



COMPLETED 03/23/10 stt
DRB CASE ACTION LOG
(Preliminary/Final)

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

DRB Application No.: 10DRB-70277

Project # 1007951

Project Name: *McDuffie Place Unit 3*

Agent: *Surv-Tek Inc.*

Phone No.:

Your request was approved on 3-17-10 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

TRANSPORTATION: _____

ABCWUA: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

OK

PLANNING (Last to sign):

copy of Encroachment Agreement

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.

OK **AGIS DXF File approval required.**

Copy of recorded plat for Planning.



DRB CASE ACTION LOG (Preliminary/Final)

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PLANNING (Last to sign): *copy of Encroachment Agreement*

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- The original plat and a mylar copy for the County Clerk.
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- Tax printout from the County Assessor.

- 3 copies of the approved site plan. Include all pages.** _____
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- Property Management's signature must be obtained prior to Planning Department's signature.**
- AGIS DXF File approval required.**
- Copy of recorded plat for Planning.**

OK

7951

DXF Electronic Approval Form

DRB Project Case #: 1007951

Subdivision Name: McDUFFIE PLACE UNIT 3 LOT 1A

Surveyor: RUSS P HUGG

Contact Person: RUSS P HUGG

Contact Information: 897-3366

DXF Received: 3/15/2010 Hard Copy Received: 3/15/2010

Coordinate System: NMSP Grid (NAD 83)



Approved

03-15-2010

Date

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

AGIS Use Only

Copied fc7951 to agiscov on 3/15/2010 Contact person notified on 3/15/2010

6. **Project# 1002800**
10DRB-70077 EXT OF SIA FOR TEMP
DEFER SDWK CONST
- MARK GOODWIN AND ASSOCIATES PA agent(s) for ALPHA EQUITIES, LLC request(s) the above action(s) for all or a portion of Lot(s) 10-23, Block(s) 12, **QUIVERA ESTATES Unit(s) 3**, zoned RD, located on MODESTO AVE NE BETWEEN GLENDALE AVE NE AND WYOMING BLVD NE containing approximately 13.9766 acre(s). (B-19) **A TWO YEAR EXTENSION FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
7. **Project# 1004530**
10DRB-70079 EXT OF SIA FOR TEMP
DEFER SDWK CONST
- CUSTOM GRADING INC agent(s) for AMERI-CONTRACTORS request(s) the above action(s) for all or a portion of Tract(s) G-2, **ALBUQUERQUE WEST (to be known as MARNA LYNN AVENUE TOWNHOMES Unit(s) 1**, zoned SU-1 FOR PDA INCL C-3, located on PARADISE BLVD NW BETWEEN MARNA LYNN AVE NW AND DAVENPORT ST NW containing approximately 1.7132 acre(s). (C-12) **A TWO YEAR EXTENSION FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
8. **Project# 1007387**
10DRB-70082 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- PRECISION SURVEYS INC agent(s) for SAM'S CLUB request(s) the above action(s) for all or a portion of Tract(s) B-1, **COTTONWOOD CORNERS** zoned SU-1 FOR IP, located on 10600 COORS BLVD BYPASS NW BETWEEN ELLISON DR NW AND ALAMEDA BLVD NW containing approximately 13.56 acre(s). (A-13/14) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**
9. **Project# 1002535**
10DRB-70083 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- GPS LLC agent(s) for CHRONIS DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 32-35, 35W OR LOT 37 & 38 TOGETHER, **HUBBEL HEIGHTS ADDITION** zoned O-1 & C-2, located on 65TH ST SW BETWEEN CENTRAL AVE SW AND COORS BLVD SW containing approximately 5.545 acre(s). (K-10) **THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**
10. ~~Project#-1007951~~
09DRB-70277 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- SURV-TEK INC agent(s) for SMITHS FOOD & DRUG request(s) the above action(s) for all or a portion of Lot(s) 1-5, Block(s) 12, **MCDUFFIE PLACE Unit(s) 3**, zoned C-1, located on ON CONSTITUTION BETWEEN CARLISLE & CALLE DEL RANCHERO containing approximately 0.3883 acre(s). (J-16) *[Deferred from 8/26/09]* **THE FINAL PLAT WAS APPROVED.**

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
March 17, 2010
DRB Comments**

ITEM # 10


PROJECT # 1007951

APPLICATION # 09-70277

RE: Lot 1 - 5, Block 12, McDuffie Place Unit 3

What is the purpose of the referenced Encroachment agreement?
Please provide a copy for this file.

AGIS (Albuquerque Geographic Information System) Division must
accept the .dxf file for this plat prior to sign-off by Planning.



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

HEARINGS DATE 3-17-10 (P;H=)

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

3. **Project# 1007011**
09DRB-70279 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
WAYJOHN SURVEYING INC agent(s) for RED ROCK CAPITAL request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, Block(s) 39, **RAYNOLDS ADDITION** zoned SU-2 / R-2, located on ON COAL AVE SW BETWEEN 8TH ST SW & 9TH ST SW containing approximately 0.1629 acre(s). (K-13)**INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**
4. **Project# 1007796**
09DRB-70276 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
FORSTBAUER SURVEYING LLC agent(s) for ACCION NEW MEXICO request(s) the above action(s) for all or a portion of Tract(s) 2 & A-3, **LANDS OF MCCLAIN & LANDS OF WILLIAM ANDREW MCORD**, zoned S-MI, located on ZEARING AVE NW BETWEEN RIO GRANDE BLVD NW AND 19TH ST NW containing approximately 25659 acre(s). (H-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR WRITTEN COMMENTS AND TO PLANNING FOR AMAFCA SIGNATURE, COPY FOR PLANNING AND TO RECORD.**
5. ~~**Project# 1007951**~~
09DRB-70277 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
SURV-TEK INC agent(s) for SMITHS FOOD & DRUG request(s) the above action(s) for all or a portion of Lot(s) 1-5, Block(s) 12, **MCDUFFIE PLACE Unit(s) 3**, zoned C-1, located on ON CONSTITUTION BETWEEN CARLISLE & CALLE DEL RANCHERO containing approximately 0.3883 acre(s). (J-16) **THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**
6. **Project# 1002847**
09DRB-70273 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
THE SURVEY OFFICE , LLC agent(s) for STEFAN WATSON & ELEEN DEVEREUX request(s) the above action(s) for all or a portion of Lot(s) 586 SOUT 37' OF LOT 5, **PARK ADDITION**, zoned SU-2 RC, located on 8TH ST AND MOUNTAIN RD NW containing approximately 0.189 acre(s). (J-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO ABCWUA FOR COMPLETION OF TAPPING PERMITS AND TO PLANNING FOR AMAFCA SIGNATURE, AGIS DXF, WRITTEN COMMENTS, AND TO RECORD.**

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

August 26, 2009

DRB Comments

ITEM # 5

PROJECT # 1007951

APPLICATION # 09-70277

RE: Lot 1 - 5, Block 12, McDuffie Place Unit 3

Is the 1970 Warranty Deed referenced in Item C on page 2 the basis for the easterly 1 foot of Lot 6? If so, please provide a copy for this DRB file; if not, this must be documented prior to 1973 to pre-date the Subdivision Ordinance.

AGIS (Albuquerque Geographic Information System) Division must accept the .dxf file for this plat prior to sign-off by Planning.



Jack Cloud AICP, DRB Chairman

924-3880/ jcloud@cabq.gov

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

DOMENICI LAW FIRM, P.C.
320 GOLD AVENUE SW, STE 1000
ALBUQUERQUE, NEW MEXICO 87102
(505) 883-6250

NEW MEXICO BANK AND TRUST
ALBUQUERQUE, NM 87102
95-654/1070

54172

3/16/2015

PAY TO THE ORDER OF Kristal Metro

\$1**100.00

One Hundred and 00/100 *****

DOLLARS



Kristal Metro

PROTECTED AGAINST FRAUD



MEMO

Witness and Mileage Fee

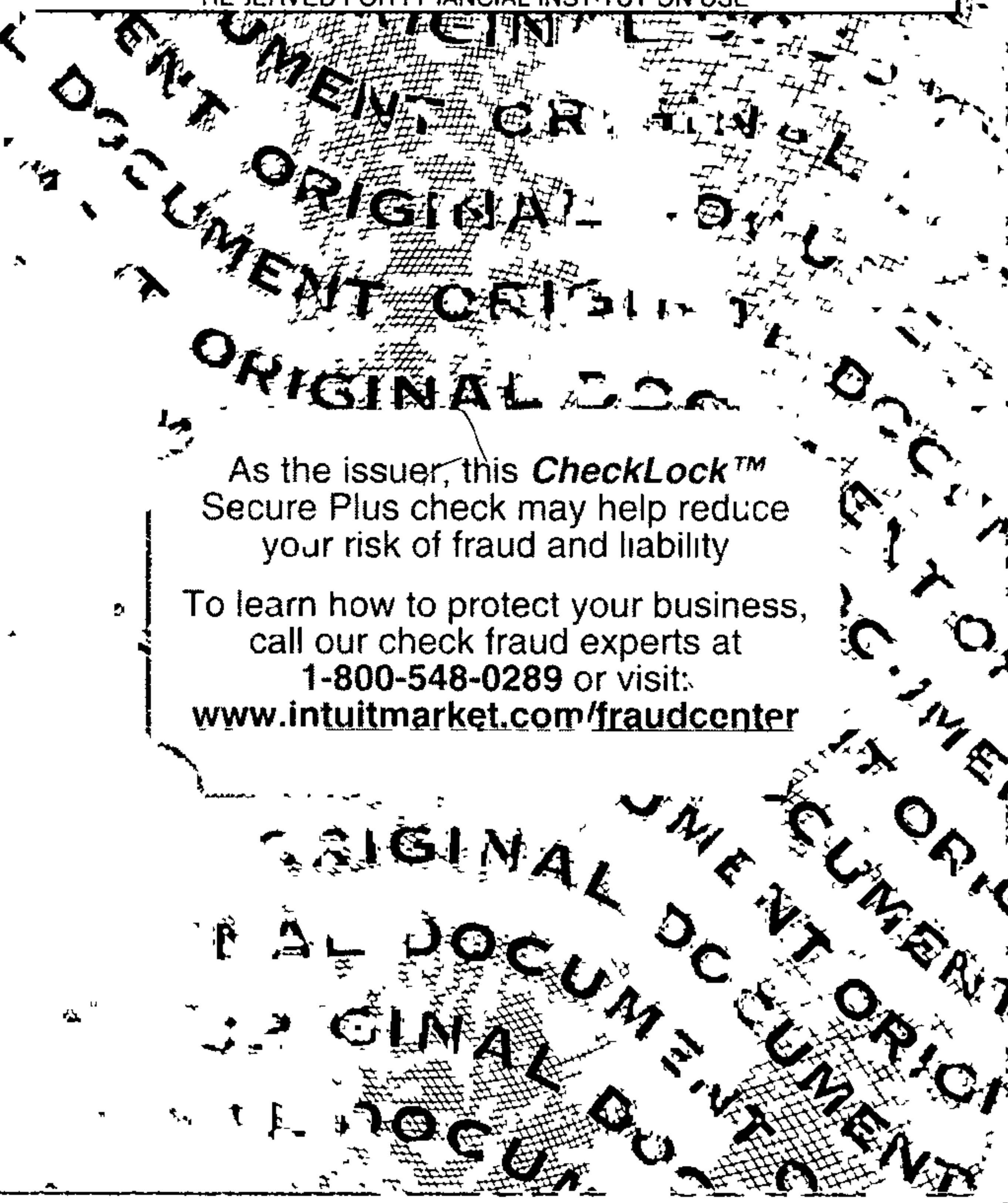
⑈054172⑈ ⑈10700654⑈ 614 456 2⑈

[Handwritten Signature]



ENDORSE HERE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE



As the issuer, this **CheckLock™** Secure Plus check may help reduce your risk of fraud and liability

To learn how to protect your business, call our check fraud experts at 1-800-548-0289 or visit: www.intuitmarket.com/fraudcenter

REPLICATING, FORGING OR ALTERING THIS CHECK IS EXTREMELY DIFFICULT DUE TO **CheckLock™** HIGH SECURITY FEATURES

SECURITY FEATURES:

- Multi-Colored Prismatic Background
- CheckLock™** Watermark
- Heat Sensitive Ink
- Security Border or Microprint Lines
- Chemically Sensitive Paper
- Fluorescent Ink on Back
- Toner Adhesion
- Protected Against Fraud Area
- Visible Fibers
- Invisible Fibers
- VOID Indication
- Security Weave™ on Backer

DO NOT CASH IF:

- Pattern on front of check does not vary in color from edge to edge
- Word "**CheckLock™**" is not visible in paper when held to light
- Pink icon does not fade & reappear when rubbed or breathed on
- "INTUITCHECKLOCK™ SECURITY SYSTEM" not visible with magnification
- Stains or spots appear on front or back
- Ink on back looks pink or has disappeared
- Printed information appears tampered with
- Pink discoloration appears in PROTECTED AGAINST FRAUD area and/or information appears broken, scratched and/or shows signs of paper damage
- Red and blue fibers are not visible
- White and blue fibers are not visible under ultraviolet light
- "VOID" appears clearly to the left of this message
- "ORIGINAL DOCUMENT" cannot be read

Listed and not listed check security features exceed industry standards

 Padlock icon visible on front and back alerts that check has security features
 Padlock icon is a certification mark of Check Pay, Inc. System Association

**COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

**STATE OF NEW MEXICO ex. rel.
PATRICK TOLEDO,
PATRICK TOLEDO,
in his individual capacity,
WHOLLY TOLEDO, LLC, and
ANDY CARRASCO, III**

Plaintiffs-petitioners,

v.

No. D-202-CV-2013-08822

**SMITH FOOD AND DRUG CENTERS, INC.
d/b/a SMITH'S FUEL CENTERS,
CITY OF ALBUQUERQUE,
MAYOR RICHARD BERRY, in his official capacity,
Defendants-respondents.**

SUBPOENA DUCES TECUM

SUBPOENA FOR ¹

- APPEARANCE OF PERSON FOR DEPOSITION DUCES TECUM
- HEARING
- SUBPOENA FOR DOCUMENTS OR OBJECTS²
- INSPECTION OF PREMISES²

TO: Kristal Metro, P.E., City of Albuquerque Transportation Dept.

**c/o
Albuquerque City Clerk
600 2nd NW Room # 720
Albuquerque, NM 87102
(505)**

YOU ARE HEREBY COMMANDED to appear and provide the documents and things requested below as follows

¹ A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.

² A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

PLACE: Bernalillo County Court House
Second Judicial District
(Court Room of Hon. Nan G. Nash)
400 Lomas Street NW 87102
Albuquerque, New Mexico 87103
(505) 841-7425

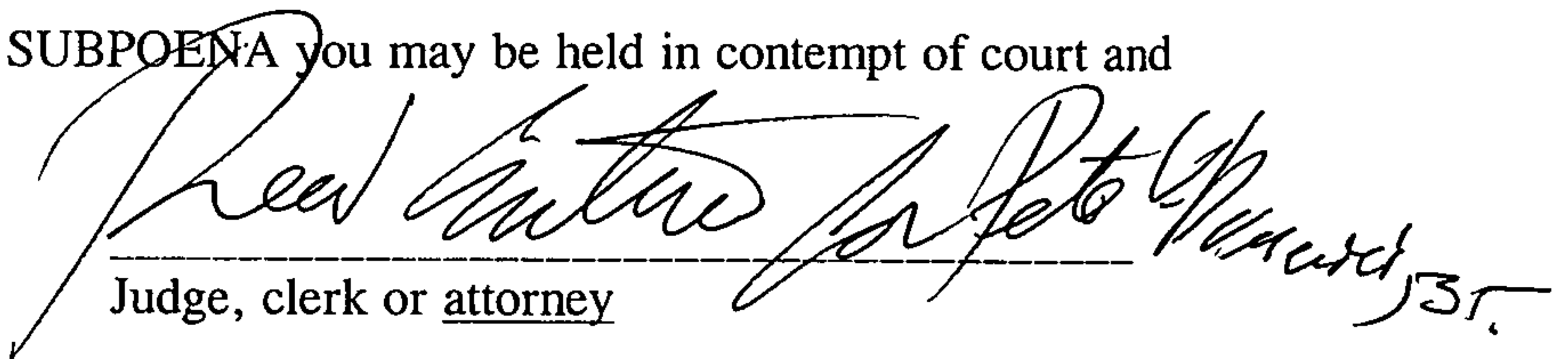
DATE: March 31, 2015 @ 8:30 a.m.

- testify at the taking of a court reported deposition duces tecum in the above case
- testify at hearing
- permit inspection of the following described documents or objects:
- permit the inspection of the premises located at:

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

1. Your complete file regarding approval and construction of Smith's Fuel Center # 496 (1313 Carlisle Blvd Albuquerque, NM), including but not limited to all plans, correspondence, variances granted, studies, summaries, notes, and permit approvals and/or denials regarding Smith's Fuel Center # 496 (1313 Carlisle Blvd Albuquerque, NM).
2. Your complete file, if any, including but not limited to all plans, correspondence, variances granted, studies, summaries, notes, and permit approvals and/or denials regarding Proj. No 5014.03 plans (median construction on Carlisle) (City of Albuquerque).

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.



Judge, clerk or attorney

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____

by delivering to the person named a copy of the subpoena, a witness fee in the amount of \$_____ and mileage in the amount of \$_____.³

Deputy Sheriff

³ If a person's attendance is commanded one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the per diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to the regulations of the Administrative Office of the Courts.

RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the _____ day of March 2015 in Bernalillo County, I served this subpoena on City Of Albuquerque Building Safety Division, c/o City of Albuquerque Clerk by delivering to the person named a copy of the subpoena, the \$85.00 witness fee and mileage as provided by law in the total amount of \$100.00.

Person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____
_____ (date).

Judge, notary or other officer authorized to administer oaths

THIS SUBPOENA issued by or at request of:

Pete V. Domenici, Jr, Esq.
Name of Attorney of Party

Domenici Law Firm, P.C., 320 Gold Avenue SW, Suite 1000, Albuquerque, New Mexico 87102
Address

(505) 883-6250
Telephone

CERTIFICATE OF SERVICE BY ATTORNEY⁴

I certify that I caused a copy of this subpoena to be served on the following persons/entities by e-mail on this 16th day of March 2015 :

(Name of party)

City of Albuquerque

jdubois@cabq.gov;
cparker@cabq.gov

(Name of party)

Smith's Food and Drug Centers

⁴ To be completed only if the subpoena is commanding production of documents and things or inspection of premises before trial. If the subpoena is commanding production of documents and things or inspection of premises before trial, it must be served on each party in the manner provided in Rule 1-005. If service is by a party, an affidavit of service must be used instead of a certificate of service.

CERTIFICATE OF SERVICE BY ATTORNEY⁴

I certify that I caused a copy of this subpoena to be served on the following persons/entities by e-mail on this 16th day of March 2015 :

(Name of party)

City of Albuquerque

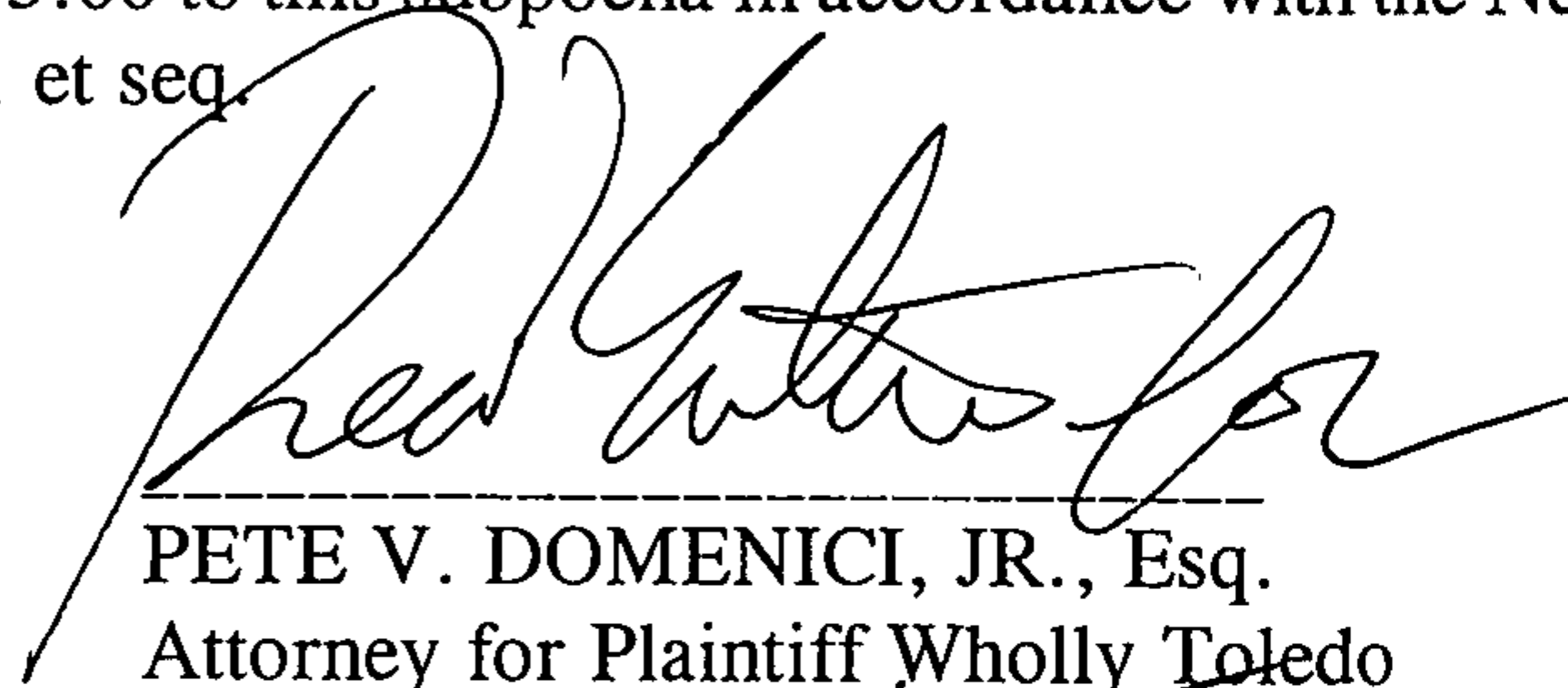
jdubois@cabq.gov;
cparker@cabq.gov

(Name of party)

Smith's Food and Drug Centers

hbohnhoff@rodey.com

I further certify that I attached the per diem witness fee in the amount of \$85.00 together with mileage reimbursement in the amount of \$15.00 to this subpoena in accordance with the New Mexico *Per Diem and Mileage Act*, sec. 10-8-1 et seq.



PETE V. DOMENICI, JR., Esq.
Attorney for Plaintiff Wholly Toledo

3-16-15

Date of Signature

TO BE PRINTED ON EACH SUBPOENA

1. *This subpoena must be served on each party in the manner provided by Rule 1-005 NMRA. If service is by a party, an affidavit of service must be used instead of a certificate of service.*
2. *A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing*

⁴ To be completed only if the subpoena is commanding production of documents and things or inspection of premises before trial. If the subpoena is commanding production of documents and things or inspection of premises before trial, it must be served on each party in the manner provided in Rule 1-005. If service is by a party, an affidavit of service must be used instead of a certificate of service.

Subject to Subparagraph (2) of Paragraph D below, a person commanded to produce or permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance.
- (2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred miles from the place where that person resides, is employed or regularly transacts business in person, except as provided below, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (4) subjects a person to undue burden.

If a subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (3) requires a person who is not a party or an officer of a party to incur substantial expense to travel,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONSE TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(3) A person commanded to produce documents or material or to permit the inspection of premises shall not produce the documents or materials or permit the inspection of the premises if a written objection is served or a motion to quash has been filed with the court until a court order requires their production or inspection.

[Adopted effective November 1, 2002]

March 23, 2015 - March 29, 2015

March 2015

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
	8	9	10	11	12	13
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2015

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Monday, March 23

Tuesday, March 24

- 10:00am - 12:00pm **State of NM, Wholly Toledo v. Smith's, City of Albuquerque, and Richard J. Berry-Meeting regarding 3/31/15 hearing-Kristal Metro** (ABQ City Attorney's Office, Rm. 4072, 4th Floor, Admin Conferene Room, Janice Wright 768-4656) - Wright, Janice
- 2:30pm - 3:30pm **Discussion of Making Gaceland (west of De Anza) 1-way** (3rd floor, Large Conference Room, Planning Department, PDS) - Hyer, Christopher K.

Wednesday, March 25

- 11:30am - 1:30pm **Graduate Seminar (CE 691)** (CE 1026) - Metro, Kristal D. ☺
- 1:30pm - 2:30pm ☺

Thursday, March 26

- 10:00am - 12:00pm **Technical Review Committee** - Michel, Racquel M.
- 11:30am - 12:00pm **Status Reports Due** (Shahab Biazar's Office) - Biazar, Shahab ☺
- 2:00pm - 3:00pm **Staff Meeting** (Ground Floor Large Conference Room) - Evans, Linda ☺
- 3:30pm - 5:00pm **Complete Streets Leadership Team** (MRCOG)

Friday, March 27

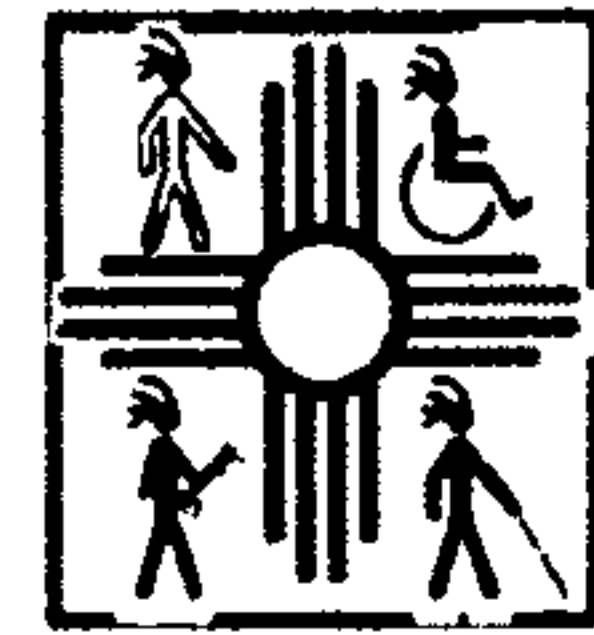
Saturday, March 28

Sunday, March 29



STATE OF NEW MEXICO

GOVERNOR'S COMMISSION ON DISABILITY



Susana Martinez
Governor

Susan O. Gray
Chairperson

Karen Peterson
Interim Director

Lamy Building
491 Old Santa Fe Trail
Santa Fe, New Mexico 87501
505-476-0412 / Fax: 505-827-6328
1-877-696-1470

gcd@state.nm.us
www.gcd.state.nm.us

January 23, 2015

Patrick Toledo
3404 Calle del Ranchero NE
Albuquerque, NM 87106
pinkopatrick@gmail.com

RE: Smith's Gas Station at Carlisle & Constitution, ABQ
Sidewalks and Bus Stop

Dear Pat:

The Governor's Commission on Disability (GCD) is writing as a follow up to our site inspection on January 16, 2015 at the Smith's Gas Station located on the SW corner of Carlisle & Constitution. I wish to thank you and Mr. Andy Winnegar, accessibility advocate, for assisting GCD with this inspection.

The intersection at Carlisle and Constitution is dangerous for bicycles and pedestrians, especially pedestrians with disabilities due to a multitude of reasons: high volumes of traffic to and from the gas station, limited driveway entrances for fueling trucks, the lane width on Constitution, and geometry of the intersection. Also there is poor design layout of sidewalks, curb ramps, and the bus stop on Carlisle.

This gas station was constructed about 3 years ago. The sidewalks, curb ramps and bike lanes were modified at the same time. The City of Albuquerque is under state and federal requirements for accessible sidewalks and bus stops. Copied below are three applicable sections from the ADA Regulations Title II, Public Entities:

§ 35.130 General prohibitions against discrimination

- (a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

x105

§ 35.133 Maintenance of accessible features

(a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

(c) If the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the 2010 Standards.

§ 35.150 Existing facilities

(d) *Transition plan.*

(1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving **priority to walkways** serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the

Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

These ADA sections have not altered except, §35.133 (c) was added into the 2010 ADA update. The 2010 ADA Title II Regulations, Public Entities can be viewed at the link below:
http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

Does the City of Albuquerque have an ADA Transition Plan and Timeline to bring this intersection into compliance? GCD staff is available to assist the City with plan review and inspections of this intersection to meet 2010 ADA compliance. Please feel free to contact me with any further questions.

Sincerely,

Hope Reed
Accessibility Specialist
Governor's Commission on Disability (GCD)
491 Old Santa Fe Trail, Room 117
Santa Fe, NM 87501
Hope.reed@state.nm.us

Attached: Site Inspection Smith's Gas Station, 9 pages

CC: Andy Winnegar, Accessibility Advocate · andy@winnegar.com
Gabe Campos, City of Albuquerque ADA Coordinator gcampos@cabq.gov
Annabelle Romero, Assistant to City ADA Coordinator aromero@cabq.gov

**Site Inspection Smith's Grocery, SW Corner of Carlisle & Constitution
Inspected January 16th 2015 by:**

Hope Reed, GCD,

Andy Winnegar, Accessibility Advocate, and

Pat Toledo, neighborhood resident

Prepared by: Hope Reed, Governor's Commission on Disability hope.reed@state.nm.us

Submitted to: Pat Toledo pinkopatrick@gmail.com phone 505-256-0848

OVERVIEW – The intersection at Carlisle and Constitution is dangerous for bicycles and pedestrians, especially pedestrians with disabilities due to a multitude of reasons: high volumes of traffic to and from the gas station, limited driveway entrances for fueling trucks, the lane width on Constitution and geometry of the intersection. Also there is poor design layout of sidewalks, curb ramps, and the bus stop on Carlisle.

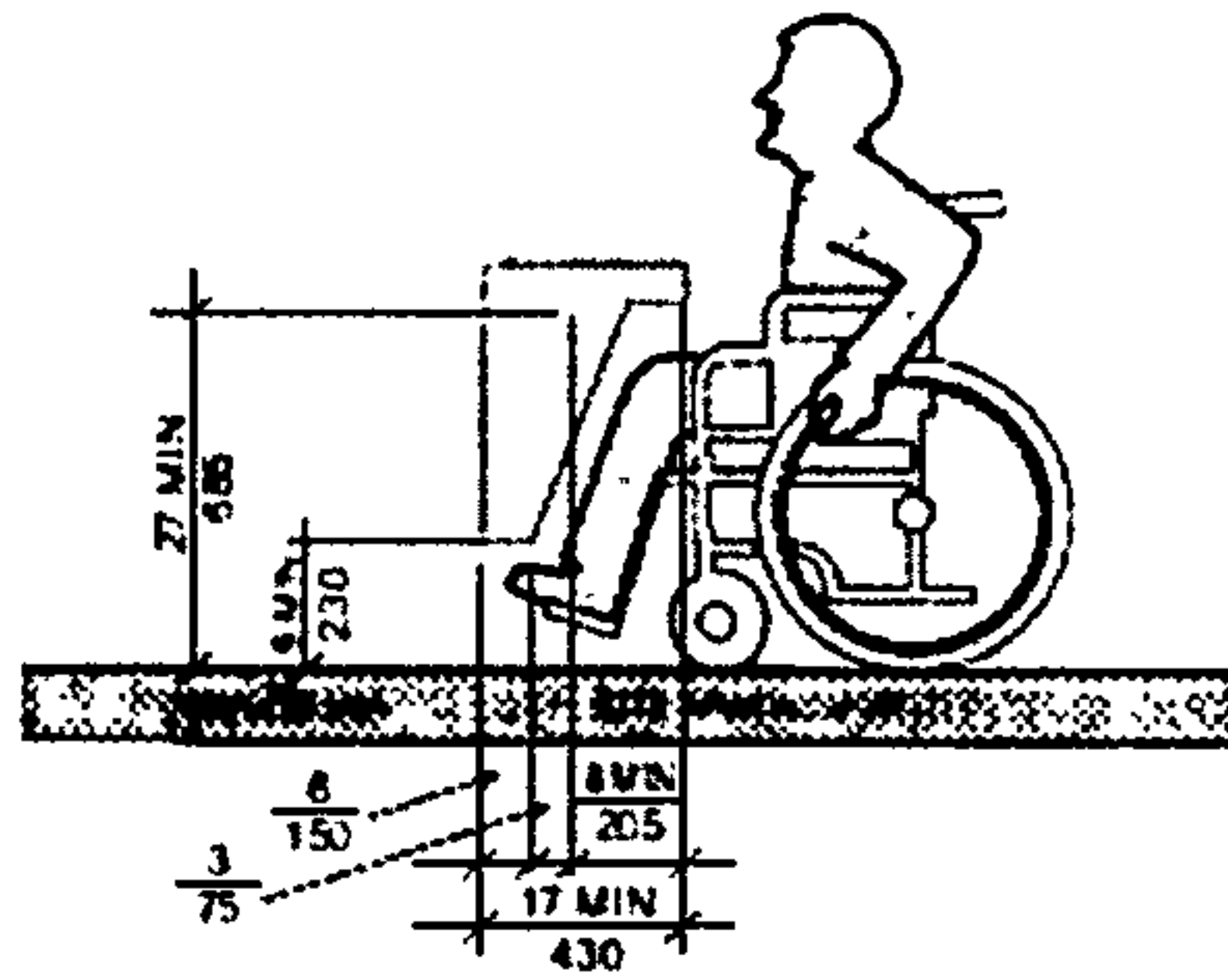
PUBLIC RIGHTS-OF-WAY ACCESSIBILITY – The Governor's Commission on Disability (GCD) recommends Rights-of-Way projects use the following accessibility guides:

- **Proposed Rights-of-Way Accessibility Guide (PROWAG)** – This proposed rule is in final development at the U.S. Access Board to be included in the 2010 ADA. PROWAG recommends two curb ramps per corner, curb ramp slopes of 5% (1:20) to 8.3% (1:12) max. PROWAG can be viewed online at this link <http://www.access-board.gov/attachments/article/743/nprm.pdf> GCD recommends use of the PROWAG as a reference guide. GCD recommends street curb ramps slope at 7% max. to allow people with disabilities to quickly get out of traffic and onto the sidewalk/trail.
- **The New Mexico Building Code-2009 (NMBC-2009)** adopts the IBC-2009 and makes amendments to Chapter 11 Accessibility, Appendix E Supplementary Accessibility Requirements, and several other sections pertinent to accessibility. The NMBC-2009 and IBC-2009 are the "scoping" documents identifying the number and location of accessible elements. IBC-2009 Chapter 35 then adopts the ICC/ANSI A117.1-03 or the American National Standard Institute, Accessible and Usable Buildings and Facilities-2003 (ANSI-2003) which provides "technical standards" identifying how to build accessible elements. The NMBC-2009 is effective June 1, 2011 and enforced by NM Construction Industries.
- **The Federal Americans with Disabilities Act (ADA)** has been updated and is now titled the **2010 ADA STANDARDS FOR ACCESSIBLE DESIGN** (2010 ADA). The 2010 ADA became effective for new construction on March 15th, 2012. The ADA is enforced by the U.S. Department of Justice. See the 2010 ADA Standards online at: http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf

The NMBC-2009 and 2010 ADA are the minimum requirements, and best practices may call for augmented accessibility features depending on the nature of the project. The Governor's Commission on Disability (GCD) review is intended to cover the State requirements, Federal requirements and best practices.

GCD is not a regulatory agency and does not issue permits or waivers. Indeed, there is no administrative process to assure compliance with the ADA, however, GCD believes that its written opinion would have considerable impact if accessibility design features were ever to become an issue in the future. Accordingly GCD hopes that you will incorporate our recommendations into the final project plans and GCD will be happy to work with you further to seek consensus on what would be the most practical, accessible and compliant design.

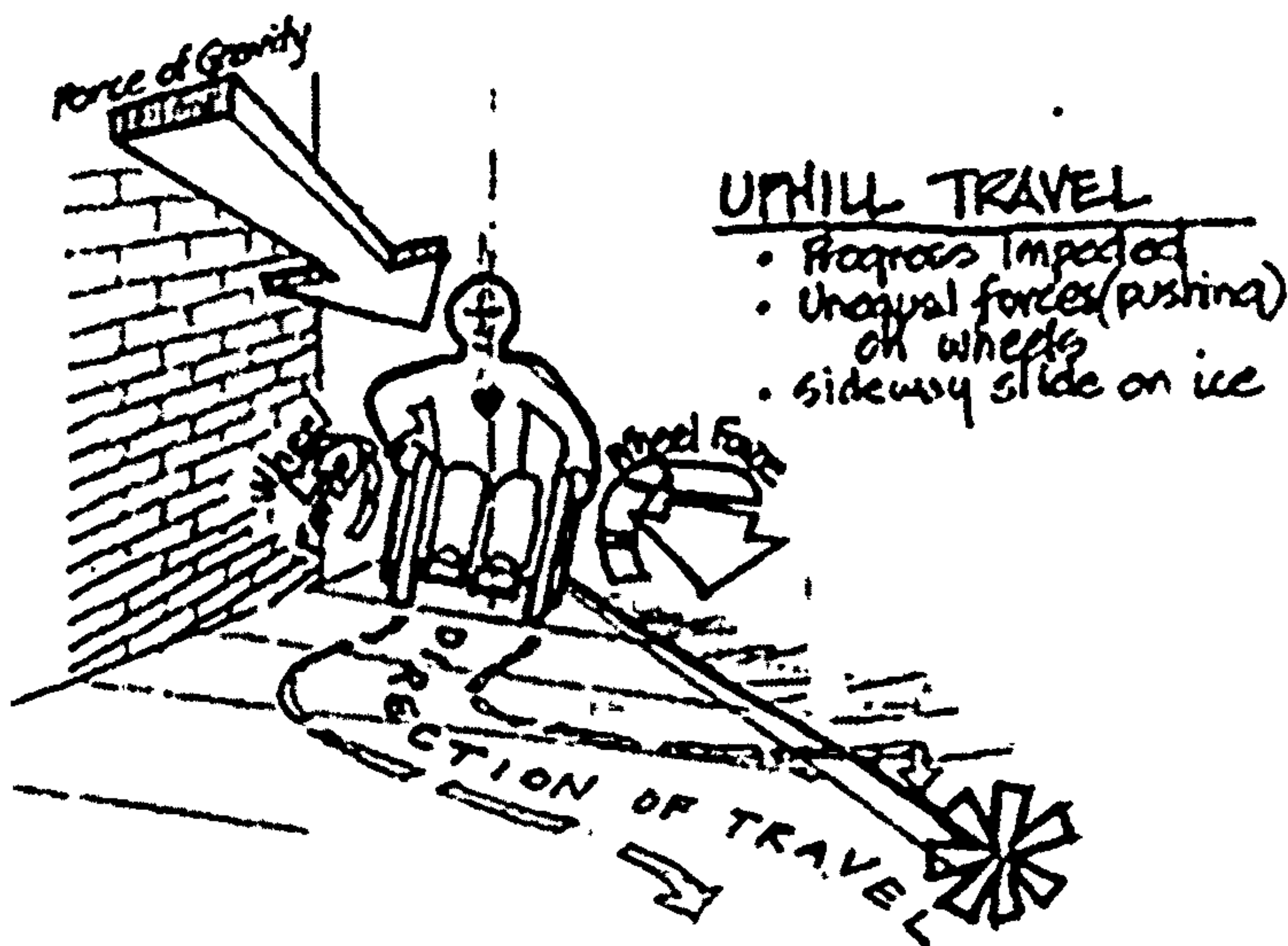
Wheelchair Maneuvering on Running slopes (surface slope in the direction of travel)



As one goes up a ramp their weight is over the rear tires. Even on an 8.3% slope a person's weight is mostly over their rear tires. They must be very cautious and not allow the front tires to pop up and cause them to lose balance, flip over backwards and hit their head on the pavement. See diagram to left with knee and toe space dimensions.

Where the running slope (surface slope in the direction of travel) exceeds 8.3%, a person must be able to lean forward to put some weight on their front tires and keep all four wheels in contact with the surface. When a tire loses contact with the surface, they lose control and balance.

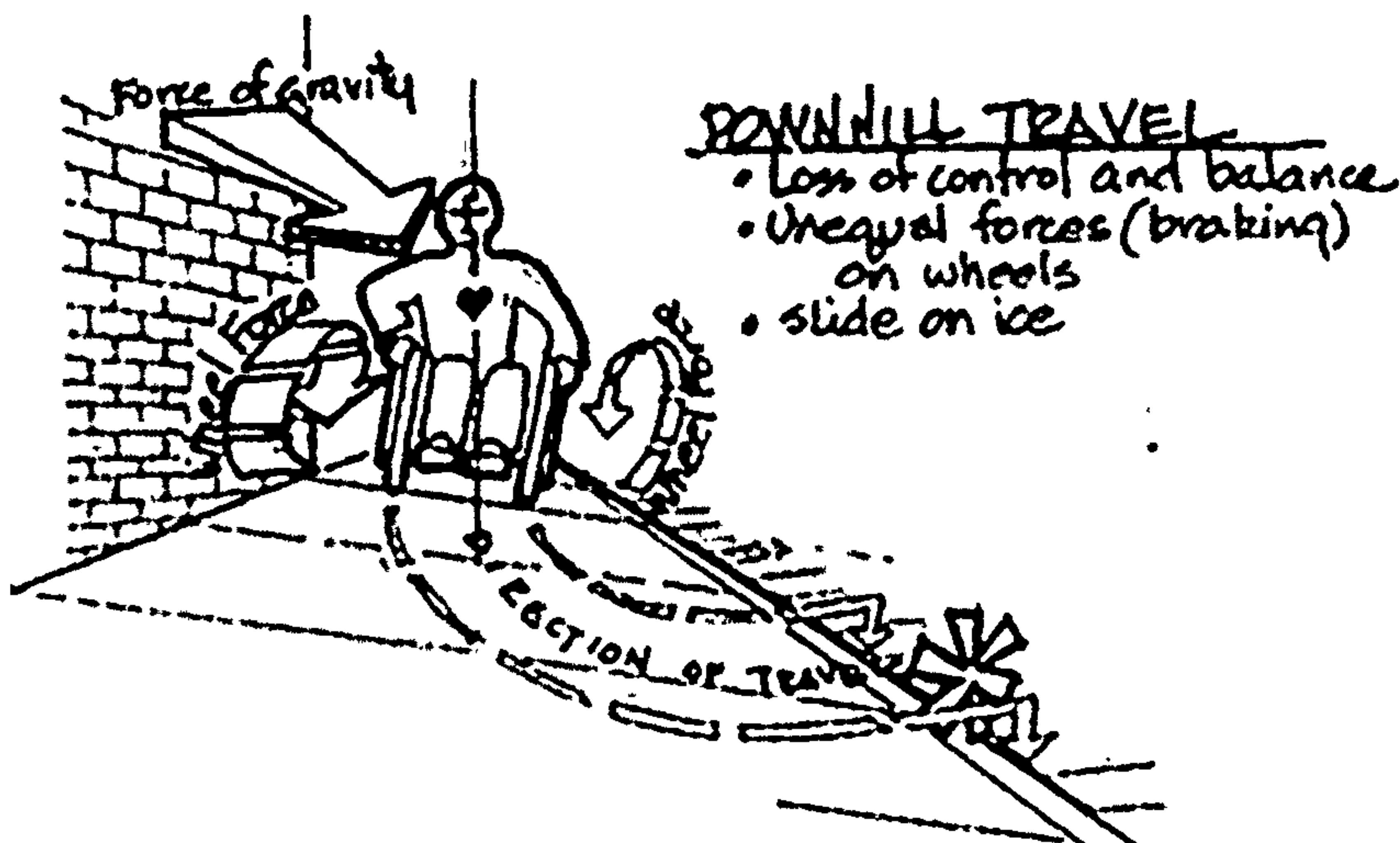
Wheelchair Maneuvering on Cross slopes (surface slope across the direction of travel)



- UPHILL TRAVEL**
- Progress Impeded
 - Unequal forces (pushing) on wheels
 - Sideways slide on ice

Where the cross slope exceeds 2% it requires extra effort to maintain a straight line of travel when going uphill and downhill. See two sketches to left.

NOTE: A comparison could be pushing a grocery cart full of groceries across the parking lot. Grocery carts are not engineered as well as wheelchairs, but there is the same effort for maneuvering with four wheels across rough, uneven and cracked pavement.



- DOWNHILL TRAVEL**
- Loss of control and balance
 - Unequal forces (braking) on wheels
 - slide on ice

EFFECT OF EXCESSIVE CROSS SLOPE



Photo 1a, Constitution south side looking east

This shows station location on corner with Constitution St just beyond the station.

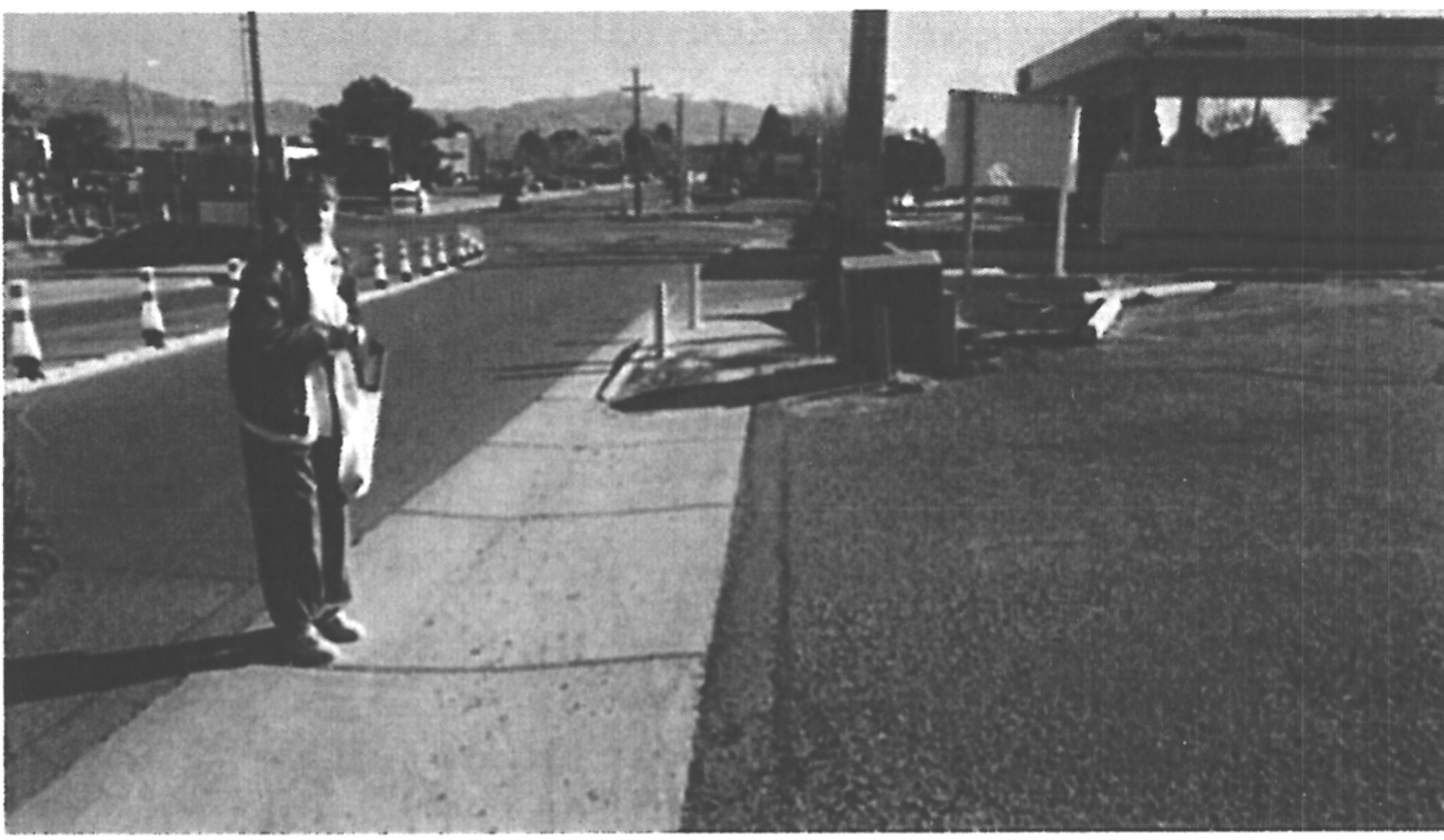


Photo 1b, Constitution south side looking east

This shows the station with private business driveways/parking on the west boundary of the station. This person is standing at the bottom of the private driveway/parking area going up on right. The flexible bollards in the middle of Constitution are meant to prevent vehicles from turning up into the gas station driveway because it is too close to the intersection. The flexible bollards in the middle of Constitution are also meant to prevent vehicles from making U-turns into these private driveway/parking areas.



Photo 1c, Constitution south side looking west

This shows additional private business driveways/parking areas that are not protected by flexible bollards. Vehicles continuously use these areas to make U-turns and get to the gas station. This is very hazardous for pedestrians.



Photo 1d, Constitution south side looking west

Variable curb ramp slopes were found to comply in this area, but the traffic generated by the gas station makes it very hazardous for pedestrian and bicycle uses.



Photo 1e & 1f, signal light at SW corner of Constitution and Carlisle

The pedestrian push button is located 50" above the ground and setback 12" from the sidewalk standing area. This is too high and too far to reach. Accessible reach range is 48" high and allows a 10" setback. See 2010 ADA and ANSI-2003 sections 308 and 309. One curb ramp is too steep.

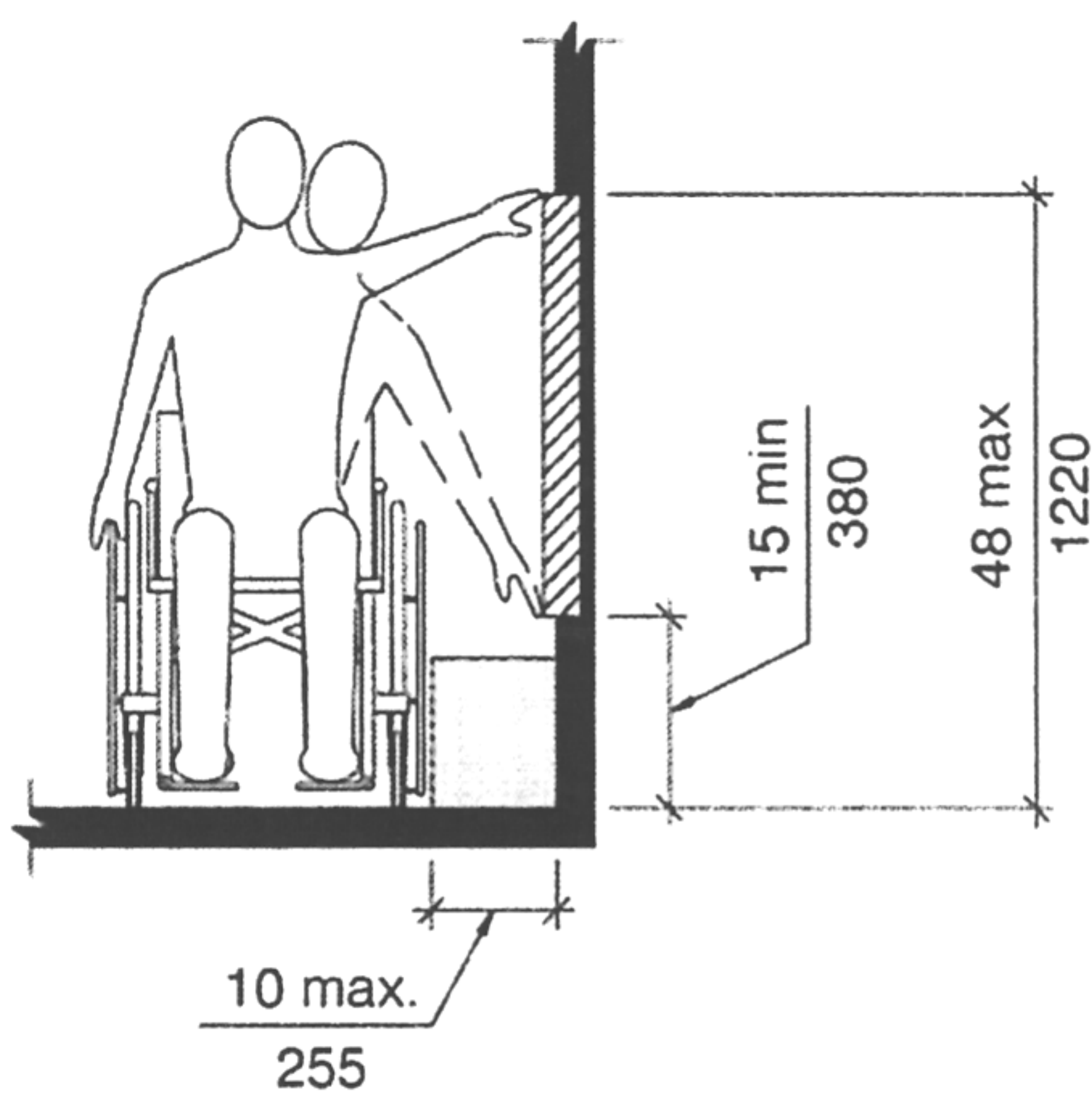
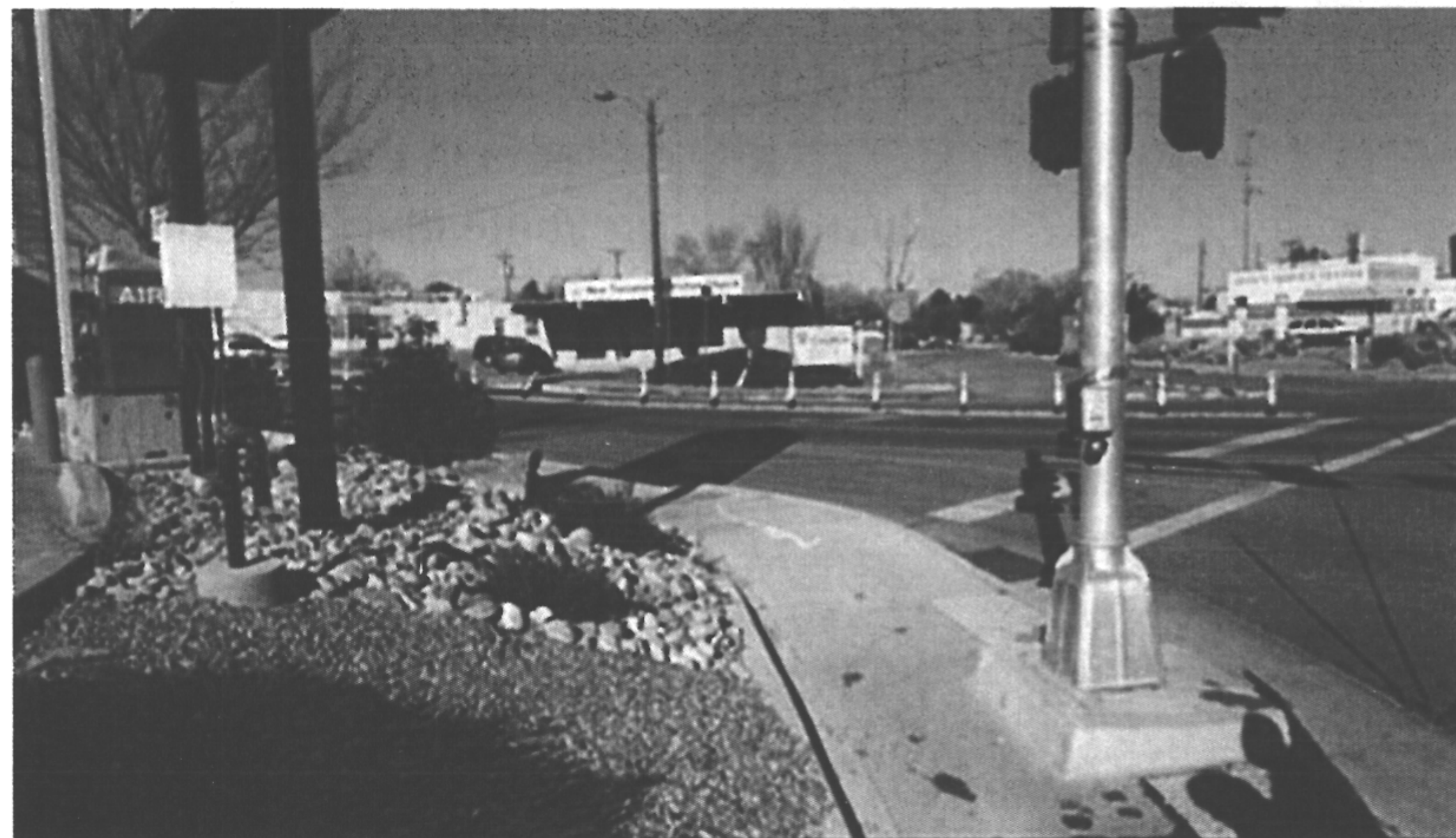


Figure 1g, from State & ADA Accessibility Standards

**Fig. 308.3.1
Unobstructed Side Reach**



Photo 2a, BUS STOP, Carlisle west side looking north toward Constitution intersection

This shows the gas station on the left and the bus stop bench just north of the light pole in the sidewalk. The sidewalk slope may parallel the road centerline profile, however, the bus stop requires a pad 8' wide perpendicular to the street curb and 5' minimum parallel to the curb. The slope of the 8' dimension shall not exceed 2%. The sidewalk segment going left to the gas station is the correct size for a bus stop pad, but the

slopes is 6.3% down toward the gas station (yellow detectable warning on this segment) with a counter slope on the sidewalk of 2.4% toward the street (marked in white paint on sidewalk). Is this the required accessible bus stop pad?



Photo 2b, BUS STOP, Carlisle west side looking north toward Constitution intersection

Bus stops by bench and pole. The bus stop pad is further up the hill. Does the bus stop at the wider sidewalk area for passengers with disabilities?



Photo 2c, BUS STOP pad – City Engineer used a 4 foot long SMART level and measured 6.3%. GCD used a 2 foot long SMART level and measured 7.6%. If the pad with yellow detectable warning surface is the accessible bus stop, it should not exceed 2% in all directions.

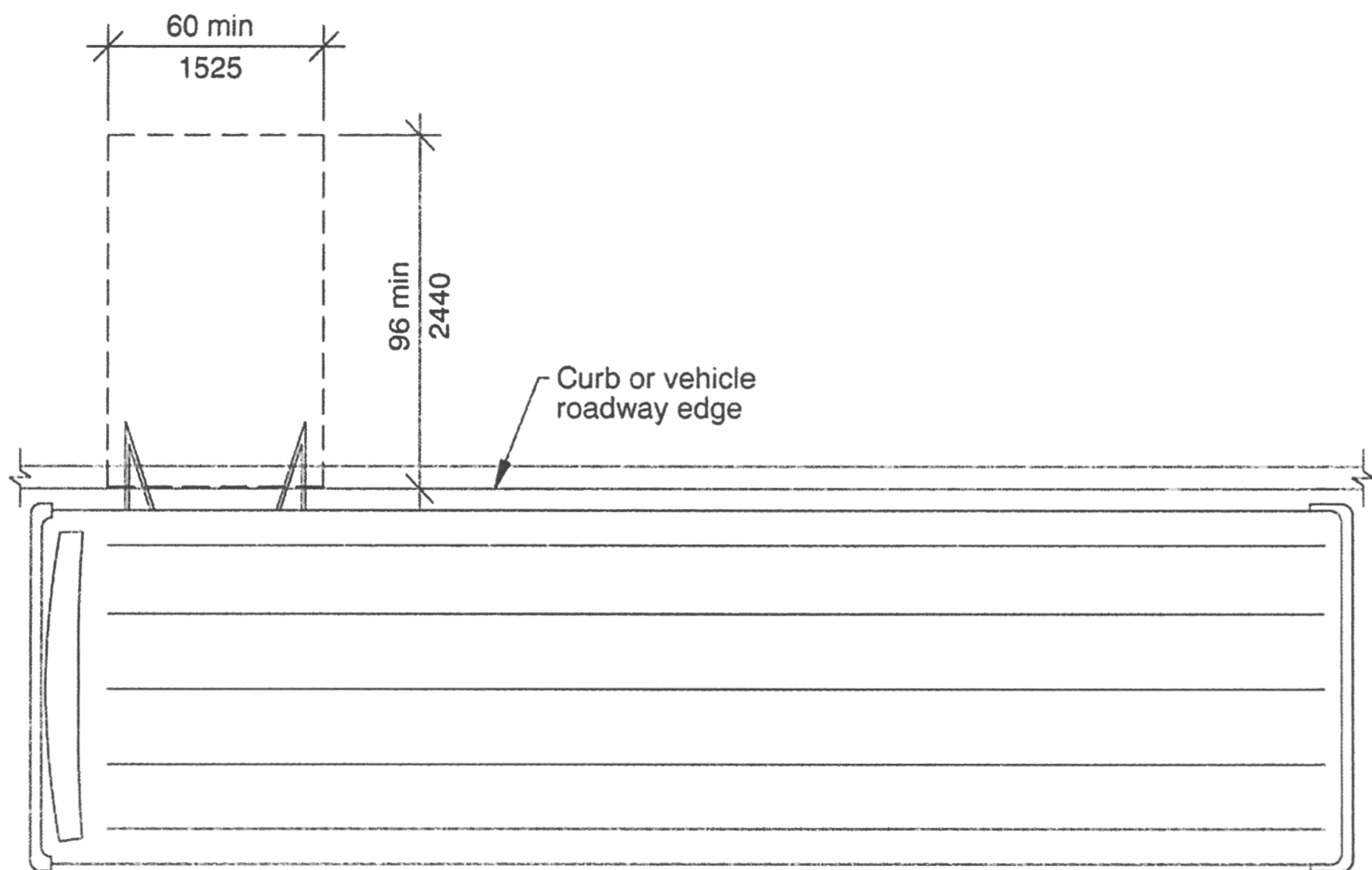


Fig. 805.2.2
Size of Bus Boarding and Alighting Areas

Figure 2d, from State & ADA Access Standards

This shows the relation of the bus stop pad to the bus. The bus stop on Carlisle does not comply.



Photo 2e & 2f, Carlisle west side with station driveway

The entrance to the gas station and the public alley is shown behind this person. The yellow detectable warning surface (required by State & ADA Accessibility Standards section 705) is loose and a hazard.





Photo 2g, Carlisle looking south at driveway and alley entrance

The slope is 16.8%. This is too steep. Also vegetation encroaches into the sidewalk width making this area impassable to a person with disabilities.

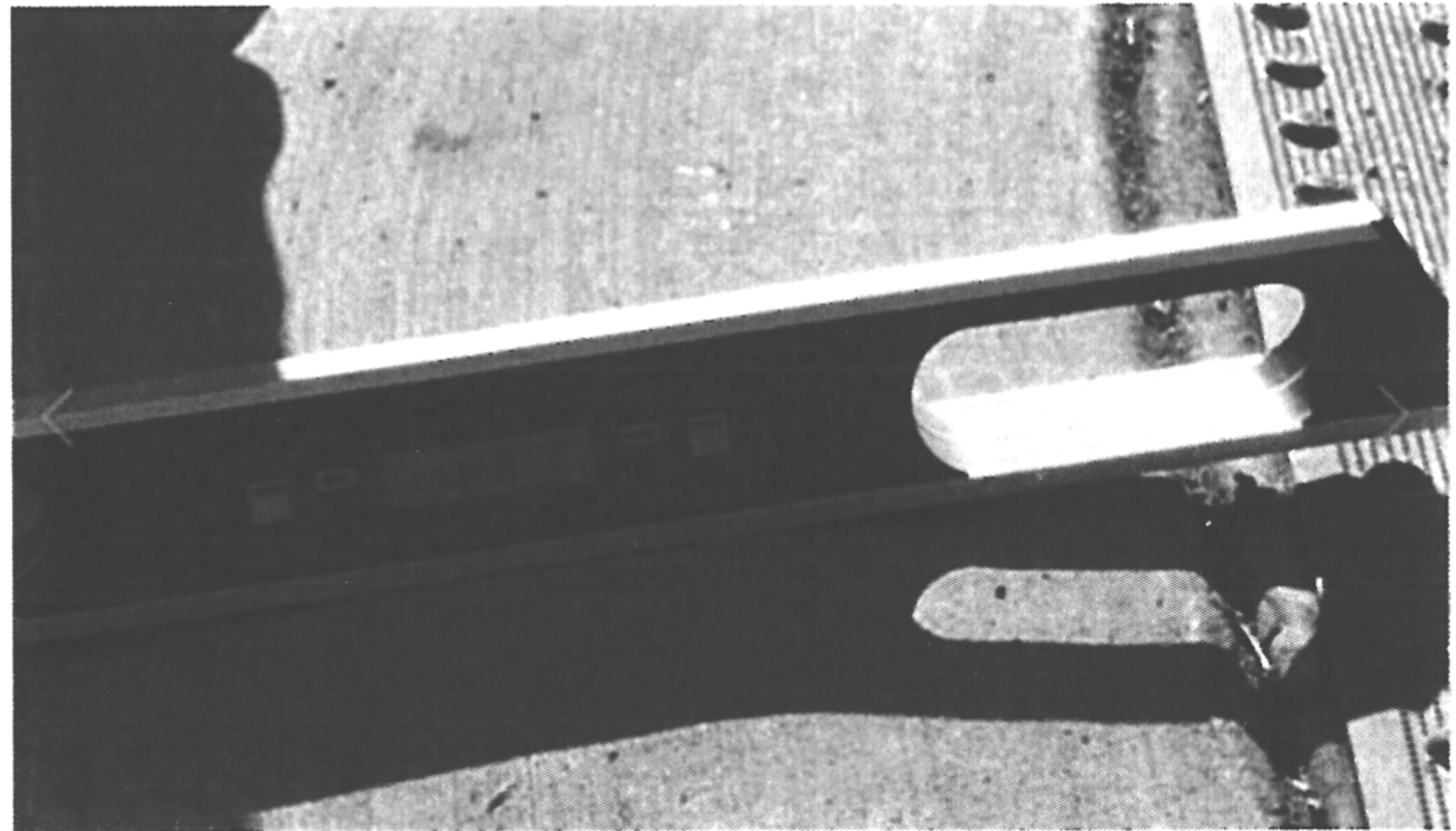


Photo 2h, Carlisle looking NE

This shows the medians directing traffic into the gas station driveway and public alley.



Photo 2i, Looking west across Carlisle to gas station

This shows the gas station driveway for all vehicles getting gas and the fuel trucks also come in here to refill tanks.



Photo 3a, Carlisle east side looking north towards Constitution

Many curb ramp slopes exceed 8.3%. The sign shows no parking in the bike lane. There is no Bike Lane marked here.



Photo 3b, Carlisle east side looking SW to Constitution intersection

There are several very steep curb ramps in this area shown with photos below and marked, by City during a prior visit, in white paint on the specific sidewalk sections.



Photo 3c & 3d, Curb ramps at SE corner of Carlisle and Constitution

Left curb ramp is 12.5%. Right curb ramp is 11.3%. These are too steep and hazardous for people with disabilities using mobility aids (wheelchairs, walkers, canes, and similar). Steeply sloped curb ramps require great strength and control to maneuver. Steep slopes often throw people off balance.

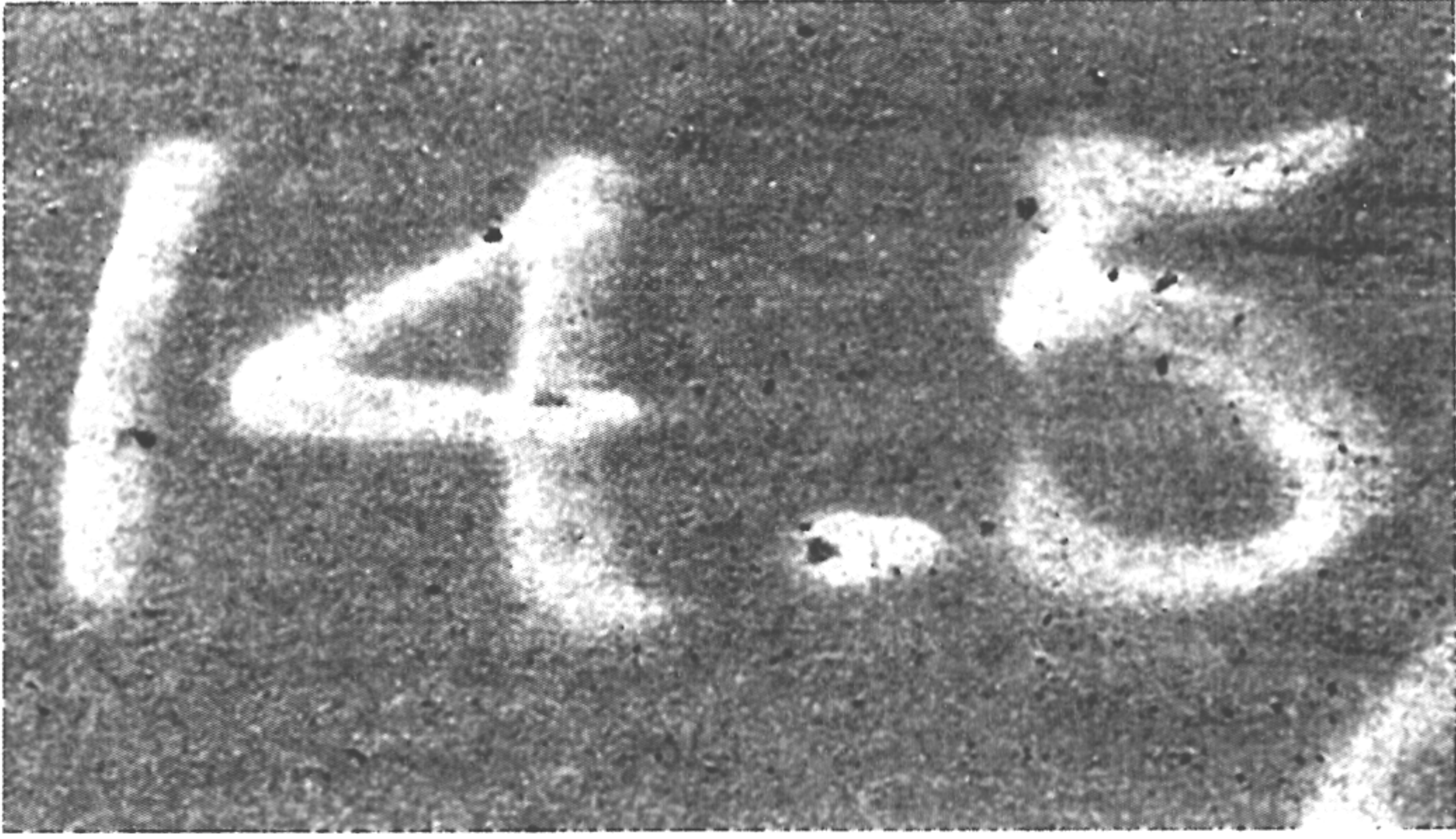


Photo 3e, Curb ramps at SE corner of Carlisle and Constitution



Photo 4a, Constitution looking west on the south side of station

There is no safe, accessible pedestrian route on this side of Constitution.

Rusty Hugg

From: Zamora, David M. [dmzamora@cabq.gov]

Sent: Monday, March 15, 2010 12:29 PM

To: Rusty Hugg

Subject: Project No. 1007951

The .dxf file for Project No. 1007951 (McDuffie Place) has been approved.

(correction...4 in one day!)

David M. Zamora

GIS Coordinator - AGIS

City of Albuquerque

Planning Department

505.924.3929 phone

505.924.3812 fax

www.cabq.gov/planning/agis/

dmzamora@cabq.gov

1007951

STEWART TITLE
FILE# 6110348 OL

Encroachment Agreement

This Encroachment Agreement is made this 16 day of Jun, 2007, by and between EWI, Inc., a New Mexico corporation fka Express Wheels, Inc., a New Mexico corporation and B.S.B. Partnership, a New Mexico general partnership.

Recitals

- A. B.S.B. Partnership is the owner of the improved real property located at 3512 Constitution NE, Albuquerque, New Mexico and more particularly described on Exhibit A attached hereto and incorporated herein by reference ("B.S.B. Property").
- B. EWI, Inc., a New Mexico corporation is the owner of the improved real property located at 1313 Carlisle NE, Albuquerque, New Mexico and more particularly described on Exhibit A attached hereto and incorporated herein by reference ("EWI Property").
- C. A portion of an improvement on the B.S.B. Property encroaches onto the EWI Property, and the parties wish to enter into an encroachment agreement with respect to such encroachment.

THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the adequacy and receipt of which the parties hereby acknowledge, the parties agree as follows:

- 1. EWI hereby consents to the encroachment of the building from the improvement on the B.S.B. Property, as shown on Exhibit B attached hereto and incorporated herein by reference. By its consent EWI does not consent to further encroachments or to any expansion of the encroaching building overlap.
- 2. B.S.B. Property agrees to hold EWI harmless from and against and claims or damages, including reasonable attorney's fees, arising from or resulting from, directly or indirectly, from the existence, construction, maintenance, repair, condition, use or presence of said encroaching building overlap.
- 3. In the event of any litigation concerning this Encroachment Agreement, the prevailing party shall be entitled to its costs, including reasonable attorneys' fees.



Maggie Toulouse Bern. Co. AGRE R 17.00

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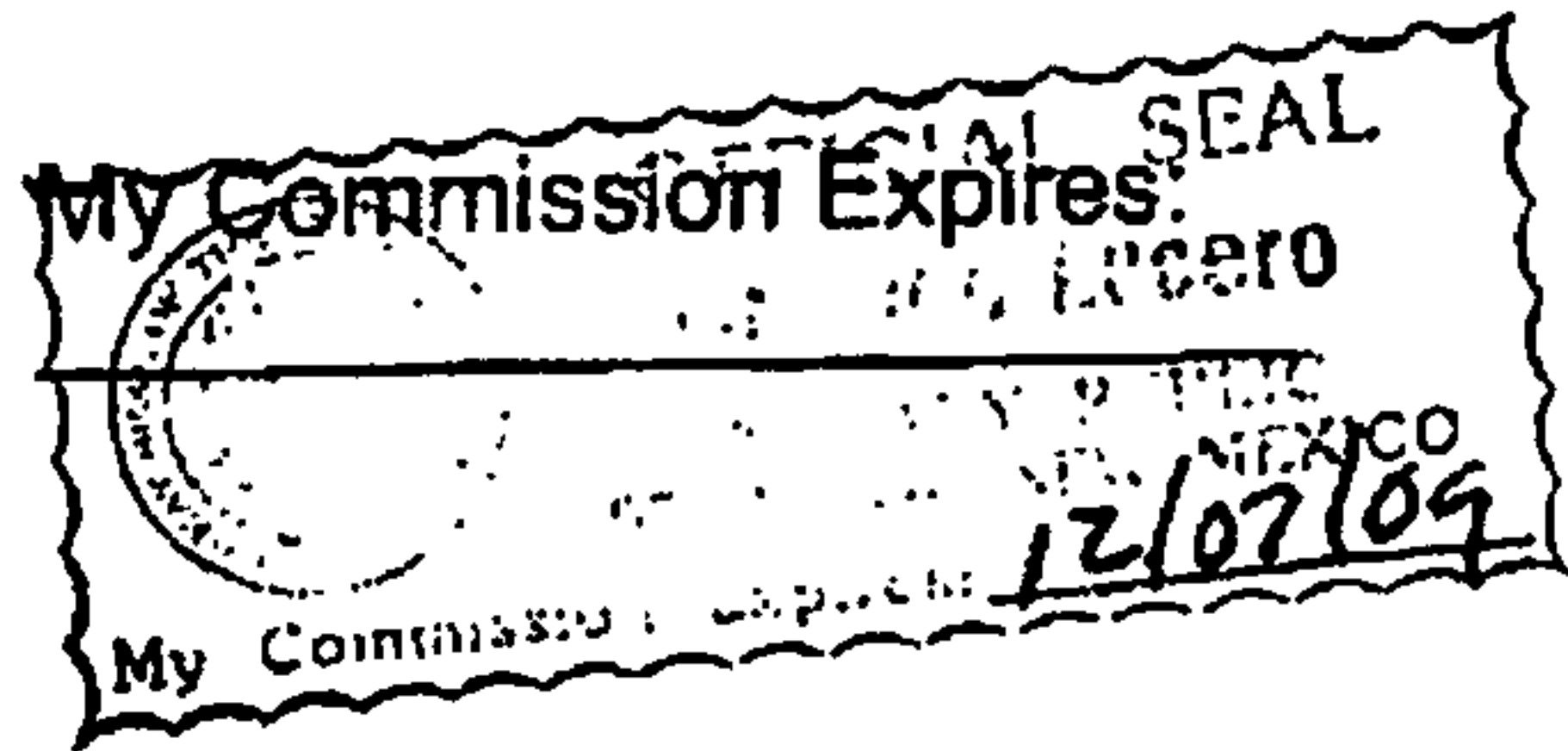
IN WITNESS WHEREOF, the parties have executed and delivered this Encroachment Agreement effective this 16 day of Jan, 2007.

Charles Batsel
Charles Batsel, manager for B.S.B. Partnership

State of New Mexico)
) ss:
County of Bernalillo)

This Encroachment Agreement was acknowledged before me this 16th day of Jan, 2007, by Charles Batsel, manager of B.S.B. Partnership, a New Mexico general partnership, on behalf of said partnership.

[Signature]
Notary Public



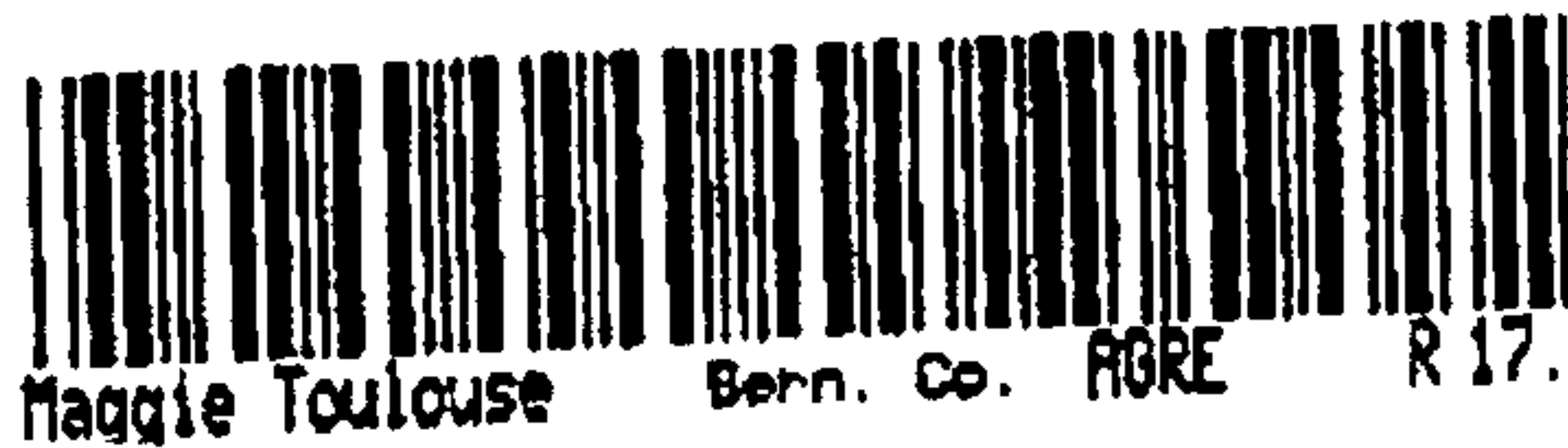
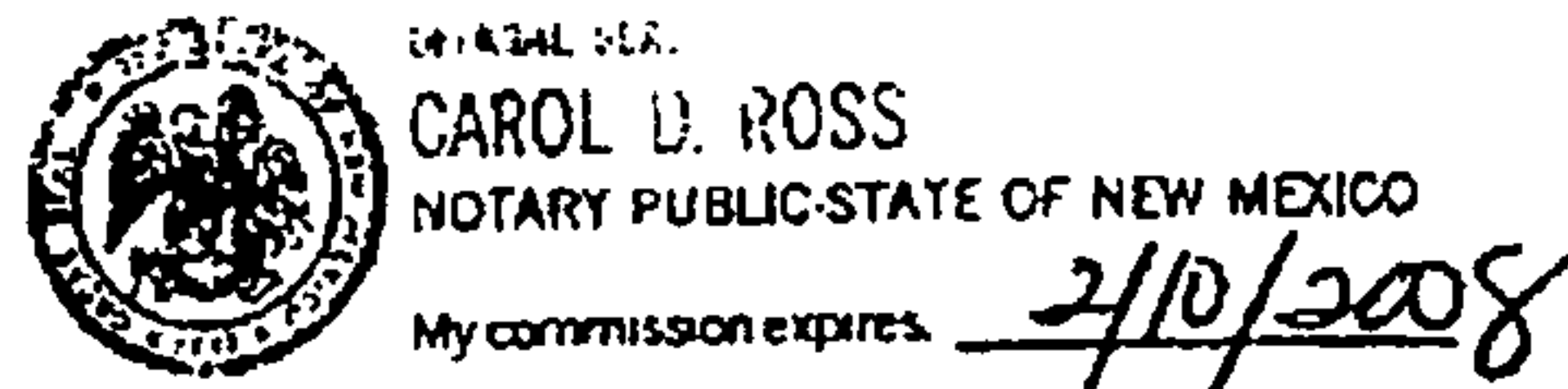
John Baldoni
John Baldoni, President of EWI, Inc., a New Mexico corporation

State of New Mexico)
) ss:
County of Bernalillo)

This Encroachment Agreement was acknowledged before me this 19 day of Jan, 2007, by John Baldoni, President of EWI, Inc., a New Mexico corporation, on behalf of said corporation.

Carol D. Ross
Notary Public

My Commission Expires:
2/10/2008



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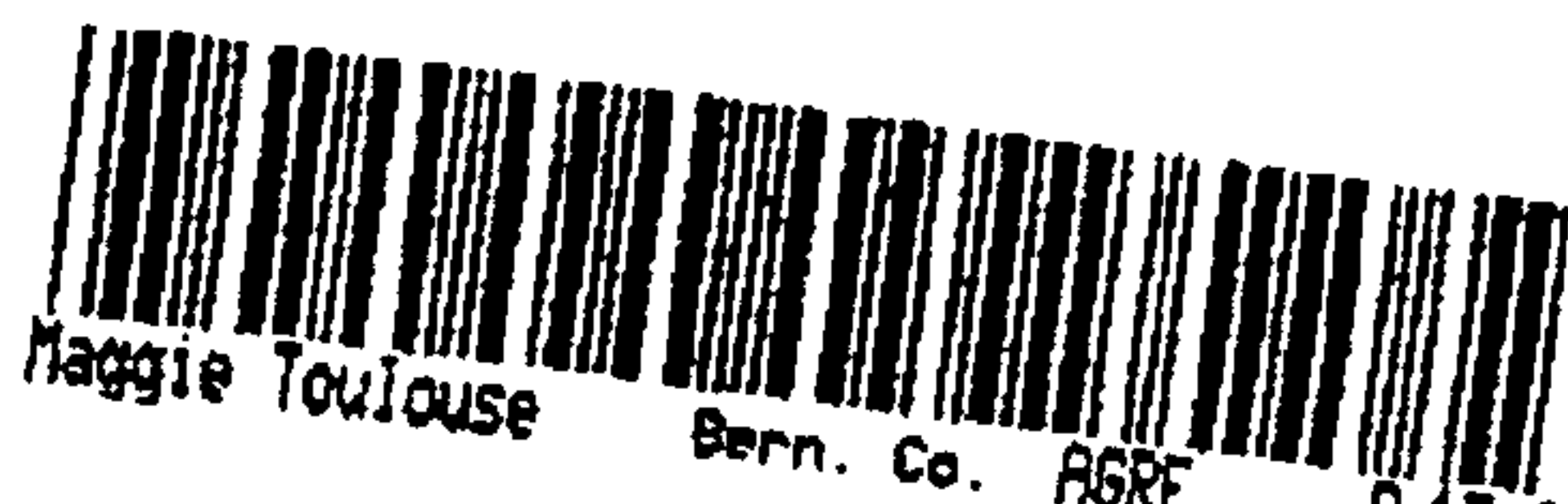
Exhibit A

B.S.B. Partnership Property

Lot numbered Five (5) and the East one foot (E. 1') of Lot numbered Six (6), in Block numbered Twelve (12), of the Subdivision of Block 12 - Business Section of McDuffie Place Unit 3, an Addition to the City of Albuquerque, 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 April 1, 1950, in Plat Book B1, Page 30.

EWI Property

Lot 4, Block 12, McDuffie Place Unit 3



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IMPROVEMENT LOCATION REPORT

This is to certify to: TITLE COMPANY, STEWART TITLE OF ALBUQUERQUE, L.L.C.
UNDERWRITER, N/A
LENDER, N/A

that on DECEMBER 8, 2006, I made an inspection of the premises situated at CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO briefly described as 3512 CONSTITUTION N.E.

NOTES:

1. The error of closure is one part of error for every 15,000 or more feet along the perimeter of the legal description provided.
2. Easements shown hereon are identified in Title Commitment No. 6110348 provided by Title Company dated DECEMBER 4, 2006
3. Improvement location is based on previous property surveys. No monuments were set. This tract is subject to all easements, restrictions and reservations of record, which pertain. This report is not to be relied on for the establishment of fences, buildings or other future improvements.
4. This survey is not for use by a property owner for any purpose.

PLAT REFERENCE: Bearings, distances and/or curve data taken from the following plat.

LEGAL DESCRIPTION: LOT NUMBERED FIVE (5) AND EAST ONE FOOT (E. 1') OF LOT NUMBERED SIX (6), IN BLOCK NUMBERED TWELVE (12), OF THE SUBDIVISION OF BLOCK 12 -- BUSINESS SECTION OF MADUETIE PLACE UNIT 3, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON APRIL 1, 1959, IN PLAT BOOK 81, PAGE 30.

FLOOD CERTIFICATION: SUBJECT PROPERTY IS LOCATED WITHIN ZONE S (OTHER AREAS), AREAS DETERMINED TO BE OUTSIDE THE ONE ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, PANEL 351 OF 825, MAP NO. 5807C0351E, EFFECTIVE MAP REVISED DATE NOVEMBER 15, 2003.

INSPECTION REPORT: (See attached sketch entitled "Exhibit A")

1. Evidence of rights-of-way, old highways or abandoned roads, lanes, trails or driveways, sewer, drains, water gas or oil pipe lines on or crossing said premises (show location, if none visible, so indicate): NONE EVIDENT
2. Springs, streams, rivers, ponds or lakes located bordering on or through said premises: NONE EVIDENT
3. Evidence of cemeteries or family burial grounds located on said premises (show location): NONE EVIDENT
4. Overhead utility poles, anchors, pedestals, wires or lines overhanging or crossing said premises and serving other properties (show location): YES, SEE SKETCH
5. Joint driveways or walkways, joint garages, party walls or rights-of-support, steps or roofs used in common or joint garages: SEE SKETCH
6. Apparent encroachments, if the buildings, projections or corners thereof, or signs affixed thereto, fences, or other indications of occupancy appear to encroach upon or overhang adjoining property, or the lot appear to encroach upon or overhang inspected premises, specify of such (show location): YES, SEE SKETCH
7. Spottic physical evidence of boundary lines on all sides: YES, STREET SPIT & FOUND MONUMENTS
8. Is the property improved? (If structure appears to encroach or appears to violate set back lines, show approximate distances): YES, SEE SKETCH
9. Indications of recent building construction, alterations or repairs: NONE EVIDENT
10. Approximate distance of structures from at least two lot lines must be shown: YES, SEE SKETCH

Christopher A. Medina Dec. 11, 2006
CHRISTOPHER A. MEDINA, New Mexico Professional Surveyor No. 15702 DATE

This is NOT a boundary survey. The above information is based on boundary information taken from a previous survey and may not reflect that which may be disclosed by a boundary survey.

FERRA LAND SURVEYS, LLC

P.O. BOX 1532 • CORRALES, NM 87004 • (505) 762-0313



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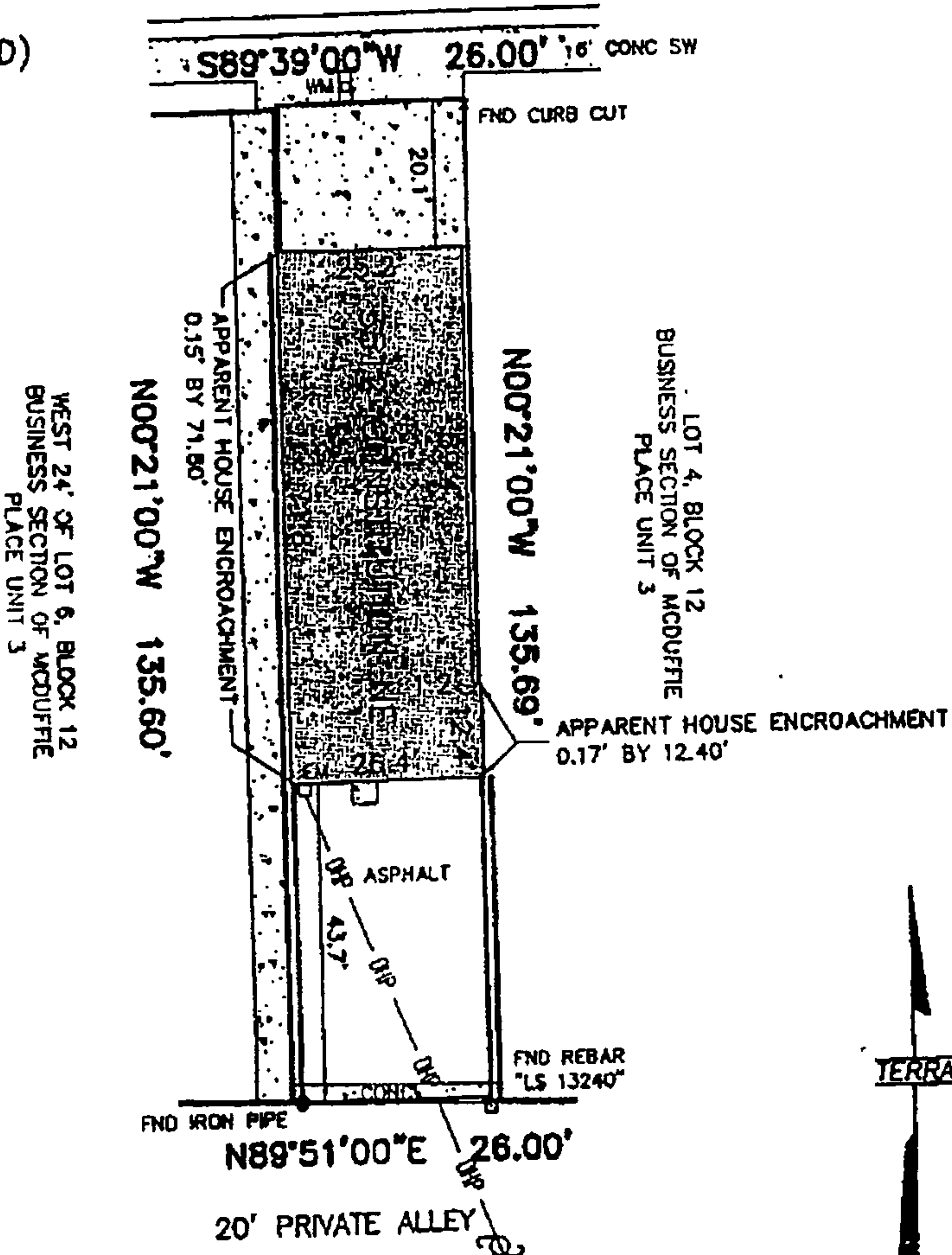
IMPROVEMENT LOCATION REPORT

NOTE: "THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE."
~~"EXHIBIT A"~~

LEGEND

- PROPERTY LINE
- OHP — OVERHEAD LINES
- FND REBAR (AS NOTED)
- ⊙ FND PIPE (AS NOTED)
- BLOCK WALL
- ▨ CONCRETE
- EP □ ELEC. METER
- WM □ WATER METER
- ⊂ POWER POLE

3512 CONSTITUTION AVENUE N.E.
 (60' R/W)



TERRA LAND SURVEYS, LLC

P.O. BOX 2532 • CORRALES, NM 87048 • (505) 792-0513



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SHEET 2 OF 2

SURV TEK, INC.

Consulting Surveyors

6284 Valley View Drive, NW Albuquerque, New Mexico 87113
Phone: 505 897-3365 Fax: 505 847-3577 E-mail: russhugg@survtek.com

March 8, 2010

Albuquerque Development Review Board
PO Box 1293
Albuquerque, New Mexico 87103

Attention: Mr. Jack Cloud, Chair

RE: Final Plat of Lot 1-A, Block 12- Business Section, McDuffie
Place- Unit No. 3, City of Albuquerque, Bernalillo County, New
Mexico. City Zone Atlas Page J-16.

Dear Mr. Cloud

The owners of the above captioned property, Smith's Food & Drug
Centers, Inc. have recorded the SIA in connection with this project
are hereby requesting to be placed on the DRB agenda for March 16th
for final plat approval.

If you have any questions concerning this request, please feel free
to contact me at your convenience.

Sincerely,



Russ P. Hugg, PS
Surv-Tek, Inc.

FINAL PLAT

Supplemental form

SUBDIVISION
 Major S
 Minor S
 Vacatio.
 Variance (g)

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

STORM DRAINAGE (Form D)
 Storm Drainage Cost Allocation Plan

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

D 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): SURV-TEK, INC PHONE: 897-3366
 ADDRESS: 9384 VALLEY VIEW NW FAX: 897-3377
 CITY: ALBUQ STATE NM ZIP 87114 E-MAIL: RUSSHUGG@SURVTEK.COM

APPLICANT: SMITH'S FOOD AND DRUG CENTERS PHONE: 801-521-8529
 ADDRESS: 2010 NORTH REDMOND RD FAX: _____
 CITY: SALT LAKE CITY STATE UT ZIP 84116 E-MAIL: _____

Proprietary interest in site: OWNERS List all owners: _____

DESCRIPTION OF REQUEST: MINOR PLAT APPROVAL TO COMBINE 6 EXISTING LOTS INTO 1 LOT AND GRANT EASEMENTS

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. LOTS 1 THRU 5 AND EAST 1 FOOT LOT 6 Block: 12 Unit: 3
 Subdiv/Addn/TBKA: MC DUFFIE PLACE - UNIT NO. 3
 Existing Zoning: C-1 Proposed zoning: SAME MRGCD Map No N/A
 Zone Atlas page(s): J-16 UPC Code: 101605851625443208
101605850925443209

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? N/A
 No. of existing lots: 6 No. of proposed lots: 1 Total area of site (acres): 0.3883
 LOCATION OF PROPERTY BY STREETS: On or Near: CONSTITUTION AVE NE
 Between: CARLISE BLVD NE and CALLE DEL RANCHERO NE

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

SIGNATURE [Signature] DATE 8.17.09
 (Print) RUSS HUGG Applicant: Agent:

FOR OFFICIAL USE ONLY

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	DRB 070277	P/F	5(3)	\$ 215. ⁰⁰
<input checked="" type="checkbox"/> All fees have been collected	_____	CME	_____	\$ 20. ⁰⁰
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	Hearing date <u>8-26-09</u>	_____	_____	Total \$ 235. ⁰⁰
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____

7300

**FIGURE 12
SUBDIVISION IMPROVEMENTS
AGREEMENT- PUBLIC AND/OR PRIVATE
(Procedure B)**

No. of Lots:
Nearest Major Streets:

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 1 day of March, 2010, 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 Smith's Food & Drug Centers, Inc. ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:] Ohio Corporation, whose address is 1550 South Redwood Road, Salt Lake City, UT 84115 and whose telephone number is 801-974-1529, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Lots 1 - 5 and the Easterly 1' of Lot 6, Block 12 - Business Section, McDuffie Place - Unit No. 3, recorded on April 1, 1950 in the records of the Bernalillo County Clerk at Map Book B1, page 30 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Smith's Food & Drug Centers, Inc. ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Lot 1A, Block 12 - Business Section, McDuffie Place - Unit No. 3 being a replat of the above described property describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 40K, 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 of, 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 in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 31st day of July, 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. 549883.

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

Doc# 2010017809

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 to any member of the public 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 insureds. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 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 and testing fees, and other related City fees and price adjustment for asphalt and concrete paving, if applicable, and County Clerk recording fees:

<u>Type of Fee</u>	<u>Amount</u>
Engineering Fee	3.25% of Actual Construction Cost
Excavation Permit Fees, Sidewalk Ordinance Fees, and Street Restoration Fees as required by City (Figure 7)	Approved Estimate

(Note: The Subdivider must pay the City all City fees and price adjustments for asphalt and concrete paving, if applicable, 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 Sandia Land Surveying, and construction surveying of the private Improvements shall be performed by Sandia Land Surveying. 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 Great Basin Engineering, South, and inspection of the private Improvements shall be performed by Great Basin Engineering, South, 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 any inspections performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Western Technologies, and field testing of the private Improvements shall be performed by Western Technologies, both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guarantee other than a loan reserve letter has been provided, the completed Improvements must be free-standing functionally independent of any improvements which have not yet been completed and completed in substantial compliance with the approved construction plans, and 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 percent 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 Certificate of Partial 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 officers, 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 N.M.S.A. 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee; or (2) the giving of or the failure to give directions or instructions by the indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

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

12. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider or the Guarantor's financial guaranty 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 posted a suitable financial guaranty and entered into a Subdivision Improvements Agreement with the City. Thereafter, when 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.

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 reserves 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 FDIC or FSLIC-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 Guarantee:"

Type of Financial Guaranty: Letter of Credit No.SLCLSTL05453

Amount: \$ 90,890.88

Name of Financial Institution or Surety providing Guaranty:

U.S. Bank National Association

Date City first able to call Guaranty: _____

[Construction Completion Deadline]: 31 July, 2010

If Guaranty other than a Bond, last day City able to call Guaranty is: 30 September, 2010

Additional information: _____

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange for a preconstruction conference and all required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the public Improvements and a Certificate of Completion for the private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guaranty 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:

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's 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.

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

SUBDIVIDER:

By [Signature]: 
Name: STEVEN M. SOLENSEN
Title: VP
Dated: 10 - FEB 2010

CITY OF ALBUQUERQUE


City Engineer

Date

3-1-10
2/24/10

2-24-10

SUBDIVIDER'S NOTARY

STATE OF UTAH)

COUNTY OF SALT LAKE) ss.

The foregoing instrument was acknowledged before me on 10th day of FEBRUARY, 2010 by
[name of person:] STEVEN M. SORRENTIN, [title or capacity, for instance, "President" or "Owner":]
VICE PRESIDENT of (Subdivider) SMITH'S FOLD & DRUG CENTERS, INC.

Susan T. Thomson
Notary Public

My Commission Expires

3-5-10



Notary Public
SUSAN T. THOMSON
2661 Harvest Lane
West Jordan, Utah 84084
My Commission Expires
August 8, 2010
State of Utah

CITY'S NOTARY

STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

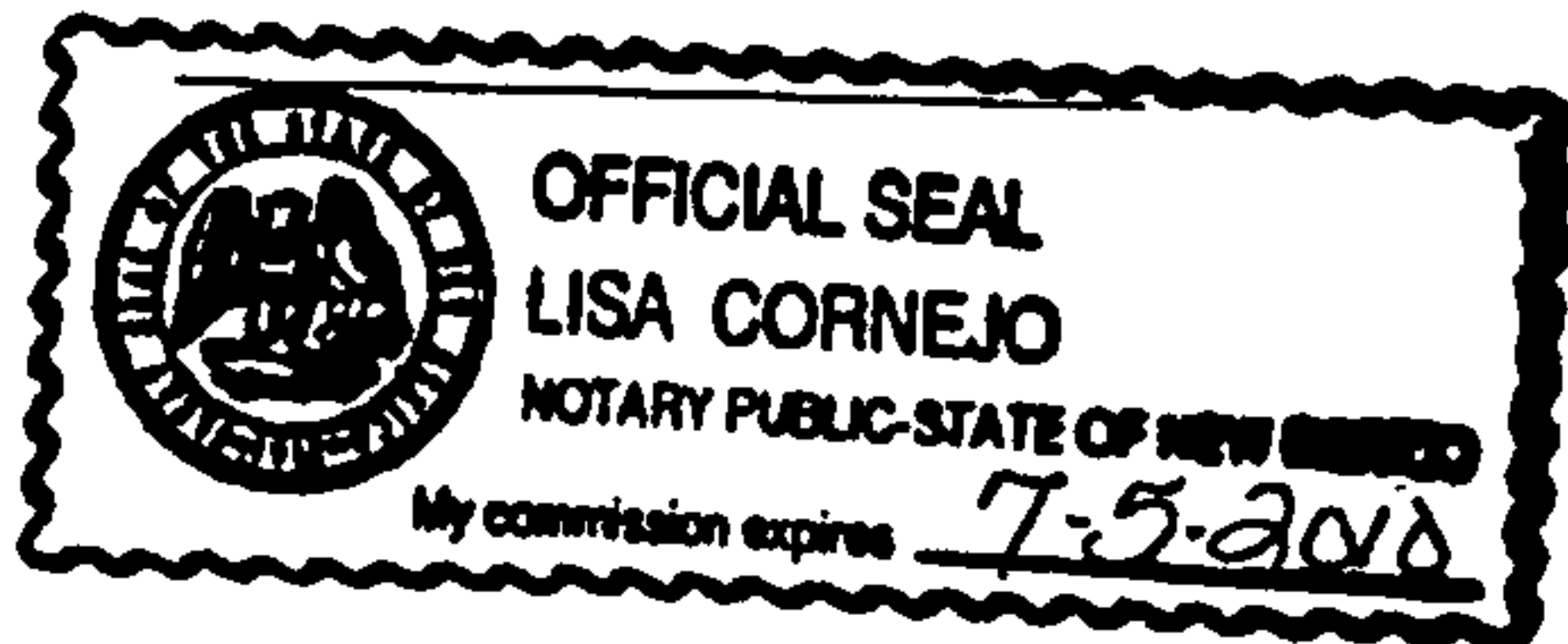
This instrument was acknowledged before me on this 1 day of March, 2010, by Jane Raeb
Dourte, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation. for Richard

(SEAL)

Lisa Cornejo

Notary Public

My Commission Expires:



Current DRC
Project Number: 549883

ORIGINAL

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 8-28-88)

EXHIBIT "A"

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

SMITH'S # 496 FUEL CENTER

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

LOTS 1-5 & EAST 1/2 LOT 6 OF UNIT 3, BLOCK 12 - BUSINESS SECTION OF THE McDUFFIE PLACE SUBDIVISION
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Date Submitted: _____
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: 1007951
DRB Application No.: _____

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 portions of the financial guarantees. 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 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 incorporated project acceptance and close out by the City.

Financially Guaranteed	Constructed Under	DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
								Inspector	P.E.	City Engr Engineer
<input type="checkbox"/>	<input type="checkbox"/>	549883	20'-37' wide	ALLEY PAVING & GUTTER	So People Lane	West Right Line	East Right Line	/	/	/
<input type="checkbox"/>	<input type="checkbox"/>		4th	TYPE C Storm Inlet Box	NE cor Carouse P Construction	Existing Low Point	Low Point	/	/	/
<input type="checkbox"/>	<input type="checkbox"/>		6th	Std curb and gutter	Constitution	entrance	Carlisle	/	/	/
<input type="checkbox"/>	<input type="checkbox"/>			Std curb and gutter	Carlisle	Constitution	entrance	/	/	/
<input type="checkbox"/>	<input type="checkbox"/>							/	/	/
<input type="checkbox"/>	<input type="checkbox"/>							/	/	/
<input type="checkbox"/>	<input type="checkbox"/>							/	/	/
<input type="checkbox"/>	<input type="checkbox"/>							/	/	/

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		Approval of Creditable Items:	City User Dept. Signature	Date
							Inspector	P.E.			
									/	/	
									/	/	

NOTES
 If the site is located in a floodplain, then the financial guarantees will not be released until the LOMR is approved by FEMA.
 Street rights per City requirements.

- 1
- 2
- 3

AGENT / OWNER: Kier Randall
 NAME (print): GREAT BASIN Eng - South
 FIRM: GREAT BASIN Eng - South
 SIGNATURE - date: [Signature] 8/24/09
 DRB CHAIR date: [Signature] 8-26-09
 TRANSPORTATION DEVELOPMENT - date: [Signature] 8-26-09
 UTILITY DEVELOPMENT - date: [Signature] 8-26-09
 CITY ENGINEER - date: [Signature] 8-26-09
 AMAFCA - date: _____
 DEVELOPMENT REVIEW BOARD MEMBER APPROVALS:
Christina Sandoval 8/24/09
 PARKS & RECREATION - date: _____

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT OWNER

86123/ WARRANTY DEED

85437

SADIE GAYE HASTINGS, a widow

for consideration paid, grant

to PAUL M. BATSEL, married sole and separate estate

10 39

the following described real estate in Bernalillo

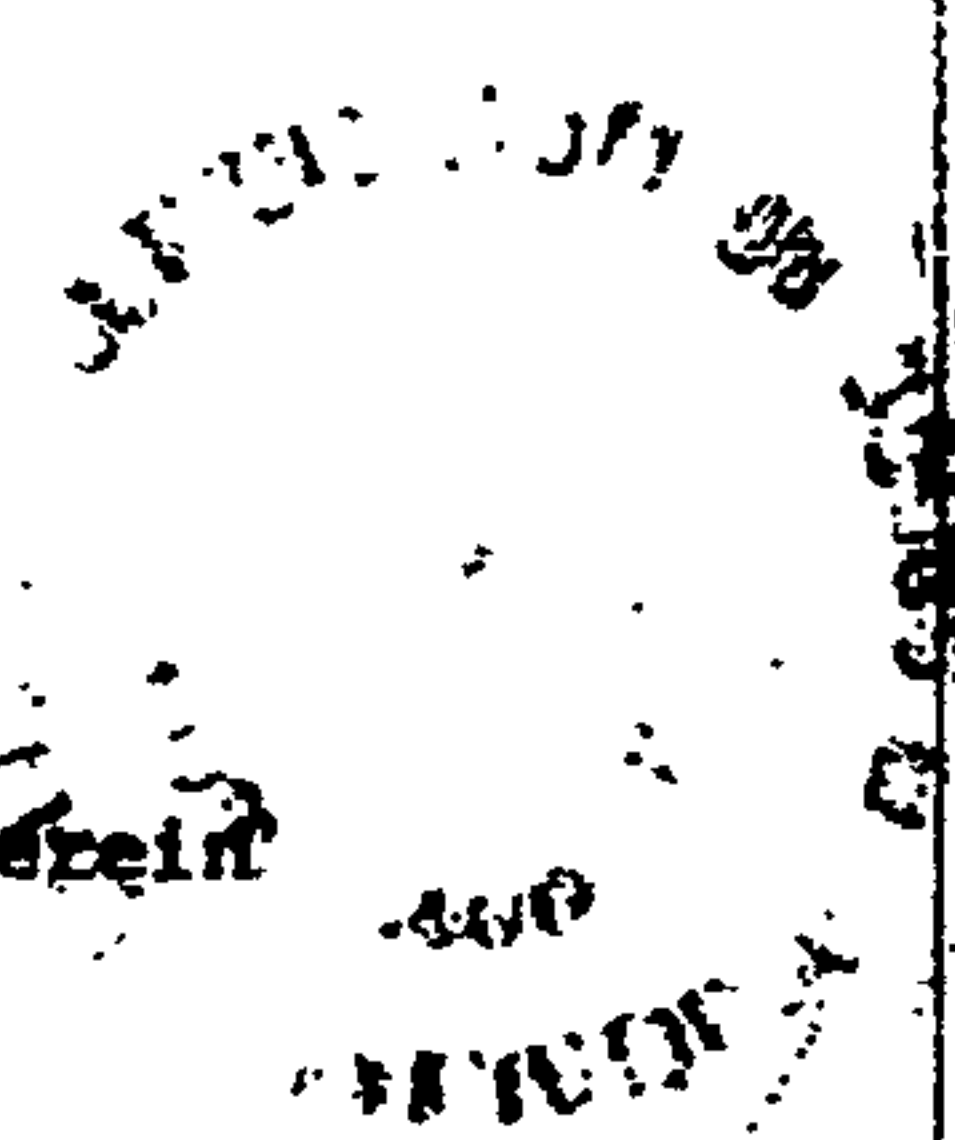
County, New Mexico.

Lot numbered Five (5) and the East 1' of Lot numbered Six (6) in Block numbered Twelve (12) of MCDUFFIE PLACE UNIT #3, an Addition to the City of Albuquerque, New Mexico as the same is shown and designated on the map of said addition filed in the office of the County Clerk of Bernalillo County New Mexico on March 22, 1946.

SUBJECT to taxes for 1970 and subsequent years.

SUBJECT to patent reservations, restrictions and easements of record.

This deed is being re-recorded to correct name of grantee herein



State of New Mexico } SS
County of Bernalillo }

This instrument was filed for record on

123 JUL 29 1970

At 10 o'clock a.m. Recorded in Vol. 10880

of records of said County Folio 10

Roy Jaramilla Clerk & Recorder
Deputy Clerk

with warranty covenants.

WITNESS my hand and seal this 23rd day of July, 1970

Sadie Gaye Hastings

(Seal) Sadie Gaye Hastings (Seal)

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me this 23rd day of July, 1970 by Sadie Gaye Hastings

(Name or Names of Person or Persons Acknowledging)

My commission expires (Seal) Feb. 19, 1973

Roy Jaramilla Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 19

(Name of Officer)

(Title of Officer)

(Name of Corporation Acknowledging)

(State of Incorporation)

corporation, on behalf of said corporation

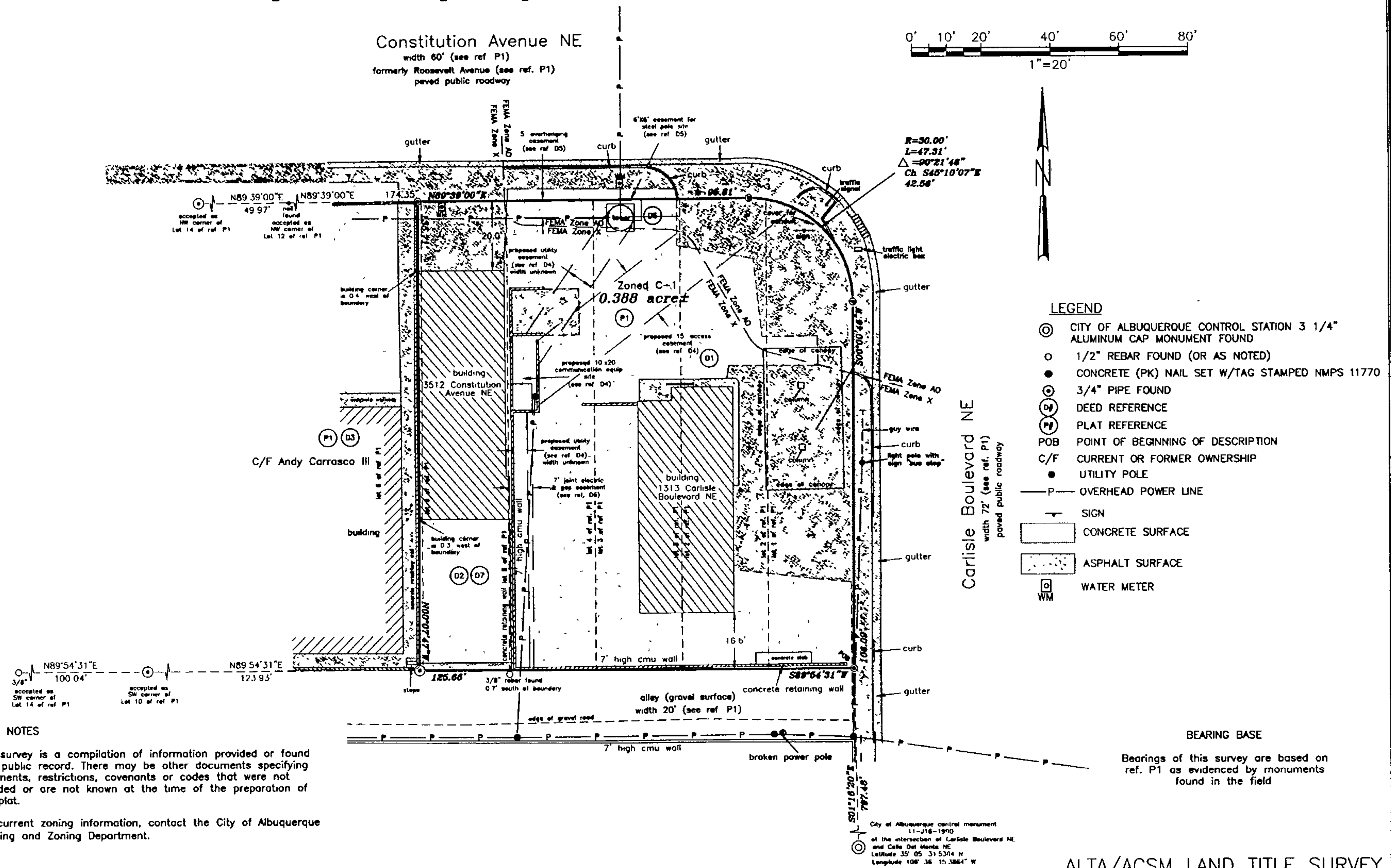
My commission expires

(Seal)

Notary Public

FOR RECORDER'S USE ONLY
State of New Mexico } SS
County of Bernalillo }
This instrument was filed for record on
15 JUL 24 1970
At 10 o'clock a.m. Recorded in Vol. 10880
of records of said County Folio 10
Roy Jaramilla Clerk & Recorder
Deputy Clerk

In the City of Albuquerque, Bernalillo County, New Mexico





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

Supplemental form

- | | | |
|--------------------------|--------------------------|---|
| S | Z | ZONING & PLANNING |
| <input type="checkbox"/> | <input type="checkbox"/> | Annexation |
| <input type="checkbox"/> | <input type="checkbox"/> | County Submittal |
| V | <input type="checkbox"/> | EPC Submittal |
| <input type="checkbox"/> | <input type="checkbox"/> | Zone Map Amendment (Establish or Change Zoning) |
| P | <input type="checkbox"/> | Sector Plan (Phase I, II, III) |
| <input type="checkbox"/> | <input type="checkbox"/> | Amendment to Sector, Area, Facility or Comprehensive Plan |
| <input type="checkbox"/> | <input type="checkbox"/> | Text Amendment (Zoning Code/Sub Regs) |
| D | <input type="checkbox"/> | Street Name Change (Local & Collector) |
| L | A | APPEAL / PROTEST of... |
| <input type="checkbox"/> | <input type="checkbox"/> | 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): SURVITEK, INC PHONE: 877-3366
 ADDRESS: 9384 VALLEY VIEW NW FAX: 877-3377
 CITY: ALBUQ STATE NM ZIP 87114 E-MAIL: RUSHUGG@SURVITEK.COM

APPLICANT: SMITH'S FOOD AND DRUG CENTERS PHONE: 801-521-8529
 ADDRESS: 2010 NORTH REDMOND RD FAX: _____
 CITY: SALT LAKE CITY STATE UT ZIP 84116 E-MAIL: _____

Proprietary interest in site: OWNERS List all owners: _____

DESCRIPTION OF REQUEST: MINOR PLAT APPROVAL TO COMBINE 6 EXISTING LOTS INTO 1 LOT AND GRANT EASEMENTS

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. LOTS 1 THRU 5 AND EAST 1 FOOT LOT 6 Block: 12 Unit: 3
 Subdiv/Addn/TBKA: MC DUFFIE PLACE - UNIT NO. 3
 Existing Zoning: C-1 Proposed zoning: SAME MRGCD Map No N/A
 Zone Atlas page(s): J-16 UPC Code: 101605851625443208
101605850925443209

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? N/A
 No. of existing lots: 6 No. of proposed lots: 1 Total area of site (acres): 0.3883
 LOCATION OF PROPERTY BY STREETS: On or Near: CONSTITUTION AVE NE
 Between: CARLISE BLVD NE and CALLE DEL RANCHERO NE

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

SIGNATURE [Signature] DATE 8.17.09
 (Print) RUSS HUGG Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
<u>DRB 070277</u>	<u>P/F</u>	<u>5(3)</u>	<u>\$ 215.⁰⁰</u>
_____	<u>CME</u>	_____	<u>\$ 20.⁰⁰</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>8-26-09</u>			Total <u>\$ 235.⁰⁰</u>

Xi-sis

Planner signature / date

Project # 1007951

Form revised 4/07

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.

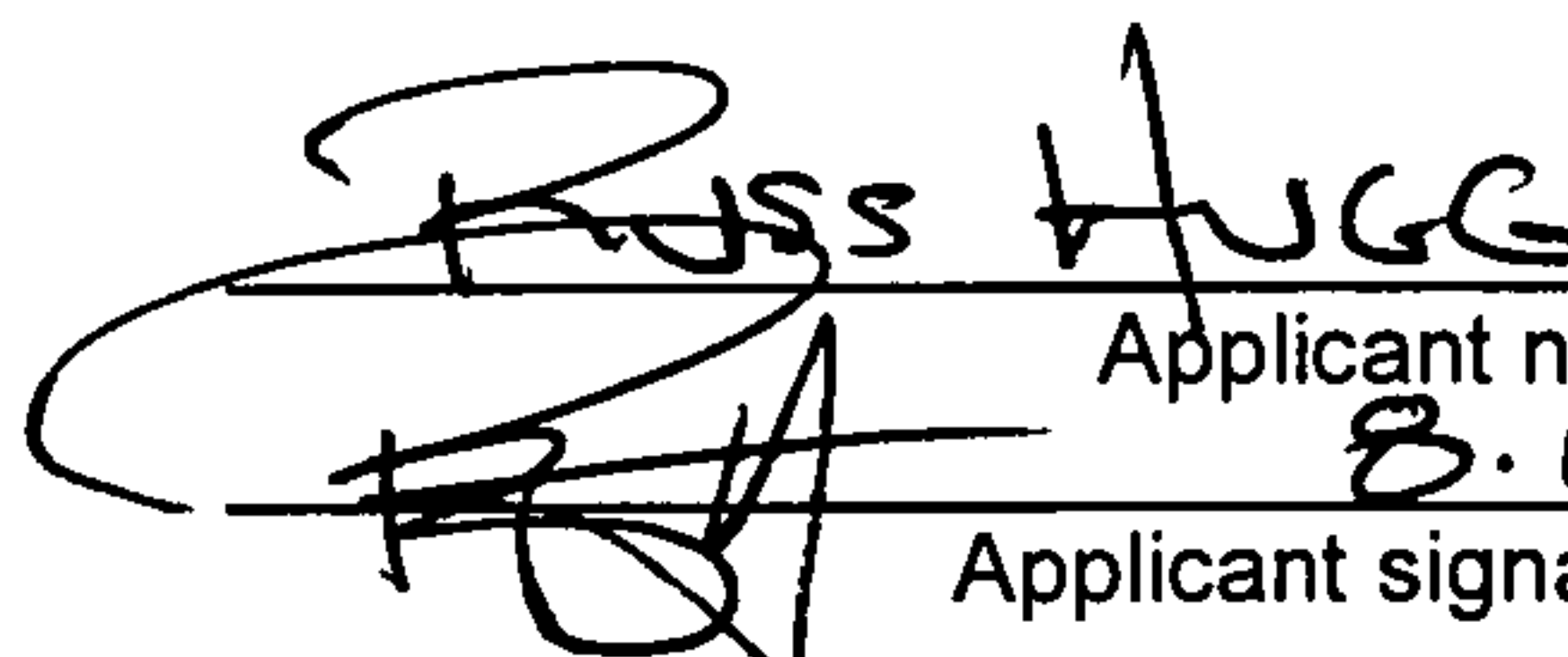
MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- ~~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
- ~~N/A~~ 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
- ~~N/A~~ 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
- ~~N/A~~ 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.



 Applicant name (print) Russ Hugg
 Applicant signature / date [Signature] 8.17.09

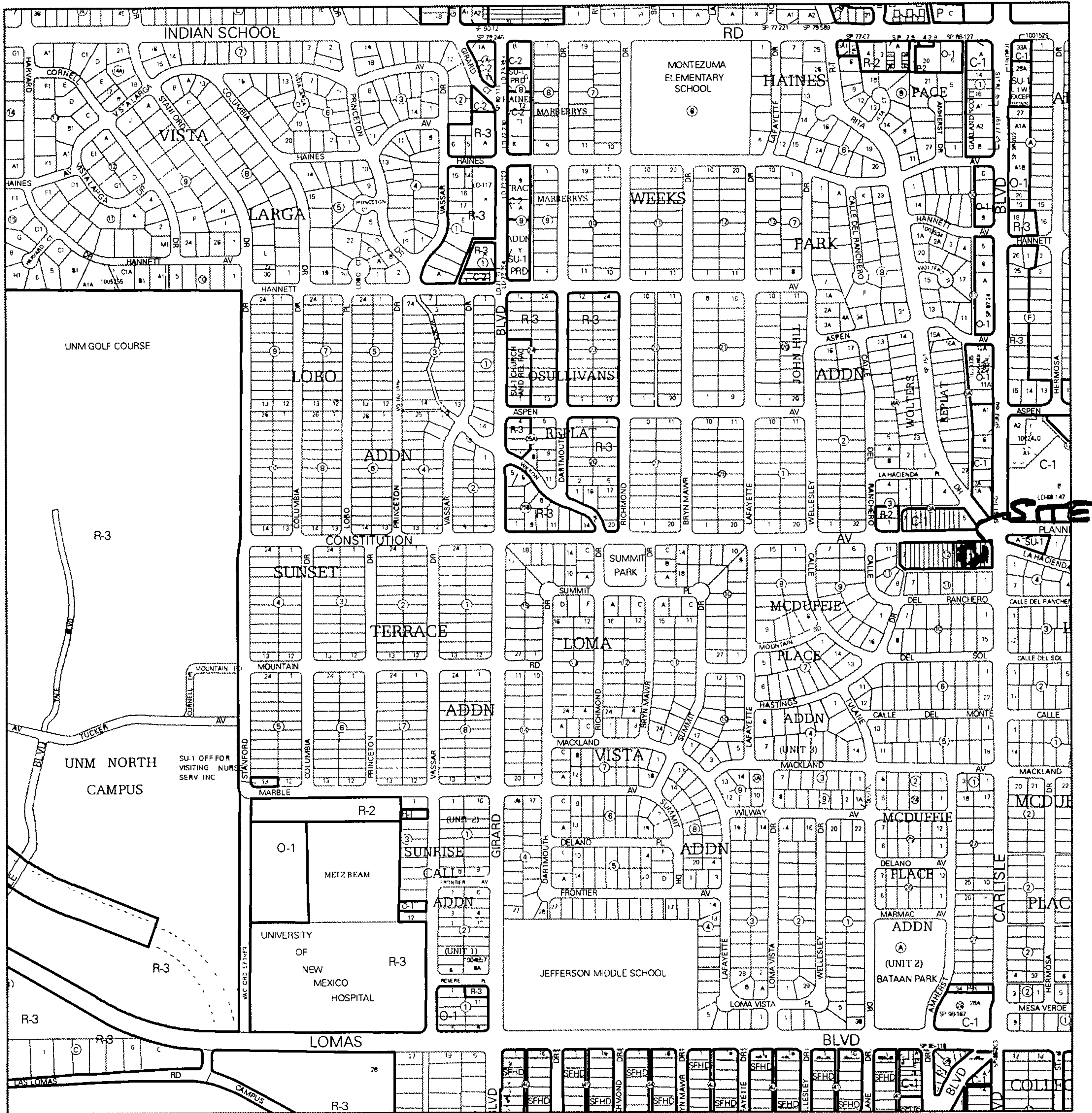


Form revised October 2007

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

Application case numbers	
	-070277


 Planner signature / date
 Project # 1007951



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

AGIS
Albuquerque Geographic Information System

Map amended through 3/10/2009

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page
J-16-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

SURV TEK, INC.

Consulting Surveyors

9384 Valley View Drive, NW Albuquerque, New Mexico 87114
Phone: 505-897-3366 Fax: 505-897-3377 E-mail: russhugg@survtek.com

August 17, 2009

Albuquerque Development Review Board
PO Box 1293
Albuquerque, New Mexico 87103

Attention: Mr. Jack Cloud, Chair

RE: *Preliminary/Final Plat of Lot 1-A, Block 12- Business Section, McDuffie Place- Unit No. 3, City of Albuquerque, Bernalillo County, New Mexico. City Zone Atlas Page J-16.*

Dear Mr. Cloud

The owners of the above captioned property, Smith's Food & Drug Centers, Inc. are hereby filing application with the City of Albuquerque Development Review Board for a Minor Preliminary/Final plat approval to combine existing Lots 1 thru 5 and the Easterly 1' foot of Lot 6, Block 12- Business Section, McDuffie Place- Unit No. 3 into one (1) lot and grant a public access easement along the southerly boundary as shown on the attached plat.

If you have any questions concerning this request, please feel free to contact me at your convenience.

Sincerely,


Russ P. Hugg, PS
Surv-Tek, Inc.

August 11, 2009

Mr. Russ Hugg
Surv-Tek, Inc.
5643 Paradise Blvd. N.W.
Albuquerque, New Mexico 87114

Re: *Preliminary/Final Plat of Lot 1-A, Block 12- Business Section,
McDuffie Place- Unit No. 3, City of Albuquerque, Bernalillo
County, New Mexico.*

Dear Russ:

By this letter, I hereby authorize you to act as our agent for the purpose of replatting the above referenced Lots.

Sincerely,

Smith's Food & Drug Centers, Inc.

A handwritten signature in black ink, appearing to read "Steven M. Sorensen", is written over a horizontal line.

By: Steven M. Sorensen, Vice President of
Corporate Development for Smith's Food
and Drug Centers, Inc.