



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

TITLE: R-22-38 – Authorizing an Agreement for Water and Sewer Service for Volcano Cliffs Subdivision

ACTION: Recommend Approval

SUMMARY:

The development is located along the southeast corner of Universe Blvd NW and Rosa Parks Road NW within the City of Albuquerque limits. The project consists of 162 townhomes lots, two commercial lots, pharmacy and strip retail plaza, and two multi-family apartment complexes with 192 unit's total.

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 and paying a facility fee for a future 2.5 million gallon reservoir.

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

FISCAL IMPACT:

None.

Vendor: Issa and Nancy Rabadi

Name of Person Filling out the Analysis: David G. Gutierrez

Name/Phone# of Project Manager: David G. Gutierrez, 505-415-9188

ACTION REVIEW COVER ANALYSIS

(For New Contracts/Additional Services/Change Orders/Purchase Orders&Adjustments)

1. What item is being requested for review? (CIRCLE ONE)

NEW CONTRACT / ADDITIONAL SERVICE / CHANGE ORDER

PURCHASE ORDER or ADJUSTMENT / **OTHER Development Agreement**

2. What will this item do?

Authorize water and sewer service to a proposed development located outside the Adopted Service Area. The project consists of a 162 townhomes lots, 2 commercial lots, pharmacy & strip retail plaza, and 2 multi-family apartment complexes with 192 units total. This will also allow the collection of facility fees for a 2.5MG reservoir for pressure zone 4W/3WR Volcano Trunk

3. Why is it needed?

The project is located outside of the Adopted Service Area and Water Authority infrastructure needs to be extended to serve this project. The Water Authority expansion ordinance states that in this condition an approved development agreement is required.

4. How much will it cost and what is the funding source?

No costs will be incurred. Developer funded.

5. Does this action require/authorize any movement of funds within the CIP administratively or commits to a clean up in the future? No

6. What will happen if this/these item(s) is(are) not approved?

The proposed development will not receive public water and public sanitary sewer service from the Water Authority.

DEVELOPMENT AGREEMENT
Volcano Cliffs Subdivision

Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision, (“Water Authority”) and Issa and Nancy Rabadi, Property Owners, (“Developer”) (together, “Parties”), agree as follows:

1. Recitals

- A.** Issa and Nancy Rabadi is the “Developer” and owner of certain real property located in Lot 1, Block 8, Unit 17, Volcano Cliffs Subdivision (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 Service Area.
- B.** The legal description for the property is: Universe View Lot 1, Block 8, Unit 17, Volcano Cliffs Subdivision. The proposed legal description for the property is: UNIVERSE VIEW SUBDIVISION BEING A REPLAT OF LOT 1, BLOCK 8 UNIT 17, VOLCANO CLIFFS SECTION 22, TOWNSHIP 11 NORTH RANGE 2 EAST, N.M.P.M. CITY OF ALBUQUERQUE BERNALILLO COUNTY, NEW MEXICO. The Property is more particularly described and shown on **Exhibit B** attached hereto and incorporated herein by reference.
- C.** The Property will develop as 162 townhomes lots, 2 commercial lots, pharmacy & strip retail plaza, and 2 multi-family apartment complexes with 192 units total.
- D.** The Property is located in Pressure Zone 3WR and 4W of the Volcano 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 expansion of the existing water, sanitary sewer, water treatment systems and wastewater treatment systems to serve the Property will require, in addition to the Facility Improvements detailed in the Serviceability Letter, additional water storage capacity. As such, the Property will be assessed a Facility Fee that reflects its proportional costs of the required additional system capacities.

- G. 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 and/or the City. 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. **Water Facility Fee** - The Developer shall pay a Facility Fee to the Water Authority in the amount of **\$56,316.00**. This fee reflects the proportional costs associated with the increase of a 2.5-million-gallon storage facility for the Volcano Trunk 4W and 3WR pressure zones.
- D. Facility Fees are in lieu of a developer requirement to build the entire Master Plan Infrastructure. No utility services will be sold to the Property until the Facility Fee is paid in whole. As the expansion of system capacity is classified as Master Plan Facility Improvements, this Facility Fee is reimbursable by the **Water** UEC’s collected as services are established within the Property. The UEC reimbursements will total no more than the Facility Fee amount. The Developer may not receive 100% reimbursement of the Facility Fee as the UECs generated from the development may be less than the Facility Fee. Reimbursement will be on a Calendar Year basis. The Reimbursement request must be initiated by the Developer or its successor.
- E. Pursuant to Water Authority Resolution No. R-05-13, the Developer agrees that it will incorporate water conservation guidelines that will seek to achieve water usage of no more than 180 gallons per household which is equivalent to seventy-five (75) gallons per capita per day.
- F. 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 the property owner.
 - 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:

Issa and Nancy Rabadi, Property Owners
1464 E. Victor Hugo Ave.
Phoenix, AZ 85022

- 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 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.

- 12. 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.

- 13. 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.

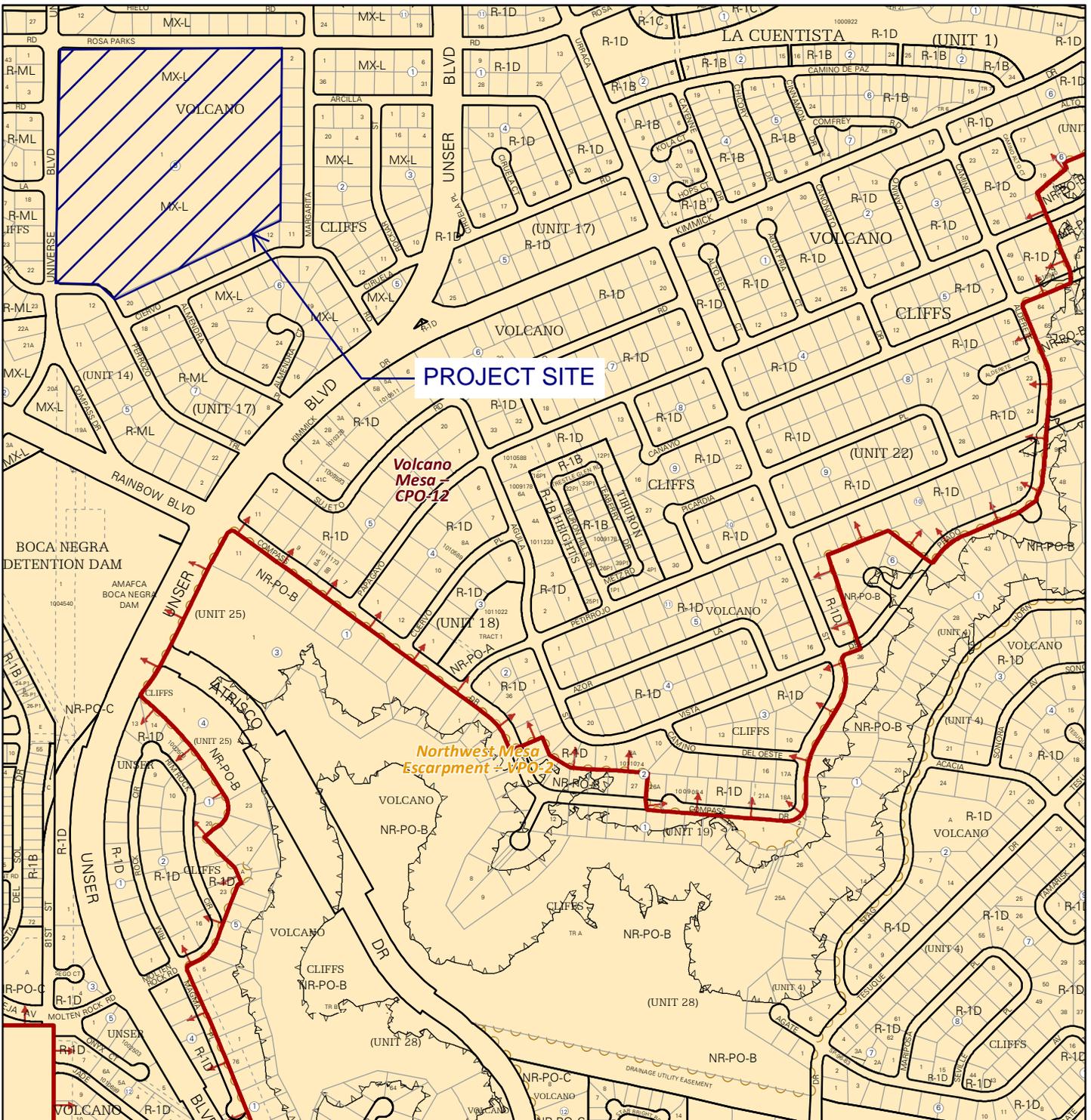
- 14. Effective Date.** The effective date of this Agreement is the date last entered below.

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.

Notary Public

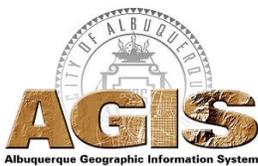
My Commission Expires:

EXHIBIT A
Zone Atlas Map D-10

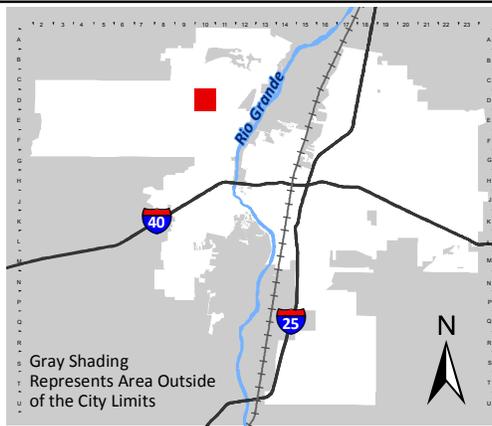


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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:
D-10-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

**Lot 1, Block 8, Unit 17, Volcano Cliffs
Subdivision**

UNIT NO. 17
VOLCANO CLIFFS SUBDIVISION
BERNALILLO COUNTY, NEW MEXICO
DECEMBER 1970 SCALE: 1"=100'

EXHIBIT B.1

20498



State of New Mexico
County of Bernalillo
APR 12 1971
Notary Public
L. J. ...
County Clerk

DEDICATION

The foregoing subdivision of that certain tract of land situate in Section 22, T 11 N, R 2 E, N.M.P.S., Bernalillo County, New Mexico, and being more particularly described as follows:

BEGINNING at the northwest corner, a point on the section line common to Section 21 and 22, T 11 N, R 2 E, N.M.P.S., whence the section corner corner to Section 15, 16, 21, and 22, T 11 N, R 2 E, N.M.P.S., bears N 00° 01' 34" W, 155.13 feet and from said beginning point running thence:

W 89° 57' 28" E, 224.30 feet to a point of curvature; thence,

370.79 feet along the arc of a curve to the left, having a radius of 322.05 feet and a chord bearing N 78° 26' 14" E, 358.39 feet, to a point of tangency; thence,

N 64° 55' 00" E, 53.65 feet to the northeast corner; thence,

S 23° 05' 00" E, 1180.00 feet to a point of tangency; thence,

S 66° 55' 00" W, 1300.75 feet to a point of curvature; thence,

1282.43 feet along the arc of a curve to the left, having a radius of 2700 feet and a chord bearing S 53° 19' 07" W, 1270.42 feet to a point on the curve; thence,

N 64° 01' 33" W, 470.09 feet to a point of curvature; thence,

193.34 feet along the arc of a curve to the right, having a radius of 105.04 feet and a chord bearing N 45° 52' 30" W, 190.65 feet to a point of tangency; thence,

N 27° 43' 29" W, 556.58 feet to a point of curvature; thence,

116.33 feet along the arc of a curve to the left, having a radius of 107.54 feet and a chord bearing N 58° 52' 31" W, 111.26 feet to a point of tangency; thence,

S 09° 58' 28" W, 180.53 feet distance to a point on the section line common to said Sections 21 and 22; thence,

N 00° 01' 34" W, 1289.87 feet along said section line to the point and place of beginning, containing 108.64 acres, more or less.

Surveyed and subdivided as the same appears hereon, the several public thoroughfares together with the easements as shown hereon. That the owners of the property do hereby dedicate electric power and telephone line easements on the rear seven (7) feet of each lot and also easements as shown on this plat, including easements for overhead, underground and buried service wires and including the right of ingress, egress and the right to trim or remove interfering trees all in the Volcano Cliffs Subdivision, Unit 17, a subdivision under contract to be annexed to the City of Albuquerque, New Mexico.

- NOTES:
1. All boundary lines intersect at right angles unless otherwise noted.
 2. All block corners have deltas = 90°, radii = 25', and Arc Lengths = 39.27' unless otherwise noted.
 3. All Lots 2nd R-2 except Lot 1th Block 6.

We, the First American Title Insurance Co., hereby certify that all taxes have been paid in full for the period of the last ten years, up to and including 1970, for all the property included in the plat, Volcano Cliffs, a subdivision, Bernalillo County, New Mexico, upon which this certificate appears.

P. C. Tompkins
December 14, 1970
County Clerk

APPROVALS

Flinta Electric Transmission & Transmission Coop.	12/11/70
Telegraph & Telephone Company	12-11-70
Public Service Company	12-11-70
Southern Union Gas Company	12-11-70
City Engineer	12-11-70
Director of Parks and Recreation	1-15-71
Chairman, County Planning Commission	12-14-70
Executive Secretary, County Planning Commission	1-15-71
County Attorney	12-14-70
Vice Chairman, City Planning Commission	12/11/70
Executive Secretary, City Planning Commission	1-15-71

First American Title Insurance Co. as Trustee

By: *P. C. Tompkins*
Vice-President, F. A. Tompkins

Attest: *Shirley R. ...*
Asst. Secretary, F. A. Tompkins

ACKNOWLEDGEMENTS

State of New Mexico: ss
County of Bernalillo: ss

On this 14 day of December 1970, before me, a Notary Public in and for said county and state, personally appeared *P. C. Tompkins*, personally known to me, who being duly sworn, did ... that he is the Vice-President of the First American Title Insurance Co., a corporation organized under the laws of the state of California and that the seal affixed to said instrument was signed and sealed on behalf of said corporation, by authority of its board of directors and said *P. C. Tompkins* acknowledged said instrument to be the free act and deed of said corporation.

In witness whereof, I have hereunto set my hand and seal on the day and year last written above. My commission expires *October 16, 1974*

Paul ...
Notary Public
December 14, 1970

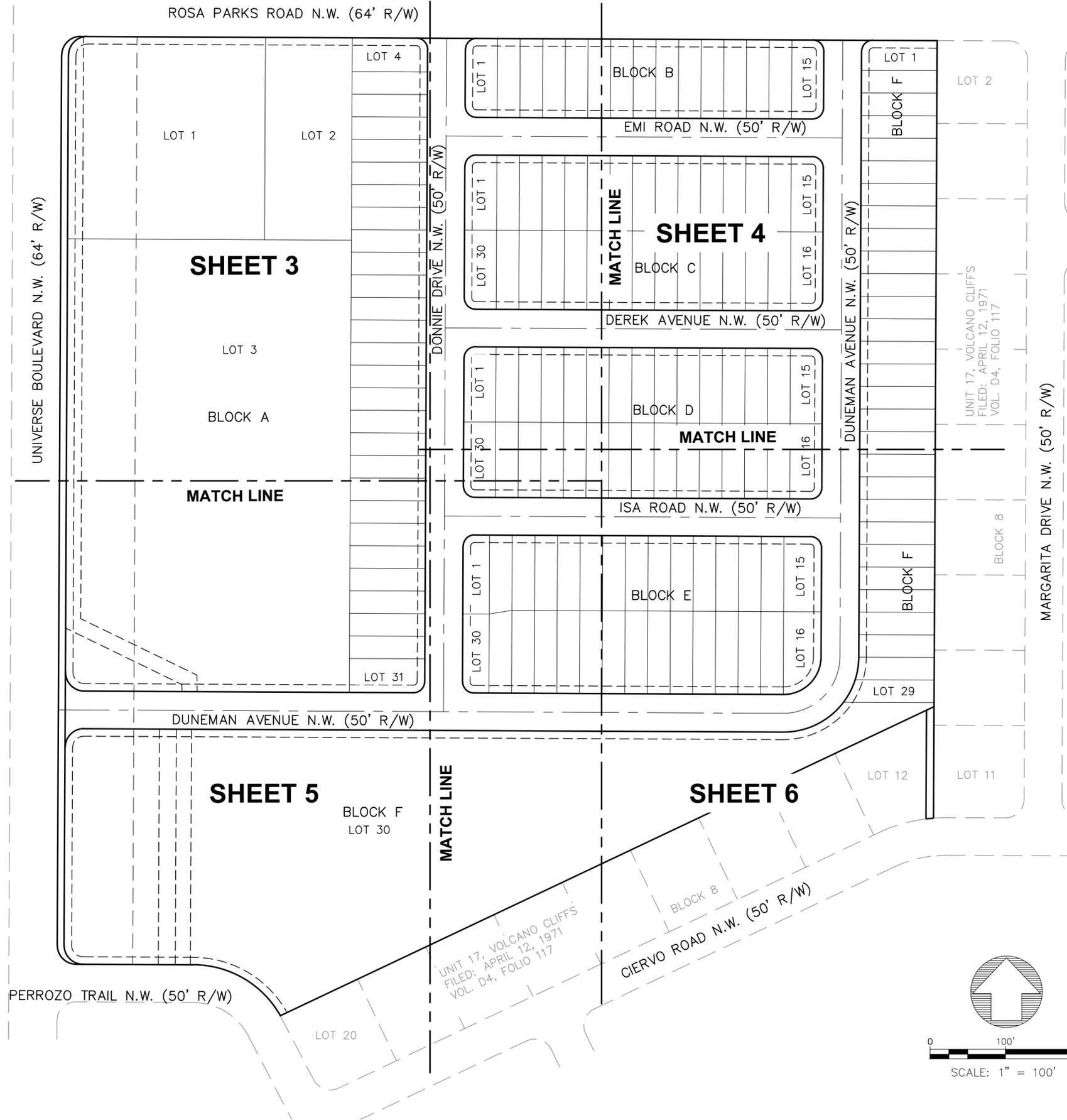
I, Donzil L. Willis, T.O.P.L.S. No. 8479, do hereby certify that the above subdivision was prepared under my supervision from actual field notes and is true and correct to the best of my knowledge and belief.

Donzil L. Willis
December 14, 1970
County Clerk

EXHIBIT B.2
Proposed Plat

Universe View Subdivision
Subdivision

PLAT OF
UNIVERSE VIEW SUBDIVISION
 BEING A REPLAT OF LOT 1, BLOCK 8
 UNIT 17, VOLCANO CLIFFS
 SECTION 22, TOWNSHIP 11 NORTH
 RANGE 2 EAST, N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 OCTOBER 2022

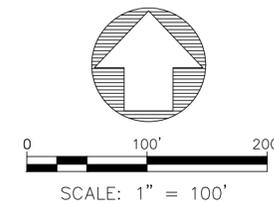


NEW EASEMENTS:

- ① 10' PUBLIC UTILITY EASEMENT (P.U.E.) GRANTED BY THIS PLAT.
- ② 20' DRAINAGE EASEMENT GRANTED BY THIS PLAT.
- ③ 20' PUBLIC SEWER EASEMENT GRANTED BY THIS PLAT.
- ④ 125' DRAINAGE EASEMENT GRANTED BY THIS PLAT.

LEGEND

- FOUND MONUMENT AS NOTED
- SET 18"x1/2" REBAR WITH BLUE PLASTIC CAP MARKED "F&C PS 22909"
- ⊗ CALCULATED CORNER NOT SET
- - - - - EXISTING EASEMENT LINE
- - - - - NEW EASEMENT LINE
- (N90°00'00"E, 100.00') RECORD BEARING & DISTANCE PER PLAT FILED: APRIL 12, 1971, BK. D4, FOLIO 117
- N00°00'00"E, 00.00' MEASURED BEARING & DISTANCE
- ▲ CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC'S, PT'S, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "P.S. NO. 22909"



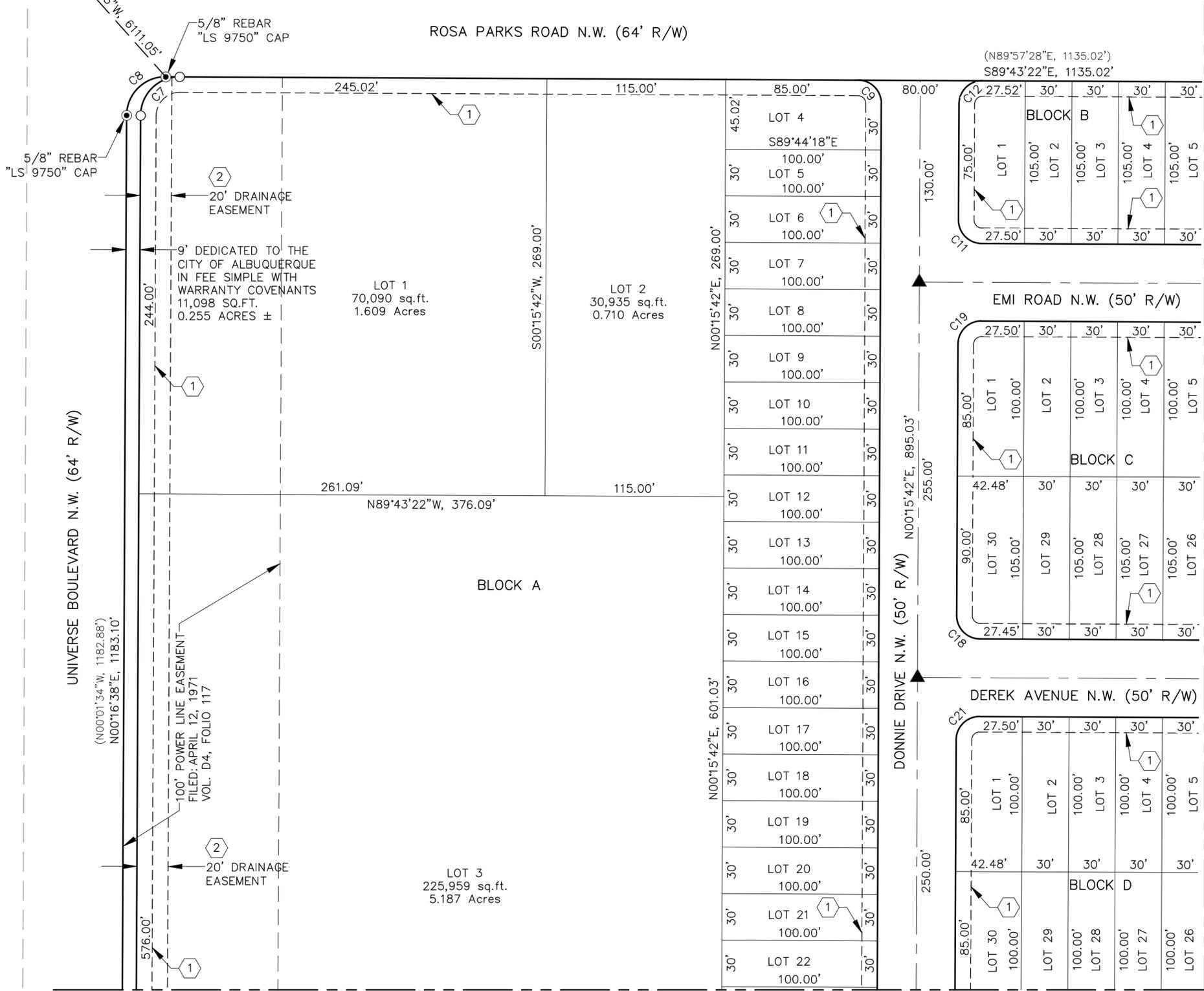


Fierro & Company
 ENGINEERING | SURVEYING
 3201 4th. STREET NW, ALBUQUERQUE, NM 87107
 PH 505.352.8930 www.fierrocompany.com

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PLAT OF
UNIVERSE VIEW SUBDIVISION
 BEING A REPLAT OF LOT 1, BLOCK 8
 UNIT 17, VOLCANO CLIFFS
 SECTION 22, TOWNSHIP 11 NORTH
 RANGE 2 EAST, N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 OCTOBER 2022

ACS MONUMENT "UNION"
 NM STATE PLANE COORDINATES (CENTRAL ZONE)
 PUBLISHED DATA IN NAD 1983
 Y=1523503.475 U.S. SURVEY FEET
 X=1493655.03 U.S. SURVEY FEET
 DELTA ALPHA= -0°16'58.96"
 GROUND TO GRID FACTOR= 0.999669570
 PUBLISHED DATA IN NAVD 1988
 ELEVATION= 5524.95 U.S. SURVEY FEET

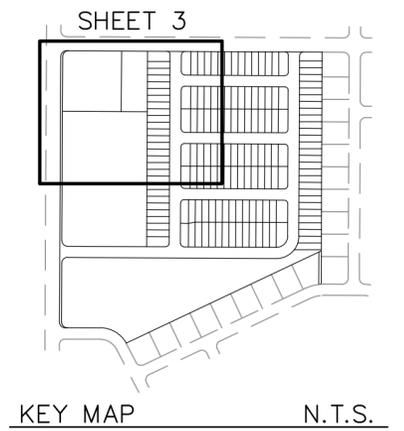
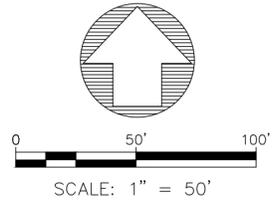


CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C7	39.27	25.00	90°00'00"	S45°16'38"W	35.36
C8	39.27	25.00	90°00'00"	S45°16'38"W	35.36
C9	23.56	15.00	89°59'04"	N44°43'50"W	21.21
C11	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C12	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C18	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C19	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C21	23.57	15.00	90°00'56"	S45°16'10"W	21.22

LOT AREA:

BLOCK	LOT	SQ.FT.	ACRES
BLOCK A	LOT 4	4,453	0.102
	LOTS 5-22	3,000	0.069
BLOCK B	LOT 1	4,367	0.100
	LOTS 2-5	3,150	0.072
BLOCK C	LOT 1	4,201	0.096
	LOTS 2-5	3,000	0.069
	LOT 26-29	3,150	0.072
	LOT 30	4,410	0.101
BLOCK D	LOT 1	4,189	0.963
	LOTS 2-5	3,000	0.069
	LOTS 26-29	3,000	0.069
	LOT 30	4,198	0.096

SEE SHEET 4



SEE SHEET 5

SHEET 3 OF 6

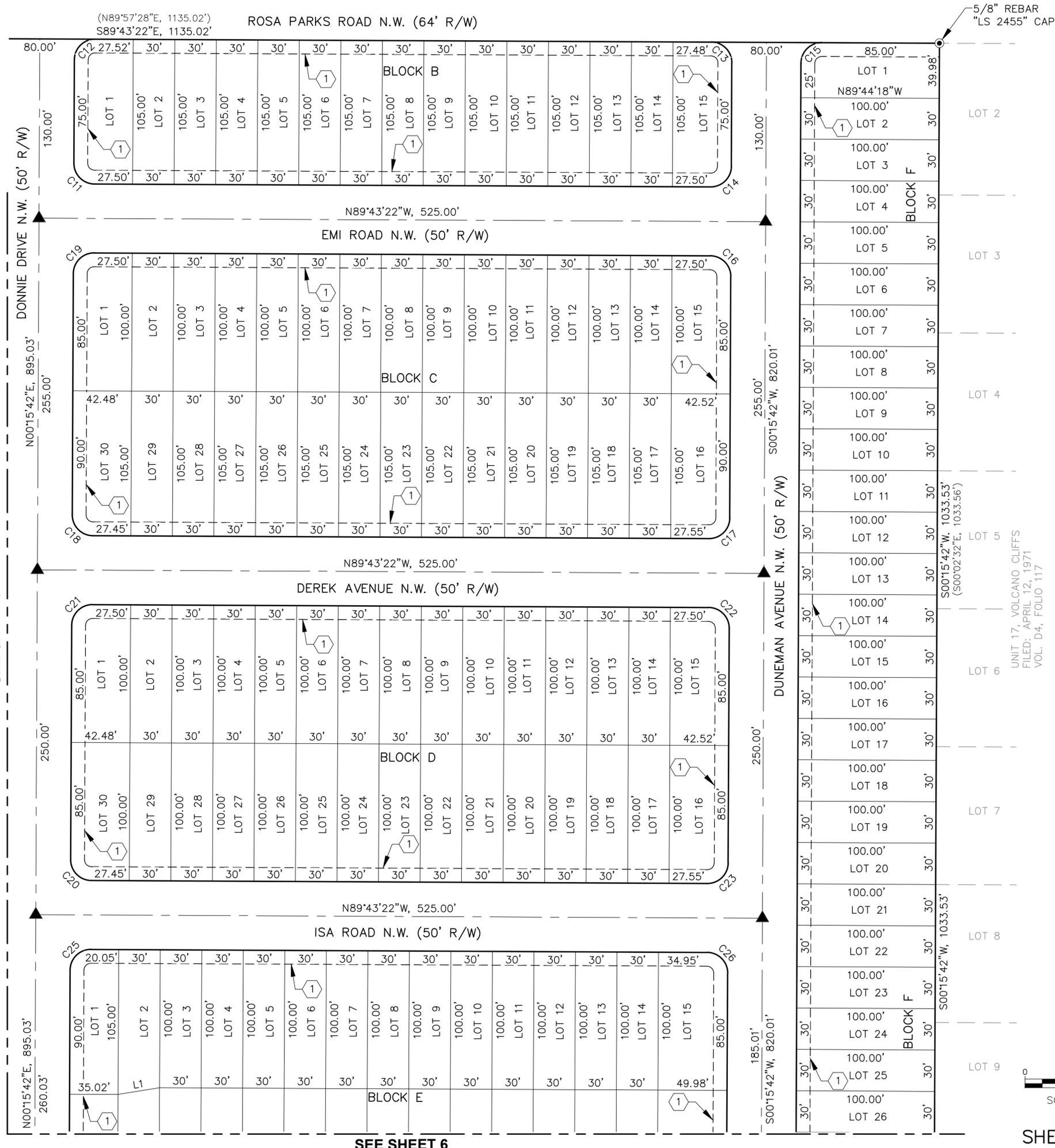
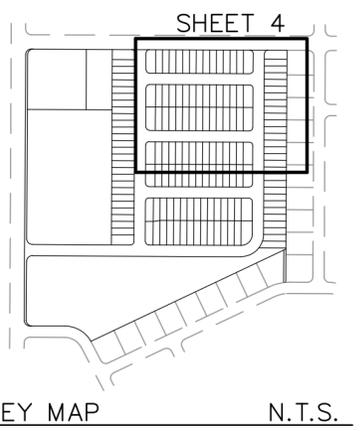
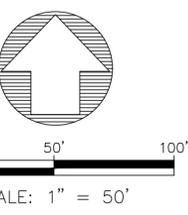
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PLAT OF
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SECTION 22, TOWNSHIP 11 NORTH
RANGE 2 EAST, N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
OCTOBER 2022

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C11	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C12	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C13	23.56	15.00	89°59'04"	N44°43'50"W	21.21
C14	23.57	15.00	90°00'56"	N45°16'10"E	21.22
C15	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C16	23.56	15.00	89°59'04"	N44°43'50"W	21.21
C17	23.57	15.00	90°00'56"	N45°16'10"E	21.22
C18	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C19	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C20	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C21	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C22	23.56	15.00	89°59'04"	N44°43'50"W	21.21
C23	23.57	15.00	90°00'56"	N45°16'10"E	21.22
C25	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C26	23.56	15.00	89°59'04"	N44°43'50"W	21.21

LOT AREA:		
BLOCK	SQ.FT.	ACRES
BLOCK B		
LOT 1	4,367	0.100
LOTS 2-14	3,150	0.072
LOT 15	4,365	0.100
BLOCK C		
LOT 1	4,201	0.096
LOTS 2-14	3,000	0.069
LOT 15	4,203	0.096
LOT 16	4,418	0.101
LOTS 17-29	3,150	0.072
LOT 30	4,410	0.101
BLOCK D		
LOT 1	4,189	0.096
LOTS 2-14	3,000	0.069
LOT 15	4,203	0.096
LOT 16	4,205	0.096
LOTS 17-29	3,000	0.069
LOT 30	4,198	0.096
BLOCK E		
LOT 1	3,631	0.083
LOT 2	3,075	0.071
LOTS 3-14	3,000	0.069
LOT 15	4,948	0.114
BLOCK F		
LOT 1	3,951	0.091
LOTS 2-26	3,000	0.069

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N80°48'54"E	30.41



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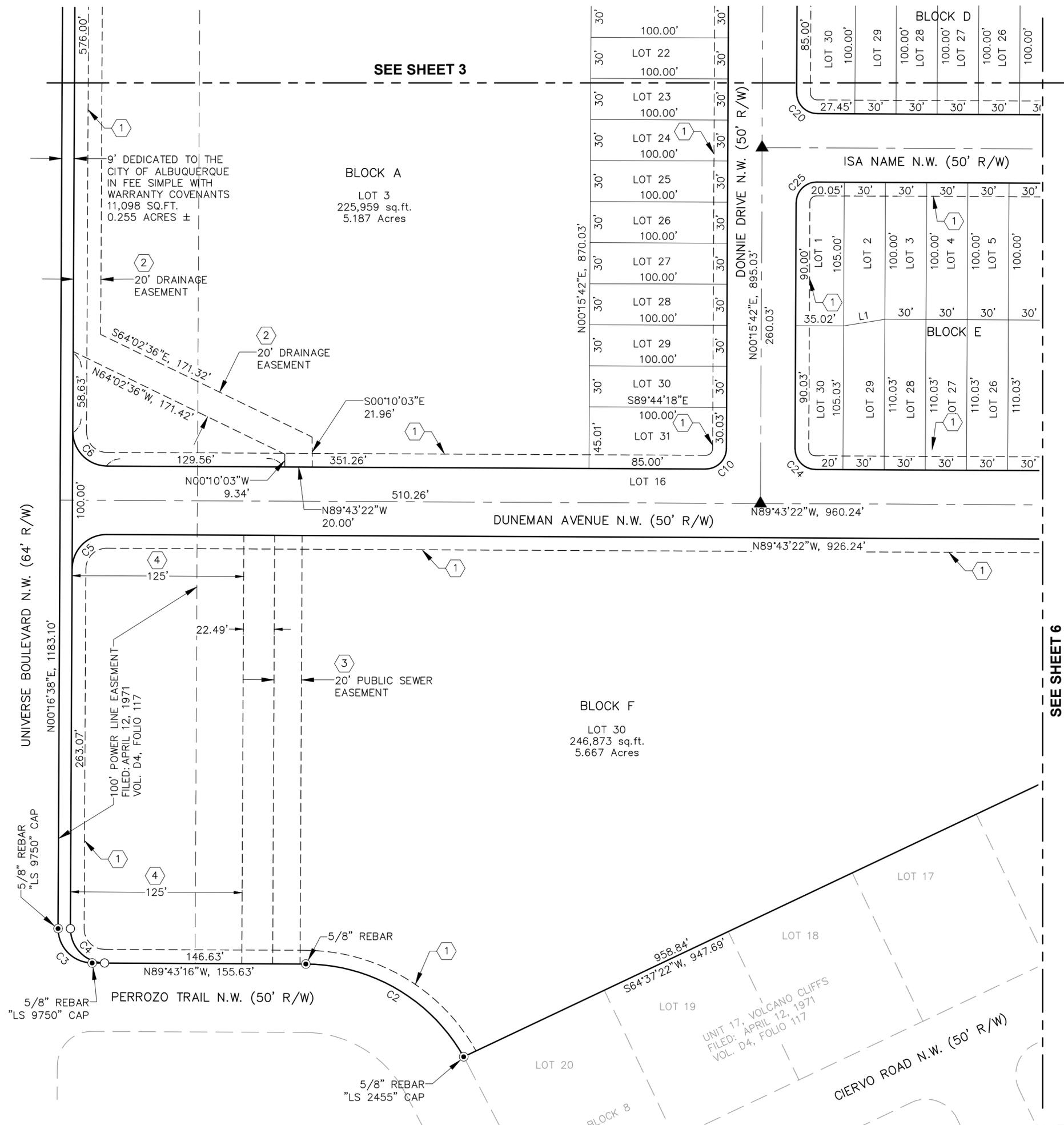
SEE SHEET 3

SEE SHEET 6

SHEET 4 OF 6

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PH 505.352.8930 www.fierrocompany.com

PLAT OF
UNIVERSE VIEW SUBDIVISION
 BEING A REPLAT OF LOT 1, BLOCK 8
 UNIT 17, VOLCANO CLIFFS
 SECTION 22, TOWNSHIP 11 NORTH
 RANGE 2 EAST, N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 OCTOBER 2022

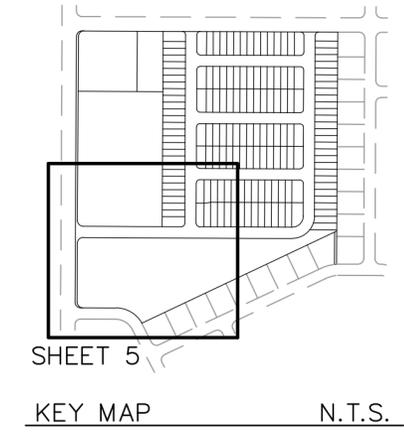
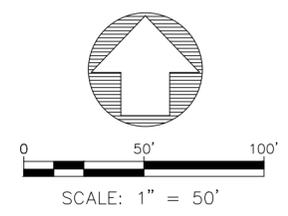


CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C2	139.87	132.54	60°27'58"	N59°29'17"W	133.47
C3	39.27	25.00	89°59'54"	S44°43'19"E	35.35
C4	39.27	25.00	89°59'54"	S44°43'19"E	35.35
C5	39.27	25.00	90°00'00"	S45°16'38"W	35.36
C6	39.27	25.00	90°00'00"	S44°43'22"E	35.36
C10	23.57	15.00	90°00'56"	N45°16'10"E	21.22
C20	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C24	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C25	23.57	15.00	90°00'56"	S45°16'10"W	21.22

LOT AREA:

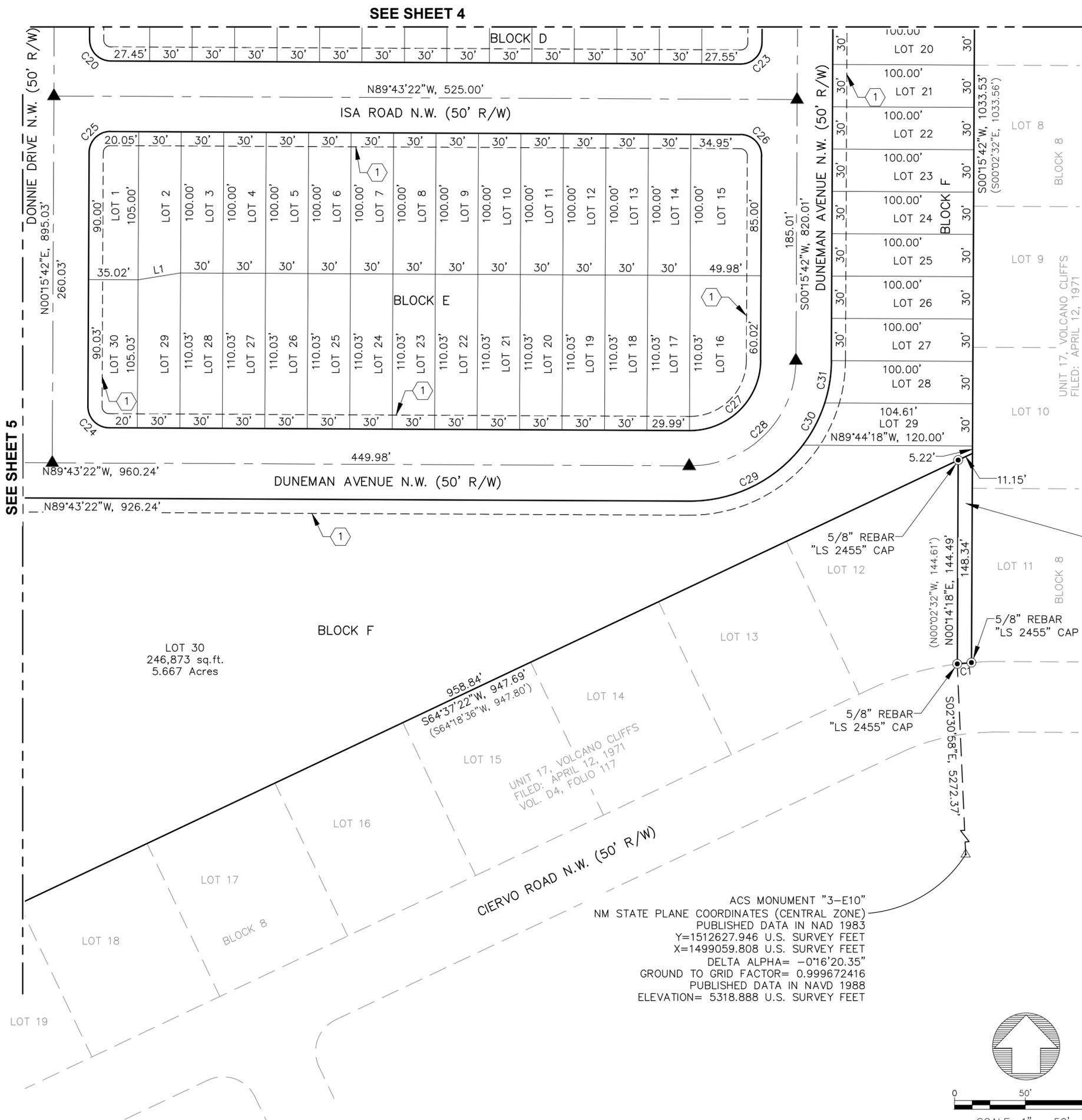
BLOCK	LOTS	SQ.FT.	ACRES
BLOCK A	LOTS 22-30	3,000	0.069
	LOT 31	4,454	0.102
BLOCK D	LOT 30	4,198	0.096
	LOTS 29-26	3,000	0.069
BLOCK E	LOT 1	3,631	0.083
	LOT 2	3,075	0.071
	LOTS 3-5	3,000	0.069
	LOTS 26-28	3,001	0.076
	LOT 29	3,226	0.074
	LOT 30	3,629	0.083



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PLAT OF
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 SECTION 22, TOWNSHIP 11 NORTH
 RANGE 2 EAST, N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 OCTOBER 2022



CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	10.04	200.72	2°52'01"	S84°41'21"W	10.04
C10	23.57	15.00	90°00'56"	N45°16'10"E	21.22
C20	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C23	23.57	15.00	90°00'56"	N45°16'10"E	21.22
C24	23.56	15.00	89°59'04"	S44°43'50"E	21.21
C25	23.57	15.00	90°00'56"	S45°16'10"W	21.22
C26	23.56	15.00	89°59'04"	N44°43'50"W	21.21
C27	78.55	50.00	90°00'56"	N45°16'10"E	70.72
C28	117.83	75.00	90°00'56"	N45°16'10"E	106.08
C29	92.76	100.00	53°08'45"	N63°42'16"E	89.47
C30	33.88	100.00	19°24'44"	N27°25'31"E	33.72
C31	30.47	100.00	17°27'27"	N08°59'25"E	30.35

LINE TABLE

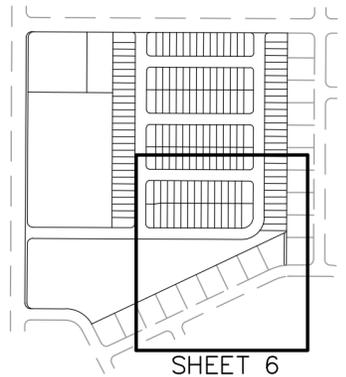
LINE #	BEARING	DISTANCE
L1	N80°48'54"E	30.41

10' DEDICATED TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE WITH WARRANTY COVENANTS 1,467 sq.ft. 0.034 Acres

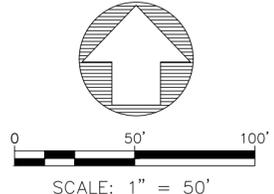
LOT AREA:

BLOCK	LOT	SQ.FT.	ACRES
BLOCK E	LOT 1	4,928	0.113
	LOT 2	3,075	0.071
	LOTS 3-14	3,000	0.069
	LOT 15	4,948	0.114
	LOT 16	4,964	0.114
	LOTS 17-28	3,301	0.076
	LOT 29	3,226	0.074
	LOT 30	3,329	0.083
BLOCK F	LOTS 20-27	3,000	0.069
	LOT 28	3,046	0.070
	LOT 29	3,337	0.077

ACS MONUMENT "3-E10"
 NM STATE PLANE COORDINATES (CENTRAL ZONE)
 PUBLISHED DATA IN NAD 1983
 Y=1512627.946 U.S. SURVEY FEET
 X=1499059.808 U.S. SURVEY FEET
 DELTA ALPHA= -0°16'20.35"
 GROUND TO GRID FACTOR= 0.999672416
 PUBLISHED DATA IN NAVD 1988
 ELEVATION= 5318.888 U.S. SURVEY FEET



KEY MAP N.T.S.





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EXHIBIT C
Serviceability Letter
#220421

November 1, 2022

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City of Albuquerque
Councilor, District 3

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County of Bernalillo
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Mark S. Sanchez

Website
www.abcwua.org

Donnie Duneman
Huitt-Zollars
333 Rio Rancho Dr NW
Suite 101
Rio Rancho, NM 87124-1457

RE: Water and Sanitary Sewer Serviceability Letter #220421
Project Name: Volcano Cliff's Subdivision
Project Address: Southeast corner of Universe Blvd NW and Rosa Parks Road NW
Legal Description: Lot 1, Block 8, Unit 17, Volcano Cliffs Subdivision
UPC: 101006305745520820
Zone Atlas Map: D-10

Dear Mr. Duneman:

Project Description: The subject site is located east of Universe Boulevard, south of Rosa Parks Road, within the City of Albuquerque. The proposed development consists of approximately 30.0 acres and the property is currently zoned MX-L for mixed use, light intensity. The grading plan provided on July 21, 2022, shows that the site has final floor elevations that lie within both pressure zones 3WR and 4W. Service shall be provided based upon the finished floor elevation of 5,373-feet (NAVD88) in which lots below this threshold will be served by 3WR pressure zone while lots above shall be served by 4W pressure zone. The entirety of the development lies within the Volcano Trunk.

The request for availability indicates plans to create approximately 162 townhomes lots, two commercial lots with a pharmacy and a strip retail plaza, and two multi-family apartment complexes with 192 total multifamily units. The development is planned to be phased as follows:

- Phase 1 – Townhomes
 - 1a – Southern development
 - 1b – Northern development
- Phase 2 – Two multifamily developments separated by the proposed Duneman Avenue
- Phase 3 – Two commercial lots

Development Agreement: Pursuant to the System Expansion Ordinance, service to this property shall be subject to a development agreement approved by the Water Authority Board which will establish the conditions for service. Contact Utility Development regarding Development Agreements.

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

- 16-inch ductile iron 4W transmission line (project #26-965.01901-18) along Universe Boulevard. This segment ends at Rosa Parks Road.

- 12-inch PVC 4W distribution line (project #26-965.01901-18) along Universe Boulevard. This segment begins at Rosa Parks Road and continues north, with a 12-inch PVC stub to Rosa Parks Road.
- 24-inch ductile iron 4W transmission line (project #26-7097.83-09) along Unser Boulevard. This line feeds the nearest existing Pressure Reducing Valve (PRV) for Pressure Zone 3WR.
- Pressure Reducing Valve for 4W to 3WR (project #26-7097.83-09) located at the northeast corner of Kimmick Drive and Urraca Street.
- Eight-inch PVC 3WR distribution line (project #26-6933.91-15) along Universe Boulevard, terminating at the intersection of Compass Drive.
- Eight-inch PVC 3WR distribution line (project #26-6933.91-15) along Kimmick Drive at the projected intersection with Perezoso Trail.

Sanitary sewer infrastructure in the area consists of the following:

- 15-inch PVC sanitary sewer interceptor (project #26-7669.81) along Universe Boulevard.

Water Service: New metered water service to the property can be provided contingent upon a developer funded project to extend the following water distribution mains:

- 3WR Pressure System
 - An eight-inch public water distribution main from the terminus of the existing eight-inch main at the intersection of Compass Drive and Universe Boulevard. This extension shall run north to the intersection of Universe Boulevard and Perezoso Trail.
 - An eight-inch public water distribution main from the above-described extension terminus at Perezoso Trail and Universe Boulevard, southeasterly along Perezoso Trail, until crossing Unser Boulevard and connecting to the existing eight-inch distribution line along Kimmick Drive.
 - A 12-inch from the intersection of Universe Boulevard and Perezoso Trail, connecting to both the above described eight-inch extensions. This extension shall run northerly along Universe Boulevard to the intersection with Rosa Parks Road.
 - A 12-inch from the intersection of Universe Boulevard and Rosa Parks Road, easterly along Rosa Parks Road such that the frontage of the subject parcel is covered.
 - An eight-inch public distribution network internal to the subject parcel, such that each subdivided lot can be provided a routine perpendicular service connection. This network shall include at least one additional looped connection from the proposed eight-inch distribution main in Perezoso Trail to the proposed 12-inch distribution main in Rosa Parks Road. This network shall service all lots with finished floor elevations below 5373-feet. Please note this shall not loop or connect to any of the proposed 4W infrastructure.

- Currently, there is no reservoir providing dedicated storage to the 3WR Pressure zone in the Volcano Trunk. The required Development Agreement for this project may include a Facility Fee to account for this project's proportionate share of providing the reservoir for this pressure zone and trunk.
- 4W Pressure System
 - A 12-inch from the intersection of Universe Boulevard and Rosa Parks Road, easterly along Rosa Parks Road such that the frontage of the subject parcel is covered.
 - An eight-inch looped system shall extend from the 12-inch line above to service all residential lots and commercial lots that have finished floor elevations at or above 5373-feet. Please note this shall not loop or connect to any of the proposed 3WR infrastructure.

Upon completion of the infrastructure construction, the development may receive service via routine connection to the proposed distribution mains. Lots with finished floor elevation below 5,373-feet (NAVD 88) shall be served from 3WR lines while lots above 5,373-feet (NAVD) shall connect to the 4W pressure system. Connection to the existing 16-inch transmission main within Universe Boulevard is prohibited. 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 a sanitary sewer collector system from manhole D10-202 at the 15-inch interceptor main in Universe Boulevard. The extension shall run east along Perezoso Trail, covering the subject site's frontage on Perezoso Trail. The extension shall then run northerly through the subject parcel such that each subdivided lot can be provided a perpendicular service connection. Additionally, an extension shall be made to service the commercial lots along Rosa Parks Road. The diameter shall be a minimum of eight-inch, with the final sizing confirmed with a basin analysis during the construction plan review phase. Construction of this required infrastructure may be phased, in accordance with a phasing plan approved by the Water Authority.

Additional direct connections to the 15-inch interceptor along Universe Boulevard are prohibited. 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.

Fire Protection: From the Fire Marshal's requirements, the greatest instantaneous fire flow requirement for the project is 2,500 gallons-per-minute. The structure for this requirement is at the upper end of the pressure zone. Between one and three fire hydrants are required depending on the specific use being analyzed. There are no existing hydrants available and 16 new hydrants are proposed with this project. As modeled using InfoWater™ computer software, the fire flow can be met with the required infrastructure noted in the Water Service section. Analysis was performed by simulating the required fire flow at three nodes representing the proposed onsite hydrants surrounding proposed building C2, which had the fire flow requirement of 2,500 gallons per minute.

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 - Residential: Any residential premises having existing private wells and who desire to connect to the public water system shall have two options as follows:

1. Customers shall permanently abandon the use of private wells by plugging the wells as accepted by the Water Authority prior to connecting to the public water system; or
2. Customers who choose to maintain their private wells shall completely sever the private well from the premises' potable plumbing system and shall install a reduced pressure principle backflow prevention assembly approved by the Water Authority at the terminal end of the water service from the public water system (e.g., service connection).

Any multi-family dwelling including a clubhouse and/or office is required to have a reduced pressure backflow prevention device for containment. If metered separately, the building that includes a clubhouse and/or office shall have a reduced pressure backflow prevention device.

Contact Cross Connection at (505) 289-3454, for James Baca, or (505) 289-5465, for Gilbert Paris, for more information.

Cross Connection Prevention – Non-Residential: 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 – FOG Use: 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.

No side yard easements are allowed for public Water Authority infrastructure. Rather a separate tract shall be created (owned by a Home Owner's Association) with an easement granted to the Water Authority for the public waterline and/or public sanitary sewer line.

Pro Rata: As described in this statement, the extension of public water and sanitary sewer lines may be eligible for partial reimbursement through the Pro Rata process as detailed in the Water Authority Water and Wastewater System Expansion Ordinance.

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.

UECs associated with multi-family are determined by the criteria set forth in the Water Authority Rate Ordinance, which is amended from time to time. These specific UECs take into account the number of units within the multi-family development. If the multi-family development includes other amenities such as a clubhouse, fitness center or leasing office that will be metered separately, UECs for these amenities will not be charged as they are included in the multi-family UEC calculation. UECs associated with

irrigation meters are not included in the multi-family calculation and shall be paid accordingly.

The Rate Ordinance does provide an opportunity for UEC discounts for low income housing developments. If the development qualifies for these discounts, the developer will be required to provide documentation as stated in the Rate Ordinance. Furthermore, if the development includes both low income and market rate apartments, the same requirements set forth in the Rate Ordinance shall be adhered to.

Water Resource Charge (WRC): This development 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.

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

Water Use – Residential: All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Where available, outdoor water usage shall utilize reclaimed water.

Water Use - Commercial: 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,

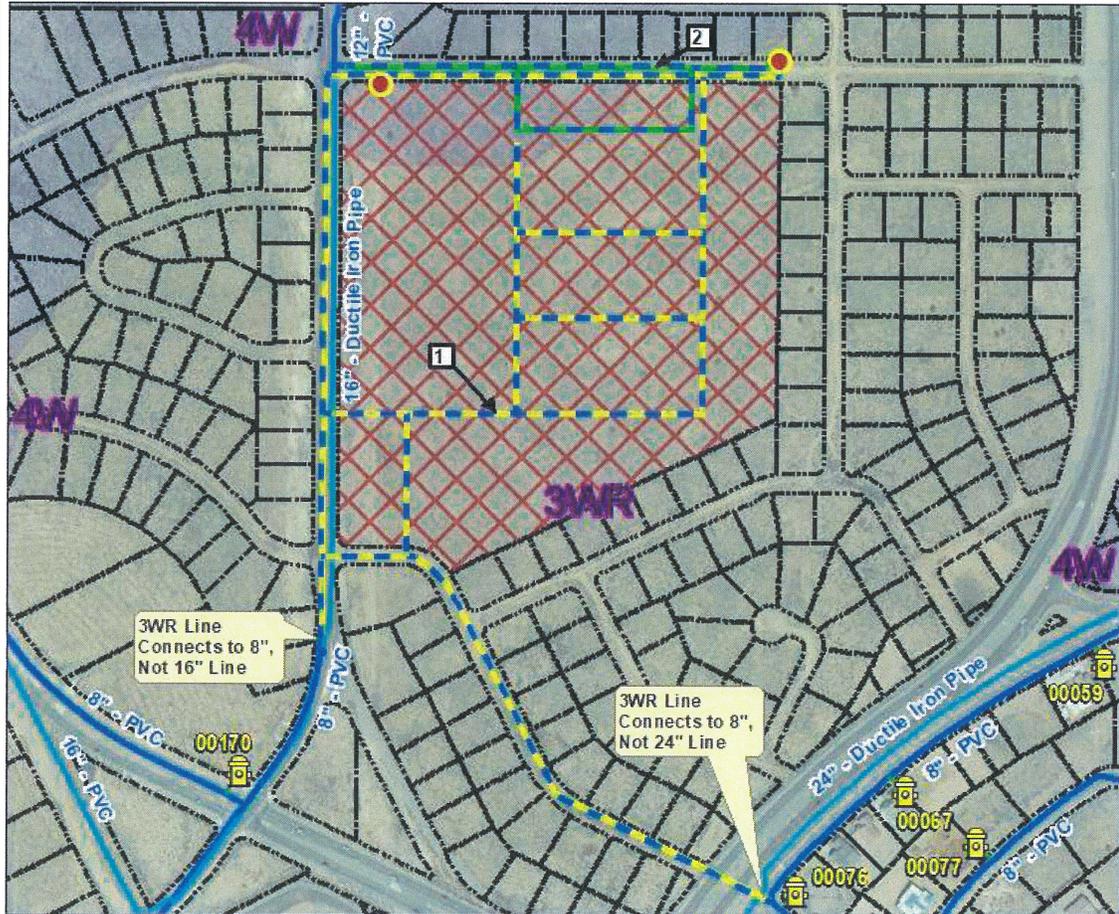


Mark S. Sanchez
Executive Director

Enclosures: Infrastructure Maps

f/ **Serviceability Letter #220421**

220421 - Water



Legend

0 750 1,500 Feet

Hydrant

Project Location

Water Pipe

Subtype

- Distribution Line
- Hydrant Leg
- In Zone Transmission

Pressure Zone Boundary

- 3WR
- 4W

Base Map City

Fire Flow Analysis Points

Analysis Point (2)

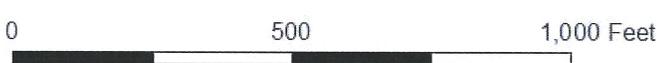
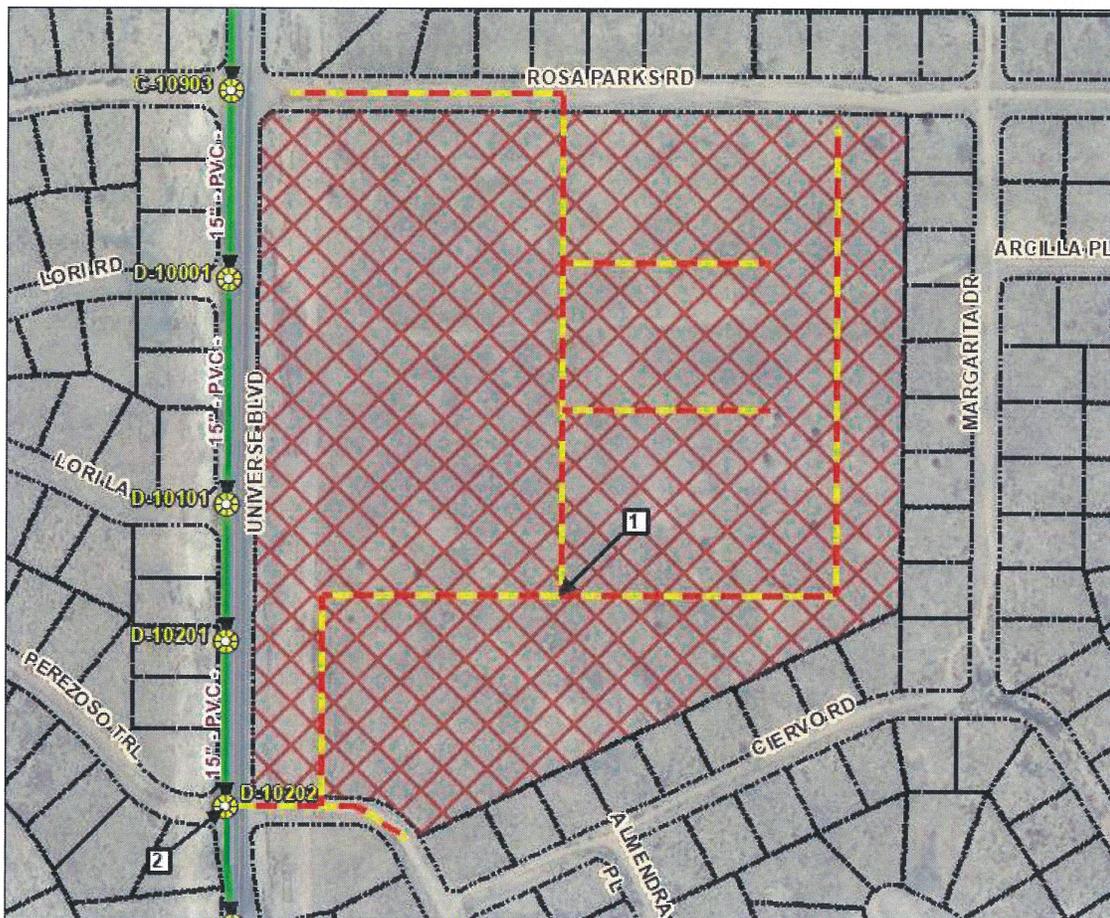
--- General Map Keyed Notes

1 - Water Line Extension - 3WR Pressure Zone

2 - Water Line Extension - 4W Pressure Zone



220421 - Sanitary Sewer



Legend

- | | |
|---|---|
|  Sewer Manhole |  Project Location |
| Sewer Pipe |  Base Map City |
| Subtype |  --- General Map Keyed Notes |
|  INTERCEPTOR | 1 - Proposed Sanitary Sewer Extension |
| | 2 - Existing Sanitary Sewer Manhole #D10-202 |

