Albuquerque



ZUZIVIU HUTOINATION

Vacation of Public Easement

DEVELOPMENT REVIEW BOARD APPLICATION

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	□ Final Sign off of EPC Site Plan(s) (Form P2)	
Major – Preliminary Plat (Form P1)	Amendment to Site Plan (Form P2)	□ Vacation of Public Right-of-way (Form V)
Minor – Preliminary/Final Plat (Form S2)	MISCELLANEOUS APPLICATIONS	✓Vacation of Public Easement(s) DRB (Form V)
Major - Final Plat (Form S1)	Extension of Infrastructure List or IIA (Form S1)	□ Vacation of Private Easement(s) (Form V)
□ Amendment to Preliminary Plat (Form S2)	Minor Amendment to Infrastructure List (Form S2)	PRE-APPLICATIONS
Extension of Preliminary Plat (FormS1)	Temporary Deferral of S/W (Form V2)	□ Sketch Plat Review and Comment (Form S2)
	Sidewalk Waiver (Form V2)	
SITE PLANS	Waiver to IDO (Form V2)	APPEAL
DRB Site Plan (Form P2)	Waiver to DPM (Form V2)	Decision of DRB (Form A)
BRIEF DESCRIPTION OF REQUEST		
Vaca	ation of Public Easement DRB	

APPLICATION INFORMATION			
Applicant: Albuquerque ANUSA, LLC - C	harles W Sabadash		Phone: 954-769-2303
Address: 200 SW 1st Avenue, 14th Floor	•		Email:
City: Fort Lauderdale		State: FL	Zip: 33301
Professional/Agent (if any): Tierra West, LLC			Phone: 505-858-3100
Address: 5571 Midway Park PI NE			Email: jniski@tierrawestllc.com
City: Albuquerque		State: NM	Zip: 87109
Proprietary Interest in Site: Albuquerque ANU	SA	List all owners: Mello	by Brothers Motor LTD CO
SITE INFORMATION (Accuracy of the existing le	gal description is crucial!	Attach a separate shee	t if necessary.)
Lot or Tract No.: 008,014,015, 018,019, Tract A Unit 8 N of Lot 21 BLK 8 North	orth, East Portion	Block:	Unit:
Subdivision/Addition:		MRGCD Map No.:	UPC Code01806520803930209,101806522503330208 UPC Code01806824003930207,101806520701630202 101806519701030201,101806522401630203
Zone Atlas Page(s): B-18-Z	Existing Zoning: NR-L	.M & NR-BP	Proposed Zoning NR-LM
# of Existing Lots: 7	# of Proposed Lots: 1		Total Area of Site (Acres): 5.2896
LOCATION OF PROPERTY BY STREETS			
Site Address/Street: 9100 Pan American / Glendale	Between: Alameda	PINE	and: Glendale
CASE HISTORY (List any current or prior project	and case number(s) that	may be relevant to you	r request.)
1009375, 1009966, PR-2021-005411,	SI-2021-00610,PR-	2021-005316(PS-	2021-00046)

					,	
Signature:	~			Da	te: 05/13/2021	
Printed Name: Ronald R. Boha	annan				Applicant or 🛛 Agent	
FOR OFFICIAL USE ONLY						
Case Numbers	Action	Fees	Case Numbers		Action	Fees
Meeting Date:				Fee	e Total:	
Staff Signature:			Date:	Pro	oject #	<u></u>

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

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

VACATION OF RIGHT-OF-WAY - DRB \square

VACATION OF RIGHT-OF-WAY - COUNCIL

Interpreter Needed for Meeting?_____if yes, indicate language: ______
A Single PDF file of the complete application including all documents being submitted must be emailed to <u>PLNDRS@cabq.gov</u> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form V at the front followed by the remaining documents in the order provided on this form.

- Zone Atlas map with the entire site clearly outlined and labeled
- Letter of authorization from the property owner if application is submitted by an agent
- Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(M)
- Copy of the complete document which created the easement(s) (7 copies, folded)
- Not required for City owned public right-of-way.
- ___ Drawing showing the easement or right-of-way to be vacated (7 copies, not to exceed 8.5" by 11")
- ____ If easements, list number to be vacated
- ____ Square footage to be vacated (see IDO Section 14-16-6-6(M)
- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(K) and DPM 2-9-(E)(3)
 - Office of Neighborhood Coordination neighborhood meeting inquiry response
 - Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
 - If a meeting was requested/held, copy of sign-in sheet and meeting notes

Required notices with content per IDO Section 14-16-6-4(K)(6)

_Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

Proof of emailed notice to affected Neighborhood Association representatives

Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

Sign Posting Agreement - IDO Section 14-16-6-6(K)(4) is satisfied

VACATION OF PRIVATE EASEMENT

VACATION OF PUBLIC EASEMENT

N/A Interpreter Needed for Meeting? if yes, indicate language:

X A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form V at the front followed by the remaining documents in the order provided on this form.

- X Zone Atlas map with the entire site clearly outlined and labeled
- X Letter of authorization from the property owner if application is submitted by an agent
- X Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(M)
- X Copy of the complete document which created the easement(s) (7 copies, folded)
- Drawing showing the easement to be vacated (7 copies, not to exceed 8.5" by 11")
 List number to be vacated 3
- X Proof of Pre-Application meeting

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

l, the applicant or agent, acknowledge that if any result of a public meeting, if required, or othe	equired information is not submitted with this ap erwise processed until it is complete.	plication, the application will not be
Signature:		Date: 05/13/2021
Printed Name: Ronald R. Bohannan		□ Applicant or I Agent
FOR OFFICIAL USE ONLY		
Case Numbers:	Project Number:	
Staff Signature:		
Date:		



April 27, 2021

Ms. Jolene Wolfley City of Albuquerque P.O. Box 1293 Albuquerque, NM 87103

RE: CITY SUBMITTALS 014, 015, 016, 017, 018, 019 008 NORTH ACRES TR A UNIT B, East PORTION OF LOT 21 BLK 8 NORTH ZONE ATLAS: B-18-Z

Dear Ms. Wolfley:

The purpose of this letter is to authorize Tierra West LLC to act as agent on behalf of Albuquerque ANUSA, LLC pertaining to any and all submittals made to the City of Albuquerque for the above-referenced site.

Doc #2021044398 eRecorded 04/14/2021 02:53:00 PM Page 1 of 4 SPWD Rec Fee: \$25.00 Linda Stover, Bernalillo County

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STATE OF NEW MEXICO

COUNTY OF BERNALILLO

KNOW ALL PERSONS BY THESE PRESENTS:

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is executed and delivered on this 14th day of April, 2021, by MELLOY BROTHERS MOTOR LTD CO., a New Mexico limited liability company ("<u>Grantor</u>"), whose legal address is 499 Emilio Lopez Road, Los Lunas, New Mexico 87031, unto ALBUQUERQUE ANUSA, LLC, a Delaware limited liability company ("<u>Grantee</u>"), whose address is 200 SW 1st Avenue, 14th Floor, Fort Lauderdale, Florida 33301.

Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, paid to Grantor, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee and its successors and assigns, in fee simple that certain parcel of improved real property consisting of approximately 6.63 acres located at 9100 Pan American Freeway NE, Albuquerque, New Mexico 87113, being more particularly described on Exhibit A attached hereto and made a part hereof for all purposes (the "Realty"), together with (a) all improvements on the Realty and all attached fixtures and equipment located in such improvements, (b) all rights, titles and interests of Grantor in and to any and all roads, streets, alleys, public and private rights-of-way and easements that benefit the Realty or may be used in connection with the Realty, (c) all strips and gores of land lying adjacent to the Realty which Grantor owns; and (d) all rights, privileges, easements and appurtenances belonging and appertaining to the Realty which Grantor owns (including, without limitation, development rights and general intangible rights) (such items described in clauses (a) through (d) above, together with the Realty, collectively, the "Property").

This conveyance is made SUBJECT ONLY to the matters described in <u>Exhibit B</u> attached hereto and made a part hereof for all purposes, but only to the extent such matters are currently valid and enforceable against the Property (the "<u>Permitted Exceptions</u>").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, subject only to the Permitted Exceptions, unto Grantee and its successors and assigns forever. Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and its successors and assigns forever against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise, subject only to the Permitted Exceptions.

TIERRA WEST, LLC

May 14, 2021

Ms. Jolene Wolfley Development Review Board 600 Second NW Albuquerque, NM 87102

RE: VACATION OF PUBLIC EASEMENT 008,014,015,018,019 NORTH ALBUQUERQUE ACRES TR A UNIT B LOT 13 LESS PORT R/W, EAST PORTION OF LOT 21 BLK 8 NORTH ZONE ATLAS PAGE- B-18-Z

Dear Ms. Wolfley:

Tierra West, LLC, on behalf of Albuquerque ANUSA, LLC requests approval of a Vacation of Public Easement. The site is zoned NR-BP (Non-Residential Business Park) and NR-LM (Non-Residential Light Manufacturing).

Site Location

The site location is located along the I-25 frontage road between Alameda Place NE and Glendale Avenue NE. The proposed property is 7 lots that will be consolidated into 1 property in order to complete the construction of a new dealership. This facility will include 18,645 SF building and the remainder of the lot will be for vehicle display

The justification presented below addresses the Vacation of Easement for DRB request requirements pursuant to IDO Section 6-6(M)(3).

6-6(M)(3)(a) The Public welfare does not require that the easement, private way, or public ROW be retained.

The PNM easement is no longer needed as the lots are being consolidated and service will be taken from the existing PNM lines along Glendale Avenue. There currently are no structures or lines located in the easement to be vacated.

The Temporary Construction easement was for the construction of the San Pedro Storm Sewer (City Project No. 5304.10) and should have been released when that project was completed.

The NMDOT easement was part of a larger easement that was released/abandoned in June 2009. The NMDOT is unable to locate the released/abandoned document for this part of the easement and does not have any objection to the vacation based on our conversations.

6-6(M)(3)(b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than

the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

With the consolidation of the seven lots into one lot there is no longer a need to have the PNM easement to provide service to the back of the lots being vacated.

The San Pedro Storm Sewer was completed nearly ten years ago and that temporary easement should have been released at that time.

The NMDOT easement is no longer need for drainage as the storm water in this area is now contained in the San Pedro Storm Sewer. This easement does not align with those improvements.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Ronald R. Bohannan, P.E.

cc: Frederick Moss- AutoNation

JN: 2021010 RRB/jn/kw

Exhibit A

Legal Description of the Realty

A certain Tract of Land being and comprising a portion of Lot numbered Thirteen (13) and all of Lots Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) in Block numbered Eight (8) of Tract "A", Unit "B", NORTH ALBUQUERQUE ACRES, Albuquerque, New Mexico, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on April 24, 1936, in Volume D, folio 130 and being more particularly described as follows: Beginning at the Southeast corner of said Tract being the southeast corner of aforementioned Lot 17 and point of intersection with the North right of way of Modesto Avenue N.E. and the West right of way of San Pedro Drive N.E., Thence, from said point of beginning N. 89° 40' 55" W., 135.00 feet along the North right of way of Modesto Avenue N.E. to a point; Thence, leaving said right of way N.00° 19' 05" E., 234.00 feet to a point; Thence, N. 89° 40' 55" W., 491.76 feet to the Southwest corner and point on the East right of way of Interstate 25 North; Thence, along said right of way N. 10° 44' 59" E., 237.94 feet to the Northwest corner and point of intersection with the South right of way of Glendale Avenue N.E.; Thence, S. 89° 40' 55" E., 583.68 feet along said right of way to the Northeast corner and point of intersection with the West right of way of San Pedro Drive N.E.; Thence, S. 00° 19' 05" W., 468.00 feet along said right of way to the point of beginning.

AND

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Lot numbered Eighteen (18) in Block numbered Eight (8) of Tract "A", Unit "B", NORTH ALBUQUERQUE ACRES, Albuquerque, New Mexico, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on April 24, 1936.

AND

Lot numbered Nineteen (19) and portions of Lots Twenty (20) and Twenty-one (21), Block numbered Eight (8), Tract "A" Unit "B", NORTH ALBUQUERQUE ACRES, 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 April 24, 1936; and being more particularly described as follows: beginning at the Southeast corner of the tract herein described, being the Southeast corner of said Lot Nineteen (19), Tract "A", Unit "B", North Albuquerque Acres, whence the Westerly line of San Pedro Drive NE bears S. 89 deg. 38' 40" E. at 300 feet distance; thence N. 89 deg. 38' 40" W., 370.21 feet along the North line of Modesto Avenue and the South Line of Lots Twenty-one (21), Twenty (20), and Nineteen (19) to the Southwest corner and the Easterly right-of-way line of U.S. Interstate 25 and New Mexico State Road No. 422; thence N. 10 deg. 55' 35" E., along said right-of-way, 238.78 feet to the Northwest corner; thence S. 89 deg. 32' 26" E., along the North line of said lots Nineteen (19) and Twenty (20) 326.66 feet to the Northeast corner; thence S. 00 deg. 25' 04" W., along the East line of said Lot Nineteen (19) 234.13 feet to the Southeast corner and point of beginning.

<u>Exhibit B</u>

Permitted Exceptions

- 1. Taxes for the year 2021, and thereafter, not yet due or payable.
- 2. Reservations contained in Patent from United States of America recorded in Book 80, Page 353, records of Bernalillo County, New Mexico.
- 3. Covenants, conditions, restrictions, terms, provisions and easements recorded in Book 132, page 306 and in Book 141, page 158, records of Bernalillo County, New Mexico, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
- 4. Easement granted to Public Service Company of New Mexico and Mountain States Telephone and Telegraph Company, filed October 3, 1960, recorded in Book D 565, page 57, records of Bernalillo County, New Mexico.
- 5. Easement granted to Public Service Company of New Mexico and Mountain States Telephone and Telegraph Company, filed May 11, 1990, recorded in Document No. 1990036989, records of Bernalillo County, New Mexico.
- 6. Permanent Storm Drain Easement, filed March 31, 2010, as Document No. 2010027175, records of Bernalillo County, New Mexico.
- 7. Lease as evidenced by Memorandum of Lease, filed June 29, 2015, as Document No. 2015055331, records of Bernalillo County, New Mexico.
- Encroachment of the improvements of the fence onto the Land and onto adjacent land as shown on an ALTA/NSPS Land Title Survey prepared by Bureau Veritas, Blew & Associates, P.A. and William Gagner, Blew Job No. 20-5815, dated November 12, 2020.
- 9. Rights of easement, if any, relating to the powerpole, telephone riser, SD Vault, sanitary sewer manholes(s) and billboard, as shown on the ALTA/NSPS Land Title Survey by Bureau Veritas, Blew & Associates, P.A. and William Gagner, Blew Job No. 20-5815, dated November 12, 2020.

EXHIBIT A.

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IRGAL DESCRIPTION: 1-28, Lot 18 of Tract A, Unit B of North Albuquorquo Acros, and more definitely described as the following:

A cortain parcol of land aituated within Lot 18 of Tract A. Unit B. of North Albuquerque Acres, within La Herced de Elena Galleges, Section 12, T.11N., R.JE., NMPH, plat of said tract having basen filed on April 14, 1936, in the Office of the County Clerk, County of Bornalillo, State of New Haxico, is more particularly described by mates and bounds as follows:

The point of beginning being the southwesterly corner of Lot 18 of Tract A, Unit B of North Albuquerque Acres: thence 5.89'31'25"E. along the southorly line of said Lot 18 a distance of 60.00 fest: thence N.19'31'25"H. a distance of 198.84 feet; thence 8.0'28'31"N. along the vesterly line of said Lot 18 a distance of 186.85 feet to the couthwesterly corner of Lot 18 hereindescribed as the true point of beginning.

Containing 6353.00 square feet, 0.1458 acros.

NMP UI-025-4(52)228

** ¹ *

.NT. 625-4(32)238. (ME

9055128

. 0882 EASEMENT

Reymond P. Cohen and Patricia B. Cohen, husband and vite, for good and valuable consideration, the receipt of which is horeby acknowledged, hereby grant, convey, sell, bargain, and convey unto the Nev Mexico Stute Highway and Transportation Department, an escapent slong, over, and across real property located in the County of Bernalillo, State of New Mexico, and more particularly described as follows: SEE ATTACHED EXHIBIT A.

Said easement is for the limited and exclusive purpose of constructing thereon an underground water drainage system, Grantor saintains the sole and exclusive rights to use, onjoyment and swnership of the surface rights, subject only to the grant to the department of the underground essement. Grantor Surther retains the right to have access to the water drainage system from the surface.

DATED_6/23/88

Raymond P. alan RAVHOND P. COHEN Hattener Calesau

. . .

1590 JUL 10 R.: 8:04 20-4 2 882-9584 Chillips

STATE OF NEH HEXICO) COUNTY OF BERNALIMO }

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On this <u>17</u> Alf day of <u>fit with</u>, 1988, bafore as personally appeared <u>Avenue</u> <u>for Anna A. 1. MrH</u> known to me to be the party <u>described</u> in and who executed the above and foregoing Essement and acknowledged to so that <u>I MrH</u>

executed the same as _____ A ____ free set and deed.

IN WITHESS WHEREOF, I have hereunto set my hand and meal the day and year of this certificate first written.



OFFICIAL SEAL' <u>*Flass Jons Flag*</u>, <u>K. 1999</u>, <u>NARILYN M. DAVIS</u> <u>*Flass Jons Flag*</u>, <u>K. 1999</u>, <u>Narily Public</u>, state culturary at State Notiny Public Verd alla Securitary at State My Committee States <u>1993</u>, <u>1993</u>, <u>1997</u>, <u>1999</u>, <u>1999</u>, <u>1997</u>, <u>1</u>

11-27-90

Equemont obtained by

Robert Lopez

216022RP-T AutoNation, Lots 13-21, Block 8, North Albuquerque Acres, 9100 Pan American Frwy

PERMANENT STORM DRAIN EASEMENT Grant of Permanent Easement, between James W. Brown and Kathy A. Brown, Co-Trustees of the Brown Trust ("Grantors"), whose address is 11741 Sky Valley Way NE Albuquerque, NM 87111 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, New Mexico 87103. Grantor-grants to the City a permanent easement ("Easement") in, over, and across the real property described on Exhibit "A" attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of a storm drain easement, together with the right to remove trees, bushes, undergrowth and any other obstacles upon the property if the City determines they interfere with the visibility, construction, or appropriate use of the Easement, and after construction with notification to the Grantor. Grantor covenants and warrants that Grantor is the owner in fee simple of the Property, that Grantor has a good lawful right to convey the Property of any part thereof and that Grantor will forever warrant and defend the title to the Property against all claims from all persons or entities. The grant and other provisions of this easement constitute covenants running with the property for the benefit of the City and its successors and assigns until terminated. GRANTOR James W. Brown GRANTOR Kathy A. Brown COUNTY OF This instrument was acknowledged before me on 11th day of Much 2010, by James W. Brown and Kathy A. Brown Notary Public My Commission Expires: Doc# 2010027175 OFFICIAL SEAL 03/31/2010 02:21 PM Page: 1 of 4 EASE R:\$15.00 M. Toulouse Oliver, Bernalillo County



Legal Description - Permanent Storm Drain Easement and Temporary Construction Easement

A certain parcel of land comprising a portion of Lots 13, 20, and 21, Block 8, Tract A – Unit B, North Albuquerque Acres, as the same are shown and designated on the Plat of survey thereof filed in the Office of the County Clerk of Bernalillo County, New Mexico, on April 24, 1936, in Book. D, Folio 130, and as the same have been reconfigured by N.M.P. # UI-025-4(52)228, said parcel being more particularly described using New Mexico State Plane grid bearings (Central Zone, NAD 83) and horizontal ground distances as follows:

BEGINNING at the southeasterly corner of the parcel herein described, said point of beginning being a point on the present (2009) northerly right-of-way line of Alameda Place N.E., said present northerly Right-of-Way line also being the southerly boundary line of said Lots 20 and 21, from which the southeast corner of Lot 19, Block 8, Tract A – Unit B, North Albuquerque Acres ($\frac{1}{2}$ " Rebar w/ cap marked "LS 5110" found in place) bears S89°46'00"E a distance of 212.29 feet, also from which the ACS Control Monument "10-C18" bears S81°38'45"E a distance of 577.14 feet;

Thence, N89°46'00"W a distance of 45.09 feet along said present northerly Right-of-Way line and the southerly boundary line of said Lot 20 to the southwesterly corner of the parcel herein described, from which the southwest corner of the remainder of said Lot 21 (1/2" Rebar w/ cap marked "PLS 8686" found in place) bears N89°46'00"W a distance of 112.83 feet;

Thence, N23°33'09"W a distance of 125.31 feet to a point on the southerly boundary line of the New Mexico Department of Transportation Construction Maintenance Easement "NMDOT 23-CME-2, N.M.P. No. UI-025-4(52)228";

Thence, N89°32'36"W a distance of 40.97 feet along said southerly boundary line of NMDOT 23-CME-2 to a point on the present (2009) easterly Right-of-Way line of the I-25 East Frontage Road (N.M.P. # UI-025-4(52)228), said easterly right-of-way line being the westerly boundary line of the remainder of said Lot 21;

Thence, N10°45'31"E a distance of 122.00 feet along said present easterly Right-of-Way line and the westerly boundary lines of the remainders of said Lots 20 & 21 to the northwest corner of the remainder of said Lot 20 (¼" Rebar w/ cap marked "PLS 8686" found in place);

Thence, N10°45'31"E a distance of 13.72 feet along said present easterly Right-of-Way line and the westerly boundary line of the remainder of said Lot 13 to the northwesterly corner of the parcel herein described;

Thence, S79°14'29"E a distance of 25.00 feet to the northeasterly corner of the parcel herein described;

Thence, S10°45'31"W a distance of 61.55 feet to an angle point;

Thence, S23°33'09"E a distance of 165.88 feet to an angle point;

Thence, S45°00'00"E a distance of 44.47 feet to the point and place of beginning.

Said parcel contains 0.1886 acre (8,214 square feet) more or less.

Page 1 of 3

TOGETHER WITH:

. ..

A 19.00-foot wide temporary construction easement lying adjacent to the westerly boundary line of the above described parcel as shown on Page 3 of 3 herein.





216022RP-T AutoNation, Lots 13-21, Block 8, North Albuquerque Acres, 9100 Pan American Frwy

RETAIN PERMANENTLY Approved: 19905 \$///////////RECEIVED OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO. AND The Public Service Co. of New Mexico certain valuable considerations Dollars, and other considerations, in consideration of which I/we hereby grant unto said Companies, their successors and assigns, the right, privilege and authority to construct, operate and maintain their lines of Telephone, Telegraph and Electric Construct, operate and maintain their thiss of letenois, strength and hietoric Power, including the necessary underground conduit, poles, cables, wires and fixtures upon, over and across the property which I/am own, or in which I/am have any interest, in the Southerly five feet of Lots 13, 14, 15, and 16, Block 8, Tract A-Unit B as shown and designated on the plat of the North Albuquerque Acres which Subdivision was filed and recorded in the Bernslillo County Clerks Office on April 21, 1936 and the following described parcel of Lots 12 and 13, a dis-Block 8; Beginning at a point along the Southerly line of Lots 12 and 13, a distance of 172,57' Easterly glong said Southerly line of Lots 12 and 15, a dis-tance of 172,57' Easterly glong said Southerly line from the Southwesterly corner of Lot 12; thence North 10 34' East a distance of 237.91' to a point on the Northerly line of Lots 12; and 13; thence Easterly along said Northerly line a distance of 11 feet; thence South 10 34' West a distance of 237.91' to a point on the Southerly line of Lot 13; thence Westerly along said Southerly line a distance of 11' to the point of beginning; in the Courty of Bernal illo and State of New Mexico, and upon and along the roads, streets or highways adjoining the said property, with the right to permit the attachment of the wires and fixtures of any other company, and the right to trim or remove any trees along said lines so as to keep the wires cleared at least four feet, to erect and set the necessary guy and prace poles and anchors and to attach thereto the necessary guy wires This grant constitutes an easement on the ten foot portion of Lot 13, which abuts on the Easterly right of way line of State Road #122 and the Southerly five feet of Lots 13, through 16. Said sum being received in full payment therefor Witness Net, hand - and seal - this // day of /2. A.D. 1960 at Witnessesi (SEAL (SEAL SFAT. STATE OF NEW MEXICO ss. On this // Ch day of L County of Bernaldllo pefore me personally appeared the Mone bis wife, to me known to be the person described in and sho executed the foregoing instrument, and acknowledged that She executed the same as her free act and deed. Witness my hand and official seal on this the day and yes first written above.

otary Public

My Commission Expires Jury 29, 1963

Alter State (1997) Alter (1997) State (1997) Alter (1997) Alter (1997) ្មរះរដ្ឋភ្លើម។ -State of New Marico SS County of Berneillo SS This Instrument was filed for record on 7425 007 3 10en $\Lambda_{1,1}$, $d_{2,1}$, $d_{3,1}$, d_{3

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OCT 3 1980 At o'clock m Recorded in Vol. Sc5 of Decords of said County Follo ST acClerk & Recorded Deputy Clerk The Poly Clerk



DEVELOPMENT REVIEW BOARD Action Sheet Minutes ONLINE ZOOM MEETING

April 14, 2021

Jolene Wolfley	DRB Chair
Jeanne Wolfenbarger	Transportation
Kris Cadena	Water Authority
Ernest Armijo	Hydrology
Carl Garcia	Code Enforcement
Cheryl Somerfeldt	Parks and Rec

MAJOR CASES AND ASSOCIATED MINORS

1.	<u>PR-2019-002761</u> SI-2021-00255 – SITE PLAN AMENDMENT	CONSENSUS PLANNING INC. agent for LEGACY DEVELOPMENT & MANAGEMENT, LLC request(s) the aforementioned action(s) for all or a portion of LOTS 8-A & 23-A BLOCK 26 TRACT A UNIT B, NORTH ALBUQUERQUE ACRES zoned NR-BP and MX-L, located at 6501 EAGLE ROCK AVE NE between SAN PEDRO DR NE and LOUISIANA BLVD NE, containing approximately 5.6759 acre(s). (C-18)
		PROPERTY OWNERS: LEGACY DEVELOPMENT & MANAGEMENT, LLC REQUEST: MAJOR AMENDMENT TO REMOVE LOT 8-A FROM PRIOR SITE PLAN APPROVAL
		DEFERRED TO APRIL 21 ST , 2021.
2.	<u>PR-2019-002761</u> <u>SI-2021-00256</u> – SITE PLAN	CONSENSUS PLANNING INC. agent for LEGACY DEVELOPMENT & MANAGEMENT, LLC request(s) the aforementioned action(s) for all or a portion of LOTS 8-A, 11 & 12, 26 TRACT A UNIT B, NORTH ALBUQUERQUE ACRES zoned MX-L, located at 6700 & 6716 MODESTO AVE NE between SAN PEDRO DR NE and LOUISIANA BLVD NE, containing approximately 4.7885 acre(s). (C-18)
		PROPERTY OWNERS: LEGACY DEVELOPMENT & MANAGEMENT, LLC REQUEST: SITE PLAN FOR 120-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT

DEFERRED TO APRIL 21ST, 2021.

3.	PR-2019-002761 SD-2021-00053 - PRELIMINARY/FINAL PLAT SD-2019-00056-VACATION OF PUBLIC EASEMENT SD-2019-00055 - VACATION OF PUBLIC EASEMENT SD-2021-00054 - VACATION OF PUBLIC EASEMENT	CSI - CARTESIAN SURVEY'S INC. agent for FAIZEL KASSEM C/O KASSAM LAND ACQUISITION 9 LLC request(s) the aforementioned action(s) for all or a portion of 8-A, 11 & 12 BLOCK 26 NAA, TR. A, UNIT B zoned NR-BP, located on MODESTO AVE between OBSIDIAN ST NE and SAN PEDRO DR NE, containing approximately 4.7885 acre(s). (C- 18)[Deferred from 3/31/21] PROPERTY OWNERS: FAIZEL KASSEM C/O KASSAM LAND ACQUISITION 9 LLC REQUEST: SUBDIVIDE EXISTING 3 LOTS INTO 1 INDIVIDUAL LOT, VACATE EASEMENTS, GRANT EASEMENTS, DEDICATE RIGHT-OF-WAY DEFERRED TO APRIL 21 ST , 2021.
4.	<u>PR-2018-001579</u> <u>SD-2021-00035</u> – PRELIMINARY/FINAL PLAT	MODULUS ARCHITECTS, INC C/O ANGELA WILLIAMSON, CEO agent for WINROCK PARTNERS request(s) the aforementioned action(s) for all or a portion of: PARCEL Z FINAL PLAT PARCEL Z AND TRACTS A, D, E, F, F-1, G & H, WINROCK CENTER ADDITION zoned MX-H, located at 2100 LOUSIANA BLVD NE between INDIAN SCHOOL and I-40 containing approximately 28.86 acre(s). (J-19)[Deferred from 3/10/21, 3/31/21] PROPERTY OWNERS: SUN CAPITAL HOTELS. OWNERS; WINROCK PARTNERS REQUEST: PRELIMINARY PLAT FOR WINROCK TOWN CENTER FOR A NEW HOTEL – APPROX. 149 ROOMS ENCOMPASSING +/- 80,000 SQ FT DEFERRED TO APRIL 21 ST , 2021.
5.	<u>PR-2018-001579</u> <u>SI-2020-01477</u> – SITE PLAN AMENDMENT <u>VA-2020-00469</u> – WAIVER TO IDO	DEKKER/PERICH/SABATINI request(s) the aforementioned action(s) for all or a portion of: PARCEL A-1-A-1-B SUBD PLAT TRS A-1-A-1-A & A-1-A-1-B WINROCK CENTER ADDN, PARCEL A- 2 AND A-3 PLAT OF PARCELS A-1 THRU A-3 & PARCEL C-2A WINROCK CENTER ADDN + PARCEL C-2A1 SUBD PLAT PARCEL C- 2A1 & C-2A2 WINROCK CENTER ADDN, PARCEL E1A WINROCK CENTER ADDITION, PARCEL D1A WINROCK CENTER ADDN REPLAT OF PARCEL D1 WINROCK CENTER ADDN AND PARCEL A- 1-A-1-A-1-A WINROCK CENTER ADDITION, zoned MX-H, zoned MX-M located at 7500 INDIAN SCHOOL RD, containing approximately 83 acre(s). (J-19)[Deferred from 1/13/21, 2/10/21, 3/3/21, 3/17/21, 3/31/21] PROPERTY OWNERS: DARIN SAND, WINROCK PARTNERS LLC REQUEST: A MAJOR AMENDMENT TO THE APPROVED SITE DEVELOPMENT PLAN FOR WINROCK TOWN CENTER TO FACILITATE THE DEVELOPMENT OF A NEW 199 UNIT MULTI-FAMILY DEVELOPMENT FOR A VACANT LOT AT 7500 INDIAN SCHOOL. DEFERRED TO APRIL 21 ST , 2021.

6.	<u>PR-2018-001579</u> <u>SD-2021-00073</u> – PRELIMINARY/FINAL PLAT	HUITT-ZOLLARS INC./SCOTT EDDINGS agent(s) for GOODMAN REALTY request(s) the aforementioned action(s) for all or a portion of: PARCEL E-1-A, WINROCK CENTER ADDITION zoned MX-M, located on INDIAN SCHOOL RD between WINROCK LOOP and PENNSYLVANIA AVE, containing approximately 3.38 acre(s). (J-19)
		PROPERTY OWNERS : GOODMAN REALTY REQUEST : REPLAT OF PARCEL E-1-A FOR THE APPROVED VACATION OF PUBLIC ACCESS EASEMENT AND GRANTING PUBLIC SIDEWALK EASEMENT.
		IN THE MATTER OF THE AFOREMENTIONED APPLICATION, BEING IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE DPM AND THE IDO, WITH THE DRB HAS <u>APPROVED</u> THE PRELIMINARY/FINAL PLAT. FINAL SIGN OFF IS DELEGATED TO WATER AUTHORITY FOR ITEMS IN WATER AUTHORITY CASE COMMENTS, AND TO PLANNING FOR PROJECT AND APPLICATION NUMBERS TO BE ADDED TO THE PLAT, UTILITY COMPANIES SIGNATURES AND FOR THE AGIS DXF FILE.
<u>MA</u>	JOR CASES	
7.	<u>PR-2020-004475</u> <u>SI-2021-00254</u> – SITE PLAN	JOE SLAGLE, ARCHITECT agent for CURTIS PINO request(s) the aforementioned action(s) for all or a portion of LOT 21, TRACT 2 BLOCK 9 UNIT 3, NORTH ALBUQUERQUE ACRES zoned MX-L, located at 7413 HOLLY AVE NE between LOUISIANA and WYOMING, containing approximately 1.0031 acre(s). (C-19)[Deferred from 3/31/21] PROPERTY OWNERS: CURTIS AND REBECCA PINO REQUEST: 4,800 SQ FT DENTAL OFFICE AT GROUND LEVEL WITH 1000 SQ FT MEETING ROOM AT UPPER FLOOR. 3800 SQ FT OF LEASE SPACE ALSO INCLUDED.
		DEFERRED TO MAY 5 TH , 2021.
8.	PR-2018-001198 SI-2021-00383- SITE PLAN	CONSENSUS PLANNING agent for PV TRAILS ALBUQUERQUE, LLC (C/O PRICE LAND DEVELOPMENT GROUP) request(s) the aforementioned action(s) for all or a portion of TRACT 11 (FORMERLY TRACT 1), CATALONIA (THE TRAILS) zoned R-ML, located on WOODMONT AVE NW beetween PASEO DEL NORTE and GIRONA AVE NW, containing approximately 13.9 acre(s). (C-8)
		PROPERTY OWNERS : PV TRAILS ALBUQUERQUE, LLC (C/O PRICE LAND DEVELOPMENT GROUP REQUEST : SITE PLAN APPROVAL FOR A 333-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT
		DEFERRED TO MAY 12 TH , 2021.

9.	PR-2020-003443
	SD-2021-00027- PRELIMINARY PLAT
	(sketch plat 3-4-20)

CONSENSUS PLANNING INC. agent for **HOLLY PARTNERS LLC** request(s) the aforementioned action(s) for all or a portion of: **20A-1, PARADISE NORTH** zoned MX-L, located on **UNSER BLVD NW between BANDELIER DR NW and McMAHON BLVD NW** containing approximately 19.01 acre(s). (A-11)[*Deferred from 3/10/21, 3/31/21*]

PROPERTY OWNERS: HOLLY PARTNERS LLC **REQUEST**: SUBDIVIDE EXISTING LOT INTO 9 NEW LOTS AND PROVIDE REQUIRED PUBLIC INFRASTRUCTURE

DEFERRED TO APRIL 28, 2021.

MINOR CASES

10.	<u>PR-2018-001695</u> <u>SD-2021-00070</u> - PRELIMINARY/FINAL PLAT	NOVUS PROPERTIES LLC, MICHAEL MONTOYA, TRULA HOWE requests the aforementioned action(s) for all or a portion of TRACT B, FOUNTAIN HILLS PLAZA SUBDIVISION, zoned SU-1, located on NUNZIO AVE NW between EAGLE RANCH RD NW between EAGLE RANCH RD NW and VISTA FUENTE RD NW, containing approximately 3.8568 acre(s). (C-12)
		PROPERTY OWNERS: NOVUS PROPERTIES LLC REQUEST: FINAL PLAT TO SUBDIVIDE TRACT B INTO B1, B2, B3, B4
		DEFERRED TO MAY 26 TH , 2021.
11.	<u>PR-2019-002976</u> <u>SD-2020-00210 – PRELIMINARY/FINAL</u> PLAT <u>VA-2020-00447</u> – SIDEWALK WAIVER (Sketch plat 10/23/19)	CSI – CARTESIAN SURVEYS, INC. agent(s) for BEELING ARMIJO requests the aforementioned action(s) for all or a portion of: LOT 9, EASTERLY PORTION OF 20 FT LOT 8 AND PORTION OF LOT 10, BLOCK 2, SANDIA MANOR zoned R- 1D, located at 17400 HILLDALE RD NE between HILDALE RD NE and CAMINO DE LA SIERRA NE, containing approximately 0.5108 acre(s). (K-23) {Deferred from 12/9/2, 1/13/210, 1/27/21, 2/3/21, 2/24/21, 3/17/21, 3/31/21] PROPERTY OWNERS: BEELING ARMIJO
		REQUEST : SUBDIVIDE LOTS, ELIMINATE INTERIOR LOT LINES OF 3 EXISTING LOTS CREATING ONE NEW LOT, DEDICATE EASEMENTS
		DEFERRED TO APRIL 21 ST , 2021.

SKETCH PLAT

CONSENSUS PLANNING INC. agent(s) for **TITAN PROPERTY** 12. PR-2021-004086 **MANAGEMENT, LLC** request(s) the aforementioned PS-2021-00048 -SKETCH PLAT action(s) for all or a portion of: TRACTS 1 & 2, THE FOOTHILLS, zoned R-MH & MX-L, located at TENNYSON ST NE between ACADEMY RD NE and SAN ANTONIO DR NE. containing approximately 24.2 acre(s). (E-22) **PROPERTY OWNERS: AMERICUS LLC REQUEST: LOT LINE ADJUSTMENT** THE SKETCH PLAT WAS REVIEWED AND COMMENTS WERE **PROVIDED.** \sim TIERRA WEST, LLC agent(s) for MELLOY BROTHERS LTD CO 13. PR-2021-005316 requests the aforementioned action(s) for all or a portion PS-2021-00046 -SKETCH PLAT of: LOTS 13-18 BLOCK 8 NORTH ALBUQ ACRES TR A UNIT B. zoned NR-LM & NR-BP. located at GLENDALE AVENUE AND SAN PEDRO DRIVE NE, containing approximately 6.73 acre(s). (B-18) PROPERTY OWNERS: MELLOY BROTHERS LTD CO * Pre-Application Meeting REQUEST: CONSOLIDATE SIX INTO ONE THE SKETCH PLAT WAS REVIEWED AND COMMENTS WERE **PROVIDED.** TIERRA WEST, LLC agent(s) for M & M CO request(s) the 14. PR-2019-002309 aforementioned action(s) for all or a portion of: LOT 1-A-1 PS-2021-00047 -SKETCH PLAT PLAT FOR LOTS 1-A-1 AND 5-A-1, LA MIRADA SUBDIVISION zoned MX-M, located at 4315 WYOMING BLVD NE between MONTGOMERY BLVD NE and LA MIRADA PL NE. containing approximately 23.8 acre(s). (G-19) PROPERTY OWNERS: M&M CO **REQUEST: SKETCH PLAT REVIEW AND COMMENT** THE SKETCH PLAT WAS REVIEWED AND COMMENTS WERE

PROVIDED.

15. Other Matters: None.

16. ACTION SHEET MINUTES - Were approved for April 7, 2021

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			DIOWS.	THE STALL BE BINDING OFFICIANT ALL CLAIMS, A	עם אבקום את שיעות היא איז איז איז איז איז איז איז געמענים איז	MTHIN THIS SUBDIVISION AND HOLD HARMLESS, THE CITI	DEFEND SHALL RUN WITH ALL LOTS	AND ASSIGN THE GRANTO SUITS, OR P.
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CITY SURVEYOR	OF 3 LOTS INTO ONE NEW LOT. TO VACATE 3 EXISTING EASEMENTS AND TO GRANT 2 NEW EASEMENTS	OF 3 LOTS INTO ONE NEW LOT, TO VACATE EASEMENTS.	use and	A PERPETUAL EASEMENT FOR THE COMMON	Detention Areas Maintained by Lot Owner	Maintaine	Philion Areas	Deto AREAS DESI
City Approva	IDATE THE EXISTING 4 LOTS AND BENAMING DO	Purpose of Plat		Ŧ		CREATED: 0 ies and/or	Drainage Facilities and/or	Drai
COMCAST						.2896 ACRES± .Z	CROSS SUBDIVISION ACREAGE: 5.2896 AC. ZONE ATLAS INDEX NO: B-18-Z NO. OF TRACTS CREATED: 0 NO. OF LOTS CREATED: 1	CROSS ZONE A NO. OF NO. OF
QWEST CORPORATION L	THENCE LEAVING SAID RIGHT OF WAY LINE, S 00°15'03" W, 468.07 FEET TO THE POINT OF BECHNING, CONTAINING 5'2896 ACRES, MORE OR LESS.	THENCE LEAVING SAID RIGHT OF WAY LINE, BEGINNING, CONTAINING 5.2896 ACRES, MOD					Subdivision Data:	Sub
NEW MEXICO GAS COM	THENCE ALONG SAID SOUTH RIGHT OF WAYLINE, S 89'40'27" E, 448'46 FEET TO A NO. 5 REBAR WITH A PINK PLASTIC CAP MARKED "PS 11993" SET FOR THE NORTHEAST CORNER OF THIS LOT:	THENCE ALONG SAID SOUTH RIGHT OF WAY REBAR WITH A PINK PLASTIC CAP MARKED		N T 5	тар Io. B-18-Z	Map N	Zone Atlas	
PNM	N. A 104509° E, 475.71 FEET TO A 2-INCH THE SOUTH RIGHT OF WAY LINE OF GLENDALE THE NOPTHWEET FORMED OF THE LOT.	THENCE ALONG SAID EAST RIGHT OF WAY L IRON PIPE FOUND AT THE INTERSECTION WI AVENUE, N.E. (60-FOOT WIDE RIGHT OF WA				Incation N	NORTH , IREA	
Utility Appro	THEVEE FROM THE POINT OF BEGINNING, ALONG SAID NORTH RIGHT OF WAY LINE, N 894523" W. 535.34 FEET TO A NO. 4 REBAR WITH A YELLOW PLASTIC CAP (ULLEGIBLE) FOUND AT THE WITERSECTION WITH THE EAST RIGHT OF WAY LINE OF NORTHBOUND FAM AMERICAN FRONTAGE ROAD N.E. (NHP F1-001-4(3)(4)(5), B0-F00T WDE RIGHT OF WAY). FOR THE SUDTHMEST CORMER OF THIS (77.	HENCE FROM THE POINT OF BEGINNING, AL N 8945/23", W, 535.34 FEET TO A NO. 4 F FOUND AT THE INTERSECTION WITH THE EA AMERICAN FRONTAGE ROAD N.E. (NHP FI-1 FOR THE SOUTHWEST CORPER OF THIS (10T		J 				
Application 1	THS DESCRIBED LOT, BEING A NO. 5 REBAR W SET ON THE NORTH RIGHT OF WAY LINE OF IT OF WAY), WHENCE A.G.R.S. MONUMENT ET.	BEGINNING AT THE SOUTHEAST CORNER OF A PINK PLASTIC CAP MARKED "PS [1993" ALMNEDA PLACE. N.E. (60-FOOT WDE RICH "10_C18" BEARS S 6701'08" E. 210.34 FEE		-		en den en de la companya de la compa	C FIO-5	
	15, 18, 19, 20 (REMMANT PORTION), AUD 21 (REMMANT PORTION), BLOCK & TRACT A, UNT B. WORTH ALBUOUERQUE ACRES. AS RECORDED APRIL 24, 1936, D-130, OF THE BERNALILLO COUNTY RECORDS. BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE COORDWATE SYSTEM, GRID BEARINGS (NAD B3-CENTRAL ZONE) AND GROUND DISTANCES AS FOLLOWS:	15, 18, 19, 20 (REMNAIT PORTION) AND 2 B. NORTH ALBUOULERDUE ACRESS AS RECO COUNTY RECORDS, BEING MORE PARTICUL COORDINATE SYSTEM, GRID BEARINGS (NAD FOLLOWS:				1 //	North 1-25 CORPORATE CENTER North 1-25	
Section 1 All	HIN THE ELENA GALLEGOS GRANT, PROJECTED 3 EAST, NM.P.M., CITY OF ALBUQUERQUE SUNC OF ECOLUEE OF ALBUQUERQUE	Legal Description A TRACT OF LAND LYING AND SITUATE WI SECTION 12, TOWNSHIP 11 NORTH, RANCE, BERNAULTO COUNTY, WAY WAYNO			RSTATE 25	NH-12	In the second se	
No								
	RECORDING STAMP	CERTIFICATE	TREASURER'S CERTI			ACRES - NRLW		

Plat of Lot 21-A, Block Tract A, Unit I Vorth Albuquerque Elena Gallegos Grant, Pro n 12, Township 11 North, Range Albuquerque, Bernalillo County, May 2021	ick 8 it B Projected nge 3 East, nty, New Mu	FFES st, N.M.P.M. Mexico
n. PR-2021- n No2021- rovals		
COMPANY	DA TE DA TE	
COMPANY ON D/B/A CENTURYLINK QC	DA TE DA TE	
vals	DA TE	
VG. TRAMSPORTATION DEPARTMENT	DATE DATE	
ATION DEPARTMENT	DATE DATE	
PLANNING DEPARTMENT	AIAI	
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Certificate	SSONAL LAND SURVEYOR UNDER THE THAT THIS REPLAT WAS PREPARED E MANIMUM REQUIREMENTS FOR LERQUE SUBDIVSION ORDINANCE AND DO AND IS TRUE AND CORRECT TO THE TIS EXIST EXCEPT AS NOTED ABOVE RRECT LOCATION RELATIVE TO RECORD	R UNDER THE 5 PREPARED TS FOR AND TS FOR AND ORRECT TO THE HOTED ABOVE IVE TO RECORD
DATE	Contraction of the second seco	SSION STREETOR
OFFICE LOCATION: 920 San Mateo Boulevard, NE Albuquerque, NM 87113 505.856.5700 PHONE 505.856.7900 FAX	PROJECT INFO CREWITECH: MT/ML/JR DRAWN BY: JK PSI JOB NO.	INFORMATION E DATE OF SURVEY 03/17-23/2021 CHECKED BY: LM SHEET NUMBER
	2100225	1 OF 2

and the

