

DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

Project #: 1009090 Application #: 13DRB-70589  
Project Name: \_\_\_\_\_  
Agent: Tiora West LLC Phone #: \_\_\_\_\_

\*\*Your request was approved on 7-10-13 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed\*\*

TRANSPORTATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABCWUA: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY ENGINEER / AMAFCA: JIA  
Creating & Managing Revisions

PARKS / CIP: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING (Last to sign): \_\_\_\_\_  
call out trail in future phases

**PLATS:**

- 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.
  - County Treasurer's signature must be obtained prior to the recording of the plat with 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.

**ALL SITE PLANS:**

- 3 copies of the approved site plan. Include all pages.

DRB CASE ACTION LOG - BLUE SHEET

Completed  
By [Signature]  
7/25/2013

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

**Site Plans:** It is the responsibility of the applicant/agent/developer/owner to insert the DRB approved Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of building permit plansets. If the building permit plans have been submitted prior to the Site Plan for Subdivision and/or Site Plan for Building Permit being signed-off, then It is the responsibility of the applicant/agent/developer/owner to insert a copy of the signed-off Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of the building permit plansets.

Project #: 1009090

Application #: 13DRB-70589,  
13DRB-70590, 13DRB-70591

Project Name:

Agent: TIERRA WEST LLC

Phone #:

\*\*Your request was approved on 6-26-13 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed\*\*

TRANSPORTATION:

ABCWUA:

CITY ENGINEER / AMAFCA: revise E' ment

PARKS / CIP:

PLANNING (Last to sign): OK, utility signatures (PP)  
SPJ

**PLATS:**

- 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.
  - County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

CONCURRENT w/ E' ment's

- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

**ALL SITE PLANS:**

- 3 copies of the approved site plan. Include all pages.



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 6, 2013

**Project# 1009090**  
13DRB-70407 VACATION OF PUBLIC RIGHT-OF-WAY

TIERRA WEST LLC, agents for CAPSTONE HOUSING request the referenced/ above action for the southern portion of **MULBERRY ST SE** and the remaining portion of **BETHEL AVE SE** located east of **INTERSTATE 25** and south of **GIBSON BLVD SE**.  
(M-15)

<b>AMAFCA</b> No comments provided
<b>COG</b> No comments provided
<b>TRANSIT</b> No comments
<b>ZONING ENFORCEMENT</b> No comments provided
<b>NEIGHBORHOOD COORDINATION</b> No affected Neighborhoods
<b>APS</b> No comments provided
<b>POLICE DEPARTMENT</b> No comments provided
<b>FIRE DEPARTMENT</b> No comments provided
<b>PNM ELECTRIC</b> No adverse comments
<b>NMGCO</b> No comments provided
<b>COMCAST</b> No comments provided
<b>CENTURYLINK</b> No comments provided
<b>ENVIRONMENTAL HEALTH</b> No comments provided
<b>M.R.G.C.D</b> No comments provided
<b>OPEN SPACE DIVISION</b> No comments provided
<b>CITY ENGINEER</b> Comments, if any, will be provided at the meeting

**TRANSPORTATION DEVELOPMENT**

Does Mulberry Street meet the criteria for a stub street (maximum number of units is 4 and the maximum length is 150' measured from the centerline of the intersecting street to the end of the stub street)?

A copy of the Final, EPC approved site plan would be helpful for reference.

**PARKS AND RECREATION**

**ABCWUA**

**PLANNING DEPARTMENT**

Refer to comments from affected agencies/ Transportation Development plus any public hearing comments regarding proposed vacation. Based on the area of proposed vacation and the Subdivision Ordinance, final approval will require City Council approval.

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

Current DRC  
Project Number: \_\_\_\_\_

FIGURE 12

Date Submitted July 9, 2013  
Date Site Plan Approved 7-10-13  
Date Preliminary Plat Approved \_\_\_\_\_  
Date Preliminary Plat Expires: \_\_\_\_\_  
DRB Project No.: 1009090  
DRB Application No: \_\_\_\_\_

**ORIGINAL**

**INFRASTRUCTURE LIST**

(Rev 9-20-05)

**EXHIBIT "A"**

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

**CAPSTONE STUDENT HOUSING- PHASE 1 (CAPSTONE SUBDIVISION)**

PROPOSED NAME OF SITE DEVELOPMENT PLAN

SUNPORT PARK, LOTS 1A & 2A; LANDS OF EISENMAN TRUST, TRACT A-1; AND MULBERRY PROPERTIES, TRACT B  
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		8" Dia	SAS Line	West Line of New Tract 1	Existing 8" SAS Main Located On-Site	South Property Line of New Tract 2	/	/	/
		8" Dia.	Water Line	Looped Through New Tract 1	Existing 8" Main in Transport St	South Property Line of New Tract 2	/	/	/
		5' Wide	Sidewalk	Transport Rd Frontage	South PL of New Tract 1	North PL of New Tract 1	/	/	/
		n/a	Vertical Adjusment of Existing Storm Sewer Manhole	4 Locations along Ex. 48" Storm Sewer Main	West PL at I-25	East PL at Transport	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

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		
							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature      Date							City User Dept. Signature      Date		

NOTES

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

1

\_\_\_\_\_

2

\_\_\_\_\_

3

\_\_\_\_\_

AGENT / OWNER

**Ronald R. Bohannon**  
NAME (print)

**Tierra West, LLC**  
FIRM

SIGNATURE - date

*[Signature]* 7/10/13

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR - date

*[Signature]* 7-10-13

TRANSPORTATION DEVELOPMENT - date

*[Signature]* 7-10-13

UTILITY DEVELOPMENT - date

*[Signature]* 07/10/13

CITY ENGINEER - date

*[Signature]* 7-10-13

PARKS & RECREATION - date

*[Signature]* 7-10-13

AMAFCA - date

\_\_\_\_\_

- date

\_\_\_\_\_

- date

\_\_\_\_\_

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER



DEVELOPMENT REVIEW BOARD SUPPLEMENTAL SUBMITTAL

TO: PROJECT NO. 1009090

ALL MEMBERS

Jack Cloud, DRB Chairman, Planning Department

Curtis Cherne, P.E., Hydrology

Kristal Metro, P.E., Transportation Development

Allan Porter, P.E., Albuquerque/ Bernalillo Co. WUA

Christina Sandoval, Parks/Municipal Development

NEXT HEARING DATE: FEB. 13, 2013

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON. IF THE APPLICANT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

SUBMITTAL DESCRIPTION: SUPPLEMENTAL INFO REQUESTED (SITE

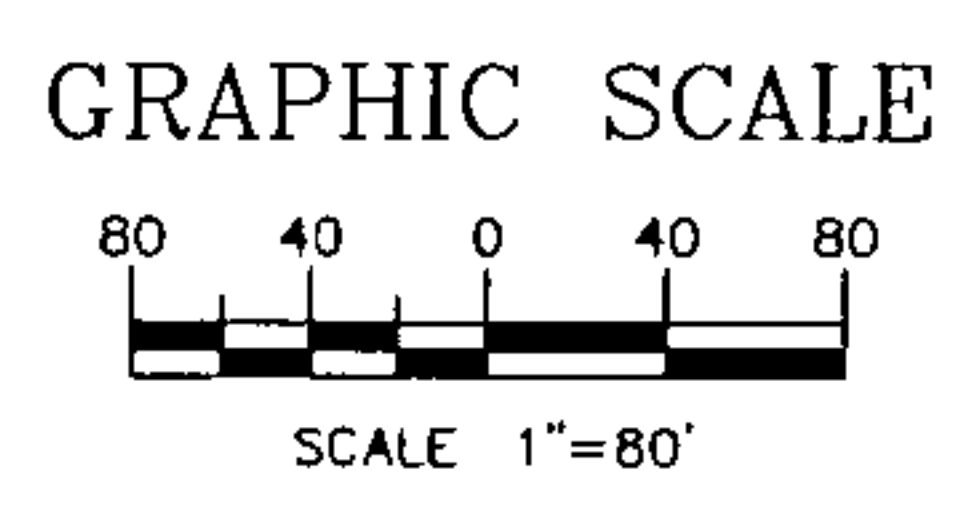
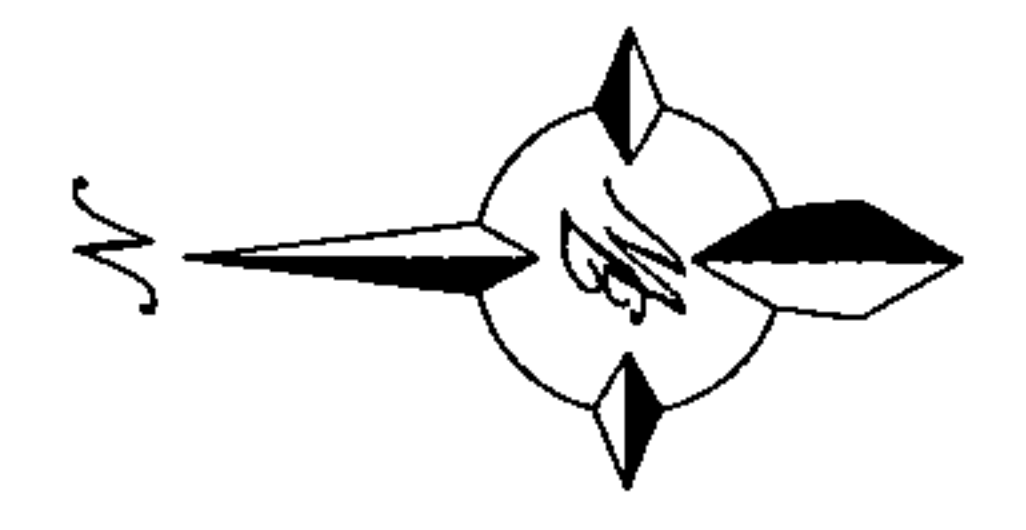
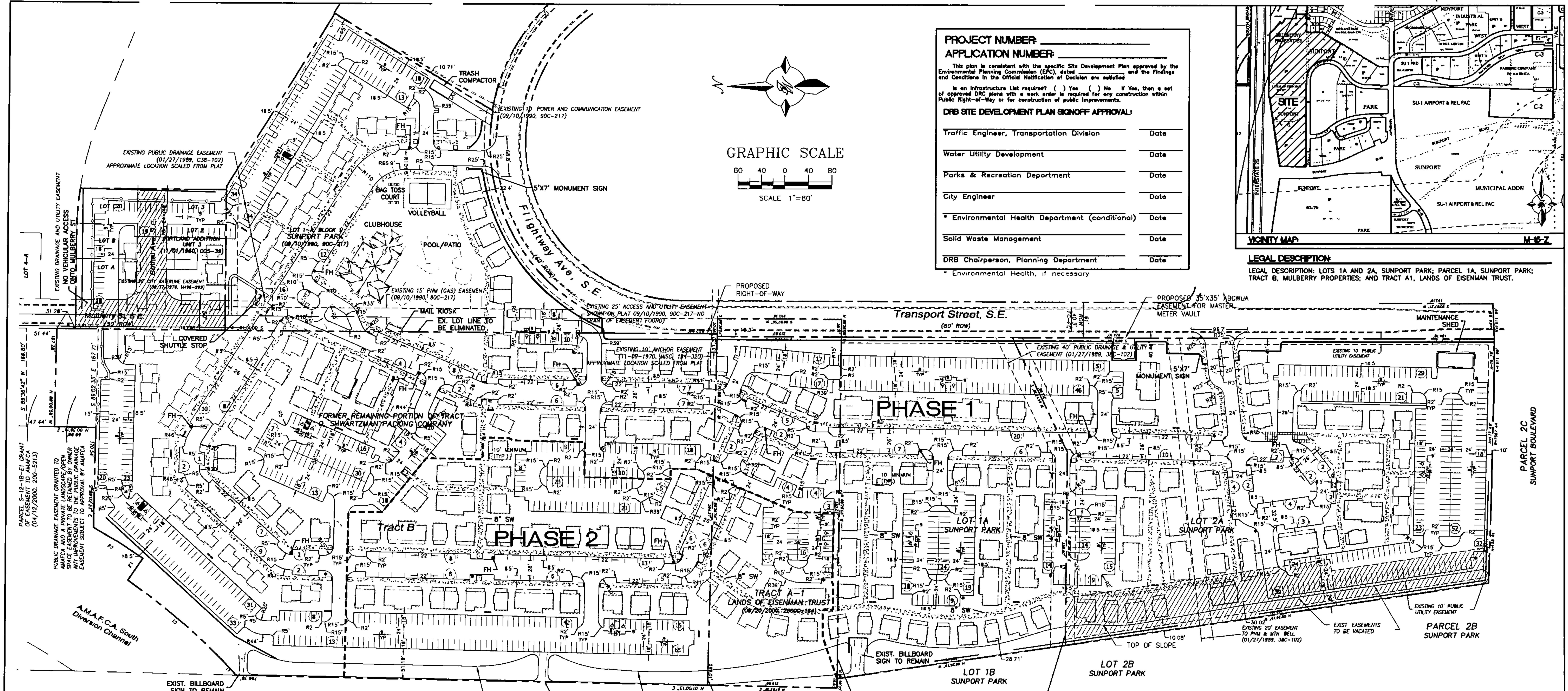
DEVELOPMENT PLAN) AND TRAFFIC ENGINEER VARIANCE

REQUEST.

RECEIVED  
FEB - 6 2013

CONTACT NAME: JOEL HERNANDEZ

TELEPHONE: 858-3100 EMAIL: Jdhernandez@tieryawestllc.com



**PROJECT NUMBER:** \_\_\_\_\_  
**APPLICATION NUMBER:** \_\_\_\_\_

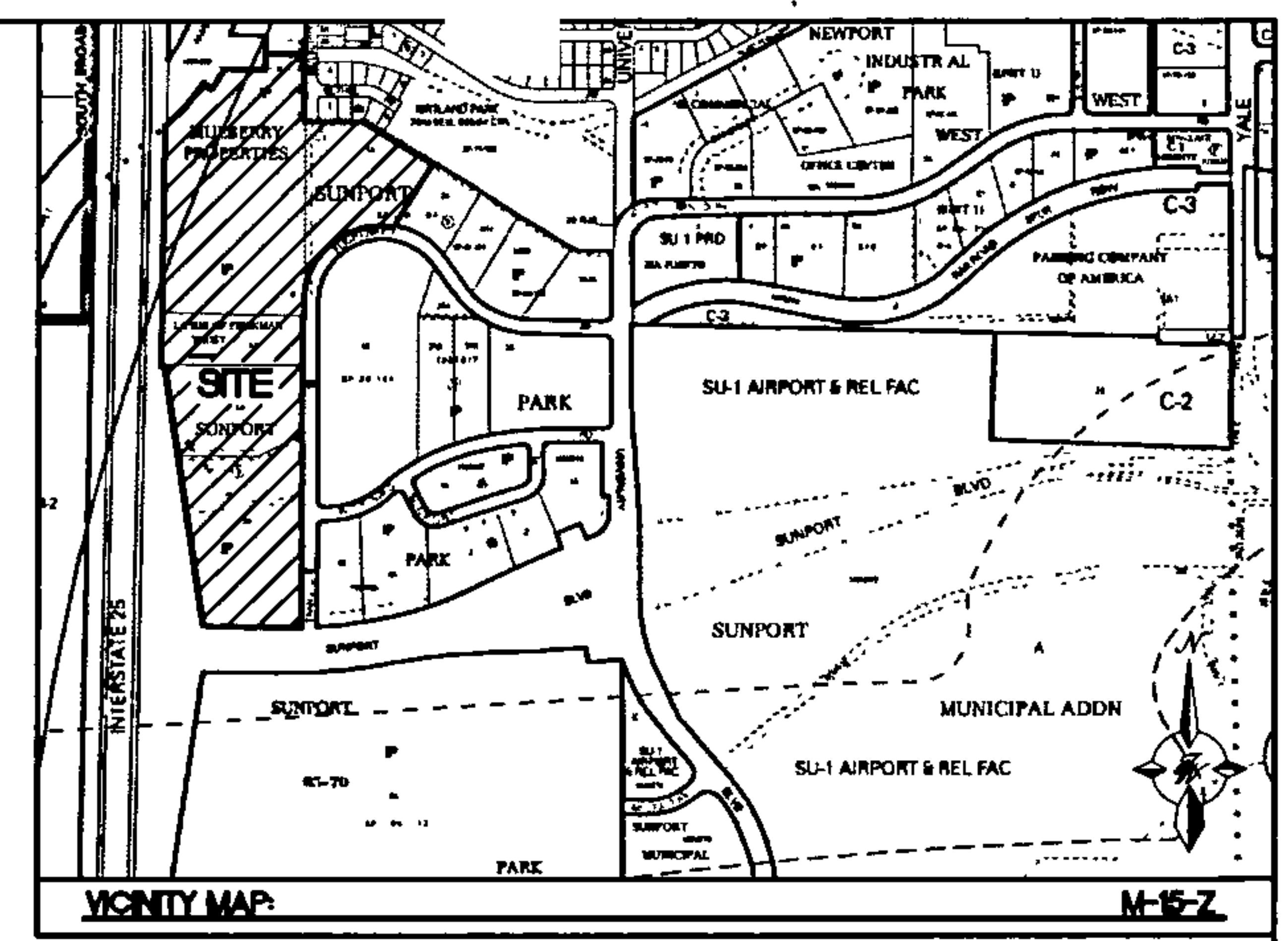
This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated \_\_\_\_\_ and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? ( ) Yes ( ) No. If Yes, then a set of approved IRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

**DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL:**

Traffic Engineer, Transportation Division	Date
Water Utility Development	Date
Parks & Recreation Department	Date
City Engineer	Date
Environmental Health Department (conditional)	Date
Solid Waste Management	Date
DRB Chairperson, Planning Department	Date

\* Environmental Health, if necessary



**LEGAL DESCRIPTION:**  
LOTS 1A AND 2A, SUNPORT PARK; PARCEL 1A, SUNPORT PARK; TRACT B, MULBERRY PROPERTIES; AND TRACT A1, LANDS OF EISENMAN TRUST.

**SITE DATA**  
LEGAL DESCRIPTION LOTS 1A AND 2A, SUNPORT PARK, PARCEL 1A, SUNPORT PARK, TRACT B, MULBERRY PROPERTIES, TRACT A1, LANDS OF EISENMAN TRUST, AND LOTS 1-6 & A-F, UNIT 3, KIRTLAND ADDITION  
ZONING (EXISTING) IP AND R-1  
ZONING (PROPOSED) SU-1 FOR IP USES INCLUDING STUDENT HOUSING  
SITE AREA 35.9 ACRES  
PROPOSED USE  
STUDENT HOUSING RESIDENTIAL COTTAGES AND CLUBHOUSE  
166 SINGLE COTTAGE RESIDENCE BUILDINGS (97 DWELLING UNITS)  
47 DUPLEX COTTAGE RESIDENCE BUILDINGS (158 DWELLING UNITS)  
TOTAL 260 DWELLING UNITS  
PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS  
VEHICULAR TRAFFIC WILL ACCESS FROM FLIGHTWAY AVENUE AND TRANSPORT STREET THROUGH TWO GATED ACCESS POINTS OVER PRIVATE DRIVEWAYS. THE PUBLIC SIDEWALK ON FLIGHTWAY AVE WILL BE EXTENDED ALONG THE PROJECT FRONTAGE TO PROVIDE PEDESTRIAN ACCESS ADJACENT TO THE THREE VEHICULAR POINTS OF CONNECTION  
INTERNAL CIRCULATION REQUIREMENTS  
PRIVATE DRIVEWAY AND PEDESTRIAN WALKS AND TRAILS WILL PROVIDE INTERNAL CIRCULATION. EXISTING LOTS WILL BE CONSOLIDATED INTO TWO PARCELS CORRESPONDING WITH THE TWO PHASES OF CONSTRUCTION, BY SEPARATE PLAT  
MAXIMUM BUILDING HEIGHT  
4 STORIES ON LOTS 1A AND 2A OF SUNPORT PARK OTHER AREAS UNLESS MODIFIED BY EPC 26 FEET AT ANY LEGAL LOCATION THE HEIGHT AND WIDTH OF THE STRUCTURE OVER 26 FEET SHALL FALL WITHIN 45° ANGLE PLANES DRAWN FROM THE HORIZONTAL AT THE MEAN GRADE ALONG EACH INTERNAL BOUNDARY OF THE PREMISES AND EACH ADJACENT PUBLIC RIGHT-OF-WAY CENTERLINE, OR DRAINAGE WAY RIGHT-OF-WAY CENTERLINE TO PROTECT SOLAR ACCESS. A STRUCTURE OVER 26 FEET MAY NOT EXCEED THE NORTHERN BOUNDARY OF THESE 45° PLANES, BUT MAY BE SITED IN ANY OTHER DIRECTION WITHIN PLANES DRAWN AT A 60° ANGLE FROM THE SAME BOUNDARIES OR CENTER LINE  
PROPOSED MAX BUILDING HEIGHT 30' TO RIDGE-LINE (COTTAGES), 45' TO RIDGELINE (CLUBHOUSE)

**SITE DATA**  
MINIMUM BUILDING SETBACK  
ON LOTS 1A AND 2A OF SUNPORT PARK  
FRONT SETBACK OF NOT LESS THAN 20' FROM THE ROW LINE  
SIDE SETBACK OF NOT LESS THAN 10' FROM THE ROW LINE  
REAR SETBACK OF NOT LESS THAN 10' FROM THE ROW LINE  
MAXIMUM TOTAL DWELLING UNITS  
NO MAXIMUM PER IP ZONE (EXISTING), 260 DWELLING UNITS (PROPOSED)  
MAXIMUM F.A.R. (NON-RESIDENTIAL)  
0.43 F.A.R. ON LOT 1A AND 0.44 ON LOT 2A OF SUNPORT PARK  
PHASING  
2 PHASES PROPOSED  
STRUCTURE LOCATIONS  
SITE IS UNDEVELOPED AND VACANT WITH NO EXISTING STRUCTURES  
PROPOSED STRUCTURES PER PLAN  
STRUCTURE ELEVATIONS AND DIMENSIONS  
BUILDING AREA  
CLUBHOUSE 11,800 SF  
3-BEDROOM COTTAGE (1,346 SF EACH X 40) 53,840 SF  
3-BEDROOM DUPLEX COTTAGE (1,346 SF EACH X 40) 53,840 SF  
4-BEDROOM COTTAGE (1,543 SF EACH X 24) 37,032 SF  
5-BEDROOM COTTAGE (1,834 SF EACH X 40) 73,360 SF  
5-BEDROOM DUPLEX COTTAGE (1,879 SF EACH X 66) 124,014 SF  
6-BEDROOM COTTAGE (2,534 SF EACH X 50) 126,700 SF  
TOTAL 480,586 SF  
SEE SHEET C8 AND C9 FOR BUILDING ELEVATIONS

SEE SHEETS C2-C6 FOR ADDITIONAL SITE DETAILS

**SITE DATA**  
PARKING FACILITIES  
PARKING REQUIRED  
CLUBHOUSE 59 (ONE SPACE PER 200 SF)  
COTTAGES 389 (ONE SPACE FOR EACH THREE PERSONS IN RESIDENCE PER 6  
14-16-3-1 (A)(10))  
TOTAL REQUIRED 448 SPACES  
TOTAL PROVIDED 1,306 SPACES  
HC PARKING REQUIRED 12 SPACES (FOR 301 TO 500 TOTAL REQUIRED 12  
HC MIN)  
HC PARKING PROVIDED 20 SPACES  
MC PARKING REQUIRED 10 SPACES  
MC PARKING PROVIDED 12 SPACES  
BICYCLE PARKING REQUIRED 195 SPACES (ONE BICYCLE SPACE FOR EACH SIX  
PERSONS IN RESIDENCE)  
BICYCLE PARKING PROVIDED 195 SPACES  
LOADING FACILITIES  
NONE REQUIRED OR PROPOSED  
NON-AUTO TRANSPORTATION  
SHUTTLE SERVICE TO UNM IS PROPOSED. PUBLIC TRANSPORTATION IS AVAILABLE  
NEAR THE SITE BY BUS ROUTE 1618, 222, AND 250. BICYCLE AND PEDESTRIAN  
ACCESS IS AVAILABLE ALONG UNIVERSITY AVE TO UNM SPORTS FACILITIES AND  
MAIN CAMPUS

**LEGEND**

—	CURB & GUTTER
- - -	BOUNDARY LINE
- - - - -	EASEMENT
▭	BUILDING
▬	SIDEWALK
▬▬▬▬▬	SCREEN WALL
▬▬▬▬▬▬▬	RETAINING WALL
☆	STREET LIGHTS
- - - - -	EXISTING CURB & GUTTER
- - - - -	EXISTING BOUNDARY LINE
▬▬▬▬▬	EXISTING SIDEWALK
▬▬▬▬▬▬▬	PHASE BOUNDARY/PROPOSED LOTLINE
▬▬▬▬▬▬▬▬▬	EASEMENT/ROW TO BE VACATED
▭▭▭▭	BIKERACK
⬇	PROPOSED FIRE HYDRANT

**INDEX TO DRAWINGS**

C1.	SITE PLAN FOR BUILDING PERMIT
C2.	SITE PLAN DETAIL (40'-SCALE)
C3.	SITE PLAN DETAIL (40'-SCALE)
C4.	SITE PLAN DETAIL (40'-SCALE)
C5.	SITE PLAN DETAIL (40'-SCALE)
C6.	PRELIMINARY GRADING PLAN
C7.	CONCEPTUAL UTILITY PLAN
C8.	DETAIL SHEET
C9.	MONUMENT SIGN DETAIL
L1.	LANDSCAPE PLAN
L2.	LANDSCAPE PLAN
L3.	LANDSCAPE PLAN
L4.	LANDSCAPE PLAN
L5.	LANDSCAPE PLAN
EL-1	TRASH COMPACTOR DETAIL
EL-2	THRU EL-25 BUILDING ELEVATIONS
EL-26	COLOR PALETTE SCHEDULE
	AMENDMENT TO PREVIOUSLY APPROVED SITE DEVELOPMENT PLAN FOR SUBDIVISION

ENGINEER'S SEAL RONALD R. BOHANNAN P.E. #7868	<b>CAPSTONE STUDENT HOUSING</b>	DRAWN BY DY
	<b>SITE PLAN FOR BUILDING PERMIT</b>	DATE 10/25/12
	<b>TERRA WEST, LLC</b> 5571 MIDWAY PARK PLACE NE ALBUQUERQUE, NM 87109 (505) 858-3100 www.terrawestllc.com	2011064-SPE
		SHEET # C1
		JOB # 2011064



# PUBLIC RIGHT OF WAY VACATION/VARIANCE EXHIBIT



**TIERRA WEST, LLC**  
5571 MIDWAY PARK PLACE NE  
ALBUQUERQUE, NM 87109  
(505) 858-3100  
www.tierrawestllc.com

# PUBLIC RIGHT OF WAY VACATION/VARIANCE EXHIBIT




**TIERRA WEST, LLC**  
 5571 MIDWAY PARK PLACE NE  
 ALBUQUERQUE, NM 87109  
 (505) 858-3100  
 www.tierrawestllc.com

# Landfill Gas Assessment

**Proposed Medical Facility  
NWC of Flightway Avenue SE and Transport Street SE  
Albuquerque, New Mexico**

September 11, 2015  
Terracon Project No. 66157037

**Prepared for:**  
Genesis KC Development, LLC  
Tulsa, Oklahoma

**Prepared by:**  
Terracon Consultants, Inc.  
Albuquerque, New Mexico

Offices Nationwide  
Employee-Owned

Established in 1965  
[terracon.com](http://terracon.com)

# Terracon

Geotechnical ■ Environmental ■ Construction Materials ■ Facilities

September 11, 2015



Genesis KC Development, LLC  
2125 W. 73<sup>rd</sup> Street  
Tulsa, Oklahoma 74132

Attn: Mr. Marshall Stewman  
P: (918) 810-3700  
E: Marshall.stewman@davita.com

Re: Landfill Gas Assessment  
Proposed Medical Facility  
NWC of Flightway Avenue SE and Transport Street SE  
Schwartzman Landfill Buffer Zone  
Albuquerque, New Mexico  
Project No. 66157037

Dear Mr. Stewman:

Terracon Consultants, Inc. (Terracon) is pleased to submit this Landfill Gas Assessment for the above referenced site. This document was prepared in accordance with Terracon's Proposal Number P66150314 dated August 27, 2015.

We appreciate the opportunity to perform these services for Genesis KC Development, LLC. Please call Mark Hillier at (505) 797-4287 if you have questions regarding the information provided in the report.

Sincerely,  
Terracon Consultants, Inc.

Mark R. Hillier, P.G. (TX)  
Albuquerque Department Manager

David C McCormick, P.E.  
Senior Project Manager

Lawrence R. Keefe  
Principal

Attachments

Terracon Consultants Inc. 4905 Hawkins NE Albuquerque NM 87109  
P (505) 797-4287 F (505) 797-4288



9-11-15

NM CAO-2437846

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## APPENDICES

Appendix A:	Exhibits
Appendix B:	Project Plans
Appendix C:	Analytical Data Tables
Appendix D:	Voluntary Remediation Program Certificate of Completion

**LANDFILL GAS ASSESSMENT  
PROPOSED MEDICAL FACILITY  
NWC OF FLIGHTWAY AVENUE SE AND TRANSPORT STREET SE  
ALBUQUERQUE, NEW MEXICO**

Project No. 66157037

September 11, 2015

## **1.0 INTRODUCTION**

Terracon Consultants, Inc. (Terracon) was retained by Genesis KC Development, LLC (client) to develop and prepare a Landfill Gas Assessment (LGA) for the construction of a medical facility (site) within the City of Albuquerque (COA) Environmental Health Department (EHD) buffer zone for the Schwartzman Landfill. This LGA has been prepared in conformance with the COA draft *Interim Guidelines for Development within Designated Landfill Buffer Zones (Guidelines)* dated October 2013.

As described in the Guidelines, the purpose of this LGA is to assess the current presence and/or potential for future presence and extent of landfill gas at the site. The presence of buried construction debris, consisting primarily of concrete and asphalt, was documented in portions of the site in Terracon's Voluntary Remediation Completion Report prepared for Albuquerque Airpark Partners (Terracon Report No. 66127003, dated January 7, 2013). This LGA includes the unqualified opinion of a New Mexico licensed Professional Engineer (P.E.), with experience in landfill gas issues, concerning the following:

- The current presence of landfill gasses at the site and adjoining properties;
- The potential for future presence of landfill gasses at the site and adjoining properties; and,
- The sufficiency of on-site risk abatement measures to eliminate any hazards or potential hazards associated with landfill gasses

This LGA is sealed by David C. McCormick, P.E., the qualified P.E. for this assessment.

### **1.1 Location**

The site consists of an 8.3-acre tract of undeveloped land located at the northwest corner (NWC) of the intersection of Flightway Avenue SE and Transport Street SE in Albuquerque, New Mexico. The site is located within the COA buffer zone for the Schwartzman Landfill. The site location is depicted on Exhibit 1 of Appendix A, which was reproduced from a portion of the USGS 7.5-minute series topographic map. A diagram of the site and adjoining properties is included as Exhibit 2 of Appendix A. A diagram of the site in relation to the boundaries of the Schwartzman Landfill buffer zone is provided as Exhibit 3 of Appendix A.

## **1.2 Proposed Development**

The proposed site development includes an approximate 90,000 square-foot, two-story medical facility and associated utilities and paved parking. Vehicular access is provided by a southern entry to Transport Street SE, and a northern entry to Mulberry Street SE. Building construction will consist of steel frame and/or concrete tilt-wall construction atop a concrete shallow spread foundation.

## **2.0 SITE INVESTIGATION**

The site consists of an 8.3-acre tract of undeveloped land owned by Albuquerque Airpark Partners and under consideration for purchase by Genesis KC Development, LLC. The site contains buried construction debris consisting primarily of concrete and asphalt. The site was entered into the New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) Voluntary Remediation Program (VRP) for potential impacts of total petroleum hydrocarbons (TPH), VOCs and metals. On April 8, 2013, the site received a Certificate of Completion documenting the absence of TPH, VOCs or metals in the soil and groundwater of the site above applicable state standards. A copy of the Certificate of Completion is included in Appendix D. Terracon recently completed a Phase I Environmental Site Assessment (ESA) for the site (Terracon Report No. 66157737, dated June 19, 2015. Indications of Recognized Environmental Conditions in connection with the site were not identified during the completion of the Phase I ESA.

On September 10-12, 2015, Terracon subcontracted Enviro-Drill, Inc. to assist with the sampling of soil vapors at the site for the presence of landfill gasses. Terracon's sampling program included the following:

- Installed 24 temporary soil vapor probes across the site
- Collected soil vapors from the probe locations for field analysis of volatile organic compounds (VOCs), methane, carbon monoxide, oxygen and hydrogen sulfide

The following paragraphs provide detailed information regarding the temporary soil vapor probe installation and the results of soil vapor analyses.

### **2.1 Temporary Soil Vapor Probe Installation**

Temporary soil vapor probes 1 through 24 were installed on approximate 150-foot centers across the site. The temporary soil vapor probes were installed using a truck-mounted direct-push drilling rig mounted. The probes were advanced to a depth of approximately five feet below grade surface (bgs) with the exception of temporary soil vapor points 4, 15 and 22, which encountered refusal

between approximately 2 feet bgs and 4 feet bgs. The locations of the probes are provided on Exhibit 2 in Appendix A. A copy of the site development plan is provided in Appendix B.

Expendable tips were inserted into the 1.5-inch diameter hollow drilling rod prior to advancement and the rod was raised approximately 6 inches after reaching the total depth of each boring. The expendable tips remained at the total depth of the boring while the drilling rod was raised exposing an internal screen. This procedure created a subsurface void from which soil vapors were extracted through tubing inserted to the bottom of the sampling tool and through the drilling rod for evaluation.

Sample tubing was inserted to the bottom of the screened sampling tool and was connected to a QRAE multi-gas detector with photoionization detector (PID). Each probe location was purged using the QRAE for a minimum of 5 minutes, or until PID readings stabilized, prior to the collection of soil vapor samples for analysis.

## **2.2 Landfill Gas Measurements**

Subsequent to purging, soil vapors were collected and analyzed for VOCs, methane, carbon monoxide, oxygen and hydrogen sulfide using a QRAE multi-gas meter. The QRAE was checked for calibration prior to beginning the assessment using 50% LEL methane calibration gas and 0.025% hydrogen sulfide, respectively. The instrument was within 98% of the calibration standard and was considered calibrated. The instrument readings were allowed to stabilize prior to data collection to ensure that the data was representative of *in-situ* soil vapor concentrations. The results of field and laboratory analyses are provided in Table 1 in Appendix C.

VOCs were detected at concentrations ranging from 0.0 parts-per-million (ppm) to 1.5 ppm in the soil vapor samples collected at the site. These readings are within the typical background range and are not considered indicative of releases of VOCs at the site.

Methane was not detected in the soil vapor samples collected at the site.

Hydrogen sulfide was not detected in the soil vapors collected at the site.

Carbon monoxide was detected at concentrations ranging from 1 ppm to 60 ppm in the soil vapor samples collected at the site. The USEPA indicates that the typical range for carbon monoxide in homes without gas stoves ranges from 0.5 ppm to 5 ppm and from 5 ppm to 15 ppm in homes with property adjusted gas stoves. Based on a typical attenuation factor for concrete slab-on-grade foundations of 0.07, the maximum detected carbon monoxide concentration of 60 ppm is not considered a threat to the indoor air of the buildings in the planned development.

Oxygen concentrations detected in the soil vapor probe locations ranged from 17.5% to 22.9% and the detected concentrations are within the typical range of subsurface oxygen concentrations in areas unaffected by landfill gases.



Copies of field measurement notes are provided in Appendix C.

### **3.0 OPINIONS**

#### **3.1 Current Presence of Landfill Gas**

Based on the results of field analyses, the site does not appear to be affected by landfill gases.

#### **3.2 Potential for Future Presence of Landfill Gas**

Based on the results of field analysis, the future presence of landfill gas at the site is considered low.

#### **3.3 Landfill Gas Abatement and Monitoring**

Based on the absence of detected landfill gas and the high oxygen levels detected in the soil vapor probes, landfill gas abatement measures and monitoring are not required for development of the site. However, in accordance with NMED Solid Waste Bureau regulations, monitoring of landfill gases will be employed if buried debris is excavated at the site.

Based on the unlikely future presence of landfill gas in the vicinity of the project, landfill gas abatement measures and monitoring are not required for the project.

#### **3.4 Scope Limitations**

These opinions are expressed in consideration of the existing and future site utilities, including infrastructure improvements. The potential for landfill gas migration pathways along utility corridors has also been considered.

Findings, conclusions, and recommendations resulting from these services are based upon information derived from the on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of landfill gases, hazardous substances, petroleum products, or other constituents may have been latent, inaccessible, unobservable, nondetectable, or not present during these services. Subsurface conditions may vary from those encountered at specific sample collection points or during other surveys, tests, assessments, investigations, or exploratory services. The data, interpretations, findings, and our recommendations are based solely upon data obtained at the time and within the scope of these services.

### **3.5 Reliance**

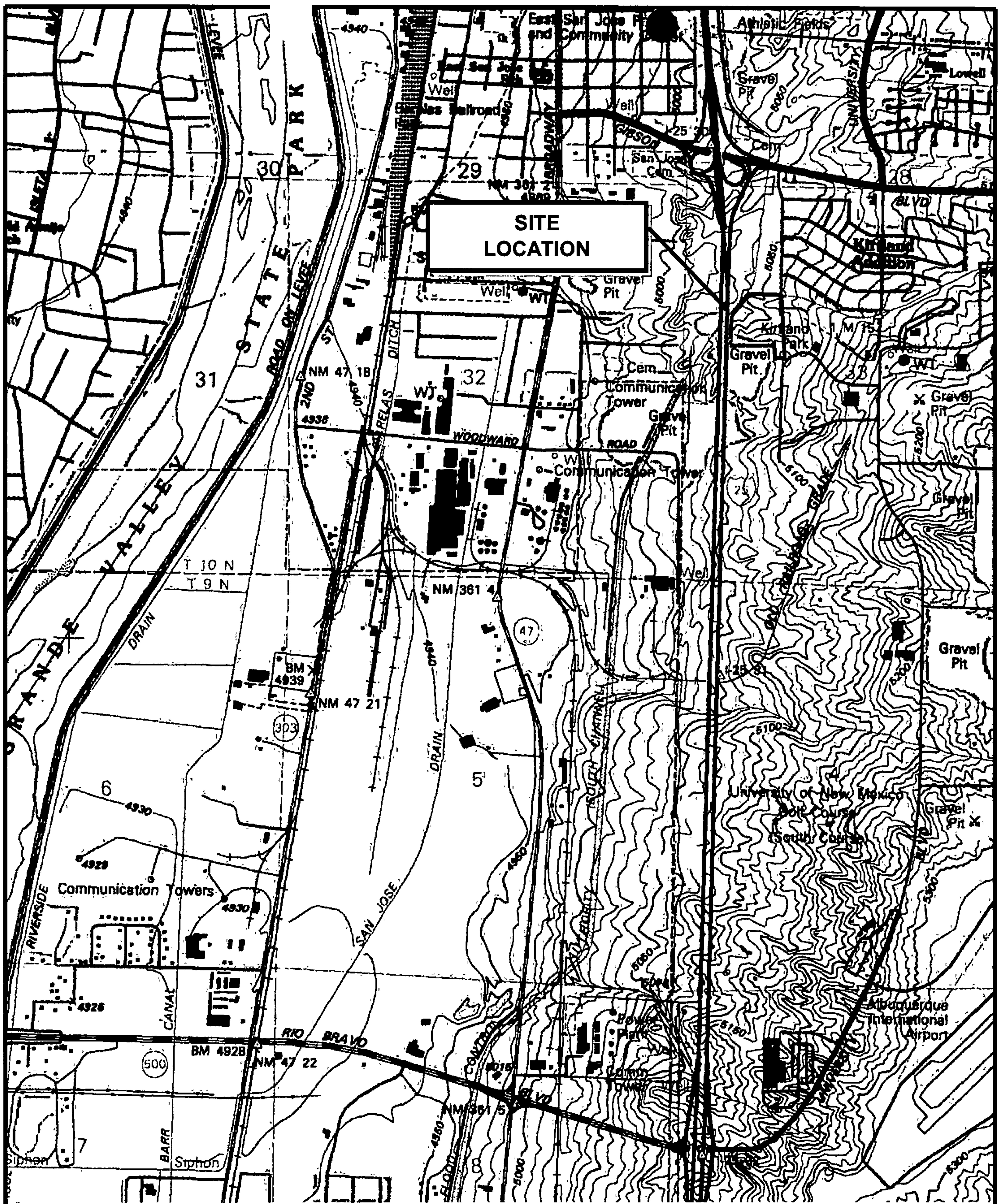
This report has been prepared for the exclusive use of Genesis KC Development, LLC, and any authorization for use or reliance by any other party (except a governmental entity having jurisdiction over the site) is prohibited without the express written authorization of Genesis KC Development, LLC and Terracon. Any unauthorized distribution or reuse is at Genesis KC Development, LLC's sole risk. Notwithstanding the foregoing, reliance by authorized parties will be subject to the terms, conditions, and limitations stated in the proposal, LGA report, and Terracon's Agreement for Services. The limitation of liability defined in the terms and conditions is the aggregate limit of Terracon's liability to Capstone and all relying parties unless otherwise agreed in writing.

**APPENDIX A**

**Exhibit 1 – Site Location Map**

**Exhibit 2 – Site Diagram**

**Exhibit 3 – Schwartzman Landfill Buffer Zone Diagram**



USGS Albuquerque West, New Mexico, published 1990 (1:24,000)

Project Mngr:	MRH
Drawn By:	MRH
Checked By:	LRK
Approved By:	DCM

Project No.	66157037
Scale	1" = 1,000'
File No.	
Date:	September 2015

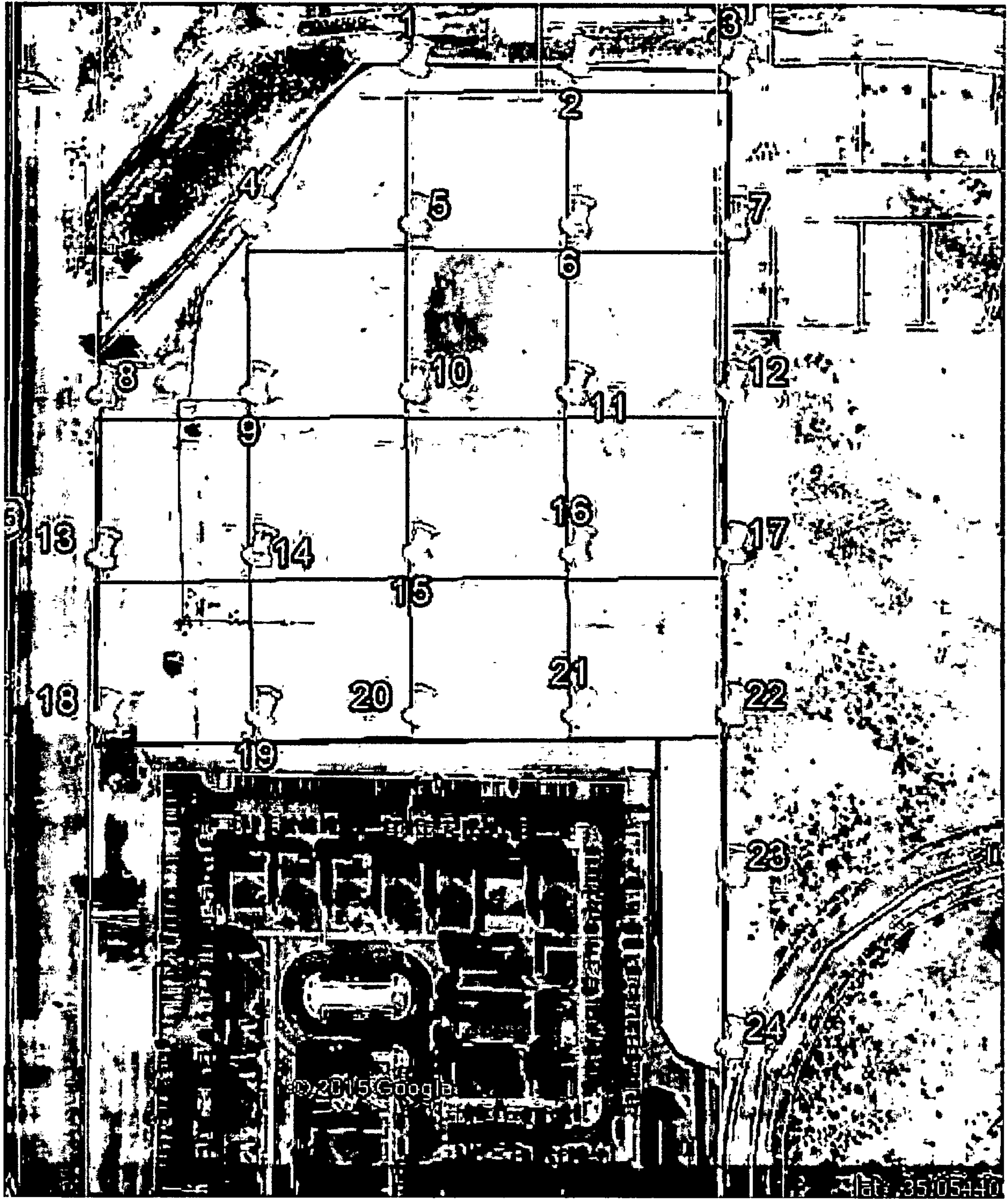
**Terracon**  
 Consulting Engineers & Scientists  
 4905 Hawkins, NE  
 Albuquerque, New Mexico 87109  
 505 797 4287 Fax 505 797 4288

**SITE LOCATION MAP**

**PROPOSED MEDICAL FACILITY  
 NWC FLIGHTWAY SE AND TRANSPORT SE  
 Albuquerque, New Mexico**

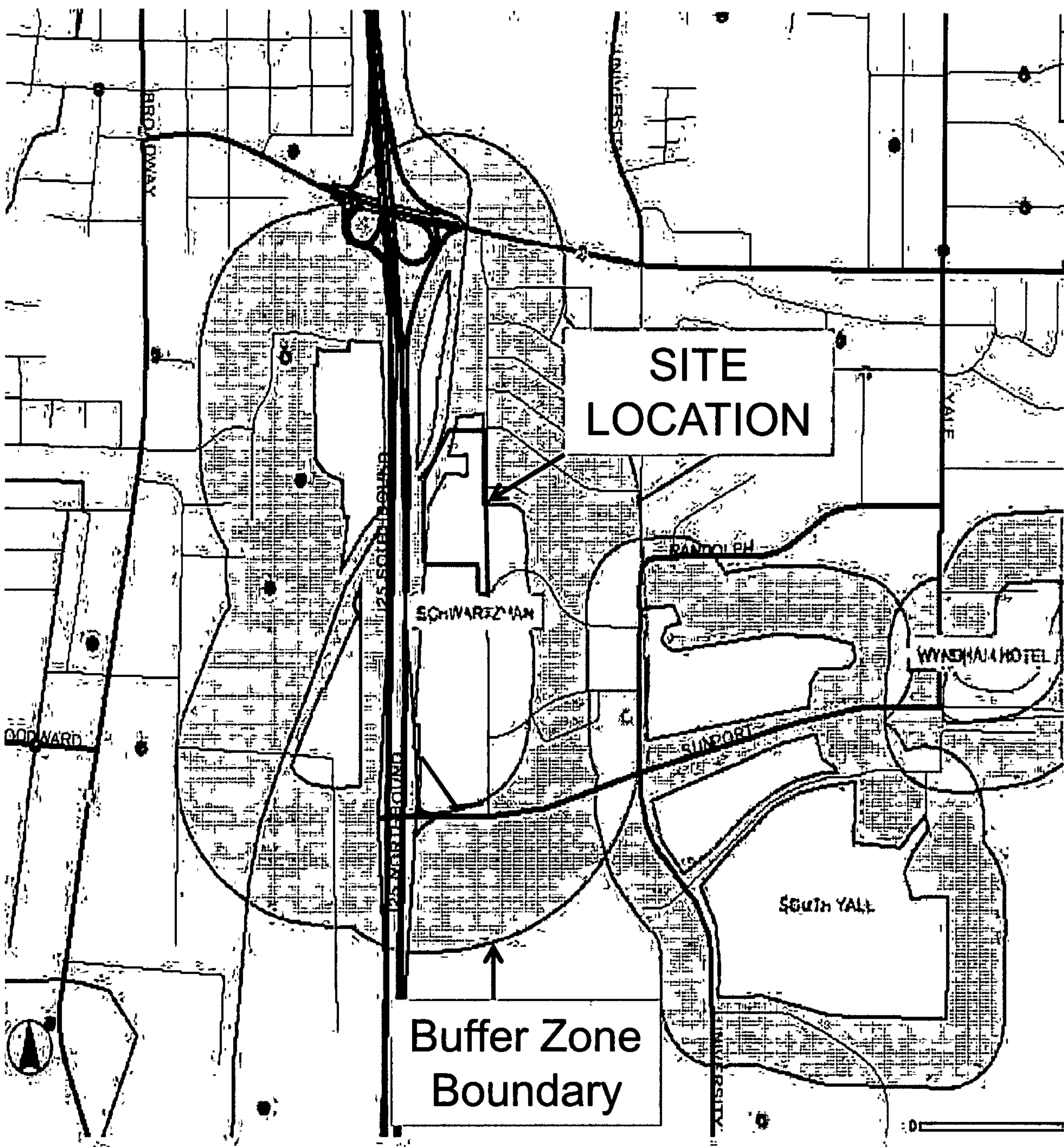
**EXHIBIT**

**1**



Aerial Photograph Source: Google Earth Pro

Project Manager: MRH	Project No. 66157037	 4905 Hawkins, NE Albuquerque, New Mexico 87109 PH (505) 797-4287 FAX (505) 797-4288	<b>SAMPLE LOCATION MAP</b>  PROPOSED MEDICAL FACILITY NWC TRANSPORT SE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO	EXHIBIT
Drawn by: MRH	Scale:			2
Checked by: LRK	File Name:			
Approved by: DCM	Date: May 2013			



Map Source City of Albuquerque



Project Manager: MRH	Project No. 66157037
Drawn by MRH	Scale:
Checked by: LRK	File Name:
Approved by: DCM	Date: September 2015

**Terracon**  
 Consulting Engineers & Scientists  
 4905 Hawkins, NE Albuquerque, New Mexico 87109  
 PH. (505) 797-4287 FAX (505) 797-4288

**LANDFILL BUFFER ZONE MAP**  
 PROPOSED MEDICAL FACILITY  
 NWC FLIGHTWAY SE AND TRANSPORT SE  
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

EXHIBIT  
**3**

## **APPENDIX B**

### **Exhibit 4 - Project Plans**

**GENERAL SHEET NOTES**

1. THIS SUBMITTAL ILLUSTRATES THE DESIGN AND DEVELOPMENT INTENT FOR A NEW CLINIC AND ASSOCIATED SITE, LANDSCAPE GRADING AND UTILITY IMPROVEMENTS
2. SITE LIGHTING WILL CONSIST OF A COMBINATION OF BUILDING MOUNTED LIGHT FIXTURES AND POLE MOUNTED FIXTURES. SEE PLAN FOR POLE FIXTURES.
3. POLE LIGHTS AND SITE FURNISHINGS WILL HAVE COORDINATED AND COMPLEMENTARY LIGHT COLORED, METAL OR PAINTED METAL FINISHES
4. TWO PHASES ARE INDICATED IN THE SITE PLAN. THE MAJORITY OF BUILDING AND SITE DEVELOPMENT WILL OCCUR IN PHASE 1. PHASE 2 INCLUDES DEVELOPMENT OF ADDITIONAL BUILDING SQUARE FOOTAGE IN THE CONFIGURATION INDICATED ON THE PLANS. SEE SITE DETAILS AND LANDSCAPE DETAILS FOR SITE DESIGN INFORMATION FOR PHASE 1 AROUND THE BUILDING'S MAIN ENTRANCE.
5. MECHANICAL UNITS WILL BE PLACED ON THE ROOF. MECHANICAL UNITS WILL BE SCREENED FROM VIEW WITH A COMBINATION OF STRATEGIC PLACEMENT AND ARCHITECTURAL SCREENING.

**SHEET KEYED NOTES**

1. PROPERTY LINE
2. EASEMENT LINE
3. EXISTING BILLBOARD SIGN TO REMAIN
4. CONCRETE SIDEWALK
5. CONCRETE CURB AND GUTTER
6. CONCRETE FLUSH CURB
7. CONCRETE HEADER CURB
8. CONCRETE ACCESSIBLE RAMP TYPE A PER COA DPM STANDARDS
9. CONCRETE ACCESSIBLE RAMP TYPE B PER COA DPM STANDARDS
10. HEAVY DUTY DECORATIVE CONCRETE PAVING COLOR TBD
11. REINFORCED CONCRETE PAVING IN SERVICE YARD COLOR NONE
12. DETECTABLE WARNING SURFACE
13. BOLLARD COLOR TBD
14. BIKE RACKS
15. TABLE AND CHAIRS
16. BENCH
17. OVERHEAD SEE ARCHITECTURAL SHEETS
18. COMPACTOR 34 CU YD CAPACITY SEE A1/SDP-1.2 FOR ENCLOSURE GATE ELEVATION
19. POND
20. PARKING STRIPING
21. ADA PAVEMENT MARKING
22. PARKING BUMPER
23. ACCESSIBLE PARKING SIGN, SEE C1/SDP-1.2
24. MOTORCYCLE PARKING SIGN, SEE C1/SDP-1.2
25. STOP SIGN, SEE C1/SDP-1.2
26. SITE LIGHTING, SEE LEGEND
27. CLEAR BIGHT TRIANGLE
28. PAVEMENT ARROWS
29. DROP OFF AREA
30. TRANSFORMER
31. LITTER RECEPTACLE
32. SEATWALL
33. PHASE 2 BOUNDARY
34. 7' TALL CMU WITH STUCCO SCREEN WALL
35. 6' TALL CMU WITH STUCCO SCREEN WALL
36. DOUBLE SIDED MONUMENT SIGN A, SEE A3/SDP-1.2
37. DOUBLE SIDED MONUMENT SIGN B, SEE B1/SDP-1.2

**LEGEND**

- PROPERTY LINE
- EXISTING EASEMENT (ALL EASEMENTS ARE EXISTING)
- 24'-0" MAX HT. POLE LIGHT DOUBLE FULL CUT-OFF DARK COLOR TO COORDINATE WITH EXISTING FIXTURES
- 24'-0" MAX HT. POLE LIGHT SINGLE FULL CUT-OFF DARK COLOR TO COORDINATE WITH EXISTING FIXTURES
- STABILIZED CRUSHER FINES
- REINFORCED CONCRETE PAVING
- DECORATIVE CONCRETE PAVING COLOR TBD
- HEAVY DUTY DECORATIVE CONCRETE PAVING, COLOR TBD
- LANDSCAPE AREA, SEE SDP 2.1

**SITE PATIO / AMENITIES**

- A PATIO A 76 SF
- B PATIO B 108 SF
- C PATIO C 470 SF

PROJECT NUMBER: 1000310  
APPLICATION NUMBER: DRB Site Development Plan-Building Permit

Is an Infrastructure Law Required? (X) Yes ( ) No. If yes there a set of approved DMC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

**DRB SITE DEVELOPMENT PLAN APPROVAL**

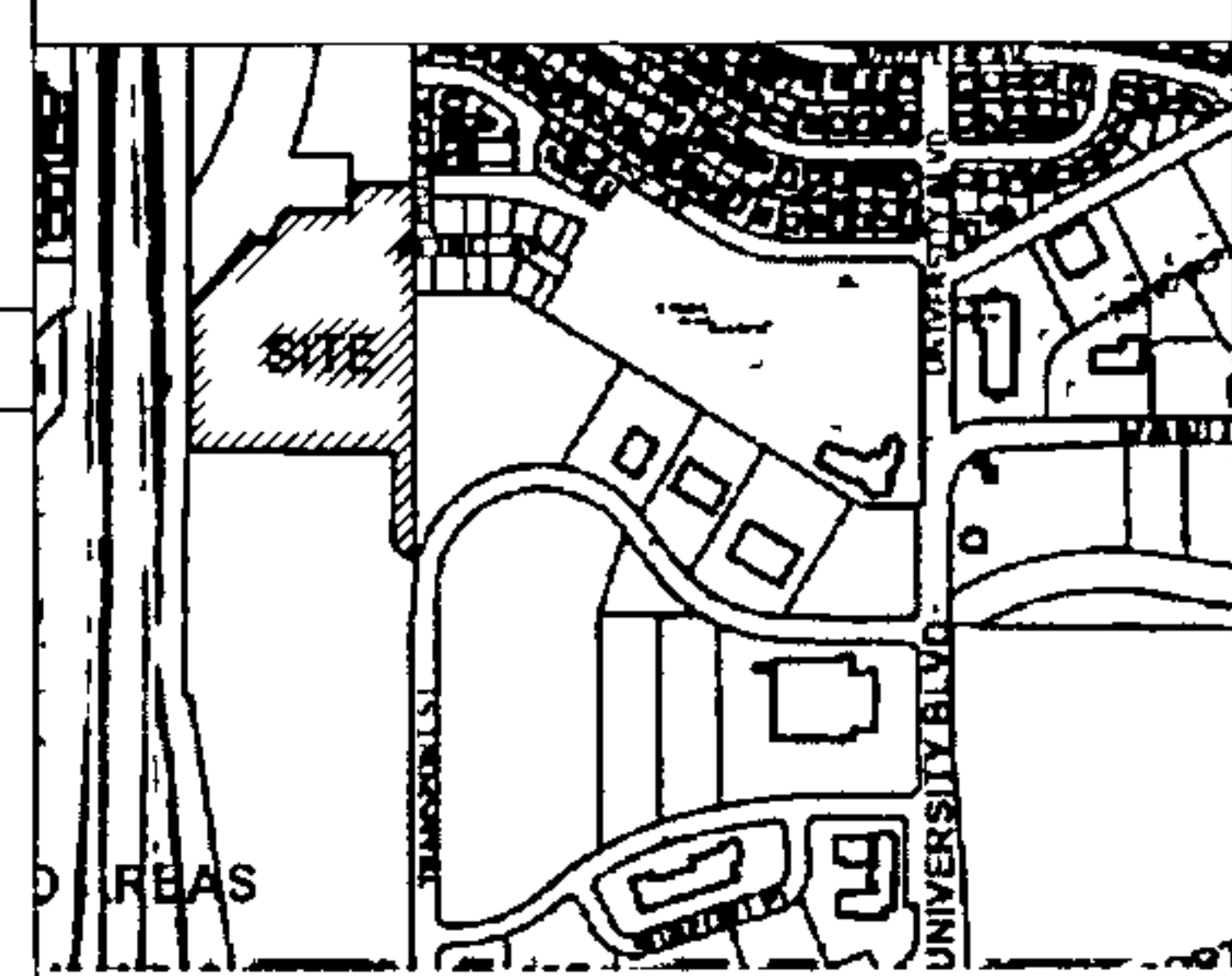
TRAFFIC ENGINEER, TRANSPORTATION DIVISION	DATE
UTILITIES DIVISION	DATE
PARAS AND RECREATION DEPARTMENT	DATE
CITY ENGINEER	DATE
SOLID WASTE MANAGEMENT	DATE
FIRE MARSHALL	DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE

**PROJECT DATA**

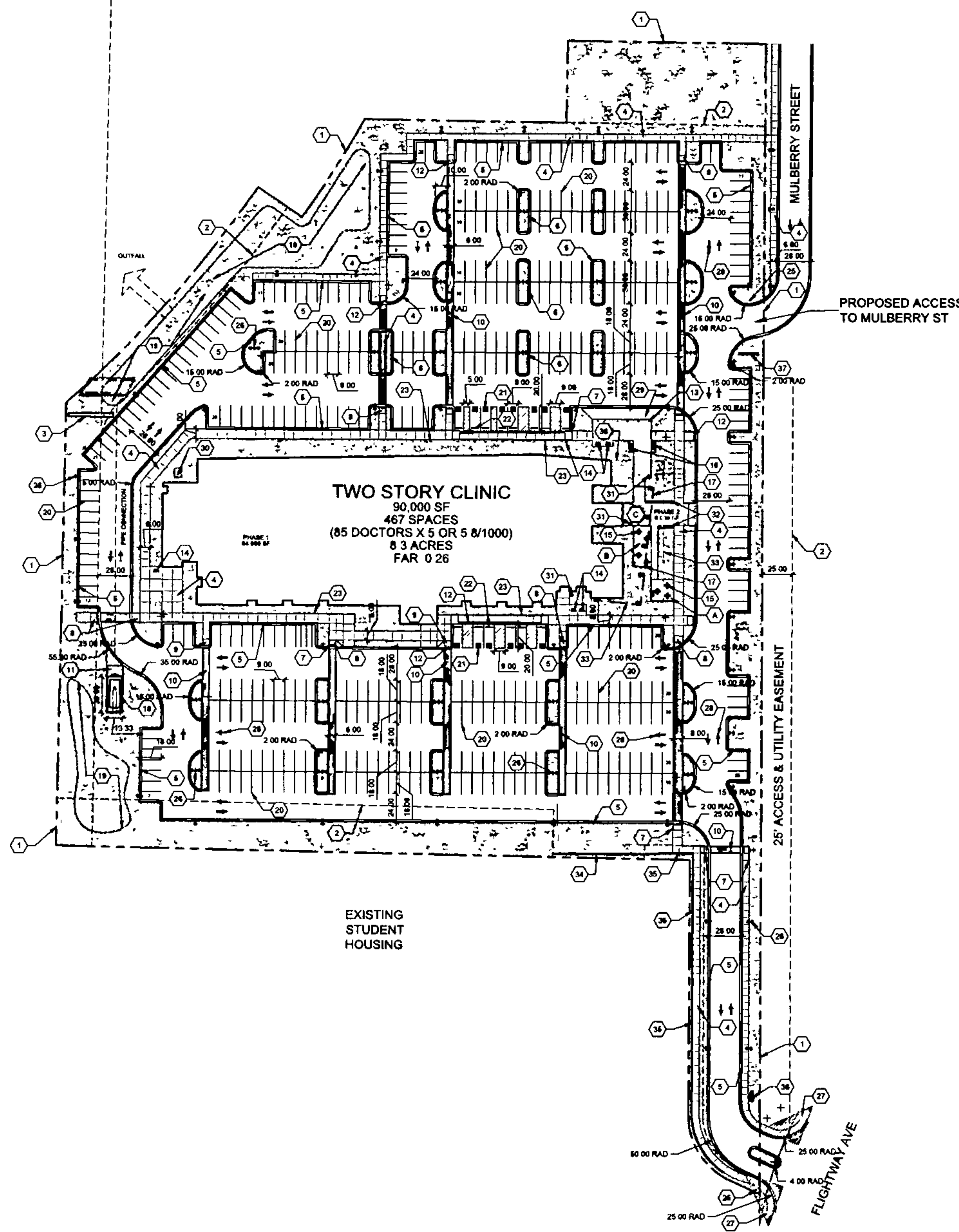
ADDRESS: 2901 TRANSPORT STREET SE ALBUQUERQUE, NM 87104  
LEGAL DESCRIPTION: TRACT 2 CAPSTONE SUBDIVISION  
ZONE ATLAS PAGE: M-15-Z  
SITE AREA: 8.366 ACRES  
CURRENT ZONING: BU-1 (PERMISSIVE USES AND STUDENT HOUSING)  
PROPOSED ZONING: NO CHANGE  
BUILDING FOOTPRINT: 90,000 SF (PHASE 1: 84,000 SF; PHASE 2: 6,000 SF)  
LANDSCAPING: REFER TO SHEET SDP 2.1 FOR LANDSCAPE PLAN

**PARKING CALCULATIONS**

TOTAL PARKING SPACES REQUIRED PER CODE: MEDICAL OR DENTAL OFFICE, CLINIC FIVE SPACES FOR EACH DOCTOR = 426 SPACES	
TOTAL PROPOSED PARKING:	456
STANDARD CAR SPACES	14 (12 REQUIRED)
ACCESSIBLE SPACES	467
TOTAL CAR SPACES	
MOTORCYCLE SPACES	6 (6 REQUIRED)
BICYCLE PARKING	32 (24 REQUIRED)



**VICINITY MAP**  
ZONING MAP M-15-Z  
Scale: 0, 750, 1,500



**A1 SITE PLAN**  
Scale: 1" = 50'-0"  
Scale: 0, 50, 100



## **APPENDIX C**

### **Analytical Data Table**

**Landfill Gas Field Log**  
**Capstone Student Housing Phase I**  
**NWC of Sunport Boulevard SE and Transport Street SE**  
**Albuquerque, New Mexico**  
**Terracon Project No. 66137017**

CO VOL  
LEL

H2:  
C2

Sample No.	Latitude / Longitude	Date / Time	VOCs (ppm)	O2 (% vol.)	CO (ppm)	H2S (ppm)	Methane (% of LEL)
1		09/03/15/1140	0.0	20.5	3	0	0
2		"09/03" 12 28	0.0	20.2	4	0	0
3		"09/03" 13 55	0.0	20.9	3	0	0
4		"09/03" 15 22	0.0	22.9	5	0	0
5		09/03 14 58	0.0	20.9	3	0	0
6		"09/03" 14 37	0.0	22.2	3	0	0
7		"09/03" 14 13	0.0	20.9	3	0	0
8		09/03 11 23	0.0	20.3	3	0	0
9		"09/03" 15 50	0.0	20.5	3	0	0
10		"09/03" 16 11	0.0	20.4	4	0	0
11		09/04/15 11 40	0.0	20.1	2	0	0
12		09/04/15 11 25	1.0	20.2	4	0	0
13		09/05 11 40	0.0	19.5	1	0	0
14		09/04/15 12 47	0.0	19.5	2	0	0
15		09/04/15 12 22	1.0	19.9	29	0	0
16		09/04/15 11 58	0.0	19.7	3	0	0
17		09/04/15 11 10	0.0	20.3	3	0	0
18		09/04/15 11 54	0.0	19.6	3	0	0
19		"09/04" 13 04	0.0	17.5	60	0	0
20		09/04 13 20	0.0	18.6	1	0	0
21		09/04 13 37	0.0	17.5	2	0	0
22		09/04 13 55	0.0	20.1	1	0	0
23		09/05 10 25	1.5	20.3	3	0	0
24		09/05 10 45	1.0	20.0	3	0	0

3.5 ft →

2.0 ft →

4.0 ft →

**APPENDIX D**

**Voluntary Remediation Program  
Certificate of Completion**

NEW MEXICO ENVIRONMENT DEPARTMENT  
VOLUNTARY REMEDIATION PROGRAM

**CERTIFICATE OF COMPLETION**

Pursuant to §74-4G-1 et seq. NMSA 1978, the Voluntary Remediation Act, and the Voluntary Remediation Regulations (20.6.3 NMAC), the New Mexico Environment Department has determined that the participant, **John Lorentzen, Albuquerque Airpark Partners**, has successfully complied with the Voluntary Remediation Agreement and that site conditions meet applicable standards for the **Albuquerque Airpark Partners Site, VRP Site No. 53121002**, as of **February 28, 2013** for the tract of land and for the environmental conditions described in Exhibit A, attached hereto, and that the final site remedy is not dependent upon post-closure care, maintenance of engineering controls, remediation systems, nor affirmation of future non-residential use.

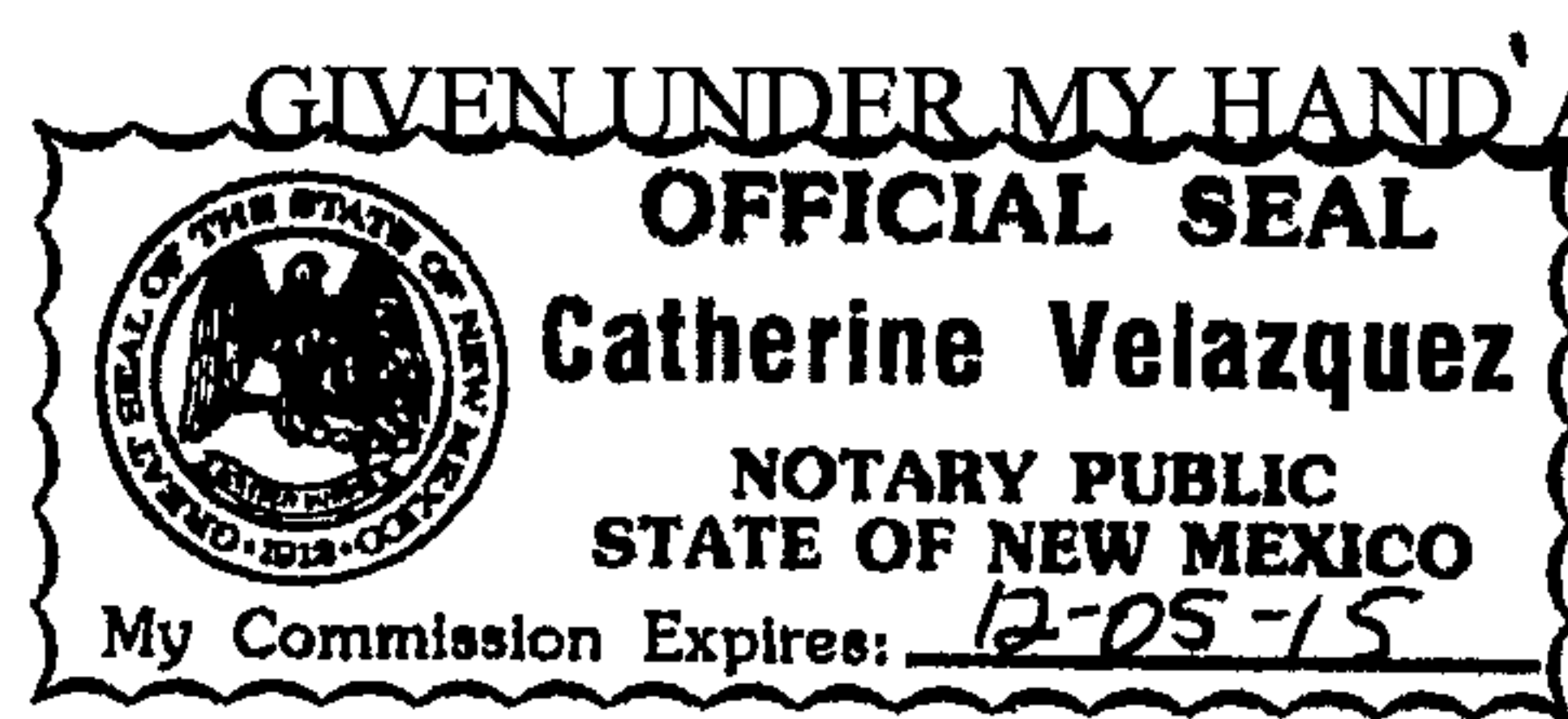
A purchaser of the site who did not contribute to the site contamination covered by the Voluntary Remediation Agreement as of the date of this Certificate is entitled to a Covenant Not To Sue from NMED pursuant to §74-4G-8 NMSA 1978.


EXECUTED this 9 day of April, 2013

  
\_\_\_\_\_  
Secretary or Designee  
New Mexico Environment Department

STATE OF NEW MEXICO  
SANTA FE COUNTY

BEFORE ME, on this, the 9 day of April, 2013, personally appeared Jerry Schoeppner, known to me to be the person and agent of said department whose name is subscribed to the foregoing instrument, and he/she acknowledged to me that he/she executed the same for the purposes and in the capacity therein expressed.



  
\_\_\_\_\_  
Notary Public in and for the State of New Mexico  
My commission expires: 12-05-15

Attachment: Exhibit A, Description of Site and Environmental Conditions

Current DRC  
Project Number:

FIGURE 12

Date Submitted: \_\_\_\_\_  
Date Site Plan Approved: \_\_\_\_\_  
Date Preliminary Plat Approved: \_\_\_\_\_  
Date Preliminary Plat Expires: \_\_\_\_\_  
DRB Project No.: 1009090  
DRB Application No: \_\_\_\_\_

**INFRASTRUCTURE LIST**

(Rev 9-20-05)

**EXHIBIT "A"**

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

**Multi-Specialty Clinic**

**PROPOSED NAME OF SITE DEVELOPMENT PLAN**

**TR 2 PLAT OF TRS 1&2 CAPSTONE SUBDIVISION**

**EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION**

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		24 ft	Mulberry Street (1/2 width)	Mulberry	North Property Line	175 ft South of Property Line	/	/	/
		8 in	Waterline	Southerly Bdy	Existing Stub	30 ft north of PL	/	/	/
		10 ft	Asphalt Trail	Easterly Boundary	Mulberry Extension	Flightway	/	/	/
		600 L.F.	E.B. Left Turn Lane (striping only)	Randolph Rd	Yale Blvd	600' West of Yale	/	/	/
		150 L.F.	E.B. Left Turn Lane (striping only)	Flightway Ave	University Blvd	150' west of University	/	/	/
		1700 LF	Dashed Yellow Centerline Striping (striping only)	Flightway	Project Entrance	200' west of University	/	/	/
		38 ft	Entrance to Project	Flightway	Flightway	Transport	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

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			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

**NOTES**

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

- 1 \_\_\_\_\_  
\_\_\_\_\_
- 2 \_\_\_\_\_  
\_\_\_\_\_
- 3 \_\_\_\_\_  
\_\_\_\_\_

<b>AGENT / OWNER</b>	<b>DEVELOPMENT REVIEW BOARD MEMBER APPROVALS</b>
----------------------	--

**Joel D. Hernandez**  
NAME (print)

**Tierra West, LLC**  
FIRM

\_\_\_\_\_  
SIGNATURE - date

\_\_\_\_\_  
DRB CHAIR - date

\_\_\_\_\_  
PARKS & RECREATION - date

\_\_\_\_\_  
TRANSPORTATION DEVELOPMENT - date

\_\_\_\_\_  
AMAFCA - date

\_\_\_\_\_  
UTILITY DEVELOPMENT - date

\_\_\_\_\_  
- date

\_\_\_\_\_  
CITY ENGINEER - date

\_\_\_\_\_  
- date

<b>DESIGN REVIEW COMMITTEE REVISIONS</b>
--

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

**INFRASTRUCTURE LIST**  
(Rev 9-20-05)  
**EXHIBIT "A"**  
**TO SUBDIVISION IMPROVEMENTS AGREEMENT**  
**DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

**Multi-Specialty Clinic**  
PROPOSED NAME OF SITE DEVELOPMENT PLAN

TR 2 PLAT OF TRS 1&2 CAPSTONE SUBDIVISION  
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		24 ft	Mulberry Street (1/2 width)	Mulberry	North Property Line	175 ft South of Property Line	/	/	/
		8 in	Waterline	Southerly Bdy	Existing Stub	30 ft north of PL	/	/	/
		10 ft	Asphalt Trail	Easterly Boundary	Mulberry Extension	Flightway	/	/	/
		600 L.F.	E.B. Left Turn Lane (striping only)	Randolph Rd	Yale Blvd	600' West of Yale	/	/	/
		150 L.F.	E.B. Left Turn Lane (striping only)	Flightway Ave	University Blvd	150' west of University	/	/	/
		1300 LF	Centerline Striping	Flightway	New Drive	150' west of University	/	/	/
		38 ft	Entrance to Project	Flightway	Flightway	Transport	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

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			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

**NOTES**

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

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

**AGENT / OWNER** **DEVELOPMENT REVIEW BOARD MEMBER APPROVALS**

Joel D. Hernandez  
NAME (print)

Tierra West, LLC  
FIRM

\_\_\_\_\_  
SIGNATURE - date

\_\_\_\_\_  
DRB CHAIR - date

\_\_\_\_\_  
TRANSPORTATION DEVELOPMENT - date

\_\_\_\_\_  
UTILITY DEVELOPMENT - date

\_\_\_\_\_  
CITY ENGINEER - date

\_\_\_\_\_  
PARKS & RECREATION - date

\_\_\_\_\_  
AMAFCA - date

\_\_\_\_\_  
- date

\_\_\_\_\_  
- date

**DESIGN REVIEW COMMITTEE REVISIONS**

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER



gwr

# TIERRA WEST, LLC

September 26, 2013

Mr. Jack Cloud, Chair  
Development Review Board  
City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102

**RE: EPC FINAL SIGN-OFF: SITE DEVELOPMENT PLAN FOR BUILDING PERMIT  
OFFICIAL NOTIFICATION OF DECISION DATED NOVEMBER 13, 2012  
PROJECT #1009090 – 11EPC-40091; 11EPC-40092; AND 11EPC-40093**

ZMA SDS JBP

Dear Chairman Cloud:

Tierra West LLC, on behalf of Capstone Housing, respectfully requests approval of the Site Development Plan for Building Permit. To date, the Site Development Plan for Subdivision has been approved and the Final Plat has been recorded. The Site Plan submitted herewith incorporates some minor changes from the plan delegated from the DRB at the July 10, 2013 hearing related to the total number of parking spaces and the alignment of a segment of the multi-purpose trail in the vicinity of the clubhouse, the details of which are discussed below. The changes have been discussed and coordinated with the Staff Planner for conformance with all applicable EPC conditions.

We have addressed the conditions from EPC as set forth in the Official Notification of Decision dated November 13, 2012 as follows:

**Project #1009090, 11EPC 40093 - Site Development for Building Permit**

**CONDITIONS:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

**RESPONSE:** This letter, in conjunction with correspondence to the Planning Director, dated June 17, 2013, explains how all the conditions have been met and all modifications due to those conditions. This condition has been met.

5571 Midway Park Place NE Albuquerque, NM 87109  
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102  
tierrawestllc.com

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

**RESPONSE:** The applicant met with the staff planner on June 17, 2013 to ensure all conditions have been met. Subsequent meetings were held along with a final review meeting on September 26, 2013 to satisfy this requirement.

3. Provision shall be made for a pedestrian/bicycle linkage to Mulberry Street on the north. No vehicular traffic shall be able to pass through this connection.

**RESPONSE:** The Site Development Plan is configured to incorporate a multi-purpose trail which will provide pedestrian and bicycle linkage to Mulberry Street. *The final connection will be made with development of Phase 2 and/or Phase 3 as indicated on the Site Development Plan.*

4. There shall be a continuous multi-purpose trail along the perimeter of the site.

**RESPONSE:** The Site Development Plan is configured to incorporate a multi-purpose trail along the perimeter of the site. *In the vicinity of the clubhouse, the trail was revised to meander through this area so as to integrate the pool, clubhouse, and patio recreation areas in an effort to improve pedestrian access, circulation, and visibility to promote its use.*

5. Landscaping:

a. More trees shall be added to all parking areas to achieve the requirement that no parking space shall be farther than 100' from a tree trunk (Section 14-16-3-10 (G)).

**RESPONSE:** The landscape plan has been updated to add trees as necessary to meet the requirement of Section 14-16-3-10(G).

b. The landscaping shall meet the requirement in Section 14-16-3-10 (G)(1)(D) of the zoning code that "at least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy of at least 25 feet."

**RESPONSE:** The landscape plan has been updated to add trees as necessary to meet the requirement of Section 14-16-3-10(G)(1)(D).

c. Additional trees shall be added in the site to achieve "at least one tree be provided per each ground floor dwelling unit and one tree per two second-story dwelling units." Section 14-16-3-10 (G)

**RESPONSE:** The landscape plan has been updated to add trees as necessary to meet the requirement of Section 14-16-3-10(G).

d. The legend on the Landscaping Plan shall show individual symbols for the types of plants used.

**RESPONSE:** The legend on the Landscape Plan has been updated to show individual symbols for the types of plants used, as required.

6. Details for the two signs shall be shown on the Detail Sheet - including colors and dimensions.

**RESPONSE: Details for the monument sign have been added to the elevation detail sheets.**

7. Conditions from City Engineer, Municipal Development, Water Authority and NMDOT:

a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).

**RESPONSE: Installation of public sidewalk along Transport Street is proposed as indicated on the Site Development Plan for Building Permit.**

b. Concurrent Platting Action required at Development Review Board (DRB).

**RESPONSE: Concurrent platting action is requested with this application.**

c. Reflect Site Development Plan for Subdivision layout with proposed lot configuration.

**RESPONSE: A Site Development Plan for Subdivision reflecting the proposed lot configuration to accommodate the proposed layout is submitted herewith for review and approval.**

d. Site plan shall comply and be designed per current DPM and ADA Standards/requirements.

**RESPONSE: We believe the Site Plan is designed and meets current DPM and applicable ADA requirements.**

e. Provide/label/detail all dimensions, classifications and proposed infrastructure for Site.

**RESPONSE: Proposed infrastructure for the site, complete with details, dimensions, and labels is depicted on the Site Development Plan for Building Permit, Grading and Drainage Plan, Master Utility Plan, and construction details as appropriate.**

f. It is not clear that the southern outfall, 48 inch storm drain, has the capacity to support the density proposed. The site may have to detain flows or reduce the amount of impervious area. AMAFCA approval is required for the northern outfall to the South Diversion Channel. A Drainage Report is required for DRB approval.

**RESPONSE: The grading and drainage plan has been configured to accommodate the proposed site plan layout in a manner such that the existing 48 inch storm drain will provide adequate capacity with no need for offsite drainage improvements. A drainage solution which does not increase flows to an existing 24-inch pipe culvert connecting to the South Diversion Channel has been coordinated with AMAFCA. A Drainage Report has been submitted to both the City Hydrology Department and AMAFCA for review.**

g. This site should be re-platted as indicated on the Site Plan for Building Permit submittal.

Therefore, the Site Plan for Subdivision should reflect the new plat and proposed Site Plan for Building Permit showing proposed property lines and easements.

**RESPONSE: A Site Plan for Subdivision and Site Plan for Building Permit reflecting the current and proposed lot lines and easements is submitted herewith for review and approval.**

h. All easements need to be shown and labeled on Site Plan.

**RESPONSE: Existing and proposed easements are shown and labeled on the Site Plan.**

8. Condition from Public Service Company of New Mexico:

a. As a condition, it is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

b. Existing overhead and underground electric facilities are located on this site including an overhead 15kV transmission line and distribution lines. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate new electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.

c. As a condition, adequate clearance for electric utilities must be provided for operation and maintenance purposes. Any relocation, changes or realignment regarding existing electric utilities will be the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.

d. As a condition, screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.

e. Proposed buildings on the project site plan are located within very close proximity to existing overhead electric utilities. As a condition, any potential encroachment to existing rights-of-way must be reviewed by PNM for compliance with National Electric Safety Code (NESC) requirements, as well as PNM access for maintenance or future use. This includes buildings and any proposed changes to the existing grade, existing or proposed signs, walls or fences, landscaping, lighting, access, parking and driveway.

f. As a condition, it is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding the proposed tree species noted on the Landscape Plan, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing facilities. PNM's standard is for trees to be planted outside the PNM easement. PNM recommends shorter tree selections and to locate trees outside of PNM easements.

**RESPONSE:**

**We have contacted PNM's New Service Delivery Department to coordinate new service delivery and have indicated all existing and proposed easements on the site and master utility plans. *All existing poles for the transmission main line will remain in their current configuration, while provisions have been made to underground***

***distribution lines within the project. In order to satisfy the clearance requirements of Item "d" above, a minor revision to the total parking provided (from 826 to 818 total spaces) was required during the coordination process with PNM's design. The resulting 1% change in parking spaces provided still satisfies the 306 total parking requirement by the zoning code.***

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald R. Bohannon".

Ronald R. Bohannon, PE

Enclosure/s

cc: Amanda Wallis – Capstone Housing

JN: 2011064

RRB/jh/djb

## Joel Hernandez

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**From:** Hyer, Christopher K. <CHyer@cabq.gov>  
**Sent:** Thursday, September 26, 2013 3:04 PM  
**To:** Joel Hernandez; Ron Bohannan  
**Subject:** RE: Capstone DRB Plan

Ron and Joel:

Here is what I sent to Jack:

Jack –

It's my understanding that Capstone will be at DRB again next week for their SPBP approval. I have looked at their changes to the site, especially regarding the internal multi-purpose trail, and all EPC Conditions have been met. If there are any further questions, please feel free to contact me. Thanks.

-Chris

*Christopher Hyer  
Senior Planner  
COA Planning Dept  
505-924-3927*

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**From:** Joel Hernandez [<mailto:JDHernandez@tierrawestllc.com>]  
**Sent:** Thursday, September 26, 2013 2:26 PM  
**To:** Hyer, Christopher K.; Ron Bohannan  
**Subject:** RE: Capstone DRB Plan

Thanks Chris. I will be there by 2:45.

Thank you,

Joel Hernandez, PE  
Tierra West, LLC  
(505) 858-3100 ext 216

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**From:** Hyer, Christopher K. [<mailto:CHyer@cabq.gov>]  
**Sent:** Thursday, September 26, 2013 2:20 PM  
**To:** Joel Hernandez; Ron Bohannan  
**Subject:** RE: Capstone DRB Plan

Joel –

I am out of the office starting tomorrow and won't return until October 7<sup>th</sup>. If you would like to bring the revisions today, I'll be here until 4:30 – otherwise I won't be able to look at them until the week after next.

-Chris

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

**AGREEMENT TO CONSTRUCT**  
**PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS**

THIS AGREEMENT is made this 6<sup>th</sup> day of September, 2013, 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 CCC-New Mexico ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:], Alabama Limited Liability Company, whose address is 431 Office Park Drive Birmingham, AL 35223 and whose telephone number is 205-612-1107, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Tract 1 Capstone Subdivision, recorded on July 31, 2013 in Book 2013C, pages 88, as Document No. 2013085812 in the records of the Bernalillo County Clerk, State of New Mexico (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] CCC - New Mexico LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Capstone Student Housing describing Subdivider's Property ("Subdivider's Property").

As a result of the development of the City's Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat, building permit or the Site Development Plan for the Subdivision.

2. 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 July 31, 2015, ("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. 643182.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can



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

3. Albuquerque Bernalillo County Water Utility Authority. Pursuant to the Memorandum of Understanding between the City of Albuquerque and the Albuquerque Bernalillo County Water Utility Authority ("ABCWUA") dated March 21, 2007, the City is authorized to act on behalf of the ABCWUA with respect to improvements that involve water and sewer infrastructure.

4. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual ("DPM"), Volume 1, Chapter 5, Work Order Process, and Figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured, or has caused to be procured, public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements, or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. If the Improvements include water and wastewater infrastructure, the insurance policy must name the ABCWUA, its employees, officers and agents, as their interest may appear, as additional insureds. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail thirty (30) days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:



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

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

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

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

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Terracon, and field testing of the private Improvements shall be performed by Terracon both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides

all field testing results, reports and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefore.

6. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit, or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

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

Type of Financial Guaranty: Bond #SEIFSU0633229  
Amount: \$ 467,403.39  
Name of Financial Institution or Surety providing Guaranty:  
International Fidelity Insurance Company  
Date City first able to call Guaranty (Construction Completion Deadline):  
July 31, 2015  
If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: \_\_\_\_\_  
Additional information: \_\_\_\_\_

7. 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.

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

9. 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.

10. Reduction of Financial Guaranty Upon Partial Completion. The Subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

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

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed, and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Subdivider must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the S.O.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

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

11. 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 indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Subdivider, its agents,

representatives, contractors or subcontractors or arising from the failure of the Subdivider, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Subdivider herein. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

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

13. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has entered into a Subdivision Improvements Agreement with the City. Thereafter, if the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

14. Payment for Incomplete Improvements. If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to, engineering, legal, and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

15. 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.

16. 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.

17. 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.

18. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

19. 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.

20. 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.

21. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City Legal Department on this form.

22. 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: CCC- New Mexico LLC

CITY OF ALBUQUERQUE

By [Signature]: Rob Howland

By: Bryan Wolfe

Name [Print]: Rob Howland

Bryan Wolfe, City Engineer

Title: Authorized Member of Capstone Collegiate

Dated: 9/6/2013

Communities, LLC Member and Manager  
of CCC- New Mexico LLC

96-B

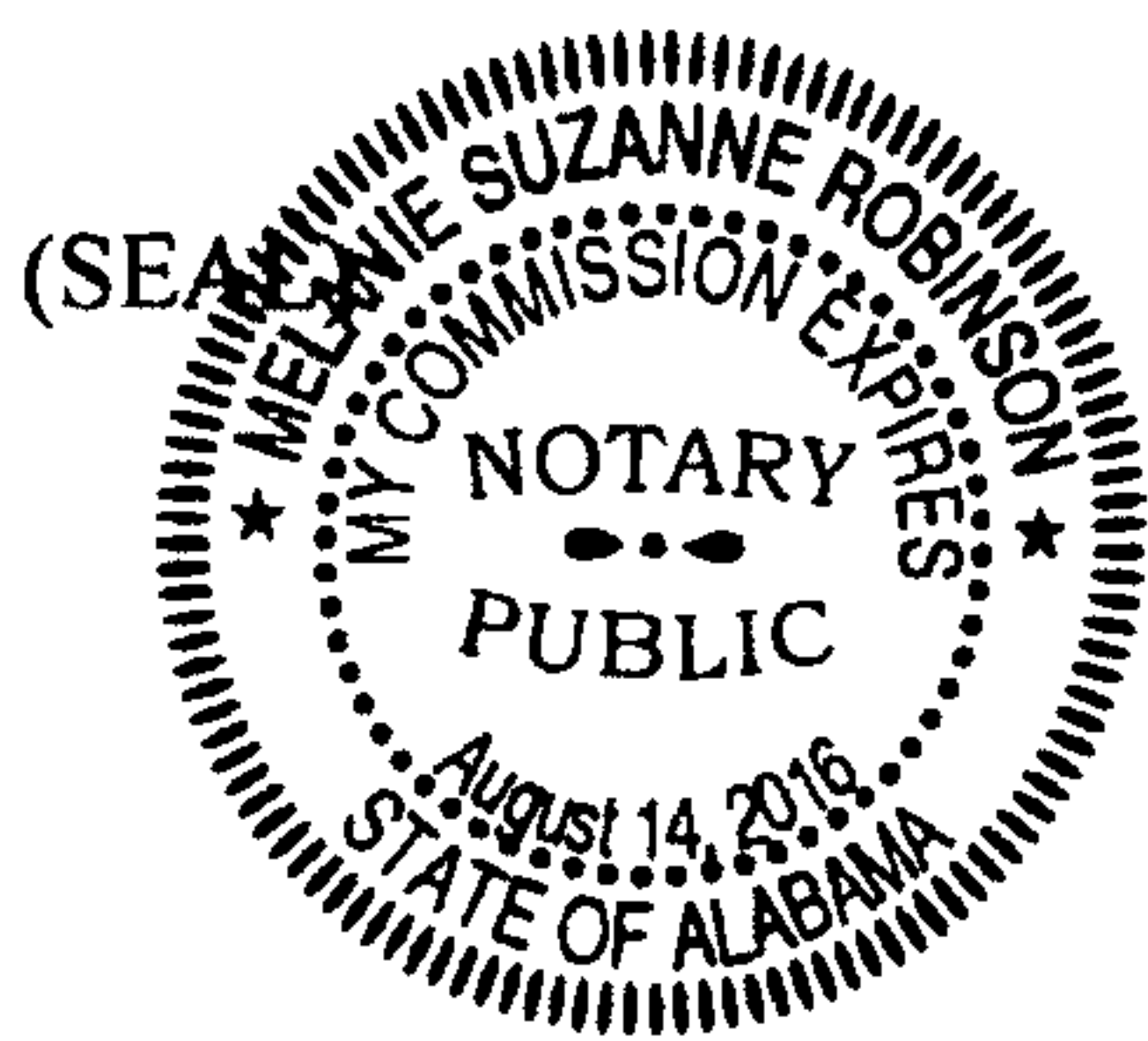
9-3-2013

Dated: 8/30/13

SUBDIVIDER'S NOTARY

STATE OF ALABAMA     )  
  ) ss.  
COUNTY OF JEFFERSON)

This instrument was acknowledged before me on this 30<sup>th</sup> day of August, 20  ,  
by [name of person:] Rob Howland, [title or capacity, for instance,  
"President" or "Owner":] Authorized Member of Capstone Collegiate Communities, LLC  
Member and Manager of CCC - New Mexico LLC.



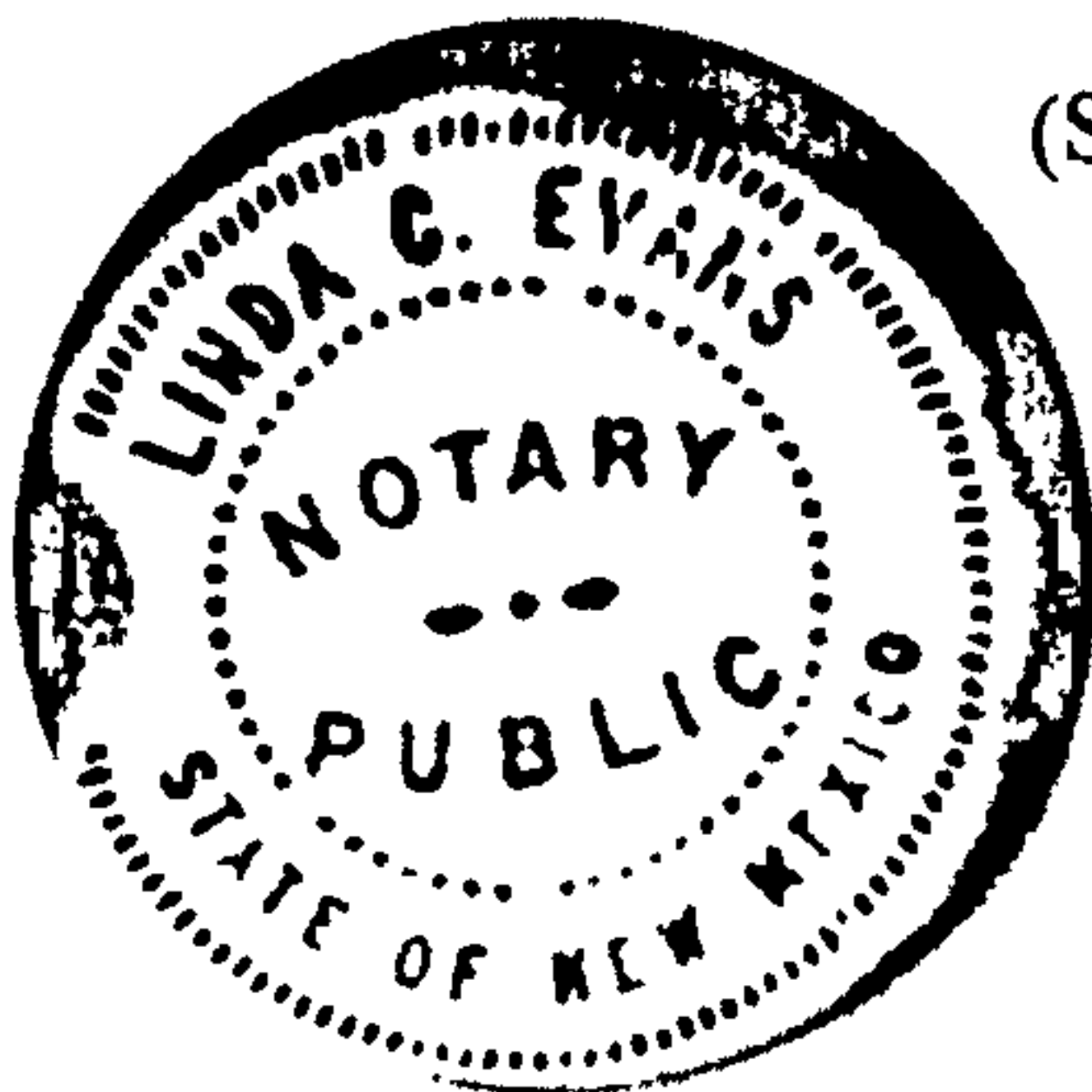
Melanie Suzanne Robinson  
Notary Public

My Commission Expires: August 14, 2016

CITY'S NOTARY

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

This instrument was acknowledged before me on this 6<sup>th</sup> day of September,  
20 13, by Bryan Wolfe, City Engineer of the City of Albuquerque, a municipal corporation, on  
behalf of said corporation.



(SEAL)

Linda C. Eyriss  
Notary Public

My Commission Expires: 10-17-16

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

**FIGURE 16**

**SUBDIVISION BOND  
(PROCEDURE B)**

Bond No. [Surety's No:] SEIFSU0633229

**SUBDIVISION IMPROVEMENTS BOND**

KNOW ALL PERSONS BY THESE PRESENTS: That we [name of subdivider:] CCC-New Mexico ("Subdivider") a [state type of business entity, for instance, "New Mexico corporation", "general partnership", "joint venture", "individual", etc.] Alabama Limited Liability Company as "Principal", and [name of surety:] International Fidelity Insurance Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey and authorized to do business in the State of New Mexico, as "Surety", are held and firmly bound unto the CITY OF ALBUQUERQUE ("City") in penal sum of [written amount:] Four Hundred Sixty Seven Thousand Four Hundred Three 39/100 Dollars. ([amount in figures:] \$ 467,403.39). as amended by change orders approved by the Surety or changes to the infrastructure list approved by the City's Development Review Board, the payment of which is well and truly to be made, and each of us bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, and firmly by these presents.

NOW, THEREFORE, the condition of the above obligation is such that:

WHEREAS, the Principal is the owner of and/or is interested in or is developing land and premises known as [name of subdivision:] Capstone Student Housing ("Subdivision"), City Project No. 643182; and

WHEREAS, said Subdivision is subject to the provisions and conditions of the ordinance of the CITY OF ALBUQUERQUE known as the Subdivision Ordinance, the requirements of which include the installation of various other improvements by the Principal; and

WHEREAS, the Subdivision Ordinance also requires the Principal to install and construct the following improvements at the Subdivision: [list the improvements, e.g., water, sewer, pavement, sidewalks:]

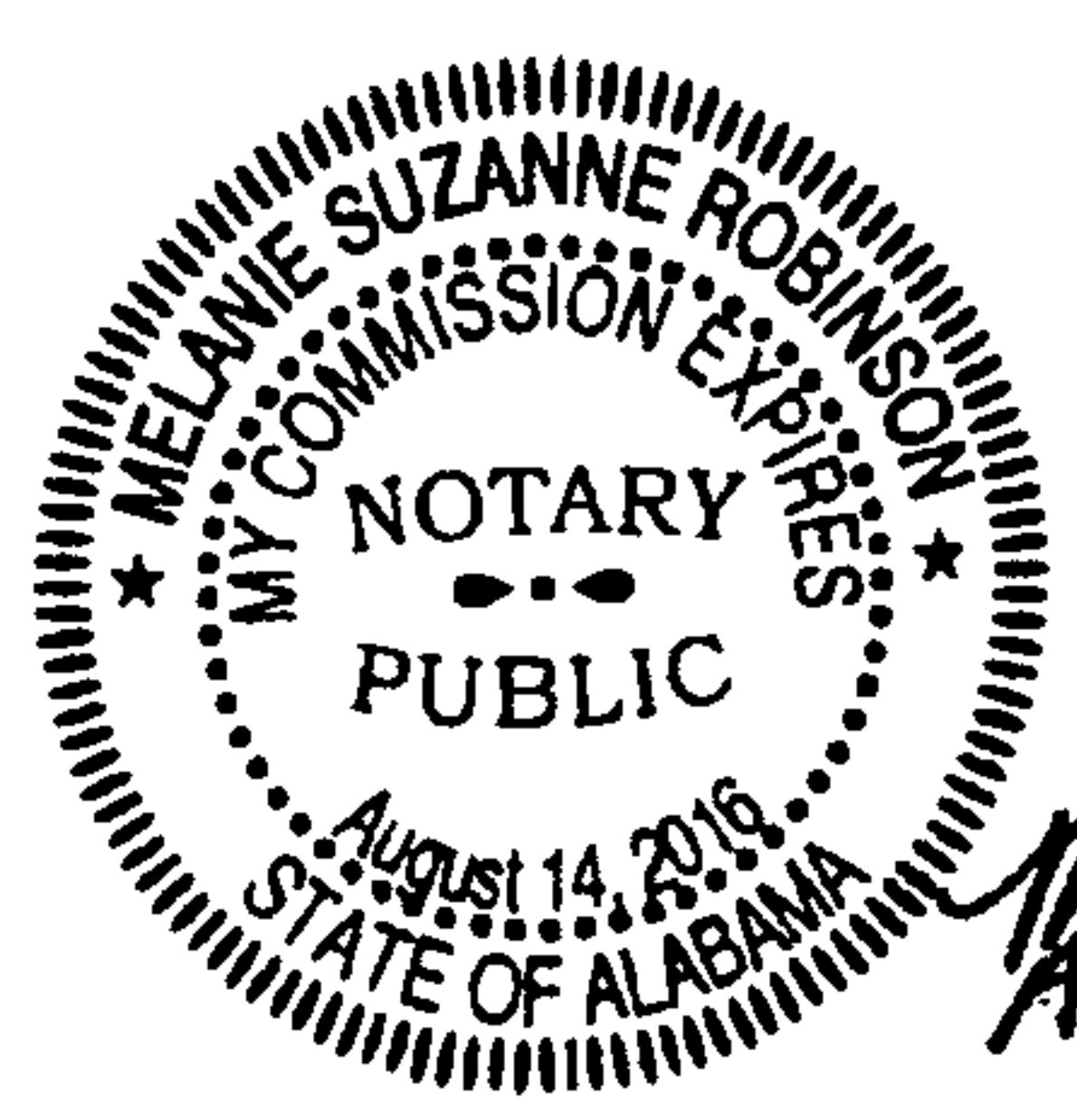
Water & Sanitary Sewer Storm Drainage Improvements for the Capstone Student Housing located adjacent to Transport between Flightway and Woodard ("Improvements")

All construction shall be performed in accordance with the Agreement to Construct Public and/or Private Subdivision Improvements Agreement entered into between [name of Subdivider:] CCC- New Mexico LLC and the CITY OF ALBUQUERQUE, as recorded in the office of the Clerk of Bernalillo County, New Mexico, on                     , 20     as Document Number                     , as amended by change orders or amendments to the agreement.

Bond No. [Surety's No:] SEIFSU0633229

NOW, THEREFORE, if the Principal completes construction of the Improvements and facilities and performs the work herein above specified to be performed, all on or before [Construction Completion Deadline established in Agreement or as amended:] July 31, 2015, ("the Construction Completion Deadline"). then this obligation shall be null and void; if the Principal does not complete construction by or before the Construction Completion Deadline, the City may call on this obligation until released by the City.

IN WITNESS WHEREOF, this bond has been executed 30th day of August, 2013.



**SUBDIVIDER**

CCC- New Mexico LLC

By [signature:] Rob Howland  
Name: Rob Howland  
Title: Authorized Member of Capstone Collegiate Communities, LLC Member and Manager of CCC-New Mexico LLC

Melanie Suzanne Robinson  
August 30, 2013  
**SURETY**

Date: August 30, 2013  
International Fidelity Insurance Company,  
By [signature:] Hunter Finch  
Name: Hunter Finch  
Title: Attorney in Fact  
Dated: August 30, 2013

\*NOTE: Power of Attorney for Surety must be attached.



# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

TY HARRIS, HUNTER FINCH, ANDERSON GLENN, SAMMY HARRIS

Birmingham, AL.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

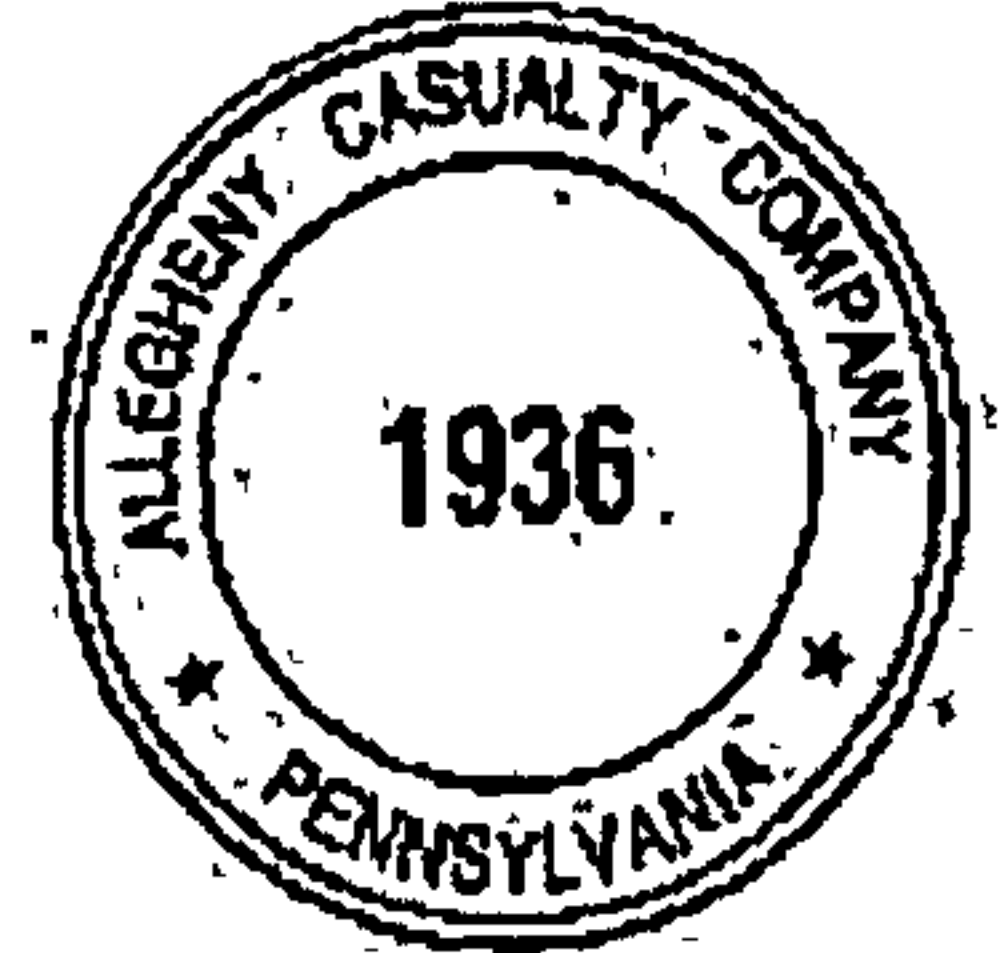
"RESOLVED, that (1) the President, Vice President, Executive Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals, when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 12th day of March, 2012.



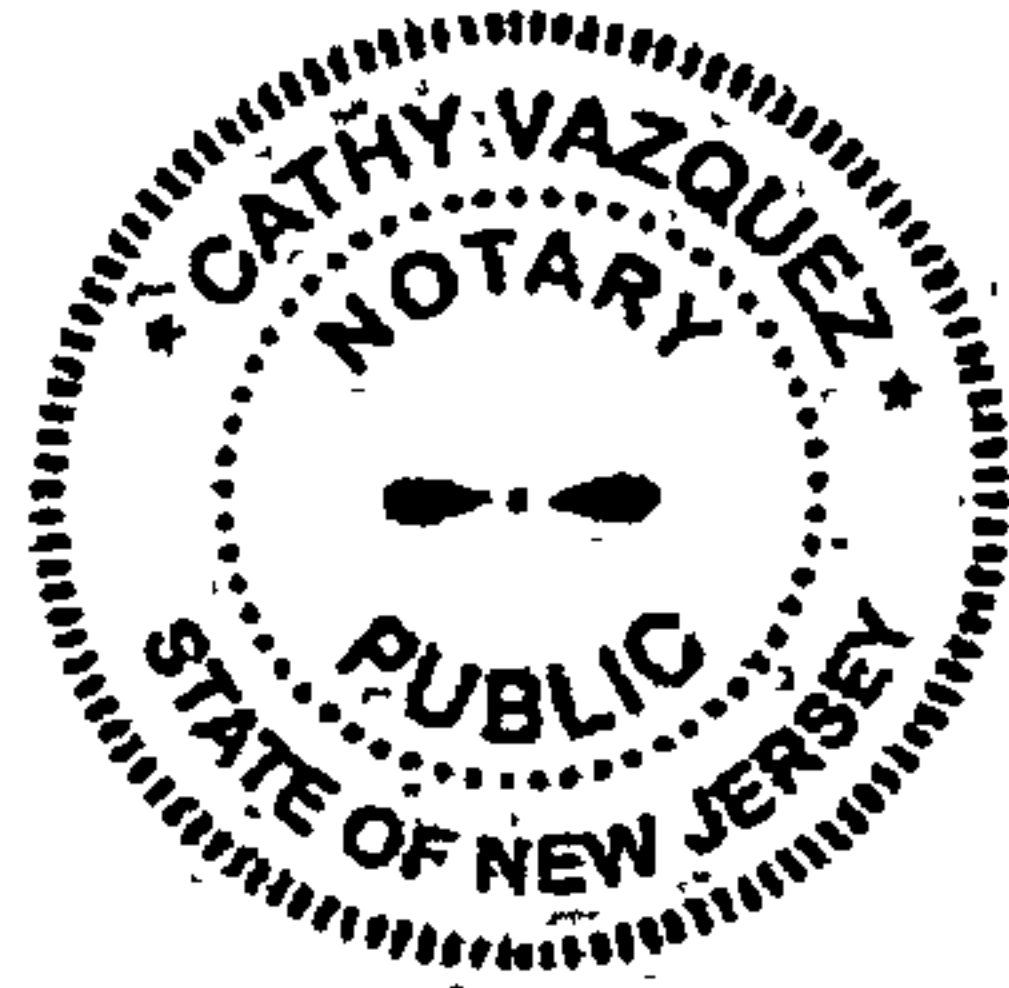
STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Executive Vice President/Chief Operating Officer  
(International Fidelity Insurance Company)  
and President (Allegheny Casualty Company)



On this 12th day of March 2012, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 27, 2014

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 30th day of August, 2013

MARIA BRANCO, Assistant Secretary

Current DRC  
Project Number: \_\_\_\_\_

FIGURE 12

Date Submitted: July 9, 2013

Date Site Plan Approved: 7-10-13

Date Preliminary Plat Approved: \_\_\_\_\_

Date Preliminary Plat Expires: \_\_\_\_\_

DRB Project No.: 1009090

DRB Application No.: \_\_\_\_\_

ORIGINAL

INFRASTRUCTURE LIST

Rev 9-20-09

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

CAPSTONE STUDENT HOUSING- PHASE 1 (CAPSTONE SUBDIVISION)

PROPOSED NAME OF SITE DEVELOPMENT PLAN

SUNPORT PARK, LOTS 1A & 2A; LANDS OF EISENMAN TRUST, TRACT A-1; AND MULBERRY PROPERTIES, TRACT B

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		8" Dia.	SAS Line	West Line of New Tract 1	Existing 8" SAS Main Located On-Site	South Property Line of New Tract 2	/	/	/
		8" Dia.	Water Line	Looped Through New Tract 1	Existing 8" Main in Transport St	South Property Line of New Tract 2	/	/	/
		5' Wide	Sidewalk	Transport Rd Frontage	South PL of New Tract 1	North PL of New Tract 1	/	/	/
		n/a	Vertical Adjustment of Existing Storm Sewer Manhole	4 Locations along Ex. 48" Storm Sewer Main	West PL at I-25	East PL at Transport	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

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		
							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature      Date							City User Dept. Signature      Date		

NOTES

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

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

AGENT / OWNER      DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

<p><b>Ronald R. Bohannon</b> NAME (print)</p> <p><b>Tierra West, LLC</b> FIRM</p> <p><i>[Signature]</i> 7/10/13 SIGNATURE - date</p>	<p><i>[Signature]</i> 7-10-13 DRB CHAIR - date</p> <p><i>[Signature]</i> 7-10-13 TRANSPORTATION DEVELOPMENT - date</p> <p><i>[Signature]</i> 07/10/13 UTILITY DEVELOPMENT - date</p> <p><i>[Signature]</i> 7-10-13 CITY ENGINEER - date</p>	<p><i>[Signature]</i> 7-10-13 PARKS &amp; RECREATION - date</p> <p>_____ AMAFCA - date</p> <p>_____ - date</p> <p>_____ - date</p>
--	---	--

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

# FINANCIAL GUARANTY AMOUNT

07/22/2013

Type of Estimate: SIA Procedure - B - w/F.G.

Project Description:

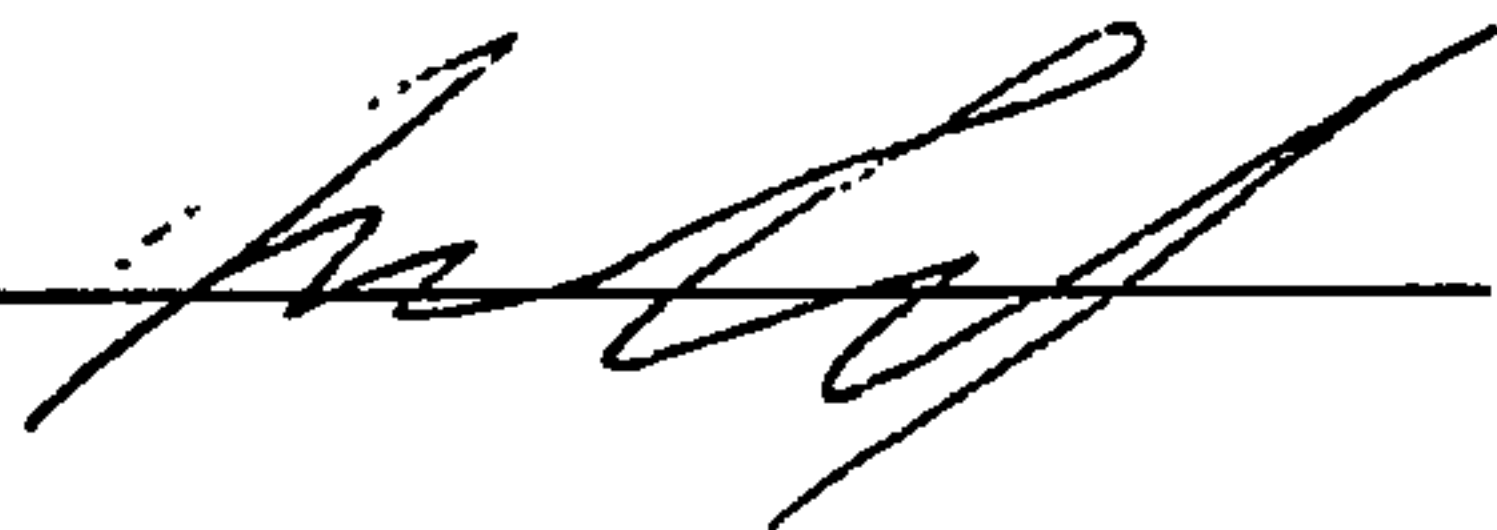
**Project ID #: 643182, Capstone Student Housing, Phase/Unit #: 1**

Requested By: **Joel Hernandez w/ Tierra West, LLC**

Approved estimate amount:		\$292,533.47
Contingency Amount:	10.00%	\$29,253.35
Subtotal:		\$321,786.82
NMGRT	7.00%	\$22,525.08
Subtotal:		\$344,311.90
Engineering Fee	6.60%	\$22,724.58
Testing Fee	2.00%	\$6,886.24
Subtotal:		\$373,922.71
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$ .00
<b>TOTAL FINANCIAL GUARANTY REQUIRED</b>		<b><u>\$467,403.39</u></b>

APPROVAL:

DATE:



July 22, 2013

Notes:



**City of Albuquerque**  
**PLANNING DEPARTMENT**

Richard J. Berry, Mayor

**Interoffice Memorandum**

**March 21, 2013**

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**To: Dan Lewis, President, City Council**

**From: Richard J. Berry, Mayor**

**Subject: Capstone Vacation Project# 1009090 13DRB-70407 VACATION  
OF PUBLIC RIGHT-OF-WAY**

TIERRA WEST LLC, agents for CAPSTONE HOUSING request the referenced/ above action for the southern portion of **MULBERRY ST SE** and the remaining portion of **BETHEL AVE SE** located east of INTERSTATE 25 and south of GIBSON BLVD SE. (M-15)

Request: This is a request for vacation of public right of way for portions of platted streets that have not been built. The applicants have received site development plan for building permit approval from the Environmental Planning Commission for this site, but it is contingent upon approval of this vacation. If the vacation is not approved, the site plan is phased such that it could proceed without including this right of way and adjoining property.

At an advertised public hearing, the Development Review Board voted to recommend APPROVAL to the City Council of the proposed vacation as shown on the Vacation Exhibit in the Planning file, based on the recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

Per section 14-14-7-2(F)(3)(b) of the Subdivision Ordinance, this matter is being forwarded to the City Council to be placed on the consent agenda to determine if the vacation shall occur.

Title/ Subject of Legislation: Capstone Vacation  
DRB RECOMMENDATION FOR APPROVAL

Project# 1009090

12DRB-70407

Approved:

Approved as to Legal Form:

\_\_\_\_\_  
Robert J. Perry                      Date  
Chief Administrative Officer

\_\_\_\_\_  
David Tourek                      Date  
City Attorney

Recommended:

\_\_\_\_\_  
Suzanne Lubar                      Date  
Planning Department Acting Director



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 13, 2013

**Project# 1009090**

13DRB-70407 VACATION OF PUBLIC RIGHT-OF-WAY

TIERRA WEST LLC, agents for CAPSTONE HOUSING request the referenced/ above action for the southern portion of **MULBERRY ST SE** and the remaining portion of **BETHEL AVE SE** located east of INTERSTATE 25 and south of GIBSON BLVD SE. (M-15)

On February 13, 2013, the Development Review Board concluded an advertised public hearing on the proposed vacation per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation as shown on *the attached* Exhibit "B" and in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

(A)(1) The vacation of public right-of-way request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public right of way. The City of Albuquerque does not need to utilize the platted street for roadway purposes based on the proposed site development plan for this property.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing, *notice was published in a newspaper of general circulation 15 days before the date of the hearing*, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

3. Adequate easements shall be retained/ provided for public utilities and infrastructure and access to abutting properties; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.
4. With the required replat, the termination of Mulberry Street must conform to the design criteria of the Development Process Manual, or a Subdivision Design Variance must be applied for and approved by the Development Review Board.
5. With the required replat, an adequate drainage solution must be provided for the area of the vacated right of way and existing storm drain.

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**PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY February 28, 2013.**

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Jack Cloud, DRB Chair

Cc: Tierra West LLC  
Marilyn Maldonado  
file





CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 6, 2013

**Project# 1009090**  
13DRB-70407 VACATION OF PUBLIC RIGHT-OF-WAY

TIERRA WEST LLC, agents for CAPSTONE HOUSING request the referenced/ above action for the southern portion of **MULBERRY ST SE** and the remaining portion of **BETHEL AVE SE** located east of **INTERSTATE 25** and south of **GIBSON BLVD SE**.  
(M-15)

<b>AMAFCA</b> No comments provided
<b>COG</b> No comments provided
<b>TRANSIT</b> No comments
<b>ZONING ENFORCEMENT</b> No comments provided
<b>NEIGHBORHOOD COORDINATION</b> No affected Neighborhoods
<b>APS</b> No comments provided
<b>POLICE DEPARTMENT</b> No comments provided
<b>FIRE DEPARTMENT</b> No comments provided
<b>PNM ELECTRIC</b> No adverse comments
<b>NMGCO</b> No comments provided
<b>COMCAST</b> No comments provided
<b>CENTURYLINK</b> No comments provided
<b>ENVIRONMENTAL HEALTH</b> No comments provided
<b>M.R.G.C.D</b> No comments provided
<b>OPEN SPACE DIVISION</b> No comments provided
<b>CITY ENGINEER</b> Comments, if any, will be provided at the meeting

**TRANSPORTATION DEVELOPMENT**

Does Mulberry Street meet the criteria for a stub street (maximum number of units is 4 and the maximum length is 150' measured from the centerline of the intersecting street to the end of the stub street)?

A copy of the Final, EPC approved site plan would be helpful for reference.

**PARKS AND RECREATION**

**ABCWUA**

**PLANNING DEPARTMENT**

Refer to comments from affected agencies/ Transportation Development plus any public hearing comments regarding proposed vacation. Based on the area of proposed vacation and the Subdivision Ordinance, final approval will require City Council approval.

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

# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

01/11/2013 Issued By: BLDAVM 176557

Category Code **910**  
**2013 070 407**

**Application Number:** 13DRB-70407, Vacation Of Public Right-Of-Way

**Address:**

**Location Description:** I-25 BETWEEN SUNPORT AND GIBSON

**Project Number:** 1009090

#### Applicant

CAPSTONE HOUSING

402 OFFICE PARK DR SUITE 199  
BIRMINGHAM AL 35223

#### Agent / Contact

TIERRA WEST LLC

JOEL D HERNANDEZ SE  
5571 MIDWAY PARK PL NE  
ALBUQUERQUE NM 87109  
505-858-3100  
KKRUEGER@TIERRAWESTLLC.COM

#### Application Fees

<b>APN Fee</b>	<b>\$75.00</b>
<b>Conflict Mgmt Fee</b>	<b>\$20.00</b>
<b>DRB Actions</b>	<b>\$45.00</b>
<b>TOTAL:</b>	<b>\$140.00</b>

City of Albuquerque Treasury  
Date: 1/11/2013 Office: ANNEX  
Stat ID: W50000008 Cashier: TRSSIV  
Batch: 1274 Trans #: 9  
Permit: 2013070407  
Receipt Num 00087212  
Payment Total: \$140.00  
0900 APN Fee \$75.00  
0901 Conflict Mgmt Fee \$20.00  
0903 DRB Actions \$45.00  
Check Tendered : \$140.00



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
- 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, 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 2<sup>nd</sup> 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): Tierra West LLC PHONE: 505-858-3100  
 ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118  
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: \_\_\_\_\_

APPLICANT: Capstone Housing PHONE: 205-612-1107  
 ADDRESS: 402 Office Park Drive, Suite 199 FAX: \_\_\_\_\_  
 CITY: Birmingham STATE AL ZIP 35223 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Developer List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Vacation of Public Right-Of-Way

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. N/A Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Kirtland Addition  
 Existing Zoning: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_ MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): M-15 UPC Code: \_\_\_\_\_

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_, Z\_, V\_, S\_, etc.): \_\_\_\_\_  
11EPC-40091/40092/40093/ #1009090

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill?  Yes  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total site area (acres): \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Interstate 25  
 Between: Sunport Boulevard SE and Gibson Boulevard SE

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

SIGNATURE [Signature] DATE January 10, 2013  
 (Print Name) Joel D. Hernandez, PE Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>13 DRB - 70407</u>	<u>VPR</u>	_____	\$ <u>45.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>ADV</u>	_____	\$ <u>75.00</u>
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
Hearing date <u>Feb. 6, 2013</u>				Total
_____ <u>1-11-13</u>				\$ <u>140.00</u>
Staff signature & Date				Project # <u>1009090</u>

Revised: 6/2011

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**  
**24 copies**
- Application for Minor Plat on FORM S-3, including those submittal requirements.
  - Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
  - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC EASEMENT (DRB27)**
- VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**  
(Not required for City owned public right-of-way.)
  - Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter briefly describing, explaining, and justifying the request
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

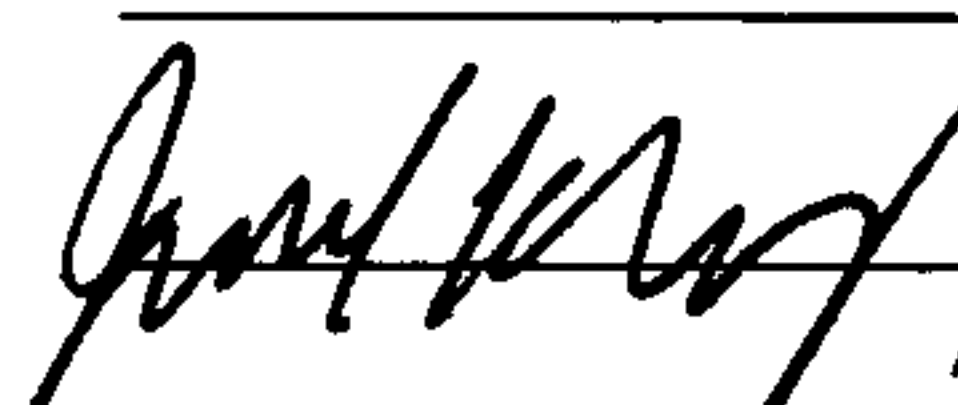
- SIDEWALK VARIANCE (DRB20)**
- SIDEWALK WAIVER (DRB21)**
- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter briefly describing, explaining, and justifying the variance or waiver
  - List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
- Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter briefly describing, explaining, and justifying the variance
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
- EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter briefly describing, explaining, and justifying the deferral or extension
  - List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT (DRB26)**
- VACATION OF RECORDED PLAT (DRB29)**
- The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
  - Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
  - Letter of authorization from the grantors and the beneficiaries (private easement only)
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**


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

Joel D Hernandez, PE  
 Applicant name (print)  
 Jan-10-2013  
 Applicant signature / date



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

Application case numbers  
 13 - DRB - 70407

Form revised 4/07  
 1-11-13  
 Planner signature / date  
 Project # 1009090

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

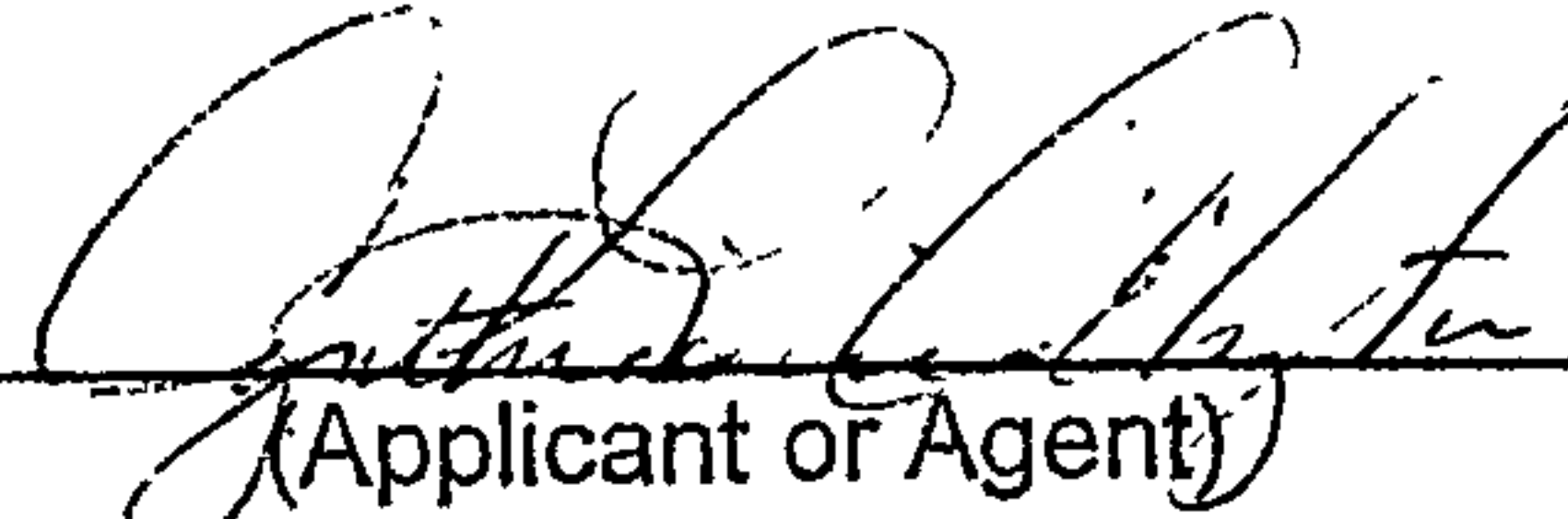
4. TIME

Signs must be posted from Jan. 22, 2013 to Feb. 6, 2013

5. REMOVAL


- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

  
(Applicant or Agent)

01-11-13  
(Date)

I issued 2 signs for this application, 1-11-13  
(Date)

  
(Staff Member)

DRB PROJECT NUMBER: 1009090



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
- 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, 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 2<sup>nd</sup> 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): Tierra West LLC PHONE: 505-858-3100  
 ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118  
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: \_\_\_\_\_

APPLICANT: Capstone Housing PHONE: 205-612-1107  
 ADDRESS: 402 Office Park Drive, Suite 199 FAX: \_\_\_\_\_  
 CITY: Birmingham STATE AL ZIP 35223 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Developer List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Vacation of Public Right-Of-Way

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. N/A Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Kirtland Addition  
 Existing Zoning: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_ MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): M-15 UPC Code: \_\_\_\_\_

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): \_\_\_\_\_  
11EPC-40091/40092/40093/ #1009090

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill?  Yes  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total site area (acres). \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Interstate 25  
 Between: Sunport Boulevard SE and Gibson Boulevard SE  
 Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

SIGNATURE [Signature] DATE January 10, 2013  
 (Print Name) Joel D. Hernandez, PE 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  
13 DRB - 70407

Action	S F.	Fees
<u>VPR</u>	<input type="checkbox"/>	\$ <u>45.00</u>
<u>CMF</u>	<input type="checkbox"/>	\$ <u>20.00</u>
<u>ADV</u>	<input type="checkbox"/>	\$ <u>75.00</u>
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		Total \$ <u>140.00</u>

Revised: 6/2011

Hearing date Feb. 6, 2013  
[Signature]

[Signature]  
 Staff signature & Date

Project # 1009090

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

**BULK LAND VARIANCE (DRB04)**

**(PUBLIC HEARING CASE)**

- \_\_\_ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
- \_\_\_ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- \_\_\_ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- \_\_\_ Sign Posting Agreement
- \_\_\_ Fee (see schedule)
- \_\_\_ List any original and/or related file numbers on the cover application

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

**VACATION OF PUBLIC EASEMENT (DRB27)**

**VACATION OF PUBLIC RIGHT-OF-WAY (DRB28) i**

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**  
(Not required for City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**SIDEWALK VARIANCE (DRB20)**

**SIDEWALK WAIVER (DRB21)**

- \_\_\_ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
- \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
- \_\_\_ Letter briefly describing, explaining, and justifying the variance or waiver
- \_\_\_ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

**SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**

- \_\_\_ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
- \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
- \_\_\_ Letter briefly describing, explaining, and justifying the variance
- \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- \_\_\_ Sign Posting Agreement
- \_\_\_ Fee (see schedule)
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**TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**

**EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**

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Joel D Hernandez, PE

Applicant name (print)

Jan-10-2013

Applicant signature / date



Form revised 4/07

- Checklists complete
- Fees collected
- Case #s assigned
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Application case numbers

13 - DRB - 70407

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

Project #

1009090

Planner signature / date

1-11-13



# SIGN POSTING AGREEMENT

## REQUIREMENTS

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3. PHYSICAL POSTING

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- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

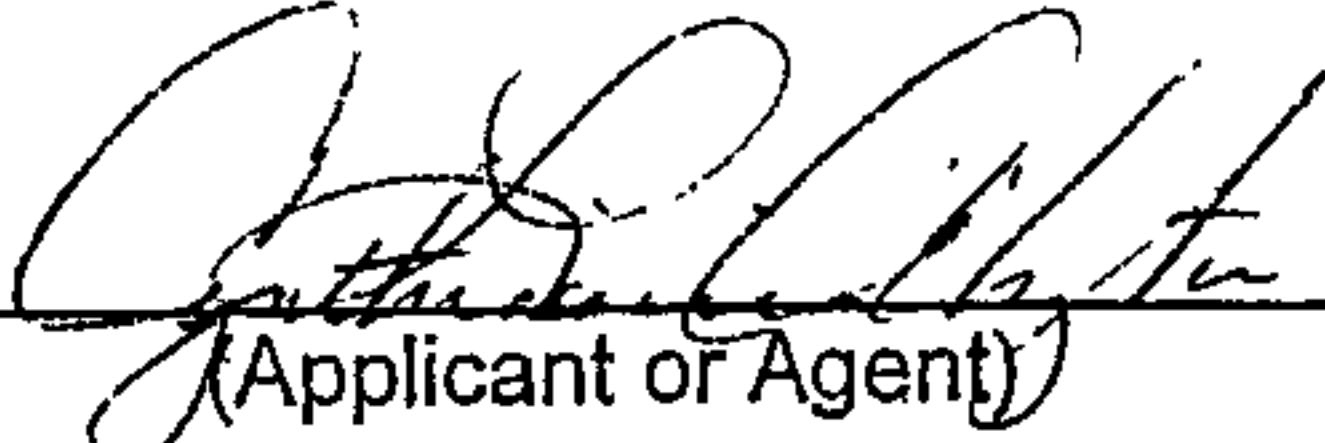
4. TIME


Signs must be posted from Jan. 22, 2013 To Feb. 6, 2013

5. REMOVAL

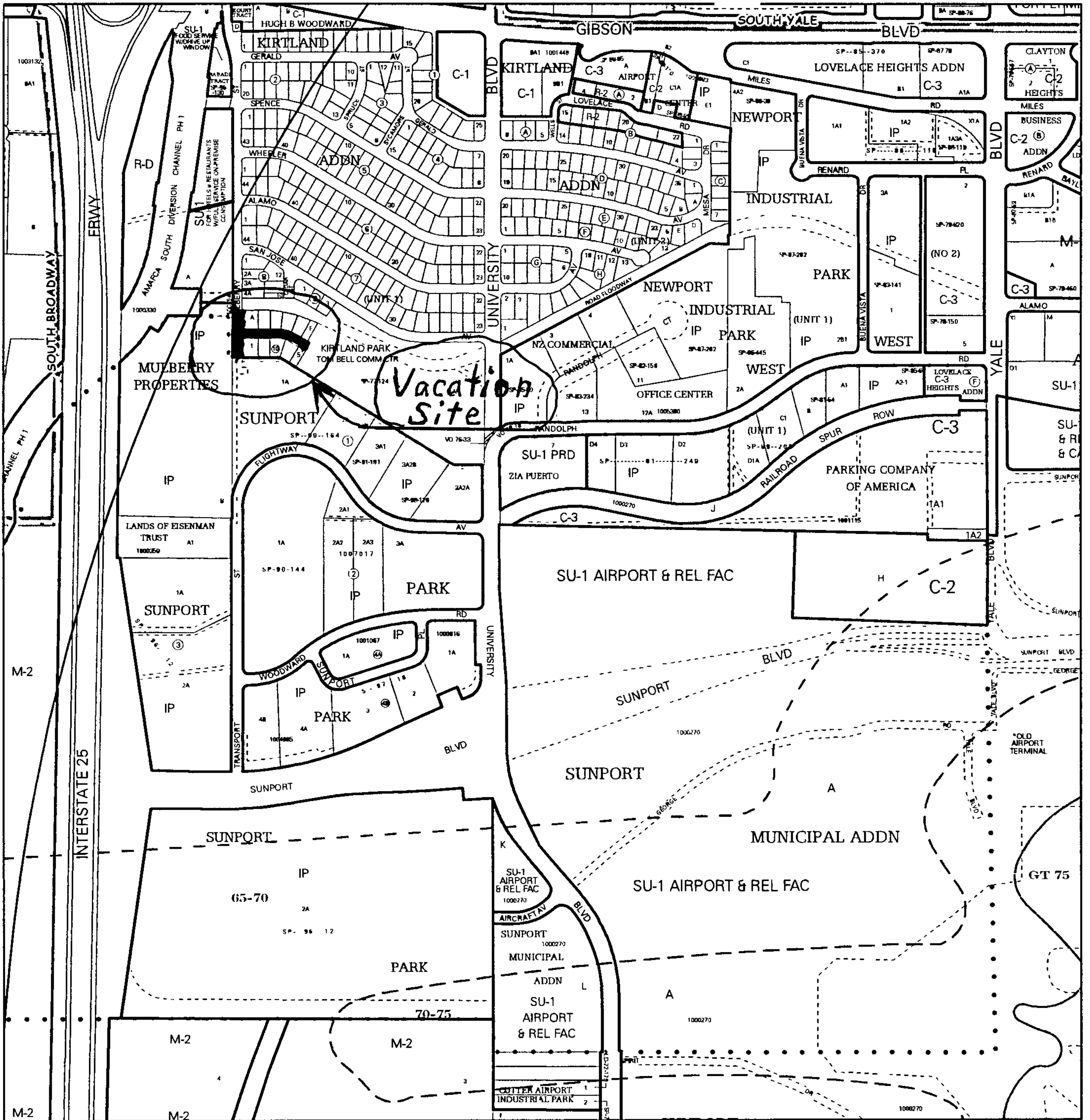
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I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

 01-11-13  
(Applicant or Agent) (Date)

I issued 2 signs for this application, 1-11-13   
(Date) (Staff Member)

DRB PROJECT NUMBER: 1009090



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

**AGIS**  
Albuquerque Geographic Information System

Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**M-15-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

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# TIERRA WEST, LLC

February 6, 2013

Mr. Jack Cloud, Chair  
Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

**RE: VARIANCE REQUEST FOR STUB STREET LENGTH  
PORTION OF MULBERRY STREET AND BETHEL AV SE  
REFERENCE CAPSTONE HOUSING, COA ROJECT # 1009090  
ZONE ATLAS PAGE M-15**

Dear Mr. Cloud:

Tierra West LLC, on behalf of Capstone Housing, respectfully requests approval of a variance to the design guideline for the maximum length of a stub street as outlined in the DPM Chapter 23, Section 5.D.5., from the Traffic Engineer for circulation standards in accordance with Chapter 23 Section 3.

This request is for a 165-foot variance to the 150-foot maximum length design guideline for a stub street. The purpose of the request is to allow for the vacation of Mulberry Street in order to implement the Site Development Plan (attached for reference) as approved by the EPC during the hearing on November 8, 2012. No extension of Mulberry Street was planned within approved Site Development Plan, at the request of the Kirtland Neighborhood Association, and there are no known operational issues with the 28-foot wide paved stub street in place since the 1960's. The subject street serves three residential units with the last driveway located approximately 230 feet from the San Jose Avenue intersection. Attached for reference is an aerial exhibit depicting the existing condition proposed to remain in place.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Joel D Hernandez, P.E.

Enclosure/s

cc: Amanda Wallis – Capstone Housing

JN: 2011064  
RRB/JH

5571 Midway Park Place NE Albuquerque, NM 87109  
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102  
tierrawestllc.com

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# TIERRA WEST, LLC

January 10, 2013

Mr. Jack Cloud, Chair  
Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

**RE: REQUEST FOR VACATION OF PUBLIC RIGHT-OF- WAY  
PORTION OF MULBERRY STREET AND BETHEL AV SE  
REFERENCE CAPSTONE HOUSING, COA ROJECT # 1009090  
ZONE ATLAS PAGE M-15**

Dear Mr. Cloud:

Tierra West LLC, on behalf of Capstone Housing, requests approval of the vacation of the southerly portion of Mulberry Street (from the southerly terminus of the existing street improvements to the south end of the mapped right-of-way) and Bethel Avenue S.E. The purpose of this request for vacation of public right-of-way is to allow for the implementation of the Site Development Plan as approved by the EPC during the hearing on November 8, 2012. All properties adjacent to the portion of right-of-way to be vacated are part of the aforementioned Site Development Plan, will be consolidated by plat per the EPC conditions of approval, and will have legal access to Flightway Avenue and Transport Street via private driveway easements as indicated on the Site Development Plan. All necessary utility and access easements will be retained or dedicated by plat. There are no existing or proposed street improvements within the right-of-way vacation area or access to Mulberry Avenue from the subject site, and thus there will be no loss of public benefit caused by this vacation request.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Joel D Hernandez, P.E.

Enclosure/s

cc: Amanda Wallis – Capstone Housing

JN: 2011064  
RRB/JH

5571 Midway Park Place NE Albuquerque, NM 87109  
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102  
tierrawestllc.com



# DEVELOPER INQUIRY SHEET

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

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

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

Your Developer Inquiry is for the following:

Cell Tower Submittal:  Free-Standing Tower -OR-  Concealed Tower

EPC Submittal  DRB Submittal  LUCG Submittal  Liquor Submittal

Administrative Amendments (AA's) Submittal  City Project Submittal

CONTACT NAME: Cynthia L. Abeyta

COMPANY NAME: Tierra West, LLC

ADDRESS/ZIP: 5571 Midway Park Place, NE, Albuquerque, NM 87109

PHONE: 505-858-3100 FAX: 505-858-1118

## LEGAL DESCRIPTION INFORMATION

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

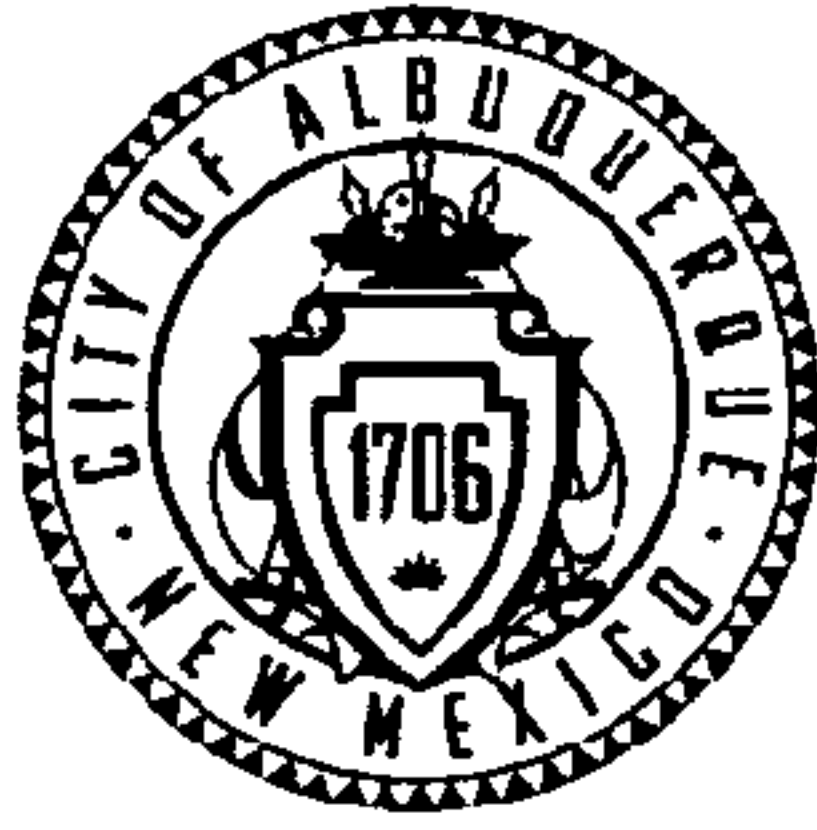
**Lot 2A Sunport Park, Parcel 1A Sunport Park, Lot 1A Sunport Park, Tract A-1 Lands of Eisneman Trust, Tract B Mulberry Properties**

LOCATED ON Interstate 25 LEGAL DESCRIPTION  
STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN Sunport Boulevard SE AND  
STREET NAME OR OTHER IDENTIFYING LANDMARK

Gibson Boulevard SE  
STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE ( M-15 ).



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

January 9, 2013

Cynthia Abeyta  
Tierra West, LLC  
5571 Midway Park Place NE/87109  
Phone: 505-858-3100/Fax: 505-858-1118  
E-Mail: [cabeyta@tierrawestllc.com](mailto:cabeyta@tierrawestllc.com)

Dear Cynthia:

Thank you for your inquiry of **January 9, 2013** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – LOT 2A, SUNPORT PARK, PARCEL 1A, SUNPORT PARK, LOT 1A, SUNPORT PARK, TRACT A-1, LANDS OF EISENMAN TRUST, TRACT B, MULBERRY PROPERTIES, LOCATED ON INTERSTATE 25 BETWEEN SUNPORT BOULEVARD SE AND GIBSON BOULEVARD SE** zone map **M-15**.

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

**KIRTLAND COMMUNITY ASSOC. "R"**

Kimberly Brown

1533 San Jose SE/87106 242-9439 (h)

Marcia Boyer

1624 Alamo SE/87106 246-0068 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

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

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

# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

## Information from the Office of Neighborhood Coordination

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

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

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

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

Thank you for your cooperation on this matter.

\*\*\*\*\*

(below this line for ONC use only)

Date of Inquiry: **01/09/13** Time Entered: **10:10 a**

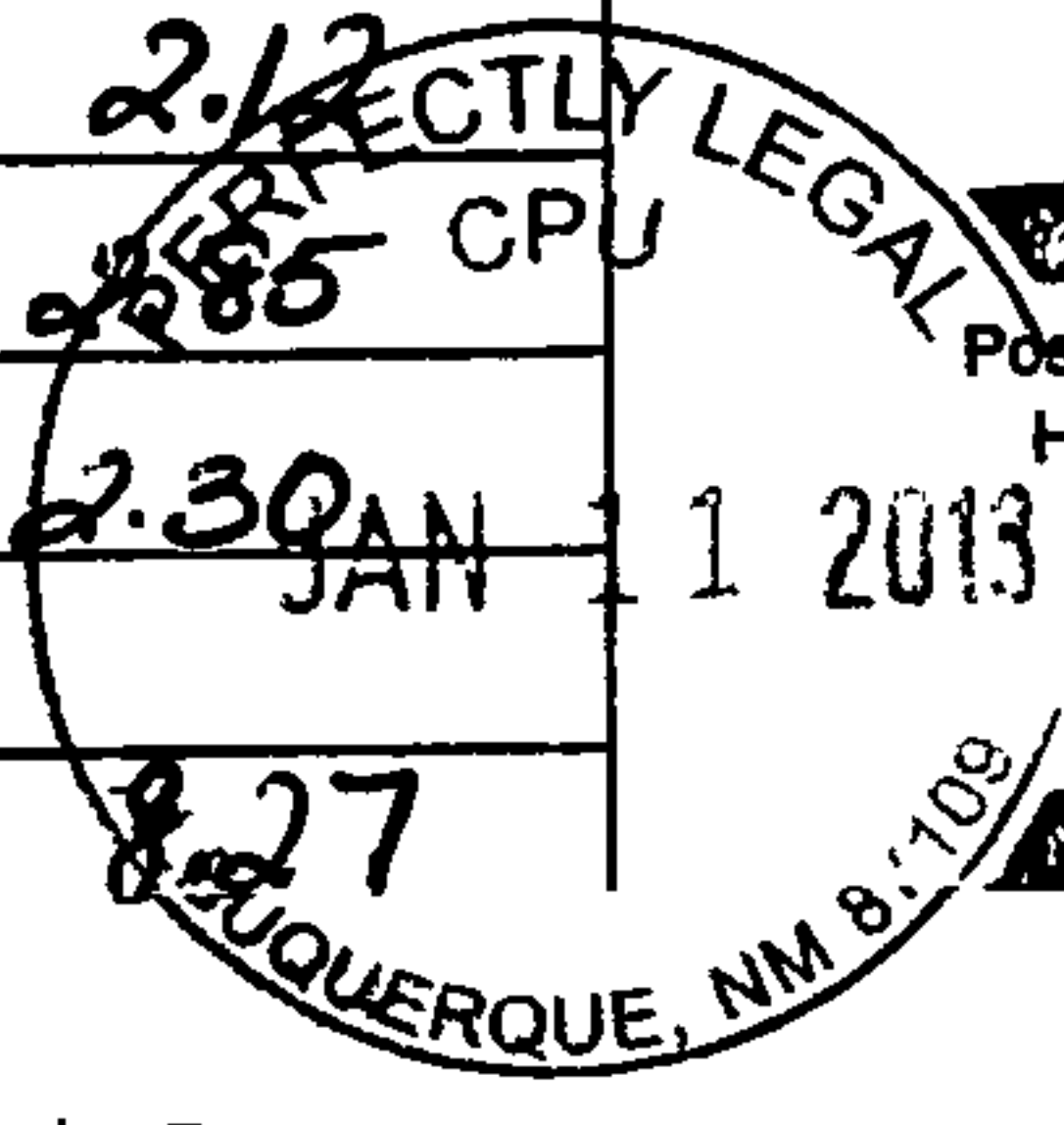
**.m.** ONC Rep. Initials: **siw**

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	2.12	
Certified Fee		2.85	CPU
Return Receipt Fee (Endorsement Required)		2.30	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	8.27	



Sent To  
Street, Apt. 1  
or PO Box No. Ms. Kimberly Brown  
City, State, ZIP+4 1533 San Jose, SE  
Albuquerque, NM 87106

PS Form 38

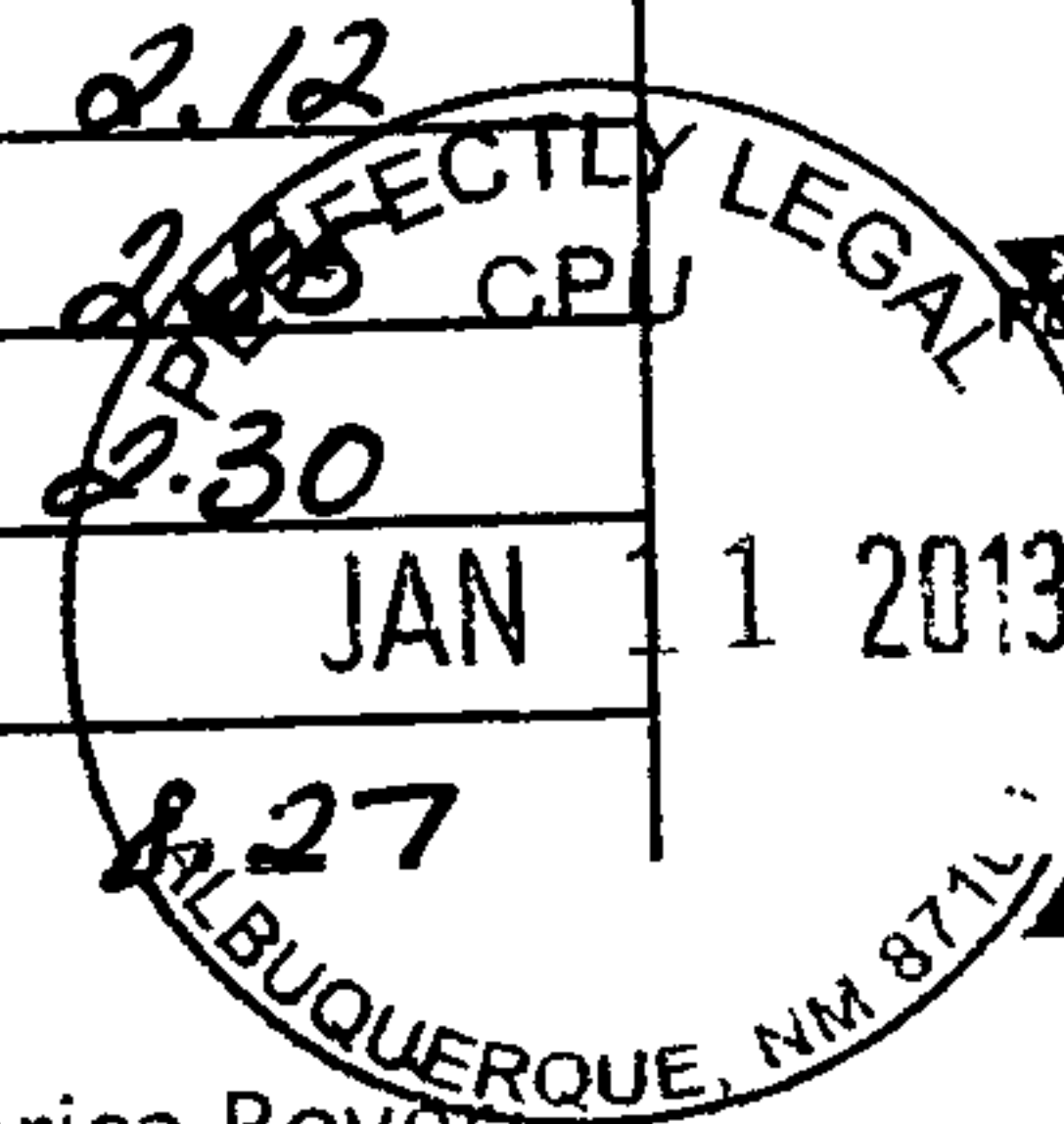
7011 3500 0000 1926 8201

U.S. Postal Service™  
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Postage	\$	2.12	
Certified Fee		2.85	CPU
Return Receipt Fee (Endorsement Required)		2.30	
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	8.27	



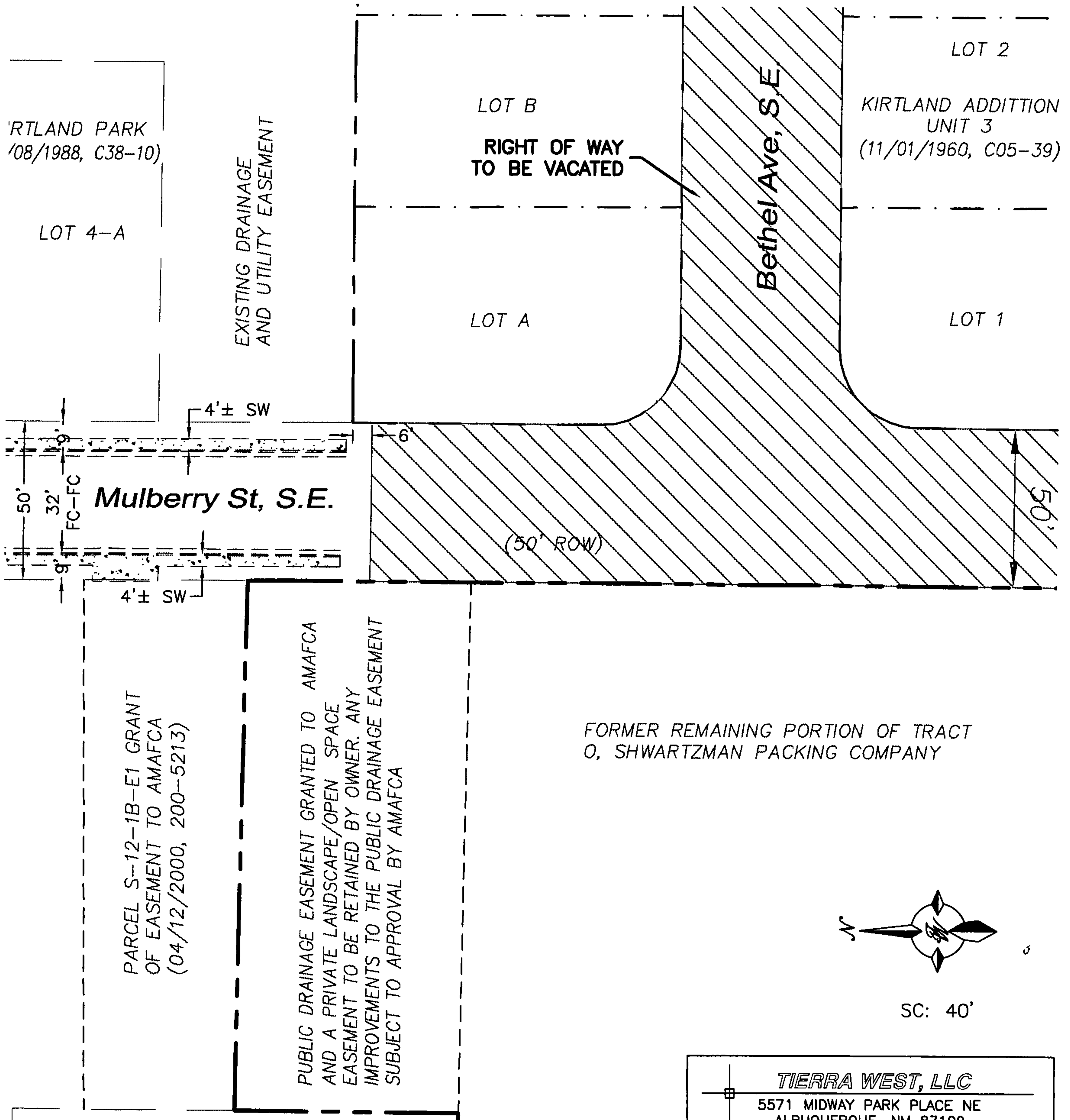
Sent To  
Street, Apt. No.,  
or PO Box No. Ms. Marica Boyer  
City, State, ZIP+4 1624 Alamo, SE  
Albuquerque, NM 87106

PS Form 3800

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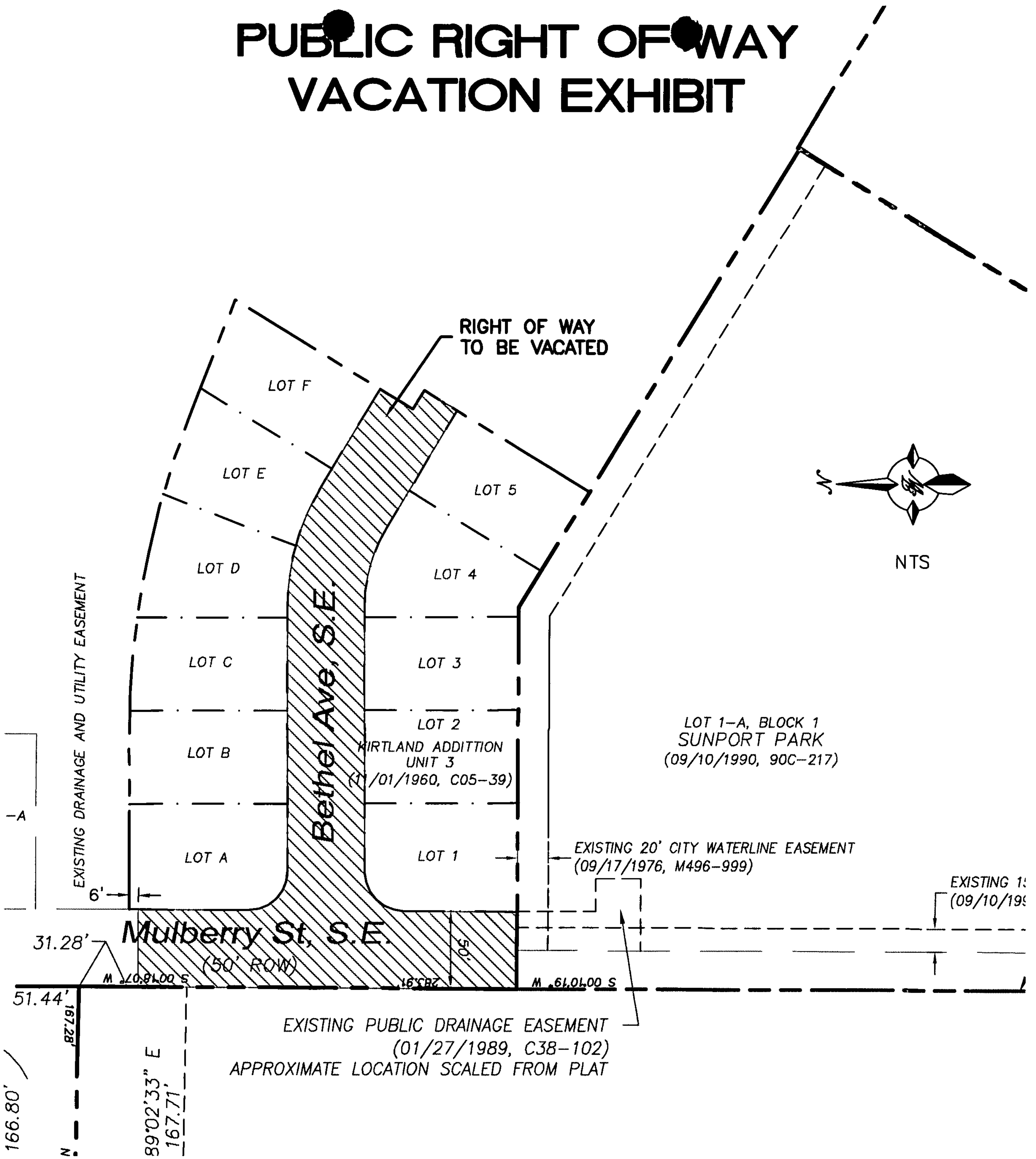


# EXIS'. . SIDEWALK EXHIBIT



  
 SC: 40'  
**TIERRA WEST, LLC**  
 5571 MIDWAY PARK PLACE NE  
 ALBUQUERQUE, NM 87109  
 (505) 858-3100  
 www.tierrawestllc.com

# PUBLIC RIGHT OF WAY VACATION EXHIBIT



LOT 1-A, BLOCK 1  
SUNPORT PARK  
(09/10/1990, 90C-217)

EXISTING 20' CITY WATERLINE EASEMENT  
(09/17/1976, M496-999)

EXISTING 1:  
(09/10/1990)

EXISTING PUBLIC DRAINAGE EASEMENT  
(01/27/1989, C38-102)  
APPROXIMATE LOCATION SCALED FROM PLAT

	<p><b>TIERRA WEST, LLC</b>          5571 MIDWAY PARK PLACE NE          ALBUQUERQUE, NM 87109          (505) 858-3100          www.tierrawestllc.com</p>
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# PROJECT #

1009090

*App #*

*Action*

*Date*

13-70407

VPR

2-6-13

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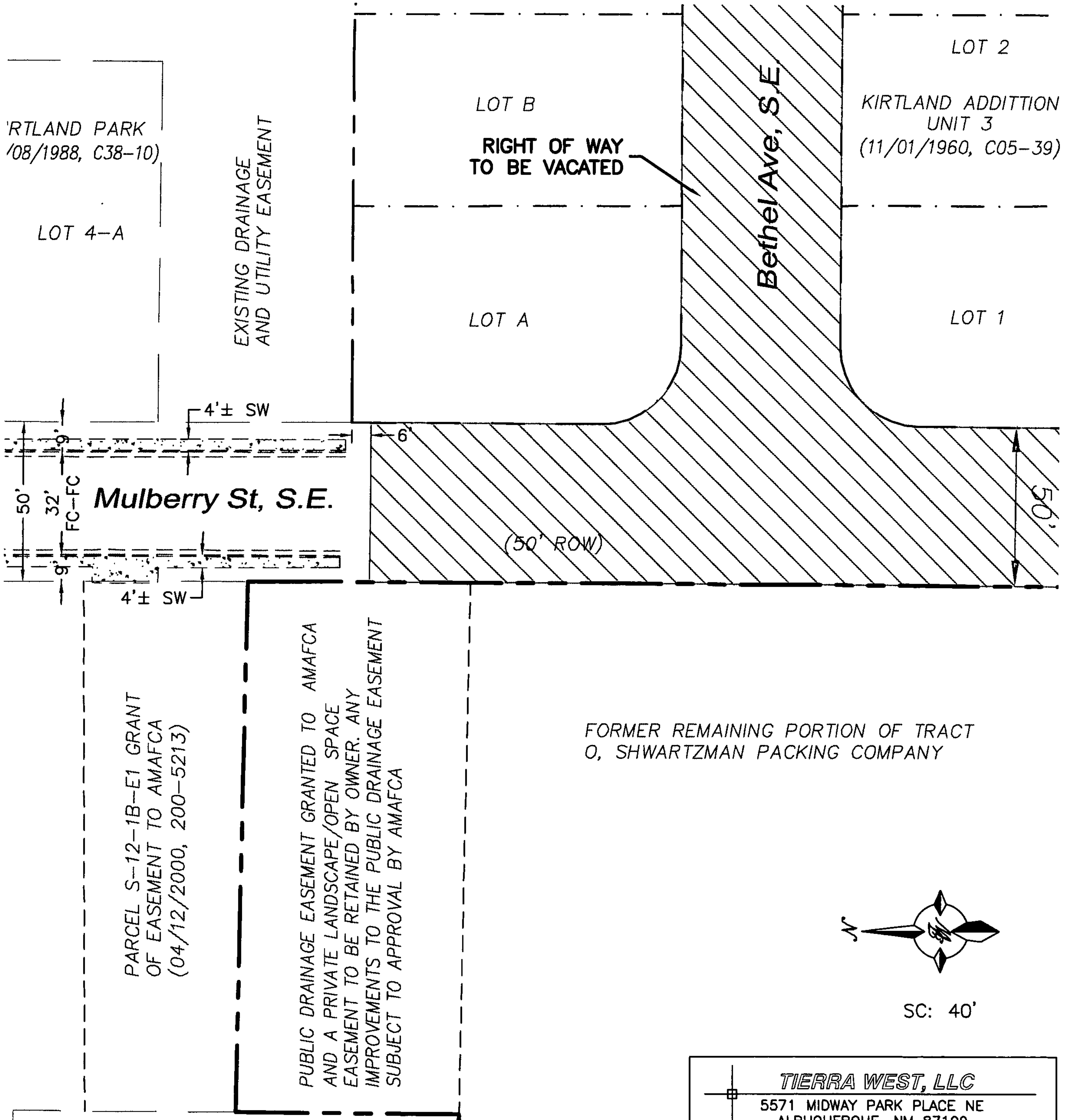
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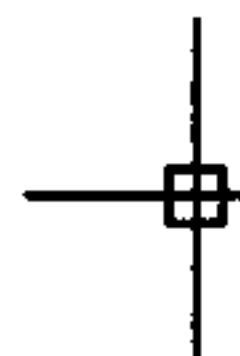
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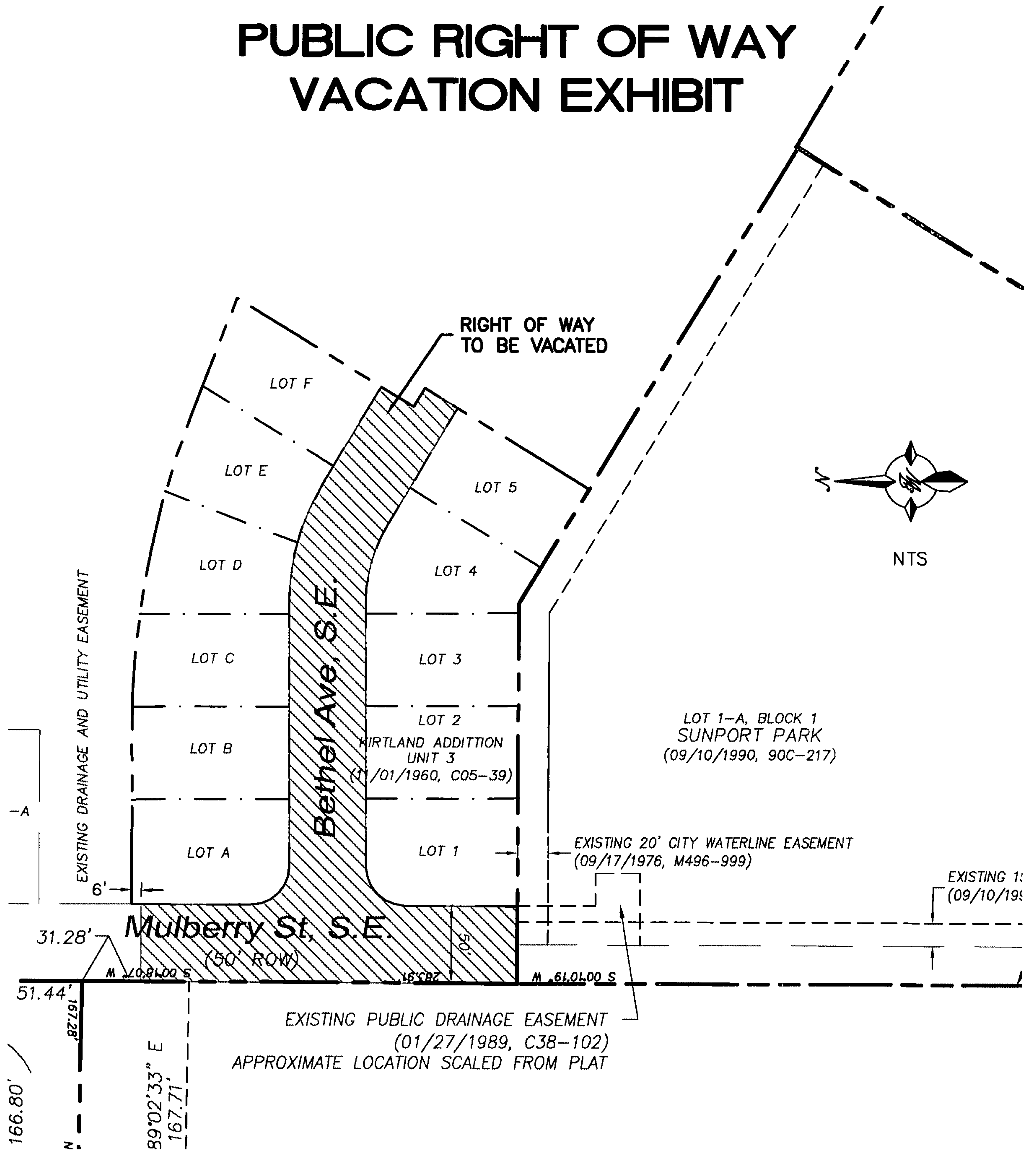
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# EXIST. SIDEWALK EXHIBIT




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# PUBLIC RIGHT OF WAY VACATION EXHIBIT




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