



Alan Varela, Director



Mayor Timothy M. Keller

May 8, 2024
Nick Barber
Land Development Consultants, LLC
11811 N. Tatum Boulevard, Suite 4055,
Phoenix, AZ 85028

Re: Circle K – 10850 Golf Course Rd. NW
Erosion and Sediment Control Plan
Engineer's Stamp Date – 3/1/2024 (A12E008B1)

Mr. Barber,

Per the previous comment letter dated 3/14/24, the above-referenced ESC Plan is acceptable, but it cannot be approved until the property owner's NOI(s) have been reviewed and approved. The additional documentation received on 5/1/24 didn't include the required NOI's but it did include:

1. The lease agreement, signed 8/15/23 by Beau Tucker as Manager of RS Golf Course, LLC (Landlord) and 5/19/23 by Mark Tate as VP Operations of Circle K Stores, Inc. (Tenant) for Tract D1-A. According to the lease agreement, RS Golf Course, LLC has a "Purchase Agreement" for Tract D1-A.
2. The owner, Dennis & George, LLC, signed the Plat and recorded it on 12/20/2023. (Dennis & George, LLC also has an NOI, NMR100611, and SWPPP approved for the subdivision infrastructure construction in the records of that separate project)
3. The Title Commitment dated 1/16/24 indicates that the property is still owned by the developer, Dennis & George, LLC.

Based on these documents it appears that RS Golf Course, LLC and Circle K Stores, Inc will both be "Operators" with control of the land, plans, and contracts during construction, so each must submit an NOI for approval by the city prior to the SWQ Section approval of the ESC Plan and NOIs for Building Permit.

The people who signed the lease agreement appear to satisfy the requirements of Appendix G Part G.11.1 to sign the certification statement on the NOIs, and two additional Managers were identified in the Certificate of Formation for RS Golf Course, LLC, who could sign. The officer who signs the NOI may delegate his signatory authority to another member of the corporation in accordance with CGP G.11.1.2 for the purpose of signing the remaining documents in the SWPPP and the required reports.

If you have any questions, contact me at 924-3420 or jhughes@cabq.gov .

Sincerely,

James D. Hughes

James D. Hughes, P.E.
Principal Engineer, Planning Dept.
Development and Review Services