



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

SUBDIVISIONS	<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2)	<input type="checkbox"/> Variance for Carport within setback(s) (Form V)	
<input type="checkbox"/> Major - Preliminary Plat (Form P1)	<input type="checkbox"/> Amendment to Site Plan (Form P2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)	
<input type="checkbox"/> Minor - Preliminary/Final Plat (Form S2)	MISCELLANEOUS APPLICATIONS		
<input type="checkbox"/> Major - Final Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List (Form S1)	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)	
<input type="checkbox"/> Amendment to Preliminary Plat (Form S2)	<input type="checkbox"/> Amendment to Infrastructure List (Form P1)	PRE-APPLICATIONS	
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input checked="" type="checkbox"/> Variance - Temporary Deferral of SW (Form P2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form P2)	
	<input type="checkbox"/> Variance - Sidewalk Waiver (Form V)		
SITE PLANS	<input type="checkbox"/> Variance to IDO (Form V)	APPEAL	
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Variance to DPM (Form V)	<input type="checkbox"/> Decision of DRB (Form A)	

BRIEF DESCRIPTION OF REQUEST

Developer is requesting an extension of the IIA for deferral of sidewalk construction due to ongoing issue w/ Hydrology and Bern Co.

APPLICATION INFORMATION

Applicant: Mr. Joe Hahn - Sunset Villa LLC	Phone: 505-271-1030
Address: 4402 Canyon Ct. NW	Email: _____
City: Albuquerque	State: NM
Professional/Agent (if any): Don Briggs PE	Zip: 87111
Address: 5324 Oak Ledge Ct NW	Phone: 505-249-4843
City: Albuquerque	State: NM
Proprietary Interest in Site:	Zip: 87120
	List all owners:

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: Lot 1 thru 70 - Pl & Tracts A & B	Block:	Unit:
Subdivision/Addition: Sunset Villa & Lot 4 - A ^{Powell} Gardens	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): K 12	Existing Zoning: PD	Proposed Zoning: PD
# of Existing Lots: 70	# of Proposed Lots: 70	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street: Sunset Gardens Between: Atrisco Dr. SW and: Sunset Rd. SW

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

1003613, 17DRB-70385

Signature: <i>Don Briggs</i>	Date: 5-6-19
Printed Name: Don Briggs	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:				Fee Total:	
Staff Signature:	Date:			Project #	

FORM V: Vacations of Easements or Right-of-way and Variances – DRB

Please refer to the DRB case schedules for meeting / hearing dates and deadlines. Your attendance is required.

>> INFORMATION REQUIRED FOR ALL VARIANCE AND VACATION APPLICATIONS

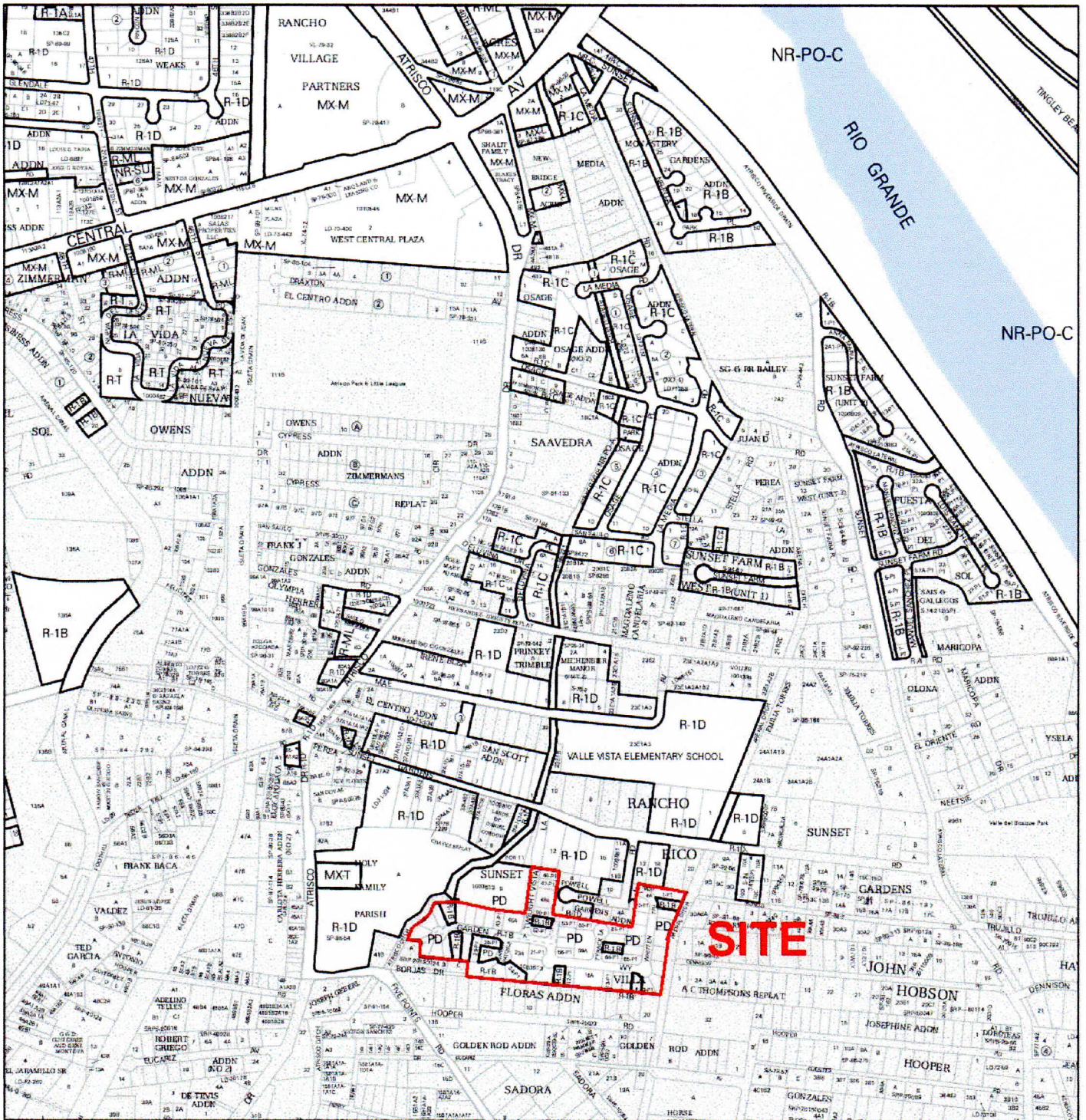
- Interpreter Needed for Hearing? if yes, indicate language: _____
- A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form V at the front followed by the remaining documents *in the order provided on this form*.
- Zone Atlas map with the entire site clearly outlined and labeled
- Letter of authorization from the property owner if application is submitted by an agent
- VARIANCE – DRB Requires Public Hearing**
 - Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(L)(3), compliance with the DPM, and all improvements to be waived, as applicable. *Note: If the request is based on a bulk land transfer, an application for Subdivision of Land – Minor shall be filed concurrently with the variance request and notice shall be provided on that plat regarding the applicant's agreement that building permits shall not be issued before further action by the DRB.*
 - Scale drawing showing the location of the proposed variance or waiver, as applicable (7 copies, not to exceed 8.5" by 14")
 - Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
 - Office of Neighborhood Coordination neighborhood meeting inquiry response
 - Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
 - If a meeting was requested/held, copy of sign-in sheet and meeting notes
 - Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination Public Notice Inquiry response
 - Proof of emailed notice to affected Neighborhood Association representatives
- VACATION OF PRIVATE EASEMENT Requires Public Hearing**
- VACATION OF PUBLIC EASEMENT Requires Public Hearing**
- VACATION OF RIGHT-OF-WAY – DRB Requires Public Hearing**
- VACATION OF RIGHT-OF-WAY – COUNCIL Requires Public Hearing**
 - Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(K)(3)
 - Copy of the complete document which created the easement(s) (7 copies, folded)
Not required for City owned public right-of-way.
 - Drawing showing the easement or right-of-way to be vacated (7 copies, not to exceed 8.5" by 11")
 - If easements, list number to be vacated _____
 - If right-of-way, square footage to be vacated (see IDO Section 14-16-6-6(K) _____)
 - Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
 - Office of Neighborhood Coordination neighborhood meeting inquiry response
 - Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
 - If a meeting was requested/held, copy of sign-in sheet and meeting notes
 - Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
 - Sign Posting Agreement (not required for easements if IDO Section 14-16-6-6(K)(2)(a) is satisfied)

The vacation must be shown on a DRB approved plat recorded by the County Clerk within one year, or it will expire.

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
- EXTENSION OF THE IIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
 - Letter describing, explaining, and justifying the deferral or extension
 - Drawing showing the sidewalks subject to the proposed deferral or extension (7 copies, not to exceed 8.5" by 14")

<p><i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i></p>	
<p>Signature: <u>Don Briggs</u></p>	<p>Date: <u>5/16/19</u></p>
<p>Printed Name: <u>Don Briggs</u></p>	<p><input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent</p>
<p>FOR OFFICIAL USE ONLY</p>	
<p>Case Numbers: _____</p>	<p>Project Number: _____</p>
<p>Staff Signature: _____</p>	
<p>Date: _____</p>	






For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas

May 2018

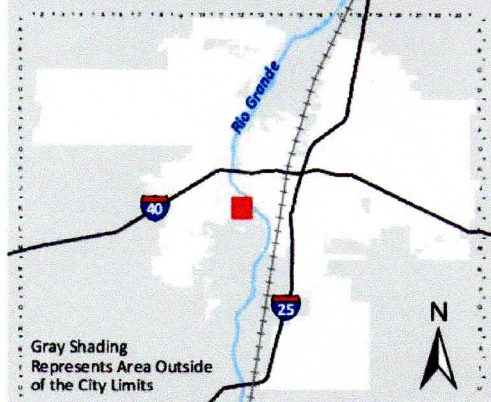


IDO Zoning information as of May 17, 2018


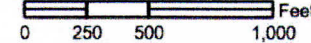
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

Zone Atlas Page:
K-12-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone



Gray Shading Represents Area Outside of the City Limits

POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the Developer is not the owner of the Subdivision.

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

[State name of present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:]

Joe R Hahn / Sunset Villa LLC Sunset Villa # ("Owner"), of
[address:] Lots 1-70-P1 & Tracts A & B Power Gardens Albuquerque [City:]
Albuquerque, [State:] NM [zip code:] _____, hereby
makes, constitutes and appoints [name of Developer:] Agent Dou Brigg Engineering LLC
(Agent "Developer") as my true and lawful attorney in fact, for me and in my name, place and stead, giving
unto the Developer full power to do and perform all and every act that I may legally do through an
attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City")
subdivision requirements regarding the real estate owned by me and described in Section 1 of the
Alternative Sidewalk Construction Agreement ("Agreement") above, including executing the
Agreement and related documents required by the City, with full power of substitution and
revocation, hereby ratifying and affirming what the Developer lawfully does or causes to be done by
virtue of the power herein conferred upon the Developer.

This Power of Attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Engineer in order to provide notice to City of the termination of this Power of Attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Developer. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER: JOE R. HAHN / SUNSET VILLA, LLC

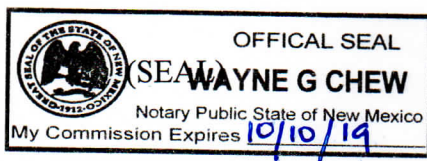
By [Signature:]: *Joe R. Hahn*

Name [Print]: JOE R. HAHN

Title: MANAG-MEMBER

Dated: MAY 2, 2019

The foregoing Power of Attorney was acknowledged before me this 2 day of May, 2019 by [name of person:] JOE R. HAHN, [title or capacity, for instance "President":] MEMBER-MANAGER of [Owner:] SUNSET VILLA, LLC on behalf of the Owner.



Wayne G Chew
Notary Public
My Commission Expires: _____



May 6, 2019

City of Albuquerque
Development Review Board

RE: Project #1003613 – Sunset Villa Subdivision

To whom it may concern,
Sunset Villa LLC, the developer of the Sunset Villa Subdivision in south west Albuquerque, is requesting an extension of the IIA for deferral of sidewalk construction requirements based on the following reasons:

1. The status of the temporary retention ponds has been delaying the final configuration of the subdivision. The developer has been working steadily with the City of Albuquerque's Hydrology Department and Bernalillo County's Development Review Department to resolve issues related to the temporary ponds.
2. All of the sidewalk not associated with development of specific lots has been constructed.
3. Sidewalk is continually being constructed as homes are being built.

We have provided the attached map showing the status of sidewalk construction at this time.

Thank you for your assistance on this matter. We look forward to meeting with you.

Sincerely

Don Briggs PE CFM
Don Briggs Engineering LLC

7th EXTENSION AGREEMENT

SIDEWALK DEFERRAL

PROJECT NO.: 764882

This Agreement made this 2 day of May, 2019, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of Developer:) Sunset Villa, LLC("Developer"), whose address is 4402 Canyon Ct. NE, Albuquerque, NM 87111 and whose telephone number is (505)271-1030 is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the parties agree that the word "Subdivider" used in any previous Agreements is replaced with the word "Developer" for this Agreement. This change has no substantive effect on any other provision of the agreement.

WHEREAS, the City and the Developer entered into an Agreement on the 27th day of July, 2007, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on July 27, 2007, pages 1 through 4, as Document No. 2007109285 ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 15th day of August, 2009; and

WHEREAS, the Earlier Agreement was amended by a 1st Extension to Agreement dated October 27, 2009, recorded on October 29, 2009, pages 1 through 3, as Document No. 2009120056 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 27, 2011; and

WHEREAS, the Earlier Agreement was amended by a 2nd Extension to Agreement dated August 31, 2011, recorded on September 12, 2011, pages 1 through 4, as Document No. 2013108929 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to July 27, 2013; and

WHEREAS, the Earlier Agreement was amended by a 3rd Extension to Agreement dated September 06, 2013, recorded on September 30, 2013, pages 1 through 4, as Document No. 2013108929 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to July 27, 2015; and

WHEREAS, the Earlier Agreement was amended by a 4th Extension to Agreement dated May 05, 2016, recorded on May 10, 2016, pages 1 through 4, as Document No. 2016042173 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to January 7, 2017; and

WHEREAS, the Earlier Agreement was amended by a 5th Extension to Agreement dated March 17, 2017, recorded on March 20, 2017, pages 1 through 4, as Document No. 2017026796 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to January 7, 2018; and

WHEREAS, the Earlier Agreement was amended by a 6th Extension to Agreement dated March 15, 2018, recorded on March 16, 2018, pages 1 through 4, as Document No. 2018023273 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to January 7, 2019; and

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Integrated Development Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty.

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

1. The required completion date for construction of the improvements, as set forth in the attached **Exhibit A**, is extended (Complete either A or B:)

- A. For all improvements, the 7th day of January, 2020.
- B. On portions of the improvements as follows:

<u>IMPROVEMENTS</u>	<u>COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

2. With this Extension Agreement, Developer has provided the City with the following financial guaranty:

Type of Financial Guaranty: Cashier's Check No. 512064751

Amount: \$63,824.41

Name of Financial Institution or Surety providing Guaranty: _____

Date City first able to call Guaranty (Construction Completion Deadline):

January 07, 2020

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: _____

Additional information: _____

3. The parties agree that all terms and conditions of the Earlier Agreement are not in conflict with this Extension Agreement and shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

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

DEVELOPER: Sunset Villa, LLC

CITY OF ALBUQUERQUE:

By [signature]: *Joe R. Hahn*

By: _____

Name [print]: Joe R. Hahn

Shahab Biazar, P.E., City Engineer

Title: Managing Member

Dated: _____

Dated: _____

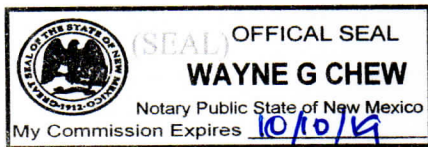
DEVELOPER'S NOTARY

STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 2 day of May, 2019 by [name of person:] Joe R. Hahn [title or capacity, for instance, "President" or "Owner"] Managing Member of [Developer:] Sunset Villa, LLC.



Wayne G Chew
Notary Public

My Commission Expires: _____

CITY'S NOTARY



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 17, 2018

Project # 1003613

17DRB-70384 - 2YR SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

17DRB-70385 - EXTENSION of SUBDIVISION IMPROVEMENTS AGREEMENT for
TEMP. DEFERRAL of SIDEWALK CONST

RIO GRANDE ENGINEERING agent(s) for SUNSET VILLA, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-70, **SUNSET VILLA SUBDIVISION** zoned R-1 and SU-1 PRD, located on SUNSET GARDENS RD SW between ATRISCO DR SW AND SUNSET RD SW containing approximately 4.5 acre(s). (K-12)

At the January 17, 2018 Development Review Board meeting, a one year extension of the Subdivision Improvements Agreements were approved. A one year extension to the 4-year agreement for the deferral of sidewalks was approved.

If you wish to appeal this decision, you must do so by February 1, 2018 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

A handwritten signature in black ink, appearing to read "Kym Dicome".

Kym Dicome, Acting DRB Chair