

CONTRACT CONTROL FORM

PROJECT

NO: 647152 **CONTACT PERSON:** Derrick Green

CCN: 202400781

(New/Existing) New

Type of Paperwork Public Improvement Agreement Pro C

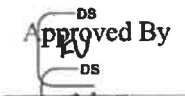


Project Name/Description (From CTS): Allsup's, 98th & Gibson

Developer/Owner/Vendor BW Gas & Convenience Real Estate, LLC

Contract Amount \$101,545.42 Contract Period: 1/22/2024 - 12/31/2099

FINAL CONTRACT REVIEW

APPROVALS REQUIRED:

	Approved By	Approval Date
DRC Manager		1/19/2024 4:59 PM MST
Legal Department		1/22/2024 1:46 PM MST
City Engineer		1/22/2024 2:02 PM MST
Hydrology Engineer		
Transportation Engineer		
Construction Engineer		
OTHER: <u>CAO</u>		

DISTRUBUTION:

Date: 1/22/24 By: 

Received by City clerk

AGREEMENT TO CONSTRUCT
PUBLIC IMPROVEMENTS BY CITY CONTRACT

Project Name: Allsup's, 98th & Gibson SW
Project Number: 647152

THIS AGREEMENT is made upon the date of the latest signature below, by and between the City of Albuquerque, New Mexico ("City"), whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and BW Gas & Convenience Real Estate, LLC ("Developer"), a Delaware limited liability company, whose address is 138 Conant Street, Beverly, Massachusetts 01915, Attn: Greg Gardner, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Developer is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as: Tract E-5-A-2, of Albuquerque South, Unit 3, within the Town of Atrisco Grant, Projected Section 4, Township 9 North, Range 2 East, NMPM, City of Albuquerque, Bernalillo County, New Mexico, as shown on the plat recorded in Plat Book 2010C, Page 390 in the office of the County Clerk of Bernalillo County, New Mexico ("Developer's Property"). The Developer's Property is owned by Developer.

The City and the Developer have agreed that it would be beneficial to all parties and the general public to make certain improvements to the public roadways and that it is appropriate that the Developer contribute to the cost of the improvements.

The Developer of the property is seeking site plan and building permit approval. The City and the property Developer have agreed that it would be beneficial to all parties and the general public to make certain improvements to the public roadways and that it is appropriate that the Developer contribute to the cost of the improvements.

Developer's Property will benefit from the construction of certain improvements detailed below, which will be located on public right-of-way, and the City is willing to construct those improvements with the participation of the Developer.

THEREFORE, the City and the Developer agree:

2. Improvements. The City agrees to install and complete the following public improvements, identified as Project No. 647152 ("Improvements").

3. Developer's Estimated Cost. The Developer's share has been determined to be One Hundred One Thousand Five Hundred Forty-Five dollars and Twenty-Two cents (\$101,545.22) ("Developer's Share"), as shown on the attached City-approved infrastructure list is attached as

Exhibit A. The Developer's Share includes City fees and contingencies and is the only amount Developer will be required to contribute for this project.

4. Payment. All payments will be made only in the following form: certified check, cashier's check, electronic or other form of payment approved by the City.

5. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

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

7. Changes to Agreement. Changes to this Agreement are not binding unless made in writing and signed by both parties.

8. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

9. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

10. Authority to Execute: If the Developer signing below is not the Owner of the Developer's Property, the City may require the Developer to provide the City with satisfactory proof of the Developer's authority to execute this Agreement.

[Signatures on Following Pages]

DEVELOPER: BW GAS & CONVENIENCE REAL ESTATE, LLC

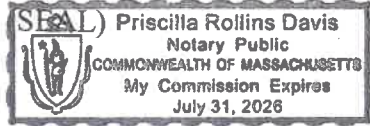
By : Thomas Brown
Thomas Brown, Senior Managing Director

Dated: 1/17/2024

DEVELOPER'S NOTARY

STATE OF MASSACHUSETTS)
) ss.
COUNTY OF ESSEX)

This instrument was acknowledged before me on this 17th day of January, 2024 by Thomas Brown, Senior Managing Director of BW Gas & Convenience Real Estate, LLC



Priscilla Rollins Davis
Notary Public

My Commission Expires: July 31, 2026

CITY OF ALBUQUERQUE:

DocuSigned by:
By: Shahab Biazar DS
KV DS
BMR
C7E1CB5481E9486...
Shahab Biazar, P.E., City Engineer

Agreement is effective as of (Date): 1/22/2024 | 2:02 PM MST

CITY'S NOTARY

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

This instrument was acknowledged before me on this 22 day of JANUARY,
2024 by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal
corporation, on behalf of said corporation.

(SEAL)


Notary Public

My Commission Expires: 1/24/25

STATE OF NEW MEXICO
NOTARY PUBLIC
Renee Costilla-Zamora
Commission No. 1136057
November 24, 2025



FINANCIAL GUARANTY AMOUNT

December 14, 2023

Type of Estimate: I.I.A. Procedure C Payment

Project Description:

Project ID #: 647152 Allsup's, 98th & Gibson SW

Requested By: Chris Sveum

Approved Estimate Amount: \$ 86,879.34

Contingency Amount: 0.00% \$ -

Subtotal: \$ 86,879.34

PO Box 1293

NMGRT: 7.625% \$ 6,624.55

Subtotal: \$ 93,503.89

Albuquerque

Engineering Fee: 6.60% \$ 6,171.26

New Mexico 87103

Testing Fee: 2.00% \$ 1,870.08

Subtotal: \$ 101,545.22

www.cabq.gov

FINANCIAL GUARANTY RATE: 1.00

TOTAL FINANCIAL GUARANTY REQUIRED: \$ 101,545.22

APPROVAL:

A blue ink signature of Chris Sveum, written over a horizontal line.

DATE:

Dec 14, 2023

Notes: CIP plans are approved; developer's Procedure C Payment responsibility.



City of Albuquerque Planning Department
Design Review and Construction Services Invoice

Project Name: Allsup's, 98th & Gibson SW

CPN: 647152

PURPOSE	ACCOUNTING STRING	AMOUNT
PROCEDURE C	305/PCDMD/24_DEV_FUND/7217460/460100 MISC PROJS DEVELOPMENT FUNDED PRJCTS	\$ 101,545.22
TOTAL AMOUNT		\$ 101,545.42

¹ Alternative Sidewalk Agreements require a Sidewalk Verification.

PREPARED BY: Kathy Verhage *Kathy Verhage 1/18/24* PHONE 505-924-3993

DATE: 01/12/2024
Paul G 1/18/24

This invoice can be paid at any City of Albuquerque Treasury location. **Bring three copies of this invoice to Treasury.** The most convenient location may be at Plaza Del Sol, 600 2nd St NW. Provide a copy of the receipt to DRC, Suite 400 600 2nd St. NW, or e-mail to a Design Review and Construction employee:

City of Albuquerque

Reference Number: 2024018003-16
Date/Time: 01/18/2024 3:33:19 PM

Departmental Deposit
2024018003-16-1

Departmental Deposit 1@ \$101,545.42
GL #: |305|460100|PCDMD|24DEVFUND|72174
60|
Total: \$101,545.42

1 ITEM TOTAL: \$101,545.42

TOTAL: \$101,545.42

DUPLICATE RECEIPT 1/18/2024 3:34:57 PM

Check \$101,545.42

Bank Account #: ***7917

Check Number: 70506650

Bank Routing #: *****0288

Address:

Total Received: \$101,545.42



Thank you for your payment.



Opinion of Probable Construction Costs
Allsup's #102460 - 9501 Gibson Boulevard - Infrastructure List

Project: Allsup's #102460
 Prepared By: Atwell, LLC
 Description: Infrastructure List OPC

Date: October 3, 2023

ALLSUP'S IMPROVEMENTS

Item No.	Description	Quantity	Unit	Cost/Unit	Total Cost
340.03	VLY GUT & CURB, PCC	87	SY	\$88.01	\$7,656.87
343.132	ART PVMT, R&R, W/M	180	SY	\$90.11	\$16,219.80
Subtotal					\$23,876.67
4.01	STAKING	1.43%			\$341.44
6.05	MOBILIZATION	4.26%			\$1,017.15
19.01	TRAFFIC CONTROL & BARRICADING	3.43%			\$818.97
Grand Total					\$26,054.22

PROCEDURE C AGREEMENT IMPROVEMENTS

Item No.	Description	Quantity	Unit	Cost/Unit	Total Cost
301.03	SUBGRADE PREP, 6"	241	SY	\$3.24	\$780.84
302.01	ABS, 6"	241	SY	\$11.41	\$2,749.81
336.06	ASPHALT CONC., Placement 3"	241	SY	\$56.62	\$13,645.42 *Surface course
336.08	ASPHALT CONC., Placement 3"	241	SY	\$56.62	\$13,645.42 *Base course
340.025	WLCHR ACC RAMP, 4" PCC	56.7	SY	\$85.81	\$4,865.43
340.01	SDWK, 4", PCC	403	SY	\$65.22	\$26,283.66
340.05	C & G, STD, PCC	573	LF	\$29.27	\$16,771.71
343.14	SAW AC PVMT, <6"	100	LF	\$6.68	\$668.00
450.102	SGN & POST, REM & RELOC	1	EA	\$207.88	\$207.88
Subtotal					\$75,618.17
4.01	STAKING	1.43%			\$1,138.54
6.05	MOBILIZATION	4.26%			\$3,391.73
19.01	TRAFFIC CONTROL & BARRICADING	3.43%			\$2,730.90
Grand Total					\$86,879.34

Project Subtotal \$112,933.57
 20% Contingency \$22,586.71
 Total Cost \$135,520.28



Approved as estimate for Procedure C
 payment, Dec. 14, 2023

Current DRC
Project Number: _____

FIGURE 12

Date Submitted: _____
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: PR-2021-006208
DRB Application No.: SI-2023-01171

INFRASTRUCTURE LIST

(Rev. 2-16-18)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT FACILITATION TEAM (DFT) REQUIRED INFRASTRUCTURE LIST**

Ailsup's Convenience Store, 9501 Gibson Blvd.

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Tract E-5-A-2, Albuquerque South Unit 3

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

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.

Financially Guaranteed DRC #	Constructed Under DRC #
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Size	Type of Improvement	Location	From	To	Construction Certification	
					Inspector	City Cnst Engineer
87	Valley gutter and curb	South side of site	52' East of West property line	128' East of West property line	/	/
60	Pavement removal and replacement	South side of site	57' South of south property line	South property line	/	/
60	Pavement removal and replacement	West side of site	40' west of west property line	west property line	/	/
60	Pavement removal and replacement	West side of site	40' west of west property line	west property line	/	/

Procedure C Agreement Improvements

Financially Guaranteed DRC #	Constructed Under DRC #
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Size	Type of Improvement	Location	From	To
573'	Curb and Gutter	East edge of site	Gibson Blvd East Entry	Existing Asphalt Drive North property line
12' Wide Lane	190' northbound right turn lane along 98th street with associated signage and striping	98th street	98th street bus stop	northwest entry off of 98th street
100'	Sawcut and removal of existing asphalt pavement	Gibson Blvd	25' West of East property line	125' West of East property line
6' wide sidewalk	300' of Concrete sidewalk with ADA accessible ramps	Gibson Blvd	108' West of East property line	West Property line
6' wide sidewalk	305' of Concrete sidewalk with ADA accessible ramps	98th Street	75' North of South property line	North property line
1	Removal and Relocation of existing turn lane sign	West of Gibson site entry	113' West of East property line	125' West of East property line
2	Handicap Ramps	Gibson Blvd	52' East of West property line	128' East of West property line
2	Handicap Ramps	98th Street	90' South of North property line on 98th street	100' South of North property line on 98th street

Construction Certification	
Inspector	City Cnst Engineer
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The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Private Inspector	City Cust Engineer
							/	/
							/	/
							/	/

NOTES

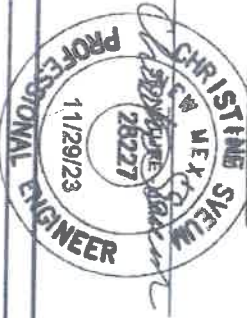
If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA. Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

AGENT / OWNER _____ **DEVELOPMENT FACILITATION TEAM APPROVALS**

CHRISTINE SVEUM, P.E.
NAME (print)

ATWELL, LLC



Nov 29, 2023

Wesley Baku

Nov 29, 2023

Joy Rodenbeck
PLANNING - date
Nov 29, 2023

PARKS & RECREATION - date

Ernest Omiryo
TRANSPORTATION DEVELOPMENT - date
Dec 13, 2023

AMAFCA - date

Nov 29, 2023

Shahab Biyar
UTILITY DEVELOPMENT - date
Nov 30, 2023

SM P...
CODE ENFORCEMENT - date
Nov 29, 2023

CITY ENGINEER - date

HYDROLOGY - date

Nov 29, 2023

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER