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Meeting Date: February 8, 2023  
Staff Contact: Kristopher Cadena, Chief Engineer, Utility Development

**TITLE: R-22-41 – Authorizing an Agreement for Water and Sewer Service for Fiiz Drinks – Seven Bar Loop**

**ACTION: Recommend Approval**

**SUMMARY:**

The development is located along the southeast corner of Cottonwood Dr. NW and Old Airport Road NW within the City Limits. The project consists of a Drive-Through Soda Shop development.

Water and wastewater service is contingent on the Developer connecting to an existing public water distribution line and extending a public sanitary sewer collector line along Cottonwood Dr. NW.

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-22-41

**1 RESOLUTION**

**2 AUTHORIZING AN AGREEMENT FOR WATER AND SEWER SERVICE FOR FIIZ**

**3 DRINKS – SEVEN BAR LOOP**

**4** WHEREAS, NM Specialty Soda LLC is the developer and owner of real property  
**5** to be developed as Drive-Through Soda Shop located near southeast corner of  
**6** Cottonwood Drive NW and Old Airport Road 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/or County; and  
**14** BE IT RESOLVED BY THE WATER AUTHORITY:

**15** Section 1. NM Specialty Soda LLC will obtain all permits, assurances, and  
**16** approvals from the Water Authority and the City of Albuquerque development/design  
**17** review process. Construction of water and/or sewer lines shall be in conformance with  
**18** the plans approved by the Water Authority and all applicable plans, specifications,  
**19** requirements, 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 Resource Charges.

**22** Section 3. NM Specialty Soda LLC will be responsible for close coordination of  
**23** the project with the Water Authority during the design and construction phases,  
**24** including 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** NM Specialty Soda LLC for the provision of water and sewer service.

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

## **DEVELOPMENT AGREEMENT**

### **Fiiz Drinks - Seven Bar Loop**

**Albuquerque Bernalillo County Water Utility Authority**, a New Mexico political subdivision, (“Water Authority”) and **NM Specialty Soda LLC**, a New Mexico limited liability corporation, (“Developer”) (together, “Parties”), agree as follows:

#### **1. Recitals**

- A.** NM Specialty Soda LLC is the “Developer” and owner of certain real property located in MM-1-B Seven-Bar Ranch (Being the Replat of Tract MM-1 Seven Bar Ranch (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 Established Service Area.
- B.** The legal description for the property is: MM-1-B Seven-Bar Ranch (Being the Replat of Tract MM-1 Seven Bar Ranch. The proposed legal description for the property is: Tracts MM-1-B-1 and MM-1-B-2 Seven Bar Ranch. The Property is more particularly described and shown on **Exhibit B** attached hereto and incorporated herein by reference.
- C.** The Property will develop as Drive-Through Soda Shop.
- 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 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. **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.
- 5. **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.
- 6. **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.

**7. 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.

**8. 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:

Greg Foltz, President  
NM Specialty Soda LLC  
4801 Lang Avenue NE Suite 110  
Albuquerque NM 87109

**9. 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.

**10. 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 for convenience only and shall be disregarded in interpreting the substantive provisions of the Agreement. This Agreement binds and benefits the Water Authority and their

successors, assigns, and transferees and the Developer and their successors, assigns and transferees. Time is of the essence of each term of this Agreement. If any provision of this Agreement is determined by a court of competent jurisdiction to be void, invalid, illegal, or unenforceable, that portion will be severed from this Agreement and the remaining parts will remain in full force as though the invalid, illegal, or unenforceable portion had never been a part of this Agreement.

**11. Integration; Interpretation.** This Agreement contains or expressly incorporates by reference the entire agreement of the parties with respect to the matters contemplated by this Agreement and supersedes all prior negotiations. This Agreement may only be modified in writing executed by both parties.

**12. Approval.** This Agreement is subject to the approval of the Board of Directors of the Water Authority and will not become effective until approved by the Water Authority.

**13. Effective Date.** The effective date of this Agreement is the date last entered below.

In Witness Whereof, the parties hereto have executed this Agreement on the dates entered below.

**Albuquerque Bernalillo County  
Water Utility Authority**

**Developer  
NM Specialty Soda LLC,  
a New Mexico limited liability  
corporation**

By: \_\_\_\_\_  
Mark S. Sanchez  
Executive Director

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Greg Foltz  
President

Date: \_\_\_\_\_

#### ACKNOWLEDGEMENTS

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_ [name]  
\_\_\_\_\_, [title] of \_\_\_\_\_,  
[company name], a \_\_\_\_\_ [type of entity], on behalf of said company.

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My Commission Expires:

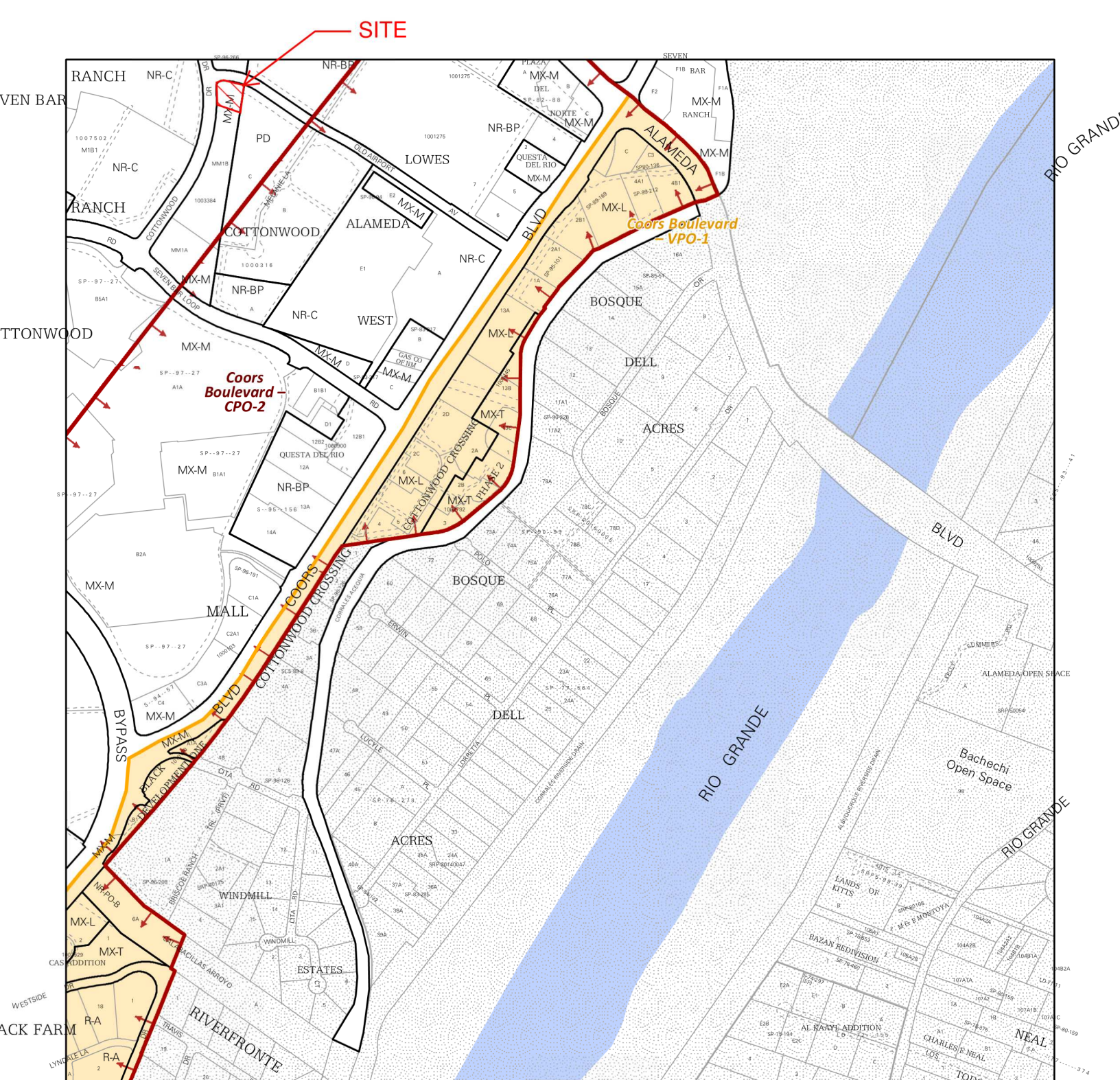
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This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by Mark S. Sanchez, Executive Director of the Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision.

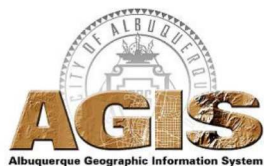
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**  
**Zone Atlas Map B-14-Z**

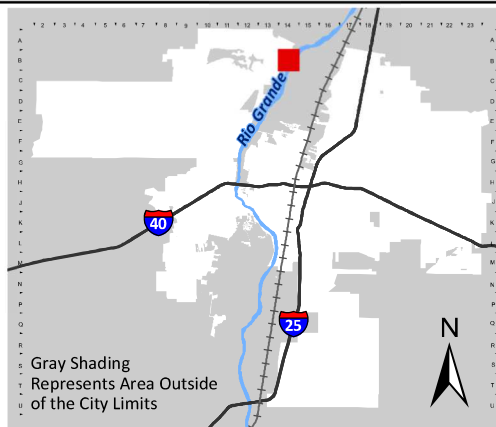


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



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



Zone Atlas Page:  
**B-14-Z**

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

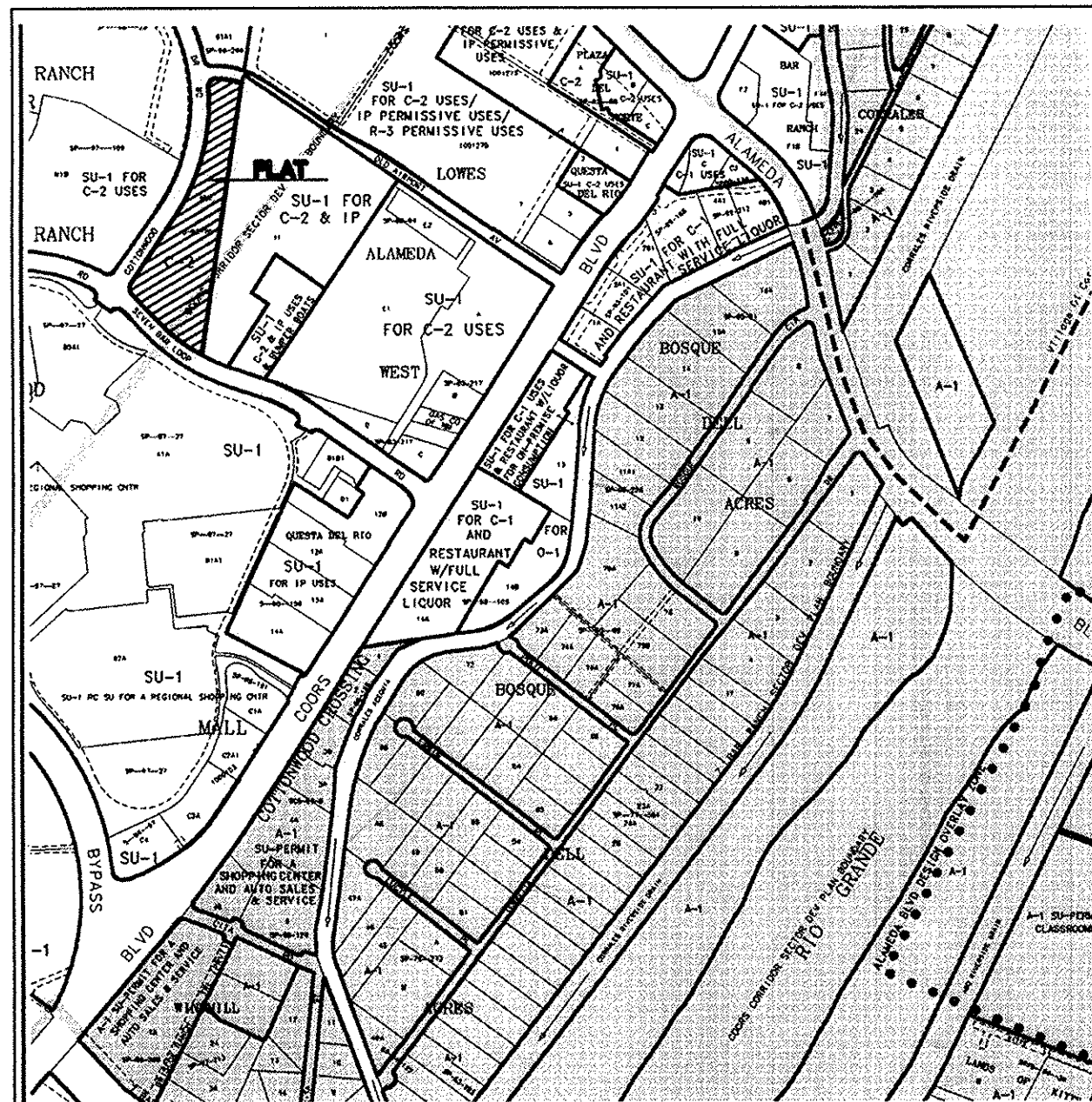
0 250 500 1,000 Feet

**EXHIBIT B.1**

**Existing Plat**

**MM-1-B Seven-Bar Ranch (Being the  
Replat of Tract MM-1 Seven Bar  
Ranch**





VICINITY MAP  
N.T.S.

# GENERAL NOTES

- Bearings are grid, based upon the New Mexico State Plane Coordinate System, Central Zone (NAD 27), and are rotated to grid at the New Mexico State Highway Commission Control monument "NM-44B-N12".
- Distances are ground.
- Distances along curved lines are arc lengths.
- Record Plat or Deed bearings and distances, where they differ from those established by this field survey, are shown in parenthesis ( ).
- All corners found in place and held were tagged with a brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- All corners that were set are either a 5/8" rebar with cap stamped "HUGG L.S. 9750" or a concrete nail with brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- Field surveys were performed during the month of January, 2004.
- U.C.L.S. Log Number 2004110265 .
- City of Albuquerque Zone Atlas Page: B-14-Z
- Documents used in the preparation of this survey:
  - Plat entitled "TRACTS O-1A-1, O-2A-1, G-1A, MM-1, M-1 AND N-2B-1, SEVEN-BAR, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, OCTOBER 1994", filed January 6, 1994, in Volume 95C, Folio 3, records of Bernalillo County, New Mexico.
  - Unfiled survey entitled "A.L.T.A./A.C.S.M. LAND TITLE SURVEY 16.1114 ACRE UNPLATTED PARCEL, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, OCTOBER 2002, prepared by Russ P. Hugg, NMPS No. 9750 for SURV-TEK, INC., Albuquerque, New Mexico.
  - Title Report prepared for this property by LandAmerica Albuquerque Title, Commitment for Title Insurance No. 236525SD, dated November 24, 2003.
- This property is subject to all exceptions pertaining to this property as listed in SCHEDULE B - SECTION II of the Title Report prepared for this property by LandAmerica Albuquerque Title, Commitment for Title Insurance No. 236525SD, dated November 24, 2003.
- Total number of existing Tracts: 1
- Total number of New Tracts created: 2
- Gross Subdivision acreage: 6.2034 acres.
- Zoning: C2(SC)

040141\_PLAT. DWG

# TREASURERS CERTIFICATION

This is to certify that taxes are current and paid on the following:  
1-014-065-067478-20207 - 2003 Taxes

RSF Land + Cattle Company LLC

Arthur Kavanaugh

Bernalillo County Treasurer

9/30/04

Date

# PUBLIC UTILITY EASEMENTS

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

- PNM Electric Services for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical service.
- PNM Gas Services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
- QWest Corporation for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to ground pedestals and closures.
- Comcast Cable for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable TV service.
- New Mexico Utilities, Inc. for the installation, maintenance, and service of underground water and sanitary sewer lines, valves and other equipment and facilities reasonably necessary to provide water and sanitary sewer service.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said easements, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

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

# DISCLAIMER

In approving this plat, PNM Electric Services and Gas Services (PNM) did not conduct a Title Search of the properties shown hereon. Consequently, PNM does not waive nor release any easement or easement rights to which it may be entitled.

# DISCLOSURE STATEMENT

The Purpose of this replat is to: Divide existing Tract MM-1 into two (2) Tracts as shown hereon; and grant the Public utility easements as shown hereon (if any).

# SURVEYORS CERTIFICATION

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify that this plat of survey was prepared from field notes of an actual ground survey performed by me or under my supervision; that it meets the Standards for Land Surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors; that it meets the minimum requirements for surveys and monumentation of the Albuquerque Subdivision Ordinance; and that it shows all easements of record; and that it is true and correct to the best of my knowledge and belief.

Russ P. Hugg  
NMPS No. 9750  
March 5, 2004



TRACTS MM-1-A AND MM-1-B

# SEVEN-BAR RANCH

(BEING A REPLAT OF TRACT MM-1, SEVEN-BAR RANCH)

WITHIN

THE TOWN OF ALAMEDA GRANT

IN

PROJECTED SECTION 8, TOWNSHIP 11 NORTH, RANGE 3 EAST  
NEW MEXICO PRINCIPAL MERIDIAN

CITY OF ALBUQUERQUE

BERNALILLO COUNTY, NEW MEXICO

MARCH, 2004



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6151797  
Page: 1 of 3  
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Bk-2084C Pa-311

PROJECT NUMBER: 1003384

Application Number: 04-00570

# PLAT APPROVAL

Utility Approvals:

PNM Electric Services	3-18-04
PNM Gas Services	3-18-04
QWest Corporation	03/18/04
Comcast	3-17-04
New Mexico Utilities	5-3-04

Note: These properties lie within the New Mexico Utilities, Inc. (NMU, Inc.) Franchise area. Water and Sanitary Sewer capabilities are based upon the NMU, Inc. facilities, not the City of Albuquerque.

City Approvals:

City Surveyor	3-17-04
Real Property Division	
Environmental Health Department	
Traffic Engineering, Transportation Division	4-21-04
Utilities Development	4/21/04
Parks and Recreation Department	4/21/04
AMAFC	4/21/04
City Engineer	7/12/04
DRB Chairperson, Planning Department	4/21/04

SHEET 1 OF 3

**SURV TEK, INC.**

Consulting Surveyors  
5643 Paradise Blvd. N.W. Albuquerque, New Mexico 87114

Phone: 505-897-3366  
Fax: 505-897-3377



TRACTS MM-1-A AND MM-1-B  
**SEVEN-BAR RANCH**

(BEING A REPLAT OF TRACT MM-1, SEVEN-BAR RANCH)

WITHIN

THE TOWN OF ALAMEDA GRANT

IN

PROJECTED SECTION 8, TOWNSHIP 11 NORTH, RANGE 3 EAST

NEW MEXICO PRINCIPAL MERIDIAN

CITY OF ALBUQUERQUE

BERNALILLO COUNTY, NEW MEXICO

MARCH, 2004

**LEGAL DESCRIPTION**

Tract MM-1 of Seven-Bar Ranch, as shown on the Replat entitled "Tracts O-1A-1, O-2A-1, G-1A, MM-1, M-1 and N-2B-1, SEVEN-BAR RANCH (being a replat of Tract O-1A, O-2A, G-1, M, N-2B of Seven-Bar Ranch and unplatted lands of Seven Bar Land and Cattle Co.), City of Albuquerque, Bernalillo County, New Mexico," as recorded in the office of the Bernalillo County Clerk on January 6, 1995 in Volume 95C, folio 3 as Document No. 95001741.

Said Tract contains 6.2034 acres, more or less.

**FREE CONSENT AND DEDICATION**

SURVEYED and REPLATTED and now comprising, TRACTS MM-1-A AND MM-1-B, SEVEN-BAR RANCH (BEING A REPLAT OF TRACT MM-1, SEVEN-BAR RANCH) WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 8, TOWNSHIP 11 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. Said owner(s) and proprietor(s) do hereby grant to the use of the public forever, the public utility easements as shown hereon (if any). Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

OWNER OF TRACT MM-1

RSF Land and Cattle Company, LLC  
a New Mexico limited liability company

By

*David S. Smoak*  
David S. Smoak, Managing Member

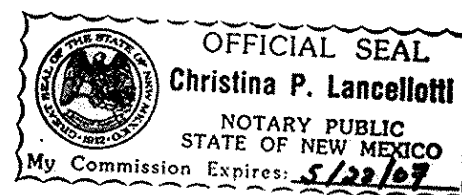
**ACKNOWLEDGMENT**

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO SS

The foregoing instrument was acknowledged before me this 16<sup>th</sup>  
day of March, 2004, by David S. Smoak.

*Christina P. Lancellotti*  
Notary Public

My commission expires May 22, 2007



SHEET 2 OF 3

**SURV TEK, INC.**

Consulting Surveyors  
6643 Paradise Blvd. N.W. Albuquerque, New Mexico 87114

Phone: 505-897-3366  
Fax: 505-897-3377

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	370.00'	128.36'	64.83'	127.72'	N79°39'48"W	19°52'37"
C2	877.54'	259.20'	130.55'	258.26'	S52°43'42"E	16°55'24"
C3	843.00'	77.99'	39.03'	77.97'	N46°55'10"W	51°8'04"
C4	35.00'	50.63'	30.90'	46.33'	S08°07'42"E	82°52'59"
C5	943.00'	650.11'	338.57'	637.31'	N15°14'13"E	39°30'01"
C6	35.00'	57.98'	38.14'	51.57'	S42°56'33"W	94°54'40"

(BEING A REPLAT OF TRACT MM-1, SEVEN-BAR RANCH)

PROJECTED SECTION 8, TOWNSHIP 11 NORTH, RANGE 3 EAST  
NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO

MARCH , 2004



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TRACT M-1B  
SEVEN-BAR RANCH

**TRACT MM-1-A**  
2.4841 Ac.

**TRACT MM-1-B**  
3.7193 Ac.

TRACT G-1A-1  
SEVEN-BAR RANCH  
Filed- December 26, 1996  
in Volume 96C, Folio 499

TRACT A-1A  
COTTONWOOD MALL  
Filed January 31, 1997 in Volume 97C, Folio 33

LANDS OF  
HARKINS PHOENIX CINEMAS, L.L.C.  
(UNPLATTED)

**DRAINAGE EASEMENT NOTE:**

There is a private Drainage Easement across Tract MM-1-B for the benefit of Tract MM-1-A, to be maintained by the owner of said Tract MM-1-B. This Easement may be better defined upon development of Tract MM-1-B or MM-1-A,

Albuquerque Control Survey  
Monument "NM-448-N12"  
New Mexico State Plane  
Coordinates, Central Zone  
(NAD 27) as published:  
 $Y = 1,528,910.94'$   
 $X = 381,108.54'$   
 $Z = 5023.411'$  (SLD 29)  
G to G factor = 0.99967595  
Delta Alpha =  $-00^{\circ}13'46''$

TRACT E-1  
ALAMEDA WEST

### PROPERTY CORNER LEGEND

- ⊙ = Fd. 5/8" Rebar and cap stamped "L.S. 9750" (typical all perimeter corners)
- ⊕ = Fd. Aluminum Centerline Monument stamped "L.S. 5823" (typical)
- = Set 5/8" Rebar and cap stamped "L.S. 9750" (typical all new corners)

LOT 1  
LOWE'S SUBDIVISION  
FILED 4-9-2002, 2002C-110

LOT 7  
LOWE'S SUBDIVISION  
FILED 4-9-2002 2002C-110

**SHEET 3 OF 3**

**SURV • TEK. INC.**

**Consulting Surveyors**  
5643 Paradise Blvd. N.W. Albuquerque, New Mexico 87114

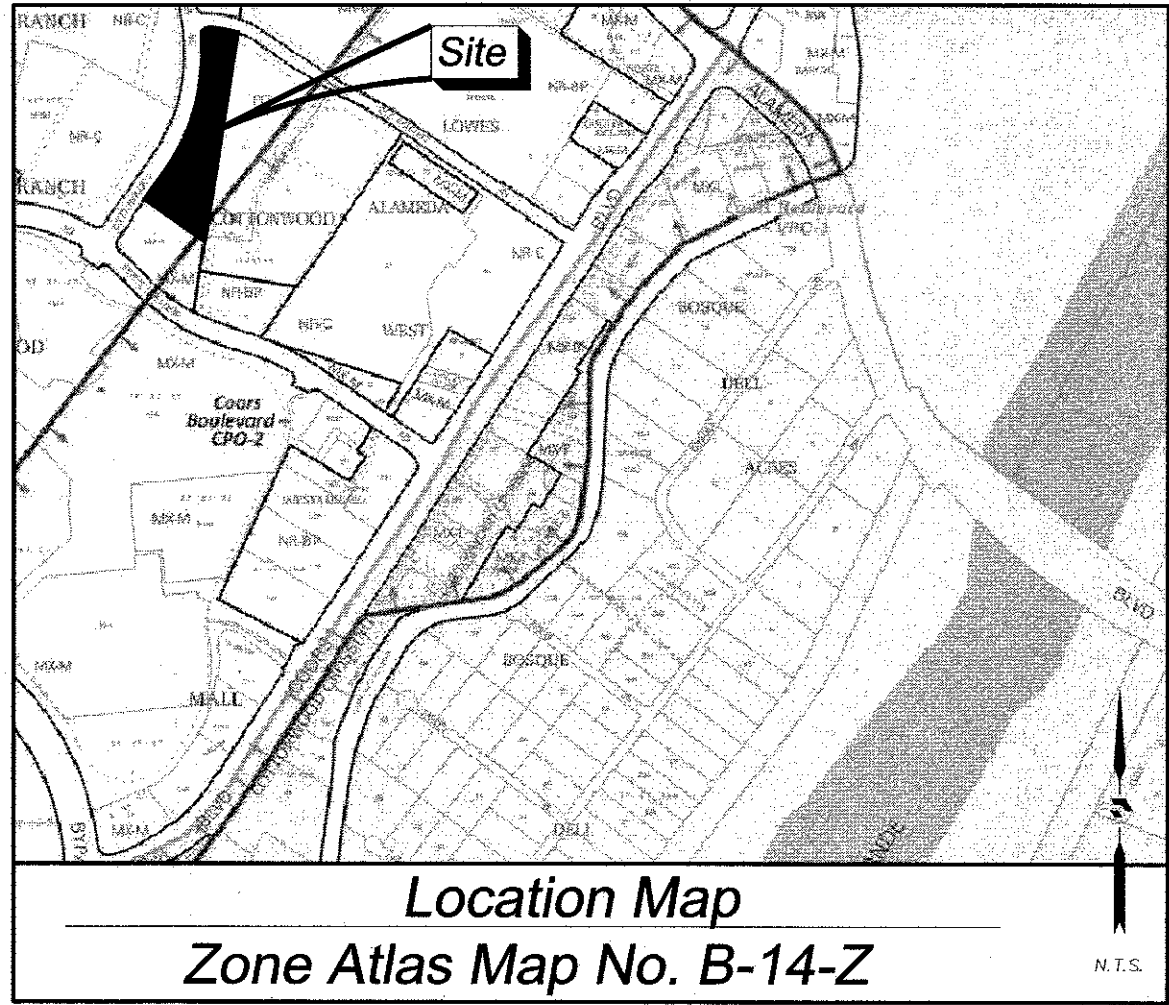
**Phone: 505-897-3386**  
**Fax: 505-897-3377**

040141\_PLAT. DWG

\\ServerLand\Desktop\3\Rush\040141\dwg\040141\_PLAT.dwg, 05/01/2004 09:56:49 AM, HP 1050C 2,pc

**EXHIBIT B.2**  
**Proposed Plat**

**Tracts MM-1-B-1 and MM-1-B-2 Seven**  
**Bar Ranch**



### Subdivision Data:

GROSS SUBDIVISION ACREAGE: ? ACRES±  
ZONE ATLAS INDEX NO: B-14-Z  
NO. OF TRACTS CREATED: 2  
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 GRANTEE 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.

### Disclaimer

REVISIONS			
NO.	DATE	BY	DESCRIPTION

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.

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.

COORDINATE AND DIMENSION INFORMATION			
STATE PLANE ZONE: <b>NM-C</b>	GRID /GROUND COORDINATES: <b>GRID</b>	GEIOD: <b>ABQ GEIOD</b>	
HORIZONTAL DATUM: <b>NAD83</b>	VERTICAL DATUM: <b>NAVD88</b>	ROTATION ANGLE: <b>0° 00' 00.00"</b>	MATCHES DRAWING UNITS: <b>YES</b>
CONTROL USED: <b>ALBUQUERQUE GEODETIC REFERENCE SYSTEM</b>			
COMBINED SCALE FACTOR: <b>GRID TO GROUND: 1.000320393</b>			
GROUND TO GRID: 0.999679709			
DISTANCE ANNOTATION: <b>GROUND</b>			
BEARING ANNOTATION: <b>GRID</b>			
ELEVATION TRANSLATION: <b>±0.00'</b>			
ELEVATIONS VALID: <b>NO</b>			

PLSS INFORMATION			
LAND GRANT TOWN OF ALAMEDA			
SECTION <b>05/08</b>	TOWNSHIP <b>11 NORTH</b>	RANGE <b>03 EAST</b>	MERIDIAN <b>NMPM</b>
CITY <b>ALBUQUERQUE</b>	COUNTY <b>BERNALILLO</b>	STATE <b>NM</b>	

INDEXING INFORMATION FOR COUNTY CLERK			
PROPERTY OWNER RSF LAND & CATTLE COMPANY LLC			
SUBDIVISION NAME SEVEN-BAR RANCH			
UPC <b>101406505748020207</b>	ADDRESS SEVEN BAR LOOP, NW		



OFFICE LOCATION:  
9200 San Mateo Boulevard, NE  
Albuquerque, NM 87113

505.856.5700 PHONE  
505.856.7900 FAX

PROJECT INFORMATION	
CREW/TECH: OT	DATE OF SURVEY JUNE 2022
DRAWN BY: JK	CHECKED BY: LM
PSI JOB NO. 228185P	SHEET NUMBER 1 OF 2

RECORDING STAMP

### Legal Description

A TRACT OF LAND LYING AND SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTIONS 5 AND 8, TOWNSHIP 11 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, COMPRISING OF TRACT MM-1-B, SEVEN-BAR RANCH, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 30, 2004, IN BOOK 2004C, PAGE 311, NOW COMPRISING TRACTS MM-1-B-1 AND MM-1-B-2, SEVEN-BAR RANCH.

TREASURER'S CERTIFICATE

### Purpose of Plat

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE ONE EXISTING TRACT INTO TWO NEW TRACTS AND TO GRANT EASEMENTS.

### 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 ERECTED ON THE LOTS OF PARCELS WITHIN THE AREA OF THIS PLAT.

### Free Consent and Dedication

THE REPLAT 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.

*Shirley A. Holtz - Member*  
RSF LAND & CATTLE COMPANY LLC  
08/08/2022  
DATE

STATE OF NEW MEXICO  
NOTARY PUBLIC  
Yvonne Escajeda  
Commission No. 1130485  
September 03, 2024

### Acknowledgment

STATE OF NEW MEXICO ) SS  
COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 02 DAY OF August, 2022 BY  
RSF LAND & CATTLE COMPANY LLC

*Shirley A. Holtz*  
BY \_\_\_\_\_ MY COMMISSION EXPIRES: September 03, 2024  
NOTARY PUBLIC

Plat of  
Tracts MM-1-B-1 and MM-1-B-2  
**Seven-Bar Ranch**  
Town of Alameda Grant, Projected Sections 5 & 8,  
Township 11 North, Range 3 East, N.M.P.M.  
Albuquerque, Bernalillo County, New Mexico  
June 2022

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 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

### 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 PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM RESPONSIBLE FOR THIS SURVEY MEETING 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.

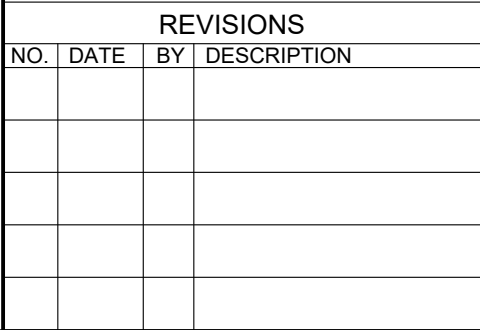
LARRY W. MEDRANO  
N.M.P.S. No. 11993



RECORDING STAMP
-----------------

A graphic scale bar and north arrow. The scale bar is marked with 0, 60, 120, and 180. Below the bar, the text "SCALE: 1" = 60'" is written. The north arrow points towards the top of the page.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	943.00' (R=943.00')	650.11' (L=650.11')	637.31'	N 15°14'13" E	39°30'00"
C2	35.00' (R=35.00')	57.98' (L=57.98')	51.57'	S 42°56'39" W	94°54'52"
C3	370.00' (R=370.00')	128.36' (L=128.36')	127.72'	N 79°39'36" W	19°52'37"
C4	943.00'	528.33'	521.45'	N 18°56'11" E	32°06'04"
C5	943.00'	121.78'	121.69'	N 00°48'49" W	7°23'57"



COORDINATE AND DIMENSION INFORMATION						PLSS INFORMATION				INDEXING INFORMATION FOR COUNTY CLERK				<div><div><div><div></div><div></div><div></div></div><div><div>PRECISION</div><div>SURVEYS, INC.</div></div></div><div><div>OFFICE LOCATION:</div><div>9200 San Mateo Boulevard, NE</div><div>Albuquerque, NM 87113</div><div></div><div>505.856.5700</div><div>PHONE</div><div>505.856.7900</div><div>FAX</div></div></div>				PROJECT INFORMATION							
STATE PLANE ZONE: NM-C		GRID (GROUND COORDINATES): GRID		GEIOD: ABQ GEIOD		LAND GRANT TOWN OF ALAMEDA				PROPERTY OWNER RSF LAND & CATTLE COMPANY LLC								CREW/TECH: OT		DATE OF SURVEY JUNE 2022					
HORIZONTAL DATUM: NAD83		VERTICAL DATUM: NAVD88		ROTATION ANGLE: 0° 00' 00.00"		MATCHES DRAWING UNITS YES		SECTION 05/08		TOWNSHIP 11 NORTH		RANGE 03 EAST						MERIDIAN NMPM		SUBDIVISION NAME SEVEN-BAR RANCH					
CONTROL USED: ALBUQUERQUE GEODETIC REFERENCE SYSTEM						BASE POINT FOR SCALING AND/OR ROTATION: N = 0 E = 0																			
COMBINED SCALE FACTOR: GRID TO GROUND: 1.000320393 GROUND TO GRID: 0.999679709				DISTANCE ANNOTATION: GROUND		BEARING ANNOTATION: GRID		ELEVATION TRANSLATION: +0.00'		ELEVATIONS VALID: NO		CITY ALBUQUERQUE		COUNTY BERNALILLO		STATE NM		UPC 101406505748020207		ADDRESS SEVEN BAR LOOP, NW		PSI JOB NO. 228185P		SHEET NUMBER 2 OF 2	

**EXHIBIT C**  
**Serviceability Letter**  
**#220805**



October 3, 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

Amanda Herrera  
Tierra West LLC  
5571 Midway Park Place NE  
Albuquerque, NM 87109

**RE: Water and Sanitary Sewer Serviceability Statement #220805**

**Project Name: Fiiz Drinks**

**Project Address: NA**

**Legal Description: MM-1-B SEVEN-BAR RANCH**

**UPC: 101406505748020207**

**Zone Atlas Map: B-14-Z**

Dear Ms. Herrera:

**Project Description:** The subject site is located at the south-east intersection of Cottonwood Drive NW and Old Airport Road NW, within the City of Albuquerque. The proposed development consists of approximately 0.55 acres and the property is currently zoned MX-M for commercial use. The property lies within the Pressure Zone 2WR in the Corrales Trunk.

The request for availability indicates plans to develop a commercial site that will contain a drive-through for various refreshments that are soda based.

**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 regard to Development Agreements.

**Existing Conditions:**

Water infrastructure in the area consists of the following:

- 8-inch PVC distribution line (project # 26-4193.94-97) that terminates in the west bound curb lane east of the intersection of Cottonwood Drive NW and Old Airport Rd NW
- 12-inch PVC distribution line (project # 26-4193.94-97) in the south bound median lane along Cottonwood Drive NW.

Sanitary sewer infrastructure in the area consists of the following:

- 8-inch PVC sanitary sewer collector (project # 26-4193.94-97) from manhole A14-903 at intersection of Old Airport Road NW and Cottonwood Drive NE terminating at the north-west corner of the property at the intersection of Cottonwood Drive NW and Old Airport Road NW with a plug.

**Water Service:** New metered water service or public fire hydrants to the property can be provided via routine connection either the existing eight-inch distribution main along Old Airport Road NW or the 12-inch distribution line in Cottonwood Drive NW. The

engineer is responsible for determining pressure losses and sizing of the service line(s) and fire lines 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.

**Sanitary Sewer Service:** New sanitary sewer service to the property can be provided contingent upon a developer funded project to extend the existing eight-inch public sanitary sewer collector from the northwest corner of the tract along the frontage of the tract to the south property limits. No property shall share a private sewer service with any other property. Each tract will be allowed individual private sewer services from this public sewer line extension. 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 initial part of this project are 1500 gallons-per-minute. One fire hydrant is required. There are no existing hydrants available and one new hydrant is 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 the proposed hydrant at the north part of the parcel.

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 exceeds 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](mailto: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 Water Authority Connection Permit process. However, if the work will be done within the City of Albuquerque public right-of-way, coordination with the City of Albuquerque Design Review and Construction Section must take place if this mechanism will be acceptable. 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):** All developments located outside of the Water Authority's Adopted Service Area 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.

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 service connection 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](mailto: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 Statement #220805**



## 220805 - Sanitary Sewer



0 400 800 Feet



### Legend

- Project\_Location
- Sewer Manhole
- Proposed Sewer Manhole

### Sewer Pipe

#### SUBTYPE

COLLECTOR

--- General Map Keyed Notes

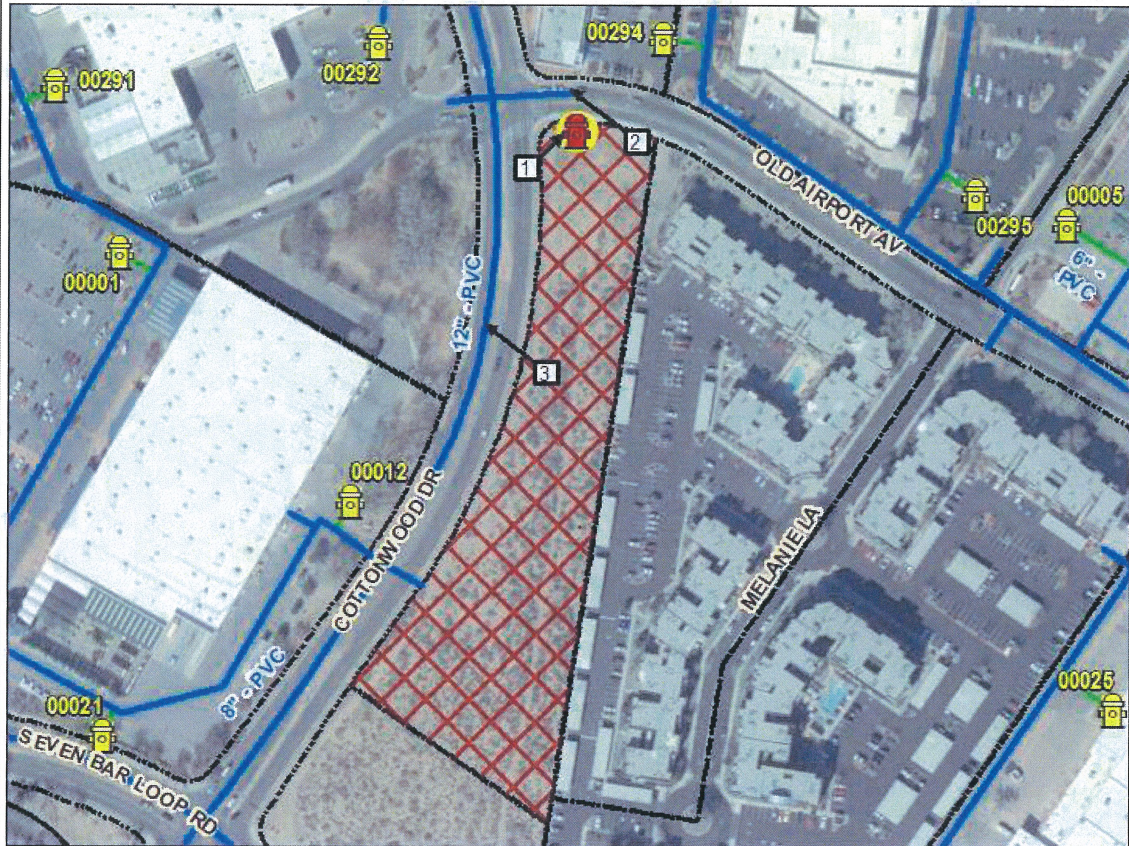
1 - Proposed 8" Public Sanitary Sewer Extension

2 - Provide 20' public utility easement along sewer line





## 220805 - Water



0 400 800 Feet



### Legend



Project\_Location



Hydrant

### Pipe

#### SUBTYPE



Distribution Line



Hydrant Leg

### Fire Flow Analysis Points



Analysis Point (1)



--- General Map Keyed Notes

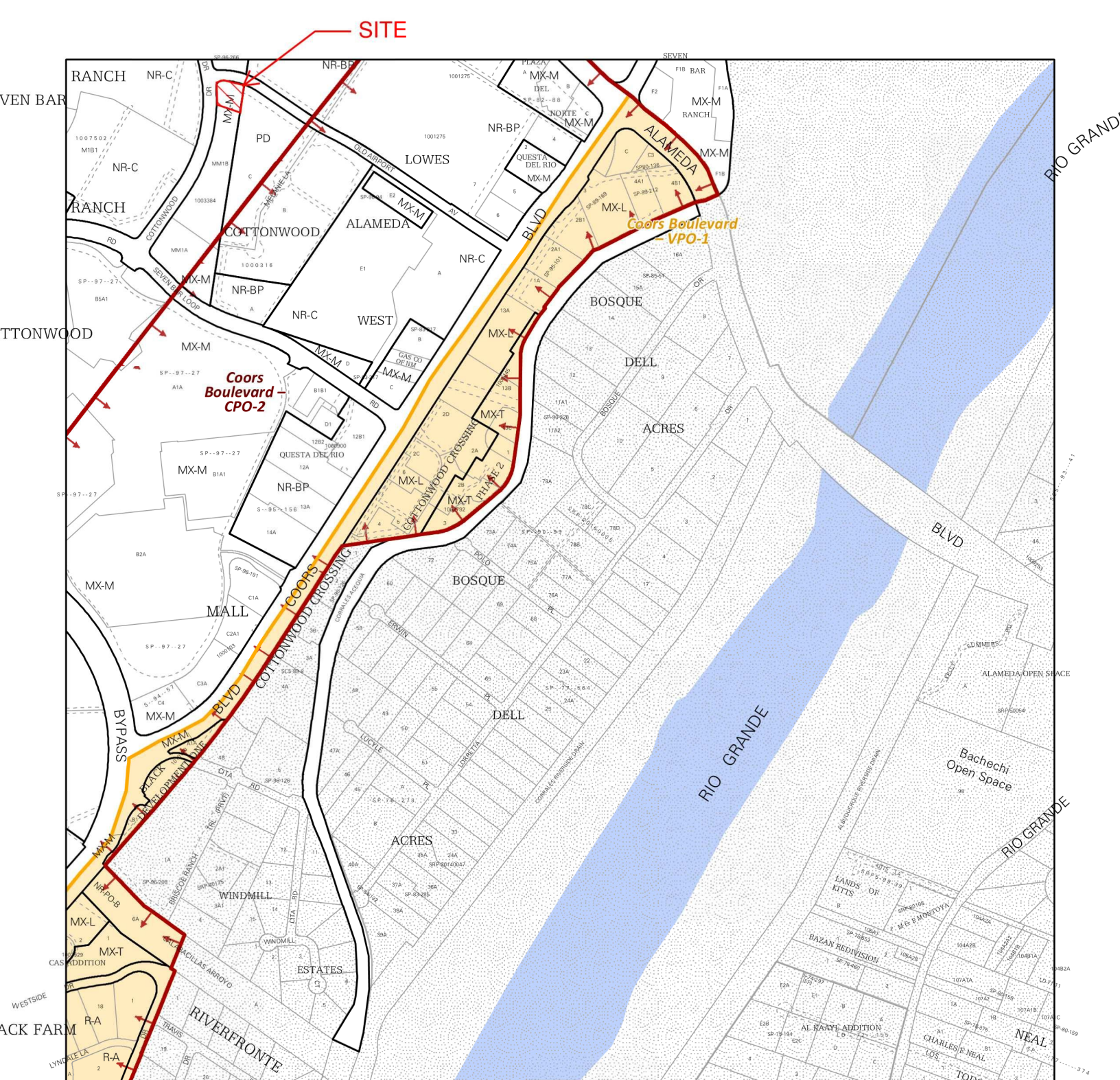
1 - Proposed Public Hydrant

2 - 8" PVC Distribution on Old Airport Road NW for service connection

3 - 12" PVC Distribution on Cottonwood Drive NW for service connection

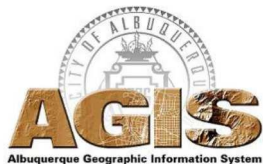




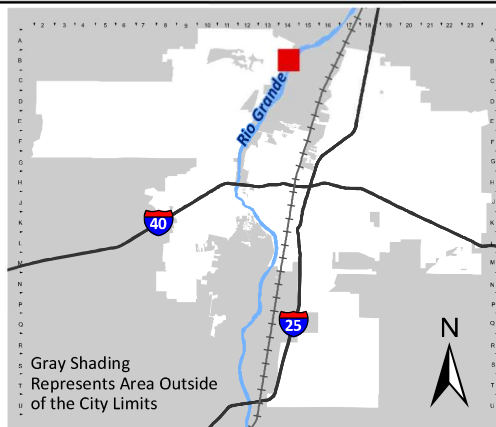


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# **IDO Zone Atlas** **May 2018**



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



Zone Atlas Page:  
**B-14-Z**

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

0 250 500 1,000 Feet