



COMPLETED 12/22/08 SH
DRB CASE ACTION LOG (PREL/FINAL)

REVISED 10/08/07

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

DRB Application No.: 08DRB-70465

Project # 1007547

Project Name: FRANCIS

Agent: JACKS HIGH COUNTRY INC

Phone No.: 898-3707

Your request was approved on 11-05-08 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: comments - dimensioned exhibit

UTILITIES:

CITY ENGINEER / AMAFCA: - reciprocal easements

PARKS / CIP:

PLANNING (Last to sign):

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

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

Created On:



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AGIS DXF File approval required. *OK*

Copy of recorded plat for Planning.

7547

DXF Electronic Approval Form

DRB Project Case #: 1007547

Subdivision Name: FRANCES LOTS A1 AND B1

Surveyor: ANTHONY L HARRIS

Contact Person: ANTHONY L HARRIS

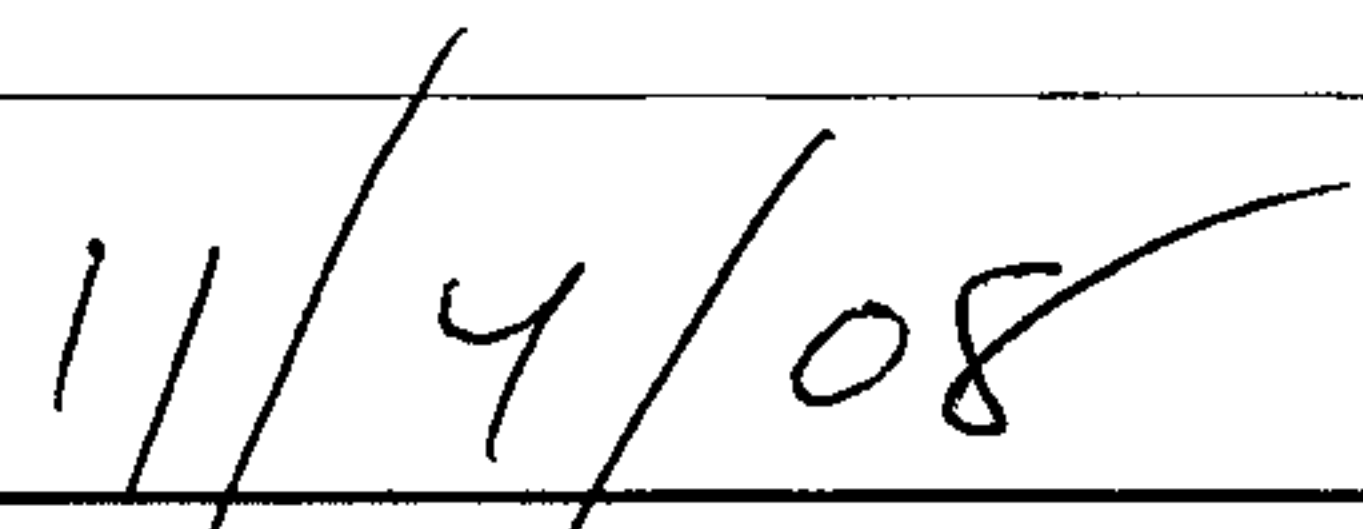
Contact Information: 889-8056

DXF Received: 10/30/2008

Hard Copy Received: 10/30/2008

Coordinate System: Ground rotated to NMSP Grid


Approved


Date

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

AGIS Use Only

Copied fc **7547** to agiscov on **11/4/2008** Contact person notified on **11/4/2008**

17. ~~Project# 1007547~~
08DRB-70465 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

JACKS HIGH COUNTRY INC agent(s) for LARRY P AND JANE H GUTIERREZ request(s) the above action(s) for all or a portion of Lot(s) A & B, Tract(s) 238, FRANCIS zoned C-2, located on RIO GRANDE BLVD NW BETWEEN MOUNTAIN RD NW AND BELLAMAH NW containing approximately 1.664 acre(s). (J-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR COMMENTS AND DIMENSIONAL EXHIBIT AND TO CITY ENGINEER FOR RECIPROCAL EASEMENTS, AGIS DXF FILE, AND A COPY OF THE RECORDED PLAT PROVIDED TO PLANNING.**

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

18. **Project# 1005458**
08DRB-70458 SKETCH PLAT REVIEW
AND COMMENT

HARRIS SURVEYING INC agent(s) for CENTRO PROPERTIES GROUP request(s) the above action(s) for all or a portion of Tract(s) Q, **TOWN OF ATRISCO GRANT Unit(s) NORTHEAST**, zoned C-1, I-P, located on COORS RD NW BETWEEN REDLANDS RD NW AND ATRISCO DR NW containing approximately 3.7951 acre(s). (G-11)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

19. Other Matters: None

ADJOURNED: 10:25

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

November 5, 2008

DRB Comments

ITEM # 17

PROJECT # 1007547

APPLICATION # 08-70465

**RE: Lots A & B, Francis Subdivision, plus Tract 238C2A,
MRGCD Map #38**

It appears reciprocal easements for access, parking and drainage will be needed between the 'new lots' – please reference any existing such easements with adjoining lots.



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

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

10/28/2008 Issued By: PLNSDH

Permit Number: 2008 070 465 **Category Code 910**

Application Number: 08DRB-70465, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: RIO GRANDE BLVD NW BETWEEN MOUNTAIN RD NW AND BELLAMAH NW

Project Number: 1007547

Applicant

Larry P And Jane H Gutierrez

3041 University Blvd Se
 Albuquerque NM 87108

Agent / Contact

Jacks High Country Inc
 Jack Spilman
 8953 2nd St Nw
 Albuquerque NM 87114
 888-3707

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441008/4983000	DRB Actions	\$285.00
TOTAL:		\$305.00

City Of Albuquerque
 Treasury Division

10/28/2008 12:18PM LOC: ANNX
 W5# 007 TRFIS# 0028
 RECEIPT# 00105874-00105874
 PERMIT# 2008-070465 TRSLJS
 Trans Amt \$305.00
 Conflict Manag. Fee \$20.00
 DRB Actions \$285.00
 CK \$300.00
 CA \$5.00
 CHARGE \$0.00

Thank You



Supplemental form

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): Jack's High Country Inc (Jack Spilman Pres.) PHONE: 878-3707
 ADDRESS: 8953 2nd NW FAX: _____
 CITY: Albuquerque STATE: NM ZIP: 87114 E-MAIL: _____

APPLICANT: Larry P. and Jane M. Gutierrez and PHONE: _____
 ADDRESS: Little Anita's Mexican Food Inc. FAX: _____
3041 University Blvd. S.E.
 CITY: Albuquerque STATE: NM ZIP: 87106 E-MAIL: _____
 Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: Combine lots A, B, and Tract 238-C-2-A into Two lots, and grant any easements as shown

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

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

Lot or Tract No. A & B w/ TR 238 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: FRANCES
 Existing Zoning: C-2 Proposed zoning: C-2 MRGCD Map No _____
 Zone Atlas page(s): J-132 UPC Code: 101305813243922010

CASE HISTORY:

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

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: 3 (Three) No. of proposed lots: 2 (Two) Total area of site (acres): 1.6640
 LOCATION OF PROPERTY BY STREETS: On or Near: Rio Grande Blvd N.W.
 Between: Mountain Rd N.W. and Bellamah NW

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

SIGNATURE Jack A. Spilman DATE Oct 28 08
 (Print) Jack Spilman Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
<u>08DRB - 70465</u>	<u>P&E</u>	<u>5(3)</u>	<u>\$ 285.00</u>
_____	<u>CMF</u>	_____	<u>\$ 70.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>11/05/07</u>			Total <u>\$ 305.00</u>

Sandy Handley 10/28/08 Project # 1007547
 Planner signature / date

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

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

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

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

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

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

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

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

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

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

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year**

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

Jack Spilman
Applicant name (print)
Jack A. Spilman 10/28/08
Applicant signature / date



Form revised October 2007


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

Application case numbers
08DRB3 - 70465

Sandy Handley 10/28/08
Planner signature / date
Project # 1007547

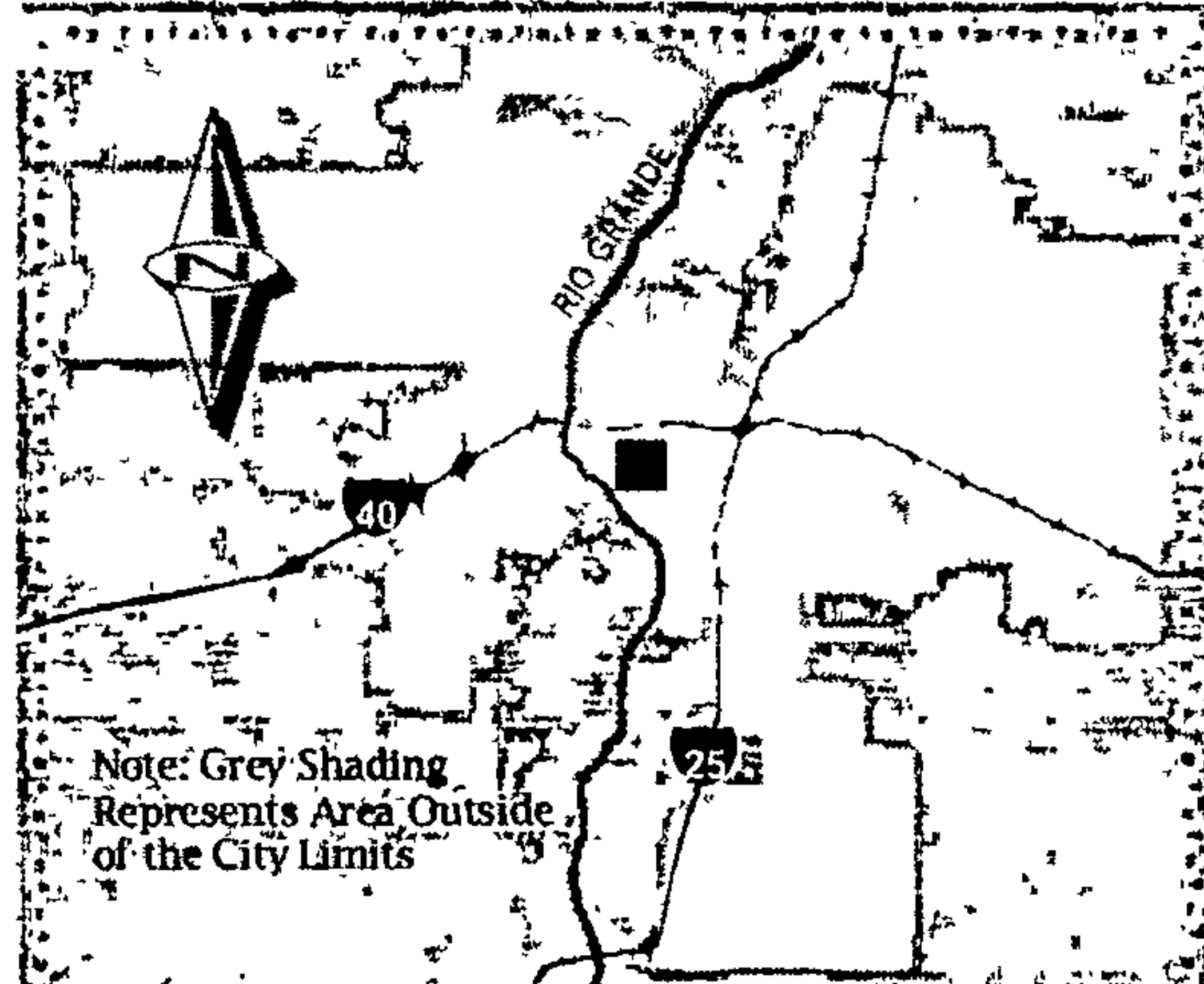


For more current information and more details visit: <http://www.cabq.gov/gis>



Albuquerque Geographic Information System

Map amended through: 5/1/2006



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
J-13-Z

Selected Symbols

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

0 750 1,500 Feet

LEGAL DESCRIPTION

LOTS LETTERED "A" AND "B" OF THE FRANCES SUBDIVISION, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 29, 1971 IN VOLUME B6, FOLIO 14 AND TRACT 238-C-2-A AS SHOWN ON THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT MAP No. 38, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, WHENCE CITY OF ALBUQUERQUE CONTROL STATION '5-J13A' HAVING NEW MEXICO STATE PLANE COORDINATES OF (CENTRAL ZONE, NAD 1983) X=1,515,633.327 AND Y=1,491,318.377 BEARS S 80°35'58" E, A DISTANCE OF 858.54 FEET RUNNING THENCE N 83°15'55" W, ALONG THE SOUTHERLY LINE OF MOUNTAIN ROAD, A DISTANCE OF 127.51 FEET TO A POINT OF CURVE;
THENCE CONTINUING ALONG THE NORTHERLY LINE OF MOUNTAIN ROAD, 7.61 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N 74°32'25" W, 7.58 FEET AND A CENTRAL ANGLE OF 17°26'22" TO THE SOUTHWEST CORNER, BEING A POINT ON THE EASTERLY LINE OF RIO GRANDE BOULEVARD;
THENCE ALONG THE EASTERLY LINE OF RIO GRANDE BOULEVARD, 106.43 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 572.99 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N 03°40'57" E, 106.28 FEET AND A CENTRAL ANGLE OF 10°38'34" TO A POINT OF TANGENCY;
THENCE CONTINUING ALONG THE EASTERLY LINE OF RIO GRANDE BOULEVARD, N 01°27'25" W, A DISTANCE OF 269.69 FEET TO THE NORTHWEST CORNER;
THENCE S 88°43'55" E, A DISTANCE OF 217.87 FEET TO THE NORTHEAST CORNER;
THENCE S 03°20'05" W, A DISTANCE OF 299.93 FEET TO A POINT;
THENCE N 88°43'55" W, A DISTANCE OF 64.59 FEET TO A POINT;
THENCE S 01°16'05" W, A DISTANCE OF 89.83 FEET TO THE SOUTHEAST CORNER AND PLACE OF BEGINNING CONTAINING 1.6640 ACRES MORE OR LESS.

UR

RATON C
FILED: C
BOOK

Jack's High Country, Inc.
8953 Second Street, N.W.
Albuquerque, New Mexico 87114

To: City of Albuquerque , Development Review Board

Re: Lots "A" and "B" of the Frances Subdivision (see attached)

Subject: The purpose of this plat is to combine Lots A, B and Tract 238-C-2-A into 2 lots and grant any easements as shown.

October 28, 2008

Gutierrez

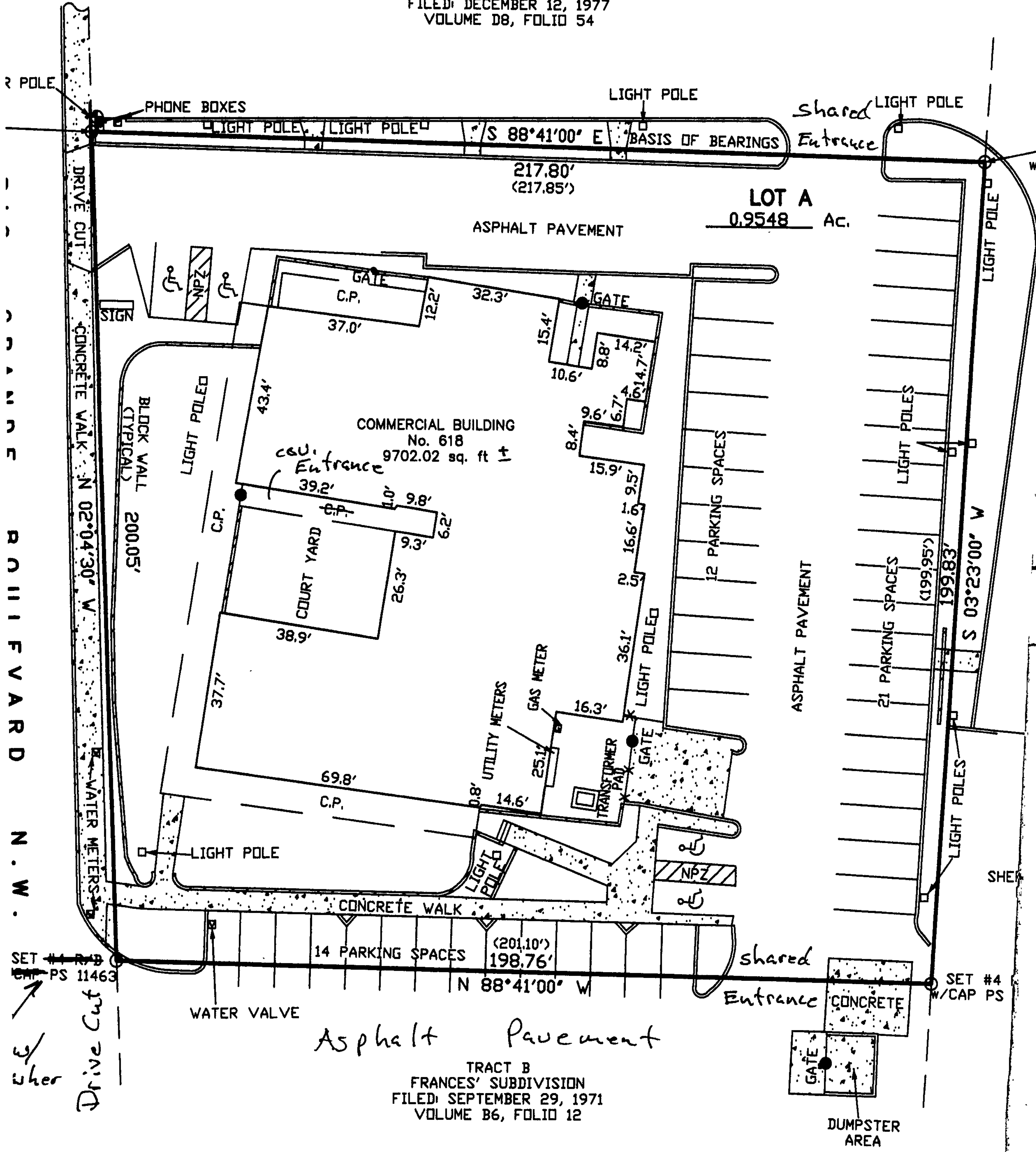
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THENCE ALONG THE EASTERLY LINE OF RIO GRANDE BOULEVARD, 106.43 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 572.99 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N 03°40'57" E, 106.28 FEET AND A CENTRAL ANGLE OF 10°38'34" TO A POINT OF TANGENCY;
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THENCE S 88°43'55" E, A DISTANCE OF 217.87 FEET TO THE NORTHEAST CORNER;
THENCE S 03°20'05" W, A DISTANCE OF 299.93 FEET TO A POINT;
THENCE N 88°43'55" W, A DISTANCE OF 64.59 FEET TO A POINT;
THENCE S 01°16'05" W, A DISTANCE OF 89.83 FEET TO THE SOUTHEAST CORNER AND PLACE OF BEGINNING CONTAINING 1.6640 ACRES MORE OR LESS.

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RATC
FILE
B

TRACT A
 SHERATON OLD TOWN IN COMPLEX
 FILED: DECEMBER 12, 1977
 VOLUME D8, FOLIO 54



TRACT B
 FRANCES' SUBDIVISION
 FILED: SEPTEMBER 29, 1971
 VOLUME B6, FOLIO 12

REPLAT AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of November, 1999 by and between LARRY P. GUTIERREZ and JANE H. GUTIERREZ, his wife (hereinafter referred to as "Owners"), and the City of Albuquerque (hereinafter referred to as "City"), is as follows:

WHEREAS Owners own three separate but contiguous parcels of land which are more specifically described as follows:

LOT A

Lot lettered "A" of the Land Division Plat of FRANCES' SUBDIVISION in the City of Albuquerque, New Mexico, as the same is shown and designated on said plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 29, 1971, in volume B6, folio 14.

LOT B

Lot lettered "B" of the Land Division Plat of FRANCES' SUBDIVISION in the City of Albuquerque, New Mexico, as the same is shown and designated on said plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 29, 1971, in volume B6, folio 14.

TRACT 238C2A

Tract 238C2A, MRGCD Map No. 38; also shown on the survey by Robert R. Sexton, Jr., N.M.R.P.L.S. No. 9434, dated September 4, 1985; and

WHEREAS, the three parcels of land described above are shown on the Proposed Plat of Lots A-1 and B-1 Frances Subdivision within projected Sections 18,



T 10 N, R 3 E, N.M.P.M. City of Albuquerque, Bernalillo County, New Mexico, dated January 1999, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the three parcels of land which are the subject of this agreement are currently utilized by two separate businesses controlled by Owners; and

WHEREAS, City is agreeable to the three parcels which are the subject of this agreement remaining Lot A, Lot B, and Tract 238C2A so long as all three parcels of land have the same owner, however, in the event that any of the lots is sold or otherwise transferred to a new owner who would then not own all three parcels which are the subject of this agreement; City will require a replat of the lands into Lot A-1 and Lot B-1 as shown on the Proposed Plat of Lots A-1 and B-1 Frances Subdivision within projected Sections 18, T 10 N, R 3 E, N.M.P.M. City of Albuquerque, Bernalillo County, New Mexico, dated January 1998, attached hereto and made a part hereof; and

WHEREAS, in the event that all three parcels which are the subject of this agreement are sold or otherwise transferred to a new owner, the City will require that said transfer be subject to this agreement; and

WHEREAS, Owners agree to the future replat which will be required by the City if the two business properties which occupy portions of the parcels which are the subject to this agreement are sold separately; and

WHEREAS, Owners are agreeable to the transfer of all three parcels of land



which are the subject of this agreement to a new owner subject to the terms and conditions of this agreement; and

WHEREAS, Owners and City hereby state that each has authority to enter into this agreement; and

WHEREAS, Owners and City agree that there is valuable and satisfactory consideration for this agreement;

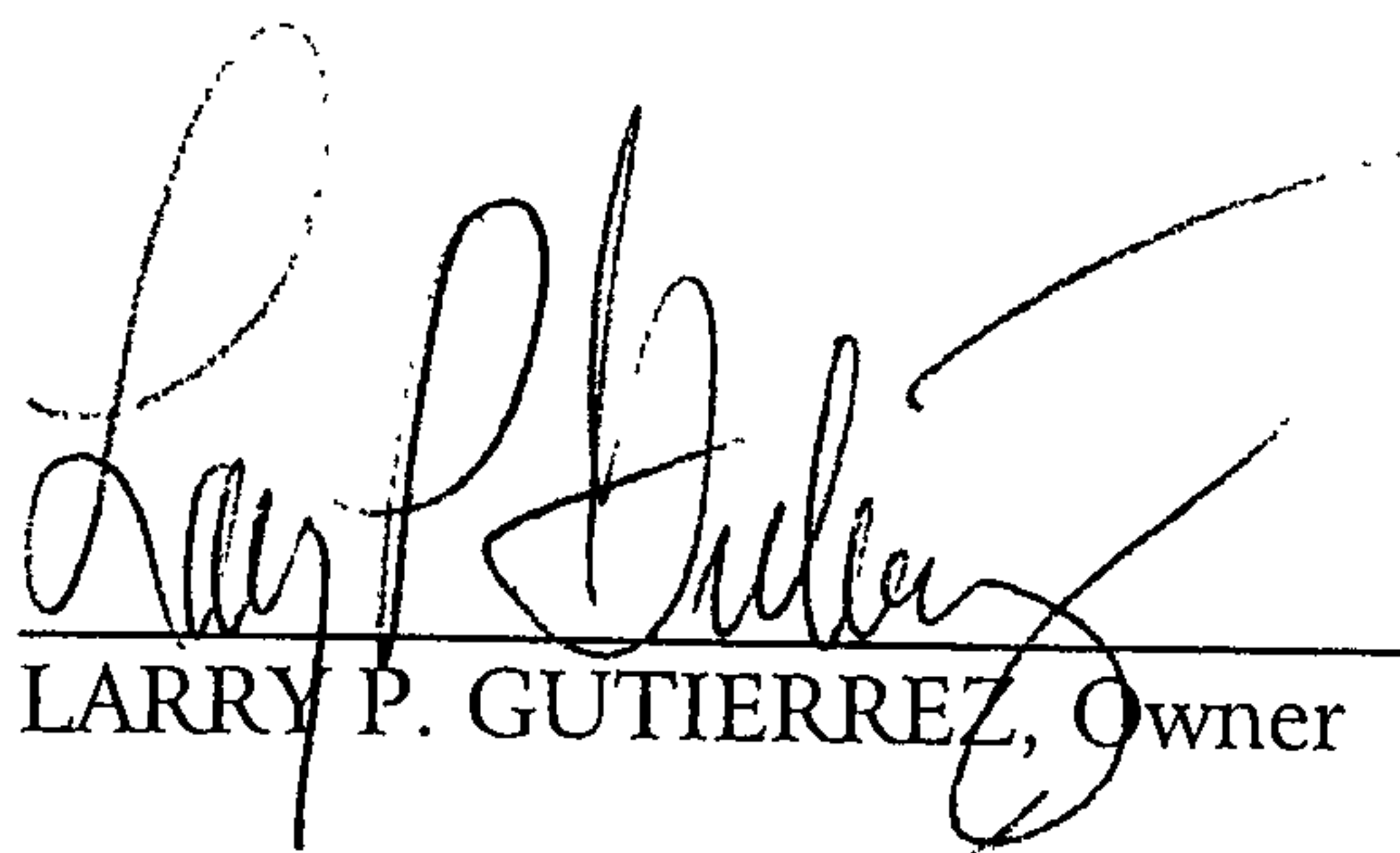
IT IS THEREFORE, HEREBY AGREED BY AND BETWEEN OWNERS AND CITY THAT:

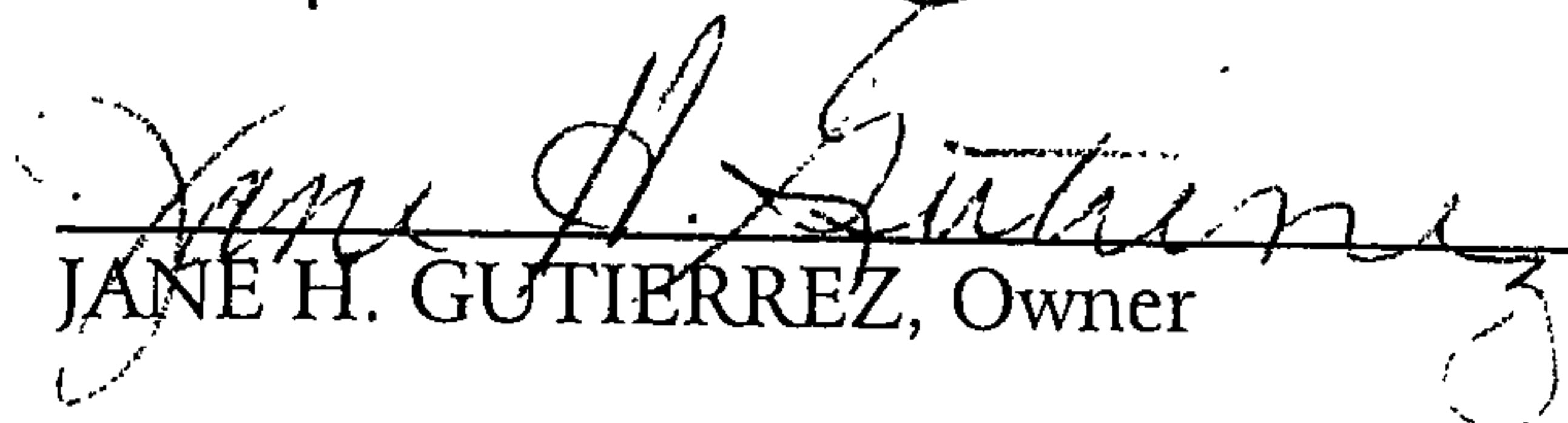
1. So long as Owners own Lot A, Lot B and Tract 238C2A, no replat of those parcels will be required by the City.
2. In the event that Owners transfer ownership as a whole of Lot A, Lot B and Tract 238C2A to new owners, said transfer shall and will be subject to this agreement.
3. In the event that any of the lots is sold or otherwise transferred to a new owner who would then not own all three parcels which are the subject of this agreement, said three parcels shall be replatted as Lots A-1 and B-1, as shown on the Proposed Plat of Lots A-1 and B-1, Frances Subdivision within projected Sections 18, T 10 N, R 3 E, N.M.P.M. City of Albuquerque, Bernalillo County, New Mexico, dated January 1998, attached hereto and made a part hereof.
4. At the time of replat, the current lot line designated as "old lot line",



which constitutes the northern lot line of Tract 238C2A, shall be vacated, and the lot line designated "old lot line", which constitutes the northern lot line of Lot B, shall be moved to the north to the solid line shown on the Proposed Plat of Lots A-1 and B-1 Frances Subdivision within projected Sections 18, T 10 N, R 3 E, N.M.P.M. City of Albuquerque, Bernalillo County, New Mexico, dated January 1998, and which will then be the southern lot line of Lot A-1 and the northern lot line of Lot B-1 of Frances Subdivision.

5. This Replat Agreement and the Proposed Plat of Lots A-1 and B-1 Frances Subdivision within projected Sections 18, T 10 N, R 3 E, N.M.P.M. City of Albuquerque, Bernalillo County, New Mexico, dated January 1998, attached hereto and made a part hereof, will be filed with the County Clerk for Bernalillo County by City and will run with the land.


LARRY P. GUTIERREZ, Owner


JANE H. GUTIERREZ, Owner

CITY OF ALBUQUERQUE

By: 
ROBERT E. ROMERO
Zoning Enforcement Manager



