



Meeting Date: December 7, 2022
Staff Contact: Kristopher Cadena, Chief Engineer, Utility Development

TITLE: R-22-34 – Authorizing an Agreement for Water and Sewer Service For Golf Course Road-Westside Blvd Commercial Development

ACTION: Recommend Approval

SUMMARY:

The development is located along the southeast corner of the intersection of Golf Course Rd NW and Westside Blvd NW within the City of Albuquerque. The project consists of a commercial development consisting of four tracts.

Water and wastewater service are contingent upon the developer constructing public water distribution and public sanitary sewer collector lines that tie to the existing infrastructure proximate to the property.

All services provided within the development will be subject to current Utility Expansion and Water Resource Charges.

FISCAL IMPACT:

None.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-22-34

1 **RESOLUTION**

2 **AUTHORIZING AN AGREEMENT FOR WATER AND SEWER SERVICE FOR GOLF**
3 **COURSE ROAD-WESTSIDE BLVD COMMERCIAL DEVELOPMENT**

4 WHEREAS, Excell Developers II is the developer and owner of real property to
5 be developed as commercial development consisting of four tracts located near
6 southeast corner intersection Golf Course Rd NW and Westside Blvd NW; and

7 WHEREAS, the property which is located outside the service area of the Water
8 Authority will require a development agreement for the extension and/or connection of
9 water and sewer lines to the Water Authority's water and sewer system; and

10 WHEREAS, the Water Authority's Water and Wastewater System Expansion
11 Ordinance requires that new service developed outside the Water Authority's service
12 area will incur no net expense to the Water Authority and be subject to provisions of
13 relevant updated planning documents as approved by the City; and

14 BE IT RESOLVED BY THE WATER AUTHORITY:

15 Section 1. Excell Developers II will obtain all permits, assurances, and approvals
16 from the Water Authority and the City of Albuquerque design review process.

17 Construction of water and/or sewer lines shall be in conformance with the plans
18 approved by the Water Authority and all applicable plans, specifications, requirements,
19 and standards of the Water Authority.

20 Section 2. The expansion of the System shall incur no net expense to the Water
21 Authority and be subject to current Utility Expansion and Water Supply Charges.

22 Section 3. Excell Developers II will be responsible for close coordination of the
23 project with the Water Authority during the design and construction phases, including
24 the review of the design details during the design process, and the approval of
25 specifications and contract documents.

26 Section 4. The Executive Director is authorized to enter into the agreement with
27 Excell Developers II for the provision of water and sewer service.

[+Bracketed Material+] - New
[-Bracketed Material-] - Deletion

DEVELOPMENT AGREEMENT
Golf Course Road-Westside Blvd Commercial Development

Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision, (“Water Authority”) and Excell Developers II, a New Mexico limited liability corporation, (“Developer”) (together, “Parties”), agree as follows:

1. Recitals

- A.** Excell Developers II is the “Developer” and owner of certain real property located in Tract D-1, Plat of Tracts D-1, E-1 AMAFCA Black Arroyo Channel ROW, Paradise Heights Unit 1 (collectively, the “Property”). The Property is shown on **Exhibit A** attached hereto and incorporated herein by reference. The Property is located outside of the Water Authority’s currently adopted Water Service Area.
- B.** The legal description for the property is: Tract D-1, Plat of Tracts D-1, E-1 AMAFCA Black Arroyo Channel ROW, Paradise Heights Unit 1. The proposed legal description for the property is: Plat of Tracts D-1-A, D-1-B, D-1-C and D-1-D Paradise Heights, Unit 1. The Property is more particularly described and shown on **Exhibit B** attached hereto and incorporated herein by reference.
- C.** The Property will develop as four commercial tracts.
- D.** The Property is located in Pressure Zone 2WR of the Corrales Trunk.
- E.** The Parties desire to agree upon terms and conditions pursuant to which the Water Authority will provide water and sanitary sewer service to the Property. As a condition of such service, the Developer shall construct, or cause to be constructed, extensions of existing public water and sanitary sewer lines and other necessary infrastructure improvements (collectively, “Facility Improvements”) under all applicable plans, specifications, requirements, and standards of the Water Authority. The Serviceability Letter for the Property reflecting necessary Facility Improvements referred to in this Agreement is attached hereto as **Exhibit C** and incorporated herein by reference and made a term of this Agreement.
- F.** The Facility Improvements referenced in this Agreement are not considered Master Plan improvements by the Water Authority. As such, reimbursement of construction costs associated with their construction will not be available through water and sewer UEC (defined below in Section 3.B) reimbursements.

2. Design and Construction of the Facility Improvements

- A.** The Developer will cause definitive designs and plans of the Facility Improvements to be produced which will include estimates of all costs and expenses. The Developer will not take service from the Facility Improvements until the Water Authority has approved the Facility Improvements. The Developer will obtain all necessary permits, assurances, and approvals from the Water Authority and City, and the Developer will deliver a copy of such permits, assurances, and approvals to the Water Authority prior to the start of construction. Construction will be handled through the City or Water Authority work order process.
- B.** The Developer will complete, or cause to be completed, construction of the Facility Improvements as approved by the City of Albuquerque Design Review Committee and the Water Authority, and in conformance with all applicable plans, specifications, and standards of the City and the Water Authority. The Water Authority shall provide service to the Property only after the Water Authority has accepted the Facility Improvements. The Water Authority shall accept, operate and maintain the Facility Improvements after the Developer conveys, at no expense to the Water Authority, all the Facility Improvements together with all real and personal property rights which the Water Authority deems reasonably necessary which shall be free and clear of all claims, encumbrances and liens for the construction, operation and maintenance. The provisions of this Agreement constitute covenants running with the referenced Property for the benefit of the Water Authority and its successors and assigns until terminated, and are binding on the Developer and their heirs, successors and assigns.
- C.** The contractor's one (1) year warranty period shall commence upon final project acceptance by the Water Authority. The Developer shall be responsible for conducting an 11 month warranty inspection. Developer shall be responsible for correcting any deficiencies found during the inspection to the satisfaction of the Water Authority.
- D.** The Developer will be responsible for close coordination of the project with the Water Authority during the design and construction phases, including review of design details, during the design process, and the approval of specifications and contract documents. The Water Authority will review and approve in a timely manner the design plans for construction and estimated cost, to ensure the designs meet Water Authority standards and follow the guidance provided in the City's Development Process Manual ("DPM") and/or applicable Water Authority Design Manuals.
- E.** To the extent relevant and applicable and to the extent there is no conflict with the terms of this Agreement, the usual procedures and documentation, including the Procedure "B", as defined in the Development Process Manual (DPM) of the City and Section 14-16-5-4(G) of the City IDO, will be followed and used for the Facility Improvements.

- F. Upon completion of all Work Order projects, the Developer shall provide to the Water Authority a completed Asset Data Table of the assets installed/constructed or any other asset information required of the Water Authority.

3. Service

- A. The Developer shall comply with the Water Authority's Water and Sewer System Expansion Ordinance, as amended from time to time. Connection for water service shall require the concurrent connection of sanitary sewer service to the Water Authority's wastewater system.
 - B. The Developer or its successor shall pay Utility Expansion Charges (UEC) and the Water Resource Charges (WRCs) at the rates that are imposed at the time of a service connection, as provided in the Water Authority's Water and Sewer Rate Ordinance, as amended from time to time.
 - C. Pursuant to Water Authority Resolution No. R-05-13, Enhancing the Water Conservation Ordinance, the developer agrees to incorporate water conservation guidelines. Pursuant to Water Authority Water Waste Reduction Ordinance, the developer agrees to incorporate design, installation, and maintenance practices to mitigate water waste.
4. **Financial Guarantee** - For any Master Plan Infrastructure required to be constructed by Developer herein, the Developer shall provide a financial guarantee in the form of a property lien that is acceptable to the Water Authority as assurance that the Master Plan Infrastructure will be completed and placed in service.
5. **Termination.** If construction of the Facility Improvements by the Developer has not been completed and accepted by the Water Authority within seven years of the effective date of this Agreement, this Agreement shall automatically terminate, and the Water Authority and the Developer shall have no further rights, obligations, or liabilities with respect to this Agreement, unless otherwise agreed in writing.
6. **Water for Construction.** During the construction of the Facility Improvements, the Developer agrees to utilize alternative methods as approved by the City of Albuquerque's Air Quality Division for dust abatement and control including compost from the Water Authority, if economically feasible. The Developers may purchase water for construction from the Water Authority from the nearest approved fire hydrant in accordance with the Water Authority's Water and Sewer Rate Ordinance. Water purchased from the Water Authority shall be used only for construction.
7. **Indemnification.** Until final acceptance of the Facility Improvements by the Water Authority, the Developer shall be solely responsible for the condition and maintenance of the Facility Improvements and the premises upon which the Facility Improvements are constructed. The Developer agrees to indemnify and hold harmless the Water Authority and its officials, agents, and employees from and against all suits, actions or

claims of any character brought because of any injury or damage arising out of the design or construction of the Facility Improvements, or by reason of any act or omission, or misconduct of the Developer, its agents, employees or the Engineer or Contractor or its agents or employees. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico. The indemnification by the Developer herein does not extend to the negligent acts of the Water Authority.

8. Representations and Warranties of Developer. The Developer represents and warrants that:

- A. Developer is a validly existing limited liability company under the laws of the State of New Mexico.
- B. Developer has all the requisite power and authority to enter into this Agreement and bind the Developer under the terms of the Agreement; and
- C. The undersigned officer of the Developer is fully authorized to execute this Agreement on behalf of the Developer.

9. Notices. Any notice to be given under this Agreement will be in writing and will be deemed to have been given when deposited with the United States Postal Service, postage prepaid and addressed as follows:

If to the Water Authority:

Mark S. Sanchez
Executive Director
Albuquerque Bernalillo County
Water Utility Authority
One Civic Plaza, Room 5012
Albuquerque, New Mexico 87102

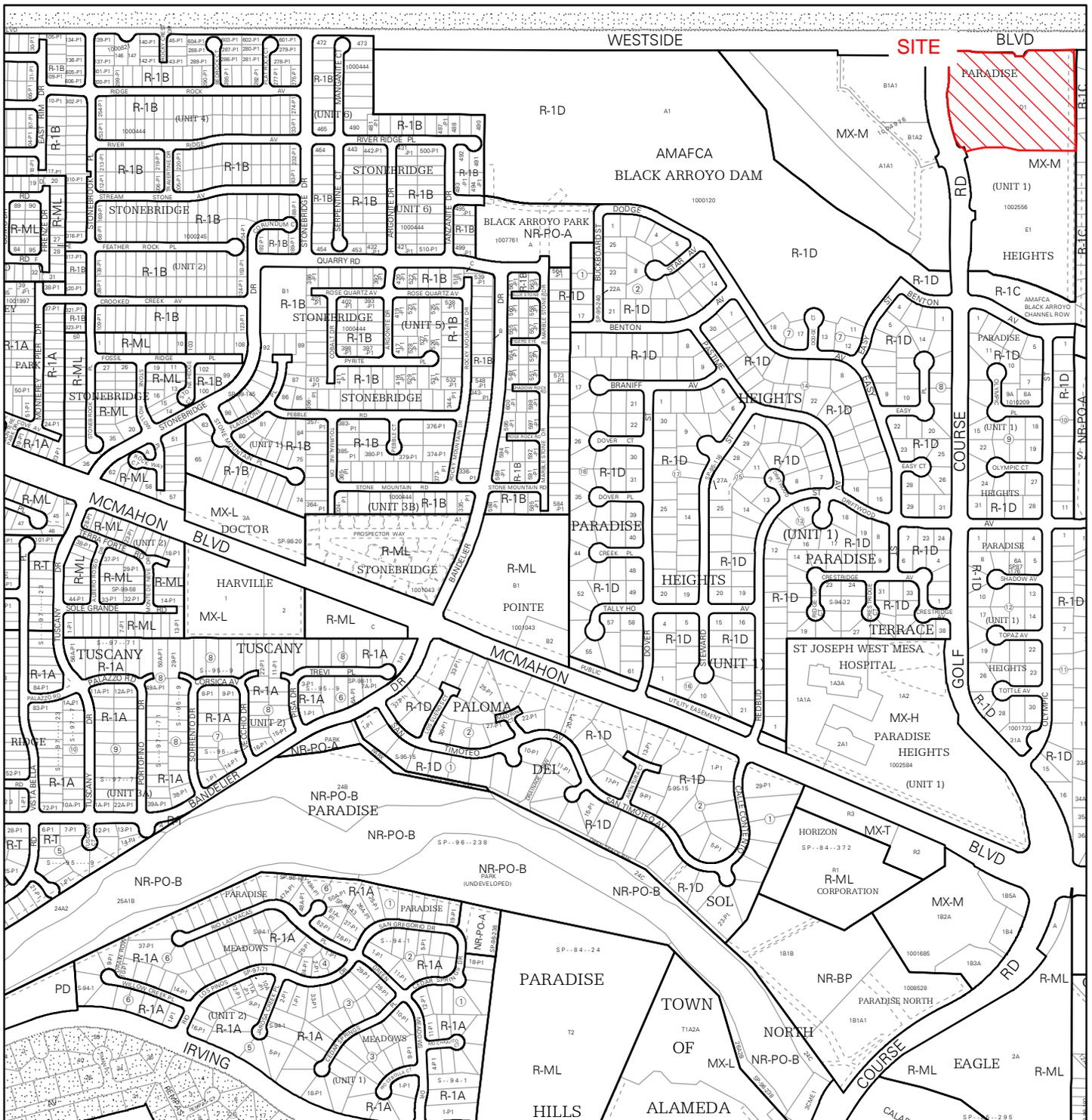
If to Developer:

Excell Developers II c/o Dennis Carpenter
8618 Menaul Blvd NE,
Albuquerque, NM 87121.

10. Assignment. This Agreement will not be assigned without the prior written consent of the Water Authority and the Developer. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

11. Miscellaneous. This Agreement will be governed by and interpreted in accordance with the laws of the State of New Mexico. The headings used in this Agreement are

EXHIBIT A
Zone Atlas Map A-12



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

IDO Zone Atlas May 2018

IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).

Zone Atlas Page:
A-12-Z

- Easement
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

Escarpment
Petroglyph National Monument
View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

EXHIBIT B.1

Existing Plat

**Tract D-1, Plat of Tracts D-1, E-1
AMAFCA Black Arroyo Channel
ROW, Paradise Heights Unit 1
Subdivision**

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN PROJECTED SECTION 1, T11N, R2E, N.M.P.M., TOWN OF ALAMEDA GRANT, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO; SAID TRACT BEING THE SAME AS TRACTS D AND E AND BLOCK 19, AS SHOWN ON THE PLAT OF "PARADISE HEIGHTS UNIT 1" AS MODIFIED BY THE PLAT OF "REALIGNMENT OF GOLF COURSE ROAD" AND A WARRANTY DEED FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON DEC. 13, 1998 IN BK. D3, PAGE 154 AND ON JULY 26, 1974 IN BK. D6, PAGE 61 AND ON FEB. 27, 1990 IN BK. 90-5, PAGES 8788-8789 RESPECTIVELY; AND MORE PARTICULARLY DESCRIBED USING NEW MEXICO STATE PLANE BEARINGS (CENTRAL ZONE) AND HORIZONTAL GROUND DISTANCES AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, FROM WHENCE THE ACS MONUMENT ACS 8-A11 BEARS N88°25'44"W A DISTANCE OF 6504.75 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF WESTSIDE BLVD.; THENCE DEPARTING THE SOUTHERLY RIGHT-OF-WAY OF WESTSIDE BLVD.

S00°17'07"W, 1430.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF BENTON AVE.; THENCE,
 N89°42'15"W, 170.20 FEET ALONG THE NORTHERLY RIGHT-OF-WAY OF BENTON AVE. TO A POINT; THENCE,
 NORTHWESTERLY, 81.40 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 158.45 FEET AND A LONG CHORD BEARING N74°59'10"W A DISTANCE OF 80.51 FEET TO A POINT; THENCE,
 N60°18'05"W, 200.82 FEET TO A POINT; THENCE,
 NORTHWESTERLY, 114.29 FEET ALONG THE ARC OF A CURVE LEFT, HAVING A RADIUS OF 222.45 FEET AND A LONG CHORD BEARING N74°59'10"W A DISTANCE OF 113.03 FEET TO A POINT; THENCE,
 NORTHWESTERLY, 39.27 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A LONG CHORD BEARING N44°11'54"W A DISTANCE OF 35.36 FEET TO A POINT AND TRANSITIONING FROM THE NORTHERLY RIGHT-OF-WAY OF BENTON AVE TO THE EASTERLY RIGHT-OF-WAY OF GOLF COURSE RD.; THENCE,
 N00°18'28"E, 104.10 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF GOLF COURSE RD. TO A POINT; THENCE,
 N00°17'23"E, 487.42 FEET ALONG THE VACATED EASTERLY RIGHT-OF-WAY OF GOLF COURSE RD. TO A POINT ON THE NEW RIGHT-OF-WAY OF GOLF COURSE RD.; THENCE,
 NORTHWESTERLY, 91.76 FEET ALONG THE ARC OF A CURVE LEFT, HAVING A RADIUS OF 857.00 FEET AND A LONG CHORD BEARING N13°22'53"W A DISTANCE OF 91.72 FEET TO A POINT; THENCE,
 NORTHEASTERLY, 22.64 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 23.50 FEET AND A LONG CHORD BEARING N43°04'17"E A DISTANCE OF 21.77 FEET TO A POINT; THENCE,
 N19°20'02"W, 53.83 FEET TO A POINT; THENCE,
 N70°59'58"W, 5.12 FEET TO A POINT; THENCE,
 NORTHWESTERLY, 38.68 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A LONG CHORD BEARING N65°00'35"W A DISTANCE OF 34.94 FEET TO A POINT; THENCE,
 NORTHWESTERLY, 250.27 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 825.00 FEET AND A LONG CHORD BEARING N11°59'41"W A DISTANCE OF 249.31 FEET TO A POINT; THENCE,
 NORTHEASTERLY, 37.24 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 140.00 FEET AND A LONG CHORD BEARING N04°19'02"E A DISTANCE OF 37.13 FEET TO A POINT; THENCE,
 NORTHEASTERLY, 63.05 FEET ALONG THE ARC OF A CURVE LEFT, HAVING A RADIUS OF 310.00 FEET AND A LONG CHORD BEARING N06°08'42"E A DISTANCE OF 62.94 FEET TO A POINT; THENCE,
 N00°17'07"E, 90.00 FEET TO A POINT; THENCE,
 N03°30'00"E, 26.03 FEET TO A POINT; THENCE,
 NORTHEASTERLY, 18.00 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 30.00 FEET AND A LONG CHORD BEARING N20°41'13"E A DISTANCE OF 17.73 FEET TO A POINT ON THE VACATED EASTERLY RIGHT-OF-WAY OF GOLF COURSE RD.; THENCE,
 NORTHEASTERLY, 25.19 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A LONG CHORD BEARING N61°18'21"E A DISTANCE OF 24.14 FEET TO A POINT AND TRANSITIONING FROM THE VACATED EASTERLY RIGHT-OF-WAY OF GOLF COURSE RD. TO THE SOUTHERLY RIGHT-OF-WAY OF WESTSIDE BLVD.; THENCE,
 S89°49'36"E, 79.24 FEET TO A POINT; THENCE,
 S89°49'36"E, 295.05 FEET ALONG THE VACATED RIGHT-OF-WAY OF WESTSIDE BLVD. TO A POINT ON THE NEW RIGHT-OF-WAY OF WESTSIDE BLVD.; THENCE,
 NORTHEASTERLY, 15.67 FEET ALONG THE ARC OF A CURVE RIGHT, HAVING A RADIUS OF 30.00 FEET AND A LONG CHORD BEARING N75°12'36"E A DISTANCE OF 15.49 FEET TO A POINT; THENCE,
 S89°49'36"E, 122.51 FEET TO A POINT; THENCE,
 S89°04'18"E, 109.08 FEET TO A POINT; THENCE,
 S89°49'36"E, 13.20 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING
 SAID TRACT CONTAINS 18.6713 ACRES MORE OR LESS.

NEW MEXICO GAS COMPANY EASEMENT RELEASE APPROVAL

New Mexico Gas Company, Inc., a Delaware corporation, does hereby release, waive quitclaim and discharge its right, title and interest in the easement(s) (granted by prior plat, replat or document) shown to be vacated on this plat.

NEW MEXICO GAS COMPANY

By: *[Signature]*



STATE OF NEW MEXICO SS
 COUNTY OF BERNALILLO

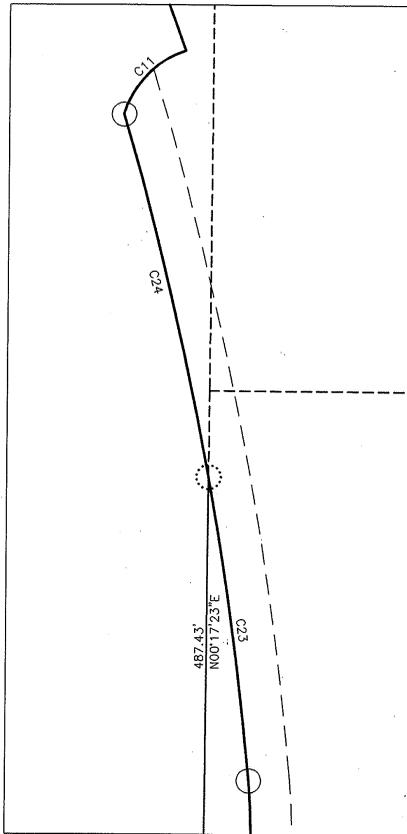
This instrument was acknowledged before me on 27th of May, 2009.

My Commission Expires: March 24, 2013 *Amanda Carlyle*
 Notary Public

NOTES

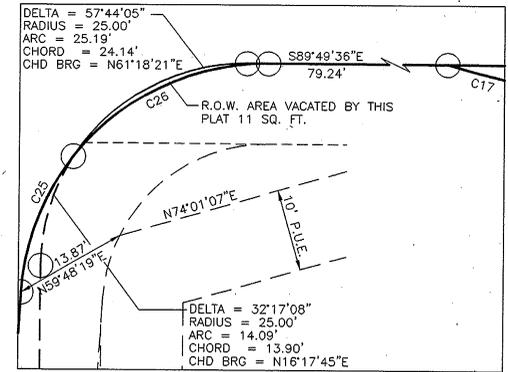
- MILES OF FULL WIDTH PRIVATE STREETS CREATED BY THIS PLAT = 0.0000 MILES.
- TOTAL NUMBER OF TRACTS CREATED = 3
- BASIS OF POSITION AND BEARINGS
 ACS 8-A11 (NAD 1983 & NAVD 1988)
 NORTHING = 1534934.957
 EASTING = 1507071.174
 ELEVATION = 0.000
 DELTA ALPHA = 00°15'26.89"
 GROUND TO GRID
 FACTOR = 0.999671590
 ACS 9-A11 (NAD 1983 & NAVD 1988)
 NORTHING = 1533206.142
 EASTING = 1506571.019
 ELEVATION = 5301.647
 DELTA ALPHA = 00°15'30.20"
 GROUND TO GRID
 FACTOR = 0.999670857
 GRID BEARING FROM ACS 8-A11 TO 9-A11 IS S16°08'08"W
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- ALL BOUNDARY CORNERS, LOT CORNERS AND ANGLE POINTS ARE MONUMENTED WITH A 5/8" REBAR AND YELLOW PLASTIC CAP STAMPED "BORDENAVE, LS 5110" UNLESS SHOWN OTHERWISE.
- CURRENT ZONING OF TRACTS D & E IS C-2 AND OF LOTS 1 THRU 7 IS R-1.

INSET 1 SCALE 1" = 20'



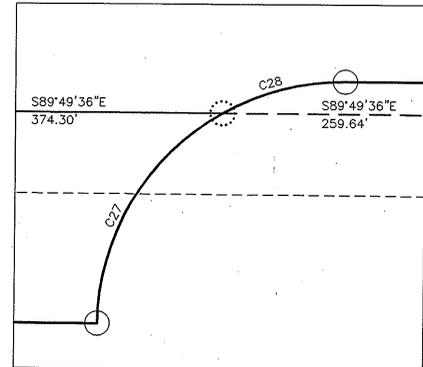
**PLAT OF TRACTS D-I, E-I
 AMAFCA BLACK ARROYO CHANNEL ROW
 PARADISE HEIGHTS, UNIT 1
 ALBUQUERQUE, NEW MEXICO
 MARCH, 2009**

INSET 2 SCALE 1" = 10'



NOTE: SEE SHEET 3 FOR CURVE DATA NOT SHOWN ON THIS SHEET

INSET 3 SCALE 1" = 10'

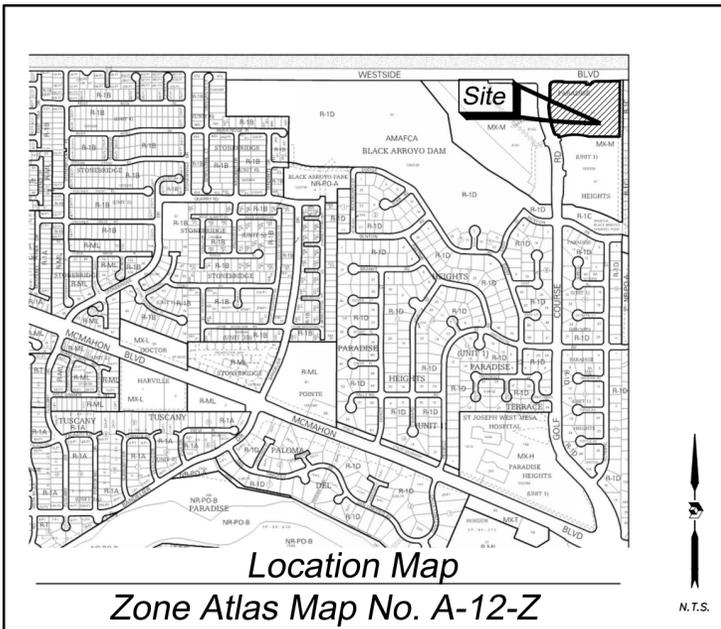


DOCH 2009061460
 06/02/2009 04:11 PM Page: 2 of 3
 PLAT R: 517.00 9: 20090 P: 0003 N: Yolous Oliveira, Bernalillo Cour
 [Barcode]

B BORDENAVE DESIGNS
 P.O. BOX 91194, ALBUQUERQUE, NM 87199
 (505)823-1344 FAX (505)821-9105

EXHIBIT B.2
Proposed Plat

Tracts D-1-A, D-1-B, D-1-C and D-1-D
Paradise Heights, Unit 1



RECORDING STAMP

Plat of
Tracts D-1-A, D-1-B, D-1-C and D-1-D
Paradise Heights, Unit 1
 Section 1, Township 11 North, Range 2 East, N.M.P.M.
 Albuquerque, Bernalillo County, New Mexico
 October 2022

Legal Description

A TRACT OF LAND LYING AND SITUATE WITHIN THE TOWN OF ALAMEDA GRANT SECTION 1, TOWNSHIP 11 NORTH, RANGE 2 EAST, N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, COMPRISING OF TRACT D-1, AMAFCA BLACK ARROYO CHANNEL ROW, PARADISE HEIGHTS UNIT 1, CITY OF ALBUQUERQUE, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON JUNE 2, 2009, IN PLAT BOOK 2009C, PAGE 83 NOW COMPRISING OF TRACTS D-1-A, D-1-B, D-1-C AND D-1-D, PARADISE HEIGHTS UNIT 1.

TREASURER'S CERTIFICATE

Project No. PR-2022-
 Application No. -2022-
Utility Approvals

PNM	DATE
NEW MEXICO GAS COMPANY	DATE
QWEST CORPORATION D/B/A CENTURYLINK QC	DATE
COMCAST	DATE

City Approvals

CITY SURVEYOR	DATE
TRAFFIC ENGINEERING, TRANSPORTATION DEPARTMENT	DATE
A.B.C.W.U.A.	DATE
PARKS AND RECREATION DEPARTMENT	DATE
AMAFCA	DATE
CITY ENGINEER	DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE
CODE ENFORCEMENT	DATE
MRGCD	DATE

Subdivision Data:

GROSS SUBDIVISION ACREAGE: 7.5979 ACRES±
 ZONE ATLAS INDEX NO: A-12-Z
 NO. OF TRACTS CREATED: 4
 NO. OF LOTS CREATED: 0
 MILES OF FULL-WIDTH STREETS CREATED: 0

Notes:

- 1.. PLAT SHOWS ALL EASEMENTS OF RECORD.
2. EASEMENT BEARINGS AND DISTANCES SHOWN HEREON ARE RECORD AND EASEMENTS HAVE BEEN ROTATED TO MATCH BASIS OF BEARINGS AND BOUNDARY UNLESS OTHERWISE INDICATED.

Public Utility Easements

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON JOINT USE OF:
 A. PUBLIC SERVICE COMPANY OF NEW MEXICO ("PNM"), A NEW MEXICO CORPORATION, (PNM ELECTRIC) FOR INSTALLATION, MAINTENANCE AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES, TRANSFORMERS, AND OTHER EQUIPMENT AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICES.
 B. NEW MEXICO GAS COMPANY FOR INSTALLATION, MAINTENANCE, AND SERVICE OF NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS SERVICES.
 C. QWEST CORPORATION D/B/A CENTURYLINK QC FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES.
 D. CABLE TV FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE SERVICES.

INCLUDED IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE WITHIN THE EASEMENT CHANGE, REMOVE, REPLACE, MODIFY, RENEW, OPERATE AND MAINTAIN FACILITIES FOR PURPOSES DESCRIBED ABOVE, TOGETHER WITH FREE ACCESS TO, FROM AND OVER SAID EASEMENTS, WITH THE RIGHT AND PRIVILEGE OF GOING UPON, OVER AND ACROSS ADJOINING LANDS OF GRANTOR FOR THE PURPOSES SET FORTH HEREIN AND WITH THE RIGHT TO UTILIZE THE RIGHT OF WAY AND EASEMENT TO EXTEND SERVICES TO CUSTOMERS OF GRANTEE, INCLUDING SUFFICIENT WORKING AREA SPACE FOR ELECTRIC TRANSFORMERS, WITH THE RIGHT AND PRIVILEGE TO TRIM AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN. NO BUILDING, SIGN, POOL (ABOVEGROUND OR SUBSURFACE), HOT TUB, CONCRETE OR WOOD POOL DECKING, OR OTHER STRUCTURE SHALL BE ERRECTED OR CONSTRUCTED ON SAID EASEMENTS, NOR SHALL WELL BE DRILLED OR OPERATED THEREON. PROPERTY OWNERS SHALL BE SOLELY RESPONSIBLE FOR CORRECTING ANY VIOLATIONS OF NATIONAL ELECTRICAL SAFETY CODE BY CONSTRUCTION OF POOLS, DECKING, OR ANY STRUCTURES ADJACENT TO OR NEAR EASEMENTS SHOWN ON PLAT.

EASEMENTS FOR ELECTRIC TRANSFORMER/SWITCHGEARS, AS INSTALLED, SHALL EXTEND TEN (10) FEET IN FRONT OF TRANSFORMER/SWITCHGEAR DOORS AND FIVE (5) FEET ON EACH SIDE.

Purpose of Plat

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE EXISTING ONE TRACT INTO 4 TRACTS, GRANT NEW EASEMENTS, VACATE EXISTING EASEMENTS AND DEDICATE PUBLIC RIGHT-OF-WAY FOR ROADWAY PURPOSES.

Solar Note:

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

M.R.G.C.D. Note

APPROVED ON THE CONDITION THAT ALL RIGHTS OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT IN EASEMENTS, RIGHTS OF WAY, ASSESSMENTS AND LIENS, ARE FULLY RESERVED TO SAID DISTRICT, AND THAT IF PROVISION FOR IRRIGATION SOURCE AND EASEMENTS ARE NOT PROVIDED FOR BY THE SUBDIVIDER FOR THE SUBDIVISION, ADDITION, OR PLAT, SAID DISTRICT IS ABSOLVED OF ALL OBLIGATIONS TO FURNISH IRRIGATION WATERS AND SERVICES TO ANY PORTIONS THEREOF, OTHER THAN FROM EXISTING TURNOUTS.

Free Consent and Dedication

THE SUBDIVISION SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER. EXISTING PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUITS, AND PIPES FOR UNDERGROUND UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE, AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. SAID OWNER DOES HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED. SAID OWNERS WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND SUBDIVIDED.

SAID OWNER DOES HEREBY GRANT ALL EASEMENTS AS SHOWN HEREON WITH LISTED BENEFICIARIES AND STIPULATIONS.

SAID OWNER DOES HEREBY DEDICATE ALL STREETS AND PUBLIC RIGHTS OF WAY SHOWN HEREON TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE WITH WARRANTY COVENANTS.

 DENNIS CARPENTER, MANAGING PARTNER DENNIS & GEORGE LLC DATE

Acknowledgment

STATE OF NEW MEXICO) SS
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022 BY DENNIS CARPENTER, MANAGING PARTNER OF DENNIS & GEORGE LLC.

BY _____ MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC

Surveyor's Certificate

I, LARRY W. MEDRANO, A LICENSED NEW MEXICO PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL ON THE GROUND SURVEY AND THAT I AM RESPONSIBLE FOR THIS SURVEY. THIS SURVEY MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND LAND SURVEYING OF THE CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE AND THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 LARRY W. MEDRANO DATE
 N.M.P.S. No. 11993



Disclaimer

IN APPROVING THIS PLAT, PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), QWEST CORPORATION D/B/A CENTURYLINK QC AND NEW MEXICO GAS COMPANY (NMGC) DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM, QWEST CORPORATION D/B/A CENTURYLINK QC AND NMGC DO NOT WAIVE OR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT AND WHICH ARE NOT SHOWN SPECIFICALLY DESCRIBED AND ON THIS PLAT.

REVISIONS			
NO.	DATE	BY	DESCRIPTION

COORDINATE AND DIMENSION INFORMATION STATE PLANE ZONE: NM-C GRID: GRID / GROUND COORDINATES: ABQ GEIOD HORIZONTAL DATUM: NAD83 VERTICAL DATUM: NAVD88 ROTATION ANGLE: 0° 00' 00.00" MATCHES DRAWING UNITS: YES CONTROL USED: ALBUQUERQUE GEODETIC REFERENCE SYSTEM BASE POINT FOR SCALING AND/OR ROTATION: N = 0 E = 0 COMBINED SCALE FACTOR: GROUND TO GROUND: 1.0003263844 BEARING ANNOTATION: GROUND GROUND TO GRID: 0.9996737221 DISTANCE ANNOTATION: GROUND BEARING ANNOTATION: GRID ELEVATION TRANSLATION: ±0.00' ELEVATIONS VALID: NO				PLSS INFORMATION LAND GRANT: TOWN OF ALAMEDA GRANT SECTION: 1 TOWNSHIP: 11 NORTH RANGE: 02 EAST MERIDIAN: NMPPM CITY: ALBUQUERQUE COUNTY: BERNALILLO STATE: NM				INDEXING INFORMATION FOR COUNTY CLERK PROPERTY OWNER: DENNIS & GEORGE LLC SUBDIVISION NAME: PARADISE HEIGHTS, UNIT 1 UPC: 101206651048211303 ADDRESS: N/A				PROJECT INFORMATION CREW/TECH: ML DATE OF SURVEY: 08/17/2022 DRAWN BY: ME CHECKED BY: LM PSI JOB NO. 22-8233P SHEET NUMBER 1 OF 3			
---	--	--	--	--	--	--	--	---	--	--	--	---	--	--	--

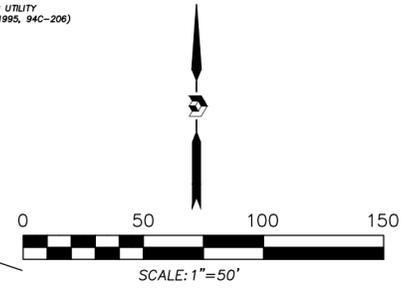


OFFICE LOCATION:
 9200 San Mateo Boulevard, NE
 Albuquerque, NM 87113
 505.856.5700 PHONE
 505.856.7900 FAX

Plat of
Tracts D-1-A, D-1-B, D-1-C and D-1-D
Paradise Heights, Unit 1
 Section 1, Township 11 North, Range 2 East, N.M.P.M.
 Albuquerque, Bernalillo County, New Mexico
 October 2022

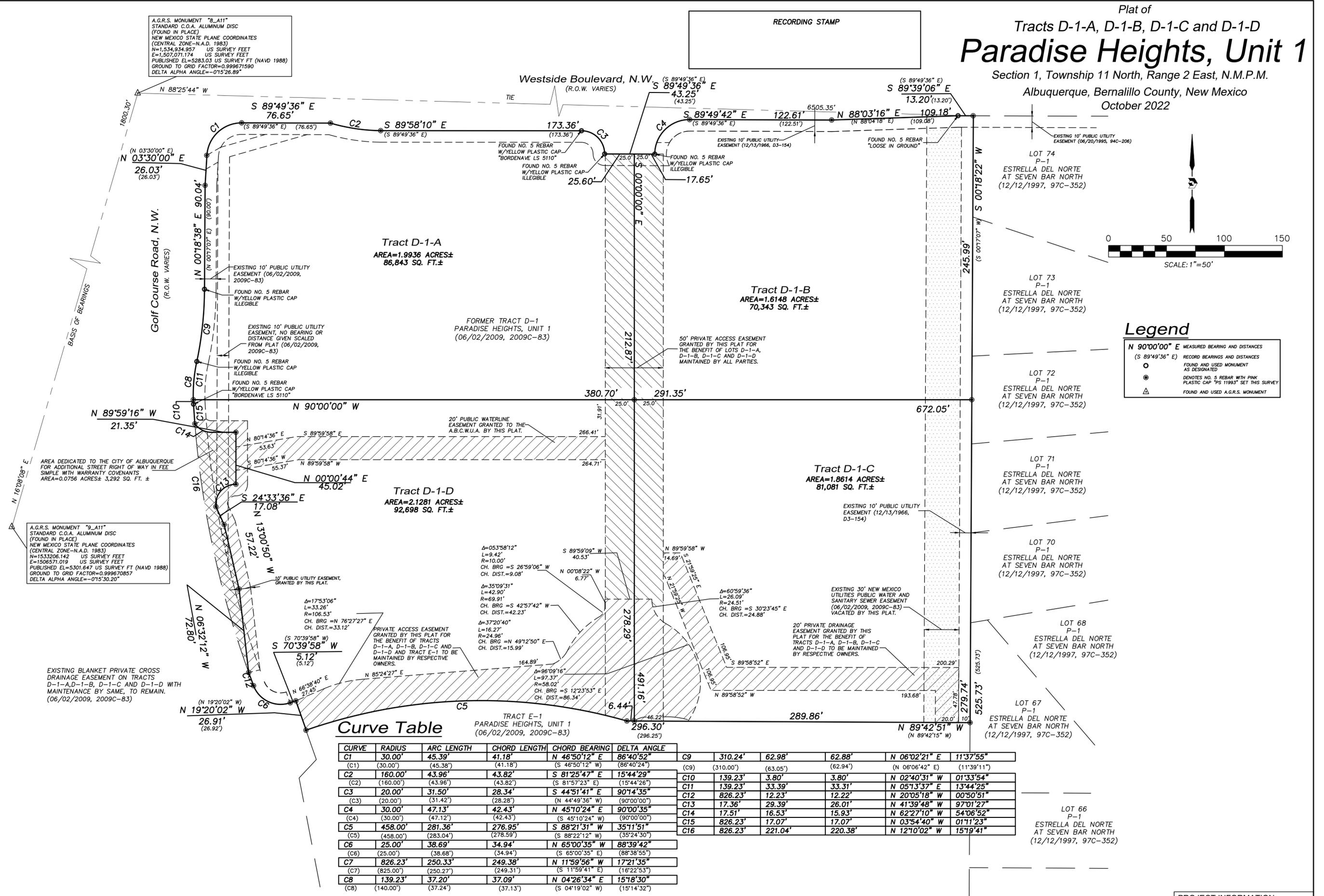
RECORDING STAMP

A.G.R.S. MONUMENT "8_A11"
 STANDARD C.O.A. ALUMINUM DISC
 (FOUND IN PLACE)
 NEW MEXICO STATE PLANE COORDINATES
 (CENTRAL ZONE-N.A.D. 1983)
 N=1,534,934.957 US SURVEY FEET
 E=1,507,071.174 US SURVEY FEET
 PUBLISHED EL=5283.03 US SURVEY FT (NAVD 1988)
 GROUND TO GRID FACTOR=0.999671590
 DELTA ALPHA ANGLE=-01°5'26.89"



Legend

- N 90°00'00" E MEASURED BEARING AND DISTANCES
- (S 89°49'36" E) RECORD BEARINGS AND DISTANCES
- FOUND AND USED MONUMENT AS DESIGNATED
- DENOTES NO. 5 REBAR WITH PINK PLASTIC CAP "PS 11993" SET THIS SURVEY
- △ FOUND AND USED A.G.R.S. MONUMENT



Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	45.39'	41.18'	N 46°50'12" E	86°40'52"
C2	160.00'	43.96'	43.82'	S 81°25'47" E	15°44'29"
C3	20.00'	31.50'	28.34'	S 44°51'41" E	90°14'35"
C4	30.00'	47.13'	42.43'	N 45°10'24" W	90°00'35"
C5	458.00'	281.36'	276.95'	S 88°21'31" W	35°11'51"
C6	25.00'	38.69'	34.94'	N 65°00'35" W	88°39'42"
C7	826.23'	250.33'	249.38'	N 11°59'56" W	17°21'35"
C8	139.23'	37.20'	37.09'	N 04°26'34" E	15°18'30"
C9	310.24'	62.98'	62.88'	N 06°02'21" E	11°37'55"
C10	139.23'	33.39'	33.31'	N 05°13'37" E	13°44'25"
C11	139.23'	33.39'	33.31'	N 05°13'37" E	13°44'25"
C12	826.23'	12.23'	12.22'	N 20°05'18" W	00°50'51"
C13	17.36'	29.39'	26.01'	N 41°39'48" W	97°01'27"
C14	17.51'	16.53'	15.93'	N 62°27'10" W	54°06'52"
C15	826.23'	17.07'	17.07'	N 03°54'40" W	01°11'23"
C16	826.23'	221.04'	220.38'	N 12°10'02" W	15°19'41"

See Sheet 3 for Additional A.B.C.W.U.A. Easements and Private Ingress/Egress Easement



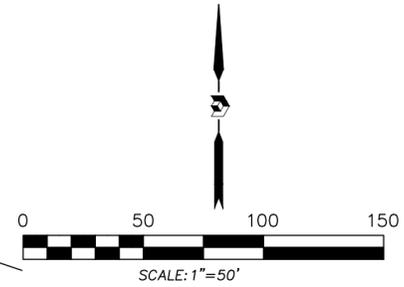
OFFICE LOCATION:
 9200 San Mateo Boulevard, NE
 Albuquerque, NM 87113
 505.856.5700 PHONE
 505.856.7900 FAX

PROJECT INFORMATION	
CREW/TECH: ML	DATE OF SURVEY 08/17/2022
DRAWN BY: ME	CHECKED BY: LM
PSI JOB NO. 22-8233P	SHEET NUMBER 2 OF 3

Plat of
Tracts D-1-A, D-1-B, D-1-C and D-1-D
Paradise Heights, Unit 1
 Section 1, Township 11 North, Range 2 East, N.M.P.M.
 Albuquerque, Bernalillo County, New Mexico
 October 2022

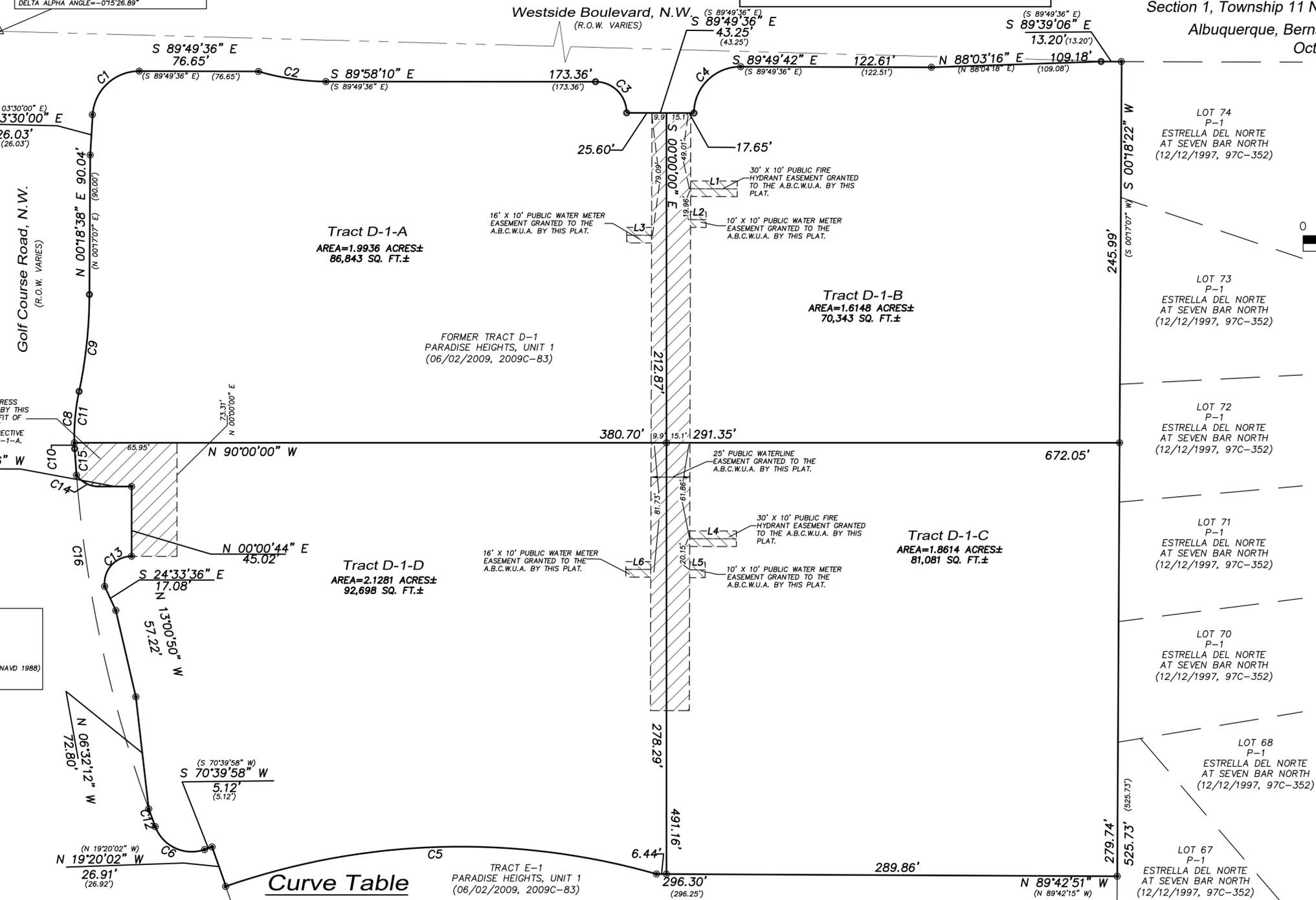
RECORDING STAMP

A.G.R.S. MONUMENT "8_A11"
 STANDARD C.O.A. ALUMINUM DISC
 (FOUND IN PLACE)
 NEW MEXICO STATE PLANE COORDINATES
 (CENTRAL ZONE-N.A.D. 1983)
 N=1,534,934.957 US SURVEY FEET
 E=1,507,071.174 US SURVEY FEET
 PUBLISHED EL=5283.03 US SURVEY FT (NAVD 1988)
 GROUND TO GRID FACTOR=0.999671590
 DELTA ALPHA ANGLE=-015'26.89"



Legend

- N 90°00'00" E MEASURED BEARING AND DISTANCES
- (S 89°49'36" E) RECORD BEARINGS AND DISTANCES
- FOUND AND USED MONUMENT AS DESIGNATED
- DENOTES NO. 5 REBAR WITH PINK PLASTIC CAP "PS 11993" SET THIS SURVEY
- △ FOUND AND USED A.G.R.S. MONUMENT



A.G.R.S. MONUMENT "9_A11"
 STANDARD C.O.A. ALUMINUM DISC
 (FOUND IN PLACE)
 NEW MEXICO STATE PLANE COORDINATES
 (CENTRAL ZONE-N.A.D. 1983)
 N=1533206.142 US SURVEY FEET
 E=1506571.019 US SURVEY FEET
 PUBLISHED EL=5301.647 US SURVEY FT (NAVD 1988)
 GROUND TO GRID FACTOR=0.999670857
 DELTA ALPHA ANGLE=-015'30.20"

Curve Table
 TRACT E-1
 PARADISE HEIGHTS, UNIT 1
 (06/02/2009, 2009C-83)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	45.39'	41.18'	N 46°50'12" E	86°40'52"
C2	160.00'	43.96'	43.82'	S 81°25'47" E	15°44'29"
C3	20.00'	31.50'	28.34'	S 44°51'41" E	90°14'35"
C4	30.00'	47.13'	42.43'	N 45°10'24" E	90°00'35"
C5	458.00'	281.36'	276.95'	S 88°21'31" W	35°11'51"
C6	25.00'	38.69'	34.94'	N 65°00'35" W	88°39'42"
C7	826.23'	250.33'	249.38'	N 11°59'56" W	17°21'35"
C8	139.23'	37.20'	37.09'	N 04°26'34" E	15°18'30"

Easement Centerline Table

LINE	BEARING	DISTANCE
L1	N 89°51'24" W	30.01'
L2	N 89°51'24" W	10.00'
L3	S 89°51'24" E	16.01'
L4	N 89°51'24" W	30.01'
L5	N 89°51'24" W	10.00'
L6	N 89°51'24" W	16.01'

PROJECT INFORMATION

CREW/TECH: ML	DATE OF SURVEY 08/17/2022
DRAWN BY: ME	CHECKED BY: LM
PSI JOB NO. 22-8233P	SHEET NUMBER 3 OF 3

PRECISION SURVEYS, INC.

OFFICE LOCATION:
 9200 San Mateo Boulevard, NE
 Albuquerque, NM 87113
 505.856.5700 PHONE
 505.856.7900 FAX

EXHIBIT C
Serviceability Letter
#220719

October 4, 2022

Chair

Klarissa J. Peña
City of Albuquerque
Councilor, District 3

Vice Chair

Debbie O'Malley
County of Bernalillo
Commissioner, District 1

Tammy Fiebelkorn
City of Albuquerque
Councilor, District 7

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Timothy M. Keller
City of Albuquerque
Mayor

Charlene Pyskoty
County of Bernalillo
Commissioner, District 5

Steven Michael Quezada
County of Bernalillo
Commissioner, District 2

Ex-Officio Member
Gilbert Benavides
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Luis Noriega
Tierra West, LLC
5571 Midway Park PI NE
Albuquerque, NM 87109

RE: Water and Sanitary Sewer Serviceability Letter #220719

Project Name: Golf Course and Westside

Project Address: 10850 Golf Course Rd NW, Albuquerque NM 87114

**Legal Description: Tract D-1, Plat of Tracts D-1, E-1 AMAFCA Black Arroyo
Channel ROW, Paradise Heights Unit 1**

UPC: 101206651048211303

Zone Atlas Map: A-12-Z

Dear Mr. Noriega:

Project Description: The subject site is located at the southeast corner of Westside Boulevard and Golf Course Road, within the City of Albuquerque. The proposed development consists of approximately 7.67 acres and the property is currently zoned MX-M for mixed use, moderate intensity. The property lies within the Pressure Zone 2WR in the Corrales Trunk.

The request for availability indicates plans to subdivide the parcel for commercial development. There is an existing Serviceability Letter #220313 that describes requirements for a convenience store with fuel sales at the northwesternmost proposed lot of this subdivision. There is an on-going apartment project on the parcel directly south of the subject parcel.

Adopted Service Area - Development Agreement: Pursuant to the System Expansion Ordinance, this property is outside of the Water Authority service area and the Water Authority Board must approve a Development Agreement to serve this property and establish requirements as a condition of service. Contact Utility Development with regards to Development Agreements.

Existing Conditions: Water infrastructure in the area consists of the following:

- 12-inch PVC distribution line (project #MNUI-001-80 & #NMUI-019-97) along Golf Course Boulevard.
- Eight-inch PVC distribution line (project #26-7718.83-08] extending west from Golf Course Road within an easement.
- 18-inch PVC transmission line (project #NMUI-019-97) along Westside Boulevard.

Sanitary sewer infrastructure in the area consists of the following:

- 12/15-inch PVC sanitary sewer collector line (Field Verified only, or see project #26-4982.96-97 further east) along the Black Arroyo.
- Eight-inch PVC sanitary sewer collector line (project #26-7718.83-08) within easement along drive aisle internal to subdivision west of Golf Course Boulevard.

Water Service: New metered water service to the property can be provided contingent upon a developer funded project to extend a minimum ten-inch water distribution main from the existing 12-inch main within Golf Course Boulevard. The extension shall cross Golf Course Boulevard and then continue internal to the subdivision such that each proposed lot can be provide a routine perpendicular service connection. The main shall co-located with asphalt drive aisles.

Upon completion of the infrastructure construction, the development may receive service via routine connection to the proposed ten-inch distribution main along the internal drive aisle. The engineer is responsible for determining pressure losses and sizing of the service line(s) downstream of the public water line to serve the proposed development.

Service is also contingent upon compliance with the Fire Marshal's instantaneous fire flow requirements. Water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sanitary sewer service. Each legally platted property shall have individual, independent water services. No property shall share a water service with any other property.

Existing service lines and fire lines that will not be utilized are to be removed by shutting the valve near the distribution main. For fire lines, the line shall be capped near the public valve and valve access shall be grouted and collar removed.

Non-Potable Water Service: Currently, there is no non-potable infrastructure available to serve the subject property.

Sanitary Sewer Service: New sanitary sewer service to the property can be provided contingent upon a developer funded project to extend an eight-inch collector main from manhole A13-201 along the Black Arroyo. The extension shall run north through public sewer easements within the parcel addressed 10800 Golf Course Road. It shall then extend across the subject parcel within public sewer easement, sufficient distance for all proposed lots to gain a routine perpendicular service connection. All extensions shall terminate with a manhole. The portion of this required extension located within 10800 Golf Course Road is included in an approved Work Order (#589493).

No property shall share a private sewer service with any other property. The engineer is responsible for sizing the service line(s) upstream of the public sanitary sewer line to serve the proposed development.

All food service establishments must install a grease trap upstream of the domestic private sewer connection prior to discharge into the public sanitary sewer lines.

Fire Protection: From the Fire Marshal's requirements, the instantaneous fire flow requirements for the project are 2,750 gallons-per-minute. Three fire hydrants are required. There are no existing hydrants available and four new hydrants are proposed with this project. As modeled using InfoWater™ computer software, the fire flow can be met. Analysis was performed by simulating the required fire flow at nodes representing three proposed hydrants within the subdivision.

Any changes to the proposed connection points shall be coordinated through Utility Development. All new required hydrants as well as their exact locations must be determined through the City of Albuquerque Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

The engineer is responsible for determining pressure losses and sizing of the fire line(s) downstream of the public water line to serve the proposed fire hydrants and/or fire suppression system.

Cross Connection Prevention: Per the Cross Connection Ordinance, all new non-residential premises must have a reduced pressure principle backflow prevention assembly approved by the Water Authority installed at each domestic service connection at a location accessible to the Water Authority. No tees, branches or possible connection fittings or openings are allowed between the reduced principle backflow prevention assembly and the service connection unless protected by a backflow prevention assembly. These requirements also apply to all remodeled non-residential premises when the work area of the building undergoing repairs, alterations or rehabilitation, as defined in the International Existing Building Code, exceeds 50 percent of the aggregate area of the building regardless of the costs of repairs, alteration or rehabilitation.

All non-residential irrigation water systems connected to the public water system shall have a pressure vacuum breaker, spill-resistant pressure vacuum breaker or a reduced pressure principle backflow prevention assembly installed after the service connection. Such devices shall be approved by the Water Authority. No tees, branches or possible connection fittings or openings are allowed between the containment backflow prevention assembly and the service connection.

All non-residential customers connected via piping to an alternative water source or an auxiliary water supply and the public water system shall install a containment reduced pressure principle backflow prevention assembly approved by the Water Authority after the potable service connection.

All new services to private fire protection systems shall be equipped with a containment reduced pressure principal backflow prevention assembly approved by the Water Authority and Fire Marshal having jurisdiction installed after the service connection. No tees, branches or possible connection fittings or openings are allowed between the containment backflow prevention assembly and the service connection. A double check valve assembly approved by the Water Authority and Fire Marshal having jurisdiction may be installed instead of a reduced pressure backflow prevention assembly provided the private fire protection system meets or exceed ANSI/NSF Standard 60 61 throughout the entire private fire protection system, the fire sprinkler drain discharges into atmosphere, and there are no reservoirs, fire department connections nor connections from auxiliary water supplies.

The Water Authority requests that all backflow (containment) devices be located above ground just outside the easement or roadway right-of-way. Contact Cross Connection at (505) 289-3454 for more information.

Pretreatment: The development is for commercial use and has the potential to discharge Fats, Oils, Grease and/or Solids (FOGS) to the sanitary sewer and/or falls under one of the applicable users in the SUO:

FOGS Applicability SUO Section 3-3-2 A.:

Users "... such as food service establishments, commercial food processors, automotive shops, auto wash racks, car washes, vehicle fueling stations, septic tank pumpers, grease rendering facilities,

breweries/distilleries, bottling plants, commercial and industrial laundries, slaughterhouses & meat packing establishments (fish, fowl, meat, curing, hide curing), oil tank firms and transporters...”

Such Users must comply with all FOGS discharge requirements defined in SUO Section 3-3-2 and FOGS Policy including but not limited to:

1. Installation of an adequately sized Grease Interceptor (GI) approved by the appropriate code enforcement authority (City of Albuquerque, and/or Bernalillo County)
2. All FOGS source within the facility are plumbed to the GI as required by the appropriate plumbing code.
3. Long term Best Management Practices (BMP), and GI maintenance such as pumping and manifest requirements.
4. Unobstructed access to inspections of the facility and records.

A copy of the Sewer Use and Wastewater Control Ordinance and FOGS Policy can be found on the Pretreatment page of the Water Authority Website:

<https://www.abcwua.org/sewer-system-industrial-pretreatment-overview/>

Contact the Industrial Pretreatment Engineer, Travis Peacock, at (505) 289-3439 or pretreatment@abcwua.org for coordination or clarification of any of the above requirements.

Easements and Property: Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated Rights-of-Way. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer both within the same easement. Easements for standard sized water meters need to be five feet by five feet and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35 feet by 35 feet easement is required. Actual easement widths may vary depending on the depth of the lines to be installed. Acceptable easements must be documented prior to approval of service. A Warranty Deed shall be required when a property will be transferred to the Water Authority for the installation of Water Authority owned facilities such as pump stations, reservoirs, wells, lift stations, or any other facility.

Pro Rata: Pro Rata is not owed and the property can utilize the services available upon completion of the requirements of this statement to connect to water and sanitary sewer.

Design and Construction: Design and construction of all required improvements will be at the developer/property owner’s expense. Improvements must be coordinated through the City of Albuquerque via the Work Order process. Designs must be performed by a licensed, New Mexico registered, professional engineer. Construction must be performed by a licensed and bonded public utility contractor.

Utility Expansion Charge (UEC): In addition to installation and construction costs, any new metered water services will be subject to both water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized. Per the Rate Ordinance, each customer classification on the same premise requires a separate meter.

Water Resource Charge (WRC): Newly developed properties outside the Water Authority's Adopted Service Area but within the area formerly served by New Mexico Utilities Inc. (NMUI) will be assessed a Water Resource Charge (WRC) as provided in the Water Authority's Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies necessary to serve the development. The WRC shall not be used for reimbursement except pursuant to a Water Authority Governing Board approved development agreement allowing reimbursement to offset the cost of regional master planned water, wastewater, and reuse supply projects necessary to the Water 2120 planning strategy. Consistent with the Authority's Guiding Principles for Urban Planning and Development (R-07-6) and for the purposes of public health and welfare, the Water Resource Charge ("WRC") shall be waived only for existing properties that have received Preliminary Plat approval before May 9, 2009.

Contact Customer Service at (505) 842-9287 (option 3) for more information regarding account fees.

Water Use: All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority, particularly the Water Waste Reduction Ordinance. Where available, outdoor water usage shall utilize reclaimed water.

Closure: This serviceability letter does not provide a commitment from the Water Authority to provide services to the development. It only provides details of infrastructure that is available and potential precursors for the proposed development.

For service to be provided, an approved development agreement must be supplemented by this serviceability letter. The serviceability letter will remain in effect for a period of one (1) year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact Mr. Kristopher Cadena in our Utility Development Section at (505) 289-3301 or email at kcadena@abcwua.org if you have questions regarding the information presented herein or need additional information.

Sincerely,

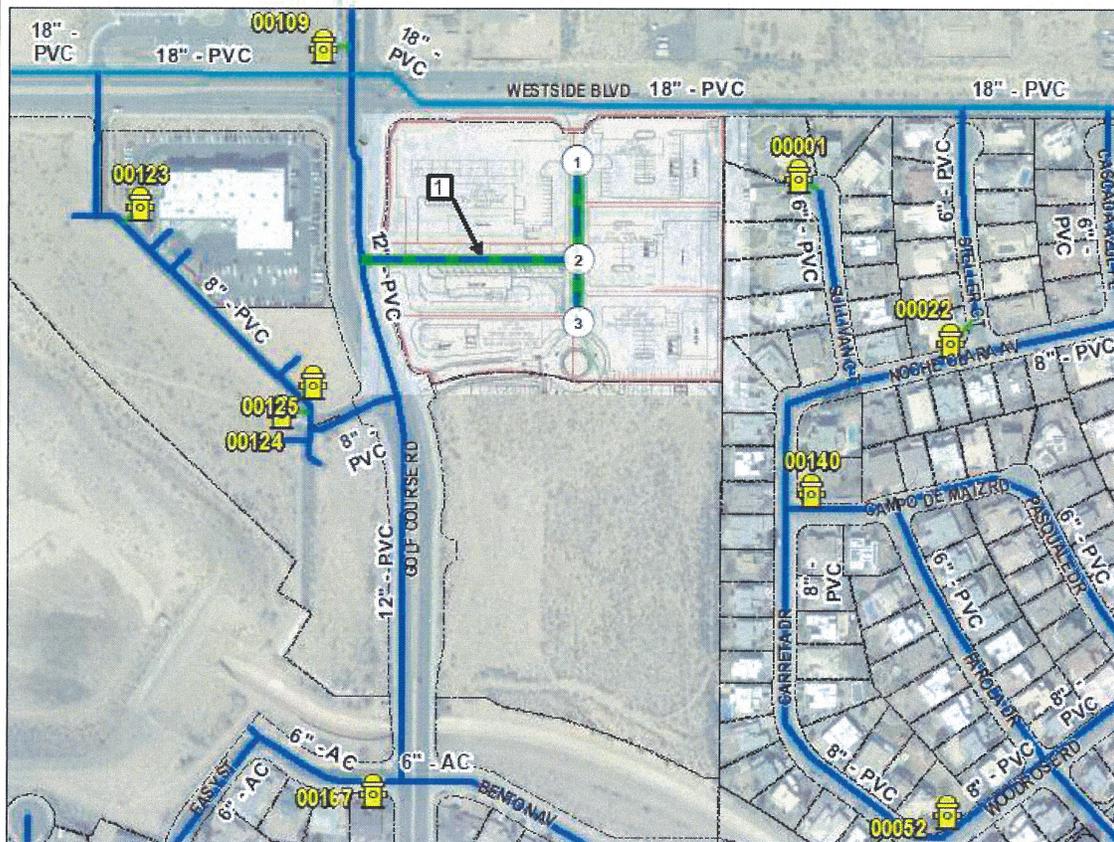


Mark S. Sanchez
Executive Director

Enclosures: Infrastructure Maps

f/ **Serviceability Letter #220719**

220719 - Water



Legend

Hydrant

Pipe

SUBTYPE

Distribution Line

Hydrant Leg

In Zone Transmission

--- General Map Keyed Notes

1 --- Proposed Public Water Line Extension

--- Fire Flow Analysis Points

1 --- Analysis Point

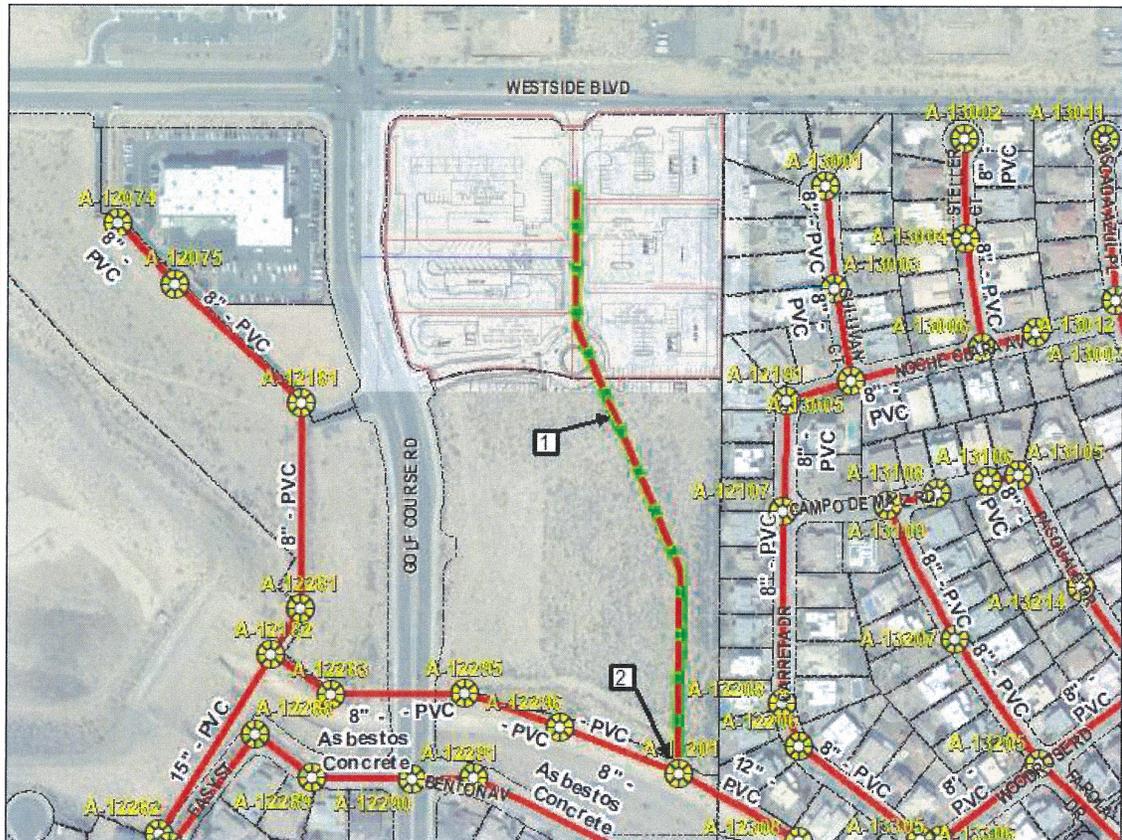
2 --- Analysis Point

3 --- Analysis Point

0 550 1,100 Feet



220719 - Sanitary Sewer



Legend

 Sewer Manhole

Sewer Pipe

SUBTYPE

 COLLECTOR

 --- General Map Keyed Notes

- 1 --- Proposed Sanitary Sewer Extension Line 
- 2 --- Existing Sanitary Sewer Manhole #A13-201

