



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

<b>MISCELLANEOUS APPLICATIONS</b>	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S3)
<input type="checkbox"/> Site Plan Administrative DFT (Forms SP & P2)	<b>PRE-APPLICATIONS</b>
<input type="checkbox"/> Final EPC Sign-off for Master Development/Site Plans - EPC (Form P2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S3)
<input type="checkbox"/> Infrastructure List or Amendment to Infrastructure List (Form S3)	<input type="checkbox"/> Sketch Plan Review and Comment (Form S3)
<input type="checkbox"/> Temporary Deferral of S/W (Form S3)	<b>APPEAL</b>
<input type="checkbox"/> Extension of IIA: Temp. Def. of S/W (Form S3)	<input type="checkbox"/> Decision of Site Plan Administrative DFT (Form A)

<b>BRIEF DESCRIPTION OF REQUEST</b>

<b>APPLICATION INFORMATION</b>			
Applicant/Owner:		Phone:	
Address:		Email:	
City:	State:	Zip:	
Professional/Agent (if any):		Phone:	
Address:		Email:	
City:	State:	Zip:	
Proprietary Interest in Site:		List <u>all</u> owners:	

<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>			
Lot or Tract No.:		Block:	Unit:
Subdivision/Addition:		MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:		Proposed Zoning
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (Acres):	

<b>LOCATION OF PROPERTY BY STREETS</b>		
Site Address/Street:	Between:	and:

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

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.

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

**FORM S3: ADMINISTRATIVE APPLICATIONS – Development Facilitation Team (DFT) as of 12/25/2022****\_ AMENDMENT TO INFRASTRUCTURE LIST**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto: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 online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.*

- \_\_\_ 1) DFT Application form completed, signed, and dated
- \_\_\_ 2) Form S3 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 5) Proposed Amended Infrastructure List
- \_\_\_ 6) Original Infrastructure List

**\_ TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto: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 online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.*

- \_\_\_ 1) DFT Application form completed, signed, and dated
- \_\_\_ 2) Form S3 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 5) A scale drawing showing the location of the deferred sidewalk with appropriate dimensions

**\_ EXTENSION OF THE IIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto: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 online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.*

- \_\_\_ 1) DFT Application form completed, signed, and dated
- \_\_\_ 2) Form S3 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled

- \_\_\_ 4) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 5) Letter describing, explaining, and justifying the deferral or extension
- \_\_\_ 6) Drawing showing the sidewalks subject to the proposed deferral or extension

**\_ INFRASTRUCTURE LIST EXTENSION OR AN INFRASTRUCTURE IMPROVEMENTS AGREEMENT (IIA)  
EXTENSION**

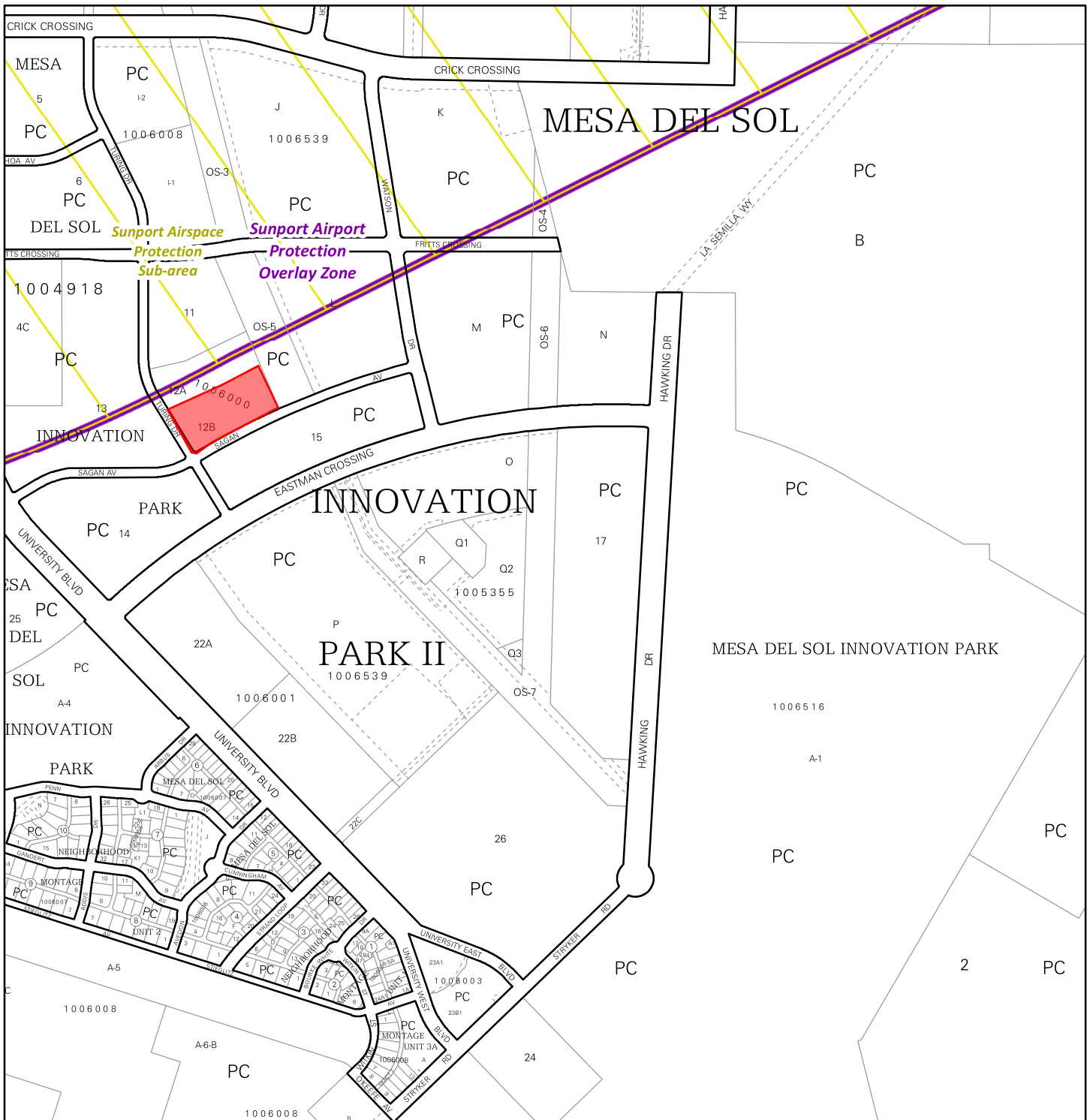
A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- \_\_\_ 1) DFT Application form completed, signed, and dated
- \_\_\_ 2) Form S3 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 5) Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)
- \_\_\_ 6) Preliminary Plat or Site Plan **Recorded original plat**
- \_\_\_ 7) Copy of DRB approved Infrastructure List
- \_\_\_ 8) Copy of recorded IIA

**\_ SKETCH PLAT OR SKETCH PLAN REVIEW AND COMMENT**

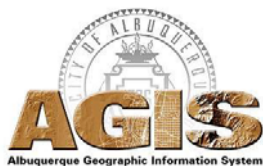
A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- \_\_\_ 1) DFT Application form completed, signed, and dated
- \_\_\_ 2) Form S3 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Letter describing, explaining, and justifying the request
- \_\_\_ 5) Scale drawing of the proposed subdivision plat or Site Plan
- \_\_\_ 6) Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way, and street improvements, if there is any existing land use

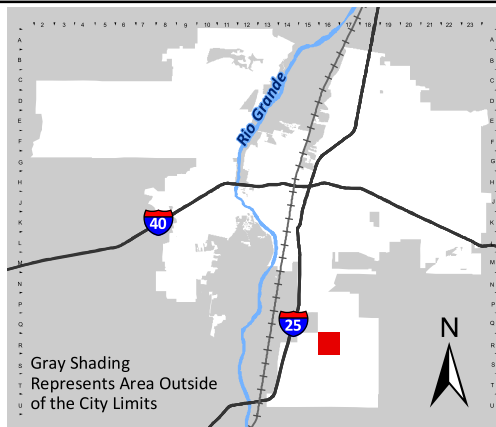


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018

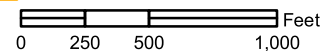


IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**R-16-Z**

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



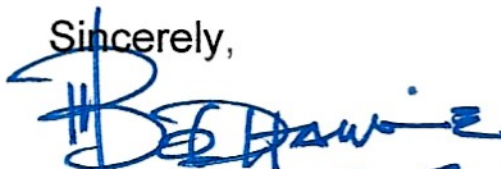
September 27, 2022

RE: Tract 12B Infrastructure Improvements Agreement

To whom it may concern,

I hereby authorize Bohannon Huston, Inc. staff to act as our agent in all matters associated with Development Review Board submittals associated with the above mentioned Infrastructure Improvements Agreement (IIA) Extension.

Sincerely,

  
J. KYLE BOEHMAN.  
MESA DEL SOL.  
9/27/22

September 23, 2024

voice: 505.823.1000  
facsimile: 505.798.7988  
toll free: 800.877.5332

Ms. Jolene Wolfley  
City of Albuquerque  
Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87103

Re: Infrastructure Improvement Agreement Extension (Procedure B), Extension  
Tract 12-B, Mesa del Sol Innovation Park – City Project #775477, DRB# 1006000,  
DFT PR-2020-004183

Dear Ms. Wolfley:

Submitted for DFT review and approval is a request for an extension to the Infrastructure Improvement Agreement for the above referenced project. Enclosed is the following:

- Form S3
- Application
- Zone Atlas Map
- Recorded Plat (8.5" x 11")
- DRB Approved Infrastructure List
- 4<sup>th</sup> IIA Extension (Recorded)

The original approval and IIAs associated with this project were separated into two different efforts. The first project was COA Project number 775487 – This project, and associated infrastructure, was designed to fully support the north half of tract 12 (specifically 2.5 acres in Tract 12A). This project, and associated infrastructure, was fully constructed and accepted in a timely manner subsequent to the original approvals.

The second project was COA Project number 775477 – this is associated with the future development of Tract 12B – 2.9 acres to the south of tract 12A. This land currently is undeveloped and there are no known plans for a user on this property or functional need for the infrastructure.

We are requesting a two (2) year extension of the Infrastructure Improvement Agreement (Procedure B) for the infrastructure improvements for the referenced project. This is a previously approved and recorded IIA and is being submitted for another extension with no changes to the infrastructure improvements outlined in the infrastructure list enclosed.

Please place this item on the DRB agenda to be heard October 2, 2024. If you have any questions, or require further information, please call me (823-1000).

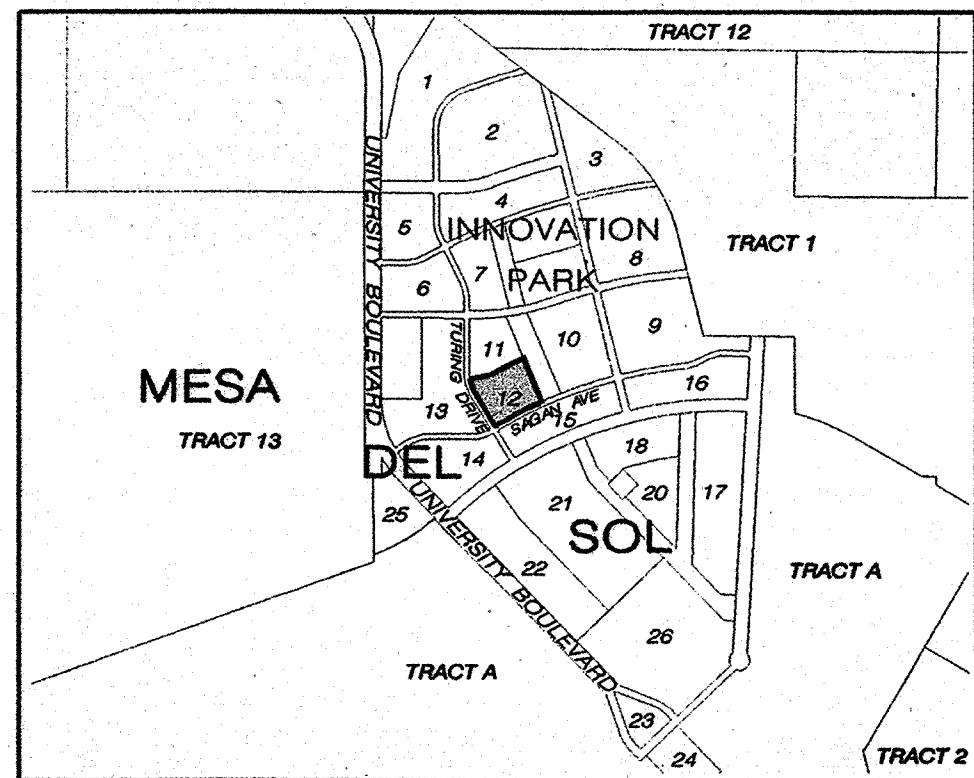
Sincerely,



Michael J. Balaskovits, PE  
Senior Vice President  
Community Development and Planning

MBJ  
Enclosure

SP-2007520357



LOCATION MAP
ZONE ATLAS INDEX MAP No. R-16
NOT TO SCALE

SUBDIVISION DATA

- 1. DRB No.
2. Zone Atlas Index No. R-16.
3. Zoning: PC.
4. Total number of tracts Created: Two (2) Tracts.
5. No streets were created.
6. Date of Survey: November, 2007.
7. Plat is located within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico.

DISCLOSURE STATEMENT

The purpose of this Plat is to subdivide Tract 12 of the Plat of Mesa Del Sol Innovation Park, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on September 13, 2007 in Book 2007C, page 0259 as Document No. 2007131551 into 2 new tracts.

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are for the common joint use of Utility Service Providers (dry utilities only), including but not limited to:

- A. PNM Electric Services for the installation, maintenance and service of underground electrical lines, transformers, and other equipment, fixtures, structures, and related facilities reasonably necessary to provide electrical service.
B. PNM Gas services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
C. QWEST for the installation, maintenance, and service of all buried communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
D. Comcast Cable for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable TV service.
E. Time Warner for the installation, maintenance, and service of all buried communication lines and other related equipment and facilities and cable and other related equipment and facilities reasonably necessary to provide communication services and cable TV service including but not limited to above ground pedestals and closures.

Included is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said easements, 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, (above ground 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 Electric Safety Code caused by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformers/switchgear, as installed shall extend ten feet (10') in front of transformer/switchgear doors and five feet (5') on each side.

DESCRIPTION

A certain tract of land within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising all of Tract 12 of the Bulk Land Plat for Mesa Del Sol Innovation Park, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on September 13, 2007 in Book 2007C, page 259 as Document No. 2007131551.

Tract contains 5.4417 acres, more or less.

NOTES

- 1. Bearings are New Mexico State Plane Grid Bearings (Central Zone) NAD 1983 and the basis of bearings is the Bulk Land Plat for Mesa Del Sol Innovation Park, Albuquerque, New Mexico, filed on September 13, 2007 in Book 2007C, Page 259 as Document No. 2007131551.
2. Record Bearings and distances are the same as shown on this plat and the same as shown on the Bulk Land Plat for Mesa Del Sol Innovation Park, Albuquerque, New Mexico, filed on September 13, 2007 in Book 2007C, Page 259 as Document No. 2007131551.
3. Basis of Bearings is between City of Albuquerque Control Stations \*1-R16 and \*3-Q16. Bearing = N12°15'06"E.
4. Distances are ground distances.
5. All easements of record are as shown on the plat of record or made known to me by the owner, utility companies, or other interested parties.
6. All interior tract corners to be monumented by a #5 rebar and yellow plastic survey cap stamped "GROMATZKY PS 16469".
7. Pursuant to section 14-14-4-7 of the City of Albuquerque Code of Ordinances, "No property within the area of requested final action shall at anytime be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of proposed plat. The foregoing requirements shall be a condition to approval of this plat or site development plan for subdivision."

FREE CONSENT AND DEDICATION

The foregoing plat of that certain tract of land situate within Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising all of Tract 12 of the Summary Plat for Mesa Del Sol Innovation Park, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on September 13, 2007 in Book 2007C, page 259 as document No. 2007131551 now comprising Tracts 12-A and 12-B Mesa Del Sol Innovation Park, Albuquerque, New Mexico is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) hereof. Said owner(s) and/or proprietor(s) do hereby grant: All Access, Utility and Drainage Easements shown hereon including the right to construct, operate, inspect, and maintain facilities therein; and all Public Utility Easements shown hereon for the common and joint use of Gas, Electrical Power, and Communication Services for buried distribution lines, conduits, and pipes for underground utilities where shown or indicated, including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. The City has the right to enter upon the Grantees Property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the City. If the Work effects any improvements or Encroachments made by the Grantee, the City will not be financially or otherwise responsible for rebuilding or repairing of improvements or encroachments. If in the opinion of the City, the Work to be performed by the City could endanger the structural integrity or otherwise damage the improvements or encroachments, the Grantee shall, at its own expense, take whatever protective measures are required to safeguard the improvements or encroachments. Said owner warrants that he holds complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed.

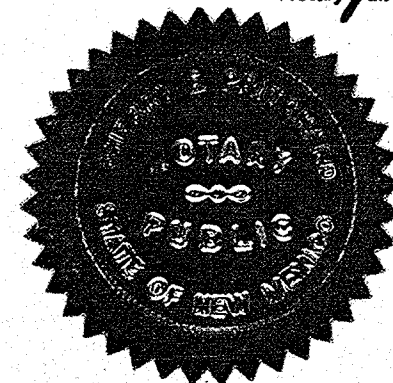
MESA DEL SOL, LLC, a New Mexico Limited Liability Company
By: FC Covington Manager, LLC, a New Mexico Limited Liability Company, Member
By: FC Mesa, Inc., a New Mexico Corporation, Member

BY: Michael D. Daly
Chief Operating Officer

State of New Mexico )
) SS
County of Bernalillo )

This instrument was acknowledged before me on the 4th day of JANUARY 2008 by Michael D. Daly, Chief Operating Officer of FC Mesa, Inc., a New Mexico Corporation, as Member of FC Covington Manager, LLC, a New Mexico Limited Liability Company, as Member of Mesa Del Sol, LLC, a New Mexico Limited Liability Company.

My Commission Expires: 12/20/09 Notary Public

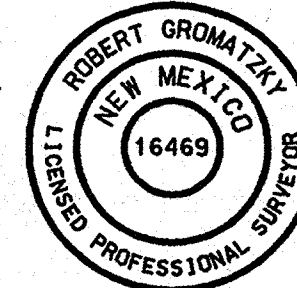


SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, a registered Professional New Mexico Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, shows all easements as shown on the plat of record, or made known to me by the owner, utility companies, or other interested parties and conforms to the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors and meets the minimum requirements for monumentation and surveys contained in the Albuquerque Subdivision Ordinance, and is true and accurate to the best of my knowledge and belief.

Robert Gromatzky
New Mexico Professional Surveyor 16469

Date: January 3, 2008



PLAT OF
TRACTS 12-A & 12-B
MESA DEL SOL
INNOVATION PARK

(A REPLAT OF TRACT 12, MESA DEL SOL INNOVATION PARK)
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JANUARY, 2008

PROJECT NUMBER 1006050

APPLICATION NUMBER 08-70026

PLAT APPROVAL

Table with columns for Utility Approvals (QWEST TELECOMMUNICATIONS, COMCAST CABLE, PNM ELECTRIC SERVICES, PNM GAS SERVICES, TIME WARNER) and Date.

Table with columns for City Approvals (CITY SURVEYOR, TRAFFIC ENGINEERING, TRANSPORTATION DIVISION, ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY, PARKS & RECREATION DEPARTMENT, CITY ENGINEER, DRB CHAIRPERSON, PLANNING DEPARTMENT) and Date.

TAX CERTIFICATION

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

101605017836820101

PROPERTY OWNER OF RECORD Mesa Del Sol LLC

Alroy Miller BERNALILLO COUNTY TREASURER'S OFFICE 2/29/08

In approving this plat, PNM Electric Services and Gas Services (PNM) did not conduct a Title Search of the properties shown hereon. Consequently, PNM does not waive nor release any easement or easement rights to which it may be entitled.

Bohannon & Huston

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES

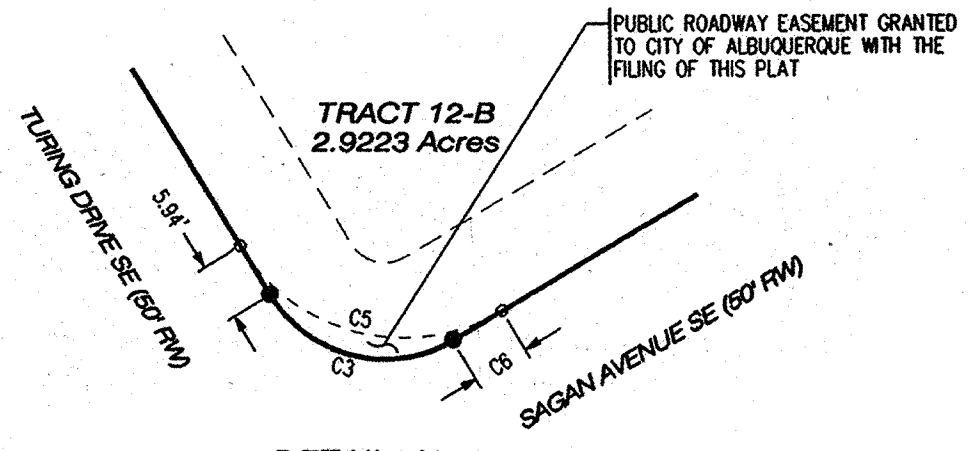
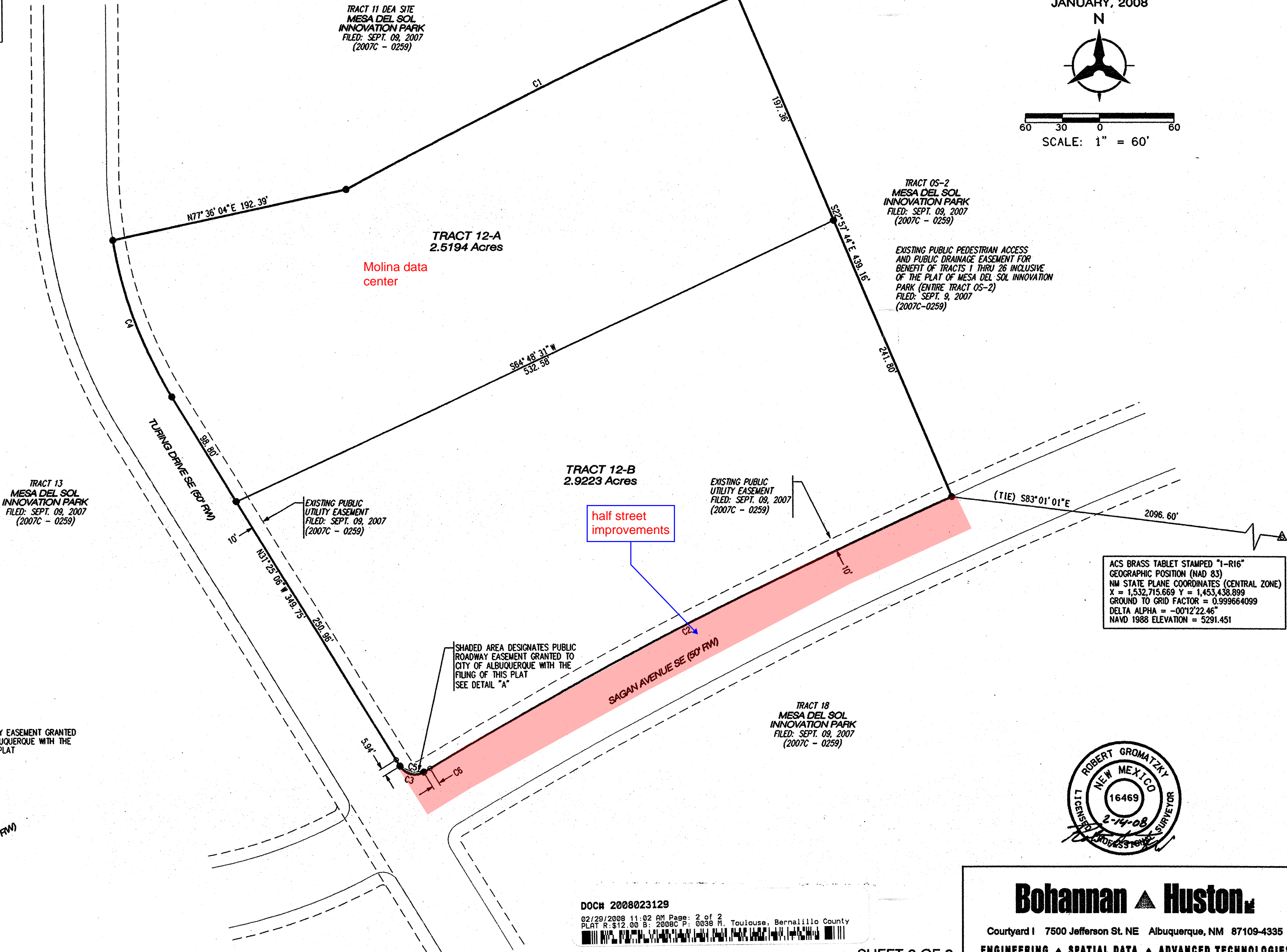
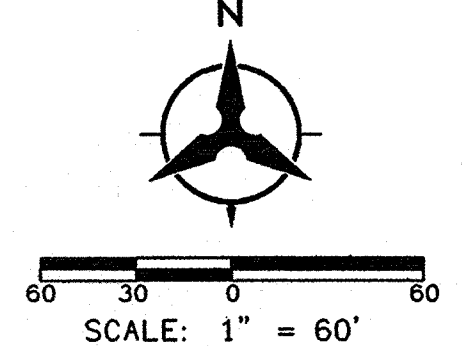
**LEGEND**

- SUBDIVISION BOUNDARY LINE
- NEW LOT LINE
- - - EXISTING EASEMENT LINE
- - - NEW EASEMENT LINE
- ADJOINING PROPERTY LINE
- ▲ CITY OF ALBUQUERQUE CONTROL MONUMENT
- #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	04°21'02"	176.30'	352.44'	4641.37'	352.35'	N63°37'41"E
C2	06°33'46"	240.93'	481.34'	4202.32'	481.08'	S62°23'34"W
C3	89°28'12"	13.87'	21.86'	14.00'	19.71'	N76°09'12"W
C4	21°53'19"	68.65'	135.62'	355.00'	134.80'	N20°28'27"W
C5	89°23'22"	19.79'	31.20'	20.00'	28.13'	S76°06'47"E
C6	00°04'50"	2.96'	5.92'	4202.32'	5.92'	S59°09'07"W

ACS BRASS TABLE STAMPED "J-016"  
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 X = 1,533,498.782 Y = 1,457,045.094  
 GROUND TO GRID FACTOR = 0.999663002  
 DELTA ALPHA = -0012'17.33"  
 NAVD 1988 ELEVATION = 5310.390

**PLAT OF**  
**TRACTS 12-A & 12-B**  
**MESA DEL SOL**  
**INNOVATION PARK**  
 (A REPLAT OF TRACT 12, MESA DEL SOL  
 INNOVATION PARK)  
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO  
 JANUARY, 2008



**DETAIL "A"**  
 NOT TO SCALE

ACS BRASS TABLE STAMPED "I-R16"  
 GEOGRAPHIC POSITION (NAD 83)  
 NM STATE PLANE COORDINATES (CENTRAL ZONE)  
 X = 1,532,715.659 Y = 1,453,438.899  
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 NAVD 1988 ELEVATION = 5291.451



DOCR 2008023129  
 02/29/2008 11:02 AM Page: 2 of 2  
 PLAT R: \$12.00 B: 2008C P: 0038 R: Toulouse, Bernalillo County

**Bohannon & Huston**  
 Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335  
 ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES



Current DRC Project No. 775477



Date Submitted: \_\_\_\_\_  
 Date Site Plan for Bldg Permit App: \_\_\_\_\_  
 Date Site Plan for Sub. Approved: \_\_\_\_\_  
 Date Preliminary Plat Approved: 1-23-09  
 Date Preliminary Plat Expires: \_\_\_\_\_

Figure 12  
 INFRASTRUCTURE LIST

EXHIBIT "A"  
 TO SUBDIVISION IMPROVEMENTS AGREEMENT  
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST  
 Tract 12A and 12B  
 (Mesa del Sol, Innovation Park)

DRR Project No. 1005000  
5-20-08  
05/06/09

Remove **X**

**ORIGINAL**

Following is a summary of PUBLIC/PRIVATE infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Const Engineer
----------------	-------------------	------	---------------------	----------	------	----	-------------------	----------------	---------------------

**PUBLIC ROADWAY IMPROVEMENTS**

B-1	775487	X	24' FC-EOP	PAVED ROADWAY, STRIPING, CURB AND GUTTER, STREET LIGHTS (1/2 STREET IMPROVEMENT - 390 LF APPROX.; 40' F TO F AT FULL BUILD OUT)	SOLAR MESA AVE. (SOUTH SIDE OF ROW).	EAST TERMINUS OF CITY PROJECT #775481	TURING DR.			
B-1	775487	X	24' FC-EOP	PAVED ROADWAY, STRIPING, CURB AND GUTTER, STREET LIGHTS (APPROX. 1,200 LF)	TURING DR.	SOLAR MESA AVE.				
B-1	775478	X	24' FC-EOP	<b>Paved Roadway, Striping, C&amp;G, Street Lights</b>	Turing Dr.	South PL of Tract 12A				
B-1	775477		24' FC-EOP	PAVED ROADWAY, STRIPING, CURB AND GUTTER, STREET LIGHTS (APPROX. 550 LF)	SAGAN AVE.	TURING DR.	WESTERN BOUNDARY OF TRACT OS-2			

**PUBLIC SANITARY SEWER IMPROVEMENTS**

B-1	775487	X	12" DIA	SANITARY SEWER LINE, AS REQ'D (APPROX 370LF)	SOLAR MESA AVE.	EAST TERMINUS OF CITY PROJECT #775481	TURING DR.			
B-1	775487	X	8" DIA	SANITARY SEWER LINE, AS REQ'D (APPROX 060LF)	TURING DR.	SOLAR MESA AVE.	APPROX. 120 LF SOUTH OF SOUTHERN PROPERTY LINE OF PROPOSED TRACT 12A			

**PUBLIC WATERLINE IMPROVEMENTS**

B-1	775487	X	12" DIA	WATERLINE W/ NEC. VALVES, FH'S, MJS & RJS (APPROX 390 LF)	SOLAR MESA AVE.	EAST TERMINUS OF CITY PROJECT #775481	TURING DR.			
B-1	775487	X	8" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS, STUB OUTS TO PROEJCT HAL SITE (APPROX 1,200)	TURING DR.	SOLAR MESA AVE.	SAGAN AVE.			
B-1	775477		12" DIA	WATERLINE W/ NEC. VALVES FH'S, MJS & RJS, STUB OUTS TO BUILDING 2 SITE (APPROX. 550LF)	SAGAN AVE.	TURING DR.	WESTERN BOUNDARY OF TRACT OS-2			

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	Engn.
<input type="checkbox"/> A	<input type="checkbox"/>			PUBLIC/PRIVATE STORM DRAIN IMPROVEMENTS (NOT TO BE FINANCIALLY GUARANTEED)					
<input checked="" type="checkbox"/> IV	<input checked="" type="checkbox"/>			DRAINAGE IMPROVEMENTS (RETENTION POND FOR SITE, ROAD, AND OFFSITE OUTFALL - APPROX 22 AC-FT) WITHIN TRACT OS-2 AND COVENANT (PRIVATELY OWNED AND MAINTAINED.)					

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	Engn.
B-1	775478	24"	STORM DRAIN AND TURB APURTANCES	SABAN		25 1/2 FT NORTH OF SABAN			
B-1	775478	30", 48"	STORM DRAIN AND TURB APURTANCES	SABAN		POND OS-2			

NOTE: Street lights not to be financially guaranteed. To be by: 14 prior to release of financial guarantee for CPN 77 977

AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS
JEFFERY L. MULBERY PREPARED BY: PRINT NAME DATE 1/23/2008	<i>Pat Clark</i> 1/23/08 JW 9/4/20 DRB CHAIR DATE
<i>Manny Barrera</i> BOHANNAN HUSTON INC. FIRM:	<i>Christina Sandoval</i> CS 1/23/08 PARKS & GENERAL SERVICES DATE
	<i>Bradley D. Bohannan</i> 1/23/08 9/3/2020 CITY ENGINEER DATE
MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION	<i>Carl Garcia</i> Sep 3, 2020 CODE ENFORCEMENT DATE

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
Δ	05/06/09	<i>Sph</i>		
Δ	5-20-08	<i>Sph</i>	<i>Center on Change</i>	<i>Christina</i>

*Manny Barrera*  
9/4/2020

**Signature:** 

**Email:** jwolfley@cabq.gov

**Signature:** 

**Email:** earmijo@cabq.gov

**Signature:**   
David Gutierrez (Sep 3, 2020 14:07 MDT)

**Email:** dggutierrez@abcwua.org

**Signature:**   
Jeanne Wolfenbarger (Sep 4, 2020 13:54 MDT)

**Email:** jwolfenbarger@cabq.gov

**Signature:**

**Email:** jwolfenbarger@cabq.gov

**Signature:**

**Email:** csomerfeldt@cabq.gov

**Signature:**   
Cheryl Somerfeldt (Sep 17, 2020 14:25 MDT)

**Email:** csomerfeldt@cabq.gov


# PR-2020-004183\_SD-2020-00150\_Infrastructure\_List\_Approved\_9-2-20 - unsigned

Final Audit Report

2020-09-17

Created:	2020-09-04
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzN7DF6WseKPqM3Byho2AmqnfflyOg-wS

## "PR-2020-004183\_SD-2020-00150\_Infrastructure\_List\_Approved\_9-2-20 - unsigned" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)  
2020-09-04 - 7:31:06 PM GMT - IP address: 174.56.105.21
-  Document emailed to Jeanne Wolfenbarger (jwolfenbarger@cabq.gov) for signature  
2020-09-04 - 7:32:38 PM GMT
-  Document emailed to Cheryl Somerfeldt (csomerfeldt@cabq.gov) for signature  
2020-09-04 - 7:32:38 PM GMT
-  Email viewed by Jeanne Wolfenbarger (jwolfenbarger@cabq.gov)  
2020-09-04 - 7:33:03 PM GMT - IP address: 143.120.132.68
-  Document e-signed by Jeanne Wolfenbarger (jwolfenbarger@cabq.gov)  
Signature Date: 2020-09-04 - 7:34:04 PM GMT - Time Source: server- IP address: 143.120.132.68
-  Document e-signed by Cheryl Somerfeldt (csomerfeldt@cabq.gov)  
Signature Date: 2020-09-17 - 8:25:38 PM GMT - Time Source: server- IP address: 97.123.107.120
-  Agreement completed.  
2020-09-17 - 8:25:38 PM GMT



**AMENDMENT AND EXTENSION AGREEMENT TO**  
**Procedure "B"**

Project Name: Tract 12-B Mesa del Sol  
Project No. 775477

This Amendment and Extension Agreement made this 3rd day of November, 2022, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of Developer) MDS Funding, LLC ("Developer"), whose address is 4020 Vassar Dr. NE, Albuquerque, NM, 87107, whose telephone number is (505) 884-3405 and whose email address is steve@sc3intl.com, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

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

WHEREAS, the City and the Mesa del Sol, LLC ("Developer") entered into an Agreement on June 30, 2009 which was recorded in the office of the Clerk of Bernalillo County, New Mexico on July 02, 2009, pages 1 through 10, as Document No. 2009074577 ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before February 11, 2010 and

WHEREAS, the Earlier Agreement was amended by a 1<sup>st</sup> Extension to Agreement dated February 18, 2010 recorded on February 19, 2010, pages 1 through 4, as Document No. 2010014367 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to February 11, 2011; and

WHEREAS, the Earlier Agreement was amended by a 2<sup>nd</sup> Extension to Agreement dated March 29, 2011 recorded on March 31, 2011, pages 1 through 4, as Document No. 2010014367 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 30, 2013; and

WHEREAS, the Earlier Agreement was amended by an Assignment and Amendment to Agreement, dated June 03, 2019 recorded on June 03, 2019, pages 1 through 7, as Document No. 2019045463 in the records of Bernalillo County Clerk, State of New Mexico, assigning MDS Funding, LLC as Developer and extending the construction deadline to June 03, 2020; and

WHEREAS, the Earlier Agreement was amended by a 3<sup>rd</sup> Extension to Agreement, dated April 05, 2021 recorded on April 20, 2021, pages 1 through 6, as Document No. 2021046557 in the records of Bernalillo County Clerk, State of New Mexico, assigning MDS Funding LLC as Developer and extending the construction deadline to October 01, 2022; and

THEREFORE, the Developer and the City agree to amend the Original Agreement as follows:

1. Amending paragraph 4. Work Order Requirements: Paragraph 4 in the original Agreement is deleted and replaced by the following amended paragraph 4:

The Developer must procure a New Mexico licensed Contractor to construct the improvements per the specifications contained in the City-approved construction drawings. The Contractor shall provide proof of proper licensure to complete the improvements. If the Contractor that has been identified by the Developer does not possess all of the proper licenses for the improvements then proof of proper licensure of the subcontractors must be provided. The Developer's Contractor shall obtain a Performance & Warranty bond and a Labor & Materials bond utilizing the bond templates provided and approved by the City. The mandatory bonds obtained by the Contractor are independent of, and in addition to, the Financial Guaranty provided by the Developer. If the Developer or the City determines that the Contractor failed to faithfully construct or maintain the specified and warranted work, the Developer and the City shall each have standing to make claim on the applicable bonds.

2. Extension of Agreement:

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

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

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

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

3. The required completion date for construction of the improvements, is extended (Complete either A or B:)

- A. For all improvements, the 1<sup>st</sup> day of October, 2024.

- B. On portions of the improvements as follows:

IMPROVEMENTS

COMPLETION DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Type of Financial Guaranty: Infrastructure Bond No. 21166267  
Amount: \$374,516.83  
Name of Financial Institution or Surety providing Guaranty: The Guarantee Company of North America USA  
Date City first able to call Guaranty (Construction Completion Deadline): October 01, 2024  
If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: \_\_\_\_\_  
Additional information: \_\_\_\_\_  
\_\_\_\_\_

4. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Original Agreement will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Original Agreement, in which case the terms and conditions of the Amendment to the Original Agreement will control.



CHANGE RIDER

To be attached to and form a part of Infrastructure Improvement Bond
Bond No. 21166267 issued by THE GUARANTEE COMPANY OF NORTH AMERICA USA,
One Towne Square, Suite 1470, Southfield, MI 48076 as Surety on behalf of MDS FUNDING, LLC
Principal in favor of CITY OF ALBUQUERQUE with
reference to TRACT 12-B MESA DEL SOL, CITY PROJECT NO. 775477 effective the
3RD of APRIL, 2019.

It is hereby understood and agreed that the following item is amended:
BOND IS EXTENDED TO OCTOBER 1, 2024
BOND AMOUNT INCREASED FROM: \$357,363.03 TO \$374,516.83

Signed, sealed and dated this 20TH day of OCTOBER, 2022

MDS FUNDING, LLC
Principal

[Signature]
Witness

BY: [Signature] MANAGING MEMBER
Name: Title:

[Signature]
Witness MURIEL BRAY, SR. SURETY ACCOUNT MANAGER

The Guarantee Company of North America USA
BY: [Signature] Attorney-In-Fact DEAN E. VIGIL







**POWER OF ATTORNEY**

**KNOW ALL BY THESE PRESENTS:** That **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint **Muriel Bray, Carl S. Conlee III, Linda D. Dooley, Bartley H. Kinney III, Dean E. Vigil, James D Zanios** its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon **THE GUARANTEE COMPANY OF NORTH AMERICA USA** as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of **THE GUARANTEE COMPANY OF NORTH AMERICA USA** at a meeting held on the 31st day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.
4. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner – Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 6th day of December 2011, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, **THE GUARANTEE COMPANY OF NORTH AMERICA USA** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 26th day of May, 2020.



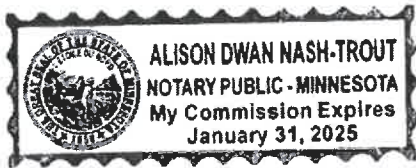
**THE GUARANTEE COMPANY OF NORTH AMERICA USA**

**Paul J. Brehm, Senior Vice President**

**Chad A. Anderson, Senior Vice President Specialty**

**STATE OF MINNESOTA  
Hennepin County**

On this 26th day of May, 2020 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of said Company.



IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

I, Chad A. Anderson, Senior Vice President of **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, which is still in full force and effect.



IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 20th day of October, 2022

**Chad A. Anderson, Senior Vice President Specialty**

DEVELOPER: **MDS Funding, LLC**

By [signature]: Stev B. Chavez  
Name [print]: STEVEN B. CHAVEZ  
Title: Managing Partner  
Dated: 10/31/22

DEVELOPER'S NOTARY

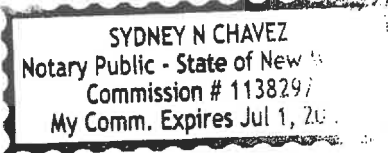
STATE OF NEW MEXICO   )  
  ) ss  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on this 31 day of October, 2022 by  
[name of person] Steven B. Chavez, [title or capacity,  
for instance, "President" or "Owner"] Managing Partner of ("Developer")

(SEAL)

Sydney N Chavez  
Notary Public

My Commission Expires: July 1, 2026



CITY OF ALBUQUERQUE:

DocuSigned by:

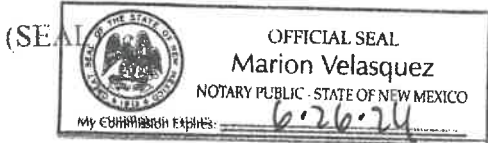
By: Shahab Biazar  
Shahab Biazar, P.E., City Engineer

Dated: 11/3/2022 | 6:48 PM MDT

CITY'S NOTARY

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

This instrument was acknowledged before me on 3rd day of November, 2022, by <sup>SMU</sup> Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.



[Signature]  
Notary Public  
My Commission Expires: June 26, 2024

**Bernalillo County, NM**  
415 Silver Ave. SW, 2nd Floor  
P.O. Box 542  
Albuquerque, NM 87102

**Receipt: 1394834-C1**

<b>Product</b>	<b>Name</b>	<b>Extended</b>
AMND	Amendment	\$25.00
	# Pages	7
	Document #	2022097539
	# Of Entries	0
<b>Total</b>		\$25.00
Tender (Check)		\$25.00
Check#	212736	
Paid By	bohannan huston	
Phone #	505-823-1000	

Thank You!

**11/7/22 2:27 PM vgarza**