Albuquerque



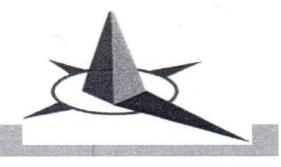
DEVELOPI....NT/ PLAN REVIEW APPLICATION

	Suppl	emental form		
SUBDIVISION		Z ZONII	NG & PLANNING	
Major Subdivision action X Minor Subdivision action		-	Annexation	
Vacation	V		EPC Submittal	
Variance (Non-Zoning)		-		Iment (Establish or Change Zoning within sector
SITE DEVELOPMENT PLAN	I P			2 or 3 Plan or similar
for Subdivision				to Adopted Rank 1, 2 or 3 code, or Subd. Regulations
for Building Permit Administrative Amendm	nent/Approval (AA)		Flati(s), Zorling C	ode, or Subu. Negalations
IP Master Development	t Plan			nge (Local & Collector)
Cert. of Appropriatenes: STORM DRAINAGE (Form D Storm Drainage Cost Al))	A APPE		 , EPC, LUCC, Planning HE, Board of Appeals, other
PRINT OR TYPE IN BLACK INK ON Planning Department Development Setime of application. Refer to supplement	ervices Center, 600 2nd	Street NW, Alb	uquerque, NM 871	application in person to the 02. Fees must be paid at the
APPLICATION INFORMATION:				
Professional/Agent (if any): The Su	urvey Office	_	PHONE:	(505) 998-0303
ADDRESS:333 Lomas Blvd NE			FAX:	
CITY:Albuquerque	STATE N	M ZIP 8710	D2 E-MAIL:	Maple@thesurveyoffice.com
APPLICANT: Joshua Romero				
ADDRESS: 7809 Sherwood Drive NW				
CITY: Albuquerque				
Proprietary interest in site: Owner				
DESCRIPTION OF REQUEST: Prelimina				
Is the applicant seeking incentives pursua				
SITE INFORMATION: ACCURACY OF THE			and the same of th	
Lot or Tract No: Tract 127 an				
Subdiv/Addn/TBKA: . Lands of Jo				
Existing Zoning: SU-2 LD/RA-2				
Zone Atlas page(s):): H-12	UPC No1	012059406363103	809/101205940136910	312
CASE HISTORY: List any current or prior case number tha 1009945	it may be relevant to your ap	plication (Proj., Ap	pp., DRB-, AX_,Z_, V_	S_, etc.): .):
CASE INFORMATION: Within city limits? X_Yes	Witi	nin 1000FT of a lar	ndfill? <u>No</u>	
No. of existing lots: 2 No. of	of proposed lots: 2	Total are	ea of site (acres):0.	4969
LOCATION PROPERTY BY STREETS:	On or Near: Los Lucero			
Between: Zickert	and	Duranes Ditch		60
Check-off if project was previously review			Review Team □. Date	e of review:
SIGNATURE	, n	**************************************		04/29/2014
(Print) Gary D. Maple, The Sur	·			
(Filitt) Gary b. Maple, The Sur	vey office		Applica	nt: Agent:
FOR OFFICIAL USE ONLY				Form revised 4/07
☐ INTERNAL ROUTING	Application case numbers		Action	S.F. Fees
All checklists are complete All fees have been collected	14DRB -	70124	PSF	\$ \$ 285.00
All case #s are assigned	-		CMF	\$ 20.00
AGIS copy has been sent				
Case history #s are listed			-	\$
				\$\$ \$
Case history #s are listed Site is within 1000ft of a landfill	Hearing date M G M	7 2014	1	\$ \$ Total \$ 505,00
Case history #s are listed Site is within 1000ft of a landfill F.H.D.P. density bonus F.H.D.P. fee rebate	Hearing date	7 201 ¹	10099	\$305.00

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

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

	Site sketch with measure improvements, if ther Zone Atlas map with the	osed subdivision plat (folded to ments showing structures, park is any existing land use (fold entire property(ies) clearly outli explaining, and justifying the re- lated file numbers on the cover	ed to fit into an 8.5" ned quest	Your attendance is required. 4" pocket) 6 copies adjacent rights-of-way and street by 14" pocket) 6 copies
	Letter briefly describing, Copy of DRB approved in Copy of the LATEST Office List any original and/or re-	to 8.5" x 11" entire property(ies) clearly outli explaining, and justifying the re	Preliminary Plat Ex	Your attendance is
	MAJOR SUBDIVISION FI Proposed Final Plat (fold Signed & recorded Final Design elevations & cros Zone Atlas map with the Bring original Mylar of pl Copy of recorded SIA Landfill disclosure and E	NAL PLAT APPROVAL (D ed to fit into an 8.5" by 14" poo Pre-Development Facilities Fe ss sections of perimeter walls	RB12) ket) 6 copies e Agreement for Re 3 copies ined owner's and City Su if property is within er application	urveyor's signatures are on the plat
۹.	MINOR SUBDIVISION PI 5 Acres or more: Certific Proposed Preliminary / F ensure property owr Signed & recorded Final Design elevations and of Site sketch with measur improvements, if the Zone Atlas map with the Letter briefly describing, Bring original Mylar of p Landfill disclosure and E Fee (see schedule) List any original and/or Infrastructure list if requ DXF file and hard copy	RELIMINARY/FINAL PLAT ate of No Effect or Approval final Plat (folded to fit into an 8 ter's and City Surveyor's signal Pre-Development Facilities Forces sections of perimeter wall ements showing structures, pare is any existing land use (for entire property(ies) clearly our explaining, and justifying the reat to meeting, ensure property EHD signature line on the Mylatelated file numbers on the covired (verify with DRB Engine of final plat data for AGIS is recovered.)	APPROVAL (DRI .5" by 14" pocket) 6 tures are on the plat ee Agreement for Re s (11" by 17" maxim rking, Bldg. setback ided to fit into an 8.5 tilined equest owner's and City Si r if property is within er application er) quired.	urveyor's signatures are on the plat a landfill buffer
	PLEASE NOTE: There are amendments. Significant of Proposed Amended Proposed	no clear distinctions between anges are those deemed by the liminary Plat, Infrastructure List, Infrastructure List, and/or Green entire property(ies) clearly out the complaining and justifying the	ne DRB to require post, and/or Grading Plan (folded to titlined request yowner's and City Store application	r changes with regard to subdivision ublic notice and public hearing. lan (folded to fit into an 8.5" by 14" of fit into an 8.5" by 14" pocket) 6 copies surveyor's signatures are on the plat
i	, the applicant, acknowledge nformation required but not vith this application will likely leferral of actions.	submitted	A	Applicant name (print) pplicant signature / date prevised October 2007
No.	Checklists complete Fees collected Case #s assigned Related #s listed	Application case numbers 14DRB7012	Project	4 - 29-14 Planner signature / date



The Survey Office

333 Lomas Blvd. NE Albuquerque, NM 87102 505.998.0303 Office 505.998.0305 Fax Info@TheSurveyOffice.com

April 29, 2014

The Survey Office is requesting Preliminary Plat approval for Tracts 127 and 130 MRGCD Map 35, containing 0.4969 acres.

Final

The purpose of this plat is to adjust a lot line which currently runs through the residence.

Please see attached documentation for review and comments.

Best.

Gary Maple



United States of the second of

SECONO JUDICIAL DISTRICT

93 JAN 15 PH 3: 07

SECOND JUDICIAL DISTRICT COUNTY OF BERNALILLO STATE OF NEW MEXICO

Thomas & Rings

ABRAN T. BACA; ABRAN G. BACA, JR.; STANISLAO BACA; CHRISTINA B. LUCERO; and ISIDORA B. LUCERO,

Plaintiffs,

Vs.

11

No. CV-91-05821

ANDREW F. CORDOVA, et al Defendants.

FINAL JUDGMENT AND DECREE

This matter having come before the Court upon the written stipulations of certain parties on file herein; upon the agreement of certain parties having an interest in this litigation as reflected by the signatures of the attorneys for those parties set forth below; upon the Application for Judgment by Default of the Plaintiffs; and for a trial on the merits as to certain issues, and the Court being otherwise fully informed in the premises, finds and concludes as follows:

Findings of Facts

Plaintiffs Abran T. Baca, Abran G. Baca, Jr., Stanislao
 Baca, Christina B. Lucero and Isidora B. Lucero ("Plaintiffs")

- .. . 4

are residents of Bernalillo and Sandoval Counties, New Mexico, and are the owners, in fee simple, of certain real estate, free and clear of all liens and encumbrances except as set forth herein, situated in Bernalillo County, New Mexico, more particularly described as follows (the "Real Estate"):

A certain tract of land situated in Los Duranes, within the City of Albuquerque, and within Section 12, Township 10 North, Range 2 East, N.M.P.M., Bernalillo County, New Mexico, and being and comprising Tracts 134-d and 135-b, as the same are shown and designated on the Middle Rio Grande Conservancy District Property Map No. 35, and being more particularly described by metes and bounds description as follows:

BEGINNING for a tie at the Southeast corner No. 1 of the tract herain set forth, a point on the westerly line of the Duranes Ditch, whence the Southwest corner of Lot numbered 2 (Two) of the RIO GRANDE GARDENS SUBDIVISION, as the same are shown and designated on the plat of said subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on the 14th day of March 1951 bears N.79 degrees 35' 59" E., 330.13 feet distant; thence leaving said westerly line of the Duranes Ditch and running:

- N. 89 degrees 06' 58" W., 107.91 feet to an angle point and corner No. 2 of the tract herein set forth; thence,
- N. 03 degrees 31' 02" E., 63.20 feet to an angle point and corner No. 3 of the tract herein set forth, thence
- N. 86 degrees 59' 47" W., 289.39 feet to corner No. 4 and the Southwest corner of the tract herein set forth; thence
- N. 01 degree 30' 52" E., 87.60 feet to corner No. 5 and the Northwest corner of the tract herein set forth; thence
- S. 87 degrees 49' 55" E., 80.10 feet to an angle point and corner No. 6 of the tract herein set forth; thence
- S. 08 degrees 29' 00" W., 5.80 feet to an angle point

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and corner No. 7 of the tract herein set forth; thence

- S. 85 degrees 39' 47" E., 375.15 feet to corner No. 8 and the Northeast corner of the tract herein set forth, a point on said Westerly line of the Duranes Ditch; thence along said Duranes Ditch as follows:
- S. 34 degrees 15' 02" W., 86.53 feet to an angle point and corner No. 9 of the tract herein set forth; thence
- S. 13 degrees 12' 02" W., 60.41 feet to the Southeast corner No. 1 and place of beginning.

Containing Nine Hundred Fifty Five Thousandths (0.955) Acres, more or less.

The above-described property is commonly known as 2903 Camilo Lana Northwest, Albuquerque, New Mexico 87104.

- Plaintiff Abran T. Baca has resided upon the Real Estate for more than fifty-five years, and acquired title by inheritance from his deceased wife.
- The interest of the remaining Plaintiffs in the Real Estate arises as a result of a Warranty Deed from Abran T. Baca, dated January 19, 1988, filed January 26, 1988 in Book D-324A, Pages 481-482, as Document No. 88-6617, of the records of Bernalillo County, New Mexico.
- Access to the Real Estate had been obtained for more than twenty years through a driveway, that is a minimum of eleven feet, four inches in width, running from Los Luceros, a public street within the City of Albuquerque, New Mexico, to the east boundary of the Real Estate.
- The driveway crosses real estate which was owned or claimed by Defendants Simon Lucero, Eva Lucero, and the Middle

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Rio Grande Conservancy District.

- 6. Defendant Eva Lucero ("Defendant Lucero") is the successor in interest of all right, title and interest of Defendant Simon Lucero, who is now deceased.
- Defendant Lucero has from time-to-time constructed and relocated various fences along the north and south sides of the driveway.
- In the event it is determined that the existing driveway is less than elevan feet, four inches in width at any location, Defendant Lucero shall be responsible for removing or relocating, at her expense, any portion or portions of her fences as may be necessary to make the minimum width of the driveway eleven feet, four inches.
- In the late spring or early summer of 1992, Defendant Lucero installed an additional fence at the entrance of the driveway from Los Luceros so as to reduce the width of the entrance by several feet to twelve feet, three inches.
- 10. The entrance to the driveway from Los Luceros should be reopened to its full width as it existed prior to the relocation of fences in 1992 at Defendant Lucero's expense.
- Defendant Plaza National Bank has disclaimed any and all interest in the Real Estate as more particularly shown by that certain Disclaimer of Interest and Stipulation of Dismissal filed herein on July 8, 1991.

- 12. Defendant State of New Mexico has disclaimed any and all interest in the Real Estate, except for unpaid property taxes for tax year 1991 and thereafter, as more particularly shown by that certain Disclaimer served by mailing herein on August 7, 1991.
- Jaramillo ("Defendants Jaramillo"), successors in interest of Defendants Agada Duran de Jinso and Benino Jinso, have reached an agreement to resolve any potential dispute regarding the location of their common boundary.
- 14. Unless changed in the manner more particularly set forth below, the common boundary between the Real Estate of Plaintiffs and the real estate of Defendants Jaramillo shall be as more particularly set forth herein.
 - changed to the fenceline between the two properties by obtaining a revision of the existing survey and plat of survey, at their expense, within six months of the entry of this Final Judgment and Decree, with the Plaintiffs and Defendants Jaramillo subsequently exchanging quitclaim deeds to establish the existing fence as the common boundary.
 - 16. The boundary dispute between Plaintiffs and Defendants Frank Segura and Susana M. Segura ("Defendants Segura"), more particularly described in the pleadings on file herein, has been

resolved and the description of the Real Estate has been revised accordingly.

- 17. All terms and provisions of the settlement agreement between the Plaintiff and Defendants Segura have been performed except for the payment by Defendants Segura of their share of the cost of the surveying expense incurred in order to resolve the boundary dispute.
- 18. Defendants Segura should be required to pay their share of the surveying expense incurred in order to resolve the boundary dispute with Plaintiffs.
- 19. As more particularly shown by the Stipulation to Superior Rights of Defendant Middle Rio Grande Conservancy District, the Real Estate is subject to all rights to existing easements, rights of way, agreements, statutory liens and future assessments as provided by law in favor of the Middle Rio Grande Conservancy District.
- 20. None of the other Defendants have made any claims herein adverse to the interest of the Plaintiffs and the time for doing so has now expired.
- 21. All and each of the claims of Defendants adverse to the title and estate of Plaintiffs in and to the Real Estate are illegal, unjust, and without foundation or justification in law or equity, except as to the claims more particularly described herein.

22. Each party hereto should bear his, her or its own costs, and no costs should be awarded to any party.

Conclusions of Law

- Plaintiffs have established their title and estate in and to the Real Estate.
- 2. Except as more particularly set forth herein, the Defendants, and each of them, are barred from having or claiming any right, title, or interest to or in, or any lien of claim upon, the Real Estate or any part thereof adverse to Plaintiffs.
- 3. Plaintiffs are entitled to judgment quieting and setting at rest forever their title and estate and right of possession in and to the Real Estate.
- 4. Judgment should be entered in favor of the Plaintiffs and against the Defendants as prayed for in the Amended Complaint to Quiet Title and for Ejectment and Recovery of Real Property, as modified herein.
- 5. Plaintiffs have an easement by agreement, a minimum of eleven feet, four inches in width, along an existing driveway running from Los Luceros, a public street within the City of Albuquerque, New Mexico, to the east boundary of the Real Estate.
- 6. Plaintiffs are entitled to have any and all existing obstructions which reduce the width of the easement to less than

eleven feet, four inches at any point removed.

- The width of the easement at the entrance of the driveway from Los Luceros is the width as it existed prior to the construction or relocation of fences in 1992.
- All stipulations or agreements by and between the parties hereto to resolve all claims which have been resolved by stipulation or agreement are fair and reasonable and should be enforced as made.
- None of the parties hereto are prevailing parties 9. entitled to an award of costs herein.

DECREED that ADJUDGED AND IS THEREFORE ORDERED, Plaintiffs are the owners, in fee simple, free and clear of all encumbrances, of the Real Estate, situated in and Bernalillo County, New Mexico, more particularly described as follows:

A certain tract of land situated in Los Duranes, within the City of Albuquerque, and within Section 12, Township 10 North, Range 2 East, N.M.P.M., Bernalillo County, New Mexico, and being and comprising Tracts 134-d and 135-b, as the same are shown and designated on the Middle Rio Grande Conservancy District Property Map No. 35, and being more particularly described by metes and bounds description as follows:

BEGINNING for a tie at the Southeast corner No. 1 of the tract herein set forth, a point on the westerly line of the Duranes Ditch, Whence the Southwest corner numbered 2 (Two) of the RIO GRANDE GARDENS SUBDIVISION, as the same are shown and designated on the plat of said subdivision filed in the Office of the County Clerk of Bernalillo County, New Mexico, on the 14th day of March 1951 bears N.79 degrees 35' 59" E., 330.13 feet distant; thence leaving said westerly line

of the Duranes Ditch and running:

- N. 89 degrees 06' 58" W., 107.91 feet to an angle point and corner No. 2 of the tract herein set forth; thence
- N. 03 degrees 31' 02" E., 63.20 feet to an angle point and corner No. 3 of the tract herein set forth, thence
- N. 86 degrees 59' 47" W., 289.39 feet to corner No. 4 and the Southwest corner of the tract herein set forth; thence
- N. 01 degree 30' 52" E., 87.60 feet to corner No. 5 and the Northwest corner of the tract herein set forth; thence
- S. 87 degrees 49' 55" E., 80.10 feet to an angle point and corner No. 6 of the tract herein set forth; thence
- S. 08 degrees 29' 00" W., 5.80 feet to an angle point and corner No. 7 of the tract herein set forth; thence
- S. 85 degrees 39' 47" E., 375.15 feet to corner No. 8 and the Northeast corner of the tract herein set forth, a point on said Westerly line of the Duranes Ditch; thence along said Duranes Ditch as follows:
- S. 34 degrees 15' 02" W., 86.53 feet to an angle point and corner No. 9 of the tract herein set forth; thence
- S. 13 degrees 12' 02" W., 60.41 feet to the Southeast corner No. 1 and place of beginning.

Containing Nine Hundred Fifty Five Thousandths (0.955) Acres, more or less.

The above-described property is commonly known as 2903 Camilo Lane Northwest, Albuquerque, New Mexico 87104.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants herein, including Defendants Jaramillo and, and each of them, are barred and forever estopped from having or claiming any right, title, or interest in or to, or any lien or claim upon, the Real Estate or any part thereof adverse to Plaintiffs,

except for all rights to existing easements, rights of way, agreements, statutory liens and future assessments as provided by law in favor of the Middle Rio Grande Conservancy District.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title and possession of the Plaintiffs in and to the Real Estate be, and it hereby is, forever quieted and set at rest, except as set forth herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs have an easement by agreement, a minimum of eleven feet, four inches in width, through an existing driveway that runs from Los Luceros, a public street within the City of Albuquerque, New Mexico, to the east boundary of the Real Estate, which easement crosses real estate owned or claimed by Defendant Lucero and the Middle Rio Grande Conservancy District.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Lucero shall remove or relocate, at her expense, any and all of her fences which reduce or restrict the easement to less than eleven feet, four inches in width, and shall remove, at her expense, the additional fences constructed or relocated at the entrance of the driveway during 1992.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the common boundary between the Real Estate of Plaintiffs and the real estate of Defendants Jaramillo shall be and remain as set forth herein unless Defendants Jaramillo obtain a change in that common

boundary in the manner set forth above.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Segura shall pay their one-half share of the surveying expenses which were incurred pursuant to their agreement with Plaintiffs to settle all disputes regarding the common boundary between their properties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that shall be awarded to any party herein.

District Judga

SUBMITTED BY:

LAW OFFICES OF ROBERT DALE MORRISON

Robert Dale Morrison, Esq. Attorney for Plaintiffs 2014 Central Ave., S.W. Albuquerque, New Mexico 87104 (5.05) 247-2066.

APPROVED BY:

ROBERT J. AVILA, P.A.

Robert J. Avila, Esq. Attorney for Gilbert Jaramillo and Eileen Grace Jaramillo, successors in interest of Defendants Jinso Post Office Box 1966 Albuquerque, New Mexico 87103 (505) 247-4321

CLEAR & CLEAR, P.A.

Thomas J. Clear, Jr. Esq. Attorney for Eva Lucero & Simon Lucero Suite 475-W, City Centre 6400 Uptown Boulevard, N.E. Albuquerque, New Mexico 87110 (505) 883-6944

GUTIERREZ LAW OFFICES

By:

Avelino V. Gutierrez, Esq.
Attorney for Frank Segura and Susana M. Segura

Plaza Del Sol, Suite 800

600 Second Street, N.W.

Albuquerque, New Mexico

(505) 243-0100

PAYNE & HALL, P.C.

By:

Douglas W. Decker, Esq. Attorney for Middle Rio Grande Conservancy District Post Office Box 35970 Albuquerque, New Mexico 87176-5970 (505) 883-1313

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OF THE OPIGINAL FILED IN MY OPIGE
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ALBUQUERQUE PUBLIC SCHOOLS PRE-DEVELOPMENT FACILITIES FEE AGREEMENT WAIVER

Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), having reviewed the proposed plat of <u>Tract 127</u> MRGCD Map #35, Projected section 12 t 10n, r. 2e, NMPM Albuquerque Grant, which is zoned as <u>SU-2 LD/ RA- 2</u>, on <u>April 30, 2014</u> submitted by <u>Josh Romero</u>, owner(s) of above property, has determined that no Pre-Development Facilities Fee Agreement is required with respect to that proposed plat because the property owner (s) <u>propose a lot line adjustment</u>. This will result in no net gain of residential units.

ALBUQUERQUE PUBLIC SCHOOLS

OFFICIAL SEAL
Anastasia Wolfe
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires:

Signature

	Name (printed or typed) and title
	STATE OF NEW MEXICO
	COUNTY OF BERNALILLO
-	This instrument was acknowledged before me on 4/30/2014, by P. Martinez as Pharmac of the Albuquerque Municipal School District
	No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under the laws
	of the State of New Mexico. Augustania (LOC)
	(Seal) Notary Public My commission expires: 6/17/2016