OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 9, 2014

Project# 1007204
14DRB-70214 – 2 YEAR SUBDIVISION IMPROVEMENT AGREEMENT EXTENSION (2YR SIA)

BOHANNAN HUSTON INC agents for ARMSTRONG DEVELOPMENT PROPERTIES request the referenced/ above action for all or a portion of **UNSER CROSSINGS** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW containing approximately 50.6833 acres. (K-9 & 10)

At the July 9, 2014 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by July 24, 2014, 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

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 22, 2012

Project# 1007204
12DRB-70226 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion of **UNSER CROSSINGS** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW containing approximately 50.6833 acre(s). (K-9 & K-10)

At the August 22, 2012 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by September 6, 2012, in the manner described below.

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

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

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

Jack Cloud, DRB Chair

Cc: Bohannan Huston Inc.
Marilyn Maldonado
file

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 22, 2012

Project# 1007204
12DRB-70226 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion of **UNSER CROSSINGS** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW containing approximately 50.6833 acre(s). (K-9 & K-10)

AMAFCA No comments provided.
COG No comments provided.
TRANSIT Adjacent and nearby routes -Route#54, Bridge-Westgate route and Route#198, 98th street route, pass the site on Central. Adjacent bus stops - The above mentioned routes use the Central Unser Transit Center, located on the north west corner for bus stop. There is also an existing bus stop adjacent to the property at the Central/86th street that serves the above-mentioned routes in southbound direction. Site plan requirements None. Large site TDM suggestions None. Other information None.
ZONING ENFORCEMENT No comments provided.
NEIGHBORHOOD COORDINATION Letters sent to: **Avalon NA (R), Los Volcanes NA (R), Skyview West NA (R)**
APS This will have no adverse impacts to the APS district.
POLICE DEPARTMENT No comments provided.
FIRE DEPARTMENT No comments.
PNM ELECTRIC & GAS No comments provided.
COMCAST No comments provided.
CENTURYLINK No comments provided.

ENVIRONMENTAL HEALTH No comments provided.
M.R.G.C.D 1. Previously reviewed 09/08/2010. 2. No Adverse Comments.
OPEN SPACE DIVISION No comments provided.
CITY ENGINEER Comments, if any, will be provided at the meeting
TRANSPORTATION DEVELOPMENT Clearly define what items have not yet been built and provide an approximate timeline.
PARKS AND RECREATION
ABCWUA
PLANNING DEPARTMENT Refer to comments from affected agencies plus any public hearing comments regarding proposed extension.

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

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 22, 2010

Project# 1007204
10DRB-70247 MAJOR - - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion **UNSER CROSSINGS,** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW, between BRIDGE BLVD SW and 86TH ST SW containing approximately 49.16 acre(s). (K-9, K-10)

At the September 22, 2010 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by October 7, 2010, in the manner described below.

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

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

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

Jack Cloud, AICP, DRB Chair

Cc: Bohannan Huston, INC – 7500 Jefferson NE – Albuquerque, NM 87109
Armstrong Development Properties – 1500 N. Priest Dr. Ste 150 – Tempe, AZ 85281
Marilyn Maldonado
File

PROJECT # 1007204

#3

Date: 9/22/10

DRB PUBLIC HEARING
SIGN IN SHEET

Please proved your name and address for an opportunity to speak and/or receive an *official notice of decision*

1. Name:_____ Address:_____ zip:_____
2. Name:_____ Address:_____ zip:_____
3. Name:_____ Address:_____ zip:_____
4. Name:_____ Address:_____ zip:_____
5. Name:_____ Address:_____ zip:_____
6. Name:_____ Address:_____ zip:_____
7. Name:_____ Address:_____ zip:_____

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 22, 2010

Project# 1007204
10DRB-70247 MAJOR - - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion **UNSER CROSSINGS,** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW, between BRIDGE BLVD SW and 86TH ST SW containing approximately 49.16 acre(s). (K-9, K-10)

AMAFCA
No comment.

COG
No comment.

TRANSIT
Project # 1007204
10DRB-70247
2 YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS (2 YR SIA)

Adjacent and nearby routes
Route #66, Central route and Route #54, Bridge-Westgate route pass the site on Central. Route #66 also passes the site Northbound on 86th street.

Adjacent bus stops
None

Site plan requirements
None.

Large site TDM suggestions
None.

Other information
None.

ZONING ENFORCEMENT
No comment.

NEIGHBORHOOD COORDINATION
Letters sent to: **Avalon NA (R)**
Skyview West NA (R)
Los Volcanes NA (R)
Stinson Tower NA (R)
Encanto Village HOA
West Side Merchants Assoc.

APS
This will have no adverse impacts to the APS district.

POLICE DEPARTMENT
No comment.

FIRE DEPARTMENT
No comment.

PNM ELECTRIC
No comment.

NM GAS Co.
CABQ/:Extension No Adverse Comment;
For future and current easements required for the use of (NMGCO) gas lines are required. Please have the Future developers call New Mexico Gas Company for New Service Delivery and planned development in and around NMGCO'S distribution gas lines.
Mark Bouchard at (505) 697-3144. Distribution

COMCAST
No comment.

QWEST
Concerning the subject case number(s), Qwest has no adverse comments at this time provided all utility easement rights are maintained. Prior to any final plat approval, we will need a copy for review.

ENVIRONMENTAL HEALTH
No comment.

M.R.G.C.D
No comment.

OPEN SPACE DIVISION
No comment.

CITY ENGINEER
The Hydrology section has no objection to the extension request.

TRANSPORTATION DEVELOPMENT
Additional information must be provided with this request. Clearly define what infrastructure has been built, what has not yet been built, and provide an approximate timeline.

PARKS AND RECREATION
No comment.

ABCWUA
No comment.

PLANNING DEPARTMENT
Refer to comments from affected agencies plus any public hearing comments regarding proposed extension.

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

HEARING DATE 9-22-10 (SIA)

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1007204 **AGENDA ITEM NO: 13**

SUBJECT:

Final Plat

ACTION REQUESTED:

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

ENGINEERING COMMENTS:

Add recording information of the ECCR's to the plat.

RESOLUTION:

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

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

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

FOR:

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

DATE: August 6, 2008

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: June 11, 2008
Zone Atlas Page: K-9, K-10
Notification Radius: 100 Ft.

Project# 1007204
App#08DRB-70232

Cross Reference and Location: SW CORNER OF CENTRAL AVE AND UNSER BETWEEN BRIDGE SW AND 86TH ST SW

Applicant: ARMSTRONG DEVELOPMENT PROPERTIES
1500 N PRIEST DR STE 150E
TEMPE, AZ 85281

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

Special Instructions:

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

Date Mailed: MAY 23, 2008
Signature: ERIN TREMLIN

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z
___ Major Subdivision action		
___ Minor Subdivision action		
_X_ Vacation	V	
___ Variance (Non-Zoning)		

SITE DEVELOPMENT PLAN	P	
___ for Subdivision Purposes		
___ for Building Permit		
___ Administrative Amendment (AA)		
___ IP Master Development Plan	D	
___ Cert. of Appropriateness (LUCC)	L	A

STORM DRAINAGE (Form D)
___ Storm Drainage Cost Allocation Plan

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

APPEAL / PROTEST of...
___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal

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

APPLICATION INFORMATION:

Professional/Agent (if any): Bohannan Huston, Inc. PHONE: (505) 823-1000

ADDRESS: 7500 Jefferson NE FAX (505) 898-7988

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL:

APPLICANT: Armstrong Development Properties PHONE: 602-385-4101

ADDRESS: 1500 N. Priest Drive, Suite 150E. FAX: 602-385-4101

CITY: Tempe STATE AZ ZIP 85281 E-MAIL:

Proprietary interest in site: Future Owners **List all owners**: Unser Brothers Real Property Trust, Sandia Partners, LLC.

DESCRIPTION OF REQUEST: Vacation of Public Easements.

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

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

Lot or Tract No. Tracts 1A,1B, 2A, 2B, 3A, 3B, 4B, & Tract 6 V.E, Barrett Subd & Tracts 4A1, 5B1, 5B2, Lands of Wefco Partners Block: __ Unit:__

Subdiv/Addn/TBKA:

Existing Zoning: SU1 for C-2/01 & C-2 Proposed zoning: C-2 MRGCD Map No

Zone Atlas page(s): K-09 & K-10 UPC Code: 101005702806330324

CASE HISTORY:

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

1007204, 08EPC-40034, 08EPC-40035, 1002971,.

CASE INFORMATION:

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

No. of **existing** lots: 11 No. of **proposed** lots: 14 Total area of site (acres): 50 Acres

LOCATION PROPERTY BY STREETS: On or Near: SW Corner of Central Ave. & Unser SW.

Between: Bridge SW and 86th Street SW.

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team X Date of review: 1/29/08.

SIGNATURE [signature] DATE 5/16/2008

(Print) Bruce Stidworthy, P.E. ___ Applicant _X_ Agent

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
08DRB-____-70232	VPE	V	$ 225.00
____-____-____	ADV	___	$ 75.00
____-____-____	CME	___	$ 20.00
____-____-____	____	___	$ ____
____-____-____	____	___	$ ____
			Total $ 320.00

Hearing date 06/11/08

Sandy Handley 05/16/08
Planner signature / date

Project # 1007204

1802 89-C

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.

Bruce Stidworthy, P.E.
Applicant name (print)

Applicant signature / date 5/16/08

Form revised 4/07

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

Application case numbers
08DRB-70232
———-———-———
———-———-———

Planner signature / date 05/16/08

Project # 1007204

80	1010 0561 0046 5228 08	LACOUR ERIC T	8000 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 24- P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1157 AC
81	1010 0571 5203 8304 11	LUCERO JOSE S & FEL IPA	321 GAR Y LN SW	ALB UQ UE RQ UE	N M	871 05	R	A1A	*1 2 AMENDED REPLAT SKYVIEW WEST
82	1010 0571 5606 4304 07	CORDOVA JOSE P ET UX	305 GAR Y LN SW	ALB UQ UE RQ UE	N M	871 05	R	A1A	*5 2 AMENDED REPLAT SKYVIEW WEST
83	1009 0575 1314 5406 10	ALMAGER GILBERT	8217 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 21	C	A1A	TR C47A TOWN OF ATRISCO GRANT CONT 1.711 AC
84	1009 0565 0348 6104 05	ABQ PROPERTIES LTD PTNS C/O MONARCH PROPERTIES	1720 LO UISIANA BLVD NE SUITE 4 02	ALB UQ UE RQ UE	N M	871 10	R	A1A	TR B- 1 CORRECTION PLAT FOR BRIDGEPOINT S UBD COMPRISED OF TRA & B BRIDGEPOIN T SUBD & ALL LTS 23- 29 TOGETHER WITH REMAINDER OF EXIS TING 20' ALLEY R/W ORIG TOWNSITE OF WESTLAND CONT
85	1010 0570 2419 2313 14	SAIZ JOSEPH P & ODA LYS	8181 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 21	V	A1A	E/2 TR C- 45 UNIT 4 TOWN OF ATRISCO GRANT CON T. 2.4510 (AC+/-) OR 106,775 (SQ.FT.+/-).
86	1010 0560 6448 9227 44	ULIBARRI REBECCA	8115 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 4- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1097 AC
87	1010 0561 5852 1210 10	STB SELF STORAGE L LC	1006 CA MINO DE L GUSTO	SA NT A F E	N M	875 07	C	A1A	TR 9-A PLAT OF TRACT 9- A V.E. BARRETT SUBDIVISIONCONT 5.3668 AC
88	1010 0571 5902 3312 03	BACA CHRISTINE S	7708 GWI N RD SW	ALB UQ UE RQ UE	N M	871 06	R	A1A	*81 11 AMENDED REPLAT SKYVIEW WEST
89	1010 0571 5505 7304 08	PARRA JORGE PEREY RA	309 GAR Y LN SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	*4 2 AMENDED REPLAT SKYVIEW WEST
90	1010 0560 6848 8227 45	GUTIERREZ ROSA	8109 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 3- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1097 AC
91	1009 0573 9302 8403 11	WEST EIGHT LIMITED PARTNERSHIP	1815 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 04	V	A1A	LOTS 4 THRU 20 EXC THE S'LY 13 FT & LTS 24 THRU 34 BLOCK 5& EXC THE N'LY 80 F T ORIGINAL TOWNSITE OF WESTLANDCO NT 6.0065 AC

67	1009056452498104 04	LANDMARK LAND LTD CO	4902 ALAMEDA BLVD NE	ALB UQ UE RQ UE	NM	87113	V	A1A	TR A- 1 CORRECTION PLAT FOR BRIDGEPOINT SUBD COMPRISED OF TRA & B BRIDGEPOINT SUBD & ALL LTS 23- 29 TOGETHER WITH REMAINDER OF EXISTING 20' ALLEY R/W ORIG TOWNSITE OF WESTLAND CONT
68	1010056105525209 10	DOUGHTY ENTERPRISES INC	7009 PROSPECT NE	ALB UQ UE RQ UE	NM	87110	V	A1A	TR 8 AMENDED PLAT OF V E BARRETT SUBD CONT 4.087 AC
69	1009057485176406 11	GONZALES JUANITA G ARCIA ETAL	1219 ISLETA BLVD SW	ALB UQ UE RQ UE	NM	87105	V	A1A	TR C- 48 TOWN OF ATRISCO GRANT UNIT 4 IN SEC 21 T10N R2E CONT 5.00AC M/L
70	1010056100481226 03	SALAZAR LIBORIO	8005 SCOTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	87121	R	A1A	LT 54- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1100 AC
71	1010056095466228 09	KASSAM KARIM	8004 SCOTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	87121	R	A1A	LT 25- P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
72	1010056056495022742	AUBERT ROBERT E & YVETTE S SALAZAR-AUBERT	8123 SCOTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	87121	R	A1A	LT 6- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1096 AC
73	1010057166035308 01	GUTIERREZ BALDOMERO & TERESA	320 GARY LN SW	ALB UQ UE RQ UE	NM	87121	R	A1A	*1 3 AMENDED REPLAT SKYVIEW WEST
74	1009057418005401 05	ROMERO DENNIS M	3500 VISTA GRANDE DR NW	ALB UQ UE RQ UE	NM	87120	V	A1A	LTS 1 THRU 6, BLK 12 EXC THE N'LY 13 FT OF ORIG. TOWNSITE OFWESTLAND SUBD CONT 61,880 SF
75	1010057170054308 22	CANDELARIA LARRY & ELIZABETH	312 GARY LN SW	ALB UQ UE RQ UE	NM	87121	R	A1A	*4 3 AMENDED REPLAT SKYVIEW WEST
76	1010056087468228 11	VILLALOBOS APOLONIA	8012 SCOTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	87121	R	A1A	LT 27- P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
77	1010057109172313 21	CITY OF ALBUQUERQUE	PO BOX 1293	ALB UQ UE RQ UE	NM	87103	V	A1A	WLY POR OF LT 106 & ALL OF LTS 107 & 108 HUBBELL HEIGHTS SUBN CONT 1.01 AC
78	1010057168041308 24	MARTINEZ GEORGIA	316 GARY LN SW	ALB UQ UE RQ UE	NM	87121	R	A1A	*2 3 AMENDED REPLAT SKYVIEW WEST
79	1010056113478226 06	QUINONES MICHAEL A	7909 SCOTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	87121	R	A1A	LT 51A-P1 BLK 1 PLAT OF LOTS 49A-P1, 50A-P1, 51A-P1 & 52A- P1BLOCK 1 DESERT GARDENS SUBDIVISION CONT .1493 AC

	431202			RQUE					
54	1010057157103304 01	RAMIREZ IGNACIO JR & M TAFOYA	201 GARY SW	ALBUQUERQUE	NM	87105	R	A1A	*11 2 AMENDED REPLAT SKYVIEW WEST
55	1010056121472226 08	MEDINA CRYSTAL R	7901 SCOTTISH BROOM RD SW	ALBUQUERQUE	NM	87121	R	A1A	LT 49A-P1 BLK 1 PLAT OF LOTS 49A-P1, 50A-P1, 51A-P1 & 52A-P1BLOCK 1 DESERT GARDENS SUBDIVISION CONT .2230 AC
56	1010056053479229 10	ZUBIA ROMELIA	416 BARBERRY ST SW	ALBUQUERQUE	NM	87121	R	A1A	LT 1-P1 BLK 2 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1015 AC
57	1010056092483226 01	MANG MELANIE A & THOMAS J	8015 SCOTTISH BROOM RD SW	ALBUQUERQUE	NM	87121	R	A1A	LT 56-P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1160 AC
58	1010057157083304 04	JONES RICHARD STEVEN	213 GARY LN SW	ALBUQUERQUE	NM	87105	R	A1A	*8 2 AMENDED REPLAT SKYVIEW WEST
59	1010057157090304 03	BELONE STEPHEN T E TUX	209 GARY LN SW	ALBUQUERQUE	NM	87105	R	A1A	*9 2 AMENDED REPLAT SKYVIEW WEST
60	1010056039488227 38	MARTINEZ FELIX A & LILLIE D	409 BARBERRY ST SW	ALBUQUERQUE	NM	87121	R	A1A	LT 10-P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1079 AC
61	1010056076486227 47	SALAZAR EUGENE & JANIS	8101 SCOTTISH BROOM RD SW	ALBUQUERQUE	NM	87121	R	A1A	LT 1-P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1158 AC
62	1009057449114405 25	GONZALEZ CHARLES J & JUANITA M	8525 CENTRAL AVE NW	ALBUQUERQUE	NM	87121	R	A1A	* 003 007ORIGINAL TOWNSITE OF WESTLAND
63	1009057444114405 24	GONZALEZ CHARLES J & JUANITA M	8525 CENTRAL AVE NW	ALBUQUERQUE	NM	87121	V	A1A	* 004 007ORIGINAL TOWNSITE OF WESTLAND
64	1009057439113405 23	GONZALEZ CHARLES J & JUANITA M	8525 CENTRAL AVE NW	ALBUQUERQUE	NM	87121	R	A1A	* 005 007ORIGINAL TOWNSITE OF WESTLAND
65	1009057434113405 22	GONZALEZ CHARLES J & JUANITA M	8525 CENTRAL AVE NW	ALBUQUERQUE	NM	87121	V	A1A	* 006 007ORIGINAL TOWNSITE OF WESTLAND
66	1009057429112405 21	NAKAI TRADING CO	8605 CENTRAL AVE NW	ALBUQUERQUE	NM	87105	C	A1A	*7 7 ORIGINAL TOWNSITE OF WESTLAND

	27			UE					
27	1009 0574 2411 2405 20	NAKAI TRADING CO.	8605 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 05	C	A1A	* 008 007ORIGINAL TOWNSITE OF WESTLA ND
28	1010 0560 3747 9227 36	GARZA NATALIE S & J OSE A GARZA & BERT HA A GARZA	419 BAR BERRY S T SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 12- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1036 AC
29	1010 0570 5620 3313 16	ROMERO DENNIS M	3134 BRI DGE BLV D SW	ALB UQ UE RQ UE	N M	871 21	V	A1A	TR C- 43 UNIT 4 TOWN OF ATRISCO GRANT EXC 80' X 200'
30	1010 0571 5709 8304 02	GLYNN YOLANDA & A RTHUR M	205 GAR Y LN SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	*10 2 AMENDED REPLAT SKYVIEW WEST
31	1010 0560 5249 2227 41	CHAVEZ MANUEL & M ARIA J CANEDO & CES AR M CHAVEZ	8127 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 7- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1277 AC
32	1010 0560 4049 2227 39	GONZALES JENIFER M	405 BAR BERRY S T SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 9- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
33	1010 0560 6049 0227 43	CATALAN MARY H	8119 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 5- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1096 AC
34	1010 0571 1004 0303 04	DOUGHTY ENTERPRIS ES INC	7009 PR OSPECT NE	ALB UQ UE RQ UE	N M	871 10	V	A1A	TR 7 AMENDED PLAT OF V E BARRETT SU BD CONT 4.545 AC
35	1009 0565 3251 4104 06	LANDMARK LAND LTD CO	4902 ALA MEDA BL VD NE	ALB UQ UE RQ UE	N M	871 13	V	A1A	TR C VACATION & REPL FOR BRIDGEPOIN T SUBD CONT 0.7903 AC M/LOR 34,425 SF M/L
36	1010 0570 5611 9303 14	FAHAD LAND HOLDIN G LLC & BHOO DEVI L AND HOLDINGS LLC & KULBIR LLC & ETAL	8627 DE SERT DU SK CT N E	ALB UQ UE RQ UE	N M	871 13	V	A1A	TR 4-A-1 A PLAT OF TR 4-A-1 & TRS 5-B-1 & 5-B- 2 LANDS OF WEFCO PARTNERS CONT 40, 010 SQ FT M/L
37	1010 0571 5304 5304 10	ALEXANDER GARY	317 GAR Y LN SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	*2 2 AMENDED REPLAT SKYVIEW WEST
38	1009 0574 1906 6403 38	WEST EIGHT LIMITED PARTNERSHIP	1815 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 04	V	A1A	LT 40 BLK 5 EXC THE NLY 80 FT ORIGINAL TOWNSITE OF WESTLANDCONT 0.3156 AC M/L OR 13,750 SQ FT M/L
39	1010 0570 2806 3303 24	UNSER ROBERT W & A L UNSER TRUSTEES U NSER BROTHERS REA L PROPERTY TRUST	7700 CE NTRAL A VE SW	ALB UQ UE RQ UE	N M	871 05	V	A1A	TRACTS 1A, 1B, 2A, 2B, 3A, 3B & TRACT 6 V.E. BARRETTSUB'D CONT 36.1360 AC
4	1009	WEST EIGHT LIMITED	1815 CE	ALB	N	871	V	A1A	LT 39 BLK 5 EXC THE NLY 80 FT ORIGINAL

0	0574 1406 5403 39	PARTNERSHIP	NTRAL A VE NW	UQ UE RQ UE	M	04			TOWNSITE OF WESTLANDCONT 0.3041 AC M/L OR 13,250 SQ FT M/L
41	1010 0571 5707 7304 05	GUTIERREZ JOHN A & PAMELA D	217 GAR Y LN SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	*7 2 AMENDED REPLAT SKYVIEW WEST
42	1010 0561 0748 0226 05	RUSSELL ERIC J	7915 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 52A-P1 BLK 1 PLAT OF LOTS 49A-P1, 50A-P1, 51A-P1 & 52A-P1BLOCK 1 DESERT GARDENS SUBDIVISION CONT .1101 AC
43	1009 0574 5411 5405 26	LOPEZ ERNEST & GRACE	1918 PO PLAR SW	ALB UQ UE RQ UE	N M	871 05	V	A1A	* 002 007ORIGINAL TOWNSITE OF WESTLAND
44	1010 0571 6311 6302 01	CITY OF ALBUQUERQUE	PO BOX 1293	ALB UQ UE RQ UE	N M	871 03	V	A1A	PUBLIC PONDING AREA BLK 1 AMENDED REPLAT SKYVIEW WEST
45	1010 0560 9146 7228 10	ESPINOZA DAVID P	8008 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 26-P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
46	1010 0560 7248 7227 46	CHAVEZ JOE F	8105 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 2-P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1097 AC
47	1010 0560 9648 2226 02	LUCERO LORETTA A	8009 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 55-P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1099 AC
48	1010 0560 7347 2228 14	GARCIA MONICA N	8100 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 30-P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1117 AC
49	1010 0571 5710 3304 01	RAMIREZ IGNACIO JR & M TAFOYA	201 GAR Y SW	ALB UQ UE RQ UE	N M	871 05	R	A1A	*11 2 AMENDED REPLAT SKYVIEW WEST
50	1010 0561 2147 2226 08	MEDINA CRYSTAL R	7901 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 49A-P1 BLK 1 PLAT OF LOTS 49A-P1, 50A-P1, 51A-P1 & 52A-P1BLOCK 1 DESERT GARDENS SUBDIVISION CONT .2230 AC
51	1010 0560 9648 2226 02	LUCERO LORETTA A	8009 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 55-P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1099 AC
52	1010 0560 7347 2228 14	GARCIA MONICA N	8100 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 30-P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1117 AC
53	1010 0571 5302	MARTINEZ GLORIA	7712 GWIN RD SW	ALB UQ UE	N M	871 21	R	A1A	*82 11 AMENDED REPLAT SKYVIEW WEST

Rec	UPC	OWNER	OWNADD	OWNCITY	OWNSTATE	OWNZIPCODE	PROPCLASS	COASDE.BERNCO.PARCELDEC_2007.TAXDIST	COASDE.BERNCO.PARCELDEC_2007.LEGALDESC
1	1010 0570 4815 5313 12	STEWART MICHAEL J & LISA G	9300 CA MINO DE L SOL NE	ALB UQ UE RQ UE	N M	871 11	C	A1A	TR C-44A OF SUMMARY PLAT OF TRS C-44A & C- 44B UNIT 4 TRS ALLOTTED FROM TOWN O F ATRISCO GRANT CONT 1.00 AC
2	1010 0571 8413 8305 16	UNSER BOBBY	7700 CE NTRAL A VE SW	ALB UQ UE RQ UE	N M	871 05	R	A1A	LTS 1, A-A & B- A LANDS OF UNSER (REPL PORT OF LTS 5 0 & 51TOWN OF ATRISCO GRANT UNIT 6 & PORT OF LTS 8, 11 & 12 ALL OFLTS 9 & 10 H.C. GONZALES SUB'D CONT 4.9739 AC
3	1010 0571 1209 6303 08	FAHAD LAND HOLDIN G LLC & BHOO DEVI L AND HOLDINGS LLC & KULIBIR LLC & ETAL	8627 DE SERT DU SK CT N E	ALB UQ UE RQ UE	N M	871 13	V	A1A	TR 5-B-2 A PLAT OF TR 4-A-1 & TRS 5-B-1 & 5-B- 2 LANDS OF WEFCO PARTNERS CONT 7.2 160 AC M/L
4	1010 0560 4349 7227 40	ICAZA OLGA E	401 BAR BERRY S T SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 8- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1541 AC
5	1010 0561 0448 1226 04	CHAVEZ CHRISTINA F & CARMELA CHAVEZ	8001 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	N M	871 14	R	A1A	LT 53- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1100 AC
6	1010 0570 6809 0303 12	FAHAD LAND HOLDIN G LLC & BHOO DEVI L AND HOLDINGS LLC & KULBIR LLC & ETAL	8627 DE SERT DU SK CT N E	ALB UQ UE RQ UE	N M	871 13	V	A1A	VE BARRETT SUBD TR 4 B
7	1010 0571 3617 9306 84	UNSER AL SR	7625 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 21	V	A1A	*105 HUBBELL HEIGHTS ADDN CONT 20,00 0 SQ FT
8	1010 0560 6147 7229 09	TENA SILVIA I	415 BRIS TLEBRU SH ST S W	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 19- P1 BLK 2 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1117 AC
9	1009 0575 2818 2406 13	GARCIA TOBY P & BEA TRICE & PEGUERO RO BERT SR & DOLORES	8207 CE NTRAL A VE NW	ALB UQ UE RQ UE	N M	871 21	V	A1A	TR C-46 UNIT 4 ATRISCO GRANT
10	1010 0571 5405 1304 09	PEEL DOUG & ERIKA	524 CAC AHUATE DR SW	ALB UQ UE RQ UE	N M	871 05	R	A1A	*3 2 AMENDED REPLAT SKYVIEW WEST
11	1010 0560 3848 4227 37	HANECKOW VALERIE R	415 BAR BERRY S T SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 11- P1 BLK 1 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1126 AC
12	1010 0560 5147 4229 11	ALONZO CATHERINE L	420 BAR BERRY S T SW	ALB UQ UE RQ UE	N M	871 21	R	A1A	LT 2- P1 BLK 2 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
13	1010 0570	CITY OF ALBUQUERQ UE ATTN REAL ESTAT	PO BOX 1293	ALB UQ	N M	871 03	V	A1A	TR C-42 UNIT 4 TOWN OF ATRISCO GRANT

	7820 5313 18	E LEGAL DEPT		UE RQ UE					
14	1009 0574 6717 7406 09	GONZALES JUANITA G ETAL	1219 ISL ETA BLV D SW	ALB UQ UE RQ UE	NM	871 05	V	A1A	TRACT C49 UNIT 4 TOWN OF ATRISCO GR ANT CONT 5.000
15	1010 0570 1518 9313 13	SAIZ JOSEPH P & ODA LYS	8181 CE NTRAL A VE NW	ALB UQ UE RQ UE	NM	871 21	C	A1A	W/2 OF TR.C- 45 UNIT 4 TOWN OF ATRISCO GRANT CON T. 2.4500 (AC+/-) OR 106,722 (SQ. FT. +/-)
16	1010 0571 5707 1304 06	WOODS LAWRENCE M	301 GAR Y LN SW	ALB UQ UE RQ UE	NM	871 21	R	A1A	*6 2 AMENDED REPLAT SKYVIEW WEST
17	1010 0571 0513 0303 03	FAHAD LAND HOLDIN GS LLC & BHOO DEVI LAND HOLDINGS LLC & KULBIR LLC & ETAL	8627 DE SERT DU SK CT N E	ALB UQ UE RQ UE	NM	871 13	V	A1A	TR 5-B-1 A PLAT OF TR 4-A-1 & TRS 5-B-1 & 5-B- 2LANDS OF WEFCO PARTNERS CONT 68,1 71 SQ FT M/L
18	1010 0570 6816 3313 17	ROMERO DENNIS M	3134 BRI DGE BLV D SW	ALB UQ UE RQ UE	NM	871 21	V	A1A	80' X 200' POR OF TR C43 UNIT 4 TOWN OF ATRISCO GRANT
19	1010 0561 1747 7226 07	BOISVERT JOSEPH D & IRMA	7905 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	871 21	R	A1A	LT 50A-P1 BLK 1 PLAT OF LOTS 49A-P1, 50A-P1, 51A-P1 & 52A- P1BLOCK 1 DESERT GARDENS SUBDIVISI ON CONT .1164 AC
20	1009 0574 3101 2403 36	FAMILY DOLLAR STOR ES OF NEW MEXICO I NC	PO BOX 1017	CH ARL OT TE	NC	282 01	C	A1A	LT 3-A BLK 5 PLAT OF LOT 3- A BLOCK 5 ORIGINAL TOWNSITE OFWEST LAND A REPLAT OF LOTS 1, 2, & 3 BLOCK 5 ORIGINALTOWNSITE OF WESTLAND CON T 1.1199 AC
21	1009 0574 3306 9403 37	ROBERTS OIL CO INC	PO BOX 8070	ALB UQ UE RQ UE	NM	871 98	C	A1A	LOT 46-A BLOCK 5 PLAT OF LOT 46- A BLOCK 5 ORIGINALTOWNSITE OF WEST LAND CONT 1.7952 AC
22	1010 0561 0746 6228 07	BALDONADO RITA BE ATRIZ	415 WHIT EHORN ST SW	ALB UQ UE RQ UE	NM	871 21	R	A1A	LT 23- P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1285 AC
23	1010 0560 7747 0228 13	AVILA ORTIZ ADRIAN & PAULA	8020 SC OTTISH BROOM SW	ALB UQ UE RQ UE	NM	871 21	R	A1A	LT 29- P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
24	1010 0560 6147 2229 08	YAZZIE JANET A	419 BRIS TLEBRU SH ST S W	ALB UQ UE RQ UE	NM	871 21	R	A1A	LT 18- P1 BLK 2 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1122 AC
25	1010 0560 8246 9228 12	BUSTILLOS DANIEL D & NATALIE	8016 SC OTTISH BROOM RD SW	ALB UQ UE RQ UE	NM	871 21	R	A1A	LT 28- P1 BLK 3 PLAT OF DESERT GARDENS SUB DIVISIONCOMPRISING TRACTS 11 & 12 V E BARRETT SUBDIVISIONCONT .1033 AC
26	1009 0574 6811 7405	LOPEZ ERNEST & GRA CE	1918 PO PLAR SW	ALB UQ UE RQ	NM	871 05	V	A1A	* 001 007ORIGINAL TOWNSITE OF WESTLA ND

OR CURRENT RESIDENT
101005606848822745
GUTIERREZ ROSA
8109 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005603848422737
HANECKOW VALERIE R
415 BARBERRY ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005604349722740
ICAZA OLGA E
401 BARBERRY ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715708330404
JONES RICHARD STEVEN
213 GARY LN SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005609546622809
KASSAM KARIM
8004 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005610046522808
LACOUR ERIC T
8000 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905653251410406
LANDMARK LAND LTD CO
4902 ALAMEDA BLVD NE
ALBUQUERQUE, NM 87113

OR CURRENT RESIDENT
100905746811740527
LOPEZ ERNEST & GRACE
1918 POPLAR SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005715203830411
LUCERO JOSE S & FELIPA
321 GARY LN SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005609648222602
LUCERO LORETTA A
8009 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005609248322601
MANG MELANIE A & THOMAS J
8015 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005603948822738
MARTINEZ FELIX A & LILLIE D
409 BARBERRY ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005716804130824
MARTINEZ GEORGIA
316 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715302431202
MARTINEZ GLORIA
7712 GWIN RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005612147222608
MEDINA CRYSTAL R
7901 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905742911240521
NAKAI TRADING CO
8605 CENTRAL AVE NW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005715505730408
PARRA JORGE PEREYRA
309 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715405130409
PEEL DOUG & ERIKA
524 CACAHUATE DR SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005611347822606
QUINONES MICHAEL A
7909 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715710330401
RAMIREZ IGNACIO JR & M TAFOYA
201 GARY SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
100905743306940337
ROBERTS OIL CO INC
PO BOX 8070
ALBUQUERQUE, NM 87198

OR CURRENT RESIDENT
101005706816331317
ROMERO DENNIS M
3134 BRIDGE BLVD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905741800540105
ROMERO DENNIS M
3500 VISTA GRANDE DR NW
ALBUQUERQUE, NM 87120

OR CURRENT RESIDENT
101005610748022605
RUSSELL ERIC J
7915 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005701518931313
SAIZ JOSEPH P & ODALYS
8181 CENTRAL AVE NW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005607648622747
SALAZAR EUGENE & JANIS
8101 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005610048122603
SALAZAR LIBORIO
8005 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005615852121010
STB SELF STORAGE LLC
1006 CAMINO DEL GUSTO
SANTA FE, NM 87507

OR CURRENT RESIDENT
101005704815531312
STEWART MICHAEL J & LISA G
9300 CAMINO DEL SOL NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
101005606147722909
TENA SILVIA I
415 BRISTLEBRUSH ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905650348610405
ABQ PROPERTIES LTD PTNS C/O
MONARCH PROPERTIES
1720 LOUISIANA BLVD NE SUITE 402
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT
101005605147422911
ALONZO CATHERINE L
420 BARBERRY ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715902331203
BACA CHRISTINE S
7708 GWIN RD SW
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101005611747722607
BOISVERT JOSEPH D & IRMA
7905 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005606049022743
CATALAN MARY H
8119 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005605249222741
CHAVEZ MANUEL & MARIA J
CANEDO & CESAR M CHAVEZ
8127 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005609146722810
ESPINOZA DAVID P
8008 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005607347222814
GARCIA MONICA N
8100 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715709830402
GLYNN YOLANDA & ARTHUR M
205 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905744911440525
GONZALEZ CHARLES J & JUANITA M
8525 CENTRAL AVE NW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715304530410
ALEXANDER GARY
317 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005605649022742
AUBERT ROBERT E & YVETTE S
SALAZAR-AUBERT
8123 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005610746622807
BALDONADO RITA BEATRIZ
415 WHITEHORN ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005608246922812
BUSTILLOS DANIEL D & NATALIE
8016 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005610448122604
CHAVEZ CHRISTINA F & CARMELA
CHAVEZ
8001 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87114

OR CURRENT RESIDENT
101005715606430407
CORDOVA JOSE P ETUX
305 GARY LN SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005706809030312
FAHAD LAND HOLDING LLC & BHOO
DEVI LAND HOLDINGS LLC &
KULBIR LLC & ETAL
8627 DESERT DUSK CT NE
ALBUQUERQUE, NM 87113

OR CURRENT RESIDENT
100905752818240613
GARCIA TOBY P & BEATRICE &
PEGUERO ROBERT SR & DOLORES
8207 CENTRAL AVE NW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005604049222739
GONZALES JENIFER M
405 BARBERRY ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005716603530801
GUTIERREZ BALDOMERO & TERESA
320 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905751314540610
ALMAGER GILBERT
8217 CENTRAL AVE NW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005607747022813
AVILA ORTIZ ADRIAN & PAULA
8020 SCOTTISH BROOM SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005715709030403
BELONE STEPHEN T ETUX
209 GARY LN SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005717005430822
CANDELARIA LARRY & ELIZABETH
312 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005607248722746
CHAVEZ JOE F
8105 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005711004030304
DOUGHTY ENTERPRISES INC
7009 PROSPECT NE
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT
100905743101240336
FAMILY DOLLAR STORES OF NEW
MEXICO INC
PO BOX 1017
CHARLOTTE, NC 28201

OR CURRENT RESIDENT
101005603747922736
GARZA NATALIE S & JOSE A GARZA
& BERTHA A GARZA
419 BARBERRY ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905746717740609
GONZALES JUANITA G ETAL
1219 ISLETA BLVD SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005715707730405
GUTIERREZ JOHN A & PAMELA D
217 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005606448922744
ULIBARRI REBECCA
8115 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005713617930684
UNSER AL SR
7625 CENTRAL AVE NW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005718413830516
UNSER BOBBY
7700 CENTRAL AVE SW
ALBUQUERQUE, NM 87105

OR CURRENT RESIDENT
101005608746822811
VILLALOBOS APOLONIA
8012 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
100905741906640338
WEST EIGHT LIMITED PARTNERSHIP
1815 CENTRAL AVE NW
ALBUQUERQUE, NM 87104

OR CURRENT RESIDENT
101005715707130406
WOODS LAWRENCE M
301 GARY LN SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005606147222908
YAZZIE JANET A
419 BRISTLEBRUSH ST SW
ALBUQUERQUE, NM 87121

OR CURRENT RESIDENT
101005605347922910
ZUBIA ROMELIA
416 BARBERRY ST SW
ALBUQUERQUE, NM 87121

Project# 1007204
MIGUEL MAESTAS
Avalon NA
9400 HARBOR RD NW
ALBUQUERQUE, NM 87121

Project# 1007204
KELLY CHAPPELLE
Avalon NA
9135 SANTA CATALINA AVE NW
ALBUQUERQUE, NM 87121

Project# 1007204
M. MAX GARCIA
Los Volcanes NA
6619 HONEYLOCUST AVE NW
ALBUQUERQUE, NM 87121

Project# 1007204
BEN SANDOVAL
Los Volcanes NA
6516 HONEYLOCUST AVE NW
ALBUQUERQUE, NM 87121

Project# 1007204
TONY CHAVEZ
Skyview West NA
305 CLAIRE LN SW
ALBUQUERQUE, NM 87121

Project# 1007204
BEA PURCELLA
Skyview West NA
201 CLAIRE LN SW
ALBUQUERQUE, NM 87121

Project# 1007204
NORMAN MASON
Stinson Tower NA
7427 VIA TRANQUILO SW
ALBUQUERQUE, NM 87121

Project# 1007204
VICTOR WYANT
Stinson Tower NA
612 COTTONTAIL SW
ALBUQUERQUE, NM 87121

Project# 1007204
ANDRES ANAYA
Sunrise HOA
209 GALATANEU NW
ALBUQUERQUE, NM 87121

Project# 1007204
DARLENE NORRIS
Sunrise HOA
319 GALANTEU NW
ALBUQUERQUE, NM 87121

Project# 1007204
MATTHEW ARCHULETA
Westgate Heights NA
1628 SUMMERFIELD SW
ALBUQUERQUE, NM 87121

Project# 1007204
LIBBY MCINTOSH
Westgate Heights NA
1316 LADRONES CT SW
ALBUQUERQUE, NM 87121

Project# 1007204
VAN BARBER
Westside Merchants Assoc.
5201 CENTRAL NW
ALBUQUERQUE, NM 87105

Project# 1007204
MIGUEL MAESTAS
Westside Merchants Assoc.
6014 SUNSET GARDENS SW
ALBUQUERQUE, NM 87121

Project# 1007204
ARMSTRONG DEVELOPMENT PROP.
1500 N. PRIEST DR STE 150E
TEMPE, AZ 85281

Project# 1007204
BOHANNAN HUSTON INC
7500 JEFFERSON NE
ALBUQUERQUE, NM 87109

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

May 14, 2008

Sally Salazar-Cass
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 798-7988/Fax: 798-7988
E-mail: ssalazar-cass@bhinc.com

Dear Sally:

Thank you for your inquiry of **May 14, 2008** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B AND TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 AND 5-B-2, LANDS OF WEFCO, PARTNERS LOCATED ON CENTRAL AVENUE SW BETWEEN BRIDGE SW AND UNSER BOULEVARD SW** zone map **K-9-10**

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

AVALON N.A. (AVA) "R"
***Miguel Maestas**
9400 Harbor Rd. NW/87121 831-9629 (h)
Kelly Chappelle
9135 Santa Catalina Ave. NW/87121 836-1766 (h)

LOS VOLCANES N.A. (LVC) "R"
***M. Max Garcia**
6619 Honeylocust Ave. NW/87121 833-0969 (h)
Ben Sandoval
6516 Honeylocust Ave. NW/87121 836-4419 (h)

SKYVIEW WEST N.A. (SVW) "R"
***Tony Chavez**
305 Claire Ln. SW/87121 831-5824 (h)
Bea Purcella
201 Claire Ln. SW/87121 831-5556 (h)

Bohannan Huston Inc.

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

May 16, 2008

Miguel Maestas
Avalon N.A. (AVA)
Westside Merchants Assoc. (WSM)
9400 Harbor Road NW
Albuquerque, NM 87121

Re: Vacation of Public Easements
Unser Crossing (ref. EPC #1007204, 08EPC40034, 08EPC40035)

Dear Mr. Maestas:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of a Neighborhood and/or Homeowner's Association for or near the above mentioned property.

This letter is to advise you that Bohannan Huston, Inc., agent for Armstrong Development Properties, LLC, is seeking approval for a Vacation of Public Easements for the above mentioned project from the City of Albuquerque's Development Review Board (DRB). There are five (5) easements being vacated with this DRB submittal.

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,

for Bruce Stidworthy, P.E.
Community Development and Planning Group

Enclosure
BJS/ssc

Cc: Kelly Chappelle (AVA) (w/encl.)
M. Max Garcia (LVC) (w/encl.)
Ben Sandoval (LVC) (w/encl.)
Tony Chavez (SVW) (w/encl.)
Bea Purcella (SVW) (w/encl.)
Norman Mason (STT) (w/encl.)
Victor Wyant (STT) (w/encl.)
Andres Anaya (SUN) (w/encl.)
Darlene Norris (SUN) (w/encl.)
Matthew Archuleta (WGH) (w/encl.)
Libby McIntosh (WGH) (w/encl.)
Van Barber (WSM) (w/encl.)

P:\080289\cdp\DRB-PLAT\DRB\080289-NA-Notice -M.Maestas-LTR.doc

STINSON TOWER N.A. (STT) "R"
✓ ***Norman Mason**
7427 Via Tranquilo SW/87121 836-9671 (h)
✓ Victor Wyant
612 Cottontail SW/87121 239-8856 (h)

— **SUNRISE H.O.A. (SUN)** "R"
✓ ***Andres Anaya**
209 Galataneu NW/87121 385-6867 (c)
✓ Darlene Norris
319 Galataneu NW/87121 831-1066 (h)

WESTGATE HEIGHTS N.A. (WGH) "R"
✓ ***Matthew Archuleta**
1628 Summerfield SW/87121 836-7251 (h) 401-6849 (c)
✓ Libby McIntosh
1316 Ladrones Ct. SW/87121 831-5189 (h)

WESTSIDE MERCHANTS ASSOC. (WSM) "R"
✓ ***Van Barber**
5201 Central NW/87105 350-2515 (c)
✓ Miguel Maestas
6013 Sunset Gardens SW/87121 831-5406 (w)

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,

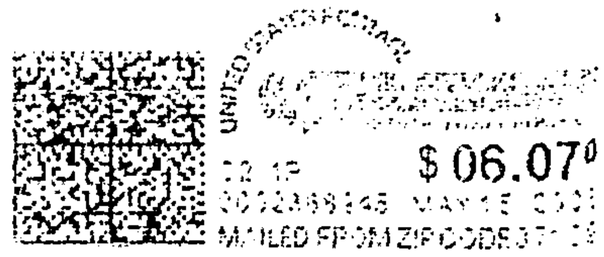
Stephani Winklepleck

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

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.

planningrnaform(12/06/07)

91 7108 2133 3933 4833 4665



SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Darlene Norris
319 Valdarez NW
ABQ NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3933 4833 4665

PS Form 3811, February 2004 Domestic Return Receipt 80289 102595-02-M-1540

CENTRAL
BRIDGE
SUNSET GARDENS
BLAKE
COORS
PARK

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

Albuquerque Geographic Information System

Map amended through: 1/4/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

K-10-Z

Selected Symbols

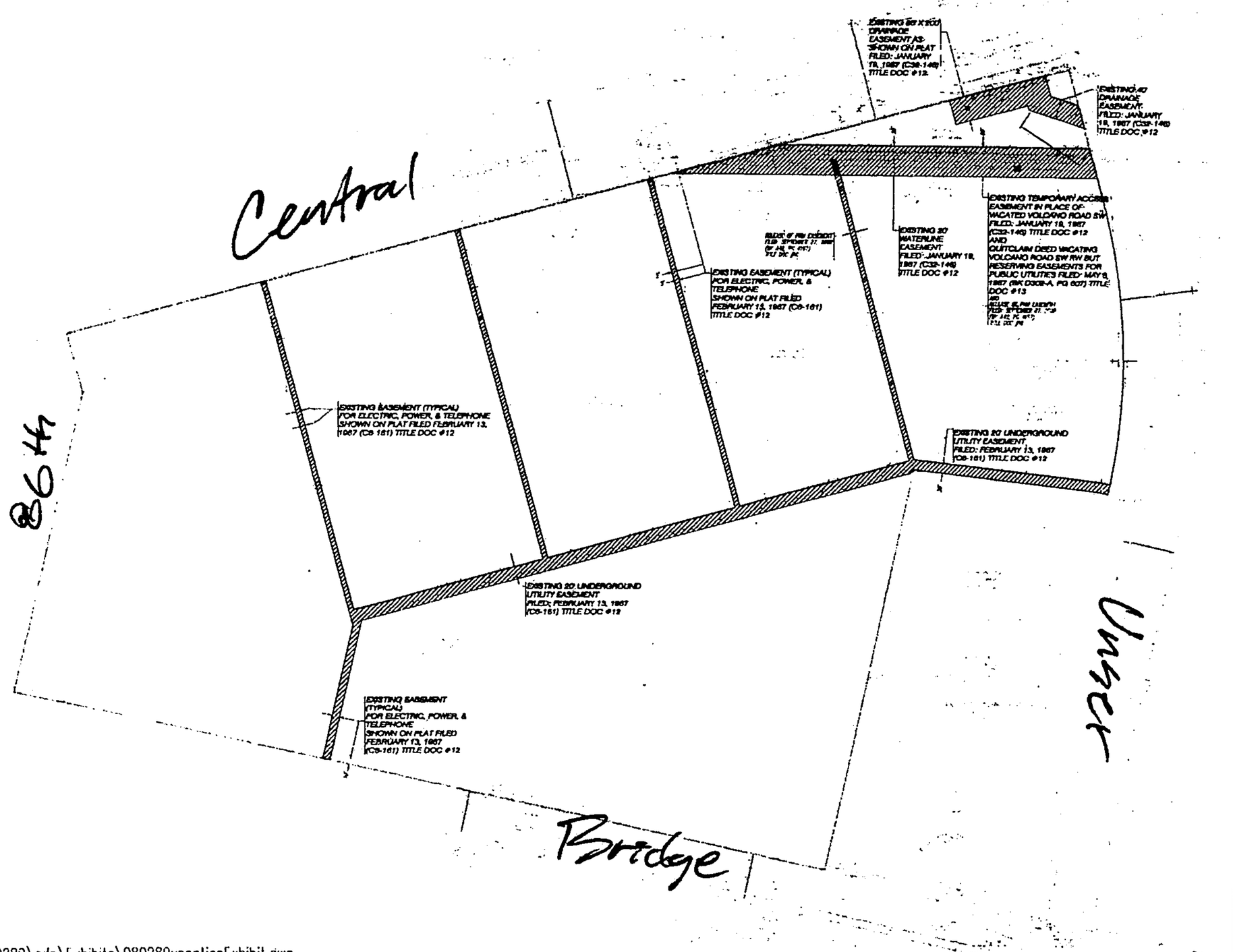
SECTOR PLANS
Design Overlay Zones
City Historic Zones
H-1 Buffer Zone
Petroglyph Mon.
Escarpment
2 Mile Airport Zone
Airport Noise Contours
Wall Overlay Zone

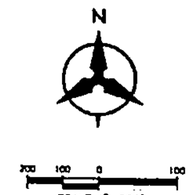
0 750 1,500 Feet

VACATION EXHIBIT

TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS

ALBUQUERQUE, NEW MEXICO
MAY, 2008





LEGEND

EASEMENT TO BE VACATED

P:\080289\cdp\Exhibits\080289vacationExhibit.dwg
Fri, 16-May-2008 - 9:03:cm, Plotted by: RMICHEL

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

080287

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

Albuquerque Geographic Information System

Map amended through: 1/4/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

K-09-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

0 750 1,500 Feet

Bohannan Huston INC.

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

May 16, 2008

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Vacation of Public Easements
Unser Crossing (ref. EPC #1007204, 08EPC40034, 08EPC40035)

Dear Mr. Cloud:

The referenced project includes a Site Plan for Subdivision (08EPC40034) and Site Plan for Building Permit (08EPC40035) that was approved at EPC on May 15, 2008. The project is a 50 acre commercial development that will be submitted to DRB in the near future. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Vacation Exhibit
- Twenty-Four (24) copies of the documents which granted the easements
- Letter from the Office of Neighborhood Coordination and neighborhood notification
- Zone Atlas Maps showing the location of the property
- DRB Fee

There are five (5) easements being vacated with this submittal;

1. Drainage Easement filed January 19, 1987. The existing drainage will be redirected from several culverts into an existing storm drain. We intend to grant a new drainage easement with the project's plat.

2. Waterline Easement filed January 19, 1987. The existing waterline follows the vacated alignment of Volcano Rd. The waterline will be removed and replaced in the Central Ave. and Unser Blvd. rights of way.

3. Temporary Access Easement in place of vacated Volcano Rd. SW filed January 19, 1987. Volcano Rd. has been vacated and all utilities will be relocated with the referenced project.

4. Quitclaim deed vacating Volcano Rd. SW, but preserving easements for public utilities filed May 6, 1987. Any remaining utilities will be relocated with the referenced project.

5. Public Utilities Easement filed February 13, 1967. There are currently no utilities within these easements. With the project's plat, new public utility easements will be granted as needed.

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, June 11, 2008,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project# 1007204 08DRB-70232 VACATION OF PUBLIC EASEMENT	BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) vacation of certain easements on all or a portion of Tract(s) 1A, 1B, 2A, 2B, 3B, 4B, 3A, & 6, 4-A-1, 5-B-1 & 5-B-2, **V E BARRETT & LANDS OF WELCO PARTNERS,** zoned SU-1 FOR C-2/O1 C-2, located on the south side of CENTRAL AVE SW BETWEEN UNSER BLVD SW AND 86TH ST SW containing approximately 50 acre(s). (K-9, K-10, and L-10)
Project# 1007296 08DRB-70229 VACATION OF PUBLIC EASEMENT	JOSEPH S TRUJILLO request(s) vacation of an easement adjacent to Tract(s) A, **LANDS OF JOSEPH TRUJILLO,** zoned SR, located on the south side of SAWMILL RD NW BETWEEN 12TH ST NW AND ARIAS AVE NW (J-13)
Project# 1007076 08DRB-70042 – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT	DEKKER/ PERICH/ SABATINI agent(s) for MARK RILEY request(s) the above action(s) for all or a portion of Lot 3A1-B, **INTERSTATE INDUSTRIAL TRACT, UNIT 2,** zoned IP, located on the southwest corner of OSUNA RD NE AND GULTON CT NW containing approximately .75 acre(s). (E-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, MONDAY, MAY 26, 2008.

CITY OF ALBUQUERQUE

Planning Department

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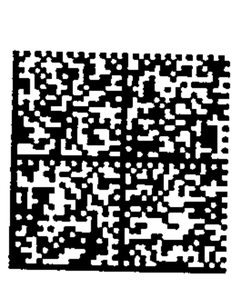
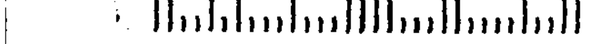


OR CURRENT RESIDENT
101005609546622809
KASSAM KARIM
8004 SCOTTISH BROOM RD SW
ALBUQUERQUE, NM 87121

DRB

X 871 NEE 1 507I 70 05/29/08
FORWARD TIME EXP RTN TO SEND
KASSAM'KARZM
936 TUMULUS DR NW
ALBUQUERQUE NM 87120-1098

RETURN TO SENDER



8712132479 C020

P O Box 1293 Albuquerque New Mexico 87103

COMPLETED 03/10/09 SH

DRB CASE ACTION LOG (SDP – Build P.)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70518 Project # 1007204

Project Name: UNSER CROSSING

Agent: DARREN SOWELL ARCHITECTS LLC Phone No.:

Your request was approved on 12-17-08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

☑ TRANSPORTATION: - see comments / work up

☐ UTILITIES:

☐ CITY ENGINEER / AMAFCA:

☐ PARKS / CIP:

☑ PLANNING (Last to sign): - ABCWUA comments; work order
1/6-09 - Planner comments

☐ **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.**

DRB CASE ACTION LOG (SDP – Build P.)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70518 Project # 1007204

Project Name: UNSER CROSSING

Agent: DARREN SOWELL ARCHITECTS LLC Phone No.:

Your request was approved on 12-17-08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

☑ TRANSPORTATION: - see comments / mark up

☐ UTILITIES:

☐ CITY ENGINEER / AMAFCA:

☐ PARKS / CIP:

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- Planner comments

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

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

3. **Project# 1001164**
08DRB-70455 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

SITES SOUTHWEST agent(s) for TRADER JOE'S COMPANY request(s) the above action(s) for all or a portion of Tract(s) B1A1 & B1A2, **ST PIUS X SUBDIVISION,** zoned SU-3, located on the northeast corner of INDIAN SCHOOL RD NE and UPTOWN LOOP RD NE containing approximately 1.85 acre(s). (H-19) *[Deferred from11/19/08, 11/26/08, 12/3/08]* **DEFERRED TO 1/14/09 AT THE AGENT'S REQUEST.**

4. **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, 10/1/08, 10/22/08, 11/5/08, 11/26/08, 12/3/08]* **DEFERRED TO 1/14/09 AT THE AGENT'S REQUEST.**

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

5. ~~**Project#-1007204**~~
08DRB-70518 EPC APPROVED SDP FOR BUILD PERMIT

DARREN SOWELL ARCHITECTS LLC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the above action(s) for all or a portion of Tract(s) 9, **UNSER CROSSING,** zoned C-2, located on SW CORNER OF WEST CENTRAL AVE SW AND UNSER BLVD SW containing approximately .9466 acre(s). (K-10) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION FOR COMMENTS/MARK-UP ANDTO PLANNING FOR ABCWUA COMMENTS; WORK ORDER, REVISED UTILITY PLAN. AND PLANNERS COMMENTS**

City of Albuquerque
Planning Department
Inter-Office Memorandum

Date: ~~November 18~~ Dec 15, 2008

To: Jack Cloud, DRB Chair

From: Carol Toffaleti, Staff Planner, Development Review, 924-3345

cc: Angela Benson, DSA Architects

Subject: Project #1007204 – 08EPC-40096 Site Development Plan for Building Permit – CVS Pharmacy @ Unser Crossing

---

On November 20, 2008 the EPC approved this SDP for Building Permit subject to 10 conditions. These have been met with one minor exception:

Condition 7

d. A third notched curb (near southeast corner) should be labeled on the landscape plan.

Staff delegates review of Condition 5 to the City Engineer. In addition, staff requests that the City Engineer check whether the dimensions and detail of the pedestrian crossing sign are acceptable (10/C002).

Please note that Condition 4.a is not applicable and should have been eliminated from the notice of decision. (At the hearing, the EPC requested that 4.f. replace it.)

Please feel free to contact me if you have any questions.

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

Category Code 910
2012 070 226

07/27/2012 Issued By: BLDAVM 156400

Application Number: **12DRB-70226**, Major - 2yr Subd Imp Agmt Ext (2yr Sia)

Address:

Location Description: SW CORNER OF CENTRAL AND UNSER

Project Number: 1007204

Applicant
ARMSTRONG DEVELOPMENT PROPERTIES

1500 N. PRIEST DR SUITE 150E
TEMPE AZ 85281

Agent / Contact
BOHANNAN HUSTON INC
MICHAEL BALASKOVITS
7500 JEFFERSON NE
ALBUQUERQUE NM 87109
505-515-5898
KPATTON@BHINC.COM

Application Fees	
APN Fee	**$75.00**
Conflict Mgmt Fee	**$20.00**
DRB Actions	**$50.00**
TOTAL:	**$145.00**

City of Albuquerque Treasury
Date:7/27/2012 Office:ANNEX
Stat ID:WS000007 Cashier:TRSCXG
Batch: 536 Trans #:15
Permit: 20120702226
Receipt Num 00038296
Payment Total:$145.00
0900 APN Fee $75.00
0903 Conflict Mngmt Fee $20.00
0201 DRBActions Rendered : $50.00

INTER-OFFICE MEMORANDUM

COMMENTING AGENCIES

TRANSPORTATION DEVELOPMENT .....*John MacKenzie*
TRANSIT & PARKING DEPARTMENT .....*Shabih Rizvi*
COUNCIL OF GOVERNMENTS.....*Kendra Watkins/Andrew Gingerich*
AMAFCA.....*Lynn Mazur*
APD CRIME PREVENTION.....*Steve Sink*
OPEN SPACE DIVISION.....*Kent Reed Swanson*
FIRE DEPARTMENT.....*Antonio Chinchilla*
ZONING ENFORCEMENT INSPECTOR.....*David Kilpatrick*
NEIGHBORHOOD COORDINATION.....*Stephani Winklepleck*
PNM.....*Daniel Aragon*
NEW MEXICO GAS COMPANY.....*Patrick Sanchez*
ALBUQUERQUE PUBLIC SCHOOLS.....*April Winters*
COMCAST CABLE..... *Mike Mortus*
Mid.Rio Grande Conserv. Dist. (MRGCD)..... *Ray Gomez*
ENVIRONMENTAL HEALTH.....*Paul Olson*

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

PROJECT # 1007204

WEDNESDAY, July 9, 2014

Comments must be received by:

Friday, July 2, 2014

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

		S	Z		
SUBDIVISION				**ZONING & PLANNING**	
X	Major subdivision action			____	Annexation
____	Minor subdivision action				
____	Vacation		V	____	Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
____	Variance (Non-Zoning)				
SITE DEVELOPMENT PLAN			P	____	Adoption of Rank 2 or 3 Plan or similar
____	for Subdivision			____	Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
____	for Building Permit				
____	Administrative Amendment/Approval (AA)				
____	IP Master Development Plan		D	____	Street Name Change (Local & Collector)
____	Cert. of Appropriateness (LUCC)				
		L	A	**APPEAL / PROTEST of...**	
STORM DRAINAGE (Form D)				____	Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
____	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.

APPLICATION INFORMATION:

Professional/Agent (if any): BOHANNAN HUSTON INC (Mike Balaskovits) PHONE: 505.823.1000

ADDRESS: 7500 JEFFERSON NE FAX: 505.798.7988

CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: mbalaskovits@bhinc.com

APPLICANT: ARMSTRONG DEVELOPMENT PROPERTIES PHONE: 602-385-4101

ADDRESS: 1500 N. PRIEST DR. SUITE 150E FAX: 602-385-4101

CITY: TEMPE STATE AZ ZIP 85281 E-MAIL:

Proprietary interest in site: FUTURE OWNERS **List all owners**: Unser Brothers Real Property Trust; Sandia Partners LLC

DESCRIPTION OF REQUEST: SIA EXTENSION

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

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

Lot or Tract No. Tracts 1 - 14 Block: Unit:

Subdiv/Addn/TBKA: UNSER CROSSINGS

Existing Zoning: C-2 Proposed zoning: N/A MRGCD Map No

Zone Atlas page(s): K-9 & K-10 UPC Code: 101005702806330324

CASE HISTORY:

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

1007204, 08EPC-40034, 08EPC-40035, 1002971

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? NO

No. of **existing** lots: 14 No. of **proposed** lots: 14 Total site area (acres): 50

LOCATION OF PROPERTY BY STREETS: On or Near: SW CORNER OF CENTRAL AVE & UNSER BLVD SW

Between: BRIDGE SW and 86TH STREET

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

SIGNATURE For Mike: DATE 6/13/14

(Print Name) MICHAEL BALASKOVITS Applicant: ☐ Agent: ☒

FOR OFFICIAL USE ONLY **Revised: 4/2012**

☐ **INTERNAL ROUTING**

	Application case numbers	Action	S.F.	Fees
☒ All checklists are complete	14DRB - 70214	SIA	___	$ 50.00
☒ All fees have been collected	-	ADV	___	$ 75.00
☒ All case #s are assigned	-	CMF	___	$ 20.00
☒ AGIS copy has been sent	-		___	$
☒ Case history #s are listed	-		___	$
☒ Site is within 1000ft of a landfill	-			Total
☐ F.H.D.P. density bonus				
☐ F.H.D.P. fee rebate				$ 145.00

Hearing date July 9, 2014

6-13-14
Staff signature & Date

Project # 1007204

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

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

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

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

Preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

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

__ Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
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☒ **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. _____
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✓ List any original and/or related file numbers on the cover application
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I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Mike Balaskovits
Applicant name (print)

For Mike: [signature] 6/13/14
Applicant signature / date

Form revised **October 2007**

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

Application case numbers
14DRB-_____-70214
_____-_____-_____
_____-_____-_____

[signature] 6-13-14
Planner signature / date

Project # 1007204

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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4. TIME

Signs must be posted from June 24, 2014 To July 9, 2014

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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.

(Applicant or Agent) 6/13/14 (Date)

I issued 2 signs for this application, 6-13-14 (Date) (Staff Member)

DRB PROJECT NUMBER: 1007204

Rev. 1/11/05

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

SUBDIVISION		**S**	**Z** **ZONING & PLANNING**
X	Major subdivision action		____ Annexation
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____	Variance (Non-Zoning)		
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____	for Subdivision		____ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
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____	Cert. of Appropriateness (LUCC)		
		L **A**	**APPEAL / PROTEST of...**
STORM DRAINAGE (Form D)			____ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
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SIGNATURE For Mike: DATE 6/13/14

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FOR OFFICIAL USE ONLY **Revised: 4/2012**

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6-13-14
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Project # 1007204

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Mike Balaskovits
Applicant name (print)

For Mike: _____ 6/13/14
Applicant signature / date

Form revised **October 2007**

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_____-_____-_____
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_____ 6-13-14
Planner signature / date

Project # 1007204

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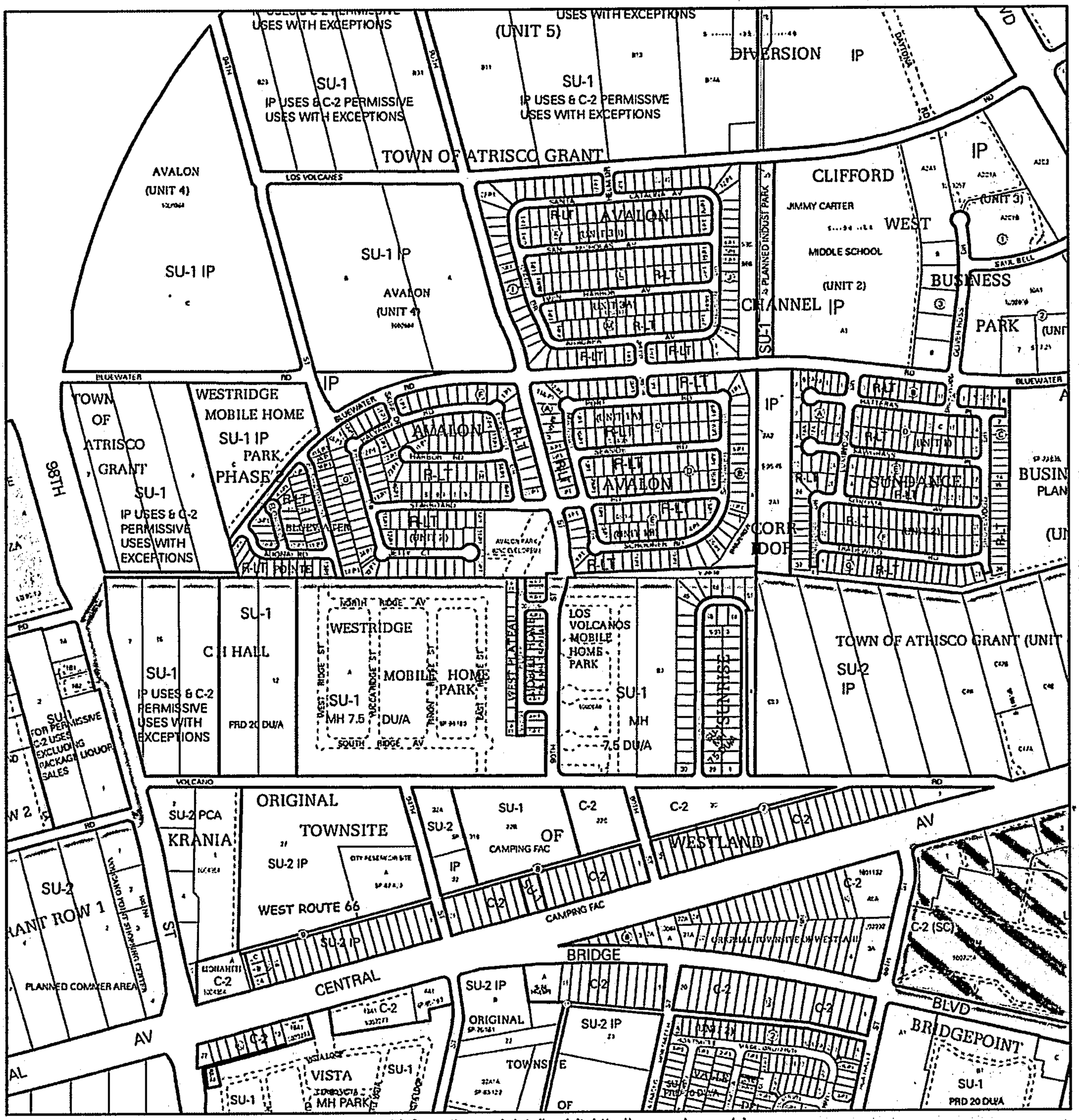
[signature] 6/13/14
(Applicant or Agent) (Date)

I issued 2 signs for this application, 6-13-14 [signature]
(Date) (Staff Member)

DRB PROJECT NUMBER: 1007204

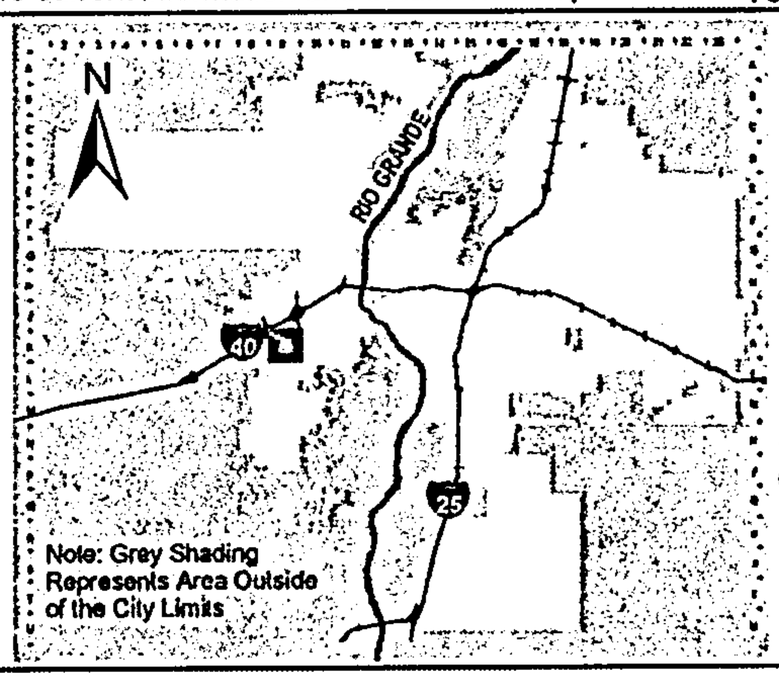
Rev. 1/11/05



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

Albuquerque Geographic Information System

Map amended through: 4/2/2012



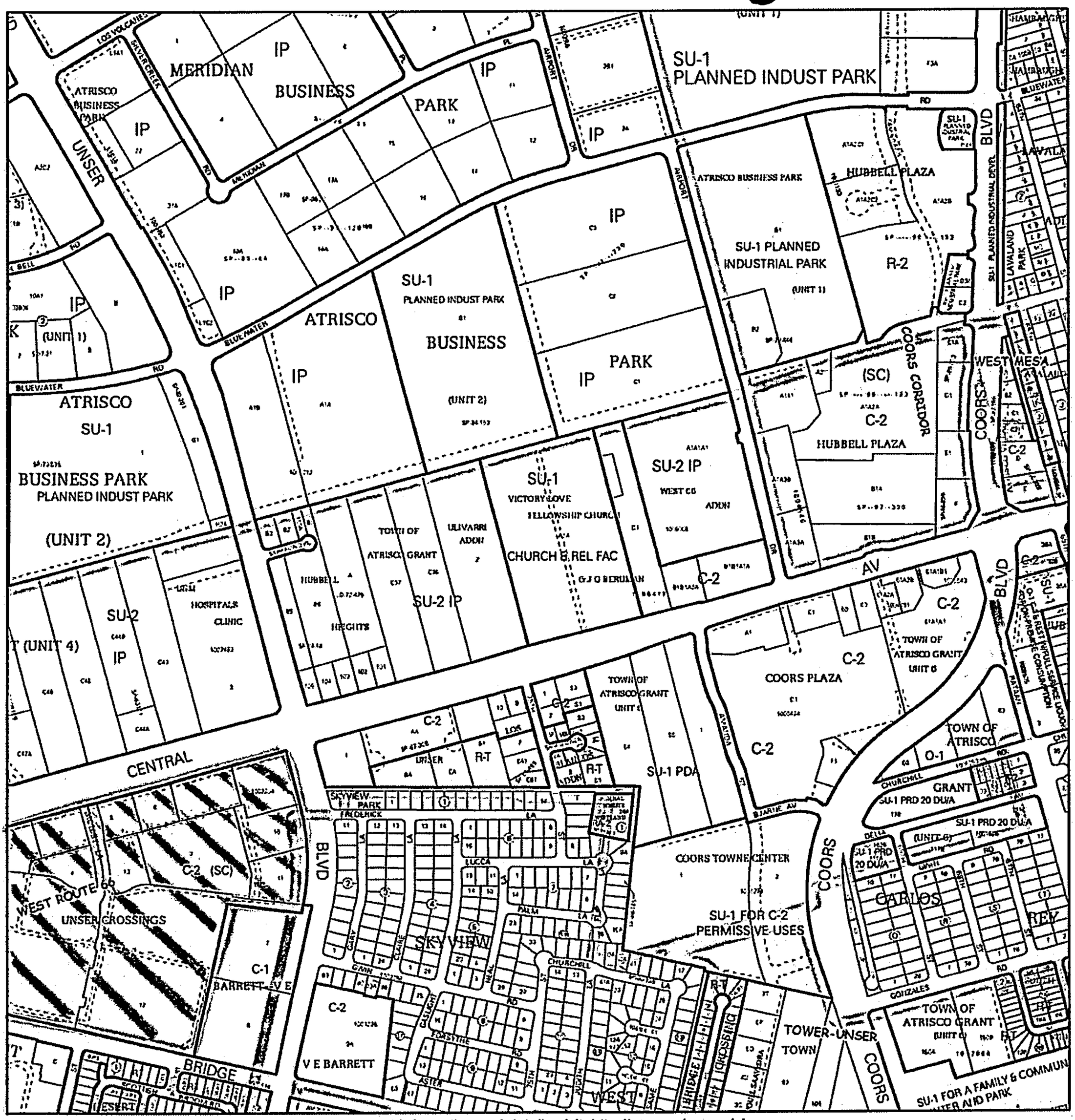
Zone Atlas Page:

K-09-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

0 — 750 — 1,500 Feet



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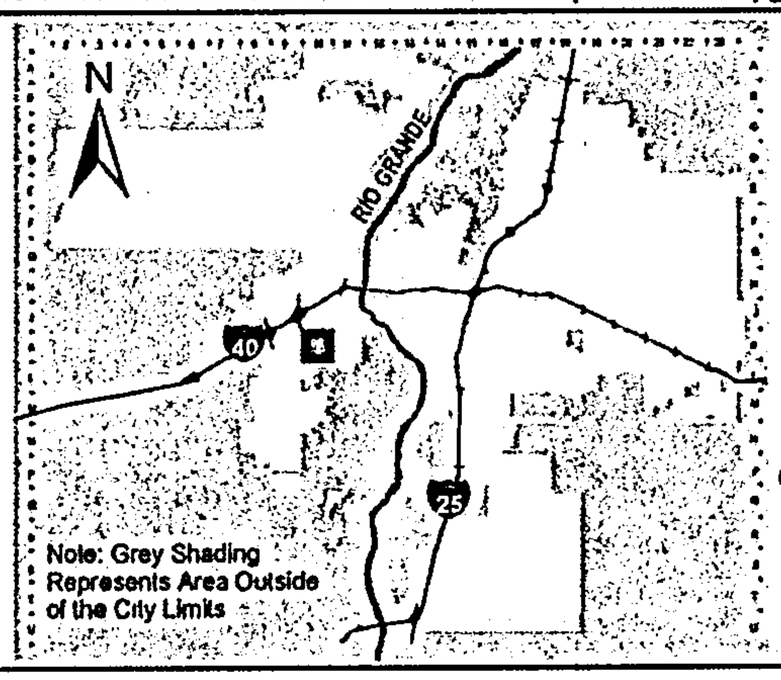

Zone Atlas Page:

K-10-Z

Selected Symbols

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

0 750 1,500 Feet

Bohannan ▲ Huston

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

June 13, 2014

Jack Cloud, Chair
Development Review Board
City of Albuquerque
PO Box 1293
Albuquerque, New Mexico 87103

Re: Subdivision Improvements Agreement Extension (Procedure B)
Unser Crossing – City Project # 735684 DRB#1007204

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.

Enclosed is the following information:

- Applications for Development Review
- Reduced layout of Approved Plat
- Zone Atlas Sheet showing the project area
- Official Notice from the Development Review Board
- Approved Infrastructure List
- Previous SIA Extension
- Neighborhood Notification Information
- DRB Fee

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

Please place this item on the DRB agenda to be heard on July 9th, 2014. If you have any questions, or require further information, please call me.

Sincerely,

Michael Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

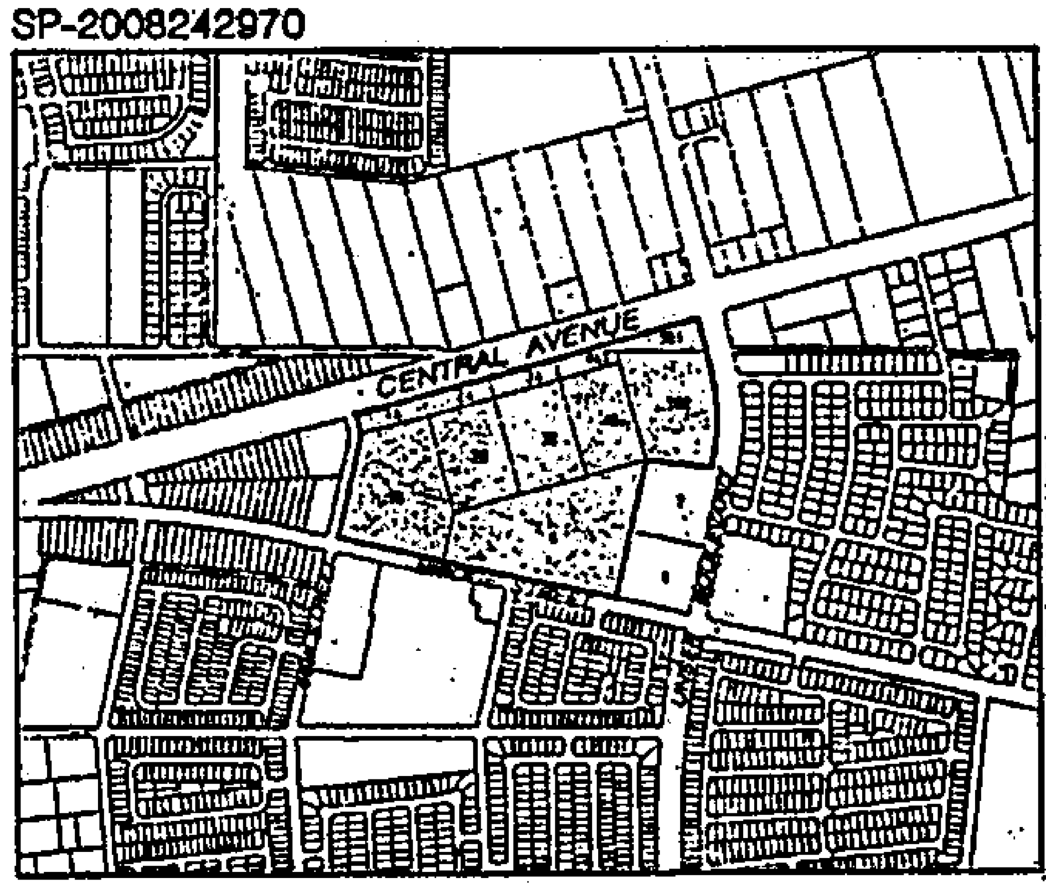
Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

\\a-abq-fs2\projects\080289\cdp\DRB-PLAT-SIA\SIA\SIA Extension June 2014\J Cloud Application Letter.doc

SP-2008242970



LOCATION MAP

ZONE ATLAS INDEX MAP Nos. I-9 & K10

NOT TO SCALE

SUBDIVISION DATA

1. DRB No.
2. Zone Atlas Index Nos. K-9 and K-10
3. Zoning: C-2 & SU-1.
3. Gross Subdivision Acreage: 80.6833 Acres.
4. Total number of tracts Created: Fourteen (14) Tracts.
5. Total Area of dedicated public street right-of-way: 0.1852 acre.
6. Date of Survey: June, 2008.
7. Plat is located within the Town of Atrisco Grant in projected Sections 21 & 22, Township 10 North, Range 2 East, NMPM, City of Albuquerque, Bernalillo County, New Mexico.

DISCLOSURE STATEMENT

The purpose of this Plat is to subdivide Tracts One-A (1-A), One-B (1-B), Two-A (2-A), Two-B (2-B), Three-A (3-A), Three-B (3-B), Four-B (4-B) and Six (6) of V.E. Barrett 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 February 13, 1967, in Book C6, Page 161 together with all of Tracts Four-A-1 (4-A-1), Five-B-1 (5-B-1), and Five-B-2 (5-B-2), Lands of Wefco, Partners, as the same are shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on April 6, 1987, in Book C-33 into fourteen (14) new tracts, to vacate easements, to dedicate public street right-of-way to the City of Albuquerque, and to grant easements.

PUBLIC UTILITY EASEMENTS

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

A. PNM Electric Services for the installation, maintenance and service of underground electrical lines, transformers, and other equipment, fixtures, structures, and related facilities reasonably necessary to provide electrical service.

B. PNM Gas services for installation, maintenance, and service of underground natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.

C. QWEST for the installation, maintenance, and service of all buried communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.

D. Comcast Cable for the installation, maintenance, and service of such underground lines, cable, and other related equipment and facilities reasonably necessary to provide Cable TV service.

Included is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said easements, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool, (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electric Safety Code caused by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

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

DESCRIPTION

A certain tract of land situate within the Town of Atrisco Grant in projected Sections 21 and 22, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being and comprising all of Tracts One-A (1-A), One-B (1-B), Two-A (2-A), Two-B (2-B), Three-A (3-A), Three-B (3-B), Four-B (4-B) and Six (6) of V.E. Barrett 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 February 13, 1967, in Book C6, Page 161 together with all of Tracts Four-A-1 (4-A-1), Five-B-1 (5-B-1), and Five-B-2 (5-B-2), Lands of Wefco, Partners, as the same are shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on April 6, 1987, in Book C-33, Page 81.

Tract contains 80.6833 acres of land, more or less.

NOTES

1. Bearings are New Mexico State Plane Grid Bearings (Central Zone) NAD 1983 and the Basis of Bearings is the inverse between Albuquerque Control Monuments "7-K10" and "14-K9" Bearing = S88°28'10"W.
2. Record Bearings and distances are shown in parenthesis.
3. Distances are ground distances.
4. All easements of record are as shown on the Plat of record or made known to me by the owner, utility companies, or other interested parties.
5. All interior tract corners to be monumented by a #5 rebar and yellow plastic survey cap stamped "GROMATZKY PS 16469".
6. All streets are public, to be dedicated to the City of Albuquerque with the filing of this plat.
7. Pursuant to section 14-14-4-7 of the City of Albuquerque Code of Ordinances, "No property within the area of this Plat shall at anytime be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of the proposed plat. The foregoing requirements shall be a condition to approval of this plat."
8. Reciprocal cross access easements for the benefit of Tracts 1 through 14, are granted by separate Easements, Covenants, Conditions and Restrictions ("ECC&Rs") recorded concurrently herewith to be maintained by the owners of these Tracts as provided in the ECC&Rs, ~~B.K. C.... P....~~ 2008103534
9. Reciprocal storm water drainage easements for the benefit of Tracts 1 through 14 are granted by the ECC&Rs to be maintained by the owners of these Tracts as provided in the ECC&Rs, ~~BK. .... PAGE~~ 2008103534
10. Tracts 1 thru 14 are subject to covenants and restrictions in the ECC&Rs.
11. This grant of easement is for the benefit of the owners, tenants, employees and invitees of Tract 7 and 8, V.E. Barrett Subdivision for the sole purpose of vehicular access. Grantees' exercise of this easement shall not unreasonably interfere with business operations on the grantor's property. Grantees shall indemnify the grantor against claims arising from use of this easement. Grantees shall reimburse an equitable share of the reasonable costs of maintaining such vehicular access upon invoice from the party performing such maintenance and incurring such vehicular access. Grantees shall obtain general commercial liability insurance covering use of this easement with limits reasonably acceptable to grantors naming grantors as additional insureds.

SUBORDINATION CLAUSE:

The Undersigned Subordinates its Interest in the herein - described Real Property to the Right and Interests of The City of Albuquerque In The Real Property and all Interest herein dedicated to The City of Albuquerque.

LIENHOLDER

In witness thereof, The Huntington National Bank, [redacted] has caused these presents to be

Executed this 25th day July 2008

BY: [signature] JOHN CLINGAN

AS: VICE PRESIDENT-COMMERCIAL LENDING

~~STATE~~ Commonwealth of: Pennsylvania, COUNTY OF Allegheny

The foregoing Instrument was acknowledged before me this 25th day of July 2008.

THE HUNTINGTON NATIONAL BANK, [redacted]

BY: [signature]

BY: JOHN CLINGAN

AS: VICE PRESIDENT - COMMERCIAL LENDING

Witness My Hand and Official Seal

Judith L. White [signature]
Notary Public City of Pittsburgh

Notary Address Allegheny County My Commission Expires: 4-15-2010

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Judith L. White, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Apr. 15, 2010
Member, Pennsylvania Association of Notaries

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 easements as shown on the plat 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 City of Albuquerque Subdivision Ordinance, and is true and accurate to the best of my knowledge and belief.

[signature]
Robert Gromatzky
New Mexico Professional Surveyor 16469

Date: 7-24-08

ROBERT GROMATZKY NEW MEXICO 16469 LICENSED PROFESSIONAL SURVEYOR

FREE CONSENT AND DEDICATION

This plat of that certain tract of land situate within the Town of Atrisco Grant in projected Sections 21 & 22, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being and comprising all of Tracts One-A (1-A), One-B (1-B), Two-A (2-A), Two-B (2-B), Three-A (3-A), Three-B (3-B), Four-B (4-B) and Six (6) of V.E. Barrett 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 February 13, 1967, in Book C6, Page 161 together with all of Tracts Four-A-1 (4-A-1), Five-B-1 (5-B-1), and Five-B-2 (5-B-2), Lands of Wefco, Partners, as the same are shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on April 6, 1987, in Book C-33, Page 81, records of Bernalillo County, New Mexico, now comprising Tracts 1 thru 14, Unser Crossings is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof. Said owner(s) and/or proprietor(s) do hereby dedicate additional public right-of-way for 98th Street SW as shown hereon to the City of Albuquerque in fee simple with warranty covenants and do hereby grant to the City All Access, Utility and Drainage Easements shown hereon as granted to the City including the right to construct, operate, inspect, and maintain facilities therein; and to the providers of public utilities all Public Utility Easements shown hereon for the common and joint use of Gas, Electrical Power, and Communication Services for buried distribution lines, conduits, and pipes for underground utilities where shown or indicated, including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. The City has the right to enter upon the easement property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the City. If the Work affects any improvements or encroachments by the grantor, their assigns or heirs, the City will not be financially or otherwise responsible for rebuilding or repairing of improvements or encroachments. If in the opinion of the City, the Work to be performed by the City could endanger the structural integrity or otherwise damage the improvements or encroachments, the grantor, their assigns or heirs, shall, at its own expense, take whatever protective measures are required to safeguard the improvements or encroachments. This plat shows all easements, lots, and tracts, as shown on the plat of record, or made known to me by either the owner, utility companies, commitment for title insurance, or other interested parties. All lots, tracts, and easements comprising the platted real property shall be known by the names and identifications made on this plat. All public utility easements, drainage easements, pedestrian access easements, vehicular non-access easements, and water and sewer line easements depicted on this plat are non-exclusive and are granted to the providing utility company or the City of Albuquerque, as applicable, for the specific purposes described on this plat. By recordation of this plat, all easements, restrictions, lots, and tracts which were created by any previously recorded plat or subdivision map which comprised or affected the real property subdivided by this plat shall be deemed vacated and abandoned unless otherwise noted on its plat. Said owner warrants that he holds complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed.

ARMSTRONG CENTRAL UNSER BLVD, LLC, a New Mexico Limited Liability Company

By: Armstrong Development Investments, LLC, a Delaware Limited Liability Company

By: Armstrong Development Holdings, Inc., a Delaware corporation, its sole member

By: [signature]
Robert W. FRISCH
Its: VICE PRESIDENT

~~State of New Mexico~~) Commonwealth of Pennsylvania
) ss
~~County of Bernalillo~~) COUNTY OF Allegheny

This instrument was acknowledged before me on 25th day of July, 2008, by ROBERT W. FRISCH, VICE PRESIDENT, managing member of Armstrong Central Unser, LLC, a New Mexico limited liability company.

My Commission Expires: 4-15-2010 Judith L White
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Judith L. White, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Apr. 15, 2010
Member, Pennsylvania Association of Notaries

SANDIA PLAZA PARTNERS, LLC, a New Mexico Limited Liability Company

By: TRACI J. WOLF

[signature]
Title: MANAGING MEMBER

State of New Mexico)
) ss
County of Bernalillo)

This instrument was acknowledged before me on 29th day of July, 2008, by TRACI J. WOLF of Sandia Plaza Partners, LLC a New Mexico limited liability company.

My Commission Expires: 11-8-2010 [signature]
Notary Public

JURISDICTIONAL AFFIDAVIT

I, Robert Gromatzky, a registered Professional New Mexico Surveyor, hereby affirm that the property described does lie within the platting and subdivision jurisdiction of the City of Albuquerque.

[signature]
Robert Gromatzky
New Mexico Professional Surveyor 16469

Date: 7-24-08

DOC# 2008183544

PLAT OF UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

PROJECT NUMBER 1007204

APPLICATION NUMBER 08DRB-70296

PLAT APPROVAL

Approval	Date
UTILITY APPROVALS: [signature]	8/1/08
QWEST TELECOMMUNICATIONS [signature]	8-4-08
COMCAST CABLE [signature]	8-7-08
PNM ELECTRIC SERVICES [signature]	8-7-08
PNM GAS SERVICES	
CITY APPROVALS: [signature]	7-29-08
CITY SURVEYOR [signature]	8/6/08
TRAFFIC ENGINEERING, TRANSPORTATION DIVISION [signature]	9-12-08
ALBUQUERQUE/BERNALILLO COUNTY WATER UTILITY AUTHORITY Christina Sandoval	8/6/08
PARKS & RECREATION DEPARTMENT Bradley L. Bingham	8/6/08
AMAFCA Bradley L. Bingham	8/6/08
CITY ENGINEER [signature]	9-18-08
DRB CHAIRPERSON, PLANNING DEPARTMENT N/A	
REAL PROPERTY DIVISION	

TAX CERTIFICATION

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON UPC # 100957180642324

PROPERTY OWNER OF RECORD [signature]

BERNALILLO COUNTY TREASURER'S OFFICE — DATE 9-18-08

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

SHEET 1 OF 7.

Bohannan ▲ Huston Inc.

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

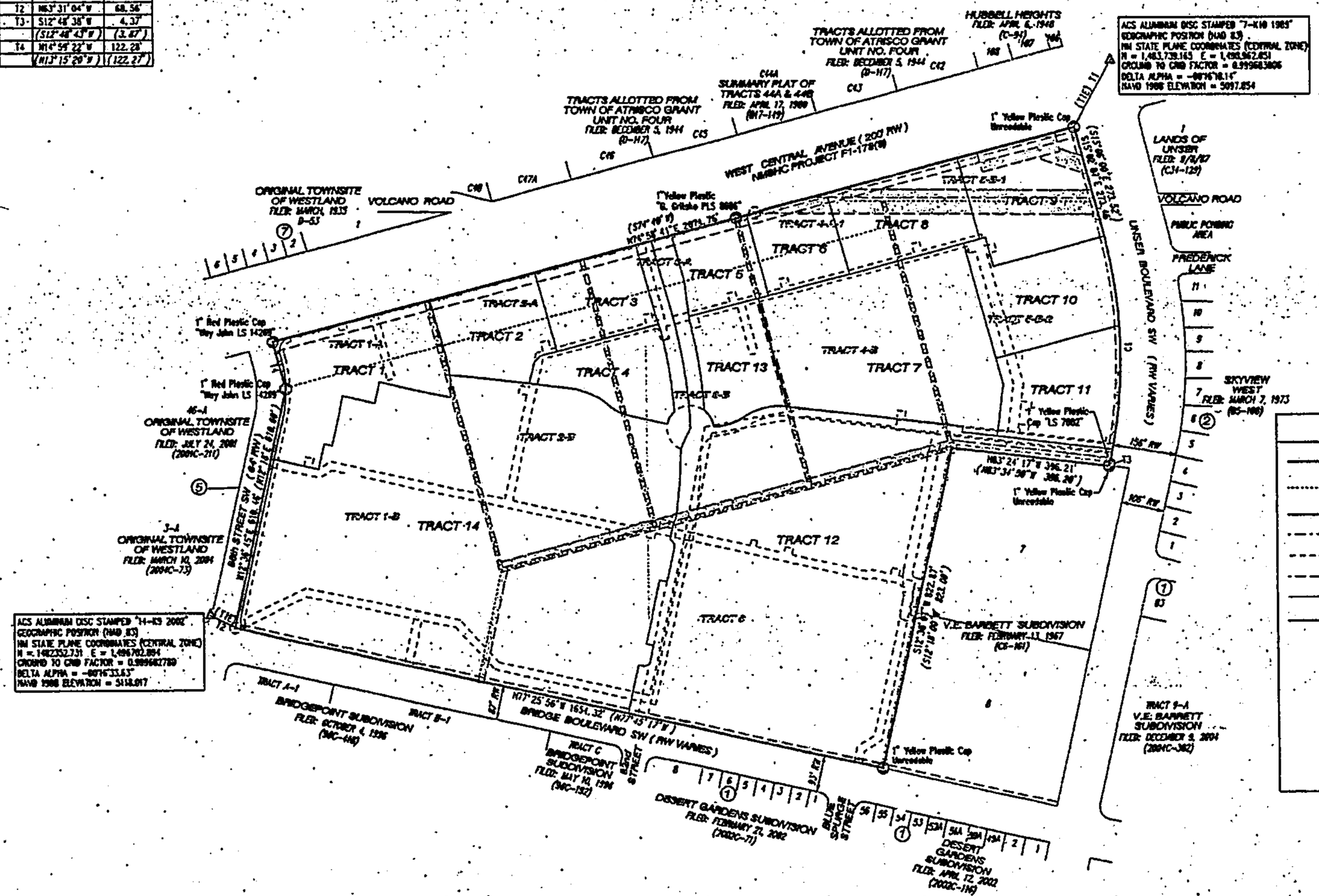
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2006

NOTE: SEE SHEETS 3 THRU 7 FOR SUBDIVISION DETAILS

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	27°34'44"	301.66'	591.62'	1229.11'	585.92'	S01°14'43"E
	(27°34'45")	(301.72')	(591.75')	(1229.36')	(586.05')	

TABLES ARE FOR THIS SHEET ONLY

Tangent Data		
ID	BEARING	DISTANCE
T1	N29°25'55"E	190.37'
T2	N63°31'04"W	68.56'
T3	S12°48'38"W	4.37'
	(S12°48'43"W)	(3.87')
T4	N14°59'22"W	122.28'
	(N13°15'29"W)	(122.27')



N

200 100 0 200

SCALE: 1" = 200'

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- CITY OF ALBUQUERQUE CONTROL MONUMENT
- #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"
- FOUND #5 REBAR/CAP AS NOTED
- FOUND #5 REBAR NO CAP
- EXISTING EASEMENTS VACATED BY VACATION ACTION 98DRB-70032

ROBERT GROMATZKY NEW MEXICO 16469 LICENSED PROFESSIONAL SURVEYOR

DOC# 2006183544
09/19/2006 09:41 PM Page: 2 of 7
RyPLAT R:$37.00 B: 2006C P: 0299 M. Toulous Olivero, Bernalillo Cou

Bohannan ▲ Huston
Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

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JOB NO. 06000.004

PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2006

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE — PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- CITY OF ALBUQUERQUE CONTROL MONUMENT
- #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZSKY PS 16459"
- FOUND #5 REBAR/CAP AS NOTED
- FOUND #5 REBAR NO CAP

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

SHEET 3 · SHEET 4 · SHEET 6 · SHEET 5

N

60 30 0 60

SCALE: 1" = 60'

ROBERT GROMATZKY NEW MEXICO 16459 LICENSED PROFESSIONAL SURVEYOR 9-15-06

VOLCANO ROAD

ORIGINAL TOWNSITE OF WESTLAND
FILED: MARCH, 1933
B-33

WEST CENTRAL AVENUE (200' RW)
NMSHC PROJECT F1-178(9)

TRACT 6
1.0007 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 5
0.9458 Acre
(SEE NOTE 8 & 9, SHEET 1)

TRACT 3
1.2688 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 2A

TRACT 2
1.4272 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 1A

TRACT 1
2.2617 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 4
1.2185 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 14
16.2112 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 2B

TRACT 13
1.2220 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 5B

13.1000 Acres
(SEE NOTE 8 & 9, SHEET 1)

0.1432 Ac Additional Public Street Right-of-way for 86th Street SW Dedicated to City of Albuquerque With The Filing of This Plat

1" Red Plastic Cap "Wes Johnson LS 14264"

1" Yellow Plastic "D. Ortiz LS 8636"

EXISTING 25' PNM EASEMENT FILED: SEPTEMBER 5, 2002 (BK A-41, PG 1629)

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (CE-161) VACATED BY VACATION ACTION 06DRB-70232

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (CE-161) EASEMENT TO REMAIN

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

Bohannan Huston

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

ENGINEERING · SPATIAL DATA · ADVANCED TECHNOLOGIES

SHEET 3 OF 7

DOC# 2006183544

09/19/2006 03:41 PM Page: 3 of 7
PLAT R:$17.00 B: 2006C P: 0060 M. Toulouse Oliver, Bernalillo Cou

PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2006

N

60 30 0 60

SCALE: 1" = 50'

WEST CENTRAL AVENUE (200' RW)
NMSHC PROJECT F1-178(9)

UNSER BOULEVARD SW (RW VARIES)

TRACT 4A1

TRACT 5
0.9458 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 6
1.0007 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 8
1.6247 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 5B1

TRACT 9
1.9466 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 10
1.8627 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 5B2

TRACT 7
4.7196 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 4B

TRACT 11
1.7307 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 12
13.1000 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 13
1.2220 Acres
(SEE NOTE 8 & 9, SHEET 1)

1" Yellow Plastic Cap Unreadable

1" Yellow Plastic "G. Gilsko PLS 8686"

1" Yellow Plastic Cap "LS 7002"

1" Yellow Plastic Cap Unreadable

EXISTING 30' x 200' DRAINAGE EASEMENT AS SHOWN ON PLAT FILED: JANUARY 19, 1967 (C32-146) VACATED BY VACATION ACTION 980RB-782.32

EXISTING 40' DRAINAGE EASEMENT FILED: JANUARY 19, 1967 (C32-146) VACATED BY VACATION ACTION 980RB-782.32

PUBLIC ROADWAY EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

EXISTING 10' PNM, MOUNTAIN BELL & CABLE CO. EASEMENT FILED: JANUARY 19, 1967 (C32-146)

EXISTING 25' PNM EASEMENT FILED: SEPTEMBER 23, 2002 (BK A42, PGS 2638 & 2639)

PUBLIC DRAINAGE EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

EXISTING TEMPORARY ACCESS EASEMENT IN PLACE OF VACATED VOLCANO ROAD SW FILED: JANUARY 19, 1967 (C32-146) AND CURTOLANI DEED VACATING VOLCANO ROAD SW BY QUIT RESERVING EASEMENTS FOR PUBLIC UTILITIES FILED: MAY 5, 1967 (BK D302-A, PG 697) AND RELEASE OF PNM EASEMENT FILED: SEPTEMBER 27, 2002 (BK A42, PG 4167) VACATED BY VACATION ACTION 980RB-782.32

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) EASEMENT TO REMAIN

EXISTING 20' WATERLINE EASEMENT FILED: JANUARY 19, 1967 (C32-146) VACATED BY VACATION ACTION 980RB-782.32

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING EASEMENT FOR ELECTRIC POWER AND TELEPHONE SHOWN ON PLAT FILED: FEBRUARY 13, 1967 (C6-161) RELEASE OF PNM EASEMENT FILED: SEPTEMBER 27, 2002 (BK A42, PG 4167) VACATED BY VACATION ACTION 980RB-782.32

CENTERLINE PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PUBLIC SIDEWALK EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT.

25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING 20' UNDERGROUND UTILITY EASEMENT FILED: FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 980RB-782.32

CENTERLINE 24' PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE — PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- CITY OF ALBUQUERQUE CONTROL MONUMENT
- #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"
- FOUND #5 REBAR/CAP AS NOTED
- FOUND #5 REBAR NO CAP

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

SHEET 3 | SHEET 4
SHEET 6 | SHEET 5

NEW MEXICO — ROBERT GROMATZKY — 16469 — 9-15-06 — LICENSED PROFESSIONAL SURVEYOR

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

DOC# 2006183544
09/19/2006 03:41 PM Page: 4 of 7
PLAT R:$37.00 B: 2006C P: 0350 M. Toulous Olivery, Bernalillo Cnty

PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2006

TRACT 13
1.2220 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 7
4.7196 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 14
16.2112 Acres

TRACT 12
13.1000 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 6

V.E. BARRETT SUBDIVISION
FILED: FEBRUARY 13, 1967
(C6-161)

BRIDGE BOULEVARD SW (RW VARIES)

42nd STREET

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 98DRB-70232

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING 20' UNDERGROUND UTILITY EASEMENT FILED: FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 98DRB-70232

25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 24' PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 98DRB-70232

CENTERLINE 14' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING EASEMENT (TYPICAL) FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161)

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) EASEMENT TO REMAIN

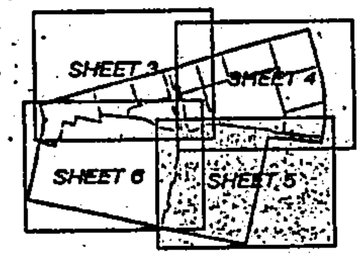
1" Yellow Plastic Cap "LS 7802"

1" Yellow Plastic Cap Unreadable

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE — PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- △ CITY OF ALBUQUERQUE CONTROL MONUMENT
- ● #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "BROMATZKY PS 16469"
- ⊙ FOUND #5 REBAR/CAP AS NOTED
- ⊗ FOUND #5 REBAR NO CAP

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA



N

60 30 0 60

SCALE: 1" = 60'

ROBERT BROMATZKY
NEW MEXICO
16469
LICENSED PROFESSIONAL SURVEYOR
9-15-06

DOCH 2006183544
09/19/2006 03:41 PM Page: 5 of 7
PLAT R:137, 05 B: 39000 P: 0065 M. Toulouse Oliver, Bernalillo Cour

Bohannan ▲ Huston
Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2006

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

TRACT 1A

TRACT 1
2.2617 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 2
1.4272 Acres
(SEE NOTE 8, SHEET 1)

TRACT 4
1.2185 Acres
(SEE NOTE 8, SHEET 1)

TRACT 13
1.2220 Acres
(SEE NOTE 8, SHEET 1)

TRACT 2B

TRACT 1B

TRACT 14
16.2112 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 12
13.1000 Acres
(SEE NOTE 8, SHEET 1)

1" Red Plastic Cap "Wey John LS 14269"

1" Red Plastic Cap "Wey John LS 14269"

86th STREET SW (64' RW)

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161)

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 98DRB-70232

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

0.1432 Ac Additional Public Street Right-of-way for 86th Street SW Dedicated to City of Albuquerque With The Filing of This Plat

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING 20' UNDERGROUND UTILITY EASEMENT FILED: FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 98DRB-70232

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 98DRB-70232

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) EASEMENT TO REMAIN

BRIDGE BOULEVARD SW. (RW VARIES)

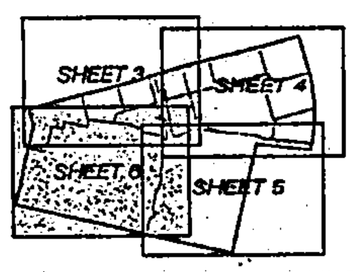
BRIDGEPOINT SUBDIVISION
FILED: OCTOBER 4, 1996
(96C-176)

TRACT A-1

TRACT B-1

N

SCALE: 1" = 60'



ROBERT GROMATZKY
NEW MEXICO
16469
LICENSED PROFESSIONAL SURVEYOR

Bohannan ▲ Huston

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

DOC# 2006183544
09/19/2006 08:41 PM Page: 6 of 7
PLAT R:337.00 B: 2006C P: 0269 M. Toulous Olivere, Bernalillo Cou

PLAT OF

UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	27°34'44"	301.66'	591.62'	1229.11'	585.92'	S01°14'45"E
	(27°34'45")	*(301.72')*	*(591.75')*	*(1229.36')*	*(586.05')*	
C2	89°58'03"	34.98'	54.96'	35.00'	49.48'	S29°58'48"W
C3	27°36'07"	73.69'	144.52'	300.00'	143.13'	S01°11'19"E
C4	90°02'41"	25.02'	39.29'	25.00'	35.37'	S32°24'35"E
C5	62°33'54"	22.48'	40.49'	37.00'	38.43'	S43°41'53"W
C6	08°34'35"	22.48'	44.91'	300.00'	44.86'	N18°43'48"W
C7	09°56'21"	105.47'	210.42'	1213.00'	210.16'	S06°48'37"E
C8	35°06'42"	18.05'	34.96'	57.00'	34.42'	S29°07'40"W
C9	28°29'54"	38.09'	74.61'	150.00'	73.84'	N63°19'45"W
C10	25°49'36"	45.47'	89.40'	198.33'	88.65'	N66°16'01"W
C11	00°31'07"	5.56'	11.12'	1229.11'	11.12'	S14°46'33"E
C12	10°45'24"	115.71'	230.75'	1229.11'	230.41'	S09°08'14"E
C13	14°31'01"	156.56'	311.44'	1229.11'	310.66'	S83°29'56"W
C14	17°10'55"	2.27'	4.50'	15.00'	4.48'	S82°55'32"E
C15	32°05'30"	38.83'	75.61'	135.00'	74.63'	N72°26'16"E
C16	40°12'12"	60.39'	115.78'	165.00'	113.42'	N76°29'37"E
C17	01°47'09"	19.16'	38.31'	1229.11'	38.31'	S11°39'02"W
C18	90°00'00"	15.00'	23.56'	15.00'	21.21'	N57°25'11"E
C19	90°00'11"	4.00'	6.28'	4.00'	5.66'	N32°34'54"W
C20	89°59'49"	4.00'	6.28'	4.00'	5.66'	N57°25'05"E
C21	64°38'23"	15.78'	28.15'	25.00'	26.68'	N19°50'09"W
C22	02°03'08"	21.87'	43.73'	1221.00'	43.73'	N16°15'24"E
C23	37°13'34"	8.42'	16.24'	25.00'	15.96'	N27°08'02"E
C24	07°58'50"	85.52'	170.77'	1225.00'	170.63'	N04°31'59"E
C25	13°11'43"	144.56'	287.88'	1250.00'	287.24'	N06°25'14"W
C26	10°05'13"	113.56'	226.56'	1287.00'	226.25'	S08°49'31"E
C27	46°46'18"	24.59'	48.43'	57.00'	45.16'	S26°58'58"E
C28	16°45'54"	28.27'	58.37'	398.00'	56.28'	N81°03'34"W
C29	19°20'29"	51.12'	101.27'	300.00'	100.79'	S85°28'51"E
C30	12°11'31"	5.34'	10.64'	50.00'	10.62'	S06°19'32"W
C31	12°24'15"	5.43'	10.82'	50.00'	10.80'	S06°25'54"W
C32	240°04'00"	———	238.83'	57.00'	98.00'	S54°18'07"W
C33	07°57'03"	85.20'	170.13'	1226.00'	169.99'	S04°32'43"W
C34	07°17'09"	81.11'	162.00'	1274.00'	161.89'	N04°52'40"E
C35	84°10'26"	45.16'	73.46'	50.00'	67.03'	N43°19'19"E
C36	29°01'01"	41.15'	80.52'	159.00'	79.67'	N70°54'60"E
C37	48°12'12"	51.60'	98.94'	141.00'	96.92'	N76°29'37"E
C38	84°10'26"	42.45'	69.05'	47.00'	63.00'	S54°36'36"W
C39	36°54'18"	8.34'	16.18'	25.00'	15.83'	N05°58'24"W
C40	63°05'58"	33.23'	64.44'	1229.11'	64.43'	N02°12'42"W
C41	11°19'05"	12.86'	25.46'	130.00'	25.64'	S04°39'46"W
C42	08°56'47"	12.71'	25.37'	162.58'	25.35'	S06°19'55"W
C43	06°57'21"	74.43'	148.67'	1224.61'	148.58'	S05°11'12"W
C44	89°41'45"	16.99'	28.17'	20.00'	25.90'	S18°00'45"W

Tangent Data		
ID	BEARING	DISTANCE
T1	S12°48'38"W	4.37'
	(S12°48'43"W)	*(3.87')*
T2	N74°58'41"E	44.41'
T3	S14°59'22"E	13.66'
T4	N19°33'49"W	30.14'
T5	N77°35'00"W	20.00'
T6	N19°33'49"W	18.62'
T7	N19°33'49"W	13.52'
T8	S06°35'43"W	15.06'
T9	S74°58'54"W	41.78'
T10	S74°58'54"W	15.00'
T11	S74°58'54"W	34.76'
T12	N83°24'17"W	2.76'
T13	N77°34'49"W	10.28'
T14	S12°25'11"W	37.98'
T15	N77°35'00"W	14.00'
T16	N77°35'00"W	14.01'
T17	N06°50'29"W	13.22'
T18	S00°13'46"W	37.25'
T19	S00°13'46"W	17.00'
T20	S00°13'46"W	54.25'
T21	S12°38'01"W	36.53'
T22	S15°01'45"E	18.85'
T23	S15°01'45"E	11.44'
T24	N12°25'00"E	48.43'
T29	N12°38'01"E	27.37'
T32	N12°38'01"E	31.32'
T33	S12°38'01"W	35.91'
T34	N77°22'51"W	31.85'
T35	N15°01'06"W	32.50'
T36	S15°01'06"E	42.63'
T37	S74°58'15"W	29.92'
T38	N74°58'15"E	37.51'
T39	N74°58'15"E	37.50'
T40	S83°02'33"E	37.77'
T41	N06°35'43"E	30.83'
T42	N06°35'43"E	31.18'
T43	N06°35'43"E	45.58'
T44	S77°11'06"E	38.67'
T45	S77°25'56"E	27.56'
T46	S04°10'34"W	82.55'
T47	S12°25'11"W	425.17'
T48	S77°25'56"E	24.08'
T49	N12°25'11"E	423.23'
T50	N20°29'35"E	85.82'
T51	S83°24'17"E	374.78'
T52	S06°35'43"W	10.88'
T53	N57°25'02"E	34.65'
T54	N74°58'54"E	34.83'
T55	S77°21'59"E	24.11'
T56	N57°38'01"E	8.49'
T57	S32°21'59"E	8.49'
T58	S77°21'59"E	17.43'
T59	S12°38'01"W	25.00'
T60	S12°38'01"W	25.05'
T61	S12°38'01"W	26.83'
T62	S15°01'15"E	15.00'
T63	S77°21'59"E	20.54'

DOC# 2008183544

07/18/2008 02:51 PM Page: 7 of 7
PLAT R:257, 008 B: 2008C P:
Debbie R. Toulouse Oliver, Bernalillo Cou

SHEET 7 OF 7

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

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OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 22, 2012

Project# 1007204
12DRB-70226 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion of **UNSER CROSSINGS** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW containing approximately 50.6833 acre(s). (K-9 & K-10)

At the August 22, 2012 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by September 6, 2012, in the manner described below.

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

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

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

Jack Cloud, DRB Chair

Cc: Bohannan Huston Inc.
Marilyn Maldonado
file

Current DRC
Project No. _____

Date Submitted: June 24, 2008
Date Site Plan for Bldg Permit Appr 7/9/08
Date Site Plan for Sub. Approved: ...
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

ORIGINAL

Figure 12

INFRASTRUCTURE LIST

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

Unser Crossing

DRB Project No. 1007204

1 9-5-08

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

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		11' FC-EOA	LENGTHEN EXISTING NORTH BOUND RIGHT TURN LANE (APPROX. 115 LF): PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK	UNSER BLVD. (EAST SIDE OF ROW).	240' SOUTH OF LOS VOLCANES RD.	LOS VOLCANES RD.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF CENTRAL AVE & UNSER BLVD.			/	/	/
		11' - 12'	WEST BOUND THRU LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 1,500 LF)	CENTRAL AVE.	500' EAST OF UNSER BLVD.	DRIVEWAY "B"	/	/	/
		12' FC-EOA	100LF WEST BOUND LEFT TURN LANE AND MEDIAN OPENING: PAVED ROADWAY, STRIPING, CURB AND GUTTER	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE. AT DRIVEWAY "B" .			/	/	/
		12' FC-EOA	EAST BOUND RIGHT TURN DECEL LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER , 6' SIDEWALK (APPROX 100 LF)	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		6' WIDE	BIKE LANE INCL PAVEMENT, STRIPING, CURB AND GUTTER, 6' SIDEWALK	CENTRAL AVE.	86TH ST.	UNSER BLVD.	/	/	/
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE AT 86TH ST			/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		11' - 12'	LENGTHEN WEST BOUND LEFT TURN LANE TO 600 LF: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 370 LF)	CENTRAL AVE.	600' EAST OF 86TH ST.	86TH ST.	/	/	/
			EAST 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' NORTHBOUND LANE, 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	86TH ST.	BRIDGE BLVD.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND LEFT & THRU LANE: PAVED ROADWAY, STRIPING (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
			NORTH 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' WESTBOUND LANE AND 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	BRIDGE BLVD.	BOUNDARY OF SITE	86TH ST.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF UNSER BLVD. & BRIDGE BLVD.			/	/	/
			WEST 1/2 STREET PERMANENT IMPROVEMENTS INCLUDING TWO SOUTHBOUND LANES, 6' BIKE LANE, CURB AND GUTTER, 6' SIDEWALK	UNSER BLVD.	CENTRAL AVE.	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 200 LF)	UNSER BLVD.	200' SOUTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	SOUTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	UNSER BLVD.	100' NORTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND AND SOUTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 100 LF)	86TH ST.	100' NORTH AND 100' SOUTH OF BRIDGE BLVD.	BRIDGE BLVD	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
							/	/	/
			PUBLIC SANITARY SEWER IMPROVEMENTS						
		8" DIA	SANITARY SEWER LINE WITH MH & SERVICES, AS REQUIRED	MAIN EAST-WEST SITE DRIVE	EAST TERMINUS OF CITY PROJECT #7356.82-07	UNSER BLVD.	/	/	/
							/	/	/
			PUBLIC WATERLINE IMPROVEMENTS						
		12" DIA	ABANDON EXISTING WATERLINE IN VOLCANO RD	VOLCANO RD.	CENTRAL AVE.	UNSER BLVD.	/	/	/
		~~12" DIA~~	~~WATERLINE W/ NEC. VALVES, MJ'S & RJ'S~~	~~UNSER BLVD.~~	~~VOLCANO RD.~~	~~CENTRAL AVE.~~	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	MAIN EAST-WEST SITE DRIVE	86TH ST.	UNSER BLVD.	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	SITE DRIVES	CENTRAL AVE.	BRIDGE BLVD.	/	/	/
							/	/	/
			PUBLIC STORM DRAIN IMPROVEMENTS						
		5' X 20'	JUNCTION BOX AND STORM DRAIN	NW CORNER OF SITE	CULVERTS OUTFALLING ACROSS CENTRAL AVE.	STORM DRAIN IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 78" SD IN UNSER BLVD.	CENTRAL AVE.	APPROX 200LF EAST OF DRIVEWAY "C"	78" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 500LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 50LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/

1 Delete

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 90" SD IN BRIDGE BLVD.	BRIDGE BLVD.	APPROX 64LF WEST OF DRIVEWAY "G"	90" SD IN BRIDGE BLVD.	/	/	/
							/	/	/

AGENT/OWNER

Racquel Michel — PREPARED BY: PRINT NAME — 6/24/2008 DATE

BOHANNAN HUSTON, INC. — FIRM:

Racquel Michel — SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR	7-9-08 DATE	Christina Sandoval PARKS & GENERAL SERVICES	7/9/08 DATE
TRANSPORTATION DEVELOPMENT	7/9/08 DATE	AMAFCA	DATE
UTILITY DEVELOPMENT	7/9/08 DATE	Bradley L. Bingham CITY ENGINEER	7/9/08 DATE
	DATE		

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	9-5-08			

FIGURE 18

SECOND EXTENSION AGREEMENT
Procedure "B"

PROJECT NO. 735684

This Agreement made this 24th day of September, 2012, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer/subdivider:) **Armstrong Central Unser Blvd., LLC a New Mexico Limited Liability Company** ("Subdivider"), whose address is **c/o Armstrong Development Properties, Inc., 1500 N. Priest Dr., Suite 150E, Tempe, AZ 85281** and whose telephone number is **602-385-4100** 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 to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on **September 17, 2008**, which was recorded on **September 18, 2008**, in the records of the Bernalillo County Clerk as Document No. **2008103546**, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements; and

WHEREAS, the Original Agreement was amended by an **Amendment to Agreement** dated **November 18th, 2008** recorded **November 19th, 2008**, in Document Number **2008123881**, pages **1** through **6**, records of Bernalillo County, New Mexico, maintaining the construction deadline of **September 9th, 2010**; and

WHEREAS, the Earlier Agreement was amended by a **Second Amendment to Agreement** dated **June 23rd, 2009** recorded **June 25th, 2009**, Document Number **2009071314**, pages **1** through **3**, records of Bernalillo County, New Mexico, maintaining the construction deadline of **September 9th, 2010**; and

WHEREAS, the Earlier Agreement was amended by a **First Extension Agreement** dated **November 18th, 2010** recorded **November 23rd, 2010**, Document Number **2010119076**, pages **1** through **4**, records of Bernalillo County, New Mexico, extending the construction deadline to **July 17th, 2011**; and

WHEREAS, the Earlier Agreement was amended by a **Third Amendment** dated **July 19th, 2011** recorded **July 21st, 2011**, Document Number **2011066524**, pages **1** through **2** records of Bernalillo County, New Mexico, extending the construction deadline to **July 15th, 2012**; and

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

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

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

Doc# 2012103259
10/03/2012 10:08 AM Page: 1 of 4
AGRE R:$25.00 M Toulouse Oliver, Bernalillo County

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

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

A. For all improvements, the 16th day of July, 2014.

B. On portions of the improvements as follows:

IMPROVEMENTS	COMPLETION DATE

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

Type of Financial Guaranty: Irrevocable Standby letter of Credit (No. 18118217-00-000)

Amount: $ 376,360.56

Name of Financial Institution or Surety providing Guaranty: PNC Bank,National association

Date City first able to call Guaranty (Construction Completion Deadline): July 16th, 2014

If Guaranty other than a Bond, last day City able to call Guaranty: September 14, 2014 5:00 PM Eastern Time

Additional information: _____

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

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

Armstrong Central Unser Blvd., a New Mexico Limited Liability Company

By: Gustine Investments, Inc. a Pennsylvania Corporation, its sole member

By (Signature): Robert H. Gustine
Print Name: Robert H. Gustine
Title: Asst. Secy.
Dated: 9-13-12

By (Signature): [signature]
Richard Dourte, City Engineer
Dated: 9-24-12

9-24-12

9-19-2012

SUBDIVIDER'S NOTARY

STATE OF Pennsylvania)
) ss
COUNTY OF Butler)

This instrument was acknowledged before me on this 13th day of September, 2012 by [name of person] Robert H. Gustine, Asst. Secy, [title or capacity, for instance, "President" or "Owner"] _____ of ("Subdivider") Gustine Investments, Inc., sole member of Armstrong Central Unser Blvd., a New Mexico Limited Liability Company.

My Commission Expires:
7-30-14

[signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kelly D. Chapman, Notary Public
Butler Twp., Butler County
My Commission Expires July 30, 2014
Member, Pennsylvania Association of Notaries

CITY'S NOTARY

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 24th day of September 2012, by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My Commission Expires:
10-07-12

[signature]
Notary Public

LINDA C. EVANS NOTARY PUBLIC STATE OF NEW MEXICO

EXHIBIT

A

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 22, 2012

Project# 1007204
12DRB-70226 MAJOR - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion of **UNSER CROSSINGS** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW containing approximately 50.6833 acre(s). (K-9 & K-10)

At the August 22, 2012 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by September 6, 2012, in the manner described below.

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

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

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

Jack Cloud, DRB Chair

Cc: Bohannan Huston Inc.
Marilyn Maldonado
file

PNC Bank, National Association
Trade Services Operations
500 First Avenue - 2nd Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1-800-682-4689
SWIFT Address: PNCCUS33

PNC

BENEFICIARY:
CITY OF ALBUQUERQUE
600 2ND STREET SUITE 201
ALBUQUERQUE NM 87102

ATTENTION: ROB PERRY CHIEF ADMINISTRATIVE OFFICER

APPLICANT:
ARMSTRONG CENTRAL UNSER BLVD
A NEW MEXICO LLC
SEE BELOW FOR COMPLETE NAME/ADDRESS
BUTLER PA 16001

IRREVOCABLE STANDBY LETTER OF CREDIT

OUR REFERENCE:	18118217-00-000
AMOUNT:	USD $376,360.56
ISSUE DATE:	SEPTEMBER 14, 2012
EXPIRY DATE:	SEPTEMBER 14, 2014
EXPIRY PLACE:	OUR COUNTERS

APPLICANT S COMPLETE NAME AND ADDRESS:

ARMSTRONG CENTRAL UNSER BLVD, A NEW MEXICO LLC
ONE ARMSTRONG PLACE
BUTLER PA 16001

CITY OF ALBUQUERQUE PROJECT NO. 735684
PROJECT NAME: UNSER CROSSINGS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. 18118217-00-000 IN YOUR FAVOR FOR THE ACCOUNT OF ARMSTRONG CENTRAL UNSER BLVD, A NEW MEXICO LLC UP TO THE AGGREGATE AMOUNT OF USD376,360.56 (THREE HUNDRED SEVENTY SIX THOUSAND THREE HUNDRED SIXTY AND 56/100 UNITED STATES DOLLARS) WHICH WE ARE INFORMED AMOUNTS TO 125 PERCENT OF THE CITY S ESTIMATED COST OF CONSTRUCTION OF IMPROVEMENTS AS REQUIRED BY THE CITY S SUBDIVISION ORDINANCE. THIS LETTER OF CREDIT IS AVAILABLE FOR SIGHT PAYMENT AT OUR COUNTERS AT 500 FIRST AVENUE, SECOND FLOOR P7-PFSC-02-T, PITTSBURGH, PA 15219 AGAINST PRESENTATION OF YOUR DRAFT(S) DRAWN AT SIGHT ON PNC BANK, NATIONAL ASSOCIATION AND ACCOMPANIED BY YOUR STATEMENT PURPORTEDLY SIGNED BY AN AUTHORIZED REPRESENTATIVE OF CITY OF ALBUQUERQUE READING AS FOLLOWS:

"I (INSERT NAME AND TITLE) HEREBY CERTIFY THAT I AM AN AUTHORIZED REPRESENTATIVE OF CITY OF ALBUQUERQUE AUTHORIZED TO EXECUTE THIS STATEMENT AND HEREBY DEMAND PAYMENT IN THE AMOUNT OF US$ (INSERT AMOUNT) UNDER PNC BANK, NATIONAL ASSOCIATION LETTER OF CREDIT NO. 18118217-00-000 AS SUCH AMOUNT REPRESENTS FUNDS DUE US AS ARMSTRONG CENTRAL UNSER BLVD, A NEW MEXICO LLC HAS FAILED TO COMPLY WITH THE TERMS AS STATED IN THE AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS IN CONNECTION TO THE INSTALLATION OF IMPROVEMENTS WHICH MUST BE CONSTRUCTED AT UNSER CROSSINGS, PROJECT NO. 735684 PER CITY REQUIREMENTS. WE FURTHER CERTIFY THAT THE AMOUNT OF THIS DRAWING DOES NOT EXCEED 125 PERCENT OF THE CITY S ESTIMATED COST OF COMPLETING THE IMPROVEMENTS AS SPECIFIED IN THE AGREEMENT."

PNC Bank, National Associat
Trade Services Operations
500 First Avenue - 2nd Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1-800-682-4689
SWIFT Address: PNCCUS33

DRAFT(S) DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED: "DRAWN UNDER PNC BANK, NATIONAL ASSOCIATION LETTER OF CREDIT NO. 18118217-00-000."

THIS ORIGINAL LETTER OF CREDIT AND ANY ORIGINAL AMENDMENT(S), IF ANY, MUST BE SUBMITTED TO US TOGETHER WITH YOUR DRAFT(S) FOR ANY DRAWINGS HEREUNDER FOR OUR ENDORSEMENT OF ANY PAYMENTS EFFECTED BY US AND/OR FOR CANCELLATION.

THIS LETTER OF CREDIT EXPIRES AT THIS OFFICE ON SEPTEMBER 14, 2014 AT 5:00 PM EASTERN TIME.

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT WILL BE AUTOMATICALLY EXTENDED WITHOUT AMENDMENT, FOR AN ADDITIONAL ONE YEAR PERIOD FROM THE CURRENT EXPIRATION DATE SET HEREOF, OR ANY FUTURE EXPIRATION DATE, UNLESS AT LEAST 60 DAYS PRIOR TO ANY EXPIRATION DATE, WE NOTIFY YOU BY REGISTERED OR CERTIFIED MAIL, OR OVERNIGHT COURIER SERVICE THAT WE ELECT NOT TO FURTHER EXTEND THIS LETTER OF CREDIT FOR ANY SUCH ADDITIONAL PERIOD. UPON RECEIPT OF SUCH NOTICE, YOU MAY DRAW HEREUNDER BY MEANS OF YOUR SIGHT DRAFT(S) DRAWN ON US AND ACCOMPANIED BY YOUR STATEMENT PURPORTEDLY SIGNED BY AN AUTHORIZED REPRESENTATIVE OF CITY OF ALBUQUERQUE READING AS FOLLOWS:

"I (INSERT NAME AND TITLE) HEREBY CERTIFY THAT I AM AN AUTHORIZED REPRESENTATIVE OF CITY OF ALBUQUERQUE AND HEREBY DEMAND PAYMENT IN THE AMOUNT OF US$ (INSERT AMOUNT) UNDER PNC BANK, NATIONAL ASSOCIATION LETTER OF CREDIT NO. 18118217-00-000, AS SUCH AMOUNT REPRESENTS FUNDS DUE US AS WE HAVE BEEN NOTIFIED THAT PNC BANK, NATIONAL ASSOCIATION HAS ELECTED NOT TO FURTHER EXTEND THIS LETTER OF CREDIT AND WE HAVE NOT RELEASED ARMSTRONG CENTRAL UNSER BLVD, A NEW MEXICO LLC FROM THEIR LIABILITY TO US."

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

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN UNDER AND PRESENTED IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT WILL BE DULY HONORED IF PRESENTED TO US ON OR BEFORE THE EXPIRY DATE OR ANY AUTOMATICALLY EXTENDED EXPIRATION DATE.

Christen Harris

PNC BANK, NATIONAL ASSOCIATION
GLOBAL TRADE SERVICE OPERATIONS

Bernalillo County, NM
One Civic Plaza NW
P.O. Box 542
Albuquerque, NM 87102

Receipt: 0400729

Product	Name	Extended
AGRE	Agreement	$25.00
	# Pages	4
	Document #2012103259	
	# Of Entries	0
	In Person/Interested Person	false
Total		$25.00

Tender (Cash) $25.00
Paid By Bohannan Huston

Thank You!

10/3/12 10:08 AM sgallegos

RELEASE OF FINANCIAL GUARANTY

TITLE OF PROJECT: **UNSER CROSSING**
SUBDIVIDER: **ARMSTRONG CENTRAL UNSER BLVD., LLC**
CITY PROJECT NUMBER: **735684**

THIS RELEASE IS EXECUTED THIS 9th DAY OF October, 20 12.

WHEREAS, **Loan Reserve Letter** (Financial Guaranty) dated **September 18, 2008,** in the amount of **$3,924,245.61** was issued by **Huntington National Bank** ("Financial Institution") to insure **Armstrong Central Unser Blvd., LLC** ("Subdivider's") performance under the terms of the **Subdivision Improvements Agreement, Procedure B,** ("Agreement"), dated **September 17, 2008,** as amended, which Agreement was recorded on **September 18, 2008,** in the records of the Clerk of Bernalillo County, New Mexico, in Doc#:**2008103546**, pages **1** through **11**; and

WHEREAS, **Loan Reserve Letter** (Financial Guaranty) dated **April 1, 2009,** in the amount of **$2,124,245.61** was issued by **Huntington National Bank** ("Financial Institution") to insure **Armstrong Central Unser Blvd., LLC** ("Subdivider's") performance under the terms of the **2nd Amendment to Subdivision Improvements Agreement, Procedure B,** ("Agreement"), dated **June 23, 2009,** as amended, which Agreement was recorded on **June 25, 2009,** in the records of the Clerk of Bernalillo County, New Mexico, in Doc#:**2009071314**, pages **1** through **3**; and

WHEREAS, **Loan Reserve Letter** (Financial Guaranty) dated **November 4, 2010,** in the amount of **$2,124,245.61** was issued by **Huntington National Bank** ("Financial Institution") to insure **Armstrong Central Unser Blvd., LLC** ("Subdivider's") performance under the terms of the **1st Extension to Subdivision Improvements Agreement, Procedure B,** ("Agreement"), dated **November 18, 2010** as amended, which Agreement was recorded on **November 23, 2010,** in the records of the Clerk of Bernalillo County, New Mexico, in Doc#:**2010119076**, pages **1** through **4**; and

WHEREAS, **Loan Reserve Letter** (Financial Guaranty) dated **July 8, 2011,** in the amount of **$376,360.56** was issued by **Huntington National Bank** ("Financial Institution") to insure **Armstrong Central Unser Blvd., LLC** ("Subdivider's") performance under the terms of the **3rd Amendment to Subdivision Improvements Agreement, Procedure B,** ("Agreement"), dated **July 19, 2011** as amended, which Agreement was recorded on **July 21, 2011,** in the records of the Clerk of Bernalillo County, New Mexico, in Doc#:**2011066524**, pages **1** through **2**; and

WHEREAS, **Irrevocable Standby Letter of Credit** (Financial Guaranty) dated **September 14, 2012,** in the amount of **$376,360.56** was issued by **PNC Bank, National Association** ("Financial Institution") to insure **Armstrong Central Unser Blvd., LLC** ("Subdivider's") performance under the terms of the **2nd Extension to Subdivision Improvements Agreement, Procedure B,** ("Agreement"), dated **September 24, 2012** as amended, which Agreement was recorded on **October 3, 2012,** in the records of the Clerk of Bernalillo County, New Mexico, in Doc#:**2012103259**, pages **1** through **4**; and

WHEREAS, **Irrevocable Standby Letter of Credit** dated **September 14, 2012,** in the amount of **$376,360.56** has replaced **Loan Reserve Letters** dated **September 18, 2008,** as amended in the amount of **$376,360.56** issued by **Huntington National Bank**.

NOW THEREFORE, in consideration of the above, the City of Albuquerque hereby releases **Loan Reserve Letter** dated **September 18, 2012,** as amended in the amount of **$376,360.56** issued by **Huntington National Bank**.

APPROVED BY:

Richard Dourte

Richard Dourte, City Engineer 10-9-12

Dated: 10-9-12

DEVELOPER INQUIRY SHEET

To obtain NA/HOA Contact Information for Application Submittal to the Planning Department.

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: **(505) 924-3913 –OR–** you can e-mail the Zone Map and Developer Inquiry Sheet to: Stephani Winklepleck, e-mail: swinklepleck@cabq.gov. ONC will need the following information **BEFORE** NA/HOA Contact Information will be released to the Applicant/Agent on any Project being presented to the Planning Department. If you have any questions, please feel free to contact our office at **(505) 924-3914.**

Zone Map and this Developer Inquiry Sheet MUST be provided with request.
Please mark/hatch Zone Map where Property is located.

Your Developer Inquiry is for the following:

Cell Tower Submittal: [ ] Free-Standing Tower -OR- [ ] Concealed Tower
[ ] EPC Submittal [X] DRB Submittal [ ] LUCC Submittal [ ] Liquor Submittal
[ ] Administrative Amendments (AA's) Submittal [ ] City Project Submittal

CONTACT NAME: MATT SATCHES

COMPANY NAME: BOHANNAN HUSTON, INC.

ADDRESS/ZIP: 7500 JEFFERSON ST. NE ALBUQUERQUE, NM 87109

PHONE: 505-823-1000 FAX: 505-798-7988

LEGAL DESCRIPTION INFORMATION

LEGAL DESCRIPTION OF THE SUBJECT SITE FOR THIS PROJECT SUBMITTAL IS DESCRIBED BELOW (i.e., Lot A, Block A, of the For Your Information Subdivision):

TRACTS 1-A, 1-B, 2-A, 2-B, 3-A, 3-B, 4-B AND 6 OF V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1, 5-B-2 OF LANDS WEFCO PARTNERS

LEGAL DESCRIPTION

LOCATED ON

CENTRAL AVENUE

STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN UNSER BOULEVARD AND

STREET NAME OR OTHER IDENTIFYING LANDMARK

86TH STREET

STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE (K-9 & K-10).

ONC/DevelopInquirySheet/siw (01/26/12)

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

June 12, 2014

Matt Satches
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 505-823-1000/Fax: 505-798-7988
E-mail: msatches@bhinc.com

Dear Matt:

Thank you for your inquiry of **June 12, 2014** 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 project at **(DRB SUBMITTAL) TRACTS 1-A, 1-B, 2-A, 2-B, 3-A, 3-B, 4-B AND 6 OF V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1, 5-B-2 OF LANDS WEFCO PARTNERS LOCATED ON CENTRAL AVENUE SW BETWEEN UNSER BOULEVARD SW AND 86TH STREET SW** zone map **K-9-10.**

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

SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.

Please note that according to *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* 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.** 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

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NA/HOA FOR THIS PLANNING DEPARTMENT SUBMITTAL

planningrnaform(03/14/14)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.

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

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

4. A complete description of the actions requested of the EPC:
   a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
   b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes 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.

[X] **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.

[X] **Copies of Letters to Neighborhood and/or Homeowners Associations *(if there are associations).* A copy must be submitted with application packet.**

[X] **Copies of the certified receipts to Neighborhood and/or Homeowners 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: **06/12/14** Time Entered: **9:30 a.m.** ONC Rep. Initials: **siw**

ATTACHMENT A

Matt Satches
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 505-823-1000/Fax: 505-798-7988
E-mail: msatches@bhinc.com
Zone Map – K-9-10

AVALON N.A. "R"
***Kelly Chappelle**
9135 Santa Catalina Ave. NW/87121 836-1766 (h) 980-4921 (c)
Bob Wood
9135 Anacapa Ave. NW/87121

LOS VOLCANES N.A. "R"
***Ben Sandoval**
6516 Honeylocust Ave. NW/87121 836-4419 (h)
Ann McCoy
6700 Silkwood Ave. NW/87121 575-937-9406 (c)

SKYVIEW WEST N.A. "R"
***Tony Chavez**
305 Claire Ln. SW/87121 831-5824 (h) 453-1321 (c)
Beatrice Purcella
201 Claire Ln. SW/87121 831-5556 (h)

***President of NA**

Bohannan Huston

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

June 13, 2014

Ms. Beatrice Purcella
201 Claire Lane SW
Albuquerque, New Mexico 87121

Re: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Purcella:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

Michael J. Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL

91 7199 9991 7031 0465 5977

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 006.48⁰
0000819967 JUN 13 2014
MAILED FROM ZIP CODE 87109

THE SIGN STORE CPU
JUN 13 2014
ALBUQUERQUE, NM 87109-4429

Ms. Beatrice Purcella
201 Claire Lane SW
Albuquerque, New Mexico 87121

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Ms. Beatrice Purcella
201 Claire Lane SW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7199 9991 7031 0465 5977

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Bohannan Huston

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

June 13, 2014

Ms. Ann McCoy
6700 Silkwood Avenue NW
Albuquerque, New Mexico 87121

Re: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. McCoy:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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Sincerely,

Michael J. Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

CERTIFIED MAIL

Bohannan ▲ Huston

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

91 7199 9991 7031 0465 5960

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 006.48⁰
0000819967 JUN 13 2014
MAILED FROM ZIP CODE 87109

JUN 13 2014
ALBUQUERQUE, NM 87109-4429

Ms. Ann McCoy
6700 Silkwood Avenue NW
Albuquerque, New Mexico 87121

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Ms. Ann McCoy
6700 Silkwood Avenue NW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7199 9991 7031 0465 5960

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Bohannan Huston

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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

June 13, 2014

Mr. Ben Sandoval
6516 Honeylocust Avenue NW
Albuquerque, New Mexico 87121

Re: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Sandoval:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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Sincerely,

Michael J. Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

Engineering ▲
Spatial Data ▲
Advanced Technologies ▲

CERTIFIED MAIL

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

91 7199 9991 7031 0465 5953

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 006.48⁰
0000819967 JUN 13 2014
MAILED FROM ZIP CODE 87109

THE SIGN STORE CPU
JUN 13 2014
ALBUQUERQUE, NM 87109-4429

Mr. Ben Sandoval
6516 Honeylocust Avenue NW
Albuquerque, New Mexico 87121

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

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1. Article Addressed to:

MR. BEN SANDOVAL
6516 HONEYLOCIST AVE. NW
ALBUQUERQUE, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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If YES, enter delivery address below: ☐ No

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7199 9991 7031 0465 5953

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Bohannan Huston

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

June 13, 2014

Mr. Bob Wood
9135 Anacapa NW
Albuquerque, New Mexico 87121

Re: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Wood:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

Michael J. Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

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

CERTIFIED MAIL

91 7199 9991 7031 0465 5946

UNITED STATES POSTAGE PITNEY BOWES
02 1P $ 006.48⁰
0000819967 JUN 13 2014
MAILED FROM ZIP CODE 87109

THE SIGN STORE CPU
JUN 13 2014
ALBUQUERQUE, NM 87109-4429

Mr. Bob Wood
9135 Anacapa NW
Albuquerque, New Mexico 87121

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

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1. Article Addressed to:

MR. BOB WOOD
9135 ANACAPA NW
ALBUQUERQUE, NM
87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

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If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Bohannan Huston

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Albuquerque, NM
87109-4335

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voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 13, 2014

Ms. Kelly Chappelle
9135 Santa Catalina Ave. NW
Albuquerque, New Mexico 87121

Re: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Chappelle:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

Michael J. Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

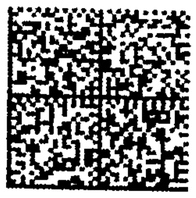
Engineering ▲
Spatial Data ▲
Advanced Technologies ▲

CERTIFIED MAIL

Bohannan Huston

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

91 7199 9991 7031 0465 5939



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 006.48⁰
0000819967 JUN 13 2014
MAILED FROM ZIP CODE 87109

Ms. Kelly Chappelle
9135 Santa Catalina Ave. NW
Albuquerque, New Mexico 87121

SENDER: *COMPLETE THIS SECTION*

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1. Article Addressed to:

Ms. Kelly Chappelle
9135 Santa Catalina Ave NW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7199 9991 7031 0465 5939

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Bohannan Huston

Courtyard I
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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

June 13, 2014

Mr. Tony Chavez
305 Claire Lane SW
Albuquerque, New Mexico 87121

Re: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Chavez:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

Michael J. Balaskovits, P.E.
Project Manager
Community Development and Planning

MJB/MHS/jcm
Enclosures

Engineering ▲
Spatial Data ▲
Advanced Technologies ▲

CERTIFIED MAIL

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

91 7199 9991 7031 0465 6004

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 006.48⁰
0000819967 JUN 13 2014
MAILED FROM ZIP CODE 87109

THE SIGN STORE CPU
JUN 13 2014
ALBUQUERQUE, NM 87109-4429

Mr. Tony Chavez
305 Claire Lane SW
Albuquerque, New Mexico 87121

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. TONY CHAVEZ
305 CLAIRE LANE SW
ALBUQUERQUE NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7199 9991 7031 0465 6004

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PROJECT #
1007204

July 9. 2014

(SIA)

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z
___x__ Major Subdivision action		
_____ Minor Subdivision action		
_____ Vacation	V	
_____ Variance (Non-Zoning)		

SITE DEVELOPMENT PLAN	P	
_____ for Subdivision Purposes		
_____ for Building Permit		
_____ Administrative Amendment (AA)		
_____ IP Master Development Plan	D	
_____ Cert. of Appropriateness (LUCC)	L	A

STORM DRAINAGE (Form D)
_____ Storm Drainage Cost Allocation Plan

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

APPEAL / PROTEST of...
_____ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal

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

APPLICATION INFORMATION:

Professional/Agent (if any): Bohannan Huston, Inc. PHONE: (505) 823-1000

ADDRESS: 7500 Jefferson NE FAX (505) 898-7988

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: mbalaskovits@bhinc.com

APPLICANT: Armstrong Development Properties PHONE: (602) 385-4101

ADDRESS: 1500 N. Priest Dr. Suite 150E, FAX: (602) 385-4101

CITY: Tempe STATE AZ ZIP 85281 E-MAIL:

Proprietary interest in site: Future Owners **List all owners:** Unser Brothers Real Property Trust, Sandia Partners LLC

DESCRIPTION OF REQUEST: Extension of SIA

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

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

Lot or Tract No. Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4B & 6 of VE Barrett Subd, & Tracts 4A1, 5B1, 5B2 Lands of Wefco Partners Block:

Subdiv/Addn/TBKA:

Existing Zoning: SU1 for C-2/01 & C-2 Proposed zoning: C-2 MRGCD Map No

Zone Atlas page(s): K-9 & K-10 UPC Code: 101005702806330324

CASE HISTORY:

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

1007204, 08EPC-40034, 08EPC-40035, 1002971

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? NO

No. of **existing** lots: 11 No. of **proposed** lots: 14 Total area of site (acres): 50

LOCATION PROPERTY BY STREETS: On or Near: SW Corner of Central Ave & Unser SW

Between: Bridge SW and 86th St

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team X. Date of review: 1/29/08

SIGNATURE DATE 7/27/12

(Print) Michael Balaskovits, PE Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 9/01, 3/03, 7/03, 10/03, 04/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
☑ All checklists are complete	12 - DRB - 70226	ESIA		$ 50.00
☑ All fees have been collected	- -	CMF		$ 20.00
☑ All case #s are assigned	- -	ADV		$ 75.00
☐ AGIS copy has been sent	- -			$
☐ Case history #s are listed	- -			$
☐ Site is within 1000ft of a landfill	- -			$
☐ F.H.D.P. density bonus				Total
☐ F.H.D.P. fee rebate	Hearing date August 22, 2012			$

7-27-12
Planner signature / date

Project # 1007204

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

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

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

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

Preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

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

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

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

(Temporary sidewalk deferral extension use FORM-V)

X Zone Atlas map with the entire property(ies) clearly outlined
X Letter briefly describing, explaining, and justifying the request
X Plat or plan reduced to 8.5" x 11"
V 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. _____
X 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.

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

Michael Balaskovits
Applicant name (print)

Applicant signature / date 7/27/12

Form revised **October 2007**

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

Application case numbers 12-DRB-70226

Planner signature / date 7-27-12

Project # 1007204

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 August 7, 2012 To August 22, 2012

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.

Bucky Hanna for BHI — 7/27/12
(Applicant or Agent) (Date)

I issued 4 signs for this application, 7-27-12 (Date) _____ (Staff Member)

DRB PROJECT NUMBER: 1007204

Rev. 1/11/05

INTER-OFFICE MEMORANDUM

COMMENTING AGENCIES

DEBBIE BAUMAN, Transportation Development
SHABIH RIZVI, Transit & Parking Department
STEVE MONTIEL, Council of Governments
LYNN MAZUR, AMAFCA
STEVE SINK, APD Crime Prevention
JAY LEE EVANS, Open Space Division
RAY SANCHEZ, Fire Department
DAVID KILPATRICK, Zoning Enforcement Inspector
STEPHANI WINKLEPLECK, Neighborhood Coordination
DANIEL ARAGON, Public Service Company of New Mexico
PATRICK SANCHEZ, New Mexico Gas Company
APRIL WINTERS, Albuquerque Public Schools
MICHELE RAMIREZ, CenturyLink
MIKE MORTUS, Comcast Cable
RAY GOMEZ, Middle Rio Grande Conservancy District (MRGCD)
SUZANNE BUSCH, Environmental Health

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

PROJECT # 1007204

Wednesday, August 22, 2012

Comments must be received by:

Friday, August 17, 2012

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests.

If you have any questions, please contact me at 924-3946 or agomez@cabq.gov

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z
__x__ Major Subdivision action		
____ Minor Subdivision action		
____ Vacation	V	
____ Variance (Non-Zoning)		
SITE DEVELOPMENT PLAN	P	
____ for Subdivision Purposes		
____ for Building Permit		
____ Administrative Amendment (AA)		
____ IP Master Development Plan	D	
____ Cert. of Appropriateness (LUCC)	L	A
STORM DRAINAGE (Form D)		
____ Storm Drainage Cost Allocation Plan		

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Bohannan Huston, Inc. PHONE: (505) 823-1000

ADDRESS: 7500 Jefferson NE FAX (505) 898-7988

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: mbalaskovits@bhinc.com

APPLICANT: Armstrong Development Properties PHONE: (602) 385-4101

ADDRESS: 1500 N. Priest Dr. Suite 150E, FAX: (602) 385-4101

CITY: Tempe STATE AZ ZIP 85281 E-MAIL: ____

Proprietary interest in site: Future Owners **List all owners:** Unser Brothers Real Property Trust, Sandia Partners LLC

DESCRIPTION OF REQUEST: Extension of SIA

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

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

Lot or Tract No. Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4B & 6 of VE Barrett Subd, & Tracts 4A1, 5B1, 5B2 Lands of Wefco Partners Block:___

Subdiv/Addn/TBKA: ____

Existing Zoning: SU1 for C-2/01 & C-2 Proposed zoning: C-2 MRGCD Map No ____

Zone Atlas page(s): K-9 & K-10 UPC Code: 101005702806330324

CASE HISTORY:

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

1007204, 08EPC-40034, 08EPC-40035, 1002971

CASE INFORMATION:

Within city limits? _X_ Yes Within 1000FT of a landfill? NO

No. of **existing** lots: 11 No. of **proposed** lots: 14 Total area of site (acres): 50

LOCATION PROPERTY BY STREETS: On or Near: SW Corner of Central Ave & Unser SW

Between: Bridge SW and 86th St.

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team X. Date of review: 1/29/08

SIGNATURE [signature] DATE 7/27/12

(Print) Michael Balaskovits, PE Applicant _X_ Agent

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
12 - ORB - 70226	ESIA		$ 50.00
- -	CMF		$ 20.00
- -	ADV		$ 75.00
- -			$
- -			$
			Total
			$

Hearing date August 22, 2012

[signature] 7-27-12
Planner signature / date

Project # 1007204

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

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

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

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

Preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

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

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

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

(Temporary sidewalk deferral extension use FORM-V)

X Zone Atlas map with the entire property(ies) clearly outlined
X Letter briefly describing, explaining, and justifying the request
X Plat or plan reduced to 8.5" x 11"
V 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. _____
X 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.

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

Michael Balaskovits
Applicant name (print)

Applicant signature / date 7/27/12

Form revised October 2007

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

Application case numbers 12-DRB-70226
_____-_____-_____
_____-_____-_____

Planner signature / date 7-27-12

Project # 1007204

Bohannan Huston

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

July 27, 2012

Jack Cloud, Chair
Development Review Board
City of Albuquerque
PO Box 1293
Albuquerque, New Mexico 87103

Re: Subdivision Improvements Agreement Extension (Procedure B)
Unser Crossing – City Project # 735684 DRB#1007204

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.

Enclosed is the following information:

- Applications for Development Review
- Reduced layout of Approved Site Plan
- Zone Atlas sheet showing the project area
- Official Notice from the Development Review Board
- Approved Infrastructure List
- Original SIA and Previous SIA extensions
- Neighborhood Notification information
- DRB Fee

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

Please place this item on the DRB agenda to be heard on August 22nd, 2012. If you have any questions, or require further information, please call me.

Sincerely,

Michael Balaskovits, P.E.
Project Engineer
Community Development and Planning

MB
Enclosures

Engineering ▲
Spatial Data ▲
Advanced Technologies ▲

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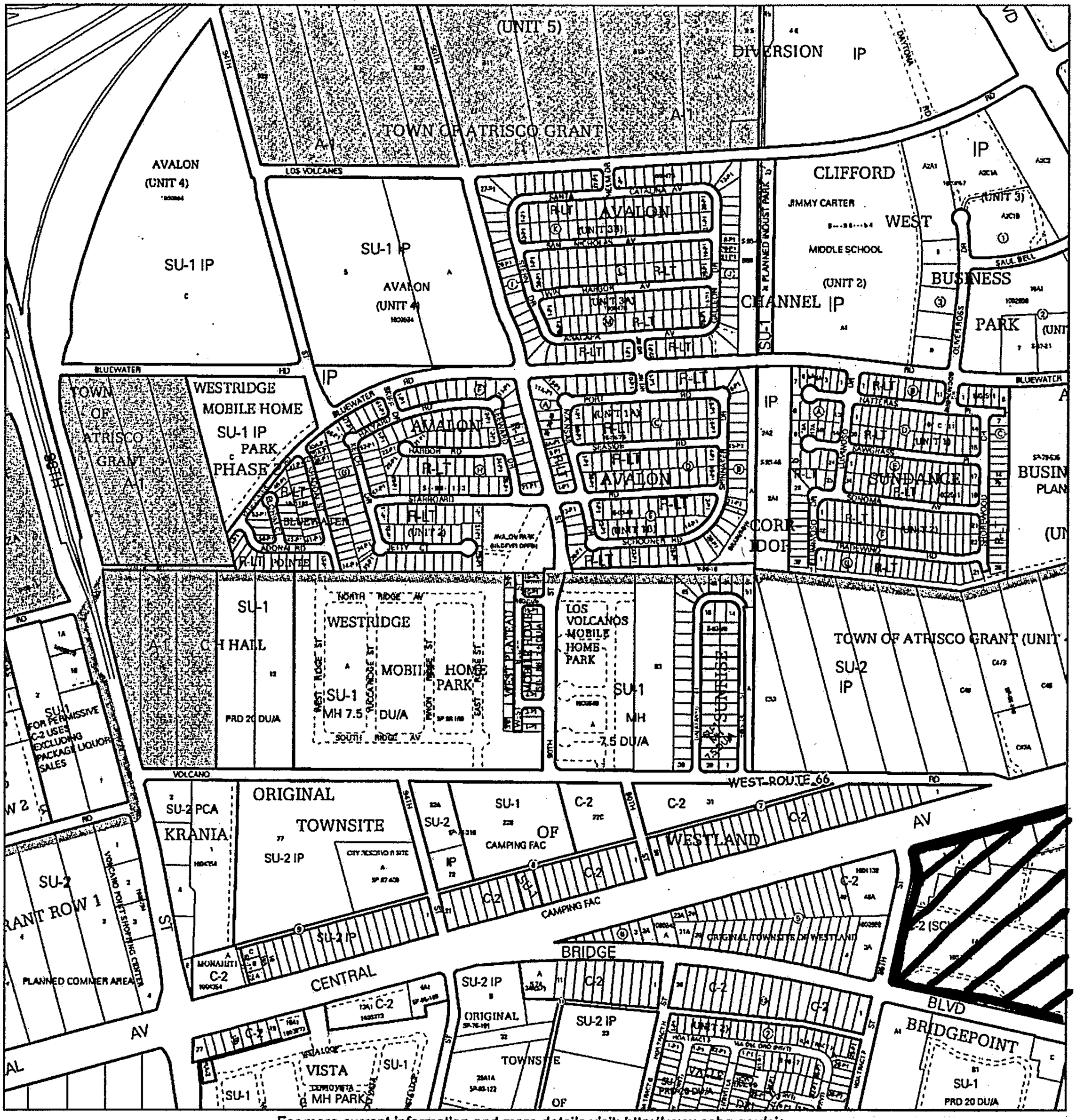
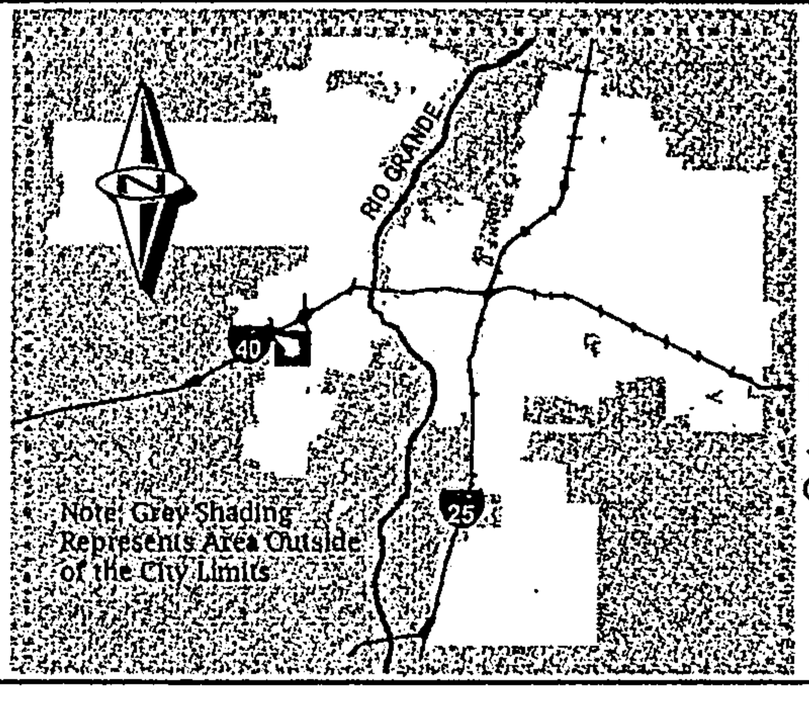


For more current information and more details visit: http://www.cabq.gov/gis

CITY OF ALBUQUERQUE
AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

K-09-Z

Selected Symbols

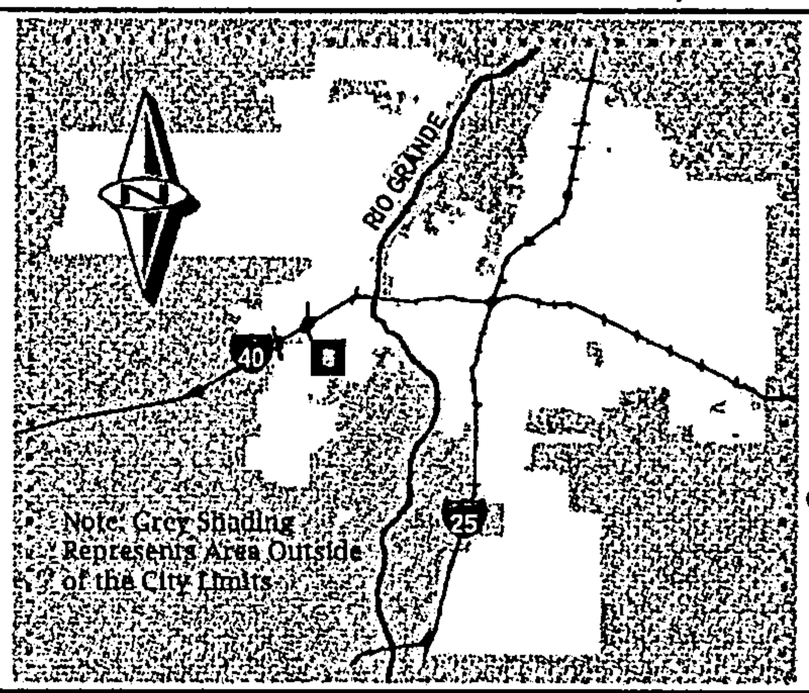
- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1,500 Feet

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

Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

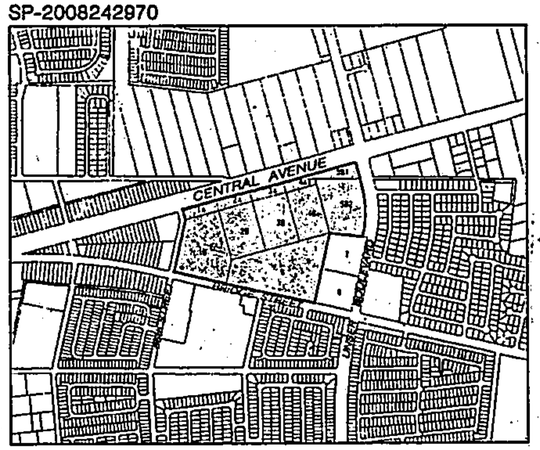
K-10-Z

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

0 — 750 — 1,500 Feet

SP-2008242970



PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

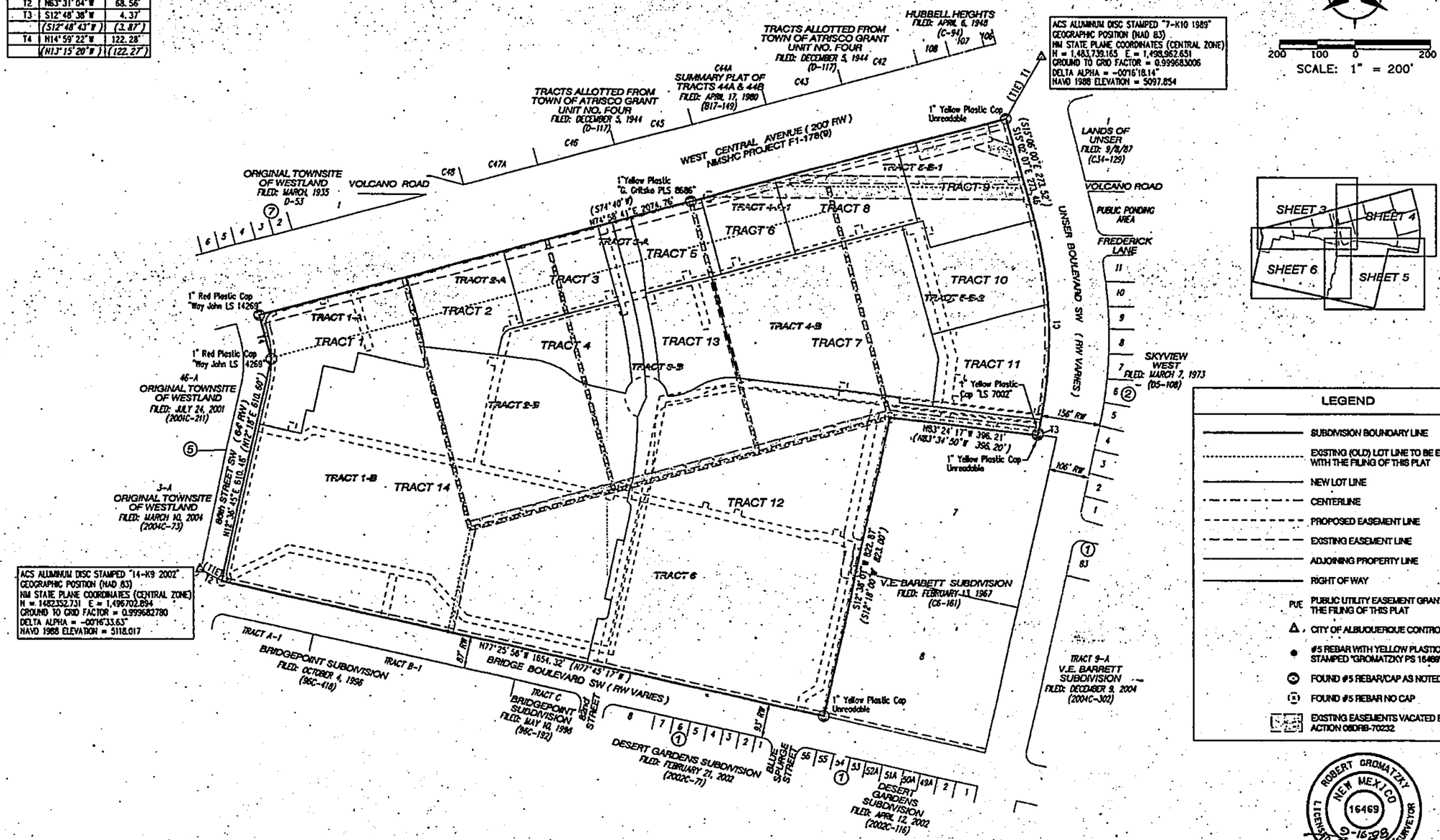
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

NOTE: SEE SHEETS 3 THRU 7 FOR SUBDIVISION DETAILS

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	27°34'44"	301.66'	591.62'	1229.11'	585.92'	S01°14'45"E
	(27°34'45")	(301.72')	(591.75')	(1229.36')	(586.05')	

TABLES ARE FOR THIS SHEET ONLY

Tangent Data		
ID	BEARING	DISTANCE
T1	N29°25'55"E	190.37'
T2	N63°31'04"W	68.56'
T3	S12°48'38"W	4.37'
	(S12°48'43"W)	(3.87')
T4	N14°59'22"W	122.28'
	(N13°15'20"W)	(122.27')



LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE — PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- CITY OF ALBUQUERQUE CONTROL MONUMENT
- #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"
- FOUND #5 REBAR/CAP AS NOTED
- FOUND #5 REBAR NO CAP
- EXISTING EASEMENTS VACATED BY VACATION ACTION 08DRB-70232

ROBERT GROMATZKY NEW MEXICO 16469 LICENSED PROFESSIONAL SURVEYOR 9-16-08

DOCN 2008103544
09/19/2008 03:41 PM Page: 2 of 7
styPLAT R:$37.00 B: 2008C P: 0209 M. Toulous Olivere, Bernalillo Cou

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

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PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

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SHEET 3 | SHEET 4 | SHEET 6 | SHEET 5

N

60 30 0 60

SCALE: 1" = 60'

ROBERT GROMATZKY NEW MEXICO 16469 LICENSED PROFESSIONAL SURVEYOR 9-15-08

VOLCANO ROAD

ORIGINAL TOWNSITE OF WESTLAND
FILED: MARCH, 1935
D-53

WEST CENTRAL AVENUE (200' RW)
NMSHC PROJECT F1-178(9)

1" Yellow Plastic "G. Grilsko PLS 8686"

TRACT 6
1.0007 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 6
0.9458 Acre
(SEE NOTE 8 & 9, SHEET 1)

TRACT 12
13.1000 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 13
1.2220 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 3
1.2688 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 4
1.2185 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 2
1.4272 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 1A

TRACT 1
2.2617 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 14
16.2112 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 2A

TRACT 2B

TRACT 3B

0.1432 Ac Additional Public Street Right-of-way for 86th Street SW Dedicated to City of Albuquerque With The Filing of This Plat

EXISTING 25' PNM EASEMENT FILED: SEPTEMBER 5, 2002 (BK A41, PG 1629)

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) EASEMENT TO REMAIN

EXISTING EASEMENT FOR ELECTRIC POWER & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161)

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

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

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09/19/2008 03:41 PM Page: 3 of 7
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PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

N

60 30 0 60

SCALE: 1" = 60'

WEST CENTRAL AVENUE (200' RW)
NMSHC PROJECT F1-178(9)

TRACT 4A1

TRACT 4B

TRACT 5B1

TRACT 5B2

TRACT 5
0.9458 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 6
1.0007 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 7
4.7196 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 8
1.6247 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 9
1.9466 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 10
1.8627 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 11
1.7307 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 12
13.1000 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 13
1.2220 Acres
(SEE NOTE 8 & 9, SHEET 1)

UNSER BOULEVARD SW (RW VARIES)

1" Yellow Plastic
C. Gritsko PLS 8686"

1" Yellow Plastic Cap
Unreadable

1" Yellow Plastic
Cap "LS 7002"

1" Yellow Plastic Cap Unreadable

PUBLIC ROADWAY EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

EXISTING 50' x 200' DRAINAGE EASEMENT AS SHOWN ON PLAT FILED: JANUARY 19, 1987 (C32-146) VACATED BY VACATION ACTION 08DRB-70232

EXISTING 40' DRAINAGE EASEMENT FILED: JANUARY 19, 1987 (C32-146) VACATED BY VACATION ACTION 08DRB-70232

EXISTING 10' PNM, MOUNTAIN BELL & CABLE CO. EASEMENT FILED: JANUARY 19, 1987 (C32-146)

EXISTING 25' PNM EASEMENT FILED: SEPTEMBER 25, 2002 (BK A42, PGS 2638 & 2639)

PUBLIC DRAINAGE EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) EASEMENT TO REMAIN

EXISTING 20' WATERLINE EASEMENT FILED: JANUARY 19, 1987 (C32-146) VACATED BY VACATION ACTION 08DRB-70232

EXISTING TEMPORARY ACCESS EASEMENT IN PLACE OF VACATED VOLCANO ROAD SW FILED: JANUARY 19, 1987 (C32-146) AND QUITCLAIM DEED VACATING VOLCANO ROAD SW R/W BUT RESERVING EASEMENTS FOR PUBLIC UTILITIES FILED: MAY 6, 1987 (BK D302-A, PG 697) AND RELEASE OF PNM EASEMENT FILED: SEPTEMBER 27, 2002 (BK A42, PG 4167) VACATED BY VACATION ACTION 08DRB-70232

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING EASEMENT FOR ELECTRIC POWER AND TELEPHONE SHOWN ON PLAT FILED: FEBRUARY 13, 1967 (C6-161) RELEASE OF PNM EASEMENT FILED: SEPTEMBER 27, 2002 (BK A42, PG 4167) VACATED BY VACATION ACTION 08DRB-70232

CENTERLINE PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING 20' UNDERGROUND UTILITY EASEMENT FILED: FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

CENTERLINE 24' PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

EXISTING 10' PNM, MOUNTAIN BELL AND CABLE COMPANY EASEMENT FILED: JANUARY 19, 1987 (C32-146)

PUBLIC SIDEWALK EASEMENT GRANTED TO CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE — PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- CITY OF ALBUQUERQUE CONTROL MONUMENT
- #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"
- FOUND #5 REBAR/CAP AS NOTED
- FOUND #5 REBAR NO CAP

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

SHEET 3 | SHEET 4 | SHEET 6 | SHEET 5

ROBERT GROMATZKY
NEW MEXICO
16469
LICENSED PROFESSIONAL SURVEYOR
9-15-08

SHEET 4 OF 7

Bohannan Huston

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

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mcole

JOB NO. 089289 004

PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

TRACT 13
1.2220 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 7
4.7196 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 14
16.2112 Acres

TRACT 12
13.1000 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 6

V.E. BARRETT SUBDIVISION
FILED: FEBRUARY 13, 1967
(C6-161)

BRIDGE BOULEVARD SW (RW VARIES)

82nd STREET

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

EXISTING EASEMENT FOR ELECTRIC POWER & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

25' PUBLIC WATERLINE & PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING 20' UNDERGROUND UTILITY EASEMENT FILED: FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

CENTERLINE 24' PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

CENTERLINE 14' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

EXISTING EASEMENT (TYPICAL) FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161)

1" Yellow Plastic Cap "LS 7002"

1" Yellow Plastic Cap Unreadable

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING (OLD) LOT LINE TO BE ELIMINATED WITH THE FILING OF THIS PLAT
- NEW LOT LINE
- CENTERLINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- RIGHT OF WAY
- PUE — PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- △ CITY OF ALBUQUERQUE CONTROL MONUMENT
- ● #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"
- ⊙ FOUND #5 REBAR/CAP AS NOTED
- ⊗ FOUND #5 REBAR NO CAP

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

SHEET 3 | SHEET 4 | SHEET 6 | SHEET 5

N

60 30 0 60

SCALE: 1" = 60'

ROBERT GROMATZKY NEW MEXICO 16469 LICENSED PROFESSIONAL SURVEYOR

DOC# 2008183544
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ttyPLAT R:137 00 B: 2008C P: 0299 M. Toulous Olivere, Bernalillo Cour

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

SHEET 5 OF 7

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PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

1" Red Plastic Cap "Way John LS 14269"

TRACT 1A

TRACT 1
2.2617 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 2
1.4272 Acres
(SEE NOTE 8, SHEET 1)

TRACT 4
1.2185 Acres
(SEE NOTE 8, SHEET 1)

TRACT 13
1.2220 Acres
(SEE NOTE 8, SHEET 1)

TRACT 2B

TRACT 1B

TRACT 14
16.2112 Acres
(SEE NOTE 8 & 9, SHEET 1)

TRACT 12
13.1000 Acres
(SEE NOTE 8, SHEET 1)

86th STREET SW (64' RW)

BRIDGE BOULEVARD SW (RW VARIES)

BRIDGEPOINT SUBDIVISION
FILED: OCTOBER 4, 1996
(96C-418)

TRACT A-1

TRACT B-1

0.1432 Ac Additional Public Street Right-of-way for 86th Street SW Dedicated to City of Albuquerque With The Filing of This Plat

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161)

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

EXISTING EASEMENT FOR ELECTRIC, POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

EXISTING 20' UNDERGROUND UTILITY EASEMENT FILED: FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) VACATED BY VACATION ACTION 08DRB-70232

EXISTING EASEMENT FOR ELECTRIC POWER, & TELEPHONE SHOWN ON PLAT FILED FEBRUARY 13, 1967 (C6-161) EASEMENT TO REMAIN

CENTERLINE 20' PUBLIC WATERLINE EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

CENTERLINE 20' PUBLIC SANITARY SEWER EASEMENT GRANTED TO ABCWUA WITH THE FILING OF THIS PLAT

PRIVATE ACCESS EASEMENT GRANTED WITH THE FILING OF THIS PLAT (SEE NOTE 11, SHEET 1)

10'PUE

N

60 30 0 60

SCALE: 1" = 60'

SHEET 3 SHEET 4 SHEET 6 SHEET 5

ROBERT GROMATZKY NEW MEXICO 16469 LICENSED PROFESSIONAL SURVEYOR 9-16-08

Bohannan ▲ Huston

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

SHEET 6 OF 7

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PLAT OF
UNSER CROSSINGS

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B & TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 6-B-1 & 6-B-2 LANDS OF WEFCO, PARTNERS)

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	27°34'44"	301.66'	591.62'	1229.11'	585.92'	S01°14'45"E
	(27°34'45")	*(301.72')*	*(591.75')*	*(1229.36')*	*(586.05')*	
C2	89°58'03"	34.98'	54.96'	35.00'	49.48'	S29°59'40"W
C3	27°36'07"	73.69'	144.52'	300.00'	143.13'	S01°11'19"E
C4	90°02'41"	25.02'	39.29'	25.00'	35.37'	S32°24'36"E
C5	62°33'54"	22.48'	40.40'	37.00'	38.43'	S43°41'57"W
C6	08°34'35"	22.49'	44.91'	300.00'	44.86'	N10°43'48"W
C7	09°56'21"	105.47'	210.42'	1213.00'	210.16'	S08°48'37"E
C8	35°08'42"	18.05'	34.96'	57.00'	34.42'	S29°07'40"W
C9	28°29'54"	38.09'	74.61'	150.00'	73.84'	N63°19'46"W
C10	25°49'36"	45.47'	89.40'	198.33'	88.65'	N56°16'01"W
C11	00°31'07"	5.56'	11.12'	1229.11'	11.12'	S14°46'33"E
C12	10°45'24"	115.71'	230.75'	1229.11'	230.41'	S09°08'18"E
C13	14°31'04"	156.56'	311.44'	1229.11'	310.60'	S03°29'56"W
C14	17°10'55"	2.27'	4.50'	15.00'	4.48'	S82°55'32"E
C15	32°05'30"	38.83'	75.61'	135.00'	74.63'	N72°26'18"E
C16	40°12'12"	60.39'	115.78'	165.00'	113.42'	N76°29'37"E
C17	01°47'09"	19.16'	38.31'	1229.11'	38.31'	S11°39'02"W
C18	90°00'00"	15.00'	23.56'	15.00'	21.21'	N57°25'11"E
C19	90°00'11"	4.00'	6.28'	4.00'	5.66'	N32°34'54"W
C20	89°59'49"	4.00'	6.28'	4.00'	5.66'	N57°25'05"E
C21	64°30'23"	15.78'	28.15'	25.00'	26.68'	N19°50'00"W
C22	02°03'06"	21.87'	43.73'	1221.00'	43.73'	N10°15'24"E
C23	37°13'34"	8.42'	16.24'	25.00'	15.96'	N27°06'02"E
C24	07°58'50"	85.52'	170.77'	1226.00'	170.63'	N04°31'50"E
C25	13°11'43"	144.58'	287.88'	1250.00'	287.24'	N08°25'14"W
C26	10°05'13"	113.58'	226.58'	1287.00'	226.28'	S08°49'31"E
C27	46°40'10"	24.59'	46.43'	57.00'	45.16'	S28°59'58"E
C28	10°45'54"	28.27'	56.37'	300.00'	56.28'	N01°03'34"W
C29	19°20'29"	51.12'	101.27'	300.00'	100.79'	S05°20'51"E
C30	12°11'31"	5.34'	10.64'	50.00'	10.62'	S06°19'32"W
C31	12°24'15"	5.43'	10.82'	50.00'	10.80'	S06°25'54"W
C32	240°04'00"	------	238.83'	57.00'	98.69'	S54°18'07"W
C33	07°57'03"	85.20'	170.13'	1226.00'	169.99'	S04°32'43"W
C34	07°17'09"	81.11'	162.00'	1274.00'	161.89'	N04°52'40"E
C35	84°10'26"	45.16'	73.46'	50.00'	67.03'	N43°19'19"E
C36	29°01'01"	41.15'	80.32'	159.00'	79.67'	N70°54'02"E
C37	40°12'12"	51.60'	98.94'	141.00'	96.92'	N76°29'37"E
C38	84°10'26"	42.45'	69.05'	47.00'	63.00'	S54°30'30"W
C39	36°54'18"	8.34'	16.10'	25.00'	15.83'	N05°50'24"W
C40	03°05'50"	33.23'	66.44'	1229.11'	66.43'	N02°12'42"W
C41	11°19'05"	12.88'	25.68'	130.00'	25.64'	S04°59'46"W
C42	08°56'47"	12.71'	25.37'	162.50'	25.35'	S06°10'55"W
C43	06°57'21"	74.43'	148.67'	1224.61'	148.58'	S05°11'12"W
C44	80°41'45"	16.99'	28.17'	20.00'	25.90'	S49°00'45"W

Tangent Data		
ID	BEARING	DISTANCE
T1	S12°48'38"W	4.37'
	(S12°48'43"W)	*(3.87')*
T2	N74°58'41"E	44.41'
T3	S14°59'22"E	13.60'
T4	N19°33'49"W	30.14'
T5	N77°35'00"W	20.00'
T6	N19°33'49"W	16.62'
T7	N19°33'49"W	13.52'
T8	S06°35'43"W	15.00'
T9	S74°58'54"W	41.76'
T10	S74°58'54"W	15.00'
T11	S74°58'54"W	56.76'
T12	N83°24'17"W	2.76'
T13	N77°34'49"W	10.28'
T14	S12°24'11"W	37.09'
T15	N77°35'00"W	14.00'
T16	N77°35'00"W	14.01'
T17	N06°50'20"W	13.22'
T18	S00°13'46"W	37.25'
T19	S00°13'46"W	17.00'
T20	S00°13'46"W	54.25'
T21	S12°38'01"W	36.53'
T22	S15°01'45"E	18.65'
T23	S15°01'45"E	11.44'
T24	N12°25'00"E	40.43'
T29	N12°38'01"E	27.37'
T32	N12°38'01"E	31.32'
T33	S12°38'01"W	35.91'
T34	N77°22'51"W	31.85'
T35	N15°01'06"W	32.50'
T36	S15°01'06"E	42.83'
T37	S74°58'15"W	29.92'
T38	N74°58'15"E	37.51'
T39	N74°58'15"E	37.50'
T40	S83°02'33"E	37.77'
T41	N06°35'43"E	30.83'
T42	N06°35'43"E	31.10'
T43	N06°35'43"E	45.58'
T44	S77°11'06"E	36.67'
T45	S77°25'56"E	27.50'
T46	S04°10'34"W	82.55'
T47	S12°25'11"W	425.17'
T48	S77°25'56"E	24.00'
T49	N12°25'11"E	425.23'
T50	N20°29'35"E	85.82'
T51	S83°24'17"E	374.78'
T52	S06°35'43"W	10.88'
T53	N57°25'02"E	34.65'
T54	N74°58'54"E	34.83'
T55	S77°21'59"E	24.11'
T56	N57°38'01"E	8.49'
T57	S32°21'59"E	8.49'
T58	S77°21'59"E	17.43'
T59	S12°38'01"W	25.00'
T60	S12°38'01"W	25.05'
T61	S12°38'01"W	26.03'
T62	S15°01'19"E	15.00'
T63	S77°21'59"E	20.54'

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SHEET 7 OF 7

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

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OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 22, 2010

Project# 1007204
10DRB-70247 MAJOR - - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion **UNSER CROSSINGS,** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW, between BRIDGE BLVD SW and 86TH ST SW containing approximately 49.16 acre(s). (K-9, K-10)

At the September 22, 2010 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by October 7, 2010, in the manner described below.

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

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

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

Jack Cloud, AICP, DRB Chair

Cc: Bohannan Huston, INC – 7500 Jefferson NE – Albuquerque, NM 87109
Armstrong Development Properties – 1500 N. Priest Dr. Ste 150 – Tempe, AZ 85281
Marilyn Maldonado
File

Current DRC
Project No. _____

Date Submitted: June 24, 2008
Date Site Plan for Bldg Permit Appr 7/9/08
Date Site Plan for Sub. Approved: ...
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

ORIGINAL

Figure 12

INFRASTRUCTURE LIST

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

Unser Crossing

DRB Project No. 1007204

1 9-5-08

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

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		11' FC-EOA	LENGTHEN EXISTING NORTH BOUND RIGHT TURN LANE (APPROX. 115 LF): PAVED ROADWAY, STRIPING, CURB AND GUTTER, 5' SIDEWALK	UNSER BLVD. (EAST SIDE OF ROW).	240' SOUTH OF LOS VOLCANES RD.	LOS VOLCANES RD.			
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF CENTRAL AVE & UNSER BLVD.					
		11' - 12'	WEST BOUND THRU LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 1,500 LF)	CENTRAL AVE.	500' EAST OF UNSER BLVD.	DRIVEWAY "B"			
		12' FC-EOA	100LF WEST BOUND LEFT TURN LANE AND MEDIAN OPENING: PAVED ROADWAY, STRIPING, CURB AND GUTTER	CENTRAL AVE. AT DRIVEWAY "B"					
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE. AT DRIVEWAY "B"					
		12' FC-EOA	EAST BOUND RIGHT TURN DECEL LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER , 6' SIDEWALK (APPROX 100 LF)	CENTRAL AVE. AT DRIVEWAY "B"					
		6' WIDE	BIKE LANE INCL PAVEMENT, STRIPING, CURB AND GUTTER, 6' SIDEWALK	CENTRAL AVE.	86TH ST.	UNSER BLVD.			
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE AT 86TH ST					

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		11' - 12'	LENGTHEN WEST BOUND LEFT TURN LANE TO 600 LF: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 370 LF)	CENTRAL AVE.	600' EAST OF 86TH ST.	86TH ST.	/	/	/
			EAST 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' NORTHBOUND LANE, 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	86TH ST.	BRIDGE BLVD.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND LEFT & THRU LANE: PAVED ROADWAY, STRIPING (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
			NORTH 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' WESTBOUND LANE AND 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	BRIDGE BLVD.	BOUNDARY OF SITE	86TH ST.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF UNSER BLVD. & BRIDGE BLVD.			/	/	/
			WEST 1/2 STREET PERMANENT IMPROVEMENTS INCLUDING TWO SOUTHBOUND LANES, 6' BIKE LANE, CURB AND GUTTER, 6' SIDEWALK	UNSER BLVD.	CENTRAL AVE.	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 200 LF)	UNSER BLVD.	200' SOUTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	SOUTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	UNSER BLVD.	100' NORTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND AND SOUTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 100 LF)	86TH ST.	100' NORTH AND 100' SOUTH OF BRIDGE BLVD.	BRIDGE BLVD.	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst. Engineer
							/	/	/
			PUBLIC SANITARY SEWER IMPROVEMENTS						
		8" DIA	SANITARY SEWER LINE WITH MH & SERVICES, AS REQUIRED	MAIN EAST-WEST SITE DRIVE	EAST TERMINUS OF CITY PROJECT #7356.82-07	UNSER BLVD.	/	/	/
							/	/	/
			PUBLIC WATERLINE IMPROVEMENTS						
		12" DIA	ABANDON EXISTING WATERLINE IN VOLCANO RD	VOLCANO RD.	CENTRAL AVE.	UNSER BLVD.	/	/	/
		~~12" DIA~~	~~WATERLINE W/ NEC. VALVES, MJ'S & RJ'S~~ (1) Delete	~~UNSER BLVD.~~	~~VOLCANO RD.~~	~~CENTRAL AVE.~~	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	MAIN EAST-WEST SITE DRIVE	86TH ST.	UNSER BLVD.	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	SITE DRIVES	CENTRAL AVE.	BRIDGE BLVD.	/	/	/
							/	/	/
			PUBLIC STORM DRAIN IMPROVEMENTS						
		5' X 20'	JUNCTION BOX AND STORM DRAIN	NW CORNER OF SITE	CULVERTS OUTFALLING ACROSS CENTRAL AVE.	STORM DRAIN IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 78" SD IN UNSER BLVD.	CENTRAL AVE.	APPROX 200LF EAST OF DRIVEWAY "C"	78" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 500LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 50LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 90" SD IN BRIDGE BLVD.	BRIDGE BLVD.	APPROX 64LF WEST OF DRIVEWAY "G"	90" SD IN BRIDGE BLVD.	/	/	/
							/	/	/

AGENT/OWNER

Racquel Michel — PREPARED BY: PRINT NAME — 6/24/2008 DATE

BOHANNAN HUSTON, INC. — FIRM:

Racquel Michel — SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR	DATE 7-9-08	Christina Sandoval PARKS & GENERAL SERVICES	DATE 7/9/08
TRANSPORTATION DEVELOPMENT	DATE 7/9/08	AMAFCA	DATE
UTILITY DEVELOPMENT	DATE 7/9/08	Bradley L. Bingham CITY ENGINEER	DATE 7/9/08
	DATE		DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	9-5-08			

THIRD AMENDMENT TO AGREEMENT TO
CONSTRUCT SUBDIVISION IMPROVEMENTS
City Project # 735684
7-19-11

WHEREAS, the City and the Subdivider entered into an Agreement to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on **September 17, 2008** , which was recorded on **September 18, 2008**, in the records of the Bernalillo County Clerk as Document No. **2008103546**, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements; and

WHEREAS, the Original Agreement was amended by an **Amendment to Agreement** dated **November 18th, 2008** recorded **November 19th, 2008**, in Document Number **2008123881**, pages **1** through **6**, records of Bernalillo County, New Mexico, maintaining the construction deadline of **September 9th, 2010**; and

WHEREAS, the Earlier Agreement was amended by a **Second Amendment to Agreement** dated **June 23rd, 2009** recorded **June 25th, 2009**, Document Number **2009071314**, pages **1** through **3**, records of Bernalillo County, New Mexico, maintaining the construction deadline of **September 9th, 2010**; and

WHEREAS, the Earlier Agreement was amended by an **Extension Agreement** dated **November 18th, 2010** recorded **November 23rd, 2010**, Document Number **2010119076**, pages **1** through **4**, records of Bernalillo County, New Mexico, extending the construction deadline to **July 17th, 2011**; and

WHEREAS, the Subdivider has requested to financially guarantee the construction of the public and/or private infrastructure; and

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

THEREFORE, the Subdivider and the City agree to amend the Original Agreement as follows:

1. Amending Section 5, Financial Guaranty, second paragraph, to read as follows:
To meet the Subdivision Ordinance requirements, the subdivider has acquired or is able to acquire the following "Financial Guaranty":

Type of Financial Guaranty: **Loan Reserve Letter**
Amount: $ **376,360.56**
Name of Financial Institution or Surety providing Guaranty: **Huntington National Bank**
Date City first able to call Guaranty: **July 15th**, 2012.
Construction Completion Deadline: **July 15th**, 2012
If Guaranty other than a Bond, last day City is able to call Guaranty is **September 13**, 2012.
Additional information: _____

Doc# 2011066524
07/21/2011 02:00 PM Page: 1 of 2
AMND R:$25.00 M. Toulouse Oliver, Bernalillo County

2. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.

SUBDIVIDER:
Armstrong Central Unser Blvd., a New Mexico Limited Liability Company

By: Gustine Investments, Inc. a Pennsylvania Corporation, its sole member

By (Signature): _____
Print Name: W GREGG BALDWIN
Title: PRES
Dated: 7/11/11

CITY OF ALBUQUERQUE:

By (Signature): _____
Richard Dourte, City Engineer
Dated: 7-19-11

7/18/11

7-13-11

SUBDIVIDER'S NOTARY

~~STATE~~ Commonwealth OF Pennsylvania)
) ss
COUNTY OF Allegheny)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary J. Coleman, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires May 13, 2014
Member, Pennsylvania Association of Notaries

This instrument was acknowledged before me on this 11th day of July, 2011 by [name of person] W. Gregg Baldwin, [title or capacity, for instance, "President" or "Owner"] President of ("Subdivider") Gustine Investments, Inc., Sole member of Armstrong Central Unser, Blvd., LLC.

My Commission Expires:
5/13/14

Mary J. Coleman
Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 19th day of July, 2011, by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My Commission Expires:
10-07-12

Linda G. Evans
Notary Public

LINDA G. EVANS NOTARY PUBLIC STATE OF NEW MEXICO

FINANCIAL GUARANTY AMOUNT

06/01/2011

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

Project Description:

Project ID #: 735684, Unser Crossing, Phase/Unit #: 1

Requested By: **Kevin Patton, P.E.**

Approved estimate amount:		$259,107.79
Contingency Amount:	0.00%	$.00
Subtotal:		$259,107.79
NMGRT	7.00%	$18,137.55
Subtotal:		$277,245.34
Engineering Fee	6.60%	$18,298.19
Testing Fee	2.00%	$5,544.91
Subotal:		$301,088.45
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		$.00
TOTAL FINANCIAL GUARANTY REQUIRED		**$376,360.56**

APPROVAL: DATE:

A Woodall 6-1-11

Notes: Reduction in FG, Unser & Los Volcanes have not been built.

Huntington

Huntington National Bank
Jeffrey W. Keating
Grant Building, 5th Floor
310 Grant Street
Pittsburgh, PA 15219
(412) 667-6484

July 8, 2011

Chief Administrative Officer
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Loan Reserve for Armstrong Central Unser Blvd., a New Mexico limited liability company
City of Albuquerque Project No.: 735684
Project Name: Unser Crossings

Dear Chief Administrative Officer:

This is to advise the City of Albuquerque ("City) that, at the request of Armstrong Central Unser Blvd., a New Mexico limited liability company, The Huntington National Bank ("Financial Institution") in Columbus, Ohio, holds as a loan reserve the sum of Three Hundred Seventy Six Thousand Three Hundred Sixty Dollars and 56/1000 Dollars ($376,360.56) ("Loan Reserve") for the exclusive purpose of providing the financial guaranty which the City requires Armstrong Central Unser Blvd., a New Mexico limited liability company ("Subdivider") to provide for the installation of the improvements which must be constructed at Unser Crossings, Project No. 735684 ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, 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 September 18, 2008 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. NA, pages NA to
NA – Doc #2008103546 ("Agreement"). This letter shall be effective on the date that the Agreement is recorded.

1. Reduction of Reserve. If the Assistant Director of Public Works/Engineering for the City, or that person's authorized designee, determines that it is appropriate to release a specified amount of the loan reserves as a result of Subdivder's construction of a portion of the required infrastructure, then the Assistant Director of Public Works/Engineering, or that person's authorized designee, may execute an "Authorization to Release" which will authorize the Financial Institution to release a specified amount of the loan reserves. The Authorization to Release will state the amount of the "Reduced Loan Reserve Balance" which must be maintained following the reduction. The Reduced Loan Reserve Balance shall not be reduced by more than 90% of the City's estimated cost of the Project until the Project is accepted by the City. When the Financial Institution receives the Authorization to Release, which has been signed by the City, the Financial Institution may reduce the loan reserve to the Reduced Loan Reserve Balance.

2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the lesser of the amount stated in the Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4 herein.

3. Draw on Reserve. If by July 15, 2012, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between July 15, 2012, and September 13, 2012, inclusive, the City may demand payment from the Financial Institution up to the lesser of the amount stated in this Loan Reserve Letter of the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment" executed by the CAO or the CAO's authorized designee, which shall state the estimated cost of completing the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

Financial Institution acknowledges and agrees that in the event Subdivider assigns the Agreement to Lowe's Home Centers, Inc., a North Carolina corporation ("Lowe's"), Lowe's shall be permitted to use this Financial Guaranty as if it were the originally named Subdivider.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or

C. Expiration of the date September 13, 2012; or

D. Written termination of this Loan Reserve Letter, signed by the Chief Administrative Officer of the City.

Very truly yours,

The Huntington National Bank

By: _____

Jeffrey W. Keating

Title: Vice President

ACCEPTED:
City of Albuquerque

By: _____
Chief Administrative Officer

Dated: 7-19-11

7-13-11

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 22, 2010

Project# 1007204
10DRB-70247 MAJOR - - 2YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS (2YR SIA)

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the referenced/ above action(s) for all or a portion **UNSER CROSSINGS,** zoned C-2, located on the SW corner of CENTRAL AVE SW and UNSER BLVD SW, between BRIDGE BLVD SW and 86TH ST SW containing approximately 49.16 acre(s). (K-9, K-10)

At the September 22, 2010 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by October 7, 2010, in the manner described below.

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

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

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

Jack Cloud, AICP, DRB Chair

Cc: Bohannan Huston, INC – 7500 Jefferson NE – Albuquerque, NM 87109
Armstrong Development Properties – 1500 N. Priest Dr. Ste 150 – Tempe, AZ 85281
Marilyn Maldonado
File

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
   a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
   b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes 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 <u>each</u> application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

[X] **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.

[X] **Copies of Letters to Neighborhood and/or Homeowners Associations *(if there are associations).* A copy must be submitted with application packet.**

[X] **Copies of the certified receipts to Neighborhood and/or Homeowners 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: **07/26/12** Time Entered: **11:25 a.m.** ONC Rep. Initials: **siw**

"ATTACHMENT A"

Becky Gauna
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 505-823-1000/Fax: 505-798-7988
Zone Maps – K-9-10

AVALON N.A. (AVA) "R"
***Kelly Chappelle**
9135 Santa Catalina Ave. NW/87121 836-1766 (h)
Robert Wood
9135 Anacapa NW/87121 352-0212 (h)

LOS VOLCANES N.A. (LVC) "R"
***Margaret K. Woods**
6503 Honeylocust Ave. NW/87121 331-6007 (h)
Ann McCoy/Chavez
6700 Silkwood Ave. NW/87121

SKYVIEW WEST N.A. (SVW) "R"
Bea Purcella
201 Claire Ln. SW/87121 831-5556 (h)
Sharon Birner
200 Gary Ln. SW/87121 836-7096 (h)

*** president of neighborhood and/or homeowner association**

Bohannan Huston

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

July 26, 2012

Ms. Kelly Chappelle
9135 Santa Catalina Ave. NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Chappelle:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

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

MJB/di
Enclosures

Engineering ▲
Spatial Data ▲
Advanced Technologies ▲

Bohannan Huston

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voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 26, 2012

Mr. Robert Wood
9135 Anacapa NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Wood:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

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

MJB/dl
Enclosures

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Bohannan Huston

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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

July 26, 2012

Ms. Margaret K. Woods
6503 Honeylocust Avenue NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Woods:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

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

MJB/di
Enclosures

\\A-Abq-Fs2\Projects\080289\Cdp\DRB-PLAT-SIA\SIA\SIA Extension July 2012\NA Notice LTR-SIA EXT.Doc

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toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 26, 2012

Ms. Ann McCoy/Chavez
6700 Silkwood Avenue NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. McCoy/Chavez:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

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

MJB/di
Enclosures

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Spatial Data ▲
Advanced Technologies ▲

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facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 26, 2012

Ms. Bea Purcella
201 Claire Lane SW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Purcella:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

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

MJB/di
Enclosures

\\A-Abq-Fs2\Projects\080289\Cdp\DRB-PLAT-SIA\SIA\SIA Extension July 2012\NA Notice LTR-SIA EXT.Doc

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facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 26, 2012

Ms. Sharon Birner
200 Gary Lane SW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Birner:

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

We are requesting a two (2) year extension of the Subdivision Improvements Agreement (Procedure B) for the offsite infrastructure improvements for the above referenced project. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a two year extension.

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

Sincerely,

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

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Advanced Technologies ▲

Bohannan Huston
Courtyard I
7500 Jefferson Street NE
Albuquerque, NM
87109 - 4335

CERTIFIED MAIL

7011 2970 0000 5101 1849

7011 2970 0000 5101 1849

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

Sent To Ann McCoy/Chavez
Street, Apt. No.; or PO Box No. 6700 Silkwood Ave NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

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

1. Article Addressed to:
McCoy/Chavez
6700 Silkwood Ave NW
Albuquerque NM
87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 2970 0000 5101 1849

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Ann McCoy/Chavez
6700 Silkwood Avenue NW
Albuquerque, NM 87121

Bohannan Huston
Courtyard I
7500 Jefferson Street NE
Albuquerque, NM
87109 - 4335

CERTIFIED MAIL

7011 2970 0000 5101 1795

7011 2970 0000 5101 1795

Sent To Sharon Birner
Street, Apt. No.; or PO Box No. 200 Gary Lane SW
City, State, ZIP+4 Albuquerque NM 87121

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Sharon Birner
200 Gary Lane SW
Albuquerque NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7011 2970 0000 5101 1795

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Sharon Birner
200 Gary Lane SW
Albuquerque, NM 87121

Bohannan Huston
Courtyard I
7500 Jefferson Street N
Albuquerque, NM
87109 - 4335

CERTIFIED MAIL™

7011 2970 0000 5101 1801

7011 2970 0000 5101 1801

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Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

Sent To Bea Purcella
Street, Apt. No.; or PO Box No. 201 Claire Lane SW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Bea Purcella
201 Claire Lane SW
Albuquerque NM
87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 2970 0000 5101 1801

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Bea Purcella
201 Claire Lane SW
Albuquerque, NM 87121

Bohannan Huston
Courtyard I
7500 Jefferson Street NE
Albuquerque, NM
87109 - 4335

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7011 2970 0000 5101 1832

7011 2970 0000 5101 1832

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

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Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To: Margaret K. Woods
Street, Apt. No.; or PO Box No.: 6503 Honeylocust Ave NW
City, State, ZIP+4: Albuq, Nerque NM 87121

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:
Margaret K. Woods
6503 Honeylocust Ave NW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

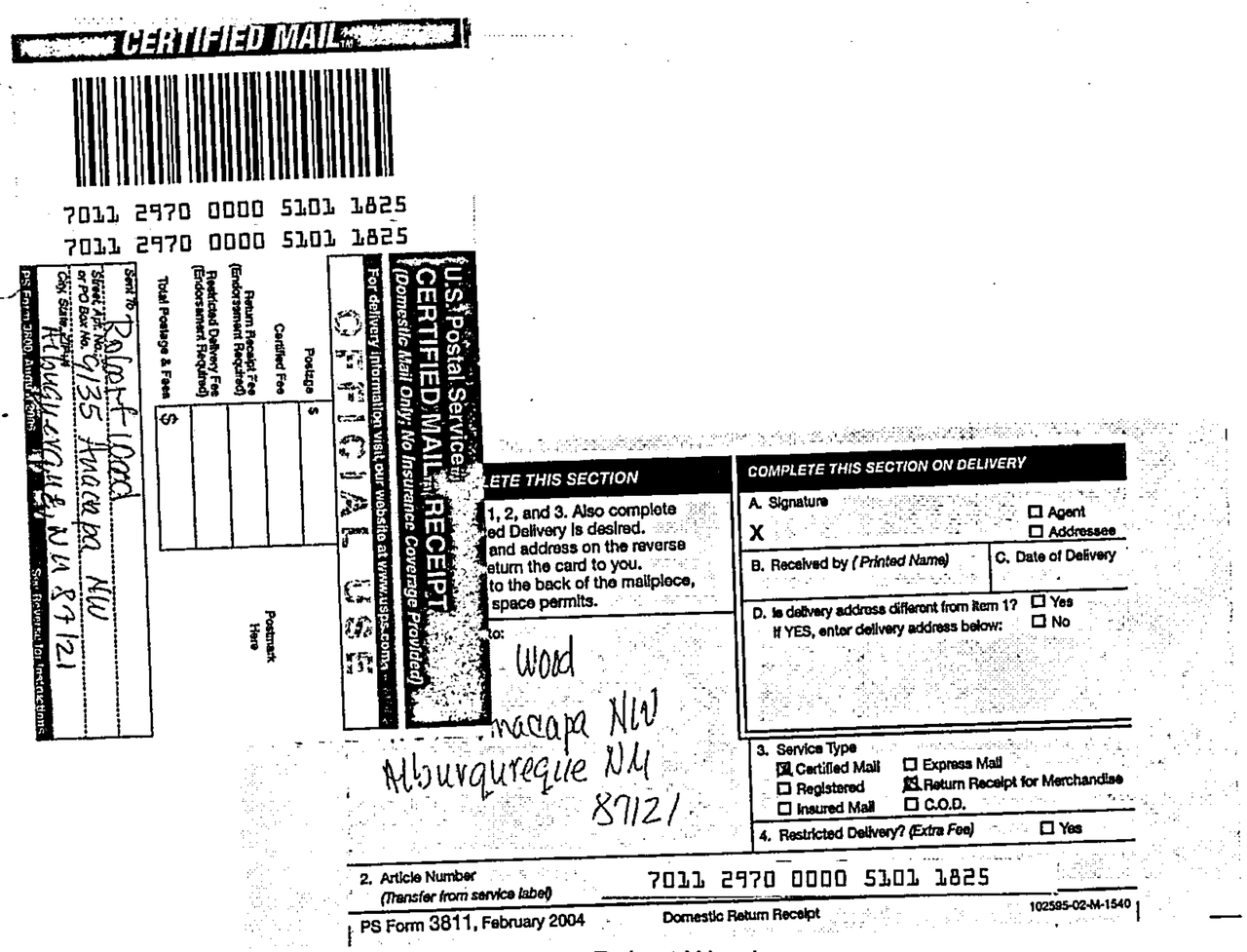
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 2970 0000 5101 1832

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Margaret K. Woods
6503 Honeylocust Avenue NW
Albuquerque, NM 87121

Bohannan ▲ Huston
Courtyard I
7500 Jefferson Street NE
Albuquerque, NM
87109 - 4335


CERTIFIED MAIL

7011 2970 0000 5101 1825

7011 2970 0000 5101 1825

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Sent To Robert Wood
Street, Apt. No. or PO Box No. 9135 Anacapa NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, June 2002 See Reverse for Instructions

COMPLETE THIS SECTION

1, 2, and 3. Also complete
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to the back of the mailpiece,
space permits.

to: Word
nacapa NW
Albuquerque NM
87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 2970 0000 5101 1825

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Robert Wood
9135 Anacapa NW
Albuquerque, NM 87121

Bohannan Huston
Courtyard I
7500 Jefferson Street NE
Albuquerque, NM
87109 - 4335

CERTIFIED MAIL

7011 2970 0000 5101 1818

7011 2970 0000 5101 1818

Sent To Kelly Chappelle
Street, Apt. No.; or PO Box No. 9135 Santa Catalina NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

U.S. Postal Service
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OFFICIAL USE

THIS SECTION

and 3. Also complete
Delivery is desired.
address on the reverse
n the card to you.
he back of the mailpiece,
ce permits.

pelle
a Catalina Av NW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 2970 0000 5101 1818

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Kelly Chappelle
9135 Santa Catalina Avenue NW
Albuquerque, NM 87121

U.S. Postal Service™
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For delivery information visit our website at www.usps.com®

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Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

THE SIGN STORE CPU ALBUQUERQUE JUL 26 Postmark Here

Sent To Robert Wood
Street, Apt. No.; or PO Box No. 9135 Anacapa NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 5101 1825

U.S. Postal Service™
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OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

THE SIGN STORE CPU ALBUQUERQUE JUL 26 2012 Postmark Here

Sent To Kelly Chappelle
Street, Apt. No.; or PO Box No. 9135 Santa Catalina NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 5101 1818

U.S. Postal Service™
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For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

THE SIGN STORE CPU ALBUQUERQUE JUL 26 2012 Postmark Here

Sent To Sharon Birner
Street, Apt. No.; or PO Box No. 200 Gary Lane SW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 5101 1795

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Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

THE SIGN STORE CPU ALBUQUERQUE JUL 26 2012 Postmark Here

Sent To Bea Purcella
Street, Apt. No.; or PO Box No. 201 Claire Lane SW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 5101 1801

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	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

THE SIGN STORE CPU ALBUQUERQUE JUL 26 Postmark Here

Sent To Ann McCoy | Chavez
Street, Apt. No.; or PO Box No. 6700 Silkwood Ave NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 5101 1849

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	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

THE SIGN STORE CPU ALBUQUERQUE JUL 26 2012 Postmark Here

Sent To Margaret K. Woods
Street, Apt. No.; or PO Box No. 6563 Honeylocust Ave NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

7011 2970 0000 5101 1832

P # 480299 1814 7-21-2017

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

08/27/2010 Issued By: PLNSDH 85976

Permit Number: **2010 070 247** **Category Code 910**

Application Number: 10DRB-70247, Major - 2yr Subd Imp Agmt Ext (2yr Sia)

Address:

Location Description: SW CORNER OF CENTRAL AVE SW & UNSER SW BETWEEN BRIDGE SW AND 86TH ST SW

Project Number: 1007204

Applicant
ARMSTRONG DEVELOPMENT PROPERTIES

1500 N PRIEST DR STE 150E
TEMPE AZ 85281
385-4101

Agent / Contact
Bohannan Huston Inc
Michael Balaskovitis
7500 Jefferson Ne
Albuquerque NM 87109

mbalaskovitis@bhinc.com

Application Fees

441018/4971000	Public Notification	$75.00
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$50.00
	TOTAL:	**$145.00**

City Of Albuquerque
Treasury Division

8/27/2010 9:39AM LOC: ANNX
WS# 010 TRANS# 0007
RECEIPT# 00000478-00000478
PERMIT# 2010070247 TRSLJS
Trans Amt $145.00
APN Fee $75.00
Conflict Manag. Fee $20.00
DRB Actions $50.00
CK $145.00
CHANGE $0.00

Thank You

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z
___x__ Major Subdivision action		
_____ Minor Subdivision action		
_____ Vacation	V	
_____ Variance (Non-Zoning)		
SITE DEVELOPMENT PLAN	P	
_____ for Subdivision Purposes		
_____ for Building Permit		
_____ Administrative Amendment (AA)		
_____ IP Master Development Plan	D	
_____ Cert. of Appropriateness (LUCC)	L	A
STORM DRAINAGE (Form D)		
_____ Storm Drainage Cost Allocation Plan		

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Bohannan Huston, Inc. PHONE: (505) 823-1000

ADDRESS: 7500 Jefferson NE FAX (505) 898-7988

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: mbalaskovits@bhinc.com

APPLICANT: Armstrong Development Properties PHONE: (602) 385-4101

ADDRESS: 1500 N. Priest Dr. Suite 150E, FAX: (602) 385-4101

CITY: Tempe STATE AZ ZIP 85281 E-MAIL: .

Proprietary interest in site: Future Owners **List all owners**: Unser Brothers Real Property Trust, Sandia Partners LLC

DESCRIPTION OF REQUEST: Extension of SIA

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

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

Lot or Tract No. Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4B & 6 of VE Barrett Subd, & Tracts 4A1, 5B1, 5B2 Lands of Wefco Partners Block: ___

Subdiv/Addn/TBKA: _____

Existing Zoning: SU1 for C-2/01 & C-2 Proposed zoning: C-2 MRGCD Map No _____

Zone Atlas page(s): K-9 & K-10 UPC Code: 101005702806330324

CASE HISTORY:

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

1007204, 08EPC-40034, 08EPC-40035, 1002971

CASE INFORMATION:

Within city limits? _X_ Yes Within 1000FT of a landfill? NO

No. of **existing** lots: 11 No. of **proposed** lots: 14 Total area of site (acres): 50

LOCATION PROPERTY BY STREETS: On or Near: SW Corner of Central Ave & Unser SW

Between: Bridge SW and 86th St.

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team X. Date of review: 1/29/08

SIGNATURE _____ DATE 8 / 27 / 2010

(Print) Michael Balaskovits, PE Applicant _X_ Agent

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

Application case numbers	Action	S.F.	Fees
10DRB-_____-70247	SIA	S(Z)	$ 50.00
_____-_____-_____	ADV	___	$ 75.00
_____-_____-_____	CME	___	$ 20.00
_____-_____-_____	_____	___	$ _____
_____-_____-_____	TOTAL		$ 145.00

HEARING SEPT. 22, 2010

Sandy Handley 08/27/10 PROJ # 1007204

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

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

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

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

Preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

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

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

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

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

(Temporary sidewalk deferral extension use FORM-V)

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

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

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

MICHAEL BARASKOVITS
Applicant name (print)

8/27/10
Applicant signature / date

Form revised **October 2007**

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

Application case numbers
10DRB-70247
_____
_____

Sandy Handley 08/27/10
Planner signature / date

Project # 1007204

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. 7, 2010 To SEPT. 22, 2010

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.

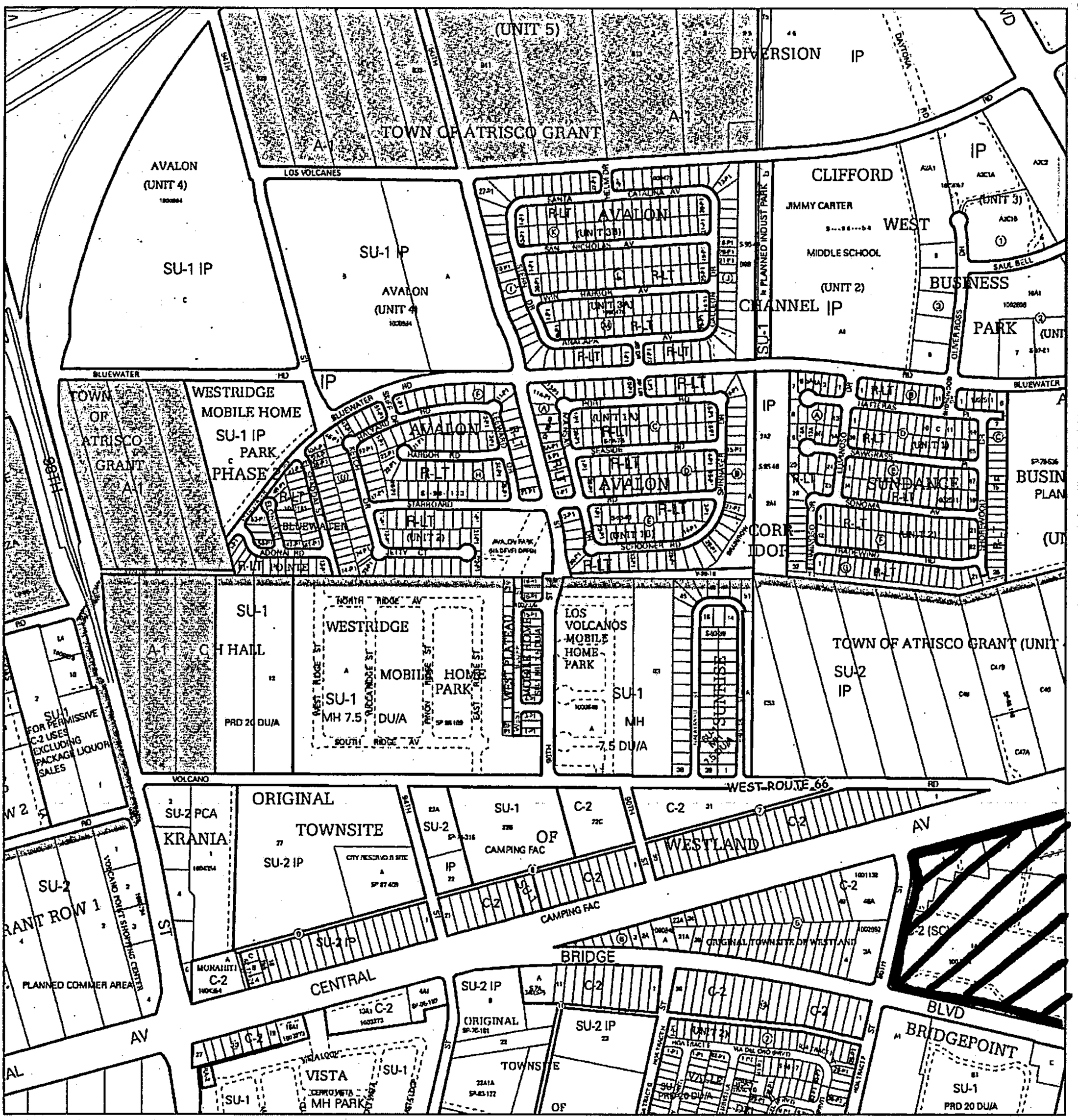
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) ~~days and (B) where~~ the sign(s) are to be located. I am being given a copy of this sheet.

(Applicant or Agent) 8/27/10 (Date)

I issued 2 signs for this application, 08/27/10 (Date) Sandy Handley (Staff Member)

DRB PROJECT NUMBER: 1007204

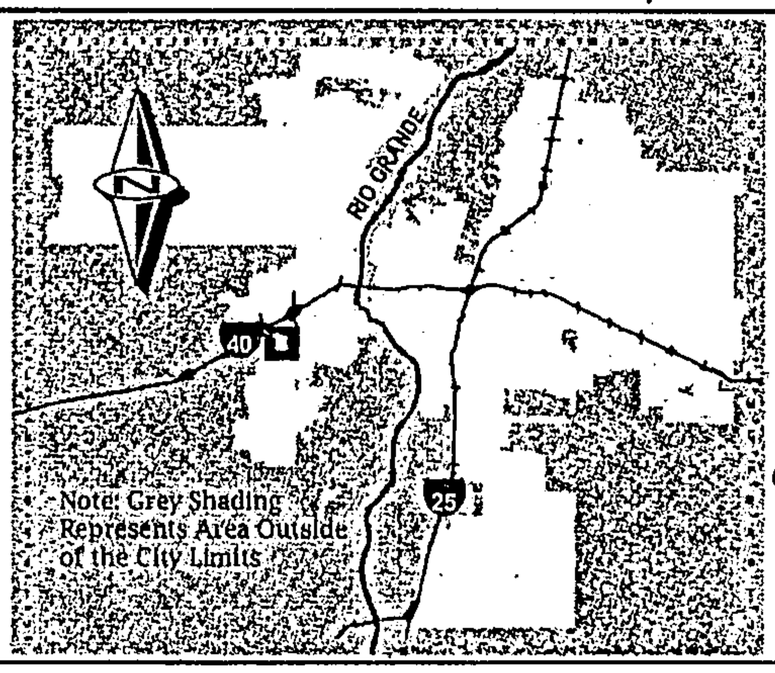
Rev. 1/11/05



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

Albuquerque Geographic Information System

Map amended through: 2/4/2010



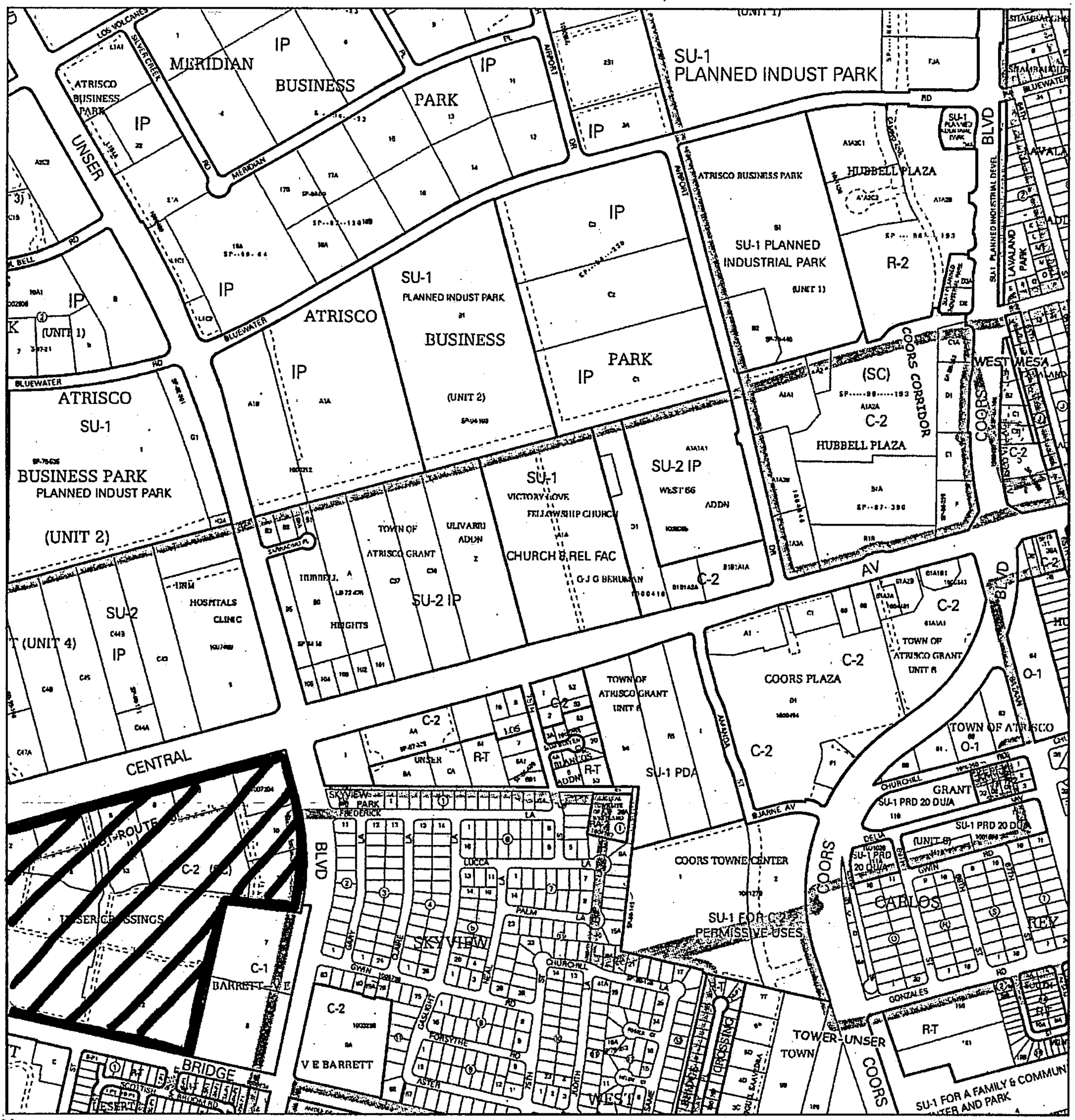
Zone Atlas Page:

K-09-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

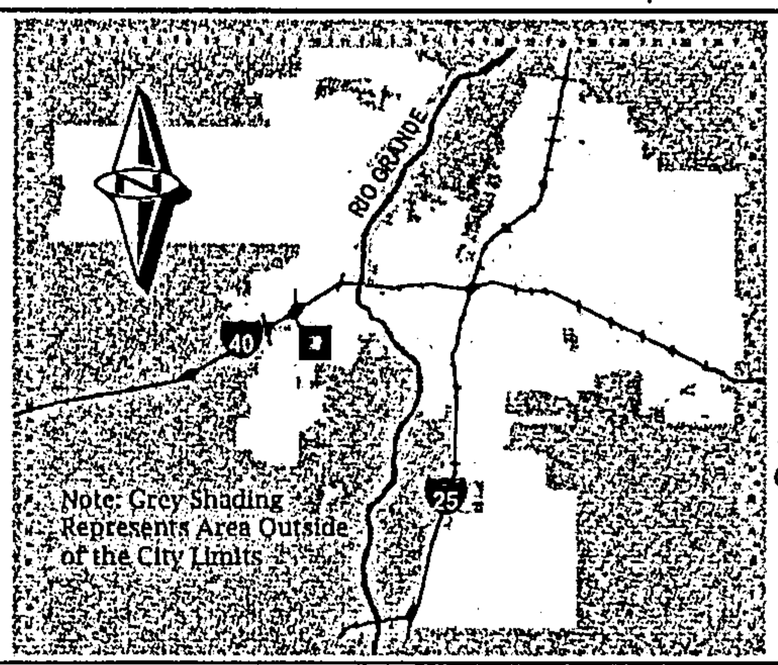
0 750 1,500 Feet



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

CITY OF ALBUQUERQUE
AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

K-10-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

0 — 750 — 1,500 Feet

Bohannan ▲ Huston INC.

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

August 27, 2010

Jack Cloud, Chair
Development Review Board
City of Albuquerque
PO Box 1293
Albuquerque, New Mexico 87103

Re: Subdivision Improvements Agreement Extension (Procedure B)
Unser Crossing – City Project # 735684 DRB#1007204

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.

Enclosed is the following information:

- Applications for Development Review
- Reduced layout of Approved Site Plan
- Zone Atlas sheet showing the project area
- Official Notice from the Development Review Board
- Approved Infrastructure List
- Original SIA and Previous SIA extensions
- 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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed 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 September 22, 2010. If you have any questions, or require further information, please call me.

Sincerely,

Michael Balaskovits, P.E.
Project Engineer
Community Development and Planning

MB
Enclosures

P:\080289\cdp\DRB-PLAT-SIA\SIA\SIA Extension\080289-DRB-JCloud LTR-SIA EXT.doc

Parking Calculations

Building #	Use	Building SF	Required Parking[1]	Transit Discount[2]	Required Parking	Required Parking	Provided Parking[3]	Disabled Required	Disabled Provided[4]	Motorcycle Required	Motorcycle Provided[4]	Bike Rack Required	Bike Rack Provided	Plaza SF Required	Plaza SF Shown
1	Retail	6,500	33	1	32	96	72	3	4	3	4	2	4	130	2,249
2	Retail	6,500	33	1	32									130	1,423
3	Retail	6,500	33	1	32	96	92	3	3	3	3	2	3	130	1,448
4	Retail	6,500	32	1	31										
5	Retail	6,500	32	1	31	86	70	3	4	2	2	1	3	254	2,801
6	Health Club	40,000	267	41	226	299	247	9	6	5	6	14	15	900	3,773
7A	Retail	30,000	138	24	114			6				7			
7B	Retail	30,000	138	24	114	214	214	6	10	5	8	7	10	3,511	7,984
7C1	Retail	4,000	21	4	20			1				1			
7C2	Retail	4,000	21	4	20			1				1			
7D	Retail	16,000	87	14	73	417	486	4	18	6	6	6	26		
7E	Retail	97,942	545	88	324			13				26			
8	Hospital	185,601	474	72	486	600	630	12	12	6	6	24	26	2,512	Shown after Bldg 6
	Entertainment														
Total		373,243	1,846	293	1,293	1,293	1,646	59	61	29	33	94	99	7,449	22,328

Parking Calculation Notes:
1. Parking generated excludes structured parking spaces.
2. Required parking for Building 6 (Health club/Gym) calculated using 1spaces per 150 SF. All other buildings follow section 14-16-3-1-A-27 of the City of Albuquerque zoning code.
3. Transit discount of 15% taken due to the fact that the site is adjacent to a regular Albuquerque Transit system route and two transit rider shelters will be built with the project.
4. First source of required parking or without transit discount.
5. Provided parking is divided into logical grouping of buildings to allow users to park close and visit multiple retailers.

MONUMENT SIGNS*

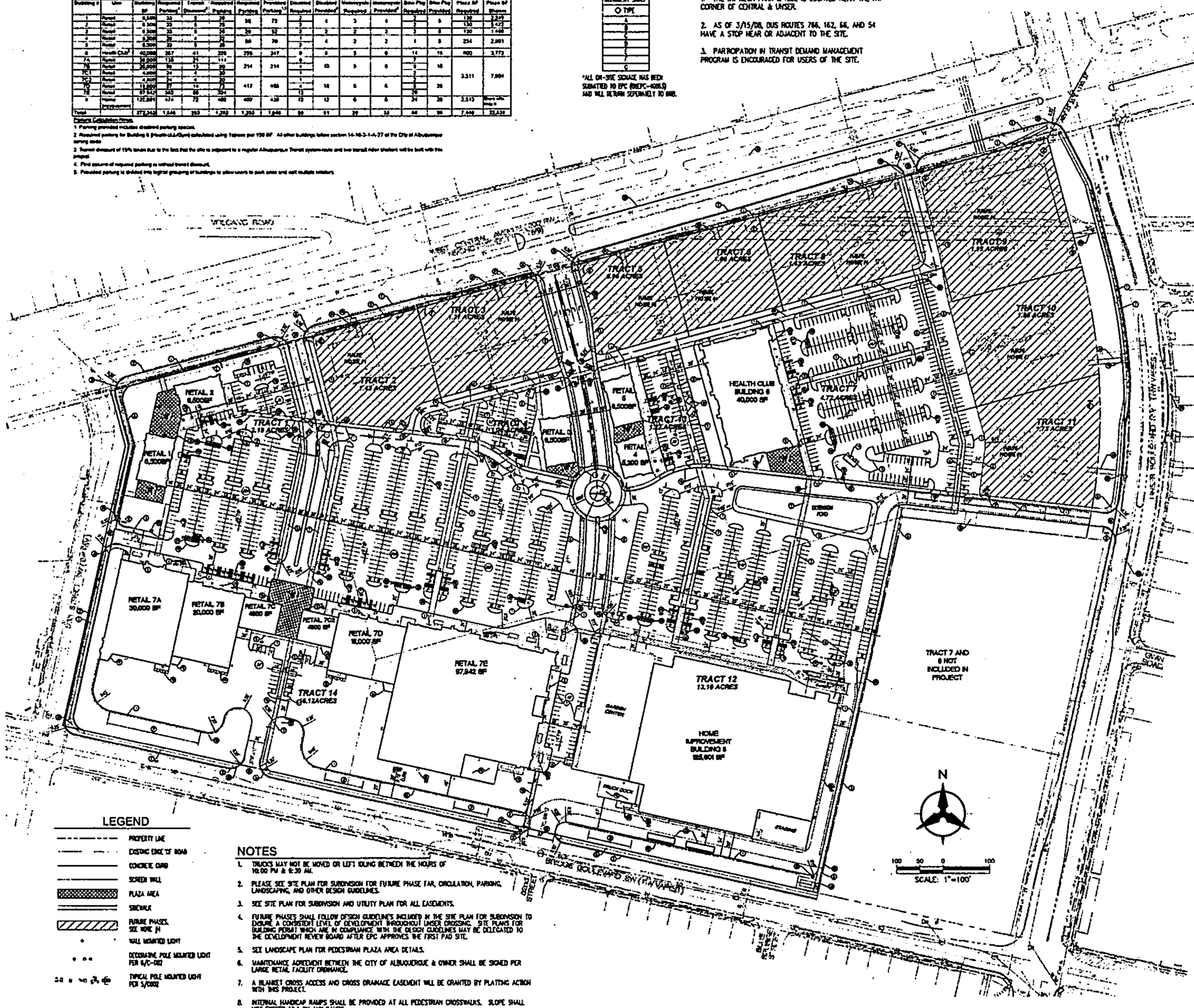
TYPE
A
B
C
D
E
F
G

*ALL ON-SITE SIGNAGE HAS BEEN SUBMITTED TO EPC (#EPC-40065) AND WILL RETURN SEPERARELY TO DRB.

TRANSIT DEPARTMENT NOTE:
1. THE SW MESA PARK & RIDE IS LOCATED NEAR THE NW CORNER OF CENTRAL & UNSER.

2. AS OF 3/15/08, ABQ RIDE ROUTES 766, 162, 66, AND 54 HAVE A STOP NEAR OR ADJACENT TO THE SITE.

3. PARTICIPATION IN TRANSIT DEMAND MANAGEMENT PROGRAM IS ENCOURAGED FOR USERS OF THE SITE.



LEGEND

- PROPERTY LINE
- DISTANT EDGE OF ROAD
- CONCRETE CURB
- SCREEN WALL
- PLAZA AREA
- SIDEWALK
- FUTURE PHASES. SEE NOTE #4
- WALL MOUNTED LIGHT
- DECORATIVE POLE MOUNTED LIGHT PER 6/C-002
- TYPICAL POLE MOUNTED LIGHT PER 5/C002

NOTES

1. TRUCKS MAY NOT BE MOVED OR LEFT IDLING BETWEEN THE HOURS OF 10:00 PM & 6:30 AM.
2. PLEASE SEE SITE PLAN FOR SUBDIVISION FOR FUTURE PHASE FAR, CIRCULATION, PARKING, LANDSCAPING, AND OTHER DESIGN GUIDELINES.
3. SEE SITE PLAN FOR SUBDIVISION AND UTILITY PLAN FOR ALL EASEMENTS.
4. FUTURE PHASES SHALL FOLLOW DESIGN GUIDELINES INCLUDED IN THE SITE PLAN FOR SUBDIVISION TO ENSURE A CONSISTENT LEVEL OF DEVELOPMENT THROUGHOUT UNSER CROSSING. SITE PLANS FOR BUILDING PERMIT WHICH ARE IN COMPLIANCE WITH THE DESIGN GUIDELINES MAY BE DELEGATED TO THE DEVELOPMENT REVIEW BOARD AFTER EPC APPROVES THE FIRST PAD SITE.
5. SEE LANDSCAPE PLAN FOR PEDESTRIAN PLAZA AREA DETAILS.
6. MAINTENANCE AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE & OWNER SHALL BE SIGNED PER LARGE RETAIL FACILITY ORDINANCE.
7. A BLANKET CROSS ACCESS AND CROSS DRAINAGE EASEMENT WILL BE GRANTED BY PLATTING ACTION WITH THIS PROJECT.
8. INTERNAL HANDICAP RAMPS SHALL BE PROVIDED AT ALL PEDESTRIAN CROSSWALKS. SLOPE SHALL NOT EXCEED 12:1 ON ANY RAMPS.

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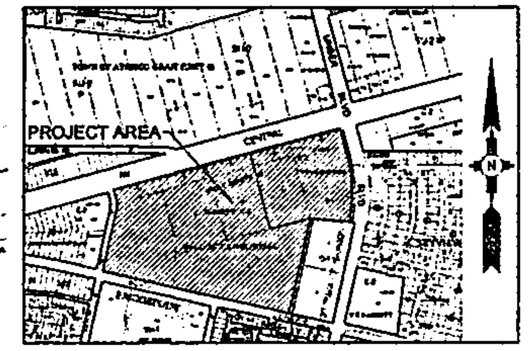
Tue, 8-JJ-2008 - 8:46:pm, Plotted by: RMICHEL



VICINITY MAP
ZONE ATLAS PAGES K-09-Z & L-10-Z

SHEET INDEX

C-080	SITE PLAN FOR BUILDING PERMIT	A-107B	ELEVATIONS BUILDING 7
C-002	SITE PLAN DETAILS	A-107C	ELEVATIONS BUILDING 7
LS-100	LANDSCAPE PLAN	A-107D	ELEVATIONS BUILDING 7
LS-102	LANDSCAPE DETAILS	A-107E-1	ELEVATIONS BUILDING 7
C-101	CONCEPTUAL GRADING & DRAINAGE PLAN	A-107E-2	ELEVATIONS BUILDING 7
C-201	CONCEPTUAL UTILITY PLAN	A-108A	ELEVATIONS BUILDING 8
A-101	ELEVATIONS BUILDING 1	A-108B	ELEVATIONS BUILDING 8
A-102	ELEVATIONS BUILDING 2	A-108C	ELEVATIONS BUILDING 8
A-103	ELEVATIONS BUILDING 3		
A-104	ELEVATIONS BUILDING 4	C-003	SITE PLAN FOR SUBDIVISION
A-105	ELEVATIONS BUILDING 5	G-101	DESIGN STANDARDS
A-106A	ELEVATIONS BUILDING 6	G-102	DESIGN STANDARDS
A-106B	ELEVATIONS BUILDING 6	G-103	DESIGN STANDARDS
A-107A	ELEVATIONS BUILDING 7		

KEYED NOTES

1. 6" CONCRETE CURB.
2. COA STANDARD CURB & GUTTER PER COA STD DWG 2415A. TO BE COMPLETED AS A PUBLIC WORK ORDER.
3. 6" TEMPORARY ASPHALT CURB.
4. 14' WIDE CONCRETE SIDEWALK.
5. 6' WIDE CONCRETE SIDEWALK PER COA STD DWG 2430. TO BE COMPLETED AS A PUBLIC WORK ORDER.
6. 6' WIDE CONCRETE SIDEWALK.
7. 10' WIDE CONCRETE SIDEWALK. SLOPE TO LANDSCAPE AREA IF POSSIBLE.
8. 6'-10" LANDSCAPE PLANTER.
9. BIKE RACK PER 3/C-002.
10. LIGHT POLE PER 5/C-002.
11. REFUSE ENCLOSURE PER 2/C-002 & 9/C-002.
12. 6' HIGH SCREEN WALL PER 9/C-002.
13. HANDICAP PARKING SPACE PER 4/C-002.
14. TRANSIT STOP WITH SHELTER PER COA STD DWG 2570. PEDESTRIAN AMENITIES SHALL BE PER SECTION 16 OF THE SITE PLAN FOR SUBDIVISION.
15. COLORED, TEXTURED, CONCRETE CROSSWALK.
16. LOADING DOCK.
17. END ISLAND PLANTER PER 1/C-002.
18. BIKE CONTRACTOR PARKING SPACES. TOTAL OF 24.
19. TRASH COMPACTOR.
20. NEW DRIVEWAY. FULL ACCESS. NEW SIGNAL RECONNECTED BY ALL. DRIVEWAY PER COA STD DWG 2426. TO BE COMPLETED AS A PUBLIC WORK ORDER.
21. NEW RIGHT IN/RIGHT OUT DRIVEWAY. DRIVEWAY PER COA STD DWG 2426. TO BE COMPLETED AS A PUBLIC WORK ORDER.
22. NEW FULL ACCESS DRIVEWAY. DRIVEWAY PER COA STD DWG 2426. TO BE COMPLETED AS A PUBLIC WORK ORDER.
23. NEW RIGHT IN, RIGHT OUT, LEFT IN DRIVEWAY. DRIVEWAY PER COA STD DWG 2426. TO BE COMPLETED AS A PUBLIC WORK ORDER.
24. CAST CORRAL RELATED METAL PIPE, PAINTED TO MATCH BUILDING.
25. MOTORCYCLE PARKING WITH SIGN PER 8/C-002.
26. WALL MOUNTED LIGHT.
27. PROPOSED DEDEL LANE/TURN LANE TO BE COMPLETED WITH PUBLIC INFRASTRUCTURE PLANS.
28. APPLIANCE AND PALLET RECYCLING STORAGE UNIT.
29. CROSS ACCESS EASEMENT TO BE CREATED BY PLATTING ACTION WITH THIS PROJECT.
30. COLUMN, SEE ARCHITECTURAL ELEVATION.
31. 8' HIGH SCREEN WALL BEHIND LOADING DOCKS PER 9/C-002.
32. PROPOSED FIRE HYDRANT LOCATION.
33. EXISTING BUS STOP LOCATION.
34. FUTURE PEDESTRIAN CONNECTION TO ADJACENT PAD SITES.
35. ADA ACCESSIBLE RAMP AND STEPS FOR PEDESTRIAN CONNECTION.
36. NEW HANDICAP RAMP PER COA STD DWG 2441 TO BE COMPLETED AS A PUBLIC WORK ORDER.
37. NEW WHEELCHAIR RAMP PER COA STD DWG 2426. MAX SLOPE IS 12:1.

PROJECT NUMBER: 1007204
Application Number: 08 DRB-70276

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated May 15, 2008 and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? (X) Yes ( ) No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL:

Traffic Engineering, Transportation Division	7/9/08 Date
Water/Utility Department	7/9/08 Date
Parks and Recreation Department	7/9/08 Date
City Engineer	9/18/08 Date
Solid Waste Management	7/15/08 Date
DRB Chairperson, Planning Department	7/18/08 Date

DSA
Darren Sowell
ARCHITECTS
4700 Lincoln N.E., Suite 111
Albuquerque, N.M. 87109
Phone: (505) 342-6200
Fax: (505) 342-6201

Bohannan Huston

Mitchell Associates, LLC

ARMSTRONG DEVELOPMENT PROPERTIES, INC.

Unser Crossing
DRB Submittal
Site Plan for Building Permit
Central Avenue and Unser Boulevard
Albuquerque, New Mexico 87121

Rev. 1	June 24, 2008
Rev. 2	July 8, 2008
Job Number	
Drawn By	BD
Checked	RH/BJS
Issue Date	June 17, 2008

SITE PLAN FOR BUILDING PERMIT

Scale

C-001

00 OF 00

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

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

August 26, 2010

Mike Balaskovits
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 505-823-1000/Fax: 505-798-7988

Dear Mike:

Thank you for your inquiry of August 26, 2010 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – TRACTS 1-A, 1-B, 2-A, 2-B, 3-A, 3-B, 4-B AND 6 OF V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1, 5-B-2 OF LANDS OF WEFCO PARTNERS, LOCATED ON CENTRAL AVENUE SW BETWEEN UNSER BOULEVARD SW AND 86TH STREET SW** zone map **K-9-10.**

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

WEST SIDE MERCHANTS ASSOC. (WSM)
Larry Nelson
929 Old Coors SW/87105 836-3330 (w)
Humberto Perez
701B Old Coors SW/87105 489-2104 (c)

AVALON N.A. (AVA) "R"
Kelly Chappelle
9135 Santa Catalina Ave. NW/87121 836-1766 (h)
Evonne Hight
8624 Hatteras Pl. NW/87121 553-1732 (h)

SKYVIEW WEST N.A. (SVW) "R"
Bea Purcella
201 Claire Ln. SW/87121 831-5556 (h)
Sharon Birner
200 Gary Ln. SW/87121 836-7096 (h)

LOS VOLCANES N.A. (LVC) "R"
M. Max Garcia
6619 Honeylocust Ave. NW/87121 833-0969 (h)
Ben Sandoval
6516 Honeylocust Ave. NW/87121 836-4419 (h)

STINSON TOWER N.A. (STT) "R"
Victor Wyant
612 Cottontail SW/87121 239-8856 (h)
Patrick Barisione
P.O. Box 12676/87195

ENCANTO VILLAGE HOA (EVH)
Pat Parkison
2823 Richmond NE/87107 217-1123 (o)

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

Sincerely,

Stephani Winklepleck

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

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.

planningrnaform(12/06/07)

Bohannan ▲ Huston INC.

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

August 26, 2010

Mr. Larry Nelson
929 Old Coors SW
Albuquerque, New Mexico 87105

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Nelson:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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

Sincerely,

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

MJB/cc
Enclosures

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August 26, 2010

Mr. Humberto Perez
701B Old Coors SW
Albuquerque, New Mexico 87105

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Perez:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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Sincerely,

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

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August 26, 2010

Ms. Kelly Chappelle
9135 Santa Catalina Ave NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Chappelle:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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

Sincerely,

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

MJB/cc
Enclosures

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ADVANCED TECHNOLOGIES ▲

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Albuquerque, NM
87109-4335

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August 26, 2010

Ms. Evonne Hight
8624 Hatteras Pl. NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Hight:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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Sincerely,

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Project Engineer
Community Development and Planning

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August 26, 2010

Ms. Bea Purcella
201 Claire Ln. SW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Purcella:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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Sincerely,

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

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August 26, 2010

Ms. Sharon Birner
200 Gary Ln. SW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Ms. Birner:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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Sincerely,

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

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August 26, 2010

Mr. M. Max Garcia
6619 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Garcia:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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

Sincerely,

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

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August 26, 2010

Mr. Ben Sandoval
6516 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Sandoval:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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Sincerely,

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

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August 26, 2010

Mr. Victor Wyant
612 Cottontail SW
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Wyant:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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

Sincerely,

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

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August 26, 2010

Mr. Patrick Barisione
PO Box 12676
Albuquerque, New Mexico 87195

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Barisione:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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Sincerely,

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

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 26, 2010

Mr. Pat Parkison
2823 Richmond NE
Albuquerque, New Mexico 87121

RE: Subdivision Improvements Agreement Extension
Unser Crossing – Project # 735684 DRB#1007204

Dear Mr. Parkison:

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

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. The extension of the north bound right turn lane on Unser Blvd. to Los Volcanes Rd. will not be completed at this time; therefore we are requesting the approval of a one year extension.

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

Sincerely,

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

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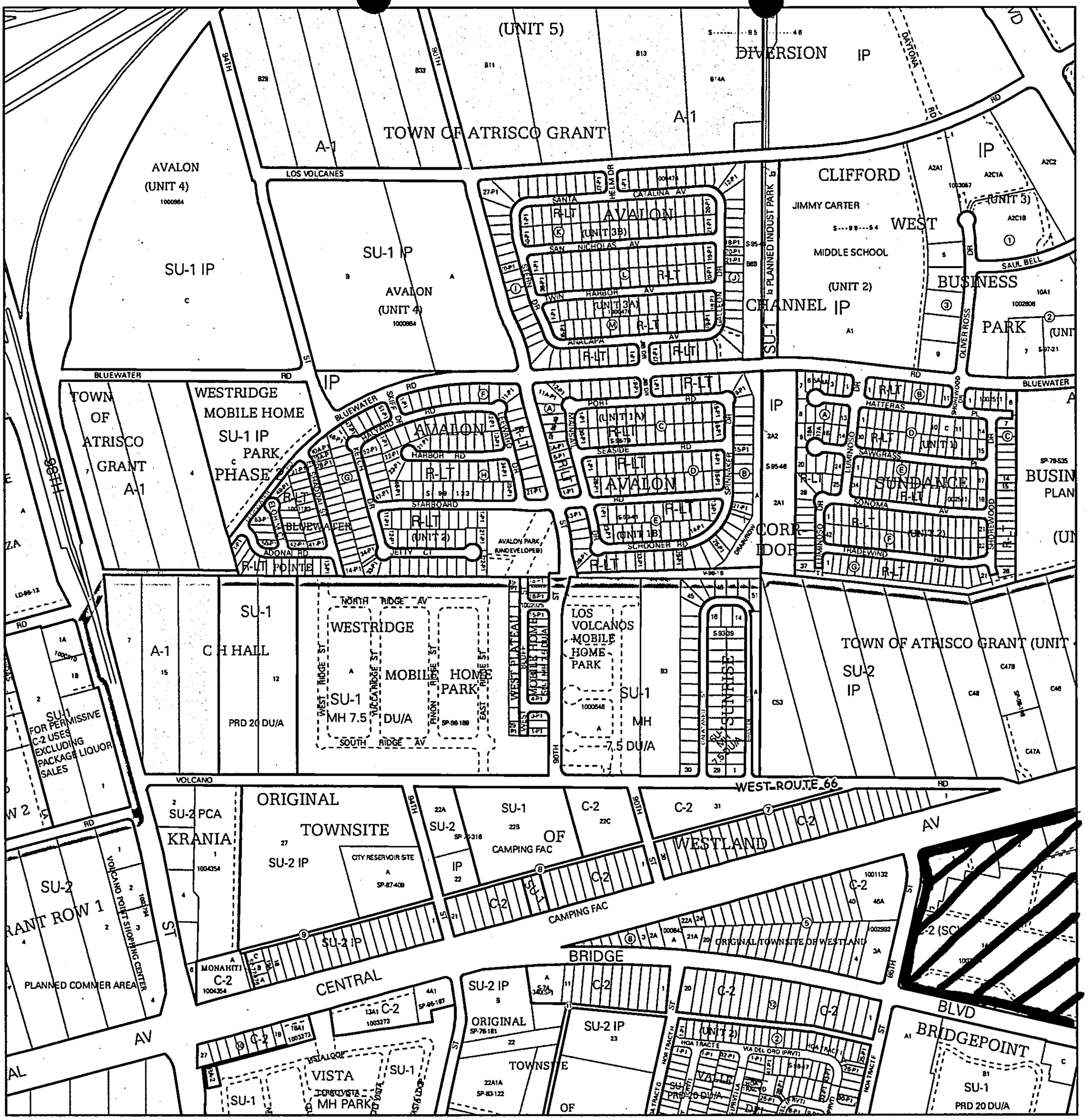
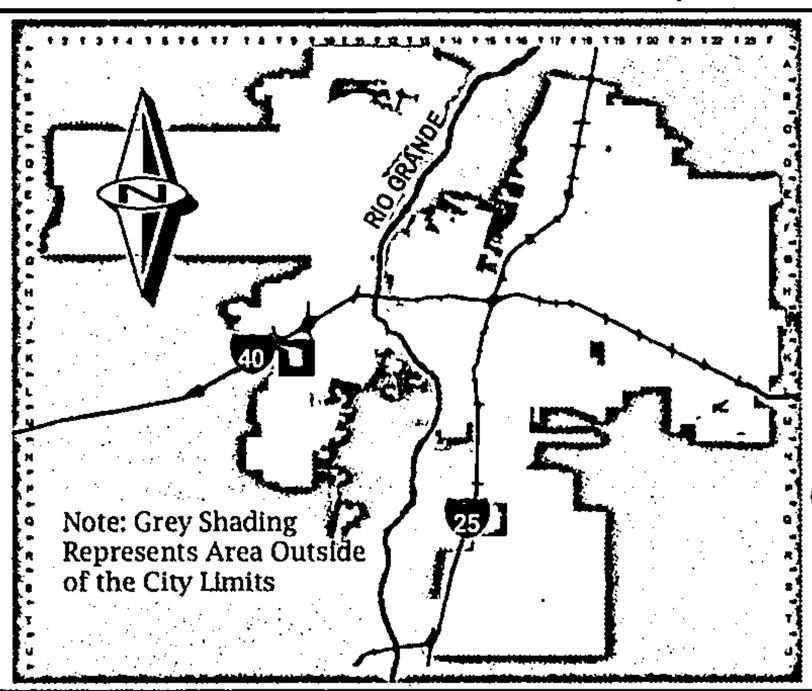
ADVANCED TECHNOLOGIES ▲



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

City of Albuquerque AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010



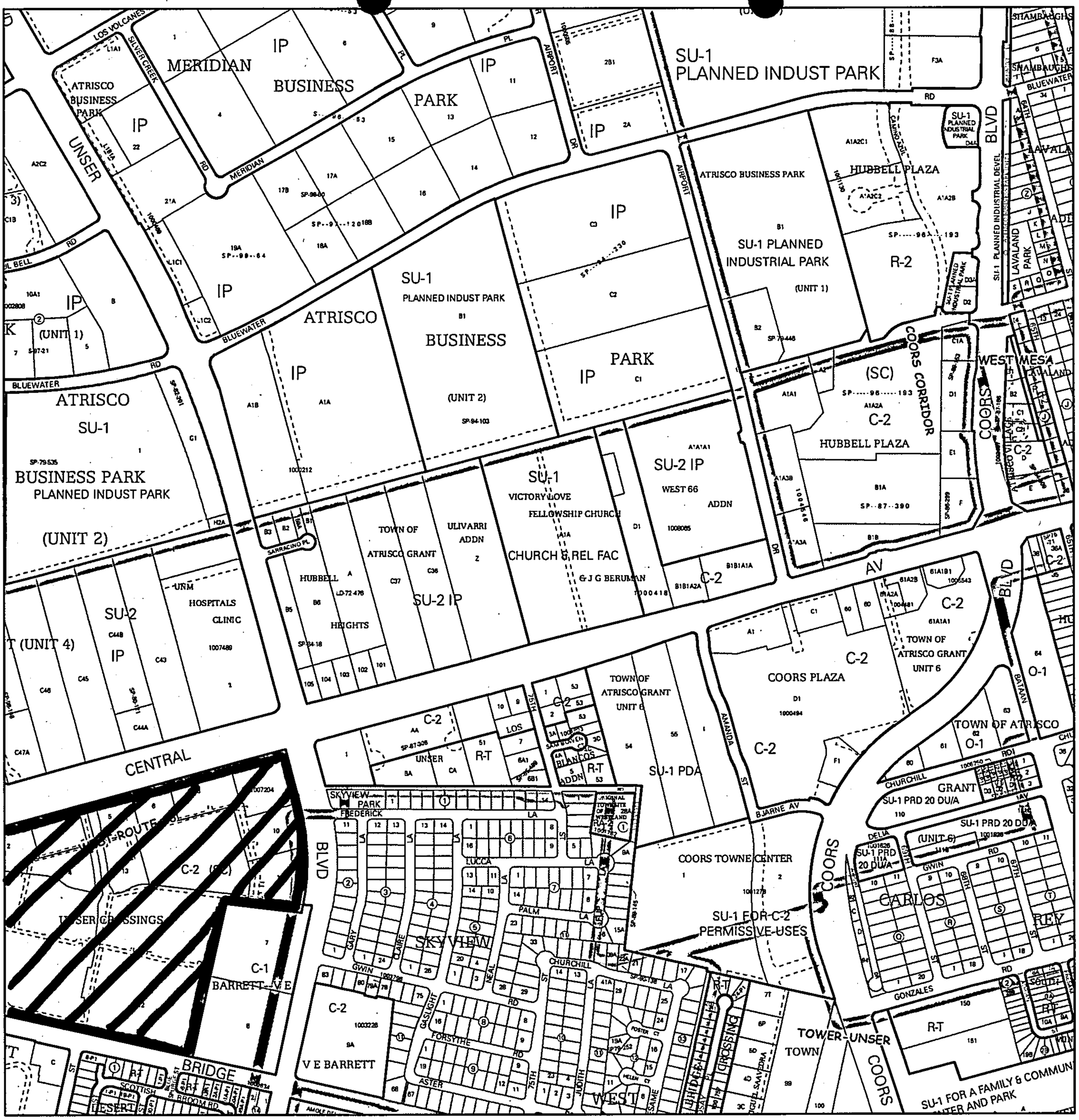
Zone Atlas Page:

K-09-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

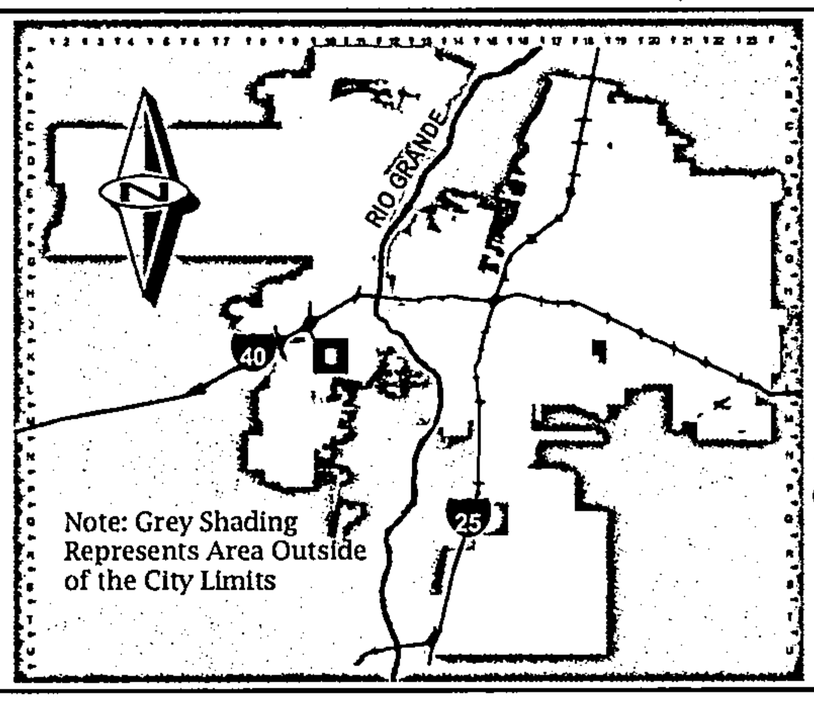
0 — 750 — 1,500 Feet



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

Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

K-10-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
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- Wall Overlay Zone

0 750 1,500 Feet

Bohannan Huston

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

CERTIFIED MAIL

91 7108 2133 3935 6711 4307

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 005.54⁰
0003100114 AUG 26 2010
MAILED FROM ZIP CODE 87109

Mr. Larry Nelson
929 Old Coors SW
Albuquerque, New Mexico 87105

Bohannan Huston

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

CERTIFIED MAIL

91 7108 2133 3935 6711 4291

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 005.54⁰
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MAILED FROM ZIP CODE 87109

Mr. Humberto Perez
701B Old Coors SW
Albuquerque, New Mexico 87105

Bohannan Huston

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

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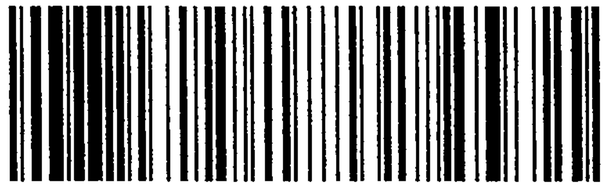

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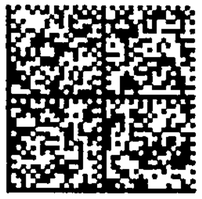

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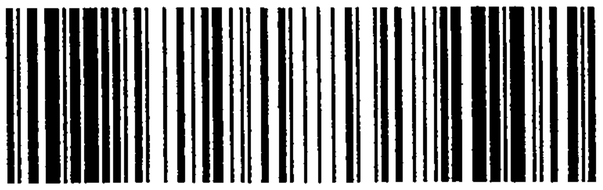
Ms. Kelly Chappelle
9135 Santa Catalina Ave NW
Albuquerque, New Mexico 87121

Bohannan Huston

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

CERTIFIED MAIL



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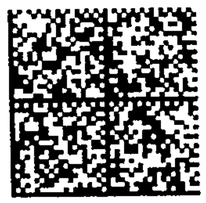

02 1P $ 005.54⁰
0003100114 AUG 26 2010
MAILED FROM ZIP CODE 87109

Ms. Evonne Hight
8624 Hatteras Pl. NW
Albuquerque, New Mexico 87121

CERTIFIED MAIL

Bohannan Huston

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

91 7108 2133 3935 6711 4260

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 005.54⁰
0003100114 AUG 26 2010
MAILED FROM ZIP CODE 87109

Ms. Bea Purcella
201 Claire Ln. SW
Albuquerque, New Mexico 87121

CERTIFIED MAIL

Bohannan Huston

Courtyard 1
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Ms. Sharon Birner
200 Gary Ln. SW
Albuquerque, New Mexico 87121

Bohannan Huston

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

CERTIFIED MAIL

91 7108 2133 3935 6711 4246

UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 87109

Mr. M. Max Garcia
6619 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

Bohannan Huston

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

CERTIFIED MAIL

91 7108 2133 3935 6711 4239

UNITED STATES POSTAGE
PITNEY BOWES
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0003100114 AUG 26 2010
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Mr. Ben Sandoval
6516 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

CERTIFIED MAIL

Bohannan Huston

Courtyard 1
7500 Jefferson St. NE
Albuquerque, NM
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91 7108 2133 3935 6711 4222

UNITED STATES POSTAGE
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Mr. Victor Wyant
612 Cottontail SW
Albuquerque, New Mexico 87121

CERTIFIED MAIL

Bohannan Huston

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

91 7108 2133 3935 6711 4215

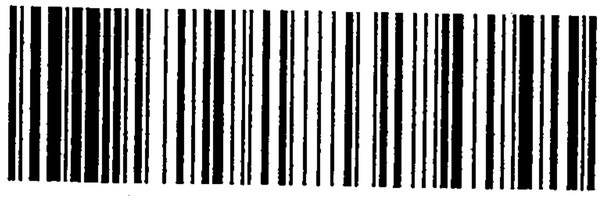
UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 005.54⁰
0003100114 AUG 26 2010
MAILED FROM ZIP CODE 87109

Mr. Patrick Barisione
PO Box 12676
Albuquerque, New Mexico 87195

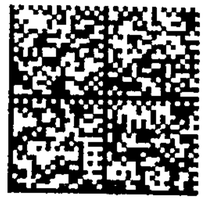
Bohannan ▲ Huston

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

CERTIFIED MAIL



91 7108 2133 3935 6711 4208



Mr. Pat Parkison
2823 Richmond NE
Albuquerque, New Mexico 87121

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Mr. Larry Nelson
929 Old Coors SW
Albuquerque, New Mexico 87105

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4307

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: *COMPLETE THIS SECTION*

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

1. Article Addressed to:

Mr. Humberto Perez
701B Old Coors SW
Albuquerque, New Mexico 87105

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4291

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: *COMPLETE THIS SECTION*

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1. Article Addressed to:

Ms. Kelly Chappelle
9135 Santa Catalina Ave NW
Albuquerque, New Mexico 87121

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A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4284

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Ms. Evonne Hight
8624 Hatteras Pl. NW
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4277

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Ms. Bea Purcella
201 Claire Ln. SW
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4260

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Sharon Birner
200 Gary Ln. SW
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4253

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: *COMPLETE THIS SECTION*

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. M. Max Garcia
6619 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4246

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Ben Sandoval
6516 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4239

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Victor Wyant
612 Cottontail SW
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4222

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mr. Patrick Barisione
PO Box 12676
Albuquerque, New Mexico 87195

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4215

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Mr. Pat Parkison
2823 Richmond NE
Albuquerque, New Mexico 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

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If YES, enter delivery address below: ☐ No

3. Service Type
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☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3935 6711 4208

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

(1)

No. of Lots: _____
Nearest Major Streets:

_____

_____

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 17th day of September, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Armstrong Central Unser Blvd., LLC a New Mexico limited liability company ("Subdivider"), whose address is: c/o Armstrong Development Properties, Inc., 1500 N. Priest Dr., Suite 150E, Tempe, AZ 85281 and whose telephone number is 602-385-4100, 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 Tracts One-A (1-A), One-B (1-B), Two-A (2-A), Two-B (2-B), Three-A (3-A), Three-B (3-B), Four-B (4-B) and Six (6) of V.E. Barrett Subdivision, recorded on February 13, 1967 in the records of the Bernalillo County Clerk at Book C6, page 161 AND Tracts Four-A-1 (4-A-1), Five-B-1 (5-B-1), Five-B-2 (5-B-2) of Lands of Wefco Partners, recorded on April 6, 1987 in the records of the Bernalillo County Clerk at Book C-33, page 81 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by Armstrong Central Unser Blvd., LLC and Sandia Plaza Partners, LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Unser Crossings 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 9th day of September, 2010 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 735684.

Note: To compute the Construction Completion Deadline: The Construction Completion Deadline shall be two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-5-3.)

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09/18/2008 03:48 PM Page: 1 of 11
AGRE R:$29.00 M. Toulouse Oliver, Bernalillo County

7204

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:

Type of Fee	Amount
Engineering Fee	3.25% of Actual Construction Cost as required per City-approved estimate.
Excavation and Sidewalk Ordinance, Street Restoration Fees	(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.

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

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

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Terracon Consultants Inc. , and field testing of the private Improvements shall be performed by Terracon Consultants 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: loan reserve letter
Amount: $3,924,245.61
Name of Financial Institution or Surety providing Guaranty:
Huntington National Bank
Date City first able to call Guaranty: September 9, 2010
[Construction Completion Deadline]: September 9, 2010.
If Guaranty other than a Bond, last day City able to call Guaranty is:
November 8 , 2010 .

Additional information: Pursuant to a Development Agreement that may be entered into between Subdivider and City, the off-site infrastructure Improvements will be constructed by the City of Albuquerque. The off-site infrastructure Improvements to be constructed by the City will be more particularly described in said Development Agreement.

Pursuant to § 14-14-5-6 of the City subdivision regulations, Subdivider's Financial Guaranty may be reduced by $1,800,000 to reflect the cost of the off-site Infrastructure Improvements that have been assumed by the City.

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 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 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. **Subdivider shall be permitted to freely assign this Agreement to Lowe's Home Centers Inc., a North Carolina corporation or Huntington National Bank provided; 1) the form of assignment is substantially in the form attached as Exhibit B; 2) Subdivider has executed a power of attorney to Assignee substantially in the form attached as Exhibit C; and, 3) Subdivider provides the written concurrence of the financial institution or surety which has undertaken to guarantee the completion of the Improvements (provided that this may be satisfied by the terms of the Financial Guaranty given pursuant to Section 5 above). However, any reduction in the amount of the Financial Guaranty shall be subject to Section 9 above.**

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 (6) days after the notice is mailed if there is no actual evidence of receipt.

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

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

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

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

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City 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.

[REMAINDER OF PAGE LEFT BLANK]

[SIGNATURES ON FOLLOWING PAGE]

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

SUBDIVIDER: Armstrong Central Unser Blvd. LLC, CITY OF ALBUQUERQUE
a New Mexico limited liability company

By: Gustine Investments, Inc., a
Pennsylvania corporation

By [Signature]: Rebecca A Chembars
Name: REBECCA A. CHEMBARS
Title: ASSISTANT SECRETARY
Dated: 9-9-08

City Engineer
Dated: 9-17-05
9/16/08

an
9-15-08

COMMONWEALTH OF PENNSYLVANIA

SUBDIVIDER'S NOTARY

~~STATE OF~~ _____)
COUNTY OF ALLEGHENY) ss.

This instrument was acknowledged before me on 9TH day of SEPTEMBER 2008 by [name of person:] REBECCA A. CHEMBARS, [title or capacity for instance, "President" or "Owner":] ASSISTANT SECRETARY of Gustine Investments, Inc., a Pennsylvania corporation, the sole member of Armstrong Central Unser Blvd., LLC, a New Mexico limited liability company.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Diane M. Oberleitner, Notary Public
Upper St. Clair Township, Allegheny County
My commission expires June 19, 2011

Diane M. Oberleitner
Notary Public

My Commission Expires:
June 19, 2011

CITY'S NOTARY

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

This instrument was acknowledged before me on 17th day of September, 2008 by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Notary Public

My Commission Expires:
10-07-2012

Current DRC
Project No. _____

Date Submitted: June 24, 2008
Date Site Plan for Bldg Permit Appr 7/9/08
Date Site Plan for Sub. Approved: ___
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

ORIGINAL

Figure 12

INFRASTRUCTURE LIST

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

Unser Crossing

DRB Project No. 1007204

1 9-5-08

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

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		PUBLIC ROADWAY IMPROVEMENTS							
		11' FC-EOA	LENGTHEN EXISTING NORTH BOUND RIGHT TURN LANE (APPROX. 115 LF): PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK	UNSER BLVD. (EAST SIDE OF ROW).	240' SOUTH OF LOS VOLCANES RD.	LOS VOLCANES RD.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF CENTRAL AVE & UNSER BLVD.			/	/	/
		11' - 12'	WEST BOUND THRU LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 1,500 LF)	CENTRAL AVE.	500' EAST OF UNSER BLVD.	DRIVEWAY "B"	/	/	/
		12' FC-EOA	100LF WEST BOUND LEFT TURN LANE AND MEDIAN OPENING: PAVED ROADWAY, STRIPING, CURB AND GUTTER	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		12' FC-EOA	EAST BOUND RIGHT TURN DECEL LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX 100 LF)	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		6' WIDE	BIKE LANE INCL PAVEMENT, STRIPING, CURB AND GUTTER, 6' SIDEWALK	CENTRAL AVE.	86TH ST.	UNSER BLVD.	/	/	/
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE AT 86TH ST			/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer
		11' - 12'	LENGTHEN WEST BOUND LEFT TURN LANE TO 600 LF: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 370 LF)	CENTRAL AVE.	600' EAST OF 86TH ST.	86TH ST.	/	/	/
			EAST 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' NORTHBOUND LANE, 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	86TH ST.	BRIDGE BLVD.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND LEFT & THRU LANE: PAVED ROADWAY, STRIPING (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
			NORTH 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' WESTBOUND LANE AND 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	BRIDGE BLVD.	BOUNDARY OF SITE	86TH ST.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF UNSER BLVD. & BRIDGE BLVD.			/	/	/
			WEST 1/2 STREET PERMANENT IMPROVEMENTS INCLUDING TWO SOUTHBOUND LANES, 6' BIKE LANE, CURB AND GUTTER, 5' SIDEWALK	UNSER BLVD.	CENTRAL AVE.	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 200 LF)	UNSER BLVD.	200' SOUTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	SOUTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	UNSER BLVD.	100' NORTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND AND SOUTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 100 LF)	86TH ST.	100' NORTH AND 100' SOUTH OF BRIDGE BLVD.	BRIDGE BLVD.	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst. Engineer
							/	/	/
		PUBLIC SANITARY SEWER IMPROVEMENTS							
		6" DIA	SANITARY SEWER LINE WITH MH & SERVICES, AS REQUIRED	MAIN EAST-WEST SITE DRIVE	EAST TERMINUS OF CITY PROJECT #7356.82-07	UNSER BLVD.	/	/	/
							/	/	/
		PUBLIC WATERLINE IMPROVEMENTS							
		12" DIA	ABANDON EXISTING WATERLINE IN VOLCANO RD	VOLCANO RD.	CENTRAL AVE.	UNSER BLVD.	/	/	/
		~~12" DIA~~ 1 Delete	~~WATERLINE W/ NEC. VALVES, MJ'S & RJ'S~~	~~UNSER BLVD.~~	~~VOLCANO RD.~~	~~CENTRAL AVE.~~	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	MAIN EAST-WEST SITE DRIVE	86TH ST.	UNSER BLVD.	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	SITE DRIVES	CENTRAL AVE.	BRIDGE BLVD.	/	/	/
							/	/	/
		PUBLIC STORM DRAIN IMPROVEMENTS							
		5' X 20'	JUNCTION BOX AND STORM DRAIN	NW CORNER OF SITE	CULVERTS OUTFALLING ACROSS CENTRAL AVE.	STORM DRAIN IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 78" SD IN UNSER BLVD.	CENTRAL AVE.	APPROX 200LF EAST OF DRIVEWAY "C"	78" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 500LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 50LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 90" SD IN BRIDGE BLVD.	BRIDGE BLVD.	APPROX 64LF WEST OF DRIVEWAY "G"	90" SD IN BRIDGE BLVD.	/	/	/
							/	/	/

AGENT/OWNER

Racquel Michel — 6/24/2008
PREPARED BY: PRINT NAME — DATE

BOHANNAN HUSTON, INC.
FIRM:

Racquel Michel
SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

[signature] DRB CHAIR	7-9-08 DATE	Christina Sandoval PARKS & GENERAL SERVICES	7/9/08 DATE
[signature] TRANSPORTATION DEVELOPMENT	7/9/08 DATE	AMAFCA	DATE
[signature] UTILITY DEVELOPMENT	7/9/08 DATE	Bradley L. Bingham CITY ENGINEER	7/9/08 DATE
			DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	9-5-08	[signature]	[signature]	[signature]

POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the subdivider is not the owner of the Subdivision.

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

Sandia Plaza Partners, LLC, A New Mexico Limited Liability Company ("Owner"), of [address:] 5850 Eubank Blvd. NE [City:] Albuquerque, [state:] New Mexico [zip code:] 87111, hereby makes, constitutes and appoints Armstrong Central Unser Blvd. LLC, A New Mexico Limited Liability Company ("Subdivider") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Subdivider full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") subdivision requirements regarding the real estate owned by me and described in Section 1 of the Subdivision Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Subdivider lawfully does or causes to be done by virtue of the power herein conferred upon the Subdivider.

This power of attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Planner in order to provide notice to City of the termination of this power of attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Subdivider. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER- Sandia Plaza Partners, LLC

By _____

Name: Traci J. Wolf

Title: Managing Member

Dated: 9/11/08

The foregoing Power of Attorney was acknowledged before me this 11th day of September, 2008 by Traci J Wolf, Managing Member of Sandia Plaza Partners LLC. on behalf of the Owner.

My Commission Expires:
3-24-2012

Sally Salazar-Cass
Notary Public

OFFICIAL SEAL
Sally Salazar-Cass
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: _____

Doc# 2008103547

09/18/2008 03:48 PM Page: 1 of 1
PAT R:$9.00 M. Toulouse Oliver, Bernalillo County

FINANCIAL GUARANTY AMOUNT

07/31/2008

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

Project Description:

Project ID #: 735684, Unser Crossing, Phase/Unit #: 1

Requested By: **Bruce Stidworthy, PE - Bohannan Huston Inc.**

Approved estimate amount:		$2,461,817.00
Contingency Amount:	10.00%	$246,181.70
Subtotal:		$2,707,998.70
NMGRT	6.75%	$182,789.92
Subtotal:		$2,890,788.62
Engineering Fee	6.60%	$190,792.05
Testing Fee	2.00%	$57,815.77
Subotal:		$3,139,396.49
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		$.00
TOTAL FINANCIAL GUARANTY REQUIRED		**$3,924,245.61**

APPROVAL: DATE:

Stephen Woodall 7/31/08

Notes: SIA B (1), Includes roadway improvements, 10% contingency, plans and final eng est have not been approved.

The Huntington National Bank
The Times Building
336 Fourth Ave., Suite 2
Pittsburgh, PA 15222

Huntington

Ed Adams
Chief Administrative Officer
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

September 18, 2008

RE: Loan Reserve for Armstrong Central Unser Blvd., a New Mexico limited liability company
City of Albuquerque Project No.: 735684
Project Name: Unser Crossings

Dear Dr. Adams:

This is to advise the City of Albuquerque ("City") that, at the request of Armstrong Central Unser Blvd., a New Mexico limited liability company, The Huntington National Bank("Financial Institution") in Columbus, Ohio, holds as a loan reserve the sum of Three Million Nine Hundred Twenty Four Thousand Two Hundred Forty Five and 61/100 Dollars ($3,924,245.61) ("Loan Reserve") for the exclusive purpose of providing the financial guaranty which the City requires Armstrong Central Unser Blvd., a New Mexico limited liability company ("Subdivider") to provide for the installation of the improvements which must be constructed at Unser Crossings, Project No. 735684 ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, 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 September 18, 2008 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. NA, pages NA to NA – Doc. #2008103546 ("Agreement"). This letter shall be effective on the date that the Agreement is recorded.

1. Reduction of Reserve. If the Assistant Director of Public Works/ Engineering for the City, or that person's authorized designee, determines that it is appropriate to release a specified amount of the loan reserves as a result of the Subdivider's construction of a portion of the required infrastructure, then the Assistant Director of Public Works/Engineering, or that person's authorized designee, may execute an "Authorization to Release" which will authorize the Financial Institution to release a specified amount from the loan reserves. The Authorization to Release will state the amount of the "Reduced Loan Reserve Balance" which must be maintained following the reduction. The Reduced Loan Reserve Balance shall not be reduced by more than 90% of the City's estimated cost of the Project until the Project is accepted by the City. When the Financial Institution receives the Authorization to Release, which has been signed by the City, the Financial Institution may reduce the loan reserve to the Reduced Loan Reserve Balance.

John E. Clingan, Vice President
Commercial Real Estate Group 412-227-6503

2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4. herein.

3. Draw on Reserve. If by September 9, 2010, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between September 9, 2010, and November 8, 2010, inclusive, the City may demand payment from the Financial Institution up to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment" executed by the CAO or the CAO's authorized designee, which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost of completing the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

Financial Institution acknowledges and agrees that in the event Subdivider assigns the Agreement to Lowe's Home Centers, Inc., a North Carolina corporation ("Lowe's"), Lowe's shall be permitted to use this Financial Guaranty as if it were the originally named Subdivider.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or

C. Expiration of the date November 8, 2010; or

D. Written termination of this Loan Reserve Letter, signed by the Chief Administrative Officer of the City.

Very truly yours,

The Huntington National Bank

By: _____
John E. Clingan
Title: Vice President Commercial Real Estate Group

ACCEPTED:
CITY OF ALBUQUERQUE

By: _____ Use 9/11/08
Ed Adams
Dated: 9-17-08

w 9-15-08 Page 2

John E. Clingan, Vice President
Commercial Real Estate Group 412-227-6503

(2)

No. of Lots:_____
Nearest Major Streets:
_____
_____

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 2nd day of December, 20 08, 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 Armstrong Central Unser Blvd., LLC a New Mexico limited liability company ("Subdivider"), whose address is: c/o Armstrong Development Properties, Inc., 1500 N. Priest Dr., Suite 150E, Tempe, AZ 85281 and whose telephone number is 602-385-4100, 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 Tracts One-A (1-A), One-B (1-B), Two-A (2-A), Two-B (2-B), Three-A (3-A), Three-B (3-B), Four-B (4-B) and Six (6) of V.E. Barrett Subdivision, recorded on February 13, 1967 in the records of the Bernalillo County Clerk at Book C6, page 161 AND Tracts Four-A-1 (4-A-1), Five-B-1 (5-B-1), Five-B-2 (5-B-2) of Lands of Wefco Partners, recorded on April 6, 1987 in the records of the Bernalillo County Clerk at Book C-33, page 81 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by Armstrong Central Unser Blvd., LLC and Sandia Plaza Partners, LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Unser Crossings 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 9th day of September, 2010 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans which have been filed with the City Engineer and are identified as Project No. 735661.

Note: To compute the Construction Completion Deadline: The Construction Completion Deadline shall be two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-5-3.)

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12/22/2008 03:01 PM Page: 1 of 11
AGRE R:$29.00 M. Toulouse Oliver, Bernalillo County

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:

Type of Fee	Amount
Engineering Fee	3.25% of Actual Construction Cost as required per City-approved estimate.
Excavation and Sidewalk Ordinance, Street Restoration Fees	(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.

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

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

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Terracon Consultants Inc. , and field testing of the private Improvements shall be performed by Terracon Consultants 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: UNDER COA PROJECT # 735684
Amount: _____
Name of Financial Institution or Surety providing Guaranty:
_____
Date City first able to call Guaranty: _____
[Construction Completion Deadline]: _____
If Guaranty other than a Bond, last day City able to call Guaranty is:
_____.

Additional information: Pursuant to a Development Agreement that may be entered into between Subdivider and City, the off-site infrastructure Improvements will be constructed by the City of Albuquerque. The off-site infrastructure Improvements to be constructed by the City will be more particularly described in said Development Agreement.

Pursuant to § 14-14-5-6 of the City subdivision regulations, Subdivider's Financial Guaranty may be reduced by $1,800,000 to reflect the cost of the off-site Infrastructure Improvements that have been assumed by the City.

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 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 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. Subdivider shall be permitted to freely assign this Agreement to Lowe's Home Centers Inc., a North Carolina corporation or Huntington National Bank provided; 1) the form of assignment is substantially in the form attached as Exhibit B; 2) Subdivider has executed a power of attorney to Assignee substantially in the form attached as Exhibit C; and, 3) Subdivider provides the written concurrence of the financial institution or surety which has undertaken to guarantee the completion of the Improvements (provided that this may be satisfied by the terms of the Financial Guaranty given pursuant to Section 5 above). However, any reduction in the amount of the Financial Guaranty shall be subject to Section 9 above.

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 (6) days after the notice is mailed if there is no actual evidence of receipt.

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

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

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

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

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City 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.

[REMAINDER OF PAGE LEFT BLANK]

[SIGNATURES ON FOLLOWING PAGE]

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

SUBDIVIDER: Armstrong Central Unser Blvd., a New Mexico limited liability company

By: Gustine Investments, Inc., a Pennsylvania corporation

By [Signature]: Robert H. Gustine
Name: Robert H. Gustine
Title: Secy.
Dated: 12-5-08

CITY OF ALBUQUERQUE

City Engineer
Dated: 12-22-08

12/19/08

12-17-08

SUBDIVIDER'S NOTARY

Commonwealth
STATE OF Pennsylvania)
) ss.
COUNTY OF Allegheny)

This instrument was acknowledged before me on 5th day of December, 2008 by [name of person:] Robert H. Gustine, [title or capacity, for instance, "President" or "Owner":] Secretary of Gustine Investments, Inc., a Pennsylvania corporation, the sole member of Armstrong Central Unser Blvd. LLC, a New Mexico limited liability company.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Judith L. White, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Apr. 15, 2010
Member, Pennsylvania Association of Notaries

Judith L White
Notary Public

My Commission Expires:
4-15-2010

CITY'S NOTARY

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

This instrument was acknowledged before me on 22nd day of December, 2008 by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Notary Public

My Commission Expires:
4-09-12

ASSIGNMENT AND AMENDMENT TO AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS

NAME OF PROJECT: _____
ORIGINAL SUBDIVIDER: _____
NEW OWNER: _____
CITY PROJECT # _____

THIS ASSIGNMENT AND AMENDMENT is made this ____ day of _____, 20 ____, by the City of Albuquerque, New Mexico ("City") and (the original subdivider) _____ ("Assignee") a, (state type of business entity, for instance "corporation," "general partnership", "joint venture", "individual," etc.:) _____, whose address is _____ and whose telephone number is (____)_____, is made in Albuquerque, New Mexico and is effective as of the date of final execution on this Agreement.

WHEREAS, the Assignor was the developer/subdivider of the (name of project:) _____, City Project No: _____; and

WHEREAS, the City and the Assignor entered into an Agreement ("Original Agreement") on _____, which was recorded on _____, in the office of the County Clerk of Bernalillo County, New Mexico at Book _____, Pages _____ through _____, wherein Assignor agreed to construct certain public and/or private improvements described in Exhibit A, Required Infrastructure Listing; and

WHEREAS, the Original Agreement provides that if the Subdivision or any part thereof is sold, conveyed or assigned the City will not release the Assignor from its obligations, nor will the City release Assignor's financial guaranty until a successor in interest to the Assignor has entered into a Subdivision Improvements Agreement with the City and posted a substitute financial guaranty satisfactory to the City; and

WHEREAS, Assignee will become the new owner of _____, having acquired its interest by a Warranty Deed, which was recorded on _____ in the records of the Bernalillo County Clerk at Book Misc. _____, Pages _____through _____; and

THEREFORE, the Assignor, Assignee and the City agree:

1. Assignment: Assignor hereby assigns to Assignee all of Assignor's right, title and interest in and to the Original Agreement as amended. Assignee hereby accepts said assignment, and assumes the Original Agreement as amended, and all of the duties and obligations of Assignor hereunder. All references in the Original Agreement as amended to the Assignor as "Developer" or "Subdivider" are deleted and the Assignee is substituted hereafter. Assignee

agrees that the terms and conditions of the Original Agreement as amended which previously applied to Assignor are hereby ratified and confirmed by, and made applicable to Assignee.

2. Amend Exhibit A, DRB _____ Infrastructure List dated _____ of the Original Agreement to include Exhibit A-1, DRB _____ Infrastructure List dated _____.

3. Financial Guarantee: With this Assignment and Amendment, Assignee has provided the City with the following Financial Guarantee:

Type of Financial Guaranty: _____
Amount: _____
Name of Financial Institution or Surety providing Guaranty: _____
_____
Date City first able to call Guaranty: _____
Construction Completion Deadline: _____
If Guaranty other than a Bond, last day City able to call Guaranty is _____
Additional Information: _____

4. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Assignment and Amendment and the terms and conditions of the Original Agreement, in which case the terms and conditions of this Assignment to Original Agreement will control.

5. Entire Agreement: This Assignment and Amendment 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.

6. Changes to Agreement: Changes to this Assignment and Amendment are not binding unless made in writing, signed by all parties.

7. Form not Changed: Assignor and Assignee agree that changes to this form are not binding unless initialed by both on this form.

8. Authority to Execute: If the Assignor signing below was not the prior owner of the subdivision, or the Assignee is not the present owner of the Subdivision, the true past and/or present owner(s) must execute and deliver to the City a Power of Attorney or other evidence of authority which is acceptable to the City, establishing the authority of the Assignor and/or Assignee to sign this Amendment.

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

ASSIGNOR:

By (signature): _____
Name (printed): _____

ASSIGNEE:

By (signature): _____
Name (printed): _____

Title: _____ Title: _____
Date: _____ Date: _____

CITY OF ALBUQUERQUE:

By: _____
Richard Dourte, City Engineer
Date: _____

ASSIGNOR'S NOTARY

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

This instrument was acknowledged before me on _____, 20_____ by _____ (name of person) _____, (title or capacity, for instance, "President" or "Owner":), on behalf of _____.

_____
Notary Public

My Commission Expires:

_____

ASSIGNEE'S NOTARY

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

This instrument was acknowledged before me on _____, 20_____ by _____ (name of person) _____, (title or capacity, for instance, "President" or "Owner":), on behalf of _____.

_____
Notary Public

My Commission Expires:

_____

CITY'S NOTARY

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

This instrument was acknowledged before me on _____, 20_____ by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of the municipal corporation.

_____
Notary Public

My Commission Expires:

_____

EXHIBIT B

POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the subdivider is not the owner of the Subdivision.

STATE OF _____)
) ss.
COUNTY OF_____)

[State name of present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] _____("Owner"), of [address:]_____ _____[City:]_____, [state:] _____ [zip code:] _____ _____, hereby makes, constitutes and appoints [name of subdivider:] _____ _____("Subdivider") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Subdivider full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") subdivision requirements regarding the real estate owned by me and described in Section 1 of the Subdivision Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Subdivider lawfully does or causes to be done by virtue of the power herein conferred upon the Subdivider.

This power of attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Planner in order to provide notice to City of the termination of this power of attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Subdivider. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER

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

The foregoing Power of Attorney was acknowledged before me this _____ day of _____, 20____ by [name of person:]_____, [title or capacity, for instance "President":] _____ of [Owner:] _____ on behalf of the Owner.

My Commission Expires:
_____

_____
Notary Public

(3)

SECOND AMENDMENT TO AGREEMENT TO
CONSTRUCT SUBDIVISION IMPROVEMENTS
City Project #735684 6/23/09

WHEREAS, the City and the Subdivider entered into an Agreement to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on September 17, 2008, which was recorded on September 18, 2008, in the records of the Bernalillo County Clerk as Document Number 2008103546, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements; and

WHEREAS, the Original Agreement was amended an Amendment to Agreement to Construct Subdivision Improvements recorded November 19, 2008, in the records of Bernalillo County, New Mexico, as Document Number 2008123881; and

WHEREAS, the Subdivider has requested to reduce the amount of the financially guaranty provided under the Original Agreement; and

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

THEREFORE, the Subdivider and the City agree to amend the Original Agreement as follows:

1. Amending Section 5, Financial Guaranty, second paragraph, to read as follows:

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

Type of Financial Guaranty: loan reserve letter
Amount: $2,124,245.61
Name of Financial Institution or Surety providing Guaranty: Huntington National Bank
Date City first able to call Guaranty: September 9, 2010.
Construction Completion Deadline: September 9, 2010
If Guaranty other than a Bond, last day City is able to call Guaranty is November 8, 2010.
Additional information: _____
_____

2. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.

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06/25/2009 11:07 AM Page: 1 of 3
AMND R:$13.00 M. Toulouse Oliver, Bernalillo County

SUBDIVIDER:
Armstrong Central Unser Blvd., a New Mexico limited liability company

By: Gustine Investments, Inc., a Pennsylvania corporation, its sole member

By (Signature): Rebecca A. Chembars
Print Name: REBECCA. A. CHEMBARS
Title: ASSISTANT SECRETARY
Dated: 4/24/09

CITY OF ALBUQUERQUE:

By: _____
Richard Dourte, City Engineer
Dated: 6-23-09

KJE 6/22/09

KN 6-19-09

SUBDIVIDER'S NOTARY

COMMONWEALTH
~~STATE~~ OF PENNSYLVANIA)
) ss
COUNTY OF ALLEGHENY)

This instrument was acknowledged before me on this 24TH day of APRIL, 2009 by [name of person] REBECCA A. CHEMBARS, [title or capacity, for instance, "President" or "Owner"] ASSISTANT SECRETARY of Gustine Investments, Inc., a Pennsylvania corporation, the sole member of Armstrong Central Unser Blvd., LLC, a New Mexico limited liability company.

My Commission Expires:
June 19, 2011

Diane M. Oberleitner
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Diane M. Oberleitner, Notary Public
Upper St. Clair Township, Allegheny County
My commission expires June 19, 2011

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Diane M. Oberleitner, Notary Public
Upper St. Clair Township, Allegheny County
My commission expires June 19, 2011

CITY'S NOTARY

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 23RD day of June, 2009, by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My Commission Expires:
10-02-12

Linda C. Evans
Notary Public

FINANCIAL GUARANTY AMOUNT

07/31/2008

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

Project Description:

Project ID #: 735684, Unser Crossing, Phase/Unit #: 1

Requested By: **Racquel Michel w/BHI**

Approved estimate amount:		$2,461,817.00
Contingency Amount:	10.00%	$246,181.70
Subtotal:		$2,707,998.70
NMGRT	6.75%	$182,789.92
Subtotal:		$2,890,788.62
Engineering Fee	6.60%	$190,792.05
Testing Fee	2.00%	$57,815.77
Subotal:		$3,139,396.49
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		$-1,800,000.00
TOTAL FINANCIAL GUARANTY REQUIRED		**$2,124,245.61**

APPROVAL: DATE:

J Woodall 8-15-08

Notes: SIA B (1), Includes roadway improvements, 10% contingency, plans and final eng est have not been approved. FG reduction of $1,800,000 - Capital Acquisition Fund 305

The Huntington National Bank
The Times Building
336 Fourth Ave., Suite 2
Pittsburgh, PA 15222

Huntington

April 1, 2009

Ed Adams
Chief Administrative Officer
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Loan Reserve for Armstrong Central Unser Blvd., a New Mexico limited liability company
City of Albuquerque Project No.: 735684
Project Name: Unser Crossings

Dear Mr. Adams:

This is to advise the City of Albuquerque ("City) that, at the request of Armstrong Central Unser Blvd., a New Mexico limited liability company, The Huntington National Bank ("Financial Institution") in Columbus, Ohio, holds as a loan reserve the sum of Two Million One Hundred Twenty Four Thousand Two Hundred Forty Five and 61/1000 Dollars ($2,124,245.61) ("Loan Reserve") for the exclusive purpose of providing the financial guaranty which the City requires Armstrong Central Unser Blvd., a New Mexico limited liability company ("Subdivider") to provide for the installation of the improvements which must be constructed at Unser Crossings, Project No. 735684 ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, 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 September 18, 2008 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. NA, pages NA to NA – Doc #2008103546 ("Agreement"). This letter shall be effective on the date that the Agreement is recorded.

1. Reduction of Reserve. If the Assistant Director of Public Works/Engineering for the City, or that person's authorized designee, determines that it is appropriate to release a specified amount of the loan reserves as a result of Subdivder's construction of a portion of the required infrastructure, then the Assistant Director of Public Works/Engineering, or that person's authorized designee, may execute an "Authorization to Release" which will authorize the Financial Institution to release a specified amount of the loan reserves. The Authorization to Release will state the amount of the "Reduced Loan Reserve Balance" which must be maintained following the reduction. The Reduced Loan Reserve Balance shall not be reduced by more than 90% of the City's estimated cost of the Project until the Project is accepted by the City. When the Financial Institution receives the Authorization to Release, which has been signed by the City, the Financial Institution may reduce the loan reserve to the Reduced Loan Reserve Balance.

2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the lesser of the amount stated in the Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4 herein.

John E. Clingan, Vice President
Commercial Real Estate Group 412-227-6503

The Huntington National Bank
The Times Building
336 Fourth Ave., Suite 2
Pittsburgh, PA 15222

3. Draw on Reserve. If by September 9, 2010, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between September 9, 2010, and November 8, 2010, inclusive, the City may demand payment from the Financial Institution up to the lesser of the amount stated in this Loan Reserve Letter of the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment" executed by the CAO or the CAO's authorized designee, which shall state the estimated cost of completing the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

Financial Institution acknowledges and agrees that in the event Subdivider assigns the Agreement to Lowe's Home Centers, Inc., a North Carolina corporation ("Lowe's"), Lowe's shall be permitted to use this Financial Guaranty as if it were the originally named Subdivider.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or

B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or

C. Expiration of the date November 8, 2010; or

D. Written termination of this Loan Reserve Letter, signed by the Chief Administrative Officer of the City.

Very truly yours,

The Huntington National Bank

By:_____
John E. Clingan
Title: Vice President Commercial Real Estate Group

ACCEPTED:
City of Albuquerque

By:_____
Ed Adams

Dated: 6-23-09

6-19-09

John E. Clingan, Vice President
Commercial Real Estate Group 412-227-6503

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

12/09/2008 Issued By: PLNSDH

Permit Number: **2008 070 518** **Category Code 910**

Application Number: 08DRB-70518, Epc Approved Sdp For Build Permit

Address:

Location Description: SW CORNER OF WEST CENTRAL AVE SW AND UNSER BLVD SW

Project Number: 1007204

Applicant
Armstrong Development Properties
1500 N Priest Dr Ste 150e
Tempe AZ 85281
602-385-4100

Agent / Contact
Darren Sowell Architects Llc
4700 Lincoln Rd Ne Ste 111
Albuquerque NM 87109
342-8200

Application Fees

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

City Of Albuquerque
Treasury Division

12/9/2008 11:27AM LOC: ANNX
WS# 007 TRANS# 0017
RECEIPT# 00107725-00107725
PERMIT# 2008070518 TRSLJS
Trans Amt $20.00
Conflict Manag. Fee $20.00
VI $20.00
CHANGE $0.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

09/16/2008 Issued By: PLNSDH

Permit Number: **2008 070 407** **Category Code 910**

Application Number: 08DRB-70407, Amended Sdp For Subdivision

Address:

Location Description: SW CORNER OFCENTRAL AVE SW AND UNSER SW

Project Number: 1007204

Applicant
Armstrong Development Properties
1500 N Priest Dr Ste 150e
Tempe AZ 85281
602-385-4100

Agent / Contact
Darren Sowell Architects Llc
4700 Lincoln Rd Ne Ste 111
Albuquerque NM 87109
342-6200

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$50.00
	TOTAL:	**$70.00**

City Of Albuquerque
Treasury Division

9/16/2008 11:24AM LOC: ANNX
WS# 007 TRANS# 0015
RECEIPT# 00104038-00104038
PERMIT# 2008070407 TRSLJS
Trans Amt $70.00
Conflict Manag. Fee $20.00
DRB Actions $50.00
VI $70.00
CHANGE $0.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

07/29/2008 Issued By: PLNSDH

Permit Number: **2008 070 276** **Category Code 910**

Application Number: 08DRB-70276, Epc Approved Sdp For Build Permit

Address:

Location Description: CENTRAL AVE AND UNSER BLVD SW BETWEEN BRIDGE ST SW AND 86TH ST SW

Project Number: 1007204

Applicant
Armstrong Development Properties

1500 N Priest Dr, Ste 150e
Tempe AZ 85281
602-385-4100

Agent / Contact
Darren Sowell Architects Llc

4700 Lincoln Rd , Ste 111
Albuquerque NM 87109
342-6200

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB deferral fee	$50.00
	TOTAL:	**$50.00**

City Of Albuquerque
Treasury Division

7/29/2008 11:03AM LOC: ANNX
WS# 00/ TRANS# 0019
RECEIPT# 00101980-00101980
PERMIT# 2008070276 TRSLJS
Trans Amt $50.00
DRB Actions $50.00
VI $50.00
CHANGE $0.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

08/24/2008 Issued By: PLNSDH

Permit Number: **2008 070 232** **Category Code 910**

Application Number: 08DRB-70232, Vacation Of Public Easement

Address:

Location Description: UNSER SW BETWEEN BRIDGE ST SW AND 86TH ST SW

Project Number: 1007204

Applicant
Armstrong Development Properties
1500 N Priest Dr Ste 150 E
Tempe AZ 85281
602-385-4100

Agent / Contact
Darren Sowell Architects Llc
4700 Lincoln Rd Ne Ste 111
Albuquerque NM 87109
505-342-6200

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions Deferral	$110.00
	TOTAL:	**$110.00**

City Of Albuquerque
Treasury Division

6/24/2008 10:49AM LOC: ANNX
WS# 008 TRANS# 0015
RECEIPT# 00093059-00093059
PERMIT# 2008070232 TRSSVG
Trans Amt $110.00
DRB Actions $110.00
VI $110.00
CHANGE $0.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

06/17/2008 Issued By: PLNSDH

Permit Number: **2008 070 276** **Category Code 910**

Application Number: 08DRB-70276, Epc Approved Sdp For Build Permit

Address:

Location Description: CENTRAL AVE AND UNSER BLVD SW BETWEEN BRIDGE ST SW AND 86TH ST SW

Project Number: 1007204

Applicant
Armstrong Development Properties
1500 N Priest Dr, Ste 150e
Tempe AZ 85281
602-385-4100

Agent / Contact
Darren Sowell Architects Llc
4700 Lincoln Rd , Ste 111
Albuquerque NM 87109
342-6200

Application Fees

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

City Of Albuquerque
Treasury Division

6/17/2008 12:28PM LOC: ANNX
WS# 007 TRANS# 0011
RECEIPT# 00100058-00100058
PERMIT# 2008070276 TRSLJS
Trans Amt $20.00
Conflict Manag. Fee $20.00
VI $20.00
CHANGE $0.00

Thank You

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S**
- ___ Major Subdivision action
- ___ Minor Subdivision action
- ___ Vacation — **V**
- ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — **P**
- ___ for Subdivision
- ✓ for Building Permit
- ___ Administrative Amendment (AA)
- ___ IP Master Development Plan — **D**
- ___ Cert. of Appropriateness (LUCC) — **L**

STORM DRAINAGE (Form D) — **A**
- ___ Storm Drainage Cost Allocation Plan

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

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Darren Sowell Architects, LLC. PHONE: 505·342·6200
ADDRESS: 4700 Lincoln Road NE., Suite 111 FAX: 505-342-6201
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: angelab@dsaabq.com

APPLICANT: Armstrong Development Properties PHONE: 602-385-4100
ADDRESS: 1500 N. Priest Drive, Suite 150E FAX: 602-385-4101
CITY: Tempe STATE AZ ZIP 85281 E-MAIL: drinck@agoc.com
Proprietary interest in site: Owner/Developer List all owners:

DESCRIPTION OF REQUEST: Site Development Plan for Building Permit (Development Review Board)

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 9- Unser Crossing Block: Unit:
Subdiv/Addn/TBKA: Unser Crossing, ~~West Central Ave. West of Unser Blvd.~~
Existing Zoning: C-2 Proposed zoning: N/A MRGCD Map No
Zone Atlas page(s): K-10-Z UPC Code: 101605710513030303

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.):
#1007204

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): 1.9466
LOCATION OF PROPERTY BY STREETS: On or Near: SW Corner of West Central Ave. and Unser Blvd.
Between: and

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

SIGNATURE Angela M. Benson / DSA Architects DATE Dec. 9, 2008
(Print) Angela M. Benson 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
08DRB -70518	SBP	P(3)	$ 0
	CME		$ 20.00
			$
			$
			$
			$
			Total $ 20.00

Hearing date 12/17/08

Sandy Handley 12/09/08
Planner signature / date

Project # 1007204

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

❑ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**

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

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

❑ **SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**

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

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

❑ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17) Maximum Size: 24" x 36"**

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

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

❑ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01) Maximum Size: 24" x 36"**
❑ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02) Maximum Size: 24" x 36"**

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

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

☑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
❑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**

✓ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
* ✓ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies** - Will submit prior to hearing.
✓ Solid Waste Management Department signature on Site Plan for Building Permit
✓ Zone Atlas map with the entire property(ies) clearly outlined
✓ Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
N/A Infrastructure List, if relevant to the site plan
✓ Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
✓ List any original and/or related file numbers on the cover application

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

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

Angela M. Benson - DSA Architects
Applicant name (print)
Angela Benson 12/9/2008
Applicant signature / date

Form revised **October 2007**

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

Application case numbers
05DRB - 70518
- -
- -

Sandy Handley 12/09/08
Planner signature / date

Project # 1007204

All public infrastructure improvements required to serve Tract 9 Unser Crossing have been financially guaranteed with the Subdivision Improvements Agreement for City Project 735684 (Document #2008103456 Pgs 1-11, Recorded 9/18/09, Bernalillo County). Therefore, an infrastructure list has not been included as part of this submittal.

DSA
Darren Sowell
ARCHITECTS, LLC

December 9, 2008

Mr. Jack Cloud, Chair
Development Review Board
City of Albuquerque
Albuquerque, New Mexico

RE: PROJECT # 1007204 08EPC-40096 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

LEGAL DESCRIPTION: for all or a portion of Tracts 9 , UNSER CROSSING) zoned C-2, located on SW CORNER OF WEST CENTRAL AVE SW AND UNSER BLVD SW containing approximately 2 acres. (K-10)

Dear Mr. Cloud,

This is a request for approval of a Site Development Plan for Building Permit approved by the EPC on November 21, 2008 (1007204/08EPC40096).

As stated in the Official Notice of Decision dated November 21, 2008 the applicant has incorporated all comments made by the Planning Staff and the EPC. A subsequent meeting was held with Carol Toffaleti, Staff Planner on December 8, 2008 to ensure that all conditions of approval placed by the EPC have been satisfied.

All public infrastructure improvements required to serve Tract 9 Unser Crossing have been financially guaranteed with the Subdivision Improvements Agreement for City Project 735684 (Document #2008103456 Pgs 1-11, Recorded 9/18/09, Bernalillo County). Therefore, an infrastructure list has not been included as part of this submittal.

The submitted Site Plan for Building Permit has addressed the conditions of approval placed on the project by the EPC and meets the regulations and intent of the West Route 66 Sector Development Plan (WR66), the regulations of the City of Albuquerque Comprehensive City Zoning Code Part 2 §14-16-2-17 C-2 Community Commercial Zone (C-2), Large Retail Facility regulations (LRF) and the Design Standards set forth with the approval of the Unser Crossing Amended Site Development Plan for Subdivision approved by the Development Review Board on October 1, 2008 (1007204/08DRB-70407).

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all

(505) 342-6200 Fax (505) 342-6201 4700 Lincoln Rd. NE, Suite # 111 Albu

modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

Response: *The design team met with Carol Toffaleti, staff planner on Monday, December 8, 2008 to ensure that all conditions have been satisfied.*

3. Future site development plans for pad sites in the Unser Crossing shopping center shall be reviewed by the EPC.

Response: *Future pad sites will be submitted to the EPC for review.*

4. Site Development Plan (Sheet C-001):
   a. Redesign the plaza along the Unser Blvd. frontage to discourage informal pedestrian access in this location, e.g. by narrowing the plaza and/or erecting a barrier such as a seating wall.

      Response: *Per Carol Toffaleti, Staff Planner, "Please go with 4.f rather than 4.a. I'll make a note of them in my memo to DRB when the time comes, so there's a paper trail of the adjustments." Per Carol's instructions we have not addressed condition 4(a).*

   b. The bench on the north façade shall be increased to 8' (4 seats) and the bench on the east facade to 10' (5 seats). Alternative seating may be substituted, as long as it complies with 14-16-3-18(C)(3) of the Zoning Code. The location of the seating shall maintain a minimum clear path of 6' along the walkway surrounding the building, per 14-16-3-1(H)(4) of the Zoning Code.

      Response: *The bench on the north façade as been increased to 8' in length and the bench on the east façade has been increased to 10' in length.*

   c. General Note E: Insert "bike/" before "pedestrian" as the existing trail serves both cyclists and pedestrians.

      Response: *This change has been made on sheet C-001.*

   d. Under Legend, correct label of graphic for "concrete walks".

      Response: *This change has been made on sheet C-001.*

   e. Show and label pedestrian link to western pad site the same as other crosswalks in the project site.

Response: ***The pedestrian link to the western pad site has been shown and labeled on sheet C-001.***

f. Add a pedestrian connection from the northeast plaza to the sidewalk at Unser.

Response: ***A pedestrian connection from the northeast plaza to the sidewalk at Unser has been added to sheet C-001.***

5. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT: Conditions of approval for the proposed Site development Plan for Building Permit shall include:

a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.

Response: ***All requirements and previous actions taken by EPC and DRB will be completed.***

b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

Response: ***This requirement is understood by the Developer.***

c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.

Response: ***This requirement is understood by the Developer.***

d. Site plan will need to accurately reflect the provisions of the site development plan for subdivision (i.e. roadway easements and/or right-of-way, Central Avenue site drive, etc.).

Response: ***This requirement is understood by the Developer.***

e. Site plan shall comply and be designed per DPM Standards.

Response: ***This requirement is understood by the Developer.***

6. Detail sheet (C-002)

a. Revise diagram 6/C-002 to include a gate of an appropriate height to screen the trash compactor.

<u>Response:</u> Diagram 6 on sheet C-002 has been changed to an appropriate height to screen the trash compactor.

b. A lighting detail of the pedestrian-scale lighting shall be added, i.e. bollards and/or lightpoles with a maximum height of 16'. (Their locations is keyed 32 on C-001.)

<u>Response:</u> A lighting detail for the pedestrian-scale lighting has been added to sheet C-002.

7. Landscape Plan:

a. Add plantings to the landscaped bed along the south side of the crosswalk at the building entrance, and adjust landscape calculations accordingly.

<u>Response</u>: Plantings have been added to the landscaped bed along the south side of the crosswalk at the building entrance and the landscape calculations have been adjusted accordingly on sheet LS-100.

b. Move any shrubs that are within 3' of the gas line along the north property.

<u>Response:</u> Per Carol Toffaleti, Staff Planner, "Please ignore 7.b. since PNM did not have an issue w/ shrubs. I'll make a note of them in my memo to DRB when the time comes, so there's a paper trail of the adjustments." Per Carol's instructions we have not addressed condition 7 (b).

c. Replace deciduous shrubs south of the transmission line tower on Central Ave with evergreen shrubs of a minimum height of 30" to improve screening of parked cars.

<u>Response:</u> Deciduous shrubs south of the transmission line tower on Central have been replaced with evergreen shrubs that meet a minimum height of 30" on sheet LS-100.

d. Rainwater harvesting: label the notched curbs along the landscape setback on Unser Blvd.; indicate that the east parking area and the plaza at the northeast corner have pervious paving.

<u>Response:</u> The notched curbs along the landscape setback on Unser Blvd have been labeled on sheet LS-100 and the east parking area's and the plaza at the northeast corner have been labeled as pervious paving on sheet LS-100.

e. Legend: indicate Apache Plume as evergreen.

<u>Response:</u> Apache Plume has been changed to evergreen on LS-100.

f. Trees in parking areas visible from public streets shall be spaced as per bullet point 6, sheet G101 of the Design Standards.

<u>Response:</u> Bullet point 6, sheet G-101 states: Landscaped islands shall be distributed throughout parking areas. Parking areas visible from the public street shall include at least one tree for every six parking spaces, and the maximum distance from any parking space to a tree shall be 50 feet. Trees located within 8 feet of the perimeter of the parking area may be counted toward this requirement, but may not be used to fulfill street tree requirements. We have provided an exhibit (attached) to demonstrate our compliance with this standard.

8. Signage

a. Move the stop sign at Central Ave. outside the pedestrian walkway.

<u>Response:</u> The stop sign at Central Ave. has been moved outside the pedestrian walkway on sheet C-001.

b. Review the location of the pedestrian crosswalk and drive-thru directional signs on the parking islands at the north and south end of the east parking area (keyed 20 and 28, C-001), to ensure they are functional and coordinate with the landscape design.

<u>Response:</u> We have reviewed the location of the pedestrian crosswalk and drive-thru directional signs on the parking islands to ensure functionality.

c. The location of the three free-standing drive-thru signs on sheets C-001 and A-202 shall match (keyed 28 on sheet C-001, C-3 on sheet A-202).

<u>Response:</u> The three free-standing drive-thru signs on sheets C-001 and A-202 have been revised to match on both sheets.

d. On sheet A-202, indicate that C-3 has two sign faces.

<u>Response:</u> A note has been added to sheet A-202 indicating that C-3 has two sign faces.

e. The wall-mounted sign to the left of the building entrance shown in the elevations (1/ and 6/A-201) shall be labeled "B9 sign per A-202". The location of the sign on sheet A-202 shall match the locations shown on A-201.

<u>Response:</u> The wall-mounted sign to the left of the building entrance has been labeled as B9. The location on sheets A-202 and A-201 match.

9. Site Plan: include the material and color of the roof, which shall have, at minimum, a solar reflectance of 0.79, thermal emittance rating of 0.85, and 15% post industrial/consumer content.

Response: *A note has been added to sheet C-001 indicating the material and color of the roof which meets the solar reflectance of 0.79, thermal emittance rating of 0.85, and 15% post industrial/consumer content requirements.*

10. As per PNM comments:
    a. No mature height tree greater than 14' in the 25' transmission line easement.

    Response: *There are no mature height tree's greater than 14' in the 25' transmission line easement.*

    b. No trees within 8'horizontal of gas line.

    Response: *There are no trees within 8' horizontal of gas line.*

    c. 15' clear zone around transmission line structures.

    Response: *There is a 15' clear zone around transmission line structures.*

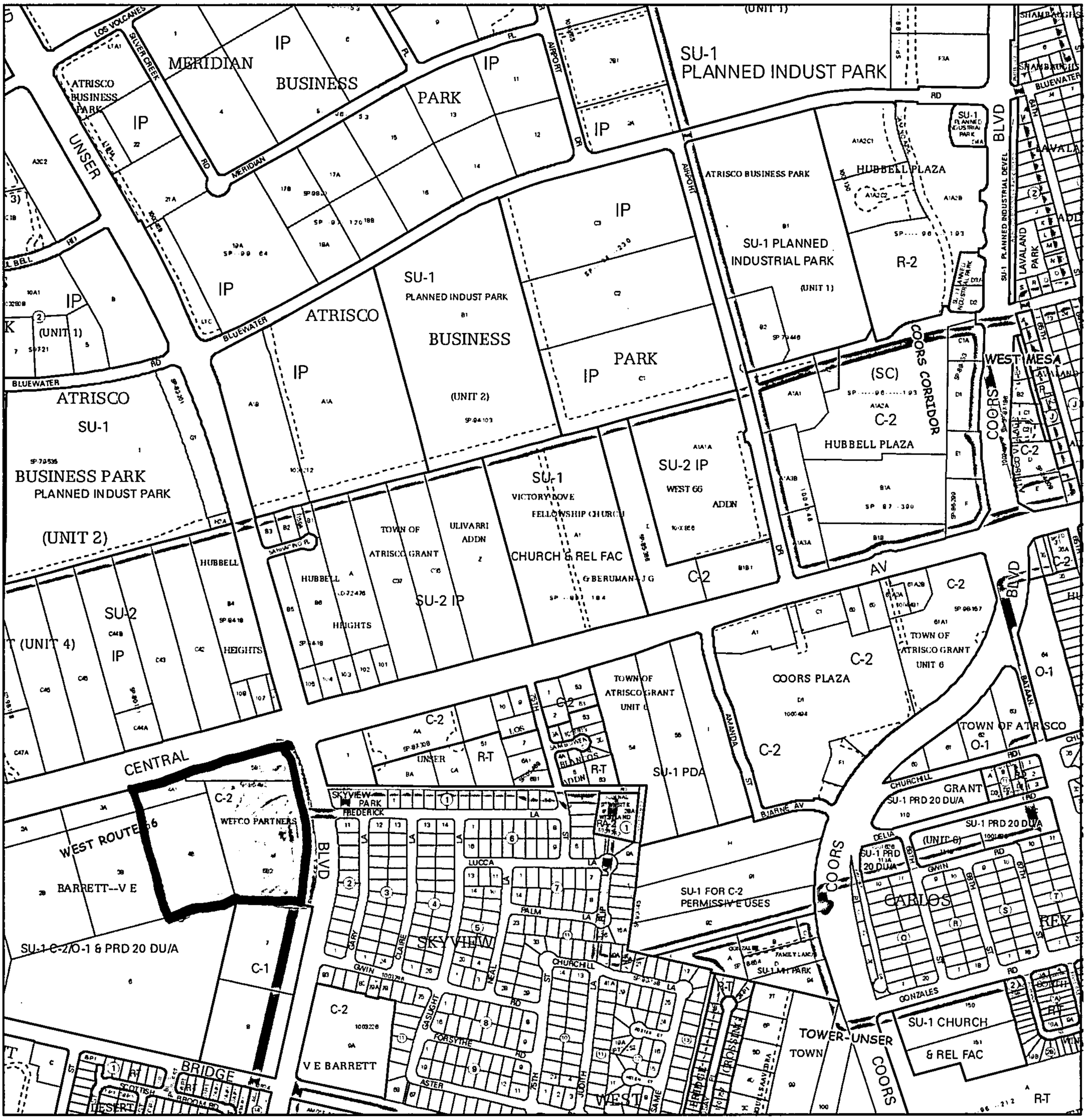
    c. 10' clear zone around distribution line poles.

    Response: *There is a 10' clear zone around the distribution line poles.*

Respectfully submitted,

Angela M. Benson

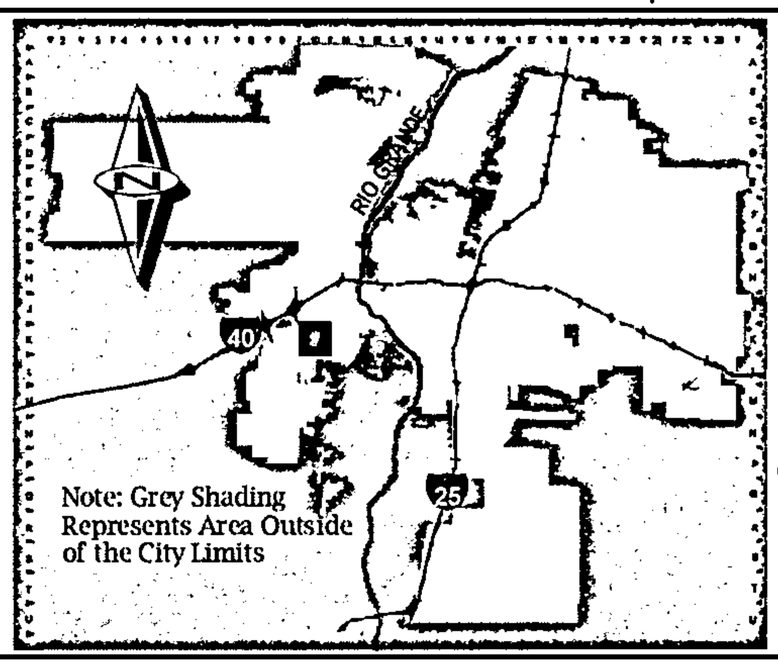
DSA Architects, LLC (Agent of Record)
Angela M. Benson
4700 Lincoln Road NE., Suite #111
Albuquerque, New Mexico 87109
Office: 505.342.6200
Fax: 505.342.6201



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

Albuquerque Geographic Information System

Map amended through: 2/18/2007



Zone Atlas Page:

K-10-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

0 750 1,500 Feet

City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: November 21, 2008

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project# 1007204***
08EPC-40096 SITE DEVELOPMENT - BUILDG PRMT

Armstrong Development Properties
1500 N. Priest Dr., Ste 150E
Tempe, AZ, 85281

LEGAL DESCRIPTION: for all or a portion of Tracts 9 , UNSER CROSSING) zoned C-2, located on SW CORNER OF WEST CENTRAL AVE SW AND UNSER BLVD SW containing approximately 2 acres. (K-10) Carol Toffaleti, Staff Planner

On November 20, 2008 the Environmental Planning Commission voted to approve Project 1007204/ 08EPC 40096, a Site Development Plan for Building Permit, for Tract 9, Unser Crossing, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for building permit for Tract 9, Unser Crossing, a site of approximately 2 acres located at the southwest corner of West Central Ave. and Unser Blvd. SW zoned C-2 (SC). A drugstore with a drive-thru pharmacy is proposed with a total square footage of 14,100 sf. The site is part of the 50-acre Unser Crossing shopping center and this project represents the first pad development in Phase II of the overall development program. The applicant also requests that development of the remaining seven (7) pads be delegated to DRB.

2. The site is in the Established Urban Area of the Comprehensive Plan, the West Side Strategic Plan, the West Route 66 Sector Development Plan and the West Central Metropolitan Redevelopment Area. It is within a Community Activity Center designated in the Comprehensive and the West Side Strategic Plans and abuts two Enhanced Transit Corridors, Central Ave. and Unser Blvd.

3. A Traffic Impact Study (TIS) for the Unser Crossing shopping center, including the subject site and the proposed use, was submitted by the applicant in March 2008.

CONDITIONS:

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

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Future site development plans for pad sites in the Unser Crossing shopping center shall be reviewed by the EPC.

4. Site Development Plan (Sheet C-001):
   a. Redesign the plaza along the Unser Blvd. frontage to discourage informal pedestrian access in this location, e.g. by narrowing the plaza and/or erecting a barrier such as a seating wall.
   b. The bench on the north façade shall be increased to 8' (4 seats) and the bench on the east facade to 10' (5 seats). Alternative seating may be substituted, as long as it complies with 14-16-3-18(C)(3) of the Zoning Code. The location of the seating shall maintain a minimum clear path of 6' along the walkway surrounding the building, per 14-16-3-1(H)(4) of the Zoning Code.
   c. General Note E: Insert "bike/" before "pedestrian" as the existing trail serves both cyclists and pedestrians.
   d. Under Legend, correct label of graphic for "concrete walks".
   e. Show and label pedestrian link to western pad site the same as other crosswalks in the project site.
   f. Add a pedestrian connection from the northeast plaza to the sidewalk at Unser.

5. <u>RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT</u>: Conditions of approval for the proposed Site development Plan for Building Permit shall include:
   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

c. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
d. Site plan will need to accurately reflect the provisions of the site development plan for subdivision (i.e. roadway easements and/or right-of-way, Central Avenue site drive, etc.).
e. Site plan shall comply and be designed per DPM Standards.

6. Detail sheet (C-002)
   a. Revise diagram 6/C-002 to include a gate of an appropriate height to screen the trash compactor.
   b. A lighting detail of the pedestrian-scale lighting shall be added, i.e. bollards and/or lightpoles with a maximum height of 16'. (Their locations is keyed 32 on C-001.)

7. Landscape Plan:
   a. Add plantings to the landscaped bed along the south side of the crosswalk at the building entrance, and adjust landscape calculations accordingly.
   b. Move any shrubs that are within 3' of the gas line along the north property line.
   c. Replace deciduous shrubs south of the transmission line tower on Central Ave with evergreen shrubs of a minimum height of 30" to improve screening of parked cars.
   d. Rainwater harvesting: label the notched curbs along the landscape setback on Unser Blvd.; indicate that the east parking area and the plaza at the northeast corner have pervious paving.
   e. Legend: indicate Apache Plume as evergreen.
   f. Trees in parking areas visible from public streets shall be spaced as per bullet point 6, sheet G101 of the Design Standards.

8. Signage
   a. Move the stop sign at Central Ave. outside the pedestrian walkway.
   b. Review the location of the pedestrian crosswalk and drive-thru directional signs on the parking islands at the north and south end of the east parking area (keyed 20 and 28, C-001), to ensure they are functional and coordinate with the landscape design.
   c. The location of the three free-standing drive-thru signs on sheets C-001 and A-202 shall match (keyed 28 on sheet C-001, C-3 on sheet A-202).
   d. On sheet A-202, indicate that C-3 has two sign faces.
   e. The wall-mounted sign to the left of the building entrance shown in the elevations (1/ and 6/A-201) shall be labeled "B9 sign per A-202". The location of the sign on sheet A-202 shall match the locations shown on A-201.

9. Site Plan: include the material and color of the roof, which shall have, at minimum, a solar reflectance of 0.79, thermal emittance rating of 0.85, and 15% post industrial/consumer content.

10. As per PNM comments:
    a. No matur3e height tree greater than 14' in the 25' transmission line easement.
    b. No trees within 8'horizontal of gas line.
    c. 15' clear zone around transmission line structures.
    d. 10' clear zone around distribution line poles.

PROTEST: IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION, WHICH IS BY **DECEMBER 5, 2008**.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY **DECEMBER 5, 2008** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

For Richard Dineen
Planning Director

RD/CT/ac

City of Albuquerque
Planning Department
Interoffice Memo

Date: 21 November 2008

To: Jack Cloud, DRB Chair

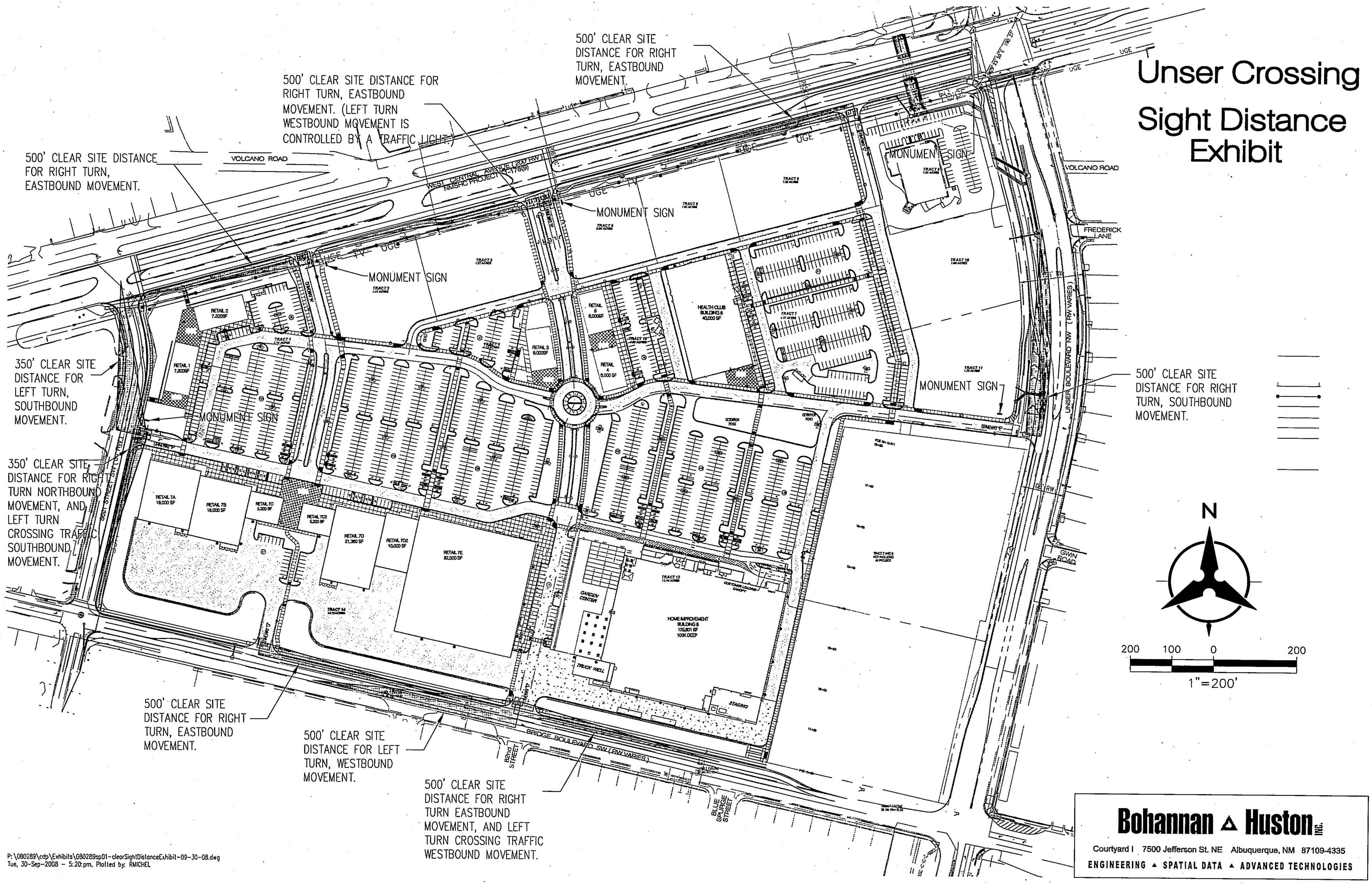
From: Russell Brito, Dev. Rvw. Div. Mngr.

RE: Project # 1007204 (Site development plan for subdivision amendment)

The submitted amendment to the site development plan for subdivision complies with and integrates the EPC's Conditions of Approval.

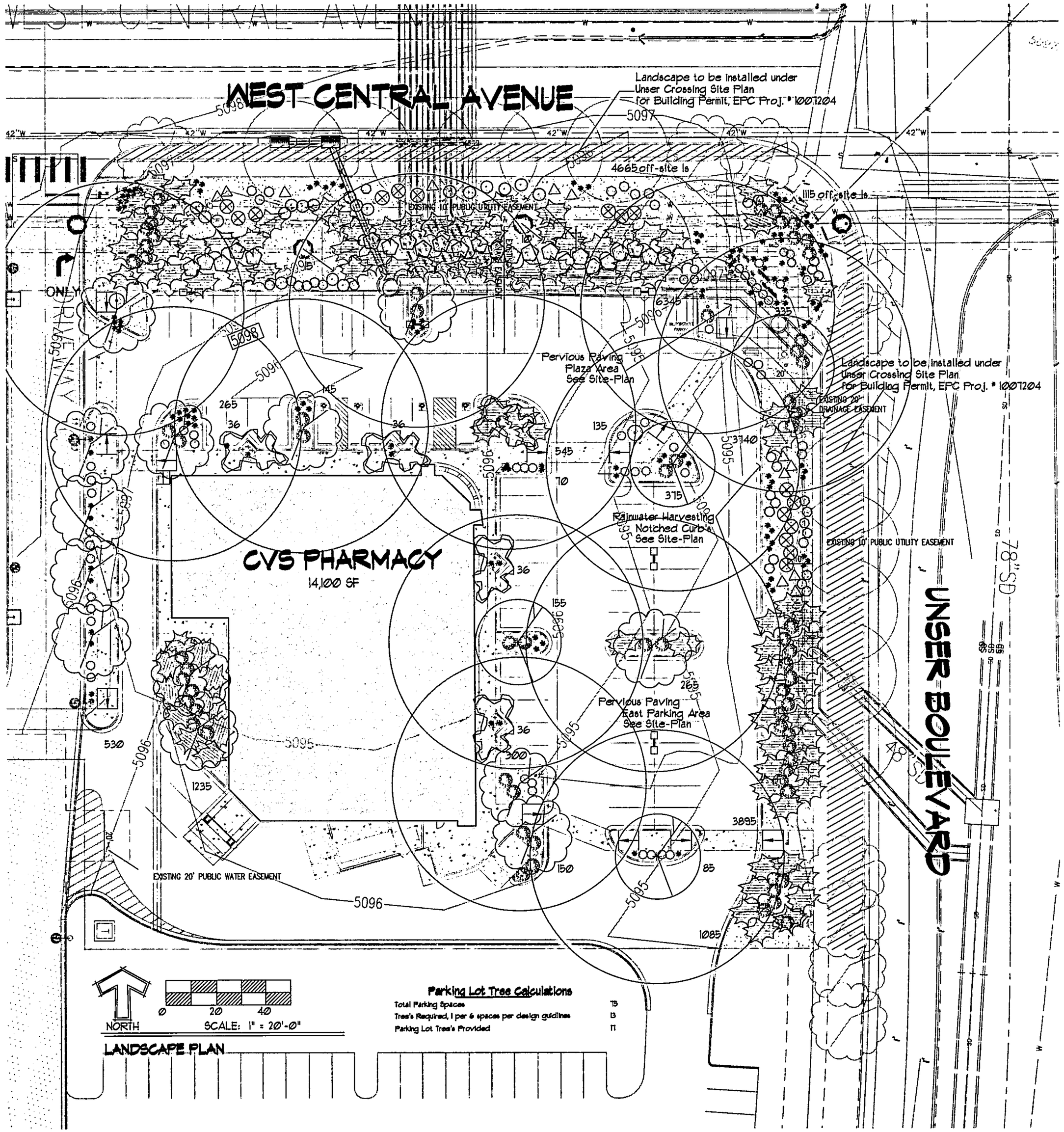
Please ensure that the Conditions from the City Engineer are adequately addressed.

Unser Crossing Sight Distance Exhibit



P:\080289\cdp\Exhibits\080289sp01-clearSightDistanceExhibit-09-30-08.dwg
Tue, 30-Sep-2008 - 5:20:pm, Plotted by: RMICHEL

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



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Thu, 4-Dec-2008 - 9:46:am, Plotted by: DANNY

LANDSCAPE LEGEND

QTY	SIZE	*D/E	COMMON / BOTANICAL	AV. SP.	AV. HT.	H2O USE
2	2" cal	D	Honey Locust *Gleditsia triacanthos*	40-45'	40-50'	M
3	2" cal	D	Ash *Fraxinus pennsylvanica 'Patmore', 'Summit', or 'Marshall'*	35-40'	60'	M+
13	2" Cal.	D	Chitalpa *Chitalpa x tashkenensis*	30'	30'	M
5	15 Gal.	D	Washington Hawthorne *Crataegus phaenoopyrum*	25'	M	
24	5 Gal	E	Wintergreen Barberry *Berberis julianae*	5'	5'	M
68	5 Gal	E	India Hawthorne *Raphiolepis indica*	4'	4'	M
104	5 Gal	E	Honeysuckle *Lonicera japonica*	12'	2'	M
12	5 Gal	D	Desert Butterfly Bush *Buddleia davidii nanhoensis*	5'	5'	M
138	5 Gal	D	Dwarf Fountaingrass *Pennisetum villosum*	2'	2'	M
38	5 Gal	E	Desert Sage *Salvia dorrii*	3'	3'	M
2	5 Gal	E	Rosemary *Rosemary officionalis*	6'	6'	L+
52	5 Gal	E	English Lavendar *Lavendula angustifolia*	3'	3'	M
13	5 Gal	E	Apache Plume *Fallugia paradoxa*	5'	5'	L
16	5 Gal	D	Fernbush *Chamaebatiaria millefolium*	5'	5'	L
			3/4" Santa Ana Tan Gravel over Comercial Grade Weed Fabric, or or Organic Mulch			
			Landscape by other's, Unser Crossing Common Area			

High water use turf is not used on this project.
Plant List contains only approved species for Unser Crossing, Site Development Plan
* Indicates Deciduous or Evergreen

LANDSCAPE CALCULATIONS

Total Lot Area		84,600
TOTAL BUILDING AREA (sf)	—	14,100
TOTAL OFF-SITE LANDSCAPE PROVIDED (sf),	—	5,700
NET LOT AREA (sf)		64,800
LANDSCAPE REQUIREMENT (%)	X	15
TOTAL LANDSCAPE REQUIRED (sf)		9,720
TOTAL ON-SITE LANDSCAPE PROVIDED (sf),		19,860
TOTAL OFF-SITE LANDSCAPE PROVIDED (sf),		5,700
TOTAL LANDSCAPE PROVIDED (sf), 39.44 %		25,560
TOTAL VEGETATIVE COVER REQUIRED, 80%		20,448
TOTAL VEGETATIVE COVER PROVIDED, 81.02%		20,730

LANDSCAPE NOTES

Owner is responsible for maintenance of landscape and irrigation system.

Landscape shall be watered by a complete underground irrigation system operated by automatic timer. Irrigation system shall provide for water requirement's of plant material at maturity. Trees shall have bubblers and shrubs shall have a minimum of 2 emitters per shrub. Trees and shrubs shall be zoned seperately. Point of Connection for irrigation system shall be coordinated between the Landscape Contractor and the General Contractor of the project prior to construction.

All landscape areas shall be covered in 3" of landscape gravel, fines, bark mulch or other landscape mulch and comercial grade weed barrier fabric approved by the Owner's representative.

It is the intent of this plan to comply with the City of Albuquerque Landscape Regulations Applicable to Apartments and Nonresidential Development.

Landscaping shall be installed according to the approved plan.

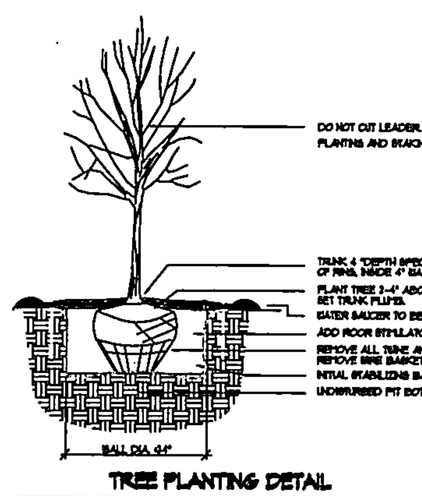
Landscape areas in excess of 36 square feet shall be planted so as to achieve 80% Live Ground Cover at maturity.

Approval of this plan does not constitute or imply exemption from water waste provisions of the water conservation landscaping and water waste ordinance. Water management is the sole responsibility of the property owner.

This plan shall comply with the Street Tree requirement's as defined in the Street Tree Ordinance 6-2-2-1.

This landscape is designed in accordance with Section 3, Item E of the approved Design Standards for Unser Crossing found on sheet G-101.
The Unser Crossing project number is 1007204: 05DRB-10771 EPC.

The hardscape saterials for this project will be consistent with those used for the Unser Crossing Development.



TREE PLANTING DETAIL
N.T.S.

DRB SUBMITTAL
12/02/2008

STATE OF NEW MEXICO
DANNY D. MITCHELL
239
REGISTERED LANDSCAPE ARCHITECT

DSA
Darren Sowell
ARCHITECTS
4700 Lincoln N.E., Suite 111
Albuquerque, N.M. 87109
Phone: (505) 342-6200
Fax: (505) 342-6201

Bohannan ▲ Huston
COURTYARD • SPATIAL DATA • ADVANCED TECHNOLOGIES

Mitchell Associates, LLC
Landscape Architects
Cedar Blvd. NE, Suite 112
Albuquerque, NM 87108
Phone: (505) 830-6226
dmitchell@mitchellassociates.com

ARMSTRONG DEVELOPMENT
PROPERTIES, INC.

CVS PHARMACY
Site Plan for Building Permit
Central Avenue and Unser Boulevard
Albuquerque, New Mexico 87121

CVS/ pharmacy

Revisions
EPC Comment's, 9/30/2008
Plaza Area, 10/31/2008

Job Number	
Drawn By	BJG
Checked	SJS
Issue Date	SEPT 2, 2008

L-100
OF

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.**

Completed 9-18-08

DRB CASE ACTION LOG (FINAL PLAT)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70296 Project # 1007204
Project Name: Lands of WEFCO Partners
Agent: Bohannan Huston Inc. Phone No.:

Your request was approved on 8-6-08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

☐ TRANSPORTATION:

☑ UTILITIES: Easements

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

Created On:

7204

DXF Electronic Approval Form

DRB Project Case #: 1007204

Subdivision Name: UNSER CROSSING

Surveyor: ROBERT GROMATZKY

Contact Person: MARY COLE

Contact Information: 823-1000

DXF Received: 9/18/2008 Hard Copy Received: 9/18/2008

Coordinate System: Ground rotated to NMSP Grid

Approved 09-18-2008 Date

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

AGIS Use Only

Copied fc **7204** to agiscov on **9/18/2008** Contact person notified on **9/18/2008**

DRB CASE ACTION LOG (FINAL PLAT)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70296 Project # 1007204

Project Name: Lands of WEECO Partners

Agent: Bohannan Huston Inc. Phone No.:

Your request was approved on 8-6-08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

☐ TRANSPORTATION:

☑ UTILITIES: Easements

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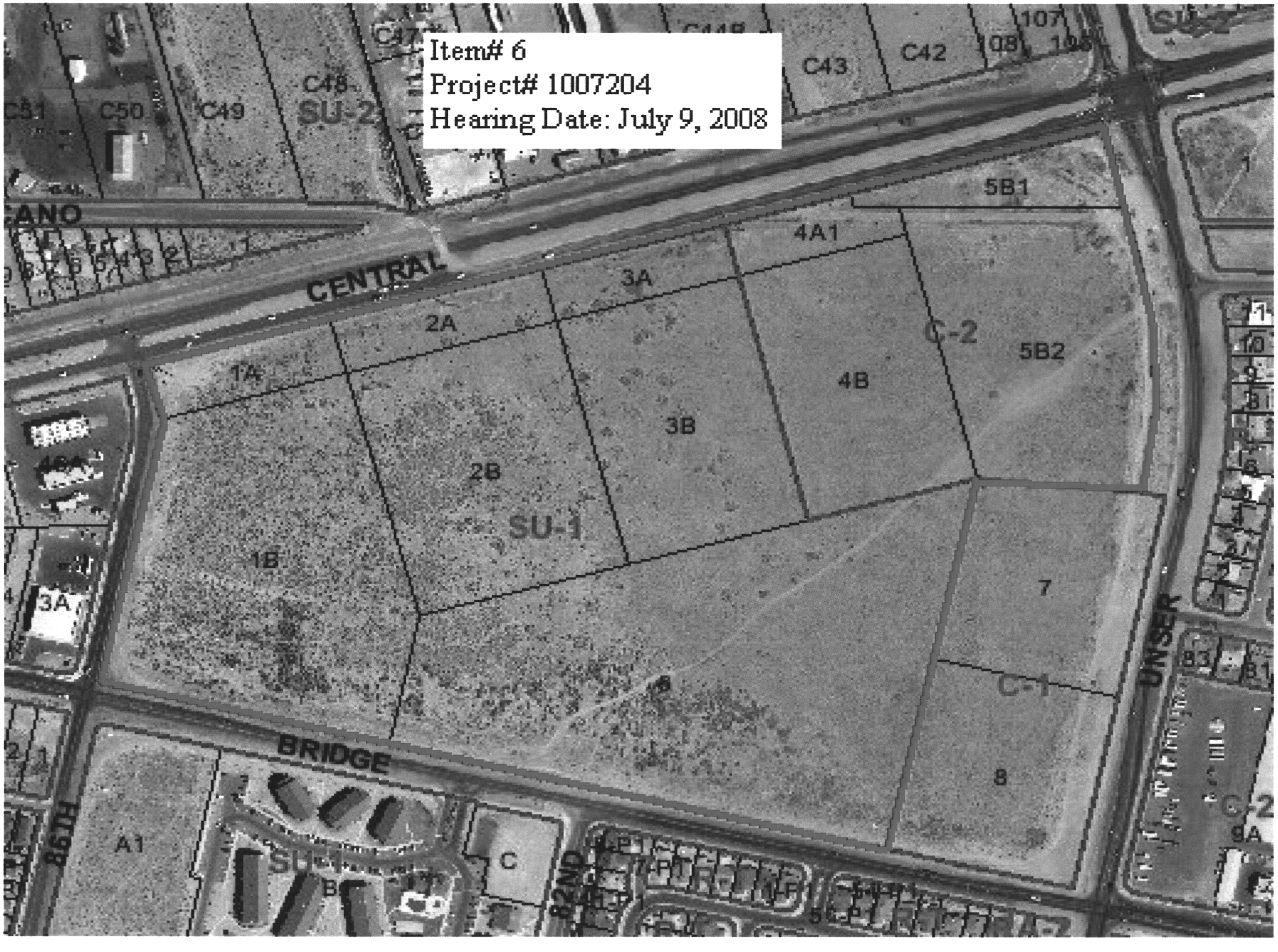
- ☐ **AGIS DXF File approval required.**
- ☐ **Copy of recorded plat for Planning.**

Created On:


Item# 6
Project# 1007204
Hearing Date: July 9, 2008
CENTRAL
BRIDGE
UNSER
86TH
82ND
C-2
C-1
SU-1
SU-2
1A
1B
2A
2B
3A
3B
4A1
4B
5B1
5B2
7
8
A1
C
C42
C43
C48
C49
C50
C51
107
108

13. **Project# 1007204**
08DRB-70296 MINOR - FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERTIES request(s) the above action(s) for all or a portion of Tract(s) 1A, 1B, 2A, 3A, 3B, 4B, & TRACT 6 VE BARRETT SUBD & TRACTS 4A1, 5B1, 5B2, LANDS OF WEFCO PARTNERS, zoned SU-1 FOR C-2/01 & C-2, located on SW CORNER OF CENTRAL AVE & UNSER SW BETWEEN BRIDGE SW AND 86TH ST SW containing approximately 50 acre(s). (K-9 & K-10) *[Deferred from 7/9/08]* **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR ECC&R's AND TO RECORD AND TO ABCWUA FOR TEMPORARY EASEMENT ROUTED AND SIGNED AND FOR WATER AND SEWER DEDICATION MADE TO ABCWUA.**

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

14. **Project# 1001934**
08DRB-70337 SKETCH PLAT REVIEW AND COMMENT

JULIANN NARAJO request(s) the above action(s) for all or a portion of Lot(s) 34, **ALVARADO GARDENS Unit(s) 1,** located on RIO GRANDE BLVD NW BETWEEN VILLA DORA NW AND CONTRERAS NW containing approximately 1.42 acre(s). (G-13)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

15. **Project# 1002819**
08DRB-70338 SKETCH PLAT REVIEW AND COMMENT

SURV-TEK INC agent(s) for LONG FORD HOMES OR NM request(s) the above action(s) for all or a portion of Tract(s) E-6-A-1, **ALBUQUERQUE SOUTH UNIT 3 (TBK DIAMOND MESA)** zoned SU-1, located on 98TH ST SW BETWEEN GIBSON BLVD SW AND BLAKE RD SW containing approximately 26.56 acre(s). (N-9) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

16. **Project# 1002962**
08DRB-70339 SKETCH PLAT REVIEW AND COMMENT

SURV-TEK INC agent(s) for CANTATA AT THE TRAILS INC request(s) the above action(s) for all or a portion of Tract(s) B, **CANTANA AT THE TRAILS Unit 2,** zoned SU-2 UR 36 & SU-1 FOR PARK, located on UNIVERSE BLVD NW BETWEEN OAKRIDGE ST NW AND TREELINE AVE NW **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

17. **Project# 1007400**
08DRB-70344 SKETCH PLAT REVIEW AND COMMENT

DWIGHT W. TINKER request(s) the above action(s) for all or a portion of Lot(s) 10-12, Block(s) 12, **ALBRIGHT - MOORE ADDITION FIELD 2-26-1921,** zoned S-R, located on TOMASES NW BETWEEN KINLEY AND BELLAMAH NW containing approximately 1.245 acre(s). (J-14) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS GIVEN.**

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S** **Z** **ZONING & PLANNING**

- ___ Major Subdivision action
- ___ Minor Subdivision action
- ___ Vacation — **V**
- ___ Variance (Non-Zoning)
- ___ Annexation
  - ___ County Submittal
  - ___ EPC Submittal
- ___ Zone Map Amendment (Establish or Change Zoning)

SITE DEVELOPMENT PLAN — **P**

- ✓ for Subdivision
- ___ for Building Permit
- ___ Administrative Amendment (AA)
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC)
- ___ Sector Plan **(Phase I, II, III)**
- ___ Amendment to Sector, Area, Facility or Comprehensive Plan
- ___ Text Amendment (Zoning Code/Sub Regs) — **D**
- ___ Street Name Change (Local & Collector) — **L** **A**

STORM DRAINAGE (Form D)

- ___ Storm Drainage Cost Allocation Plan

APPEAL / PROTEST of...

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Darren Sowell Architects, LLC. PHONE: 505-342-6200
ADDRESS: 4700 Lincoln Road NE. Suite #111 FAX: 505-342-6201
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: angelab@dsaabq.com

APPLICANT: Armstrong Development Properties PHONE: 602-385-4100
ADDRESS: 1500 N. Priest Drive, Suite 150E FAX: 602-385-4101
CITY: Tempe STATE AZ ZIP 85281 E-MAIL: sgellison@agoc.com
Proprietary interest in site: Owner/Developer List all owners:

DESCRIPTION OF REQUEST: Amended Site Development Plan for Subdivision (Sign Package)

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. Tracts 1A, 1B, 2A, 2B, 3B, 4B, 3A Block: Unit:
Subdiv/Addn/TBKA: Tract 6 V.E. Barrett Subdivision and Tracts 4-A-1, 5-B-1, 5-B-2, Lands of Wetco

Existing Zoning: C-2 Proposed zoning: C-2 MRGCD Map No

Zone Atlas page(s): K-9-10, L-10-Z, K-10-Z UPC Code: 101005702806330 0324, 101005711209630308, 101005706809030312

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Project # 1007204, 68ZHE-80263 - project 1007332, Z-883, S-76-9MP

CASE INFORMATION:

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

No. of **existing** lots: 11 No. of **proposed** lots: 14 Total area of site (acres): 50 acres

LOCATION OF PROPERTY BY STREETS: On or Near: SW. Corner of Central Ave. and Unser Blvd.

Between: Bridge Street SW and 86th Street SW

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: Sept. 9, 2008

SIGNATURE Angela M. Benson DATE Sept. 16, 2008
DSA Architects

(Print) Angela M. Benson 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
08DRB - 70407	ASPS	P(3)	$ 50.00
	CMF		$ 20.00
			$
			$
			$
			$
			Total $ 70.00

Hearing date 10/01/08

Randy Hardesty 09/16/08
Planner signature / date

Project # 1007204

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

❑ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**

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

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

❑ **SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**

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

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

❑ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**

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

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

❑ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
❑ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**

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

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

❑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
❑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**

__ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
__ Solid Waste Management Department signature on Site Plan for Building Permit
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
__ Infrastructure List, if relevant to the site plan
__ Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
__ List any original and/or related file numbers on the cover application

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

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

Angela M. Benson
Applicant name (print)

Angela M. Benson
Applicant signature / date

Form revised **October 2007**

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

Application case numbers
08DRB-70407
_____-_____-_____
_____-_____-_____

Sandy Handley 09/16/08
Planner signature / date

Project # 1007204

Bohannan ▲ Huston INC.

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

July 29, 2008

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Final Plat Approval
Unser Crossing (ref. EPC #1007204)

Dear Mr. Cloud:

The referenced project includes a Final Plat for a 50 acre commercial development in SW Albuquerque. A Preliminary Plat was submitted and approved at DRB on July 9, 2008 (08DRB70278) with the Final Plat being indefinitely deferred for the SIA. The SIA will be tied to the Site Plan for Building Permit, instead of the Plat.

At the June 26, 2008 DRB Hearing, we were asked to add a note regarding the Easements, Conditions, Covenants and Restrictions (ECC&R's). The ECC&R note has been added to sheet 1, Notes 8, 9, and 10. We have included a draft copy of the ECC&R's for your review. A copy will also be submitted to the Transportation and Drainage Departments.

Please place this item on the DRB Agenda for hearing on August 6, 2008 for Final Plat approval.

The referenced project includes a Site Plan for Subdivision and Site Plan for Building Permit that was approved with delegation at DRB on July 9, 2008. In addition, there is currently a zone change going through City Council, so we request approval with delegation to Planning until the Zone change is approved.

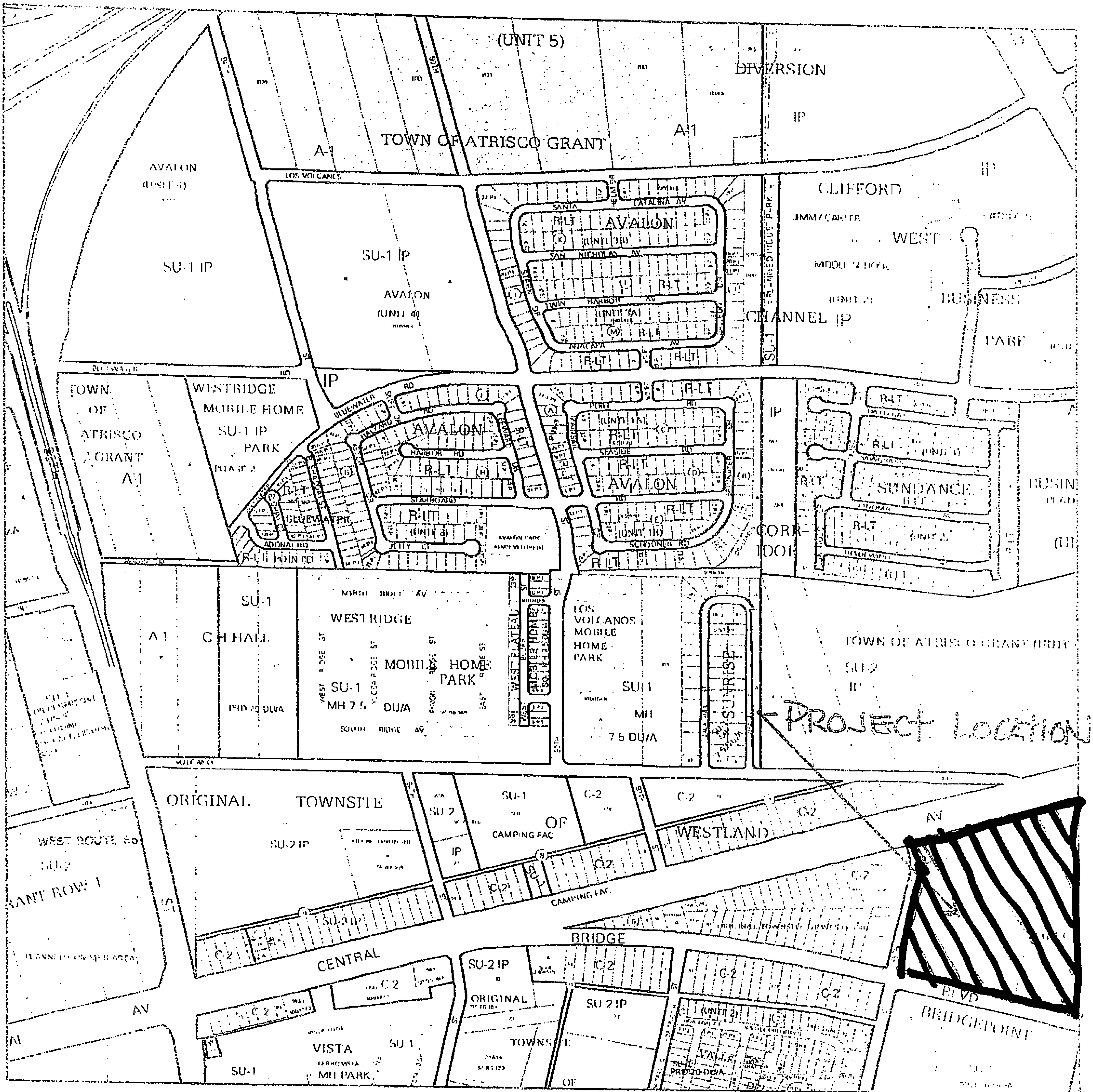
If you have any questions or require further information, please contact me.

Sincerely,

Racquel Michel

Racquel Michel, E.I.
Community Development and Planning

Cc: Armstrong Development Properties, LLC (w/encl.)
Bruce Stidworthy P.E., BHI

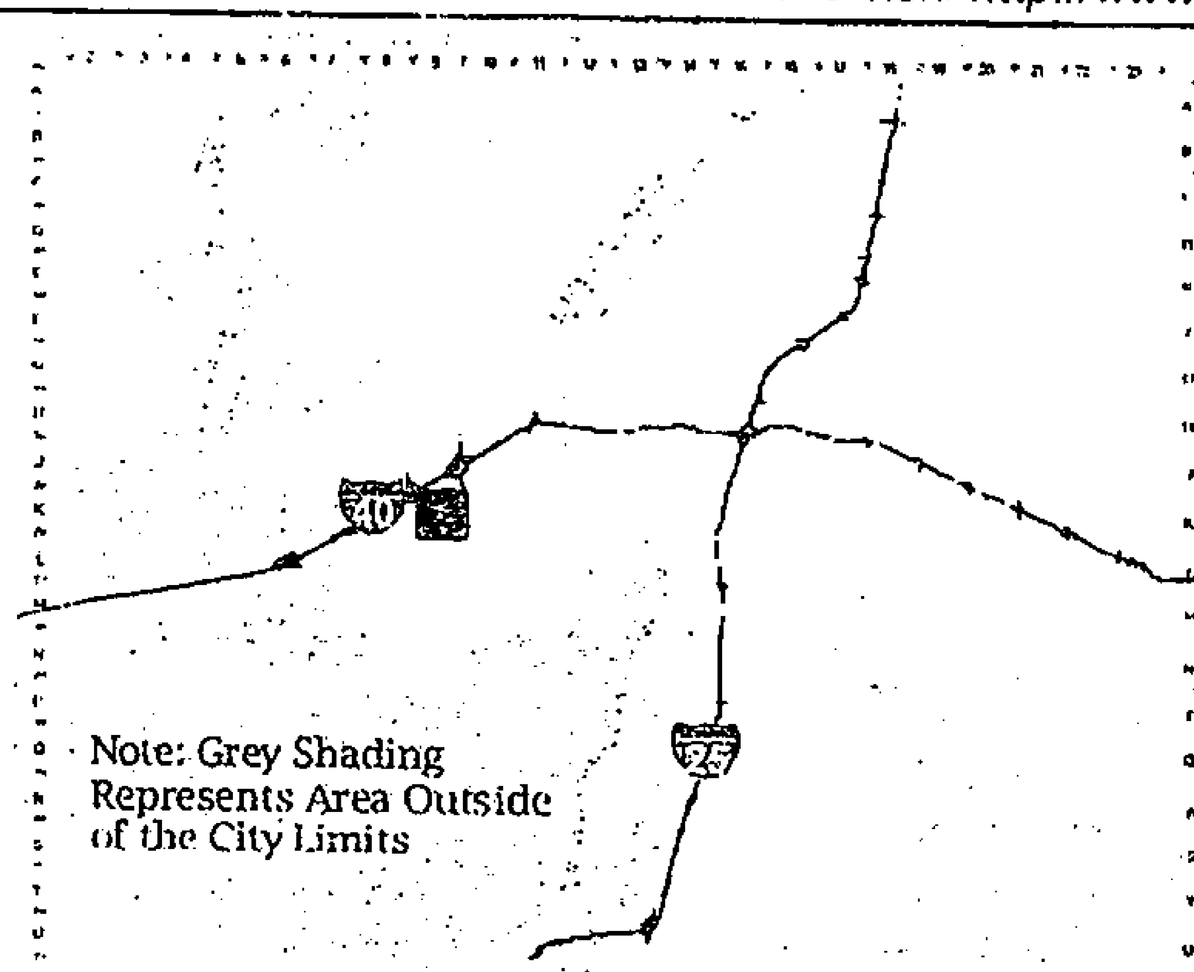


For more current information and more details visit: http://www.cabq.gov/gis

AGIS

Albuquerque Geographic Information System

Map amended through: 2/18/2007



Zone Atlas Page

K-09-Z

Selected Symbols

SECTOR PLANS

Escarpment

Design Overlay Zones

2 Mile Airport Zone

City Historic Zones

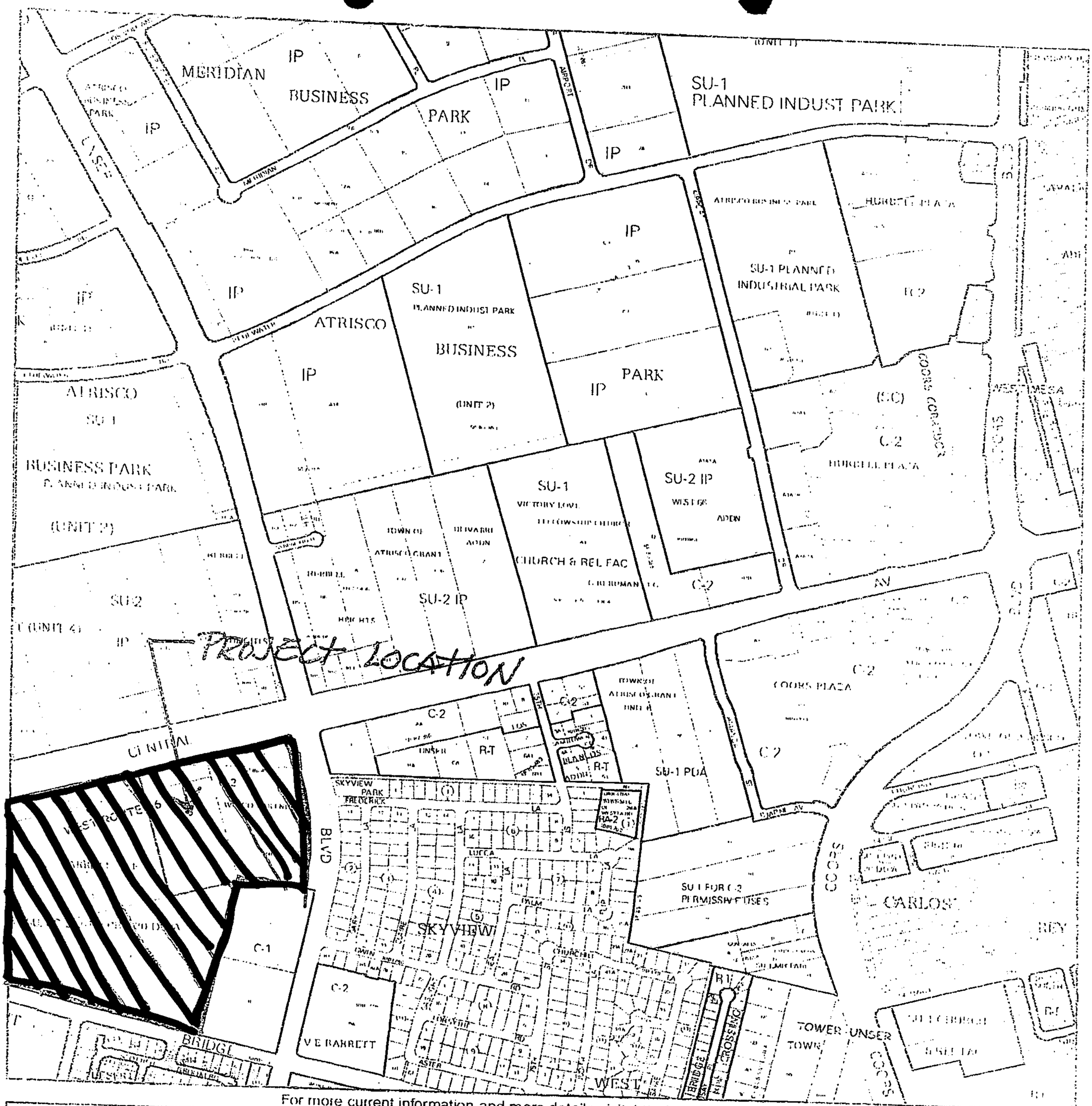
Airport Noise Contours

H-1 Buffer Zone

Wall Overlay Zone

Petroglyph Mon

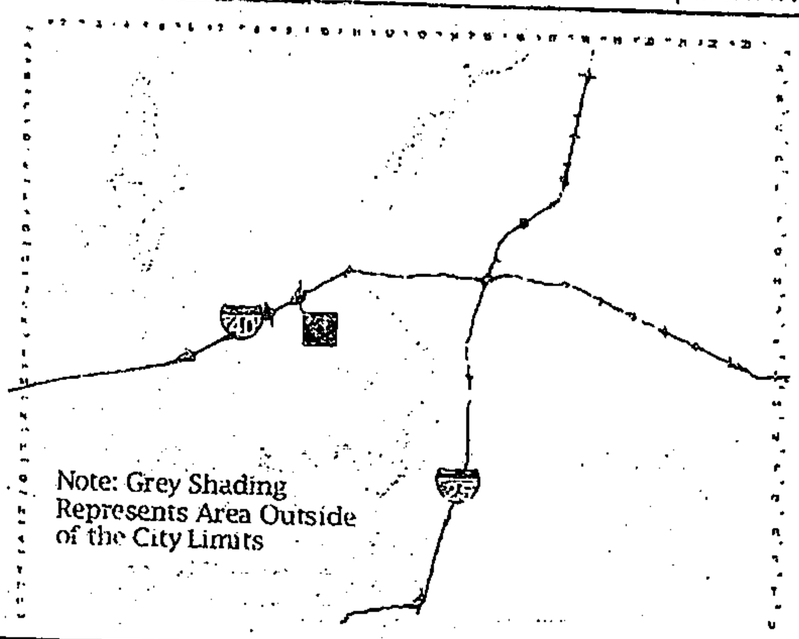
0 750 1,500 Feet



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

AGIS
Albuquerque Geographic Information System

Map amended through: 2/18/2007



Zone Atlas Page:

K-10-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

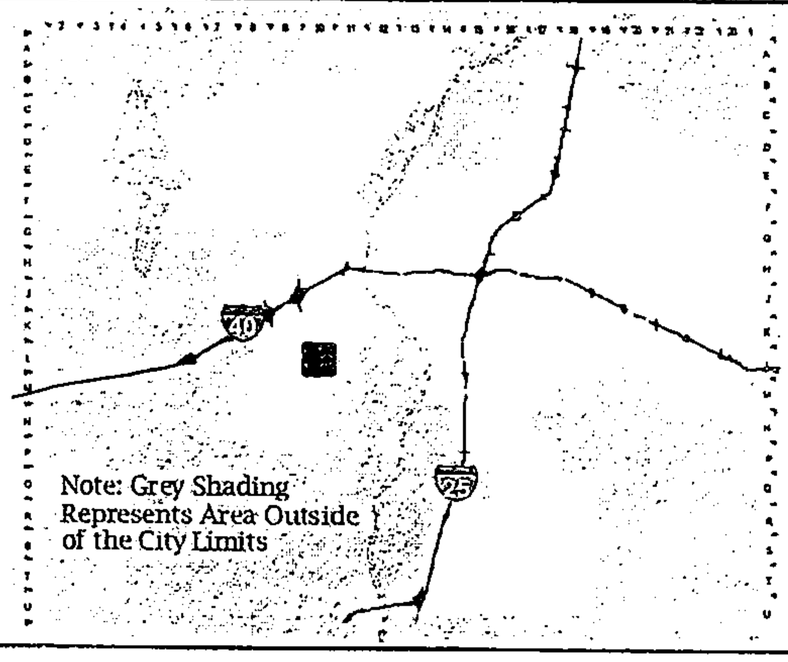
0 750 Feet

PROJECT LOCATION

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

AGIS
Albuquerque Geographic Information System

Map amended through: 2/18/2007



Zone Atlas Page:

L-10-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

0 750 1,500 Feet

DSA
Darren Sowell
ARCHITECTS, LLC

September 15, 2008

Mr. Jack Cloud, Chair
Development Review Board
City of Albuquerque
Albuquerque, New Mexico

RE: Amended Site Development Plan For Subdivision (Signage Master Plan) - Southwest corner of Central Avenue SW and Unser Boulevard SE, Tracts 4A1, 4B, 5B1, 5B2, Tracts 1A, 2A, 1B, 2B, 3B, and 6 of Barrett Subdivision. Project # 1007204/08EPC-40039

Dear Mr. Cloud,

This is a request for approval of an Amended Site Development Plan for Subdivision (Signage Master Plan) for the Unser Crossing project. This Signage Master Plan was approved by the EPC on July 18, 2008 (1007204/08EPC40063). The Sector Plan Map Amendment was approved by the City Council on September 3, 2008

As stated in the Official Notice of Decision dated July 18, 2008 the applicant has incorporated all comments made by the Planning Staff and the EPC. A subsequent meeting was held with Mr. Russell Brito, Division Manager on September 9, 2008 to ensure that all conditions of approval placed by the EPC have been satisfied.

This new Signage Master Plan address the EPC concerns about way finding within the site, and vehicular and pedestrian circulation and meets the regulations and intent of the West Route 66 Sector Development Plan (WR66), the regulations of the City of Albuquerque Comprehensive City Zoning Code Part 2 §14-16-2-17 C-2 Community Commercial Zone (C-2), and the Large Retail Facility regulations (LRF). Per the requirements of the EPC, City of Albuquerque Legal Staff provided a written statement of authorization (attached) that the EPC has the authority pursuant to Section 14-16-2-17 (10)(f), to deviate from the West Route 66 Sector Development Plan with regards to signage.

Respectfully submitted,

DSA Architects, LLC

Angela Benson

Angela M. Benson

(505) 842-6200 Fax (505) 842-6201 4700 Lincoln Rd NE, Suite # 111 Albuquerque, NM

June 5, 2008

EPC Chairperson
Environmental Planning Commission
600 Second Street NW
Albuquerque, NM 87103

RE: Unser Crossing Sign Package

Dear Chairperson,

The purpose of this letter is to authorize DSA Architects, LLC to act as our agent on this submittal for Amended Site Development Plan Subdivision. Unser Brothers Real Property Trust is the owner of the property located at the Southwest corner of Unser Boulevard and Central Avenue which comprises approximately 36 acres. Please feel free to contact me at (505) 836-1606 with any questions or concerns.

Respectfully,

Al Unser

Trustee of the Unser Brothers Real Property Trust

June 5, 2008

EPC Chairperson
Environmental Planning Commission
600 Second Street NW
Albuquerque, NM 87103

RE: Unser Crossing Sign Package

Dear Chairperson,

The purpose of this letter is to authorize DSA Architects, LLC to act as our agent on this submittal for Amended Site Development Plan Subdivision. Unser Brothers Real Property Trust is the owner of the property located at the Southwest corner of Unser Boulevard and Central Avenue which comprises approximately 36 acres. Please feel free to contact me at (505) 831-1500 with any questions or concerns.

Respectfully,

Bobby Unser

Trustee of the Unser Brothers Real Property Trust

TRACI J. WOLF
BRYAN T. FOX
MELANIE J. RHODES
CHRISTEN E. HAGEMANN

WOLF & FOX
A LAW CORPORATION

JESSICA M. LOPEZ-HESS
BRET A. BLANCHARD
AMY B. BAILEY

June 2, 2008

EPC Chairperson
Environmental Planning Commission
600 Second Street NW
Albuquerque, NM 87103

RE: Unser Crossing Sign Package

Dear Chairperson:

This law firm represents Sandia Partners, L.L.C., the owner of the property located at the Southwest corner of Unser Boulevard and Central Avenue which comprises approximately 14 acres. The purpose of this letter is to authorize DSA Architects, LLC to act as Sandia Partners, LLC's agent on this submittal for Amended Site Development Plan Subdivision.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

WOLF & FOX, P.C.

By: Traci J. Wolf

TJW/
cc: Sandia Partners, LLC

LEGAL DEPARTMENT

INTEROFFICE CORRESPONDENCE

DATE: August 21, 2008

TO: Russell Brito, Division Manager

FROM: Robert M. White, City Attorney

RE: Unser Crossing Shopping Center Site

This memo is in response to a request from the Environmental Planning Commission ("EPC") concerning the applicable on-site signage regulations for the Unser Crossing Shopping Center Project.

The EPC site plan approval allowed 6 (six) on-site freestanding signs with a sign-face of 150 square feet. The number of signs and the size of the signs were approved pursuant to zoning code section 14-16-2-17(A)(10). This section allows the EPC to exercise discretion to permit exceptions to be made to the number and size of signs normally permitted for shopping center sites.

In addition, the Project is within the West Route 66 Sector Development Plan, ("West 66 Plan"). The sign regulations for the West 66 Plan restrict the number of on-site free standing signs to 4 (four) with a sign-face area of 100 square feet.

In reconciling the conflict between the sign exceptions provided for in the zoning code and West 66 Plan, the EPC determined that the discretion to allow for signage exceptions contained in the zone code was applicable and therefore could supercede the sign regulations contained in the West 66 Plan.

It is my understanding the City's Planning Department and the EPC have consistently interpreted the signage exceptions of the zoning code as pre-empting other inconsistent regulations for shopping center sites. The prior decisions provide a precedent for current and future interpretations and may be the best evidence of the City's intent in adopting the signage exception.

The conflict between the zoning code provision and the sector plan provision could be given deference by a court, on the basis that the governing body has far greater knowledge and expertise than the courts regarding the interrelationships among the various provisions of its own enactments and the underlying policies.

Although other arguments can be made that the sector plan signage standards supercede the zoning code provision, I cannot conclude the EPC interpretation is incorrect as a matter of law.

cc: Mark Hirsch, Deputy City Attorney

CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

ARMSTRONG DEVELOPMENT PROPERTIES (DARREN SOWELL ARCHITECTS, AGENT) request(s) a special exception to Section 14-16-3-2-(K)(2): a VARIANCE 10' to the 20' maximum light pole height requirement for 37 proposed 30' high light poles in a C-2 zone on all or a portion of Tract(s) 4A1, 4B, 5B1, 5B2, 1A, 2A, 1B, 2B, 3B & 6, BARRETT SUBDIVISION AND LANDS OF WETCO zoned C2, located at 201 UNSER BLVD SW (L-10,K-10,K-9)

Special Exception No:..... **08ZHE-80263**
Project No:..... **Project# 1007332**
Hearing Date:..... 08-12-08
Closing of Public Record:..... 08-12-08
Date of Decision:..... 08-18-08

STATEMENT OF FACTS: The applicant, Armstrong Development Properties, request a variance of 10' to the 20' maximum light pole height requirement for 37 proposed 30' high light poles in a C-2 zone. Scott Meyer testified, at the hearing, that if approved the 30' high poles will be located in the main parking areas only. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity and, therefore, it meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 2, 2008 in the manner described below:

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of $105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File (2)
Armstrong Development Properties, 1500 N. Priest Drive, Ste. 150E, Tempe, AZ, 85281
Angela Benson, Darren Sowell Architects, LLC, 4700 Lincoln Road NE, Ste. 111, 87109

Bonny M. Fetch, bfetch@nd.gov
Susan J. Kirkvold, sjanek2002@gmail.com

Current DRC
Project No. _____

Date Submitted: June 24, 2008
Date Site Plan for Bldg Permit Appr 7/9/08
Date Site Plan for Sub. Approved: ...
Date Preliminary Plat Approved. N/A
Date Preliminary Plat Expires: N/A

ORIGINAL

Figure 12

INFRASTRUCTURE LIST

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

Unser Crossing

DRB Project No. 1007204

9-5-08

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

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		11' FC-EOA	LENGTHEN EXISTING NORTH BOUND RIGHT TURN LANE (APPROX. 115 LF): PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK	UNSER BLVD. (EAST SIDE OF ROW).	240' SOUTH OF LOS VOLCANES RD.	LOS VOLCANES RD.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF CENTRAL AVE & UNSER BLVD.			/	/	/
		11' - 12'	WEST BOUND THRU LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 1,500 LF)	CENTRAL AVE.	500' EAST OF UNSER BLVD.	DRIVEWAY "B"	/	/	/
		12' FC-EOA	100LF WEST BOUND LEFT TURN LANE AND MEDIAN OPENING: PAVED ROADWAY, STRIPING, CURB AND GUTTER	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE AT DRIVEWAY "B"			/	/	/
		12' FC-EOA	EAST BOUND RIGHT TURN DECEL LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER , 6' SIDEWALK (APPROX 100 LF)	CENTRAL AVE. AT DRIVEWAY "B"			/	/	/
		6' WIDE	BIKE LANE INCL PAVEMENT, STRIPING, CURB AND GUTTER, 6' SIDEWALK	CENTRAL AVE.	86TH ST.	UNSER BLVD.	/	/	/
		N/A	NEW TRAFFIC SIGNAL	CENTRAL AVE AT 86TH ST			/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		11' - 12'	LENGTHEN WEST BOUND LEFT TURN LANE TO 600 LF; PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 370 LF)	CENTRAL AVE.	600' EAST OF 86TH ST.	86TH ST.	/	/	/
			EAST 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' NORTHBOUND LANE, 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	86TH ST.	BRIDGE BLVD.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND RIGHT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
		11' - 12'	NORTH BOUND LEFT & THRU LANE: PAVED ROADWAY, STRIPING (APPROX. 100 LF)	86TH ST.	100' SOUTH OF CENTRAL AVE.	CENTRAL AVE.	/	/	/
			NORTH 1/2 STREET PERMANENT IMPROVEMENTS TO PROVIDE FOR 6' BIKE LANE, 12' WESTBOUND LANE AND 14' CONTINUOUS CENTER LEFT TURN LANE, CURB AND GUTTER, 6' SIDEWALK	BRIDGE BLVD.	BOUNDARY OF SITE	86TH ST.	/	/	/
		N/A	TRAFFIC SIGNAL MODIFICATIONS	INTERSECTION OF UNSER BLVD. & BRIDGE BLVD.			/	/	/
			WEST 1/2 STREET PERMANENT IMPROVEMENTS INCLUDING TWO SOUTHBOUND LANES, 6' BIKE LANE, CURB AND GUTTER, 6' SIDEWALK	UNSER BLVD.	CENTRAL AVE.	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 200 LF)	UNSER BLVD	200' SOUTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	SOUTH BOUND RIGHT TURN LANE; PAVED ROADWAY, STRIPING, CURB AND GUTTER, 6' SIDEWALK (APPROX. 100 LF)	UNSER BLVD.	100' NORTH OF DRIVEWAY "E"	DRIVEWAY "E"	/	/	/
		11' - 12'	NORTH BOUND AND SOUTH BOUND LEFT TURN LANE: PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 100 LF)	86TH ST	100' NORTH AND 100' SOUTH OF BRIDGE BLVD.	BRIDGE BLVD	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
							/	/	/
			PUBLIC SANITARY SEWER IMPROVEMENTS						
		8" DIA	SANITARY SEWER LINE WITH MH & SERVICES, AS REQUIRED	MAIN EAST-WEST SITE DRIVE	EAST TERMINUS OF CITY PROJECT #7356.82-07	UNSER BLVD.	/	/	/
							/	/	/
			PUBLIC WATERLINE IMPROVEMENTS						
		12" DIA	ABANDON EXISTING WATERLINE IN VOLCANO RD	VOLCANO RD.	CENTRAL AVE.	UNSER BLVD.	/	/	/
		~~12" DIA~~	Delete ~~WATERLINE W/ NEC. VALVES, MJ'S & RJ'S~~	~~UNSER BLVD.~~	~~VOLCANO RD.~~	~~CENTRAL AVE.~~	/	/	/
		10" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJ'S & RJ'S	MAIN EAST-WEST SITE DRIVE	86TH ST.	UNSER BLVD.	/	/	/
		10" DIA	WATERLINE W/ NEC VALVES, FH'S, MJ'S & RJ'S	SITE DRIVES	CENTRAL AVE.	BRIDGE BLVD.	/	/	/
							/	/	/
			PUBLIC STORM DRAIN IMPROVEMENTS						
		5' X 20'	JUNCTION BOX AND STORM DRAIN	NW CORNER OF SITE	CULVERTS OUTFALLING ACROSS CENTRAL AVE.	STORM DRAIN IN UNSER BLVD	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 78" SD IN UNSER BLVD.	CENTRAL AVE.	APPROX 200LF EAST OF DRIVEWAY "C"	78" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD.	UNSER BLVD.	APPROX 500LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 96" SD IN UNSER BLVD	UNSER BLVD.	APPROX 50LF NORTH OF DRIVEWAY "E"	96" SD IN UNSER BLVD.	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		18" DIA	CURB TYPE STORM DRAIN INLET & CONNECTOR PIPE TO 90" SD IN BRIDGE BLVD.	BRIDGE BLVD.	APPROX 64LF WEST OF DRIVEWAY "G"	90" SD IN BRIDGE BLVD.	/	/	/
							/	/	/

AGENT/OWNER

Racquel Michel — PREPARED BY: PRINT NAME
6/24/2008 — DATE

BOHANNAN HUSTON, INC. — FIRM

Racquel Michel — SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR	7-9-08 DATE	Christina Sandoval — PARKS & GENERAL SERVICES	7/9/08 DATE
TRANSPORTATION DEVELOPMENT	7/9/08 DATE	AMAFCA	DATE
UTILITY DEVELOPMENT	7/9/08 DATE	Bradley L. Bingham — CITY ENGINEER	7/9/08 DATE
	DATE		DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	9-5-08			

City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: July 18, 2008

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project# 1007204***
08EPC-40063 AMEND SITE DEVELOPMENT PLAN - SUBDVN

Armstrong Development Properties
1500 N. Priest Dr., Suite 150E
Tempe, AZ 85281

LEGAL DESCRIPTION: for all or a portion of tracts 1A, 1B, 2A, 2B, 3B, 4B, 3A & TRACT 6 OF BARRET SUB & TRACTS 4-A-1, 5-B-1, 5-B-2, LANDS OF WETCO, zoned SU-1 FOR C-2 / 01 to C-2 (PENDING) located on CENTRAL AVE AND UNSER BETWEEN BRIDGE ST AND 86TH containing approximately 50 acres. (K-9, K-10, L-10) Russell Brito, Staff Planner

On July 17, 2008 the Environmental Planning Commission voted to approve Project 1007204/08EPC 40063, a site development plan for subdivision amendment, for Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4B, and 6 V.E. Barrett Subdivision and Tracts 4-A-1, 5-B-1, 5-B-2, Lands of WEFCO Partners, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for an amendment to a site development plan for subdivision with design standards for Tracts 1A, 1B, 2A, 2B, 3A, 3B, 4B, and 6 V.E. Barrett Subdivision and Tracts 4-A-1, 5-B-1, 5-B-2, Lands of WEFCO Partners an approximately 50-acre vacant site located at the southwest corner of Central and Unser SW.

2. The applicant is proposing to re-plat the existing 11 tracts into 14 tracts and proposes design standards and sign standards.

3. A request for a map amendment to the West Route 66 Sector Development Plan for an approximately 36-acre portion of the site so that the entire site will be zoned C-2 is pending at City Council. An approved site development plan for building permit is awaiting final sign-off at the DRB. Retails uses are proposed for the entire site, including a health club.

4. The subject site is located within the Established Urban Area as designated by the Comprehensive Plan and is also within the boundaries of the West side Strategic Plan and the West Route 66 Sector Development Plan. The site is a designated Community Activity Center, and Central and Unser are both Enhanced Transit Corridors in this area.

5. The submittal furthers the following Comprehensive Plan goal and policies:
   a. The site development plan for subdivision amendment will allow for a range of urban land uses, most notably commercial uses that are needed in this part of the city. (Policy II.B.5.a)
   b. The employment and services uses in the retail center would complement the surrounding residential areas, as there are few retail options on the southwest mesa. The submittal has a note on the site plan in accordance with the large retail facility regulations prohibiting truck operations between the hours of 10pm and 6:30am. (Policy II.B.5.i)
   c. The addition of commercial services on the West Side furthers the Economic Development goal.
   d. The shopping center may attract both local and outside businesses. This amendment request to add sign standards will benefit the site. (Policy II.D.6.b)
   e. This shopping center will create jobs and reduce the need to travel. The submitted site development plan includes sign standards that will benefit the site. (Policy II.D.6.g)

6. This request partially furthers the following Comprehensive Plan goals and policies:
   a. The site development plan amendment to add a signage program to the design standards partially furthers the Goal of the Established Urban Area. The concept of creating a shopping center to offer more retail options to west side residents is commendable. The proposed signage program will help to create a visually pleasing built environment. However, the overall layout and design of the shopping center with its back towards the adjacent residential neighborhoods continues to be an obstacle to an integrated community. The site layout is not conducive to overall walkability and places the greatest emphasis on the automobile.
   b. While staff agrees that the location is convenient for residents, the proposed site plan consists mostly of larger parcels (II.B.7a).
   c. The subject site is an appropriate location for the proposed commercial uses and intensity. The applicant cites neighborhood support for the proposal and the TIS indicates sufficient roadway carrying capacity for this project. The proposed signage program for the site will help to ensure respect of scenic resources in the area and views beyond. The proposed site layout could be improved to better respect existing neighborhood conditions, but is not the subject of the current request. (Policy II.B.5.d)
   d. The site development plan amendment will contribute to development of a vacant infill site that is contiguous to existing infrastructure. It is unknown if the proposed layout and design of the site will ensure the integrity of the existing neighborhood because the entire length of Bridge Boulevard, which is adjacent to residential neighborhoods, is devoted to building rears and loading docks. (Policy II.B.5.e)

e. The applicant is not proposing housing in this Activity Center. While the pending C-2 zoning would permit multi-family residential, it is not required and none is being proposed at this time. Residential development is appropriate, allowed and encouraged, but not proposed by the site development plan at this time. (Policy II.B.5.h)
f. The layout of the proposed site development plan is not innovative and does not strictly comply with all large retail facility regulations. The site is typical of a traditional suburban shopping center with a row of shops at the rear of the site and around the perimeter, a sea of parking, and several pad sites along Central and Unser. The design standards for individual buildings and signage will result in quality development that is appropriate for the area. (Policy II.B.5.l)
g. The applicant is proposing 100% commercial on the site, but the pending C-2 zoning does not completely eliminate the possibility of mixed land uses, including residential. The proposed site design does not reduce auto travel needs, but the proposed uses will contribute to a decrease in the distance to reach commercial uses. Pedestrian access to and circulation within the site is not entirely convenient or pleasant. The proposed signage program with directional signs will help pedestrians navigate this site. (Activity Center Goal)
h. The location of this proposed shopping center is convenient for nearby residents, but the site design does not encourage multi-modal transportation. No mixture of uses is proposed for this site, and while sidewalks and pedestrian crossings are provided within the site, the overall site layout does not encourage walking. The site plan consists mostly of larger parcels with large parking fields and one-story buildings. Many vehicle/pedestrian conflicts exist, although ample public open space is provided. The location is convenient for commercial services, but mixed uses are not proposed and the site design does not encourage walking. (Policies II.B.7.a and i)
i. Adequate parking screening is provided, and no high water use plants are proposed for the landscape strips. The proposed signage standards should lead to useful and attractive signage on the site. Building facades are mostly separated from the roadway corridor and sidewalks by parking areas. (Policy II.C.9.e)
j. While the proposal may contribute to the efficient placement of services and sufficient roadway capacity will be ensured through required improvements at the applicant's cost, the proposal does not encourage walking, bicycling, or the use of transit. The proposed signage standards will hopefully facilitate a safer environment for pedestrians. (Transportation and Transit Goal and Policy II.D.4.a, g and p)

7. This request furthers the following West Side Strategic Plan goal, objectives and policies:
   a. Implementation of the submitted site development plan will allow west side residents the opportunity to shop and play in the area where they live. (Goal 10)
   b. This submittal will promote job opportunities and business growth in an appropriate area. (Objective 8)
   c. This site is accessible by several major streets and is also served by 4 bus routes (Policy 1.14).
   d. The applicant is proposing urban style services. (Policy 3.40)
   e. The proposed site development plan will encourage employment growth. (Policy 3.41)

8. Delegation of future phases of development to the DRB is not appropriate in this case because of the importance of the properties adjacent to Central and Unser.

9. There are several conflicts with controlling plans and regulations, including the Zoning Code and the West Route 66 SDP that are addressed in the conditions of approval.

10. There is no known neighborhood or other opposition to this request.

11. Section 14-16-2-17(10)(F) of the C-2 zone allows the Planning Commission to approve signage exceptions for shopping centers in order to provide adequate signing in special situations. Deviation from the strict application of the larger retail facility regulations and the West Route 66 Sector Development Plan DOZ is warranted to ensure safe and effective wayfinding and adequate visibility to motorists on adjacent roadways. Such deviations are specifically outlined in the accompanying conditions of approval.

CONDITIONS:

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

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Design Standards
   a. Parking: Parking shall be encouraged on internal street networks.
   b. The design standards sections shall be re-lettered after F to reflect G through N.

4. Signage Master Plan:
   a. The signage map and the approved site plan for building permit shall correspond at the DRB final sign-off.
   b. The sign elevations shall indicate colors, materials and total square footage
   c. Add to the list of prohibited signs: off-premise signs.
   d. Add a note: "Temporary banner signs for special events may be allowed with an Administrative Amendment."

f. Remove note: "It has been determined that all sign areas are wholly visible from an abutting arterial street. Therefore all tenants will be allowed 15% of the areas of the façade for building signage."
g. And replace with: "The signage standards on sheet S-101, Section C.1.A shall allow a maximum of 10% of each façade area to contain signage."
h. Add a note: There are 6 monument signs permitted for the entire subdivision site: Two monument signs along Central Avenue at a maximum 26 feet and a maximum sign face area of 150 square feet with no more then 8 tenants listed. Two monument signs along Central Avenue up to 18 feet tall with a maximum sign face area of 100 square feet with no more then 6 tenants listed. One monument sign along Unser Boulevard up to a maximum height of 20 with a maximum sign face area of a 150 square feet and no more then 8 tenants listed. One monument sign at 86th Street up to a maximum height of 18 feet with a maximum sign face area of 100 square feet, no more then 6 tenants listed. No additional monument signs will be permitted for Tracts 1-11. There shall be no more than 2 art icon will be allowed up to a maximum height of 40 feet. No tenant signs shall be allowed on the icon signs.
i. Add a note: "Maximum sign-face area for free-standing signs is 150 square feet."
j. Add a note: "No more than three Directory signs, with a maximum size of 24 square feet, are allowed and do not count as a monument sign."
k. Add a note: "Uplighting of any kind is prohibited."
l. Add a note: "Each freestanding sign shall display a numeric street address with a size that is easily readable to drivers on adjacent streets. This numeric street address shall not be calculated as part of the allowed sign face area."
m. Remove any provisions or requirements that are not enforceable by the Planning Department, Code Enforcement Division, including requirements, standards and agreements between the property owner/management and individual tenants. (B.2., E.1., F., K.)

5. Sign Standards Detail Drawings (sheets S-102, S-103 and subsequent, unnumbered sheet):
n. All sign-type drawings (A1, A2, B, C, D, E, F and G) on Sheets S-102 and S-103 shall comply with the sign standards of condition 4.
o. The multi-tenant, directional monument signs (unnumbered sheet after S-103) locations as shown on sheet C-001 shall be transferred to the site plan diagram of sign locations on sheet S-103.
p. The site development plan for building permit, currently awaiting final sign-off at the DRB, shall be revised to reflect the amended and approved site development plan for subdivision and its sign standards (signage master plan).

6. Additional signage shall be detailed and located on the site development plans for building permit and subdivision:
a. Pedestrian crossing signs at every drive aisle crossing.
b. Traffic control signs at the roundabout that direct drivers in a counter-clockwise flow and right turns only.

7. Final approval of the corresponding map amendment to the West Route 66 Sector Development Plan (08EPC 40039) by the City Council is required prior to final sign-off of the site development plan for subdivision at the DRB.

8. City Engineer Conditions:
   a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. Comment continued on next page. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
   b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
   c. Extend the north/south drive aisle from Central Avenue at site drive "A" to Bridge Boulevard (would bisect the area between retail shops 7C and 7C2), provide an east/west connection from this extension to the delivery/service areas of these same retail buildings and provide additional parking adjacent to this extension (from east/west connection to retail buildings).
   d. Provide adequate site distance at service drives along Bridge Boulevard adjacent to 6' screen wall.
   e. According to the TIS, there are six uses with drive-thru windows. Therefore, the applicant should provide the entire site plan for the purpose of reviewing site circulation.
   f. Site drives to be designed and located per the recommendations in the TIS.
   g. Provide truck route and turning information on site plan. Service drives and loading areas to be designed accordingly.
   h. Provide cross access to Tracts 7 and 8 (designated as not a part on site plan), to site drive aisles that provide connections with Unser and Bridge Boulevards. Provide applicable cross access agreements.
   i. A concurrent platting action will be required at DRB.
   j. Site plan shall comply and be designed per DPM Standards.
   k. Dedication of right-of-way from the centerline of Unser Boulevard a limited access, principal arterial as designated on the Long Range Roadway System map.
   l. Dedication of right-of-way from the centerline of Central Avenue a Principal arterial as designated on the Long Range Roadway System map.
   m. Dedication of right-of-way from the centerline of Bridge Boulevard a Collector Street as designated on the Long Range Roadway System map.
   n. Dedication of right-of-way from the centerline of 86th Street a Collector Street as designated on the Long Range Roadway System map.
   o. Dedication of an additional 6 feet of right-of-way along Unser Boulevard, Central Avenue, Bridge Boulevard and 86th Street as required by the City Engineer to provide for on-street bicycle lanes.

p. Construction of the bicycle lanes along Unser Boulevard, Central Avenue, Bridge Boulevard and 86th Street adjacent to the subject property, as designated on Long Range Bikeways System map.

9. Tenant signage for retail buildings is limited to one per entrance and for building facades that directly front on Central or Unser. Secondary signage is permitted for anchor buildings only and for buildings with facades that directly front on Central or Unser.

10. City of Albuquerque Legal Staff providing a written opinion that the Environmental Planning Commission has the authority pursuant to Section 14-16-2-17(10)(f), to deviate from the West Route 66 Sector Development Plan with regards to signage or the applicant shall obtain a variance from the Zoning Hearing Examiner from the regulations of the West Route 66 Sector Development Plan with respect to signage.

PROTEST: IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION, WHICH IS BY **AUGUST 1, 2008**.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY **AUGUST 1, 2008** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

for Richard Dineen
Planning Director

RD/RB/ac

cc: Angela Benson, Darren Sowell Architects LLC, 4700 Lincoln Road NE, Suite #111, Albuq. NM 87109
Miguel Maestas, Avalon NA, 9400 Harbor Rd. NW, Albuq. NM 87121
Kelly Chappelle, Avalon NA, 9135 Santa Catalina Ave. NW, Albuq. NM 87121
Max Garcia, Los Volcanes NA, 6619 Honeylocust Ave. NW, Albuq. NM 87121
Benny Sandoval, Los Volcanes NA, 6516 Honeylocust Ave. NW, Albuq. NM 87121
Tony Chavez, Skyview West NA, 305 Claire Ln. SW, Albuq. NM 87121
Beatrice Purcella, Skyview West NA, 201 Claire Ln. SW, Albuq. NM 87121
Norman Mason, Stinson, Tower NA, 7427 Via Tranquilo SW, Albuq. NM 87121
Victor Wyant, Stinson Tower NA, 612 Cottontail SW, Albuq. NM 87121
Andres Anaya, Sunrise HOA, 209 Galataneau NW, Albuq. NM 87121
Darlene Norris, Sunrise HOA, 319 Galantaneu NW, Albuq. NM 87121
Matthew Archuleta, Westgate Heights NA, 1628 Summerfield SW, Albuq. NM 87121
Libby McIntosh, Westgate Heights NA, 1316 Ladrones Ct. SW, Albuq. NM 87121
Van Barber, Westside Merchants Assoc., 5201 Central NW, Albuq. NM 87105
Miguel Maestas, Westside Merchants Assoc., 6013 Sunset Gardens SW, Albuq. NM 87121
Jerry Gallegos, 417 65th st. SW, Albuq. NM 87121
Louis Tafoya, 6411 Avalon Rd. NW, Albuq. NM 87101

5
6,000SF

TRACT 13
1.22 ACRES

RETAIL
4
6,000 SF

DETENTION
POND

TRACT 7 AND
8 NOT
INCLUDED IN
PROJECT

CUSTOMER LOADING
CANOPY

TRACT 12
13.10 ACRES

GARDEN
CENTER

HOME IMPROVEMENT
BUILDING 8
125,601 SF
103K DEEP

TRUCK DOCK

STAGING

REVISED
EASEMENT

PREVIOUS
EASEMENT

City of Albuquerque
Planning Department
Interoffice Memo

Date: 24 June 2008

To: Jack Cloud, DRB Chair

From: Russell Brito, Dev. Rvw. Div. Mngr.

RE: Project # 1007204 (Site development plans for subdivision and building permit)

The submitted site development plans address, comply and integrate most of the EPC's Conditions of Approval except as follows:

07EPC-40034

Condition 11.
Final City Council approval of the accompanying sector development plan map amendment (08EPC-40035) is required prior to final DRB sign-off.

Condition 10.
Please ensure that these items are addressed to the satisfaction of the City Engineer.

07EPC-40035

Condition 7.c.
Street trees need to be shown between the curb and sidewalk in a minimum 6' wide planting area along Unser Boulevard.

The 75% live ground cover requirement needs to be changed to 80%.

Condition 11.a.
Colors need to be called out on elevation sheets A-108A and A-108B.

Condition 11.b.
The statement "representation of design intent" needs to be removed from the "Lowe's" elevation sheets.

Condition 11.d.
Additional façade articulation is needed on the rear elevation on sheet A-108A.

Condition 11.e.
Need detail drawings for plazas 5 and 6.

Condition 13.a.
Signed maintenance agreement needs to accompany this submittal.

Condition 14.b.
Materials and colors of dumpster enclosure need to be noted.

CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

COUNCIL BILL NO. R-08-113 ENACTMENT NO. R-2008-104

SPONSORED BY: Ken Sanchez by request

RESOLUTION

SECTOR DEVELOPMENT PLAN MAP AMENDMENT 08EPC-40039, AMENDING THE WEST ROUTE 66 SECTOR DEVELOPMENT PLAN TO CHANGE THE ZONING DESIGNATION FROM SU-1 FOR C-2 (TEN ACRES), O-1, AND PRD 20 DU/AC (7 ACRES) TO C-2 FOR TRACTS 1A, 1B, 2A, 2B, 3A, 3B, AND 6, V.E. BARRETT SUBDIVISION, LOCATED IN THE SOUTHWEST QUADRANT OF THE UNSER BOULEVARD/CENTRAL AVENUE INTERSECTION, CONTAINING APPROXIMATELY 36 ACRES.

WHEREAS, the Council, the Governing Body of the City of Albuquerque, has the authority to adopt and amend plans for the physical development of areas within the planning and platting jurisdiction of the City authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule powers; and

WHEREAS, the City of Albuquerque adopted the West Route 66 Sector Development Plan in 1987 through Council Bill R-321, Enactment No. 120-1987; and

WHEREAS, the Council has the authority to not only adopt but amend such a sector development plan; and

WHEREAS, on 15 May 2008, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended approval to the City Council of a map amendment to the West Route 66 Sector Development Plan to change the zoning designation of the subject site from SU-1 for C-2 (ten acres), O-1, and PRD 20 du/acre (7 acres) to C-2; and

WHEREAS, the Environmental Planning Commission found the above Sector Development Plan map amendment was consistent with applicable Comprehensive Plan and West Side Strategic Plan Goals, policies and objectives; and

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WHEREAS, the Environmental Planning Commission found that applicant has adequately justified the proposed change in zoning as per the policies and criteria of R-270-1980.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. WEST ROUTE 66 SECTOR DEVELOPMENT PLAN AMENDED. The Sector Development Plan is amended to change the zoning designation of Tracts 1A, 1B, 2A, 2B, 3A, 3B, and 6, V.E. Barrett Subdivision, from SU-1 for C-2 (ten acres), O-1 and PRD 20 du/acre (seven acres) to C-2.

Section 2. FINDINGS ACCEPTED. The following findings for the Sector Development Plan map amendment are adopted by the City Council:

1. This is a request for a map amendment to the West Route 66 Sector Development Plan for Tracts 1A, 1B, 2A, 2B, 3A, 3B, and 6 V.E. Barrett Subdivision, an approximately 36 acre portion of a larger approximately 50 acre site located at the southwest corner of Central and Unser SW. The site is currently zoned SU-1/C-2 (10 acres), O-1, and PRD 20 du/acre (7 acres) and is currently vacant. The applicant is proposing C-2 zoning for the entire site. Due to the acreage of the proposed zone change, this request will need to be approved by the City Council. The EPC is a recommending body in this case.
2. The applicant has submitted concurrent requests for a site development plan for subdivision and a site development plan for building permit for the larger 50-acre site. Retail uses are proposed for the entire site, including a health club.
3. The subject site is located within the Established Urban Area as designated by the Comprehensive Plan and is also within the boundaries of the West side Strategic Plan and the West Route 66 Sector Development Plan. The site is a designated Community Activity Center, and Central and Unser are both Enhanced Transit Corridors in this area.
4. This request furthers the following Comprehensive Plan goals and policies:

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a. This request will contribute to a full range of urban land uses (II.B.5a).

b. The subject site is an appropriate location for the proposed intensity (II.B.5d).

c. The proposed zoning will enable development of a vacant infill site that is contiguous to existing infrastructure. Site plan review due to the site's size will ensure the integrity of existing neighborhoods (II.B.5e).

d. Employment and services uses on this site will complement the surrounding residential areas. Site plan review will ensure minimization of adverse effects of noise, lighting, pollution, and traffic on residential environments (II.B.5i).

e. The proposed zoning will contribute to the efficient placement of services (Transportation and Transit goal).

f. The proposed zoning will add to the economic diversity of the West Side (Economic Development goal).

g. The proposed zoning will accommodate a wide range of occupational skills and salary levels (II.D.6a).

h. The proposed zoning will enable development of a shopping center that may attract both local and outside businesses (II.D.6b).

i. The proposed zoning will enable development of a shopping center that will create jobs and reduce the need to travel (II.D.6g).

5. This request partially furthers the following Comprehensive Plan policies:

a. The applicant is requesting to eliminate the requirement for higher density housing in this designated Activity Center. While residential development is appropriate and encouraged, it is not required (II.B.5h and II.B.7i).

b. The subject site is currently only partially commercially zoned (II.B.5j).

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c. The proposed location for this shopping center will be convenient for nearby residents, but mixed use is not being proposed (II.B.7a).

d. Employment and services uses on this site will complement the surrounding residential areas. Site plan review will ensure minimization of adverse effects of noise, lighting, pollution, and traffic on residential environments (II.B.5i).

e. The proposed zoning will add to the economic diversity of the West Side (Economic Development goal).

f. The proposed zoning will accommodate a wide range of occupational skills and salary levels (II.D.6a).

6. This request furthers the following goals, objectives, and policies of the West Side Strategic Plan:

   a. The proposed zoning will allow West Side residents the opportunity to shop and play in the area where they live (Goal 10).

   b. Land uses on the West Side are currently unbalanced with a need for commercial uses (Objective 1).

   c. This zone change will promote job opportunities and business growth in an appropriate area (Objective 8).

   d. The proposed zoning will allow for urban style services (Policy 3.40).

   e. The proposed zoning will encourage employment growth (Policy 3.41).

7. The applicant has adequately justified this request based upon R-270-1980:

   a. The proposed C-2 zoning allows extensive review by city departments, agencies and residents, which minimizes any adverse effects of future development on public facilities, services and roadways and ensures that the design contributes positively to the neighborhood. This is consistent with the health, safety, morals, and general welfare of the city (A).

   b. The Planning Department considers that the applicant has provided an acceptable justification for the change and has

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demonstrated that the requested zoning will not destabilize land use and zoning in the area because it is consistent with the zoning of many surrounding properties (B).

c. The applicant cited a preponderance of applicable goals and policies of the Comprehensive Plan and the West Side Strategic Plan that are furthered by this request (C).

d. The applicant has justified the change based on changed conditions and on the proposed use category being more advantageous to the community

    i. An 80-acre Regional Shopping Center, which was approved as part of the Atrisco Business Park Master Plan, was a factor in limiting the amount of commercial development that could take place on the subject site. This regional mall was never developed in this area. 100% commercial zoning on the subject site is appropriate to fill the gap in commercial zoning that was left when the regional mall was developed further north (2).

    ii. Overall, the applicant has cited a preponderance of policies that are furthered by this request (3).

e. C-2 zoning is an appropriate zoning category for a Community Activity Center and that most of the allowable uses are innocuous (E).

f. The applicant will be required to fund any associated infrastructure improvements (F).

g. Economic considerations are not the determining factor for the request (G).

h. While the location of the site is certainly a factor in this analysis, it is not the only justification for the proposed change (H).

i. This request will not constitute a spot zone or a strip zone (I and J).

8. There is no known neighborhood or other opposition to this request. There is substantial support for this request from area residents and neighborhood associations.

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Section 3. EFFECTIVE DATE AND PUBLICATION. This legislation shall take effect five days after publication by title and general summary.

Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

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PASSED AND ADOPTED THIS 3rd DAY OF September, 2008
BY A VOTE OF: 8 FOR 1 AGAINST.

Against: Cadigan

Brad Winter

Brad Winter, President
City Council

APPROVED THIS 11th DAY OF September, 2008

Bill No. R-08-113

Martin J. Chávez, Mayor
City of Albuquerque

ATTEST:

City Clerk

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Recording Requested By and
When Recorded, Return To:
Paul M. Harman, Esq.
Jones Waldo Holbrook & McDonough
170 South Main Street, Suite 1500
Salt Lake City, UT 84101-1644

DRAFT

EASEMENTS
COVENANTS, CONDITIONS AND RESTRICTIONS

BY AND BETWEEN

LOWE'S HOME CENTERS, INC.,

ARMSTRONG CENTRAL UNSER BLVD., LLC,

AND

SANDIA PLAZA PARTNERS, LLC

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EASEMENTS

COVENANTS, CONDITIONS AND RESTRICTIONS

THESE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (hereinafter referred to as "**ECC&Rs**"), are made and entered into as of the date of the last execution hereof, which date is the ___ day of _____, 20__, by and between ARMSTRONG CENTRAL UNSER BLVD. LLC, a New Mexico limited liability company, ("**Developer**"), LOWE'S HOME CENTERS, INC., a North Carolina corporation ("**Lowe's**"), and SANDIA PLAZA PARTNERS, LLC, a New Mexico limited liability company ("**Sandia**") (the foregoing parties hereinafter collectively referred to as the "**Parties**");

W I T N E S S E T H:

WHEREAS, Lowe's is the owner of that certain tract of real property consisting of approximately 13.10 acres located in the City of Albuquerque, Bernalillo County, State of New Mexico as more particularly described on Schedule I attached hereto and made a part hereof for all purposes (the "**Lowe's Parcel**"); and

WHEREAS, Developer is the owner of a certain tract of real property located in City of Albuquerque, Barnalillo County, State of New Mexico, located contiguous with and adjacent to the Lowe's Parcel, which is more particularly described in Schedule II attached hereto and made a part hereof for all purposes (the "**Developer Parcels**"); and

WHEREAS, Sandia is the owner of a certain tract of real property located in City of Albuquerque, Barnalillo County, State of New Mexico, located contiguous with and adjacent to the Lowe's Parcel, which is more particularly described in Schedule III attached hereto and made a part hereof for all purposes (the "**Sandia Parcel**"); and

WHEREAS, the Lowe's Parcel, the Developer's Parcels, and the Sandia Parcel are further designated on the site plan of the overall shopping center development, attached hereto and made a part hereof as Exhibit A (the "**Site Plan**").

NOW, THEREFORE, the Developer and Lowe's hereby declare, agree, covenant and consent that all of the Parcels described on Schedule I, Schedule II, and Schedule III shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions which are imposed on such Parcels to run with the land and be binding on and inure to

the benefit of all parties having any right, title or interest in the described Parcels or any part thereof, their heirs, successors and assigns for the purpose of development and operation of the Parcels in an integrated shopping center and to protect the value of such respective Parcels. Further, in consideration of the premises, the agreements and the covenants of the Parties hereto, the mutual benefits and advantages accruing to them, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I

BASIC DEFINITIONS

Section 1.1. "**Building**" shall mean the permanently enclosed structure(s) which has(have) been, will be or may be constructed within the Permissible Building Areas, but shall not include Common Area Improvements. For purposes of these ECC&Rs, "Building" shall include any appurtenant canopies, supports, loading docks, truck ramps and other outward extensions.

Section 1.2. "**Common Area**" shall mean all real property owned by the Parties for the common use and enjoyment of the Owners and their respective Permittees, including, without limitation, parking areas (provided there are no reciprocal parking easements), access drives and ingress and egress points, service drives, sidewalks and non-dedicated streets and shall consist of all portions of the Shopping Center not designated as Permissible Building Area and all portions of any Permissible Building Area upon which no Building is currently constructed. Common Areas do not include drive up or drive through areas and facilities, loading docks, patio areas, or permanent outdoor sales areas.

Section 1.3. "**Common Area Improvements**" shall mean all improvements constructed from time to time within the Common Area and intended for common use and enjoyment which may include, without limitation, parking areas (provided there are no reciprocal parking easements except as provided herein), access drives, ingress and egress points, service drives, non-dedicated streets, lighting standards, sidewalks, landscaping, fixtures, and signage. The Common Area Improvements shown on the Site Plan require no further approval by any Owner.

Section 1.4. "**Consenting Owner**" shall mean and refer to the Owner of the Lowe's Parcel and the Owner of Parcel 14. The Parties intend that there shall be only two (2) Consenting

Owners for the Shopping Center consisting of only one Consenting Owner representing Parcel 14 and only one Consenting Owner representing the Lowe's Parcel. In the event that the Lowe's Parcel or Parcel 14 are further subdivided, the current Consenting Owner shall designate the particular parcel of the subdivided Parcel whose Owner shall succeed as the Consenting Owner.

Section 1.5. "**Default Rate**" shall mean the rate of interest that is the lesser of (i) twelve percent (12%) per annum, compounded monthly, and (ii) the maximum rate allowed by applicable law.

Section 1.6. "**Improvement(s)**" shall mean Building(s) and other structures within a Permissible Building Area and Common Area Improvements.

Section 1.7. "**Maximum Square Footage**" shall mean and refer to the maximum square footage allowed for all Buildings contained within a single Permissible Building Area. The Maximum Square Footage for each Permissible Building Area is shown on the Site Plan. Any change to the Maximum Square Footage shown on the Site Plan shall be subject to the prior written consent of the Consenting Owners, which consent may be withheld in the sole discretion of each of the Consenting Owners and any such change shall be reflected in an amendment to these ECC&Rs.

Section 1.8. "**National or Regional Chain**" shall mean a retail business operating under the same name (and utilizing the same prototypical signage or prototypical building design as applicable) having at least forty (40) locations through the United States or having at least six (6) locations within the Albuquerque metropolitan area.

Section 1.9. "**Owner**" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any Parcel which is a part of the Shopping Center, as hereinafter defined, but excluding those having such interest merely as security for the performance of any obligation.

Section 1.10. "**Parcel**" shall mean and refer to any parcel of land shown as a parcel on the Site Plan. "**Outparcel**" shall mean and refer to any and every parcel of land identified as a numbered or lettered outparcel on the Site Plan. Every Outparcel shall be a Parcel from the date of recording of a subdivision map showing the Outparcel, so that all references herein to Parcels shall apply with equal force to Outparcels; however, references to Outparcels shall be specific to Outparcels as herein defined.

Section 1.11. "**Permissible Building Area**" shall mean the area designated on the Site Plan within which a Building(s) may be constructed not to exceed the Maximum Square Footage. Any change to the Permissible Building Areas shown on the Site Plan shall be subject to the prior written consent of the Consenting Owners, which consent may be withheld in the sole discretion of each of the Consenting Owners and any such change shall be reflected in an amendment to these ECC&Rs.

Section 1.12. "**Permittees**" shall mean Owners and their tenants and subtenants and the employees, occupants, contractors, customers, agents, licensees, guests, and invitees of an Owner, its tenants and subtenants.

Section 1.13. "**Shopping Center**" shall mean and refer to the Lowe's Parcel, the Developer Parcels, and the Sandia Parcel as shown on the Site Plan, located in the City of Albuquerque, County of Bernalillo, State of New Mexico.

ARTICLE II

EASEMENTS

Section 2.1 Definitions and Documentation:

For the purposes of this Article II, the following will apply:

(A) An Owner granting an easement is called the "**Grantor**", it being intended that the grant shall thereby bind and include not only such Owner but also its successors and assigns.

(B) An Owner to whom the easement is granted is called the "**Grantee**", it being intended that the grant shall benefit and include not only such Owner but its successors, assigns, and Permittees; although not for the direct benefit of Permittees, the Grantee may permit from time to time its Permittees to use such easements; provided, however, that no such permission nor the division of the dominant estate shall permit or result in a use of the easement in excess of the use contemplated at the date of the creation of such easement.

(C) The term "**Utility Facilities**" means utility systems and utility facilities serving the Shopping Center such as the following: storm drainage, detention, retention and disposal facilities and sanitary sewer systems, manholes, underground domestic and fire protection water systems, underground natural gas systems, underground electric power cables and systems, underground telephone and television cables and systems, and all other utility systems and utility facilities installed under the provisions of these ECC&RS and as replacements thereto.

(D) The term "**Common Utility Facilities**" means Utility Facilities serving more than one (1) Owner.

(E) The term "**Separate Utility Facilities**" means Utility Facilities serving a single owner (e.g., a lateral line).

(F) The word "in" with respect to an easement granted "in" a particular Parcel means, as the context may require, "in", "to", "on", "over", "through", "upon", "across", and "under", or any one or more of the foregoing.

(G) All easements granted herein are non-exclusive and are irrevocable and perpetual.

(H) All easements granted herein shall be easements appurtenant and not easements in gross.

(I) In the event an Owner transfers or conveys a portion of its Parcel, those easements granted under this Article II which benefit, bind, and burden the remainder of the Parcel not transferred or conveyed shall benefit, bind, and burden the portion of the Parcel so transferred or conveyed, and those easements granted under this Article II which benefit, bind, and burden the portion so transferred or conveyed shall benefit, bind, and burden the remainder of the Parcel of which it was a part.

(J) All easements granted hereunder and herein shall exist by virtue of these ECC&Rs, without the necessity of confirmation by any other document. Likewise, upon the termination of any easement (in whole or in part) or its release in respect of all or any part of any Parcel, in accordance with the terms hereof, the same shall be deemed to have been terminated or released without the necessity of confirmation by any other document. However, upon the reasonable request of an Owner, the other Owners shall sign and acknowledge a document memorializing the existence (including the location and any conditions), or the termination (in whole or in part), or the release (in whole or in part), as the case may be, of any easement, if the form and substance of the document is approved by the other Owners, which approval shall not be unreasonably withheld. No grant of an easement pursuant to this Article II shall impose any greater obligation on any Owner to construct or maintain its Building(s) except as expressly provided in these ECC&Rs.

Section 2.2 Easements for Use of Common Area.

(A) Grant of Easement: Each Owner hereby grants to the other Owner(s) easements in the Common Area on its (Grantor's) Parcel for:

(i) ingress to and egress from the Grantee's Parcel;

(ii) the passage of vehicles;

(iii) the passage and accommodation of pedestrians; and

(iv) the doing of such other things as are expressly authorized or required to be done on the Common Area under these ECC&Rs.

(B) No Cross Parking: The Owners hereby specifically disclaim any intention to create any reciprocal parking easements between the Lowe's Parcel and any other Parcel in the Shopping Center.

(C) Design of the Common Areas:

(i) No Change Area: No change may be made to the layout and configuration of that portion of the Common Area shown on the Site Plan as the "**No Change Area**" without the consent of each of the Consenting Owners, which consent may be withheld in the sole discretion of each Consenting Owner.

(ii) Initial Development of the Common Areas: The Common Area Improvements depicted on the Site Plan are hereby deemed approved by the Consenting Owners.

(iii) Changes after Initial Development. Any Owner may add Common Areas and Common Area Improvements not shown on the Site Plan or make changes to the Common Area and the Common Area Improvements shown on the Site Plan on such Owner's Parcel and not included in the No Change Area, as such Owner determines in its sole discretion; provided, however, that the consent of each Consenting Owner shall be required for any change or addition that adversely impacts: (i) access to an Owner's Parcel (including changes and additions to entrances or exits that adversely affect access to an Owner's Parcel), (ii) vehicular traffic flow to any other Parcel in the Shopping Center (including changes or additions to curb cuts or the orientation of parking spaces or drive aisles that adversely affect traffic flow to any other Parcel in the Shopping Center), or (iii) visibility of any other Owner's building or any sign on which any other Owner has a right to display a sign panel, and such consent may be withheld in the sole discretion of each Consenting Owner. No change may (i) reduce parking spaces below the

minimum required under these ECC&Rs, (ii) alter the location of free standing signs as provided in Section 4.2 of these ECC&Rs, or (iii) relocate utility facilities except as provided in Section 2.3 of these ECC&Rs. Notwithstanding the foregoing, no drive through or drive up window or lane may be added to or changed in the Common Areas within the No Change Area without the consent of each of the Consenting Parties, which consent may be withheld in the sole discretion of each Consenting Party.

(iv) Enjoyment and use of the Common Area easements granted by this Section 2.2 shall commence on the date the Common Area Improvements with respect to the Common Area in question are substantially complete.

(D) Common Area Sales and Displays: Notwithstanding the grant of easements under Section 2.2(A), sales and displays may be located within the Common Area but only as follows (and provided that the following activities are not in violation of any applicable law or ordinance):

(i) The Owner or occupant of the Lowe's Parcel may conduct parking lot sales, conduct other business and/or display merchandise in that portion of the Common Area (including the parking field) to the side of or in front of any Building on the Lowe's Parcel so long as such activity does not materially interfere with ingress and egress to the rest of the Shopping Center and is not in violation of any applicable law or ordinance.

(ii) The Owner or occupant of the Lowe's Parcel may display merchandise, conduct sidewalk sales and/or conduct other business on the sidewalks on the Lowe's Parcel. The Owner or occupant of the Lowe's Parcel may otherwise enclose and/or redesign its sidewalk areas without the need of obtaining any other Owner's consent. The Owner or occupants of the Developer Parcels may display merchandise, conduct sidewalks sales or other business on the sidewalks in on their respective Parcels.

(iii) The Owner or occupant of the Lowe's Parcel may park vehicles or equipment in the parking field of the Lowe's Parcel in connection with the leasing of vehicles and/or equipment.

(iv) Except as set forth herein, parking lot sales and/or other display or sale of merchandise in the Common Areas is not permitted in the Shopping Center.

(E) Easements for Access Roads: Each Owner hereby grants to the other Owner(s) easements for pedestrian and vehicular traffic in those drive aisles and access roads (not less than the widths therefor shown on the Site Plan) on its (Grantor's) Parcel which are shown on Site Plan as "Access Drives" (hereinafter collectively referred to as the "**Access Roads**") for the purpose of providing ingress to and egress from the Grantee's Parcel and each of Central Avenue, SW, Unser Boulevard SW, and 86th Street SW, together with the following rights and subject to the following restrictions and reservations:

(i) The use of the Access Road easements by any person entitled to the use thereof shall be in common with all other such persons. The Access Road easements and the land upon which they are located shall be considered in all respects part of the Common Area, and the improvements thereon shall be considered in all respects part of the Common Area Improvements; and

(ii) As further provided in Section 2.2(F) herein, Grantors of the Access Road easements agree not to obstruct or interfere in any way with the free flow of pedestrian and vehicular traffic over the roadways which comprise the Access Road, except to the extent necessary for reasonable repair and maintenance, traffic regulation and control, and to prevent a dedication thereof or the accrual of any prescriptive rights to any person therein.

(F) General Provisions for Common Area Easements:

(i) No barriers, fences, walls, grade changes or other obstructions shall be erected so as to impede or interfere in any way with the free flow of vehicular and pedestrian traffic between those portions of the Shopping Center from time to time devoted to pedestrian access, vehicular roadways or parking area, or in any manner unreasonably restrict or interfere with the use and enjoyment by any of the Owners of the rights and easements created by this Article II. In addition, each Owner may temporarily close or block traffic on its Parcel for the time necessary for the purpose of protecting ownership rights and preventing creation of easements to the public and unrelated third parties (provided, however, that prior to closing off any portion of the Common Area, as herein provided, such Owner shall give fifteen (15) days written notice to each other Owner of its intention to do so and shall attempt to coordinate such closing with each other Owner, so that no unreasonable interference in the passage of pedestrians

or vehicles shall occur), and may temporarily fence off portions of its Parcel as reasonably required for the purpose of repair, construction and reconstruction.

(ii) The easements granted under this Section 2.2 are limited to such portions of the Common Area of the Grantor's Parcel as are now or hereafter from time to time set aside or intended to be set aside, maintained and authorized for such use under these ECC&Rs, specifically including those portions of the Common Area shown on the Site Plan. Enjoyment and use of the Common Area easements granted by this Section 2.2 shall commence on the date the Common Area Improvements with respect to the Common Area in question are substantially completed.

(iii) Each Owner hereby reserves the right to eject from the Common Area on its Parcel any person not authorized to use the same.

(iv) The easements provided for in this Section 2.2 are subject to the rights to use and the restrictions on use of the Common Area provided for in these ECC&Rs.

Section 2.3 Easements for Utility Facilities:

(A) Grant of Easement: Each Owner hereby grants to the other Owner(s) perpetual easements to its (Grantor's) Parcel, except within such Owner's Permissible Building Area, for the installation, use, operation, maintenance, repair, replacement, relocation and removal of Common Utility Facilities and Separate Utility Facilities serving the Parcel of the Grantee.

(B) Installation, Repair and Maintenance:

(i) All Utility Facilities shall be underground, if reasonably possible.

(ii) The location of any Utility Facilities shall be subject to the prior written consent of the Owner(s) across whose Parcel(s) the same are to be located, which consent shall not be unreasonably withheld, conditioned or delayed.

(iii) The Owner of the _____ Parcel shall be responsible for the maintenance, operation, repair, replacement and removal of all Common Utility Facilities subject to reimbursement by each Owner in the Shopping Center of its pro rata share of the costs of such work. For purposes of this Section 2.3(C), each Owner's pro rata share shall be calculated by dividing the square footage of such Owner's land by the total square footage of all land of all Owners served by such Common Utility Facilities. The reimbursements will be invoiced and paid in accordance with the provisions of Section 5.1.

(iv) The Owner served by a Separate Utility Facility (i.e., the Owner whose Parcel is served by a separate lateral utility line) shall be responsible, at its cost, for the maintenance, operation, repair, replacement and removal of such Separate Utility Facility, regardless of whether the Separate Utility Facility is on that Owner's Parcel or on another Owner's Parcel pursuant to a grant of easement above.

(v) Any installation, maintenance, repair, replacement, relocation and removal of Separate Utility Facilities shall be performed by a Grantee on a Grantor's Parcel or of Common Utility Facilities by the Owner of the Developer Parcel only after thirty (30) days advance notice to Grantor of the intention to do such work. However, in the case of an emergency (whereby either persons or property are in immediate danger of substantial damage and/or harm), any such work may be immediately performed after giving such advance notice to Grantor as is practicable and reasonable under the circumstances.

(vi) All installation, maintenance, repair and removal of Utility Facilities shall be performed in a manner that causes as little disturbance to Grantor as may be practicable under the circumstances and any and all portions of the surface area of Grantor's Parcel which may have been excavated, damaged or otherwise disturbed as a result of such work shall be restored, at the sole cost and expense of Grantee, to essentially the same condition as existed prior to the commencement of any such work.

(vii) After the Building on the Lowe's Parcel has opened for business, no installation, repair or removal of Utility Facilities shall be carried on during the period from November 15th through the next succeeding January 15th, and April 1st through July 4th, or on any weekends except: (a) emergency repair work; (b) work undertaken outside of the hours during which the Building on the Lowe's Parcel is open for business provided that any interruption of utility service to the Lowe's Parcel shall be coordinated with the Owner of the Lowe's Parcel.

(C) Easements to Public Utilities. Any grant or other conveyance of an easement to a public utility, as Grantee, by a Grantor on its Parcel shall, without necessity of further recital in the conveyancing instrument, be deemed to include the following conditions, covenants and restrictions, in addition to the other provisions of Section 2.3, to which such public utility and its successors shall be bound unless specifically stated otherwise in such instrument.

(i) The easement is non-exclusive;

(ii) All Utility Facilities installed pursuant to the easement shall be underground, except for manholes and manhole covers which shall be flush with adjacent grade, and except as otherwise shown on plans subject to the prior written consent of Grantor, which consent shall not be unreasonably withheld, conditioned or delayed;

(iii) The right to use the surface areas for the purposes allowed under these ECC&Rs is reserved;

(iv) Grantor reserves the right to require Grantee to relocate its facilities (and vacate the easement) to another location on Grantor's Parcel, subject to the conveyance of a similar easement, all at Grantor's cost and expense;

(v) Grantee shall not, in its use or installation, interfere with other installations and easements in the area;

(vi) Grantee shall protect its Utility Facilities against uses of the surface made by Grantor and others;

(vii) Grantee shall make adequate provisions for the safety and convenience of all persons using the area;

(viii) Grantee, following installation or other work, shall replace and restore the areas and improvements to the condition in which they were immediately prior to performance of such installation and work;

(ix) Grantee shall defend, indemnify and hold harmless Grantor against all loss, liability, and costs (including reasonable attorneys' fees and reasonable attorneys' fees on appeal) which may result to Grantor from the negligent or willful wrongful act or omission of Grantee, its agents, employees and contractors; and

(x) Grantee shall not permit any claim, lien or encumbrance to attach against Grantor's Parcel or any interest therein.

(D) Indemnification: The Grantee shall defend, indemnify and hold Grantor harmless from and against any and all liens, losses, liabilities, costs or expenses (including reasonable attorneys' fees and reasonable attorneys' fees on appeal), incurred in connection with Grantee's use of the [Separate] Utility Facilities easements under this Section 2.3, except to the extent occasioned by Grantor's negligent or willful wrongful act or omission to act.

(E) Grantee's Rights as to Utility Facilities:

(i) Use of Separate Utility Facilities: The Grantor of any easement for Separate Utility Facilities under this Section 2.3 may use the utility facilities installed pursuant to such easement; provided, however, that any increase in costs incurred in order to make such utility facilities adequate to serve Grantor's additional use shall be borne by such Grantor; and provided, further, that Grantor gives written notice within the time period called for under, and otherwise complies with, the requirements of Section 2.3(E)(ii).

(ii) Relocation of Utility Facilities on Grantor's Parcel: Except during the period from November 15th through the following January 15th and the period from April 1st through July 4th, the Grantor of any easement under this Section 2.3 may relocate on its Parcel any Separate Utility Facilities or Common Utility Facilities installed thereon under any easement granted by it (provided that such relocation work may occur during the periods described above for (a) emergency repair work; (b) work undertaken outside of the hours during which the Building on the Lowe's Parcel is open for business provided that any interruption of utility service to the Lowe's Parcel shall be coordinated with the Owner of the Lowe's Parcel); provided, however, that such relocation:

(a) may be performed only after Grantor has given Grantee thirty (30) days' written notice of its intention to relocate such facilities;

(b) shall not interfere with or diminish the utility services to the Grantee (however, temporary interferences with and diminutions in utility services shall be permitted if they occur during the non-business hours of the Grantee, and Grantee has been so notified under Subsection 2.3(E)(ii)(a)). Grantor shall promptly reimburse Grantee for all costs, expenses and losses incurred by Grantee as a result of such interferences or diminutions, or both;

(c) shall not reduce or unreasonably impair the usefulness or function of the facilities in question;

(d) shall be located underground, if reasonably possible;

(e) shall be performed without cost or expense to Grantee, and, if Common Utility Facilities or Separate Utility Facilities which provide service to the Grantee are involved, in accordance with plans approved by the Grantee; and

(f) shall be performed in a manner that minimizes the disruption of business operations within the Shopping Center.

(iii) Limitation on Rights: Nothing herein shall be construed to grant any Owner the right to utilize, drain into, or otherwise alter natural water flow into any detention or retention facilities located on or exclusively serving any other Owner's Parcel.

Section 2.4 Drainage:

Each Owner hereby grants to the other Owners easements to use, maintain and repair any storm water drainage system (the "**Storm Drainage System**") now or hereafter located on any Parcel, together with the right to discharge surface water runoff across portions of any Parcel in accordance with the design of the Storm Drainage System; provided, however, that use, maintenance and repair of any Utility Facilities for the Storm Drainage System shall comply with Section 2.2. All Storm Drainage Systems shall be subject to the prior written consent of the Consenting Owners, which consent shall not be unreasonably withheld, conditioned or delayed. Any alteration in the natural water flow which may occur as a natural consequence of normal construction activities and the existence of an Owner's Improvements substantially as shown on the Site Plan (including, without limitation, Buildings, curbs, drives and paving) shall be permitted, provided that the same is in accordance with a drainage plan approved by the Consenting Owners and which does not cause water to settle or pool within another Owner's Parcel.

Section 2.5 Construction Easements:

(A) Each Owner hereby grants to the other Owners temporary construction related easements in the Common Area of its (Grantor's) Parcel, and where appropriate and necessary in the Permissible Building Area on its (Grantor's) Parcel, but only prior to the commencement of construction by Grantor of Improvements on its own (Grantor's) Parcel, for the purpose of facilitating the initial construction of the Grantee Improvements contemplated within these ECC&Rs.

(B) With respect to any Parcels on which fresh dirt is dumped, the area shall be sloped to meet any contiguous property within the Shopping Center or any public roads, and shall be smoothed in a level manner consistent with the contours of the adjoining property or in

accordance with a grading plan approved by the Grantor, which approval shall not be unreasonably withheld, conditioned or delayed.

(C) The location and use of all temporary construction easements under this Section 2.5 shall be subject to the prior written consent of Grantor, which consent shall not be unreasonably withheld, conditioned or delayed.

(D) Each Grantee agrees to pay the Grantor any additional cost of construction, maintenance, repair and replacement of any improvement or structure constructed by Grantor which may arise on account of or due to Grantee's exercise of its temporary construction easement rights under this Section 2.5. Each Grantee further agrees to use due care in the exercise of the rights granted under this Section 2.5 and, in the event the exercise of the rights granted under this Section 2.5 requires Grantee to enter upon the Parcel of Grantor, to first obtain the consent of Grantor as to the specific activities, methods and timing in the exercise of such rights so as to avoid cost or damage to Grantor.

(E) Each Owner covenants and agrees, respectively, that its exercise of such easements shall not result in damage or injury to the Building(s) or other Improvements of any other Owner, and shall not interfere with or interrupt the business operations conducted by any other Owner in the Shopping Center. Furthermore, once the final topcoat of asphalt or concrete paving has been placed on the Lowe's Parcel or any Common Area access, egress and service drives to the Lowe's Parcel, no construction traffic shall use any portion of the Lowe's Parcel or the Main Access Drive (as shown on the Site Plan). In addition, each Grantee, at its sole cost and expense, shall promptly repair, replace or restore any and all improvements of Grantor which have been damaged or destroyed in the exercise by Grantee of the temporary construction easements granted under this Section 2.5 and shall defend, indemnify and hold Grantor harmless from and against all liens, losses, liabilities, costs or expenses (including reasonable attorneys' fees and reasonable attorneys' fees on appeal) incurred in connection with or arising out of Grantee's exercise of said temporary construction easements, except to the extent occasioned by Grantor's grossly negligent or wrongful acts or omissions.

(F) Grantee's Improvements made within such temporary construction easements shall, for purposes of cost allocation due to maintenance, operation, insurance, taxes, repairs, reconstruction and restoration under these ECC&Rs, be deemed to be part of the Grantee's Parcel

and Building and shall be deemed not to be part of the Grantor's Parcel or Building for such purposes.

(G) Except as reasonably necessary for and during the construction of any Building, no structure of a temporary character shall be erected or allowed to remain on any Parcel.

Section 2.6 Sign Easement:

The Owners of the Parcels on which a Center Sign is located hereby grant to the other Owners entitled under Section 4.3 of these ECC&Rs to display a sign panel on the Center Sign(s), an easement for maintenance, repair and replacement of such sign panel.

Section 2.7 Cure Right Easements:

Each Owner hereby grants to the Consenting Owners an easement and license to enter upon its Parcel for the purpose of exercising the cure rights provided under Article V of these ECC&Rs. Each Grantee of the easements granted under this Section 2.7 shall defend, indemnify and hold Grantor harmless from and against all liens, losses, liabilities, costs or expenses (including reasonable attorney's fees and reasonable attorneys' fees on appeal) incurred in connection with or arising out of Grantee's use of said easements, except to the extent occasioned by the Grantor's negligent or wrongful act or omission to act. The duration of the easements granted under this Section shall be coterminous with the respective provisions of the ECC&RS which give the Grantee the right or the obligation to perform the work described in this Section 2.7

ARTICLE III

USE RESTRICTIONS

Section 3.1 Permitted Uses:

Every Parcel shall be used only for financial institutions, service shops, Retail Offices, retail stores selling retail merchandise normally carried in other shopping centers and restaurants with less than _____ (__%) percent of gross revenues from alcoholic beverage sales (except as provided below), all as subject to the further restrictions of this Article III. "**Retail Offices**" shall mean offices of the type customarily found in retail shopping centers for use primarily with customers or clients including, without limitation, insurance offices, real estate offices, travel agents, and limited service offices such as health care providers, chiropractors, dentists, accounting and tax services, but shall not include educational or training facilities. No Retail

Office use shall exceed 5,000 square feet and the total of all Retail Office use in the Shopping Center shall not exceed 20,000 square feet.

Section 3.2 Nuisances:

No Parcel shall be used for anything other than purposes which may be permitted by applicable zoning regulations. Nothing shall be done on any Parcel which is a public nuisance to the community.

Section 3.3 Use Restrictions:

(A) During the term of these ECC&Rs no portion of the Shopping Center may be used for any of the following purposes without the prior written consent of the Consenting Owners which consent may be withheld in the sole discretion of a Consenting Owner:

(i) A liquor store, or a tavern, bar, nightclub, cocktail lounge, discotheque, dance hall, or any other establishment selling alcoholic beverages for on-premises consumption; provided, however, the foregoing shall not prohibit the operation of a restaurant where the sale of alcoholic beverages therein comprises less than thirty (30%) percent of the restaurant's gross revenues provided that this provision will not prohibit a Chili's, TGIFriday's, Bennigans, Applebee's or similar restaurant concept, a restaurant which is a National or Regional Chain so long as the food sales for such restaurants are at least sixty (60%) percent of the restaurant's gross revenues, or a neighborhood bar or grill customarily found in retail shopping centers. Notwithstanding the foregoing, there may be one (1) upscale specialty wine store located west of the furthest west entrance to the Shopping Center from West Central Avenue (the "**West Entrance**") provided that such store: (a) has sales of not more than five percent (5%) of its total gross sales attributable to sale of alcoholic beverages other than wine; (b) no exterior or window signs using neon or moving lights or advertising brands or prices shall be visible from the Common Areas; (c) must close on or before 11:00 p.m.; and (d) must be a first class operation such as _____.

(ii) A bowling alley, billiards parlor, bingo parlor, arcade, game room or other amusement center (provided, however, that up to three (3) pool tables or five (5) video or game machines shall be allowed as incidental to an otherwise permitted restaurant use).

(iii) A theater (motion picture or live performance).

(iv) A health club, gymnasium or spa except that a health club, gym or fitness center may be operated on Parcel 7 provided that the main customer entrances to the building face east and that Parcel 7 provide the greater of: (a) five (5) parking spaces for each 1,000 SF of floor area for the Building on Parcel 7 or (b) ninety-five percent (95%) of the parking spaces shown on the Site Plan for Parcel 7 (provided further that this shall not preclude a day spa).

(v) A service station, automotive repair shop or truck stop; provided that one (1) gas station without service bays or repair services operated in conjunction with a convenience store may be permitted on the Outparcels provided that it is operated as part of a national or regional chain having at least ten (10) other locations under the same national or regional trade name and that it complies with all local, state and federal storage and disposal regulations, rules, laws and ordinances (provided further that this shall not preclude a mini-lube, tune-up, tire repair, or limited auto serve shop such as Jiffy Lube).

(vi) A flea market, open air market, tent sale or pawn shop.

(vii) A training or educational facility (including, without limitation, a school, college, reading room or other facility catering primarily to students and trainees rather than customers; provided that such restriction shall not prohibit the incidental use of an otherwise permitted business for training or classes, such as "how to" classes taught in conjunction with the sale of retail items from an otherwise permitted retail use).

(viii) A car wash, except on an Outparcel and where the same shall have constructed and shall use sanitary sewer, water and storm water drainage service lines entirely separate from those utilized by the Lowe's Parcel.

(ix) A medical clinic or medical office (provided that this shall not restrict dental, chiropractic, optometrist, naturopath, osteopath, or optician offices which shall be permitted Retail Offices or a minute clinic as part of a CVS Pharmacy).

(x) A storage or mini-warehouse facility.

(xi) An establishment for the sale of automobiles, trucks, mobile homes, boats or recreational motor vehicles.

(xii) A dry cleaning plant (other than a qualified green plant), central laundry or Laundromat except that this restriction shall not prohibit: (a) a drop off and pick up facility where dry cleaning and laundry is performed offsite; and/or (b) a drop-off and pickup facility

where nominal cleaning services are provided on-site provided that the business does not use perchloroethylene or any other chemical or substance that is considered to be hazardous or toxic under any state, federal or local environmental laws and that uses sanitary sewer lines that are entirely separate from those utilized by the Lowe's Parcel.

(xiii) A hotel or motel.

(xiv) Governmental offices.

(B) During the term of these ECC&Rs no portion of the Shopping Center may at any time be used for any of the following uses whatsoever:

(i) An adult type bookstore or other establishment selling, renting, displaying or exhibiting pornographic or obscene materials (including without limitation: magazines, books, movies, videos, photographs or so called "sexual toys") or providing adult type entertainment or activities (including, without limitation, any displays or activities of a variety involving, exhibiting or depicting sexual themes, nudity or lewd acts) provided, however, that such prohibition shall not exclude incidental sales of adult items by a regional or national chain general interest bookstore or regional or national chain general interest video rental store in the same manner as offered in the majority of such chain's stores and properly screened from children.

(ii) A massage parlor, provided, however, that this restriction shall not prohibit: (a) massages provided as an incidental service performed by licensed massage therapists in connection with the health club, fitness center and/or gym allowed under (A)(iv) above; or (b) a first class massage therapy facility operated as part of a full service hair salon or day spa or National or Regional Chain, not to exceed three thousand (3,000) square feet of floor area and located west of the Western Entrance.

(iii) A skating rink.

(iv) A mortuary, crematorium or funeral home.

(v) A mobile home or trailer court, labor camp, junkyard or stockyard.

(vi) A land fill, garbage dump or other such facility for the dumping, disposing, incineration or reduction of garbage.

(vii) A telephone call center.

(viii) A gambling establishment or betting parlor.

(ix) Veterinary hospital or animal raising or keeping facilities except as part of a national or regional chain pet or pet supply store.

(x) Assembling, manufacturing, industrial, distilling, refining or smelting facility.

Section 3.4 Exclusive Use Restriction for the Benefit of the Lowe's Parcel:

(A) No portion of the Shopping Center other than the Lowe's Parcel may be used for the following purposes:

(i) A hardware store or center containing more than 5,000 square feet of floor area.

(ii) An appliance, home electronics and/or lighting store or center containing more than 5,000 square feet of floor area (provided that this restriction shall not prohibit the operation of an Office Depot, Staples, OfficeMax, Best Buy, Circuit City or Radio Shack, as such retail facilities are currently being operated and merchandised with appliances, home electronics and lighting in excess of 5,000 square feet of floor area and shall not prohibit the operation of a home theater specialty realtor with electronics in excess of 5,000 square feet of floor area).

(iii) A nursery and/or lawn and garden store or center containing more than 3,000 square feet of floor area (including any outdoor areas).

(iv) A paint store or center, wall paper store or center, tile store or center, flooring store or center, carpeting store or center, and/or home decor store or center containing more than 4,000 square feet of floor area.

(v) A retail and/or warehouse home improvement center, lumber yard, building materials supply center, home improvement service center and/or other stores or centers similar to those operated by or as Lowe's, Home Depot, Home Depot Expo, Villagers Hardware, 84 Lumber, Wickes, Hughes Lumber, McCoys, Menard's, Sears Hardware, Great Indoors, Sutherlands, Scotty's and Orchard Supply.

(B) These restrictions or exclusive rights shall also apply to prohibit a larger business having space in its store devoted to selling the merchandise described in subparagraphs (A)(i) through (A)(v) when such space exceeds the limitations of subparagraphs (A)(i) through (A)(v).

(C) Notwithstanding anything to the contrary in Section 3.4, in the event a retail and/or warehouse home improvement center, lumber yard, building materials supply center,

hardware store, lawn and garden store, appliance, home electronics and/or lighting store, and/or paint, wall paper, tile, flooring, carpeting and/or décor store or center is not operated in any portion of the Lowe's Parcel for a period in excess of three (3) consecutive years (excluding temporary closings due to alterations, casualty, condemnation, or other unavoidable delays beyond the reasonable control of the Owner of the Lowe's Parcel), the exclusives stated in Section 3.4 shall be of no further force and/or effect until such time as Lowe's or its successors, assigns or tenants shall re-open a store on any portion of the Lowe's Parcel for any one of the foregoing uses, which reopening shall not prohibit uses in violation of such exclusives if such uses were begun during such time as the above exclusive use restrictions were of no force and/or effect.

Section 3.5 Proprietary Rights of Lowe's:

Any owner, occupant or person owning, leasing or otherwise making use of any portion of the Shopping Center shall be deemed, by virtue of accepting such ownership, leasehold interest or making such use, to have covenanted and agreed that (i) the trade names, trademarks, service marks (including, without limitation, all logos, emblems, designs or designating words or names) utilized by Lowe's or its affiliated companies, in connection with the Shopping Center or the conduct of its business thereat are registered and/or the proprietary property of Lowe's or its affiliates, (ii) except as provided below, no usage of those marks or names will be made in naming or referring to any activity within or without the Shopping Center and (iii) no usage of such marks or names shall be made without the prior written consent of Lowe's and Lowe's legal counsel, which consent Lowe's may withhold in its sole discretion. Lowe's reserves the right to require any person or entity to whom it may grant a written right to use a given name or mark to enter into a formal written license agreement with Lowe's and to charge a fee or royalty therefor.

ARTICLE IV

GENERAL CONSTRUCTION & DEVELOPMENT

Section 4.1 Development Parameters:

(A) Permissible Building Areas: All Buildings must be constructed within a Permissible Building Area. No Building can exceed the Maximum Square Footage shown for each Permissible Building Area on the Site Plan. No building, structure or improvements (other than Common Area Improvements) shall be erected or maintained outside of a Permissible

Building Area. The Permissible Building Areas and Maximum Square Footages as shown on the Site Plan cannot be changed without the prior written consents as required under Section 1.7 and Section 1.11, which changes shall be reflected in an amendment to these ECC&Rs.

(B) Parking Requirements. Each of the Developer Parcels, including all Outparcels, shall be self-supporting with respect to parking and shall each contain not less than ten (10.0) paved full size automobile parking spaces per each 1,000 square feet of building floor area for restaurant use (including fast food restaurant use) and five (5.0) paved full size automobile parking spaces for each 1,000 square feet of building floor area for any other permitted use, constructed thereon, or the number of parking spaces required by applicable law, whichever is greater. The Lowe's Parcel shall contain no fewer than 410 parking spaces. To be self-supporting, the parking spaces must be located on each such parcel so that parking spaces available on other Parcels or available through easements with other Parcels cannot be counted in meeting the requirements of this Section. Notwithstanding the foregoing, Parcels _, _ and _ may share parking in order to satisfy the parking requirements in this paragraph so long as the aggregate parking spaces on such Parcels shall comply with the aggregate parking requirements as set forth in this paragraph for such Parcels.

(C) Fire Protection: All improvements within the Shopping Center shall be constructed in compliance with all applicable federal, state, and local building codes with respect to fire protection. There shall be sixty (60) feet of open space on which no buildings or structures may be constructed around the Building on the Lowe's Parcel such that the Building on the Lowe's Parcel maintains an unlimited area classification for fire protection purposes. Notwithstanding anything else to the contrary in these ECC&Rs, no Owner shall seek a building permit for a Building within sixty (60) feet of the Building on the Lowe's Parcel without the prior written consent of the Owner of the Lowe's Parcel, which the Owner of the Lowe's Parcel may withhold in its sole discretion.

(D) Condition Prior to Construction: After the Building on the Lowe's Parcel has initially opened for business, each Parcel shall be kept neat, orderly, planted in grass or seed and trimmed (or improved as Common Area) until improved and constructed.

Section 4.2 Building Design:

(A) Harmony. All structures (including Common Area Improvements such as lighting) erected within the Shopping Center shall be architecturally harmonious (including, without limitation, harmonious colors, materials and designs). The Consenting Owners shall cooperate in creating a reasonably harmonious exterior appearance for the Buildings and Improvements to be constructed by them within the Shopping Center, acknowledging however that the Owners of the Lowe's Parcel and the Sandia Parcel may construct improvements similar to their current prototypical store building and improvements. Specifically, the initial design and appearance of the Buildings and Improvements on the Lowe's Parcel and the Sandia Parcel and any changes to the Buildings and Improvements on the Lowe's Parcel and the Sandia Parcel that the Owners of the Lowe's Parcel and the Sandia Parcel may deem appropriate for consistency with changes in the design and appearance of its then current prototypical stores do not require the consent of any other Owner. All Buildings within the Shopping Center shall be single story.

(B) Approvals Except as provided in Section 4.2(A), no buildings or structures shall be erected or allowed to remain on any Parcel unless architectural renderings (depicting the exterior elevations of all sides, materials, colors and dimensions), a foundation plan and a site plan (collectively, the "**Plans**") for such structure have been approved in writing by the Consenting Owners, which approval shall not be unreasonably withheld, conditioned or delayed. A complete set of the proposed Plans shall be presented to and approved in writing by the Consenting Owners prior to commencing clearing, grading, or construction of a building of any kind on any Parcel. Upon completion of the Building foundation, an actual field survey of the foundation shall be presented to the Consenting Owners to ensure that it has been constructed in accordance with the Plans. All Improvements shall comply with the Plans as approved by the Consenting Owners unless changes are approved in writing by the Consenting Owners. The right to make inspections necessary to assure compliance is reserved to the Consenting Owners. After initial construction of Buildings and other Improvements, except as provided in Section 4.2(A), no Owner shall make alterations that will substantially change the exterior of its Buildings without the consent of the Consenting Owners, such consents not to be unreasonably withheld, conditioned or delayed. The Consenting Owners shall have thirty (30) days from receipt of the

Plans to object to the proposed Plans. If no Consenting Owner objects within the thirty (30) day period, the Plans shall be conclusively deemed approved.

(C) Construction Timing. Weather permitting, all paving and landscaping will be finished upon completion of the Building, but in no event shall it be installed later than ninety (90) days after the Building is occupied. Subject to force majeure, total construction time from pouring footings to the completion of the Building ready for occupancy shall not exceed one (1) year.

Section 4.3 Pylon or Monument Signage: [OPEN FOR VERIFICATION/DISCUSSION]

(A) With respect to any Shopping Center pylon or multiple occupant monument sign ("**Center Sign**") which shall be erected or used for the advertising of multiple Owners, tenants or occupants of the Shopping Center, the Owner of the Lowe's Parcel shall be entitled to have and maintain a sign panel thereon in the top and most prominent position on both sides of each such Center Sign ("**Lowe's Sign Panel(s)**"). The maximum number of panels on any given Center Sign shall be _____. No other sign panel on any such Center Sign shall be of a size or have dimensions which are greater than seventy-five percent (75%) of the size and dimensions of a Lowe's Sign Panel on the same Center Sign. Lowe's Sign Panels shall be of colors, design and content as required by the Owner of the Lowe's Parcel's own visual sign standards. If only one freestanding Center Sign is allowed by governmental authorities, then that sign shall be located near the main entrance to the Shopping Center.

(B) The cost of constructing any Center Sign shall be prorated in accordance with the number of occupants having panels thereon. Any designation of the Shopping Center on a Center Sign shall be treated as a sign panel attributed to the Developer's Parcel for purposes of cost prorations.

(C) Single occupant monument signs ("**Monument Sign**") may be located at the location(s) shown on the Site Plan as "Monument Sign". Each Owner shall be entitled to use the Monument Sign, if any, shown on such Owner's Parcel, and shall be solely responsible for all costs of construction, maintenance and repair of such Monument Sign.

(D) The location of any Center Sign or Monument Sign and the design of any Center Sign Structure, sign panel, or Monument Sign (other than Lowe's Sign Panels or Lowe's Monument Sign(s)) shall be subject to the prior written consent of the Owner of Parcel 14, which

consent shall not be unreasonably withheld, conditioned or delayed. If an Owner desires to display a sign panel on a Center Sign or erect a Monument Sign, it shall make its request in writing to the Owner of Parcel 14 with a copy of the sign plans. The Owner of Parcel 14 shall then have thirty (30) days from receipt of the notice to object to the proposed sign. If the Owner of Parcel 14 does not object within the thirty (30) day period, then the proposed sign shall be conclusively deemed approved. Consents under this section shall not be unreasonably withheld, conditioned or delayed.

(E) Notwithstanding the foregoing, there may be erected entrance-exit signs to facilitate the free flow of traffic, which entrance-exit signs shall be of a monument type, not to exceed 3' 3" in height.

(F) There shall be no other free standing signs allowed in the Center.

Section 4.4 Outparcel Development:

Any Outparcel sold or developed within Shopping Center will only be developed under the following guidelines:

(A) Any Building constructed on any of the Outparcels (other than Parcel __) shall not exceed 24 feet in height, as measured from the finished elevation of the portion of the parking area located next to the Building, provided that architectural features measuring not more than 20% of the length of the fascia on any side of the Building, may extend no taller than 27 feet in height as measured from the finished elevation of the portion of the parking area located next to the Building. Any Building located on Parcel __ shall not exceed 26 feet in height, as measured from the finished elevation of the portion of the parking area located next to the Building, provided that architectural features measuring not more than 20% of the length of the fascia on any side of the Building, may extend no taller than 30 feet in height as measured from the finished elevation of the portion of the parking area located next to the Building.

(B) Any rooftop equipment installed on any Outparcel shall be screened in a manner reasonably satisfactory to the Consenting Owners;

(C) No rooftop signs shall be erected on any building constructed on any Outparcel.

(D) A Monument Sign may be erected on any Outparcel only with the prior written consent of the Consenting Owners (as provided in Section 4.3(D) above), but in no event shall such Monument Sign (other than Lowe's Monument Sign) exceed eight (8) feet in height or

block the visibility of any signage on any Building located on the Lowe's Parcel or the visibility of any Lowe's Monument Sign or any Center Sign.

(E) Any Owner or other party purchasing or leasing from Developer and having an ownership or leasehold interest in an Outparcel shall repair any damage caused to any of the Utility Facilities, as described in Section 2.3 of these ECC&Rs, serving the Properties and the Outparcel which is caused by such Owner or party, to the extent the Outparcel benefits from any of the Utility Facilities serving the Shopping Center and the Outparcel.

(F) The foregoing restrictions and agreements are imposed on each of the Outparcels for the benefit of the entire Shopping Center. The agreements, restrictions and covenants herein made shall be deemed restrictive covenants running with the land and shall be binding upon each of the Outparcels and any person who may from time to time own, lease, or otherwise have an interest in any of the Outparcels.

Section 4.5 Performance of Construction Work Generally:

All construction, alteration or repair work ("**Work**") undertaken by an Owner after the Building on the Lowe's Parcel has opened for business shall be prosecuted, after the commencement of such construction, with reasonable commercial diligence, subject to delays or interruptions caused by strikes, lockouts or labor disputes, inability to obtain labor or materials or reasonable substitutes therefore, acts of God, governmental action, condemnation, unusually sever weather conditions for the area, civil commotion, war or terrorism or fire or other casualty or other conditions beyond the reasonable control, other than financial, of such Owner or occupant (provided, however, that this provision shall not supercede any obligations between Developer and Lowe's pursuant to any separate development agreement). The person or entity undertaking such Work shall: (i) pay all costs and expenses associated with such Work; (ii) take necessary measures to minimize disruption and inconvenience caused by such Work; (iii) make adequate provisions for the safety and convenience of the Owners and their Permittees; (iv) control dust, noise and other effects of such work using methods customarily utilized in order to control such deleterious effects associated with construction projects in a populated or developed area; (v) repair any and all damage which may be caused by or result from such Work; (vi) restore all affected portions of any Parcel to a condition equal to or better than the condition existing prior to beginning such Work; (vii) indemnify and hold harmless all other Owners in the Shopping

Center against any mechanics liens for such Work, particularly as to Common Areas; and (viii) obtain all necessary governmental approvals. Such Work shall not unreasonably interfere with the business operations on any other Parcel and shall not block or impede the Shopping Center ingress or egress from public streets. The party performing such Work shall limit all construction work and staging areas to its own Parcel and not encroach on any Common Areas on any other Parcel and shall not utilize parking areas of any other Parcel unless giving written permission by the Owner of the Parcel to be so encroached upon, used or utilized. In connection with Work performed within the Permissible Building Areas of the constructing Owner, incidental encroachment upon the Common Area of the party performing such work may occur in the use of ladders, scaffolding, store-front barricades and similar facilities resulting in temporary obstruction of portions of such Common Area, if such encroachment is kept within reasonable requirements of such Work expeditiously pursued. For construction purposes, the Common Areas may be utilized: (a) for ingress and egress of vehicles transporting construction materials and equipment and persons employed in connection with such Work (but each Owner performing Work shall, to the extent reasonably possible and subject to Section 2.5, limit such access to its own Parcel) and (b) temporary storage and parking on the constructing Owner's Parcel of materials and vehicles in connection with such Work. All such Work for which a license is granted above (i) which will be performed by an Owner on another Owner's Parcel (subject to Section 2.5), or (ii) which would adversely affect the ingress and egress to the Shopping Center, the availability of parking and/or circulation of traffic in the Shopping Center, or the operation and supply of common utility facilities to or in the Shopping Center shall be undertaken only after giving the other Owners thirty (30) days prior written notice of the Work to be undertaken, and the scope, nature, duration, location and extent of the Work. Such notice shall include any plans and specifications for the Work ("**Plans**"). No such Work shall be performed in the Common Areas without the prior written consent of the Owner of the Lowe's Parcel, such consent not to be unreasonably withheld, conditioned or delayed. In the event of any emergency involving an immediate and imminent threat of substantial harm or injury to persons or property, only such notice as may be reasonable under the circumstance shall be required.

Section 4.6 Compliance in Construction:

All work which an Owner undertakes on a Parcel shall comply with the Plans, the requirements of all applicable governmental authorities, public bodies and other entities (such as public utilities) having jurisdiction, and all applicable laws, ordinances, rules and regulations, including procurement of all license and permits required for such Work. The consent by the Consenting Owners of any such Work or Plans, under any provisions of these ECC&Rs, shall not constitute any assumption of responsibility for the accuracy, sufficiency or propriety of such Work or Plans, nor shall such consent constitute a representation or warranty that such Work or Plans will be economic to construct or will comply with law.

Section 4.7 Construction Insurance.

(A) Prior to commencing any construction activities on a Parcel, the constructing Owner or occupant shall obtain or require its contractor to obtain and thereafter maintain so long as such construction activity is occurring and until construction is completed, at least the minimum insurance coverage set forth below:

(i) Worker's Compensation and Employer's Liability Insurance.

(a) Worker's compensation insurance as required by any applicable law or regulation.

(b) Employer's liability insurance in the amount of $2,000,000 each accident for bodily injury, $2,000,000 policy limit for bodily injury by disease and $2,000,000 each employee for bodily injury by disease.

(ii) Commercial General Liability insurance with the following minimum limits of liability and coverages:

(a) Premises and Operations;

(b) Products and Completed Operations;

(c) Contractual Liability (insuring the indemnity obligations assumed by any contractor working on an Owner's Parcel under contract documents);

(d) Broad Form Property Damage, including Explosion, Collapse and Underground Hazards, for the full replacement cost of Buildings and Improvements on an Owner's Parcel (including Completed Operations):

(1) $2,000,000 for Bodily Injury and Property Damage each occurrence;

(2) $3,000,000 for Personal and Advertising Injury Liability;

(3) $5,000,000 aggregate for Products and Completed Operations;

(4) $5,000,000 general aggregate.

(e) Automobile Liability Insurance. Automobile liability insurance (bodily injury and property damage liability) including coverage for owned, hired, and non-owned automobiles, shall have limits of liability of not less than $1,000,000 combined single limit each accident for bodily injury and property damage combined.

(f) Umbrella/Excess Liability Insurance. Each Owner shall also carry umbrella/excess liability insurance in the amount of $5,000,000.

(B) If the construction activity involves the use of another Parcel, then the Owner and mortgagee of such Parcel shall each be additional insured(s) and such insurance shall provide that the insurance shall not be canceled, or reduced in an amount or coverage below the requirements of these ECC&Rs, without at least thirty (30) days prior written notice to the additional insureds. If such insurance is canceled or expires, then the constructing party shall immediately stop all work on or use of the other Owner's Parcel until either the required insurance is reinstated or replacement insurance obtained. Each Owner or occupant, as the case may be, shall supply or cause its general contractor to supply each Owner with certificates with respect to all insurance required by this Section.

(C) Nothing herein shall be construed from prohibiting an Owner which itself, or in combination with its parent corporation, has a net worth in excess of ONE HUNDRED MILLION DOLLARS ($100,000,000.00), as determined by generally accepted accounting principles, from self-insuring.

Section 4.8 Damage and Destruction:

In the event of the destruction or damage to any extent to any Buildings or Improvements in the Shopping Center, the affected Owner shall either: (1) diligently commence and pursue completion of the repair or restoration of such Building or Improvement, or (2) within ninety (90) days after the destruction or damage, level such Building or Improvement, remove the debris and keep the Parcel neat, orderly, planted in grass and mowed/trimmed(or otherwise treated for dust and weed control) until subsequently improved, constructed upon and operated and so that the Parcel is in a clean, orderly, sightly and safe condition (provided that such Owner repairs and

restores any No Change Area on such Owner's property). In the event any Building, structure or other Improvement on an Outparcel shall be damaged or destroyed by any fire or other casualty, the Owner, lessee or user of the Outparcel shall within thirty (30) days of such damage or destruction (a) commence to repair and/or reconstruct such improvements to the condition required by this Section; or (b) level such Building or improvement, remove the debris from the Outparcel and keep the Outparcel neat, orderly, planted in grass and mowed/trimmed until subsequently improved, constructed upon and operated.

ARTICLE V

MAINTENANCE, TAXES AND INSURANCE

Section 5.1 Maintenance:

Each Owner hereto shall maintain at its cost the Building(s) and the Common Areas on its Parcel in good order and condition and state of repair in accordance with the standards of first class shopping center operation including (but not limited to) sweeping and removal of trash, litter and refuse, painting and striping of parking areas, repair and replacement of paving as necessary, maintenance of landscaped areas (including replacement and replanting), removal of ice and snow from driveways and parking areas, and maintenance and repair of lighting standards and signs. Each Owner covenants that it, in addition to other requirements of this Section, will keep the inside and outside of all glass in the doors and windows of its Buildings clean; will maintain its Buildings at its own expense in a clean, orderly and sanitary condition and free of insects, rodents, vermin and other pests; will not permit accumulation of garbage, trash rubbish and other refuse, and will remove same at its own expense, and will keep such refuse in proper containers or compactors in places designated therefore until called for to be removed; and will keep the Common Areas on its Parcel clear of accumulations of ice and snow. The maintenance and repair of the Buildings and Improvements on each Parcel shall be of such a character that their appearance will be that of a unified shopping center and, accordingly, the Owners agree to cooperate with each other in good faith with respect to said maintenance and repair and, to the extent reasonably possible, coordinate such repair and maintenance.

(A) Maintenance of Access Roads and Common Drive Aisles: Notwithstanding the obligation of each Owner to maintain the Common Areas on such Owner's Parcel, the Owner of

the _____ Parcel shall maintain the Access Roads and the drive aisles marked "Common Driveway Area" on the Site Plan in accordance with the standards set forth in this Section 5.1 and all applicable regulations and ordinances (including associated improvements such as curb, gutter, lighting, landscaping and irrigation) and each Owner shall reimburse the Owner of the _____ such Owner's pro rata share of the cost of such maintenance. Each reimbursing Owner's pro rata share shall be calculated as the ratio of the total square feet on such Owner's Parcel divided by the total square footage of property in the Shopping Center. All reimbursements must be made within thirty (30) days of receipt of an invoice with reasonable documentation of the costs.

(B) Lighting: Each Owner shall cause the Common Area on its Parcel to be adequately lit for at least the hours during which the business on the Lowe's Parcel is open for business and for one (1) hour after Closing.

(C) Center Signs: The Owner of Parcel 14 shall be responsible for maintenance, repair and replacement of the sign structure for the Center Signs, subject to reimbursement by each Owner entitled pursuant to Section 4.3 to display a sign panel thereon. Each such Owner's share shall be calculated as a fraction, the numerator of which is the total square footage of such Owner's sign panel and the denominator of which is to the total square footage of all sign panels on the Center Sign. Any designation of the Shopping Center on a Center Sign shall be treated as a sign panel attributed to the Developer's Parcel for purposes of cost prorations.

Section 5.2 Maintenance Director:

Subject to the mutual agreement of each of the Consenting Owners, a third party may be appointed to maintain and repair the Common Areas in the manner as above outlined (the "**Maintenance Director**"). The Maintenance Director may receive for such agency a fee that is mutually acceptable to the Consenting Owners to cover supervision, management, accounting and similar fees. The cost of all maintenance and repair activities undertaken by the Maintenance Director, together with the agency fee, shall be prorated between all Owners based upon acreage owned. An Owner shall pay its proportional share of all such costs and fees within thirty (30) days following its receipt of a detailed invoice thereafter.

Section 5.3 Failure in Performing Maintenance Responsibilities:

In the event that an Owner fails or defaults in its maintenance obligations as set forth in Section 5.1, which failure continues for a period of thirty (30) days (ten [10] business days in the event of a failure to pay money) after receipt of written notice thereof specifying the particulars of such failure, such failure shall constitute a breach under the ECC&RS and either Consenting Owner (the "**Curing Party**") may thereafter perform such maintenance obligations, in addition to such Owner's other remedies. The Curing Party shall then invoice the defaulting Owner for the expenses incurred. The defaulting Owner shall have fifteen (15) days to pay the Curing Party after receipt of the invoice. If the defaulting Owner does not so pay, the Curing Party shall have a lien on the Parcel of the defaulting Owner for the amount of the invoice, which amount shall bear interest at the Default Rate from the date of expiration of said fifteen (15) day period until paid.

Section 5.4 Taxes:

The Owner of each Parcel shall pay or cause to be paid, prior to delinquency, directly to the appropriate taxing authorities all real property taxes and assessments which are levied against such Owner's Parcel. In the event an Owner fails to pay when due all taxes and assessments described herein, which failure continues for a period of ten (10) days after written notice thereof, such failure shall constitute a breach under these ECC&Rs and either Consenting Owner (the "**Curing Party**") may, in addition to such Owners' other remedies, thereafter pay such taxes if such taxes are delinquent and the owing Owner has not commenced and is not duly prosecuting any contest of such taxes. The Curing Party shall then invoice the defaulting Owner for the expenses incurred. The defaulting Owner shall have ten (10) business days after receipt of the invoice to pay the Curing Party. If the defaulting Owner does not so pay, the Curing Party shall have a lien on the Parcel of the defaulting Owner for the amount of the invoice, which amount shall bear interest at the Default Rate from the date of expiration of said ten (10) business day period until paid.

Section 5.5 Insurance:

(A) Insurance Coverage: Each Owner in the Shopping Center will at all times maintain or cause to be maintained with respect to its Parcel and all Buildings and Improvements thereon: (i) commercial property insurance against loss or damage by fire,

lighting and other risks customarily covered by an all-risks policy of property insurance for the full replacement cost of the Building(s) and Improvements located thereon and (ii) commercial general liability insurance (including contractual liability coverage) against claims for bodily injury, death or property damage occurring on, in or about such Owner's Parcel combined single limit coverage of not less than TWO MILLION DOLLARS ($2,000,000.00) per occurrence. Nothing herein shall be construed from prohibiting an Owner which itself, or in combination with its parent corporation, has a net worth in excess of ONE HUNDRED MILLION DOLLARS ($100,000,000.00), as determined by generally accepted accounting principles, from self-insuring for such insurance coverage.

Section 5.6 Failure to Carry Insurance:

In the event an Owner fails to maintain the insurance described above, which failure continues for a period of ten (10) days after written notice thereof, such failure shall constitute a breach under these ECC&Rs and either Consenting Owner (the "Curing Party") may, in addition to such Owners' other remedies, thereafter obtain and pay for such insurance. The Curing Party shall then invoice the defaulting Owner for the expenses incurred. The defaulting Owner shall have fifteen (15) days after receipt of the invoice to pay the Curing Party. If the defaulting Owner does not so pay, the Curing Party shall have a lien on the Parcel of the defaulting Owner for the amount of the invoice, which amount shall bear interest at the Default Rate from the date of expiration of said fifteen (15) days period until paid.

Section 5.7 Cross Indemnity:

To the extent not covered by the insurance policies described above, each Owner (the "Indemnitor") will pay, and indemnify and save harmless the other Owner (the "Indemnitee") from and against, all liabilities, losses, damages, costs, expenses (including attorneys' fees and expenses), causes of action, suits, claims, demands or judgments of any nature arising from: (i) any injury to or death of a person or loss of or damage to property occurring on the Indemnitor's Parcel; (ii) any use or condition of the Indemnitor's Parcel; and (iii) any negligence or tortious acts of the Indemnitor or any of his tenants, licensees, invitees, customers, agents or employees, except to the extent that such causes of action, suits, claims, demands or judgments arise out of the negligence or intentional misconduct of the Indemnitee.

Section 5.8 Waiver of Subrogation:

Each Owner (the "**Releasor**") hereby releases the other Owner (the "**Releasee**") from any and all liability or responsibility to the Releasor or anyone claiming through or under the Releasor by way of subrogation or otherwise for any incurred loss or damage to any person or property caused by fire or other peril or other such loss, damages, or other insured event or negligence of the Releasee, or anyone for whom such Releasee may be responsible; provided, however, that this release shall be applicable and in force and effect only with respect to loss or damage occurring during such time as the Releasor's policy or policies of insurance shall contain a waiver of subrogation endorsement, to the effect that any such release shall not adversely affect or impair said policy or policies or prejudice the right of the Releasor to recover thereunder.

ARTICLE VI

DEFAULT, REMEDIES

Section 6.1 Default:

The occurrence of any one or more of the following events shall constitute a breach of these ECC&Rs by the non-performing party (the "**defaulting Owner**"):

(A) The failure to perform any obligation of Article V hereof and to cure such failure within the time requirements cited therein which shall be a breach under these ECC&Rs without necessity of any further notice to the defaulting party other than as provided for in Article V;

(B) The failure to make any payment required to be made hereunder within ten (10) business days of the due date which shall be a breach under these ECC&Rs without necessity of any notice to the defaulting party, or

(C) The failure to observe or perform any other of the covenants, conditions or obligations of these ECC&Rs or to abide by the restrictions and requirements herein provided, other than as described in (A) above, which shall be a breach under these ECC&Rs after expiration of thirty (30) days after the issuance of a notice by a non-defaulting Owner ("**Non-Defaulting Owner**") specifying the nature of the default claimed.

Section 6.2 Remedies for all Owners:

Each non-defaulting Owner shall have the right to prosecute any proceedings at law or in equity against any Owner or any other person for breach of any easement or restriction benefiting such non-defaulting Owner. Such proceeding shall include the right to restrain by injunction any such

violation or threatened violation and to obtain a decree to compel performance of any such easements or restrictions. No Permittee shall have the right to bring any action to enforce any provision of these ECC&Rs and no enforcing Owner shall have the obligation to join any Permittee in any action to enforce these ECC&Rs.

Section 6.3 Right to Cure:

With respect to any default under Section 6.1, any Non-Defaulting Owner who is a Consenting Owner (the "**Curing Party**") shall have the right, but not the obligation, in addition to any remedy available at law or equity, to cure such default by the payment of money or the performance of some other action for the account of and at the expense of the defaulting Owner (except as otherwise limited in Article V); provided, however, that in the event the default shall constitute an emergency condition involving an immediate and imminent threat of substantial injury or harm to persons or property, the Curing Party, acting in good faith, shall have the right to cure such default upon such advance notice as is reasonably possible under the circumstances or, if necessary, due to such emergency, without advance notice, so long as notice is given as soon as possible thereafter. To effectuate any such cure, the Curing Party shall have the right to enter upon the Parcel of the defaulting Owner (but not into any Building) to perform any necessary work or furnish any necessary materials or services to cure the default of the defaulting Owner. Each Owner shall be responsible for the non-performance or default of its Occupants and lessees. In the event any Curing Party shall cure a default, the defaulting Owner shall reimburse the Curing Party for all costs and expenses incurred in connection with such curative action, plus interest at the Default Rate, within ten (10) business days of receipt of demand, together with reasonable documentation supporting the expenditures made.

Section 6.4 Liens:

Costs and expenses accruing and/or assessed pursuant to Section 6.3 above and the amounts described in Section 6.1 shall constitute a lien against the defaulting Owner's Parcel. A lien under this Section 6.4 or under Article V shall attach and take effect only upon recordation of a claim of lien in the applicable real estate records office of the county in which the said Parcel is located, by the Curing Party making the claim. The claim of lien shall include the following:

(A) The name and address of the lien claimant;

(B) A statement concerning the basis for the claim of lien and identifying the lien claimant as a Curing Party;

(C) An identification by name and address (if known) of the Owner or reputed Owner of the Parcel or interest therein against which the lien is claimed;

(D) A description of the Parcel against which the lien is claimed;

(E) A description of the work performed which has given rise to the claim of lien;

(F) A statement itemizing the total amount due, including interest;

(G) A statement that the lien is claimed pursuant to the provisions of these ECC&Rs, reciting the date, book and page of recordation hereof.

The notice shall be duly acknowledged and contain a certificate that a copy thereof has been served upon the Owner against whom the lien is claimed, by personal service or by mailing pursuant to Section 7.4 below. The lien so claimed shall attach from the date of recordation solely in the amount claimed thereby and may be enforced in any judicial proceedings allowed by law, including without limitation, suit in the nature of a suit to foreclose a mortgage or mechanic's lien under the applicable provisions of the law of the State in which the Shopping Center is located.

Section 6.5 Cumulative Remedies:

All of the remedies permitted or available to a Consenting Owner under these ECC&Rs or at law or in equity shall be cumulative and not alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.

Section 6.6 No Waiver:

No delay or omission of any Owner in the exercise of any right accruing upon any default of any other Owner shall impair any such right or be construed to be a waiver thereof, and every such right may be exercised at any time during the continuance of such default. No waiver by any Owner of any default under these ECC&Rs shall be effective or binding on such Owner unless made in writing by such Owner and no such waiver shall be implied from any omission by a Owner to take action in respect to such default. No express written waiver of any default shall affect any other default or cover any other period of time other than any default and/or period of

time specified in such express waiver. One or more written waivers or any default under any provision of these ECC&Rs shall not be deemed to be a waiver of any subsequent default in the performance of the same provision or any other term or provision contained in these ECC&Rs.

Section 6.7 No Termination for Breach:

No breach, whether or not material, of the provisions of these ECC&Rs shall entitle any Owner to cancel, rescind or otherwise terminate these ECC&Rs, but such limitation shall not affect, in any manner, any other rights or remedies which any Party may have hereunder by reason of any breach of the provisions of these ECC&Rs.

Section 6.8 Limitation of Liability:

Notwithstanding the foregoing, any person acquiring fee or leasehold title to a Parcel, or any portion thereof, shall be bound by these ECC&Rs only as to the Parcel or portion of the Parcel acquired or possessed by such person. In addition, such person shall be bound by these ECC&Rs only during the period such person is the fee leasehold Owner or occupant of such Parcel or portion of the Parcel; and, upon conveyance or transfer of the fee or leasehold interest shall be released from liability hereunder, except as to the obligations, liabilities or responsibilities that accrue prior to such conveyance or transfer. Although persons may be released under this Section 6.9, the easements, covenants and restrictions in these ECC&Rs shall continue to be benefits to and servitudes upon said Parcels running with the land.

Section 6.9 Attorneys Fees:

In the event of a breach hereof, the non-prevailing Owner shall pay the reasonable attorney's fees (and the reasonable attorneys' fees on appeal) of the prevailing Owner.

ARTICLE VII

MISCELLANEOUS

Section 7.1 Estoppel Certificates:

Each Owner shall upon not less than thirty (30) days from receipt of written notice from the requesting Owner execute and deliver to the requesting Owner a certificate in recordable form stating that (i) either these ECC&Rs are unmodified and in full force and effect or are modified (and stating the modification); and (ii) whether or not such Owner has sent any notice of any default to any other Owner under these ECC&Rs.

Section 7.2 Term and Perpetuity:

The agreements, conditions, covenants, and restrictions created and imposed herein shall be effective upon the date hereof and shall continue in full force and effect, to the benefit of and being binding upon all Owners, their heirs, executors, administrators, successors, successors-in-title, and assigns until the expiration of sixty (60) years from the date hereof, unless terminated by the consent of all the Owners pursuant to a writing recorded in the real property records of the county and state in which the Shopping Center is located. Said agreements and restrictions shall be unaffected by any change in the ownership of any real property covered by these ECC&Rs or by any change of use, demolition, reconstruction, expansion or other circumstances, except as specified herein. Notwithstanding the foregoing, the easements contained herein binding and benefiting the Parcels shall be perpetual and shall run with the land. Upon termination of the agreements, conditions, covenants and restrictions of these ECC&Rs, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of these ECC&Rs, except as related to the easements cited and mentioned herein, shall terminate and have no further force or effect.

Section 7.3 Amendment:

These ECC&Rs may not be amended except by agreement of the Consenting Owners in writing and recorded in the real property records of Bernalillo County, New Mexico.

Section 7.4 Notices:

Any notice or invoice required or permitted to be given under these ECC&Rs shall be in writing and shall be deemed to have been given upon deposit in the United States Mail as Certified Mail, Return Receipt Requested, postage prepaid or deposit with a nationally recognized overnight delivery service, and addressed to the Party being notified at the address given below (or such other address which any party may designate for itself from time to time hereafter by written notice to the other Party):

To Developer: Armstrong Development
1500 N. Priest, Suite 150 E
Tempe, AZ 85281
Attention: SG Ellison and Jason D. Stych, Esq.

cc: Armstrong Development Properties, Inc.
2100 Wharton Street, Suite 700

Pittsburgh, Pennsylvania 15203
Attention: W. Gregg Baldwin

Campbell & Wells, P.A.
2155 Louisiana Blvd. NE, Suite 10300
Albuquerque, New Mexico 87110
Attn: Lawrence M. Wells

Lowe's: Lowe's Home Centers, Inc.
Box 1111
North Wilkesboro NC 28656
Street Address: (1605 Curtis Bridge Road, Wilkesboro, NC 28697)
Attention: Property Management Dept. (FMN6)

Copy to: Lowe's Home Centers, Inc.
Box 1111
North Wilkesboro NC 28656
Street Address: (1605 Curtis Bridge Road, Wilkesboro, NC 28697)
Attention: Legal Department (LGS6)

Section 7.5 Lessee Designation: An Owner may designate, by written notice delivered to all other Owners, a lessee with respect to an entire Parcel to act as such Owner's designated agent for all purposes under this ECC&Rs, and to exercise all rights and perform all obligations of such Owner under this ECC&Rs. Upon delivery of such written designation to the other Owner, the designated agent shall be recognized by the other Owners as the party responsible for, and with authority regarding, all matters under this ECC&Rs respecting the Parcel owned by such Owner, except as otherwise expressly set forth below. Such designation shall remain in full force and effect until delivery to the other Owners of a written revocation of the designation by the designating Owner (or such Owner's successors or assigns). Notwithstanding the foregoing, the designating Owner shall remain primarily responsible and liable for the obligations of such Owner under this ECC&Rs, and the designated agent of an Owner shall have no power or authority to agree or consent to the amendment, modification or termination of this ECC&Rs.

Section 7.6 Adjacent Developer Parcels:

Developer may, in his sole discretion, subject the parcels of real property adjacent to the Shopping Center which are owned by Developer (the "**Adjacent Developer Parcels**") to the terms, covenants and conditions of these ECC&Rs. At that time the Adjacent Developer Parcels shall be subject to the obligations created herein and shall benefit from the rights granted to

Developer herein. If such Adjacent Developer Parcels are incorporated in the Shopping Center and made subject to these ECC&Rs; and if there are any continuing liabilities of the Owners which are divided between the Owners based on prorations of land area or otherwise, then the prorations shall be adjusted accordingly. Notwithstanding anything in these ECC&Rs to the contrary, nothing in these ECC&Rs shall be construed as limiting or preventing the Developer and/or Sandia from further encumbering the Developer Parcels and/or the Sandia Parcel with additional easements, covenants, conditions and restrictions on the Developer Parcels and/or the Sandia Parcel.

Section 7.7 No Covenant to Continuously Operate:

The Owner of the Lowe's Parcel is not obligated to continuously operate a business on the Lowe's Parcel and, specifically, is not obligated to continuously operate or operate for any specific period of time a Lowe's building supply or home improvement retail warehouse or any store on the Lowe's Parcel. Nothing contained in these ECC&Rs shall be construed, interpreted or otherwise read to require the Owner of the Lowe's Parcel to operate a business on the Lowe's Parcel or to prevent the Owner of the Lowe's Parcel from closing its business on the Lowe's Parcel.

Section 7.8 Severability:

In the event any provision or portion of these ECC&Rs is held by any court of competent jurisdiction to be invalid or unenforceable, such holding will not affect the remainder hereof, and the remaining provisions shall continue in full force and effect to the same extent as would have been the case had such invalid or unenforceable provision or portion never been a part hereof.

Section 7.9 No Public Dedication:

Nothing contained herein shall be deemed or implied to be a gift, grant or dedication of the Shopping Center or any portions thereof, to the general public, or for any public use or purpose whatsoever. Except as may be specifically provided herein, no right, privileges or immunities of any Owner hereto shall inure to the benefit of any third-party, nor shall any third-party be deemed or considered to be a beneficiary of any of the provisions herein contained.

Section 7.10 Counterparts:

These ECC&Rs may be executed in one or more counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument.

Section 7.11 Relationship of the Parties:

Nothing contained herein shall be construed or interpreted as creating a partnership, joint enterprise or joint venture between or among the Parties hereto or the Owners. It is understood that the relationship between the Parties hereto and Owners is an arms length one that shall at all times be and remain that of separate owners of real property. No Party hereto nor any Owner shall have the right to act for or on behalf of another Party or Owner, as agent or otherwise, unless expressly authorized to do so by separate written instrument signed by the Party or Owner to be charged or bound, except as otherwise specifically provided herein.

Section 7.12 Rights of Mortgagees:

No provision of these ECC&Rs shall in any way defeat or render invalid the lien of any mortgage, deed of trust or other security instrument entered into in good faith and for valuable consideration, whether presently in existence or hereafter recorded against any part of the Shopping Center, but such lien shall be, except as otherwise provided in these ECC&Rs, subject and subordinate to the provisions of these ECC&Rs, such that, if any portion of the Shopping Center is purchased in connection with a foreclosure of such mortgage, deed of trust or security instrument or is conveyed to the party so secured in lieu of foreclosure, any person so acquiring or purchasing and its successors and assigns shall hold any and all real property so purchased or acquired subject to the provisions of these ECC&Rs. In connection with the execution of these ECC&Rs, the Owners shall obtain an agreement from the existing holders of any mortgage or deed of trust or other security instrument on their respective Parcels subordinating the terms thereof to the terms of these ECC&Rs.

IN WITNESS WHEREOF, the Parties hereto have executed and delivered these ECC&Rs as of the day and year first written above.

[Remainder of Page Left Intentionally Blank; Signatures on Following Pages]

Signature Page for Lowe's (ECC&Rs):

LOWE'S HOME CENTERS, INC.,
a North Carolina corporation

Attest:

By: _____
Name:
Title:

By: _____
Name:
Title:

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF WILKES)

ON THIS ____ day of _____, 200__, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, to me personally known to be the person described in and who executed the foregoing instrument, who, being by me first duly sworn, stated that he/she is the _____ of LOWE'S HOME CENTERS, INC., a North Carolina corporation, and that he/she executed such instrument on behalf of said corporation by authority of its board of directors, and said person acknowledged to me that he/she executed such instrument as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public _____
Printed Name:

My Commission Expires:

_____

Signature Page for Developer (ECC&Rs):

ARMSTRONG DEVELOPMENT,
a _____

By: _____
Name:
Title:

STATE OF _____)
) ss.
COUNTY OF _____)

ON THIS ____ day of _____, 200_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, to me personally known to be the person described in and who executed the foregoing instrument, who, being by me first duly sworn, stated that he/she is the _____ of _____, a _____, and that he/she executed such instrument on behalf of said corporation by authority of its board of directors, and said person acknowledged to me that he/she executed such instrument as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public _____
Printed Name:

My Commission Expires:

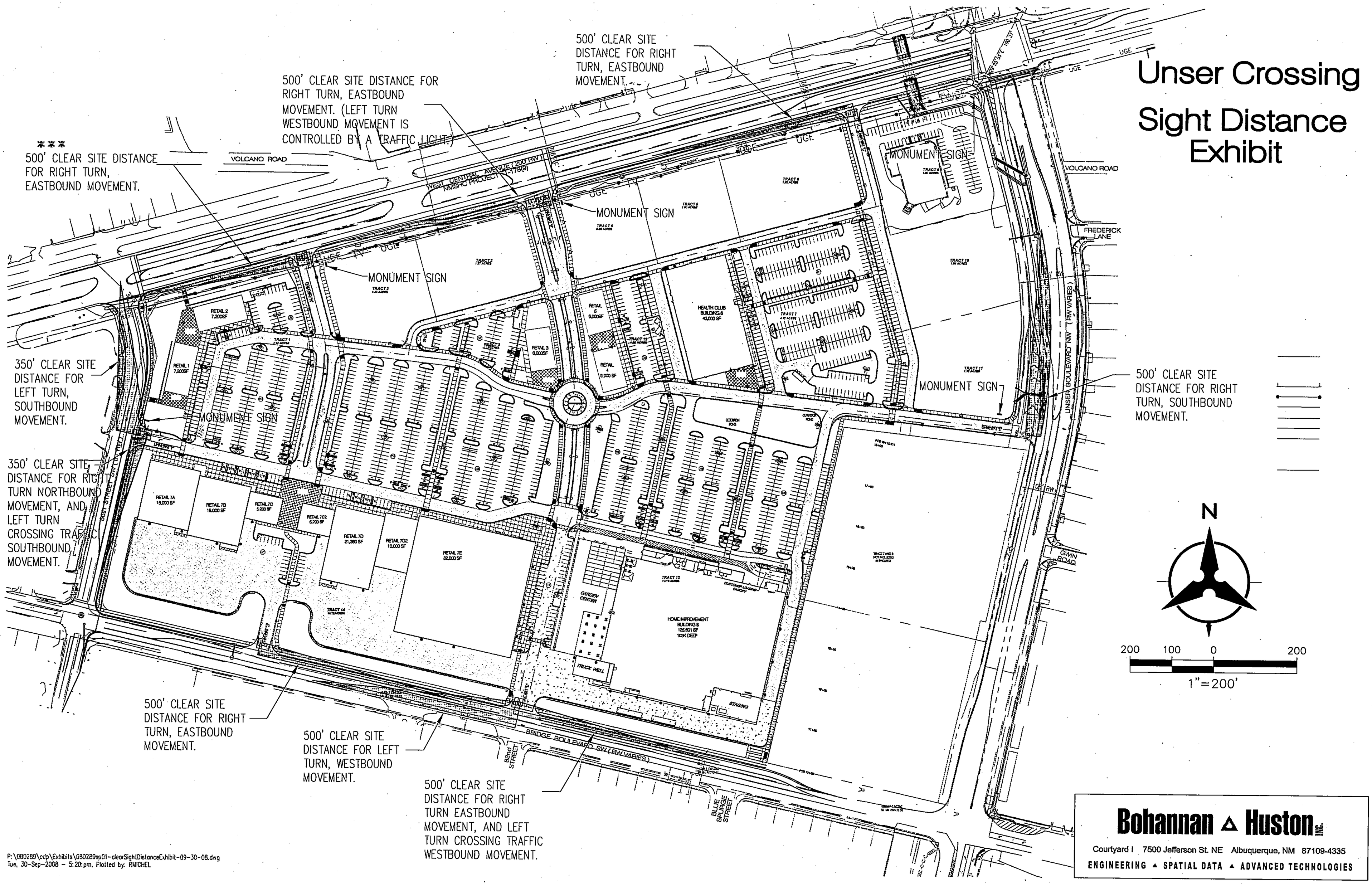
Schedule I
Legal Description Lowe's Parcel

Schedule II

Legal Description Developer's Parcel(s)

Exhibit A
Site Plan

Unser Crossing Sight Distance Exhibit

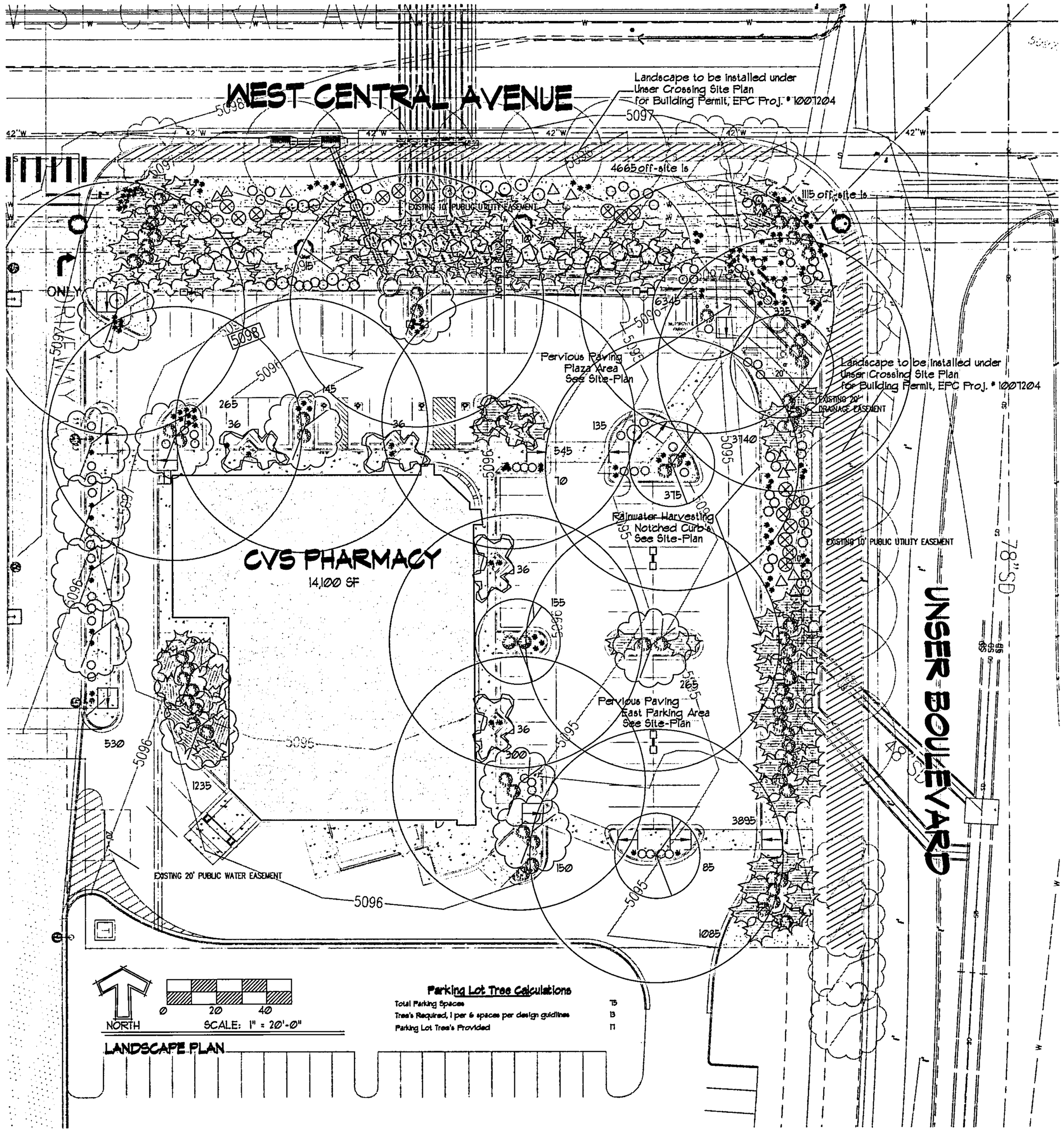


P:\080289\cdp\Exhibits\080289sp01-clearSightDistanceExhibit-09-30-08.dwg
Tue, 30-Sep-2008 - 5:20:pm, Plotted by: RMICHEL

Bohannan ▲ Huston INC.

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES



Parking Lot Tree Calculations

Total Parking Spaces	75
Tree's Required, 1 per 6 spaces per design guidlines	13
Parking Lot Tree's Provided	17

LANDSCAPE LEGEND

QTY	SIZE	*D/E	COMMON / BOTANICAL	AV. SP.	AV. HT.	H2O USE
2	2" cal	D	Honey Locust *Gleditsia triacanthos*	40-45'	40-50'	M
3	2" cal	D	Ash *Fraxinus pennsylvanica 'Patmore', 'Summit', or 'Marshall'*	35-40'	60'	M+
13	2" Cal	D	Chitalpa *Chitalpa x tashkenensis*	30'	30'	M
5	15 Gal	D	Washington Hawthorne *Crataegus phaenoopyrum*	25'	M	
24	5 Gal	E	Wintergreen Barberry *Berberis julianae*	5'	5'	M
68	5 Gal	E	India Hawthorne *Raphiolepis indica*	4'	4'	M
104	5 Gal	E	Honeysuckle *Lonicera japonica*	12'	2'	M
12	5 Gal	D	Dwarf Butterfly Bush *Buddleia davidii nonhoensis*	5'	5'	M
138	5 Gal	D	Dwarf Fountain Grass *Pennisetum villosum*	2'	2'	M
38	5 Gal	E	Desert Sage *Salvia dorrii*	3'	3'	M
7	5 Gal	E	Rosemary *Rosemary officianolis*	6'	6'	L+
52	5 Gal	E	English Lavendar *Lavendula angustifolia*	3'	3'	M
13	5 Gal	E	Apache Plume *Fallugia paradoxa*	5'	5'	L
16	5 Gal	D	Fernbush *Chamaebatiaria millefolium*	5'	5'	L

3/4" Santa Ana Tan Gravel over Comercial Grade Weed Fabric, or or Organic Mulch

Landscape by other's, Unser Crossing Common Area

High water use turf is not used on this project.
Plant List contains only approved species for Unser Crossing, Site Development Plan
* Indicates Deciduous or Evergreen

LANDSCAPE CALCULATIONS

Total Lot Area		84,600
TOTAL BUILDING AREA (sf)	—	14,100
TOTAL OFF-SITE LANDSCAPE PROVIDED (sf),	—	5,100
NET LOT AREA (sf)		64,800
LANDSCAPE REQUIREMENT (%)	X	.15
TOTAL LANDSCAPE REQUIRED (sf)		9720
TOTAL ON-SITE LANDSCAPE PROVIDED (sf),		19,860
TOTAL OFF-SITE LANDSCAPE PROVIDED (sf),		5,100
TOTAL LANDSCAPE PROVIDED (sf), 30.44 %		25,360
TOTAL VEGETATIVE COVER REQUIRED, 80%		20,448
TOTAL VEGETATIVE COVER PROVIDED, 81.10%		20,730

LANDSCAPE NOTES

Owner is responsible for maintenance of landscape and irrigation system.

Landscape shall be watered by a complete underground irrigation system operated by automatic timer. Irrigation system shall provide for water requirement's of plant material at maturity. Trees shall have bubblers and shrubs shall have a minimum of 2 emitters per shrub. Trees and shrubs shall be zoned seperately. Point of Connection for irrigation system shall be coordinated between the Landscape Contractor and the General Contractor of the project prior to construction.

All landscape areas shall be covered in 3" of landscape gravel, fines, bark mulch or other landscape mulch and comsercial grade weed barrier fabric approved by the Owner's representative.

It is the intent of this plan to comply with the City of Albuquerque Landscape Regulations Applicable to Apartments and Nonresidential Development.

Landscaping shall be installed according to the approved plan.

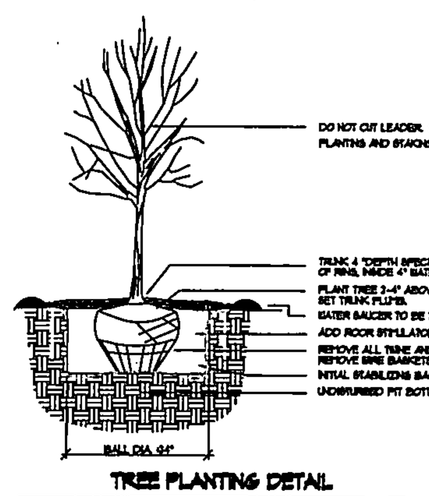
Landscape areas in excess of 36 square feet shall be planted so as to achieve 80% Live Ground Cover at maturity.

Approval of this plan does not constitute or imply exemption from water waste provisions of the water conservation landscaping and water waste ordinance. Water management is the sole responsibility of the property owner.

This plan shall comply with the Street Tree requirement's as defined in the Street Tree Ordinance 6-2-2-1.

This landscape is designed in accordance with Section 3, Item E of the approved Design Standards for Unser Crossing found on sheet G-101.
The Unser Crossing project number is 1001204: 05DRB-10771 EPC.

The hardscape saterials for this project will be consistent with those used for the Unser Crossing Development.



TREE PLANTING DETAIL

N.T.S.

DRB SUBMITTAL 12/02/2008

STATE OF NEW MEXICO
DANNY D. MITCHELL
239
REGISTERED LANDSCAPE ARCHITECT

DSA
Darren Sowell
ARCHITECTS
4700 Lincoln N.E., Suite 111
Albuquerque, N.M. 87109
Phone: (505) 342-6200
Fax: (505) 342-6201

Bohannan ▲ Huston
Courtyard 1500 Jefferson SE NE Albuquerque, NM 87106-4345
CONSULTANTS • SPATIAL DATA • APPLIED TECHNOLOGIES

Mitchell Associates, LLC
Landscape Architects
2424 Wyoming Blvd NE, Suite 122
Albuquerque, NM 87112
Phone: (505) 828-0226
danny@mitchellassociates.com

ARMSTRONG DEVELOPMENT PROPERTIES, INC.

CVS PHARMACY
Site Plan for Building Permit
Central Avenue and Unser Boulevard
Albuquerque, New Mexico 87121

CVS/pharmacy

Revisions	
EPC Comment's,	9/30/2008
Plaza Area,	10/31/2008

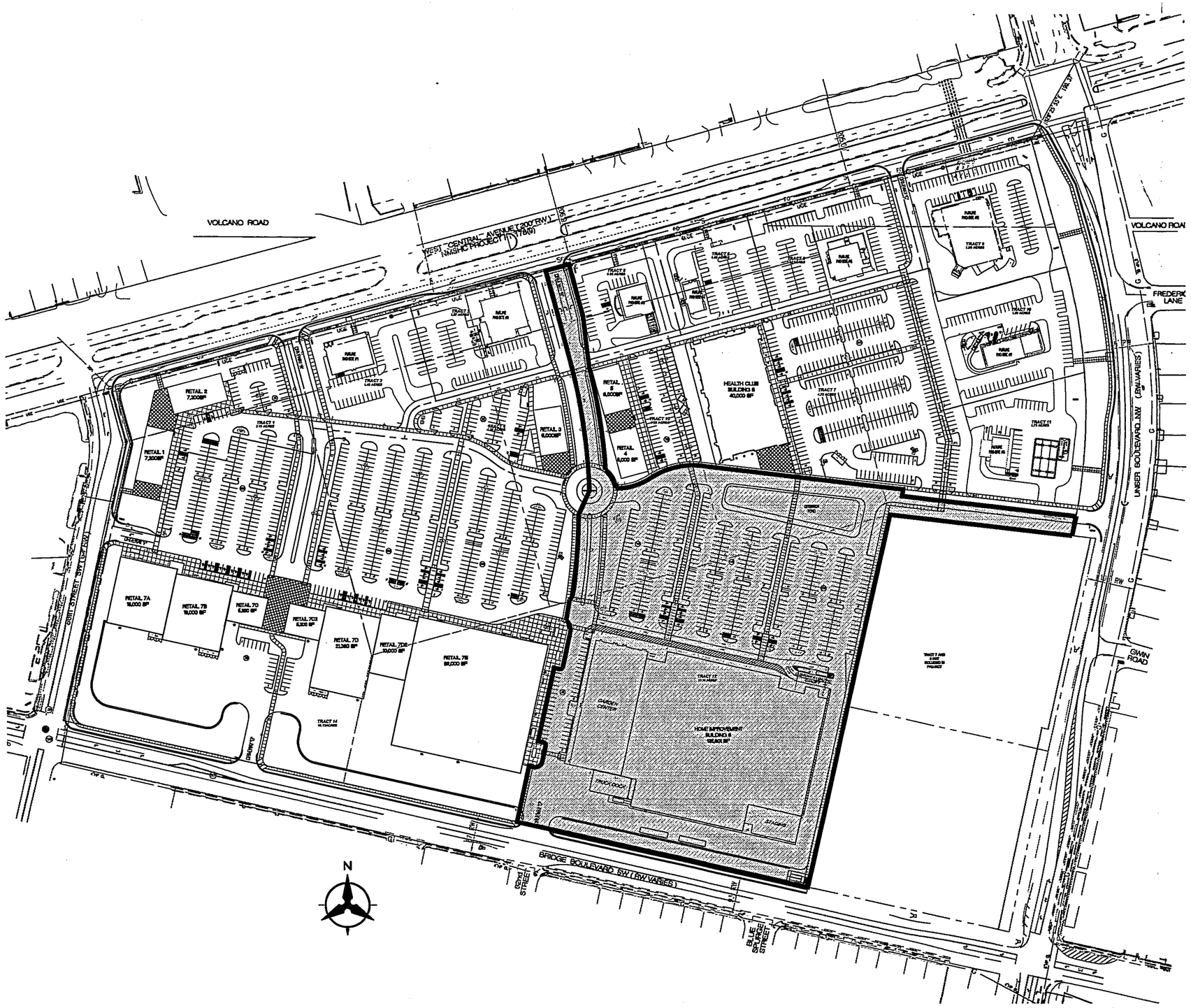
Job Number	
Drawn By	BJG
Checked	SJS
Issue Date	SEPT 2, 2008

L-100

OF

C:\Documents and Settings\Danny\Desktop\CVS Pharmacy\CVS Pharmacy, LS-100 2004.dwg
Thu, 4-Dec-2008 - 9:46:am, Plotted by: DANNY

ECC & R's
Schedule I
Lowe's Parcel



LOWE'S PARCEL

LEGAL DESCRIPTION
TRACT 12 OF UNSER CROSSING

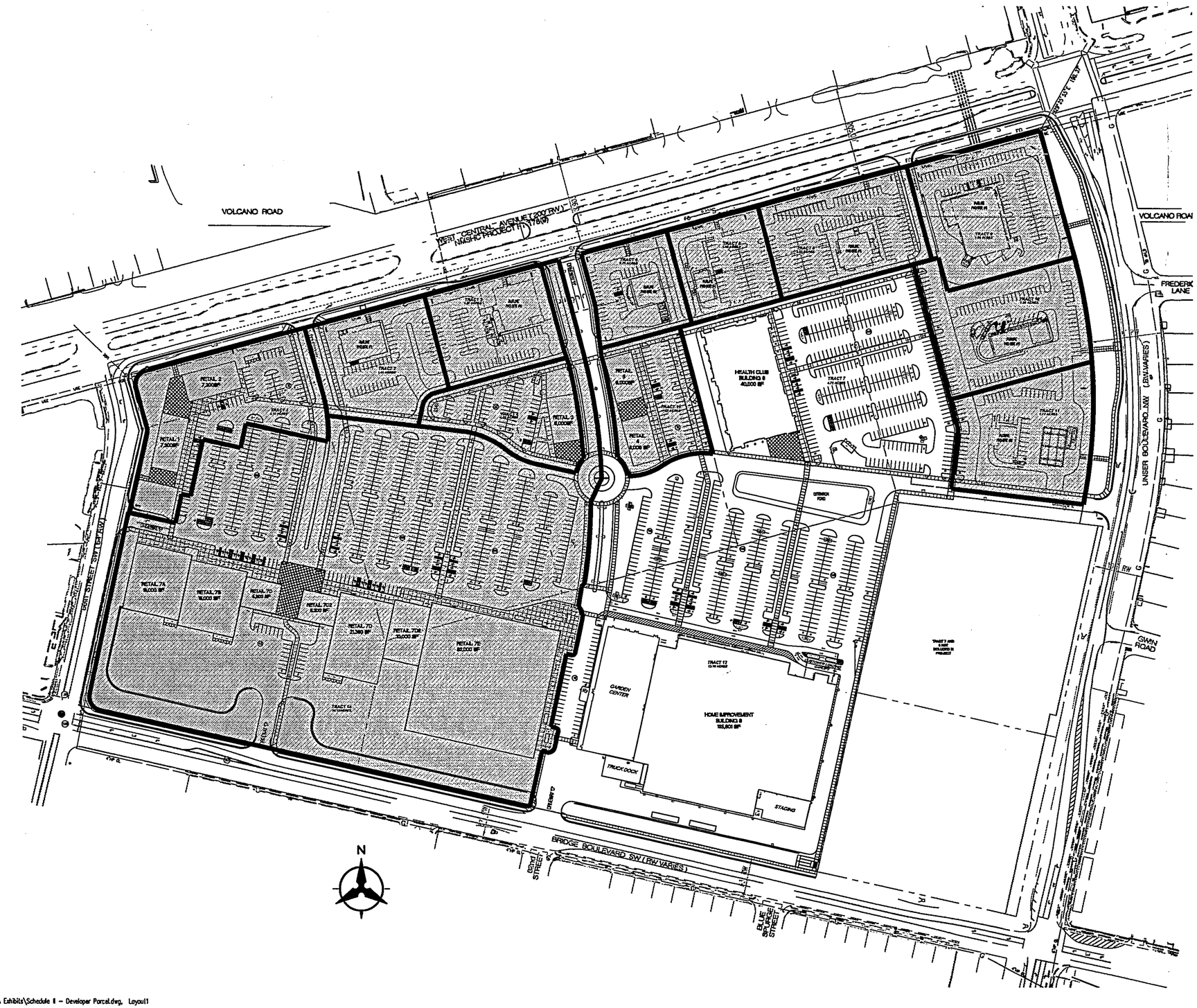
Bohannan △ Huston Inc

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

P:\080289\cdp\Exhibits\SDA Exhibits\Schedule I - Lowes Parcel.dwg, Layout1
July 28, 2008 - 3:55pm
Plotted by: RMICHEL

ECC & R's
Schedule II
Developer Parcel



DEVELOPER PARCELS

LEGAL DESCRIPTION
TRACTS 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, AND 14 OF UNSER CROSSING

Bohannan Huston
Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4336
ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

P:\080289\cdp\Exhibits\SDA Exhibits\Schedule II – Developer Parcel.dwg, Layout1
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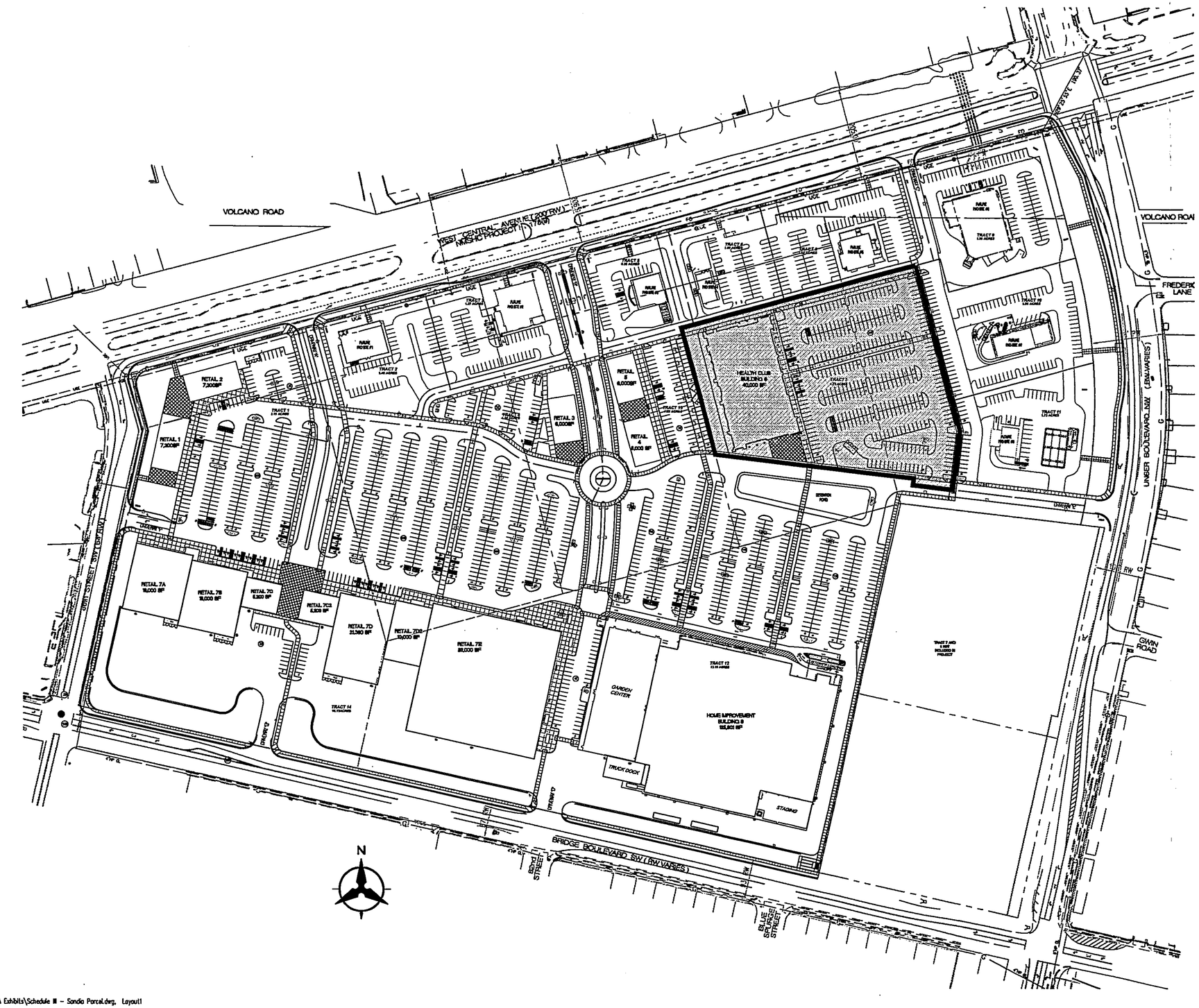
Plotted by: RMICHEL

ECC & R's
Schedule III
Sandia Parcel



SANDIA PARCEL

LEGAL DESCRIPTION
TRACT 7 OF UNSER CROSSING

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

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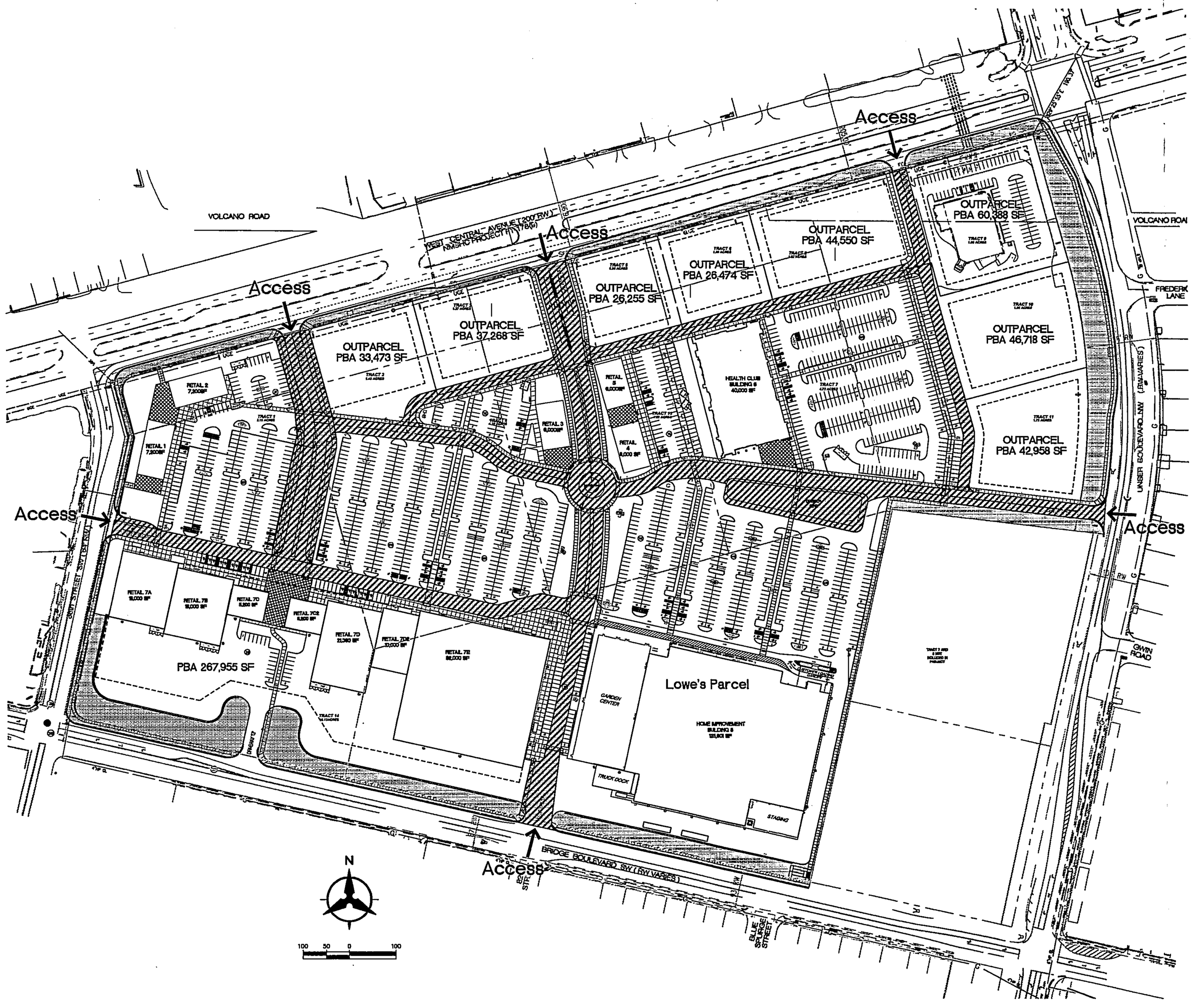
Plotted by: RMICHEL

ECC & R's
Exhibit A
Site Plan



PERMISSIBLE BUILDING AREAS

COMMON AREA IMPROVEMENTS

NO CHANGE AREA / COMMON AREA DRIVEWAY / INTERNAL ACCESS DRIVES

Bohannan ▲ Huston

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

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

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July 28, 2008 – 3:51pm
Plotted by: RMICHEL

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

07/01/2008 Issued By: E08375

Permit Number: 2008 070 296 **Category Code 910**

Application Number: 08DRB-70296, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: SW CORNER OF CENTRAL AVE & UNSER SW BETWEEN BRIDGE SW AND 86TH ST SW

Project Number: 1007204 ~~1002971~~

Applicant
Armstrong Development Properties

1500 N Priest Dr Suite 150e
Tempe AZ 85281
602-385-4101

Agent / Contact
Bohannan Huston Inc

Kevin Patton
7500 Jefferson Ne
Albuquerque NM 87109

kpatton@bhinc.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$1,125.00
	TOTAL:	**$1,145.00**

City Of Albuquerque
Treasury Division

7/1/2008 12:27PM LOC: ANNX
WS# 006 TRANS# 0032
RECEIPT# 00094233-00094233
PERMIT# 2008070296 TRSDMG
Trans Amt $1,145.00
Conflict Manag. Fee $20.00
DRB Actions $1,125.00
VI $1,145.00
CHANGE $0.00

Thank You

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z
___ Major Subdivision action		
_X_ Minor Subdivision action		
___ Vacation	V	
___ Variance (Non-Zoning)		

SITE DEVELOPMENT PLAN	P
___ for Subdivision Purposes	
___ for Building Permit	
___ Administrative Amendment (AA)	
___ IP Master Development Plan	D
___ Cert. of Appropriateness (LUCC)	L A

STORM DRAINAGE (Form D)
___ Storm Drainage Cost Allocation Plan

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

APPEAL / PROTEST of...
___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal

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

APPLICATION INFORMATION:

Professional/Agent (if any): Bohannan Huston, Inc. PHONE: (505) 823-1000

ADDRESS: 7500 Jefferson NE FAX (505) 898-7988

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL:

APPLICANT: Armstrong Development Properties PHONE: 602-385-4101

ADDRESS: 1500 N. Priest Drive, Suite 150E FAX: 602-385-4101

CITY: Tempe STATE AZ ZIP 85281 E-MAIL:

Proprietary interest in site: Future Owners **List all owners**: Unser Brothers Real Property Trust, Sandia Partners, LLC

DESCRIPTION OF REQUEST: Preliminary Final Plat Approval

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

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

Lot or Tract No. Tracts 1A,1B, 2A, 2B, 3A, 3B, 4B, & Tract 6 V.E, Barrett Subd & Tracts 4A1, 5B1, 5B2, Lands of Wefco Partners Block: __ Unit:__

Subdiv/Addn/TBKA:

Existing Zoning: SU1 for C-2/01 & C-2 Proposed zoning: C-2 MRGCD Map No

Zone Atlas page(s): K-09 & K-10 UPC Code: 101005702806330324

CASE HISTORY:

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

1007204, 08EPC-40034, 08EPC-40035, 1002971,

CASE INFORMATION:

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

No. of **existing** lots: 11 No. of **proposed** lots: 14 Total area of site (acres): 50 Acres

LOCATION PROPERTY BY STREETS: On or Near: SW Corner of Central Ave. & Unser SW

Between: Bridge SW and 86th Street SW.

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team X Date of review: 1/29/08

SIGNATURE Raegan Mikel DATE 7/1/2008

(Print) Bruce Stidworthy, P.E. ___ Applicant _X_ Agent

FOR OFFICIAL USE ONLY Form revised 9/01, 3/03, 7/03, 10/03, **04/04**

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

Application case numbers	Action	S.F.	Fees
08DRB - - 70296	P & F		$ 1125.00
- -	CMF		$ 20.00
- -			$
- -			$
- -			$
			Total
Hearing date July 9, 2008			$ 1145.00

Kathryn 7-1-08
Planner signature / date

Project # 1007204

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

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

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

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

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

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

Extension of preliminary plat approval expires after one year.

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

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

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

✓ 5 Acres or more: Certificate of No Effect or Approval
✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
NA 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**
ALTA 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
NA 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)**
pending 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.

For Bruce Stidworthy, P.E.
Applicant name (print)

Applicant signature / date 7/1/08

Form revised **October 2007**

Planner signature / date 7-1-08

Project # 1002204

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

Application case numbers
08DRB - 70296 -
- -
- -

ALBUQUERQUE NEW MEXICO

Bohannan ▲ Huston Inc.

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

July 1, 2008

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Preliminary Final Plat Approval
Unser Crossing (ref. EPC #1007204, 08EPC40039, 08EPC40034, 08EPC40035, 08DRB70232, 08DRB70276, 08DRB70277, 08DRB70278)

Dear Mr. Cloud:

The referenced project includes a Preliminary/Final Plat for a 50 acre commercial development in SW Albuquerque. A Sketch Plat was submitted for review and comment on June 17, 2008 and heard at DRB on June 25, 2008 (08DRB70278).

The referenced project numbers include a Site Plan for Subdivision (08EPC40034 and 08DRB70277) and Site Plan for Building Permit (08EPC40035 and 08DRB276) that was approved at EPC on May 15, 2008 and have been deferred by DRB to the July 9, 2008 hearing. Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Application
- Certificate of No Effect
- Six (6) copies of the Preliminary/Final Plat
- Copy of an ALTA survey for indication of current use
- Zone Atlas Maps showing the location of the property
- DRB Fee
- Copy of the Infrastructure List

Please place this item on the DRB Agenda for hearing on July 9, 2008. If you have any questions or require further information, please contact me.

Sincerely,

Racquel Michel

Racquel Michel, E.I.
Community Development and Planning

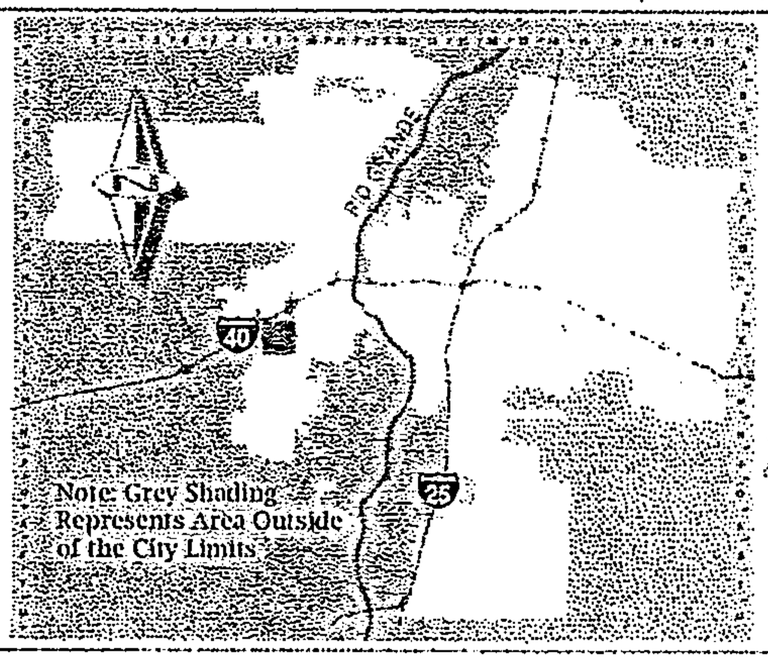
Cc: Armstrong Development Properties, LLC (w/encl.)
Bruce Stidworthy P.E., BHI

080287

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

Albuquerque Geographic Information System

Map amended through: 1/4/2008



Zone Atlas Page:

K-09-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

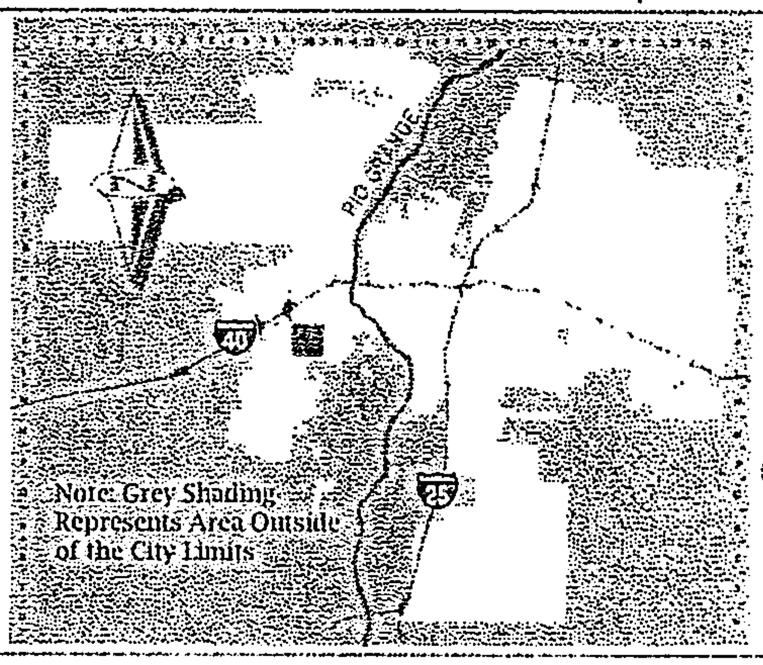
0 750 1,500 Feet

080289

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

Albuquerque Geographic Information System

Map amended through: 1/4/2008



Zone Atlas Page:

K-10-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

0 750 1,500 Feet

080289

City of Albuquerque

P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Martin J. Chavez, Mayor **Richard Dineen, Director**

Interoffice Memorandum

April 1, 2008

Subject: Albuquerque Archaeological Ordinance—Compliance Documentation

Project Number(s):
Case Number(s):
Agent:
Applicant: **Darren Sowell Architects, LLC**
Legal Description: **Tracts 1 – 6, Lands of V.E. Barrett**
Acreage: **50.35 acres**
Zone Atlas Page: **K-9; K-10**

CERTIFICATE OF NO EFFECT: Yes __X__ No _____

SUPPORTING DOCUMENTATION:
A Cultural Resources Survey of a 50.35 Acre Parcel at West Central Avenue, Bridge Blvd, 86th Street, and Unser Boulevard, Bernalillo County, New Mexico. by Amador Minjares (TRC Solutions; Howard Higgins P.I. March 24, 2008). NMCRIS #109612.

SITE VISIT: n/a

RECOMMENDATION(S):

CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(1)-- no significant sites in project area

SUBMITTED:
Matthew Schmader, PhD
Superintendent, Open Space Division
Acting City Archaeologist

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

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

SITE DEVELOPMENT PLAN
- ___ for Subdivision
- ✓ for Building Permit
- ___ Administrative Amendment (AA)
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)
- ___ Storm Drainage Cost Allocation Plan

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

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Mike Jackson PHONE: 480 292 0247
ADDRESS: PO Box 13411 FAX:
CITY: Tempe STATE AZ ZIP 85284 E-MAIL: mjackson@pacland.com

APPLICANT: SRI Holdings, LLC PHONE: 206.816.3400
ADDRESS: 1919 Queen Anne Avenue N #300 FAX: 206.816.3401
CITY: Seattle STATE WA ZIP 98109 E-MAIL: jgeivett@emera
Proprietary interest in site: ___ List all owners: Joe Geivett emeraldbayequity.com

DESCRIPTION OF REQUEST: Revision to east building facade - new windows, canopies, signage. No changes to site.

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 F-2-B-2 Block: ___ Unit: ___
Subdiv/Addn/TBKA: American Square
Existing Zoning: C-2 Proposed zoning: C-2 MRGCD Map No ___
Zone Atlas page(s): H-16 UPC Code: ___

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Project # 1002249 EPC: 10EPC-40038

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): 0.52
LOCATION OF PROPERTY BY STREETS: On or Near: Carlisle Blvd NE
Between: Claremont Ave NE and Menaul Blvd NE

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

SIGNATURE ___ DATE 9-12-10
(Print) Mike Jackson 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
10DRB-70271	SBP	___	$ 0
___-___-___	CMF	___	$ 20.00
___-___-___	___	___	$ ___
___-___-___	___	___	$ ___
___-___-___	___	___	$ ___
			Total $ 20.00

Hearing date 09/22/10

Sandy Handley 09/14/10 Project # 1002249
Planner signature / date

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

☐ **SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
__ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies.
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ List any original and/or related file numbers on the cover application
Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
__ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
__ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Letter of authorization from the property owner if application is submitted by an agent
__ Copy of the document delegating approval authority to the DRB
__ Completed Site Plan for Subdivision Checklist
__ Infrastructure List, if relevant to the site plan
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application
Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting.**
Your attendance is required.

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17) Maximum Size: 24" x 36"**
__ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
__ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
__ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
__ Solid Waste Management Department signature on Site Plan
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Letter of authorization from the property owner if application is submitted by an agent
__ Copy of the document delegating approval authority to the DRB
__ Infrastructure List, if relevant to the site plan
__ Completed Site Plan for Building Permit Checklist
__ Copy of Site Plan with Fire Marshal's stamp
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application
Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting.**
Your attendance is required.

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01) Maximum Size: 24" x 36"**
☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02) Maximum Size: 24" x 36"**
__ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
__ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 6 copies
__ Zone Atlas map with the entire property(ies) clearly outlined
__ Letter briefly describing, explaining, and justifying the request
__ Letter of authorization from the property owner if application is submitted by an agent
__ Infrastructure List, if relevant to the site plan
__ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
__ Fee (see schedule)
__ List any original and/or related file numbers on the cover application
Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting.**
Your attendance is required.

☑ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
☐ **FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
✓ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
N/A Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies ← No change to existing G&D
N/A Solid Waste Management Department signature on Site Plan for Building Permit
✓ Zone Atlas map with the entire property(ies) clearly outlined
✓ Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
N/A Infrastructure List, if relevant to the site plan
N/A Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision) — No Change - DRB 5/27/09
✓ List any original and/or related file numbers on the cover application
Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting.**
Your attendance is required.

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

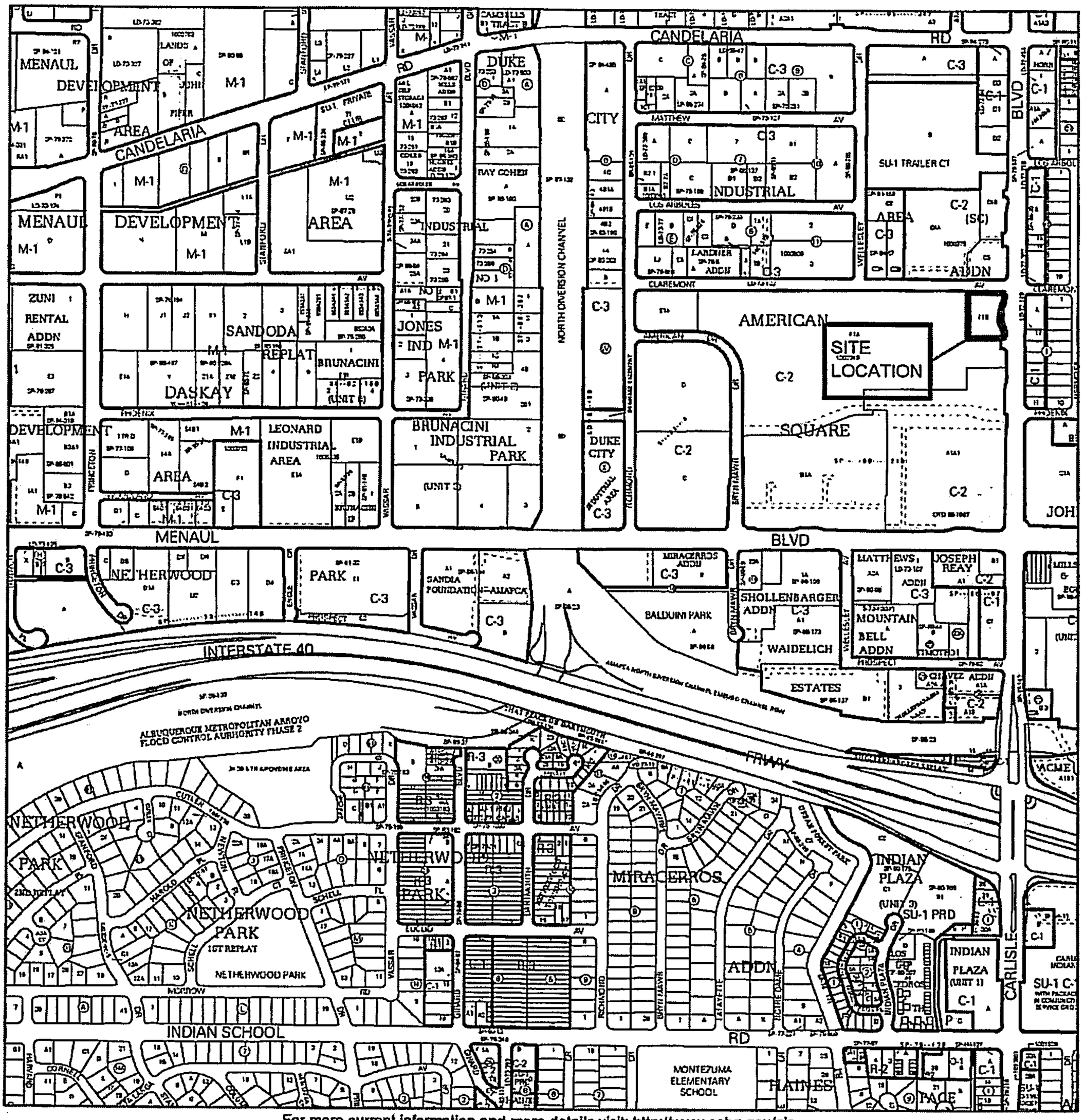
Mike Jackson
Applicant name (print)
9-12-10
Applicant signature / date

Form revised October 2007

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

Application case numbers
10DRB-70271
_____
_____

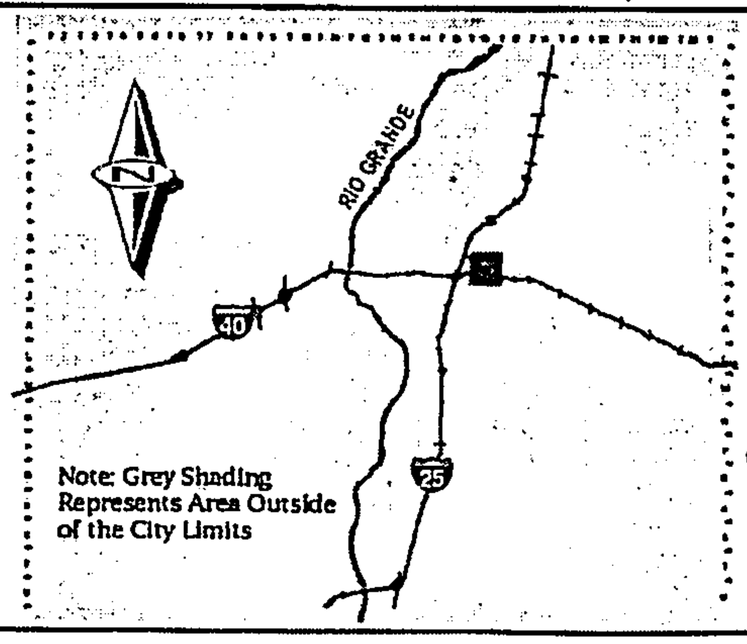
Sandy Handley 09/14/10
Planner signature / date
Project # 1002249



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

Albuquerque Geographic Information System

Map amended through: 6/13/2008



Zone Atlas Page:

H-16-Z

Selected Symbols

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

0 750 1,500 Feet

Summary of Resolutions for EPC Conditions of Approval

Retail Shops at SWC of Claremont and Carlisle
Lot F-1-B, American Square Subdivision
EPC Project Number 1002249
10EPC-40038

September 12, 2010

DRB
City of Albuquerque
Planning Department
Albuquerque, NM 87103

To Whom It May Concern:

This letter is to briefly describe, explain, and clarify how each condition of EPC Approval has been met.

This project was approved by the DRB in May of 2009 and has since been constructed. Recently, the tenant and owner determined that the eastern building façade could be improved. This request is solely to approve an amendment to the Site Development Plan for Building Permit to allow the eastern building façade to be changed. The proposed changes include new windows, canopies, and tenant signage. These changes are indicated on the revised building elevation included in our plan set.

The conditions and resolutions for 09EPC-40038 are as follows:

1. The first EPC condition is delegation of final sign off to DRB
2. The second condition was to meet with the staff planner to ensure that the conditions of approval are met. Given the nature of the conditions, we sent files to Randall Falkner via email and had a conference call to discuss the revisions. After a couple iterations that included minor revisions, Mr. Falkner indicated that we had adequately addressed the conditions.
3. The third condition pertains to the last two sentences of General note #2 on the building elevation sheet. This note has been revised to reflect the revised note indicated within the conditions of approval.
4. The fourth condition was from the City Engineer, Municipal Development and NMDOT. The condition indicated that the requirements of previous actions taken by the EPC and/or DRB must be completed and/or provided for, and that the Site Plan shall comply and be designed per DPM Standards. Both of these items were addressed as part of our original site plan amendment request in May of 2009. The site and building construction has since been completed. We are not proposing any changes to the previously approved site improvements.

We anticipate that the description of the conditions and the changes that were made in order to address each condition is adequate.

Sincerely,

Mike Jackson, PE, LEED AP
PACLAND
PO Box 13411
Tempe, AZ 85284

City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: August 12, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1002249**

SRI Holdings, LLC
1919 Queen Anne Avenue N #300
Seattle, WA 98109

LEGAL DESCRIPTION: MIKE JACKSON agent for SRI HOLDINGS LLC requests the above action for all or a portion of lot F-1-B-2, AMERICAN SQUARE zoned C-2 located on SW CORNER OF CLAREMONT NE AND CARLISE NE containing approximately .52 acre(s). (H-16) Randall Falkner, Staff Planner

On **August 12, 2010**, the Environmental Planning Commission voted to **Approve** Project 1002249/ 10EPC-40038, an amended Site Plan for Building Permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend a site development plan for building permit that was approved by the EPC in April 2009, 09EPC 40012. The site comprises Tract F-1-B-2, American Square, is zoned C-2, and is located on Carlisle Blvd NE between Menaul Blvd NE and Claremont Ave NE. The applicant intends to modify the existing eastern building façade by adding signage, windows, and awnings to create a more inviting street frontage. The current site development plan for building permit restricts signage on the east and west façades.

2. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

3. The subject site is within the Established Urban area of the Comprehensive Plan.

4. The following Comprehensive Plan policies for Developing and Established Urban areas are furthered by the request:

   a. Policy II.B.5d – The request is in accord with surrounding neighborhood values, natural environmental conditions, and carrying capacities. The request would help to break up the building mass and create a more active street face by adding articulation to a blank wall. The proposed sign is not visible from any residential neighborhood, and would take up no more than 10% of the eastern façade to which it is applied.

   b. Policy II.B.5e – The integrity of existing neighborhoods would be preserved by improving the façade that faces Carlisle Boulevard. The eastern facing façade does not impact the Bel-Air Neighborhood to the east, because it is separated from the site by a number of businesses along Carlisle Boulevard and by a solid block wall that separates the businesses from the neighborhood.

   c. Policy II.B.5m – The request would improve the quality of the visual environment by adding articulation to the eastern façade of the existing building. Both the windows and the awnings would provide an improved streetscape along Carlisle Boulevard.

5. The request furthers Developed Landscape Policy II.C.8c of the Comprehensive Plan. The request for a sign and articulation on the eastern façade of the building are designed for minimal visual intrusion and would not impede any pedestrians.

6. The applicant agrees to the signage limitations as follows: All building signage is to be submitted for review under the City of Albuquerque ordinances governing the application of such signage. Signage dimensions, colors, materials, and lighting will be provided by tenants. No signage will be allowed on the west facade. There will be no electronic display panels and wall signs will be allowed on the north, south, and east facades that will take up no more than 10% of the façade to which it is applied.

7. The proposed signage is balanced by windows and awnings, which improves the eastern façade of the building by breaking up the mass and providing a higher quality facade that faces onto Carlisle Boulevard.

8. There is no known opposition to the request.

CONDITIONS:

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

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. The last two sentences for General note #2 on the elevations sheet shall be revised to state that "No signage will be allowed on the west facade. There will be no electronic display panels and wall signs will be allowed on the north, south, and east facades that will take up no more than 10% of the façade to which it is applied."

4. Conditions from City Engineer, Municipal Development and NMDOT:
   a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and/or provided for.
   b. Site plan shall comply and be designed per DPM Standards.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **AUGUST 27, 2010** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly

followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally, plan approval is terminated 7 years after approval by the EPC

Sincerely,

for Debbie Stover
Planning Director

DS/RF/ns

cc:
Mike Jackson, P.O. Box 13411, Tempe, AZ 85284
SRI Holdings, LLC, 1919 Queen Anne Avenue N #300, Seattle, WA 98109
Barb Johnson, Bel-Air N.A., 2700 Hermosa NE, Albuq., NM 87110
Lee Julian, Bel-Air N.A., 2724 Monroe NE, Albuq., NM 87110

City of Albuquerque
Planning Department
Inter-Office Memorandum

TO: Jack Cloud, DRB Chair

FROM: Randall Falkner, Planner

SUBJECT: Project # 1002249

On August 12, 2010, the Environmental Planning Commission approved Project # 1002249 10EPC-40038, an amendment to a Site Development Plan for Building Permit for all or a portion of Tract F-1-B-2, American Square, located on Carlisle Boulevard, between Menaul Blvd. and Claremont Ave., containing approximately 0.52 acres.

The applicant has satisfied all of the EPC conditions of approval.

Compliance with City Engineer conditions should be verified with the City Engineer. If you should have any questions regarding this case, please do not hesitate to call me at 924-3933.

Thank you.