



DEVELOPMENT REVIEW BOARD
SUPPLEMENTAL SUBMITTAL

(Deadline is Friday at noon unless noted on DRB calendar – late submittals will not be accepted unless approved by the DRB)

PROJECT NO. PR-2022-007114
Application No. SD-2022-00146

TO:

- Planning Department/Chair
- Hydrology
- Transportation Development
- ABCWUA
- Code Enforcement
- Parks & Rec

*(Please attach this sheet with each collated set for each board member)

NOTE: ELECTRONIC VERSION (ie disk, thumbdrive) is Required. Submittal will not be accepted without.

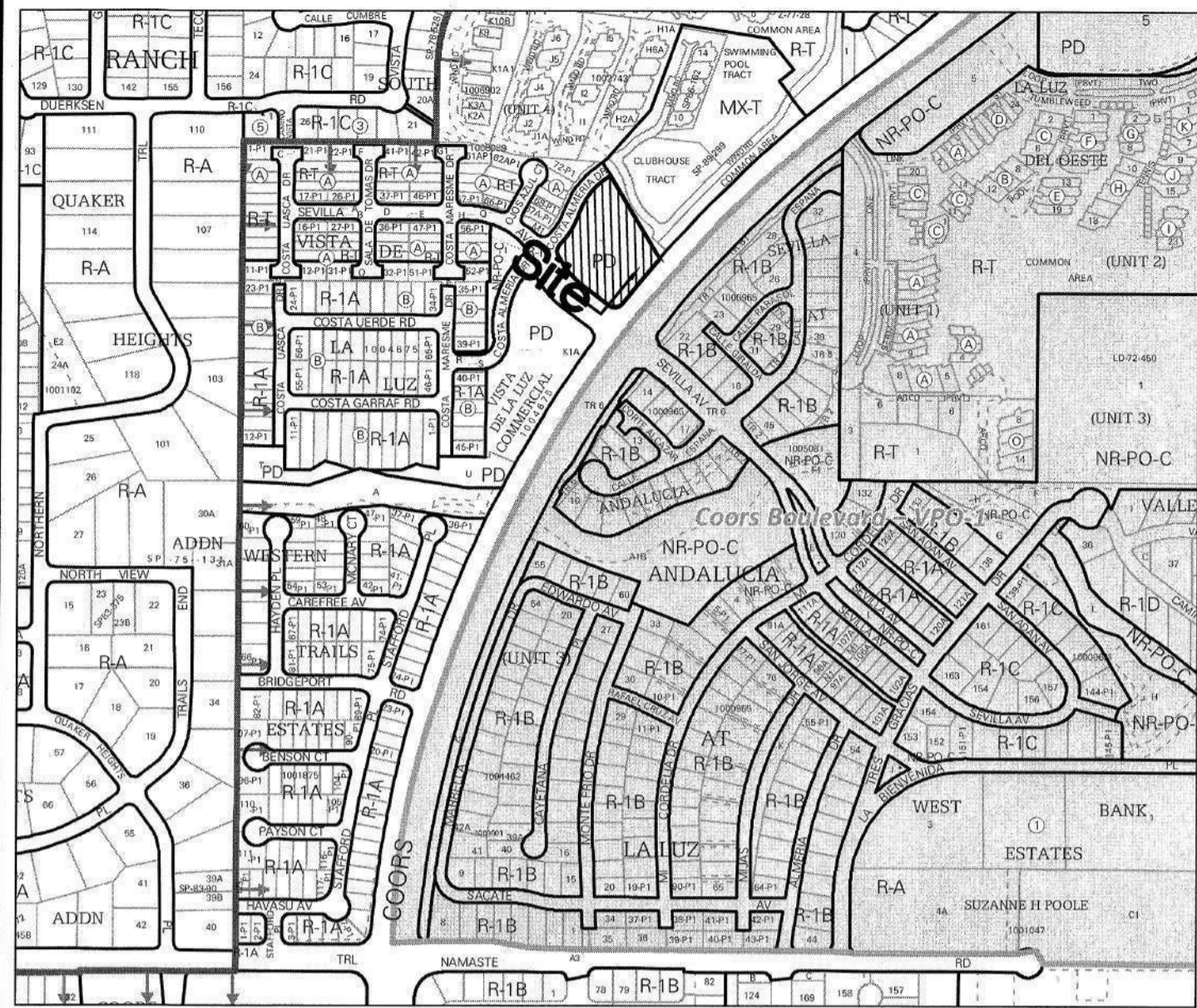
DRB SCHEDULED HEARING DATE: 10/12/2022 HEARING DATE OF DEFERRAL: 11/02/2022

SUBMITTAL DESCRIPTION: Updated plat adds ABCWUA requested note, updated applicaiton number

new drainage covenant document and cross lot parking, document are attached for consideration

CONTACT NAME: Ryan J. Mulhall

TELEPHONE: 505-896-3050 EMAIL: cartesianryan@gmail.com



Vicinity Map - Zone Atlas F-11-Z

N.T.S.

Notes

1. FIELD SURVEY PERFORMED IN DECEMBER 2021.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
4. EXISTING PUBLIC WATER AND/OR SANITARY SEWER INFRASTRUCTURE MAY NOT BE CONSTRUCTED OR SIZED TO ADEQUATELY SERVE POTENTIAL FUTURE DEVELOPMENT. IMPROVEMENT OR UPSIZING OF EXISTING PUBLIC INFRASTRUCTURE MAY BE REQUIRED AS A CONDITION OF FUTURE DEVELOPMENT APPROVAL.

Documents

1. TITLE COMMITMENT PROVIDED BY STEWART TITLE, HAVING FILE NO. 01147-53857 AND AN EFFECTIVE DATE OF JULY 11, 2019.
2. PLAT OF VISTA DE LA LUZ FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON OCTOBER 30, 2006, IN BOOK 2006C, PAGE 331.
3. WARRANTY DEED FOR SUBJECT PROPERTY FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON JANUARY 20, 2022, AS DOCUMENT NUMBER 2022006561.

Indexing Information

Section 35, Township 11 North, Range 2 East, N.M.P.M.
 Subdivision: Vista De La Luz
 Owner: Via Real Estate, LLC
 UPC #: 101106131538523401

Purpose of Plat

1. SUBDIVIDE AS SHOWN HEREON.
2. GRANT EASEMENTS AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE. 1.8731 ACRES
 ZONE ATLAS PAGE NO. F-11-Z
 NUMBER OF EXISTING LOTS. 1
 NUMBER OF LOTS CREATED. 2
 MILES OF FULL-WIDTH STREETS. 0.0000 MILES
 MILES OF HALF-WIDTH STREETS. 0.0000 MILES
 RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE. 0.0000 ACRES
 DATE OF SURVEY. DECEMBER 2021

Legal Description

TRACT LETTERED "J" FOR VISTA DE LA LUZ, WITHIN SECTION 35, TOWNSHIP 11 NORTH, RANGE 2 EAST, NMPM, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON OCTOBER 30, 2006, IN PLAT BOOK 2006C, FOLIO 331.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE X WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0114H, DATED AUGUST 16, 2012.

Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND
 PAID ON UPC #: 101106131538523401

PROPERTY OWNER OF RECORD
 BERNALILLO COUNTY TREASURER'S OFFICE

**Plat for
 Tract J-1 and J-2,
 Vista De La Luz
 Being Comprised of
 Tract J,
 Vista De La Luz
 City of Albuquerque
 Bernalillo County, New Mexico
 September 2022**

Project Number: PR-2022-007114

Application Number: SD-2022-00146

Plat Approvals:

- [Signature]* Sep 22, 2022
- PNM Electric Services
Natalia Artonio Sep 20, 2022
- Qwest Corp. d/b/a CenturyLink QC
Pamela C. Stone Sep 26, 2022
- New Mexico Gas Company
Mike Mortua Sep 20, 2022
- Comcast

City Approvals:

Loran Risenhoover P.S. 9/13/2022
 City Surveyor

Traffic Engineer

ABCWUA

Parks and Recreation Department

Code Enforcement
[Signature] 9/19/2022
 AMAF

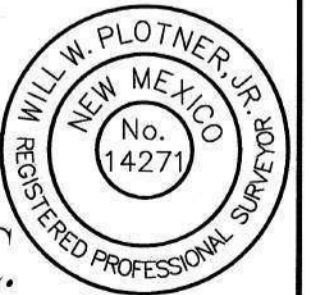
City Engineer

DRB Chairperson, Planning Department

Surveyor's Certificate

I, WILL PLOTNER JR., A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Will Plotner Jr. 9/13/2022
 Will Plotner Jr. Date
 N.M.R.P.S. No. 14271



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANGHO, N.M. 87174
 Phone (505) 896 - 3050 Fax (505) 891 - 0244
 wplotnerjr@gmail.com

**Plat for
Tract J-1 and J-2,
Vista De La Luz
Being Comprised of
Tract J,
Vista De La Luz
City of Albuquerque
Bernalillo County, New Mexico
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| C13 | 10.09' | 28.00' | 20°38'21" | 10.03' | N 71°30'23" W |
| C14 | 15.98' | 274.50' (274.50') | 3°20'04" | 15.97' | N 29°56'27" E |

Legend

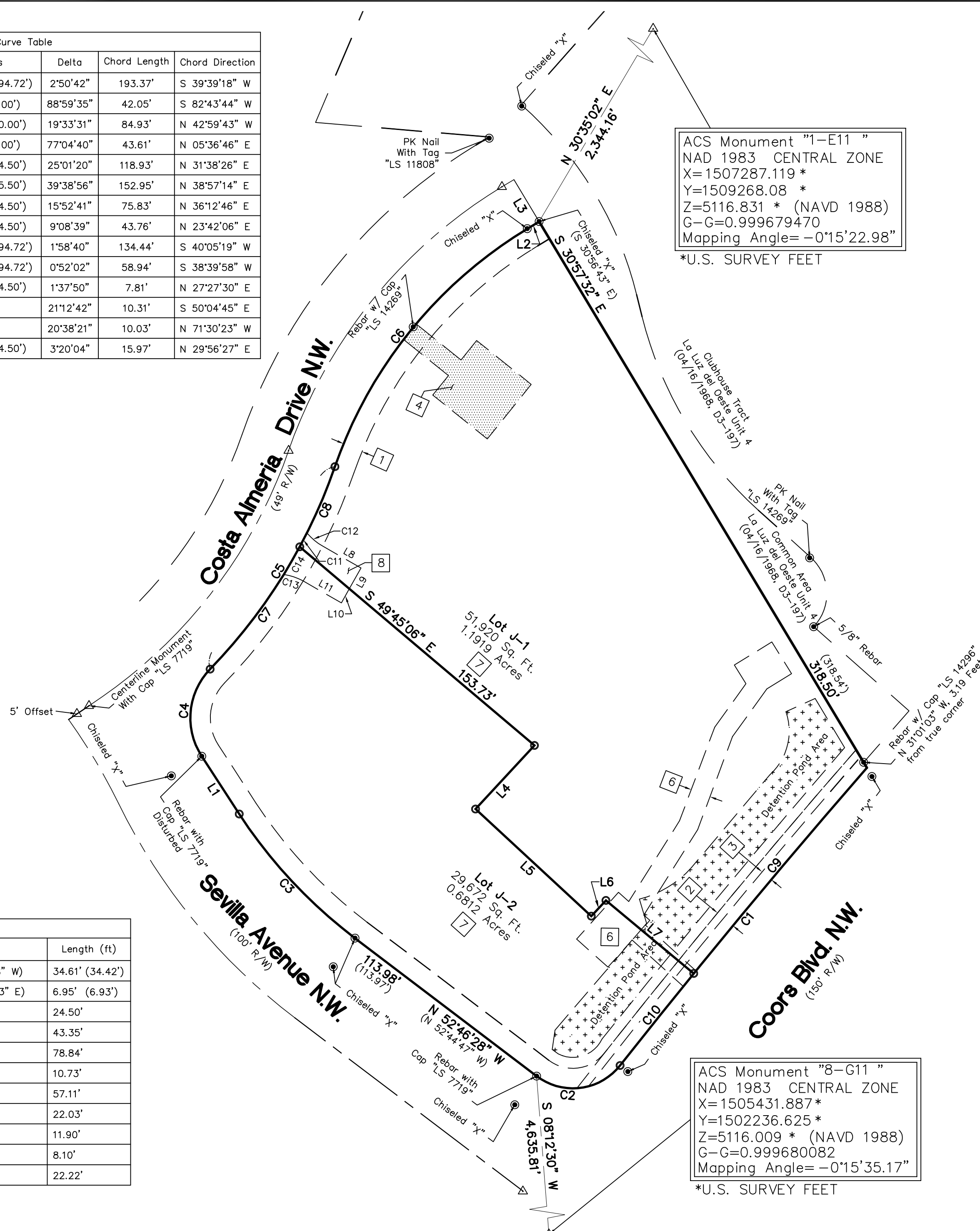
| | |
|-----------------|---|
| N 90°00'00" E | MEASURED BEARINGS AND DISTANCES |
| (N 90°00'00" E) | RECORD BEARINGS AND DISTANCES PER PLAT (10/30/2006 BK. 2006C, FOL. 331 DOC. NO. 20061652) |
| △ | FOUND CENTERLINE MONUMENT WITH CAP ILLEGIBLE, UNLESS MARKED OTHERWISE |
| ● | FOUND MONUMENT AS INDICATED |
| ○ | SET 1/2" REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED |

Easement Notes

- EXISTING 10' P.U.E. (10/30/2006 BK 2006C, PG. 331)
- EXISTING 10' UNDERGROUND PNM AND MST&T EASEMENT (09/14/1978, BK. MISC. 637, PG. 899)
- EXISTING 6' PUBLIC SIDEWALK EASEMENT (10/30/2006 BK 2006C, PG. 331)
- EXISTING ABCWUA WATER EASEMENT (10/19/2016, DOC. NO. 2016099065) SHOWN HEREON AS [Pattern]
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- EXISTING PNM EASEMENT (5/29/2019, DOC. NO. 2019044201)
- BLANKET CROSS-LOT EASEMENT FOR PRIVATE ACCESS, PRIVATE DRAINAGE, AND PRIVATE PARKING, TO EXCLUDE EXISTING AND FUTURE BUILDING ENVELOPES, BENEFITING AND MAINTAINED BY BOTH LOTS, GRANTED WITH THE FILING OF THIS PLAT
- PUBLIC TURNAROUND EASEMENT, GRANTED WITH THE FILING OF THIS PLAT



| Line Table | | |
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| Line # | Direction | Length (ft) |
| L1 | N 32°55'34" W (N 33°11'18" W) | 34.61' (34.42') |
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| L3 | N 31°00'15" W | 24.50' |
| L4 | S 42°47'33" W | 43.35' |
| L5 | S 47°13'08" E | 78.84' |
| L6 | N 42°59'04" E | 10.73' |
| L7 | S 50°14'34" E | 57.11' |
| L8 | S 60°14'28" E | 22.03' |
| L9 | S 29°18'54" W | 11.90' |
| L10 | S 29°18'54" W | 8.10' |
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ACS Monument "1-E11"
NAD 1983 CENTRAL ZONE
X=1507287.119 *
Y=1509268.08 *
Z=5116.831 * (NAVD 1988)
G-G=0.999679470
Mapping Angle=-0°15'22.98"
*U.S. SURVEY FEET

ACS Monument "8-G11"
NAD 1983 CENTRAL ZONE
X=1505431.887 *
Y=1502236.625 *
Z=5116.009 * (NAVD 1988)
G-G=0.999680082
Mapping Angle=-0°15'35.17"
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Phone (505) 896-3050 Fax (505) 891-0244
wplotnerjr@gmail.com

Free Consent

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

[Signature]

09/29/2022
DATE

DERRICK MERCHANT, MANAGER
VIA REAL ESTATE, LLC, A WYOMING LIMITED LIABILITY COMPANY

TEXAS

STATE OF ~~NEW MEXICO~~ }
COUNTY OF ~~LUBBOCK~~ } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON September 29th, 2022
BY: DERRICK MERCHANT, MANAGER, VIA REAL ESTATE, LLC, A WYOMING LIMITED LIABILITY COMPANY

By: *[Signature]*
NOTARY PUBLIC

MY COMMISSION EXPIRES 05-03-2025



Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- C. Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

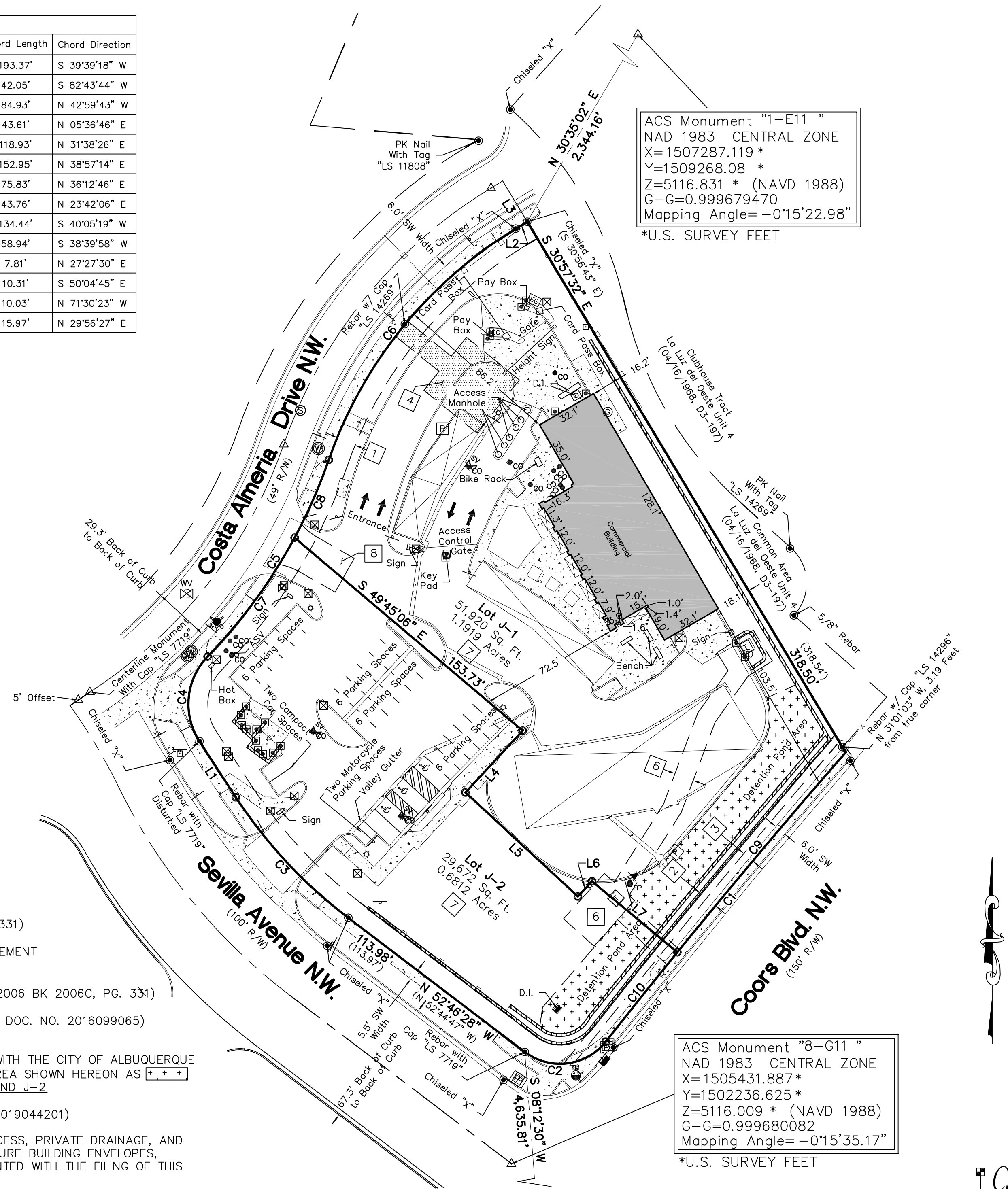
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**Sketch Plat for
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City of Albuquerque
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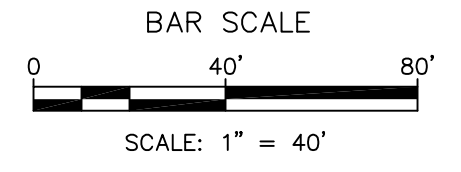


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| ⊠ | COVERED AREA |
| ▨ | CONCRETE |
| ▩ | BLOCK WALL |
| —x— | WIRE FENCE |
| —□— | METAL FENCE |
| ■ | BOLLARD |
| —OHU— | OVERHEAD UTILITY LINE |
| • | UTILITY POLE |
| ⊠ | PULL BOX |
| ☆ | LIGHT POLE |
| ⊙ | ELECTRIC METER |
| ⊠ | TRANSFORMER |
| ⊠ | ELECTRIC CABINET |
| ▲ | FLOOD LIGHT |
| ⊠ | TRAFFIC MAST |
| ⊙ | GAS METER |
| ⊙ | WATER METER |
| ⊙ | FIRE HYDRANT |
| ⊙ | SANITARY SEWER MANHOLE |
| ⊙ | SAS CLEANOUT |
| ⊙ | FLAGPOLE |
| ⊠ | IRRIGATION BOX |
| ⊠ | STORM DRAIN INLET |
| ⊠ | SIGN |
| ⊠ | CURB CUT/INDICATION OF ACCESS TO ROADWAY |
| ASV | ANTI-SIPHON VALVE |
| SV | SEWER VALVE |
| D.I. | DROP INLET |



Easement Notes

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CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244
wplotnerjr@gmail.com

97027691

535:

559781

AGREEMENT AND COVENANT

This Agreement and Covenant, between the City of Albuquerque, New Mexico ("City") and Meridian Realty Ltd. Co., ("User") is made in Albuquerque, New Mexico and is entered into as of the date of recording this Agreement with the Bernalillo County Clerk.

1. Recital. The User is the owner of certain real property ("User's Property") located at Meridian Business Park (Proposed), in Albuquerque, New Mexico, and more particularly described as:

Lots 1 and 9, Tract M, Atrisco Business Park, Unit 2 (existing)
Filed September 12, 1975, D5-181 *IN BERNALILLO COUNTY CLERK'S OFFICE N.M.*

The City is the owner of ~~certain real property, easement or public right-of-way~~ ("City's Property") ~~in the vicinity of, contiguous to, abutting or within~~ User's Property, and more particularly described ~~as~~ by the metes and bounds indicated on Exhibit A, attached, and made a part of this Agreement.

The User wishes to construct upon, ~~improve or repair~~ and to maintain the following "Improvement" on the City's Property ~~(or already has done so)~~:

One Detention Pond

A sketch of the proposed ~~or existing~~ Improvement is attached as Exhibit A and made a part of this Agreement.

The City agrees to permit the Improvement to exist on the City's Property provided the User complies with the terms of this Agreement.

2. City Use of City's Property and City Liability. The City has the right to enter upon the City's Property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the User. If the Work affects the Improvement the City will not be financially or otherwise responsible for rebuilding or repairing the Improvement. The User promptly will repair the Improvement to the City's satisfaction. The cost of repairing the Improvement will be paid by User.

3. User's Responsibility for Improvement. The User will be solely responsible for constructing, maintaining, repairing and, if required, removing the Improvement, all in accordance with standards required by the City as per the approved Grading and Drainage Plan J-10/D-20 on file at City Hydrology. The User will be solely responsible for paying all related costs. The User will not permit the Improvement to constitute a hazard to the health or safety of the general public or to interfere with the City's use of the City's Property. The User will conform with all

l:\rpd4\legmcor.rgm

applicable laws, ordinances and regulations.

4. Use of the Improvement. If the City's Property is a public right-of-way, it shall be open to the use of the general public at all times, subject to reasonable curtailment during periods of construction, maintenance or repair.

5. Demand for Repair, Modification or Removal. The City may send written notice ("Notice") to the User requiring the User to repair, modify or remove the Improvement within 30 days ("Deadline") and the User will comply promptly with the requirements of the Notice. If removal is demanded, the City also may require the User to return the City's Property to its original condition by the Deadline. The User will perform all required work by the Deadline, at User's sole expense.

6. Failure to Perform by User and Emergency Work by City. If the User fails to comply with the terms of the Notice by the Deadline stated, or, if the City determines that an emergency condition exists, the City may perform the work itself. The City then may assess the User for the cost of the work and for any other expenses or damages which result from User's failure to perform. The User agrees promptly to pay the City the amount assessed. If the User fails to pay the City within thirty (30) days after the City gives the User written notice of the amount due, the City may impose a lien against User's Property for the total resulting amount.

7. Cancellation of Agreement and Release of Covenant. This Agreement may be cancelled and User's covenants released by the City at will by the City's mailing to the User notice of the City's intention to record a Cancellation and Release with the Bernalillo County Clerk. The Cancellation and Release will be effective thirty (30) days after the date of mailing the notice to the User unless a later date is stated in the notice or the Cancellation and Release. After the effective date, the City will record the Cancellation and Release with the Bernalillo County Clerk.

8. Condemnation. If any part of the User's Property is ever condemned by the City, the User will forego all claims to compensation for any portion of User's structure which encroaches on City Property and for severance damage to the remaining portion of User's structure on User's Property.

9. Assessment. Nothing in this Agreement shall be construed to relieve the User, his heirs, assigns and successors from an assessment against User's Property for improvements to the City Property under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the Improvement will not reduce the amount assessed by the City.

10. Notice. For purposes of giving formal written notice to the User, User's address is:

Meridian Realty Ltd. Co.
Attn: Angelo Brunacini
P. O. Box 6363
Albuquerque, NM 87197

Notice may be given to the User either in person or by mailing the notice by regular U.S. mail, postage paid. Notice will be considered to have been received by the User within 3 days after the notice is mailed if there is no actual evidence of receipt. The User may change User's address by giving written notice of the change by certified mail, return receipt requested, to the City Engineer at P.O. Box 1293, Albuquerque, New Mexico 87103.

11. Indemnification. The User agrees to defend, indemnify and hold harmless the City, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties as a result of User's use of the City's Property. To the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney's fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee; or (2) the giving of or the failure to give direction or instructions by the indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

12. Term. This Agreement shall continue until revoked by the City pursuant to Section 7 above.

13. Binding on User's Property. The covenants and obligations of the User set forth herein shall be binding on User, his heirs, assigns and successors and on User's Property and constitute covenants running with User's Property until released by the City.

14. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

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

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on March 14
1999, by Robert E. Gurule, Director, Public Works Department for the City of
Albuquerque, a New Mexico municipal corporation, on behalf of the corporation.

Felicia Dixon
Notary Public

My Commission Expires:

1-27-98

USER'S ACKNOWLEDGEMENT

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

This instrument was acknowledged before me on February 27
1997, by Ancelo Brunacini, Managing Partner, on behalf of Meridian Realty Ltd.

[Signature]
Notary Public



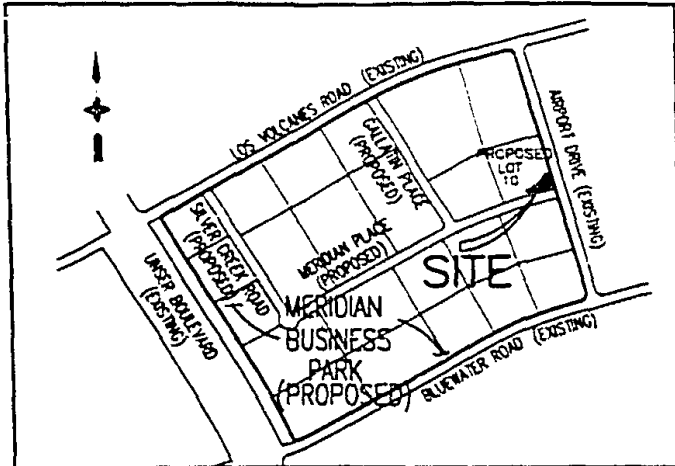
Commission Expires:
KENNETH A. HUNT
NOTARY PUBLIC - STATE OF NEW MEXICO
Notary Public Filed with Secretary of State
My Commission Expires 6-2-97

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

97 MAR 18 PM 2:32

97-7 PG 6354-6360
JUDY WOODWARD
[Signature]

Approved as to form by
Legal Department 2/23/95



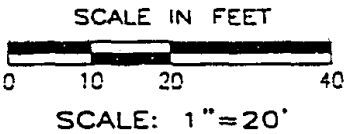
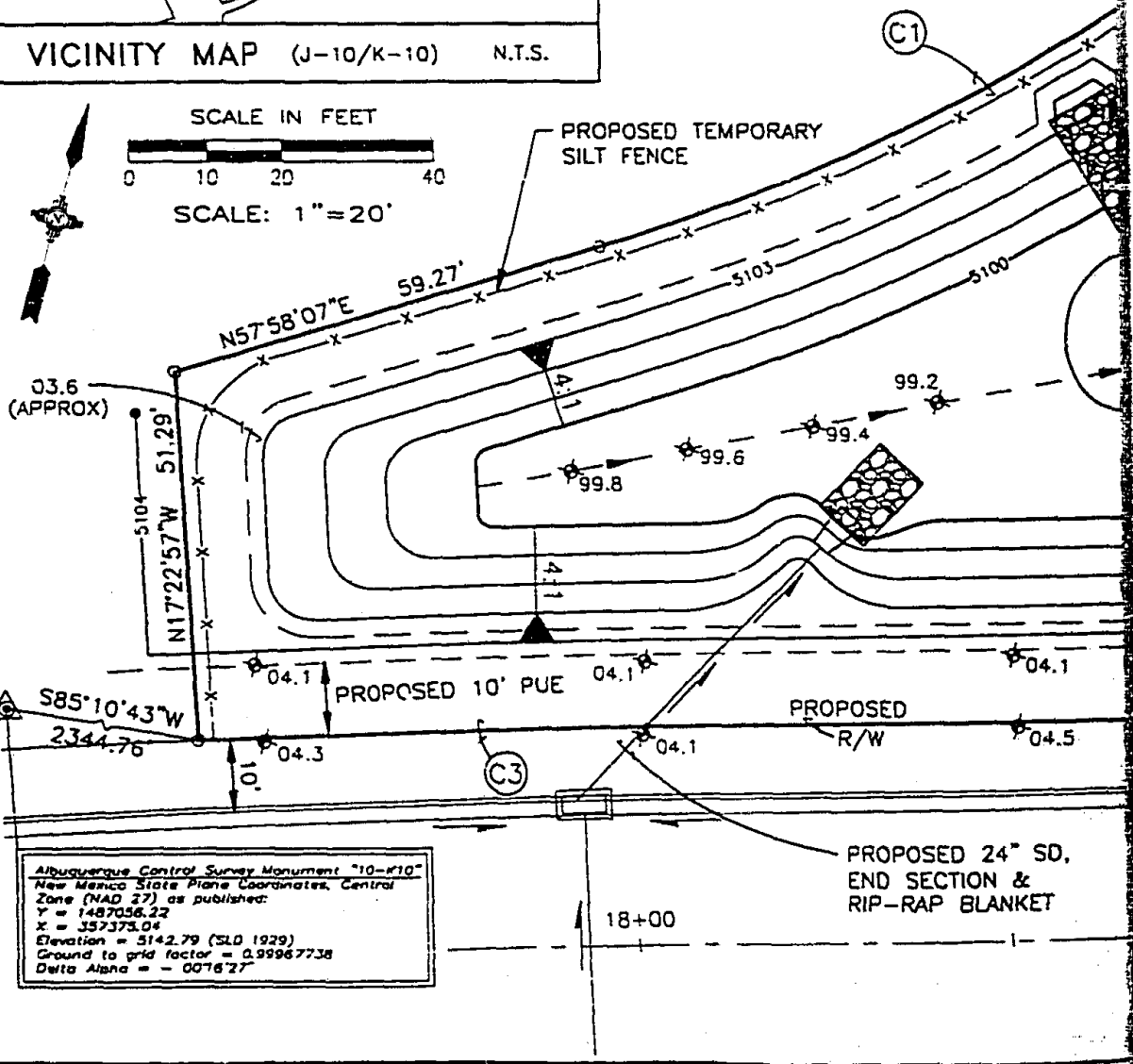
VICINITY MAP (J-10/K-10) N.T.S.

CURVE TABLE (C)

| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARL |
|-------|----------|---------|---------|---------|----------|
| (C1) | 273.60' | 133.74' | 68.23' | 132.41' | N43°57'E |
| (C2) | 30.00' | 47.13' | 30.00' | 42.43' | S29°57'E |
| (C3) | 3063.83' | 125.72' | 62.87' | 125.71' | N73°47'E |

LIMIT OF PROPOSED EASEMENT ()

PROPOSED TEMPORARY RUNDOWN.
(FINAL RUNDOWN BY OTHERS
WITH LOT 10 SITE IMPROVEMENTS)



03.6 (APPROX)

5104
N17°22'57\"/>

N57°58'07\"/>

S85°10'43\"/>

2344.76

PROPOSED 10' PUE

PROPOSED R/W

PROPOSED 24\"/>

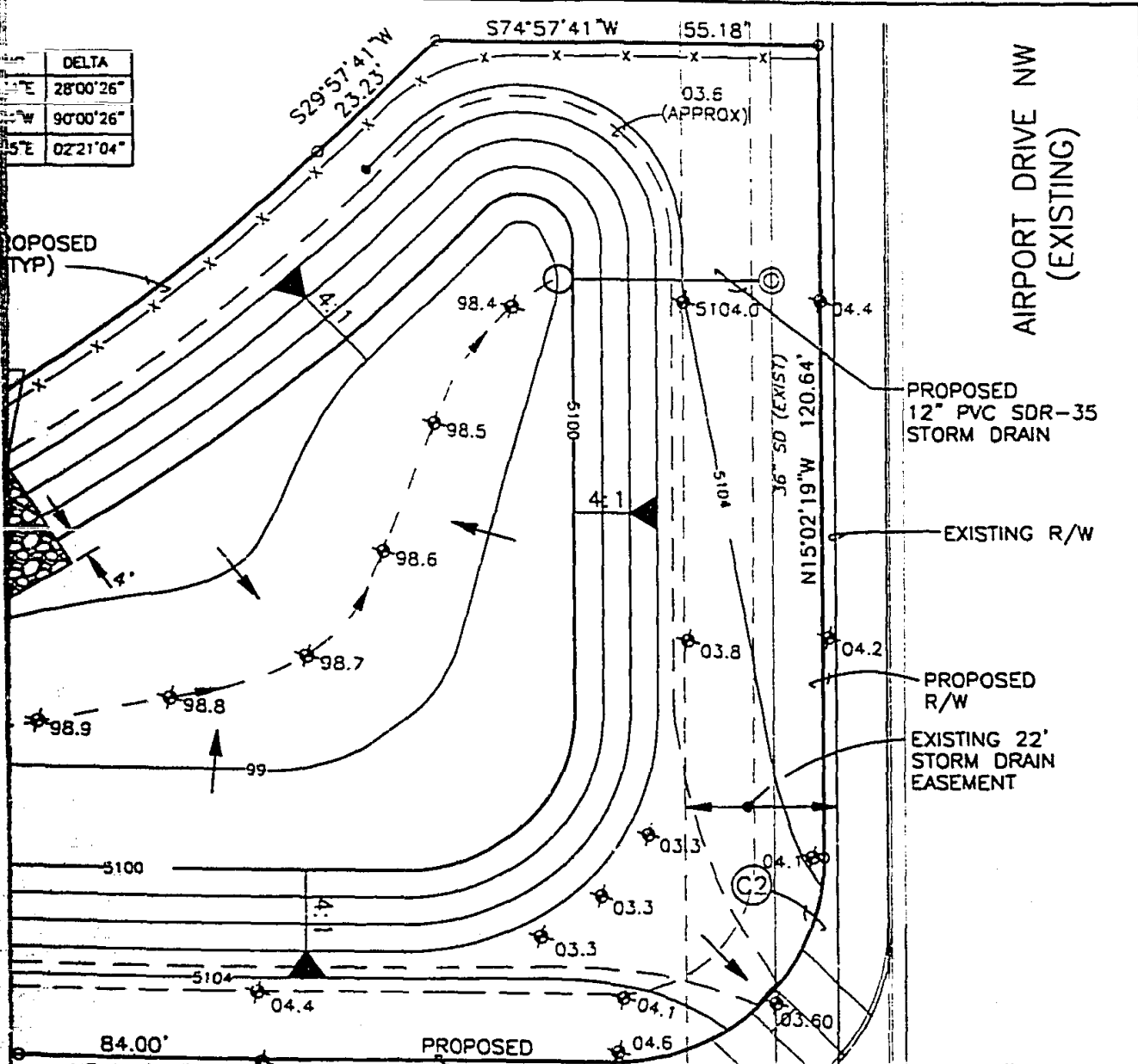
18+00

Albuquerque Control Survey Monument "10-K10"
New Mexico State Plane Coordinates, Central
Zone (NAD 27) as published:
Y = 1487056.22
X = 357373.04
Elevation = 5142.79 (SLD 1929)
Ground to grid factor = 0.99967738
Delta Alpha = -00'16.27"

DWG: 1 \ PROJECTS \ 4120 \ DMG \ 06 \ PLANS \ EASE VASI - 1006
 DATE: 02-25-97 12:29:23
 SCHAUBER ARCHITECTS

5360

| |
|-----------|
| DELTA |
| 28°00'26" |
| 90°00'26" |
| 02°21'04" |



PROPOSED TYP

PROPOSED R/W

EXISTING R/W

EXISTING 22' STORM DRAIN EASEMENT

PROPOSED R/W

PROPOSED FACE OF CURB

19+00

MERIDIAN PLACE NW (PROPOSED)

EXHIBIT "A"
MERIDIAN BUSINESS PARK
 DETENTION POND & EASEMENT ON
 PROPOSED LOT 10 (ORB-96-336)

Easterling & Associates, Inc.
 CONSULTING ENGINEERS
 10131 Coors Rd., NW, Suite H-7
 Albuquerque, New Mexico 87114
 (505) 898-8021 FAX (505) 898-8501

| | | | |
|---------|--------|-------|---------|
| DATE: | DESIGN | DRAWN | DWG NO. |
| 2/25/97 | JML | JMM | 1 of 1 |

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM AN INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

After recording return to:

Via Real Estate, LLC
13105 Dover Avenue
Lubbock Texas 79242
Attn: Contracts Manager
Phone: 806-368-7844

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

DECLARATION FOR CROSS-ACCESS AND OTHER MATTERS

This ***DECLARATION FOR CROSS-ACCESS AND OTHER MATTERS*** (this "**Declaration**") is set forth, established, and declared to be effective this _____ day of _____, 2022, by **VIA Real Estate, LLC**, a Wyoming limited liability company ("**VIA**" or the "**Declarant**").

WHEREAS, Declarant is the owner of the property being described on **Exhibit A** attached hereto, made a part hereof, and incorporated herein for all purposes – same being substantially that real property shown on the **SKETCH PLAT FOR TRACT J-1 AND J-2 VISTA DE LA LUZ** as Lots J-1 and J-2 together – said **SKETCH PLAT FOR TRACT J-1 AND J-2 VISTA DE LA LUZ** shown by that drawing attached hereto, made a part hereof, and incorporated herein for all purposes as **Exhibit B** (the "**Declarant Tract**"); and any future owner of any portion of the Declarant Tract shall be hereinafter referred to from time to time as an "**Owner**", and collectively, all such owners shall be referred to as "**Owners**";

WHEREAS, there has heretofore been set forth, declared, and established certain drainage covenants (the "**Drainage Covenant**"), by the recording of that certain

PRIVATE FACILITY DRAINAGE COVENENANT recorded on **September 27th, 2017** as Clerk's Instrument numbered **2017092964** of the Official Public Land Records of Bernalillo County, New Mexico, reference to which Drainage Covenant is hereby made, and same is incorporated herein for all purposes the same as if reproduced herein *in toto* – said easement is shown as those areas delineated as the “**Detention Pond Area**” in **Exhibit B**;

WHEREAS, there has heretofore been a site plan approved by the Planning and Zoning Board of the City of Albuquerque covering the Declarant Tract by that certain ARCHITECTURAL SITE PLAN, project numbered 1004675, application number 16DRB-70239, as same was amended by that certain ADMINISTRATIVE AMENDMENT, File numbered SI-2022-00314, Project number PR-2019-002598 (the “**Approved Site Plan**”) – said Approved Site Plan is attached hereto, made a part hereof, and incorporated herein for all purposes as **Exhibit C**.

WHEREAS, the Declarant desires to: i) provide for vehicular and pedestrian cross access across the Declarant Tract, ii) shared parking across the Declarant Tract, iii) establish and declare rights and obligations as to solid waste disposal across the Declarant Tract, and, iv) establish and declare rights and obligations as to the Drainage Covenants;

WHEREAS, the Declarant desires to grant certain exclusive use rights and to impose proscriptions against certain uses to which the respective tracts may be put; and

NOW, THEREFORE, in consideration of TEN DOLLARS (\$10.00 U.S.) cash in hand paid, and the mutual benefits to be realized and the mutual obligations undertaken as set forth herein, all of which consideration is hereby acknowledged as having been paid or given or promised, the parties hereby declare, agree, set forth, and establish that the Declarant Tract, and any part or parcel thereof, shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions which are for the purpose of protecting the value and desirability of the Declarant Tract.

1. Recitals; Interpretation. All recitals are hereby incorporated as substantive provisions of this Declaration.

ARTICLE I Cross Access Easement

2. Declarant hereby declares, sets forth, and establishes for itself and its successors or assigns, and its and their respective employees, customers, patrons, agents, vendors, and licensees non-exclusive access over and across the curb cuts, entrances, exits, culverts, and driveways located from time to time on, or to be located on, the Declarant Tract as legally described herein, (the “**Cross Access Easement Area**”).

3. Every Owner is prohibited from constructing improvements over the Cross Access Easement Area (driveway paving, driveway side curbing, sidewalks, code-approved landscaping, code-approved exterior lighting, culverts, ditches, and code-approved street and traffic signage shall not be deemed to be “improvements” proscribed

by this paragraph), or blocking, or interfering with, access over and across the Cross Access Easement Area. Also not proscribed by this paragraph are monument and/or pylon signage and related approved sign-base landscaping so long as same are in areas designated and approved for such pylon or monument signage and do not block the Cross Access Easement Area or impede visibility of vehicular operators using the Cross Access Easement Area.

4. The Cross Access Easement Area shall be kept clear in the future so as not to unreasonably interfere with vehicular and pedestrian access. Each Owner shall maintain in good repair that portion of the Cross Access Easement Area located on such Owner's respective properties with the costs of all such maintenance and repair to be borne by all Owners pursuant to the proportionate cost share table attached hereto, made a part hereof, and incorporated herein as **Exhibit D**; provided, however, shared costs shall be limited to the repair and maintenance of the Cross Access Easement Area to the condition previously existing prior to the needed repair and maintenance. In addition, notwithstanding anything herein to the contrary, no costs shall be shared if the necessity for the repair or maintenance was caused directly or indirectly by the negligence or misconduct of an Owner (or such Owner's assignees, tenants, agents, or contractors). In such event, the owner whose negligence or misconduct caused the need for the repair or replacement shall bear the cost in full. Also as part of the future maintenance responsibility of each such Owner, such obliged Owner will keep the Cross Access Easement Area located on their respective properties free of all papers, waste, debris, filth, refuse, and garbage (including, especially, mud, sand, dirt, rock, and/or waste concrete spatters during periods of construction and development), and, will maintain the Cross Access Easement Area in a First-Class, clean, and visually appealing condition at all times without contribution from any other Owner.

5. If any Owner of any portion of the Declarant Tract removes, or relocates any exit, driveway paving, curb cut, or entrance affected by this Declaration, said party shall construct a replacement exit, driveway, curb cut, or entrance which provides substantially the same access to the properties and public roads as existed prior to the removal, or relocation, and which shall be subject to this Declaration. Removal, relocation or replacement costs shall be borne by the Owner who removes or relocates such exit, driveway paving, curb cut, or entrance.

6. Each Owner shall indemnify, save, and hold Declarant harmless from any loss, claim or liability arising out of, or attributable to its use, construction, maintenance, and occupation of this Cross Access Easement Area.

7. As to any maintenance, repair, replacement, re-construction, and/or re-installation of any part or portion of the Cross Access Easement Area wherein the costs for which are to be shared by all Owners pursuant to this Declaration (§14 above) (the "**Shared Cost Maintenance**"): (a) no non-obliged Owner shall have any obligation of contribution until the obliged Owner which performed the Shared Cost Maintenance provides to each non-obliged Owner a written accounting for all costs reasonably incurred by such obliged Owner in the performance and completion of such Shared Cost Maintenance, along with sufficient proof that all such costs have been fully paid and releases and lien waivers for same have been obtained from all vendors which performed such Shared Cost Maintenance or provided labor or materials for such work, and a

statement and demand for payment of each non-obliged Owner's proportionate share of such costs (all such written documentation and demand for payment provided to each non-obliged Owner is a "**Notice of Completion and Demand for Payment**"). Each non-obliged Owner shall pay to the obliged Owner all sums reasonably demanded not later than thirty (30) days after such non-obliged Owner's receipt of its respective Notice of Completion and Demand for Payment; (b) no non-obliged Owner shall have any duty to pay any sums demanded by the obliged Owner if such respective Notice of Completion and Demand for Payment is served upon such non-obliged Owner more than one (1) year after the completion of such Shared Cost Maintenance; (c) the obliged Owner shall have a lien against the portion of the Declarant Tract owned by any non-obliged Owner who fails to timely pay all sums due and owing under any timely served and perfected Notice of Completion and Demand for Payment; and (d) nothing herein shall be construed so as to prohibit or otherwise proscribe one obliged Owner from jointly performing and completing qualifying Shared Cost Maintenance with another obligated Owner on areas of the Cross Access Easement Area where damage, wear, deterioration, or destruction has occurred or otherwise exists on more than one such obliged Owner's portion of the Cross Access Easement Area and is in need of such Shared Cost Maintenance.

ARTICLE II

Utilities / Drainage

8. As to those tracts designated as "utility" easement tracts, the words or phrases "**Public Utility**" or "**Public Utilities**" shall mean any utility service, as that term is commercially understood or is otherwise in common usage, offered to members of the public and expressly shall include any public or private water, sewer, electrical, cable, telephone, fiber optic, and gas utility services provided by a public or private utility provider regulated, authorized, certificated, or otherwise approved to serve the Declarant Tract by the City of Albuquerque, New Mexico, a New Mexico municipal corporation, Bernalillo County, New Mexico, or the State of New Mexico. The foregoing notwithstanding, nothing contained herein shall be construed so as to prevent an Owner from constructing or otherwise installing utility facilities and equipment intended to provide public utility service(s) to the Owner's respective properties.

9. No Owner shall construct, or permit the construction of, above-ground improvements over the utility easement tracts and/or the Detention Pond Area (driveway paving, paved parking areas, driveway side curbing, curb-stops, sidewalks, code-approved landscaping, code-approved exterior lighting, culverts, ditches, and code-approved street and traffic signage shall not be deemed to be "improvements" proscribed by this paragraph), or block, or interfere with, access over and across those areas designated for utility easements or Detention Pond Area. In addition, engineered above-surface structures intended to collect, transmit, detain, and/or distribute stormwater, or to aid in the collection, transmission, detention, and/or distribution of stormwater, shall likewise not be deemed to be "above-ground improvements" proscribed by this paragraph.

10. Each Owner shall maintain in good repair that portion of the Detention Pond Area located on such Owner's respective properties with the costs of all such maintenance and repair to be borne by all Owners pursuant to the proportionate cost share table attached hereto, made a part hereof, and incorporated herein as **Exhibit D**;

provided, however, shared costs shall be limited to the repair and maintenance of the Detention Pond Area to the condition previously existing prior to the needed repair and maintenance. In addition, notwithstanding anything herein to the contrary, no costs shall be shared if the necessity for the repair or maintenance was caused directly or indirectly by the negligence or misconduct of an Owner (or such Owner's assignees, tenants, agents, or contractors). In such event, the owner whose negligence or misconduct caused the need for the repair or replacement shall bear the cost in full. Also as part of the future maintenance responsibility of each such Owner, such obliged Owner will keep the Detention Pond Area located on their respective properties free of all papers, waste, debris, filth, refuse, and garbage (including, especially, mud, sand, dirt, rock, and/or waste concrete spatters during periods of construction and development), and, will maintain the Detention Pond Area in a First-Class, clean, and visually appealing condition at all times without contribution from any other Owner.

11. If any Owner of any portion of the Declarant Tract removes, relocates, replaces, or causes changes in grading, to any of the appurtenant equipment or physical characteristics of the Detention Pond Area, said party shall construct or cause the construction of replacing the affected Detention Pond Area which provides substantially the same properties as existed prior to the removal, relocation, or changes in grading and which shall be subject to this Declaration. Removal, relocation, replacement, or re-grading costs shall be borne by the Owner who removes, relocates, replaces, or re-grades such Detention Pond Area.

12. Each Owner shall indemnify, save, and hold Declarant harmless from any loss, claim or liability arising out of, or attributable to its use, construction, maintenance, and occupation of Detention Pond Area.

13. As to any maintenance, repair, replacement, re-construction, and/or re-installation of any part or portion of the Detention Pond Area wherein the costs for which are to be shared by all Owners pursuant to this Declaration (§10 above) (the "**Shared Cost Maintenance**"): (a) no non-obliged Owner shall have any obligation of contribution until the obliged Owner which performed the Shared Cost Maintenance provides to each non-obliged Owner a written accounting for all costs reasonably incurred by such obliged Owner in the performance and completion of such Shared Cost Maintenance, along with sufficient proof that all such costs have been fully paid and releases and lien waivers for same have been obtained from all vendors which performed such Shared Cost Maintenance or provided labor or materials for such work, and a statement and demand for payment of each non-obliged Owner's proportionate share of such costs (all such written documentation and demand for payment provided to each non-obliged Owner is a "**Notice of Completion and Demand for Payment**"). Each non-obliged Owner shall pay to the obliged Owner all sums reasonably demanded not later than thirty (30) days after such non-obliged Owner's receipt of its respective Notice of Completion and Demand for Payment; (b) no non-obliged Owner shall have any duty to pay any sums demanded by the obliged Owner if such respective Notice of Completion and Demand for Payment is served upon such non-obliged Owner more than one (1) year after the completion of such Shared Cost Maintenance; (c) the obliged Owner shall have a lien against the portion of the Declarant Tract owned by any non-obliged Owner who fails to timely pay all sums due and owing under any timely served and perfected Notice of

Completion and Demand for Payment; and (d) nothing herein shall be construed so as to prohibit or otherwise proscribe one obliged Owner from jointly performing and completing qualifying Shared Cost Maintenance with another obligated Owner on areas of the Detention Pond Area where damage, wear, deterioration, or destruction has occurred or otherwise exists on more than one such obliged Owner's portion of the Detention Pond Area and is in need of such Shared Cost Maintenance.

ARTICLE III

USE RESTRICTIONS

14. Exclusive Use / Non-Compete. For so long as Lot J-1 is used as, or leased for use as, an automated tunnel-styled car wash business, the remainder of the Declarant Tract which is not Lot J-1 will not, regardless of then-ownership, be used for, or leased, subleased, or sold to any person for use as, an automated tunnel-styled car wash business.

15. "Sin" Restrictions. Further, subject to and exclusive of any oil, gas, and/or mineral lease(s) of record burdening the Declarant Tract, no owner of the Declarant Tract, or any part or portion thereof, may lease, rent, occupy, or allow to be leased, rented or occupied, any part of the Declarant Tract to be used or operated for any of the following: (a) any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owner or occupant; (b) as a massage parlor; (c) funeral parlor; (d) any use which emits a strong, unusual, offensive or obnoxious odor, fumes, dust or vapors, or any sound which can be heard outside of any buildings on the adjoining LOT; (e) any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation; (f) labor camp, junk yard, recycling facility or stock yard; (g) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building); (h) any dry cleaners performing on-site cleaning services; (i) any animal raising facilities (except this provision shall not prohibit pet shops, veterinary services, or pet supplies business); (j) any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult book store, adult video store or adult movie theater; (k) any bar or tavern; provided; provided, however, a bar within a restaurant shall be permitted; (l) any gun range or shooting gallery; and (m) any use which creates fire, or explosives hazards. This paragraph 13 shall be effective for a period of fifty (50) years from the Effective Date of this Agreement. The period of effectiveness of this paragraph may be extended, however, by a written agreement to so extend for successive ten year (10-yr) periods into perpetuity thereafter executed by those persons holding fee title interest in and to eighty percent (80%) or more of the square footage of the Declarant Tract, and such writing being recorded in the public land records of Bernalillo County, New Mexico, and expressly referencing this "Sin" Restrictions paragraph.

16. The covenants in this section shall run with the Declarant Tract and be binding upon all successor owners and occupants thereof.

ARTICLE IV CROSS PARKING

17. Declarant hereby declares, sets forth, and establishes for itself and its successors or assigns, and for their respective employees, customers, patrons, agents, vendors, and licensees non-exclusive use of the paved parking areas, including ADA compliant handicapped parking, on the Declarant Tract as delineated and approved on **Exhibit C** (the “**Shared Parking Easement Area**”). The foregoing notwithstanding, the Shared Parking Easement Area shall not be used for the parking of over-the-road tractors and trailers, except those which are temporarily parked to facilitate pick-ups or deliveries to the businesses located on the Declarant Tract.

18. The Shared Parking Easement Area shall be kept clear in the future so as not to unreasonably interfere with vehicular and pedestrian parking. Each Owner shall maintain in good repair that portion of the Shared Parking Easement Area located on such Owner’s respective properties with the costs of all such maintenance and repair to be borne by all Owners pursuant to the proportionate cost share table attached hereto, made a part hereof, and incorporated herein as **Exhibit D**; provided, however, shared costs shall be limited to the repair and maintenance of the Shared Parking Easement Area to the condition previously existing prior to the needed repair and maintenance. In addition, notwithstanding anything herein to the contrary, no costs shall be shared if the necessity for the repair or maintenance was caused directly or indirectly by the negligence or misconduct of an Owner (or such Owner’s assignees, tenants, agents, or contractors). In such event, the Owner whose negligence or misconduct caused the need for the repair or replacement shall bear the cost in full. Also as part of the future maintenance responsibility of each such Owner, such obliged Owner will keep the Shared Parking Easement Area located on their respective properties free of all papers, waste, debris, filth, refuse, and garbage (including, especially, mud, sand, dirt, rock, and/or waste concrete spatters during periods of construction and development), and, will maintain the Shared Parking Easement Area in a First-Class, clean, and visually appealing condition at all times without contribution from any other Owner.

19. If any Owner of any portion of the Declarant Tract removes, or relocates any parking spaces designated for vehicular or pedestrian parking, said party shall construct replacement parking spaces which provides substantially the same parking to the properties as existed prior to the removal, or relocation, and which shall be subject to this Declaration. Removal, relocation or replacement costs shall be borne by the Owner who removes or relocates such parking spaces.

20. Each Owner shall indemnify, save, and hold Declarant harmless from any loss, claim or liability arising out of, or attributable to its use, construction, maintenance, and occupation of this Shared Parking Easement Area.

21. As to any maintenance, repair, replacement, re-construction, and/or re-installation of any part or portion of the Shared Parking Easement Area wherein the costs for which are to be shared by all Owners pursuant to this Declaration (¶18 above) (the “**Shared Cost Maintenance**”): (a) no non-obliged Owner shall have any obligation of contribution until the obliged Owner which performed the Shared Cost Maintenance

provides to each non-obliged Owner a written accounting for all costs reasonably incurred by such obliged Owner in the performance and completion of such Shared Cost Maintenance, along with sufficient proof that all such costs have been fully paid and releases and lien waivers for same have been obtained from all vendors which performed such Shared Cost Maintenance or provided labor or materials for such work, and a statement and demand for payment of each non-obliged Owner's proportionate share of such costs (all such written documentation and demand for payment provided to each non-obliged Owner is a "**Notice of Completion and Demand for Payment**"). Each non-obliged Owner shall pay to the obliged Owner all sums reasonably demanded not later than thirty (30) days after such non-obliged Owner's receipt of its respective Notice of Completion and Demand for Payment; (b) no non-obliged Owner shall have any duty to pay any sums demanded by the obliged Owner if such respective Notice of Completion and Demand for Payment is served upon such non-obliged Owner more than one (1) year after the completion of such Shared Cost Maintenance; (c) the obliged Owner shall have a lien against the portion of the Declarant Tract owned by any non-obliged Owner who fails to timely pay all sums due and owing under any timely served and perfected Notice of Completion and Demand for Payment; and (d) nothing herein shall be construed so as to prohibit or otherwise proscribe one obliged Owner from jointly performing and completing qualifying Shared Cost Maintenance with another obligated Owner on areas of the Shared Parking Easement Area where damage, wear, deterioration, or destruction has occurred or otherwise exists on more than one such obliged Owner's portion of the Shared Parking Easement Area and is in need of such Shared Cost Maintenance.

ARTICLE V SOLID WASTE EASEMENT

22. Declarant hereby declares, sets forth, and establishes for itself and its successors or assigns, and for their respective employees, customers, patrons, agents, vendors, and licensees non-exclusive use of the dumpster enclosures on the Declarant Tract as delineated and as approved on **Exhibit C** (the "**Shared Solid Waste Easement Area**").

23. The Shared Solid Waste Easement Area shall be kept clear in the future so as not to unreasonably interfere with any then-Owner's use of such dumpster enclosures. Each Owner shall maintain in good repair their respective assigned dumpster enclosure located within the Shared Solid Waste Easement Area. Also, as part of the future maintenance responsibility of each such Owner, such obliged Owner will maintain their respective assigned dumpster enclosure located within the Shared Solid Waste Easement Area in a First-Class, clean, and visually appealing condition at all times.

24. If any Owner of any portion of the Declarant Tract removes, or relocates any dumpster enclosure, said party shall construct a replacement dumpster enclosure that provides substantially the same use to the properties as existed prior to the removal, or relocation, and which shall be subject to this Declaration. Removal, relocation or replacement costs shall be borne by the Owner who removes or relocates such dumpster enclosure.

25. Each Owner shall indemnify, save, and hold Declarant harmless from any loss, claim or liability arising out of, or attributable to its use, construction, maintenance, and occupation of this Shared Solid Waste Easement Area.

ARTICLE III MISCELLANEOUS

26. Successors and Assigns; Limitation on Release; No joint venture or partnership. This Declaration and the easements, rights, obligations, and restrictions created hereby shall inure to the benefit of and be binding upon the Declarant, and any person acquiring the Declarant Tract, or any portion thereof, or any interest therein, whether by operation of law or otherwise, and their respective heirs, personal representatives, lessees, tenants, occupants, successors and assigns or legal representatives.

Nothing contained in this Declaration shall be construed so as to make the Declarant or any subsequent owner of any portion of the Declarant Tract partners or joint venturers, nor their respective successors, assigns, or legal representatives.

27. Term and Enforcement. The covenants, conditions, restrictions, easements and obligations created and imposed herein shall be effective upon the date hereof, are appurtenant to and shall run with the respective tracts of land, and shall inure to the benefit of and be binding upon the owner of any portion of Declarant Tract and its respective heirs, executors, administrators, successors, successors-in-title, assigns, tenants, customers, employees and invitees, whether or not the easement, covenant, or restriction created established, set forth and declared herein is referenced in any future conveyance of said tracts or any portions of them. Such restrictions and obligations shall be unaffected by any change in the ownership of all or any portion of the Declarant Tract or by any change of use, demolition, reconstruction, expansion or other circumstances, except as specified herein. Each of the rights created hereunder may be enforceable in a court of equity by (i) the Owner of any portion of the Declarant Tract, (ii) any mortgagee of any portion of the Declarant Tract; (iii) any holder of a leasehold interest in and to the Declarant Tract, and (iv) Declarant's tenants, or their lawful successors or assigns as to their leasehold interests in and to the Declarant Tract; however, enforcement hereunder shall be sought solely against the then owner(s) of the respective Tracts (or the owner of an interest in or portion of the respective Tracts) alleged to be in default. Except as may otherwise be provided herein, the term of this Declaration shall be for perpetuity from the date hereof.

28. Severability. In the event any provision or portion of this Declaration is held by any court of competent jurisdiction to be invalid or unenforceable, such holding will not affect the remainder hereof, and the remaining provisions shall continue in full force and effect at the same extent as would have been the case had such invalid or unenforceable provision or portion never been a part hereof.

29. Breach. In the event of a breach or threatened breach of this Declaration, the owner of any portion of the Declarant Tract or Declarant's tenants shall be entitled to institute proceedings for full and adequate relief from the consequences of such breach

or threatened breach, including without limitation, the right to enjoin such violation or threatened violation. In the event that a party shall institute any action or proceeding against another party relating to the provisions hereof, or any default hereunder, then, and in that event, to the extent permitted by applicable law, the unsuccessful party in such action or proceeding shall reimburse the prevailing party therein the reasonable expenses of attorneys' fees, court costs and other costs incurred therein by the prevailing party through all levels of proceedings.

The "prevailing party" in the context of proceedings in any court other than Federal Bankruptcy Court shall mean that party which comes closest to obtaining the remedy or relief sought; so that, for example, the prevailing party may be that party which is ordered to pay \$100.00 where the obligation to pay \$80.00 was undisputed and the claiming party alleged that it was entitled to recover \$1,000.00.

30. Amendment to Declaration. This Declaration shall not be amended, terminated or modified without the prior written consent of all then-owners of the Declarant Tract and all tenants or other leaseholders thereof, notwithstanding anything contained in this Declaration to the contrary.

31. No Public Dedication. Nothing contained in this Declaration shall be deemed a gift or dedication of any portion of the Declarant Tract to the general public, or for any public use or purpose whatsoever, it being the intention of the Declaration that this Declaration shall be strictly limited to and for the purposes herein expressed.

32. Notices. All notices given pursuant to this Declaration shall be in writing and shall be given by facsimile, by personal delivery by United States Mail or United State express mail postage delivery charge prepaid, return receipt requested, or by an established overnight express delivery service (such as Federal Express or United Parcel service), sent to the person and address or facsimile number designated below. It shall be expressly understood that notices given by attorneys on behalf of their client's in the manner provided in this subsection are effective and recognized notice pursuant to this Declaration. All notices to shall be sent to the person and address set forth below:

| | |
|------------|--|
| Declarant: | VIA Real Estate, LLC 13105 Dover Avenue Lubbock, Texas 79424 Attention: Contracts Manager |
|------------|--|

The person and address to which notices are to be given may be changed at any time by any Party upon written notice to the other Parties. All notices given pursuant to this Declaration shall be deemed given upon receipt. Any notices required to be served upon successors or assigns or those persons who may hereafter acquire title to any portion of the Declarant Tract thereof, shall be served upon the party at the address shown in the instrument which gave effect to any such assignment, succession, transfer, or other conveyance. Attorneys for the parties listed above may give the notices required hereunder.

33. Waiver. The failure of any legally interested person to insist upon strict performance of any of the covenants or restrictions or other terms, conditions, or

provisions contained herein shall not be deemed a waiver of any rights or remedies that said person may have and shall not be deemed a waiver of any subsequent breach or default in the performance of any of the covenants or restrictions or other terms, conditions, or provisions contained herein by the same or any other person.

34. Captions and Headings. The captions and headings in this Declaration are for reference only and shall in no way be deemed to define or limit the scope or intent of any of the terms, covenants, conditions, or agreements contained herein.

35. Recordation; Jurisdiction. This Declaration may be recorded in the official public land records of Bernalillo County, New Mexico. This Declaration shall be construed under and governed by the laws of the State of New Mexico.

36. Lienholder Protection: This Declaration and the easements and restrictions established hereby with respect to each party and parcel or portion thereof, shall be superior and senior to any lien placed upon any parcel or portion thereof, including the lien of any mortgage or deed of trust. Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust made in good faith and for value, but all the easements and restriction and other provisions, terms and conditions contained in this Declaration shall be binding upon and effective against any Person (including, but not limited to any mortgagee or beneficiary under a deed of trust) who acquires title to any Parcel or any portion thereof by foreclosure, or otherwise.

37. Time of Essence. Time is of the essence with respect to any time periods or dates referenced in this Declaration with respect to all parties.

38. Effectiveness of this Declaration. The easements, rights, and duties described in this Declaration shall be and are effective immediately without further condition save and except that it shall have been first recorded in the public land records of Bernalillo County, New Mexico.

39. Exhibits. The following exhibits are attached hereto, made a part hereof, and incorporated herein for all purposes:

EXHIBIT A – LEGAL DESCRIPTION – Declarant Tract

EXHIBIT B – SKETCH PLAT TRACT J-1 AND J-2 VISTA DE LA LUZ

EXHIBIT C – APPROVED SITE PLAN

EXHIBIT D – PROPORTIONATE COST SHARING TABLE

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Declarant has executed and delivered this Declaration as of the day and year hereinafter shown below.

VIA Real Estate, LLC, a Wyoming limited liability company

Date

By: _____
Derrick Merchant, Manager

STATE OF TEXAS)
LUBBOCK COUNTY)

I, the undersigned Notary Public in and for the County and State aforesaid, do hereby certify, that **Derrick Merchant**, known to me to be one of the **Managers** of **VIA Real Estate, LLC, a Wyoming limited liability company**, personally appeared before me this day and acknowledged under oath after being duly sworn that, as such **Manager**, he executed the above and foregoing instrument for and on behalf of said limited liability company, so as to bind said limited liability company, on the date therein shown for the consideration and purposes as therein stated, after first having been duly authorized by said company so to do.

Given under my hand and seal this _____ day of _____, 20____.

NOTARIAL SEAL

Notary Public, State of Texas

EXHIBIT A

Legal Description - Declarant Tract

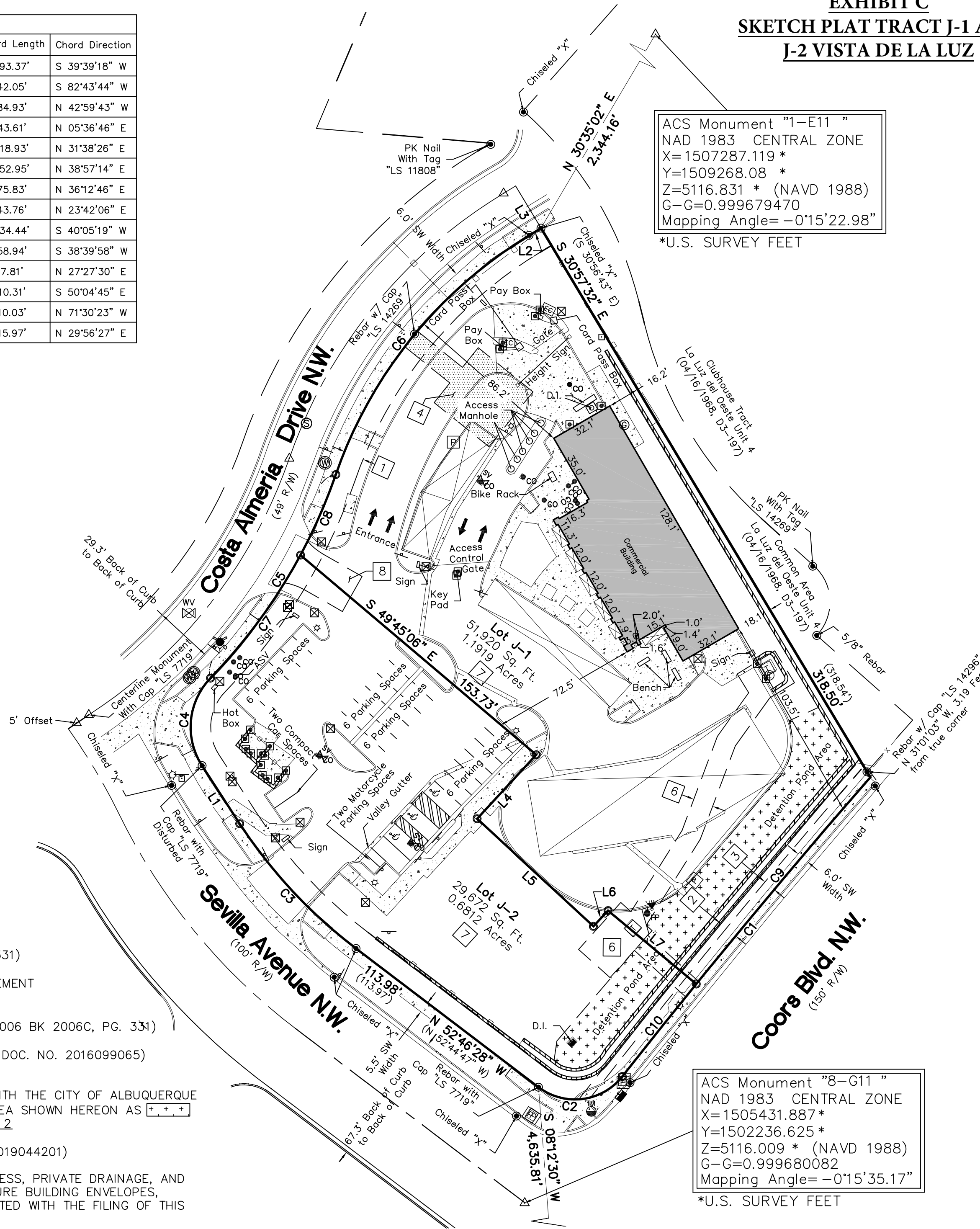
TRACT LETTERED "J", PLAT FOR VISTA DE LA LUZ, WITHIN SECTION 35, TOWNSHIP 11 NORTH, RANGE 2 EAST, N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON OCTOBER 30, 2006 IN PLAT BOOK 2006C, FOLIO 331, AS DOCUMENT NO. 2006165286.

EXHIBIT C
SKETCH PLAT TRACT J-1 AND
J-2 VISTA DE LA LUZ

Sketch Plat for
Tract J-1 and J-2
Vista De La Luz
Being Comprised of
Tract J,
Vista De La Luz
City of Albuquerque
Bernalillo County, New Mexico
September 2022

| Curve Table | | | | | |
|-------------|-------------------|---------------------|-----------|--------------|-----------------|
| Curve # | Length | Radius | Delta | Chord Length | Chord Direction |
| C1 | 193.39' (193.33') | 3894.72' (3894.72') | 2°50'42" | 193.37' | S 39°39'18" W |
| C2 | 46.60' (46.61') | 30.00' (30.00') | 88°59'35" | 42.05' | S 82°43'44" W |
| C3 | 85.34' (85.34') | 250.00' (250.00') | 19°33'31" | 84.93' | N 42°59'43" W |
| C4 | 47.08' (47.26') | 35.00' (35.00') | 77°04'40" | 43.61' | N 05°36'46" E |
| C5 | 119.88' (119.98') | 274.50' (274.50') | 25°01'20" | 118.93' | N 31°38'26" E |
| C6 | 156.05' (156.05') | 225.50' (225.50') | 39°38'56" | 152.95' | N 38°57'14" E |
| C7 | 76.07' | 274.50' (274.50') | 15°52'41" | 75.83' | N 36°12'46" E |
| C8 | 43.81' | 274.50' (274.50') | 9°08'39" | 43.76' | N 23°42'06" E |
| C9 | 134.44' | 3894.72' (3894.72') | 1°58'40" | 134.44' | S 40°05'19" W |
| C10 | 58.94' | 3894.72' (3894.72') | 0°52'02" | 58.94' | S 38°39'58" W |
| C11 | 7.81' | 274.50' (274.50') | 1°37'50" | 7.81' | N 27°27'30" E |
| C12 | 10.37' | 28.00' | 21°12'42" | 10.31' | S 50°04'45" E |
| C13 | 10.09' | 28.00' | 20°38'21" | 10.03' | N 71°30'23" W |
| C14 | 15.98' | 274.50' (274.50') | 3°20'04" | 15.97' | N 29°56'27" E |

| Line Table | | |
|------------|-------------------------------|-----------------|
| Line # | Direction | Length (ft) |
| L1 | N 32°55'34" W (N 33°11'18" W) | 34.61' (34.42') |
| L2 | N 58°46'43" E (N 58°46'43" E) | 6.95' (6.93') |
| L3 | N 31°00'15" W | 24.50' |
| L4 | S 42°47'33" W | 43.35' |
| L5 | S 47°13'08" E | 78.84' |
| L6 | N 42°59'04" E | 10.73' |
| L7 | S 50°14'34" E | 57.11' |
| L8 | S 60°14'28" E | 22.03' |
| L9 | S 29°18'54" W | 11.90' |
| L10 | S 29°18'54" W | 8.10' |
| L11 | N 60°14'28" W | 22.22' |

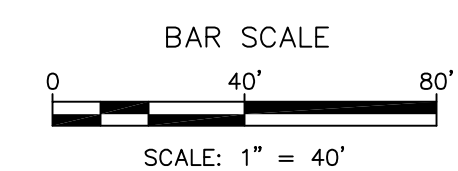


Legend

| N 90°00'00" E | MEASURED BEARINGS AND DISTANCES |
|-----------------|---|
| (N 90°00'00" E) | RECORD BEARINGS AND DISTANCES PER PLAT (10/30/2006 BK. 2006C, FOL. 331 DOC. NO. 20061652) |
| △ | FOUND CENTERLINE MONUMENT WITH CAP ILLEGIBLE, UNLESS MARKED OTHERWISE |
| ● | FOUND MONUMENT AS INDICATED |
| ○ | SET 1/2" REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED |
| ⊠ | COVERED AREA |
| ▨ | CONCRETE |
| ▩ | BLOCK WALL |
| —x— | WIRE FENCE |
| —□— | METAL FENCE |
| ■ | BOLLARD |
| —OHU— | OVERHEAD UTILITY LINE |
| • | UTILITY POLE |
| ⊡ | PULL BOX |
| ☆ | LIGHT POLE |
| ⊙ | ELECTRIC METER |
| ⊠ | TRANSFORMER |
| ⊠ | ELECTRIC CABINET |
| ▲ | FLOOD LIGHT |
| ⊠ | TRAFFIC MAST |
| ⊙ | GAS METER |
| ⊙ | WATER METER |
| ⊙ | FIRE HYDRANT |
| ⊙ | SANITARY SEWER MANHOLE |
| ⊙ | SAS CLEANOUT |
| ⊙ | FLAGPOLE |
| ⊙ | IRRIGATION BOX |
| ⊙ | STORM DRAIN INLET |
| ⊙ | SIGN |
| ⇄ | CURB CUT/INDICATION OF ACCESS TO ROADWAY |
| ASV | ANTI-SIPHON VALVE |
| SV | SEWER VALVE |
| D.I. | DROP INLET |

Easement Notes

- EXISTING 10' P.U.E. (10/30/2006 BK 2006C, PG. 331)
- EXISTING 10' UNDERGROUND PNM AND MST&T EASEMENT (09/14/1978, BK. MISC. 637, PG. 899)
- EXISTING 6' PUBLIC SIDEWALK EASEMENT (10/30/2006 BK 2006C, PG. 331)
- EXISTING ABCWUA WATER EASEMENT (10/19/2016, DOC. NO. 2016099065) SHOWN HEREON AS [Symbol]
- EXISTING PRIVATE FACILITY DRAINAGE COVENANT WITH THE CITY OF ALBUQUERQUE (9/27/2017, DOC. NO. 2017092964) DRAINAGE AREA SHOWN HEREON AS [Symbol] NOW MAINTAINED BY THE OWNERS OF LOTS 1 AND 2
- EXISTING PNM EASEMENT (5/29/2019, DOC. NO. 2019044201)
- BLANKET CROSS-LOT EASEMENT FOR PRIVATE ACCESS, PRIVATE DRAINAGE, AND PRIVATE PARKING, TO EXCLUDE EXISTING AND FUTURE BUILDING ENVELOPES, BENEFITING AND MAINTAINED BY BOTH LOTS, GRANTED WITH THE FILING OF THIS PLAT
- PUBLIC TURNAROUND EASEMENT, GRANTED WITH THE FILING OF THIS PLAT



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244
wplotnerjr@gmail.com

EXHIBIT C
APPROVED SITE PLAN

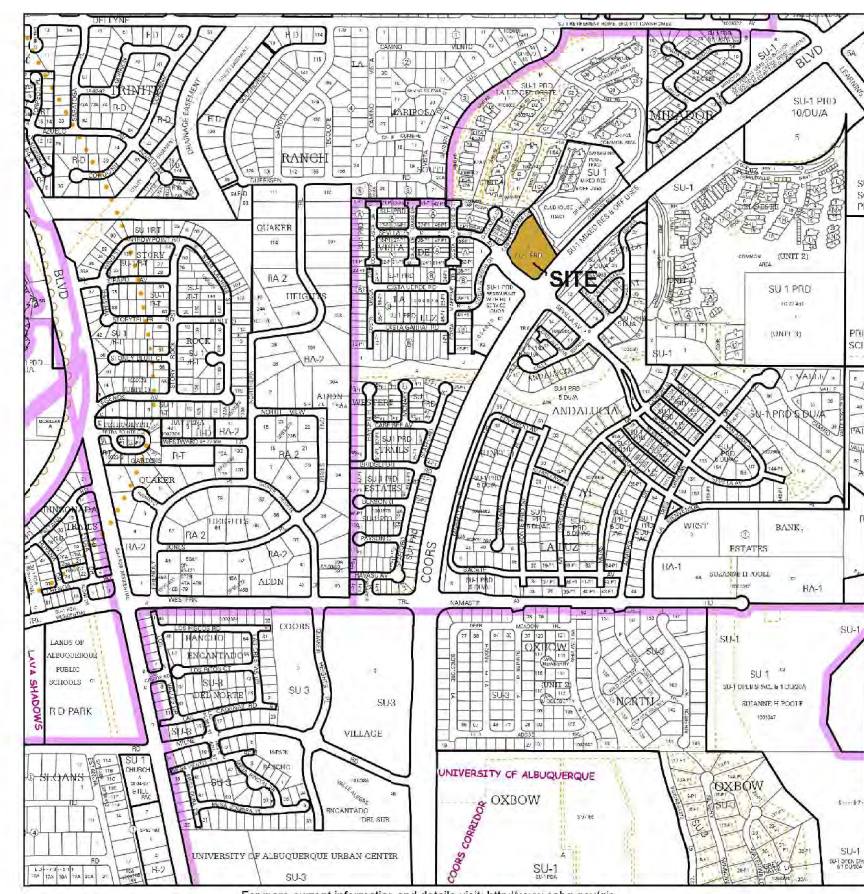
INSERTED AFTER THIS SHEET

ADMINISTRATIVE AMENDMENT

FILE #: _____ PROJECT #: _____

APPROVED BY

DATE



DATA

LAND AREA: 1.8728 ACRES
 ZONING: SU-1 PRD, O-1, C-1 ALLOWED
 MAX. BUILDING HEIGHT: 26'
 FLOOR/AREA RATIO: 0.12
 BUILDING AREA:
 CARWASH 5,548 SF
 RETAIL PAD 5,021 SF

* REQUIRED PARKING:
 CARWASH + RETAIL PAD = 10,569/200=52.8
 (53)-10%*(5) = 48 *10% REDUCTION WITHIN
 300' OF REGULAR TRANSIT ROUTE
 TOTAL: 48 SPACES REQUIRED AND 58 PROVIDED
 2 MC SPACES REQUIRED AND PROVIDED
 3 HC SPACES REQUIRED AND PROVIDED
 3 BICYCLE SPACES REQUIRED AND PROVIDED

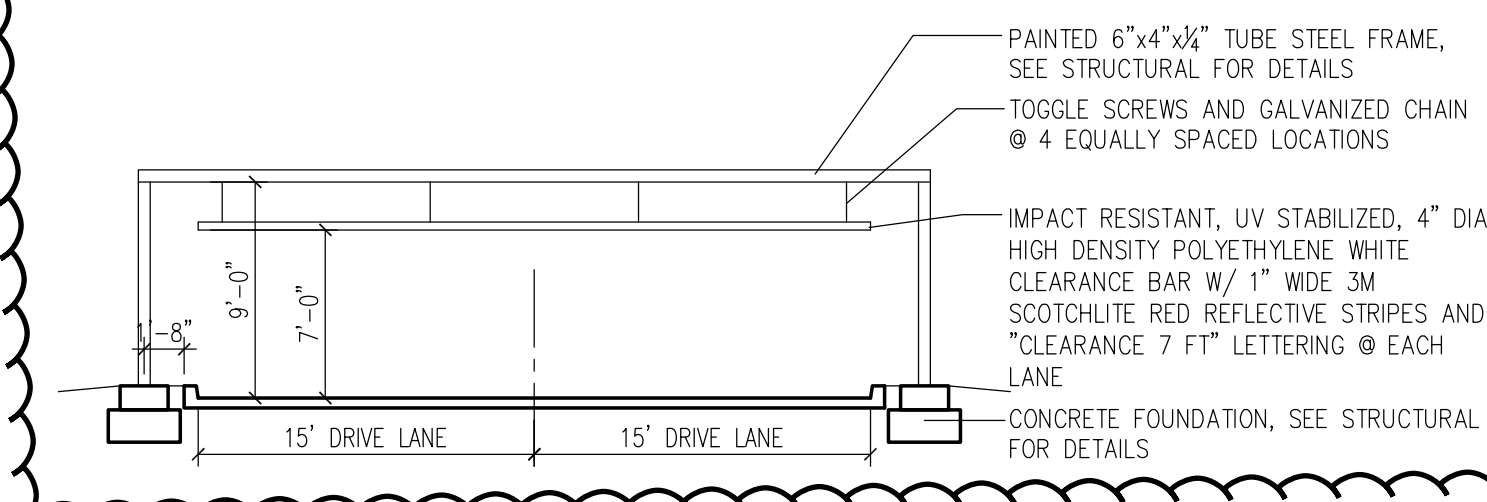
* INCLUDES MC & HC SPACES

GENERAL NOTES

A. ALL WHEELCHAIR RAMPS IN THE CITY RIGHT OF WAY SHALL HAVE A MAXIMUM SLOPE OF 1:12 AND MUST HAVE A DETECTABLE WARNING SURFACE CONSISTING OF RAISED, TRUNCATED DOMES.

LEGAL DESCRIPTION:

TRACT LETTERED "J", PLAT OF VISTA DE LA LUZ, WITHIN SECTION 35, TOWNSHIP 11 NORTH, RANGE 2 EAST, N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON OCTOBER 30, 2006, IN PLAT BOOK 2006C, FOLIO 331, AS DOCUMENT No. 2006165286



2 CLEARANCE BAR DETAIL
 N.T.S.

PROJECT NUMBER: 1004675
 APPLICATION NUMBER: 16085-70239

This plan is consistent with the specific site development plan approved by the Environmental Planning Commission (EPC) on [Date] and the findings and conditions in the Official Notification of Decision are satisfied.

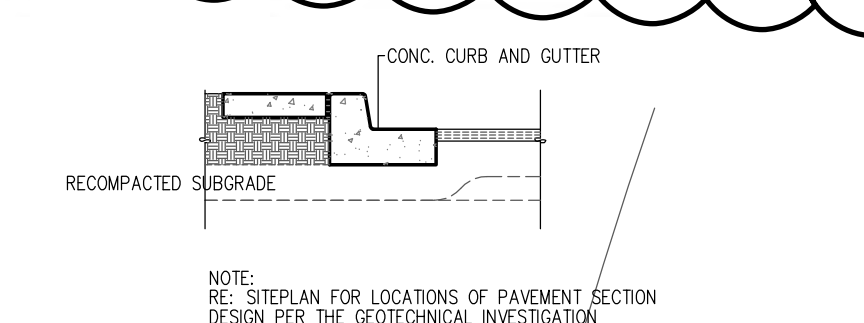
Is an Infrastructure List required? () YES () NO If yes, then a set of approved ORC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL

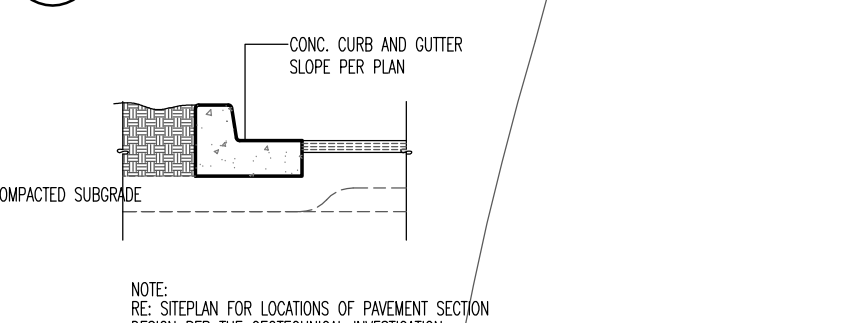
| | | |
|--|----------|------|
| Resonance Mutual Traffic Engineering, Transportation Division | 11/29/16 | Date |
| Andy Ladera Water Utility Department | 11-30-16 | Date |
| Carl S. Demont Parks and Recreation Department | 11-30-16 | Date |
| [Signature] City Engineer | 3/15/17 | Date |
| [Signature] Environmental Health Department | 3-8-17 | Date |
| [Signature] Solid Waste Management | 3-8-17 | Date |
| [Signature] DRB Chairperson, Planning Department | | Date |

* Environmental Health, if necessary

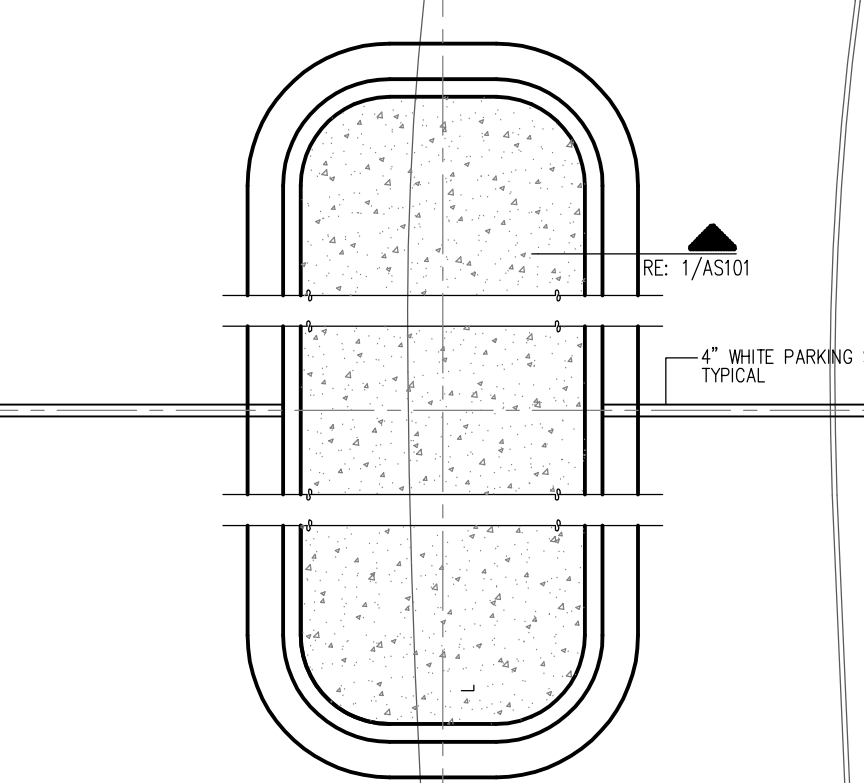
| REV | DATE | BY | DESCRIPTION |
|-----|------------|-----|-------------------------|
| 1 | 04/10/2018 | JCS | ADDED CANOPY GRID LINES |
| 2 | 7/17/17 | JS | DRB IA REVIS |
| 3 | 5.22.17 | JS | DRB IA |
| 4 | 9.12.16 | JS | DRB COMMENTS |



1 ISLAND CURB DETAIL
 N.T.S.



2 TYPICAL CURB DETAIL
 N.T.S.



3 ISLAND DETAIL
 N.T.S.

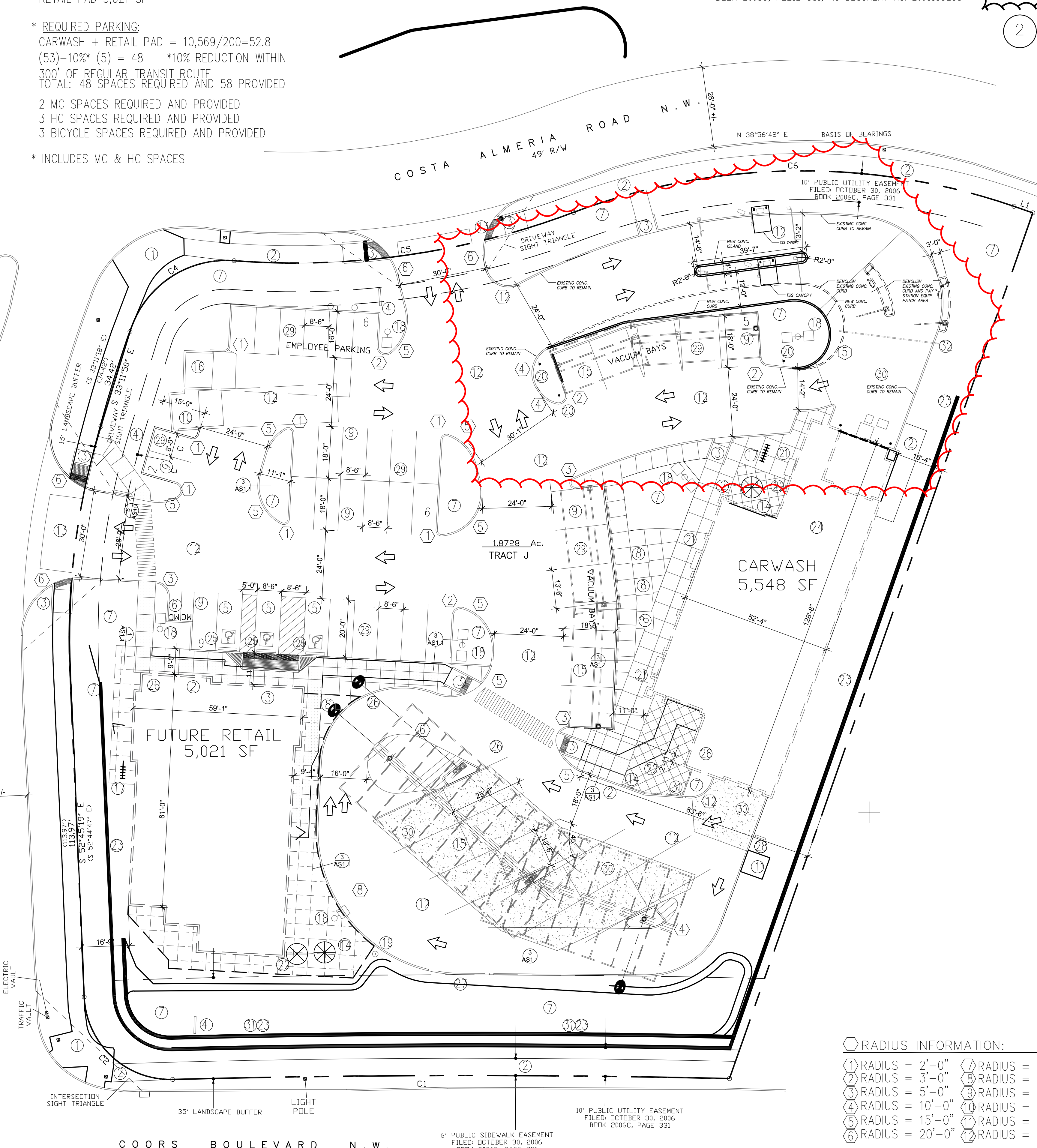
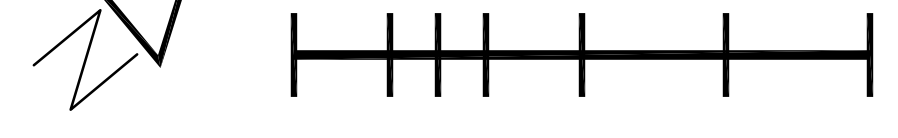
ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED ON A PUBLIC WORK ORDER

ALL SCREENING AND VEGETATION AROUND GROUND-MOUNTED TRANSFORMERS SHALL PROVIDE 10 FEET OF CLEARANCE IN FRONT OF THE EQUIPMENT DOOR AND 5 FEET OF CLEARANCE ON THE REMAINING 3 SIDES

THE SITE IS SERVED BY AN EXISTING PUBLIC TRANSIT ROUTE

SEE LANDSCAPE PLAN FOR LANDSCAPE WALLS

1 SITE PLAN
 1" = 20'-0"



- KEYNOTES**
- 1 EXISTING CONC. SIDEWALK
 - 2 NEW CONC. SIDEWALK, SEE DETAIL 14/AS1.1
 - 3 HC ACCESSIBLE RAMP, SEE DETAILS 17 & 18/AS1.1
 - 4 MONUMENT SIGN PENDING GOVERNMENTAL APPROVALS
 - 5 HC ACCESS AISLES, PARKING SPACES, SIGNAGE*
 - 6 MOTORCYCLE SPACES, SEE DETAIL 5/AS1.1 FOR SIGNAGE
 - 7 LANDSCAPED AREA, REFER TO LANDSCAPE PLAN
 - 8 TREE WELL
 - 9 STRIPING
 - 10 DUMPSTER ENCLOSURE FOR FUTURE RETAIL INCLUDED IN THIS PHASE
 - 11 TRANSFORMER LOCATION, REFER TO ELECTRICAL SITE PLAN.
 - 12 HEAVY DUTY ASPHALT PAVING, SEE DETAIL 4/AS1.1
 - 13 NEW CURB CUT/ DRIVEPAD
 - 14 COLORED CONCRETE PATIO
 - 15 SHADE CANOPY ABOVE, COLOR TO MATCH BLDGS
 - 16 CARWASH DUMPSTER ENCLOSURE, SEE DETAIL 8/AS1.1
 - 17 BIKE RACK 3 LOOPS
 - 18 20' HIGH LIGHT POLE, REFER TO ELECTRICAL SITE PLAN
 - 19 FLAG POLE, SEE DETAIL 15/AS1.1 FOR BASE
 - 20 DIRECTIONAL SIGNAGE
 - 21 BENCH
 - 22 UMBRELLA AND CHAIRS PROVIDED BY OWNER
 - 23 MAX 5' SPLIT FACE CMU RETAINING WALL
 - 24 ABSORPTIVE SOUND ELEMENTS SHALL BE PROVIDED INSIDE THE TUNNEL SPRAY AREA
 - 25 WHEELSTOP, SEE DETAIL 16/AS1.1
 - 26 6' WIDE ADA ACCESSIBLE PATH
 - 27 MIN. 6", MAX. 8" HIGH CURB BETWEEN LANDSCAPE AREA AND PARKING/DRIVE AISLES, TYPICAL
 - 28 DIRECTIONAL SIGNAGE
 - 29 LIGHT DUTY ASPHALT PAVING, SEE DETAIL 7/AS1.1
 - 30 CONCRETE PAVING, SEE DETAIL 9/AS1.1
 - 31 4' HIGH ALUMINUM FENCE BY AMERISTAR, MONARCH 2 RAIL STYLE
 - 32 VEHICLE CLEARANCE BAR, SEE DETAIL ON THIS SHEET.

* NOTE: -ADA PARKING SIGNAGE SHALL HAVE LANGUAGE: "VIOLATORS ARE SUBJECT TO A FINE AND/OR TOWING"
 -ADA ACCESS AISLE SHALL HAVE WORDS "NO PARKING" IN CAPITAL LETTERS, EACH LETTER MIN. 1' HIGH X 2" WIDE

RADIUS INFORMATION:

| | |
|-------------------|--------------------|
| 1 RADIUS = 2'-0" | 7 RADIUS = 25'-0" |
| 2 RADIUS = 3'-0" | 8 RADIUS = 30'-0" |
| 3 RADIUS = 5'-0" | 9 RADIUS = 40'-0" |
| 4 RADIUS = 10'-0" | 10 RADIUS = 50'-0" |
| 5 RADIUS = 15'-0" | 11 RADIUS = 60'-0" |
| 6 RADIUS = 20'-0" | 12 RADIUS = 8'-0" |

| NUMBER | BELTA ANGLE | CHORD DIRECTION | RADIUS | ARC LENGTH | CHORD LENGTH |
|--------|-------------|-----------------|-----------|------------|--------------|
| C1 | 02°50'39" | S 39°58'45" W | 3894.72 | 1193.33 | 1193.31 |
| (C1) | 02°50'39" | (S 39°59'12" W) | (3894.72) | (1193.33) | (1193.31) |
| C2 | 89°01'20" | N 82°44'01" E | 30.00 | 46.61 | 42.06 |
| (C2) | (89°01'20") | (N 82°44'33" E) | (30.00) | (46.61) | (42.06) |
| C3 | 19°33'29" | S 42°58'34" E | 250.00 | 85.34 | 84.92 |
| (C3) | (19°33'29") | (S 42°59'03" E) | (250.00) | (85.34) | (84.92) |
| C4 | 77°21'34" | S 05°28'58" W | 35.00 | 47.26 | 43.75 |
| (C4) | (77°21'34") | (S 05°29'29" W) | (35.00) | (47.26) | (43.75) |
| C5 | 25°02'32" | N 31°38'29" E | 274.50 | 119.98 | 119.02 |
| (C5) | (25°02'32") | (N 31°39'00" E) | (274.50) | (119.98) | (119.02) |
| C6 | 39°38'58" | S 38°56'42" W | 225.50 | 156.05 | 152.95 |
| (C6) | (39°38'58") | (S 38°57'14" W) | (225.50) | (156.05) | (152.95) |

MODULUS ARCHITECTS
 220 COPPER AVE. N.W. SUITE 350
 ALBUQUERQUE, NEW MEXICO 87102
 PHONE (505) 338-1499 FAX (505) 338-1498

PROJECT TITLE: 5401 SEVILLA AVE. NW
 COORS & SEVILLA ALBUQUERQUE, NM

PROJECT MANAGER: JONATHAN STERN
 SHEET TITLE: ARCHITECTURAL SITE PLAN

DATE: 03/01/22
 SCALE: AS NOTED

DRAWN BY: JS
 SHEET: AS101

GRADING PLAN

VICINITY MAP NO. F-11



FEMA FIRM PANEL NO. 114H



DRAINAGE NOTES

1. THE SITE IS PRESENTLY VOID OF CONSTRUCTION WITH THE EXCEPTION OF A TEMPORARY DETENTION POND AND A DBL. 'D' CATCH BASIN w/ AN OUTLET TO THE PUBLIC STORM DRAIN. THERE IS VERY LITTLE VEGETATION ON THE SITE WHICH SLOPES GENTLY DOWN TO THE EAST (EXCEPTING A SOIL SWAMPLE AT THE SOUTHWEST CORNER OF THE LOT). THE S. SIDE OF THE SITE IS RELATIVELY EVEN WITH THE ADJACENT STREET. THREE OTHER SIDES OF THE LOT SLOPE STEEPLY DOWN TO THE LOT LINE.
2. THE EXISTING STEEP SLOPES ON THE LOT BOUNDARIES WILL BE REPLACED BY LOW TIERED RETAINING WALLS WITH LANDSCAPED AREAS BETWEEN THE WALLS.
3. THE SITE IS LOCATED IN RAINFALL ZONE 1. THERE WILL BE AN INCREASE (ABOVE EXISTING CONDITIONS) IN RUNOFF VOLUMES AND FLOW RATES DUE TO DEVELOPMENT. SEE TABLE BELOW FOR EXISTING AND FUTURE FLOW RATES AND RUNOFF VOLUMES.
4. RUNOFF FROM IMPERVIOUS AREAS ARE ROUTED TO SCATTERED ONSITE PONDS SIZED TO RETAIN FIRST FLUSH FLOWS. OVERFLOW FROM THESE PONDS IS ROUTED (VIA AN ONSITE DRAINAGE SYSTEM) TO THE EXISTING ONSITE PRIVATE SYSTEM WHICH DRAINS TO THE PUBLIC STORM DRAIN SYSTEM.
5. THE SITE IS LOCATED IN AN AREA DESIGNATED 'ZONE X' PER FEMA FIRM MAP NO. 114H, DATED AUGUST, 2012.
6. EXISTING TOPOGRAPHY FOR THE SITE WAS OBTAINED BY HARRIS SURVEYING, INC. IN NOVEMBER, 2015.

DRAINAGE DATA

| CONDITION | RETURNS PERIOD | STORM TREATMENT TYPE | TREATMENT AREA | PRECIPITATION | EXCESS RUNOFF VOLUME | PEAK RUNOFF | RUNOFF RATE |
|-----------|----------------|----------------------|----------------|---------------|----------------------|-------------|-------------|
| year | in. | sq. ft. | in. | cfs/acre | cu. ft. | cfs | cfs |
| EXISTING | | | | (table 4) | (table 8) | (table 9) | |
| 10 | A | 79619 | 0.08 | 0.24 | 531 | 0.44 | |
| | B | 0 | 0.22 | 0.76 | 0 | 0.00 | |
| | C | 0 | 0.44 | 1.49 | 0 | 0.00 | |
| | D | 0 | 1.24 | 2.89 | 0 | 0.00 | |
| | TOTAL | 79619 | | | 531 | 0.44 | |
| 100 | A | 79619 | 0.44 | 1.29 | 2919 | 2.36 | |
| | B | 0 | 0.87 | 2.03 | 0 | 0.00 | |
| | C | 0 | 0.99 | 2.87 | 0 | 0.00 | |
| | D | 0 | 1.97 | 4.37 | 0 | 0.00 | |
| | TOTAL | 79619 | | | 2919 | 2.36 | |
| DEVELOPED | | | | | | | |
| 10 | A | 0 | 0.08 | 0.24 | 0 | 0.00 | |
| | B | 19974 | 0.22 | 0.76 | 386 | 0.35 | |
| | C | 0 | 0.44 | 1.49 | 0 | 0.00 | |
| | D | 59645 | 1.24 | 2.89 | 6183 | 3.96 | |
| | TOTAL | 79619 | | | 6550 | 4.31 | |
| 100 | A | 0 | 0.44 | 1.29 | 0 | 0.00 | |
| | B | 19974 | 0.87 | 2.03 | 1115 | 0.93 | |
| | C | 0 | 0.99 | 2.87 | 0 | 0.00 | |
| | D | 59645 | 1.97 | 4.37 | 9792 | 5.98 | |
| | TOTAL | 79619 | | | 10907 | 6.91 | |

TOTAL FIRST FLUSH VOLUME
 VOLUME = IMPERVIOUS AREA X (0.42-0.10)/12
 = 1590 CUBIC FEET

LEGEND

- TBM TEMPORARY BENCHMARK
- G GROUND
- FF FINISH FLOOR
- FG FINISH GRADE
- FL FLOWLINE
- TA TOP OF ASPHALT
- TC TOP OF CONCRETE
- BC TOP OF CURB
- TP TOP OF EARTH PAD
- TS TOP OF SIDEWALK
- TW TOP OF WALL
- FH FIRE HYDRANT
- WM WATER METER
- WV WATER VALVE
- MH MANHOLE
- CB CATCH BASIN GRATE
- GM GAS METER
- GV GAS VALVE
- LP LIGHT POLE
- PP POWER POLE
- GW GUY WIRE
- PED ELEC. OR TEL. PEDESTAL
- RD ROOF DRAINAGE POINT
- RD SURFACE RUNOFF DIRECTION
- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION

KEYED NOTES

1. PROPOSED CAR WASH.
2. PROPOSED SHELL.
3. PROPOSED COVERED AREA.
4. PROPOSED 3' HIGH DRY STACK OR MASONRY RETAINING WALLS w/ 3'+ PLANTING AREA BETWEEN WALLS.
5. PROPOSED HEAVY AND LIGHT DUTY ASPHALT PAVEMENTS.
6. PROPOSED DESIGNATED WALK.
7. PROPOSED CONCRETE HEADER CURB.
8. PROPOSED STORM DRAIN SYSTEM TO EXISTING STORM DRAIN.
9. PROPOSED RETENTION POND FOR INITIAL STORM RUNOFF w/ OVER FLOW TO STORM DRAIN SYSTEM.
10. PROPOSED 6" CONCRETE PUBLIC SIDEWALK PER COA STD. DET. 2430.
11. PROPOSED PRIVATE ENTRANCE DETAIL PER COA STD. DET. 2426.
12. EXISTING PAVED STREET WITH CONCRETE CURB, GUTTER & SIDEWALK.
13. EXISTING PAVED STREET WITH CONCRETE CURB & GUTTER.
14. PROPOSED WATER QUALITY MANHOLE.

LEGAL DESCRIPTION

TRACT 'J', VISTA DE LA LUZ

PERMANENT BENCHMARK

ACS STATION 11-F11, ELEVATION 5029.526 (NAVD 1988)

| no. | date | remarks | by |
|-----------|------|---------|----|
| REVISIONS | | | |

project title
5401 SEVILLA AVE. NW ALBUQUERQUE, NM
 sheet title
CONCEPTUAL G&D PLAN
 drawn by: meto design by: JJB project no: 1518
 07/05/16

BORDENAVE DESIGNS
 P.O. BOX 91194, ALBUQUERQUE, NM 87199
 (505)823-1344 FAX (505)821-9105

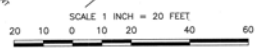
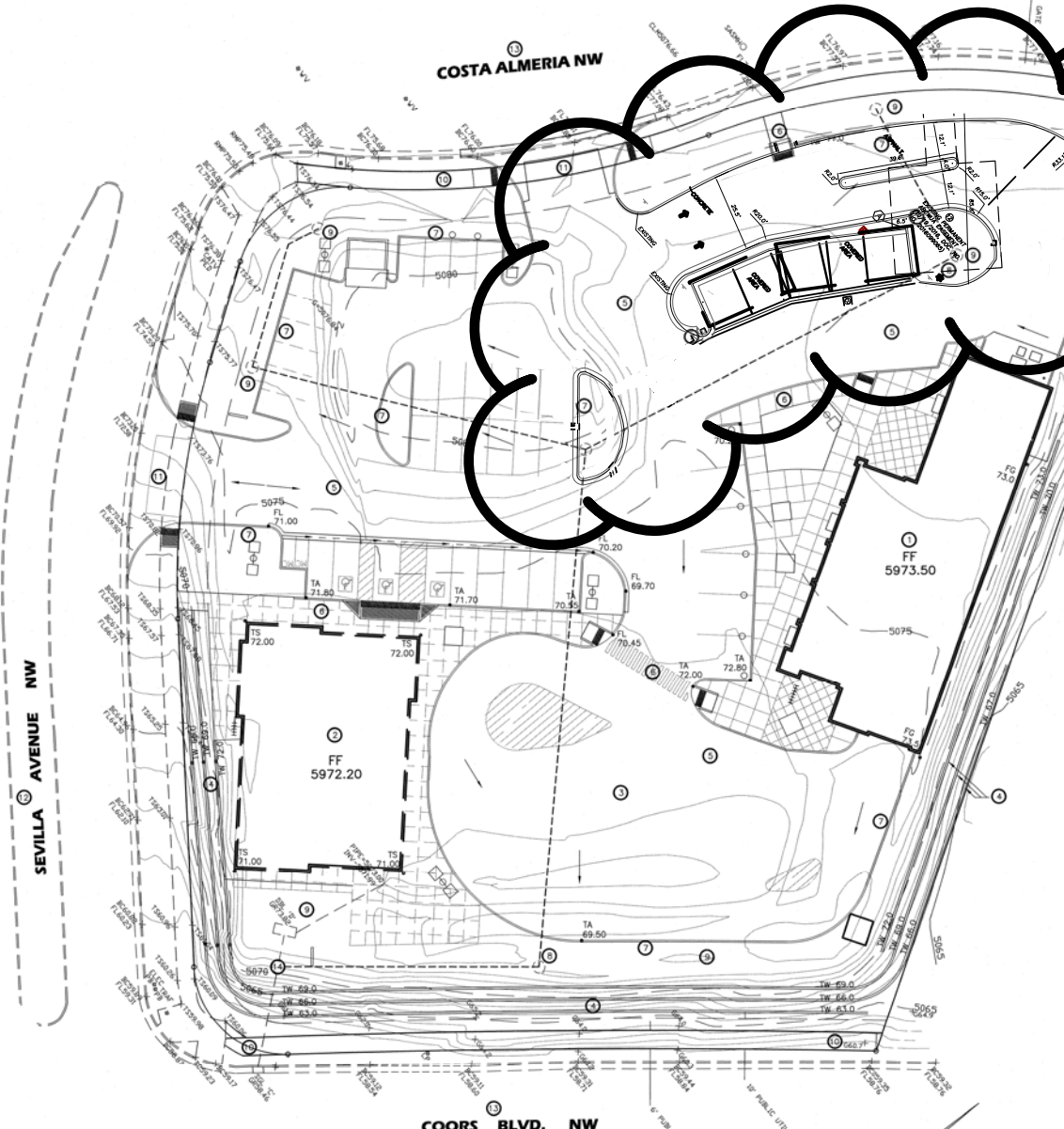


EXHIBIT D

Proportionate Cost Sharing Table

| <i>Lot</i> | <i>Acreage</i> | <i>Sq. Ft.</i> | <i>Percentage</i> |
|-------------------|-----------------------|-----------------------|--------------------------|
| Lot J-1 | 1.919 Acres | 51,920 | 63.6% |
| Lot J-2 | 0.6812 Acres | 29,672 | 36.4% |
| TOTAL: | 2.6002 Acres | 81,592 | 100% |

Cartesian Surveys Inc.
PO Box 44414, Rio Rancho, NM 87174
896-3050 Fax 891-0244

October 28, 2022

Development Review Board
City of Albuquerque

Re: Final Plat Review for Proposed Lots J-1 and J-2 of Vista de la Luz, being comprised of Lot J, Vista de la Luz

Members of the Board:

Cartesian Surveys is acting as an agent for Rain Tunnel Car Spa, Quick Lube and requests sketch plat review of our plat to take one existing lot, being Lot J, Vista de la and subdivide it into two new lots J-1 and J-2. The property is located at 5401 Sevilla Avenue NW on the NE corner of Sevilla Avenue NW and Coors Boulevard NW. The property is currently zoned as PD (Planned Development). A sketch plat hearing was held on June 8, 2022 under project number PR-2019-002598, PS-2022-00107. The comments from that hearing are addressed below:

ABCWUA

1. Each legally platted property shall have individual, independent water, sewer service and fire line (if applicable). No property shall share a water, sewer service or fire line with any other property.
2. When existing infrastructure is located along the property frontage(s), but plans are uncertain and no Availability Statement is being required, the following language shall be included on the plat for approval:
 - i. "Existing public water and/or sanitary sewer infrastructure may not be constructed or sized to adequately serve potential future development. Improvement or upsizing of existing public infrastructure may be required as a condition of future development approval."

Noted, requested language has been added to the plat.

Code Enforcement

1. Property is zoned PD, Planned Development, and must follow all dimensional standards and other requirements of the original approved EPC - Site Development Plan. Where silent, the IDO requirements/standards of must be followed, as per IDO section 2-6(A). However, this cannot be determined without reference to a specific zone area, or by following the prior approved Dimensional Standards.

Noted, EPC approved site plan is in place for this property.

2. The proposed re-plat requires modification of the EPC approved Site Plan. Any changes to the Site Plan must be done through an Administrative Amendment to address all applicable sections of

the IDO. This must be done prior to any platting action, as per IDO 5-4(C)(6):
"In the PD and NR-SU zone districts, and for development in any zone district on a site 5 acres or greater adjacent to Major Public Open Space, an approved Site Plan – EPC is required prior to any platting action."

Noted, we hope to defer the rezoning given the EPC approved site plan currently governs use of the property.

3. Proposed lot split removes parking from the existing lot, requiring offsite parking credit and an Off-Site Parking Agreement to be in place prior to the replat, as per IDO section 5-5(C)(6)(e)(2):
"Off-site parking must meet the location standards in Subsection 14-16-5-5(F)(1)(a) and shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area."

Noted, parking agreement to be addressed by document attached in application bundle.

Parks and Recreation

06-08-2022, 10-19-2022

No objection to the requested lot split

Noted

Hydrology

- The originally approved Grading & Drainage Plan (F11D016) was for the entire site to drain to detention pond which then outfalls to DOT's storm drain system in Coors Blvd.
- Hydrology will need the Private Drainage Covenant updated showing maintenance responsibility for both Property Owners.
- Hydrology can take delegation for the updated Private Drainage Covenant

Noted, see attached termination document and easement [7] for private cross-lot drainage easement.

Transportation

1. No objection

For any future development

2. A TCL (Traffic Circulation Layout) will be required before building permit
3. A TIS or Trip Generation Exhibit may need to be provided.
4. Because this borders Coors Boulevard, NMDOT coordination will be needed.

Noted, NMDOT has no concerns at this time, until development of proposed lot.

Planning

- The application number must be added to Plat sheets prior to final sign-off from Planning.
- DXF file approval from AGIS will be required prior to final sign-off from Planning.
- All standards within IDO section 5-4-C (Subdivision of Land Compliance) apply to all re-platting actions. Re-plating action cannot increase any existing nonconformity or create a new nonconformity.
- The owner is encouraged to pursue a rezoning prior to replatting of this property as the proposed subdivision does not meet the intent of the PD zone.
- Each parcel must meet required parking. The car wash has minimum parking requirements that must be met (see below). Please provide these calculations related to the car wash buildings

| Motor Vehicle-related | |
|-----------------------|--|
| Car wash | 2 spaces / 1,000 sq. ft. GFA of retail, office, and waiting area |

- No lots can be created that do not meet the requirements of the IDO, e.g., required parking. See IDO 5-4(F)(4) Remainder Lots Prohibited
'No subdivision shall result in any remainder lot that does not meet the standards of this

IDO.'

Noted, with no planned development, our client has no wish to rezone or make site plan amendments at this time. See parking agreement attached to govern car wash concerns, as well as cross-lot easement.

- Future development of the created parcel must conform to the layout shown on the existing site plan. If not, then a Site Plan Amendment would be required per the body that approved the Site plan. An minor administrative amendment could apply if it meets the criteria of 6-4(Z)(1)(a) and Table 6-4-4.

Thank you for your time and consideration,
Ryan J. Mulhall



| | | |
|---|--|--|
| 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) (Forms P2) | <input type="checkbox"/> Extension of IIA: Temp. Def. of S/W (Form V2) |
| <input type="checkbox"/> Major – Preliminary Plat (Forms S & S1) | <input type="checkbox"/> Amendment to Site Plan (Forms P & P2) | <input type="checkbox"/> Vacation of Public Right-of-way (Form V) |
| <input type="checkbox"/> Major – Bulk Land Plat (Forms S & S1) | MISCELLANEOUS APPLICATIONS | <input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V) |
| <input type="checkbox"/> Extension of Preliminary Plat (Form S1) | <input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1) | <input type="checkbox"/> Vacation of Private Easement(s) (Form V) |
| <input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms S & S2) | <input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2) | PRE-APPLICATIONS |
| <input type="checkbox"/> Minor - Final Plat (Forms S & S2) | <input type="checkbox"/> Temporary Deferral of SW (Form V2) | <input type="checkbox"/> Sketch Plat Review and Comment (Form S2) |
| <input checked="" type="checkbox"/> Minor – Preliminary/Final Plat (Forms S & S2) | <input type="checkbox"/> Sidewalk Waiver (Form V2) | <input type="checkbox"/> Sketch Plan Review and Comment (Form P2) |
| SITE PLANS | <input type="checkbox"/> Waiver to IDO (Form V2) | APPEAL |
| <input type="checkbox"/> DRB Site Plan (Forms P & P2) | <input type="checkbox"/> Waiver to DPM (Form V2) | <input type="checkbox"/> Decision of DRB (Form A) |
| BRIEF DESCRIPTION OF REQUEST | | |
| Request final plat review of subdivision to create two new lots from one existing lot, and grant easements. No planned development at this time. | | |

| | | | |
|--|---------------------------------------|-----------------------------|---|
| APPLICATION INFORMATION | | | |
| Applicant/Owner: | Buck Buckner, PE | Phone: | |
| Address: | 2100 Central Ave SE | Email: | |
| City: | Albuquerque | State: | NM |
| | | Zip: | 87104 |
| Professional/Agent (if any): | CSI - Cartesian Surveys, Inc. | Phone: | 505-896-3050 |
| Address: | PO Box 44414 | Email: | cartesianryan@gmail.com |
| City: | Rio Ranco | State: | NM |
| | | Zip: | 87174 |
| Proprietary Interest in Site: | List all owners: VIA Real Estate, LLC | | |
| SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.) | | | |
| Lot or Tract No.: | Tract J | Block: | Unit: |
| Subdivision/Addition: | Vista de La Luz | MRGCD Map No.: | UPC Code: 101106131538523401 |
| Zone Atlas Page(s): | F-11-Z | Existing Zoning: | PD |
| | | Proposed Zoning | |
| # of Existing Lots: | 1 | # of Proposed Lots: | 2 |
| | | Total Area of Site (Acres): | 1.8731 |
| LOCATION OF PROPERTY BY STREETS | | | |
| Site Address/Street: | 5401 Sevilla Ave NW | Between: | Coors Blvd NW and: Costa Alameria Dr NW |
| CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.) | | | |
| PR-2022-007114 (current); PR-2019-002598 (old actions) | | | |

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

| | | | |
|----------------------|-----------------|---|------------|
| Signature: | | Date: | 10/07/2022 |
| Printed Name: | Ryan J. Mulhall | <input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent | |

FORM S2: SUBDIVISION OF LAND – MINOR ACTIONS

Please refer to the DRB minor case schedule for meeting dates and deadlines. Your attendance is required.

SKETCH PLAT REVIEW AND COMMENT

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 to City Staff using other on-line resources such as Dropbox or FTP. PDF shall be organized with the Development Review Application and this Form S2 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 describing, explaining, and justifying the request
- ___ Scale drawing of the proposed subdivision plat
- ___ Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way, and street improvements, if there is any existing land use

MAJOR SUBDIVISION FINAL PLAT APPROVAL

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 to City Staff using other on-line resources such as Dropbox or FTP. PDF shall be organized with the Development Review Application and this Form S2 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
- ___ Proposed Final Plat
- ___ Design elevations & cross sections of perimeter walls
- ___ Landfill disclosure and EHD signature line on the plat if property is within a landfill buffer

SUBDIVISION OF LAND – MINOR (PRELIMINARY/FINAL PLAT APPROVAL)

Interpreter Needed for Hearing? N/A 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 to City Staff using other on-line resources such as Dropbox or FTP. PDF shall be organized with the Development Review Application and this Form S2 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 describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(K)
- N/A Sites 5 acres or greater: Archaeological Certificate in accordance with IDO Section 14-16-6-5(A)
- Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way, and street improvements (to include sidewalk, curb & gutter with distance to property line noted) if there is any existing land use
- Sidewalk Exhibit and/or cross sections of proposed streets
- N/A Proposed Infrastructure List, if applicable
- Required notice with content per IDO Section 14-16-6-4(K)
 - Office of Neighborhood Coordination inquiry response and proof of emailed notice to applicable Neighborhood Association representatives, copy of notification letter, completed notification form(s), and proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
- Sensitive Lands Site Analysis for new subdivisions of land in accordance with IDO Section 5-2(C)
- N/A Landfill disclosure and Environmental Health Department signature line on the plat if property is within a landfill buffer

Note: Any application that requires major public infrastructure must be processed as a Subdivision of Land - Major. See Form S1.

MINOR AMENDMENT TO PRELIMINARY PLAT / INFRASTRUCTURE LIST

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 to City Staff using other on-line resources such as Dropbox or FTP. PDF shall be organized with the Development Review Application and this Form S2 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 describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(X)(2)
- ___ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan
- ___ Original Preliminary Plat, Infrastructure List, and/or Grading Plan
- ___ Infrastructure List, if applicable

Note: Any application that does not qualify as a Minor Amendment in IDO Section 14-16-6-4(X) must be processed as a Major Amendment. See Form S1.

FORM S: PRE-APPROVALS/SIGNATURES

Please refer to the DRB public meeting schedule for meeting dates and deadlines. Your attendance is required.

Legal Description & Location: Tract J, Vista De La Luz located at the NE corner of Sevilla Ave NW and Coors Boulevard NW

Job Description: Subdivision of Tract J into two new Tracts J-1 and J-2 [PR-2022-007114];

Hydrology:

- Grading and Drainage Plan Approved NA
- AMAFCA Approved NA
- Bernalillo County Approved NA
- NMDOT Approved NA
- MRGCD Approved NA

Renee C. Brissette

Hydrology Department

08/18/22

Date

Transportation:

- Traffic Circulations Layout (TCL) Approved NA
- Traffic Impact Study (TIS) Approved NA
- Neighborhood Impact Analysis (NIA) Approved NA
- Bernalillo County Approved NA
- NMDOT Approved NA

Transportation Department

Date

Albuquerque Bernalillo County Water Utility Authority (ABCWUA):

- Availability Statement/Serviceability Letter Approved NA
- ABCWUA Development Agreement Approved NA
- ABCWUA Service Connection Agreement Approved NA

Grant Magnanelli

ABCWUA

9/29/22

Date

- Infrastructure Improvements Agreement (IIA*) Approved
- AGIS (DXF File) Approved
- Fire Marshall Signature on the plan Approved

Signatures on Plat

- Owner(s) Yes
- City Surveyor Yes
- AMAFCA** Yes NA
- NM Gas** Yes
- PNM** Yes
- COMCAST** Yes
- MRGCD** Yes NA

* Prior to Final Plat submittals and/or Final Site Plan approval submittals (include a copy of the recorded IIA)

** Signatures required for **Final Plat** application and not required for **Preliminary Plat** application

5401 Sevilla Ave NW Public Notice Inquiry Sheet Submission

Carmona, Dalaina L. <dlcarmona@cabq.gov>
 To: "cartesianryan@gmail.com" <cartesianryan@gmail.com>

PLEASE NOTE:

The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coord neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that the contact informat is up to date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer

| Association Name | First Name | Last Name | Email | Address Line 1 | City |
|---|------------|-----------|-----------------------------|--------------------------|-------------|
| Quaker Heights NA | Vanessa | Alarid | valarid@gmail.com | 5818 Jones Place NW | Albuquerque |
| Quaker Heights NA | Orlando | Martinez | lilog2002@yahoo.com | 5808 Jones Place NW | Albuquerque |
| La Luz Del Sol NA | Arthur | Woods | sandia@flylonecone.com | 33 Wind Road NW | Albuquerque |
| La Luz Del Sol NA | Maureen | Fitzgibon | mofitz48@gmail.com | 23 Mill Road NW | Albuquerque |
| Westside Coalition of Neighborhood Associations | Rene | Horvath | aboard111@gmail.com | 5515 Palomino Drive NW | Albuquerque |
| Westside Coalition of Neighborhood Associations | Elizabeth | Haley | elizabethkayhaley@gmail.com | 6005 Chaparral Circle NW | Albuquerque |
| Taylor Ranch NA | Rene | Horvath | aboard111@gmail.com | 5515 Palomino Drive NW | Albuquerque |
| Taylor Ranch NA | Linda | Vrooman | lindavrooman61@gmail.com | 5135 San Jorge NW | Albuquerque |

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questior meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your pro
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-dev>
- The Checklist form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNo2019.pdf>.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-ftAdministrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood a <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



Dalaina L. Carmona

Senior Administrative Assistant

Office of Neighborhood Coordination

Council Services Department

1 Civic Plaza NW, Suite 9087, 9th Floor

Albuquerque, NM 87102

505-768-3334

dacarmona@cabq.gov or ONC@cabq.gov

Website: www.cabq.gov/neighborhoods



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, u specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster@cabq.gov <webmaster@cabq.gov>

Sent: Tuesday, October 4, 2022 2:39 PM

To: Office of Neighborhood Coordination <cartesianryan@gmail.com>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Public Notice Inquiry For:

Development Review Board

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Ryan J. Mulhall

Telephone Number

5058963050

Email Address

cartesianryan@gmail.com

Company Name

CSI - Cartesian Surveys, Inc.

Company Address

PO Box 44414

City

Rio Rancho

State

NM

ZIP

87124

Legal description of the subject site for this project:

Tract J, Vista de la Luz, within Section 35, T11N, R2E, NMPM, as shown on the plat filed October 30, 2006 in Book 2006C, Page 331.

Physical address of subject site:

5401 Sevilla Ave NW

Subject site cross streets:

Coors Blvd NW and Costa Almeria Dr NW

Other subject site identifiers:


Champion Carwash

This site is located on the following zone atlas page:

F-11-Z

Captcha

x

 **IDOZoneAtlasPage_F-11-Z_Marked.pdf**
744K



OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT



PART I - PROCESS
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:
Application Type: DRB - Preliminary / Final Plat for Minor Subdivision
Decision-making Body: Development Review Board (DRB)
Pre-Application meeting required: [X] Yes [] No
Neighborhood meeting required: [] Yes [X] No
Mailed Notice required: [] Yes [X] No
Electronic Mail required: [X] Yes [] No
Is this a Site Plan Application: [] Yes [X] No Note: if yes, see second page
PART II - DETAILS OF REQUEST
Address of property listed in application: Sevilla Avenue NW
Name of property owner: Via Real Estate, LLC
Name of applicant: CSI - Cartesian Surveys, Inc. / Buck Buckner
Date, time, and place of public meeting or hearing, if applicable:
DRB Hearing over Zoom remote meetings at 9AM on October 19th, 2022
Address, phone number, or website for additional information:
Please email cartsianryan@gmail.com or call 505-896-3050 for additional information on the subdivision
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE
[X] Zone Atlas page indicating subject property.
[X] Drawings, elevations, or other illustrations of this request.
[] Summary of pre-submittal neighborhood meeting, if applicable.
[X] Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

[Signature] (Applicant signature) October 10, 2022 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

La Luz Del Sol NA - Notice of Final Plat Submission for 5401 Sevilla Ave NW [PR-2022-007114]

Ryan Mulhall <cartesianryan@gmail.com>

Mon, Oct 10, 2022 at 2:15 PM

To: sandia@flylonecone.com, "mofitz48@gmail.com" <mofitz48@gmail.com>

Hello La Luz Del Sol Neighborhood Association Representatives,

This email is notification that CSI-Cartesian Surveys Inc. will apply for a submittal for a final plat by minor subdivision to the Development Review Board (DRB), on behalf of the owner and our client Buck Buckner, PE under the project number of our Plat [PR-2022-007114].

The subject property is located at 5401 Sevilla Ave NW at the NE corner of Sevilla Ave NW and Coors Blvd NW. I've attached the zone atlas page sheet outlining the subject area for this platting action. I've also attached an "Exhibit" of the proposed plat. The exhibit shows we intend to place the new lot line to subdivide our existing tract, grant a cross-lot drainage, access, and parking easement between the new lots, and to grant an easement for a turnaround stub so the public can use our lot to turnaround ahead of the gated dead end of the La Luz community to the NE.

As part of the IDO regulations we are required to formally notify you of our application submission. If you would like more information, you can call me at 505-896-3050 or, should you desire to attend the DRB meeting it will be held on October 19, 2022, 9:00 A.M. online via Zoom. For access to the online meeting, visit CABQ website and click on the hyperlink attached to the agenda as found on the following website: <https://www.cabq.gov/planning/boards-commissions/development-review-board/development-review-board-agenda-archives>

Thank you,
Ryan Mulhall
--

CSI - Cartesian Surveys, Inc.

PO Box 44414

Rio Rancho NM 87174


(p)505-896-3050

(f)505-891-0244

www.cartesiansurveys.com


Email: cartesianryan@gmail.com

4 attachments

 **CABQ-Official_pub_notice_form-FPlat_PR-2022-007114.pdf**
151K

 **IDOZoneAtlasPage_F-11-Z_Marked.pdf**
744K

 **La Luz NA - Emailed-Notice-PubHearing-PR-2022-007114.pdf**
193K

 **212318_SS_10-10-22.pdf**
376K

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: October 10, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: La Luz Del Sol Neighborhood Association

Name of NA Representative*: Arthur Woods // Maureen Fitzgibon

Email Address* or Mailing Address* of NA Representative¹: sandia@flylonecone // mofitz48 @gmail.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 5401 Sevilla Ave NW
Location Description NE Corner of Sevilla Ave and Coors Blvd NW
2. Property Owner* Via Real Estate LLC
3. Agent/Applicant* [if applicable] CSI - Cartesian Surveys, Inc
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision Minor (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request²*: _____

Subdividing one existing Tract into two and a blanket cross-lot drainage, access
drainage easement, and a public turn-around easement

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

5. This application will be decided at a public meeting or hearing by*:

- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: October 19, 2022 at 9AM

Location*³: DRB Hearing over zoom at link provided at the webpage below

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Please email cartesianryan@gmail.com or call 505-896-3050

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ F-11-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation*:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

- 5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
 - a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] 1.8731 Acres
- 2. IDO Zone District PD - Planned Development
- 3. Overlay Zone(s) [if applicable] _____
- 4. Center or Corridor Area [if applicable] _____
- Current Land Use(s) [vacant, if none] Champion Car washing facility

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: Quaker Heights NA ; Taylor Ranch NA [Other Neighborhood Associations, if any]
Westside Coalition of NAs;

⁶ Available here: <https://tinurl.com/idozoningmap>



Ryan Mulhall <cartesianryan@gmail.com>

Quaker Heights NA - Notice of Final Plat Submission for 5401 Sevilla Ave NW [PR-2022-007114]

Ryan Mulhall <cartesianryan@gmail.com>

Mon, Oct 10, 2022 at 2:07 PM

To: "valarid@gmail.com" <valarid@gmail.com>, "Lilog2002@yahoo.com" <Lilog2002@yahoo.com>

Hello Quaker Heights Neighborhood Association Representatives,

This email is notification that CSI-Cartesian Surveys Inc. will apply for a submittal for a final plat by minor subdivision to the Development Review Board (DRB), on behalf of the owner and our client Buck Buckner, PE under the project number of our Plat [PR-2022-007114].

The subject property is located at 5401 Sevilla Ave NW at the NE corner of Sevilla Ave NW and Coors Blvd NW. I've attached the zone atlas page sheet outlining the subject area for this platting action. I've also attached an "Exhibit" of the proposed plat. The exhibit shows we intend to place the new lot line to subdivide our existing tract, grant a cross-lot drainage, access, and parking easement between the new lots, and to grant an easement for a turnaround stub so the public can use our lot to turnaround ahead of the gated dead end of the La Luz community to the NE.

As part of the IDO regulations we are required to formally notify you of our application submission. If you would like more information, you can call me at 505-896-3050 or, should you desire to attend the DRB meeting it will be held on October 19, 2022, 9:00 A.M. online via Zoom. For access to the online meeting, visit CABQ website and click on the hyperlink attached to the agenda as found on the following website: <https://www.cabq.gov/planning/boards-commissions/development-review-board/development-review-board-agenda-archives>

Thank you,
Ryan Mulhall
--

CSI - Cartesian Surveys, Inc.

PO Box 44414

Rio Rancho NM 87174


(p)505-896-3050

(f)505-891-0244


www.cartesiansurveys.com


Email: cartesianryan@gmail.com

4 attachments

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151K

 **Quaker Heights - Emailed-Notice-PubHearing-PR-2022-007114.pdf**
185K

 **212318_SS_10-10-22.pdf**
376K

 **IDOZoneAtlasPage_F-11-Z_Marked.pdf**
744K

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: October 10, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Quaker Heights Neighborhood Association

Name of NA Representative*: Vanessa Alarid // Orlando Martinez

Email Address* or Mailing Address* of NA Representative¹: valarid@gmail.com // lillog2002@yahoo.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 5401 Sevilla Avenue NW
Location Description NE corner of Sevilla Avenue and Coors Blvd NW
2. Property Owner* Via Real Estate, LLC
3. Agent/Applicant* [if applicable] CSI - Cartesian Surveys, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision Minor (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request²*: _____

Subdividing one existing Tract into two, and granting a blanket cross-lot drainage, access, and parking easement, and a public turnaround easement

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

5. This application will be decided at a public meeting or hearing by*:

- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: October 19, 2022 at 9AM

Location*³: DRB Hearing over zoom at link provided at the webpage below

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Please email cartesianryan@gmail.com or call 505-896-3050

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ F-11-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation*:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

- 5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
 - a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] _____ 1.8731 Acres _____
- 2. IDO Zone District _____ PD - Planned Development _____
- 3. Overlay Zone(s) [if applicable] _____
- 4. Center or Corridor Area [if applicable] _____
- Current Land Use(s) [vacant, if none] _____ Champion Car washing facility _____

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ La Luz Del Sol NA; Westside Coal. of NAs; _____ [Other Neighborhood Associations, if any]
Taylor Ranch NA

⁶ Available here: <https://tinurl.com/idozoningmap>



Ryan Mulhall <cartesianryan@gmail.com>

Taylor Ranch NA - Notice of Final Plat Submission for 5401 Sevilla Ave NW [PR-2022-007114]

Ryan Mulhall <cartesianryan@gmail.com>

Mon, Oct 10, 2022 at 2:29 PM

To: aboard111@gmail.com, "lindavrooman61@gmail.com" <lindavrooman61@gmail.com>

Hello Taylor Ranch Neighborhood Association Representatives,

This email is notification that CSI - Cartesian Surveys Inc. will apply for a submittal for a final plat by minor subdivision to the Development Review Board (DRB), on behalf of the owner and our client Buck Buckner, PE under the project number of our Plat [PR-2022-007114].

The subject property is located at 5401 Sevilla Ave NW at the NE corner of Sevilla Ave NW and Coors Blvd NW. I've attached the zone atlas page sheet outlining the subject area for this platting action. I've also attached an "Exhibit" of the proposed plat. The exhibit shows we intend to place the new lot line to subdivide our existing tract, grant a cross-lot drainage, access, and parking easement between the new lots, and to grant an easement for a turnaround stub so the public can use our lot to turnaround ahead of the gated dead end of the La Luz community to the NE.

As part of the IDO regulations we are required to formally notify you of our application submission. If you would like more information, you can call me at 505-896-3050 or, should you desire to attend the DRB meeting it will be held on October 19, 2022, 9:00 A.M. online via Zoom. For access to the online meeting, visit CABQ website and click on the hyperlink attached to the agenda as found on the following website: <https://www.cabq.gov/planning/boards-commissions/development-review-board/development-review-board-agenda-archives>

Thank you,
Ryan Mulhall
--

CSI - Cartesian Surveys, Inc.

PO Box 44414

Rio Rancho NM 87174


(p)505-896-3050

(f)505-891-0244


www.cartesiansurveys.com


Email: cartesianryan@gmail.com

4 attachments

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151K

 **Taylor Ranch - Emailed-Notice-PubHearing-PR-2022-007114.pdf**
188K

 **IDOZoneAtlasPage_F-11-Z_Marked.pdf**
744K

 **212318_SS_10-10-22.pdf**
376K

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: October 10, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Taylor Ranch Neighborhood Association

Name of NA Representative*: Rene Horvath // Linda Vrooman

Email Address* or Mailing Address* of NA Representative¹: aboard111@gmail.com // lindavrooman61@gmail.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 5401 Sevilla Avenue NW
Location Description NE corner of Sevilla Avenue and Coors Blvd NW
2. Property Owner* Via Real Estate, LLC
3. Agent/Applicant* [if applicable] CSI - Cartesian Surveys, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision Minor (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request²*: _____

Subdividing one existing Tract into two, and granting a blanketcross-lot drainage, access, and parking easement, and a public turnaround easement

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

5. This application will be decided at a public meeting or hearing by*:

- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: October 19, 2022 at 9AM

Location*³: DRB Hearing over zoom at link provided at the webpage below

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Please email cartesianryan@gmail.com or call 505-896-3050

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ F-11-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation*:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

- 5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
 - a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] _____ 1.8731 Acres _____
- 2. IDO Zone District _____ PD - Planned Development _____
- 3. Overlay Zone(s) [if applicable] _____
- 4. Center or Corridor Area [if applicable] _____
- Current Land Use(s) [vacant, if none] _____ Champion Car washing facility _____

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ La Luz Del Sol NA; Westside Coal. of NAs; _____ [Other Neighborhood Associations, if any]
_____ Quaker Heights NA _____

⁶ Available here: <https://tinurl.com/idozoningmap>

**Westside Coal. of NAs - Notice of Final Plat Submission for 5401 Sevilla Ave NW
[PR-2022-007114]**

Ryan Mulhall <cartesianryan@gmail.com>

Mon, Oct 10, 2022 at 2:21 PM

To: aboard111@gmail.com, "elizabethkayhaley@gmail.com" <elizabethkayhaley@gmail.com>

Hello Westside Coalition of Neighborhood Associations Representatives,

This email is notification that CSI-Cartesian Surveys Inc. will apply for a submittal for a final plat by minor subdivision to the Development Review Board (DRB), on behalf of the owner and our client Buck Buckner, PE under the project number of our Plat [PR-2022-007114].

The subject property is located at 5401 Sevilla Ave NW at the NE corner of Sevilla Ave NW and Coors Blvd NW. I've attached the zone atlas page sheet outlining the subject area for this platting action. I've also attached an "Exhibit" of the proposed plat. The exhibit shows we intend to place the new lot line to subdivide our existing tract, grant a cross-lot drainage, access, and parking easement between the new lots, and to grant an easement for a turnaround stub so the public can use our lot to turnaround ahead of the gated dead end of the La Luz community to the NE.

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Thank you,
Ryan Mulhall
--

CSI - Cartesian Surveys, Inc.

PO Box 44414

Rio Rancho NM 87174


(p)505-896-3050

(f)505-891-0244


www.cartesiansurveys.com


Email: cartesianryan@gmail.com

4 attachments

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[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: October 10, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Westside Coalition of Neighborhood Associations

Name of NA Representative*: Rene Horvath // Elizabeth Haley

Email Address* or Mailing Address* of NA Representative¹: aboard111@gmail.com // elizabethkayhayley@gmail.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 5401 Sevilla Avenue NW
Location Description NE corner of Sevilla Avenue and Coors Blvd NW
2. Property Owner* Via Real Estate, LLC
3. Agent/Applicant* [if applicable] CSI - Cartesian Surveys, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
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 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision Minor (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request²*:

Subdividing one existing Tract into two, and granting a blanketcross-lot drainage, access, and parking easement, and a public turnaround easement

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

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[Note: Items with an asterisk (*) are required.]

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- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: October 19, 2022 at 9AM

Location*³: DRB Hearing over zoom at link provided at the webpage below

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Please email cartesianryan@gmail.com or call 505-896-3050

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ F-11-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation*:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

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[Note: Items with an asterisk (*) are required.]

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 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] _____ 1.8731 Acres _____
- 2. IDO Zone District _____ PD - Planned Development _____
- 3. Overlay Zone(s) [if applicable] _____
- 4. Center or Corridor Area [if applicable] _____
- Current Land Use(s) [vacant, if none] _____ Champion Car washing facility _____

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ La Luz Del Sol NA; Taylor Ranch NA; _____ [Other Neighborhood Associations, if any]
_____ Quaker Heights NA _____

⁶ Available here: <https://tinurl.com/idozoningmap>

CSI-Cartesian Surveys Inc.
PO Box 44414, Rio Rancho, NM 87174
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October 10, 2022

Development Review Board
City of Albuquerque

Re: Final Plat Review for Proposed Lots J-1 and J-2 of Vista de la Luz, being comprised of Lot J, Vista de la Luz (Sensitive Site analysis)

Members of the Board:

Cartesian Surveys is acting as an agent for Buck Buckner, PE and requests sketch plat review of our plat to take one existing lot, being Lot J, Vista de la and subdivide it into two new lots J-1 and J-2. The property is located at 5401 Sevilla Ave NW on the NE corner of Sevilla Avenue NW and Coors Boulevard NW. The property is currently zoned as PD (Planned Development). A sketch plat hearing was held on June 8, 2022 under project number PR-2019-002598, PS-2022-00107. Below the sensitive site analysis for the site is summarized below.

Floodplains and flood hazard areas: N/A, within Zone X of FEMA classification FIRMette 35001C0114H effective 08/16/2012

Steep Slopes: N/A, site is mildly sloped but has been developed to handle it with retaining walls and other improvements;

Unstable Soils: N/A

Wetlands: N/A

Arroyos: There are no arroyos or natural drainage features on-site.

Irrigation Facilities: N/A

Escarpment / Rock Outcroppings: N/A

Large Stands of mature trees: N/A, street trees along Sevilla and Costa Almeria Drive and adjoining La Luz del Sol community common area has scattered trees

Archeological sites: N/A, less than 5 acres in size



Photo 1: View to the west from Coors Blvd NW



Photo 2: View to the southeast from corner of Sevilla Ave and Costa Almeria Dr NW

Thank you for your time and consideration.
Ryan J. Mulhall