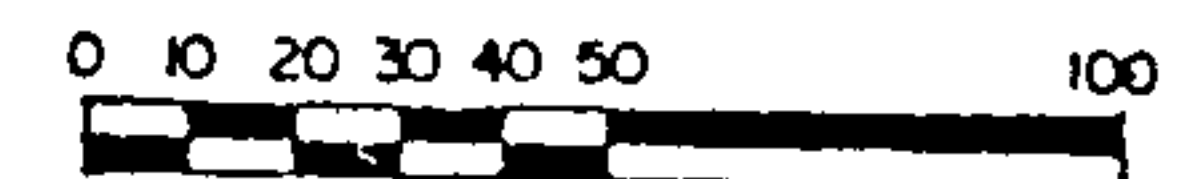
**PUBLIC & PRIVATE UTILITY EASEMENTS
(AS RESERVED) TO BE VACATED**

TRACT - B, TIMOTEO CHAVEZ ADDITION
filed January 16, 1958
Vol. D2, folio 48.

TRACT - I, UNIT - I DALE J. BELLAMAH'S CARLISLE REPLAT
filed April 9, 1969
Vol. D4, folio 25.

Prior to further development, City of Albuquerque Water and Sanitary
Sewer Service to this Tract

SCALE 1"=50'



20 10 0 20 40
 15 5 10 30
 SCALE: 1" = 40'
 PROJECT NO. 0707AT08
 DRAWN BY: AT
 ZONE ATLAS: H-117-Z

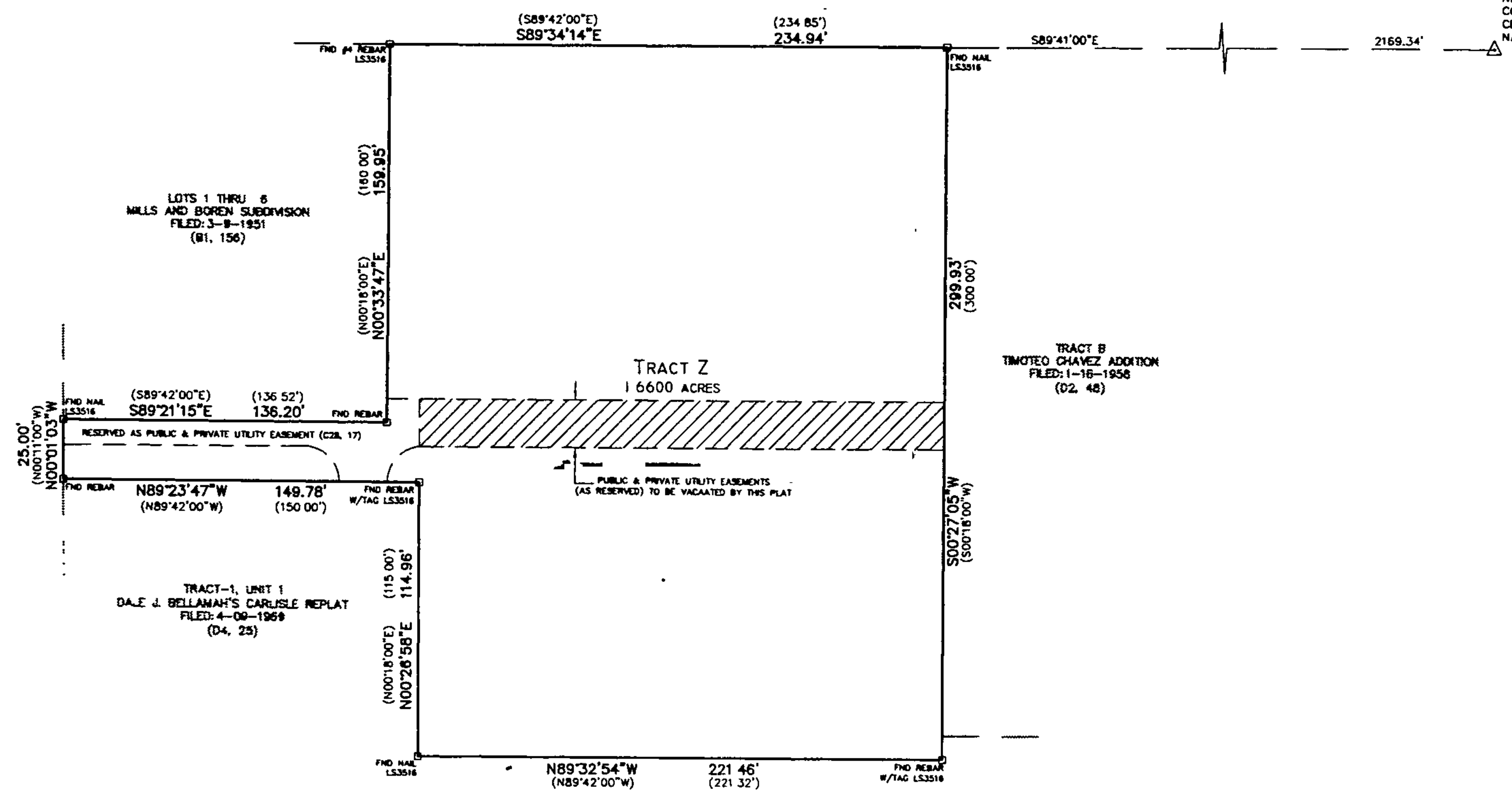


PLAT OF
 TRACT Z
 MILLS AND BOREN SUBDIVISION
 PROJECTED SECTION 11, T. 11 N., R. 3 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2007
 SHEET 2 OF 2

MENAUL BOULEVARD N.E.
 100' RIGHT-OF-WAY

STATION 9-H17
 X = 396843.11
 Y = 1495110.71
 GROUND TO GRID = 0.99966457
 DELTA ALPHA = 0°11'54"
 NEW MEXICO STATE PLANE
 COORDINATE SYSTEM
 CENTRAL ZONE
 NAD 1927

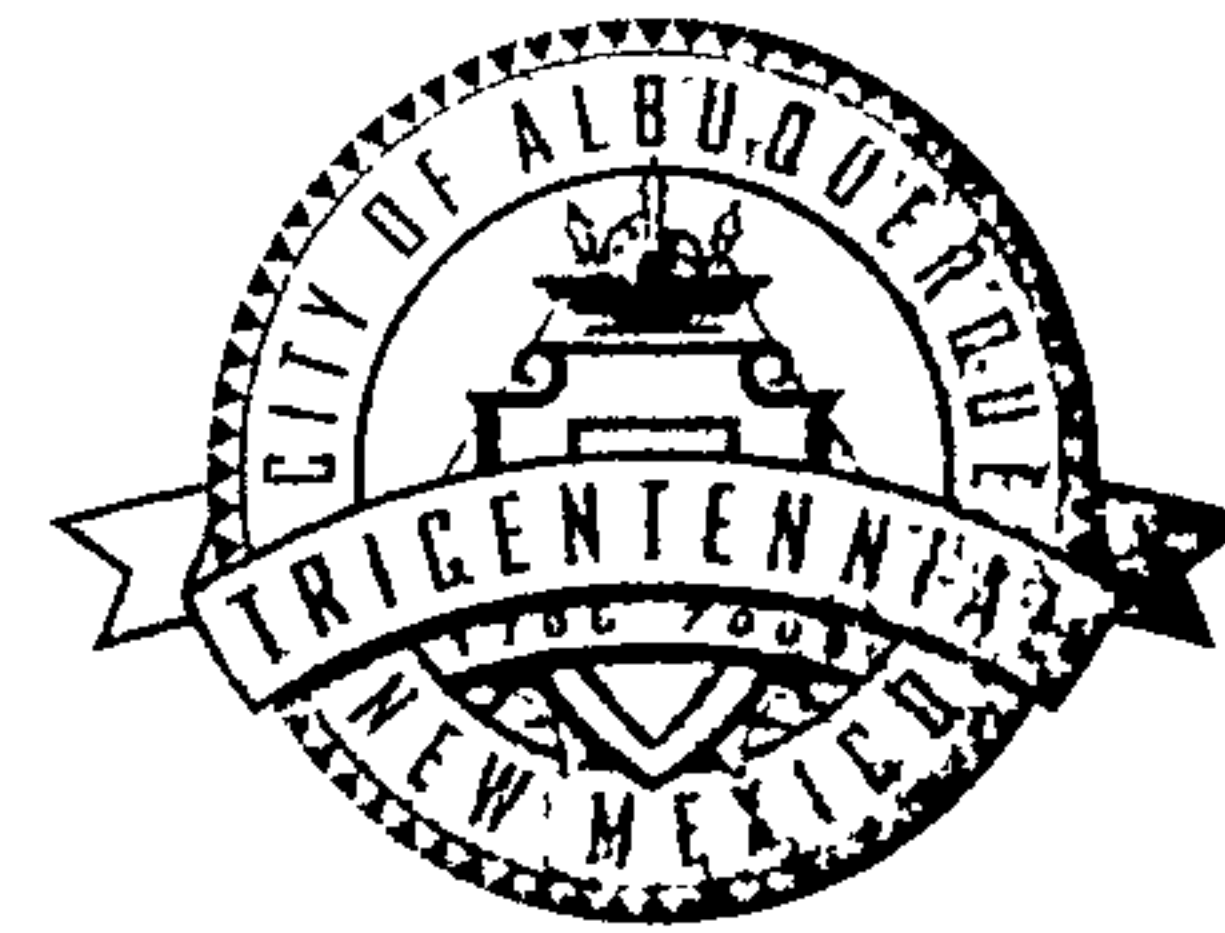
CARLISLE BOULEVARD N.E.
 106' RIGHT-OF-WAY



MONUMENT LEGEND
 △ - FOUND CONTROL STATION AS NOTED
 □ - FOUND MONUMENT AS NOTED

SURVEYS SOUTHWEST LTD.
 333 LOMAS BLVD., N E
 ALBUQUERQUE, NEW MEXICO
 87102
 PHONE (505) 998-0303
 FAX (505) 998-0306
 T11N R3E SEC. 11

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: **1006549** AGENDA ITEM NO: **1006549/6**

SUBJECT:

- | | | |
|----------------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan | (05) Site Plan for Subd | (10) Sector Dev Plan |
| (02) Bulk Land Variance | (06) Site Plan for BP | (11) Grading Plan |
| (03) Sidewalk Variance | (07) Vacation | (12) SIA Extension |
| (03a) Sidewalk Deferral | (08) Final Plat | (13) Master Development Plan |
| (04) Preliminary Plat | (09) Infrastructure List | (14) Other |

P.O. Box 1293

ACTION REQUESTED:

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

Albuquerque

ENGINEERING COMMENTS:

No adverse comments

New Mexico 87103

www.cabq.gov

RESOLUTION:

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

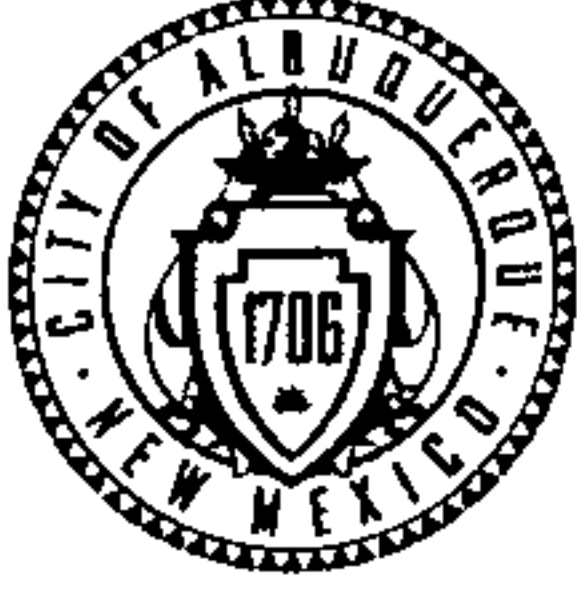
SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) **(FP)** BY: **(UD)** **(CE)** **(TRANS)** **(PKS)** (PLNG)

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: **Nov 28, 07**



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 28, 2007

Project# 1006549

07DRB-70195 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for BENCOR request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on CARLISLE BLVD NE BETWEEN MENAUL BLVD AND SOLANO NE containing approximately 1.66 acre(s). (H-17)


At the November 28, 2007 Development Review Board meeting, The Final Plat was approved with final sign-off delegated to Planning for AMAFCA signature.

If you wish to appeal this decision, you must do so by December 13, 2007 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).


Andrew Garcia, Planner

Cc: Survey's Southwest Ltd – 333 Lomas Blvd NE – Albuquerque, NM 87102

Cc: Bencor, Bruce Walkowsky – 9400 Holly Ave NE, Bldg 2, Ste 202 – Albuquerque,
NM 87122

Marilyn Maldonado

File

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

MEMO COVER SHEET

Date: November 19, 2007
To: Angela Gomez, DRB Administrative Assistant
Ref: Project #1006549 / Tract Z-1, Mills & Boren Subdivision
From: Dan Graney


Angela:

The above referenced property was deferred at the August 22, 2007 DRB meeting to complete the SIA. The SIA has been approved and recorded (see attached).

We are requesting to be heard at the November 28, 2007 meeting for final plat approval.

If you have any questions please feel free to contact me.

Sincerely,


Dan Graney
President

No. of Lots: 1
Nearest Major Streets:
Menaul & Carlisle

FIGURE 12

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

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 14 day of ~~October~~ ^{November}, 2007, 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 BENCOR/CARLISLE LIMITED PARTNERSHIP ("Subdivider"), a limited partnership: whose address is 90 S. Cascade, Colorado Springs, CO 80903 and whose telephone number is (719) 447-9902, 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 Tract Z Mills and Boren Subdivision, recorded on October 10, 1985 in the records of the Bernalillo County Clerk at Map Book C28, Folio 117 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by Bencor/Carlisle Limited Partnership ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Tract Z-1 Mills & Boren Subdivision, Projected Section 11, T.11.N.r,3E, N.M.P.M. describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat, building permit 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 Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the First day of December, 2008 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 781081.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board (DRB), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

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 as a result of any condition of the Subdivision, the Improvements or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 30 days written notice to the City, attention City Engineer.

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

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>6.60% of Actual Construction Cost as required per City-approved estimate.</u>
<u>Excavation and Sidewalk Ordinance, Street Restoration Fees</u>	<u>(Figure 7).</u>

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

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 Surveys Southwest, LTD, and construction surveying of the private Improvements shall be performed by Surveys Southwest, LTD. 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 Khoury Engineering, Inc., and inspection of the private Improvements shall be performed by Khoury Engineering, 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 the level of inspection performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements

shall be performed by Kleinfelder, Inc. and field testing of the private Improvements shall be performed by Kleinfelder, 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 retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefor.

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 Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

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

Type of Financial Guaranty: Letter of Credit # 30K07SDP01750

Amount: \$74,356.99

Name of Financial Institution or Surety providing Guaranty:
Bank of Oklahoma, N.A.

Date City first able to call Guaranty: December 1, 2008

[Construction Completion Deadline]: December 1, 2008

If Guaranty other than a Bond, last day City able to call Guaranty is:
February 1, 2009

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 guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

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, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the subdivider must submit the following documents to the City for review and approval:

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

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

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

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

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

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

12. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements

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

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. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

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 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 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.

Current DRC
Project Number:

FIGURE 12

ORIGINAL

INFRASTRUCTURE LIST

(No. 9-20-09)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

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

Tract Z-1 MILLS AND BOREN SUBD.

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Tract Z Mills AND BOREN SUBD.

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE infrastructure required to be constructed or financially guaranteed for the above development. This listing is not necessarily a complete listing. During the S/A process and/or in the review of the construction drawings, if the DRC Chair determines that apparatus items and/or appurtenant 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 guarantee. All such revisions require approval by the DRC Chair, the User Department and sign-off. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unrescued items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed	DRC #	Constructed Under	DRC #	Site	Type of Improvement	Location	From	To	Construction Certification		
									Inspector	P.E.	City Const. Engineer
				25'	Closure of one driveway on Menaul	Menaul Blvd.	Carlisle East curb	200' East	1	1	1
				180'	Remove and install 6' Public sidewalks	Menaul Blvd.	Carlisle East curb	155' East	1	1	1
				36'	Modification of Existing Driveway	Menaul Blvd.	Carlisle East curb	280' East	1	1	1
				50'	Left Turn Lane Extension	Menaul Blvd	Carlisle East curb	300' East	1	1	1
									1	1	1
									1	1	1
									1	1	1
									1	1	1
									1	1	1

Date Submitted: 8/22/07
 Date Site Plan Approved: N/A
 Date Preliminary Plat Approved: 8/22/07
 Date Preliminary Plat Expires: 8/22/08
 DRB Project No.: 1006544
 DRB Application No.: 07-70195

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Private Inspector	City Cost Engineer

NOTES

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

Approval of Creditable Items:	Budget Fee Administrator Signature	Date	Approval of Creditable Items:	City User Dept. Signature	Date

AGENT / OWNER

Dan Cranny
NAME (print)
Survey Southwest
FIRM

Dan Cranny
SIGNATURES - date
8-22-07

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

[Signature]
DRB CHAIR - date
8-22-07

[Signature]
TRANSPORTATION DEVELOPMENT - date
8-22-07

[Signature]
UTILITIES DEVELOPMENT - date
8-22-07

[Signature]
PARKS & RECREATION - date
8/22/07

[Signature]
CITY ENGINEER - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DWG CHAIR	USER DEPARTMENT	AGENT OWNER

FINANCIAL GUARANTY AMOUNT

09/18/2007

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

Project Description:

Project ID #: 781081, Walgreen's Median Improv on Menaul, Phase/Unit #:

Requested By: **Malek Elkhoury, P.E.**

Approved estimate amount:		\$51,251.41
Contingency Amount:	0.00%	\$.00
Subtotal:		\$51,251.41
NMGRT	6.875%	\$3,523.53
Subtotal:		\$54,774.94
Engineering Fee	6.60%	\$3,615.15
Testing Fee	2.00%	\$1,095.50
Subtotal:		\$59,485.59
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$74,356.99</u>

APPROVAL:

DATE:

J. Woodall

9-18-07

Notes: Plans and estimate approved.



IRREVOCABLE STANDBY LETTER OF CREDIT BOK07SDP01750
ISSUED IN TULSA, OKLAHOMA ON 10/23/07

BENEFICIARY:

MR. BRUCE J. PERLMAN, PHD
CHIEF ADMINISTRATIVE OFFICER
CITY OF ALBUQUERQUE
P. O. BOX 1293
ALBUQUERQUE, NM 87103

APPLICANT:

BENCOR/CARLISLE LIMITED PARTNERSHIP
90 SOUTH CASCADE AVE STE 330
COLORADO SPRINGS, CO 80903

DATE AND PLACE OF EXPIRY: 02/01/09 TULSA

AMOUNT: 74,356.99 USD
USD seventy four thousand three hundred fifty six 99/100

RE: LETTER OF CREDIT FOR BENCOR/CARLISLE LIMITED PARTNERSHIP
CITY OF ALBUQUERQUE PROCT NO.: 781081
PROJECT NAME: WALGREENS/MEDIAN IMPROVEMENT ON MENAUL

DEAR MR. PERLMAN:

THIS LETTER IS TO ADVISE THE CITY OF ALBUQUERQUE ("CITY") THAT, AT THE REQUEST OF, BENCOR/CARLISLE LIMITED PARTNERSHIP "SUBDIVIDER": BANK OF OKLAHOMA, N.A., LOCATED AT ONE WILLIAMS CENTER, INTERNATIONAL DEPARTMENT, 15TH FLOOR SOUTH, TULSA, OK, 74172 ("FINANCIAL INSTITUTION") HAS ESTABLISHED AN IRREVOCABLE LETTER OF CREDIT IN THE SUM OF SEVENTY FOUR THOUSAND THREE HUNDRED FIFTY SIX AND 99/100 UNITED STATES DOLLARS (USD 74,356.99) ("LETTER OF CREDIT") FOR THE EXCLUSIVE PURPOSE OF PROVIDING THE FINANCIAL GUARANTEE WHICH THE CITY REQUIRES, BENCOR/CARLISLE LIMITED PARTNERSHIP ("SUBDIVIDER") TO PROVIDE FOR THE INSTALLATION OF THE IMPROVEMENTS WHICH MUST BE CONSTRUCTED AT TRACT Z-1, MILLS & BOREN SUBDIVISION, PROJECT SECTION 11, T.11.N, R, 3E, N.M.P.M., PROJECT NO. 781081 ("PROJECT"). THE AMOUNT OF THE LETTER OF CREDIT IS 125% OF THE CITY'S ESTIMATED COST OF CONSTRUCTION OF IMPROVEMENTS AS REQUIRED BY THE CITY'S SUBDIVISION ORDINANCE. THE IMPROVEMENTS ARE IDENTIFIED IN THE AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND SUBDIVIDER, WHICH WAS RECORDED ON <INSERT DATE> IN THE RECORDS OF THE CLERK OF BERNALILLO COUNTY, NEW MEXICO IN BOOK MISC. <INSERT>, AT PAGES <INSERT> TO <INSERT>, AS AMENDED ("AGREEMENT").

A DRAFT OR DRAFTS FOR ANY AMOUNT UP TO, BUT NOT IN EXCESS OF SEVENTY FOUR THOUSAND THREE HUNDRED FIFTY SIX AND 99/100 UNITED STATES DOLLARS (USD 74,356.99) IS/ARE AVAILABLE AT SIGHT AT BANK OF OKLAHOMA, N.A., LOCATED AT ONE WILLIAMS CENTER, INTERNATIONAL DEPARTMENT, 15TH FLOOR SOUTH, TULSA, OK, 74172 BETWEEN DECEMBER 1, 2008 AND FEBRUARY 1, 2009. WHEN PRESENTED FOR NEGOTIATION, THE DRAFT(S) IS/ARE TO BE ACCOMPANIED BY THE CITY'S NOTARIZED CERTIFICATION STATING: "1) BENCOR/CARLISLE LIMITED

PARTNERSHIP HAS FAILED TO COMPLY WITH THE TERMS OF THE AGREEMENT; 2) THE UNDERSIGNED IS THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF ALBUQUERQUE AND IS AUTHORIZED TO SIGN THIS CERTIFICATION; AND 3) THE AMOUNT OF THE DRAFT DOES NOT EXCEED 125% OF THE CITY'S ESTIMATED COST OF COMPLETING THE IMPROVEMENTS SPECIFIED IN THE AGREEMENT."

WE HEREBY AGREE WITH THE DRAWER OF DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT THAT SUCH DRAFT(S) WILL BE DULY HONORED UPON PRESENTATION TO THE DRAWEE IF NEGOTIATED BETWEEN DECEMBER 1, 2008 AND FEBRUARY 1, 2009.

THE DRAFT(S) DRAWN UNDER THIS CREDIT MUST CONTAIN THE CLAUSE: "DRAWN UNDER LETTER OF CREDIT AND AGREEMENT NO. BOK07SDP01750 OF BANK OF OKLAHOMA, N.A., LOCATED AT ONE WILLIAMS CENTER, INTERNATIONAL DEPARTMENT, 15TH FLOOR SOUTH, TULSA, OK, 74172, DATED OCTOBER 23, 2007 AND THE ORIGINAL LETTER OF CREDIT MUST BE ENDORSED ON THE REVERSE SIDE WITH THE AMOUNT OF EACH DRAFT. THIS LETTER OF CREDIT MUST ACCOMPANY EACH DRAFT AND BE ATTACHED TO THE DRAFT WHICH EXHAUSTS THIS CREDIT.

THIS LETTER OF CREDIT FOR THE BENEFIT OF THE CITY OF ALBUQUERQUE SHALL BE IRREVOCABLE UNTIL:

1. SIXTY (60) DAYS AFTER THE CITY ACCEPTS THE COMPLETED IMPROVEMENTS SPECIFIED IN THE AGREEMENT; OR
2. CITY NOTIFICATION OF BENCOR/CARLISLE LIMITED PARTNERSHIP'S FAILURE TO COMPLY WITH THE TERMS OF THE AGREEMENT, AND PAYMENT BY CERTIFIED CHECK FROM BANK OF OKLAHOMA, N.A. TO THE CITY OF ALBUQUERQUE OF 125% OF THE CITY'S ESTIMATED COSTS OF COMPLETING THE IMPROVEMENTS SPECIFIED IN THE AGREEMENT; OR
3. EXPIRATION OF THE DATE FEBRUARY 1, 2009; OR
4. WRITTEN TERMINATION OF THIS LETTER OF CREDIT BY THE CITY OF ALBUQUERQUE, SIGNED BY ITS CHIEF ADMINISTRATIVE OFFICER.

THIS LETTER OF CREDIT WILL TERMINATE AT FOUR O'CLOCK P.M., NEW MEXICO TIME, FEBRUARY 1, 2009.

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

VERY TRULY YOURS,
BANK OF OKLAHOMA, N.A.

BY: _____

TITLE: AVP, TRADE OPERATIONS MANAGER



INTERNATIONAL BANKING CENTER
ONE WILLIAMS CENTER, 15TH FLOOR
TULSA, OK 74172
USA

10/23/07

BENEFICIARY:
MR. BRUCE J. PERLMAN, PHD
CHIEF ADMINISTRATIVE OFFICER
CITY OF ALBUQUERQUE
P. O. BOX 1293
ALBUQUERQUE, NM 87103

LETTER OF CREDIT NUMBER: BOK07SDP01750
APPLICANT: BENCOR/CARLISLE LIMITED PARTNERSHIP
AMOUNT: 74,356.99 USD
EXPIRATION: 02/01/09

AT THE REQUEST OF THE APPLICANT WE HAVE ISSUED OUR IRREVOCABLE STANDBY LETTER OF CREDIT REFERENCED ABOVE; THE ORIGINAL IS HEREBY ATTACHED.

IF THE TERMS OF THE LETTER OF CREDIT ARE UNSATISFACTORY, WE SUGGEST YOU IMMEDIATELY COMMUNICATE WITH THE APPLICANT AND REQUEST THE APPROPRIATE AMENDMENT.

INQUIRIES DIRECTED TO OUR OFFICE MAY BE MADE TO TELEPHONE +1 (918) 588-6601 OR TO FAX +1 (918) 588-6026. PLEASE SEND ALL CORRESPONDENCE DIRECTED TO OUR OFFICE TO THE ABOVE MENTIONED ADDRESS.

IF PRIOR TO THE EXPIRATION DATE, THE APPLICANT'S OBLIGATION WITH YOU HAS BEEN COMPLETED AND YOU NO LONGER AVAIL YOURSELF OF OUR LETTER OF CREDIT, WE KINDLY ASK YOU TO RETURN THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS ALONG WITH A LETTER GIVING US YOUR CONSENT TO CLOSE THE LETTER OF CREDIT SO THAT THE APPLICANT'S LIABILITY WITH THE BANK IS RELEASED.

No. of Lots: 1
Nearest Major Streets:
Menaul & Carlisle

FIGURE 12

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

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 14 day of ~~October~~ ^{November}, 2007, 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 BENCOR/CARLISLE LIMITED PARTNERSHIP ("Subdivider"), a limited partnership: whose address is 90 S. Cascade, Colorado Springs, CO 80903 and whose telephone number is (719) 447-9902, 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 Tract Z Mills and Boren Subdivision, recorded on October 10, 1985 in the records of the Bernalillo County Clerk at Map Book C28, Folio 117 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by Bencor/Carlisle Limited Partnership ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Tract Z-1 Mills & Boren Subdivision, Projected Section 11, T.11.N.r,3E, N.M.P.M. describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat, building permit 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 Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the First day of December, 2008 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 781081.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board (DRB), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

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 as a result of any condition of the Subdivision, the Improvements or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 30 days written notice to the City, attention City Engineer.

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

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>6.60% of Actual Construction Cost as required per City-approved estimate.</u>
<u>Excavation and Sidewalk Ordinance, Street Restoration Fees</u>	<u>(Figure 7).</u>

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

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 Surveys Southwest, LTD, and construction surveying of the private Improvements shall be performed by Surveys Southwest, LTD. 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 Khoury Engineering, Inc., and inspection of the private Improvements shall be performed by Khoury Engineering, 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 the level of inspection performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements

shall be performed by Kleinfelder, Inc. and field testing of the private Improvements shall be performed by Kleinfelder, 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 retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefor.

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 Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

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

Type of Financial Guaranty: Letter of Credit # BOK07SDP01750
Amount: \$74,356.99
Name of Financial Institution or Surety providing Guaranty:
Bank of Oklahoma, N.A.
Date City first able to call Guaranty: December 1, 2008
[Construction Completion Deadline]: December 1, 2008
If Guaranty other than a Bond, last day City able to call Guaranty is:
February 1, 2009
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 guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

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, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the subdivider must submit the following documents to the City for review and approval:

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

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

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

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

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

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

12. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements

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

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. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

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 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 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.

INFRASTRUCTURE LIST

(Rev. 9-28-09)

EXHIBIT "A"

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

Tract Z-1 MILLS AND BOREN SUBD.
Tract Z MILLS AND BOREN SUBD.
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE infrastructure required to be constructed or financially guaranteed for the above development. This listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that apparatus items and/or enforcement items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantees. Likewise, if the DRC Chair determines that apparatus 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 agreement. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unaddressed items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Site	Type of Improvement	Location	From	To	Construction Certification		
							Inspector	P.E.	City Const. Engineer
		25'	closure of one driveway on Menaul	Menaul Blvd.	Carlisle East curb	200' East	1	1	1
		180'	Remove and install 6' Public sidewalk	Menaul Blvd.	Carlisle East curb	155' East	1	1	1
		36'	Modification of Existing Driveway	Menaul Blvd.	Carlisle East curb	280' East	1	1	1
		50'	Left Turn Lane Extension	Menaul Blvd	Carlisle East curb	300' East	1	1	1
							1	1	1
							1	1	1
							1	1	1
							1	1	1
							1	1	1

Date Submitted: 8/22/07
Date Site Plan Approved: 8/22/07
Date Preliminary Plat Approved: 8/22/07
Date Preliminary Plat Expires: 8/22/08
DRB Project No.: 1006544
DRB Application No.: 07-70195

ORIGINAL

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

Financially Guaranteed DRG #	Constructed Under DRG #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Inspector	P.E.	City Const Engineer
							/	/	/
							/	/	/

Approval of Creditable Items: _____

Impact Fee Administrator Signature _____ Date _____

City User Dept. Signature _____ Date _____

NOTES

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

Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

AGENT / OWNER

Dan Craveny
NAME (print)

Surveys Southwest
FIRM

Dan Craveny 8.22.07
SIGNATURE/ date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

[Signature]
DRB CHAIR - date

[Signature]
PARKS & RECREATION - date

[Signature]
TRANSPORTATION DEVELOPMENT - date

[Signature]
UTILITY DEVELOPMENT - date

[Signature]
ANAFCO - date

[Signature]
CITY ENGINEER - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRG CHAIR	USER DEPARTMENT	AGENT / OWNER

FINANCIAL GUARANTY AMOUNT

09/18/2007

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

Project Description:

Project ID #: 781081, Walgreen's Median Improv on Menaul, Phase/Unit #:

Requested By: **Malek Elkhoury, P.E.**

Approved estimate amount:		\$51,251.41
Contingency Amount:	0.00%	\$.00
Subtotal:		\$51,251.41
NMGRT	6.875%	\$3,523.53
Subtotal:		\$54,774.94
Engineering Fee	6.60%	\$3,615.15
Testing Fee	2.00%	\$1,095.50
Subtotal:		\$59,485.59
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$74,356.99</u>

APPROVAL:

DATE:

J Woodell

9-18-07

Notes: Plans and estimate approved.



IRREVOCABLE STANDBY LETTER OF CREDIT BOK07SDP01750
ISSUED IN TULSA, OKLAHOMA ON 10/23/07

BENEFICIARY:
MR. BRUCE J. PERLMAN, PHD
CHIEF ADMINISTRATIVE OFFICER
CITY OF ALBUQUERQUE
P. O. BOX 1293
ALBUQUERQUE, NM 87103

APPLICANT:
BENCOR/CARLISLE LIMITED PARTNERSHIP
90 SOUTH CASCADE AVE STE 330
COLORADO SPRINGS, CO 80903

DATE AND PLACE OF EXPIRY: 02/01/09 TULSA

AMOUNT: 74,356.99 USD
USD seventy four thousand three hundred fifty six 99/100

RE: LETTER OF CREDIT FOR BENCOR/CARLISLE LIMITED PARTNERSHIP
CITY OF ALBUQUERQUE PROCT NO.: 781081
PROJECT NAME: WALGREENS/MEDIAN IMPROVEMENT ON MENAUL

DEAR MR. PERLMAN:

THIS LETTER IS TO ADVISE THE CITY OF ALBUQUERQUE ("CITY") THAT, AT THE REQUEST OF, BENCOR/CARLISLE LIMITED PARTNERSHIP "SUBDIVIDER": BANK OF OKLAHOMA, N.A., LOCATED AT ONE WILLIAMS CENTER, INTERNATIONAL DEPARTMENT, 15TH FLOOR SOUTH, TULSA, OK, 74172 ("FINANCIAL INSTITUTION") HAS ESTABLISHED AN IRREVOCABLE LETTER OF CREDIT IN THE SUM OF SEVENTY FOUR THOUSAND THREE HUNDRED FIFTY SIX AND 99/100 UNITED STATES DOLLARS (USD 74,356.99) ("LETTER OF CREDIT") FOR THE EXCLUSIVE PURPOSE OF PROVIDING THE FINANCIAL GUARANTEE WHICH THE CITY REQUIRES, BENCOR/CARLISLE LIMITED PARTNERSHIP ("SUBDIVIDER") TO PROVIDE FOR THE INSTALLATION OF THE IMPROVEMENTS WHICH MUST BE CONSTRUCTED AT TRACT Z-1, MILLS & BOREN SUBDIVISION, PROJECT SECTION 11, T.11.N, R, 3E, N.M.P.M., PROJECT NO. 781081 ("PROJECT"). THE AMOUNT OF THE LETTER OF CREDIT IS 125% OF THE CITY'S ESTIMATED COST OF CONSTRUCTION OF IMPROVEMENTS AS REQUIRED BY THE CITY'S SUBDIVISION ORDINANCE. THE IMPROVEMENTS ARE IDENTIFIED IN THE AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND SUBDIVIDER, WHICH WAS RECORDED ON <INSERT DATE> IN THE RECORDS OF THE CLERK OF BERNALILLO COUNTY, NEW MEXICO IN BOOK MISC. <INSERT>, AT PAGES <INSERT> TO <INSERT>, AS AMENDED ("AGREEMENT").

A DRAFT OR DRAFTS FOR ANY AMOUNT UP TO, BUT NOT IN EXCESS OF SEVENTY FOUR THOUSAND THREE HUNDRED FIFTY SIX AND 99/100 UNITED STATES DOLLARS (USD 74,356.99) IS/ARE AVAILABLE AT SIGHT AT BANK OF OKLAHOMA, N.A., LOCATED AT ONE WILLIAMS CENTER, INTERNATIONAL DEPARTMENT, 15TH FLOOR SOUTH, TULSA, OK, 74172 BETWEEN DECEMBER 1, 2008 AND FEBRUARY 1, 2009. WHEN PRESENTED FOR NEGOTIATION, THE DRAFT(S) IS/ARE TO BE ACCOMPANIED BY THE CITY'S NOTARIZED CERTIFICATION STATING: "1) BENCOR/CARLISLE LIMITED



PARTNERSHIP HAS FAILED TO COMPLY WITH THE TERMS OF THE AGREEMENT; 2) THE UNDERSIGNED IS THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF ALBUQUERQUE AND IS AUTHORIZED TO SIGN THIS CERTIFICATION; AND 3) THE AMOUNT OF THE DRAFT DOES NOT EXCEED 125% OF THE CITY'S ESTIMATED COST OF COMPLETING THE IMPROVEMENTS SPECIFIED IN THE AGREEMENT."

WE HEREBY AGREE WITH THE DRAWER OF DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT THAT SUCH DRAFT(S) WILL BE DULY HONORED UPON PRESENTATION TO THE DRAWEE IF NEGOTIATED BETWEEN DECEMBER 1, 2008 AND FEBRUARY 1, 2009.

THE DRAFT(S) DRAWN UNDER THIS CREDIT MUST CONTAIN THE CLAUSE: "DRAWN UNDER LETTER OF CREDIT AND AGREEMENT NO. BOK07SDP01750 OF BANK OF OKLAHOMA, N.A., LOCATED AT ONE WILLIAMS CENTER, INTERNATIONAL DEPARTMENT, 15TH FLOOR SOUTH, TULSA, OK, 74172, DATED OCTOBER 23, 2007 AND THE ORIGINAL LETTER OF CREDIT MUST BE ENDORSED ON THE REVERSE SIDE WITH THE AMOUNT OF EACH DRAFT. THIS LETTER OF CREDIT MUST ACCOMPANY EACH DRAFT AND BE ATTACHED TO THE DRAFT WHICH EXHAUSTS THIS CREDIT.

THIS LETTER OF CREDIT FOR THE BENEFIT OF THE CITY OF ALBUQUERQUE SHALL BE IRREVOCABLE UNTIL:

1. SIXTY (60) DAYS AFTER THE CITY ACCEPTS THE COMPLETED IMPROVEMENTS SPECIFIED IN THE AGREEMENT; OR
2. CITY NOTIFICATION OF BENCOR/CARLISLE LIMITED PARTNERSHIP'S FAILURE TO COMPLY WITH THE TERMS OF THE AGREEMENT, AND PAYMENT BY CERTIFIED CHECK FROM BANK OF OKLAHOMA, N.A. TO THE CITY OF ALBUQUERQUE OF 125% OF THE CITY'S ESTIMATED COSTS OF COMPLETING THE IMPROVEMENTS SPECIFIED IN THE AGREEMENT; OR
3. EXPIRATION OF THE DATE FEBRUARY 1, 2009; OR
4. WRITTEN TERMINATION OF THIS LETTER OF CREDIT BY THE CITY OF ALBUQUERQUE, SIGNED BY ITS CHIEF ADMINISTRATIVE OFFICER.

THIS LETTER OF CREDIT WILL TERMINATE AT FOUR O'CLOCK P.M., NEW MEXICO TIME, FEBRUARY 1, 2009.

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

VERY TRULY YOURS,
BANK OF OKLAHOMA, N.A.

BY: _____

TITLE: AVP, TRADE OPERATIONS MANAGER



INTERNATIONAL BANKING CENTER
ONE WILLIAMS CENTER, 15TH FLOOR
TULSA, OK 74172
USA

10/23/07

BENEFICIARY:
MR. BRUCE J. PERLMAN, PHD
CHIEF ADMINISTRATIVE OFFICER
CITY OF ALBUQUERQUE
P. O. BOX 1293
ALBUQUERQUE, NM 87103

LETTER OF CREDIT NUMBER: BOK07SDP01750
APPLICANT: BENCOR/CARLISLE LIMITED PARTNERSHIP
AMOUNT: 74,356.99 USD
EXPIRATION: 02/01/09

AT THE REQUEST OF THE APPLICANT WE HAVE ISSUED OUR IRREVOCABLE STANDBY LETTER OF CREDIT REFERENCED ABOVE; THE ORIGINAL IS HEREBY ATTACHED.

IF THE TERMS OF THE LETTER OF CREDIT ARE UNSATISFACTORY, WE SUGGEST YOU IMMEDIATELY COMMUNICATE WITH THE APPLICANT AND REQUEST THE APPROPRIATE AMENDMENT.

INQUIRIES DIRECTED TO OUR OFFICE MAY BE MADE TO TELEPHONE +1 (918) 588-6601 OR TO FAX +1 (918) 588-6026. PLEASE SEND ALL CORRESPONDENCE DIRECTED TO OUR OFFICE TO THE ABOVE MENTIONED ADDRESS.

IF PRIOR TO THE EXPIRATION DATE, THE APPLICANT'S OBLIGATION WITH YOU HAS BEEN COMPLETED AND YOU NO LONGER AVAIL YOURSELF OF OUR LETTER OF CREDIT, WE KINDLY ASK YOU TO RETURN THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS ALONG WITH A LETTER GIVING US YOUR CONSENT TO CLOSE THE LETTER OF CREDIT SO THAT THE APPLICANT'S LIABILITY WITH THE BANK IS RELEASED.

ORIGINAL

INFRASTRUCTURE LIST

(Rev. 9-20-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

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

Tract Z-1 MILLS AND BOREN SUBD.

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Tract Z MILLS AND BOREN SUBD.

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		25'	Closure of one driveway on Menaul	Menaul Bvd.	Carlisle East curb	200' East	1	1	1
		180'	Remove and install 6' public sidewalks	Menaul Bvd.	Carlisle East curb	155' East	1	1	1
		36'	Modification of Existing Driveway	Menaul Bvd.	Carlisle East curb	280' East	1	1	1
		50'	Left Turn Lane Extension	Menaul Bvd	Carlisle East curb	300' East	1	1	1
							1	1	1
							1	1	1
							1	1	1
							1	1	1
							1	1	1

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

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

NOTES

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

Street lights per City requirements.

- 1 _____

- 2 _____

- 3 _____

AGENT / OWNER

Dan Graney
NAME (print)

Surveys Southwest
FIRM

Dan Graney 8-22-07
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

[Signature] 8/22/07 Christina Sandoval 8/22/07
DRB CHAIR - date PARKS & RECREATION - date

[Signature] 8-22-07
TRANSPORTATION DEVELOPMENT - date

[Signature] 8/22/07
UTILITY DEVELOPMENT - date

Bradley D. Bingham 8/22/07
CITY ENGINEER - date

AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

#16
ORIGINAL

INFRASTRUCTURE LIST

Date Site Plan Approved: _____
Date Preliminary Plat Approved: 6-6-07
Date Preliminary Plat Expires: 6-6-08
DRB Project No.: 1006509
DRB Application No.: 70026

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

Lots 13-A, 14-A, 15-A, 16-A, 17-A 18-A, 19-A, 19-B and 19-C, 14th + Coal Subdivison, Unit 2

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 13, 14, 15, 16, 17, 18 and 19, Block 29, Hunting Castle Addition

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		6'	Sidewalk One Side	Coal Ave	West P/L	14 th			
		6'	Sidewalk One Side	14th Street	North P/L	Coal Ave.	/	/	/
		16'	Alley Driveway	Alley	West P/L	14 th			
			3-Water + 3-sewer	14th Street	North P/L	Coal Ave.	/	/	/
			Hydrant, Valves & Services	Coal Ave	West P/L				
			4-Water						

- 1 Engineers Certification of grading plan req'd for SIA release or F.P.
 2 6' sidewalk on Coal from West P/L ~ 1000 East
 8" sewer line from West Property in 16' alley from West P/L to 14th

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
Rodney Echwald NAME (print) Community Sciences FIRM Rodney Echwald SIGNATURE date	Dr. M. L. ... 6/6/07 DRB CHAIR - date	Christina Sandoval 6/6/07 PARKS & GENERAL SERVICES - date
MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A DRB	6-6-07 TRANSPORTATION DEVELOPMENT - date	AMAFCA - date
EXTENSION:	6/6/07 UTILITY DEVELOPMENT - date	- date
	Bradley L. Bingham 6/6/07 CITY ENGINEER - date	- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
1	6-17-07	Stephen Woodall	...	Rodney Echwald

#16

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

08/14/2007 Issued By: PLNTES

Permit Number: 2007.070 195 **Category Code 910**

Application Number: 07DRB-70195, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: CARSILE BLVD NE BETWEEN MENAUL BLVD AND SOLANO NE

Project Number: 1006549

Applicant
Bencor
Bruce Walkowski
8400 Holly Ave Ne Bldg 2 Ste 202
Albuquerque, NM 87122
787-6670

Agent / Contact
Surveys Southwest Ltd
Dan Graney
333 Lomas Blvd Ne
Albuquerque, NM 87102

dmgraney@swsurvey.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441008/4983000	DRB Actions	\$215.00
TOTAL:		\$235.00

City Of Albuquerque
Treasury Division

8/14/2007 11:28AM LOC: ANN
 WSH 006 TRANS# 0018
 RECEIPT# 00080786-00080786
 PERMIT# 2007070195 TRSCCS
 Trans Amt \$235.00
 Conflict Manag. Fee \$20.00
 DRB Actions \$215.00
 CK \$235.00
 CHANGE \$0.00

Thank You



Supplemental form

SUBDIVISION

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

PRELIM/FINAL

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)

SITE DEVELOPMENT PLAN

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

P

L A APPEAL / PROTEST of...

D

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

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:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: BENCOR, BRUCE WALKOWSKI PHONE: 797-6670
 ADDRESS: 9400 HOLLY AVE NE, BLDG 2, SUITE 202 FAX: _____
 CITY: ALBU STATE NM ZIP 87122 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: INCLUDE THE VACATED PORTION OF AN ALLEY INTO ONE EXISTING LOT TO CREATE ONE NEW LOT.

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 2 Block: N/A Unit: N/A
 Subdiv/Addn/TBKA: MILLS & BOREN SUBDIVISION
 Existing Zoning: C-2 Proposed zoning: N/A
 Zone Atlas page(s): 1-17-2 UPC Code: 1-017-059-031-245-31035 MRGCD Map No N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): 07DRB-70061, PROJ # 1006549

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): 1.000 AC
 LOCATION OF PROPERTY BY STREETS: On or Near: CARLISLE BLVD NE
 Between: MEHAUL BLVD NE and SOLANO NE

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

SIGNATURE Dan Graney DATE 8.14.07
 (Print) Dan Graney Applicant: Agent:

FOR OFFICIAL USE ONLY

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07DRB-70195</u>	<u>P & F</u>	<u>5(3)</u>	<u>\$ 215.</u>
<input type="checkbox"/> All fees have been collected		<u>cmr</u>		<u>\$ 20.00</u>
<input type="checkbox"/> All case #s are assigned				
<input type="checkbox"/> AGIS copy has been sent				
<input type="checkbox"/> Case history #s are listed				
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				
<input checked="" type="checkbox"/> F.H.D.P. density bonus				
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				
	Hearing date <u>8-22-07</u>			Total <u>\$ 235.00</u>

Planner signature / date _____ Project # 1006549

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.

- 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.

Dan Graney
Applicant name (print)
Dan Graney
Applicant signature / date
8.14.07

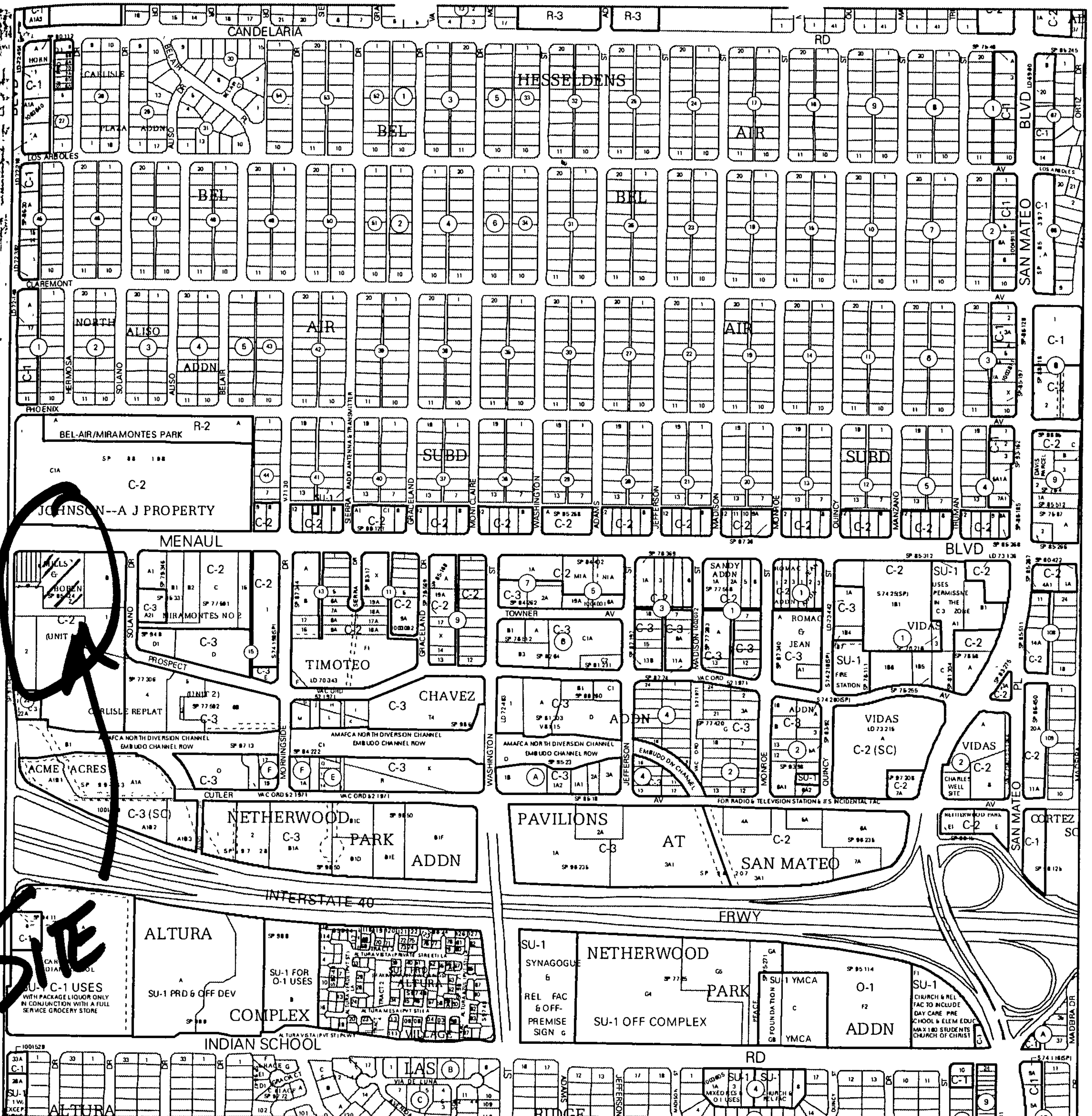


Form revised 4/07

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

Application case numbers
02DRB - 70195

Xi-Sis 8/14/07
Planner signature / date
Project # 1006549



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

Albuquerque Geographic Information System

Map amended through: 10/25/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
H-17-Z

Selected Symbols

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

0 750 1,500 Feet

Surveys Southwest, Ltd

18
18
18
18
18

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

August 14, 2007

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102


REF: TRACT Z-1, MILLS AND BOREN SUBDIVISION

Dear Board Members:

The purpose of the above referenced request for the above referenced property is to incorporate the vacated portion of the alley into the existing lot, creating one new lot.

The existing buildings on the property will be removed. A new Walgreens is proposed for this site.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney
President

#16



DRB CASE ACTION LOG (PREL & FINAL)

REVISED 9/28/05

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

DRB Application No.: **07DRB-70195 (P&F)**

Project # **1006549**

Project Name: **MILLS & BOREN SUBDIVISION**

Agent: **SURVEYS SOUTHWEST LTD**

Phone No.: **998-0303**

Your request for **(SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN)**, was approved on **10/17/07** by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: _____
- _____
- _____
- _____
- _____

- ABCWUA : _____
- _____
- _____
- _____

- 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.**

Project Number 1006549

MENAU BOULEVARD N.E.
100' RIGHT-OF-WAY



NORTH

STATION: 9-H17
X = 396843.11
Y = 1495110.71
GROUND TO GRID = 0.999664
DELTA ALPHA = -0°11'54"
NEW MEXICO STATE PLANE
COORDINATE SYSTEM
CENTRAL ZONE
NAD 1927

CARLISLE BOULEVARD N.E.
106' RIGHT-OF-WAY

LOTS 1 THRU 6
MILLS AND BOREN SUBDIVISION
FILED: 3-9-1951
(B1, 156)

TRACT-1, UNIT 1
DALE J. BELLAMAH'S CARLISLE REPLAT
FILED: 4-09-1969
(D4, 25)

LEGAL DESCRIPTION
Tract lettered "Z" of the MILLS AND BOREN SUBDIVISION, 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 October 10, 1985 in Map Book C28, Folio 117.

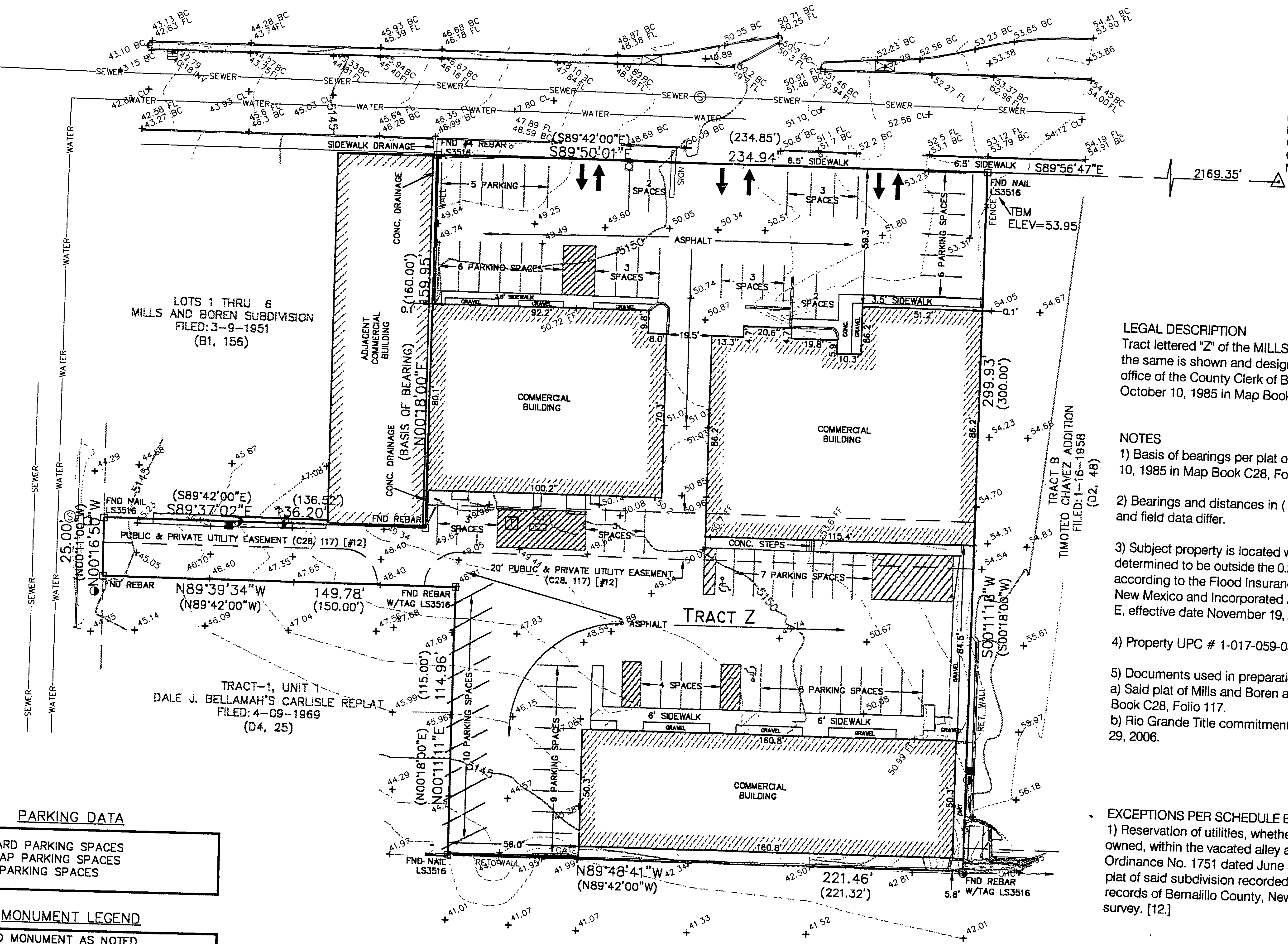
- NOTES
- 1) Basis of bearings per plat of Mills and Boren as filed October 10, 1985 in Map Book C28, Folio 117.
 - 2) Bearings and distances in () parentheses where record data and field data differ.
 - 3) Subject property is located within Zone X, designating areas determined to be outside the 0.2 % annual chance flood plain according to the Flood Insurance Rate Map, Bernalillo County, New Mexico and Incorporated Areas per Map No. 35001C0351 E, effective date November 19, 2003.
 - 4) Property UPC # 1-017-059-031-245-31035.
 - 5) Documents used in preparation of survey:
a) Said plat of Mills and Boren as filed October 10, 1985 in Map Book C28, Folio 117.
b) Rio Grande Title commitment no. 02607214 dated November 29, 2006.

PARKING DATA

74 STANDARD PARKING SPACES
2 HANDICAP PARKING SPACES
76 TOTAL PARKING SPACES

MONUMENT LEGEND

□ - FOUND MONUMENT AS NOTED
△ - FOUND CONTROL STATION



TRACT B
TIMOTEO CHAVEZ ADDITION
FILED: 1-16-1958
(02, 48)

EXCEPTIONS PER SCHEDULE B-2

- 1) Reservation of utilities, whether municipally or privately owned, within the vacated alley as set forth in Vacating Ordinance No. 1751 dated June 5, 1960 and as shown on the plat of said subdivision recorded in Map Book C28, Folio 117, records of Bernalillo County, New Mexico. Affects and shown on survey. [12.]



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation of Public & Private Utility Easement
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)

L A APPEAL / PROTEST of...

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

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

APPLICANT INFORMATION:

Professional/Agent (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: BENCOR, BRUCE WALKOWSKI PHONE: 797-6670
 ADDRESS: 9400 HOLLY AVE NE, BOX 2, SUITE 202 FAX: _____
 CITY: ALBU STATE NM ZIP 87122 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: TO VACATE PUBLIC & PRIVATE UTILITY EASEMENT PRESERVED IN THE VACATED ALLEY (V-1751, JULY 5, 1960)

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. ADJACENT TO TRACT 2 Block: N/A Unit: N/A
 Subdiv/Addn/TBKA: MILLS & BOREN SUBDIVISION
 Existing Zoning: C-2 Proposed zoning: N/A
 Zone Atlas page(s): H-17-Z UPC Code: 1-017-059-031-245-31035 MRGCD Map No NO

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): V-273, Y-240, Z-759

CASE INFORMATION:

Within city limits? Yes No Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near: MENSAUL BLVD NE
 Between: CARLISLE BLVD NE and SOLANO DR. NE

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

SIGNATURE Dan Graney DATE 6-13-07
 (Print) Dan Graney 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
070RB - 70061

 Hearing date 7-11-07

Action	S.F.	Fees
<u>VPE</u>	<u>V</u>	\$ <u>45.00</u>
<u>AVD</u>	_____	\$ <u>75.00</u>
<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	\$ _____
Total		\$ <u>140.00</u>

Jack [Signature] 6/15/07
 Planner signature / date

Project # 100 65 49

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.

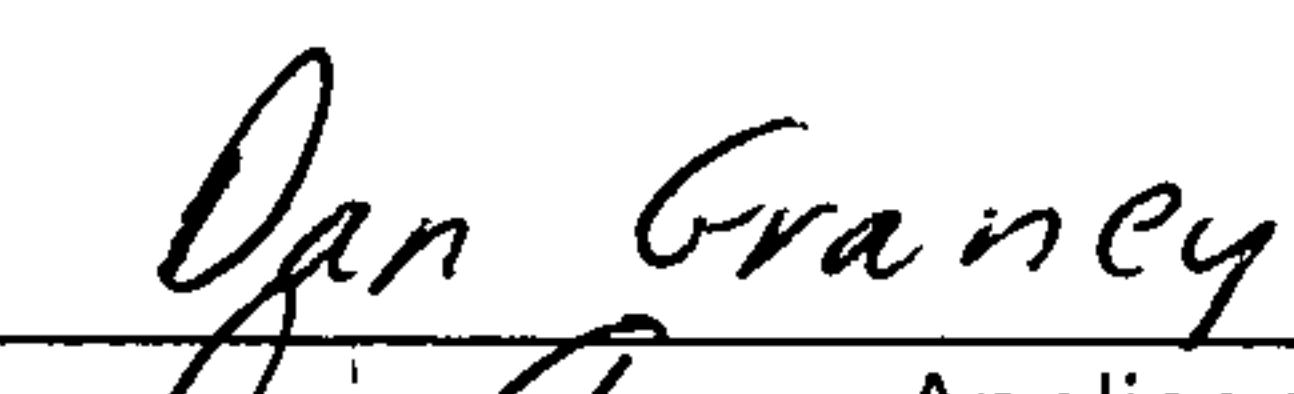

- SIDEWALK VARIANCE (DRB20)**
 - SIDEWALK WAIVER (DRB21)**
 - Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") 6 copies
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance or waiver
 - 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.**

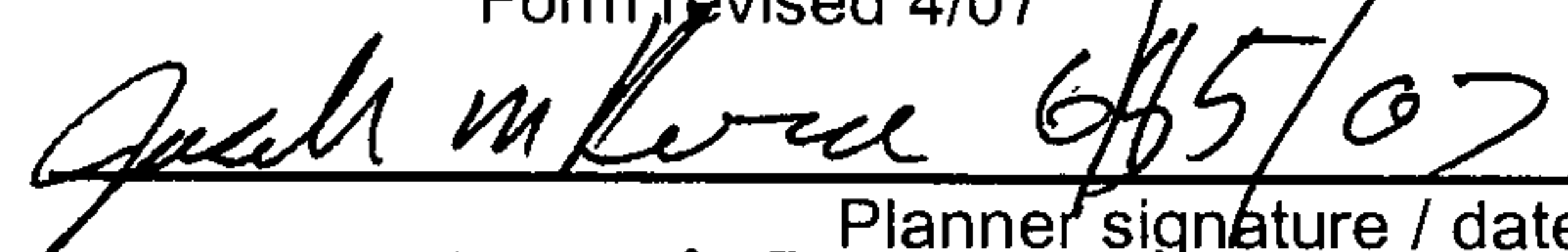
- VACATION OF PRIVATE EASEMENT (DRB26)**
 - VACATION OF RECORDED PLAT (DRB29)**
 - The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - Zone Atlas map with the 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.

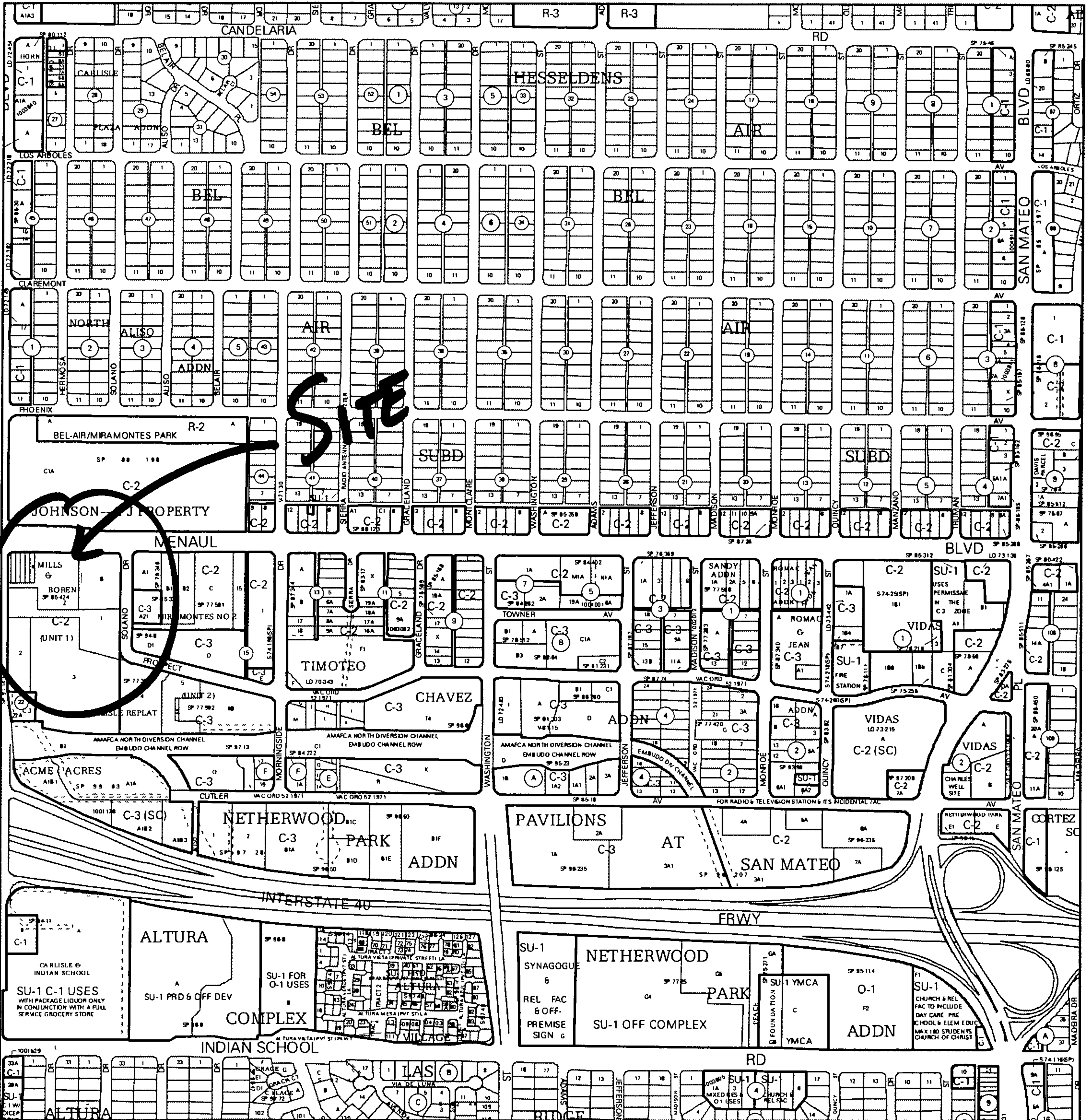
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.


 Applicant name (print)

 Applicant signature / date 6-13-07



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 070RB - 70061

Form revised 4/07

 Planner signature / date 6/15/07
 Project # 1006549



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

Albuquerque Geographic Information System

Map amended through: 10/25/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
H-17-Z

Selected Symbols

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

0 750 1,500 Feet

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 6-26-07 To 7-11-07

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.

Sarah Omato
(Applicant or Agent)

6/15/07
(Date)

I issued 1 signs for this application, 6/15/07
(Date)

[Signature]
(Staff Member)

DRB PROJECT NUMBER: 1006549

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

June 13, 2007

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

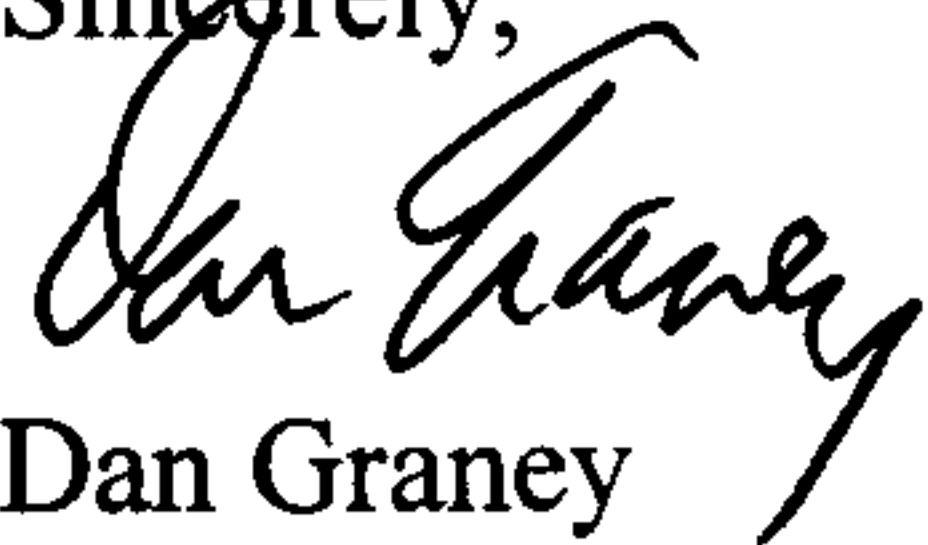
REF: VACATION ACTION / TRACT Z, MILLS & BOREN SUBDIVISION

Dear Board Members:

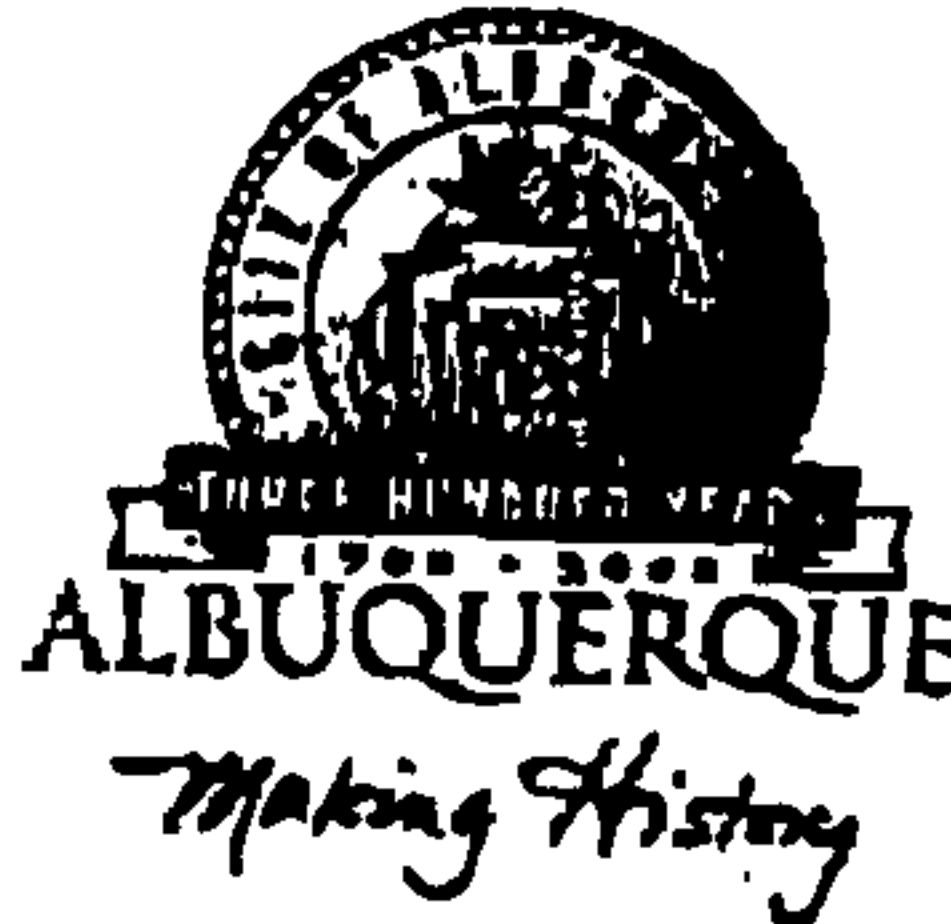
Surveys Southwest, Ltd is requesting to vacate reserved public & private utility easements within a portion of the alley vacated July 5, 1960 (V-1751) in Tract Z, Mills & Boren Subdivision recorded October 10, 1984.

If you have any questions please feel free to contact me.

Sincerely,



Dan Graney
President



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: June 13, 2007

TO CONTACT NAME: Sarah
 COMPANY/AGENCY: Survey's Southwest LTD
 ADDRESS/ZIP: 333 Tomas Blvd. NE
 PHONE/FAX #: 998-0303 505-998-0306

Thank you for your inquiry of June 13, 2007 requesting the names of **Recognized Neighborhood Associations** who would be affected under the provisions of O-92 by your proposed project at Tract 2, Mills & Boren Subd.

zone map page(s) H-17

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

Bel-Air
 Neighborhood Association
 Contacts: Barb. Johnson
2700 Hermosa 87110
889-0293(h)
Ms. Lee Julian
2724 Monroe NE 87110
888-3042(h)

Neighborhood Association
 Contacts: _____

See reverse side for additional Neighborhood Association Information: YES { } NO {X}

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,

OFFICE OF NEIGHBORHOOD COORDINATION

.....
 Attention: Both contacts per neighborhood association 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 DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

The street address of the subject property.

The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.

A physical description of the location, referenced to streets and existing land uses.

A complete description of the actions requested of the EPC:

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

Information from the Office of Neighborhood Coordination

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

ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-

The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.

Copies of Letters to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.

Copies of the certified receipts to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.

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

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

Thank you for your cooperation on this matter.

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

Date of Inquiry: 6/13/07

Time Entered: 9:30

ONC Rep. Initials: [Signature]

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

June 14, 2007

BEL-AIR NEIGHBORHOOD ASSOC.
MS. LEE JULIAN
2724 MONROE NE
ALBUQUERQUE, NM 87110

REF: VACATION ACTION WITHIN THE MILLS AND BOREN SUBDIVISION

Dear Ms. Lee Julian:

This letter is a notice to you of action being taken on the Mills and Boren Subdivision, located on Carlisle Blvd., NE between Menaul Blvd., NE.

Surveys Southwest, Ltd is submitting the above referenced property to DRB for approval of a vacation action to vacate reserved public and private utility easement within an alley that was vacated July 5, 1960 (V-1751), adjacent to Tract Z, Mills and Boren Subdivision.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is July 11, 2007.

If you have any questions please feel free to contact me.

Sincerely,



Dan Graney
President

7005 1620 0008 1963 9221

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com ®	
OFFICIAL USE	
Postage	\$.41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21
Postmark Here 6/14/07	
Sent To MS. LEE JULIAN	
Street, Apt. No.; or PO Box No. 2724 MONROE NE	
City, State, ZIP+4 ALBU N. MEX 87110	

PS Form 3800, June 2002 See Reverse for Instructions

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

June 14, 2007

BEL-AIR NEIGHBORHOOD ASSOC.
BARB JOHNSON
2700 HERMOSA NE
ALBUQUERQUE, NM 87110

REF: VACATION ACTION WITHIN THE MILLS AND BOREN SUBDIVISION

Dear Barb Johnson:


This letter is a notice to you of action being taken on the Mills and Boren Subdivision, located on Carlisle Blvd., NE between Menaul Blvd., NE.

Surveys Southwest, Ltd is submitting the above referenced property to DRB for approval of a vacation action to vacate reserved public and private utility easement within an alley that was vacated July 5, 1960 (V-1751), adjacent to Tract Z, Mills and Boren Subdivision.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is July 11, 2007.

If you have any questions please feel free to contact me.

Sincerely,


Dan Graney
President

7005 1820 0000 1963 9214

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com ®	
OFFICIAL USE	
Postage	\$.41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21
Postmark here 6/14/07	
Sent To	BARB JOHNSON
Street, Apt. No.; or PO Box No.	2700 HERMOSA NE
City, State, ZIP+4	ALBU, N. MEX 87110

PS Form 3800, June 2002

See Reverse for Instructions

Thank You

\$0.00
\$140.00
\$45.00
\$140.00
TRMSFP

City of Albuquerque Planning Department

One Stop Shop Development and Building Services

Activity 4983000
Trans Amt
06/15/2007 Issued By: PLNJMP

Permit Number: **2007 070 061**

Category Code 0910

Application Number: **DRB-70061**, Vacation Of Public Easement
City of Albuquerque

Address:

Location Description: MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE

Project Number: 1006549

Applicant
Bencor Bruce Walkowski

9400 Holly Ave Ne Bldg 2 Suite 202
Albuquerque, NM 87122
797-6670

Agent / Contact
Surveys Southwest Ltd
Dan Graney
333 Lomas Blvd Ne
Albuquerque, NM 87102

dmgraney@swsurvey.com

Application Fees

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$45.00
TOTAL:		\$140.00

6/15/2007 8:53AM LUC: ANNX
RECEIPT# 00083539 WSH# 007 TRNSH# 0002
Account 441032 Fund 0110 TRMSFP
Activity 3424000 \$140.00
Trans Amt \$20.00
J24 Misc
Thank You

City of Albuquerque
Treasury Division

City of Albuquerque
Treasury Division

6/15/2007 8:52AM LUC: ANNX
RECEIPT# 00083538 WSH# 007 TRNSH# 0002
Account 441018 Fund 0110
Activity 4971000 TRMSFP
Trans Amt \$140.00
J24 Misc \$75.00

Thank You

CONSULTING ENGINEERS
 7800 MARBLE AVENUE, NE Suite 10
 ALBUQUERQUE, NM 87110
 PHONE (505) 265 7703

C-8-17

State of New Mexico
 County of Bernalillo
 This instrument was filed for record
 on LOT 10 1984
 at 10:00 am on March 17 Vol. 51
 of records of said County. Folio 117
[Signature] Clerk & Recorder
 Deputy Clerk

85 86018
H-17

A PLAT OF
 Tract 'Z'
 MILLS AND BOREN SUBDIVISION

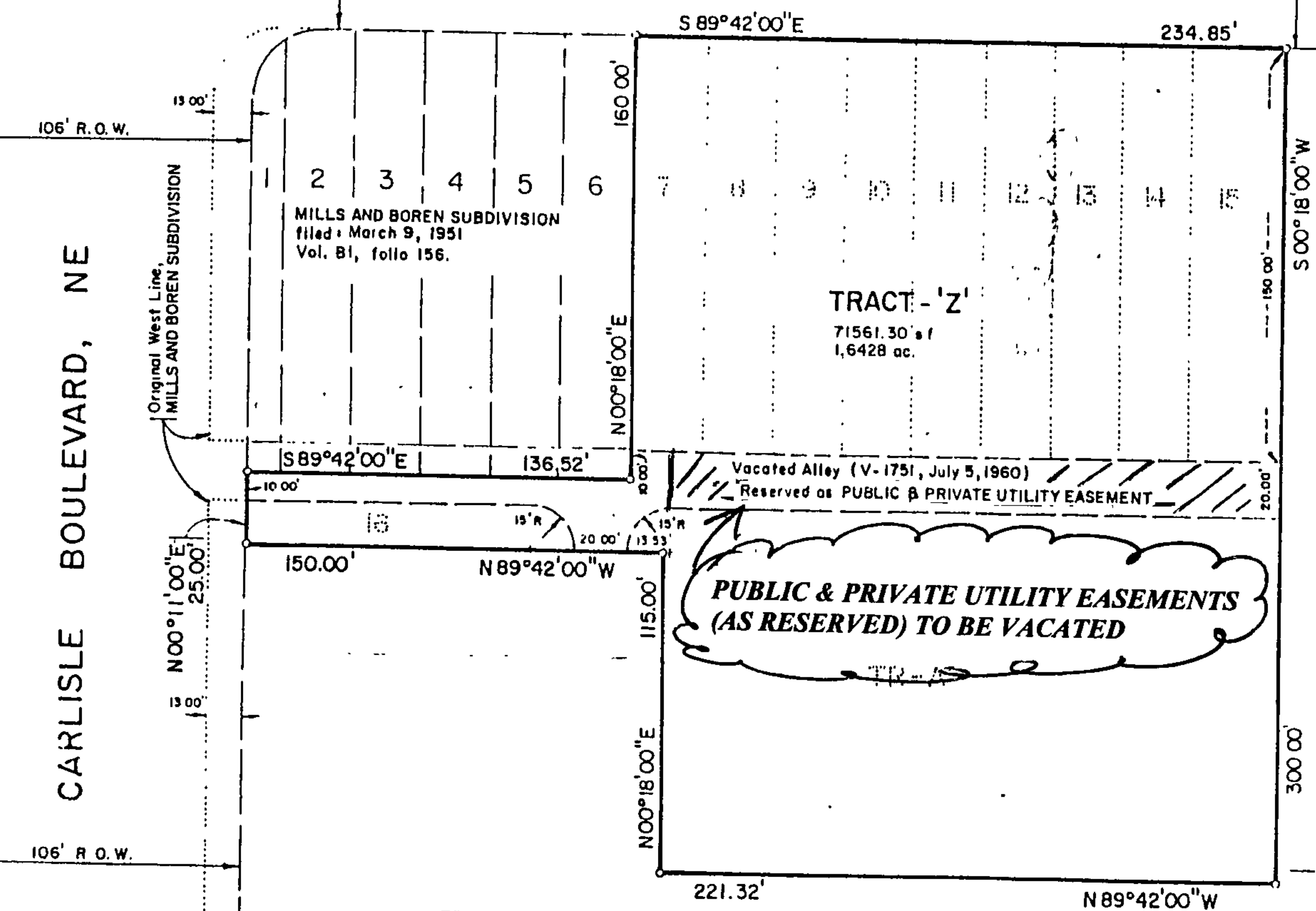
A REPLAT OF LOTS 7 TO 15 INCLUSIVE
 PORTIONS OF LOT-16 AND TRACT-'A'
 MILLS AND BOREN SUBDIVISION
 (PLAT FILED MARCH 9, 1951, BI, 156)
 TOGETHER WITH PORTION OF VACATED ALLEY
 (V-1751, JULY 5, 1960)
 ALBUQUERQUE, NEW MEXICO

JUNE 1985

ENGINEERS
 CITY ENGINEERING
 CITY ADDITION
 VERIFICATION

CARLISLE BOULEVARD, NE

MENAU BOULEVARD, NE



TRACT - I, UNIT - I DALE J. BELLAMAH'S CARLISLE REPLAT
 filed April 9, 1969
 Vol. D4, folio 25

TRACT - B, TIMOTEO CHAVEZ ADDITION
 filed January 16, 1958
 Vol. D2, folio 48.

VACATION
 EXHIBIT
 Date 07/11/07

Prior to further development, City of Albuquerque Water and Sanitary Sewer Service to this Tract must be vacated.