



INTER-OFFICE MEMORANDUM

COMMENTING AGENCIES

DEBBIE BAUMAN/ JOHN MAKENZIE -	Transportation Development
SHABIH RIZVI - KENDRA WATKINS/ ANDREW GINGERICH -	Transit & Parking Department
LYNN MAZUR - STEVE SINK - SUSANNAH ABBEY - ANTONIO CHINCHILLA - DAVID KILPATRICK - STEPHANI WINKLEPLECK - DANIEL ARAGON - PATRICK SANCHEZ - APRIL WINTERS - MICHELE RAMIREZ - MIKE MORTUS - RAY GOMEZ -	Council of Governments AMAFCA APD Crime Prevention Open Space Division Fire Department Zoning Enforcement Inspector Neighborhood Coordination Public Service Company of New Mexico New Mexico Gas Company Albuquerque Public Schools CenturyLink Comcast Cable Middle Rio Grande Conservancy District (MRGCD)
SUZANNE BUSCH -	Environmental Health

Your comments on the following case(s) are requested. Board hearing date:

PROJECT # 1009881

WEDNESDAY, January 22, 2014

Comments must be received by:

Monday, January 20, 2014

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests. **If you have any questions, please contact me at 924-**



Supplemental Form (SF)

SUBDIVISION	S	Z	ZONING & PLANNING
<input checked="" type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	V		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input checked="" type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
SITE DEVELOPMENT PLAN	P		<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/> for Subdivision			
<input type="checkbox"/> for Building Permit			
<input type="checkbox"/> Administrative Amendment/Approval (AA)	D		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	A	APPEAL / PROTEST of...
STORM DRAINAGE (Form D)			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

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): Bio Grande Engineering PHONE: 321-9099
 ADDRESS: PO Box 93924 FAX: 872-0999
 CITY: Alb STATE NM ZIP 87199 E-MAIL: David@biograndeengineering.com

APPLICANT: Vandy Investments PHONE: _____
 ADDRESS: 6501 Eagle Rock FAX: _____
 CITY: Alb STATE NM ZIP 87103 E-MAIL: _____

Proprietary interest in site: Owner List all owners: Y+S

DESCRIPTION OF REQUEST: Preliminary Plat. approval. Temporary deferral of Internal Side walks

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. 4-10 & 23-27 Block: 28 Unit: B
 Subdiv/Addn/TBKA: North Alb Acres Tract A
 Existing Zoning: SUZ-IP/RL Proposed zoning: SUZ-IP/RL MRGCD Map No _____
 Zone Atlas page(s): C18 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.): 1008670
1009881

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 14 No. of proposed lots: 68 Total site area (acres): 12.41

LOCATION OF PROPERTY BY STREETS: On or Near: Daklan) NE
 Between: San Pedro and Louisiana

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

SIGNATURE DM DATE 12/20/13
 (Print Name) David Solc 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. density bonus
- F.H.D. fee rebate

Application case numbers

13 DRB-70805
70806

Action

TUS
PP
CMF
ADV

S.F.

Fees

_____ \$ 0
 _____ \$ 1585.00
 _____ \$ 20.00
 _____ \$ 75.00
 _____ \$ _____

Total

\$ 1,680.00

Hearing date Jan. 22, 2014

12-26-13
 Staff signature & Date

Project # 1009881

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

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

MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed** Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Preliminary plat approval expires after one year.

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

MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year.

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

MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT EXTENSION (DRB09)

(Temporary sidewalk deferral extension use FORM-V)

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

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

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

David S. Salo
 Applicant name (print)
[Signature]
 Applicant signature / date



Form revised October 2007

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

Application case numbers
13-DRB-70806

[Signature] 12-26-13
 Planner signature / date
 Project # 1009881

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.

Day, J Sale
Applicant name (print)

[Signature]
Applicant signature / date



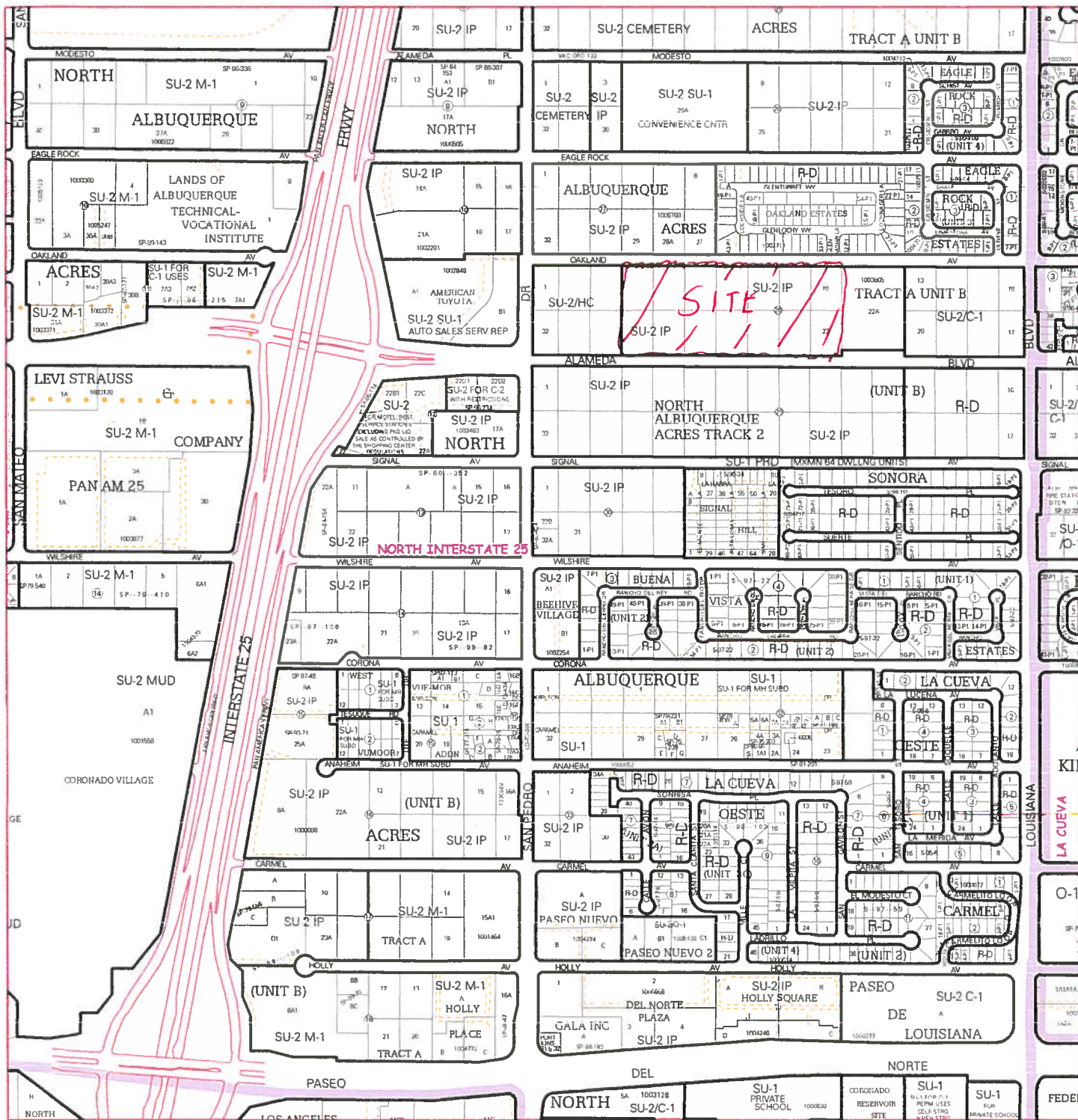
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
13 - DRB - 70805

Form revised 4/07

[Signature] 12-26-13
Planner signature / date

Project # 1009881

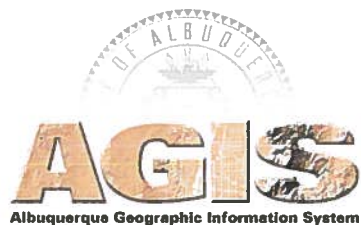


For more current information and more details visit: <http://www.cabq.gov/gis>

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



Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits



December 20, 2013


Mr. Jack Cloud
Chair- Development Review Board
City of Albuquerque
600 2nd street NW
Albuquerque, NM 87102

**RE: Preliminary Plat Approval
Eagle Crest Subdivision
Project # 1009881
Albuquerque, New Mexico**

Dear Mr. Cloud:

Rio Grande Engineering requests approval of the enclosed preliminary plat. The proposed development is consistent with the site plan for subdivision submitted with action 13DRB 70744. The enclosed documents include all items required for the board to render a decision the approval of the preliminary plat. In addition, were requesting temporary deferral of internal sidewalks along the frontage of the proposed lots to allow for the home construction first. This letter is also being sent the neighborhood associations with a copy of the proposed preliminary plat.

Should you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,


David Soule, PE
RIO GRANDE ENGINEERING
PO Box 93924
ALBUQUERQUE, NM 87199
321-9099

Enclosures

Cc;

Jeff Peterson,
7800 Eagle Rock NE
Albuquerque NM 87122

Joe Yardumian
7801 RC Gorman NE
Albuquerque, NM 87122

Peggy Neff
8305 Calle Sequeille
Albuquerque, 87113

Brenda Holley
8208 Santa Clarita NE
Albuquerque, NM 87113



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

October 25, 2013

David Soule
Rio Grande Engineering
P.O. Box 93924
Phone: 505-321-9099/Fax: 505-872-0999
E-mail: david@riograndeengineering.com

Dear David:

Thank you for your inquiry of **October 25, 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) – LOTS 4-10 AND 23-29, BLOCK 28, NORTH ALBUQUERQUE ACRES, TRACT A, UNIT B, LOCATED ON ALAMEDA BOULEVARD NE BETWEEN SAN PEDRO DRIVE NE AND LOUISIANA BOULEVARD NE** zone map **C-18**.

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

NOR ESTE N.A. "R"

Jeff Peterson, 7800 Eagle Rock Ave. NE/87122-2723 797-3477 (h)
Joe Yardumian, 7801 R.C. Gorman Ave. NE/87122-2748 797-1851 (h)

WEST LA CUEVA N.A. "R"

*Peggy Neff, 8305 Calle Sequelle NE/87113 923-6409 (w)
Brenda Holley, 8208 Santa Clarita St. NE/87113

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 or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

PLEASE NOTE: The Neighborhood and/or Homeowner 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.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER 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 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.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: 10/25/13 Time Entered: 2:50 p.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

ALBUQUERQUE NM 87122 OFFICIAL USE

Postage	\$ 0.66
Certified Fee	\$3.10
Return Receipt Fee (Endorsement Required)	\$2.55
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.31



Sent To Jeff Peterson
 Street, Apt. No., or PO Box No. 7800 Eagle Rock
 City, State, ZIP+4 Alb NM 87122

PS Form 3800, August 2006 See Reverse for Instructions

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

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87113 OFFICIAL USE

Postage	\$ 0.66
Certified Fee	\$3.10
Return Receipt Fee (Endorsement Required)	\$2.55
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.31



Sent To Peggy Neff
 Street, Apt. No., or PO Box No. 8305 Gillis Seguelle
 City, State, ZIP+4 Alb NM 87113

PS Form 3800, August 2006 See Reverse for Instructions

5492 1090 1490 4284 2000 0601 E102

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

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87113 OFFICIAL USE

Postage	\$ 0.66
Certified Fee	\$3.10
Return Receipt Fee (Endorsement Required)	\$2.55
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.31



Sent To Brenda Holley
 Street, Apt. No., or PO Box No. 8200 Santa Clara
 City, State, ZIP+4 Alb NM 87113

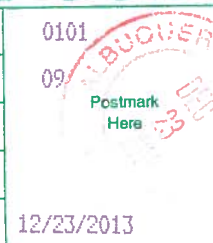
PS Form 3800, August 2006 See Reverse for Instructions

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

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87122 OFFICIAL USE

Postage	\$ 0.66
Certified Fee	\$3.10
Return Receipt Fee (Endorsement Required)	\$2.55
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.31



Sent To Dr. Yordanian
 Street, Apt. No., or PO Box No. 7801 RL Gorman
 City, State, ZIP+4 Alb NM 87122

PS Form 3800, August 2006 See Reverse for Instructions

Letter of Authorization

I, Aleem Kassam, Managing Member of Vandy Investments, owner of LOTS 4-10 & 23-29, BLOCK 28, NORTH ALBUQUERQUE ACRES UNIT A TRACT B hereby authorize Rio Grande Engineering of New Mexico, LLC and DAC, LLC to act as our agent regarding the submittal and approval process for the site plan and platting actions required within City of Albuquerque NM for the subject property

Property Owners: [Signature]

Date 10/25/13

STATE OF NEW MEXICO
County of Bernalillo
Aleem Kassam
Oct 25, 2013

SUBSCRIBED and SWORN TO before me on

My commission Expires:
7/19/17

Notary Public:
[Signature]

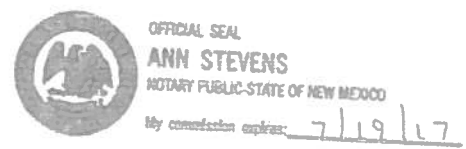


EXHIBIT A

PRELIMINARY

PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and

Vandy, llc ("Developer") effective as of this ____ day of _____, 20__ and pertains to the subdivision commonly known as Eagle Crest Subdivision, and more particularly described as Lots 4-10 & 23-29, Block 29, unit B, tract A, north albuquerque
acres (the "Subdivision".)

WHEREAS, In order to provide for APS becoming more knowledgeable of development plans within the City so that APS may better plan for future growth, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, DEVELOPER is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance;

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees that a facilities fee will be paid to APS for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:
 - If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.
 - If the permit is issued on or after August 1, 2011 the fee shall be \$1075 per dwelling

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60%) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the

transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5 . This contract may be recorded in the office the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6 . APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgement in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

DRB Project # 1009881

APS Cluster La Cueva

original signed and notarized by both
Signature

Name (typed or printed) and title

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on _____, by _____
as _____ of _____, a corporation.

(Seal)

Notary Public

My commission expires: _____

ALBUQUERQUE PUBLIC SCHOOLS

By: aps closed 12/20-1/2/14. they told me to pick up but
Signature they closed and i cant get until the 2nd. i will replace with the
original on jan 2

Name (typed or printed) and title

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on _____, by _____
as _____ of the Albuquerque Municipal School District No. 12,
Bernalillo and Sandoval Counties, and school district organized and existing under the laws of the State
of New Mexico.

(Seal)

Notary Public

My commission expires: _____