

REC'D BY:

Engineering Spatial Data Advanced Technologies

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

www.bhinc.com

voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

CLIENT/COURIER TRANSMITTAL

	•						
То:	Jack Cloud, PE		Requested by:	Yolanda Padilla Moyer			
	DRB Chair COA-PDS		Date:	02/03/2017			
Phone:	505-823-1000		Time Due:	☐ This A.M.☐ This P.M.☐ Rush☐ By Tomorrow			
	DELIVERY VIA		PIC	K UP			
_							
	<u> </u>	ral Express	Item:	_			
☐ Ma	iil UPS						
☐ Ot	her						
Job No.:	20150327		Job Name:	Del Webb @ Mirehaven, Phase 1B			
ITEM NO	. QUANTITY	DESCRIPTION					
1	1	DRB Application					
2	1	Form S(2)					
3	1	Zone Atlas Maps					
4	1	Applicaton Letter					
5	1	8.5" x 11" Plan					
6	1	Official DRB Notice		val			
7	1	Approved Infrastruct					
8	1	Original SIA/Previou					
9	1	Neighborhood Coord	dination Inquiry &	Letters			
10	1	Fee					
COMMEN	TS / INSTRUCT	<u>IONS</u>					

DATE:_____ TIME:____

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

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

	MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)
	 5 Acres or more: Certificate of No Effect or Approval Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
	Proposed Infrastructure List
	 Signed Preliminary Pre-Development Facilities Fee Agreement for <u>Residential</u> development only Design elevations & cross sections of perimeter walls 3 copies (11" x 17" maximum)
	Zone Atlas map with the entire property(ies) clearly outlined
	 Letter briefly describing, explaining, and justifying the request Property owner's and City Surveyor's signature on the proposed plat
	 FORM DRWS Drainage Report, Water & Sewer availability statement filing information Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
	Sign Posting Agreement
	 Signed Pre-Annexation Agreement if Annexation required. TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
	Fee (see schedule)
	List any original and/or related file numbers on the cover application Preliminary plat approval expires after one year.
	DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.
_	MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)
	PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to
	subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
	Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
	Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) Zone Atlas map with the entire property(ies) clearly outlined
	Letter briefly describing, explaining, and justifying the request
	 Property owner's and City Surveyor's signature on the proposed amended plat, if applicable Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
	Sign Posting Agreement
	List any original and/or related file numbers are listed on the cover application Amended preliminary plat approval expires after one year.
	DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.
✓	MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT EXTENSION (DRB09)
	(Temporary sidewalk deferral extension use FORM-V)
	 Zone Atlas map with the entire property(ies) clearly outlined Letter briefly describing, explaining, and justifying the request
	Plat or plan reduced to 8.5" x 11"
	Official D.R.B. Notice of the original approval Approved Infrastructure List. If not applicable, please initial
	Previous SIA extension notice, if one has been issued. If not applicable, please initial Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
	Sign Posting Agreement
	List any original and/or related file numbers on the cover application Fee (see schedule)
	DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.
	he applicant, acknowledge that any ormation required but not submitted
vith	n this application will likely result in Applicant name (print)
et	erral of actions. Applicant signature / date
	Form revised October 2007
	Checklists complete Application case numbers
	Fees collected ————————————————————————————————————
_	Case #s assigned ————————————————————————————————————

Acity of Ibuquerque

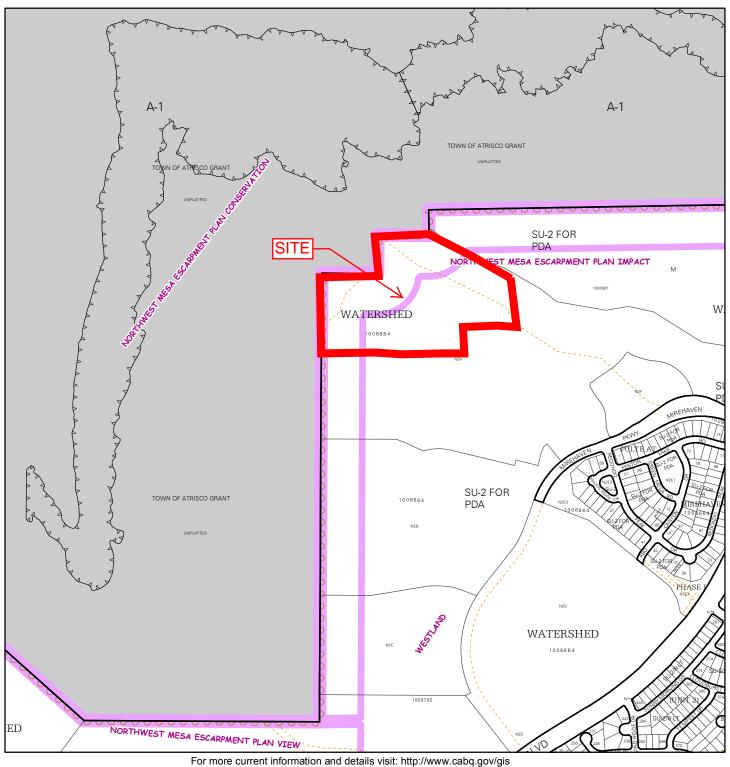


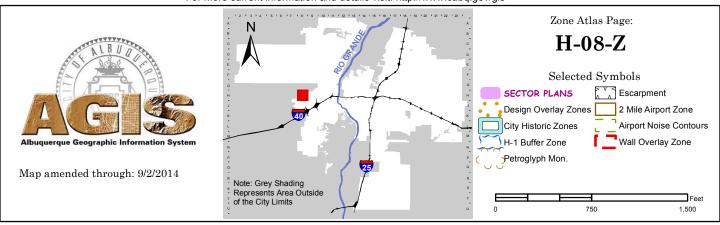
DEVELOPMENT/ PLAN REVIEW APPLICATION

Subdivision	ıpplemental form S Z ZONI	NG & PLANNING
_x Major Subdivision ac	ction	Annexation
Minor Subdivision ac		County Submittal
Vacation Variance (Non-Zonin	v 	EPC Submittal Zone Map Amendment (Establish or Change
SITE DEVELOPMENT PLAN for Subdivision Purpor for Building Permit Administrative Amen IP Master Developm Cert. of Appropriater STORM DRAINAGE (Form D) Storm Drainage Cost A PRINT OR TYPE IN BLACK INK ONL	Poses	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) EAL / PROTEST of Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal ubmit the completed application in person to the Albuquerque, NM 87102. Fees must be paid a ments. PHONE:(505) 823-1000 FAX(505) 798-7988 E-MAIL: _ypadilla@bhinc.com PHONE: 505.341.8591
		7109 E-MAIL: <u>kevin.patton@pultegroup.com</u>
Proprietary interest in site: Owner		
DESCRIPTION OF REQUEST: SIA Extensi		
CASE HISTORY:	,N-2-A-19,N-2-A-20,N-2-A-21	Block: Unit:
1006864	·	
LOCATION PROPERTY BY STREETS: Or Between:	No. of proposed lots:62 n or Near:Cebolla Creek andDel Webb by Sketch, Plat/Plan X or Pre-application	Total area of site (acres):
FOR OFFICIAL USE ONLY		Form revised 9/01, 3/03, 7/03, 10/03, 04/04
□ 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 \$ \$ \$ \$ \$ Total

Project #

Planner signature / date





Bohannan A Huston

February 3, 2017

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

www.bhinc.com

voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

Mr. Jack Cloud, DRB Chair City of Albuquerque Planning Department 600 2nd Street NW Albuquerque, NM 87103

Re: Subdivision Improvements Agreement Extension (Procedure B)

Del Webb at Mirehaven Phase 1B - DRB #1006864

Dear Mr. Cloud:

Submitted for DRB review and approval is a request for an extension to the Subdivision Improvements Agreement for the above referenced project.

- Application for Development Review
- Zone Atlas Page
- Reduced layout of Approved Plat
- Official Notice from the Development Review Board
- Approved Infrastructure List
- Original SIA
- Previous SIA Extension
- Neighborhood Notification Information
- DRB Fee

We are requesting a one (1) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. All project infrastructure is constructed and grading and drainage certification is completed and approved. It is my understanding that the closeout package has been submitted but is pending formal closeout from the COA at this time, therefore we are requesting the approval of a one year extension.

Please place this item on the DRB agenda to be heard on March 1, 2017. If you have any questions or require further information, please call me at 505-823-1000.

Sincerely,

Bohannan Huston, Inc.

Yolanda Padilla Moyer, P.E.

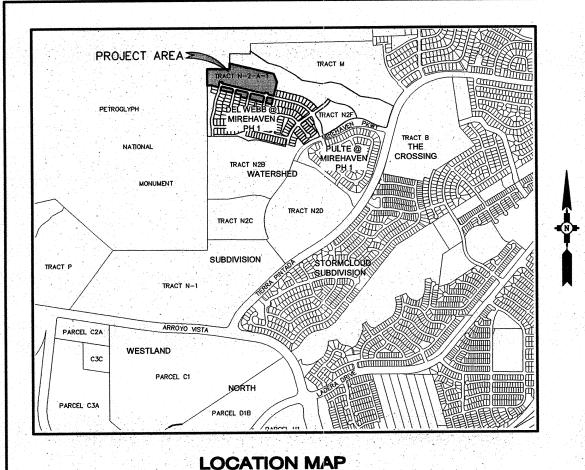
Senior Project Manager

Community Development and Planning Group

Enclosures

Engineering A

Spatial Data



1. DRB No. 2. Zone Atlas Index Number: H-8 & H-9.

SUBDIVISION DATA

3. Zoning: SU-2 FOR PDA 4. Gross Subdivision Acreage: 13.5560 Acres.

5. Total number of Lots/Tracts Created: Fifty-five (55) Lots and Eight (8)

6. 0 miles public street right-of-way created.

7. 0.24 miles private streets created

8. Area of private streets created: 1.5523 Acres (Tract N-2-A-2-B)).

9. Date of Survey: March, 2014.

10. Plat is located within Town of Atrisco Grant, projected Sections 8 & 9, Townsh ip 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo (County, New

NOT TO SCALE

PURPOSE OF PLAT

The purpose of this Plat is to Subdivide Tracts N-2-A-2, N-2-A-18, N-2-A-19, N-2-A-20 & N-2-A-211 as the same are shown and designated in Del Webb @ Mirehaven Phase 1, filed September 4, 2014 in Book 2014C, Page 0093 as Document No. 2014070165 into fifty-five (55) Lots and eight (8) Tracts and to grant

PUBLIC UTILITY EASEMENTS

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

- A. Public Service Company of New Mexico ("PNMI"), a New Mexico corporatiom, (PNM Electric)) for installation, maintenance, and service of overhead and underground ele ctrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide matural gas services
- Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- Cable One for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable serwices.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate within the easement, change, remove, replace, modify, renew, operate and maintain facilities for purposses described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set fortth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereo n. Property owners shall be solely responsible for correcting any violations of National Electrical Safe ty Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

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

In approving this plat, Public Service Company of New Mexico (P NM), New Mexico Gas Company (NMGC) and Qwest Corporation D/B/A CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not specifically described and shown on this platt.

The City of Albuquerque and its designees and/or contractors may install, maintain and service water and wastewater lines within the 10' PUE.

DESCRIPTION

A certain tract of land located within the Town of Atrisco Grant, projected Sections 8 & 9, Township 10 North, Rangle 2 East New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising all of of Tracts "N-2-A-2, N-2-A-18, N-2-A-19, N-2-A-20 & "N-2-A-21", Del Webb @ Mirehaven Phase 1, 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 September 4, 2014 im Book 2014C Page 0093 as Document No. 2014070165.

Tract contains 13.5560 acres of land, more or less.

FREE CONSENT AND DEDICATION

The plat shown hereon is made with free consent and in accordance of the desires of the undersigned owner(s), the execution of this plat is their free act and deed. Those signing as owner(s) warrant that they hold among them, complete indefeasible title in fee simple to the land shown on this plat. Owner(s) hereby affirm that the described property shown on this plat lies within the platting and subdivision jurisdiction of Albuquerque, New Mexico. Said owner(s) hereby grant all Easements as shown on this plat. Private access easements are permanent.

PULTE HOMES OF NEW MEXICO, INC

Garret Price, Vice President of Land Pulte Homes of New Mexico, Inc.

OFFICIAL SEAL

State of New Mexico) County of Bernalillo)

NOTES

- 1. Bearings are New Mexico State Plane Grid Bearings (Central Zone) NAD 1927. Basis of Bearings is between City of Albuquerque Control Monuments "REWARD" and "BH 41". Bearing = N03°09'40"E
- 2. Distances are ground distances.
- 3. Record Bearings and distances are the same as shown on this plat and the same as shown on the Plat of Del Webb @ Mirehaven Phase 1, filed September 4, 2014 in Book 2014C, Page 0093 as Document No. 2014070165.
- 4. This Plat was prepared with information included in Title Commitment issued by First American Title Insurance Company, Commitment No. 1911525-AL04, Effective Date:
- 5. Portions of Tract N-2-A-2, Lots 165, 166, 170-173, and 202-204 are located in Flood Zone "A₁O", per FIRM Map Number 35001C0307H, Revised August 16, 2012 and FIRM Map Number 35001 C0326H Revised August 16, 2012. A LOMR-F will be or has been requested to remove lots 165, 166,, and 170-173 from the floodplain. Lots 202 thru 204 will be removed from the floodplain by a Letter of Map Revision.
- 6. SOLAR NOTE Pursuant to Section 14-14-4-7 of the City of Albuquerque Ccode of Ordinances, "No property within the area of this Plat shall at any time be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or tracts within the area of propo sed Plat. The foregoing requirement shall be a condition to approval of this plat".
- 7. Tracts N-2-A-2-A, N-2-A-2-C, N-2-A-2-D, N-2-A-2-E, N-2-A-2-F, N-2-A-2-G aand N-2-A-2-H is designated as Private Commons Area with the filing of this plat.
- 8. Tract N-2-A-2-B is subject to a blanket Public Sanitary Sewer, Public Water granted to and to be maintained by the ABCWUA and Subsurface Storm Drain Easement Granted to and to be maintained by the City of Albuquerque with the filing of this plat. Tract N-2-A-2-B contains 1.5523 acres of land and is also granted as a Private Access Easement reserved for, granted to, and to be maintained by the Homeowners Association with the filing of this plat. PNM, NM Gas Company, Century Link (Qwest), and Comcast shall have the right to cross said private streets (Tract N-2-A-2-B) at locations as mutually agreed upon by the owner and said named public utility company.
- 9. The front (adjacent to street) lot corner will not be staked with the exception of intermediate "pc's and pt's". A witness comer projected along the property line being a chiseled "+" in the curb and gutter will be set upon completion of all street improvements. Offset distance will be adjusted by even foot increments to fall within the pan. Remaining lot corners will be marked with a 5/8" rebar and plastic cap stamped "Gromatzky PS 16469", a nail and washer stamped "Gromatzky PS 16469" or a nail and washer stamped "line only".
- 10. Centerline monuments to be installed at centerline PC's, PT's, angle points and street intersections prior to acceptance of subdivision street improvements and will consist of a stancard 3-1/4" aluminum allov cap stamped "CITY OF ALBUQUERQUE", CENTERLINE MONUMENTATION", "S:URVEY MARKER", "DO NOT DISTURB", "PLS 16469".

PLAT OF DEL WEBB @ MIREHAVEN PHASE 1B

(A REPLAT OF TRACTS N-2-A-2, N-2-A-18, N-2-A-19, N-2-A-20, N-2-A-21 DEL WEBB @ MIREHAVEN PHASE I)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO FEBRUARY, 2015

PPLICATION NUMBER	
ITILITY APPROVALS:	
6)	11
	2/5/15
QWEST CORPORATION d/b/a CENTURYLINK QC.	DATE
Ald AND	2/5/15
COMCAST CABLE	DATE
Toma do vigil	DATE
PMM ELECTRIC SERVICES	2/2/1
NEW MEXICO GAS COMPANY	DATE
CITY APPROVALS:	
Some M. Romagon P.S. CITY SURVEYOR	2/5/15
CITY SURVEYOR	DATE
TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	DATE
THAT TO ENGINEERING, TRANSPORTATION DIVISION	
ALBUQUERQUE BERNALILLO COUNTY	DATE
WATER UTILITY AUTHORITY	
PARKS & RECREATION DEPARTMENT	DATE
A.M.A.F.C.A.	DATE
A.M.A.F.O.A.	
CITY ENGINEER	DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE
REAL PROPERTY DIVISION	DATE
TAX CERTIFICATION	
THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PA	AID ON UPC#
PROPERTY OWNER OF RECORD:	

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, a registered Professional New Mexico Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, shows all existing easements as shown on the plats of record, or made known to me by the owner, utility companies, or other interested parties and conforms to the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors and meets the minimum requirements for monumentation and surveys contained in the Albuquerque Subdivision Ordinance, and is true and accurate to the bestt of my knowledge and belief.

New Mexico Professional Surveyor 16469

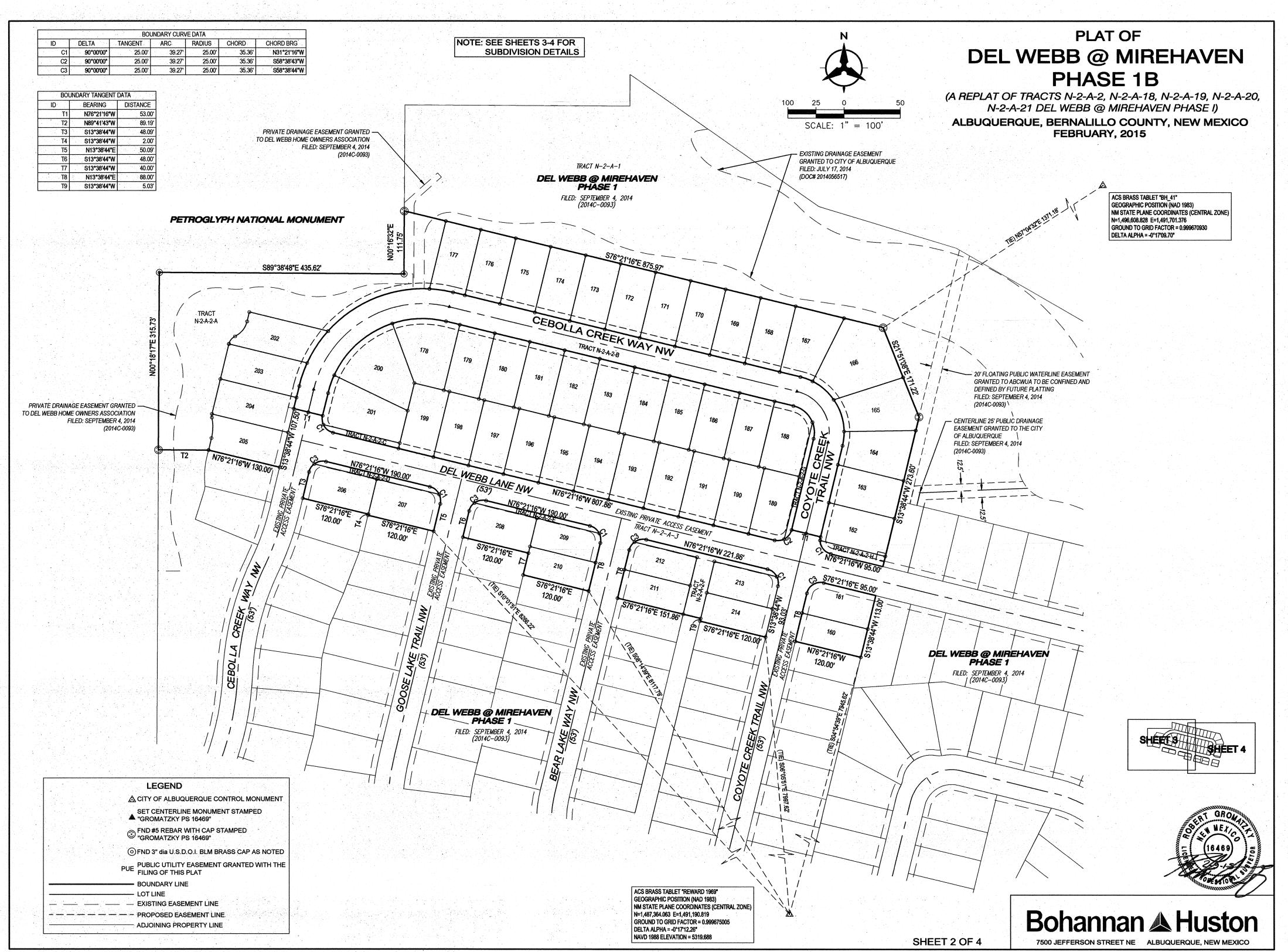
Date: FOSRUARY 5, 2015

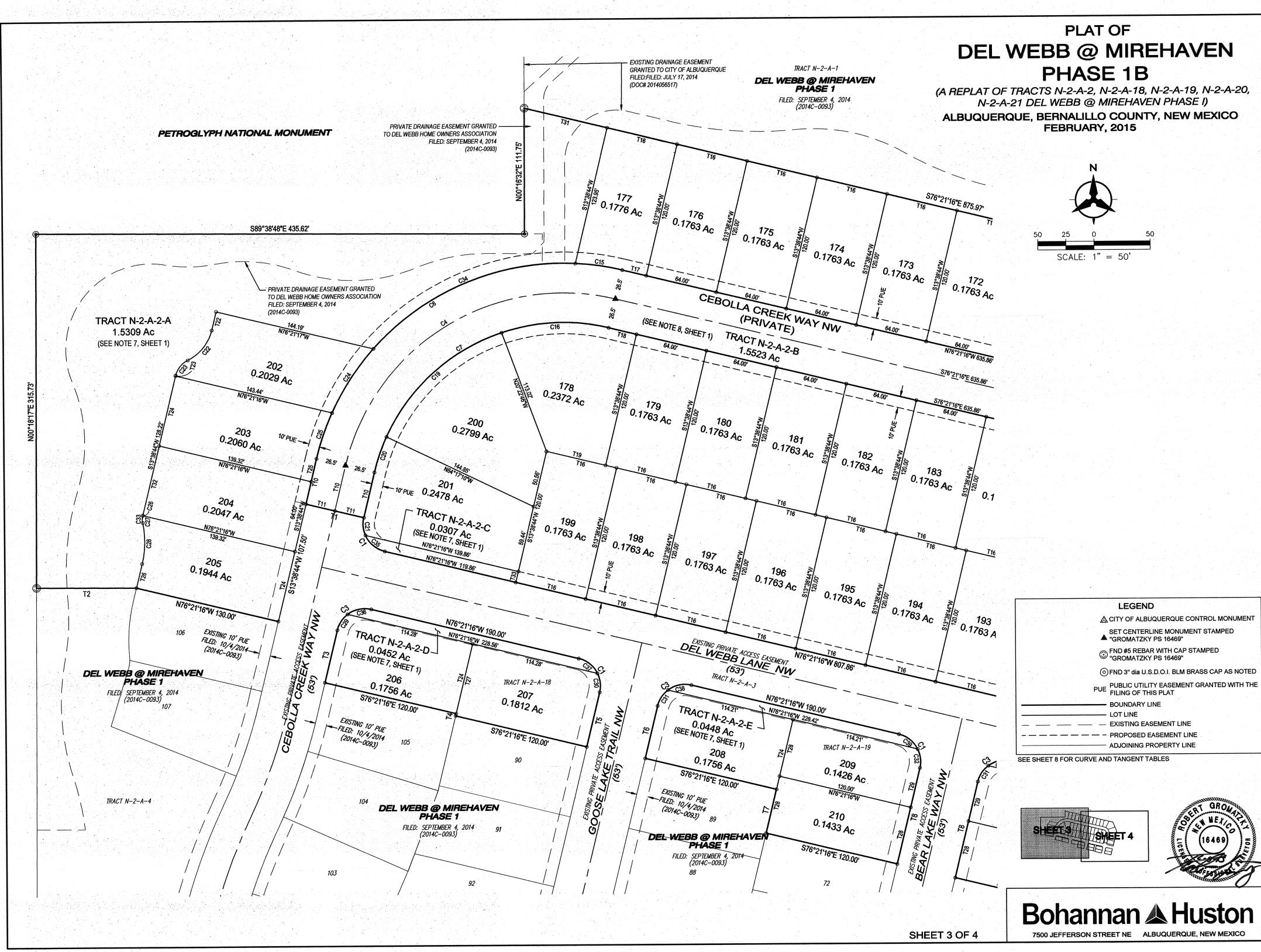


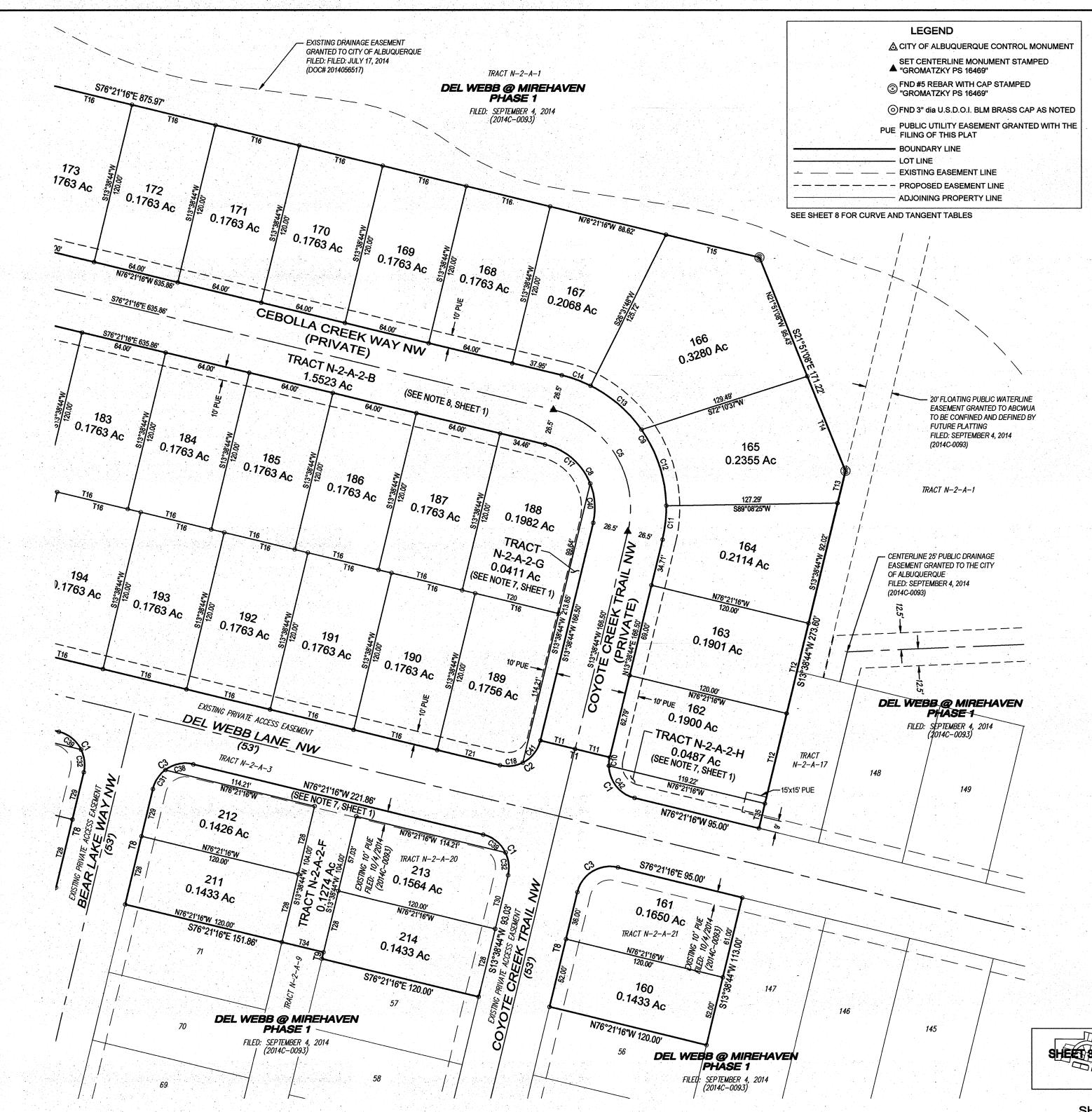


7500 JEFFERSON STREET NE ALBUQUERQUE, NEW MEXICO

SHEET 1 OF 4



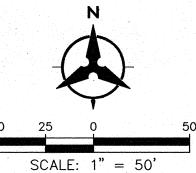




PLAT OF DEL WEBB @ MIREHAVEN PHASE 1B

(A REPLAT OF TRACTS N-2-A-2, N-2-A-18, N-2-A-19, N-2-A-20, N-2-A-21 DEL WEBB @ MIREHAVEN PHASE I)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO FEBRUARY, 2015

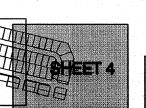


ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	90°00'00"	25.00'	39.27'	25.00'	35.36'	N31°21'16"W
C2	90°00'00"	25.00'	39.27'	25.00'	35.36'	S58°38'43"W
СЗ	90°00'00"	25.00'	39.27'	25.00'	35.36'	S58°38'44"W
C4	90°00'00"	200.00'	314.16'	200.00'	282.84'	N58°38'44"E
C5	90°00'00"	75.00'	117.81'	75.00'	106.07'	S31°21'16"E
C6	90°00'00"	226.50'	355.79'	226.50'	320.32'	S58°38'44"W
C7	90°00'00"	173.50'	272.53'	173.50'	245.37'	N58°38'44"E
C8	90°00'00"	48.50'	76.18'	48.50'	68.59'	S31°21'16"E
C9	90°00'00"	101.50'	159.44'	101.50'	143.54'	N31°21'16"W
C10	14°23'20"	3.16'	6.28'	25.00'	6.26'	S06°27'04"W
C11	14°30'19"	12.92'	25.70'	101.50'	25.63'	S06°23'34"W
C12	. 34°09'17"	31.18'	60.51'	101.50'	59.61'	S17°56'14 " E
C13	28°27'20"	25.74'	50.41'	101.50'	49.89'	S49°14'32"[
C14	12°53'04"	11.46'	22.83'	101.50'	22.78'	S69°54'44"E
C15	10°42'38"	21.23'	42.34'	226.50'	42.28'	S81°42'35"[
C16	31°58'38"	49.71'	96.83'	173.50'	95.58'	S87°39'25'V
C17	54°31'53"	25.00'	46.16'	48.50'	44.44'	N49°05'20"V
C18	39°47'31"	9.05'	17.36'	25.00'	17.02'	N83°44'59"[
C19	46°59'00"	75.41'	142.27'	173.50'	138.32'	S48°10'36"V
C20	11°02'22"	16.77'	33.43'	173.50'	33.38'	S19°09'55'V
C21	36°52'12"	8.33'	16.09'	25.00'	15.81	S04°47'22"[
C22	50°42'13"	18.95'	35.40'	40.00'	34.25'	S38°59'50"W
C23	50°42'13"	9.48'	17.70'	20.00'	17.13'	S38°59'50"W
C24	17°14'49"	34.35'	68.18'	226.50'	67.92'	N33°12'46"
C25	10°56'38"	21.70'	43.26'	226.50'	43.20'	N19°07'03"[
C26	00°46'21"	0.10'	0.21'	15.50'	0.21'	N13°15'33"
C27	24°05'59"	3.31'	6.52'	15.50'	6.47'	S00°49'23"V
C28	24°52'20"	18.74'	36.90'	85.00'	36.61'	S01°12'34"V
C29	39°31'57"	8.98'	17.25'	25.00'	16.91'	S33°24'42"W
C30	39°31'57 "	8.98'	17.25'	25.00'	16.91'	N06°07'15'V
C31	39°47'31"	9.05'	17.36'	25.00'	17.02'	S33°32'29'W
C32	39°47'31"	9.05'	17.36'	25.00'	17.02'	N06°15'01'W
C33	24°52'20"	3.42'	6.73'	15.50'	6.68'	N01°12'34"E
C34	51°05'55"	108.27	202.00'	226.50'	195.37'	N67°23'08"
C35	53°07'48"	12.50'	23.18'	25.00'	22.36'	S49°47'22"E
C36	50°28'03"	11.78'	22.02'	25.00'	21.32'	S78°24'42'W
C37	50°28'03"	11.78'	22.02'	25.00'	21.32'	N51°07'15'V
C38	50°12'29"	11.71'	21.91'	25.00'	21.21'	S78°32'29'V
C39	50°12'29"	11.71'	21.91'	25.00'	21.21'	N51°15'01 ° V
C40	35°28'07"	15.51'	30.02'	48.50'	29.55'	N04°05'20"V
C41	50°12'29"	11.71'	21.91'	25.00'	21.21'	N38°44'59'E
C42	75°36'40"	19.40'	32.99'	25.00'	30.65'	S38°32'56"E

		TANGEN*	T DATA		
ID	BEARING	DISTANCE	ID	BEARING	DISTANCE
T1	N76°21'16"W	53.00'	T21	N76°21'16"W	48.00'
T2	N89°41'43"W	89.19'	T22	S13°38'44"W	17.14'
T3	S13°38'44"W	48.09'	T23	S13°38'44"W	0.43'
T4	S13°38'44"W	2.00'	T24	S13°38'44"W	64.00'
T5	N13°38'44"E	50.09'	T25	S13°38'44"W	21.00
T6	S13°38'44"W	48.00'	T26	S13°38'44"W	21.94'
17.	S13°38'44"W	40.00'	T27	S13°38'44"W	66.00'
T8	N13°38'44"E	88.00'	T28	S13°38'44"W	52.00'
T9	S13°38'44"W	5.03'	T29	S13°38'44"W	36.00'
T10	N13°38'44"E	41.50'	T30	S13°38'44"W	41.03'
T11	S76°21'16 ' E	26.50'	T31	N76°21'16"W	75.94'
T12	S13°38'44"W	69.00'	T32	S13°38'44"W	63.79'
T13	S13°38'44"W	24.80'	T33	S13°38'44"W	10.00'
T14	N21°51'08"W	75.79'	T34	N76°21'16"W	31,86'
T15	N76°21'16'W	71.41'	T35	S13°38'44"W	18.79'
T16	N76°21'16'W	64.00'			
T17	N76°21'16'W	21.91'			چ چے
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SHEET 4 OF 4



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE PLANNING DEPARTMENT DEVELOPMENT REVIEW BOARD

January 14, 2015

Project# 1006864

14DRB-70415 MAJOR - PRELIMINARY PLAT APPROVAL

14DRB-70417 SIDEWALK WAIVER

14DRB-70420 SUBDIVISION DESIGN VARIANCE FROM MIN DPM STDS

14DRB-70423 MINOR - TEMP DEFERRAL SIDEWALK CONSTRUCTION

BOHANNAN HUSTON INC agents for PULTE request the referenced/ above actions for all or a portion of Tract(s) N-2-A-2 and N-2-A-18 thru 21, **DEL WEBB AT MIREHAVEN PHASE 1** zoned SU-2/ PDA, located on DEL WEBB LANE NW west of TIERRA PINTADA BLVD NW containing approximately 13.58 acre(s). (H-8)

At the January 14, 2015 Development Review Board meeting, with an approved grading and drainage plan engineer stamp dated 3/20/14, and with the signing of the infrastructure list dated 1/14/15, the preliminary plat was approved. A subdivision design variance from minimum DPM design standards was approved per the request in the planning file. The sidewalk waiver and the temporary deferral of construction of sidewalks on the interior streets were approved as shown on exhibit in the planning file.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

If you wish to appeal this decision, you must do so by January 29, 2015 in the manner described below.

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

The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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

Jack Cloud, DRB Chair

Curront DRC Project No.

EXHIBIT

ORIGINAL

Figure 12

371422015

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SIA COADRC Soquenco# Project#					AGENTIOWHER AGENTIOWHER YOLANDA PAOBLIA MOYER, P.E.	BOHANNAN HUSTORI INC.	Work and add	KANNUM TRAE ALLOW TO CONSTRUCT PROVEMENTS WITHOUT A DRIB EXTENSION		REVISION		

Nearest Major Streets: Arroyo Vista Blvd and Tierra Pintada Blvd

No. of Lots: 52

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

AGREEMENT TO CONSTRUCT PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this ______ day of ________, 2015, 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 Pulte Homes of New Mexico, Inc. ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:], a Michigan Corporation, whose address is 7601 Jefferson NE Suite 320 and whose telephone number is 505-341-8591, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Tract N-2-A, Watershed Subdivision, recorded on October 17, 2013 in Book 2013C, page 116, as Document No. 2013115035 in the records of the Bernalillo County Clerk, State of New Mexico (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Pulte Homes of New Mexico Inc., a Michigan Corporation ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as **Del Webb @ Mirehaven Phase 1B** describing Subdivider's Property ("Subdivider's Property").

As a result of the development of the City's 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. <u>Improvements and Construction Deadline</u>. The Subdivider agrees to install and complete the public and/or private improvements described in **Exhibit A**, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the <u>January 12, 2016</u>, ("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. <u>650385</u>.

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 S.O. 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 City's 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 S.O. 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. <u>Albuquerque Bernalillo County Water Utility Authority</u>. Pursuant to the Memorandum of Understanding between the City of Albuquerque and the Albuquerque Bernalillo County Water Utility Authority ("ABCWUA") dated March 21, 2007, the City is authorized to act on behalf of the ABCWUA with respect to improvements that involve water and sewer infrastructure.
 - 4. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual ("DPM"), 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. If the Improvements include water and wastewater infrastructure. the insurance policy must name the ABCWUA, its employees, officers and agents, as their interest may appear, as additional insureds. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail thirty (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:

Type of Fee	Amount
Engineering Fee	3.25%
Street Excavation and Barricading Ordinance and street restoration fees	As required per City-approved estimate (figure 7)

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

- 5. <u>Surveying, Inspection and Testing</u>. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:
- A. <u>Construction Surveying</u>. Construction surveying for the construction of the public Improvements shall be performed by <u>Surv-Tek</u>, <u>Inc.</u>, and construction surveying of the private Improvements shall be performed by <u>Surv-Tek</u>, <u>Inc.</u> 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. <u>Construction Inspection Methods</u>. Inspection of the construction of the public Improvements shall be performed by <u>Smith Engineering</u> and inspection of the private Improvements shall be performed by <u>Smith Engineering</u>, 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. <u>Field Testing</u>. Field testing of the construction of the public Improvements shall be performed by <u>Geo-Test</u>, <u>Inc.</u> and field testing of the private Improvements shall be performed by <u>Geo-Test</u>, <u>Inc.</u> 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. <u>Additional Testing</u>. 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 therefore.
- 6. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit, or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the City's S.O. requirements, the Subdivider has acquired, or is able to acquire, the following Financial Guaranty:

Type of Financial Guaranty:	Surety bond	#1114986 <u> </u>
Amount: \$ 520,835.65		
Name of Financial Institution	n or Surety providir	ig Guaranty:
Lexon Insurance Co	ompany	
Date City first able to call Gu	uaranty (Construction	on Completion Deadline):
January 12, 201	16	
If Guaranty is a Letter of Cre	dit or Loan Reserve	e, then last day City able to call
Guaranty is:		
Additional information:		

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

- 9. <u>Conveyance of Property Rights</u>. When the Improvements are completed, if the City does not own the real property upon, or in which, the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.
- 10. <u>Reduction of Financial Guaranty Upon Partial Completion</u>. 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. <u>Loan Reserve Financial Guaranty</u>. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the DPM, Volume 1, Chapter 5.
- B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty 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 S.O.
- (3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

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

11. <u>Indemnification</u>. 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 indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the 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. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

- 12. <u>Assignment</u>. This Agreement shall not be assigned without the prior written consent of the City and the Subdivider and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.
- 13. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has entered into a Subdivision Improvements Agreement with the City. Thereafter, if the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.
- 14. Payment for Incomplete Improvements. If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to, engineering, legal, and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.
- 15. <u>Binding on Subdivider's Property</u>. The provisions of this Agreement constitute covenants running with Subdivider's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Subdivider and the Owner and their heirs, successors and assigns.
- 16. <u>Notice</u>. For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.
- 17. <u>Entire Agreement</u>. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

- 18. <u>Changes to Agreement</u>. Changes to this Agreement are not binding unless made in writing, signed by both parties.
- 19. <u>Construction and Severability</u>. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.
- 20. <u>Captions</u>. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.
- 21. <u>Form not Changed</u>. 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.
- 22. <u>Authority to Execute</u>. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

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

SUBDIVIDER:	Pulte Homes of New Mexico,
	Inc., a Michigan corporation

By [Signature]:

Name [Print]: Garret Price

Dated: 1/20/15

CITY OF ALBUQUERQUE

Shahab Biazar, P.E., City Engineer

Dated: 2/9/15

SUBDIVIDER'S NOTARY

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)
This instrument was acknowledged before me on this day of, 20_15, by [name of
person:]Garret Price_ [title or capacity, for instance, "President" or "Owner":]VP Land

of [Subdivider:] Pulte Homes of New Mexico, Inc., a Michigan corporation .



Notary Public Notary No

CITY'S NOTARY

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

This instrument was acknowledged before me on this 4th day of February 20 15, by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

Notary Public

My Commission Expires: 10/17/16

[EXHIBIT A ATTACHED] [POWER OF ATTORNEY ATTACHED IF SUBDIVIDER IS NOT THE OWNER OF THE SUBDIVISION

Curront DRC Project No.

EXHIBIT

ORIGINAL

Figure 12

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EXTENSION AGREEMENT Procedure "B"

PROJECT NO. <u>650385</u>

This Agreement made this day of Mayon, 20 16, by and between the City of
Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer/subdivider:)
Pulte Homes of New Mexico, Inc., a Michigan corporation ("Subdivider"), whose address is
7601 Jefferson NE Ste 320 and whose telephone number is 505-341-8591 is made in Albuquerque,
New Mexico and is entered into as of the date of final execution of this Agreement.
WHEREAS, the City and the Subdivider entered into an Agreement on the 9th day of February, 2015, which was recorded on February 9, 2015, in Book N/A, pages 1 through 10, as Document No. 2015011043 in the records of Bernalillo County Clerk, State of New Mexico ("Earlier Agreement"), by which the Subdivider agreed to complete the construction of certain infrastructure improvements on or before the 12 day of January, 2016; and
WHEREAS, the Earlier Agreement was amended by a Extension Agreement
dated recorded on in Book pages
dated recorded on, in Book, pages through, as Document No in the records of
Bernalillo County Clerk, State of New Mexico, extending the construction deadline to ; and
WHEREAS, the Earlier Agreement was amended by a Extension Agreement
dated, in Book, pages
through, as Document No in the records of
Bernalillo County Clerk, State of New Mexico, extending the construction deadline to
; and
WHEREAS, it appears that the Subdivider will be unable to complete construction of the improvements by the deadline specified in the Agreement; and
WHEREAS, it appears that the Subdivider will be unable to complete construction of the
WHEREAS, it appears that the Subdivider will be unable to complete construction of the improvements by the deadline specified in the Agreement; and WHEREAS, the City is willing to grant Subdivider an extension of time in which to complete construction of all or part of the improvements, provided the Subdivider posts an acceptable financial
WHEREAS, it appears that the Subdivider will be unable to complete construction of the improvements by the deadline specified in the Agreement; and WHEREAS, the City is willing to grant Subdivider an extension of time in which to complete construction of all or part of the improvements, provided the Subdivider posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

Doc# 2016023902

03/15/2016 02:38 PM Page: 1 of 3 AGRE R:\$25.00 M. Toulouse Oliver, Bernalillo County

1. The required completion date for construction the attached Exhibit A , is extended (Complete either A	or B:)
A. For all improvements, the <u>12</u> day	of January , 2017
B. On portions of the improvements	as follows:
<u>IMPROVEMENTS</u>	COMPLETION DATE
2. With this Extension Agreement, Subdivi following financial guaranty:	der has provided the City with the
Type of Financial Guaranty: Surety Bond #11	114986
Amount: \$ 520,835.65 Name of Financial Institution or Surety providin	g Guaranty:
Lexon Insurance Company	
Date City first able to call Guaranty (Construction January 12, 2017	on Completion Deadline):
If Guaranty is a Letter of Credit or Loan Reserve	
Guaranty is:Additional information:	
3. The parties agree that all terms and cond conflict with this Extension Agreement shall remain val By executing this Agreement, the parties' only intention deadline established in the Earlier Agreement and established the City.	lid, in force, and binding upon the parties. n is to extend the construction completion
Executed on the date stated in the first paragraph of this	Agreement.
SUBDIVIDER: Pulte Homes of New Mexico Inc., a Michigan corporation	CITY OF ALBUQUERQUE:
By [signature]: Name [print]: Garret/Price Title: VP Land Dated: 2/17/16	By: Shahab Biazar, P.E. City Engineer Dated: 3/9/16

SUBDIVIDER'S NOTARY

STATE OF NEW MEXICO)	
)	SS
COUNTY OF BERNALILLO	J)	

This instrument was acknowledged before me on this 17 day of February, 20 16 by [name of person:] Garret Price, [title or capacity, for instance, "President" or "Owner"] VP Land of Subdivider:] Pulte Homes of New Mexico Inc., a Michigan corporation.



My Commission Expires: 10[18]

CITY'S NOTARY

STATE OF NEW MEXICO)) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 4th day of March 2016 by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

(SEAL)

My Commission Expires: 10-17-16



VERIFICATION CERTIFICATE

To be attached to the bond described below:

SURETY:

Lexon Insurance Company

PRINCIPAL:

Pulte Homes of New Mexico, Inc., a Michigan Corporation

OBLIGEE:

City of Albuquerque

DESCRIPTION:

Del Webb at Mirehaven, Phase 1B, Project 650385

BOND NO:

1114986

BOND AMOUNT:

\$520,835.65

EFFECTIVE DATE:

We consent to the extension of the agreement secured by this bond to

January 12, 2017.

This is to certify that this company has not terminated its suretyship under the above-described bond and that such bond according to its record is still in full force and effect.

Signed and Sealed this 11th day of February, 2016.

LEXON INSURANCE COMPANY

Attorney-in-Fact Bryce Langen

STATE OF GEORGIA COUNTY OF PULTON

The foregoing instrument was acknowledged before me this 11th day of February, 2016 by Bryce Langen, Attorney-in-fact of Lexon Insurance Company.

My commission expires: April 17, 2018

NOTARY PUBLIC, Shirley E. Hutchins

POWER OF ATTORNEY

LX-253670

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: <u>Steven M. Cook, Bruce Robinson, D. Bryce Langen, Brien O'Meara, Melissa A. Hernandez, James Ossowski, James Zeumer, Matthew Zitka its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.</u>

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$ 2,000,000.00, Two Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 23rd day of July, 2015.

LEXON INSURANCE COMPANY

BY

David E. Campbell
President

ACKNOWLEDGEMENT

On this 23rd day of July, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY L. TAYLOR Notary Public- State of Tennessee Davidson County Mv Commission Expires 01-09-16

My L. Taylor

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this

Day of

Andrew Smith Assistant Secretary

SEAL

SEAL

"WARNING: Any person who knowingly and with intent to defrated any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



Notification Inquiry Form

Use this form to submit a request to the Office of Neighborhood Coordination to obtain neighborhood or homeowner association contact information for application submittal to the Planning Department.

<u>Instructions</u>: Please fill out this form completely and include a zone atlas map that is marked to indicate where the subject site is located. Then, submit this form and your map in one of the following ways: 1) In person at the Office of Neighborhood Coordination, 5th Floor, 600 2nd Street NW; or 2) Email it to ONC@cabq.gov.

Developer Inquiry For:		
☐Cell Tower Submittal – Type: Select Tower	er Type	□ZHE Submittal (need address & zone map only)
■DRB Submittal		□AA Submittal
□EPC Submittal		☐City Project Submittal
□LUCC Submittal		□Liquor License Submittal
		□Other:
Anticipated Advertised Public Hearing Date	2: (list here) March 1	, 2017
Contact Name: Erica G. Newman		
Company Name: BOHANNAN HUSTON, INC.		
Address: 7500 JEFFERSON STREET NE		
City: ALBUQUERQUE	State: NM	Zip Code: 87109
Phone: (505) 823-1000	Email: enewman	@bhinc.com

Legal Description Information:

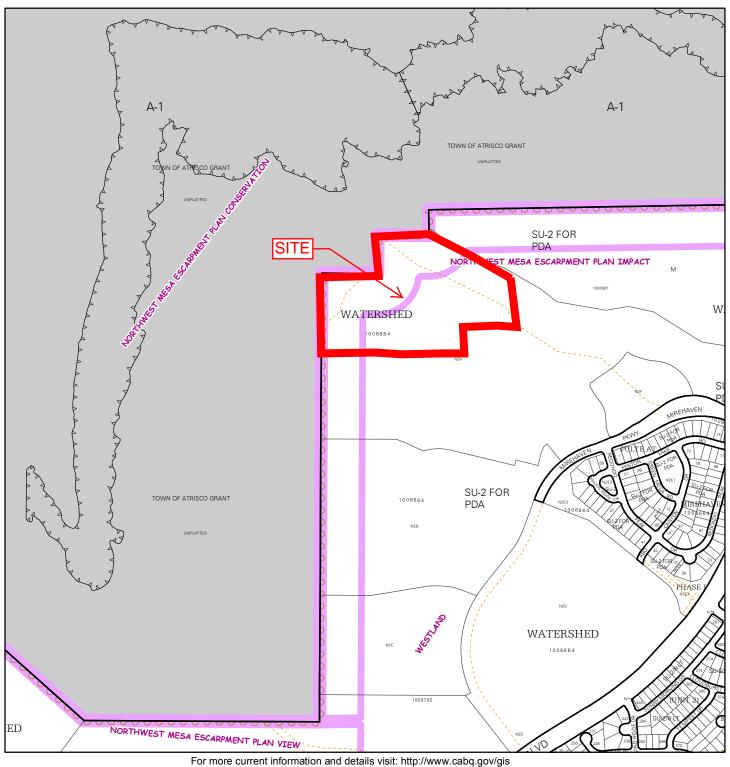
Describe the legal description of the subject site for this project:

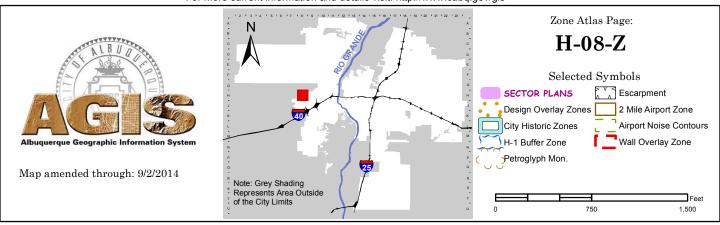
Tracts N-2-A-2, N-S-A-18, N-2-A-19, N-2-A-20, N-2-A-21 of Watershed Subdivision

Located on/between (street name or other identifying mark):

Located on Cebolla Creek, between Del Webb Lane & Del Webb Lane

This site is located on the following zone atlas page: H-08-Z







City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

*PLEASE NOTE: The NA/HOA 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.

February 2, 2017

Erica G. Newman Bohannan Huston, Inc. 7500 Jefferson St. NE Albuquerque, NM 87109 (505) 823-1000 enewman@bhinc.com

Dear Erica:

Thank you for your inquiry requesting the names of ALL Neighborhood and/or Homeowner Associations who would be affected under the provisions of §14-8-2-7 of the Neighborhood Association Recognition Ordinance by your proposed [DRB Submittal] project recorded as [Tracts N-S-A-2, N-S-A-18, N-2-A-19, N-2-A-20, N-2-A-21 of Watershed Subdivision] located between [Cebolla Creek Way NW and Tierra Pintada Blvd NW] zone map [H-08].

This correspondence serves as your "Notification Inquiry Letter" from the Office of Neighborhood Coordination, and must be included as part of your application. Please see "ATTACHMENT A" for a list of NA's / HOA's that must be contacted regarding this submittal.

Please note that according to Section §14-8-2-7 of the Neighborhood Association Recognition Ordinance you are required to notify **both** of these contact persons by **certified mail, return receipt requested,** before the Planning Department will accept your application. Please see Page 2 of this letter for additional requirements. If you have any questions about the information provided please contact our office at (505) 924-3914 or ONC@cabq.gov

Sincerely,
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

Neighborhood Notification Letters Must Include the Following:

Prior to filing an application with the Planning Department, all applicants requesting approvals through the Environmental Planning Commission (EPC), Development Review Board (DRB), Landmarks & Urban Conservation Commission (LUCC), or approval of a Wireless Telecommunication Facility (WTF) are required to notify any affected neighborhood and/or homeowner associations via certified mail.

- 1. The street address for the subject property;
- 2. The currently recorded 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 and detailed description of the action(s) being requested;
- 5. *** NEW*** Facilitated Meeting Information All notification letters must include the following text:

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at ONC@cabg.gov or by phone at (505) 924-3914.

A facilitated meeting request must be received by ONC by: Monday February 13, 2017.

Neighborhood Notification Checklist

The following information must be included for **each** application packet submitted to the City of Albuquerque Planning Department.

- ONC's "Notification Inquiry Letter" outlining any affected Neighborhood and/or Homeowner Associations.
 - *Note: If your ONC letter is more than 30 days old, you must contact ONC to ensure that the contact information is still current.
- 2. Copies of Letters sent to any affected Neighborhood and/or Homeowner Associations.
- 3. Copies of certified receipts mailed to any affected Neighborhood and/or Homeowner Associations.

Any questions, please feel free to contact our office at (505) 924-3914 or ONC@cabq.gov.

Thank you for your cooperation on this matter.

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Date Processed: 2/2/17 ONC Staff Initials: VMQ

ATTACHMENT A

THE MANORS AT MIREHAVEN COMM. ASSOC., INC. (MAN)

Brandy Hetherington *e-mail:* bhetherington@aamnm.com 7850 Jefferson St. NE, Ste. 130/87109 856-1212 (o) Jody Willoughby *e-mail:* jwilloughby@aamnm.com 7850 Jefferson St. NE, Ste. 130/87109 856-1212 (o)

NA Website: www.manorsatmirehaven.com

TRES VOLCANES N.A. (TVN) "R"

*Donna Swanson e-mail: djswanson505@gmail.com

8620 Animas Pl. NW/87120 507-9538 (h)

ly Breeden *e-mail:* jfbreeden@comcast.net

8619 Animas Pl. NW/87120 352-0159 (h)

Website: www.tresvolcanes.org NA E-mail: info@tresvolcanes.org



Notification Inquiry Form

Use this form to submit a request to the Office of Neighborhood Coordination to obtain neighborhood or homeowner association contact information for application submittal to the Planning Department.

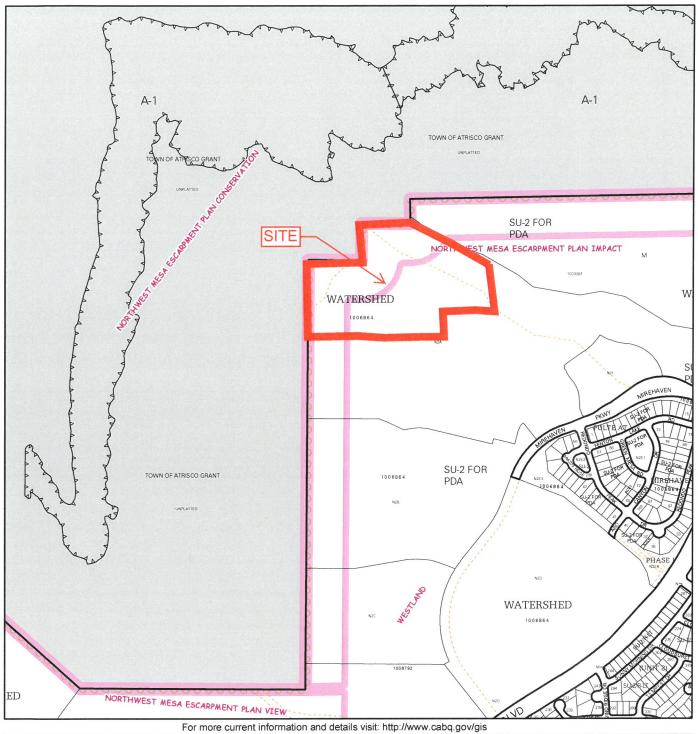
<u>Instructions</u>: Please fill out this form completely and include a zone atlas map that is marked to indicate where the subject site is located. Then, submit this form and your map in one of the following ways: 1) In person at the Office of Neighborhood Coordination, 5th Floor, 600 2nd Street NW; or 2) Email it to <u>ONC@cabq.gov</u>.

Developer Inquiry For: □ Cell Tower Submittal – Type: Select Tower ■ DRB Submittal □ EPC Submittal □ LUCC Submittal	ег Туре	□AA S	Submittal (need address & zone map only) Submittal Project Submittal or License Submittal r:
Anticipated Advertised Public Hearing Date	: (list here) March	1, 2017	
Contact Name: Erica G. Newman Company Name: BOHANNAN HUSTON, INC. Address: 7500 JEFFERSON STREET NE City: ALBUQUERQUE Phone: (505) 823-1000	State: NM Email: enewman		Zip Code: 87109
Legal Description Information:			
Describe the legal description of the subject Tracts N-2-A-2, N-S-A-18, N-2-A-19, N-2-A-20, N-2-A-21 of			

This site is located on the following zone atlas page: H-08-Z

Located on Cebolla Creek, between Del Webb Lane & Del Webb Lane

Located on/between (street name or other identifying mark):



Zone Atlas Page:

H-08-Z

Selected Symbols

SECTOR PLANS
Design Overlay Zones

Altiport Noise Contours

H-1 Buffer Zone

Wall Overlay Zone

Wall Overlay Zone

Petroglyph Mon.

Note: Grey Shading
Represents Area Outside
of the City Limits



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

www.bhinc.com

voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 2, 2017

Ms. Brandy Hetherington 7850 Jefferson St. NE, Ste. 130 Albuquerque, New Mexico 87109

Re: Subdivision Improvements Agreement Extension

Del Webb @ Mirehaven Phase 1B - Project # 650385 DRB#1006864

Dear Ms. Hetherington:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of The Manors at Mirehaven Community Association, Inc.

We are requesting a one (1) year extension of the Subdivision Improvements Agreement (Procedure B) for the infrastructure improvements for the above referenced project located. The construction is completed and is awaiting formal closeout from the City of Albuquerque at this time; therefore, we are requesting the approval of a one year extension.

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at ONC@cabq.gov or by phone at (505) 924-3914.

A facilitated meeting request must be received by ONC by: Monday February 13, 2017.

Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Yolanda Padilla Moyer, P.E. Senior Project Manager

Community Development and Planning

YPM/EGN/jcm Enclosures

Engineering A

Spatial Data

Advanced Technologies A

Bohannan A Huston

Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335

Ms. Brandy Hetherington 7850 Jefferson St. NE, Ste. 130 Albuquerque, New Mexico 87109

A. Signature	▲ □ Addressee	B. Received by (Printed Name) C. Date of Delivery	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No			3. Service Type	Ж	Collect on Delivery Restricted Delivery Signature Confirmation Signature Confirmation		Domestic Return Receipt	
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COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

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

www.bhinc.com

voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 2, 2017

Ms. Jody Willoughby 7850 Jefferson St. NE, Ste. 130 Albuquerque, New Mexico 87109

Re: Subdivision Improvements Agreement Extension

Del Webb @ Mirehaven Phase 1B - Project # 650385 DRB#1006864

Dear Ms. Willoughby:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of The Manors at Mirehaven Community Association, Inc.

We are requesting a one (1) year extension of the Subdivision Improvements Agreement (Procedure B) for the infrastructure improvements for the above referenced project. The construction is completed and is awaiting formal closeout from the City of Albuquerque at this time; therefore, we are requesting the approval of a one year extension.

A facilitated meeting request must be received by ONC by: Monday February 13, 2017.

Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Yolanda Padilla Moyer, P.E.

Senior Project Manager

Community Development and Planning

YPM/EGN/jcm Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 2, 2017

Engineering A

Spatial Data

Advanced Technologies A

Bohannan A Huston

Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335

Ms. Jody Willoughby 7850 Jefferson St. NE, Ste. 130 Albuquerque, New Mexico 87109

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www.bhinc.com

voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 2, 2017

Ms. Sally Breeden 8619 Animas Pl. NW Albuquerque, New Mexico 87120

Re: Subdivision Improvements Agreement Extension

Del Webb @ Mirehaven Phase 1B - Project # 650385 DRB#1006864

Dear Ms. Breeden:

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

We are requesting a one (1) year extension of the Subdivision Improvements Agreement (Procedure B) for the infrastructure improvements for the above referenced project. The construction is completed and is awaiting formal closeout from the City of Albuquerque at this time; therefore, we are requesting the approval of a one year extension.

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at <a href="https://oncommons.org/learning-neighborhood-neighbor

A facilitated meeting request must be received by ONC by: Monday February 13, 2017.

Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Yolanda Padilla Moyer, P.E.

Senior Project Manager

Community Development and Planning

YPM/EGN/jcm Enclosures

Engineering A

Spatial Data

Advanced Technologies A

Bohannan A Huston

Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335

Ms. Sally Breeden 8619 Animas Pl. NW Albuquerque, New Mexico 87120

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

www.bhinc.com

voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

Ms. Donna Swanson 8620 Animas Pl. NW Albuquerque, New Mexico 87120

Re:

Subdivision Improvements Agreement Extension

Del Webb @ Mirehaven Phase 1B - Project # 650385 DRB#1006864

Dear Ms. Swanson:

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

We are requesting a one (1) year extension of the Subdivision Improvements Agreement (Procedure B) for the infrastructure improvements for the above referenced project. The construction is completed and is awaiting formal closeout from the City of Albuquerque at this time; therefore, we are requesting the approval of a one year extension.

A facilitated meeting request must be received by ONC by: Monday February 13, 2017.

Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Yolanda Padilla Moyer, P.E.

Senior Project Manager

Community Development and Planning

YPM/EGN/jcm Enclosures

Engineering A

Spatial Data

Advanced Technologies A

Bohannan A Huston

Courtyard 1
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

Ms. Donna Swanson 8620 Animas Pl. NW Albuquerque, New Mexico 87120

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