

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

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 Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): _____ PHONE: _____
 ADDRESS: 6516 RANCHO LADERA RD NE FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: DIANE + STEPHEN SLUSSER PHONE: 505-270-3555
 ADDRESS: 6516 RANCHO LADERA RD NE FAX: _____
 CITY: AIBUQUERQUE STATE NM ZIP 87113 E-MAIL: DSLUSSER@KEMTAH.COM
 Proprietary interest in site: OWNER List all owners: DIANE + STEPHEN SLUSSER

DESCRIPTION OF REQUEST: VACATION OF PUBLIC EASEMENT

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. 20 P1 Block: _____ Unit: 11
 Subdiv/Addn/TBKA: BUENA VISTA ESTATES
 Existing Zoning: R-1 Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): C-18 UPC Code: 101806444520541320

CASE HISTORY:

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

CASE INFORMATION:

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

No. of existing lots: 1 No. of proposed lots: _____ Total site area (acres): _____

LOCATION OF PROPERTY BY STREETS: On or Near: SE corner of Rancho Mirage
 Between: _____ and Rancho Ladera

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

SIGNATURE Diane Slusser DATE 5/17/13

(Print Name) DIANE SLUSSER 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

13DRB-70560

Action

VPE
CMF
ADV

S.F.

Fees

_____ \$ 45.00

_____ \$ 20.00

_____ \$ 75.00

_____ \$ _____

_____ \$ _____

Total

\$ 140.00

Hearing date June 12, 2013

5-17-13

Project #

1009712

Staff signature & Date

FORM V: SUBDIVISION VARIANCES & VACATIONS

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

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

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

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

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

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

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

DIANE SLUSSER
 Applicant name (print)
 Diane Slusser 5/17/13
 Applicant signature / date



Form revised 4/07

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

Application case numbers

13 DRB 70560
 - - -
 - - -

Planner signature / date
 Project # 9009712

5-17-13

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

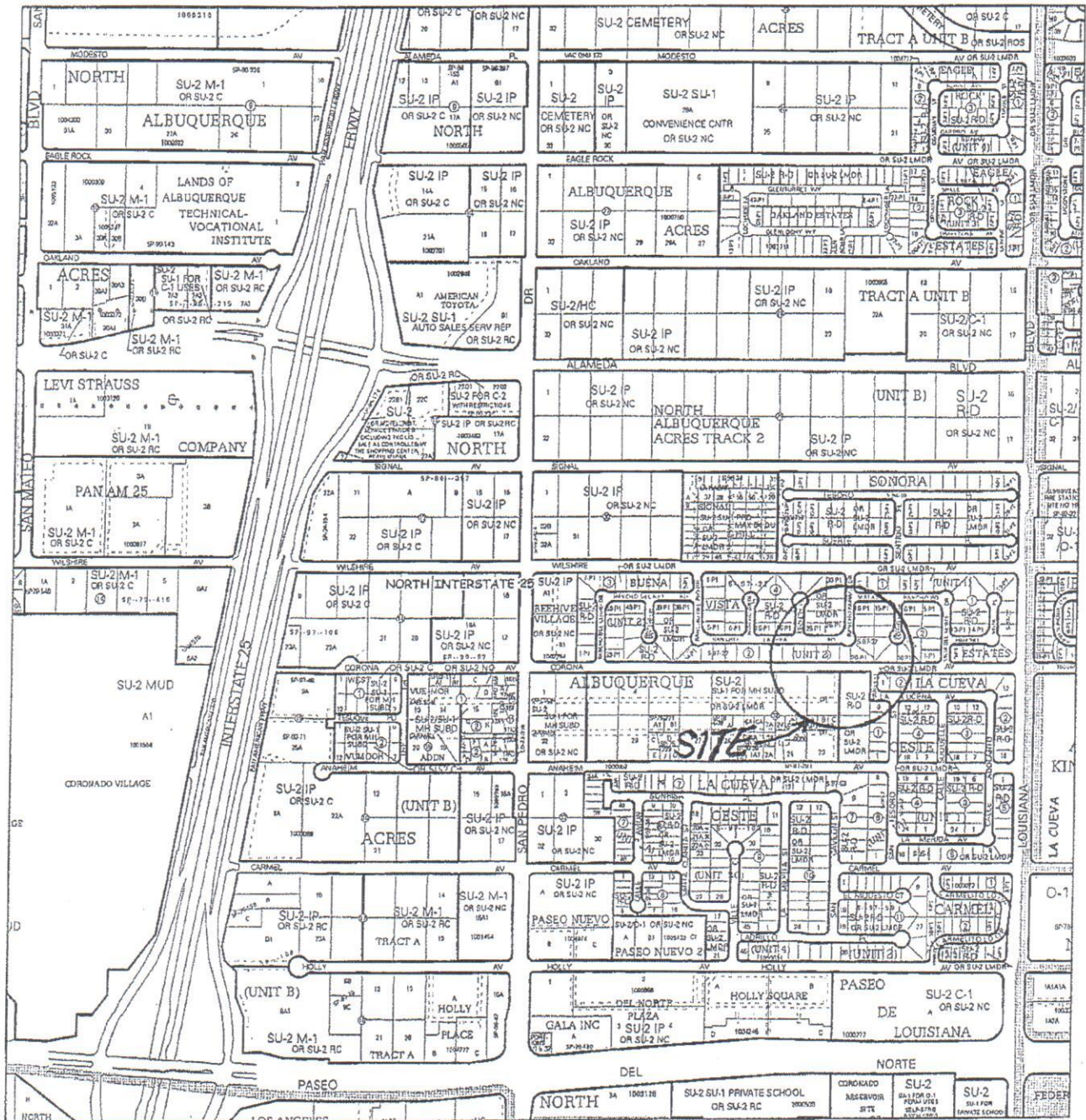
- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- 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.



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

Map amended through: 1/24/2011

Zone Atlas Page:
C-18-Z

Selected Symbols

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

To: Mr. Jack Cloud
DRB Chairman
Planning Department

RE: Diane & Stephen Slusser (residence)
6516 Rancho Ladera Rd. NE
Albuquerque, NM 87113-1990

1. My husband Steve has Parkinson and the doctor request us to put a pool in for therapy.
2. We pulled out our survey that we received when we purchased the house, the survey does not show an easement on the back of my property, the only easement is in the front (north side).
3. We call the proper companies to come out and mark our back yard before we dug, which is required by law. No one showed any utility lines in our back yard.
4. The pool company (BlueWater Pools) came out with the required permits and began to dig. Upon digging for the pool they came across a utility line, which they almost hit. The pool company immediately stopped digging and call out the utility company. Everyone including Qwest said that the line was not theirs. We had Qwest out 5 times and they stated the line was not theirs. We then had PNM out and the person that came out originally worked for Qwest for 20 years, she was the one that said it was a Qwest line and showed us their stamp on the line.
5. We then call Qwest out again and they told us that the line was probably not active, I made them confirm. This is when they said it was a live line.
6. I called the Title Company that I closed at and the survey company and told them that I would not have brought a house with 2 easements on it, nor was it disclosed at closing or on my survey. They asked me what we wanted and I told them I wanted the full easement vacated.
7. I contacted all of the utility companies and the city to make sure that I could have the easement vacated and I was told yes by all of the utilities and the city. At no time was I ever told that permits were need or that there would be an issue with vacating the easement.
8. I then contacted Qwest and had them move the line, and at no time was it ever disclosed to us that Qwest needed to pull permits and checked with zoning to move the line on the other side of our wall, which our yard backs up against another street (Corona).
9. I contacted the other utilities too and paid for the vacating of easement from each utility except Qwest which needed to move the line.
10. Qwest was paid to move the line at my expense and the pool was completed, and now we find out that Qwest did not pull the proper permits or receive proper approval from the city.
11. Now I am being told by the city this was done incorrectly and that it is my issue. They are saying that the easement cannot be removed just in case they should ever need to do anything there. The zoning department said chances of the city needing the easement would be like winning the lottery. Now I am paying the price because of Qwest.
12. My point is that all of the utility companies have released the easement to me; all I am asking for is that the city do the same especially since according to zoning they would not need the easement.
13. All other public utilities have issue me a release of easement rights (see attached)

We would have never proceeded with any of this if we were giving proper information from the city and the utility companies. I am going to have a problem selling my house due to this error I will need to disclose any easement or encroachment issue. Secondly I don't think I should have to have any easement because I personally contacted the city. I can't believe that contractors and the utility companies can rip off law abiding citizens and that this would be okay with the city.

Lastly, I am begging for the full easement release since I had a similar situation back in Chicago. I wanted to put a garage on my property and my original survey did not show an easement. I had contacted the city and experienced exactly what is happening again. I had to receive an encroachment from the city, which caused problems when selling. Several years later we went to sell my house and had offers on it right away, but once the encroachment was found out by the prospective buyer, both deals fell through. It took over a year to sell my house because of the encroachment. Now you can see why I am begging for a full easement removal. We now need to sell our home because Steve needs to be treated by a specialist in North Carolina for his Parkinson Disease and now we have to disclose all of this. We actually have a buyer interested but they are only going to wait a short time for us to resolve this issue. Since we will be have huge medical bills we can't afford to lose any money on the sale of our home due to easement issues.

**Thank you,
Diane & Stephen Slusser
6516 Rancho Ladera Rd. NE
Albuquerque, NM 87113-1990
(505) 270-3555 cell**

PNM ROWT NO. 14636

**PUBLIC SERVICE COMPANY OF NEW MEXICO
QUITCLAIM OF EASEMENT**

PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), a New Mexico corporation, does hereby quitclaim and discharge its right, title and interest to the present owner or owners, as their interests may appear in the property described below. The interest of PNM in such property was created by that certain Easement or Grant of Right of Way recorded in Bernalillo County, on October 22, 1997, in Plat Book 97-C, Page(s) 314, Document No. 9711008. As to all property covered by such Easement or Grant of Right of Way which is not specifically described herein, the right, title and interest of PNM shall not be affected by this quitclaim of easement.

The easement (or portion thereof) being quitclaimed herein is described as lying and being within lands situate in Bernalillo County, New Mexico, and is more particularly described as follows, to wit:

PNM ROWT NO. 14636 (Referencing Existing PNM Doc. No. N/A)


The easement being quitclaimed is within Lot 20-P1, Block 2 as shown on the Plat for BUENA VISTA ESTATES, UNIT 2, situate in Section 13, T. 11 N, R. 3 E, N.M.P.M., Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk of Bernalillo County on October 22, 1997, in Plat Book 97-C, Page 314, and being more particularly described as follows:

An easement ten (10) feet in width being the southerly ten (10) feet of the above described Lot 20-P1

All as generally shown on the drawing attached hereto and made a part hereof as EXHIBIT "A".

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this 30th day of October, 2006

FOR RECORDER'S USE ONLY



2066168878
8596442
Page: 1 of 2
11/06/2006 12:05P
BK-A126 Pg-8422

Hary Herrera Bern. Co. ERSE R 11.99

PUBLIC SERVICE COMPANY OF NEW MEXICO

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

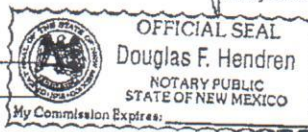
This instrument was acknowledged before me on

October 30, 2006

By ROB ROBERTS, MANAGER, RIGHT OF WAY DEPT.
of Public Service Company of New Mexico, a New Mexico corporation, on
behalf of said corporation.

My commission expires:
(Seal) 6-22-2009

Douglas F. Hendren
Notary Public

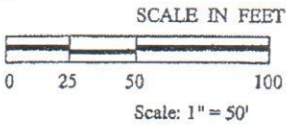


PNM
REFERENCE
NUMBER

06 340



SCALE FOR REFERENCE ONLY. NOT TO BE USED FOR SURVEY PURPOSES OR DETERMINING LOCATION OF FACILITIES



2006168878
 9556418
 Page: 2 of 2
 11/06/2006 12:05P
 Bk-A126 Pg-0422

"A"

10' PUE to be Released
 Lot 20-P1
 Buena Vista Estates, Unit 2
 WITHIN SEC. 13, T.11N., R.3E., N.M.P.M.
 Bernalillo, New Mexico
 Public Service Co. of New Mexico
 ALBUQUERQUE, NEW MEXICO

Drawn By: Doug Hendren Date: October 27, 2006
 Approve By: Scale: Shown

ROWT 14636

**COMCAST OF NEW MEXICO INCORPORATED
QUITCLAIM OF EASEMENT**

Comcast of New Mexico Incorporated does hereby quitclaim and discharge its right, title and interest to the present owner or owners, as their interests may appear in the property described below. The interest of Comcast of New Mexico Incorporated in such property was created by that certain Easement or Grant of Right Of Way recorded in Bernalillo County on October 22, 1997, in plat book 97-C, page(s) 314, Document No. 97111008. As to all property covered by such Easement or Grant of Right Of Way which is not specifically described herein, the right, title and interest of Comcast of New Mexico Incorporated shall not be affected by this quitclaim of easement.

The easement (or portion thereof) being quitclaimed herein is described as lying and being within lands suitable in Bernalillo County, New Mexico, and is more particularly described as follows, to wit:

The Public Utility Easement (P. U. E.) being quitclaimed is within Lot 20-P1, Block 2 as shown on the Plat for BUENA VISTA ESTATES, UNIT 2, situate in Section 13, T. 11 N., R. 3 E., N.M.P. M., Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk of Bernalillo County on October 22, 1997, in Plat Book 97-C, Page 314, and being more particularly described as follows:

An Easement ten (10) feet in width being the southerly ten (10) feet of the above described Lot 20-P1.

All as generally shown on the drawing attached hereto and made a part hereof as EXHIBIT "A".

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this 14th day of November, 2006

Comcast of New Mexico Incorporated

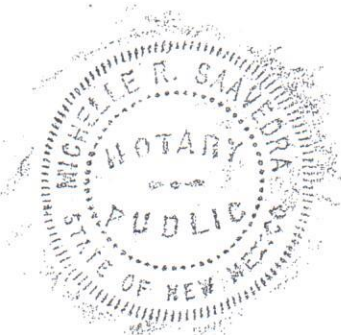
Peter Britain

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on November 14th, 2006.

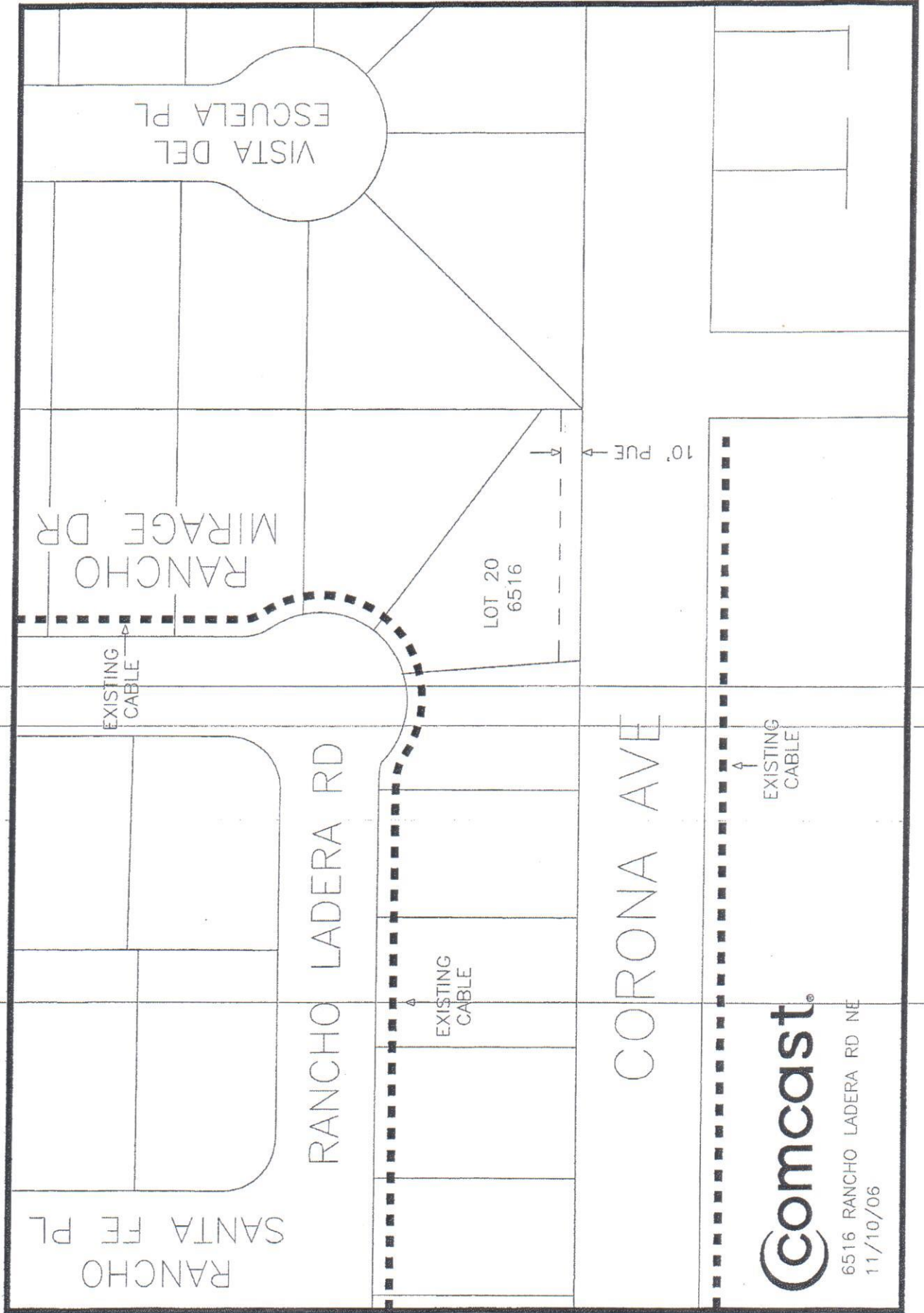
By Peter Britain of Comcast of New Mexico Incorporated, on behalf of said corporation.



Michelle R. Saavedra
NOTARY PUBLIC

October 20th, 2007
My Commission Expires

EXHIBIT "A"



Comcast
6516 RANCHO LADERA RD NE
11/10/06

KNOW ALL MEN BY THESE PRESENTS that, Qwest Corporation, a Colorado Corporation, (F.K.A. US WEST COMMUNICATIONS, INC.) hereinafter called "Company" for and in consideration of One Dollar and other good and valuable considerations, the receipt whereof is hereby confessed and acknowledged, does hereby release, remise and quitclaim all the right, title and interest acquired by the Company or its assignors under that certain right of way grant, recorded in the official records of the Clerk and Recorders office of Bernalillo County, State of New Mexico unto the present owner or owners, as their respective interest may appear therein, in the following described property, to wit: a Public Utility Easement ten (10) feet in width located within Lot 20-P1, Block 2, Buena Vista Estates Unit II. Said easement is described as being the south ten (10) feet of said Lot 20-P1.

A subdivision plat as recorded October 22, 1997 in Volume 97C Folio 314 in Bernalillo County, State of New Mexico.

And hereby expressly excepting and reserving to the Company, any and all interest otherwise acquired in said property, except as stated above.

IN WITNESS WHEREOF the Company has caused these presents to be executed this 2ND day of MARCH 2007.

BY *[Signature]* Qwest
Right of Way Manager

STATE OF NEW MEXICO
County of Bernalillo ss.

The foregoing instrument was acknowledged before me this 2nd day of March 2007
by *Dreg Hunt*

My commission expires 1-23-2011

Witness my hand and official seal.

[Signature]
Notary Public



SE 1/4 OF SECT. 13, TWP. 13 N. RNG. 3 E. N.M.P.M.

R/W # NM30207GH01

EXCH Albuq. Academy



9/22/2006

Diane Slusser
Attn: Diane Slusser
6516 Rancho Ladera Rd NE
Albuquerque, New Mexico 87113

Re: 6516 Rancho Ladera Rd NE, Albuquerque New Mexico

BAN Number C65A310

Dear Diane Slusser,

Attached is one copy of our Billing Proposal. We must receive the original copy, signed at the acceptance paragraph, and an advanced form of payment in the amount of \$6,618.00 before your job will be scheduled.

After we have received the signed proposals from you, we will return one copy, with our manager's signature, for your records.

Send proposals and payments to:

Qwest
Resource Allocation - BART
700 W. Mineral Ave
Room ND-E2.32
Littleton, CO 80120

If you are providing a purchase order as a form of payment, please sign, date and return the purchase order for the amount of \$6,618.00 with your signed proposals.

If you have any questions regarding the scheduling of/or work to be performed, please contact Qwest representative, Natalia Antonio at 505-245-6846.

If you are interested in an electronic payment option, Electronic Funds Transfer (EFT) is available and instructions will be provided to you upon request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bernadette Ream".

Bernadette Ream
Resource Allocation Coordinator
Email: Bernadette.Ream@qwest.com
303 707-5567

enclosures



Proposal

Contract No No
Job Authorization No: C65A310

Date: 9/22/2006
Billing Address:
Customer: Diane Slusser
Attention: Diane Slusser
6516 Rancho Ladera Rd NE
Albuquerque, New Mexico 87113
Work Location:
6516 Rancho Ladera Rd NE
County Bernalillo
Albuquerque, New Mexico

Description and/or specifications of work to be performed by Qwest under this Proposal ("Work"):

This job will replace 150ft of buried distribution cable along Corona Ave via dirt trench with 36in cover. This will also need to cut, remove, and restore concrete sidewalk and restore additional rock landscape along Corone Ave. This job will cutover all existing working service to new cable, conduct conformance testing from end to end, and abandon existing cable in customer's backyard.

Advance Payment (required before work begins): \$6,618.00
Total Charges: Six Thousand Six Hundred Eighteen Dollars and 00/100

*For the Work performed hereunder by Qwest, Customer will be responsible for these Charges only, unless a change order is signed by both parties in accordance with Section 8 below. For outstanding balances, Qwest will submit an Invoice of Charges to Customer within forty five (45) days of completion of the work under this Proposal. Customer will pay the invoice within thirty (30) days of receipt. All past due accounts will be assessed a late fee at 14% APR.

Qwest shall perform the Work in a professional manner, consistent with industry standards, shall be fit and sufficient for the stated purpose and shall conform to the Specifications. The Work to be performed under this Proposal shall be released to Construction for scheduling pending the return of the fully executed Proposal and receipt of the Advance Payment. This Proposal may be withdrawn by Qwest if not accepted by the Customer within 30 days.

Qwest Corporation

Authorized Signature
Name Printed/Typed Ron Stevens
Title: Manager General Accounting
Date:

Acceptance of this Proposal and all of its terms and conditions constitute a binding contract. The charges and specifications are satisfactory and are hereby accepted.

Customer

Authorized Signature
Name Printed/Typed
Title:
Date:

NOTE: CONTRACT TERMS AND CONDITIONS ARE PRINTED ON PAGE 2 OF THIS DOCUMENT.



The Proposal, these Terms and Conditions and all terms and conditions and the tariff, if applicable, constitute the entire Agreement and supersede all previous agreements between Qwest and Customer relating to the Work and related subject matter hereof. No other terms and conditions are applicable, including but not limited to terms and conditions attached to Customer's Purchase Order (PO).

1. **Customer Responsibilities.** Customer shall furnish all surveys and a description of the site. Customer shall be responsible for, and secure and pay for all necessary permits, approvals, easements, assessments and any other charges required for the Work to be performed under this Proposal and provide copies of the same, along with any filing information if applicable, to Qwest upon demand. Qwest shall be under no obligation whatsoever and the Customer assumes all responsibility to contact and make arrangements with any third parties, such as power companies, railroads, cable companies, or other telecommunications companies to arrange for the relocation of wires and equipment or the temporary disconnection of the transmission of electricity. Customer agrees to indemnify Qwest for any claims, damages or expenses related to Customer's failure to obtain the necessary permissions or perform such other responsibilities described herein.
2. **Qwest Responsibilities.** Qwest shall supervise and direct the Work under this Proposal and shall be solely responsible for construction means, methods, techniques, sequences, procedures of the Work and any safety precautions associated with the Work hereunder.
3. **Concealed/Subsurface Conditions.** Should concealed conditions be encountered below the surface of the ground, or in an existing structure, during the performance of the Work, differing materially from those ordinarily encountered and generally recognized as inherent in the Work, the Proposal Charges shall be equitably adjusted by change order upon written claim by either party made within twenty (20) days after the first observance of such conditions.
4. **Limitation of Liability.** NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY LOSS OF USE, LOSS OF BUSINESS OR LOSS OF PROFIT; provided, however, there shall be no limitation on a party's liability to the other for any fines or penalties imposed on the other party by any court of competent jurisdiction or federal, state or local administrative agency resulting from the failure of the party to comply with any term or condition of this Agreement or any valid and applicable law, rule or regulation.
5. **Force Majeure.** In the event the performance of Qwest is interrupted or prevented by an event, not due to its own fault, that was not reasonably foreseeable and could not have been prevented through the exercise of reasonable care ("Event of Force Majeure"), then the performance of Qwest's obligations hereunder shall be suspended until such time as the Event of Force Majeure has been eliminated. Qwest shall use its best effort to eliminate an Event of Force Majeure.
6. **Disputes.** Any claim, controversy or dispute between the parties shall be resolved by binding arbitration in accordance with the Federal Arbitration Act, 9 U.S.C. 1-16, not state law.
7. **Warranty.** All workmanship is guaranteed against defects for a period of six (6) months from the date of completion. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED INCLUDING, BUT NOT LIMITED TO, ANY OTHER WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The exclusive remedy for Customer under this Proposal shall be that Qwest will re-perform any part of its work which is found to be defective. In the event the facilities Qwest rearranges in accordance with this Proposal are owned by the Customer, in addition to re-performing the Work, Qwest will agree restore the work location to its original condition. Qwest shall not be responsible for damage to its work by other parties or for improper use of the equipment by others.
8. **Changes.** Changes in the Work, an adjustment to the proposal price or the timeframe for the Work shall be made by change order specifically stated in writing. The cost or credit to the Customer from a change shall be determined by mutual agreement.
9. **Safety and Environmental Conditions.** Customer understands and acknowledges that should Qwest encounter a hazardous substance and determine that such substance presents a health or physical hazard, Qwest may, without penalty, discontinue work under this contract.
10. **Termination.** In the event Customer elects to abandon the project and terminate this contract for Customer's convenience, Qwest shall be paid for all Work executed and any expense sustained plus a reasonable profit.
11. **Title to Equipment and Facilities.** Title to, and ownership of all lines, equipment and other property installed or constructed by Qwest in connection with this Agreement or the provisioning of Service is and remains with Qwest. Customer does not own facilities placed as a result of the Work performed under this Proposal, those facilities are owned solely by Qwest.
12. **Telecommunications Services.** This Proposal is independent, separate, and distinct from any local exchange or other telecommunications or other service Qwest currently provides, or may provide in the future to Customer, whether or not Qwest provides or may provide such services to Customer using the Qwest equipment and facilities to which this Proposal refers. As such, Customer shall be responsible for paying for such other local exchange or other telecommunications or other services separate from the payment requirements of this Proposal.
13. **Routing of Services.** In connection with providing telecommunications or other services over the facilities placed as a result of the Work performed under this Proposal, Qwest may select and use any switches, other equipment, software, or facilities that Qwest chooses. In the event of out-of-service conditions of any kind, which affect facilities described in the Proposal, Qwest may take steps to supply alternate routes, switches, equipment, and facilities to correct such out-of-service conditions of any services using the affected facilities.



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

May 17, 2013

Diane Slusser
6516 Rancho Ladera Rd. NE
Phone: 505-270-3555 Fax:

Dear Diane:

Thank you for your inquiry of **May 17, 2013** requesting the names of **ALL Neighborhood and/or Homeowners Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) LOT 20, P1, BUENA VISTA ESTATES, UNIT II, R1 LOCATED ON 6516 RANCHO LADERA RD. NE BETWEEN SAN PEDRO AND LOUISIANA, WILSHIRE AND CORONA AND RANCHO LADERA RD. NE zone map C-18**

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

SEE ATTACHMENT "A"

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3906 or via an e-mail message at dcarmona@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Dalaina Carmona

Senior Administrative Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

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

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

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

Information from the Office of Neighborhood Coordination

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

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

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

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

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

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

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

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **5/17/13** Time Entered: **12:45 p.m.** ONC Rep. Initials: **DC**

SEE ATTACHMENT "A"

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

(DRB SUBMITTAL) LOT 20, P1, BUENA VISTA ESTATES, UNIT II, R1 LOCATED ON 6516 RANCHO LADERA RD. NE BETWEEN SAN PEDRO AND LOUISIANA, WILSHIRE AND CORONA AND RANCHO LADERA RD. NE zone map C-18

PLEASANTVIEW MOBILE HOME ASSOC. (PVW)

Cheryl Gustafson *e-mail:* gran505@aol.com
6213 Karlson Dr. NE/87113 550-9300 (c)

Council District: 4
County District: 4
Police Beat: 433/NE
Zone Map #: C-18

WEST LA CUEVA N.A. (WLC) "R"

***Peggy Neff** *e-mail:* peggyd333@yahoo.com
8305 Calle Sequelle NE/87113 823-1041 (h)
Lee Hanson *e-mail:* joleehanson@comcast.net
6909 La Lucena Ave. NE/87113 822-6372 (h)

Council District: 4
County District: 4
Police Beat: 433/NE
Zone Map: C-18



DEVELOPER INQUIRY SHEET

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

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

Zone Map and this Developer Inquiry Sheet MUST be provided with request.

Please mark/hatch Zone Map where Property is located.

Your Developer Inquiry is for the following:

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

EPC Submittal DRB Submittal LUCC Submittal Liquor Submittal

Administrative Amendments (AA's) Submittal City Project Submittal

CONTACT NAME: DIANE SLUSSER

COMPANY NAME: _____

ADDRESS/ZIP: 6516 RANCHO LADERA RD NE
ABO NM

PHONE: 505 - 270-3555 FAX: _____

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 20 P1 Buena Vista Estates
unit II R1 zone C18

LEGAL DESCRIPTION

LOCATED ON 6516 RANCHO LADERA Rd NE

STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN SAN PEDRO + LOUISIANA WILSHIRE + CORONA AND

STREET NAME OR OTHER IDENTIFYING LANDMARK

RANCHO LADERA Rd NE

STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE (C18).

5/17/13

RE: DIANE + STEPHEN SLUSSER (RESIDENCE)
6516 RANCHO LADERA RD NE
ALBUQUERQUE, NM 87113-1990
505-270-3555 (cell)

I AM going in front of the DRB to request
for a vacation of easement in my back
property. My back property butts up
against Corona. My hearing date will be
June 12th 2013.

If you have any questions please call me

Thank you
Diane Slusser

505 270-3555

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

Article Sent To:

ALBUQUERQUE NM 87113

Postage	\$	\$0.46
Certified Fee		\$3.10
Return Receipt Fee (Endorsement Required)		\$2.55
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.11



Name (Please Print Clearly) (To be completed by mailer)
 Pleasant View Mobile/Cheryl Gustafson
 Street, Apt. No.; or PO Box No.
 6213 Karlson Dr. NE
 City, State ZIP+4
 Albuquerque, NM 87113
 PS Form 3800, July 1999 See Reverse for Instructions

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

Article Sent To:

ALBUQUERQUE NM 87113

Postage	\$	\$0.46
Certified Fee		\$3.10
Return Receipt Fee (Endorsement Required)		\$2.55
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.11



Name (Please Print Clearly) (To be completed by mailer)
 West Zia Drive NA (WLC)
 Lee Hansen
 Street, Apt. No.; or PO Box No.
 6909 Zia Lucena Ave NE
 City, State ZIP+4
 Albuquerque, NM 87113
 PS Form 3800, July 1999 See Reverse for Instructions

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

Article Sent To:

ALBUQUERQUE NM 87113

Postage	\$	\$0.46
Certified Fee		\$3.10
Return Receipt Fee (Endorsement Required)		\$2.55
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.11



Name (Please Print Clearly) (To be completed by mailer)
 West Zia Drive NA (WLC)
 Peggy Neff
 Street, Apt. No.; or PO Box No.
 8305 Calle Seguello NE
 City, State ZIP+4
 Albuquerque, NM 87113