



**Environmental
Planning
Commission**

**Agenda Number: 03
Project Number: 1001370
Case #: 15EPC-40025
August, 13, 2015**

Staff Report

Agent	Hunt and Davls, PC
Applicant	Juan Tabo Hills West, LLC
Request	Site Development for Subdivision
Legal Description	Tract 1-A-1, Juan Tabo Hills Unit 2
Location	Juan Tabo Hills BLVD. between Gallant Fox Road and the Tijeras Arroyo
Size	13.4 acres
Existing Zoning	SU-1 for Major Public Open Space (MPOS)
Proposed Zoning	Same

Staff Recommendation

APPROVAL of 15 EPC-40025 based on the Findings beginning on Page 8, and subject to the Conditions of Approval beginning on Page 11.

Staff Planner

Maggie Gould, Planner

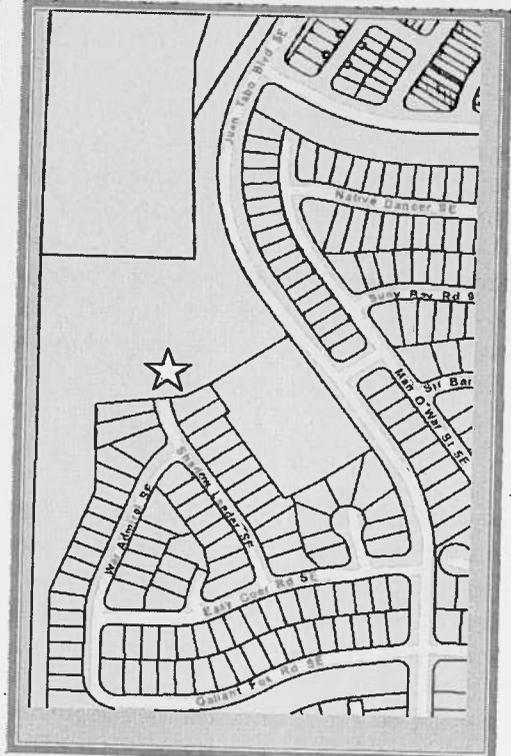
Summary of Analysis

The applicant proposes a new public road and associated infrastructure across the City owned Major Public Open Space (MPOS) to allow access to a subdivision located to the west of Juan Tabo Blvd/Drive. The public road and infrastructure are allowed across the MPOS because of two prior agreements between the City and the landowner; a settlement agreement in 2007 and a pre-annexation agreement in 2011 allowing for extension of infrastructure through the MPOS if necessary for the future development of Juan Tabo Hill West. The EPC is hearing this request because EPC must approve all Extraordinary Facilities in City Parks and Open Space (§14-13-3-2), as well as hearing cases for sites with SU-1 zoning (§14-16-2-22)

The request is consistent with goals and policies of the Comprehensive Plan, Facility Plan for Arroyos, Resource Management Plan for Tijeras Arroyo Biological Zone and the East Gateway Sector Development Plan.

The road design will be reviewed by both the Development Review Board and the Design Review Committee and will comply with all city rules.

There is no known opposition. Staff recommends approval.



City Departments and other interested agencies reviewed this application from 07/06/2015 to 07/17/2015
Agency comments used in the preparation of this report begin on Page 13.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-1 for Major Public Open Space	Developing Urban, East Gateway, Resource Management Plan for Tijeras Arroyo Biological Zone	Vacant
North	County A-1, R-D	Developing Urban, East Gateway,	Vacant, Single Family
South	R-D	Developing Urban, East Gateway,	Single Family
East	R-D	Developing Urban, East Gateway,	Single Family
West	County A-1, R-D	Developing Urban	Vacant

II. INTRODUCTION

Proposal

The applicant proposes a Site Development Plan for Subdivision to show the access points and use for a public road and associated infrastructure across the subject tract. The public road and associated infrastructure will allow access to the new final phase of the residential subdivision, Juan Tabo Hills, located to the west. The new road will be a public road dedicated to the city.

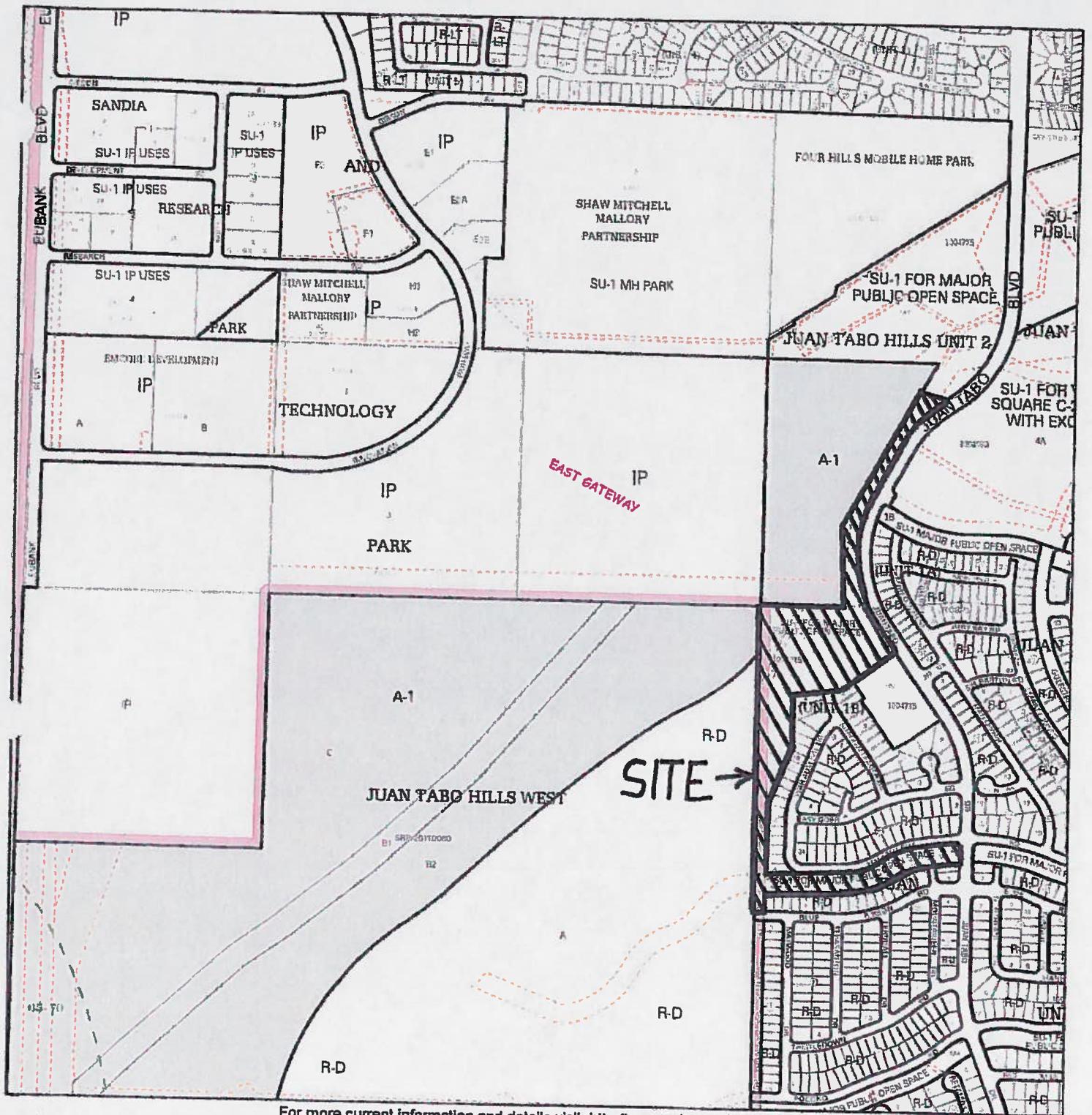
EPC Role

The EPC is hearing this case because the EPC has the authority to hear cases regarding sites with SU-1 zones. The EPC also has jurisdiction in this matter because of the provision in 14-3-2-(A) 5, which designates EPC as the approval body for Extraordinary Facilities in City Parks and Open Space. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History/Background

The subject tract is part of a larger residential subdivision, Juan Tabo Hills. This area was annexed into the City 2004 (1001370/03EPC-01062/01920/01922 and Council Bill O-04-24), the site consisted of approximately 227 acres. These tracts joined an existing 100 acres that were

Notes



For more current information and details visit: <http://www.cabq.gov/gis>

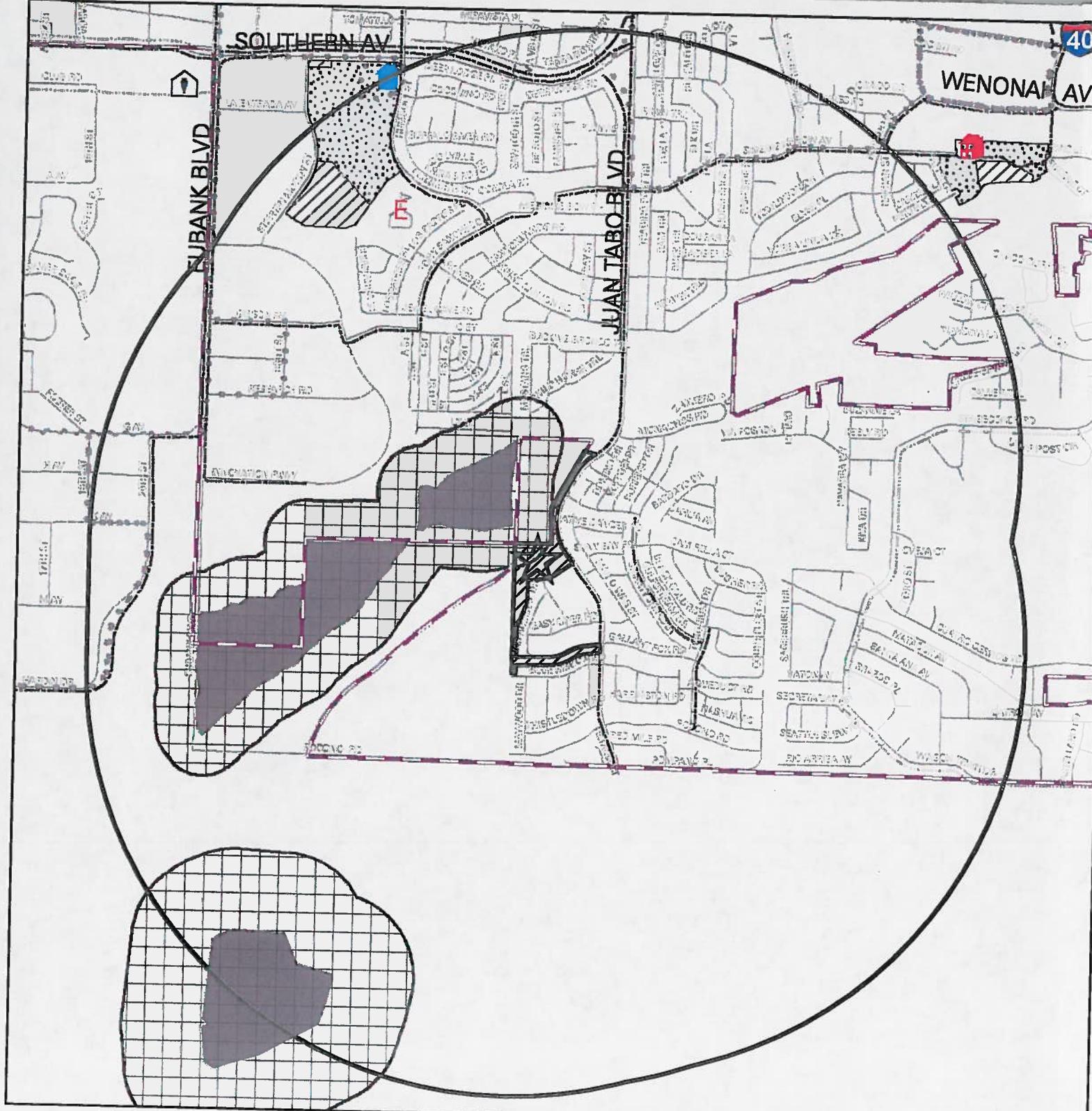
Map amended through 4/2/2012

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
M-21-Z

Selected Symbols

SECTOR PLANS	Easement
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

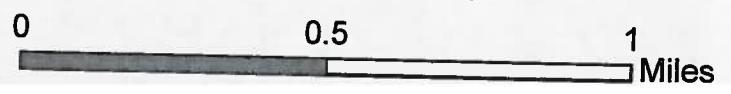


Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------|--------------------------|-----------------------------|
| COMMUNITY CENTER | FIRE | APS Schools | Landfill Buffer (1000 feet) |
| MULTI-SERVICE CENTER | POLICE | ABQ Ride Routes | Landfills designated by EHD |
| SENIOR CENTER | SHERIFF | ABQ Bike Facilities | Developed County Park |
| LIBRARY | SOLID WASTE | Proposed Bike Facilities | Undeveloped County Park |
| MUSEUM | | Albuquerque City Limits | Developed City Park |
| | | | Undeveloped City Park |



Project Number: 1001370

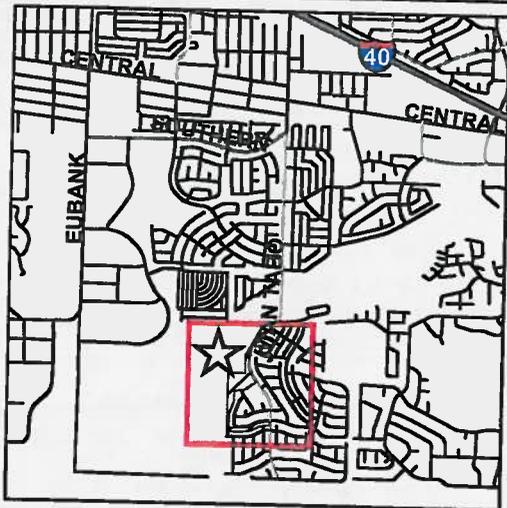


SU-75-8

DRB-98-20
S-98-3020

AX-80-10
Z-80-30

N 19212
Z-10



HISTORY MAP

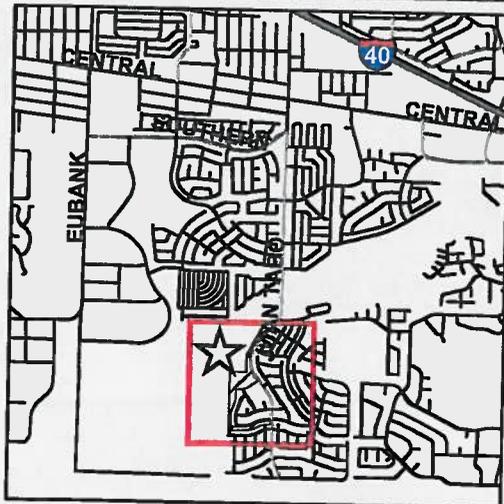
Note: Grey shading indicates County.



1 inch = 400 feet

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Additional Case Numbers:
14EPC 40025





LAND USE MAP

Note: Grey shading indicates County.

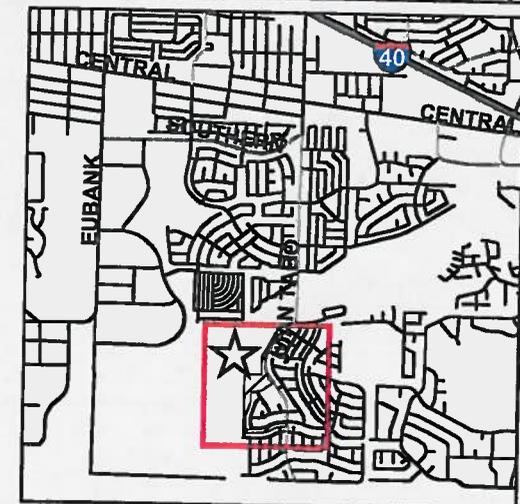
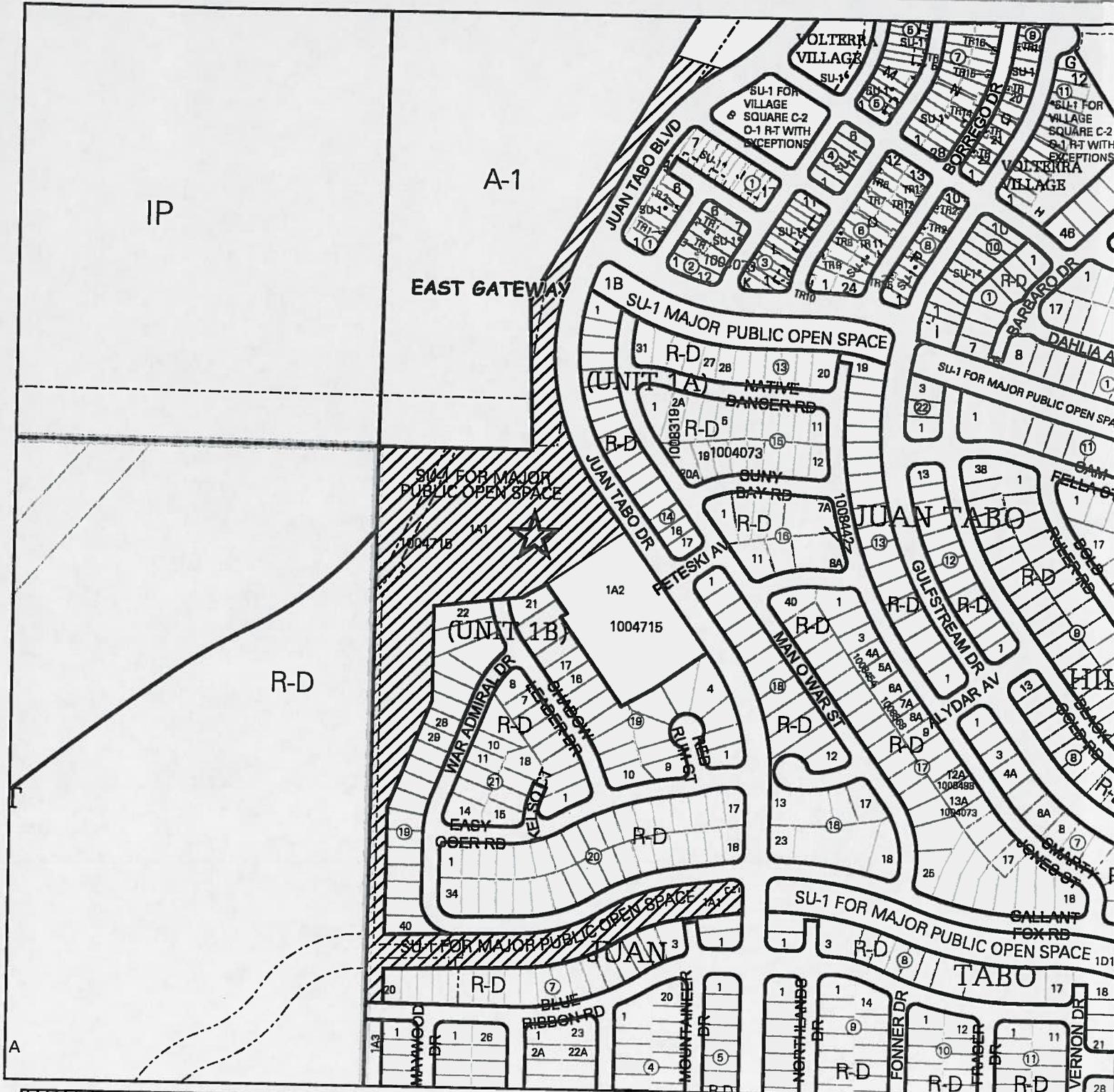
KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



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ZONING MAP

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I. AREA CHARACTERISTICS AND ZONING HISTORY

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II. INTRODUCTION

Proposal

The applicant proposes a Site Development Plan for Subdivision to show the access points and use for a public road across the subject tract. The public road and associated infrastructure will allow access to the new final phase of the residential subdivision, Juan Tabo Hills, located to the west. The new road will be a public road dedicated to the city.

EPC Role

The EPC is hearing this case because the EPC has the authority to hear cases regarding sites with SU-1 zones. The EPC also has jurisdiction in this matter because of the provision in 14-3-2-(A) 5, which designates EPC as the approval body for Extraordinary Facilities in City Parks and Open Space. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History/Background

The subject tract is part of a larger residential subdivision, Juan Tabo Hills. This area was annexed into the City 2004 (1001370/03EPC-01062/01920/01922 and Council Bill O-04-24), the site consisted of approximately 227 acres. These tracts joined an existing 100 acres that were

already a part of the City. These lands make up the current Juan Tabo Hills Subdivision. The subdivision has developed in phases and is nearly complete. As a part of the development a four lane bridge was constructed over the Tijeras Arroyo to provide access to the subdivision.

The annexation process excluded the land to the west of the Juan Tabo Hills Subdivision, which would become the Juan Tabo Hills West subdivision.

In in 2007 as part of the annexation of Juan Tabo Hills West, the City and the property owner developed an agreement (Mutual Release Between City and Developers) to identify the tracts of land to be conveyed to the City Open Space Division, set up a process to re-plat and dedicate those tracts and included a provision that the disturbed Open Space could be crossed by utilities, including public streets (section 6). The agreement states (section 7) that the developer shall prohibit and shall actively prevent further disturbance of the undisturbed open space. The agreement differentiates between the open space lands that are still in a natural condition and those that have been disturbed by grading or other factors. The subject site is disturbed open space.

The Juan Tabo Hills West property, 85 acres, was annexed into the City in 2011(1005278 06-EPC-01701). A pre-annexation agreement was part of this process and detailed the terms of the annexation including stating that the extension of infrastructure across tract A-1-A, the subject tract, maybe necessary to future development and further stating, in section 12, that these extensions shall be permitted by the City:

“12. Infrastructure Extensions. The City of Albuquerque and Developer agree that it may be necessary to extend water, sanitary sewer, storm drainage, trails, streets and public utilities across the existing Open Space located in Tract A-1-A, Juan Tabo Hills Unit 1 or properties owned by the developer and that said extension will be permitted.”

The Open Space tracts range in size from 16 acres to 1 acre and are spread throughout the development.

A Preliminary Plat hearing at the DRB was held on May 20, 2015; as a result of the hearing, it was determined that the site should go through the process for approval of Extraordinary Facilities in Open Space because of the proposed public road and associated infrastructure crossing the MPOS.

As directed by §14-13-3-2, the proposed public road was reviewed by the Open Space Advisory Board on July 28th, 2015 and found to be an Extraordinary Facility.

Context

The subject site is located in between the Tijeras arroyo and a residential subdivision. The proposed road will link the existing subdivision to the south with a new subdivision to the north of the subject site.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Juan Tabo as a Collector street.

Comprehensive Plan Corridor Designation

Identify designation of adjacent corridor and its intent

Trails/Bikeways

There is a bike lane along Juan Tabo Boulevard.

Transit

Refer to Transit Agency comments

Public Facilities/Community Services

Refer to the Public Facilities Map in the packet

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The site is zoned SU-1 for Major Public Open Space (MPOS), a zone specific to the publicly owned open space lands in the Albuquerque area. MPOS is generally undeveloped, but can contain trails, parking areas, fencing and signage. § 14-13-3-2, Duties, Responsibilities, and Powers (of the EPC) clarifies that Extraordinary Facilities in Open Space are those that fall outside of trails, parking areas, fencing and signage. These facilities must be reviewed by the Open Space Advisory Board to determine that they are extraordinary and then approved by the EPC.

The road use is allowed in this zone because it was previously agreed upon by both parties and has been determined to be an Extraordinary Facility and will be reviewed as such.

The applicant is not proposing any changes to the zoning.

Definitions

See zoning section of staff report documents

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in the area designated Developing Urban by the Comprehensive Plan with a Goal to "create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers

variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable policies include:

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The road is adjacent to existing urban facilities and will connect to programmed facilities, including water, sewer, electricity and other roads. The request furthers policy II.B.5e.

Transportation and Transit

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The proposed road will be developed according to City standards and will be required to have sidewalks and landscaping that will provide pedestrian opportunities.

Policy II.D.6a New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The proposed road will serve the new development to the west of the existing development. The construction of these homes will provide short term employment for the construction sector. The request partially furthers Policy II.D.6a.

Policy II.D.6b Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The applicant, Juan Tabo Hills, LLC is a locally based business. The road will facilitate the development of the new subdivision. The request furthers Policy II.D.6b.

Facility Plan for Arroyos

The Facility Plan for Arroyos was adopted in 1986. The Facility Plan for Arroyos establishes guidelines and procedures for implementing the goals of the Comprehensive Plan in order to create a multi-purpose network of recreational trails and open space along arroyos. Chapter 2, Section F of the Facility Plan contains design guidelines for development adjacent to Major Open Space arroyos and Major Open Space links.

General Policies:

Drainage Policy 1- Primacy of Drainage Function- Drainage and flood control are the most important functions of the City arroyos. Other uses within the or adjacent to them should not interfere with these functions.

The proposed road will not be developed within the flood way of the arroyo and will be subject to review by the Development Board and the Design Review Committee. These reviews include

the City Hydrologist and will ensure that the final design does not impede the drainage function of the Tijeras Arroyo.

Major Open Space Arroyos: Specific Policies

Policy 1 Preservation of the Existing Flood Plain:

Where appropriate, as determined through specific arroyo corridor plans, the entire 100 year flood plain of the arroyo shall be dedicated to or purchased by the City as Major Public Open Space. Right of Way beyond the 100 year flood plain should be acquired when development would be imprudent because of potential bank erosion or other environmental factors, or when necessary to ensure continuous trail development. Acquisition of these lands shall be programmed by the City. Portions of the arroyo right of way will also be eligible for park dedication credit. The actual amount of land area is to be determined by the City on a case by case basis.

The Resource Management Plan for Tijeras Arroyo Biological Zone is an arroyo corridor plan that governs the site; the pre-annexation agreement from June 2011, section 9, states that the conveyance of the MPOS shall satisfy any future obligation that may be required pursuant to the adoption of the Resource Management Plan for Tijeras Arroyo Biological Zone. The proposed road will be developed in accordance with this plan.

Resource Management Plan for Tijeras Arroyo Biological Zone

The Resource Management Plan for Tijeras Arroyo Biological Zone was adopted in 2014 and covers approximately 3.7 mile stretch of the Tijeras Arroyo, from south of the Tijeras Canyon Open Space near I-40 east of Tramway Boulevard along the arroyo to the City limits at Kirtland Air force base.

The primary goal of the plan is to conserve the native vegetation and wildlife habitat and restore native vegetation and wildlife habitat where feasible, provide increased recreation opportunities and protect cultural resources. The plan recommends acquiring the land within the floodway of the arroyo.

The pre-annexation agreement, section 9, states that the conveyance of the MPOS shall satisfy any future obligation that may be required pursuant to the adoption of the Resource Management Plan for Tijeras Arroyo Biological Zone.

The proposed road goes through a small area of previously disturbed MPOS. Restoration of the site may not be feasible. The proposed road will be outside of the floodway of the arroyo. The request is consistent with Resource Management Plan for Tijeras Arroyo Biological Zone.

East Gateway Sector Development Plan (EGSDP)

The East Gateway Sector Development Plan was first adopted in 2010, and revised in 2014. The Plan generally encompasses properties between; specific boundaries are shown on Figure () in the Plan. The main purpose of the Plan is revitalization of the Central Avenue Corridor and general improvement of the area. The plan includes special SU-2 zones primarily along Central Avenue. The subject site is not within an SU-2 zone.

Relevant goals/policies include the following:

Section 7 addresses Parks and Open Space and recommends acquisition of the private parcels along the Tijeras Arroyo and improved public access along the arroyo after the Open Space corridor is established.

The subject site is already part of the Open Space system and is not shown on the map as a possible access area. The initial agreements for the proposed road pre-date the adoption of the EGSDP.

Section 2.3, Plan of Action

2.3.2 Enable the continued existence and development of thriving business to provide jobs and local services.

The proposed road will allow the development of a new subdivision that may provide additional patrons for the existing future businesses. The request partially furthers 2.3.2.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

Request

The applicant proposes to construct a public road and associated infrastructure linking the existing residential development, Juan Tabo Hills to the new phase of residential development, Juan Tabo Hills West. The proposed public road and associated infrastructure will be constructed with a right-of-way between 64 and 68 feet in width. Sidewalks and street will be required pursuant to the Zoning Code, Development Process Manual and Subdivision Ordinance.

The specific design will be determined by the Development Review Board and Design Review Committee, based the standards in the Development Process Manual and the appropriate engineering requirements.

The eastern end of the road will connect to Juan Tabo Boulevard and proceed west to the Juan Tabo Hills West subdivision.

A Site Development Plan is required to show the site, ingress and egress, use and for sites where buildings will occur, height, setbacks and total dwelling units or FAR. For this site, the proposed use is a road. Therefore, the plan only needs to show the access points and use.

The exact design of the road will be determined by the Development Review Board and the Design Review Committee because they are appropriate technical review bodies for road design. The review includes representatives from the City's Hydrology, Parks, Planning Traffic and the Albuquerque Bernalillo County Water Utility Authority.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

PNM notes that the proposed road will cross existing underground electric lines and will need to work with the applicant to determine proper placement.

The applicant has submitted additional documents to the traffic engineer regarding the TIS; Traffic is satisfied with the additional information.

The Hydrology comments will be addressed at the DRB with a complete grading and drainage plan.

The APS comments regarding school capacity are not relevant to the request for the public road and related infrastructure.

The comments from the MRCOG regarding land use mix and connectivity are provided for information purposes only.

Neighborhood/Public

The Applicant notified the Juan Tabo Hills Neighborhood Association and the East Gateway Coalition. Staff notified property owners within 100 feet of the subject tract. As of this writing, staff has not received any comments.

A facilitated meeting was not recommended and did not occur.

V. CONCLUSION

The applicant proposes a new road across the City owned Major Public Open Space (MPOS) to connect to a new subdivision to the west of the existing residential subdivision. The road is allowed across the MPOS because of two prior agreements between the City and the landowner, a settlement agreement in 2007 and a pre-annexation agreement in 2011 allowing for extension of infrastructure through the MPOS if necessary for the future development of the adjacent residential uses.

The subject site constitutes disturbed Open Space, land that is managed by the Open Space Division but is not in as natural a condition as undisturbed land. Because the land is already disturbed the impact of the road will not be as significant.

The proposed road will facilitate the development of new housing on the east side of the river and may help address the jobs and housing imbalance that exists between the east and west sides of the City, where there are more jobs on the east side and more housing on the west side.

The request is consistent with goals and policies of the Comprehensive Plan, Facility Plan for Arroyos, Resource Management Plan for Tijeras Arroyo Biological Zone and the East Gateway Sector Development Plan.

The road design will be reviewed by the Development Review Board and the Design Review Committee and will comply with all applicable city rules, including the Zoning Code, Subdivision Ordinance and Development Process Manual.

FINDINGS – 15 EPC-40025 – August 13th, 2015-Site Development Plan for Subdivision

1. This is a request for a Site Development Plan for Subdivision for tract A-1-A, Juan Tabo Hills Unit 2 located on Juan Tabo Boulevard between the Tijeras Arroyo and Gallant Fox road, zoned SU-1 for Major Public Open Space and containing approximately 13.4 acres.
2. The EPC has authority to review this Site Development Plan for Subdivision because of the SU-1(14-16-2-22) zoning and for approval of an Extraordinary Facility in Open Space (§14-13-3-2)
3. The subject site is part of a larger subdivision, Juan Tabo Hills, and was annexed into the city in 2004. The road will allow access from the Juan Tabo Hills Subdivision to the Juan Tabo Hills West Subdivision.
4. The proposed public road and associated infrastructure are allowed through the Major Public Open Space (MPOS) because of two prior agreements between the City and the landowner, a settlement agreement in 2007 and a pre-annexation agreement in 2011 allowing for extension of infrastructure through the MPOS if necessary for the future development of the adjacent residential uses.
5. The subject site constitutes disturbed open space and the Open Space division agrees to the extension.
6. The Albuquerque/Bernalillo County Comprehensive Plan, East Gateway Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Developing Urban Area if the Comprehensive Plan. Applicable policies include:

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The road is adjacent to existing urban facilities and will connect to programmed facilities, including water, sewer, electricity and other roads. The request further policy II.B.5e.

Transportation and Transit

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The proposed road will be developed according to City standards and will be required to have sidewalks and landscaping that will provide pedestrian opportunities.

Policy II.D.6a New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The proposed road will serve the new development to the west of the existing development. The construction of these homes will provide short term employment for the construction sector. The request partially furthers Policy II.D.6a.

Policy II.D.6b Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The applicant, Juan Tabo Hills, LLC is a locally based business. The road will facilitate the development of the new subdivision. The request further Policy II.D.6b.

8. The site is adjacent to the Tijeras Arroyo and is subject to the provisions of the Facility Plan for Arroyos:

General Policies:

Drainage Policy 1- Primacy of Drainage Function- Drainage and flood control are the most important functions of the City arroyos. Other uses within the or adjacent to them should not interfere with these functions.

The proposed road will not be developed within the flood way of the arroyo and will be subject to review by the Development Board and the Design Review Committee. These reviews include the City Hydrologist and will ensure that the final design does not impede the drainage function of the Tijeras Arroyo.

Major Open Space Arroyos: Specific Policies

Policy 1 Preservation of the Existing Flood Plain:

Where appropriate, as determined through specific arroyo corridor plans, the entire 100 year flood plain of the arroyo shall be dedicated to or purchased by the City as Major Public Open Space. Right of Way beyond the 100 year flood plain should be acquired when development would be imprudent because of potential bank erosion or other environmental factors, or when necessary to ensure continuous trail development. Acquisition of these lands shall be programmed by the City. Portions of the arroyo right of way will also eligible for park dedication credit. The actual amount of land area is to be determined by the City on a case by case basis.

The Resource Management Plan for Tijeras Arroyo Biological Zone is an arroyo corridor plan that governs the site; the pre-annexation agreement, section 9, states that the conveyance of the MPOS shall satisfy any future obligation that may be required pursuant to the adoption of the Resource Management Plan for Tijeras Arroyo Biological Zone. The proposed road will be developed in accordance with is plan.

9. The subject site is within the boundaries of the Resource Management Plan for Tijeras Arroyo Biological Zone, the pre-annexation agreement, section 9, states that the conveyance of the MPOS shall satisfy any future obligation that may be required pursuant to the adoption of the Resource Management Plan for Tijeras Arroyo Biological Zone.

10. The subject site is within the boundaries of the East Gateway Sector Development Plan:

Relevant goals/policies include the following:

Section 7 addresses Parks and Open Space and recommends acquisition of the private parcels along the Tijeras Arroyo and improved public access along the arroyo after the Open Space corridor is established.

The subject site is already part of the Open Space system and is not shown on the map as a possible access area. The initial agreements for the proposed road pre-date the adoption of the plan.

Section 2.3, Plan of Action

2.3.2 Enable the continued existence and development of thriving business to provide jobs and local services.

The proposed road will allow the development of a new subdivision that may provide additional patrons for the existing future businesses. The request partially furthers 2.3.2.

11. The proposed road goes through a small area of previously disturbed MPOS. Restoration of the site may not be feasible. The proposed road will be outside of the floodway of the arroyo. The request is consistent with Resource Management Plan for Tijeras Arroyo Biological Zone.

12. The Open Space Advisory Board met on July 28th and determined that the proposed road and associated infrastructure are Extraordinary Facilities in the Major Public Open Space.

13. The final design of the road will be determined by the Development Review Board and the Design Review Committee, including grading, slope treatment, drainage and other

infrastructure needed. The infrastructure is considered part of the Extraordinary Facility and is allowed along both sides of the road.

14. The proposed public road will allow the development of a news residential subdivision on the east side of the Rio Grande and may help to improve the jobs/ housing balance on the east side.
15. The Applicant notified the Juan Tabo Hills Neighborhood Association and the East Gateway Coalition. Staff notified property owners within 100 feet of the subject tract. There is no known opposition to this request.

RECOMMENDATION – 15-EPC 40025- August 1001370

APPROVAL of 15EPC-40025, a request for Site Development Plan for Subdivision for tract A-1-A, Juan Tabo Hills Unit 2 located on Juan Tabo Boulevard between the Tijeras Arroyo and Gallant Fox Road, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 15 EPC 40025 1001370 -Site Development Plan for Subdivision

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The final road design shall be approved by both the Development Review Board and the Design Review Committee
4. The applicant shall coordinate with PNM regarding the placement of utilities prior to final approval.

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5. The applicant shall coordinate with the Open Space Division regarding the landscaping plant palette.
 6. The applicant shall coordinate with the Department of Municipal Development regarding trail placement.
 7. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.



Maggie Gould
Planner

Notice of Decision cc list:

Hunt and Davis, LLC	2632 Mesilla NE	ABQ NM	87110
JTH West, LLC	PO Box 57060	ABQ NM	87187

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No Adverse Comments

Office of Neighborhood Coordination

Long Range Planning

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

Conditions of Approval from Transportation:

City Engineer/Transportation Development:

Infrastructure requirements from the approved traffic impact study will be required

Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board

Hydrology Development

Project number 1001370, will require a Grading and Drainage Plan per the COA DPM. New requirements have been added to the DPM concerning the "First Flush". Staff Planner Maggie Gould.
GENERAL HYDROLOGY CRITERIA:

- All new development projects shall manage the runoff from precipitation which occurs during the 90th Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90th Percentile storm event is 0.44 inches. For Land Treatment D the initial abstraction is 0.1", therefore the first flush volume should be based on 0.44"-0.1"=0.34" and only consider the impervious areas.
- State how the first flush will be managed and supporting calculations
- State the area of Land Treatment D on the plan
- The applicant may request a pre-design meeting with the Hydrology Section. First submit a Conceptual Grading and Drainage plan, and indicate on the DTIS sheet (**in large bold letters at the top**) that a pre-design conference is requested (DTIS sheet is the information sheet required for all Hydrology and Transportation submittals). The reviewer will contact the applicant to set up a meeting.
- The engineer should research the Master Drainage Plan and/or adjacent sites – essentially practice due diligence prior to meeting. Conceptual Grading and Drainage plans should reference the master drainage plan or other sources that indicate the intended drainage for that area. **The applicant should provide**

excerpts from the supporting documents and/or grading plans.

- o Final Drainage Reports should have an appendix with all supporting documentation

NM DOT

NM DOT has no comments

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Per MRCOG's current Long Range Bikeway System Map, proposed Tract 1-A-1-B is planned to contain a paved trail running west from Juan Tabo Hills Blvd. and then south down to an existing trail within the existing east-west Open Space corridor located just south of the Gallant Fox Road. The east-west portion of this trail could be placed along the south side of new Rocky Top Drive, in lieu of the 6-foot sidewalk now shown on the site development plan.

Traffic Engineering Operations

WATER UTILITY AUTHORITY

Utility Services

No objections. Waterline extensions to serve Juan Tabo Hills West are likely to be located along the south side of Gallant Fox Rd. and also along Pocono Rd.

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

No adverse comments

Open Space Division

OSD has reviewed and has the following comments:

1. The proposed roadway access for Juan Tabo Hills Unit 2 through Open Space Tract 1-A-1 will be considered by the Open Space Advisory Board on July 28, 2015. It is the duty of the Open Space Advisory Board to make recommendations regarding extraordinary facilities on City-owned Open Space to the EPC.
2. Regarding the landscape plan for Tract 1-A-1 (Sheet 3), it is recommended that a native ash tree species to New Mexico be used instead of the Autumn Purple Ash. Recommended species include the following: Arizona ash/velvet ash (*Fraxinus velutina*), singleleaf ash (*Fraxinus anomala* var. *anomala*), Lowell's ash (*Fraxinus anomala* var. *lowellii*), or fragrant ash (*Fraxinus cuspidata*).

City Forester

POLICE DEPARTMENT/Planning

This project is in the Foothills Area Command.

-No Crime Prevention or CPTED comments concerning the proposed Site Development Plan For Subdivision request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Reviewed, No comment

FIRE DEPARTMENT/Planning

Reviewed with No Comments for Fire Department Access which crosses open space. All future site development plans for subdivisions and future site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit.

TRANSIT DEPARTMENT

Adjacent and nearby routes	None.
Adjacent bus stops	None.
Site plan requirements	None
Large site TDM suggestions	None.
Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No objection to Site Development Plan for Subdivision. AMAFCA is working with the owners and engineers on improvements in the Tijeras Arroyo that will protect the road from erosion.

ALBUQUERQUE PUBLIC SCHOOLS

Juan Tabo Hills Unit 2, Tract 1-A-1, is located Juan Tabo Hills Blvd SE between Open Space/Tijeras Arroyo and Gallant Fox SE. The owner of the above property requests a Site Development Plan for Subdivision for a new public street crossing the open space tract to provide access between Juan Tabo Hills Blvd and Tract A of Juan Tabo Hills West. This request will have no adverse impacts to the APS district. However, the residential portion of this development will have impacts to Manzano Mesa Elementary School, Van Buren Middle School, and Highland High

School. Currently, Manzano Mesa Elementary is exceeding capacity, while Van Buren Middle School and Highland High School have excess capacity.

Loc No	School	2014-15 40th Day	Capacity	Space Available
260	Mazano Mesa	781	699	-82
460	Van Buren	543	782	239
520	Highland	1491	1958	467

Residential Units: 351

Est. Elementary School Students: 89

Est. Middle School Students: 38

Est. High School Students: 38

Est. Total # of Students from Project: 165

*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

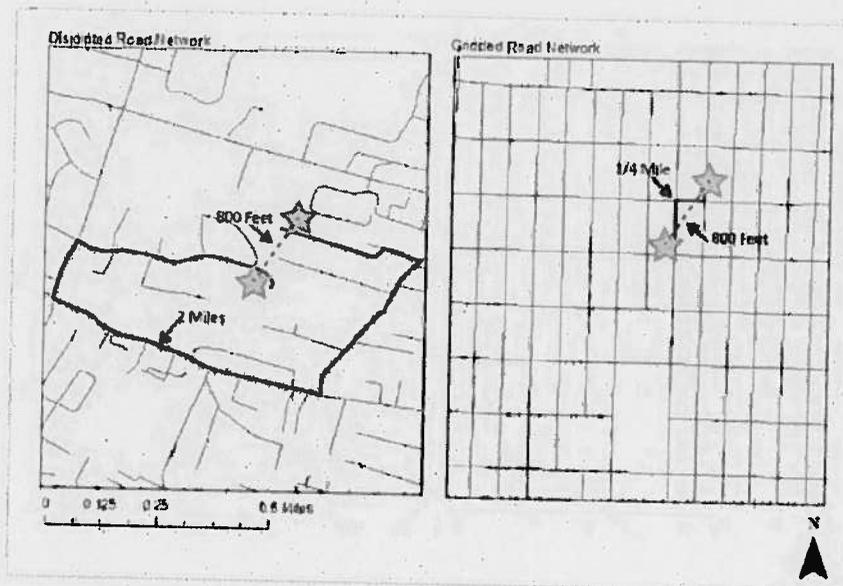
- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MRMPO has comments regarding two aspects of accessibility—connectivity and land use mix.



Much residential growth in the region has developed in a piecemeal manner, whereby many opportunities for street and path connectivity have been lost. Disconnected and circuitous networks decrease mobility, in particular for non-motorized modes like walking and biking. In this case, lots in the surrounding area have developed as residential in a manner in which street connectivity was not well preserved. MRMPO recommends connectivity be discussed as a part of the decision-making process when considering a zone change that exacerbates an existing deficiency.

Land use mix is another important aspect of accessibility. Locating non-residential uses far away from residential areas requires residents to travel further distances for employment and services. Because of this MRMPO encourages a reasonable mix of land uses where appropriate. MRMPO recommends that preserving the potential for a mix of residential and non-residential uses be a priority when reviewing zone change requests in areas dominated by the desired zoning designation.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

An existing overhead electric distribution line is located on the subject property which converts to an underground distribution line serving the residential area to the south. The proposed street alignment is shown crossing the underground portion of the distribution line. The proposed street will require a significant amount of fill applied to the slope in order to achieve the necessary grade change. The depth of fill needed for the grade change will place too much weight on PNM's underground distribution line which will damage the line. The distribution line must be relocated in order to prevent this damage. Any relocation, changes or realignment regarding existing electric utilities will be the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to safety clearances or other physical constraints. The applicant is responsible to abide by any conditions or terms of the distribution easements. Adequate clearances for the electric utilities must be maintained during construction and provided for to address safe operation and maintenance

purposes. PNM will review all technical needs, issues and safety clearances for its electric power systems. PNM requests a meeting with the applicant and the developer to resolve this issue.

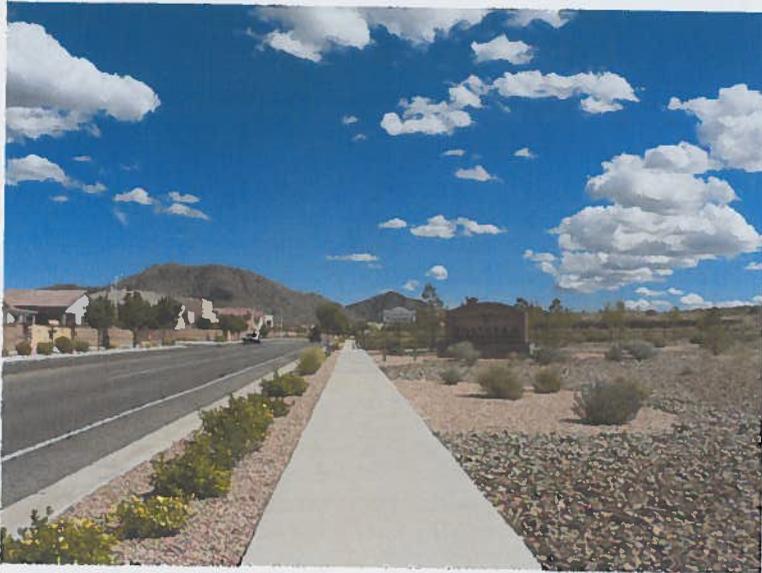
Contact Laurie Moye at (505) 241-2792 or Laurie.Moye@pnm.com



Looking northwest across the approximate location of subject site

Looking southwest across the approximate location of subject site





**Existing sidewalk along Juan Tabo,
looking west**

**Existing sidewalk along Juan Tabo,
looking east**



**Looking north across the arroyo at the
existing power lines**



HISTORY

1 meets the requirements of *Resolution 54-1990* (City's Annexation Policy).

2 Therefore, the area specified in Section 1 above is hereby annexed.

3 Section 3. ZONE MAP AMENDED. The request for R-D, SU-1 for MPOS
4 and SU-1 for Village Square C-2 with exclusions, O-1 and R-T uses zoning is
5 justified per *Resolution 270-1980* because a different use category is more
6 advantageous to the community, as articulated in the *Comprehensive Plan*
7 and adds to the health, safety, morals and general welfare of the City.

8 Therefore, the zone map adopted by Section 14-16-1-1 et. Seq. R.O.A. 1994 is
9 hereby amended, establishing R-D, SU-1 for MPOS and SU-1 for Village Square
10 C-2 with exclusions, O-1 and R-T uses zoning for the area specified in Section
11 1 above.

12 Section 4. FINDINGS ACCEPTED. The Council shall adopt the following
13 zone map amendment findings recommended by the Environmental Planning
14 Commission on February 12, 2004:

15 1. This is a request for the establishment of zoning for 227-acres
16 located at the south end of Juan Tabo Boulevard, south of Tijeras Arroyo, and
17 on the west side of Four Hills Neighborhoods legally described as 4 separate
18 parcels: the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S-33, T-10N, R-4E; the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the
19 W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S-34, T-10N, R-4E; the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S-33, T-
20 10N, R-4E; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of S-33, T-10N, R-4E. The applicant
21 is requesting that 179.23-acres of NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S-33, T-10N, R-4E, SE $\frac{1}{4}$
22 of S-33, T-10N, R-4E and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the
23 SW $\frac{1}{4}$ of S-34, T-10N, R-4E be zoned R-D. A remaining portion, Tract "A3"
24 (40.44-acres), shall be SU-1 for Major Public Open Space. Another smaller
25 remaining portion, Tract "B1" (14.15-acres) shall be zoned SU-1 for Village
26 Square. Tract "B1" will be combined with Tract "B2" during the platting
27 process to make Tract "B". Tract "B" is the Village Square with zoning of C-2
28 with exclusions (7.5-acres maximum), O-1 (11.5-acres maximum) and R-T uses
29 (160 dwelling units maximum).

30 2. The request is justified under *Resolution 270-1980* as a change that
31 would be more advantageous to the community as articulated in the
32 *Comprehensive Plan*, Developing Urban Area (Policy d) by providing intensity
33 and design of new development that shall respect existing neighborhood

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1 values and by providing new growth through development in areas where
2 vacant land is contiguous to existing or programmed urban facilities and
3 services and where the integrity of existing neighborhoods can be ensured (R-
4 270-1980, D. 3.). There will not be any full connection of roadways or streets
5 between Juan Tabo Hills and Four Hills Village.

6 3. The request is in conformance with the *Albuquerque/Bernalillo*
7 *County Comprehensive Plan* applicable goals and policies, which allow a full
8 range of urban land uses and states that the location, intensity and design of
9 new development shall respect existing neighborhood values and resources
10 and where vacant land is contiguous to existing or programmed urban
11 facilities and services and where vacant land is contiguous to existing or
12 programmed urban facilities and services and where the integrity of existing
13 neighborhoods can be ensured. (Developing Urban Area Policies a, d, e, g, i, m
14 and n).

15 4. The Site's 30-acre Village Square, a mixed-use Village Center zoned
16 SU-1 for Village Center C-2 with exclusions (7.5-acres maximum), O-1 (11.5-
17 acres maximum) and R-T uses (160 dwelling units maximum), furthers the
18 *Comprehensive Plan's* Goal for Activity Centers by creating an Activity Center
19 that provides daily services, at a neighborhood scale, which can be accessed
20 via alternative modes of transportation, i.e., pedestrian, bicycle, transit. (Part
21 II, Section B, Goal 7, Policy a).

22 5. The applicant is requesting the following zoning to be established for
23 the following tracts (the tract identification corresponds to the attached
24 Zoning Map):

25 (A) Tract "A3" (40.44-acres) is requested to be zoned SU-1 for
26 Major Public Open Space. This is a continuous tract that runs throughout the
27 entire site; for the portion requested to be annexed, Tract "A3" follows 3
28 arroyos and an archaeological site. This is not open space to be used for the
29 open space requirement for the newly created lots.

30 (B) Tract "B1" (14.15-acres) is requested to be zoned SU-1 for
31 Village Center. The combined "B1" and "B2" tracts that make up Tract "B"
32 (30-acres), the Village Square, is an area of mixed uses and is defined as C-2
33 with exclusions (7.5-acres maximum), O-1 (11.5-acres maximum) and R-T (160

1 dwelling units maximum) uses. This tract lies in the northern portion of the
2 site and will be adjacent to the bridge and Juan Tabo Boulevard on the south
3 side of Tijeras Arroyo.

4 (C) Tracts "E2", "F" and "G" are requested to be zoned R-D. The
5 R-T controls within this zone help to accommodate for the varying terrain
6 causing irregularly shaped lots with varying setbacks on each lot. The
7 residential portion of the site is to the south of the Village Square.

8 6. The applicant has submitted new information that clearly shows the
9 land to be annexed and the associated zoning for each of the annexed tracts.

10 7. There is no known opposition to this request.

11 Section 5. The Recommended Conditions from the City Engineer,
12 Municipal Development, Public Works and NMDOT from the February 13, 2004
13 Environmental Planning Commission Official Notice of Decision for the
14 Annexation, Zone Map Amendment and Site Development Plan for Subdivision
15 shall be required with the exception of Condition (k) which shall be stricken.
16 The Juan Tabo Hills Village Square Site Plan for Subdivision shall be amended
17 accordingly by deleting "unimproved" and inserting in lieu thereof "unpaved"
18 in the vehicular access note on Sheet 4 of 5.

19 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
20 clause, word or phrase of this ordinance is for any reason held to be invalid or
21 unenforceable by any court of competent jurisdiction, such decision shall not
22 affect the validity of the remaining provisions of this ordinance. The Council
23 hereby declares that it would have passed this ordinance and each section,
24 paragraph, sentence, clause, word or phrase thereof irrespective of any
25 provisions being declared unconstitutional or otherwise invalid.

26 Section 7. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
27 take effect five days after publication by title and general summary and when a
28 plat of the territory hereby annexed is filed in the office of the County Clerk.

29
30
31

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1 Section 3. **ZONE MAP AMENDED.** The request for R-D zoning is justified
2 per *Resolution 270-1980*. Therefore, the zone map adopted by Section 14-16-1-
3 1 et. seq. ROA 1994 is hereby amended, establishing R-D zoning for the area
4 specified in Section 1 above.

5 Section 4. **FINDINGS ACCEPTED.** The following annexation findings are
6 adopted by the Council:

7 1. This request is for annexation of Tract A, Juan Tabo Hills West,
8 which consists of approximately 85-acres (the “subject site”), into the City of
9 Albuquerque. The subject site is located directly west of the existing Juan
10 Tabo Hills subdivision and south of the Tijeras Arroyo, between Juan Tabo
11 Drive and Eubank Boulevard SE.

12 2. Annexation of the subject site will allow for an expansion of the
13 existing Juan Tabo Hills subdivision that abuts the subject site on the east.

14 3. The subject site is in the Developing Urban Area of the
15 Comprehensive Plan.

16 4. This request for annexation is accompanied by a request for the
17 establishment of R-D zoning, (Project #1005278, 06EPC-01701). Approval of
18 the R-D zoning is contingent upon approval of the request for annexation.

19 5. The Albuquerque/Bernalillo County Comprehensive Plan and the City
20 of Albuquerque Zoning Code are incorporated herein by reference and made
21 part of the record for all purposes.

22 6. This request for annexation furthers the following Comprehensive
23 Plan policies for Developing and Established Urban Areas:

24 **DEVELOPING URBAN AREA POLICIES**

25 A. This request will add to the range of urban land uses found in the
26 community by improving land that has been considered challenging to
27 develop while expanding the established neighborhood. The result will be a
28 neighborhood with a gross maximum density of 5 dwelling units per acre.
29 (Comprehensive Plan Policy II.B.5.a)

30 B. This request will expand the existing neighborhood, JTH, to the west
31 and will be developed in the same manner. It allows growth of JTH to be on
32 adjacent, vacant land that is contiguous to the existing City limits and will be

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1 served by existing urban facilities and services. The requested zoning, R-D, is
2 the same as the existing neighborhood and shall be developed with a similar
3 density. (Comprehensive Plan Policies II.B.5.d & II.B.5.e)

4 C. Clustered housing will be easy to obtain (with shared open spaces in
5 between) for the following reasons: R-D zoning requires that each dwelling
6 shall have 2,400-square feet of open space and the R-T standards allow for the
7 dwellings to be in close proximity with each other or attached. The homes are
8 to be developed on the elevated areas off the Tijeras Arroyo as well.
9 (Comprehensive Plan Policies II.B.5.f, II.B.5.g & II.B.5.i)

10 D. The subject site will be developed with R-D zoning that requires
11 dedication of open space, thus encouraging the preservation of the natural
12 environment. (Comprehensive Plan Policy II.B.5.m)

13 7. The applicant has adequately justified the annexation request
14 pursuant to Resolution 54-1990.

15 Section 1a: Compliance with City policy regarding land dedication for
16 public facilities is assured:

17 The applicant will provide all land needed for the additional infrastructure
18 and City services for the expansion of the existing neighborhood of Juan Tabo
19 Hills. The applicant has stated that he is willing to dedicate land, which is
20 needed to fulfill this policy.

21 Section 1b: The applicant shall agree in writing to timing of capital
22 expenditures for necessary major streets, water, sanitary sewer, and storm-
23 water-handling facilities:

24 The applicant has agreed to install and pay for all necessary infrastructure
25 in a timely manner and then dedicate it to the City. A pre-annexation
26 agreement (attached) has been agreed to by the City and the developer and
27 will be signed by the City upon City Council approval of this request. There
28 will be no City capital expense used for this development's infrastructure.

29 Section 1c: The City may decline an annexation if necessary capital
30 expenditures fall all or partly under paragraph b(2), above and the City
31 concludes that it would be unreasonable to make land owners wait for basic
32 utilities and facilities as long as would probably be the case:

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1 No capital expenditures shall be needed. The applicant will be responsible
2 in developing the needed infrastructure for this development.

3 Section 1d: Land annexed shall be to some extent contiguous to the City
4 limits, except land owned by the City may be annexed when it is not
5 contiguous where this is allowed by state statutes:

6 The entire eastern boundary of the site abuts the City limits.

7 Section 1e: Land to be annexed shall have provision for convenient street
8 access to the City:

9 The subject site will connect with two existing collectors that feed into
10 Juan Tabo Boulevard and a proposed third street to be created that will
11 provide supplemental access to Juan Tabo Hills Drive.

12 Section 1f: Land to be annexed shall have reasonable boundaries so that
13 providers of public services can determine with ease where the City boundary
14 is located and so that public services can be delivered under appropriate
15 service extension policies at reasonable operating and capital cost to the City:

16 The subject site has reasonable boundaries – it is in the shape of a triangle.
17 Public services are available in the abutting JTH subdivision and these
18 services can easily be extended to the subject site. The City’s jurisdiction is
19 easily recognizable as the property abuts Kirtland AFB to the south and the
20 Tijeras Arroyo on a diagonal that has one point to the north and the other
21 point to the west – it is the hypotenuse of the triangle.

22 Section 1g: City boundaries shall be established along platted lines which
23 will make definite what the City limits are; annexation plats need not meet all
24 requirements of a subdivision plat as specified by the Subdivision Ordinance:

25 The City limits will be easy to identify in this area as the subject site is
26 defined, as are adjacent tracts, by a recorded plat.

27 8. The City Engineer has accepted the Traffic Impact Study (TIS)
28 conducted by the applicant for this request.

29 9. The City Engineer has placed required on-site and off-site
30 improvements from both the Traffic Impact Study (TIS) and other required
31 infrastructure on the Infrastructure List of the pre-annexation agreement and
32 agrees with the language in the pre-annexation agreement.

1 10. The Open Space Division has reviewed the pre-annexation
2 agreement and accepts the conveyance of Tract B. Undisturbed portions of
3 Tract B will be considered for open space and this will help satisfy the Open
4 Space requirement for lots in the Developing Urban Area and further the
5 objectives of the Resource Management Plan for the Tijeras Arroyo Biological
6 Zone.

7 11. Albuquerque Public Schools (APS) will be impacted by this
8 annexation. The schools that would be available for future residents include:
9 Manzano Mesa and Apache Elementary Schools, Van Buren and Grant Middle
10 Schools and Highland and Manzano High Schools. Apache Elementary
11 School is exceeding capacity, while all other effected schools have excess
12 capacity.

13 12. The subject site is within the 1,000-foot landfill gas buffer zone of the
14 former Eubank Landfill. The developer is required to follow the most current
15 version of the "City of Albuquerque Interim Guidelines for Development within
16 City Designated Landfill Buffer Zones". Review and approval of the site plan
17 will be required by the Environmental Health Department (EHD) when this
18 request is at the Development Review Board (DRB).

19 13. There is no neighborhood or other known opposition to this request.
20 However, the Juan Tabo Hills Neighborhood Association (JTHNA) has
21 expressed concerns that improvements to their neighborhood have not been
22 completed.

23 Section 5. ZONE MAP AMENDED. The request for R-D zoning is justified
24 per *Resolution 270-1980* because the request furthers policies found in the
25 Albuquerque/Bernalillo County Comprehensive Plan and the City of
26 Albuquerque Zoning Code. Therefore, the zone map adopted by Section 14-
27 16-1-1 et. seq. ROA 1994 is hereby amended, establishing R-D zoning for the
28 area specified in Section 1 above.

29 Section 6. FINDINGS ACCEPTED. The following zone map amendment
30 findings shall be adopted by the Council:

31 1. This request is for establishment of zoning from County A-1 to R-D
32 for Tract A, Juan Tabo Hills West, approximately 85-acres (the "subject site").

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1 The subject site is located directly west of the existing Juan Tabo Hills
2 Subdivision and south of the Tijeras Arroyo, between Juan Tabo Drive SE and
3 Eubank Boulevard SE.

4 2. This request for the establishment of zoning is accompanied by a
5 request for annexation of the subject site (Project #1005278, 06EPC 01700).

6 3. The subject site is in the Developing Urban Area of the
7 Comprehensive Plan.

8 4. The Albuquerque/Bernalillo County Comprehensive Plan and the City
9 of Albuquerque Zoning Code are incorporated herein by reference and made
10 part of the record for all purposes.

11 5. This request would facilitate an expansion of the existing Juan Tabo
12 Hills neighborhood that abuts the subject site on the east. The requested
13 zoning is the same as the zoning in the residential portion of Juan Tabo Hills:
14 R-D subject to R-T controls.

15 6. This request for establishment of zoning furthers the following
16 Comprehensive Plan policies for Developing and Established Urban Areas:

17 DEVELOPING URBAN AREA POLICIES

18 A. The additional residential area will add to the range of urban land
19 uses found in the community by improving land that has been considered
20 challenging to develop while expanding the JTH established neighborhood.
21 This expansion area will allow growth of JTH to be on adjacent, vacant land
22 that is contiguous to the existing City limits and will be served by existing
23 urban facilities and services. The result will be a neighborhood with a gross
24 maximum density of 5 dwellings units per acre. The requested zoning, R-D, is
25 the same as the existing neighborhood and shall be developed with a similar
26 density. (Comprehensive Plan Policies II.B.5.a, II.B.5.d & II.B.5.e)

27 B. Clustered housing will be easy to obtain (with shared open spaces in
28 between) for the following reasons: R-D zoning requires that each dwelling
29 shall have 2,400-square feet of open space and the R-T standards allow for the
30 dwellings to be in close proximity with each other or attached.
31 (Comprehensive Plan Policies II.B.5.f & II.B.5.g)

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1 C. The subject site will be developed with R-D zoning that requires
2 dedication of open space, thus encouraging the preservation of the natural
3 environment. (Comprehensive Plan Policy II.B.5.m)
4 7. The applicant has adequately justified the zone map amendment
5 request pursuant to Resolution 270-1980.
6 A. The requested annexation and establishment of zoning would not
7 result in development that places an undue burden on public facilities and
8 services while expanding the limits of the City. The tract also does not create
9 any harm to adjacent properties – it is an extension of the existing Juan Tabo
10 Hills (JTH) development immediately to the east. Because it furthers the
11 Comprehensive Plan policies, it is found to be consistent with the health,
12 safety, morals and welfare of the City.
13 B. The resulting intensity of development will not destabilize adjacent
14 land uses and existing development in the area; it is the same zoning as in the
15 adjacent subdivision – R-D, subject to R-T controls. The applicant has
16 provided sound justification for the change
17 C. The request will further the Developing Urban Area Goal by
18 expanding the residential area of the already established Juan Tabo Hills.
19 This request adds to the existing community and enhances the choice of
20 housing and life style available. The request is not in conflict with applicable
21 Comprehensive Plan policies.
22 D. The request for annexation and establishment of R-D zoning is due
23 to the desire to expand the existing JTH neighborhood. The now developed
24 Juan Tabo Boulevard Bridge is a changed condition that allows access to this
25 once isolated site. The R-D zone, a residential zone, is more advantageous to
26 the community because it adds to the variety and choice for places to live.
27 E. The requested change of zoning from County A-1 to the City’s R-D
28 zone allows for residential uses. The abutting JTH neighborhood, which
29 consists mostly of single-family homes, are developed using R-T controls, is
30 also zoned R-D. The requested R-D zoning will not be harmful to the already
31 existing neighborhood.

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1 F. This request will not require any major and unprogrammed capital
2 expenditures. The future development facilitated by this request will use
3 existing infrastructure.

4 G. The cost of land or other economic considerations are not the
5 determining factor for this request.

6 H. Location on a collector or major street is not being used as
7 justification for this request.

8 I. The requested zoning is consistent with the adjacent neighborhood
9 and would not create a spot zone.

10 J. The requested zoning is consistent with the adjacent neighborhood
11 and would not create a strip zone.

12 8. There is no neighborhood or other known opposition to this request.
13 However, the Juan Tabo Hills Neighborhood Association (JTHNA) has
14 expressed concerns that improvements to their neighborhood have not been
15 completed.

16 Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
17 clause, word or phrase of this ordinance is for any reason held to be invalid or
18 unenforceable by any court of competent jurisdiction, such decision shall not
19 affect the validity of the remaining provisions of this ordinance. The Council
20 hereby declares that it would have passed this ordinance and each section,
21 paragraph, sentence, clause, word or phrase thereof irrespective of any
22 provisions being declared unconstitutional or otherwise invalid.

23 Section 8. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
24 take effect five days after publication by title and general summary and when a
25 plat of the territory hereby annexed is filed in the office of the County Clerk.
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**CITY of ALBUQUERQUE
NINETEENTH COUNCIL**

COUNCIL BILL NO. O-11-49

ENACTMENT NO. 0-2011-019

SPONSORED BY: Don Harris

Doc# 2011063284

07/12/2011 08:46 AM Page: 1 of 10
ORDN R:\$25.00 M. Toulouse Oliver, Bernalillo County



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ORDINANCE

ANNEXATION, 06EPC-01700 / 06EPC-01701, ANNEXING EIGHTY-FIVE (85) ACRES, MORE OR LESS, LOCATED IN TRACT A, JUAN TABO HILLS WEST (ABUTTING JUAN TABO HILLS ON THE WEST, BETWEEN JUAN TABO BOULEVARD SE AND EUBANK BOULEVARD SE), AND AMENDING THE ZONE MAP TO ESTABLISH R-D ZONING.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. AREA PROPOSED FOR ANNEXATION. The owner of the area annexed hereby presented a properly signed petition to annex the following territory: 85-acres, more or less, located between Juan Tabo Boulevard SE and Eubank Boulevard SE; and more particularly described as follows:

(A) Tract A of Plat For Tract A, B and C, Juan Tabo Hills West, within Section 33, Township 10-N, Range 4-E, NMPM;

(B) All of the right-of-way adjoining the land described in A of this section to the extent it is not already in the City.

(C) The County of Bernalillo approved the annexation of this tract on September 13, 2007, pursuant to AXBC 70-001 (amended).

The above-described territory is contiguous to the City of Albuquerque.

Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 above is designated Developing Urban in the Albuquerque/Bernalillo County Comprehensive Plan, which makes it suitable for annexation. Furthermore, the petition for annexation meets the requirements of *Resolution 54-1990* (City's Annexation Policy). Therefore, the area specified in Section 1 above is hereby annexed.

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1 Section 3. ZONE MAP AMENDED. The request for R-D zoning is justified
2 per *Resolution 270-1980*. Therefore, the zone map adopted by Section 14-16-1-
3 1 et. seq. ROA 1994 is hereby amended, establishing R-D zoning for the area
4 specified in Section 1 above.

5 Section 4. FINDINGS ACCEPTED. The following annexation findings are
6 adopted by the Council:

7 1. This request is for annexation of Tract A, Juan Tabo Hills West,
8 which consists of approximately 85-acres (the "subject site"), into the City of
9 Albuquerque. The subject site is located directly west of the existing Juan
10 Tabo Hills subdivision and south of the Tijeras Arroyo, between Juan Tabo
11 Drive and Eubank Boulevard SE.

12 2. Annexation of the subject site will allow for an expansion of the
13 existing Juan Tabo Hills subdivision that abuts the subject site on the east.

14 3. The subject site is in the Developing Urban Area of the
15 Comprehensive Plan.

16 4. This request for annexation is accompanied by a request for the
17 establishment of R-D zoning, (Project #1005278, 06EPC-01701). Approval of
18 the R-D zoning is contingent upon approval of the request for annexation.

19 5. The Albuquerque/Bernalillo County Comprehensive Plan and the City
20 of Albuquerque Zoning Code are incorporated herein by reference and made
21 part of the record for all purposes.

22 6. This request for annexation furthers the following Comprehensive
23 Plan policies for Developing and Established Urban Areas:

24 **DEVELOPING URBAN AREA POLICIES**

25 A. This request will add to the range of urban land uses found in the
26 community by improving land that has been considered challenging to
27 develop while expanding the established neighborhood. The result will be a
28 neighborhood with a gross maximum density of 5 dwelling units per acre.
29 (Comprehensive Plan Policy II.B.5.a)

30 B. This request will expand the existing neighborhood, JTH, to the west
31 and will be developed in the same manner. It allows growth of JTH to be on
32 adjacent, vacant land that is contiguous to the existing City limits and will be

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1 served by existing urban facilities and services. The requested zoning, R-D, is
2 the same as the existing neighborhood and shall be developed with a similar
3 density. (Comprehensive Plan Policies II.B.5.d & II.B.5.e)

4 C. Clustered housing will be easy to obtain (with shared open spaces in
5 between) for the following reasons: R-D zoning requires that each dwelling
6 shall have 2,400-square feet of open space and the R-T standards allow for the
7 dwellings to be in close proximity with each other or attached. The homes are
8 to be developed on the elevated areas off the Tijeras Arroyo as well.
9 (Comprehensive Plan Policies II.B.5.f, II.B.5.g & II.B.5.l)

10 D. The subject site will be developed with R-D zoning that requires
11 dedication of open space, thus encouraging the preservation of the natural
12 environment. (Comprehensive Plan Policy II.B.5.m)

13 7. The applicant has adequately justified the annexation request
14 pursuant to Resolution 54-1990.

15 Section 1a: Compliance with City policy regarding land dedication for
16 public facilities is assured:

17 The applicant will provide all land needed for the additional infrastructure
18 and City services for the expansion of the existing neighborhood of Juan Tabo
19 Hills. The applicant has stated that he is willing to dedicate land, which is
20 needed to fulfill this policy.

21 Section 1b: The applicant shall agree in writing to timing of capital
22 expenditures for necessary major streets, water, sanitary sewer, and storm-
23 water-handling facilities:

24 The applicant has agreed to install and pay for all necessary infrastructure
25 in a timely manner and then dedicate it to the City. A pre-annexation
26 agreement (attached) has been agreed to by the City and the developer and
27 will be signed by the City upon City Council approval of this request. There
28 will be no City capital expense used for this development's infrastructure.

29 Section 1c: The City may decline an annexation if necessary capital
30 expenditures fall all or partly under paragraph b(2), above and the City
31 concludes that it would be unreasonable to make land owners wait for basic
32 utilities and facilities as long as would probably be the case:

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1 No capital expenditures shall be needed. The applicant will be responsible
2 in developing the needed infrastructure for this development.

3 Section 1d: Land annexed shall be to some extent contiguous to the City
4 limits, except land owned by the City may be annexed when it is not
5 contiguous where this is allowed by state statutes:

6 The entire eastern boundary of the site abuts the City limits.

7 Section 1e: Land to be annexed shall have provision for convenient street
8 access to the City:

9 The subject site will connect with two existing collectors that feed into
10 Juan Tabo Boulevard and a proposed third street to be created that will
11 provide supplemental access to Juan Tabo Hills Drive.

12 Section 1f: Land to be annexed shall have reasonable boundaries so that
13 providers of public services can determine with ease where the City boundary
14 is located and so that public services can be delivered under appropriate
15 service extension policies at reasonable operating and capital cost to the City:

16 The subject site has reasonable boundaries – it is in the shape of a triangle.
17 Public services are available in the abutting JTH subdivision and these
18 services can easily be extended to the subject site. The City’s jurisdiction is
19 easily recognizable as the property abuts Kirtland AFB to the south and the
20 Tijeras Arroyo on a diagonal that has one point to the north and the other
21 point to the west – it is the hypotenuse of the triangle.

22 Section 1g: City boundaries shall be established along platted lines which
23 will make definite what the City limits are; annexation plats need not meet all
24 requirements of a subdivision plat as specified by the Subdivision Ordinance:

25 The City limits will be easy to identify in this area as the subject site is
26 defined, as are adjacent tracts, by a recorded plat.

27 8. The City Engineer has accepted the Traffic Impact Study (TIS)
28 conducted by the applicant for this request.

29 9. The City Engineer has placed required on-site and off-site
30 improvements from both the Traffic Impact Study (TIS) and other required
31 infrastructure on the Infrastructure List of the pre-annexation agreement and
32 agrees with the language in the pre-annexation agreement.

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1 10. The Open Space Division has reviewed the pre-annexation
2 agreement and accepts the conveyance of Tract B. Undisturbed portions of
3 Tract B will be considered for open space and this will help satisfy the Open
4 Space requirement for lots in the Developing Urban Area and further the
5 objectives of the Resource Management Plan for the Tijeras Arroyo Biological
6 Zone.

7 11. Albuquerque Public Schools (APS) will be impacted by this
8 annexation. The schools that would be available for future residents include:
9 Manzano Mesa and Apache Elementary Schools, Van Buren and Grant Middle
10 Schools and Highland and Manzano High Schools. Apache Elementary
11 School is exceeding capacity, while all other effected schools have excess
12 capacity.

13 12. The subject site is within the 1,000-foot landfill gas buffer zone of the
14 former Eubank Landfill. The developer is required to follow the most current
15 version of the "City of Albuquerque Interim Guidelines for Development within
16 City Designated Landfill Buffer Zones". Review and approval of the site plan
17 will be required by the Environmental Health Department (EHD) when this
18 request is at the Development Review Board (DRB).

19 13. There is no neighborhood or other known opposition to this request.
20 However, the Juan Tabo Hills Neighborhood Association (JTHNA) has
21 expressed concerns that improvements to their neighborhood have not been
22 completed.

23 Section 5. ZONE MAP AMENDED. The request for R-D zoning is justified
24 per *Resolution 270-1980* because the request furthers policies found in the
25 Albuquerque/Bernalillo County Comprehensive Plan and the City of
26 Albuquerque Zoning Code. Therefore, the zone map adopted by Section 14-
27 16-1-1 et. seq. ROA 1994 is hereby amended, establishing R-D zoning for the
28 area specified in Section 1 above.

29 Section 6. FINDINGS ACCEPTED. The following zone map amendment
30 findings shall be adopted by the Council:

31 1. This request is for establishment of zoning from County A-1 to R-D
32 for Tract A, Juan Tabo Hills West, approximately 85-acres (the "subject site").

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1 The subject site is located directly west of the existing Juan Tabo Hills
2 Subdivision and south of the Tijeras Arroyo, between Juan Tabo Drive SE and
3 Eubank Boulevard SE.

4 2. This request for the establishment of zoning is accompanied by a
5 request for annexation of the subject site (Project #1005278, 06EPC 01700).

6 3. The subject site is in the Developing Urban Area of the
7 Comprehensive Plan.

8 4. The Albuquerque/Bernalillo County Comprehensive Plan and the City
9 of Albuquerque Zoning Code are incorporated herein by reference and made
10 part of the record for all purposes.

11 5. This request would facilitate an expansion of the existing Juan Tabo
12 Hills neighborhood that abuts the subject site on the east. The requested
13 zoning is the same as the zoning in the residential portion of Juan Tabo Hills:
14 R-D subject to R-T controls.

15 6. This request for establishment of zoning furthers the following
16 Comprehensive Plan policies for Developing and Established Urban Areas:

17 **DEVELOPING URBAN AREA POLICIES**

18 A. The additional residential area will add to the range of urban land
19 uses found in the community by improving land that has been considered
20 challenging to develop while expanding the JTH established neighborhood.
21 This expansion area will allow growth of JTH to be on adjacent, vacant land
22 that is contiguous to the existing City limits and will be served by existing
23 urban facilities and services. The result will be a neighborhood with a gross
24 maximum density of 5 dwellings units per acre. The requested zoning, R-D, is
25 the same as the existing neighborhood and shall be developed with a similar
26 density. (Comprehensive Plan Policies II.B.5.a, II.B.5.d & II.B.5.e)

27 B. Clustered housing will be easy to obtain (with shared open spaces in
28 between) for the following reasons: R-D zoning requires that each dwelling
29 shall have 2,400-square feet of open space and the R-T standards allow for the
30 dwellings to be in close proximity with each other or attached.
31 (Comprehensive Plan Policies II.B.5.f & II.B.5.g)

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1 C. The subject site will be developed with R-D zoning that requires
2 dedication of open space, thus encouraging the preservation of the natural
3 environment. (Comprehensive Plan Policy II.B.5.m)

4 7. The applicant has adequately justified the zone map amendment
5 request pursuant to Resolution 270-1980.

6 A. The requested annexation and establishment of zoning would not
7 result in development that places an undue burden on public facilities and
8 services while expanding the limits of the City. The tract also does not create
9 any harm to adjacent properties – it is an extension of the existing Juan Tabo
10 Hills (JTH) development immediately to the east. Because it furthers the
11 Comprehensive Plan policies, it is found to be consistent with the health,
12 safety, morals and welfare of the City.

13 B. The resulting intensity of development will not destabilize adjacent
14 land uses and existing development in the area; it is the same zoning as in the
15 adjacent subdivision – R-D, subject to R-T controls. The applicant has
16 provided sound justification for the change

17 C. The request will further the Developing Urban Area Goal by
18 expanding the residential area of the already established Juan Tabo Hills.
19 This request adds to the existing community and enhances the choice of
20 housing and life style available. The request is not in conflict with applicable
21 Comprehensive Plan policies.

22 D. The request for annexation and establishment of R-D zoning is due
23 to the desire to expand the existing JTH neighborhood. The now developed
24 Juan Tabo Boulevard Bridge is a changed condition that allows access to this
25 once isolated site. The R-D zone, a residential zone, is more advantageous to
26 the community because it adds to the variety and choice for places to live.

27 E. The requested change of zoning from County A-1 to the City's R-D
28 zone allows for residential uses. The abutting JTH neighborhood, which
29 consists mostly of single-family homes, are developed using R-T controls, is
30 also zoned R-D. The requested R-D zoning will not be harmful to the already
31 existing neighborhood.

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1 F. This request will not require any major and unprogrammed capital
2 expenditures. The future development facilitated by this request will use
3 existing infrastructure.

4 G. The cost of land or other economic considerations are not the
5 determining factor for this request.

6 H. Location on a collector or major street is not being used as
7 justification for this request.

8 I. The requested zoning is consistent with the adjacent neighborhood
9 and would not create a spot zone.

10 J. The requested zoning is consistent with the adjacent neighborhood
11 and would not create a strip zone.

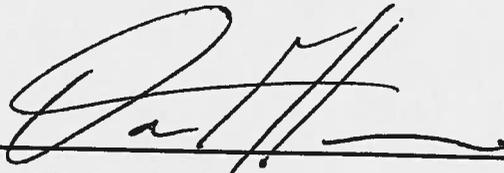
12 8. There is no neighborhood or other known opposition to this request.
13 However, the Juan Tabo Hills Neighborhood Association (JTHNA) has
14 expressed concerns that improvements to their neighborhood have not been
15 completed.

16 Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
17 clause, word or phrase of this ordinance is for any reason held to be invalid or
18 unenforceable by any court of competent jurisdiction, such decision shall not
19 affect the validity of the remaining provisions of this ordinance. The Council
20 hereby declares that it would have passed this ordinance and each section,
21 paragraph, sentence, clause, word or phrase thereof irrespective of any
22 provisions being declared unconstitutional or otherwise invalid.

23 Section 8. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
24 take effect five days after publication by title and general summary and when a
25 plat of the territory hereby annexed is filed in the office of the County Clerk.
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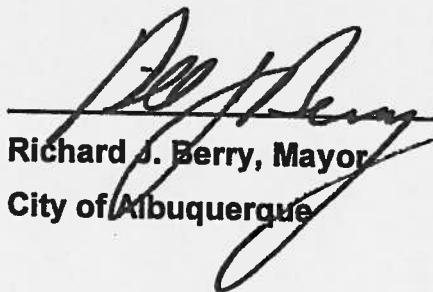
1 PASSED AND ADOPTED THIS 20th DAY OF June, 2011
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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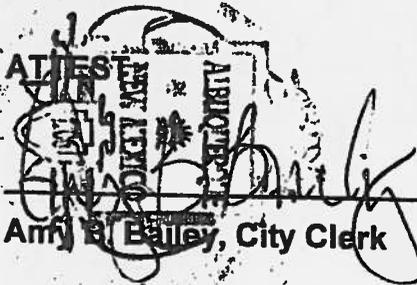
8 Don F. Harris, President
9 City Council

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13 APPROVED THIS 11th DAY OF July, 2011

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15 Bill No. O-11-49

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18 Richard J. Berry, Mayor
19 City of Albuquerque

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24 Amy B. Bailey, City Clerk

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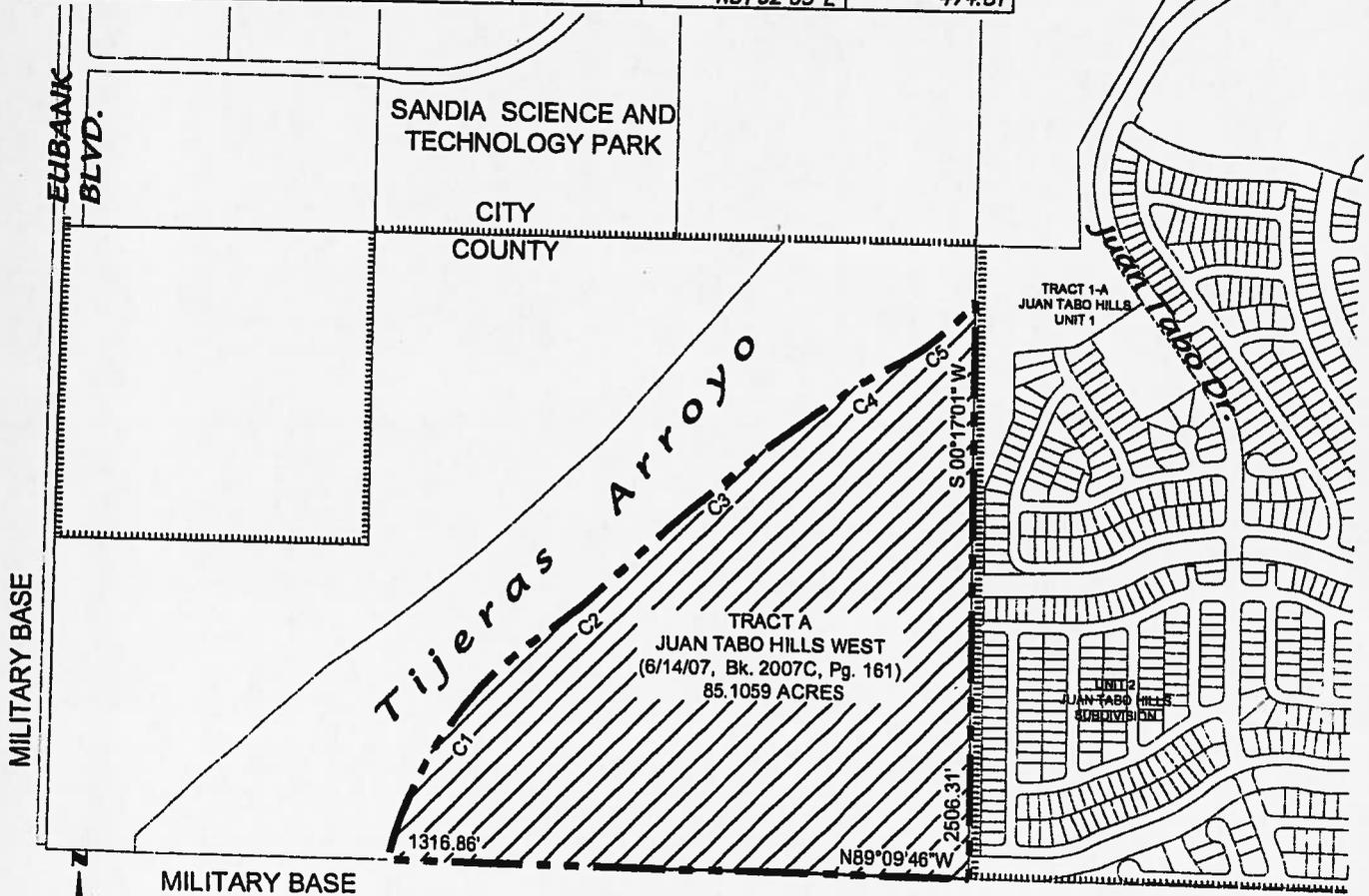
ANNEXATION PLAT

TRACT A, JUAN TABO HILLS WEST

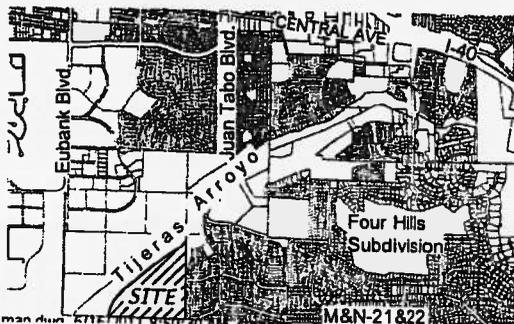
SITUATE WITHIN
SECTION 33
TOWNSHIP 10 NORTH, RANGE 4 EAST, NMPM
BERNALILLO COUNTY, NEW MEXICO
MAY, 2010

EXHIBIT "A"

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CH-BEARING=	CH-DIST=
C1	1241.69	1647.00	43°11'45"	652.02	N34°31'12"E	1212.49
C2	290.15	1628.00	10°12'41"	145.46	N51°00'43"E	289.76
C3	1330.26	8872.00	8°35'27"	666.38	N50°12'06"E	1329.01
C4	268.65	1772.00	8°41'11"	134.58	N58°50'26"E	268.39
C5	478.38	1128.00	24°17'57"	242.84	N51°02'03"E	474.81



JUAN TABO HILLS WEST
Albuquerque, New Mexico
JUAN TABO HILLS WEST, LLC
P.O. BOX 1443
CORRALES, NEW MEXICO
87048



LEGEND

- Project Boundary
- AREA TO BE ANNEXED
- CITY LIMITS

1 of 1 **ANNEXATION PLAT**
dmg
MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
P.O. BOX 20808
ALBUQUERQUE, NEW MEXICO 87119
(505) 263-2200, FAX (505) 267-0039

**MUTUAL RELEASE OF ALL CLAIMS BETWEEN THE PARTIES
PERTAINING TO THE DISTURBANCE OF
THE CITY FOUR HILLS OPEN SPACE BY DEVELOPERS**

KNOW ALL MEN BY THESE PRESENTS:

In consideration of the mutual releases by the parties as set forth below, which consideration is acknowledged by all parties to be good, fair and sufficient, the following individuals and entities (hereinafter collectively referred to as "Releasors"): the City of Albuquerque ("City") and JTH, LLC, a New Mexico limited liability company; Vantage Builders, Inc., a New Mexico corporation; Raylee Homes, Inc., a New Mexico corporation; Vincent Pizzonia; Scott Grady; and Intercontinental Development and Consulting, LLC, a New Mexico limited liability company (hereinafter collectively referred to as "Developers"); do hereby and for their heirs, executors, administrators, successors and assigns, release acquit and forever discharge one another and their agents, insureds, servants, successors, heirs, executors, administrators and all other affiliated persons, owners, firms, corporations, associations, partnerships, or insurers (hereinafter collectively referred to as "Released Parties") of and from any and all claims, actions, causes of actions, demands, rights, damages, costs, loss of service, expenses, and compensation as set forth below, which Releasor or Released Parties now have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen injuries and damage and the consequences thereof pertaining to damage (the "Damage") to the City Four Hills Open Space from January 1, 2006, up to and including the date of execution of this Mutual Release of All Claims Between The Parties Pertaining To The Disturbance of The City Four Hills Open Space By Developers (the "Mutual Release").

The monetary and other consideration and obligations of the parties for this Mutual Release is as provided below, and receipt of such monetary and other consideration and obligations is hereby acknowledged.

1. The City shall cooperate with the Developers, which shall, at Developers' sole expense, obtain a survey and a replat (the "Replat") of the following City open space parcels (the "Open Space") the respective locations of which are generally indicated on the attached Exhibit A. Developers shall procure approval of the Replat from the City's Development Review Board ("DRB"). Developers agree to comply with all reasonable requirements of the DRB for approval of the Replat.
 - 1.1. A parcel consisting of approximately seventeen (17) acres of undisturbed City Open Space (the "Undisturbed Open Space");
 - 1.2. A parcel consisting of the pueblo archeological site (the "Arc Site") with a reasonable buffer area around the actual site;
 - 1.3. One or more parcels consisting of the existing constructed or partially constructed trail system (the "Trail System") on the disturbed area of City Open Space consisting of approximately thirty-six (36) acres ("Parkland").
2. Arc Site: The Arc Site shall remain titled in the name of the City until if and when the governing body of the Pueblo of Isleta or another federally recognized tribe

government within Bernalillo County or Sandoval County is willing to take ownership of the Arc Site. Except for restoration or preservation activities required by the United States Army Corps of Engineers, the Arc Site shall have no further disturbance and the Developers shall have sole responsibility and shall make every reasonable effort to avoid further disturbance to the site including but not limited to appropriate fencing, walls, signage intended to protect the Arc Site. Developers shall comply with any directives issued by the United States Army Corps of Engineers in regards to the restoration or preservation of the site. Additionally, Developers shall fence the Arc Site in a manner satisfactory to the City.

3. Parkland:

3.1. The construction of the Trail System and all other infrastructure required by the DRB shall be done pursuant to the City's work order process and the City's standard form Procedure B Agreement, which agreement Developers agree to execute for such infrastructure and trails, and all construction shall be at the Developers' sole expense and the Developers shall indemnify and hold the City harmless from any and all claims that might arise as a result of the use by the Developers of the City's property.

3.2. Upon completion of the Trail System, all improvements constituting the Trail System shall be and shall remain the property of the City, but shall, by covenant running with the land, which covenant shall be referenced on the Replat, be maintained in perpetuity by and at the sole expense of the Volterra Homeowners' Association, Inc., a New Mexico non-profit corporation, which entity shall encompass and bind all property owners in the Volterra Subdivision.

4. This Mutual Release shall constitute permission from the City to the Developers to replat the City's property and construct storm drainage improvements (the "Drainage Improvements") and trail improvements within the City's property or any other improvements that the DRB requires as a condition to the Replat approval.

5. Upon completion of the Drainage Improvements, and acceptance of the Drainage Improvements by the City Engineer, the Drainage Improvements will be and will remain the property of the City and will be maintained by the City.

6. The Replat shall permit perpendicular crossings of the Disturbed Open Space by public utilities, drainage, pipes, sanitary sewer lines, water lines and public streets.

7. Undisturbed Open Space: The Developers shall prohibit and shall actively prevent further incursions into the Undisturbed Open Space by their contractors, agents, representatives and assigns.

8. Monetary Compensation:

8.1. Developers' Payment. The Developers' payment (the "Payment") shall be Six Hundred Thousand Dollars and 00/100 (\$600,000.00). Developers will submit payment within two (2) years of execution of this Mutual Release by the City's Chief Administrative Officer. City and Developers agree that the Payment will be used by the City to: (a) restore the Open Space property damaged by the Developers; or (b) acquire other Open Space property.

8.2. Guaranty. Developers shall guarantee the Payment to the City by providing to the City an irrevocable letter of credit (the "Letter of Credit") in favor of the City in substantially the form attached hereto as Exhibit B. The Letter of Credit shall be issued by a federally insured financial institution and shall be in the amount of

\$600,000 and shall have an expiration date no sooner than November 27, 2009. The Letter of Credit shall be delivered to the City with the Developers' execution of this Mutual Release.

- 8.3. Open Space Acquisition. In the event the City determines in its sole discretion not to use the Payment to restore the Open Space property, the City and Developers agree that the Payment may be used by the City to acquire Open Space property. In the event the City wishes to use the Payment or any portion thereof, to acquire Open Space property prior to the expiration date of the Letter of Credit the City shall in writing:
- a. Notify the Developers that the City has identified an Open Space property that it wishes to acquire;
 - b. Request that the Developers submit the Payment or any portion thereof to the title company designated by the City as the closing agent;
 - c. Specify the date by which the Payment will be delivered to the title company.
- 8.4. In the event the City has not notified the Developers of its intent to use the Payment for the acquisition of Open Space property within sixty (60) days before the expiration date of the Letter of Credit, Developers shall deliver the Payment to the City. Developers shall deliver the Payment to:
- City of Albuquerque
Director of Parks and Recreation
1801 Fourth Street NW
Albuquerque, NM 87102-1425
- 8.5. Within five (5) days after the Payment or any portion thereof is delivered to the City by the Developers: (a) the City will deliver the Letter of Credit to the issuing bank with a letter signed by the Chief Administrative Officer of the City instructing the issuing bank to cancel and terminate the Letter of Credit if Developers made the full Payment; or (b) the City will deliver the Letter of Credit to the issuing bank for reduction in the face amount of the Letter of Credit to the remaining balance of the Payment if the Developers made less than the full Payment.
- 8.6. No Open Space Credits. City and Developers agree that the Payment by Developers or use of the Payment by the City to acquire Open Space property shall not entitle Developers to claim Open Space credits that may be used to satisfy Open Space zoning requirements for the Volterra Subdivision or any other development.
- 8.7. Payment. The Payment will be made only in the following form: cash, certified check, cashier's check, wire transfer or other form of payment approved by the City in advance of execution of this Mutual Release.
- 8.8. Notice. For purposes of giving formal written notice, including notice of change of address, the Developers' and the City's addresses are as stated on the signature pages of this Mutual Release. Notice may be given either in person or by certified U.S. mail, postage pre-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 and upon delivery if delivered in person

Releasors hereby mutually dismiss, abandon, and forever renounce all claims, cross-claims, or counterclaims of any nature against one another, arising from, or in any way related to the Damage.

IT IS UNDERSTOOD AND AGREED that:

A. This settlement is the compromise of disputed and doubtful claims, that the consideration given is not to be construed as an admission of liability on the part of the Released Parties, and that said parties deny liability therefor and intend merely to avoid litigation, and buy their peace.

B. This Mutual Release extends to and includes any and all damages, injuries and claims, existing or potential, that have arisen or may arise in the future as a result of or in connection with the Damage. Releasors hereby assume the risk that damages, injuries and claims arising from or in any way related to the Damage, which are not known or suspected to exist at the time this Mutual Release is executed, may arise in the future. Releasors hereby renounce and abandon any and all such future and/or currently unknown claims. Each Releasor expressly waives and relinquishes any and all right to assert any such claim under any law or statute to the contrary.

C. Damages associated with the Damage are or may be permanent, are or may be progressive and become more serious. Releasors nevertheless consider the consideration recited above to be fair and equitable under all circumstances. Releasors accept it as a full and final settlement of all claims, rights and damages which Releasors now have or may have against the Released Parties.

D. Releasors rely wholly upon Releasors' own judgment, belief and knowledge of the nature, extent, effect and duration of said injuries and damages and liability therefor, and this settlement is made without reliance upon any statement or representation of the parties hereby released or their representatives.

E. Releasors further declare and represent that no promise, inducement or agreement not herein expressed has been made to Releasors, that this Mutual Release contains the entire agreement between the parties hereto except as provided in herein, and that the terms of this Mutual Release are contractual and not a mere recital.

F. As further consideration for this Mutual Release, Releasors agree not to commence, maintain or pursue, directly or indirectly, any judicial or administrative proceeding against the Released Parties relating to these matters, and if any such action has been commenced, the Releasor will dismiss or seek to dismiss such action, and will not voluntarily participate or cooperate in any such actions.

G. Those who are hereby released shall not be estopped or otherwise barred from asserting any claim or cause of action they may have against any person, other than a party to this Mutual Release, this right being expressly reserved herein.

H. No Releasor shall bring or cause to be brought any claim, demand, or action arising out of or resulting from matters set forth in this Mutual Release, and in consideration of the foregoing covenants and payments, each Releasor agrees to indemnify, defend and hold forever harmless each other Released Party against any losses or expenses from any further claims, demands or actions that may hereafter at any time be made or brought by anyone claiming under or through the Releasor, or on the part of the Releasor, his or her heirs, executors, administrators, successors or assigns on account of the aforesaid matter, and to reimburse or make good any loss, damages, or

costs that the said Released Parties may have to pay on account of any and all such claims, damages or actions.

I. Entire Agreement. This Mutual Release contains the entire agreement of the parties regarding the restoration of the Open Space property and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

H. Changes to Agreement. Changes to this Mutual Release are not binding unless made in writing and signed by all parties to this Mutual Release.

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

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

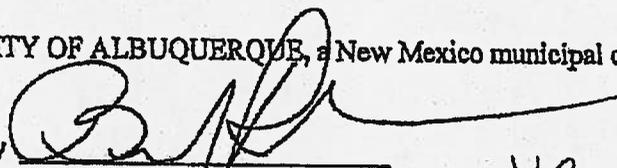
M. Authority to Execute: If the Developers signing below are not the owner of the Developers' property, the City may require the Developers to provide the City with satisfactory proof of the Developers' authority to execute this Mutual Release.

N. This Mutual Release may be executed in one or more counter-parts.

[SIGNATURES NEXT PAGES]

THE UNDERSIGNED HAVE READ THE FOREGOING MUTUAL RELEASE AND FULLY UNDERSTAND IT.

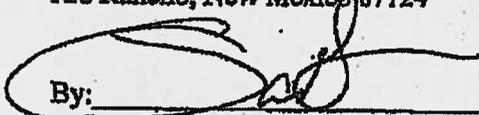
CITY OF ALBUQUERQUE, a New Mexico municipal corporation

By 
Bruce J. Perlman, Ph.D.
Chief Administrative Officer
City-County Government Center, #1 Civic Plaza
P O Box 1293, Albuquerque, NM 87103

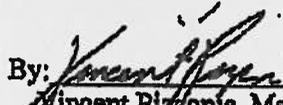
Handwritten initials and date
HJ 12/3/07

Date: 12/3/07

JTH, LLC, a New Mexico limited liability company
4131 Barbara Loop SE
Rio Rancho, New Mexico 87124

By: 

Scott Grady, Member
Date: 12-3-07

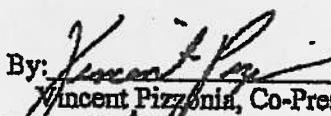
By: 

Vincent Pizzonia, Member
Date: 12/3/07

VANTAGE BUILDERS, INC., a New Mexico corporation
4131 Barbara Loop SE
Rio Rancho, New Mexico 87124

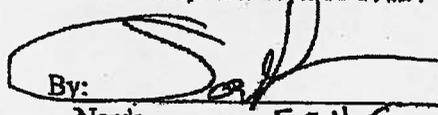
By: 

Scott Grady, Co-President
Date: 12-3-07

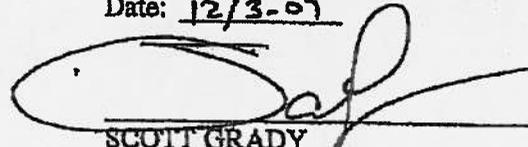
By: 

Vincent Pizzonia, Co-President
Date: 12/3/07

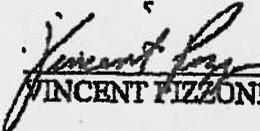
RAYLEE HOMES, INC., a New Mexico corporation
4131 Barbara Loop SE
Rio Rancho, New Mexico 87124

By: 

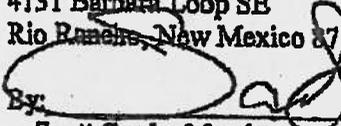
Name Scott Grady
Title Pres
Date: 12/3-07

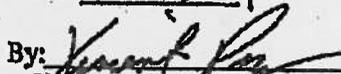


SCOTT GRADY


VINCENT PIZZONIA

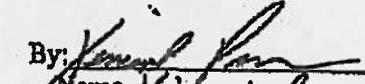
INTERCONTINENTAL DEVELOPMENT AND CONSULTING, LLC,
a New Mexico limited liability company
4131 Barbara Loop SE
Rio Rancho, New Mexico 87124

By: 
Scott Grady, Member
Date: 12-03-07

By: 
Vincent Pizzonia, Member
Date: 12/3/07

AS TO THE OBLIGATION TO MAINTAIN THE TRAIL SYSTEM AS DESCRIBED
IN PARAGRAPH 3.1 ONLY:

VOLTERRA HOMEOWNERS' ASSOCIATION, INC.,
a New Mexico non-profit corporation

By: 
Name Vincent Pizzonia
Title Co-President
Date: 12/3/07

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me December 3, 2007, by Bruce J. Perlman, Ph.D., as Chief Administrative Officer of the City of Albuquerque, a New Mexico municipal corporation, on behalf of the corporation.

Penny Abouder
NOTARY PUBLIC

My Commission Expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Vincent Pizzonia, Member of JTH, LLC, a New Mexico limited liability company, on behalf of the limited liability company.

Penny Abouder
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Scott Grady, Member of JTH, LLC, a New Mexico limited liability company, on behalf of the limited liability company.

Penny Abouder
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Vincent Pizzonia, Co-President of Vantage Builders, Inc., a New Mexico corporation, on behalf of the corporation.

Penny Horder
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Scott Grady, Co-President of Vantage Builders, Inc., a New Mexico corporation, on behalf of the corporation.

Penny Horder
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Scott Grady, President of Raylee Homes, Inc., a New Mexico corporation, on behalf of the corporation.

Penny Horder
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Scott Grady.

Penny Gordon
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Vincent Pizzonia.

Penny Gordon
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Vincent Pizzonia, Member of Intercontinental Development and Consulting, LLC, a New Mexico limited liability company, on behalf of the limited liability company.

Penny Gordon
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Scott Grady, Member of Intercontinental Development and Consulting, LLC, a New Mexico limited liability company, on behalf of the limited liability company.

Penny Horder
NOTARY PUBLIC

My commission expires:

July 6, 2010

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 3, 2007, by Vincent Pizzonia, Co-President of Volterra Homeowners' Association, Inc., a New Mexico corporation, on behalf of the corporation.

Penny Horder
NOTARY PUBLIC

My commission expires:

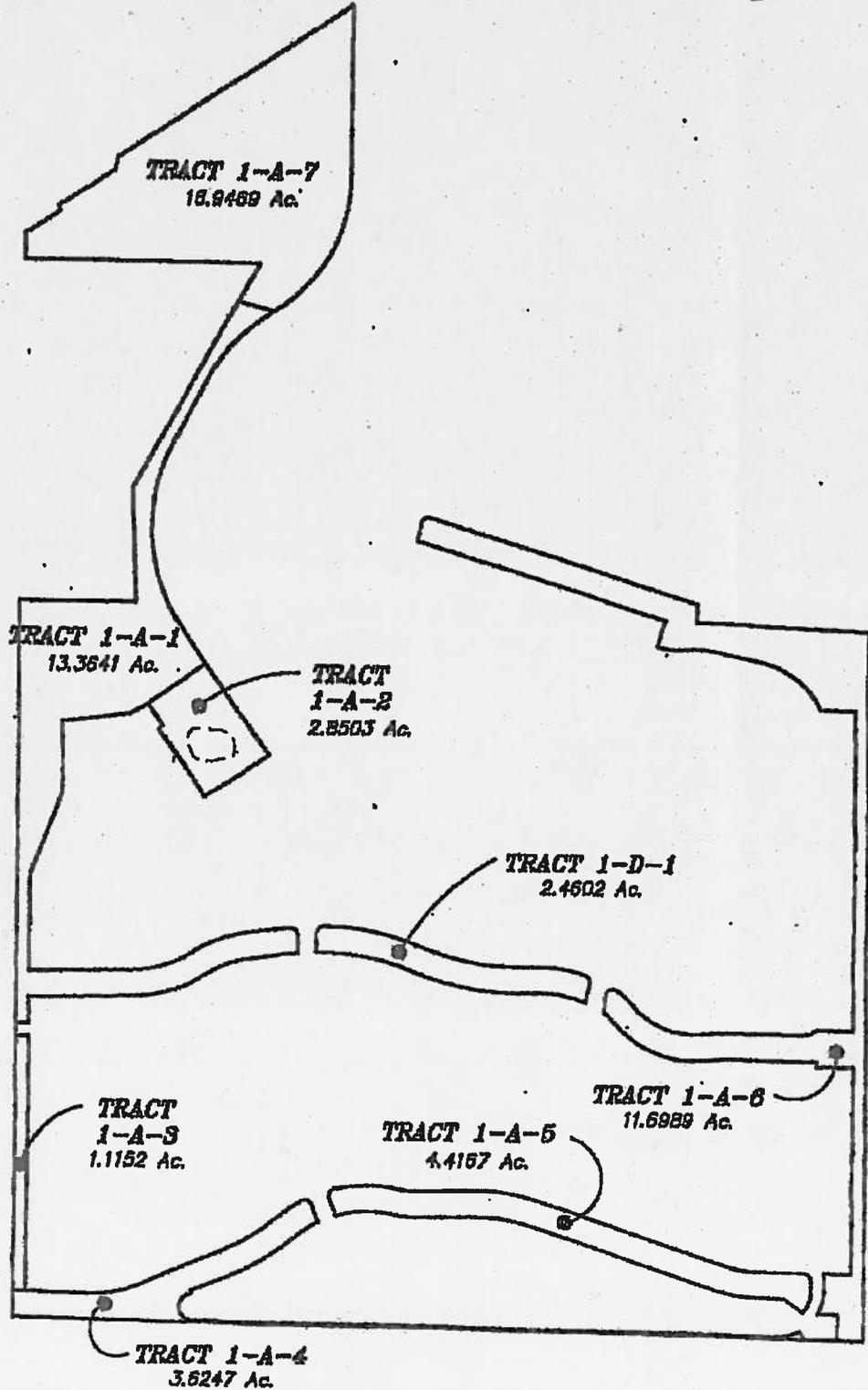
July 6, 2010

Exhibit A
(Location of Open Space Parcels)

EXHIBIT A

JUAN TABO HILLS

CITY OPEN SPACE TRACTS



PRE-ANNEXATION AGREEMENT

THIS AGREEMENT is made this 28th day of JUNE, 2011, 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 Juan Tabo Hills West, LLC ("Developer"), a New Mexico Limited Liability Company, whose address is P.O. Box 9470, Albuquerque, New Mexico 87119, and whose telephone number is 505-899-6768, in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

RECITALS:

- A. WHEREAS, Developer is developing certain lands outside the City of Albuquerque, in Bernalillo County, New Mexico, known as Tract A, Plat for Tracts A, B and C, Juan Tabo Hills West Subdivision, within Section 33 Township 10 North, Range 4 East, NMPM Bernalillo County, New Mexico, recorded as Document 2007087038 in the records of Bernalillo County at Book Misc. 2007C, page 0179 on 6/14/2007 ("Developer's Property") as more fully shown on Exhibit "A". The Developer certifies that the Developer's Property is owned by Juan Tabo Hills West, LLC ("Owner"); and
- B. WHEREAS, Developer has applied for annexation of Developer's Property into the Albuquerque City limits under City Project #1005278 and EPC Case # 06EPC-01700; and
- C. WHEREAS, Developer represents and covenants that Developer shall apply to the City for RD Zoning of the Developer's Property in connection with Developer's Annexation request; and
- D. WHEREAS, Developer represents and covenants that Developer will develop Developer's Property at a maximum residential density of five (5) Dwelling Units (herein "du's") per acre or a maximum of 425 dwellings on 85.1059 acres; and
- E. WHEREAS, Developer's development of the property will require on-site and off-site infrastructure to service the development; and
- F. WHEREAS, Developer has agreed to convey Tract B, Juan Tabo Hills West Subdivision (approximately 52.1970 acres) within the Tijeras Arroyo to the City of Albuquerque for open space and for drainage purposes no later than December 31, 2018, or at the time of the last phase of construction close-out and as a condition of the release of the Subdivision Improvements Agreement ("SIA") for the development of the Developer's Property, whichever event occurs earlier. Developer shall provide an irrevocable letter of credit ("Letter of Credit") to the City for the benefit of the City, in the amount of \$620,000.00 to guarantee the conveyance of Tract B to the City on or before March 1, 2016. The Letter of Credit shall be issued by a federally insured financial institution and be in a form acceptable to the City Attorney. The Letter of Credit shall provide that drafts drawn under the credit shall be honored upon presentation if negotiated between December 31, 2018 and 60 days thereafter. In the event Developer conveys Tract B to the City prior to December 31, 2018 the City agrees to promptly execute a release of the Letter of Credit. ; and
- G. WHEREAS, The City of Albuquerque has agreed to consider the conveyance of the Tijeras Arroyo property Tract B, Juan Tabo Hills West Subdivision, ("Tract B") which is on the City's Component Capital Improvement Plan ("CCIP") in order to provide and Open Space Impact Fee Credits to Developer. Any Impact Fee Credits granted to Developer shall be subject to an Impact Fee Development Agreement and all other requirements of the City's Impact Fee Ordinances and Regulations. Developer Certifies that Tract B is owned in fee simple by Juan Tabo Hills West, LLC; and

H. WHEREAS, The Developer has prepared a traffic impact study ("TIS") dated January 7, 2011 prepared by Mark Goodwin and Associates which the City has required in connection with Developers application for annexation. The traffic impact study has identified traffic mitigation requirements that have been approved by the City; and

I. WHEREAS, under Albuquerque City Council Resolution R-68, Enactment No. 54-1990 annexation of areas planned to be urban intensity of development will be approved when certain policies are satisfied including a commitment by the land owner that he or his successors in interest will in a manner that satisfies City standards, install and pay for necessary major streets, water, sanitary sewer, and storm-water handling facilities; and

J. WHEREAS, The County of Bernalillo on September 11, 2007, approved annexation of Developers Property into the City of Albuquerque; and

K. WHEREAS, the City and Developer desire to enter into the Agreement to satisfy the conditions of City policy for annexation of Developer's Property into the City.

THEREFORE, in consideration of the foregoing promises, THE CITY AND DEVELOPER AGREE:

1. Off-Site Improvements Contribution. Pursuant to the off-site mitigation requirements identified in the TIS for this development, the City and Developer agree that Developer shall make a monetary contribution to the City of \$135,000.00 (the "Payment") which Payment shall be compounded monthly at 3% APR interest on the unpaid amount from the date of final execution of this Agreement until paid in full. The Payment shall be applied to the costs of the re-construction of the Central and Juan Tabo Intersection, as identified in the City of Albuquerque's 2011-2020 Decade Plan for Capital Improvements / 2011 General Obligation Bond Program. The \$135,000.00 Payment shall be divided into four equal installments of \$33,750.00 plus interest. Each installment payment shall be due prior to, and as a condition of Development Review Board (DRB) final plat approval respectively for 100, 200, 300, and 400 lots of Developers Property.
2. Off-Site Street Lights. The Developer shall reimburse the City for the cost of the installation of street lights along Juan Tabo Boulevard between L Street and the Tijeras Arroyo Bridge as shown on Exhibit B attached hereto. The reimbursement to the City shall be in the form of a cashier's check submitted with a City standard form Procedure C Modified Agreement prior to and as a condition to final plat approval for Volterra Village. Developer shall amend Developers infrastructure list associated with the plat approval of Volterra Village to include the Procedure C Modified Agreement.
3. On-Site Park Construction. The Developer shall construct a park ("Park") within the Juan Tabo Hills West Subdivision at a location to be coordinated with the City's Parks and Recreation Department at the time of preliminary plat approval by the City's Development Review Board. The size of the Park shall be at least two (2) acres and the construction of the park shall include but not be limited to; turf, irrigation system, soccer field, playground equipment, a basketball court and shade structures. The Park as well as the internal trail network shall be privately owned and maintained by the Juan Tabo Hills West Home Owners Association. but shall be open to the general public.
4. L Street Widening. The Developer shall reimburse the City for the construction costs of the L Street widening project as shown on Exhibit C attached hereto. The reimbursement to the City shall be in the form of a cashier's check submitted with a standard City form Procedure C Modified Agreement prior to and as a condition to final plat approval of Volterra Village. Developer shall amend Developers

infrastructure list associated with the plat approval of the Volterra Village to include the Procedure C Modified Agreement.

5. APS Facility Fees. The City of Albuquerque and Developer agree that Developer's Property is subject to the Albuquerque Public Schools Facility Fees.

6. Open Space Conveyance. The Developer shall convey to the City by general warranty deed 52.1970 acres, known as Tract B, as shown on the plat titled Juan Tabo Hills West Subdivision, to the City of Albuquerque for Open Space and for Drainage purposes ("Conveyance"). The Developer shall convey Tract B subject to the approval and any requirements of the City's Real Property Division, which shall include but not be limited to a satisfactory Phase 1 environmental report and title insurance showing clear and indefeasible title in the City, and shall be free and clear of all liens, claims and encumbrances which must be satisfactory to the City. All closing costs of the Conveyance shall be borne by the Developer.

7. Satisfaction of Prior Obligation. The Conveyance shall satisfy the obligation of Grip Holdings, LLC, pursuant to its prior agreement with the City of Albuquerque dated April 30, 2009, to convey 12 undisturbed acres in Tract B ("12 Acres") to the City by May 4, 2011, or to pay the City \$300,000.00. However, the conveyance of the 12 Acres under the April 30, 2009 Agreement may not be used for and shall not satisfy any other obligation of Juan Tabo Hills West, LLC, to provide any form or type of "open space" nor shall the Conveyance of the 12 Acres result in a credit for Open Space or Open Space Impact Fees. Notwithstanding any provision of this Agreement to the contrary, upon the City's formal adoption and final acceptance of the Developer's annexation petition, Developer shall submit a subdivision plat to Bernalillo County creating the 12 acre parcel as shown on Exhibit D, and then diligently pursue the subdivision plat approval and the conveyance of the 12 acre parcel to the City all on or before December 15, 2011. In the event Developer has not obtained the subdivision plat approval from Bernalillo County and conveyed the 12 acre parcel to the City on or before December 15, 2011, Developer shall immediately thereafter make payment to the City in the amount of \$300,000.00 in lieu of the 12 acre conveyance

8. Open Space Impact Fee Credit. The City and Developer have preliminarily agreed that the range of values of the Tract B Open Space Impact Fee Credit is \$9,500.00 to \$14,250.00 per acre ("Preliminary Credit Range"). The final amount of Open Space Impact Fee Credit granted ("Final Amount") shall be subject to a qualified appraisal of Tract B to be approved by the City's Impact Fee Administrator. Any impact fee credits granted to Developer pursuant to the Conveyance of Tract B will be subject to the execution of an Impact Fee Development Agreement between the Developer and the City. Open space impact fee credit shall only be granted on the net acreage of undisturbed portions of Tract B, minus any acreage needed for utility or road crossings as described in Paragraph 12 below. "Undisturbed" shall mean in its natural state, unplowed, with natural vegetation, or that which is disturbed and successfully revegetated. Any disputes regarding what constitutes undisturbed state, shall be resolved by the City's Open Space Division.

9. No Other Obligations Satisfied. Except as provided for herein, under no circumstances will the Conveyance satisfy the obligations of Juan Tabo Hills West LLC or any other parties to the April 30, 2009 Agreement or any related entities' obligations to convey, dedicate or donate any other Developer's Property to satisfy other development obligations to the City. Provided, however, the Conveyance shall satisfy any future obligation that may be required pursuant to the City's proposed formal adoption and implementation of the Resource Management Plan for the Tijeras Arroyo Biological Zone, Draft dated September 2008 as received by the Albuquerque City Council via EC 09-464 on June 15, 2009.

10. On-site Infrastructure Process. On-site water, sanitary sewer, storm drainage and street infrastructure shall be determined by the City's Development Review Board at the time of site development plan approval or subdivision plat approval.
11. Public Improvement District Option. This Agreement does not prohibit the Developer from establishing a Public Improvement District for the purpose of funding the construction of public infrastructure.
12. Infrastructure Extensions. The City of Albuquerque and Developer agree that it may be necessary to extend water, sanitary sewer, storm drainage, trails, streets and public utilities across existing Open Space located in Tract 1A1, Juan Tabo Hills Unit 1, or properties owned by the Developer and that said extensions will be permitted. The acreage encumbered by any road or utility easements in Tract 1A1, Juan Tabo Hills Unit 1 required for the development of the Developer's Property shall be deducted from the gross Open Space acreage for which impact fee credits would be granted as set forth in Paragraph 8 above.
13. Impact Fees. Upon annexation Developer agrees to be subject to the City's Impact Fee Ordinance and its relevant and applicable service area.
14. Open Space Management. Until Tract B is conveyed to the City, the City and Developer agree that it may be advantageous for the Developer to enter into a Management Agreement with the Open Space Division of the City for the preservation and management of Tract B as open space.
15. Covenant. This Agreement shall be a covenant running with the title to the Developer's Property and Tract B, and shall be binding upon the Developer, its heirs, personal representative, successors and assigns.
16. 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 three (3) days after the notice is mailed if there is no actual evidence of receipt.
17. 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.
18. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties. The parties agree that any requested changes shall be considered by the other party in good faith.
19. Constructions 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.
20. 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.
21. Forms Not Changed. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City's Legal Department on this form.

21. Forms Not Changed. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City's Legal Department on this form.

22. 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 Developer's authority to execute this Agreement.

23. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Developer. The City's and Developers written consent will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

24. Revocation of Approval. In the event that the Developer fails to perform any of Developer's obligations under this Agreement, Developer agrees that the City shall have right to revoke the annexation approval and void the city zoning approval.

25. Recitals. The Recitals are a material part of the Agreement and are incorporated herein by reference for all purposes.

Executed on the date stated in the first paragraph of this Agreement.

DEVELOPER

Juan Tabo Hills West, LLC

By: Sandia East Technology Park, LLC
By: [Signature]
Name: Rex P. Wilson
Title: Managing Member of Sandia East Technology Park, LLC
Member of Juan Tabo Hills West, LLC
Dated: 6/17/2011

By: GRIP Holdings, LLC
By: [Signature]
Name: Scott Grady
Title: Managing Member of GRIP Holdings, LLC
Member, Juan Tabo Hills West, LLC
Dated: 6-17-11

RECOMMENDED BY

[Signature] 6-28-11
Richard Dourte, PE Date
City of Albuquerque Engineer

CITY OF ALBUQUERQUE

[Signature]
Rob Perry
Chief Administrative Officer
Dated: 10/5/11
EC# _____ Date _____

RECOMMENDED BY

[Signature] 06-29-2011
Matthew F. Schmader, PhD Date
Superintendent, Open Space Division

APPROVED AS TO FORM

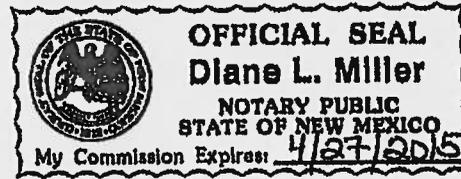
[Signature] 6/27/11
City Legal Department Date

DEVELOPER'S NOTARY

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

)
)ss.
)



This instrument was acknowledged before me on this 17th day of June, 2011, by Rex P. Wilson, Managing Member, Sandia East Technology Park, LLC for Juan Tabo Hills West, LLC, a New Mexico limited liability company, on behalf of the company

My Commission Expires:
4/27/2015



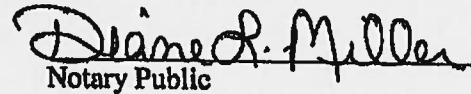
STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

)
)ss.
)

This instrument was acknowledged before me on this 17th day of June, 2011, by Scott Grady, Managing Member, GRIP Holdings, LLC for Juan Tabo Hills West, LLC, a New Mexico limited liability company, on behalf of the company.

My Commission Expires:
April 27, 2015



CITY'S NOTARY

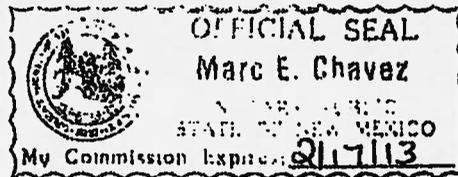
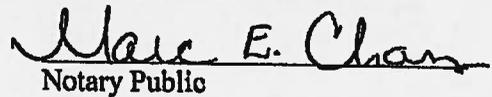
STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

)
)ss.
)

This instrument was acknowledged before me on this 5th day of October, 2011, by Rob Perry, Chief Administrative Officer for the City of Albuquerque, a municipal corporation.

My Commission Expires:
2/17/13



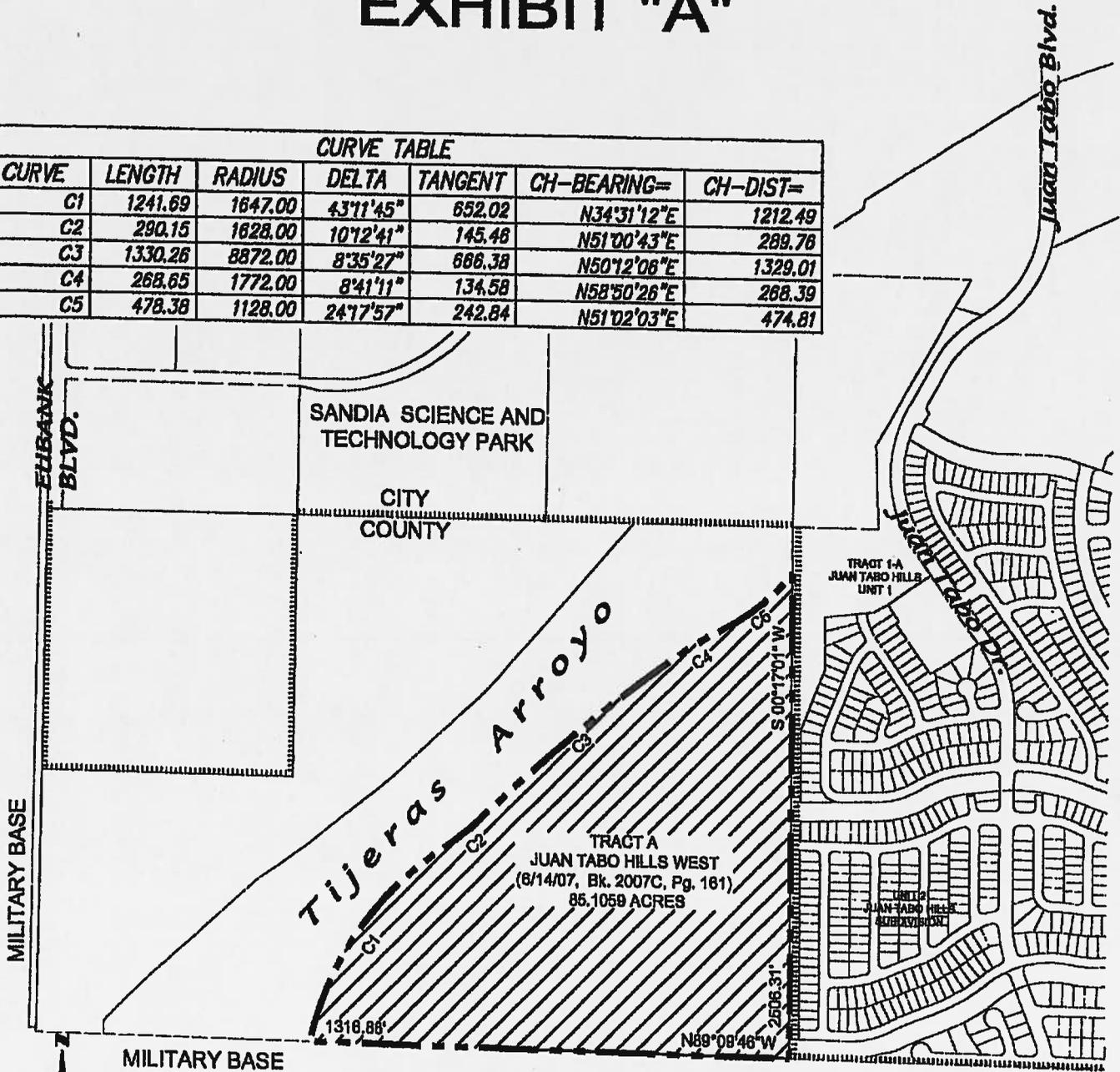
X:\PUBPROP\SHARE\AGREKJC\preannexation agreement form.doc

ANNEXATION PLAT TRACT A, JUAN TABO HILLS WEST

SITUATE WITHIN
SECTION 33
TOWNSHIP 10 NORTH, RANGE 4 EAST, NMPM
BERNALILLO COUNTY, NEW MEXICO
MAY, 2010

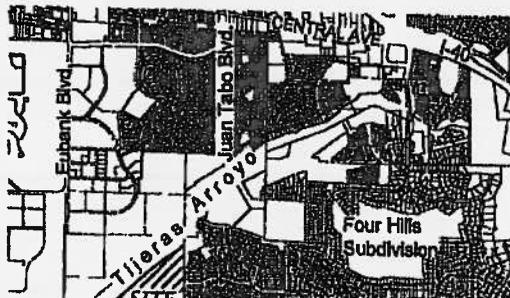
EXHIBIT "A"

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CH-BEARING=	CH-DIST=
C1	1241.69	1647.00	43°11'45"	652.02	N34°31'12"E	1212.49
C2	290.15	1628.00	10°12'41"	145.46	N51°00'43"E	289.76
C3	1330.26	8872.00	8°35'27"	666.38	N50°12'06"E	1329.01
C4	268.65	1772.00	8°41'11"	134.58	N58°50'26"E	268.39
C5	478.38	1128.00	24°17'57"	242.84	N51°02'03"E	474.81



SCALE: NTS

JUAN TABO HILLS WEST
Albuquerque, New Mexico
JUAN TABO HILLS WEST, LLC
P.O. BOX 1443
CORRALES, NEW MEXICO
87048



LEGEND

- Project Boundary
- AREA TO BE ANNEXED
- CITY LIMITS

EXHIBIT "D" (cont.)

A tract of land situate in Section 33, Township 10 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being the WESTERLY PORTION OF TRACT B, JUAN TABO HILLS WEST, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Bernalillo County, New Mexico, on June 14, 2007, in Plat Book 2007C, Page 161, and being more particularly described as follows:

BEGINNING at the northwest corner of the herein described tract, from whence Albuquerque Geographic Reference Survey Monument "5-M22" bears N 69° 59' 24" E, 5755.01 feet;

THENCE S 89° 43' 54" E, 176.24' feet to the northeast corner;
THENCE S 41° 06' 00" W, 1289.94' feet to a point;
THENCE S 47° 20' 00" W, 733.88' feet to a point;
THENCE S 51° 24' 00" W, 553.34' feet to a point;
THENCE S 54° 48' 00" W, 298.81' feet to a point;
THENCE S 48° 05' 00" W, 764.83' feet to a point;
THENCE S 45° 38' 00" W, 271.80' feet to a point;
THENCE S 00° 38' 00" W, 15.76' feet to the southeast corner;
THENCE N 89° 10' 45" W, 133.35' feet to the southwest corner;
THENCE N 00° 38' 00" E, 70.56' feet to a point;
THENCE N 45° 38' 00" E, 329.88' feet to a point;
THENCE N 48° 05' 00" E, 775.51' feet to a point;
THENCE N 54° 48' 00" E, 302.68' feet to a point;
THENCE N 51° 24' 00" E, 544.65' feet to a point;
THENCE N 47° 20' 00" E, 721.89' feet to a point;
THENCE N 41° 06' 00" E, 1167.45' feet to the point for beginning and containing 12.0000 acres more or less.

AMENDMENT TO PRE-ANNEXATION AGREEMENT

THIS AMENDMENT is made this _____ day of _____, 2015, 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 Juan Tabo Hills West, LLC, a New Mexico limited liability company ("Developer"), whose address is P.O. Box 9470, Albuquerque, New Mexico 87119.

RECITALS

A. WHEREAS, City and Developer desire to amend that certain Pre-Annexation Agreement entered into by and between City and Developer dated June 28, 2011 (hereinafter, "Pre-Annexation Agreement"), pertaining to the following described property located in Bernalillo County, New Mexico:

Tract A, Plat for Tracts A, B and C, Juan Tabo Hills West Subdivision, within Section 33 Township 10 North, Range 4 East, NMPM Bernalillo County, New Mexico, recorded as Document 2007087038 in the records of Bernalillo County at Book Misc. 2007C, page 0179 on 6/14/2007.

hereinafter, ("Developer's Property")

THEREFORE in consideration of the foregoing promises, the City and Developer agree:

1. Paragraph 3 "On Site Park Construction" of the Pre-Annexation Agreement is amended as follows:

The Developer shall construct a park ("Park") within the Juan Tabo Hills Subdivision at a location to be coordinated with the City Parks and Recreation Department at the time of preliminary plat approval by the City's Development Review Board. The size of the Park shall be approximately 3.6026 acres and the construction of the Park shall be designed, landscaped and have playground and recreational equipment for adults and children installed in accordance with City standards. Developer shall also create a trail network of approximately 8.0372

acres throughout the Juan Tabo Hills Subdivision. The Park, as well as the internal trail network, shall be privately owned and maintained by the Juan Tabo Hills West Homeowners Association, but shall be opened to the general public.

2. Paragraph 7 "Satisfaction of Prior Obligation" is hereby amended as follows:

The Developer has conveyed to the City twelve (12) acres in Tract B ("12 Acres") by Warranty Deed filed for record as Document No. 2012109254, and attached hereto as Exhibit A. City has accepted the conveyance of the 12 Acres in Tract B in satisfaction of the obligation of Grip Holdings, LLC, pursuant to its prior agreement with the City of Albuquerque, dated April 30, 2009. The terms and conditions of Paragraph 7 "Satisfaction of Prior Obligation" of the Pre-Annexation Agreement dated June 28, 2011, is hereby satisfied.

3. Developer offered to convey Tract B, Juan Tabo Hills West Subdivision (approximately 40.1953 acres) within the Tijeras Arroyo to the City of Albuquerque in accordance with the provisions of Paragraphs F and 6 of the Pre-Annexation Agreement in exchange for the receipt by Developer of Open Space and Drainage Impact Fee Credits as set forth in Paragraph 8 of the Pre-Annexation Agreement as compensation to Developer by City for said conveyance of Tract B. Developer agrees to waive any Open Space Impact Fee Credits and Drainage Impact Fee Credits as set forth in Paragraph 8 of the Pre-Annexation Agreement, provided that the U.S. Army Corps of Engineers does not require any further mitigation measures pursuant to its issuance of a 404 permit. Paragraphs F and 6 of the Pre-Annexation Agreement are further amended to provide that Developer shall convey Tract B to the City upon completion of the Project and as a condition to the final close-out of the Project and release of all financial guaranties required by any Subdivision Improvement Agreement ("SIA") for this Project.

4. Developer shall not be required to provide an irrevocable letter of credit ("Letter of Credit") in the amount of \$620,000.00 to guarantee the conveyance of Tract B to the City as set forth in Paragraph F of the Pre-Annexation Agreement. City and Developer agree that Developer may not close out the project until all improvements and requirements under the Pre-Annexation Agreement and this Amendment to Pre-Annexation Agreement are accepted by the City.

5. City and Developer agree that Developer has prepared a Plan for development to submit for preliminary plat approval. Said Plan has been negotiated and approved by the East Gateway Coalition of Associations and its related Neighborhood Associations, along with the offices of the City Councillor in whose district this property is located, and is in compliance with the conditions required by the Pre-Annexation Agreement. The Plan shall be submitted by Developer to the Development Review Board for its consideration.

6. All other terms and conditions of the Pre-Annexation Agreement not modified or amended herein shall remain in full force and effect.

DEVELOPER
Juan Tabo Hills West, LLC

By: Sandia East Technology Park, LLC

By: Rex P. Wilson

Name: Rex P. Wilson

Title: Managing Member of Sandia East
Technology Park, LLC

Dated: _____

CITY OF ALBUQUERQUE

By: Robert J. Perry

Chief Administrative Officer

Dated: 9/16/13

EC# _____ Date _____

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

This instrument was acknowledged before me on this 6th day of March, 2015, by Scott Grady, Managing Member, GRIP Holdings, LLC for Juan Tabo Hills West, LLC, a New Mexico limited liability company, on behalf of the company.



Judith Adams
Notary Public

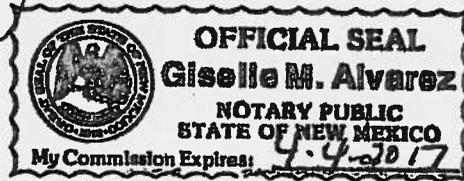
CITY'S NOTARY

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

This instrument was acknowledged before me on this 16th day of April, 2015, by Rob Perry, Chief Administrative Officer for the City of Albuquerque, a municipal corporation.

My Commission Expires:
4-4-2017

Giselle M. Alvarez
Notary Public



Old Republic National Title Insurance
Order Number: LC

WARRANTY DEED

Juan Tabo Hills West, LLC, a New Mexico limited liability company, for consideration paid grant(s) to:
the City of Albuquerque, New Mexico, a New Mexico municipal corporation, whose address(es) is/are:
City/County Building, One Civic Plaza, Albuquerque, New Mexico 87103, the following described
real estate in Bernalillo County, New Mexico,

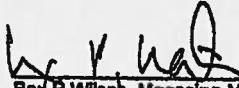
Tract lettered B-One (B-1), of Juan Tabo Hills West, as the same is shown and designated on the Plat
Entitled "PLAT FOR TRACTS B-1 AND B-2, JUAN TABO HILLS WEST, WITHIN SECTION 33,
TOWNSHIP 10 NORTH, RANGE 4 EAST, N.M.P.M, BERNALILLO COUNTY, NEW MEXICO, AUGUST,
2011" filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 4, 2011 in Plat
Book 2011C, Page 118.

SUBJECT TO all patent and mineral reservations, restrictive covenants, restrictions and reservations of
assessments and rights-of-way of record, and all applicable zoning regulations, restrictions and
requirements and all other matters of record and to taxes for the year 2010 and subsequent years;

with warranty covenants.

Dated: 11/7/2011

Juan Tabo Hills West, LLC
By its members
Sandia East Technology Park, LLC


Rex P Wilson, Managing Member

Juan Tabo Hills West, LLC
By its member
Grip Holdings, LLC

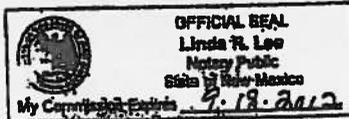

Scott Grady, Managing Member

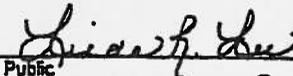
ACKNOWLEDGMENT

STATE OF: NEW MEXICO

COUNTY OF: BERNALILLO

This instrument was acknowledged before me on 11/7/2011 by Rex P Wilson, Managing
Member of Sandia East Technology Park, LLC.

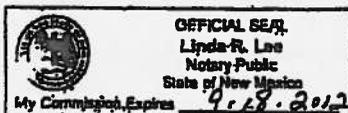


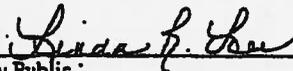

Notary Public
My Commission expires: 9-18-2012

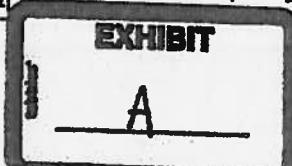
STATE OF: NEW MEXICO

COUNTY OF: BERNALILLO

This instrument was acknowledged before me on 11/7/2011 by Scott Grady,
Managing Member of Grip Holdings, LLC.




Notary Public
My Commission expires: 9-18-2012



ZONING

Please refer to the Zoning Code for specifics of
The SU-1 zone

APPLICATION INFORMATION



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, Includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

D Street Name Change (Local & Collector)

L A APPEAL / PROTEST of...

- Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Hunt and Davis, PC PHONE: 881-3191
 ADDRESS: 2632 Mesilla NE FAX: _____
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: Cathy.hunt@hds.com

APPLICANT: JTH West, LLC PHONE: 899-6768
 ADDRESS: PO Box 57060 FAX: _____
 CITY: Albuquerque STATE NM ZIP 87187 E-MAIL: rwz2d2@aol.com
 Proprietary interest in site: _____ List all owners: City of Albuquerque Open Space

DESCRIPTION OF REQUEST: Site Plan for Subdivision Approval from EPC for Tract 1-A-1, Juan Tabo Hills Unit 2

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract 1-A-1 Block: _____ Unit: 2
 Subdiv/Addn/TBKA: Juan Tabo Hills
 Existing Zoning: SU-1 for Open Space Proposed zoning: same MRGCD Map No. _____
 Zone Atlas page(s): M-21 UPC Code: 10210554338520823

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): 1001370
08DRB-70425 15DRB-70170, 70171, 70172, 70173, 70174

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? no
 No. of existing lots: 1 Tract No. of proposed lots: 1 Tract Total site area (acres): 13.36 ac.

LOCATION OF PROPERTY BY STREETS: On or Near: Juan Tabo Hills Blvd.
 Between: Open Space/Tijeras Arroyo and Gallant Fox

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE [Signature] DATE 7-10-15
 for (Print Name) Cathy Davis Applicant Agent

FOR OFFICIAL USE ONLY

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING				
<input type="checkbox"/> All checklists are complete				\$ _____
<input type="checkbox"/> All fees have been collected				\$ _____
<input type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date _____			Total \$ _____

Revised: 4/2012

Project # _____

Staff signature & Date _____

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- APEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102.

Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Hunt and Davis, PC PHONE: 881-3191

ADDRESS: 2632 mesilla ne FAX: _____

CITY: Albuquerque STATE nm ZIP 87110 E-MAIL: Cathy@huntanddavis.com

APPLICANT: City of Albuquerque open space Division PHONE: 459-6900

ADDRESS: PO Box 1293 FAX: _____

CITY: Albuquerque STATE nm ZIP 87103 E-MAIL: _____

Proprietary Interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: Site Plan for Subdivision Approval from EPC for Tract 1-A-1, Juan Tabo Hills Unit 2

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract 1-A-1 Block: _____ Unit: 2

Subdiv/Addn/TBKA: Juan Tabo Hills

Existing Zoning: SU-1 for Open Space Proposed zoning: Same MRGCD Map No. _____

Zone Atlas page(s): M-21 UPC Code: 102105543325940825

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z, V, S, etc.): 1001370

08 DEB-70425

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?

No. of existing lots: 1 Tract No. of proposed lots: 1 Tract Total site area (acres): 13.36 ac

LOCATION OF PROPERTY BY STREETS: On or Near: Juan Tabo Hills Blvd

Between: Open space / Tijeras Arroyo and Gallant Fox

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE [Signature] DATE 7/1/15

for (Print Name) Cathy Davis Applicant Agent

FOR OFFICIAL USE ONLY

Revised: 4/2012

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>15EPC - 40025</u>	<u>SPS</u>		\$ <u>0</u>
<input checked="" type="checkbox"/> All fees have been collected				\$ _____
<input checked="" type="checkbox"/> All case #s are assigned				\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
				Total
				\$ <u>0</u>

Hearing date August 13 2013

[Signature] 7-1-15 Staff signature & Date

Project # 1001370

FORM P(1): SITE DEVELOPMENT PLAN REVIEW – E.P.C. PUBLIC HEARING

SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16) Maximum Size: 24" x 36"

IP MASTER DEVELOPMENT PLAN (EPC11)

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
 - Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Completed Site Plan for Subdivision and/or Building Permit Checklist
 - Sign Posting Agreement
 - Traffic Impact Study (TIS) form with required signature
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC15) Maximum Size: 24" x 36"

SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17)

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted.
(Folded to fit into an 8.5" by 14" pocket.) 20 copies
- Site Plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Plan for Subdivision and/or Building Permit Checklist
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

NOTE: For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:

- Collocation evidence as described in Zoning Code §14-16-3-17(A)(6)
 - Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)
 - Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)
 - Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)
 - Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)
 - Registered engineer or architect's stamp on the Site Development Plans
 - Office of Community & Neighborhood Coordination inquiry response as above based on ¼ mile radius
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC01) Maximum Size: 24" x 36"

AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC02)

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 20 copies
 - DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 20 copies
 - DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 20 copies
 - Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 - Traffic Impact Study (TIS) form with required signature
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

for Cathy Davis
 _____ Applicant name (print)
Mark Gordon
 _____ Applicant signature / date



Form revised November 2010

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 BEPC- 40025

Vign 7-1-15
 _____ Planner signature / date
 Project #: 1001370

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: JTH West LLC DATE OF REQUEST: 3 / 19 / 15 ZONE ATLAS PAGE(S): M-21

CURRENT:

ZONING R-D

PARCEL SIZE (AC/SQ. FT.) 85 Ac.

LEGAL DESCRIPTION:

LOT OR TRACT # Tract A/ Tract 1-A-1 BLOCK # _____

SUBDIVISION NAME Juan Tabo Hills Estates

REQUESTED CITY ACTION(S):

ANNEXATION []

ZONE CHANGE []: From _____ To _____

SECTOR, AREA, FAC, COMP PLAN []

AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [X] AMENDMENT []

BUILDING PERMIT [] ACCESS PERMIT []

BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT []

NEW CONSTRUCTION [X]

EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS: 351 Lots

BUILDING SIZE: _____ (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE James D. Hughes/Mark Goodwin & Associates, PA

DATE 3/19/15

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St. NW, Plaza del Sol Building, City, 87102, phone 924-3894

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [] NO [] BORDERLINE [X]

THRESHOLDS MET? YES [X] NO [] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []

Notes:

Need to review information provided for justification of not updating 2011 report.

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

TRAFFIC ENGINEER

DATE

04-21-15

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / /
-FINALIZED / /

TRAFFIC ENGINEER _____

DATE _____

Revised January 20, 2011



City of Albuquerque
P.O. Box 1293 Albuquerque, New Mexico 87103
Planning Department
Deborah Stover, Director

Richard J. Berry, Mayor
Robert J. Perry, CAO
February 1, 2012

SUBJECT: ALBUQUERQUE ARCHAEOLOGICAL ORDINANCE—Compliance Documentation

Project Number(s): 1005278

Case Number(s): 15DRB-70170

Agent: Hunt & Davis, PC

Applicant: JTH West, LLC

Legal Description: Tract A Juan Tabo Hills West/Tract 1-A-1 Juan Tabo Hills Unit 2 (Known as Four Hills Estates)

Zoning: R-D

Acreage: 98.4699

Zone Atlas Page: M-21

CERTIFICATE OF NO EFFECT: Yes _____ No ~~_____~~ 2-28-15

SUPPORTING DOCUMENTATION: email from Dr. Schmader dated 8/7/12

SITE VISIT:

RECOMMENDATION(S):

- CERTIFICATE OF NO EFFECT IS ISSUED (USACE 404 Permit Request. Federal Jurisdiction supersedes Albuquerque Archeological Ordinance.)***

SUBMITTED:

Matthew Schmader, PhD
Superintendent, Open Space Division
City Archaeologist

Barbara Taylor
Director, Parks and Recreation Division
City of Albuquerque

**JTH West, LLC
PO Box 57060
Albuquerque NM 87187**

March 19, 2015

**Mr. Jack Cloud, Chairman
Development Review Board
City of Albuquerque Planning Department
600 Second Street, NW
Albuquerque, NM 87102**

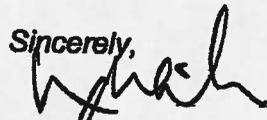
Re: Juan Tabo Hills West, Project # 1005278

Dear Mr. Cloud:

As Managing Member of JTH West, I hereby designate the firm of Hunt & Davis and Mark Goodwin & Associates, PA, to act as my agent in connection with my request for Preliminary Plat, Site Development Plan for Subdivision, and Sidewalk Deferral for the referenced property.

Any questions regarding this issue should be forwarded to the undersigned at the address listed above.

Sincerely,



**Rex Wilson
Managing Member**

CITY OF ALBUQUERQUE

Parks and Recreation Department



July 7, 2015

Peter Nicholls, Chair
Environmental Planning Commission
c/o City Planning Department
600 Second Street NW
Albuquerque, NM 87102

RE: EPC project 1001370, Juan Tabo Hills

Dear Mr. Nicholls:

A Pre-Annexation Agreement was entered into on June 28, 2011, between the City of Albuquerque (the "City") and Juan Tabo Hills West, LLC ("Developer"). The Agreement contemplated a potential road on Open Space property (Tract 1-A-1, Block 7, Juan Tabo Hills Unit 2) in the vicinity of the Developer's property. The City's Chief Administrative Officer has signed a preliminary plat for the Juan Tabo Hills West subdivision, which included the proposed road alignment and provided consent to the Developer to submit the preliminary plat to the Development Review Board ("DRB") for their review.

Under the Revised Ordinances of Albuquerque, New Mexico, 1994, the development project proposed by the Developer will also require a submittal to the Environmental Planning Commission ("EPC"). The Open Space Division, Parks and Recreation Department hereby consents to the Developer's limited purpose of submitting an application on the same subject to the EPC for purposes of reviewing the proposed road across Tract 1-A-1, Block 7, Juan Tabo Hills Unit 2. This consent is only applicable to the submittal of the application and does not imply any approval of plans, construction or any other land use matter within the purview of the EPC, DRB and the City's Planning Department.

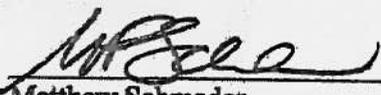
PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RECOMMENDED:


Matthew Schmader
Superintendent, Open Space Division

07.08.2015
Date

CONCUR:


Barbara L. Taylor, Director
Parks and Recreation Department

7.8.15
Date

BLT:jet

BLT16

**HUNT &
DAVIS, P.C.**
ATTORNEYS AT LAW

**KENNETH A. HUNT ♦
CATHERINE F. DAVIS
JULIE J. VARGAS
CHRIS W. PIERCE**

2632 Mesilla, N.E.
Albuquerque, New Mexico 87110

Telephone: (505) 881-3191
Telefax: (505) 881-4255

♦ Also Member of California Bar

July 1, 2015

(via email and regular mail)

Mr. Peter Nicholls
EPC Chair
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Project No. 1005278 Site Development Plan for Subdivision for Tract 1-A-1 of Juan Tabo Hills Unit 2

Dear Mr. Nicholls:

The purpose of this letter is to summarize the request for Site Development Plan for Subdivision for Tract 1-A-1 of Juan Tabo Hills Unit 2. The site development plan is for a new Public Street crossing the open space tract to provide access between Juan Tabo Hills Blvd and Tract A of Juan Tabo Hills West. Tract 1-A-1 is owned by the City of Albuquerque Open Space Division, and Hunt & Davis, PC is acting as the agent for the purposes of this application. The City is requiring the Plan to be submitted to the Environmental Planning Commission ("EPC") for approval in accordance with the following: § 14-14-2-2; §14-16-2-22 and §14-13-3-2. Because Tract 1-A-1 is zoned SU-1, §14-16-2-22 requires that any development within the SU-1 zone may only occur in conformance with an approved Site Development Plan.

The City has been planning this road as shown on the TIS dated January 7, 2011 and as referred to in the Pre-Annexation Agreement (attached) with Juan Tabo Hills West LLC. The owners of Tract A is Juan Tabo Hills West. It has been planned as the primary access for Tract A instead of allowing increased traffic on the existing residential streets to the south. The new street will be classified as a Major Local street with extra width to accommodate parking on one side. It will have a 32' face to face roadway width, 6' setbacks between face of curb and sidewalk, 6' sidewalks, and 4' wide planters between the sidewalk and property line. The Pre-Annexation Agreement requires the City to allow an extension of utility and access easements across Tract 1-A-1 for the benefit of Tract A of Juan Tabo Hills West.

If you have any further questions or concerns, please feel free to contact me directly.

Sincerely,
HUNT & DAVIS, P.C.


Catherine F. Davis
Attorney at Law

cc: Rex Wilson
Scott Grady

ADDITIONAL STAFF INFORMATION

extraOrdinary Facility

CITY of ALBUQUERQUE
EIGHTH COUNCIL

COUNCIL BILL NO. C/S 0-165 ENACTMENT NO. 79-1989

SPONSORED BY: Nadyne G. Bicknell

ORDINANCE

1
2 AMENDING ARTICLE 7-15 R.O. 1974, THE ENVIRONMENTAL PLANNING
3 COMMISSION ORDINANCE, SPECIFYING THE PROCEDURE TO APPROVE
4 UNUSUAL FACILITIES PROPOSED FOR PARKS AND OPEN SPACE LAND.
5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
6 OF ALBUQUERQUE:

7 Section 1. Section 7-15-2.A R.O. 1974 (EPC Duties,
8 Responsibilities, and Powers) is amended by inserting a new
9 paragraph after Paragraph 4 and renumbering the following
10 paragraph accordingly:

11 "5. Approval of Extraordinary Facilities in City
12 Parks and Open Space: If extraordinary facilities are proposed
13 for City controlled parks or open space, EPC approval of a site
14 development plan is required before installation or
15 construction. Before considering approval of such facilities,
16 the EPC shall seek the recommendation of the Metropolitan Parks
17 Advisory Board and/or the Open Space Advisory Board, according
18 to their jurisdiction over the area. The decision of the EPC
19 may be appealed to the City Council if appeal is filed with the
20 Planning Director within 15 days of the decision. For the
21 purpose of this paragraph:

22 a. Extraordinary facilities in parks are those
23 which are not primarily for facilitating recreation,
24 relaxation, and enjoyment of the outdoors; they do not include
25 incidental parking and access roads, nor do they include
26 infrastructure not visible on the surface;

Underscored Material - New
Bracketed Material - Deletion

Underlined Material - New
[Bracketed Material] - Deletion

1 b. Extraordinary facilities in open space are
2 those other than trails, fencing, signs, incidental parking
3 lots, and access roads."

4 Section 2. Section 7-15-6.B.2 R.O. 1974 (Open Space
5 Advisory Board) is amended as follows:

6 "2. Advise the EPC, the Mayor, and the City Council
7 as to an appropriate City open space program, which advice
8 shall include:

9 a. Implementation of adopted open space plans;

10 b. Priorities for the acquisition of "major
11 public open space" or "public easement or rights" implementing
12 the Albuquerque/Bernalillo County Comprehensive Plan;

13 c. Basic policies on management of City-owned
14 open space; and

15 d. Criteria for evaluating proposals for
16 significant physical changes and installations on and adjacent
17 to open space lands;

18 e. Evaluation of proposals to install
19 extraordinary facilities on City-owned open space; and

20 f. Evaluation of proposals to sell, lease,
21 exchange, or otherwise dispose of open space exchange lands or
22 other lands acquired with open space funds.

23 3. Annually make recommendations to the EPC, the
24 Mayor and the City Council on updating the open space program,
25 including land acquisition and other open space capital
26 improvements."

27 4. Periodically review open space plans in
28 consultation with citizen interest groups, especially the Open
29 Space Task Force. Advise the EPC, the Mayor, and the City
30 Council on needed new plans and plan amendments, ranging from
31 detailed project plans to the Albuquerque/Bernalillo County
32 Comprehensive Plan. Make recommendations for the annual
33 proposed City planning program.

Underscored Material - New
[Bracketed Material] - Deletion

1 5. Upon request, advise or assist the Mayor in
2 negotiations for open space land acquisition.

3 6. The Board's recommendations shall be consistent
4 with the conditions imposed on expenditure of interest of the
5 Permanent fund for Open Space as specified in Article 4-1 R.O.
6 1974 and the conditions imposed on the expenditure of monies
7 from the Quality of Life Fund as specified in Resolution
8 89-1987; the Board's proposals shall also take into account all
9 funding sources available for the Open Space Program."

10 Section 3. SEVERABILITY CLAUSE. If any section,
11 paragraph, clause, or provision of this ordinance shall for any
12 reason be held to be invalid or unenforceable, the invalidity
13 or unenforceability of such section, paragraph, clause, or
14 provision shall not affect the remaining provisions of this
15 ordinance.

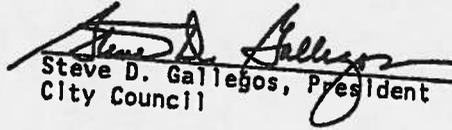
16 Section 4. COMPILATION. This ordinance shall be
17 incorporated in and made part of the Revised Ordinances of
18 Albuquerque, New Mexico, 1974.

19 Section 5. EFFECTIVE DATE. This ordinance shall take
20 effect five days after publication in full.

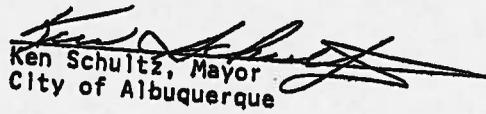
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1 PASSED AND ADOPTED THIS 6th DAY OF November 1989.
2 BY A VOTE OF 8 FOR AND 0 AGAINST.

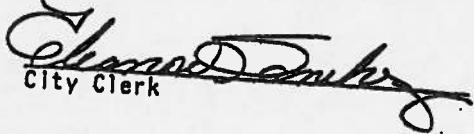
3 Yes: 8
4 Excused: Baca

5 
6 Steve D. Gallegos, President
7 City Council

8 APPROVED THIS 27th DAY OF November 1989.

9 
10 Ken Schultz, Mayor
11 City of Albuquerque

12 ATTEST:

13 
14 City Clerk

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OPEN SPACE ADVISORY BOARD
GUIDELINES for EVALUATING POTENTIAL
EXTRAORDINARY FACILITIES, Per ORDINANCE 79-1989
(Updated May 27, 2014)

TYPE /	SIZE	MATERIAL/ MAINTENANCE	CONSIDERATIONS	EXTRA- ORD'Y FACILITY?
Pavilion	of any size			YES
Restroom	n/a	Applies to permanent; not portables	Permissive in parking lots	YES if permanent; NO if portable
Wildlife blind	of any size			YES
Bridge	up to 6' by 12'	Wood and other natural materials only	Width, color, material, railings	Over 6' by 12' or non-natural material = YES
Viewing platform	of any size	If structural; not applicable to wide areas of trails		YES, if other than soil
Shade structure	up to 4' by 8'		Placed to shade bench; permissive at parking lots	Over 4' by 8' = YES
Picnic table	of any size			YES if permanent
Boardwalk	of any size			
TRAILS	of any width?	Permeable surface trails are not extraordinary	Trails with edging are extraordinary	Permeable NO; Impermeable YES?
Art work				YES
Horse walkover	of any size			NO
Culvert	Depends on size		If needing concrete reinforcement	NO
Gates	of any size			NO
Trash cans	of any size		No more than every ½ mile along a trail	NO
Benches	Up to 2' by 6'	Wood only	No more than every ½ mile along a trail	Over 2' by 6' or non-natural material = YES
Mutt mitt dispenser	of any size		only at entrances, trail-heads, and parking lots	NO
Information kiosk	of any size		only at entrances, trail-heads, and parking lots	NO
Wayside sign	of any size		only at entrances, trail-heads, and parking lots	NO
Rock dam	n/a	Natural materials only		NO

Gould, Maggie S.

From: Trujillo, Nicole M.
Sent: Thursday, August 06, 2015 9:27 AM
To: Gould, Maggie S.
Subject: RE: Notes from the Open Space Advisory Board

Hi Maggie,

Sorry this has taken so long to get to you. I have been in and out of the office the last week. Below is the how the motion will read in the minutes. Hope this helps.

A motion was made by Board member John Kwait to accept the proposed roadway at Juan Tabo Hills as an extraordinary facility. The motion was seconded by Board member Loren Hines. The motion was voted on and approved with a 5 to 1 vote.

Please let me know if this will suffice. Thanks Maggie!

Nicole Trujillo
452-5212

From: Gould, Maggie S.
Sent: Friday, July 31, 2015 10:04 AM
To: Trujillo, Nicole M.
Subject: Notes from the Open Space Advisory Board

Hello Nicole,

Can you get me something that shows that OSAB determined that the proposed road in Juan Taboo Hills is an Extraordinary Facility? It does not have to be full minutes, just a quick summary.
Thank you,

Maggie Gould, MCRP
Planner
City of Albuquerque, Planning Department
600 Second St. NW
Albuquerque, NM 87102
505-924-3910
mgoald@cabq.gov

§ 14-13-3-2 DUTIES, RESPONSIBILITIES, AND POWERS.

(A) *Delegation by City Council.* There is hereby delegated to the EPC the following power and authority:

(1) Study. The EPC shall study urban and regional planning and means of protecting and improving the environment. The EPC may request assistance of staff of the city by request to the Mayor.

(2) Advisory Functions. The EPC shall advise the Mayor, City Council, and city staff concerning the development and revision of community goals, plans for urban development and protection of the environment, policies on development and on protection of the environment, ordinances appropriate for effecting such plans and policies, annexation to the city, programming of capital improvements for the city, the designation of land desirable and needed for public purposes, the adoption of air and water quality standards, and other appropriate matters.

(3) Public Education. The EPC shall promote the understanding of planning and environmental matters among public officials as well as residents of Albuquerque and its environs.

(4) Environmental and Economic Impact Analyses. The EPC shall review all environmental and economic impact analyses prepared by the city or required of others by the city, or submitted to the EPC by other interested parties on matters under consideration by the EPC.

(5) Approval of Extraordinary Facilities in City Parks and Open Space. If extraordinary facilities are proposed for city-controlled parks or open space, EPC approval of a site development plan is required before installation or construction. Before considering approval of such facilities, the EPC shall seek the recommendation of the Metropolitan Parks Advisory Board and/or the Open Space Advisory Board, according to their jurisdiction over the area. The decision of the EPC may be appealed to the City Council if appeal is filed with the Planning Director within 15 days of the decision. For the purpose of this division (5):

(a) **EXTRAORDINARY FACILITIES IN PARKS** are those which are not primarily for facilitating recreation, relaxation, and enjoyment of the outdoors; they do not include incidental parking and access roads, nor do they include infrastructure not visible on the surface;

(b) **EXTRAORDINARY FACILITIES IN OPEN SPACE** are those other than trails, fencing, signs, incidental parking lots, and access roads.

(6) Other Duties, Responsibilities, and Powers. The EPC has such other duties, responsibilities, and powers as may be delegated to it by the City Council, including but not limited to powers delegated by the Zoning Code and Subdivision Regulations.

(B) *Committees.* EPC may form standing committees from EPC members in order to carry out the assigned duties, responsibilities and powers of the EPC. The EPC shall select the EPC members to serve on its committees and may select the Chairperson of EPC committees except as otherwise specified by §§ 14-13-3-1 et seq. Members of EPC committees who are not members of the EPC are allowed only as authorized in §§ 14-13-3-1 et seq. Where committee

members from the general public are authorized, the EPC may recommend to the Mayor people whom it believes to be well qualified for appointment.

(C) *Task Forces.* The EPC may form task forces consisting of EPC members and the general public and may select the members and Chairperson of any task force. For the purposes of this division, **TASK FORCE** means an advisory group established to carry out a specific assignment for a predetermined time, not to exceed 18 months.

(D) *Relationship of the EPC to its Committees and Task Forces.* Committees and task forces of the EPC shall report to the EPC on their activities at least semi-annually, and as may be directed by the EPC. The EPC may set guidelines for the communication from its committees and task forces to other governmental entities and the public. The EPC may take an advisory position on a matter which is different from the advisory position of an EPC committee or task force; however, the EPC shall not convey its advice to another governmental entity or the public without also conveying the position of its committee or task force on the same matter.

(E) The Planning Commission may authorize a hearing officer to take testimony and make recommendations to the Planning Commission based on that testimony with respect to any matter within the authority delegated to the Planning Commission. The Planning Commission may delegate to the Development Review Board final approval of site plans that are conditionally approved by the Planning Commission.

('74 Code, § 7-15-2) (Ord. 294- 1972; Am. Ord. 10-1983; Am. Ord. 90-1983; Am. Ord. 79-1989; Am. Ord. 2012-036)

NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

June 29, 2015

Kay Brashear
Mark Goodwin & Associates, PA
P.O. Box 90606/87199
Phone: 505-828-2200/ Fax: 505-797-9539

Dear Kay:

Thank you for your inquiry of June 29, 2015 requesting the names of ALL Neighborhood and/or Homeowners Associations who would be affected under the provisions of O-92 by your proposed project at (EPC SUBMITTAL) TRACT 1-A-1 JUAN TABO HILLS UNIT 2 (KNOWN AS FOUR HILLS ESTATES) LOCATED ON JUAN TABO BOULEVARD BETWEEN JUAN TABO HILLS UNIT 1 & 2 AND TIJERAS ARROYO zone map M-21.

Our records indicate that the ALL Neighborhood and/or Homeowners Associations affected by this proposal and the contact names are as follows:

SEE ATTACHMENT "A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3906 or via an e-mail message at dcarmona@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Dalaina Carmona

Senior Administrative Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

ATTACHMENT "A"

June 29, 2015

Kay Brashear
Mark Goodwin & Associates, PA
P.O. Box 90606/87199
Phone: 505-828-2200/ Fax: 505-797-9539

JUAN TABO HILLS N.A. (JTH) "R"

*Kevin Smith

1843 Red Rum Ct. SE/87123 440-3838 (c)

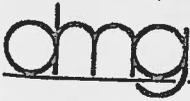
Richard Lujan

11819 Blue Ribbon SE/87123 203-3369 (h)

EAST GATEWAY COALITION

*Roger Hartman, 1308 Wagon Train Dr. SE/87123 296-7924 (h)

Roger Mickelson, 1432 Catron Ave. SE/87123 332-9273 (h)



D. Mark Goodwin & Associates, P.A.
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199
(505) 828-2200 FAX 797-9539

~ 2012 ACEC/NM Award Winner for Engineering Excellence ~
~ 2008 ACEC/NM Award Winner for Engineering Excellence ~

July 1, 2015

Mr. Roger Hartman
East Side Coalitions
1308 Wagon Train Dr. SE
Albuquerque, NM 87123

Mr. Roger Mickelson
East Side Coalition
1432 Catron Ave SE
Albuquerque, NM 87123

Re: Site Development Plan for Subdivision to EPC for Tract 1-A-1, Juan Tabo Hills Unit 2

Dear Mr. Hartman and Mr. Mickelson,

As a requirement of the Preliminary Plat of Residential Subdivision by Ordinance, we are required to get approval for the entrance road to cross the Open Space Tract by EPC in the form of Site Development Plan for Subdivision. This is in addition to an existing written agreement between the City of Albuquerque and the Developer of Juan Tabo Hills Estates.

We are attaching a copy of the application being made by the agent, Hunt and Davis, PC. for your use. We anticipate the hearing date to be July 29, 2015.

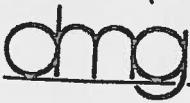
Sincerely,
MARK GOODWIN & ASSOCIATES, PA

Mark Goodwin

Kay Brashear
Office Manager

/kb

Enclosure



D. Mark Goodwin & Associates, P.A.
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199
(505) 628-2200 FAX 797-9539

*- 2012 ACEC/NM Award Winner for Engineering Excellence -
- 2008 ACEC/NM Award Winner for Engineering Excellence -*

July 1, 2015

Mr. Kevin Smith
Juan Tabo Hills N.A.
1843 Red Rum Ct. SE
Albuquerque, NM 87123

Mr. Richard Lujan
Juan Tabo Hills N.A.
11819 Blue Ribbon SE
Albuquerque, NM 87123

Re: Site Development Plan for Subdivision to EPC for Tract 1-A-1, Juan Tabo Hills Unit 2

Dear Mr. Smith and Mr. Lujan

As a requirement of the Preliminary Plat of Residential Subdivision by Ordinance, we are required to get approval for the entrance road to cross the Open Space Tract by EPC in the form of Site Development Plan for Subdivision. This is in addition to an existing written agreement between the City of Albuquerque and the Developer of Juan Tabo Hills Estates.

We are attaching a copy of the application being made by the agent, Hunt and Davis, PC. for your use. We anticipate the hearing date to be July 29, 2015.

Sincerely,
MARK GOODWIN & ASSOCIATES, PA

Kay Brashear
Office Manager

/kb

Enclosure

7006 0810 0004 6708 6666

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Sent To
 Mr. Richard Lyon
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4
 Albuquerque NM 87123
 PS Form 3800, June 2012

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Sent To
 Karen Smith
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4
 Albuquerque NM 87123
 PS Form 3800, June 2012

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Restricted Delivery Fee (Endorsement Required)	_____		_____	_____
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Sent To
 Mr. Roger Mickelson
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4
 Albuquerque NM 87123
 PS Form 3800, June 2012

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 Mr. Roger Harrison
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4
 Albuquerque NM 87123
 PS Form 3800, June 2012

*- 2012 ACEC/NM Award Winner for Engineering Excellence -
- 2008 ACEC/NM Award Winner for Engineering Excellence -*

July 22, 2015

Mr. Roger Hartman
East Side Coalitions
1308 Wagon Train Dr. SE
Albuquerque, NM 87123

Mr. Roger Mickelson
East Side Coalitions
1432 Catron Ave SE
Albuquerque, NM 87123

Re: Site Development Plan for Subdivision, EPC # 15EPC-40024, Project # 1001370

Dear Mr. Hartman and Mr. Mickelson,

Due to the potential confusion of our application to the City of Albuquerque's Environmental Planning Commission, we wish to clarify the action we are requesting.

Action: Approval of a Site Development Plan for Subdivision to allow for Extraordinary Facilities within Major Open Space.

Purpose: To allow for a Public Street to Cross City of Albuquerque Open Space as well as potentially other Public Infrastructure to serve the proposed Juan Tabo Hills Estates.

Hearing Date: August 13, 2015

Owner: City of Albuquerque, Open Space Division

Applicant: JTH West, LLC

Agent: Hunt and Davis, PC

If you have questions, please contact Cathy Davis, Hunt and Davis, 881-3191 or Mark Goodwin, Mark Goodwin & Associates, PA, 828-2200.

Sincerely,
MARK GOODWIN & ASSOCIATES, PA

Mark Goodwin, PE
President

DMG/kb

7006 0810 0004 6708 6748

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Mr. Roger Hartman
 BOB Wagon Train Dr. 88
 R66 nm 87123

08 6724

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 PS Form 3800, June 2002 See Reverse for Instructions

Mr. Roger Mickelson
 1432 Cotton Ave SE
 R66 nm 87123

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Mr. Richard Lyon
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