



**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>SUBDIVISIONS</b>	<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2A)	<input type="checkbox"/> Extension of IIA: Temp. Def. of S/W (Form V2)
<input type="checkbox"/> Major – Preliminary Plat (Form S1)	<input type="checkbox"/> Amendment to Site Plan (Form P2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Major – Bulk Land Plat (Form S1)	<b>MISCELLANEOUS APPLICATIONS</b>	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input checked="" type="checkbox"/> Vacation of Private Easement(s) (Form V)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	<b>PRE-APPLICATIONS</b>
<input type="checkbox"/> Minor - Final Plat (Form S2)	<input type="checkbox"/> Temporary Deferral of S/W (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)
<input checked="" type="checkbox"/> Minor – Preliminary/Final Plat (Form S2)	<input type="checkbox"/> Sidewalk Waiver (Form V2)	
<b>SITE PLANS</b>	<input type="checkbox"/> Waiver to IDO (Form V2)	<b>APPEAL</b>
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Waiver to DPM (Form V2)	<input type="checkbox"/> Decision of DRB (Form A)

**BRIEF DESCRIPTION OF REQUEST**

Requesting final plat review for our proposed subdivision eliminating interior lot lines of 3 existing lots to create one new lot, and to vacate a portion of an existing private easement, and grant easements as shown

**APPLICATION INFORMATION**

Applicant: Legacy Development and Management		Phone:
Address: 5051 Journal Center Blvd NE Suite 500		Email:
City: Albuquerque	State: NM	Zip: 87109
Professional/Agent (if any): CSI - Cartesian Surveys, Inc.		Phone: 505-896-3050
Address: PO Box 44414		Email: cartesianryan@gmail.com
City: Rio Rancho	State: NM	Zip: 87174
Proprietary Interest in Site:		List all owners: SMI ABQ Assets, LLC

**SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)**

Lot or Tract No.: Lots 6, 7 and 26-A	Block: 25	Unit: B
Subdivision/Addition: North Albuquerque Acres, Tract A	MRGCD Map No.:	UPC Code: 101806529002040101
Zone Atlas Page(s): B-18-Z	Existing Zoning: MX-L	UPC Code: 101806535001140103
# of Existing Lots: 3	# of Proposed Lots: 1	Total Area of Site (Acres): 3.9970

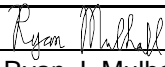
**LOCATION OF PROPERTY BY STREETS**

Site Address/Street: Glendale Ave NE	Between: San Pedro Ave NE	and: Louisiana Blvd NE
--------------------------------------	---------------------------	------------------------

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

PR-2021-006307 / PS-2021-000151 Sketch Plat

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> 02/28/2022
<b>Printed Name:</b> Ryan J. Mulhall	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

**FOR OFFICIAL USE ONLY**

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting Date:			Fee Total:		
Staff Signature:		Date:	Project #		



**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**☐ **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 [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 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)  
*Not required for City owned public right-of-way.*
- \_\_\_ Drawing showing the easement or right-of-way to be vacated
- \_\_\_ 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
- \_\_\_ Completed neighborhood meeting request form(s)
- \_\_\_ 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)
- \_\_\_ Office of Neighborhood Coordination notice inquiry response
- \_\_\_ Copy of notification letter, completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b), and proof of first-class mailing to affected Neighborhood Association representatives.
- \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
- \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way) provided by Planning Department or created by applicant, copy of notifying letter, completed notification forms(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b), 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? N/A if yes, indicate language: \_\_\_\_\_
- ☒ 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 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)
- ☒ Drawing showing the easement to be vacated
- ☒ List number to be vacated 2
- ☒ 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.****I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting, if required, or otherwise processed until it is complete.****Signature:***Ryan Mulhall***Date:** 02/28/2022**Printed Name:** Ryan J. Mulhall☐ Applicant or ☒ Agent**FOR OFFICIAL USE ONLY**

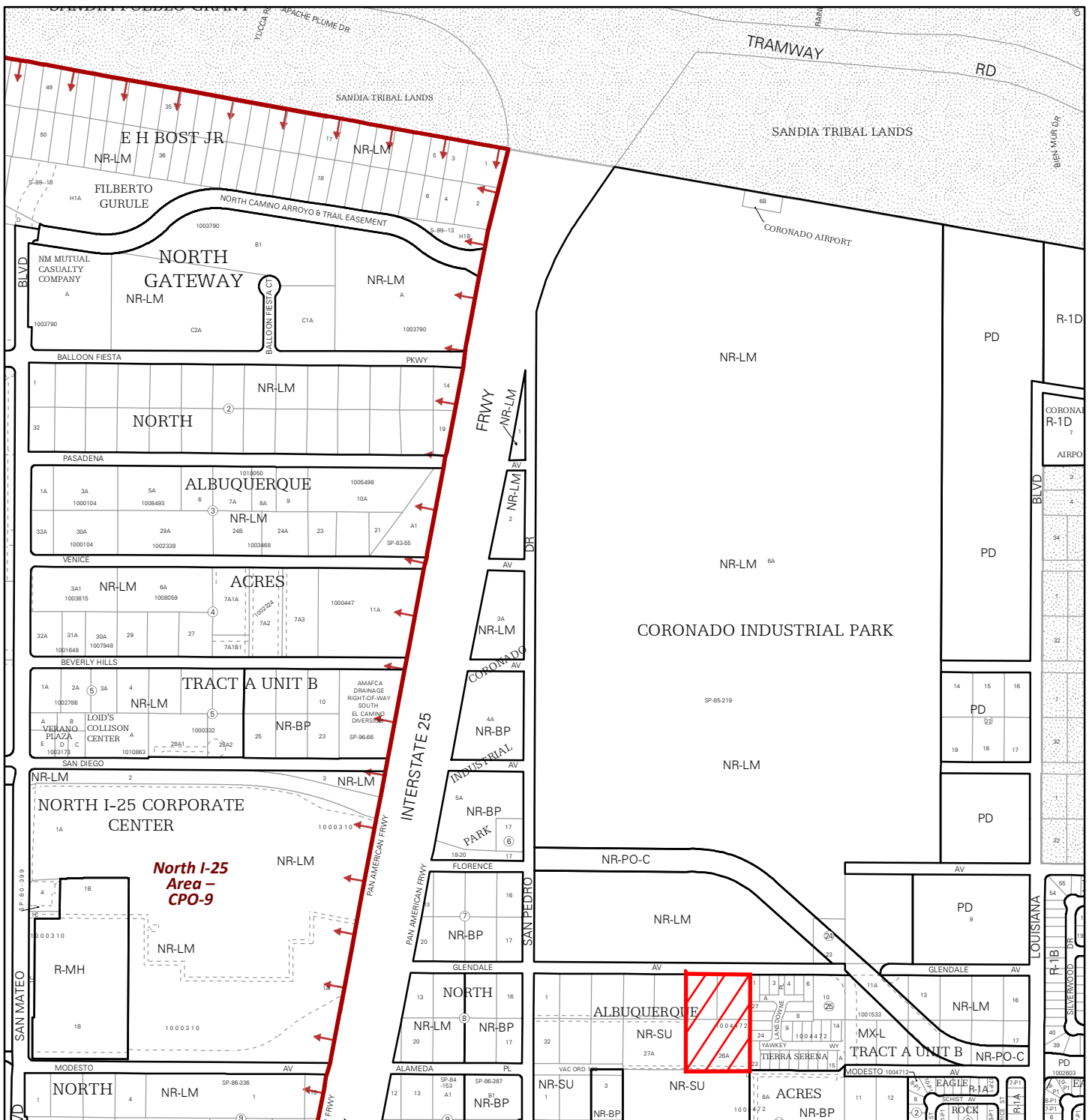
Case Numbers:

Project Number:

Staff Signature:

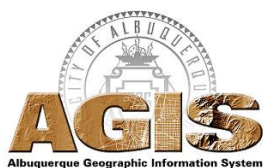
Date:



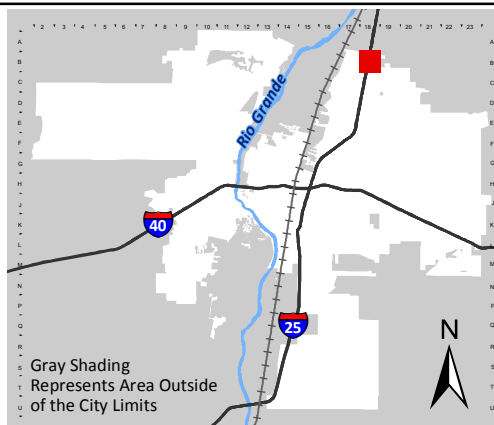


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# 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:  
**B-18-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
- 0 250 500 1,000 Feet

**Cartesian Surveys Inc.**  
PO Box 44414, Rio Rancho, NM 87174  
896-3050 Fax 891-0244

February 28, 2022

Development Review Board  
City of Albuquerque

**Re: Final Plat Review for Lot A, The Peaks by Markana Phase II being comprised of Lots 6, 7 and 26-A, Block 25, North Albuquerque Acres, Tract A, Unit B**

Members of the Board:

Cartesian Surveys is acting as an agent for Legacy Development and Management and requests final plat review of our plat to create one (1) new lot from three (3) existing lots by lot line elimination of Lots 6, 7 and 26-A in Block 25 of North Albuquerque Acres Tract A, Unit B. The property is located on Glendale Avenue NE between San Pedro Dr NE and Louisiana Blvd NE. The property is currently zoned as MX-L (Mixed Use – Low Intensity) per the zone change secured by Consensus Planning through the ZHE on October 21, 2021. There are two proposed paper easements adjoining the southeast corner of the subject property which are intended to benefit the subject property as a pedestrian access and landscaping easement from both the City of Albuquerque (as owner of the adjoining lot 29-A-1, Block 26 of NAA Tr A, Unit B) and NM Gas (as rights-holder of an existing easement in the same location). The comments from sketch plat hearing on December 15, 2021 under project number PR-2021-006307 are addressed below.

**ABCWUA**

1. Generally, no objections to consolidating the lots. Will this be associated with a site plan? If so, need to know which will be infrastructure associated with it.

Noted, infrastructure list associated with the site plan accompanying the final plat is provided.

2. Request an availability/serviceability statement online at the following link: [http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx). Requests shall include fire marshal requirements. An executed statement must be obtained prior to approval.
3. This project is within the adopted service area.
4. Pro Rata:
  - a. Pro rata is owed for this property in the following amounts:
  - b. Payment of pro rata is a requirement prior to approval.

Noted

5. Utility Plan:
  - a. Provide a utility plan that indicates the location of proposed services. Show existing public water and public sewer mains and any associated easements on the utility plan.
  - b. Dimension the public water and public sewer easements on the utility plan.

Noted, see associated site plan.

- c. Coordinate with NM 811 to field locate and survey the existing public water and sewer infrastructure. If existing infrastructure is not within the existing easements, dedicate additional easement to provide the minimum widths over the actual pipe locations.

Noted, 811 spotting was done under ticket number 21JN030635

- d. There shall be no trees, parallel fences/sidewalks/curbs, or structures within the public water and public sewer easement.
- 6. Infrastructure List:
  - a. The improvements required in the Availability Statement shall be incorporated into the infrastructure list.
- 7. Plat:
  - a. If no site plan is proposed at this time, include the following note on the plat:
    - i. "Existing public water and/or sanitary sewer infrastructure may not be constructed or sized to adequately serve potential future development. Improvement or upsizing of existing public infrastructure may be required as a condition of future development approval."

Noted, site plan should better show adequacy of existing and planned infrastructure.

- 8. Easements:
  - a. Include all public water and/or sanitary sewer easements on the plat, including those that are adjacent to the subject property's boundaries. Surveyor shall field verify the location of existing public water and/or sanitary sewer infrastructure to determine if existing public water and/or sanitary sewer easements are sufficient. If the easement(s) does not exist, a new easement shall be granted. The width of the easement shall be the standard width, unless specified by the Water Authority.
  - b. Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated rights-of-way. A minimum width easement of 20' is required for a single utility and 25' for water and sewer both within the same easement. Easements for standard sized water meters need to be 5'x5' and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35'x35' easement is required. Actual easement widths may vary depending on the depth of the lines to be installed.
  - c. Side yard easements are not acceptable for public waterline or sanitary sewer. If no other corridor is available for such extensions, a separate tract that is owned and maintained by the Homeowners Association (HOA) shall be created and an exclusive public water and/or sanitary sewer easement shall be granted to the Water Authority along this tract.

Noted

## **Code Enforcement**

- Development must meet all applicable standards and provisions of the IDO, the DPM, and other adopted City regulations. Including but not limited to: IDO sections 5-3 Access & Connectivity, 5-4 Subdivision of land.
- More information would be needed to determine dimensional standards.  
Has there been a zone change from NR-SU completed? What is the proposed use?
- Platting action cannot create a new nonconformance.

Noted, there was a zone change to MX-L through the ZHE, secured by our colleagues at Consensus Planning. The proposed use of the lot is for apartment buildings, as shown on the site plan associated with this plat.

## Hydrology

Hydrology will require an approved Grading and Drainage prior to sign-off of plat or site plan.

Please note that the site currently drains to the west through the cemetery, but this will not be allowed with the new development.

Noted

## Parks and Recreation

12-15-2021

No comments.

## Transportation

1. Provide a road cross-section for Glendale Road along the frontage of the site that matches the road section to the east and includes 6-foot sidewalk and a minimum 28-foot wide asphalt pavement section with matching curb.

Noted, should be shown in the site plan submission.

2. Place roadway improvements on an infrastructure list. Include asphalt pavement, sidewalk and curb with minimum curb height specified.

Noted, see associated infrastructure list with the site plan.

## Planning

- Plat must have City Surveyor, surveyor and property owner signatures
- Project number and application numbers must be added to plat
- Please obtain utility signatures prior to routing to DRB for final sign off

Noted, all necessary signatures are provided on the plat submitted. Application number will be added when assigned by city.

- See section 5-2 Site Design and Sensitive Lands, a sensitive lands analysis will be required.

Sensitive site analysis is provided with this application bundle, but our interpretation defers to the accompanying site plan application's analysis.

- See section 5-3 for connections to adjacent land
- Is there a site plan for this site that will need to be amended?

Site plan for the site is tied with this application, submitted by Consensus Planning.

- Please confirm the zoning for the site and provide any relevant documentation.

The property is now zoned as MX-L (Mixed Use – Low Intensity) per the zone change secured by Consensus Planning through the ZHE on October 21, 2021 under PR-2021-005844 RZ-2021-00028 for Lots 6, 7 and 26-A, Block 25 of NAA Tract A, Unit B. See attached notice of decision.

- Vacation must be justified pursuant to 6-6(M):

6-6(M)(3) Review and Decision Criteria An application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria: 6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained. 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.

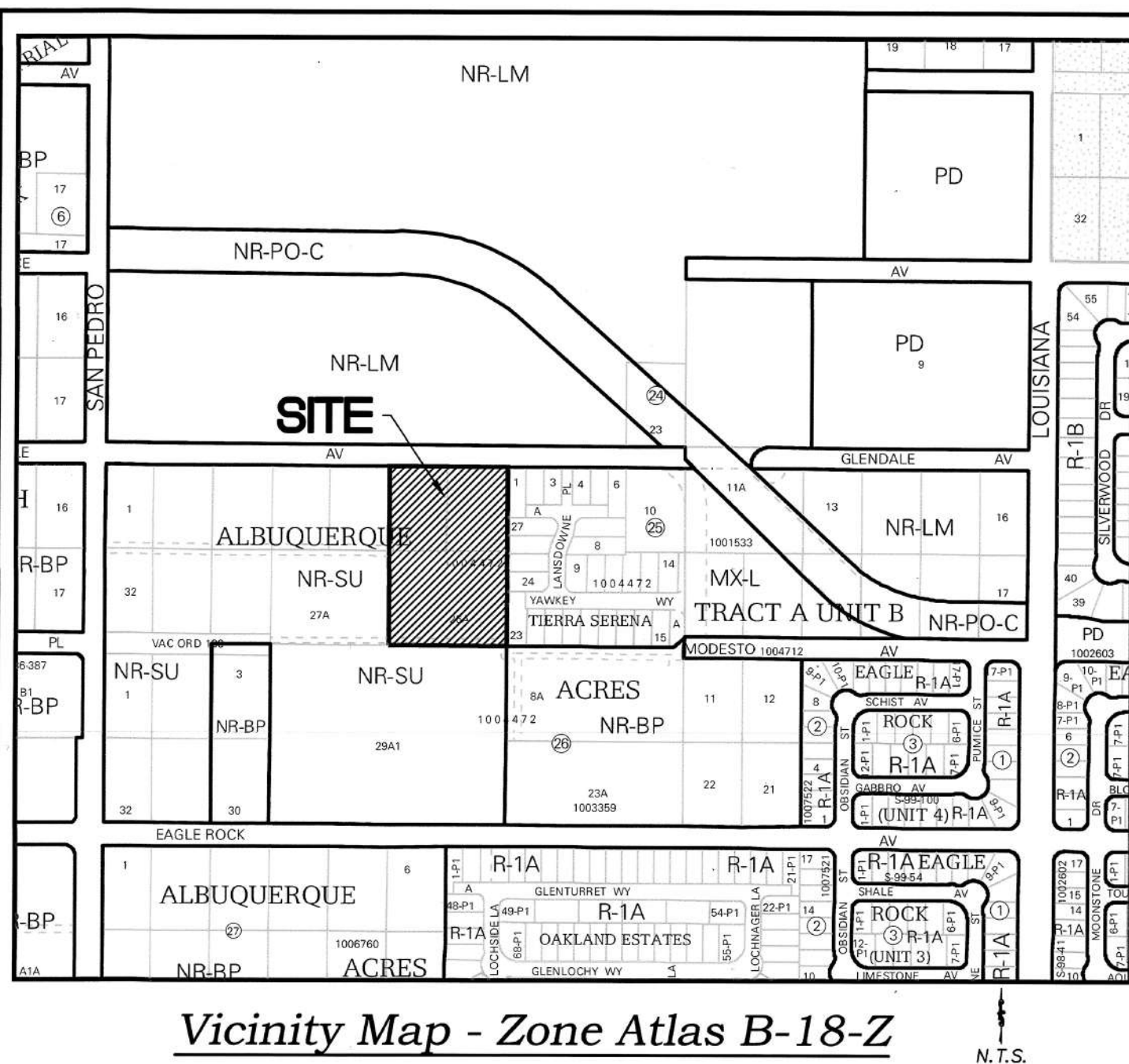
For future development:

See section 5-4 Subdivision of Land for requirements for the subdivision, especially 5-4(E) Block Design and Layout and section 5-4(F) Lot Design and Layout. Please note that new residential development will require a 20 foot long driveway.

Noted, justification of vacation of easement is provided on a separate page in this application packet. Design and Layout concerns addressed in accompanying site plan.

Thank you for your time and consideration,  
Ryan J. Mulhall





## Documents

- TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE, HAVING FILE NO. 2634184-AL01 AND AN EFFECTIVE DATE OF JUNE 23, 2021.
- PLAT OF NORTH ALBUQUERQUE ACRES FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON SEPTEMBER 8, 2015, IN BOOK 2015C, PAGE 104.
- SPECIAL WARRANTY DEED FOR LOTS 6 AND 7, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON JULY 06, 2012, AS DOCUMENT NO. 2012067919.
- PLAT OF NORTH ALBUQUERQUE ACRES, TRACT A, UNIT B, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON APRIL 24, 1936, IN BOOK D, PAGE 130.

## Notes

- FIELD SURVEY PERFORMED IN JUNE 2021.
- ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
- LOT LINES TO BE ELIMINATED SHOWN HEREON AS . . . . .

## Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

## Indexing Information

Section 12, Township 11 North, Range 3 East, N.M.P.M.  
projected within the Elena Gallegos Grant  
Subdivision: North Albuquerque Acres  
Owner: SMI-ABQ Assets, LLC  
UPC #: 101806529002040101 (Lots 6 & 7)  
101806535001140103 (Lot 26-A)

## Purpose of Plat

- CREATE ONE NEW LOT FROM THREE EXISTING LOTS.
- VACATE EASEMENTS AS SHOWN HEREON.
- DEDICATE RIGHT-OF-WAY WITH WARRANTY COVENANTS
- GRANT EASEMENTS AS SHOWN HEREON

## Subdivision Data

GROSS ACREAGE. . . . . 3.9970 ACRES  
ZONE ATLAS PAGE NO. . . . . B-18-Z  
NUMBER OF EXISTING LOTS. . . . . 3  
NUMBER OF LOTS CREATED. . . . . 1  
MILES OF FULL-WIDTH STREETS. . . . . 0.0000 MILES  
MILES OF HALF-WIDTH STREETS. . . . . 0.0000 MILES  
RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE. . . . . 0.2270 ACRES  
DATE OF SURVEY. . . . . JUNE 2021

## Legal Description

LOTS NUMBERED SIX (6) AND SEVEN (7), IN BLOCK NUMBERED TWENTY-FIVE (25), OF TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICTS 3 AND 4, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON APRIL 24, 1936, IN PLAT BOOK D, FOLIO 130.

AND

LOTS 26-A, BLOCK 25, OF TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES, OF THE "BULK LAND PLAT OF LOTS 8-A, 26-A AND 27-A, BLOCK 25, LOTS 8-A AND 29-A-1, BLOCK 26, TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES" AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON SEPTEMBER 8, 2015, IN PLAT BOOK 2015C, PAGE 104.

BEING TOGETHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT NORTHWEST CORNER OF THE HEREIN DESCRIBED LOT, FROM WHENCE ACS MONUMENT "10\_C18" BEARS S 54°15'24" W, A DISTANCE OF 983.69 FEET;

THENCE, FROM SAID POINT OF BEGINNING, S 89°41'58" E A DISTANCE OF 329.67 FEET TO AN ANGLE POINT;

THENCE, S 00°06'53" W A DISTANCE OF 528.07 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL, BEING ALSO THE SOUTHEAST CORNER OF SAID LOT 26-A, MARKED BY A REBAR WITH CAP "LS 18374";

THENCE, N 89°40'49" W A DISTANCE OF 329.99 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, BEING ALSO THE SOUTHWEST CORNER OF SAID TRACT 26-A, MARKED BY A REBAR WITH CAP "LS 18374";

THENCE, N 00°11'03" E A DISTANCE OF 263.96 FEET TO AN ANGLE POINT, BEING ALSO THE NORTHWEST CORNER OF SAID LOT 26-A, MARKED BY A REBAR WITH CAP "LS 18374";

THENCE, N 00°06'53" E A DISTANCE OF 264.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 3.9970 ACRES (174,111 SQ. FT.) MORE OR LESS.

## Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND

PAID ON UPC #: 101806529002040101  
101806535001140103

PROPERTY OWNER OF RECORD


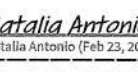
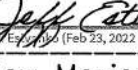
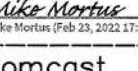
BERNALILLO COUNTY TREASURER'S OFFICE

**Plat for  
Lot A  
The Peaks by Markana  
Being Comprised of  
Lots 6, 7 and 26-A, Block 25  
North Albuquerque Acres Tract A, Unit B  
City of Albuquerque  
Bernalillo County, New Mexico  
January 2022**


**Project Number:** PR-2021-006307

**Application Number:**

**Plat Approvals:**

 Rodney Fumey (Feb 24, 2022 08:27 MST)	Feb 24, 2022
PNM Electric Services	
 Natalia Antonio (Feb 23, 2022 14:47 MST)	Feb 23, 2022
Qwest Corp. d/b/a CenturyLink QC	
 Jeff Edwards (Feb 23, 2022 14:50 MST)	Feb 23, 2022
New Mexico Gas Company	
 Mike Mochus (Feb 23, 2022 17:40 MST)	Feb 23, 2022
Comcast	

**City Approvals:**

 Loren N. Risenhoover P.S.	1/18/2022
City Surveyor	

Traffic Engineer

ABCWUA

Parks and Recreation Department

Code Enforcement

 AMAFCA	2/28/2022
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City Engineer

DRB Chairperson, Planning Department

## Surveyor's Certificate

I, WILL PLOTNER JR., A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

  
Will Plotner Jr.  
N.M.R.P.S. No. 14271

2/23/2022  
Date



**CSI-CARTESIAN SURVEYS INC.**

P.O. BOX 44414 RIO RANCHO, N.M. 87174  
Phone (505) 896-3050 Fax (505) 891-0244  
wplotnerjr@gmail.com

Sheet 1 of 3  
211154C

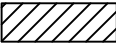
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North Albuquerque Acres Tract A, Unit B  
City of Albuquerque  
Bernalillo County, New Mexico  
January 2022

Line Table		
Line #	Direction	Length (ft)
L1	S 00°11'03" W {S 00°11'03" W}	29.92' {29.92'}
L2	S 00°12'49" W {S 00°12'49" W}	30.22' {29.96'}
L3	N 00°06'53" E	30.00'
L4	S 00°06'53" W	30.00'
L5	S 89°42'03" E	10.02'
L6	N 89°58'54" W	48.63'
L7	N 00°11'03" E	9.98'
L8	N 90°00'00" E	38.60'

Legend

N 90°00'00" E	MEASURED BEARINGS AND DISTANCES
(N 90°00'00" E)	RECORD BEARINGS AND DISTANCES PER PLAT (4/24/1936, D-130)
{N 90°00'00" E}	RECORD BEARINGS AND DISTANCES PER PLAT (9/8/2015, 2015C-104)
[N 90°00'00" E]	RECORD BEARINGS AND DISTANCES PER PLAT (3/15/2018, 2018C-29)
●	FOUND MONUMENT AS INDICATED
○	SET 1/2" REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED
△	FOUND CENTERLINE MONUMENT WITH CAP "LS 7719"

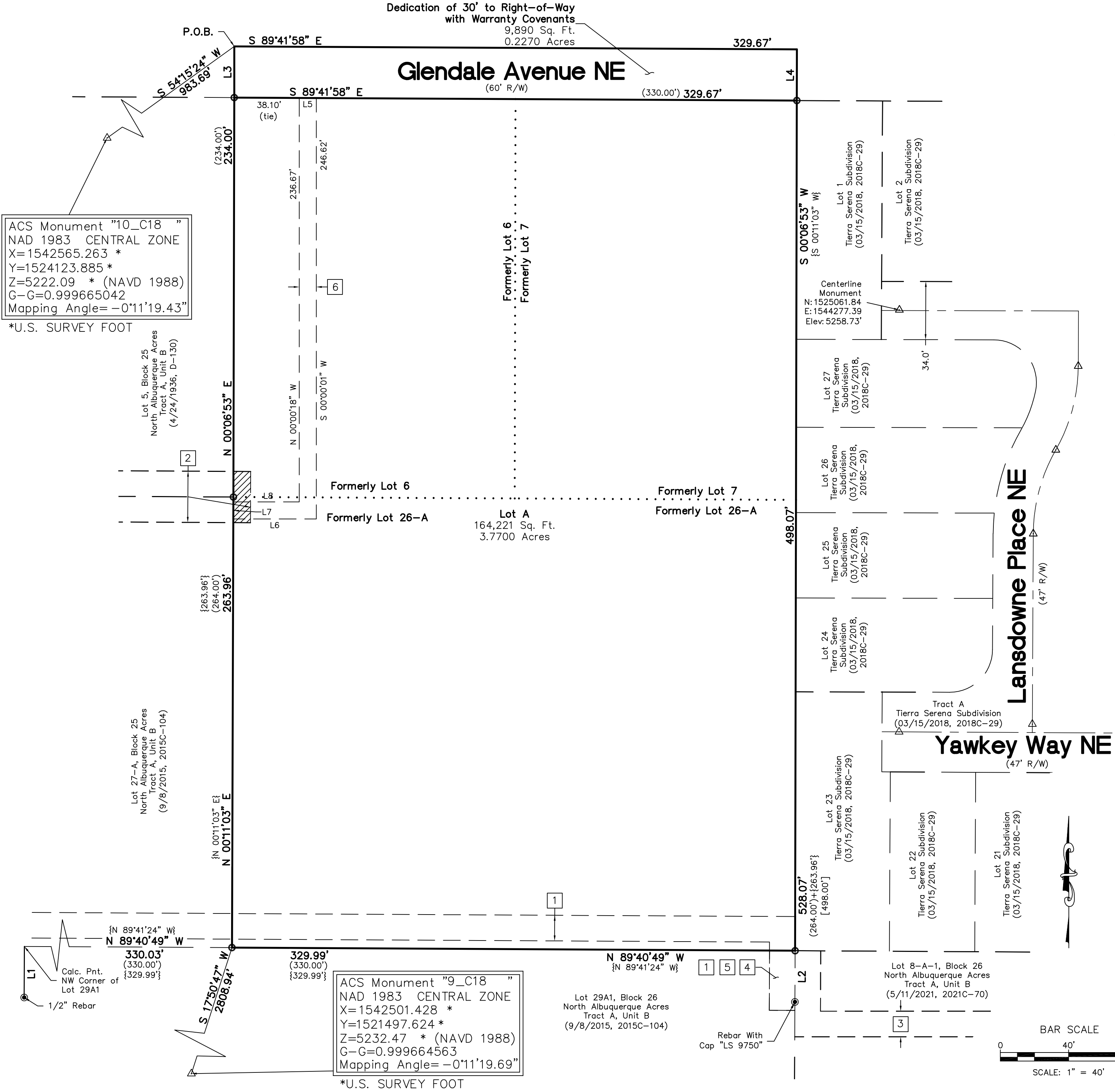
Easement Notes

- EXISTING 15' GAS LINE EASEMENT (9/8/2015, 2015C-104)
- EXISTING 30' PERMANENT, NONEXCLUSIVE PRIVATE ACCESS EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS (7/27/2015, DOC. NO. 2015064565), BENEFITING AND MAINTAINED BY LOTS 1-6 AND 27-32 OF NORTH ALBUQUERQUE ACRES, TRACT A, UNIT B, PORTION VACATED WITH THE FILING OF THIS PLAT, SHOWN HEREON AS 
- PUBLIC GAS LINE EASEMENT (06/11/2021, 2021C-70)
- PUBLIC GAS LINE EASEMENT GRANTED (\_\_\_/\_\_\_/\_\_\_, DOC. NO. \_\_\_\_\_)
- CROSS-LOT PEDESTRIAN ACCESS EASEMENT (\_\_\_/\_\_\_/\_\_\_, DOC. NO. \_\_\_\_\_)
- 10' PNM EASEMENT GRANTED WITH THIS PLAT.

CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174  
Phone (505) 896 - 3050 Fax (505) 891 - 0244  
wplotnerjr@gmail.com

Sheet 2 of 3  
211154C





**Plat for  
Lot A  
The Peaks by Markana  
Being Comprised of  
Lots 6, 7 and 26-A, Block 25  
North Albuquerque Acres Tract A, Unit B  
City of Albuquerque  
Bernalillo County, New Mexico  
January 2022**

**Public Utility Easements**

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- C. Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, 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 (aboveground 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 Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

**Disclaimer**

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

**Free Consent and Dedication**

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

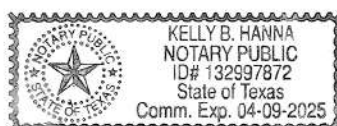
SAID OWNERS DO HEREBY DEDICATE PUBLIC RIGHT OF WAY AS SHOWN HEREON FOR GLENDALE AVE NE TO THE CITY OF ALBUQUERQUE WITH WARRANTY COVENANTS.

W. Clark Harlow 2-25-2022  
W. CLARK HARLOW, V.P. OF FINANCE-US, SECRETARY, & TREASURER DATE  
SMI - ABQ ASSETS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

STATE OF Texas }  
COUNTY OF Harris } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON February 25, 2022  
W. CLARK HARLOW, V.P. OF FINANCE-US, SECRETARY, & TREASURER, SMI - ABQ  
ASSETS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

By: Kelly B. Hanna  
NOTARY PUBLIC



MY COMMISSION EXPIRES 4/9/2025

**CSI-CARTESIAN SURVEYS INC.**

P.O. BOX 44414 RIO RANCHO, N.M. 87174  
Phone (505) 896 - 3050 Fax (505) 891 - 0244  
wplotnerjr@gmail.com

**FORM DRWS: DRAINAGE REPORT/GRADING AND DRAINAGE PLAN / WATER & SANITARY SEWER AVAILABILITY**

THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR SUBDIVISIONS AND SITE PLANS.

**PROJECT NAME:** The Peaks by Markana Phase II

**AGIS MAP #** B-18

**LEGAL DESCRIPTIONS:** Lots 6, 7, and 26-A, Block 25, North Albuquerque

Acres, Tract A, Unit B

X **DRAINAGE REPORT/GRADING AND DRAINAGE PLAN**

A drainage report/grading and drainage plan, as per the Drainage Ordinance, was submitted to the City of Albuquerque Planning Department, Hydrology Division (2<sup>nd</sup> /Ground Floor, Plaza del Sol) on 2/10/22 (date).

Jeremy Shell

Applicant/Agent

2/10/22

Date

Ernest Armijo

Hydrology Division Representative

2/11/2022

Date

**NOTE: A GRADING AND DRAINAGE PLAN MUST BE APPROVED PRIOR TO DRB APPROVAL**

X **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested to the ABCWUA (2<sup>nd</sup>/Ground floor, Plaza del Sol) on 2/9/22 (date).

Jeremy Shell

Applicant/Agent

2/9/22

Date

Edwin Bergeron

ABCWUA Representative

2/10/2022

Date

**PROJECT #** \_\_\_\_\_

## ~9500 San Pedro Dr NE Public Notice Inquiry

Carmona, Dalaina L. <dlcarmona@cabq.gov>  
To: "cartesianryan@gmail.com" <cartesianryan@gmail.com>

Fri, Feb 18, 2

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	F
District 4 Coalition of Neighborhood Associations	Daniel	Regan	<a href="mailto:dlreganabq@gmail.com">dlreganabq@gmail.com</a>	4109 Chama Street NE	Albuquerque	NM	87109	5052802549	
District 4 Coalition of Neighborhood Associations	Mildred	Griffiee	<a href="mailto:mgriffiee@noreste.org">mgriffiee@noreste.org</a>	PO Box 90986	Albuquerque	NM	87199	5052800082	
Nor Este NA	Gina	Pioquinto	<a href="mailto:rpmartinez003@gmail.com">rpmartinez003@gmail.com</a>	9015 Moonstone Drive NE	Albuquerque	NM	87113	5052385495	5
Nor Este NA	Uri	Bassan	<a href="mailto:uri.bassan@noreste.org">uri.bassan@noreste.org</a>	9000 Modesto Avenue NE	Albuquerque	NM	87122	5054179990	

**PLEASE NOTE:** The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign posti construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), o <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project. Please use this online link to find the forms you will need to submit. <https://www.cabq.gov/planning/urban-design-development/public-notice>. The Checklist form you need for notifying neighborhood associations can be found here: [https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official\\_public\\_notice\\_form-2019.pdf](https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf). The Administrative Decision form you need for notifying neighborhood associati found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>

Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to f Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of p what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>



*Dalaina L. Carmona*

Senior Administrative Assistant

Office of Neighborhood Coordination

Council Services Department

1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor

Albuquerque, NM 87102

505-768-3334

[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, u disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and copies of this message.

**From:** webmaster=[cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) <[webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org)> **On Behalf Of** [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**Sent:** Friday, February 18, 2022 4:12 PM  
**To:** Office of Neighborhood Coordination <[cartesianryan@gmail.com](mailto:cartesianryan@gmail.com)>  
**Cc:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
**Subject:** Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Public Notice Inquiry For:

Development Review Board

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Ryan J. Mulhall

Telephone Number

5058963050

Email Address

[cartesianryan@gmail.com](mailto:cartesianryan@gmail.com)

Company Name

CSI - Cartesian Surveys, Inc.

Company Address

PO Box 44414

City

Rio Rancho

State

NM

ZIP

87174

Legal description of the subject site for this project:

LOTS 6 AND 7, BLOCK 25, OF TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES, AS SHOWN ON THE PLAT FILED APRIL 24, 1936, IN BOOK D, FOLIO 130.  
AND  
LOTS 26-A, BLOCK 25, OF TRACT A, UNIT B, NORTH ALBUQUERQUE ACRES, AS SHOWN ON THE PLAT FILED SEPTEMBER 8, 2015, IN BOOK 2015C, PAGE 104.

Physical address of subject site:

~9500 San Pedro Dr NE

Subject site cross streets:


San Pedro Blvd and Glendale Ave NE

Other subject site identifiers:

This site is located on the following zone atlas page:

B-18-Z

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 IDOZoneAtlasPage\_B-18-Z\_Marked.pdf  
399K

**OFFICIAL PUBLIC NOTIFICATION FORM  
FOR MAILED OR ELECTRONIC MAIL NOTICE  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



**PART I - PROCESS**

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Minor Subdivision (Final Plat) and Vacation of Private Easement

Decision-making Body: Development Review Board (DRB)

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☐ Yes ☒ No

Mailed Notice required: ☐ Yes ☒ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: ~9500 San Pedro Dr NE

Name of property owner: SMI - ABQ Assets, LLC

Name of applicant: CSI - Cartesian Surveys, Inc.

Date, time, and place of public meeting or hearing, if applicable:

March 9, 2022 over Zoom Meeting

Address, phone number, or website for additional information:

Please email cartesianryan@gmail.com or call 505-896-3050 for more information on the platting action

**PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE**

☒ Zone Atlas page indicating subject property.

☒ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.**

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.

(Applicant signature)

February 25, 2022

(Date)

**Note:** Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM  
FOR MAILED OR ELECTRONIC MAIL NOTICE  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY**

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.





Ryan Mulhall <cartesianryan@gmail.com>

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## Dist. 4 Coal. of NAs - Notice of Final Plat Submission for Proposed Lot A, The Peaks by Markana / ~9500 San Pedro Dr. NE

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Ryan Mulhall <cartesianryan@gmail.com>

Fri, Feb 25, 2022 at 3:06 PM

To: Dan Regan <dreganabq@gmail.com>, mgriffie@noreste.org

Hello District 4 Coalition of Neighborhood Associations Representatives,

This email is notification that CSI-Cartesian Surveys Inc. will apply for a submittal for a final plat by minor subdivision to the Development Review Board (DRB), on behalf of our client Legacy Development and Management, under the project number of our Plat [PR-2021-006307]. You may have already received notice from our colleagues at Consensus Planning for the notification of the site plan our replat is accompanying.

The subject property is located at approximately 9500 San Pedro Dr. NE, and is the dirt lot east of the existing cemetery at that address. I've attached the zone atlas page sheet outlining the subject area for this platting action. I've also attached an "Exhibit" of the proposed plat.

The exhibit shows we intend to eliminate the existing interior lot lines between the 3 lots (Lots 6, 7 and 26-A of North Albuquerque Acres Tract A, Unit B) to create one new lot (Lot A of The Peaks by Markana). We also seek to formally dedicate right-of-way to Glendale Ave. NE, grant a PNM easement [6], and vacate a portion of a private access easement [2], which is made unnecessary with the consolidation of the parent lots into one new lot allowing access from Glendale Ave.

As part of the IDO regulations we are required to formally notify you of our application submission. If you would like more information, you can call me at 505-896-3050 or, should you desire to attend the DRB meeting it will be held on March 9, 2022, 9:00 A.M. online via Zoom. For access to the online meeting, visit CABQ website and click on the hyperlink attached to the agenda as found on the following website: <https://www.cabq.gov/planning/boards-commissions/development-review-board/development-review-board-agenda-archives>

Thank you,  
Ryan Mulhall

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[CSI - Cartesian Surveys, Inc.](#)

[PO Box 44414](#)

[Rio Rancho NM 87174](#)

[\(p\)505-896-3050](#)

[\(f\)505-891-0244](#)

[www.cartesiansurveys.com](http://www.cartesiansurveys.com)

[Email: cartesianryan@gmail.com](mailto:cartesianryan@gmail.com)

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### 4 attachments

 **CABQ-Official\_pub\_notice\_form-PR-2021-006307.pdf**  
275K

 **D4\_Emailed-Notice-PubHearing\_PR-2021-006307.pdf**  
190K

 **211154\_Plat\_SS\_2-25-22.pdf**  
5518K

 **IDOZoneAtlasPage\_B-18-Z\_Marked.pdf**

[Note: Items with an asterisk (\*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque  
for Decisions Requiring a Meeting or Hearing  
Mailed/Emailed to a Neighborhood Association**

Date of Notice\*: February 25, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)\*: District 4 Coalition of Neighborhood Associations

Name of NA Representative\*: Daniel Regan // Mildred Griffiee

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: dlreganabq@gmail.com // mgriffiee@noreste.org

**Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)**

1. Subject Property Address\* ~9500 San Pedro Dr NE  
Location Description Lots E. of cemetery at 9500 San Pedro Dr NE, N. of Eagle Rock Convenience Center
2. Property Owner\* SMI - ABQU Assets, LLC
3. Agent/Applicant\* [if applicable] CSI - Cartesian Surveys, Inc.
4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]
  - ☐ Conditional Use Approval
  - ☐ Permit \_\_\_\_\_ (Carport or Wall/Fence – Major)
  - ☐ Site Plan
  - ☒ Subdivision Minor (Minor or Major)
  - ☒ Vacation Private Easement (Easement/Private Way or Public Right-of-way)
  - ☐ Variance
  - ☐ Waiver
  - ☐ Other: \_\_\_\_\_

Summary of project/request<sup>2</sup>\*:

Request final plat review to create 1 new lot from three existing lots by lot line elimination in replat.

Plat will also vacate a portion of a private easement, grant PNM easement, and dedicate right-of-way to city.

<sup>1</sup> Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

<sup>2</sup> Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (\*) are required.]

5. This application will be decided at a public meeting or hearing by\*:

☐ Zoning Hearing Examiner (ZHE)

☒ Development Review Board (DRB)

☐ Landmarks Commission (LC)

☐ Environmental Planning Commission (EPC)

Date/Time\*: March 9, 2022 at 9AM MST

Location\*<sup>3</sup>: Zoom meeting, with link provided at the website URL below

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found\*<sup>4</sup>:

Please email cartesianryan@gmail.com or call 505-896-3050 for the platting action

**Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*<sup>5</sup> B-18-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant\*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project\*:

☐ Deviation(s)

☐ Variance(s)

☐ Waiver(s)

Explanation\*:

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4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

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<sup>3</sup> Physical address or Zoom link

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (\*) are required.]

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.\*
- ☐ b. Access and circulation for vehicles and pedestrians.\*
- ☐ c. Maximum height of any proposed structures, with building elevations.\*
- ☐ d. **For residential development\***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development\***:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information [Optional]:**

From the IDO Zoning Map<sup>6</sup>:

1. Area of Property [typically in acres] 3.7700 Acres
2. IDO Zone District MX-L
3. Overlay Zone(s) [if applicable] \_\_\_\_\_
4. Center or Corridor Area [if applicable] \_\_\_\_\_
- Current Land Use(s) [vacant, if none] \_\_\_\_\_

**NOTE:** Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: Nor Este NA [Other Neighborhood Associations, if any]

<sup>6</sup> Available here: <https://tinyurl.com/idozoningmap>



Ryan Mulhall <cartesianryan@gmail.com>

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## Nor Este NA - Notice of Final Plat Submission for Proposed Lot A, The Peaks by Markana / ~9500 San Pedro Dr. NE

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Ryan Mulhall <cartesianryan@gmail.com>

Fri, Feb 25, 2022 at 3:10 PM

To: rpmartinez003@gmail.com, uri.bassan@noreste.org

Hello Nor Este Neighborhood Association Representatives,

This email is notification that CSI-Cartesian Surveys Inc. will apply for a submittal for a final plat by minor subdivision to the Development Review Board (DRB), on behalf of our client Legacy Development and Management, under the project number of our Plat [PR-2021-006307]. You may have already received notice from our colleagues at Consensus Planning for the notification of the site plan our replat is accompanying.

The subject property is located at approximately 9500 San Pedro Dr. NE, and is the dirt lot east of the existing cemetery at that address. I've attached the zone atlas page sheet outlining the subject area for this platting action. I've also attached an "Exhibit" of the proposed plat.

The exhibit shows we intend to eliminate the existing interior lot lines between the 3 lots (Lots 6, 7 and 26-A of North Albuquerque Acres Tract A, Unit B) to create one new lot (Lot A of The Peaks by Markana). We also seek to formally dedicate right-of-way to Glendale Ave. NE, grant a PNM easement [6], and vacate a portion of a private access easement [2], which is made unnecessary with the consolidation of the parent lots into one new lot allowing access from Glendale Ave.

As part of the IDO regulations we are required to formally notify you of our application submission. If you would like more information, you can call me at 505-896-3050 or, should you desire to attend the DRB meeting it will be held on March 9, 2022, 9:00 A.M. online via Zoom. For access to the online meeting, visit CABQ website and click on the hyperlink attached to the agenda as found on the following website: <https://www.cabq.gov/planning/boards-commissions/development-review-board/development-review-board-agenda-archives>

Thank you,  
Ryan Mulhall

--

[CSI - Cartesian Surveys, Inc.](#)

[PO Box 44414](#)

[Rio Rancho NM 87174](#)

[\(p\)505-896-3050](#)

[\(f\)505-891-0244](#)

[www.cartesiansurveys.com](http://www.cartesiansurveys.com)

[Email: cartesianryan@gmail.com](mailto:cartesianryan@gmail.com)

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### 4 attachments



**CABQ-Official\_pub\_notice\_form-PR-2021-006307.pdf**  
275K



**NorEste\_NA\_Emailed-Notice-PubHearing\_PR-2021-006307.pdf**  
193K



**211154\_Plat\_SS\_2-25-22.pdf**  
5518K



**IDOZoneAtlasPage\_B-18-Z\_Marked.pdf**

[Note: Items with an asterisk (\*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque  
for Decisions Requiring a Meeting or Hearing  
Mailed/Emailed to a Neighborhood Association**

Date of Notice\*: February 25, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)\*: Nor Este NA

Name of NA Representative\*: Gina Pioquinto // Uri Bassan

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: rpmartinez003@gmail.com // uri.bassan@noreste.org

**Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)**

1. Subject Property Address\* ~9500 San Pedro Dr NE  
Location Description Lots E. of cemetery at 9500 San Pedro Dr NE, N. of Eagle Rock Convenience Center
2. Property Owner\* SMI - ABQU Assets, LLC
3. Agent/Applicant\* [if applicable] CSI - Cartesian Surveys, Inc.
4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]
  - ☐ Conditional Use Approval
  - ☐ Permit \_\_\_\_\_ (Carport or Wall/Fence – Major)
  - ☐ Site Plan
  - ☒ Subdivision Minor (Minor or Major)
  - ☒ Vacation Private Easement (Easement/Private Way or Public Right-of-way)
  - ☐ Variance
  - ☐ Waiver
  - ☐ Other: \_\_\_\_\_

Summary of project/request<sup>2</sup>\*:

Request final plat review to create 1 new lot from three existing lots by lot line elimination in replat.

Plat will also vacate a portion of a private easement, grant PNM easement, and dedicate right-of-way to city.

<sup>1</sup> Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

<sup>2</sup> Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (\*) are required.]

5. This application will be decided at a public meeting or hearing by\*:

☐ Zoning Hearing Examiner (ZHE)

☒ Development Review Board (DRB)

☐ Landmarks Commission (LC)

☐ Environmental Planning Commission (EPC)

Date/Time\*: March 9, 2022 at 9AM MST

Location\*<sup>3</sup>: Zoom meeting, with link provided at the agenda website URL below

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found\*<sup>4</sup>:

Please email cartesianryan@gmail.com or call 505-896-3050 for the platting action

**Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*<sup>5</sup> B-18-Z
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant\*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project\*:

☐ Deviation(s)

☐ Variance(s)

☐ Waiver(s)

Explanation\*:

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4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

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<sup>3</sup> Physical address or Zoom link

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (\*) are required.]

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.\*
- ☐ b. Access and circulation for vehicles and pedestrians.\*
- ☐ c. Maximum height of any proposed structures, with building elevations.\*
- ☐ d. **For residential development\***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development\***:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information [Optional]:**

From the IDO Zoning Map<sup>6</sup>:

1. Area of Property [typically in acres] 3.7700 Acres
  2. IDO Zone District MX-L
  3. Overlay Zone(s) [if applicable] \_\_\_\_\_
  4. Center or Corridor Area [if applicable] \_\_\_\_\_
- Current Land Use(s) [vacant, if none] \_\_\_\_\_

**NOTE:** Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: District 4 Coalition of Neighborhood Associations [Other Neighborhood Associations, if any]

<sup>6</sup> Available here: <https://tinyurl.com/idozoningmap>



**CSI-Cartesian Surveys Inc.**  
PO Box 44414, Rio Rancho, NM 87174  
896-3050 Fax 891-0244

February 28, 2022

Development Review Board  
City of Albuquerque

**Re: Final Plat Review for Lot A, The Peaks by Markana Phase II being comprised of Lots 6, 7 and 26-A, Block 25, North Albuquerque Acres, Tract A, Unit B**

Members of the Board:

Cartesian Surveys is acting as an agent for Legacy Development and Management and requests final plat review of our plat to create one (1) new lot from three (3) existing lots by lot line elimination of Lots 6, 7 and 26-A in Block 25 of North Albuquerque Acres Tract A, Unit B. The property is located on Glendale Avenue NE between San Pedro Dr NE and Louisiana Blvd NE. The property is currently zoned as MX-L (Mixed Use – Low Intensity) per the zone change secured by Consensus Planning through the ZHE on October 21, 2021. A sketch plat hearing was held on December 15, 2021 under project number PR-2021-006307.

**Floodplains and flood hazard areas:** N/A, within Zone X of FEMA classification per FIRMet 35001C0129H effective 8/16/2012.

**Steep Slopes:** N/A, relatively level ground on partially graded site

**Unstable Soils:** N/A

**Wetlands:** N/A

**Arroyos:** N/A

**Irrigation Facilities:** N/A

**Escarpment / Rock Outcroppings:** N/A

**Large Stands of mature trees:** N/A

**Archeological sites:** N/A, less than 5 acres in size.

Thank you for your time and consideration.  
Ryan J. Mulhall

# National Flood Hazard Layer FIRMMette



106°34'46"W 35°11'36"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **2/16/2022 at 1:30 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

106°34'9"W 35°11'7"N

W. Clark Harlow  
V.P. of Finance – US, Secretary, & Treasurer  
SMI – ABQ Assets, LLC,  
16801 Greenspoint Park Drive, Suite 376  
Houston, TX 77060

City of Albuquerque  
600 Second St NW  
Albuquerque, NM 87102

**RE: Letter of Authorization for Proposed Subdivision Plat known as Plat for Lot A, The Peaks by Markana Being Comprised of Lots 6, 7 and 26-A, Block 25, North Albuquerque Acres Tract A, Unit B (the “Proposed Plat”)**

To whom it may concern,

I, W. Clark Harlow, V.P. of Finance – US, Secretary, & Treasurer for SMI – ABQ Assets, LLC do hereby give authorization to Cartesian Surveys Inc. to act as our agent for the subdivision platting action and obtaining documentation, certificates, and/or waivers from the City of Albuquerque required to vacate the portion of the existing access easement recorded on July 27, 2015 in the real property records of Bernalillo County, New Mexico, under Document Number 2015064565, as shown on the proposed plat. The lots associated with the proposed plat are located south of Glendale Avenue NE, approximately 795 feet east of San Pedro Drive NE.

Thank You,

A handwritten signature in blue ink, appearing to read 'W. Clark Harlow', is written over a horizontal line.

W. Clark Harlow, V.P. of Finance – US, Secretary, & Treasurer  
SMI – ABQ Assets, LLC

**CSI-Cartesian Surveys Inc.**  
PO Box 44414, Rio Rancho, NM 87174  
896-3050 Fax 891-0244

February 28, 2022

Development Review Board  
City of Albuquerque

**Re: Final Plat Review for Proposed Lot A, The Peaks by Markana Phase II being comprised of Lots 6, 7 and 26-A, Block 25, North Albuquerque Acres, Tract A, Unit B**

Members of the Board:

Cartesian Surveys is acting as an agent for Legacy Development and Management and requests final plat review of our plat to create one (1) new lot from three (3) existing lots by lot line elimination of Lots 6, 7 and 26-A in Block 25 of North Albuquerque Acres Tract A, Unit B. The property is located on Glendale Avenue NE between San Pedro Dr NE and Louisiana Blvd NE. The property is currently zoned as MX-L (Mixed Use – Low Intensity) per the zone change secured by Consensus Planning through the ZHE on October 21, 2021. Sketch plat review was held on December 15, 2021 under project number PR-2021-006307.

Our plat proposes to vacate a portion of an access easement, which will become unnecessary for access to our proposed lot with the consolidation of the three lots into one lot, which will have access to Glendale Avenue and along the remainder of the easement we seek to vacate.

- **Portion of Existing 30-foot Nonexclusive Private Access Easement [2]**

The existing private access easement was granted to provide access for Lots 6 and 26-A from across the west adjoining lots and connect them all to San Pedro Drive N.E, however all the lots to the west make up a graveyard and so access from across these lots has become undesirable. Access to the proposed lot after consolidation by the replat means the access from Glendale Avenue NE will be sufficient for vehicular access. Pedestrian access will also be provided back and forth through the southeastern corner by easement [5].

Per section 6-6(M)(3)(a) of the City of Albuquerque IDO, the public welfare does not require the easement to be retained, as the private easement lies across a graveyard and regular access across this easement to the subject lot is inappropriate. Access to the consolidated lots will be provided by Glendale Avenue NE. Thus, no substantial property right will be abridged against the will of the owners or the public by the vacation of this easement.

Per section 6-6(M)(3)(b) of the City of Albuquerque IDO, there is a net benefit to the public welfare as the vacated easement clears the record and allows for the site to be developed more efficiently, with more constrained designs be put in. Development of the lots will offer greater tax revenue and expanded goods and services offered to the public.

Thank you for your time and consideration.  
Ryan J. Mulhall

## DECLARATION OF PRIVATE ACCESS EASEMENT

21<sup>st</sup> This Declaration of Private Access Easement (the "Declaration") is dated July 21, 2015, and is made by SMI-ABQ RE, LLC, a Delaware limited liability company (the "Grantor").

1. Recital. Grantor is the owner of a certain parcel of land within the Elena Gallegos Grant in Projected Section 12, Township 11 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being and comprising: Lots Numbered One (1) thru Six (6) and Twenty seven (27) thru Thirty two (32) in Block Numbered Twenty five (25), North Albuquerque Acres, Tract A, Unit B as the same are shown and designated on the plat entitled "TRACT A-UNIT B, NORTH ALBUQUERQUE ACRES, ALBUQUERQUE, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on April 24, 1936, in Volume D, Folio 130 (the "Property"). Grantor desires to establish on the Property a nonexclusive easement for ingress and egress to and from San Pedro Drive NE, Albuquerque, New Mexico on the terms and conditions set forth in this Declaration.

2. Grant of Easement. Grantor grants and establishes a permanent, nonexclusive private access easement for access in, to and over that portion of the Property described in Exhibit A attached to this Declaration as shown on Exhibit B attached to this Declaration (the "Access Easement"). The Access Easement may be used for vehicular and pedestrian ingress and egress and access from the Property to and from San Pedro Drive NE, Albuquerque, New Mexico.


3. Maintenance and Repair. The cost of periodic maintenance and necessary repairs to the Access Easement shall be shared on a prorata basis by owner(s) of the lots that comprise the Property. All maintenance and repair work shall be performed on a prompt, diligent and regular basis, and in accordance with generally accepted maintenance standards. If any owner fails to pay its allocated share of the costs, the other owner(s) shall be entitled to advance such share and obtain reimbursement from the nonpaying owner within ten (10) days of written demand for payment.

4. Effect of Agreement. The Access Easement granted hereunder shall run with the land as to all property burdened and benefited by the Access Easement. The rights, covenants and obligations contained in this Declaration shall bind, burden and benefit each party's successors and assigns.

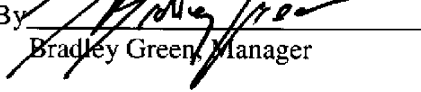
5. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Access Easement to the general public or for any public purposes whatsoever, it being the intention of Grantor that this Declaration shall be strictly limited to and for the purposes expressed herein.

6. Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the state of New Mexico without reference to its choice of law provisions.

**Doc# 2015064565**

07/27/2015 02:33 PM Page: 1 of 4  
EASE R:\$25.00 M. Toulouse Oliver, Bernalillo County  


SMI – ABQ RE, LLC,  
a Delaware limited liability company

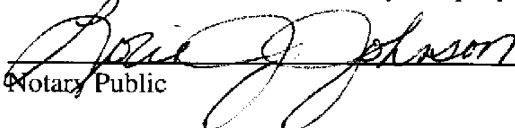
By   
Bradley Green, Manager

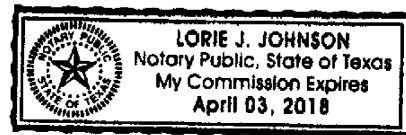
STATE OF Texas

COUNTY OF Harris

This instrument was acknowledged before me on July 21, 2015, by  
Bradley Green as Manager of SMI-ABQ RE, LLC, a Delaware limited liability company.

April 03, 2018  
My commission expires:

  
Notary Public





## EXHIBIT "A"

### LEGAL DESCRIPTION- 30' PRIVATE ACCESS EASEMENT

An Easement situate within the Elena Gallegos Grant in Projected Section 12, Township 11 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being and comprising: a Southerly portion of Lots Numbered One (1) thru Six (6) and a Northerly portion of Lots Numbered Twenty seven (27) thru Thirty two (32), in Block Numbered Twenty five (25), North Albuquerque Acres, Tract A, Unit B as the same are shown and designated on the plat entitled "TRACT A-UNIT B, NORTH ALBUQUERQUE ACRES, ALBUQUERQUE-BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on April 24, 1936, in Volume D, Folio 130 more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane, Central Zone (NAD 83) grid bearings and ground distances as follows:

BEGINNING at the Northwest corner of the easement herein described, a point on the Easterly right of way line of San Pedro Drive N.E. whence (1) the Northwest corner of said Lot 1, Block 5 (a 1-1/2" Iron pipe found in place) bears N 00°16'33" E, 219.05 feet distant and (2) the Albuquerque Control Survey Monument "10-C18" bears S 00°19'57" W, 329.87 feet distant; Thence,

S 89°41'24" E, 806.00 feet to the Northeast corner of the easement herein described; Thence,

S 00°16'33" W, 30.00 feet to the Southeast corner of the easement herein described; Thence,

N 89°41'24" W, 806.00 feet to a point on said Easterly right of way line of San Pedro Drive N.E. and the Southwest corner of the easement herein described; Thence,

N 00°16'33" E, 30.00 feet along said Easterly right of way line of San Pedro Drive N.E. to the point of beginning of the easement herein described.

Said parcel contains 0.5551 acres, more or less.

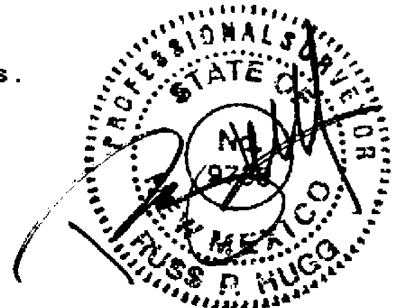


EXHIBIT "A"

**LINE TABLE**

LINE	LENGTH	BEARING
L1	30.00	S00°16'33"W
L2	30.00	N00°16'33"E

**Map Details:**

- Block 25, Tract A, Unit B, North Albuquerque Acres**
- San Pedro Drive** (West side)
- Glendale Avenue** (North side)
- Modesto Avenue** (South side)
- 30' Private Access Easement** (Center)
- Point of Beginning** (SW corner of Lot 1)
- Survey Monument** (NE corner of Lot 1)
- Scale:** 1 inch = 100 feet
- North Arrow**

**Survey Data:**

- Albuquerque Control Survey Monument "10-C18"** (Central 1204, NAD 83)
- North:** 1,524,132.885 feet
- East:** 1,524,132.885 feet
- Elevation:** 5223.080 feet (NAVD 1988)
- Delta Azimuth:** -001°19'43"
- Ground to Grid Factor:** 0.999665042

Page 2

130397\_ACCESS EASE

**SURV TEK, INC.**

Consulting Surveyors

9384 Valley view Drive N.W. Albuquerque, New Mexico 87114

Phone: 505-897-3366

Fax: 505-897-3377



# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"SMI - ABQ RE, LLC", A DELAWARE LIMITED LIABILITY COMPANY, WITH AND INTO "SMI - ABQ ASSETS, LLC" UNDER THE NAME OF "SMI - ABQ ASSETS, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF SEPTEMBER, A.D. 2018, AT 2:55 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTIETH DAY OF SEPTEMBER, A.D. 2018 AT 11:59 O'CLOCK P.M.



  
Jeffrey W. Bullock, Secretary of State

5155522 8100M  
SR# 20186828005

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 203493431  
Date: 09-26-18

**STATE OF DELAWARE**  
**CERTIFICATE OF MERGER**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:55 PM 09/25/2018  
FILED 02:55 PM 09/25/2018  
SR 20186828005 - File Number 5155522

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Company Act, the undersigned limited liability company executed the following Certificate of Merger:

**FIRST:** The name of the surviving limited liability company is SMI - ABQ Assets, LLC, a Delaware limited liability company, and the name of the limited liability company being merged into this surviving limited liability company is SMI - ABQ RE, LLC, a Delaware limited liability company.

**SECOND:** The Agreement and Plan of Merger has been approved and executed by each of the constituent limited liability companies.

**THIRD:** The name of the surviving company is SMI - ABQ Assets, LLC.

**FOURTH:** The merger is to become effective as of 11:59 p.m. on September 30, 2018.


**FIFTH:** The Agreement and Plan of Merger is on file at 16801 Greenspoint Park Drive, Suite 376, Houston, Texas 77060, the place of business of the surviving limited liability company.

**SIXTH:** A copy of the Agreement and Plan of Merger will be furnished by the surviving limited liability company on request, without cost, to any member of the constituent limited liability companies.

[Signature Page Follows]

IN WITNESS WHEREOF, SMI - ABQ Assets, LLC has caused this certificate to be signed by an authorized officer, the 21<sup>st</sup> day of September, 2018.

SMI - ABQ ASSETS, LLC

By:   
Name: Jody Dadds  
Title: President