



Meeting Date: August 21, 2024
Staff Contact: Kristopher Cadena, Chief Engineer, Utility Development

TITLE: R-24-17 – Authorizing an Agreement for Water and Sewer Service for McMahon Commons

ACTION: Recommend Approval

SUMMARY:

The development is located along the south side of McMahon Boulevard, between Universe Boulevard and Kayenta Boulevard, within the city limits. The proposed development consists of approximately 5.9 acres being subdivided into four (4) separate tracts for retail developments.

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

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

FISCAL IMPACT:

None.

- 1 Section 4. The Executive Director is authorized to enter into the agreement with
- 2 Aces and Eights Development, LLC for the provision of water and sewer service.

Vendor: Aces and Eights Development, LLC

Name of Person Filling out the Analysis: Randall Carroll

Name/Phone# of Project Manager: Randall Carroll / (505) 322-4784

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 ABCWUA water and sewer service to four (4) separate retail developments outside the Established Service Area.

3. Why is it needed?

The project is located outside of the Established Service Area and ABCWUA mains need to be extended to serve this project. The 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 four (4) separate retail developments will not receive service and will not be constructed.

DEVELOPMENT AGREEMENT
McMahon Commons

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

1. Recitals

- A.** Aces and Eights Development, LLC is the “Developer” and owner of certain real property located in McMAHON COMMONS 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 Established Service Area.
- B.** The legal description for the property is: Tract lettered "A" of McMAHON COMMONS SUBDIVISION. The proposed legal description for the property is: Tract A-1, Tract A-2, Tract A-3 and Tract A-4 of McMahon Commons. The Property is more particularly described and shown on **Exhibit B.1** attached hereto and incorporated herein by reference.
- C.** The Property will develop as The proposed development consists of approximately 5.9 acres being subdivided into four (4) separate retail developments.
- D.** The Property is located in Pressure Zone 4W 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.

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 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.

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.

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:

Aces and Eights Development, LLC
Simon Haynes, Manager
P.O. Box 9043, Albuquerque, NM 87119

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**

**Aces and Eights Development, LLC,
a New Mexico limited liability
corporation**

By: _____
Mark S. Sanchez
Executive Director

By: 
Simon Haynes
Manager

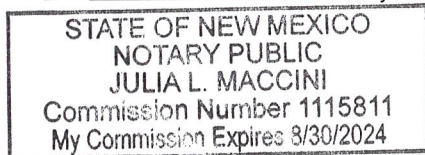
Date: _____

Date: July 10, 2024

ACKNOWLEDGEMENTS

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 10th day of
July, 2024, by Simon T. Haynes [name]
Manager, [title] of Aces and Eights Development, LLC
[company name], a New Mexico limited liability company [type of entity], on behalf of said
company.




Notary Public

My Commission Expires:
8/30/2024

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

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.

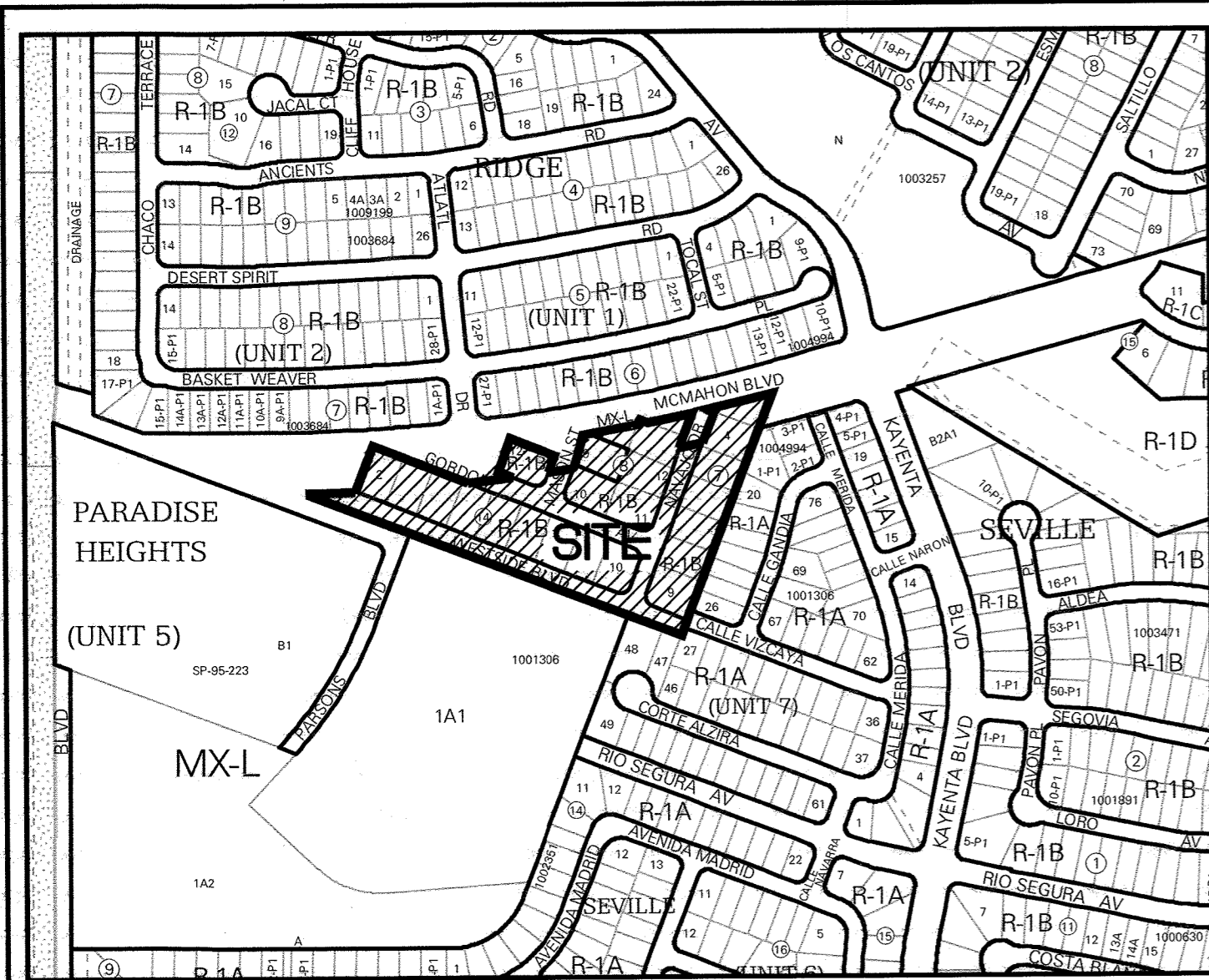
Notary Public

My Commission Expires:

EXHIBIT A
Zone Atlas Map A10

EXHIBIT B.1
Existing Plat

McMAHON COMMONS
SUBDIVISION



Vicinity Map - Zone Atlas A-10-Z

Documents

- 1. TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE, HAVING FILE NO. 1707955 AND AN EFFECTIVE DATE OF FEBRUARY 9, 2018.
2. TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE, HAVING FILE NO. O-SPO00055585 AND AN EFFECTIVE DATE OF JULY 16, 2019.
3. PLAT OF RECORD FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 12, 1973 IN VOLUME D5, FOLIO 112.
4. PLAT OF TRACT L, M, AND N, ANASAZI RIDGE UNIT 1 FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON JUNE 29, 2006 IN BOOK 2006C, PAGE 207.
5. WARRANTY DEED FILED THE BERNALILLO COUNTY CLERK'S OFFICE ON JULY 16, 2019 AS DOCUMENT NO. 2019059297.
6. SPECIAL WARRANTY DEED FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE MARCH 9, 2018 AS DOCUMENT NO. 2018020933.

DOCH 2020077979

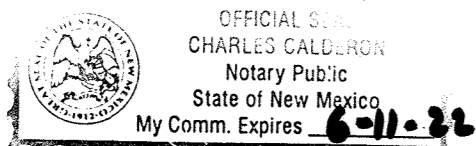
09/17/2020 10:11 AM Page: 1 of 3
PLAT R: \$25.00 B: 2020C P: 0076 Linda Stover, Bernalillo County

Free Consent and Dedication

THE SUBDIVISION HEREON DESCRIBED IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND/OR PROPRIETOR(S) THEREOF WHO HEREBY GRANT THE PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICE FOR DISTRIBUTION LINES, CONDUITS AND PIPES. INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION, INSPECTION, AND MAINTENANCE, AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DOES HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY DEDICATE ADDITIONAL PUBLIC RIGHT OF WAY SHOWN HEREON TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE.

Signature of Michael Fietz, Managing Member, Westway Homes, LLC. Date: 1/27/2020

STATE OF NEW MEXICO
COUNTY OF Sandoval



THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 27th January, 2020 BY: MICHAEL FIETZ, MANAGING MEMBER, WESTWAY HOMES, LLC

By: [Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES June 11, 2022

Indexing Information

Projected Section 3, Township 11 North, Range 2 East, N.M.P.M. Town of Alameda Grant
Subdivision: Paradise Heights Unit 5 (Lots 4-9, Block 7, Lots 10, 11, and 13, Block 8, Lot 12, Block 9, and Lots 2-10, Block 14)
Anasazi Ridge Unit 1 (Tracts L, M, and N)
Owner: Westway Homes LLC
UPC #: 101006614331520906 (Tract L)
101006615831820905 (Tract M)
101006617632121135 (Tract N)
101006617531721136 (Lot 4, Block 7)
101006617231021137 (Lot 5, Block 7)
101006616930221138 (Lot 6, Block 7)
101006616629521139 (Lot 7, Block 7)
101006616428821140 (Lot 8, Block 7)
101006616027821141 (Lot 9, Block 7)
101006613930520901 (Lot 10, Block 8)
101006615030020902 (Lot 11, Block 8)
101006615631620904 (Lot 13, Block 8)
101006612331020802 (Lot 12, Block 9)
101006608630721002 (Lot 2, Block 14)
101006609430521003 (Lot 3, Block 14)
101006610030221004 (Lot 4, Block 14)
101006610929921005 (Lot 5, Block 14)
101006611529621006 (Lot 6, Block 14)
101006612229321007 (Lot 7, Block 14)
101006613029121008 (Lot 8, Block 14)
101006613928821009 (Lot 9, Block 14)
101006614628521010 (Lot 10, Block 14)

Purpose of Plat

- 1. SUBDIVIDE AS SHOWN HEREON.
2. DEDICATE RIGHT-OF-WAY AS SHOWN HEREON.
3. GRANT EASEMENT(S) AS SHOWN HEREON.
4. VACATE EASEMENT(S) AS SHOWN HEREON.
5. VACATE RIGHT-OF-WAY AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE, 7.1015 ACRES
ZONE ATLAS PAGE NO. A-10-Z
NUMBER OF EXISTING LOTS. 21
NUMBER OF LOTS CREATED. 1
MILES OF FULL-WIDTH STREETS. 0 MILES
MILES OF HALF-WIDTH STREETS. 0 MILES
RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE. 1.1806 ACRES
DATE OF SURVEY. JANUARY 2020

Notes

- 1. FIELD SURVEY PERFORMED IN AUGUST 2019.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
4. LOT LINES TO BE ELIMINATED SHOWN HEREON AS
5. LOTS 9 AND 12, BLOCK 8, WERE ACQUIRED BY THE CITY OF ALBUQUERQUE FOR THE PURPOSE OF THE RIGHT OF WAY OF MCMAHON BLVD. NW. PER THE CITY OF ALBUQUERQUE REAL PROPERTIES.
6. AREA OF WESTSIDE BLVD NW, NAVAJO DR. NW, GORDON AVE NW AND THOSE PORTIONS OF LOT 9 AND 12, BLOCK 8 (SEE NOTE 5) TO BE VACATED BY THIS PLAT IS 2.4573 ACRES (107,042 SQ FT.) MORE OR LESS.

Bulk Land Variance Note

THE PLAT FOR TRACTS A, MCMAHON COMMONS SUBDIVISION, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, HAS BEEN GRANTED A VARIANCE OR WAIVER FROM CERTAIN SUBDIVISION REQUIREMENTS.

FUTURE SUBDIVISION OF LANDS WITHIN THIS PLAT, ZONING SITE DEVELOPMENT PLAN APPROVALS, AND DEVELOPMENT PERMITS MAY BE CONDITIONED UPON DEDICATION OF RIGHTS-OF-WAY AND EASEMENTS, AND/OR UPON INFRASTRUCTURE IMPROVEMENTS BY THE OWNER OF WATER, SANITARY SEWER, STREETS, DRAINAGE, GRADING AND PARKS IN ACCORDANCE WITH CURRENT RESOLUTIONS, ORDINANCES AND POLICIES IN EFFECT AT THE TIME FOR ANY SPECIFIC PROPOSAL.

THE CITY AND AMAFCA (WITH REFERENCE TO DRAINAGE) MAY REQUIRE AND/OR PERMIT EASEMENTS TO BE ADDED, MODIFIED OR REMOVED WHEN FUTURE PLATS AND/OR SITE DEVELOPMENT PLANS ARE APPROVED.

BY ITS APPROVAL OF THIS SUBDIVISION, THE CITY MAKES NO REPRESENTATION OR WARRANTIES AS TO AVAILABILITY OF UTILITIES, OR FINAL APPROVAL OF ALL REQUIREMENTS INCLUDING (BUT NOT LIMITED TO) THE FOLLOWING ITEMS: WATER AND SANITARY SEWER AVAILABILITY; FUTURE STREET DEDICATIONS AND/OR IMPROVEMENTS; AND EXCAVATION, FILLING OR GRADING REQUIREMENTS. ANY PERSON INTENDING DEVELOPMENT OF LANDS WITHIN THIS SUBDIVISION IS CAUTIONED TO INVESTIGATE THE STATUS OF THESE ITEMS.

AT SUCH TIME AS ALL SUCH CONDITIONS HAVE BEEN SATISFACTORILY MET, THE CITY ENGINEER SHALL APPROVE A RESTORABLE DOCUMENT, REMOVING SUCH CONDITIONS FORM ALL OR FROM A PORTION OF THE AREA WITHIN THE SUBJECT SUBDIVISION.

IN SIGNING THIS PLAT, THE OWNER HEREBY ACKNOWLEDGES THAT BUILDING PERMITS CAN NOT BE ISSUED BEFORE FURTHER SUBDIVISION AND THAT RECORDING OF THE FINAL SUBDIVISION PLAT FOR THE SUBJECT AREA HAS BEEN COMPLETED.

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND

PAID ON UPC #: 101006614331520906
101006615831820905
101006617632121135
101006617531721136
101006617231021137
101006616930221138
101006616629521139
101006616428821140
101006616027821141
101006613930520901
101006615030020902
101006615631620904
101006612331020802
101006608630721002
101006609430521003
101006610030221004
101006610929921005
101006611529621006
101006612229321007
101006613029121008
101006613928821009
101006614628521010

PROPERTY OWNER OF RECORD
Westway Homes LLC
BERNALILLO COUNTY TREASURER'S OFFICE

Bulk Land Plat for McMahon Commons Being Comprised of

Tracts L, M, and N, Anasazi Ridge Unit 1, Lots 4 thru 9, Block 7, Portions of Lots 9 and 12 and Lots 10, 11, and 13, Block 8 and Lot 12, Block 9, and Lots 2 thru 10, Block 14
Paradise Heights Unit 5 and Portions of Vacated rights-of-way for Westside Boulevard N.W., Navajo Drive N.W. and Gordon Ave. N.W.
City of Albuquerque
Bernalillo County, New Mexico
February 2020

Project Number: PR-2018-001499

Application Number: VA-2020-00026

Plat Approvals:

Ritz 2/12/2020
PNM Electric Services
Dan Durbin 2/12/2020
Qwest Corp. /b/a CenturyLink QC 2/7/2020
New Mexico Gas Company 2/10/20

City Approvals:

Foran M. Reinboers P.S. 1/27/2020
City Surveyor
Jim Miller 2-5-20
Traffic Engineer
Kristopher Cadena 02-10-20
ABQWA 2.5.20
Code Enforcement
Nicole Friedt 2/12/2020
AMAFCA 2-5-2020
City Engineer
Parks and Recreation 02-05-2020
DRB Chairperson, Planning Department 5-15-2020
Real Property 5-12-2020

Surveyor's Certificate

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

Will Plotner Jr. 1/24/2020
Date
N.M.R.P.S. No. 14271

CSI-CARTESIAN SURVEYS INC.

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



Legend

N 90°00'00" E	MEASURED BEARINGS AND DISTANCES	●	FOUND MONUMENT AS INDICATED
[N 90°00'00" E]	RECORD BEARINGS AND DISTANCES PER PLAT ENTITLED ANASAZI RIDGE UNIT 1 (6/29/2006, 2006C-207)	○	SET BATHEY MARKER "LS 14271" UNLESS OTHERWISE NOTED
[(N 90°00'00" E)]	RECORD BEARINGS AND DISTANCES PER PLAT OF RECORD (2/26/2004, 2004C-63)	△	FOUND CENTERLINE MONUMENT AS INDICATED
{(N 90°00'00" E)}	RECORD BEARINGS AND DISTANCES PER PLAT OF RECORD (3/16/2007, 07C-67)		
{N 90°00'00" E}	RECORD BEARINGS AND DISTANCES PER PLAT OF RECORD (3/12/1973, D5-112)		

Easement Notes

- 5' PUE (TYP.) 7' PUE (TYP.) (3/12/1973, D5-112) VACATED BY THE FILING OF THIS PLAT
- 50' FLOATING ACCESS EASEMENT TO BE THROUGH FUTURE DRIVE AISLES OR TO BE DEFINED THROUGH FUTURE DRIVE AISLES OR STREETS BENEFITING TRACT 1-A-1, SEVILLE, UNTIL SUCH TIME THAT THE PROPERTY MAY HAVE EITHER DIRECT OR INDIRECT ACCESS FROM OTHER FUTURE DEVELOPMENT OR STREETS TO BE MAINTAINED BY THE OWNER OF TRACT A, GRANTED WITH THE FILING OF THIS PLAT

**Bulk Land Plat for
McMahon Commons**

Being Comprised of
 Tracts L, M, and N, Anasazi Ridge Unit 1,
 Lots 4 thru 9, Block 7, Portions of Lots 9 and 12 and
 Lots 10, 11, and 13, Block 8 and Lot 12, Block 9,
 and Lots 2 thru 10, Block 14
 Paradise Heights Unit 5 and Portions of Vacated
 rights-of-way for Westside Boulevard N.W., Navajo Drive
 N.W. and Gordon Ave. N.W.
 City of Albuquerque
 Bernalillo County, New Mexico
 February 2020

Public Utility Easements

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

- 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.
- 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.
- 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.
- Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

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

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

ACS Monument "6-A9"
 NAD 1983 CENTRAL ZONE
 X=1495079.775*
 Y=1531949.235*
 Z=5461.677* (NAVD 1988)
 G-G=0.999666320
 Mapping Angle=-0°16'49.93"

*U.S. SURVEY FEET

Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	1163.62'	5078.01'	13°07'45"	1161.07'	N 82°07'53" E
C2	136.39'	5078.01'	1°32'20"	136.38'	N 87°55'36" E
C3	281.44'	5078.01'	3°10'32"	281.40'	S 85°34'10" W
C4	108.50'	5078.01'	1°13'27"	108.50'	N 83°22'11" E
C5	57.42'	5078.01'	0°38'52"	57.42'	N 81°22'44" E
C6	34.19'	5078.01'	0°23'09"	34.19'	S 80°51'44" W
C7	155.25'	5078.01'	1°45'06"	155.25'	N 79°47'37" E
C8	126.32' [125.91']	5000.01' [5000.00']	1°26'51"	126.32'	N 79°39'38" E
C9	114.99' [114.59']	5000.01' [5000.00']	1°19'04"	114.99'	N 77°57'40" E
C10	59.81'	5078.01'	0°40'29"	59.81'	N 77°32'46" E
C11	168.65' [168.71']	5000.01' [5000.00']	1°55'57"	168.65'	N 75°53'56" W
C12	145.51'	5078.01'	1°38'30"	145.50'	S 76°23'16" W
C13	91.65'	5078.01'	1°02'03"	91.65'	S 78°24'02" W
C14	93.47'	5078.01'	1°03'17"	93.47'	S 82°13'49" W

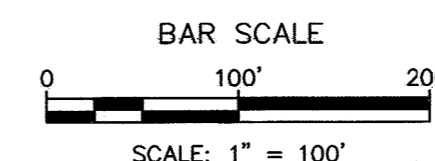
Line #	Direction	Length (ft)
L1	S 19°28'54" W [(S 20°50'22" W)]	52.88' [(53.00)]
L2	N 69°11'19" W	7.16'
L3	N 20°48'41" E	120.00'
L4	N 69°11'19" W	37.93'
L5	N 20°49'38" E [(S 20°50'24" E)]	90.03' [(90.00)]
L6	S 69°10'22" E [(S 69°09'36" E)]	120.00' [(119.92)]
L7	S 20°49'38" W	45.28'
L8	N 20°49'38" E	17.07'
L9	S 69°11'19" E	29.62'
L10	N 69°11'19" W	150.73'
L11	N 20°49'38" E [N 20°50'24" E]	14.66' [14.80']
L12	S 69°11'19" E [S 69°09'36" E]	23.42' [23.63']
L13	S 20°49'38" W [S 20°49'18" W]	93.25'
L14	N 20°49'38" E	81.63'
L15	N 69°09'57" W	18.27'
L16	S 20°49'38" W [S 20°49'18" W]	95.90' [96.61]

ABCWUA Note

THE INSTALLATION OF PUBLIC WATERLINE AND PUBLIC SANITARY SEWER WILL BE REQUIRED AS A CONDITION OF FUTURE DEVELOPMENT APPROVAL, ONCE THE WATER SERVICE, FIRE PROTECTION AND SANITARY SEWER SERVICE REQUIREMENTS OF ANY FUTURE DEVELOPMENT IS KNOWN.

DOCH 2020077979

09/17/2020 10:11 AM Page 2 of 3
 PLAT # 2020077979 B. 2020077979 Linda Stover, Bernalillo County



2020C-76

(2)

Legal Description

TRACTS L, M, & N OF THE PLAT FOR ANASAZI RIDGE UNIT 1, WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTION 3, TOWNSHIP 11 NORTH, RANGE 2 EAST, NMPM, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID ADDITION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON JUNE 29, 2006, IN PLAT BOOK 2006C, PAGE 207, AS NO. 2006096076.

AND

LOTS NUMBERED FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8) AND NINE (9) IN BLOCK NUMBERED SEVEN (7); PORTIONS OF LOTS NUMBERED NINE (9) AND TWELVE (12) AND ALL OF LOTS NUMBERED TEN (10), ELEVEN (11) AND THIRTEEN (13) IN BLOCK NUMBERED EIGHT (8); LOT NUMBERED TWELVE (12) IN BLOCK NUMBERED NINE (9) AND LOTS NUMBERED TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9) AND TEN (10) IN BLOCK NUMBERED FOURTEEN (14) OF PARADISE HEIGHTS UNIT 5, AS THE SAME ARE SHOWN AND DESIGNATED ON SAID PLAT FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 12, 1973 IN VOLUME D5, FOLIO 112 AND VACATED RIGHTS-OF-WAY FOR WESTSIDE BLVD. NW, NAVAJO DR. NW AND GORDON AVE NW.

ALL DESCRIBED TOGETHER BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, ALSO BEING A POINT ON THE SOUTH RIGHT OF WAY OF MCMAHON BOULEVARD NW, MARKED BY A PK NAIL "LS 7719", WHENCE A TIE TO ACS MONUMENT "6-A9", BEARS S 77°29'25" W, A DISTANCE OF 3385.35 FEET;

THENCE, FROM THE POINT OF BEGINNING, COINCIDING SAID MCMAHON BLVD. NW RIGHT-OF-WAY THE FOLLOWING 24 COURSES:

136.39 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5078.01 FEET, A DELTA OF 01°32'20", AND A CHORD BEARING OF N 87°55'36" E, A DISTANCE OF 136.38 FEET, TO AN ANGLE POINT;

N 69°11'19" W, A DISTANCE OF 7.16 FEET TO AN ANGLE POINT;

N 20°48'41" E, A DISTANCE OF 120.00 FEET TO AN ANGLE POINT;

S 69°11'19" E, A DISTANCE OF 261.69 FEET TO AN ANGLE POINT BEING A POINT OF CURVATURE;

108.50 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5078.01 FEET, A DELTA OF 01°13'27", AND A CHORD BEARING OF N 83°22'11" E, A DISTANCE OF 108.50 FEET TO AN ANGLE POINT;

N 69°11'19" W, A DISTANCE OF 37.93 FEET TO AN ANGLE POINT;

N 20°49'38" E, A DISTANCE OF 90.03 FEET TO AN ANGLE POINT;

S 69°10'22" E, A DISTANCE OF 120.00 FEET TO AN ANGLE POINT;

S 20°49'38" W, A DISTANCE OF 45.28 FEET TO AN ANGLE POINT BEING A POINT OF CURVATURE;

57.42 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5078.01 FEET, A DELTA OF 00°38'52", AND A CHORD BEARING OF N 81°22'44" E, A DISTANCE OF 57.42 FEET TO AN ANGLE POINT;

N 20°49'38" E, A DISTANCE OF 17.07 FEET TO AN ANGLE POINT;

S 69°11'19" E, A DISTANCE OF 29.62 FEET TO AN ANGLE POINT BEING A POINT OF CURVATURE;

155.25 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5078.01 FEET, A DELTA OF 01°45'06", AND A CHORD BEARING OF N 79°47'37" E, A DISTANCE OF 155.25 FEET TO AN ANGLE POINT;

N 69°11'19" W, A DISTANCE OF 150.73 FEET TO AN ANGLE POINT;

126.32 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5000.01 FEET, A DELTA OF 01°26'51", AND A CHORD BEARING OF N 79°39'38" E, A DISTANCE OF 126.32 FEET TO AN ANGLE POINT;

N 20°49'38" E, A DISTANCE OF 14.66 FEET TO AN ANGLE POINT;

S 69°11'19" E, A DISTANCE OF 23.42 FEET TO AN ANGLE POINT BEING A POINT OF CURVATURE;

114.99 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5000.01 FEET, A DELTA OF 01°19'04", AND A CHORD BEARING OF N 77°57'40" E, A DISTANCE OF 114.99 FEET TO AN ANGLE POINT;

S 20°49'38" W, A DISTANCE OF 93.25 FEET TO AN ANGLE POINT BEING A POINT OF CURVATURE;

59.81 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5078.01 FEET, A DELTA OF 00°40'29", AND A CHORD BEARING OF N 77°32'46" E, A DISTANCE OF 59.81 FEET TO AN ANGLE POINT;

N 20°49'38" E, A DISTANCE OF 81.63 FEET TO AN ANGLE POINT;

N 69°09'57" W, A DISTANCE OF 18.27 FEET TO AN ANGLE POINT BEING A POINT OF CURVATURE;

Legal Description (Cont'd)

168.65 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5000.01 FEET, A DELTA OF 01°55'57", AND A CHORD BEARING OF N 75°53'56" E, A DISTANCE OF 168.65 FEET, TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

S 20°49'38" W, A DISTANCE OF 95.90 FEET TO A POINT LYING ON THE SOUTHERLY SIDE OF THE EXISTING RIGHT-OF-WAY OF MCMAHON BLVD. N.W., BEING MARKED BY A PK NAIL "LS 7719";

THENCE, LEAVING SAID MCMAHON BLVD. N.W. RIGHT-OF-WAY, S 20°49'38" W, A DISTANCE OF 504.18 FEET TO AN ANGLE POINT, MARKED BY A BATHEY MARKER "LS 14271";

THENCE, S 19°28'54" W, A DISTANCE OF 52.88 FEET, TO THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL, MARKED BY A BATHEY MARKER "LS 14271";

THENCE, N 69°11'53" W, A DISTANCE OF 1019.71 FEET, TO THE POINT OF BEGINNING CONTAINING 7.1016 ACRES (309,345 SQ. FT.) MORE OR LESS.

Solar Collection Note

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

**Bulk Land Plat for
McMahon Commons**

Being Comprised of

**Tracts L, M, and N, Anasazi Ridge Unit 1,
Lots 4 thru 9, Block 7, Portions of Lots 9 and 12 and
Lots 10, 11, and 13, Block 8 and Lot 12, Block 9,
and Lots 2 thru 10, Block 14**

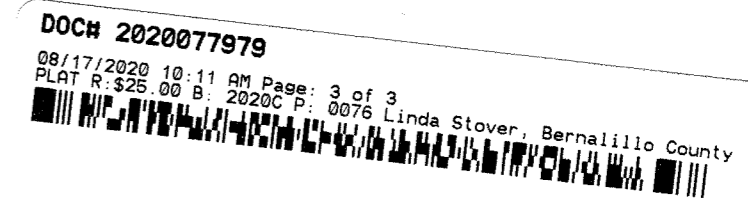
**Paradise Heights Unit 5 and Portions of Vacated
rights-of-way for Westside Boulevard N.W., Navajo Drive**

N.W. and Gordon Ave. N.W.

City of Albuquerque

Bernalillo County, New Mexico

February 2020



CSI-CARTESIAN SURVEYS INC.

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

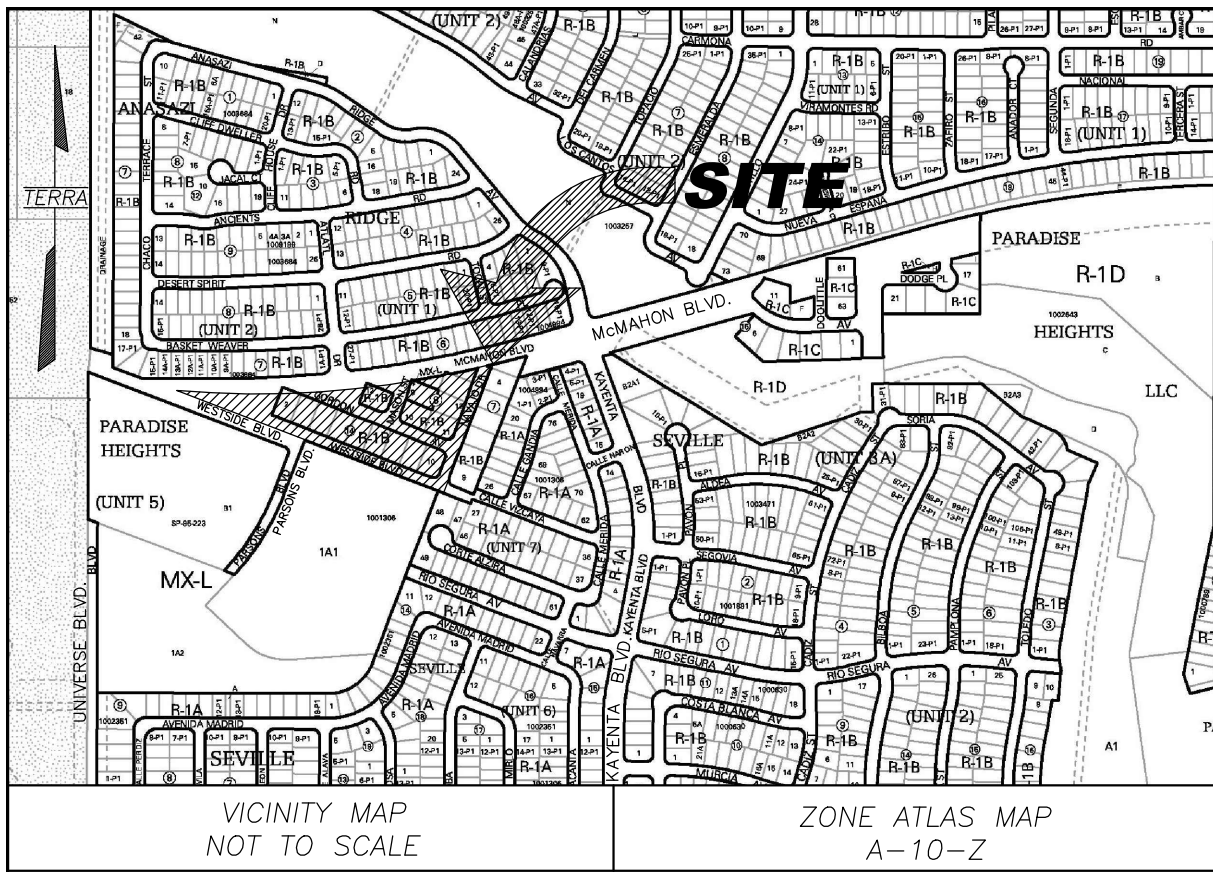
Sheet 3 of 3
191481

2020 C-76

(3)

EXHIBIT B.2
Proposed Plat

McMAHON COMMONS
SUBDIVISION




PURPOSE OF PLAT:

THE PURPOSE OF THIS REPLAT IS TO SUBDIVIDE TRACT A, MCMAHON COMMONS INTO 4 SEPARATE TRACTS AND VACATE THE EXISTING 50 FOOT FLOATING ACCESS EASEMENT AS SHOWN HEREON.

SUBDIVISION DATA:

CITY CASE NO. _____ GROSS SUBDIVISION ACREAGE 5.9222 ACRES
 ZONE ATLAS INDEX NO. A-10-Z CURRENT ZONING MX-L & R-1B
 DATE OF SURVEY JANUARY 2023
 TOTAL NO. OF LOTS EXISTING 1
 TOTAL NO. OF LOTS CREATED 4
 TOTAL MILEAGE OF STREETS CREATED: 0 MILES
 TOTAL MILEAGE OF 1/2 WIDTH STREETS CREATED: 0 MILES

NOTES:

- FIELD SURVEY PERFORMED IN JANUARY 2023.
- ALL DISTANCES SHOWN ARE GROUND DISTANCES.
- ALBUQUERQUE CONTROL STATIONS USED:
 - ALBUQUERQUE CONTROL STATION "9-A11, 2006" DATA:
 STANDARD CITY OF ALBUQUERQUE 3 1/4 INCH ALUMINUM DISC (FOUND IN PLACE)
 NAD 1983 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
 X=1,506,571.019 US SURVEY FEET Y=1,533,206.142 US SURVEY FEET
 ELEV.=5,301.647 US SURVEY FEET (NAVD 1988)
 GROUND TO GRID FACTOR = 0.999670857 DELTA ALPHA = (-)00'15"30.20"
 - ALBUQUERQUE CONTROL STATION "8-A11, 2006" DATA:
 STANDARD CITY OF ALBUQUERQUE 3 1/4 INCH ALUMINUM DISC (FOUND IN PLACE)
 NAD 1983 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
 X=1,507,071.174 US SURVEY FEET Y=1,534,934.957 US SURVEY FEET
 ELEV.=5,283.03 US SURVEY FEET (NAVD 1988)
 GROUND TO GRID FACTOR = 0.999671590 DELTA ALPHA = (-)00'15"26.89"
- BASIS OF BEARING - NAD 83 STATE PLANE, NM CENTRAL ZONE GRID BEARINGS USING FOUND MONUMENTS REFERENCED ABOVE IN NOTE NO. 3. (N.16°08'08"E.).
- CORNERS IDENTIFIED AS "SET", ARE 1/2" REBAR WITH CAP STAMPED "CA MEDINA PS 15702", AND DEPICTED AS, , UNLESS OTHERWISE INDICATED.
- BEARINGS AND DISTANCES SHOWN IN PARENTHESIS () ARE PER RECORDED PLAT REFERENCED IN DOCUMENTS USED.

SOLAR COLLECTOR NOTE:

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

SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER A. MEDINA, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15702, DO HEREBY CERTIFY THAT THIS PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE CITY OF ALBUQUERQUE SUBDIVISION ORDINANCE; SHOWS ALL EASEMENTS ON SUBJECT TRACT(S) AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNER(S), UTILITY COMPANIES OR OTHER PARTIES EXPRESSING AN INTEREST; MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MARCH 12, 2022; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Christopher A. Medina
 CHRISTOPHER A. MEDINA, NMPLS NO. 15702
 FEB. 26, 2024
 DATE

LEGAL DESCRIPTION:

TRACT A OF MCMAHON COMMONS AS THE SAME IS SHOWN AND DESIGNATED ON THAT CERTAIN PLAT ENTITLED, "BULK LAND PLAT FOR MCMAHON COMMONS," RECORDED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK'S OFFICE ON AUGUST 17, 2020, IN BOOK 2020C, PAGE 76 AS DOCUMENT NUMBER 2020077979, SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTION 3, TOWNSHIP 11 NORTH, RANGE 2 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, STATE OF NEW MEXICO. SAID TRACT OF LAND HEREIN DESCRIBED CONTAINS 5.9222 ACRES (257,973.00 SQUARE FEET) MORE OR LESS.

FREE CONSENT:

THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S) OF THAT CERTAIN TRACT OF LAND HEREIN DESCRIBED AND BEING COMPRISED OF TRACT A, MCMAHON COMMONS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS SHOWN AND THE SAME IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND/OR PROPRIETOR(S) AND SAID OWNER(S) AND/OR PROPRIETOR(S) WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE PARCEL(S) HEREIN DESCRIBED AS SHOWN HEREON, SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY REPRESENT THAT THEY ARE SO AUTHORIZED TO ACT.

BY: _____
 SIMON T. HAYNES, MANAGER
 ACES AND EIGHTS DEVELOPMENT, LLC

ACKNOWLEDGMENT

STATE OF _____)
) SS.
 COUNTY OF _____)
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2023, BY SIMON T. HAYNES, MANAGER, ACES AND EIGHTS DEVELOPMENT, LLC

NOTARY PUBLIC: _____
 MY COMMISSION EXPIRES: _____

DOCUMENTS USED:

- PLAT ENTITLED, "BULK LAND PLAT FOR MCMAHON COMMONS," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON AUGUST 17, 2020 IN BOOK 2020C, PAGE 76 AS DOCUMENT NUMBER 2020077979.
- PLAT ENTITLED, "PLAT FOR SEVILLE UNIT 7A," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON OCTOBER 20, 2006 IN BOOK 2006C, PAGE 315.
- PLAT ENTITLED, "SEVILLE SUBDIVISION UNIT 7," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON FEBRUARY 26, 2004 IN BOOK 2004C, PAGE 63.
- PLAT ENTITLED, "BULK LAND PLAT OF TRACTS 1-A-1, 1-A-2, 1-B-1-A THRU 1-B-1-H, 1-B-2A, B-2-A AND B-2-B," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON SEPTEMBER 19, 2002, IN BOOK 2002C, PAGE 312.
- PLAT ENTITLED, "PLAT FOR TRACTS B-1 AND B-2, PARADISE HEIGHTS, UNIT FIVE" FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON SEPTEMBER 19, 1995, IN VOLUME 95C, FOLIO 348.

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON AND JOINT USE OF:

- 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 ANY OTHER EQUIPMENT AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICES.
- 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.
- QWEST CORPORATION D/B/A CENTURY LINK FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES.
- COMCAST FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE SERVICES.

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

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

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

INDEXING INFORMATION FOR THE COUNTY CLERK:
 OWNER: ACES AND EIGHTS DEVELOPMENT, LLC
 LEGAL: TRACTS A-1, A-2, A-3, AND A-4, MCMAHON COMMONS
 LOCATION: PROJECTED SECTION 3, T.11N., R.2E., N.M.P.M., TOWN OF ALAMEDA GRANT

**PLAT OF
 TRACTS A-1, A-2, A-3 & A-4
 MCMAHON COMMONS
 SITUATE WITHIN
 PROJECTED SECTION 3, T. 11 N., R. 2 E., N.M.P.M.
 TOWN OF ALAMEDA GRANT
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 FEBRUARY 2024**

PROJECT NUMBER: _____
 APPLICATION NUMBER: _____

UTILITY APPROVALS:

PUBLIC SERVICE COMPANY OF NEW MEXICO _____ DATE _____
 NEW MEXICO GAS COMPANY _____ DATE _____
 QWEST CORPORATION D/B/A CENTURY LINK _____ DATE _____
 COMCAST _____ DATE _____

CITY APPROVALS:

Loren N. Risenhoover P.S. _____ **2/26/2024**
 CITY OF ALBUQUERQUE SURVEYOR _____ DATE _____
 ENVIRONMENTAL HEALTH _____ DATE _____
 TRAFFIC ENGINEERING, TRANSPORTATION DIVISION _____ DATE _____
 ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY _____ DATE _____
 PARKS & RECREATION DEPARTMENT _____ DATE _____
 A.M.A.F.C.A. _____ DATE _____
 CITY ENGINEER _____ DATE _____
 HYDROLOGY _____ DATE _____
 CODE ENFORCEMENT _____ DATE _____

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

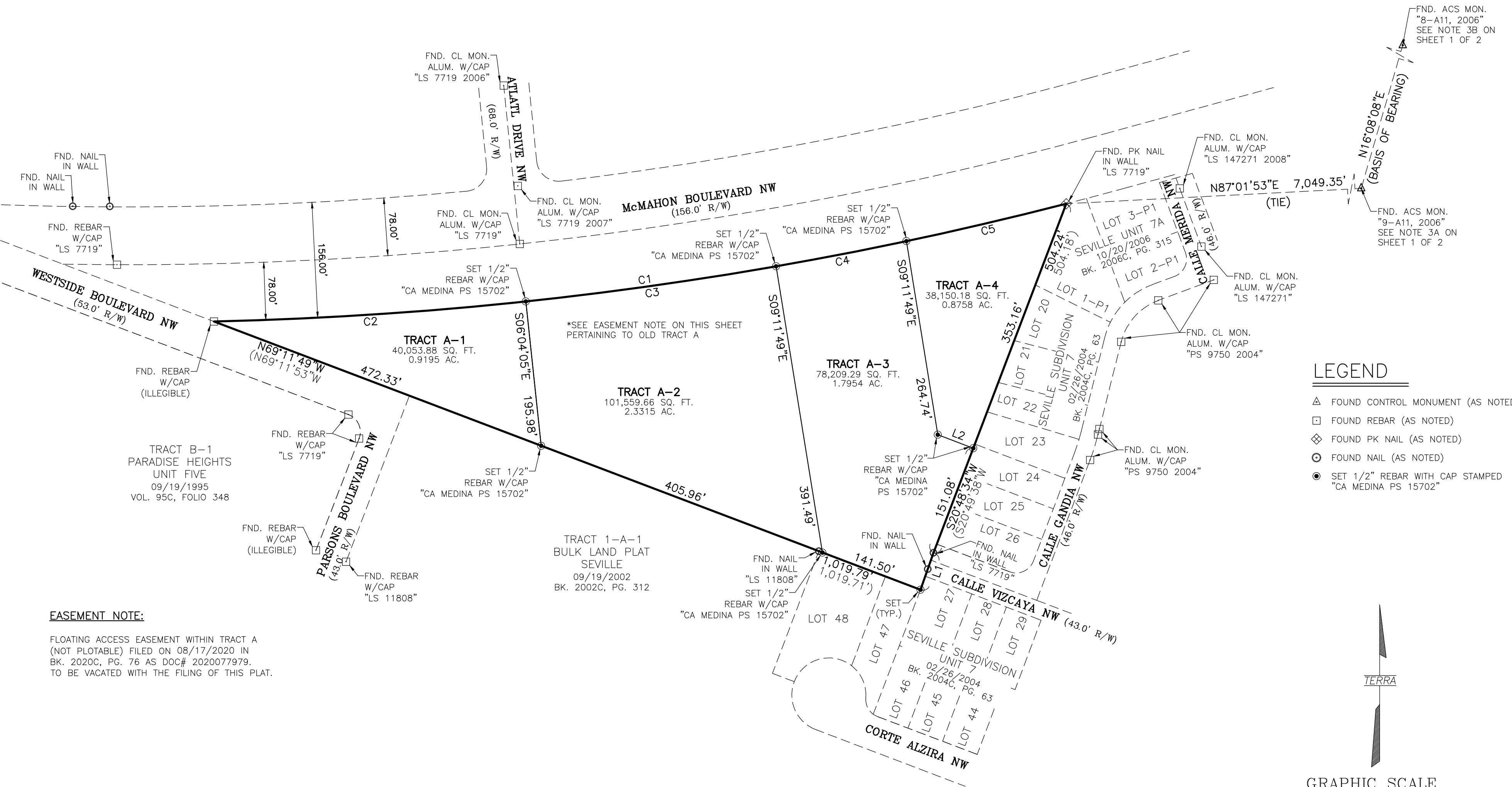
UNIFORM PROPERTY CODE #: 1-010-066-139288-2-09-21
 PROPERTY OWNER OF RECORD: ACES AND EIGHTS DEVELOPMENT, LLC

BERNALILLO COUNTY TREASURER'S OFFICE: _____



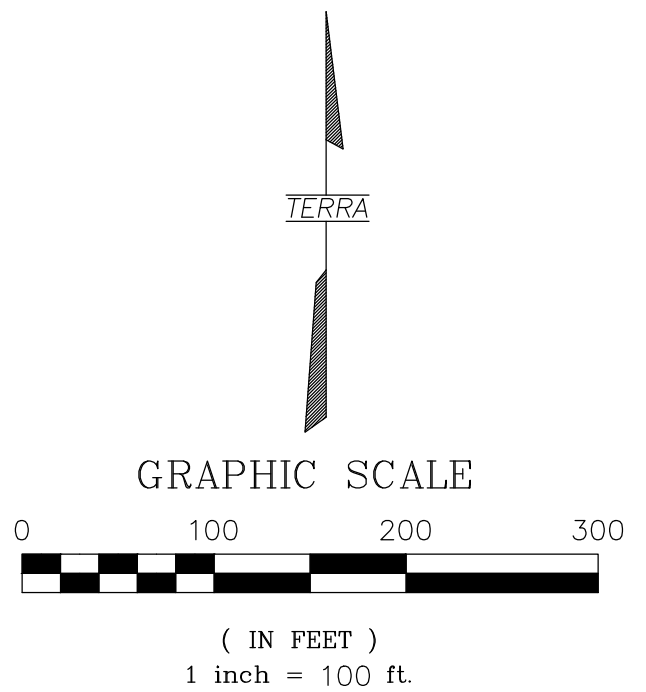
TERRA LAND SURVEYS, LLC
 P.O. BOX 2532 • CORRALES, NM 87048 • (505) 792-0513

PLAT OF
 TRACTS A-1, A-2, A-3 & A-4
 MCMAHON COMMONS
 SITUATE WITHIN
 PROJECTED SECTION 3, T. 11 N., R. 2 E., N.M.P.M.
 TOWN OF ALAMEDA GRANT
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 FEBRUARY 2024



EASEMENT NOTE:
 FLOATING ACCESS EASEMENT WITHIN TRACT A
 (NOT PLOTABLE) FILED ON 08/17/2020 IN
 BK. 2020C, PG. 76 AS DOC# 2020077979.
 TO BE VACATED WITH THE FILING OF THIS PLAT.

- LEGEND**
- △ FOUND CONTROL MONUMENT (AS NOTED)
 - FOUND REBAR (AS NOTED)
 - ◇ FOUND PK NAIL (AS NOTED)
 - FOUND NAIL (AS NOTED)
 - SET 1/2" REBAR WITH CAP STAMPED "CA MEDINA PS 15702"



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S19°27'50"W	52.88'
	(S19°28'54"W)	(52.88')
L2	S69°11'49"E	51.34'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5078.00'	1163.55'	1161.01'	N82°07'38"E	13°07'43"
	(5078.01')	(1163.62')	(1161.07')	(N82°07'53"E)	(13°07'45")
C2	5078.00'	421.82'	421.69'	N86°18'42"E	4°45'34"
C3	5078.00'	341.02'	340.95'	N82°00'29"E	3°50'52"
C4	5078.00'	179.09'	179.08'	N79°04'26"E	2°01'15"
C5	5078.00'	221.63'	221.61'	N76°48'48"E	2°30'02"

TERRA LAND SURVEYS, LLC
 P.O. BOX 2532 • CORRALES, NM 87048 • (505) 792-0513

X:\PROJECTS\2022 PROJECTS\2022-202\2022-202-FINAL PLAT TRACT A.DWG. DRAWN BY: MHE

EXHIBIT C
Serviceability Letter
#231019

February 21, 2024

Chair

Eric C. Olivas
County of Bernalillo
Commissioner, District 5

Vice Chair

Louie Sanchez
City of Albuquerque
Councilor, District 1

Barbara Baca
County of Bernalillo
Commissioner, District 1

Joaquin Baca
City of Albuquerque
Councilor, District 2

Adriann Barboa
County of Bernalillo
Commissioner, District 3

Klarissa Peña
City of Albuquerque
Councilor, District 3

Timothy M. Keller
City of Albuquerque
Mayor

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

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Nicosha Schedlbauer
SCM Partners, LLC
P.O. Box 9043
Albuquerque, NM 87119

RE: Water and Sanitary Sewer Serviceability Letter #231019
Project Name: Universe & McMahon
Project Address: Unaddressed
Legal Description: Tract A, McMahon Commons
UPC: 101006613928820921
Zone Atlas Map: A-10

Dear Nicosha Schedlbauer:

Project Description: The subject site is located along the south side of McMahon Blvd., between Universe Blvd. and Kayenta Blvd., within the City of Albuquerque. The proposed development consists of approximately 5.9 acres and the property is currently zoned R-1B for Single Family Residential. The property lies within the Pressure Zone 4W in the Corrales Trunk.

The Request for Availability indicates plans to provide service to four commercial developments. A platting action is also taking place to facilitate this development which will subdivide the existing tract, Tract A, McMahon Commons, into four commercial tracts, Tracts A-1, A-2, A-3, and A-4, McMahon Commons. The tracts are proposed to develop into the following: Tract A-1 as a coffee shop, Tract A-2 and A-3 as retail stores, and Tract A-4 into a bank.

Development Agreement Required: This property is outside of the Water Authority's Established Service Area. According 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. Per this ordinance, Board approval shall only be given if the development conforms to the provisions of applicable comprehensive plans and/or planning documents or policies.

There is a previously approved Development Agreement for this property (R-18-17 authorizing an Agreement for water and sewer service for Anasazi Ridge Unit 3). However, R-18-17 is for a residential subdivision and the current request is for a commercial subdivision. Therefore, a new Development Agreement is required. Contact Utility Development regarding the Development Agreement process.

Existing Conditions:

Water infrastructure in the area consists of the following:

- 12-inch PVC distribution line (project #26-7595.81-11) along McMahon Boulevard, from Universe Boulevard to Atlatl Drive.
- Eight-inch PVC distribution line (project #26-7226.81-04) along McMahon Boulevard, from Calle Merida to Kayenta Boulevard.

Non-potable infrastructure in the area consists of the following:

- 20-inch Ductile Iron Pipe transmission line (project #26-2320.03404-23) along McMahon Boulevard.

Sanitary sewer infrastructure in the area consists of the following:

- Eight-inch PVC sanitary sewer collector (project #26-7226.81-04) along Calle Merida and Calle Vizcaya.
- Ten-inch PVC sanitary sewer collector (project #26-7595.81-11) along the southern bank of the Calabacillas Arroyo just east of Kayenta Boulevard.

Water Service: New metered water service to the property can be provided contingent upon a developer-funded project to extend a public eight-inch water distribution line along McMahon Boulevard. It shall extend such that it connects the existing 12-inch water distribution line at the intersection of McMahon Boulevard and Atlatl Drive to the existing eight-inch water distribution line at the intersection of McMahon Boulevard and Calle Merida. Upon completion of the infrastructure construction, the development may receive service via routine connection to the existing 12-inch distribution line along McMahon Boulevard and/or the proposed eight-inch distribution main along McMahon Boulevard. The engineer is responsible for determining pressure losses and sizing 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. Fire hydrants shall be on mains when water lines are extended, in conjunction with coordination with the Fire Marshal and according to spacing criteria that vary according to proposed land use adjacent to the water line. 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 the collar removed.

Non-Potable Water Service: Currently, there is no non-potable infrastructure available to serve the subject property. The 20-inch non-potable transmission line along McMahon Boulevard is a dedicated line in which no service can be provided from.

Sanitary Sewer Service: New sanitary sewer service to the property can be provided contingent upon a developer-funded project to install a public eight-inch sanitary sewer collector along McMahon Boulevard. It shall extend from the ten-inch collector along the bank of the Calabacillas Arroyo east of Kayenta Boulevard, such that all proposed tracts may receive perpendicular service.

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 instantaneous fire flow requirements for the project are 1,750 gallons per minute. One fire hydrant is required for each proposed lot. There are no existing hydrants available and four new hydrants are proposed with this project. As modeled using InfoWater™ computer software, the

fire flow **CAN** be met by applying the required fire flow to the system as shown in the information provided by the requestor. Analysis was performed by simulating the required fire flow at the proposed location of the fire line to proposed Tract A-2.

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 Prevention and Control Ordinance, all new non-residential premises must have a reduced pressure principal 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, possible connection fittings, or openings are allowed between the reduced principal 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 principal backflow prevention assembly installed after the service connection. Such devices shall be approved by the Water Authority. No tees, branches, 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 principal 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, 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 recommends that all backflow (containment) devices be located above ground just outside the easement or road right-of-way, the containment backflow

device can be installed within the building if there are no tees, branches, possible connection fittings, or openings between the reduced principal backflow prevention assembly and the service connection unless protected by another reduced pressure backflow prevention assembly device. Contact Cross Connection at (505) 289-3465 for more information.

Pretreatment – Fats, Oils, and Greases: 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)
 - a. Interceptors and/or Separators are required for dumpster pads, outdoor pools, and outdoor washdown areas that have the potential to discharge grease, sand, solids, and flammable liquids to the sanitary sewer. The pad shall be installed at an elevation higher than the surrounding grade. It is not required for dumpster pads to have a sewer connection.
 - b. Placement of Interceptors in drive-thru or traffic lanes is not allowed.
2. All FOGS sources 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.

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-foot by 35-foot 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 is transferred to the Water Authority for the installation of facilities to be owned by the Water Authority such as pump stations, reservoirs, wells, lift stations, or any other facility.

Required public water and/or sanitary sewer easements shall be for the construction, installation, maintenance, repair, modification, replacement, or operation of public water and sanitary service lines, equipment, and facilities reasonably necessary to provide service together with free access on and over the easement and the right to remove trees, shrubs, undergrowth and any other obstacles, modifications, or structures which

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: The 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, professional engineer registered in the state of New Mexico. Construction must be performed by a licensed (GF 9 or GF 98) 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. Contact Customer Service at (505) 842-9287 (option 3) for more information regarding UECs.

Water Resource Charge (WRC): Newly developed properties outside of the Water Authority's Established Service Area that are seeking water service will be assessed a Water Resource Charge(s) (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. Properties that receive only sewer service will not be charged a WRC. Contact Customer Service at (505) 842-9287 (option 3) for more information regarding WRCs.

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

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

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

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

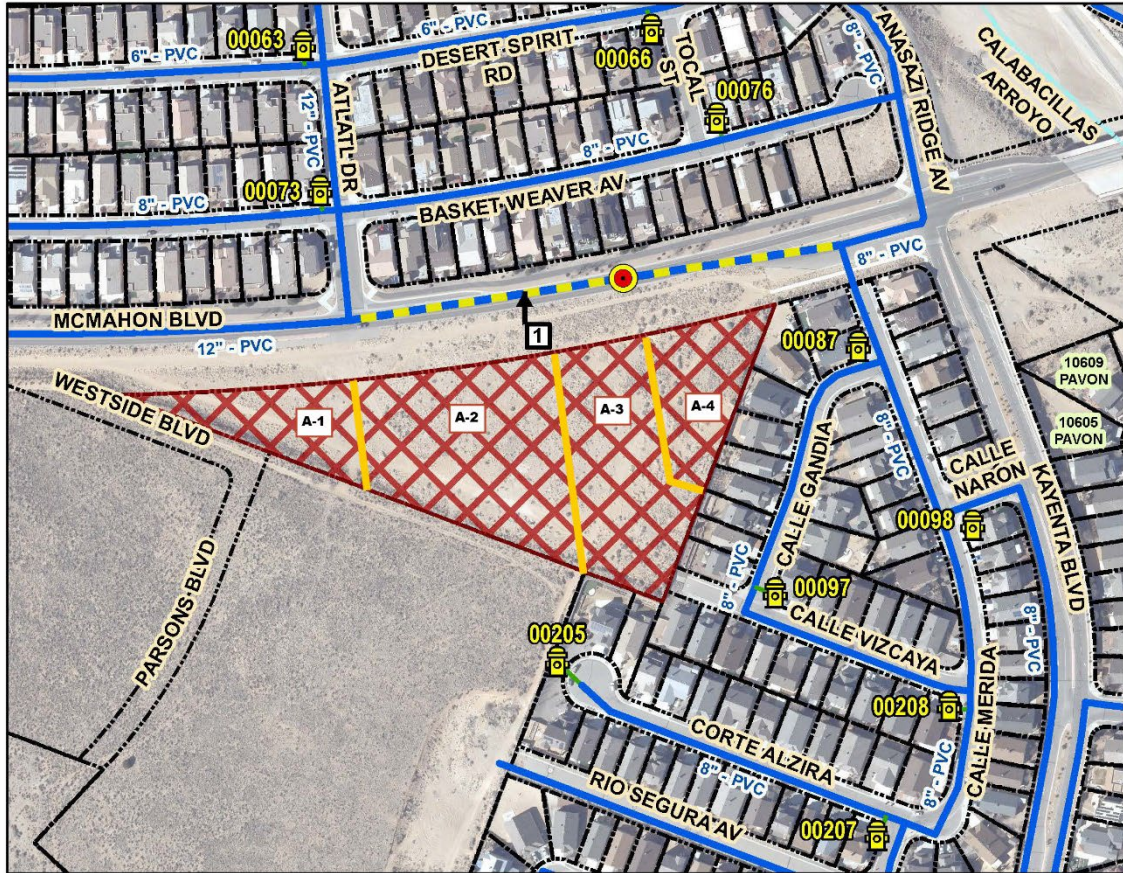
Sincerely,

A handwritten signature in black ink, appearing to be 'MS', written in a cursive style.

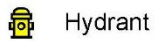
Mark S. Sanchez
Executive Director

Enclosures: Infrastructure Maps
f/ **Serviceability Letter #231019**

231019 - Water



Legend



Hydrant



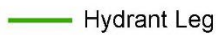
Project Location

Water Pipe

Subtype



Distribution Line



Hydrant Leg

Fire Flow Analysis Points



Analysis Point (1)



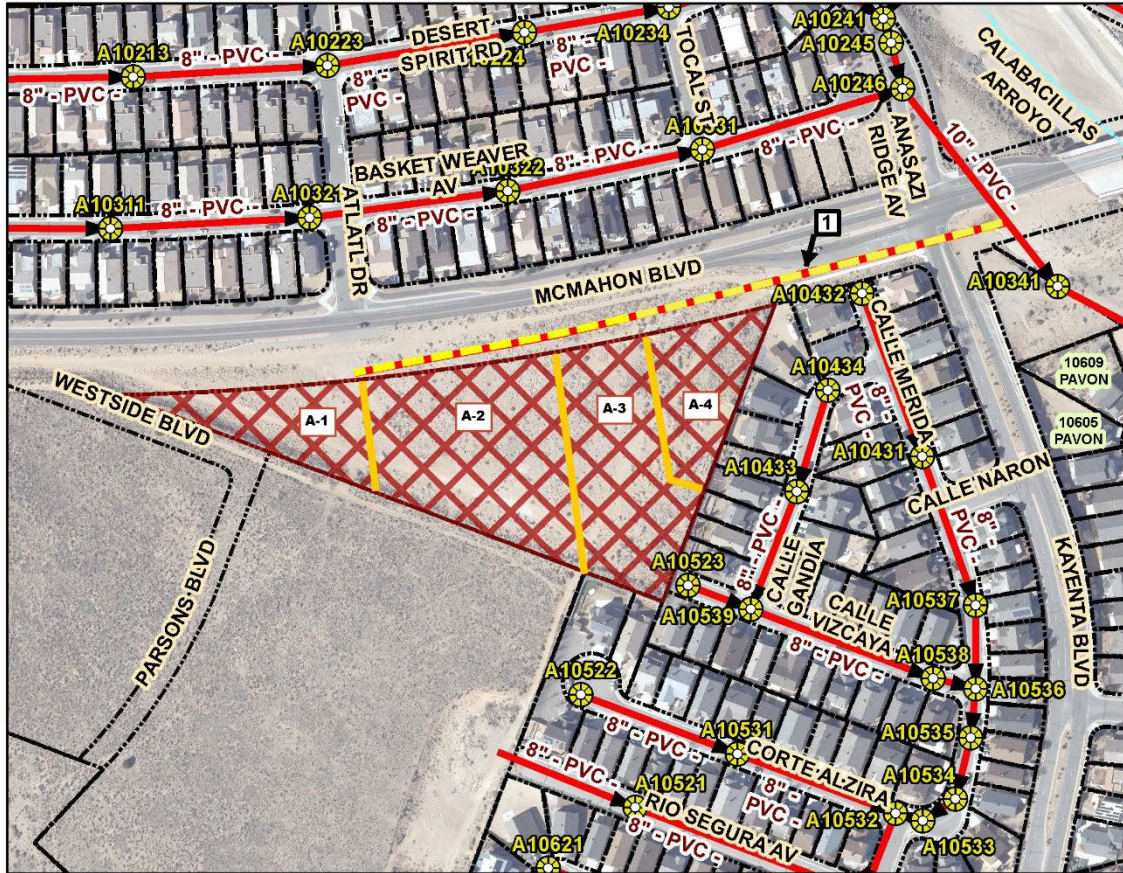
--- General Map Keyed Notes

1 - Required water distribution line extension

2 - Proposed Lot Lines



231019 - Sanitary Sewer



Legend

Sewer Manhole

Project Location

Sewer Pipe

--- General Map Keyed Notes

Subtype

1 - Required collector line extension

COLLECTOR

2 - Proposed Lot Lines

