

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335
www.bhinc.com
voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CLIENT/COURIER TRANSMITTAL

To: Jack Cloud, PE
DRB Chair
COA-PDS

Requested by: Yolanda Padilla Moyer

Date: 07/14/16

Time Due: ☒ This A.M.
☐ This P.M.
☐ Rush _____
☐ By Tomorrow

Phone: 505-823-1000

Job No.: 080289

Job Name: Unser Crossings

DELIVERY VIA

☒ Courier ☐ Federal Express
☐ Mail ☐ UPS
☐ Other

PICK UP

Item: _____

<u>ITEM NO.</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>
1	1	DRB Application
2	1	Form S(2)
3	1	Zone Atlas Maps
4	1	Applicaton Letter
5	1	8.5" x 11" Plan
6	1	Official DRB Notice of Original Approval
7	1	Approved Infrastructure List
8	1	Previous SIA Extension Notice
9	1	Neighborhood Coordination Inquiry & Letters
10	1	Fee

COMMENTS / INSTRUCTIONS

REC'D BY: _____ DATE: _____ TIME: _____



SUBDIVISION

Supplemental form **S**

Z

☒ Major Subdivision action

☐ Minor Subdivision action

☐ Vacation

☐ Variance (Non-Zoning)

V

SITE DEVELOPMENT

PLAN P

☐ for Subdivision Purposes

☐ for Building Permit

☐ Administrative Amendment (AA)

☐ IP Master Development Plan

☐ Cert. of Appropriateness (LUCC)

D

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): Bohannon Huston, Inc. PHONE: (505) 823-1000

ADDRESS: 7500 Jefferson NE FAX (505) 798-7988

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: ypadilla@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. ☒ No.

SITE INFORMATION: ACCURACY OF THE 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? ☒ Yes Within 1000FT of a landfill? ☐ no

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

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

Between: Bridge SW and 86th Street

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

SIGNATURE Yolanda Padilla Moyer DATE 7/13/16

(Print) Yolanda Padilla Moyer Applicant ☒ Agent

FOR OFFICIAL USE ONLY
04/04

Form revised 9/01, 3/03, 7/03, 10/03,

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

Project #

Planner signature / date

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)

- ___ Zone Atlas map with the entire property(ies) clearly outlined
- ___ Letter briefly describing, explaining, and justifying the request
- ___ Plat or plan reduced to 8.5" x 11"
- ___ Official D.R.B. Notice of the original approval
- ___ Approved Infrastructure List. If not applicable, please initial. _____
- ___ Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
- ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ___ Sign Posting Agreement
- ___ List any original and/or related file numbers on the cover application
- ___ Fee (see schedule)

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

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

Yolanda Padilla Moyer
Yolanda Padilla Moyer
Applicant name (print)
Applicant signature / date 7/13/16



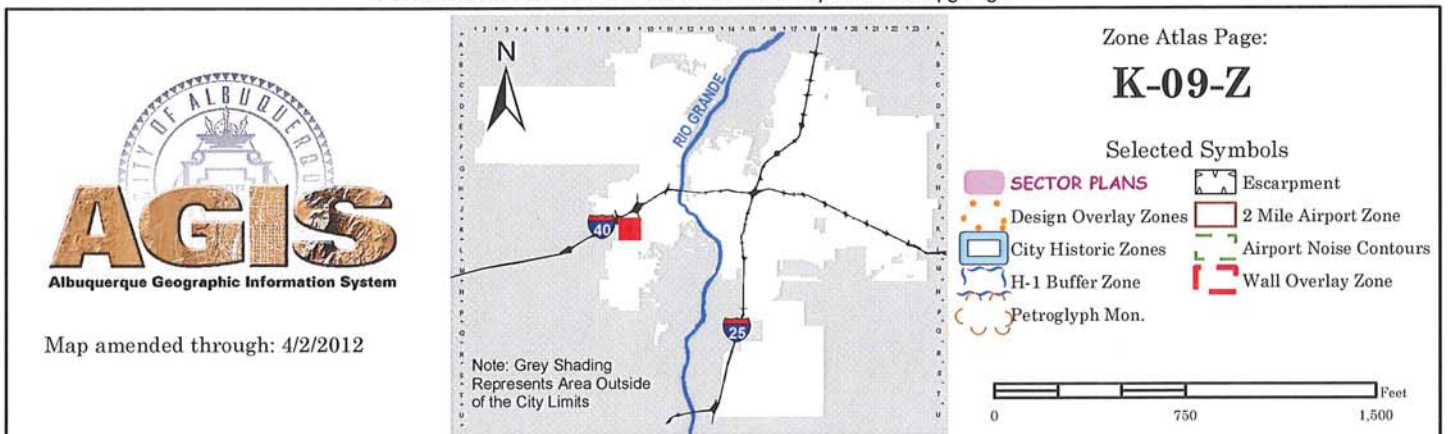
Form revised October 2007

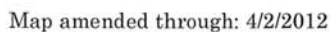
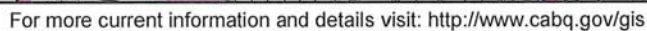
- | | |
|--|--------------------------|
| <input type="checkbox"/> Checklists complete | Application case numbers |
| <input type="checkbox"/> Fees collected | _____ |
| <input type="checkbox"/> Case #s assigned | _____ |
| <input type="checkbox"/> Related #s listed | _____ |

Project # _____ Planner signature / date _____



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







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July 14, 2016

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 August 12th, 2016. If you have any questions, or require further information, please call me.

Sincerely,

Yolanda Padilla Moyer, P.E.
Senior Project Manager
Community Development and Planning

YPM/EGN/jcm
Enclosures

Engineering ▲

Spatial Data ▲

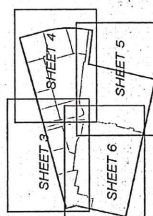
Advanced Technologies ▲

(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



ACS ALUMINUM DISC STAMPED "7-K10 1989"
GEOGRAPHIC POSITION (NAD 83)
NN STATE PLANE COORDINATES (CENTRAL ZONE)
N = 1,483,739.165 E = 1,498,962.651
GROUND TO GRID FACTOR = 0.999683006
DELTA ALPHA = -007°16'18.14"
NAVD 1988 ELEVATION = 5097.854



LEGEND

_____	SUBMISSION 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
●	45' RESEARCH YELLOW (N. 45°) SURVEY/ CAP STAMPED "GROWTHCAP PS 1646"
●	FOUND #5 REBAR/CAP AS NOTED
●	FOUND #4 REBAR/NO CAP
■	EXISTING BASEMENTS VACATED BY VACATION ACTION 80878-2023

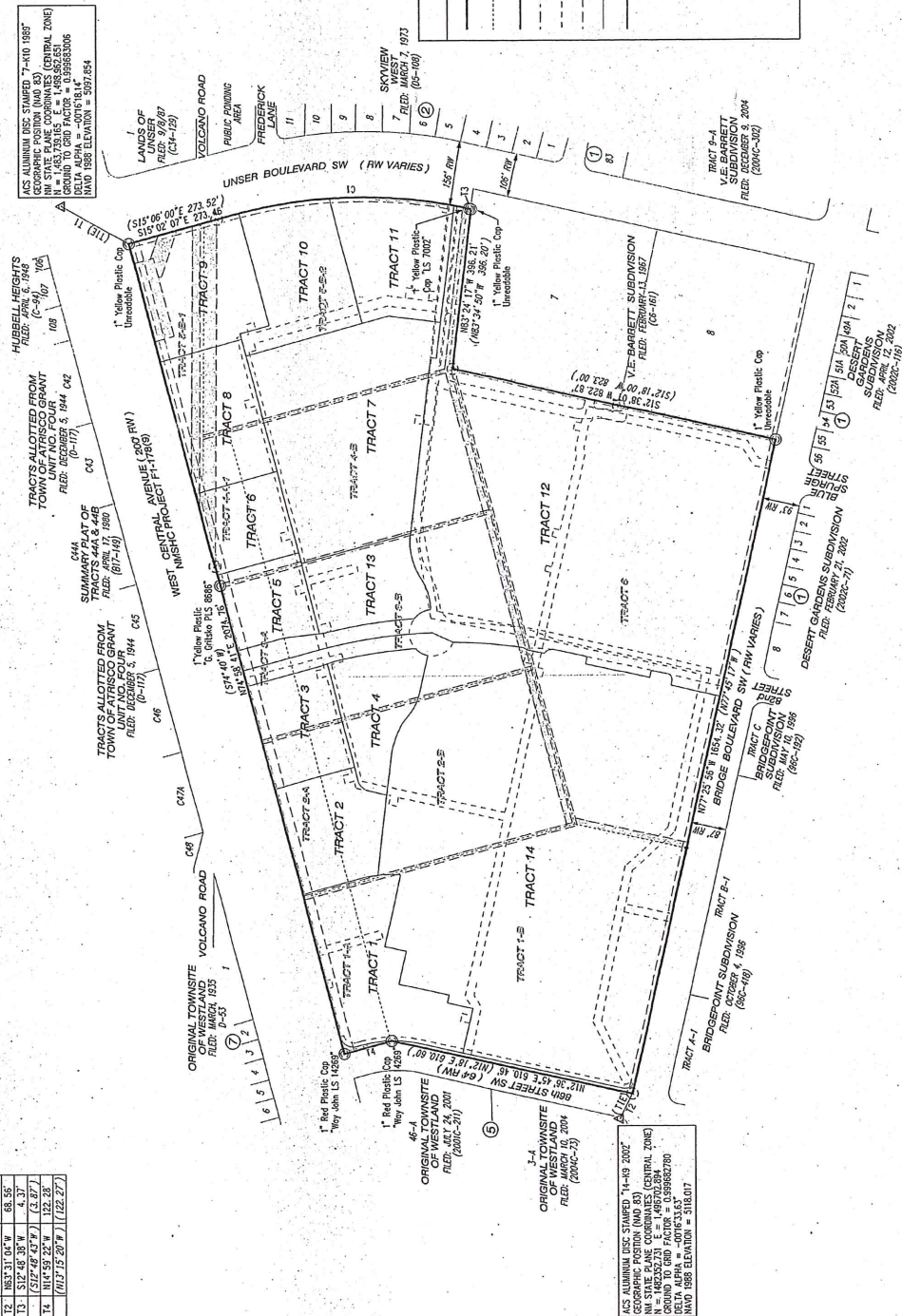


Bohannon Huston

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

[illegible]

SHEET 2 OF 7



DOC# 2008103544

09/18/2008 03:41 PM Page: 2 of 7
tyPLAT R:\$37.00 B: 2006C P: 0209 M. Toulouse Oliviers. Bernalillo County

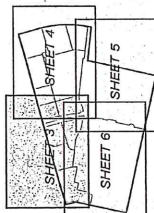
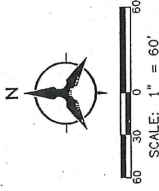
NOTE: SEE SHEETS 3 THRU 7 FOR SUBDIVISION DETAILS

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	27° 34' 44"	301.65'	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')

PLAT OF UNSER CROSSINGS (A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B AND TRACT 6 V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1 & 5-B-2 LANDS OF WECO, PARTNERS) ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO JULY, 2008



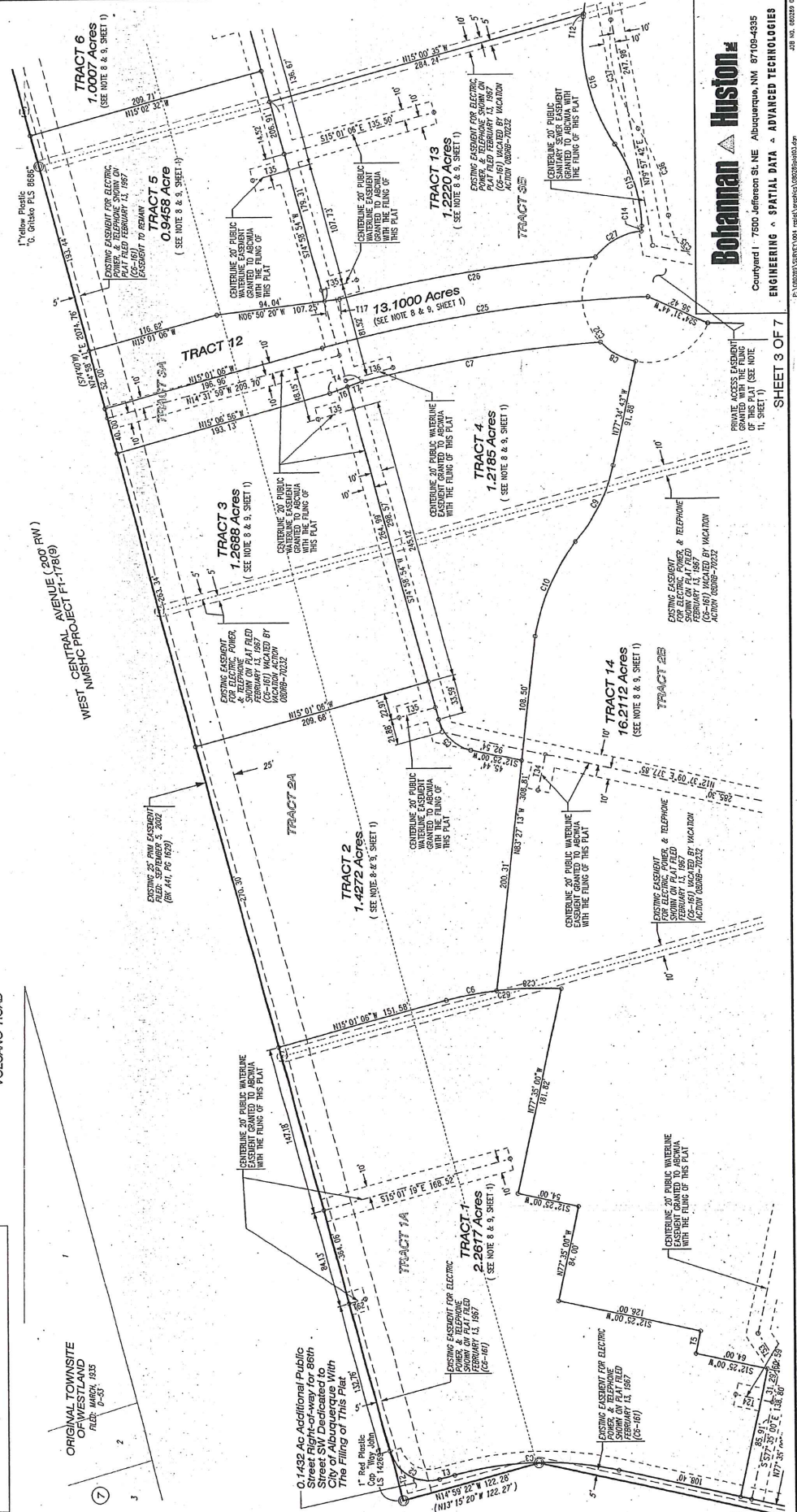
NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA

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 FS 16469"
⊙	FOUND #5 REBAR/CON AS NOTED
⊖	FOUND #5 REBAR NO CAP

VOLCANO ROAD

WEST CENTRAL AVENUE (200' RW)
WEST NMSHC PROJECT F1-178(5)

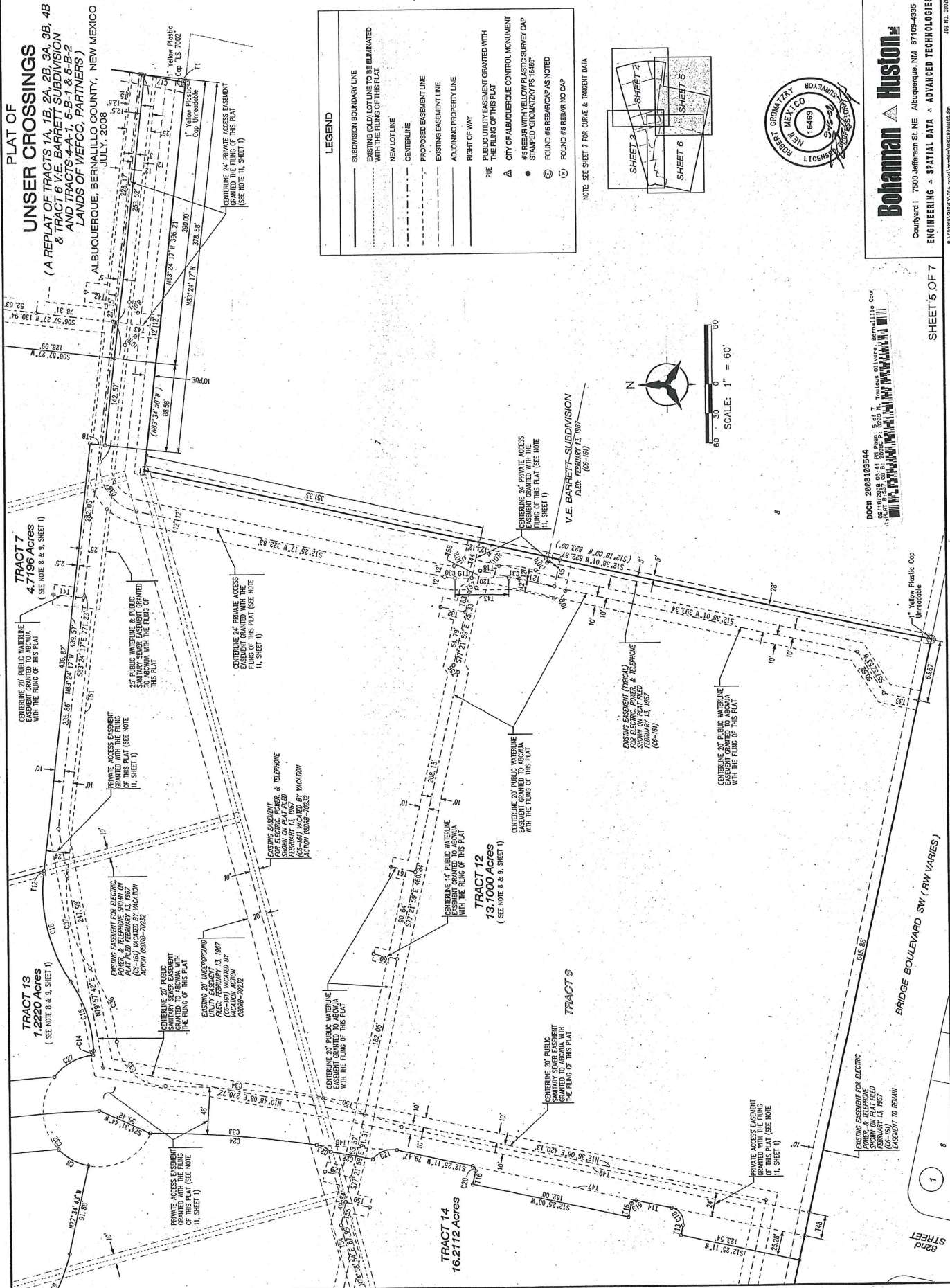
ORIGINAL TOWNSITE
OF WESTLAND
FILED MAY 1, 1955
P. 551



Bohannon & Huston
 Engineering & Spatial Data & Advanced Technologies
 Courtyard | 7500 Jefferson St. NE Albuquerque, NM 87109-4335
 505.261.1000
 www.bohannonhuston.com

SHEET 3 OF 7

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 09/19/2008 03:41 PM Page 3 of 7
 10/10/2008 03:41 PM Page 3 of 7
 10/10/2008 03:41 PM Page 3 of 7



DOCH 2008103544
 ALBUQUERQUE, NEW MEXICO
 16469
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Bohman & Huston
 ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES

Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335
 505.833.0000

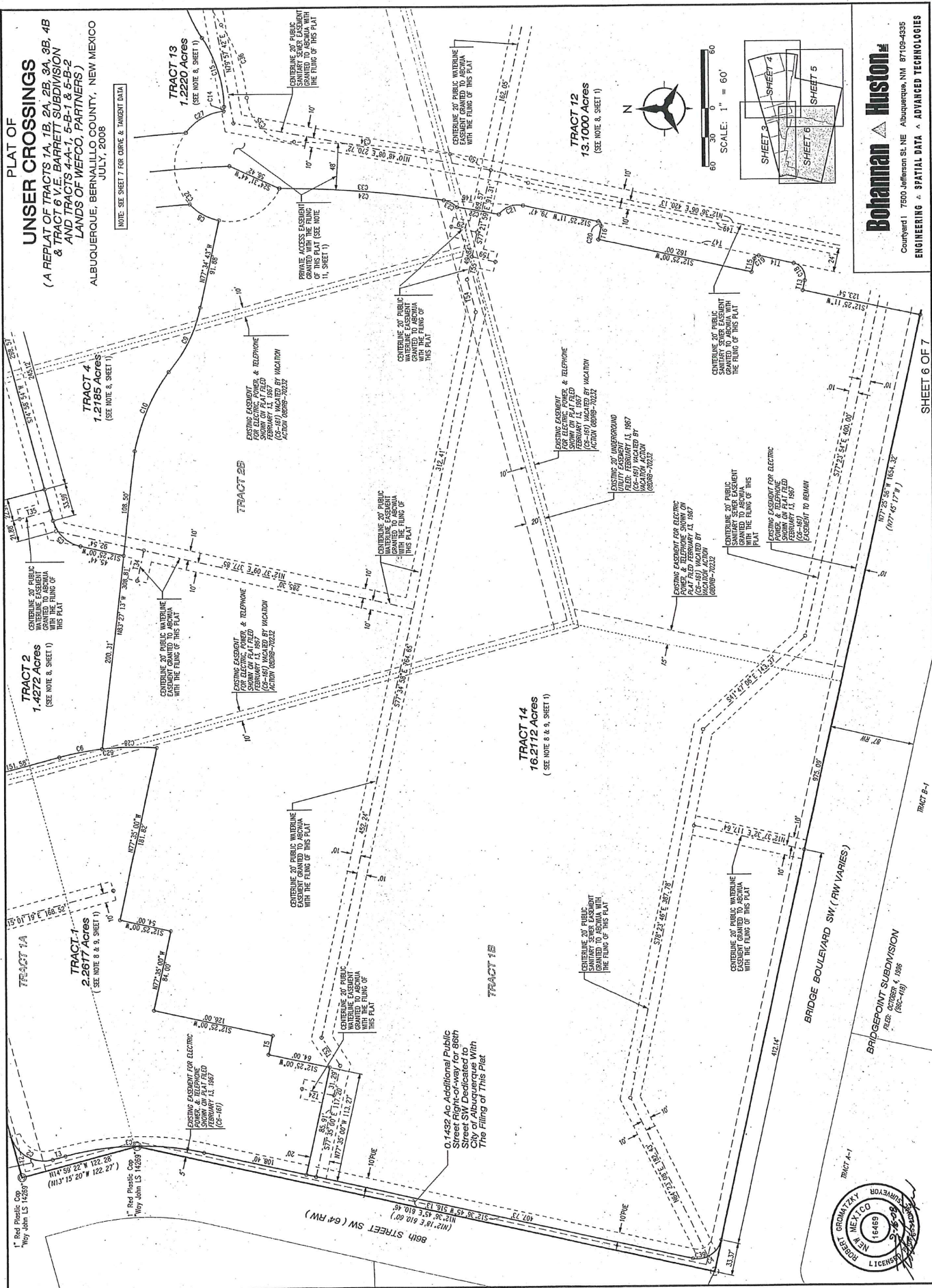
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SHEET 5 OF 7

(A REPLAT OF TRACTS 1A, 1B, 2A, 2B, 3A, 3B, 4B
& TRACT 6 V.E. BARRETT SUBDIVISION
AND TRACTS 4A-1, 5-B-1 & 5-B-2
LANDS OF WEFCO, PARTNERS)
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

NOTE: SEE SHEET 7 FOR CURVE & TANGENT DATA



Bohannon  **Huston** INC.

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

JO3 NO. 050289 004

000CH 2008103544

00CH 200810751A

00CH 200810751A

PLAT·OF

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2008

ID	BEARING	TARGET DISTANCE
11	512° 48' 30" W	4.37
12	512° 48' 30" W	(3.87)
13	512° 48' 30" W	13.60
14	512° 48' 30" W	13.60
15	N 12° 33' 45" W	30.14
16	N 12° 33' 45" W	20.00
17	N 12° 33' 45" W	16.62
18	S 52° 34' 21" W	13.52
19	S 52° 34' 21" W	13.52
20	S 52° 34' 21" W	43.96
21	S 52° 34' 21" W	15.00
22	N 12° 33' 45" W	56.76
23	N 12° 33' 45" W	14.01
24	N 12° 33' 45" W	14.01
25	N 12° 33' 45" W	14.01
26	N 12° 33' 45" W	14.01
27	N 12° 33' 45" W	14.01
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 YPLAT R:\$37.00 B: 208C P: 0209 N. Touleus Olivera, Bernalillo Cour

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City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: May 16, 2008

OFFICIAL NOTIFICATION OF DECISION

FILE: Project# 1007204
08EPC-40034 SITE DEVELOPMENT -
SUBDIVISION
08EPC-40035 SITE DEVELOPMENT -
BUILDG PRMT
08EPC-40039 AMEND SECTOR
DEVELOPMENT PLAN MAP

Armstrong Development Properties
1500 N. Priest Drive, Suite 150E
Tempe, AZ 85281

LEGAL DESCRIPTION: for Tracts 1A, 1B, 2A, 2B, 3A, 3B, & 6, Barrett V.E. Subdivision and approval of Site Development Plans for the aforementioned tracts and Tracts 4-A-1, 4B, 5-B-1 & 5-B-2, Lands of WEFECO Partners, zoned SU-2/C-2, located on Central Avenue between Unser and 86TH ST SW, containing approx. 50 acres. (K-9 ,10/L-10) Anna DiMambro, Staff Planner

On May 15, 2008 the Environmental Planning Commission voted to recommend approval to the City Council Project 1007204/08EPC 40039, a request for a map amendment to the West Route 66 Sector Development Plan from "SU-1/C-2 (10 acres), O-1, and PRD 20 du/acre (7 acres)" to C-2, for Tracts 1A, 1B, 2A, 2B, 3A, 3B, and 6 V.E. Barrett Subdivision, based on the following Findings:

FINDINGS:

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 20du/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.

OFFICIAL NOTICE OF DECISION

MAY 15, 2008

PROJECT #1007204

PAGE 2 OF 17

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:
 - 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).
 - 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).

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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 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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On May 15, 2008 the Environmental Planning Commission voted to approve Project 1007204/08EPC 40034, a site development plan for subdivision, 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 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. The site is currently zoned C-2 and SU-1/C-2 (10 acres), O-1, and PRD 20du/acre (7 acres).
2. The applicant is proposing to re-plat the existing 11 tracts into 14 tracts and proposes design standards.
3. The applicant has a submitted concurrent 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. The applicant has also submitted a concurrent request for a site development plan for building permit. 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. This request partially furthers the following Comprehensive Plan goals and policies:
 - a. The applicant is proposing design standards that would regulate the use and design of these future pad sites. However, the site development plan for subdivision does not restrict the number of drive-thrus on the site. Restriction on the number of drive-thrus is crucial to maintain the integrity of the Activity Center and to protect the established residential neighborhoods from the traffic that will be drawn to and through the site thereby increasing vehicle/pedestrian conflicts (II.B.5k).
 - b. While staff agrees that the location is convenient for residents, the proposed site plan consists mostly of larger parcels (II.B.7a).
6. This request furthers the following West Side Strategic Plan policy:
 - a. This site is accessible by several major streets and is also served by 4 bus routes (Policy 1.14).

7. 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.
8. The submittal meets the Zoning Code's Large Retail Facility (LRF) Regulations (Section 14-16-3-2 (D)) except for the block size specifics of subsection (3) Site Division. The subject site's dimensions result in irregular block sizes, which are appropriate because:
 - a. The proposed block sizes achieve the intent of the LRF Regulations;
 - b. The proposed design is appropriate for this location;
 - c. The narrow side of the site abuts the adjacent 86th Street that provides a primary access
 - d. The long side along Central Avenue has a major entrance that leads to a large, pedestrian-oriented entrance plaza for a group of buildings.
9. There is substantial support for this request from area residents and neighborhood associations.

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. Future phases of development may be delegated to the DRB after EPC review of the first pad site.
 - b. The applicant shall provide a note stating that all development on the site must comply with Zoning Code and West Route 66 Sector Development Plan Design Overlay Zone regulations and that where conflicts exist, the most restrictive shall apply.
 - c. All references to the SU-2 zone shall be removed from the Design Standards.
 - d. A clear statement shall be added to the Permitted Uses section stating that any C-2 conditional uses proposed for the site will require a Conditional Use Permit.
 - e. Streetscape: The applicant shall insert the statement that streetscape will also encourage nearby residents to walk rather than drive to Unser Crossing.
 - f. Parking:
 - i. The statement prohibiting on-street parking shall be removed.
 - ii. The statement regarding compliance with the big box ordinance shall be removed from the second bullet point.

- iii. A standard shall be added stating that parking shall be placed on at least two sides of a building within a particular lot and, if possible, shall not dominate the building or street frontage.
 - iv. The statement regarding employee parking shall be removed.
 - v. A note shall be added stating that trees shall be provided in the parking areas per the requirements of the West Route 66 Sector Development Plan Design Overlay Zone.
 - g. Site Landscape:
 - i. The applicant shall state when the hardscape palette will be selected and by whom.
 - ii. The first bullet point shall not state specific zoning code section and shall additionally state that landscape plans shall also comply with the West Route 66 Sector Development Plan Design Overlay Zone.
 - h. Commons Area: This section shall be removed.
 - i. Service/Loading Areas: The wall height required for screening of service/loading shall be changed to 8' at the loading dock areas.
 - j. Building Articulation/Design: Design requirements shall be added to make the rears of buildings attractive to the same standard as the sides of buildings.
 - k. Portable Buildings: Temporary portable buildings shall also be prohibited.
 - l. Sustainability: The applicant shall add information regarding access to transit and safe and convenient pedestrian connections in order to facilitate multi-modal transportation.
 - m. Lighting: Maximum lighting height shall be 20' unless the Zoning Hearing Examiner approves a variance.
4. Signage Master Plan shall return to the EPC for review and approval:
- i. Off-premise signs shall be added to the list of prohibited signs. Temporary banner signs for special events may be allowed with an Administrative Amendment.
 - ii. The statement "signs will not be permitted to be installed or placed along the perimeter of the property" shall be removed.
 - iii. A note shall be added stating that all signage shall comply with regulations of the Zoning Code and the West Route 66 Sector Development Plan Design Overlay Zone unless the Zoning Hearing Examiner approves a variance.
 - iv. A note shall be added stating that signage facing residential areas shall not be illuminated.
5. Transit:
- i. The applicant shall include information regarding all of the bus routes that serve the subject site.
 - ii. The applicant shall coordinate with the Transit Department about possible participation in Transportation Demand Management (TDM) programs.
6. Drive-Up Service Windows: The total number of permitted drive-up service windows shall be limited to 4, with the number of adjacent drive-up service window uses limited to two. Drive-up window uses may include a bank, pharmacy and a maximum of two "quick-serve restaurants."

7. Wireless Telecommunications Facilities: Any allowance for wireless telecommunications facilities shall require architectural integration.
8. The site development plan for subdivision shall be made to match the approved site development plan for building permit.
9. 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.
10. 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. Page 7, 10C and page 15, 18C, The width of the drive aisle between the landscape island and the parking area behind retail shops 7C and 7C2 shall be a maximum 35' to minimize the crossing distance for the pedestrian walkway by adding additional parking.
 - 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.
11. Final City Council approval of the accompanying sector development plan map amendment (08EPC-40039) is required prior to final DRB sign-off.
-

On May 15, 2008 the Environmental Planning Commission voted to approve Project 1007204/08EPC 08EPC 40035, a site development plan for building permit, 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 a site development plan for building permit for portions of 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 overall approximately 50-acre vacant site located at the southwest corner of Central and Unser SW. The site is currently zoned C-2 and SU-1/C-2 (10 acres), O-1, and PRD 20du/acre (7 acres).
- 2. The applicant has a submitted concurrent 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. The applicant has also submitted a concurrent request for a site development plan for subdivision with design standards. Retails 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.

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4. This request partially furthers the following Comprehensive Plan goals and policies:
 - a. The concept of creating a shopping center to offer more retail options to west side residents is supported; however, the overall layout and design of the shopping center with its back towards the adjacent residential neighborhoods does little to promote an integrated community. The site layout is not conducive to walkability and places more of an emphasis on the personal vehicle (Goal for Developing and Established Urban Areas).
 - b. The proposed site layout could be improved to better respect existing neighborhood conditions, although the proposed uses are appropriate (II.B.5d).
 - c. This request would enable development of a vacant infill site that is contiguous to existing infrastructure. However, the proposed design of the site does not 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 (II.B.5e).
 - d. The employment and services uses in the retail center would complement the surrounding residential areas. Currently, there are few retail options on the west side. However, the design of the site may create adverse effects of noise, lighting, pollution, and traffic on the adjacent residential environment (II.B.5i).
 - e. This development will buffer adjacent residential areas from the noise on Central Avenue, but the proposed location of the truck loading docks will create additional noise (II.B.5k).
 - f. The site's location is convenient for commercial services, but mixed uses are not proposed, and the site design does not encourage walking (II.B.7a).
 - g. The proposed commercial uses may somewhat encourage walking from one shop to another adjacent shop, although the overall site design does not encourage walking. Pedestrian linkages are provided between uses within the site and to surrounding neighborhood. Buildings are not designed to support public transit and pedestrian activity, although the architecture is appropriate. Landscaping, street furniture, and textured paving are proposed (II.C.9d).
 - h. 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 applicant is proposing to provide transit shelters, but these could be incorporated into the site plan in a more meaningful way (Transportation and Transit Goal).
 - i. Adequate parking screening is provided, and no high water use plants are proposed for the landscape strips. Proposed signage, however, is excessive, and building facades are mostly separated from the roadway corridor by parking areas. Sidewalks are proposed adjacent to the surrounding roadway corridors that will facilitate safe and convenient walking around the perimeter of the site (II.C.9e).
 - j. The proposal does not show a majority of building entrances from the street and shows the majority of buildings set back from the street at distances far greater than what this policy calls for, with parking areas separating the buildings from the street. The applicant has used a 15% parking reduction based upon transit access as allowed by the Zoning Code and the design standards project a floor area ratio of 1.0 at build-out. This policy calls for building entrances to be on the street for the convenience of transit riders and to make the use of transit more appealing to vehicle drivers (II.D.4a).

- k. Pedestrian and bicycle paths have been incorporated into the project, but the layout of the buildings could be improved to reduce pedestrian/vehicle conflicts and walking distances (II.D.4g).
 - l. Four transit routes service this site, and safe access to transit and transfer capability is provided for in this site plan, although the site plan fails to meaningfully integrate transit into the development (II.D.4p).
5. This request furthers the following West Side Strategic Plan goals and policies:
 - a. This site is accessible by several major streets and is also served by 4 bus routes. It is accessible by pedestrians and bicyclists, although this access may not be ideal (Policy 1.14).
6. This request partially furthers the following West Side Strategic Plan goals and policies:
 - a. Although some of the smaller shops are clustered in some areas of the site plan, many of the proposed structures have the appearance of a strip mall (Policy 1.3).
 - b. Pedestrian and bicycle access is provided to key activity areas. However, the parking lots are not carefully designed to facilitate this access (Policy 1.5).
 - c. The proposal shows buildings of different scales, and the smaller building clusters encourage pedestrian access. However, the three main building structures are too large to be considered pedestrian scale, and parking is located solely in front of the larger buildings. No on-street parking is proposed (Policy 1.12).
 - d. While the applicant is proposing aesthetically pleasing landscaping for Bridge and Central and is also proposing commercial services that will contribute to the social enhancement of Bridge and Central, the entire length of Bridge adjacent to the subject site is dedicated to building rears with large loading dock areas (Policy 3.45).
7. The submittal meets the Zoning Code's Large Retail Facility (LRF) Regulations (Section 14-16-3-2 (D)) except for the block size specifics of subsection (3) Site Division. The subject site's dimensions result in irregular block sizes, which are appropriate because:
 - a. The proposed block sizes achieve the intent of the LRF Regulations;
 - b. The proposed design is appropriate for this location;
 - c. The narrow side of the site abuts the adjacent 86th Street that provides a primary access
 - d. The long side along Central Avenue has a major entrance that leads to a large, pedestrian-oriented entrance plaza for a group of buildings.
8. There is substantial support for this request from area residents and neighborhood associations.

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. **Parking:**
 - a. The motorcycle spaces shall be located in an area that is visible from the entrance of the building on the site.
 - b. A detail drawing of the proposed motorcycle signage shall be provided.
 - c. Add a column to the parking calculations chart totaling the number of required parking spaces for each building group to match the groupings in the "Parking Provided" column. If the minimum parking required for the site cannot be met, then the applicant shall request a variance from the Zoning Hearing Examiner.
 - d. Adjust building square footages in the parking calculation chart to match those shown on the site plan.
 - e. The row of disabled parking spaces south of Retail 1 shall be located closer to the entrance of Retail 1 or Retail 7B.
 - f. Some of the disabled parking spaces adjacent to Retail 5 shall be located near Retail 4.
 - g. Parking shall be located on at least 2 sides of each building.
4. **Site Plan:**
 - a. Note 1 shall be revised to remove the statement "if a truck bay is located within 300 feet of a residential structure."
 - b. Future phases of development may be delegated to the DRB after EPC review of the first pad site.
 - c. Pedestrian walkways through the parking lots shall align with building entrances where possible.
 - d. Additional cart storage areas shall be provided throughout the site where necessary, and parking calculations shall be revised accordingly.
 - e. Pervious paving shall be used in plaza areas, along building facades, and along pedestrian walkways.

5. Transit:
 - a. All adjacent bus stops (including those on opposite sides of the street) shall be shown on the site plan.
 - b. Direct connections shall be provided to each adjacent bus stop.
 - c. A transit feasibility plan shall be provided as per West Side Strategic Plan Policy 1.2 and in coordination with the Transit Department.
 - d. A new stop on Central Avenue just east of the westernmost driveway will provide access to the site via the #54 and the #66. A new stop on Unser north of the Unser driveway will provide access via the #54. These shall be shown on the site plan and incorporated into the site design as approved by the Transit Department.
 - e. The applicant shall install bus shelters and associated trash cans and benches at both stops, as reflected in the Site Plan for Subdivision's section M (Transit Facilities), and as approved by the transit department.
 - f. If posted speed limits adjacent to the site on Central will remain over 45 mph, then the applicant install a bus bay for the new stop on Central Avenue, if required by the Transit Department.
6. Maximum lighting height shall be 20' unless the Zoning Hearing Examiner approves a variance.
7. Landscaping:
 - a. Parking lot tree planters shall be placed such that not more than 15 side-by-side parking spaces shall be allowed between planters. For the purpose of calculating parking spaces, cart storage spaces and motorcycle spaces shall be included.
 - b. The locations of trees, lighting, and signage shall be coordinated to prevent future conflict.
 - c. Move street trees along Bridge and along 86th behind sidewalk per street tree ordinance. Move sidewalk farther away from street creating planting area 6' wide or greater providing sufficient rooting area and place trees there for greater pedestrian safety, walkability, and environmental benefits. Same for sidewalk placement along Central and Unser.
 - d. A street tree plan shall be provided for the entire lengths of Central and Unser.
 - e. Street trees along Central shall be species that will reach a height of 25 feet or less at maturity. (PNM comment).
 - f. The note "Landscape to be determined by future tenant" shall be removed.
8. Walls and Fences:
 - a. The wall height required for screening of service/loading shall be changed to 8' at the loading dock areas.
 - b. Detail drawings of the proposed screen wall shall be provided, including information regarding materials and colors that match the building architecture.
9. Plaza areas:
 - a. The square footage of each plaza space shall be indicated on the site plan.

- b. Plaza calculations shall be revised to reflect regulations of the large retail facilities regulations (a collection of smaller buildings linked by common walls shall be considered one building). Plaza space for each building shall be located adjacent to or near the associated building.
- c. A minimum of 50% of the required public space shall be provided in the form of aggregate space as required by the Zoning Code's Large Retail Facility Regulations.

10. Grading, Drainage, and Utility Plan

- a. The detention pond shall be shallow to prevent the need for defensive security fencing, if technically feasible, yet has the capacity to manage storm waters in a 100-year event.
- b. The retaining wall symbol shall be removed from the legend unless there is actually a retaining wall on the site.
- c. A detail drawing for the detention pond shall be provided. This ponding area shall be rotated 90 degrees and relocated parallel along the adjacent drive aisle and to be bisected by the proposed pedestrian walkway and as presented at the hearing.

11. Architecture:

- a. Elevations shall state color names, shall correctly label each building, and shall use cardinal directions to label each façade.
- b. The statement on the Lowe's elevations regarding the "representation of design intent" shall be removed.
- c. Colors and materials of service doors shall be indicated. High quality materials and treatments shall be used to enhance the aesthetic qualities of these doors.
- d. Similar treatments shall be used on rear elevations as are used on side elevations to meet the intent of Zoning Code §14-16-3-18.
- e. Outdoor seating and plaza space shall be provided as required by large retail facility regulations (§14-16-3-2) and Zoning Code §14-16-3-18.
- f. Retail buildings 7C and 7C2 shall have windows facing the pedestrian plaza on their east and west facades, respectfully.

12. Signage Master Plan shall return to the EPC for review and approval:

- a. All signage shall comply with the Signage Master Plan as approved by the EPC as part of the associated site development plan for subdivision (08EPC 40034).
- b. Vehicular and pedestrian wayfinding sign program shall be included.
- c. Allocation of signage for all tenants shall be described.

13. Maintenance Agreement:

- a. The applicant shall sign a maintenance agreement with the City that is deemed appropriate by the Planning Director. (§14-16-3-2)
- b. The applicant shall add a note on the site development plan for building permit referencing the maintenance agreement.

14. Solid Waste:
 - a. The site plan shall comply and be designed in accordance with Solid Waste Management requirements.
 - b. Detail drawings shall be provided of the proposed double refuse enclosure.
15. 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 building permit at the DRB.
16. The applicant must request a Water/Sewer Availability statement. The Utility Plan shall be approved by the Water Utility Authority prior to DRB sign-off.
17. PNM conditions: Access to the development along Central Avenue (driveways, curb cuts) needs to avoid the existing PNM structures. If any of the PNM structures are required to be located due to this project, the developer must pay for the cost of relocation. Any changes or realignment of the existing overhead or underground distribution lines will be at the customer's expense.
18. 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. Page 7, 10C and page 15, 18C, The width of the drive aisle between the landscape island and the parking area behind retail shops 7C and 7C2 shall be a maximum 35' to minimize the crossing distance for the pedestrian walkway by adding additional parking.
 - 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.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **MAY 30, 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. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

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.

OFFICIAL NOTICE OF DECISION
MAY 15, 2008
PROJECT #1007204
PAGE 17 OF 17

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).

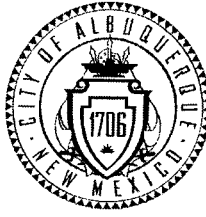
Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

Richard Dineen
Planning Director

RD/AD/ac

cc: Darren Sowell Architects, 4700 Lincoln Rd. NE, Suite 111, Albuquerque, NM 87109
Miguel Maestas, Avalon NA, 9400 Harbor Rd. NW, Albuquerque, NM 87121
Kelly Chappelle, Avalon NA, 9135 Santa Catalina Ave. NW, Albuquerque, NM 87121
M Max Garcia, Los Volcanes NA, 6619 Honeylocust Ave. NW, Albuquerque, NM 87121
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Miguel Maestas, Westside Merchants Assoc., 6013 Sunset Gardens SW, Albuquerque, NM 87121
Dan Serrano, 3305 Ronda De Lechugas NW, Albuquerque, NM 87120
Becky Davis, 500 Leeward Dr. NW, Albuquerque, NM 87121
Jerry Gallegos, 417 65th St. SW, Albuquerque, NM 87121
Louis Tafoya, 6411 Avalon Rd. NW, Albuquerque, NM 87105
Dr. Joe Valles, 5020 Grande Vista Ct. NW, Albuquerque, NM 87121
Senator Linda M. Lopez, 9132 Suncrest SW, Albuquerque, NM 87121
Susan Unser, 7625 Central NW, Albuquerque, NM 87121
Bernard Dooley, 7611, Via Sereno, Albuquerque, NM 87121
Klarissa Pena, 6525 Sunset Gardens SW, Albuquerque, NM 87121



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."

OFFICIAL NOTICE OF DECISION

JULY 17, 2008

PROJECT #1007204

PAGE 5 OF 8

- 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 than 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 than 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 than 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 than 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.

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JULY 17, 2008

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JULY 17, 2008

PROJECT #1007204

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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.

OFFICIAL NOTICE OF DECISION
JULY 17, 2008
PROJECT #1007204
PAGE 7 OF 8

- 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 IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION, 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.

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OFFICIAL NOTICE OF DECISION
JULY 17, 2008
PROJECT #1007204
PAGE 8 OF 8

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, Albuquerque, NM 87109

Miguel Maestas, Avalon NA, 9400 Harbor Rd. NW, Albuquerque, NM 87121
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Jerry Gallegos, 417 65th st. SW, Albuquerque, NM 87121
Louis Tafoya, 6411 Avalon Rd. NW, Albuquerque, NM 87101



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)

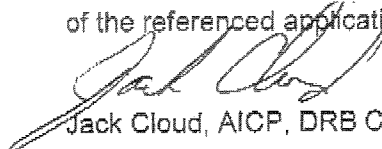
At the September 22, 2010 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

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



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)

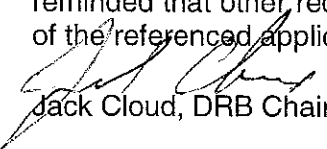
At the August 22, 2012 Development Review Board meeting, a two year extension of the
Subdivision Improvements Agreement was approved.

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: Bohannon Huston Inc.
Marilyn Maldonado
file



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).

A handwritten signature in blue ink, appearing to read "Jack Cloud", is written over the printed name.

Jack Cloud, DRB Chair

ORIGINAL

Figure 12

INFRASTRUCTURE LIST

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

Unser Crossing

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.

DRB Project No. 1007204
7-5-08
Private Inspector City Inspector City Cnst Engineer

PUBLIC ROADWAY IMPROVEMENTS

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		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 Crst 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.			/	/	/
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 Crst 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		DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
Racquel Michel PREPARED BY: PRINT NAME BOHANNAN HUSTON, INC. FIRM:	6/24/2008 DATE	<i>Pat Clark</i> DRB CHAIR TRANSPORTATION DEVELOPMENT	7-9-08 DATE
<i>Racquel Michel</i> SIGNATURE		<i>Bradley L. Bingham</i> AMAFCA CITY ENGINEER	7/9/08 DATE

DESIGN REVIEW COMMITTEE REVISIONS			
REVISION	DATE	DRC CHAIR	USER DEPARTMENT
1	9-5-08	<i>Pat Clark</i>	<i>Robert Brown</i>

27.

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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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:

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

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

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

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

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

Name: REBECCA A. CHEMBARS

Title: ASSISTANT SECRETARY

Dated: 9-9-08

[Signature]

City Engineer

Dated: 9-17-08

by 9/16/08

an
9-15-08

COMMONWEALTH OF
PENNSYLVANIA

STATE OF _____)

COUNTY OF ALLEGHENY ss.

SUBDIVIDER'S NOTARY

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

My Commission Expires:

June 19, 2011

[Signature]
Notary Public

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 Bowte, City Engineer of the City
of Albuquerque, a municipal corporation, on behalf of said corporation.

[Signature]
Notary Public

My Commission Expires:

10-07-2012

Current DRC
Project No.

ORIGINAL

Figure 12

INFRASTRUCTURE LIST

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

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

DRB Project No. 1007204




7-5-08

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 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 Crst Engineer
PUBLIC ROADWAY IMPROVEMENTS									
		11' FC-EQA	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-EQA	100 LF 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-EQA	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 Crst Engineer
		11' - 12'	LENGTHEN WEST BOUND LEFT TURN LANE TO 800 LF; PAVED ROADWAY, STRIPING, CURB AND GUTTER (APPROX. 370 LF)	CENTRAL AVE.	500' 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 Crst. 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/ NEG. VALVES, MJS & RJS	UNSER BLVD.	VOLCANO RD.	CENTRAL AVE.	/	/	/
		10" DIA	WATERLINE W/ NEG. VALVES, FHS, MJS & RJS	MAIN EAST-WEST SITE DRIVE	86TH ST.	UNSER BLVD.	/	/	/
		10" DIA	WATERLINE W/ NEG. VALVES, FHS, MJS & RJS	SITE DRIVES	CENTRAL AVE.	BRIDGE BLVD.	/	/	/
							/	/	/
							/	/	/
PUBLIC STORM DRAIN IMPROVEMENTS									
		5' X 20"	JUNCTION BOX AND STORM DRAIN	NW CORNER OF SITE	CULVERT'S 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.	/	/	/

DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGRT/OWNER
1	9-5-08			

900

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 *Traci J. Wolf*

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.

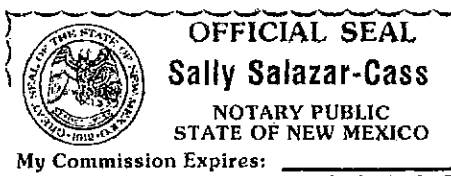
My Commission Expires:

3-24-2012

Sally Salazar-Cass
Notary Public

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:

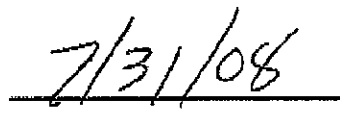
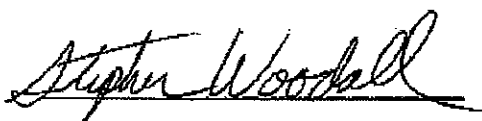
Project ID #: 735684, Unser Crossing, Phase/Unit #: 1

Requested By: Bruce Stidworthy, PE - Bohannon 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
Subtotal:		\$3,139,396.49
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$0.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$3,924,245.61</u>

APPROVAL:

DATE:



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



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.

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.

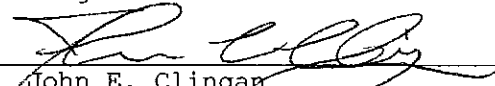
Financial Institution acknowledges and agrees that in the event Subdivider assigns the Agreement to Lowe's Home Centers, Inc., a North Carolina corporation ("Lowe's"), Lowe's shall be permitted to use this Financial Guaranty as if it were the originally named Subdivider.

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,

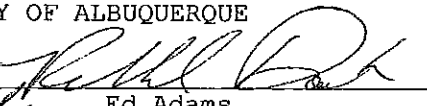
The Huntington National Bank

By: 
John E. Clingan

Title: Vice President Commercial Real Estate Group

ACCEPTED:

CITY OF ALBUQUERQUE

By: 
Ed Adams

Dated: 9-17-08

9-15-08 Page 2

John E. Clingan, Vice President
Commercial Real Estate Group 412-227-6503

1900

AMENDMENT TO AGREEMENT TO
CONSTRUCT SUBDIVISION IMPROVEMENTS
(Amendment to Infrastructure List)

Unser Crossing
City Project # 1007204 - 735684

11/18/08

WHEREAS, the City and the Subdivider entered into an Agreement to Construct Public and/or Private Subdivision Improvements ("Original Agreement") on Sept 17, 2008, which was recorded on Sept 18, 2008 in the records of the Bernalillo County Clerk at Book No. 2008103546, pages 1 to 11, wherein the Subdivider agreed to satisfactorily construct certain infrastructure improvements.

WHEREAS, the Subdivider is required to amend the infrastructure listing for public and/or private improvements attached as Exhibit A to the Original Agreement; and

WHEREAS, the Subdivider has submitted to the City and the City has approved an amended infrastructure listing.

THEREFORE, the Subdivider and the City agree to amend the Original Agreement as follows:

1. Amending Section 2, Improvements and Construction Deadline, to replace Exhibit A the required infrastructure listing with a revised and amended infrastructure listing attached hereto as Exhibit A-1.

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.

ARMSTRONG CENTRAL UNSER
SUBDIVIDER: BOULEVARD A NEW MEXICO LLC CITY OF ALBUQUERQUE
BY: GUSTINE INVESTMENTS, INC. A
PENNSYLVANIA CORPORATION

By: Rebecca A. Chembars
REBECCA A. CHEMBARS

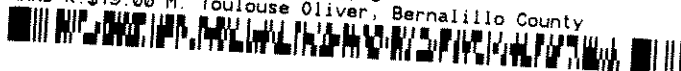
Title: ASSISTANT SECRETARY

Dated: 10/28/08

[Signature]
City Engineer
Dated: 11-18-08

11/17/08

11-17-08



COMMONWEALTH

SUBDIVIDER'S NOTARY

STATE OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) ss.

This instrument was acknowledged before me on 28th day of OCTOBER, 2008,
by REBECCA A. CHEURARS, ASSISTANT SECRETARY of GUSTONE INVESTMENTS, INC. A
PENNSYLVANIA CORPORATION, THE SOLE MEMBER OF ARMSTRONG CENTRAL UNSER
BOULEVARD, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY Diane M. Oberleitner
Notary Public

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) ss.

This instrument was acknowledged before me on 18th day of November,
2008, by Richard Dante, City Engineer, of the City of
Albuquerque, a municipal corporation, on behalf of said corporation.

Richard Dante
Notary Public

My Commission Expires:

10-07-12

Figure 12

ORIGINAL

INFRASTRUCTURE LIST

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

Unser Crossing
Site Plan For BP

DRB Project No.

9-5-08
10-23-08

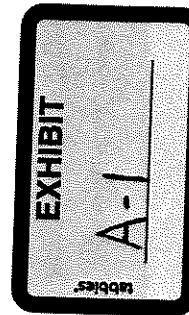
Date Submitted: June 24, 2005
Date Site Plan for Bldg Permit Appr: 7/9/08
Date Site Plan for Sub. Approved: N/A
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

1007-004

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.

PUBLIC ROADWAY IMPROVEMENTS

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		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 Crst 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 TURN 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
InspectorCity
InspectorCity Cnst
Engineer

PUBLIC SANITARY SEWER IMPROVEMENTS

8" DIA

SANITARY SEWER LINE WITH MH &
SERVICES, AS REQUIREDMAIN EAST-WEST SITE
DRIVEEAST 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.

10" DIA

WATERLINE W/ NEC. VALVES, FH'S,
MJ'S & RJ'SMAIN 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
MANIFOLD

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 Crst
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/TOWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Racquel Michel

PREPARED BY: PRINT NAME

8/24/2008

DATE

BOHANNAN HUSTON, INC.

FIRM:

Racquel Michel

MAXIMUM TIME ALLOWED TO CONSTRUCT
IMPROVEMENTS WITHOUT A DRB EXTENSION

Pat Clark

DRB CHAIR

7-9-08

DATE

Christina Sandorval

PARKS & GENERAL SERVICES

7/9/08

DATE

TRANSPORTATION DEVELOPMENT

7/9/08

DATE

Bradley L. Bingham

AMAFCA

CITY ENGINEER

7/9/08

DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/TOWNER
1	9-5-08	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
2	10/23/08	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

1300

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.

Doc# 2009071314

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: [Signature]
Richard Dourte, City Engineer

Dated: 6-23-09

file 6/22/09

6-19-09

SUBDIVIDER'S NOTARY

COMMONWEALTH
STATE OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) ss

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

[Signature]
Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

COMMONWEALTH OF
NOTARIAL SEAL
Diane M. Oberleitner
Upper St. Clair Township
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

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:
10-07-12

[Signature]
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
Subtotal:		\$3,139,396.49
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$-1,800,000.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$2,124,245.61</u>

APPROVAL:

DATE:

A 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



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 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 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.

Page 1

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:

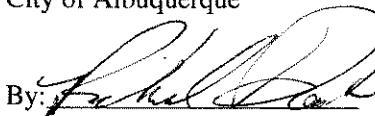
- A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
- B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or
- C. Expiration of the date November 8, 2010; or
- 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

Page 2

John E. Clingan, Vice President
Commercial Real Estate Group 412-227-6503

15-
FIGURE 18

EXTENSION AGREEMENT

Procedure "B"

PROJECT NO. 735684

This Agreement made this 18th day of November, 2010, 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 ("Developer"), 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 Developer entered into an Agreement on the 17th day of September 2008, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on September 18th, 2008, Document Number 2008103546, ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 9th day of September 2010; and

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

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

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

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 :)

Doc# 2010119076

11/23/2010 01:51 PM Page: 1 of 4
ASSN R:\$15.00 M. Toulouse Oliver, Bernalillo County



SUBDIVIDER:

CITY OF ALBUQUERQUE:

Armstrong Central Unser Blvd., a New Mexico
limited liability company

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

By: [Signature]

Name: W. Gregg Baldwin

Title: Pres

Dated: 11/15/10

By: [Signature]

Richard Dourte, City Engineer

Dated: 11-18-10

[Signature] 11/17/10

[Signature]
11-16-10

DEVELOPER'S NOTARY

STATE OF Pennsylvania) ss.

COUNTY OF Allegheny)

This instrument was acknowledged before me on 15th day of November, 2010 by
(name of person:) W. Gregg Baldwin, (title or capacity, for instance,
"President" or "Owner") President of Gustine Investments, Inc., sole managing member
of (Developer:) Armstrong Central Unser Blvd., a limited liability company

My Commission Expires:

5/13/2014

Mary J. Coleman
Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.

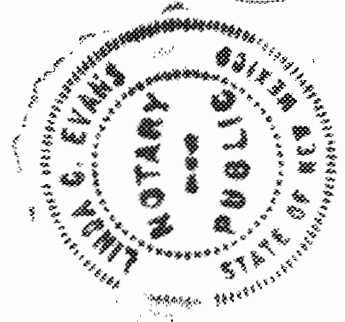
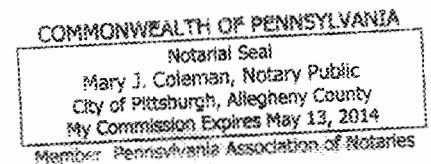
COUNTY OF BERNALILLO)

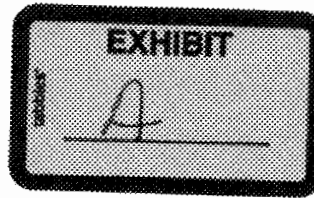
This instrument was acknowledged before me on 18th day of November
2010 by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on
behalf of said corporation.

My Commission Expires:

10-07-12

Linda C. Evans
Notary Public





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)

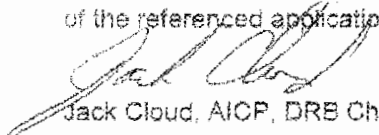
At the September 22, 2010 Development Review Board meeting, the two year extension of the Subdivision Improvements Agreement was approved.

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

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): [Signature]
Print Name: W GREGG BALDWIN
Title: PRES
Dated: 7/11/11

CITY OF ALBUQUERQUE:

By (Signature): [Signature]
Richard Dourte, City Engineer

Dated: 7-19-11

7/19/11

7-13-11

Commonwealth
STATE OF Pennsylvania)
COUNTY OF Allegheny) ss

SUBDIVIDER'S NOTARY

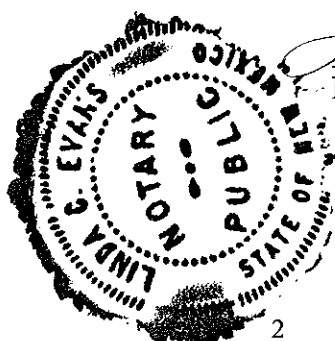
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary J. Coleman, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires May 13, 2014
Member, Pennsylvania Association of Notaries

This instrument was acknowledged before me on this 11th day of July, 2011 by
[name of person] W. Gregg Baldwin, [title of 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



[Signature]
Notary Public

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
Subtotal:		\$301,088.45
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$.00
TOTAL FINANCIAL GUARANTY REQUIRED		<u>\$376,360.56</u>

APPROVAL:

DATE:

A Woodall 6-1-11

Notes: Reduction in FG, Unser & Los Volcanes have not been built.



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 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 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

 7/12/11

 7-13-11

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): [Signature]
Richard Dourte, City Engineer

Dated: 9-24-12

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

9-24-12

9-19-2012

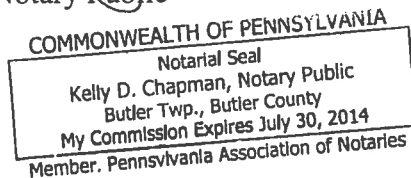
SUBDIVIDER'S NOTARY

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



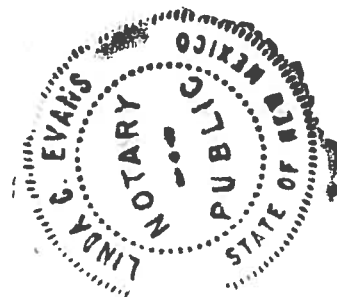
CITY'S NOTARY

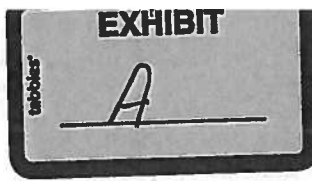
STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

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





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: Bohannon 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



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."

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.



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	false
	Person	
Total		\$25.00

Tender (Cash)
Paid By Bohannan Huston

Thank You!

10/3/12 10:08 AM sgallegos

THIRD EXTENSION AGREEMENT
Procedure "B"

PROJECT NO. 735684

This Agreement made this 8 day of October, 2014, 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., One Armstrong Place, Butler, PA 16001** and whose telephone number is **724-283-0925** 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, the Earlier Agreement was amended by a **Second Extension Agreement** dated **September 24th, 2012** recorded **October 3rd, 2012**, Document Number **2012103259**, pages **1** through **4**, records of Bernalillo County, New Mexico, extending the construction deadline to **July 16th, 2014**; and

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



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;

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 14th day of July, 2015.

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 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 14th, 2015

If Guaranty other than a Bond, last day City able to call Guaranty: September 14th, 2015

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.

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: Douglas J. Kyle

Title: Vice President

Dated: August 22, 2014

CITY OF ALBUQUERQUE:

By (Signature):

Shahab Biazar, Acting City Engineer

Dated: 10/8/14

re
10/06/2014

9-4-14

SUBDIVIDER'S NOTARY

STATE OF Pennsylvania

) ss

COUNTY OF Butler

This instrument was acknowledged before me on this 22nd day of August, 2014 by [name of person] Douglas J. Kyle, Vice President, [title or capacity, for instance, "President" or "Owner"] of Gustine Investments, Inc., a Pennsylvania corporation, Sole Member of Armstrong Central Unser Blvd, a New Mexico Limited liability company ("sub divider").

My Commission Expires:

June 18, 2016

Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

KIMBERLY SC McCANN, Notary Public
Butler Twp., Butler County
My Commission Expires June 18, 2016

CITY'S NOTARY

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on 8th day of October, 2014, by Shahab Biazar, Acting City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My Commission Expires:

10-17-16

Notary Public

FOURTH EXTENSION AGREEMENT
Procedure "B"

PROJECT NO. 735684

This Agreement made this 27 day of July, 2015, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") (name of developer/subdivider:) 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.

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, the Earlier Agreement was amended by a **Second Extension Agreement** dated **September 24th, 2012** recorded **October 3rd, 2012**, Document Number **2012103259**, pages **1** through **4**, records of Bernalillo County, New Mexico, extending the construction deadline to **July 16th, 2014**; and;

WHEREAS, the Earlier Agreement was amended by a **Third Extension Agreement** dated **October 8, 2014** recorded **October 13th, 2014**, Document Number **2014081934**, pages **1** through **4**, records of Bernalillo County, New Mexico, extending the construction deadline to **July 14th, 2015**; and

Doc# 2015067155

08/03/2015 03:12 PM Page: 1 of 4
 AGRE R:\$25.00 M. Toulouse Oliver, Bernalillo County



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;

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 14th day of July, 2016.

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 (LC 18118217)

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 14th, 2016

If Guaranty other than a Bond, last day City able to call Guaranty: September 14th, 2016

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.

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: Dru A. Sedwick

Title: Secretary

Dated: 6.30.15

SUBDIVIDER'S NOTARY

STATE OF Pennsylvania)
) ss

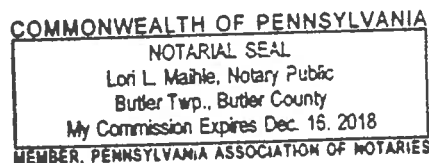
COUNTY OF Butler)

This instrument was acknowledged before me on this 30th day of June, 2015 by
[name of person] Dru A. Sedwick, Secretary, [title or capacity, for instance,
"President" or "Owner"] of Gustine Investments Inc, a Pennsylvania Corporation, sole member
of Armstrong Central Unser Blvd, a New Mexico limited liability Co. ('Subdivider')
("Subdivider").

My Commission Expires:

12.16.18

Lori L. Mainle
Notary Public



CITY OF ALBUQUERQUE:

By (Signature):

Shahab Biazar, City Engineer

Dated:

7/27/15

al

CITY'S NOTARY

STATE OF NEW MEXICO

)

) ss

COUNTY OF BERNALILLO

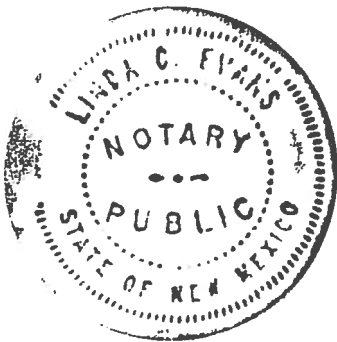
)

This instrument was acknowledged before me on 27th day of July, 2015, by Shahab Biazar, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My Commission Expires:

10-17-16

Linda C. Evans
Notary Public



PNC Bank, National Association
International Trade Service Operations
500 First Avenue - 2nd Floor
Pittsburgh, PA 15219
Mail Stop: P7-PF5C-02-T

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



DATE: AUGUST 25, 2015

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

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT


OUR REFERENCE:	18118217-00-000
AMENDMENT NUMBER:	0

WE HEREBY AMEND OUR IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER
18118217-00-000 AS FOLLOWS:

THIS LETTER OF CREDIT HAS BEEN EXTENDED TO SEPTEMBER 14, 2016.

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

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.



PNC BANK, NATIONAL ASSOCIATION
INTERNATIONAL TRADE SERVICE OPERATIONS

15 AUG 25 PM 3:57

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

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



DATE: JULY 02, 2015

KOTTO, SHARON A
P7-PFSC-04-Z
PITTSBURGH PA 15219

NOTICE OF AUTOMATIC EXTENSION

OUR REFERENCE:	18118217-00-000
APPLICANT:	ARMSTRONG CENTRAL UNSER BLVD

THIS NOTICE IS TO ADVISE YOU THAT THE EXPIRATION DATE OF THE REFERENCED LETTER OF CREDIT NUMBER 18118217-00-000 HAS BEEN EXTENDED TO SEPTEMBER 14, 2016.

THIS IS NOT TO BE CONSIDERED AS AN AMENDMENT TO THE LETTER OF CREDIT.
THIS IS FOR INFORMATION PURPOSES ONLY.

PNC BANK, NATIONAL ASSOCIATION
INTERNATIONAL TRADE SERVICE OPERATIONS

THIS IS A COMPUTER GENERATED DOCUMENT; A MANUAL SIGNATURE IS NOT REQUIRED.



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 500 (5th floor) of the Plaza Del Sol Building, 600 Second Street NW is where you obtain NA/HOA Information for your Planning Submittal.

You can submit your Developer Inquiry Sheet the following ways: 1) in person at the address listed above; 2) fax to - **505-924-3460**; or 3) you can e-mail the Zone Map and Developer Inquiry Sheet to **BOTH**: Stephani Winklepleck at swinklepleck@cabq.gov -AND- Dalaina Carmona at dlcarmona@cabq.gov and one of us will do for you.

ONC will need the following information **BEFORE** any NA/HOA Information will be released to the Applicant/Agent on any Planning Submittal 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 ☒ DRB Submittal ☐ LUCC Submittal ☐ Liquor Submittal

☐ AA Submittal ☐ City Project Submittal ☐ ZHE Submittal (need address/zone map # only)

CONTACT NAME: Erica G. Newman

COMPANY NAME: Bohannon Huston, Inc.

ADDRESS/ZIP: 7500 Jefferson St. NE, Albuquerque, NM 87109

Phone: 505.823.3335 Fax: 505.798.7988 E-mail: enewman@bhinc.com

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

LOCATED ON CENTRAL AVENUE
LEGAL DESCRIPTION
STREET NAME (ex. - 123 Main St. NW) OR OTHER IDENTIFYING LANDMARK

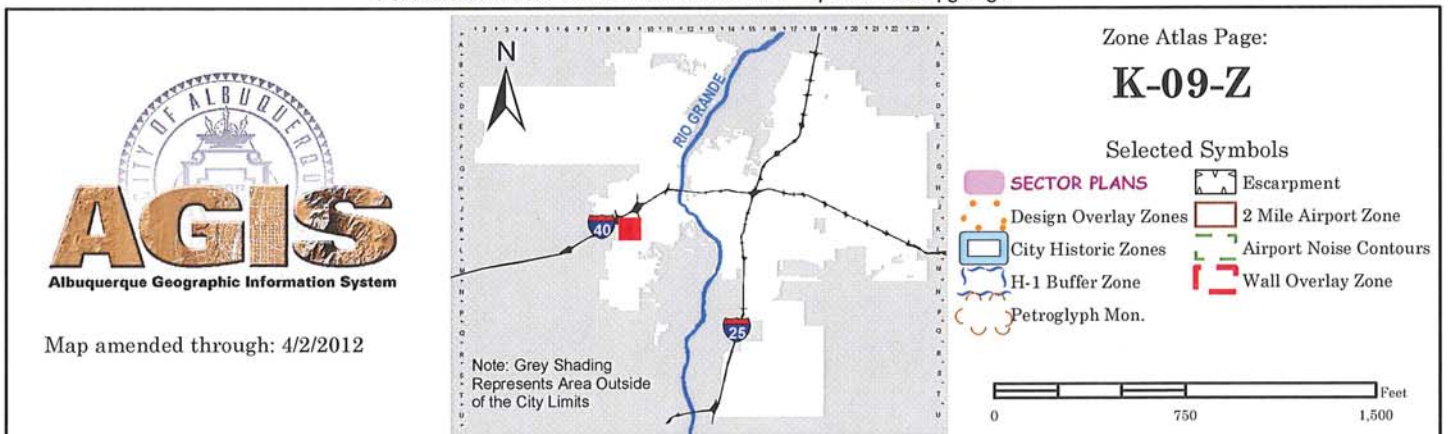
BETWEEN UNSER BOULEVARD AND
STREET NAME OR OTHER IDENTIFYING LANDMARK

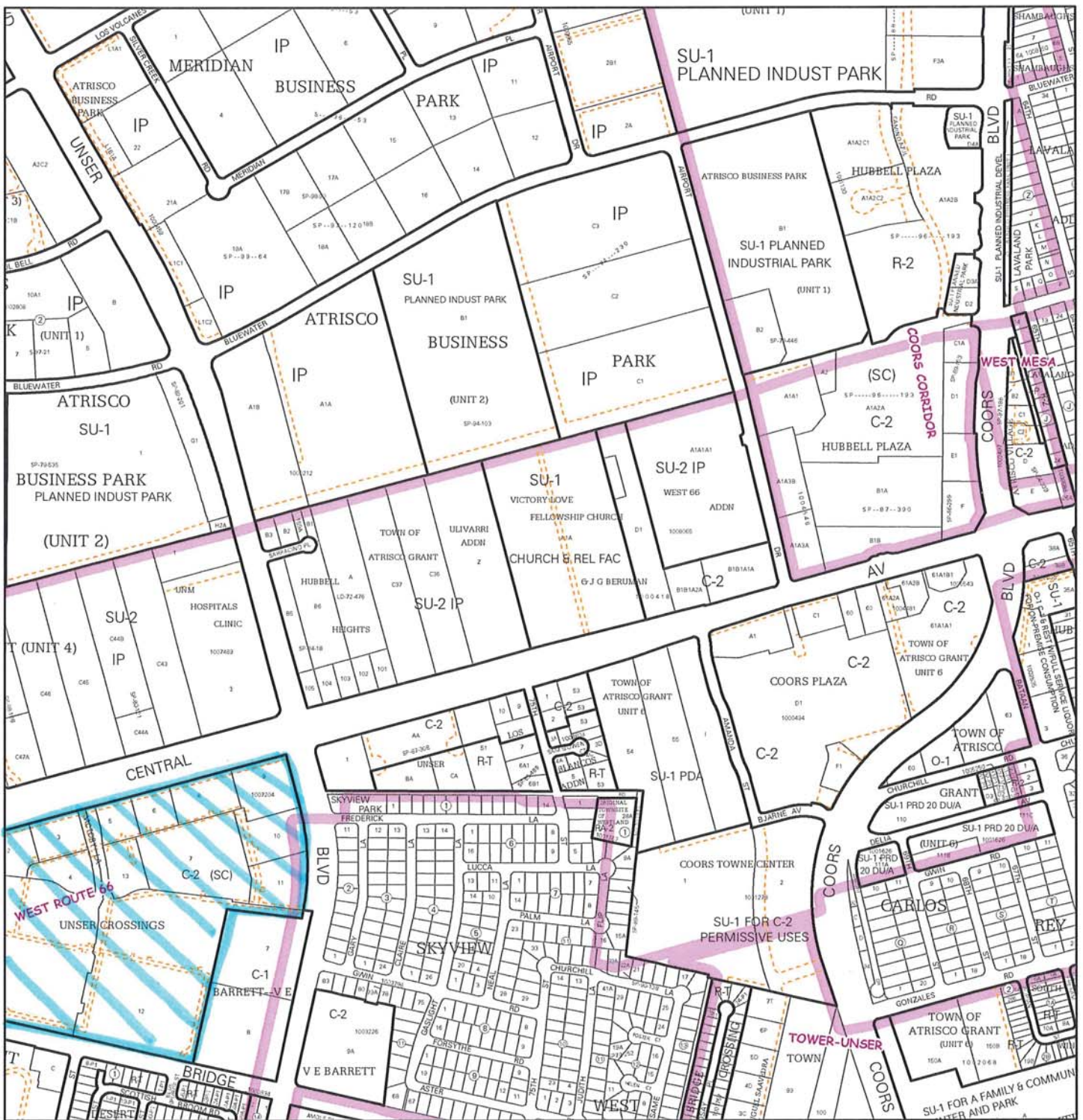
86TH STREET
STREET NAME OR OTHER IDENTIFYING LANDMARK

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

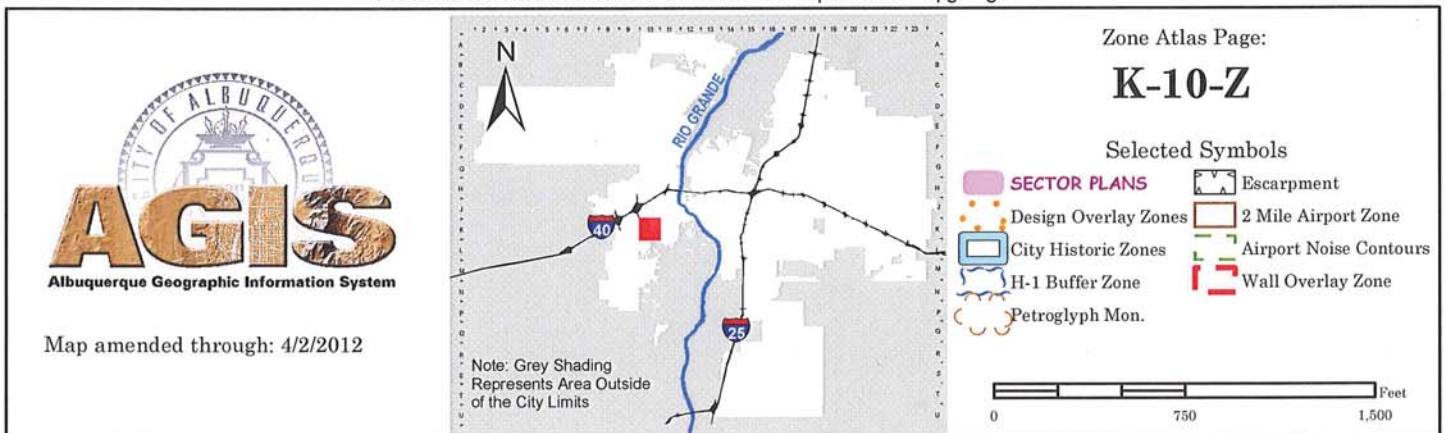


For more current information and details visit: <http://www.cabq.gov/gis>





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





City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

July 12, 2016

Erica Newman
Bohannon Huston Inc.
7500 Jefferson St. NE / 87109
Phone: 505-823-3335/ Fax: 505-798-7988
E-mail: enewman@bhinc.com

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

Dear: Erica

Thank you for your inquiry of July 12, 2016 requesting the names of **ALL Neighborhood and/or Homeowners 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, 2-A, 3-B, 4-B, AND V.E. BARRETT SUBDIVISION AND TRACTS 4-A-1, 5-B-1, 5-B-2 OF LANDS WEFECO PARTNERS LOCATED ON CENTRAL AVENUE SW BETWEEN UNSER BOULEVARD SW AND 86TH STREET SW** zone map K-9 & K-10.

Our records indicate that the **ALL Neighborhood and/or Homeowners 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.

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) 924-3906 or via an e-mail message at dlcarmona@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Dalaina Carmona

Senior Administrative Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

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

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

Information from the Office of Neighborhood Coordination

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

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

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

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

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

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

Any questions, please feel free to contact Dalaina at 924-3906 or via an e-mail message at dlcarmona@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **7/12/16** Time Entered: **3:15 p.m.** ONC Rep. Initials: **DC**

ATTACHMENT “A”

July 12, 2016

Erica Newman
Bohannon Huston Inc.
7500 Jefferson St. NE /87109
Phone: 505-823-3335/ Fax: 505-798-7988
E-mail: enewman@bhinc.com

LOS VOLCANES N.A. (LVC) “R”

***Ted Trujillo**

6601 Honeylocust Ave. NW/87121 836-0336 (h)
Doug Cooper
6800 Silkwood NW/87121 417-1560 (c)

SKYVIEW WEST N.A. (SVW) “R”

***Tony Chavez**

305 Claire Ln. SW/87121 453-1321 (c)
Beatrice Purcella
201 Claire Ln. SW/87121 831-5556 (h)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 13, 2016

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,


Yolanda Padilla Moyer, P.E.
Senior Project Manager
Community Development and Planning

YPM/EGN/jcm
Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 13, 2016

Mr. Ted Trujillo
6601 Honeylocust Ave. NW
Albuquerque, New Mexico 87121

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

Dear Mr. Trujillo:

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,



Yolanda Padilla Moyer, P.E.
Senior Project Manager
Community Development and Planning

YPM/EGN/jcm
Enclosures

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 13, 2016

Mr. Doug Cooper
6800 Silkwood NW
Albuquerque, New Mexico 87121

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

Dear Mr. Cooper:

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,



Yolanda Padilla Moyer, P.E.
Senior Project Manager
Community Development and Planning

YPM/EGN/jcm
Enclosures

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 14, 2016

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,



Yolanda Padilla Moyer, P.E.
Senior Project Manager
Community Development and Planning

YPM/EGN/jcm
Enclosures

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

Bohannon & Huston

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

CERTIFIED MAIL™



7010 1870 0000 2738 5344

Mr. Doug Cooper
6800 Silkwood NW
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. Doug Cooper
6800 Silkwood NW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7010 1870 0000 2738 5344

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To

Mr. Doug Cooper
Street, Apt. No.,
or PO Box No. 6800 Silkwood NW
City, State, ZIP+4
Albuquerque, NM 87121

PS Form 3800, August 2006

See Reverse for Instructions

4455 9222 0000 0291 0102

Bohannan & Huston

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

CERTIFIED MAIL™



7010 1870 0000 2738 5115

Mr. Ted Trujillo
6601 Honeylocust Ave. NW
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. Ted Trujillo
6601 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?

If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7010 1870 0000 2738 5115

PS Form 3811, February 2004

Domestic Return Receipt

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
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Sent To Mr. Ted Trujillo
Street, Apt. No.,
or PO Box No. 6601 Honeylocust Ave NW
City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006

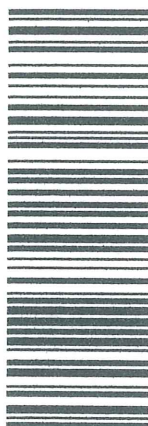
See Reverse for Instructions

5115 9222 0000 0281 0102

Bohannon  Huston

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

CERTIFIED MAIL™



7010 1870 0000 2738 5351

Mr. Tony Chavez
305 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:

Mr. Tony Chavez
305 Claire Lane SW
Albuquerque, NM 87121

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
☒ Addressee

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

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
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Sent To

MR. TONY CHAVEZ
Street, Apt. No.,
or PO Box No. 305 CLAIRE LANE SW
City, State, ZIP+4 ALBUQUERQUE NM 87121

PS Form 3800, August 2006

See Reverse for Instructions

2. Article Number
(Transfer from service label)
7010 1870 0000 2738 5351

Domestic Return Receipt

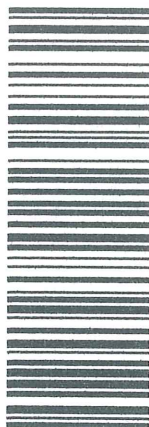
102595-02-M-1540

TS65 9622 0000 0287 0102

Bohannon  Huston

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

CERTIFIED MAIL™



7010 1870 0000 2738 5122

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label) 7010 1870 0000 2738 5122

PS Form 3811, February 2004

Domestic Return Receipt

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
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Sent To
Ms. Beatrice 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

2215 9222 0000 0281 0101

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Certified Fee	CPU	
Return Receipt Fee (Endorsement Required)	JUL 13 2016	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		

Sent To

Mr. Tony Chavez

Street, Apt. No., or PO Box No. 305 Airie Lane SW

City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006

See Reverse for Instructions

7010 1870 0000 2738 5351

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Postage	\$	PERFECTLY LEGAL TM	Postmark Here
Certified Fee		CPU	
Return Receipt Fee (Endorsement Required)		JUL 13 2016	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees			

Sent To

Mr. Tony Chavez

Street, Apt. No., or PO Box No. 305 Airie Lane SW

City, State, ZIP+4 Albuquerque NM 87121

PS Form 3800, August 2006

See Reverse for Instructions

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Postage	PERFECTLY LEGAL TM	Postmark Here
Certified Fee	CPU	
Return Receipt Fee (Endorsement Required)	JUL 13 2016	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		

Sent To

Mr. Dave Corrie

Street, Apt. No., or PO Box No. 6800 Silverwood NW

City, State, ZIP+4 Albuquerque, NM 87121

PS Form 3800, August 2006

See Reverse for Instructions

7010 1870 0000 2738 5344

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Postage	\$	PERFECTLY LEGAL TM	Postmark Here
Certified Fee		CPU	
Return Receipt Fee (Endorsement Required)		JUL 13 2016	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees			

Sent To

Ms. Patricia

Street, Apt. No., or PO Box No. 305 Airie Lane SW

City, State, ZIP+4 Albuquerque, NM 87121

PS Form 3800, August 2006

See Reverse for Instructions

7010 1870 0000 2738 5122

=====

Perfectly Legal

5659 Jefferson St NE Ste A

Albuquerque, NM, 87109-3403

340128-B001

07/13/2016 03:15:00 PM

=====

----- Sales Receipt -----

Product	Sale	Final
Description	Qty	Price
First-Class Letter	1	\$0.47
(Expected Delivery Day: Fri 07/15)		
(ALBUQUERQUE, NM 87121)		
(Weight:0 Lb 0.85 Oz)		
Certified	1	\$3.30
(@@USPS Certified Mail #)		
(70101870000027385351)		
Return Rcpt	1	\$2.70
(@@USPS Return Rcpt #)		
(9590952106150019323501)		
First-Class Letter	1	\$0.47
(Expected Delivery Day: Fri 07/15)		
(ALBUQUERQUE, NM 87121)		
(Weight:0 Lb 0.80 Oz)		
Certified	1	\$3.30
(@@USPS Certified Mail #)		
(70101870000027385115)		
Return Rcpt	1	\$2.70
(@@USPS Return Rcpt #)		
(9590952106150019323518)		
First-Class Letter	1	\$0.47
(Expected Delivery Day: Fri 07/15)		
(ALBUQUERQUE, NM 87121)		
(Weight:0 Lb 0.80 Oz)		
Certified	1	\$3.30
(@@USPS Certified Mail #)		
(70101870000027385122)		
Return Rcpt	1	\$2.70
(@@USPS Return Rcpt #)		
(9590952106150019323525)		
First-Class Letter	1	\$0.47
(Expected Delivery Day: Fri 07/15)		
(ALBUQUERQUE, NM 87121)		
(Weight:0 Lb 0.80 Oz)		
Certified	1	\$3.30
(@@USPS Certified Mail #)		
(70101870000027385344)		
Return Rcpt	1	\$2.70
(@@USPS Return Rcpt #)		
(9590952106150019323532)		

Total	\$25.88
Credit Card	\$25.88

@@For tracking or inquiries go to USPS.com
or call 1-800-222-1811.

Thank you!

Bill#: 1-14187-1-2516006-2

Clerk: CAT

All sales final on stamps and postage.