

February 8, 2023

David Gutierrez, PE
Development Facilitation Team

Re: Comment Response Letter for Application SD-2021-00034 Final Plat (DHO)

Dear David:

Enclosed for your review is a copy of the Tract 17, Bulk Land Plat Tracts 1 thru 18 Artiste Plat. The revisions are based on comments received in your letter dated, 02/08/2023. Below is a brief description of how the comments were addressed:

1. No objections to the proposed plat however prior to signature the following items must be resolved.
 - a. Please provide a utility plan to verify the infrastructure list is accurate.
 - i. The provided serviceability letter #211028 has been written to detail what is needed regarding the proposed plat but does not commit service to any of the proposed lots as not enough information was provided to determine infrastructure sizing.
 - **Response – please see attached utility exhibit reflecting the current approved infrastructure list.**
 - ii. All distribution lines are to be guaranteed and listed as 12-inch lines as noted in the Serviceability Letter.
 - **Response – where lines are silent in the current master plan and most recent study completed by Stantec, 12" waterlines were used.**
- b. Easement N calls out ABCWUA Roadway. Please clarify the use of the easement. Should it be public water and public sanitary sewer?
 - **Response – This easement was recorded with a legal description that noted public roadway easement which carried over onto this plat. With the recording of this plat, this easement is overridden with the dedication of the right of way. Please see attached for the original recorded Easement.**

With this resubmittal, we are requesting Final Plat approval. If you have any questions or require further information, please feel free to contact me.

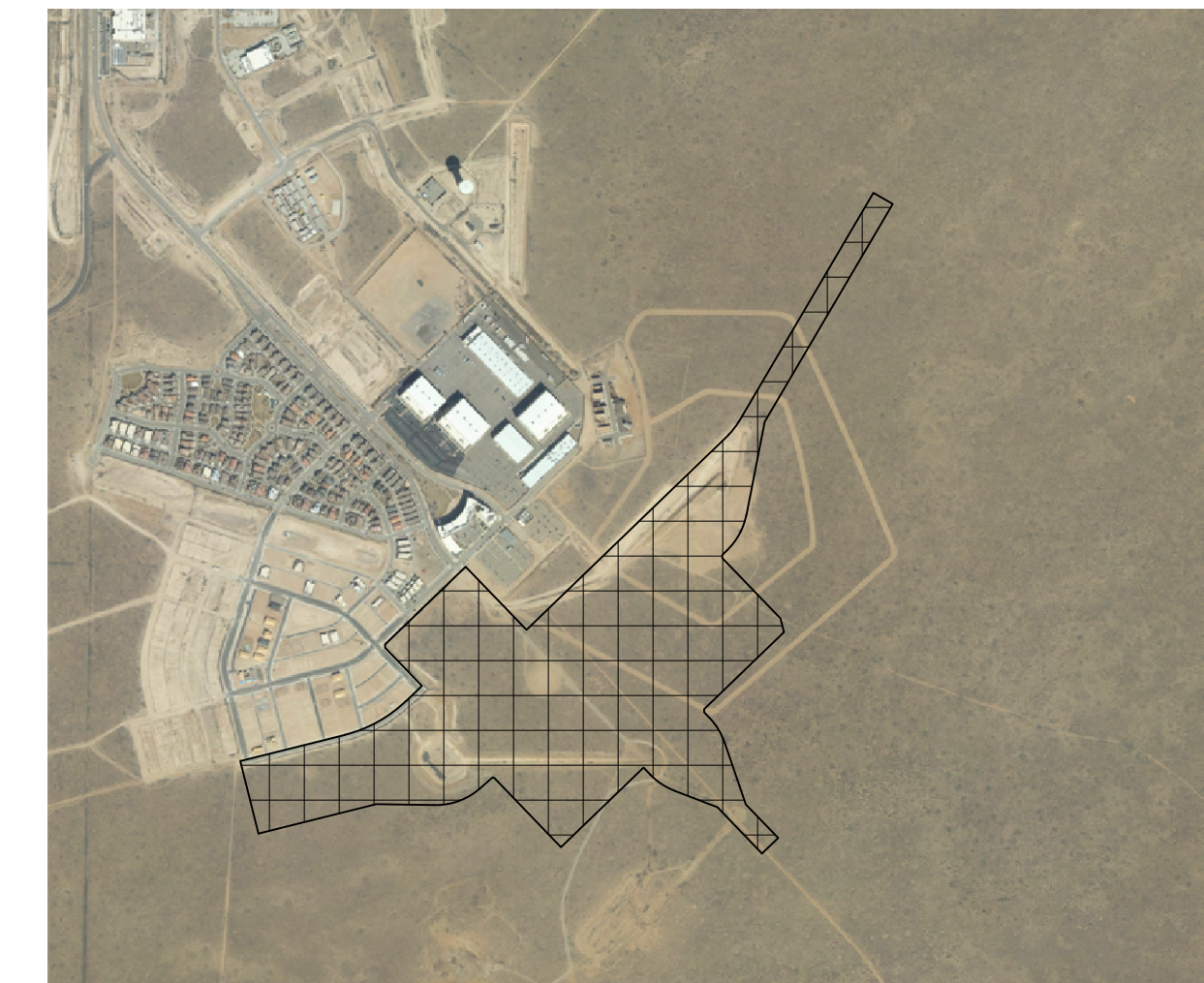
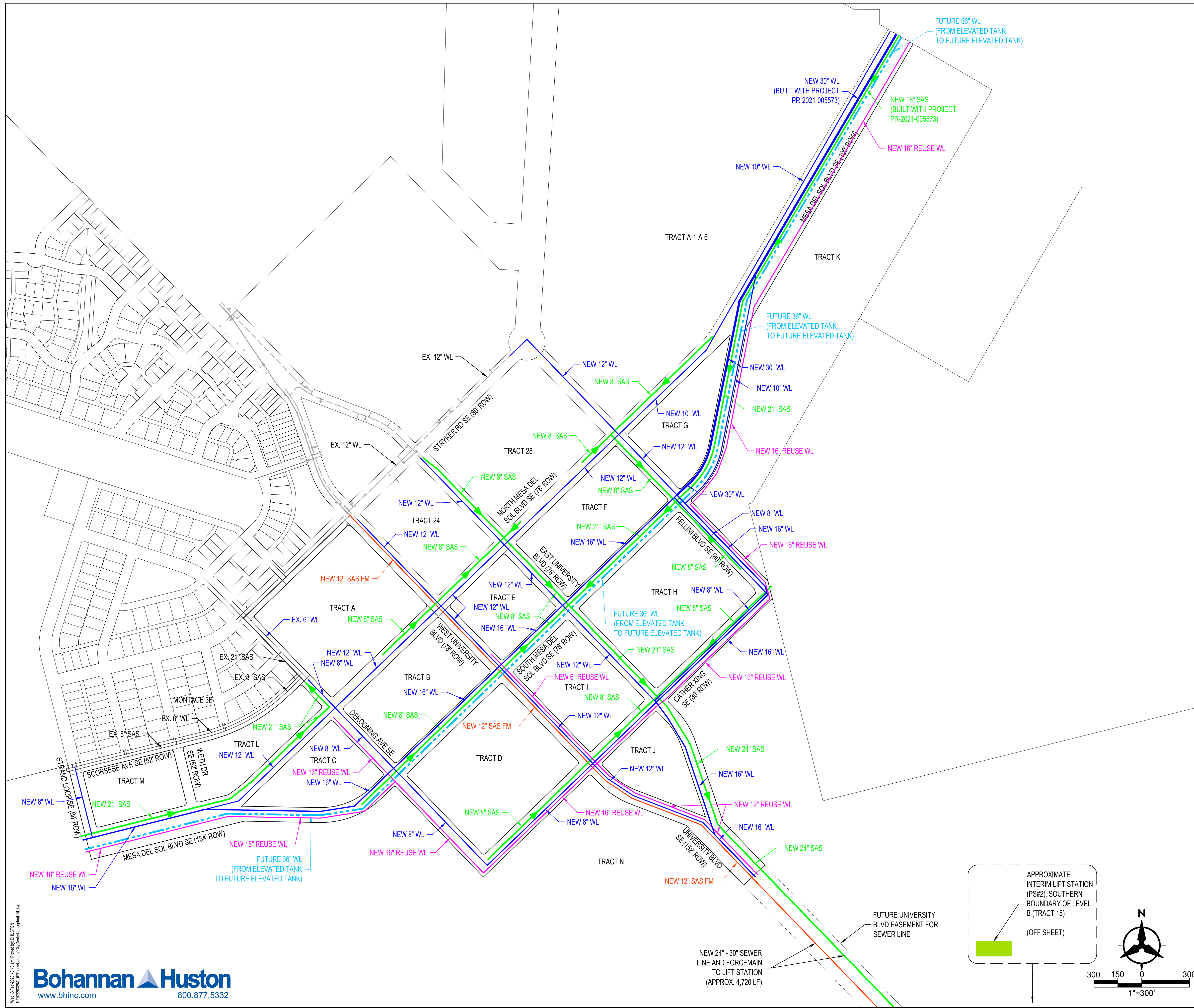
David Gutierrez, P.E.
February 8, 2023
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Balaskovits". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael Balaskovits, P.E.
Senior Vice President
Community Development & Planning

MJB/kdl
Enclosures



VICINITY MAP

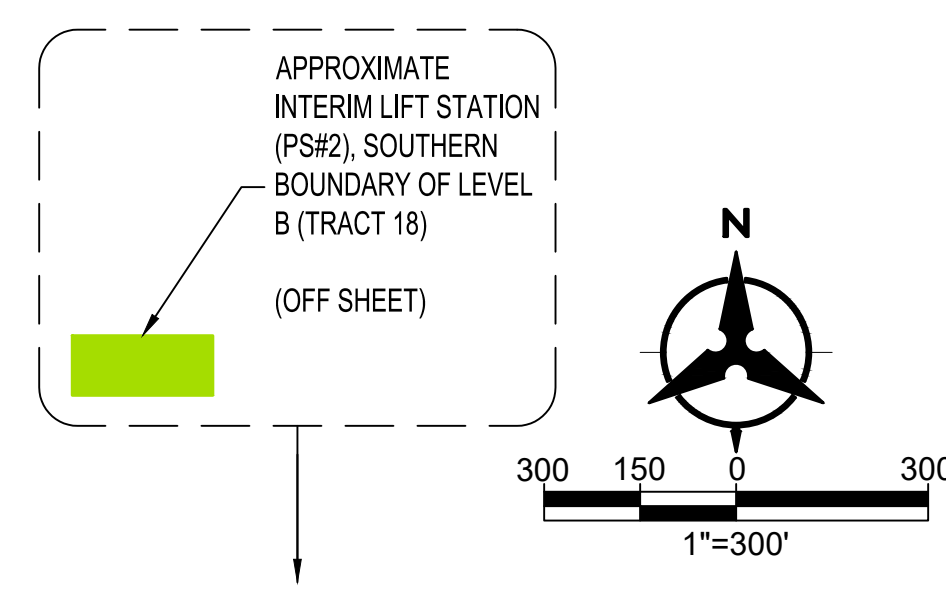
LEGEND

- WATER LINE
- SAS LINE
- RE-USE LINE
- SAS FORCE MAIN

CONCEPTUAL UTILITY PLAN

MDS CITY CENTER

DRAWN BY:	AO	DATE:	05/18/2022
CHECKED BY:	MJB	BHI PROJECT NO.	20220088
		SHEET NO.	1 OF 1



May 8, 2022 - 8:31am - Henry by PHUSTON
 P:\20220088\Plan\ConceptualUtilityPlan.dwg



PERMANENT EASEMENT

Grant of Permanent Easement, by MDS INVESTMENTS, LLC ("Grantor"), whose address is 4020 VASSAR DR. NE SUITE H, to the **Albuquerque Bernalillo County Water Utility Authority**, a New Mexico political subdivision ("Water Authority"), whose address is P.O. Box ~~1293~~ 568 PC, Albuquerque, New Mexico, 87103.

Grantor grants to the Water Authority an exclusive, permanent easement ("Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of public water and sanitary sewer lines and facilities (collectively "Public Water and Sewer Lines"), together with the right to remove trees, shrubs, undergrowth and any other obstacles upon the Property if the Water Authority determines they interfere with the appropriate use of this Easement.

In the event Grantor constructs or places any improvements or encroachments (collectively "Improvements") within or upon the Property, the Water Authority has the right to enter upon the Property at any time to inspect, install, maintain, repair, modify, replace or remove (collectively "Work") the Public Water and Sewer Lines as the Water Authority deems necessary or appropriate. If the Work affects any Improvements, the Water Authority shall not be financially liable or otherwise responsible for replacing, rebuilding or repairing the Improvements. If, in the opinion of the Water Authority, the Work could endanger the structural integrity or otherwise damage the Improvements, the Grantor shall, at his own expense, take whatever protective measures the Grantor deems necessary or appropriate to safeguard the Improvements.

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 or any interest therein, 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 Water Authority and its successors and assigns until terminated.

GRANTOR

Acknowledged:

Albuquerque Bernalillo County
Water Utility Authority

By: STEVE CHAVEZ, MANAGING PARTNER
[name] [and title if for a company]

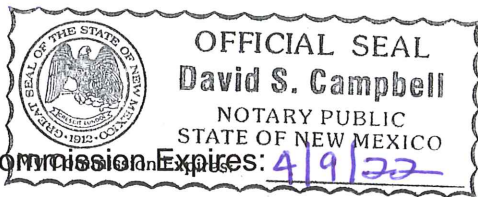
Date: 01/04/22

By:
Engineer

[corporate acknowledgment]

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 4th day of JANUARY 2022, by STEVE CHAVEZ [name], MANAGING PARTNER [title] of MDS INVESTMENTS, LLC [company name], a NH LLC [type of entity], on behalf of said company.



David S. Campbell
Notary Public

[acknowledgement for individual]

STATE OF NEW MEXICO)
) ss
COUNTY OF _____)

This instrument was acknowledged before me on this ____ day of _____, by _____ [name].

Notary Public

My Commission Expires:

EXHIBIT "A"
MESA DEL SOL PUBLIC ROADWAY EASEMENT

DESCRIPTION

A PORTION OF TRACT OF LAND LOCATED WITHIN TRACT A-1-A-1-A OF THE BULK LAND PLAT TRACT A-1-A-6 AND TRACT A-1-A-1-A (A REPLAT OF TRACT A-1-A-1 PER PLAT TRACT A-6-C-1, A-1-A-1, A-1-A-2, A-1-A-3, A-1-A-4 AND A-1-A-5 OF MESA DEL SOL INNOVATION PARK) CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED OCTOBER 29, 2020, IN BOOK 2020C, PAGE 105 AS DOCUMENT NO. 2020108296 IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO MORE PARTICULARLY DESCRIBED AS NEW MEXICO STATE PLANE GRID BEARINGS (NAD83 CENTRAL ZONE) AND GROUND DISTANCES AS FOLLOWS:

COMMENCING AT THE CITY OF ALBUQUERQUE SURVEY MONUMENT "1-R16", HAVING NEW MEXICO STATE PLANE GRID COORDINATES NAD83 (CENTRAL ZONE) X = 1,532,715.669 AND Y = 1,453,438.899 **WHENCE** THE CITY OF ALBUQUERQUE SURVEY MONUMENT "3-Q16", HAVING NEW MEXICO STATE PLANE GRID COORDINATES NAD83 (CENTRAL ZONE) X = 1,533,498,782 AND Y = 1,457,045.094 BEARS N12°15'07"E A DISTANCE OF 3691.51 FEET;

THENCE FROM SAID CITY OF ALBUQUERQUE SURVEY MONUMENT "1-R16" S05°17'30"E A DISTANCE OF 2628.13 FEET TO THE **POINT OF BEGINNING** BEING A FOUND 5/8" REBAR, WITH PINK PLASTIC CAP STAMPED "PHILLIPS PS 15517" AT THE SOUTHWEST CORNER OF TRACT A-1-A-6 OF SAID PLAT;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT:

1. N46°02'24"E A DISTANCE OF 608.37 FEET;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 15°35'47", HAVING A RADIUS OF 415.00 FEET, A CHORD BEARING OF N38°14'30"E A DISTANCE OF 112.62 FEET AND AN ARC DISTANCE OF 112.97 FEET;
3. N30°26'36"E A DISTANCE OF 1799.82 FEET TO THE NORTHWEST CORNER OF SAID TRACT;

THENCE S59°49'29"E A DISTANCE OF 151.00 FEET ALONG THE NORTHERLY BOUNDARY LINE OF SAID TRACT TO THE NORTHEAST CORNER OF SAID TRACT AND ALSO BEING A POINT ON THE NORTHERLY BOUNDARY LINE OF TRACT A-1-A-1-A OF SAID PLAT;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EASTERLY BOUNDARY LINE OF SAID TRACT:

1. S30°26'36"W A DISTANCE OF 1710.03 FEET;
2. S62°08'31"W A DISTANCE OF 100.34 FEET;
3. S46°02'24"W A DISTANCE OF 751.30 FEET TO THE SOUTHEASTERN CORNER OF SAID TRACT;

THENCE N43°57'36"W A DISTANCE OF 78.00 FEET ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID TRACT TO THE **POINT OF BEGINNING**.

TRACT CONTAINS ± 7.5123 ACRES (327,236 SQ. FT.), MORE OR LESS.

SURVEYOR'S CERTIFICATION

I, BARRY S. PHILLIPS, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15517, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO FOR LEGAL DESCRIPTIONS AS DEFINED IN NMAC 12.8.2.7.A(7); AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.



12-21-2021

BARRY S. PHILLIPS
NEW MEXICO PROFESSIONAL SURVEYOR NO. 15517

DATE

SHEET 1 OF 2

Bohannon  **Huston**
www.bhinc.com 800.877.5332

EXHIBIT "A"

MESA DEL SOL PUBLIC ROADWAY EASEMENT

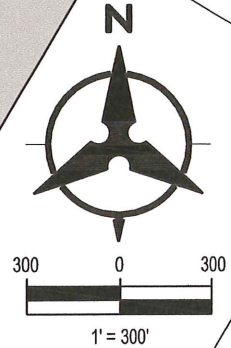
ALBUQUERQUE GEODETIC REFERENCE STATION "3_Q16"
 GEOGRAPHIC POSITION (NAD 1983)
 NM STATE PLANE GRID COORDINATES
 (CENTRAL ZONE, US SURVEY FOOT)
 N = 1,457,045.094 USft E = 1,533,498.782 USft
 GROUND TO GRID FACTOR = 0.999663002
 DELTA ALPHA = -00°12'17.33"
 NAVD 1988 ELEVATION = 5310.39 USft

NMSLO LEASE AREA
 STATE OF NEW MEXICO
 TRACT B
 FILED: AUGUST 7, 2008
 (BK. 2008C, PG 175)

STATE OF NEW MEXICO
 TRACT B
 FILED: AUGUST 7, 2008
 (BK. 2008C, PG 175)

CURVE DATA						
ID	ARC	RADIUS	TANGENT	DELTA	CHORD	CHORD BRG
C1	112.97'	415.00'	56.83'	15°35'47"	112.62'	N38°14'30"E

TANGENT DATA		
ID	BEARING	DISTANCE
T1	S59°49'29"E	151.00'
T2	S62°08'31"W	100.34'
T3	N43°57'36"W	78.00'



N12° 15' 07"E 3691.51'
 (BASIS OF BEARINGS)

ALBUQUERQUE GEODETIC REFERENCE STATION "1_R16"
 GEOGRAPHIC POSITION (NAD 1983)
 NM STATE PLANE GRID COORDINATES
 (CENTRAL ZONE, US SURVEY FOOT)
 N = 1,453,438.899 USft E = 1,532,715.669 USft
 GROUND TO GRID FACTOR = 0.999664099
 DELTA ALPHA = -00°12'22.46"
 NAVD 1988 ELEVATION = 5291.451 USft

TRACT A-1-A-1-A
 MESA DEL SOL INNOVATION PARK
 FILED: OCTOBER 29, 2020
 (BK. 2020C, PG 105)

POINT OF COMMENCEMENT

TRACT A-1-A-6
 MESA DEL SOL INNOVATION PARK
 FILED: OCTOBER 29, 2020
 (BK. 2020C, PG 105)

FOUND 5/8" REBAR WITH PINK PLASTIC CAP STAMPED "PHILLIPS PS15517"

NEW PUBLIC ROADWAY EASEMENT
 (WIDTH VARIES)
 ±7.5123 AC.
 327,236 SQ. FT.
 (SHADED AREA)

LEGEND	
△	CALCULATED POINT
○	FOUND MONUMENT AS NOTED
---	EXISTING EASEMENT LINE
—	BOUNDARY LINE
---	ADJACENT BOUNDARY LINE
---	PUBLIC DRAINAGE EASEMENT



LOCATION MAP
 NOT TO SCALE



NOTES:

1. DISTANCES ARE GROUND DISTANCES.
2. UNITS ARE U.S. SURVEY FEET.
3. BEARINGS ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE) NAD83 (BASED UPON GPS OBSERVATIONS).