

DEVELOPMENT AGREEMENT
Universe & McMahon

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.

- 3
Development Agreement
8-10-17

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: September 19, 2024 Date: DECEMBER 26, 2024

ACKNOWLEDGEMENTS

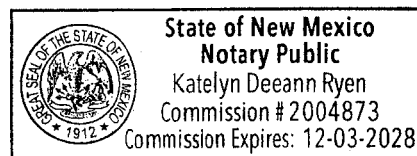
STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 26 day of
December 2024, by Simon T Haynes [name]
Manager, [title] of Aces and Eights Development LLC,
[company name], a New Mexico LLC [type of entity], on behalf of said
company.



Notary Public

My Commission Expires:
12-03-2028



STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on September 19, 2024 by Mark S. Sanchez, Executive Director of the Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision.

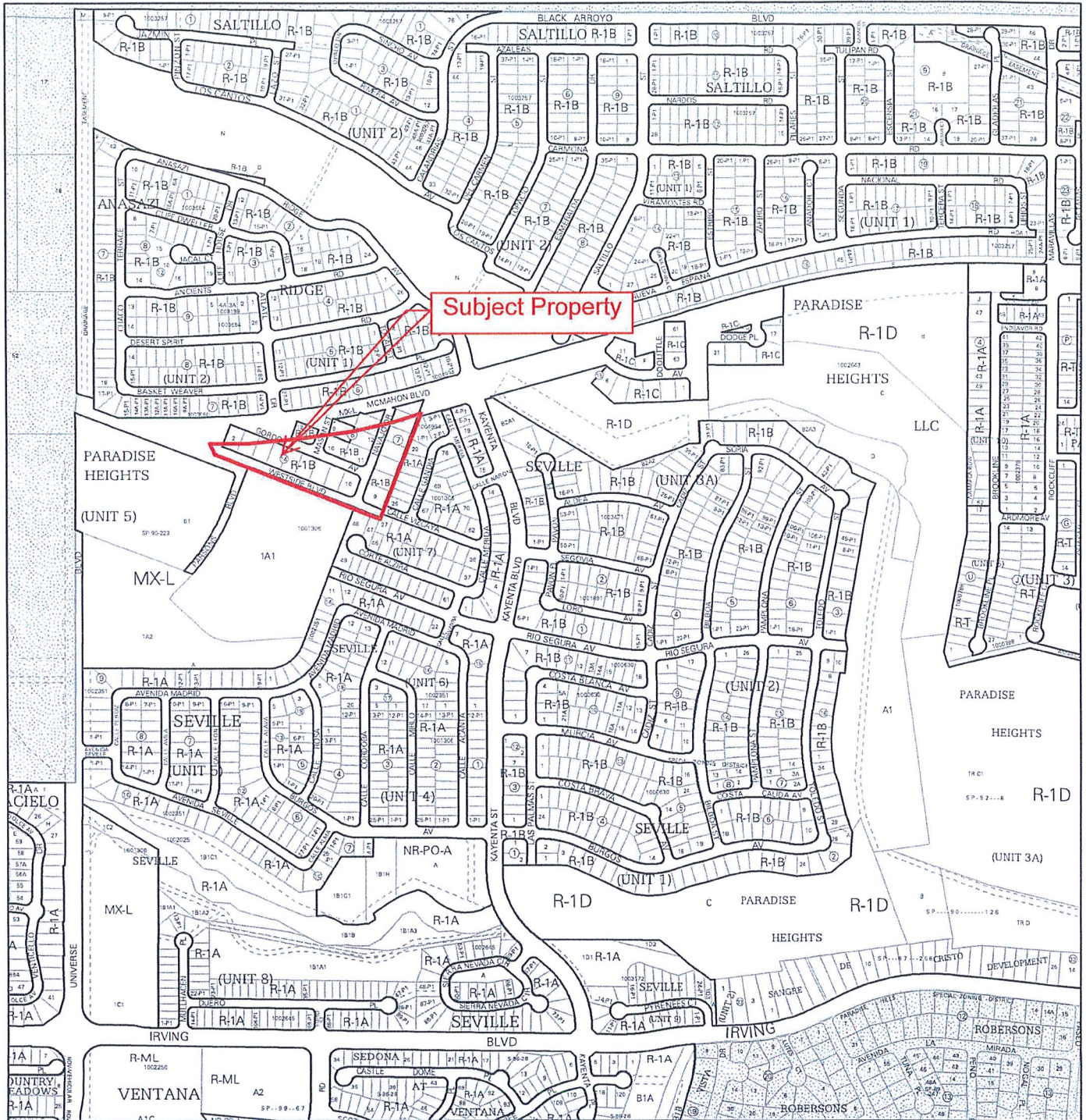
Jordan Salas
Notary Public

My Commission Expires:
01-18-2027

STATE OF NEW MEXICO
NOTARY PUBLIC
JORDAN SALAS
COMMISSION # 1124075
COMMISSION EXPIRES 01/18/2027

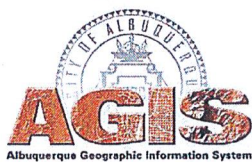
EXHIBIT A
Zone Atlas Map A10

Exhibit A

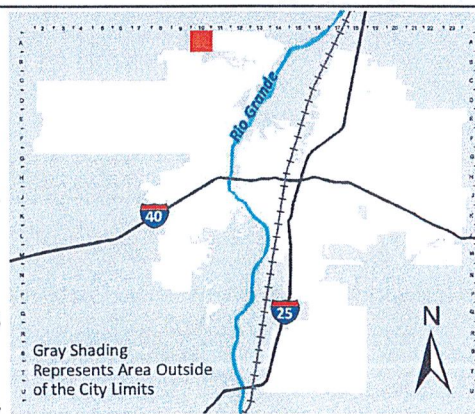


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



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



Zone Atlas Page: A-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
- Gray Shading
Represents Area Outside
of the City Limits
- 0 250 500 1,000 Feet

EXHIBIT B.1

Existing Plat

**McMAHON COMMONS
SUBDIVISION**

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";

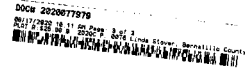
THENCE, N 69°11'53" W, A DISTANCE OF 1019.71 FEET, TO THE POINT OF BEGINNING CONTAINING 7.1016 ACRES (309,345 SQ. FT.) MORE OR LESS.

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

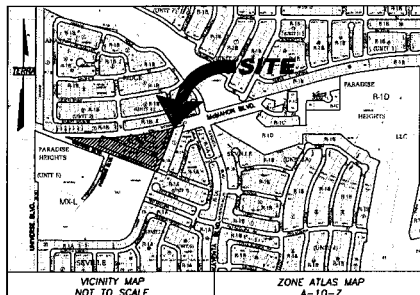
2020 C-76

(3)

EXHIBIT B.2
Proposed Plat

McMAHON COMMONS
SUBDIVISION

Exhibit B.2



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 5.2222 ACRES (257,913.00 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
AGES AND EIGHTS DEVELOPMENT, LLC

ACKNOWLEDGMENT

STATE OF)

COUNTY OF)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2022, BY SIMON T. HAYNES, MANAGER, AGES AND EIGHTS DEVELOPMENT, LLC

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

DOCUMENTS USED:

1. 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.
2. PLAT ENTITLED, "PLAT FOR SEVILLE UNIT 7A," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON OCTOBER 20, 2006 IN BOOK 2006C, PAGE 315.
2. PLAT ENTITLED, "SEVILLE SUBDIVISION UNIT 7," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON FEBRUARY 26, 2004 IN BOOK 2004C, PAGE 63.
4. 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, 1-B-2-A AND 1-B-2-B," FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON SEPTEMBER 19, 2002, IN BOOK 2002C, PAGE 312.
3. 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:

- A. PUBLIC SERVICE COMPANY OF NEW MEXICO ("PUNM"), A NEW MEXICO CORPORATION, (PUNM 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.
- B. NEW MEXICO GAS COMPANY FOR INSTALLATION, MAINTENANCE, AND SERVICE OF NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS SERVICES.
- C. QWEST CORPORATION D/B/A CENTURY LINK FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES.
- D. 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 ORATOR 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, BEING, 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/SWITCHEAR, 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 (PUNM), NEW MEXICO GAS COMPANY (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: AGES 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 A. Eisenhoefer 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.P.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 § 1-010-006-1302206-2-08-21
PROPERTY OWNER OF RECORD: AGES AND EIGHTS DEVELOPMENT, LLC

BERNALILLO COUNTY TREASURER'S OFFICE: _____



TERRA LAND SURVEYS, LLC
P.O. BOX 1551 • CORRALES, NM 87048 • (505) 792-8513

PURPOSE OF PLAT:

THE PURPOSE OF THIS PLAT 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. _____ CROSS SUBDIVISION ACREAGE 5.2222 ACRES
ZONE ATLAS INDEX NO. A-10-2 CURRENT ZONING: MX-L & R-B
DATE OF SURVEY: JANUARY 2022
TOTAL NO. OF LOTS EXISTING: _____
TOTAL NO. OF LOTS CREATED: 4
TOTAL MILEAGE OF STREETS CREATED: 0.0000 MILES
TOTAL MILEAGE OF 1/2 WIDTH STREETS CREATED: 0.0000 MILES

NOTES:

1. FIELD SURVEY PERFORMED IN JANUARY 2023.
2. ALL DISTANCES SHOWN ARE GROUND DISTANCES.
3. ALBUQUERQUE CONTROL STATIONS USED:
4. ALBUQUERQUE CONTROL STATION "B-A11, 2006" DATA:
STANDARD CITY OF ALBUQUERQUE 3 1/4 INCH ALUMINUM DISC (FOUND IN PLACE)
HAD 1983 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
NAD 83 1508,571,019 US SURVEY FEET T+1,533,208,142 US SURVEY FEET
ELEV=5,301,647 US SURVEY FEET (NAVD 1988)
GROUND TO GRID FACTOR = 0.999670057 DELTA ALPHA = (-.00015'30.20"
4. ALBUQUERQUE CONTROL STATION "B-A11, 2006" DATA:
STANDARD CITY OF ALBUQUERQUE 3 1/4 INCH ALUMINUM DISC (FOUND IN PLACE)
HAD 1983 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
NAD 83 1507,071,174 US SURVEY FEET T+1,534,834,957 US SURVEY FEET
ELEV=5,285,033 US SURVEY FEET (NAVD 1988)
GROUND TO GRID FACTOR = 0.999671590 DELTA ALPHA = (-.00015'26.88"
4. BARS OF BEARING - NAD 83 STATE PLANE, NM CENTRAL ZONE GRID BEARINGS USING FOUN
MONUMENTS REFERENCED ABOVE IN NOTE 3. (N.187°08'E).
5. CORNERS IDENTIFIED AS "SET", ARE 1/2" REBAR WITH CAP STAMPED "CA MEDINA PS 15702", AND DEPICTED AS, —●—, UNLESS OTHERWISE INDICATED.
6. BEARINGS AND DISTANCES SHOWN IN PARENTHESES () ARE PER RECORDED PLAT REFERENCED IN DOCUMENTS USED.

SOLAR COLLECTOR NOTE:

NO PROPERTY WITHIN THE AREA OF THIS PLATING 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 OFFICIVE MARCH 12, 2022; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Christopher A. Medina _____ FEB 26 2024
CHRISTOPHER A. MEDINA, N.M.P.S. NO. 15702 _____ DATE _____

Exhibit B.2

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

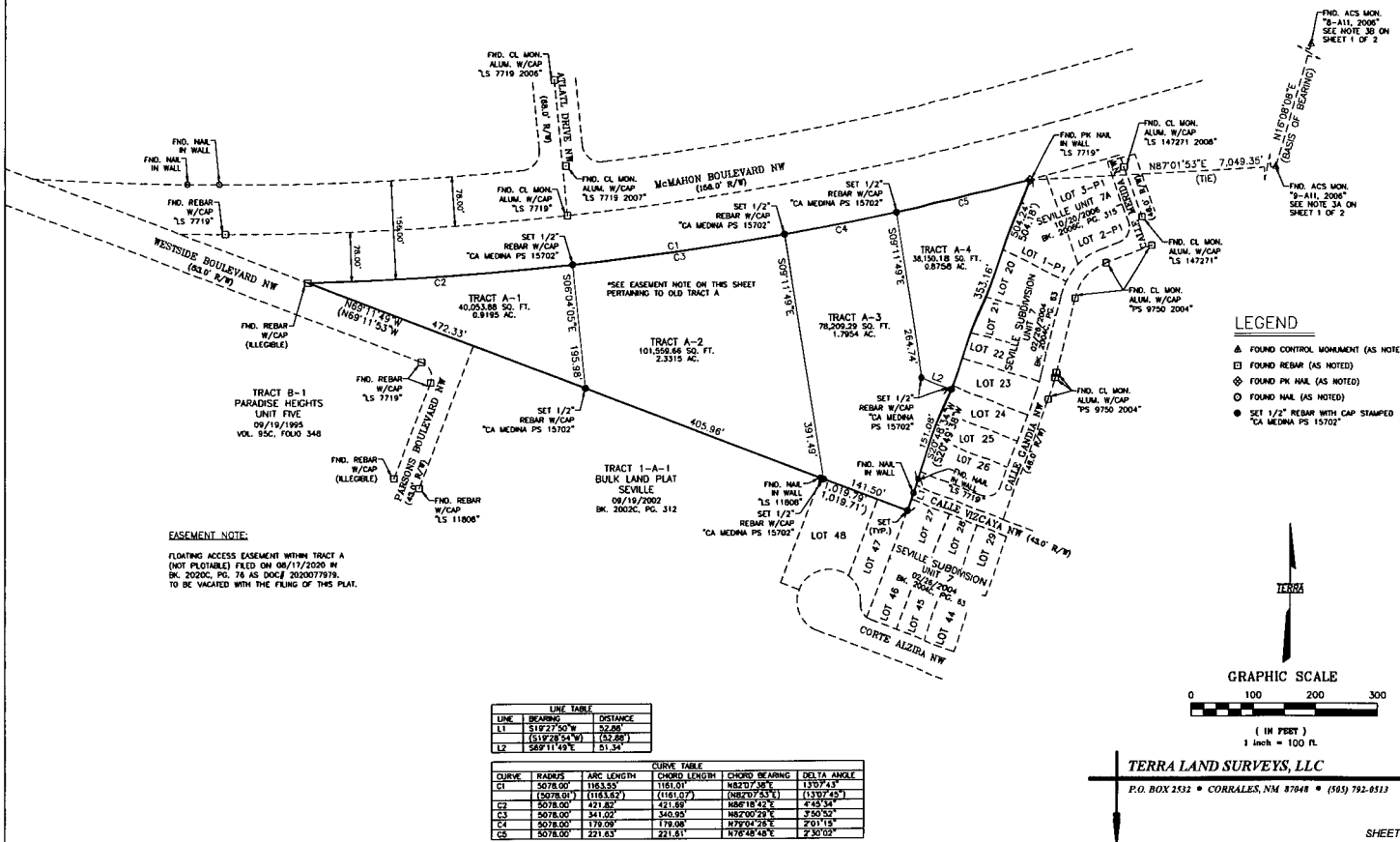


EXHIBIT C
Serviceability Letter
#231019



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.

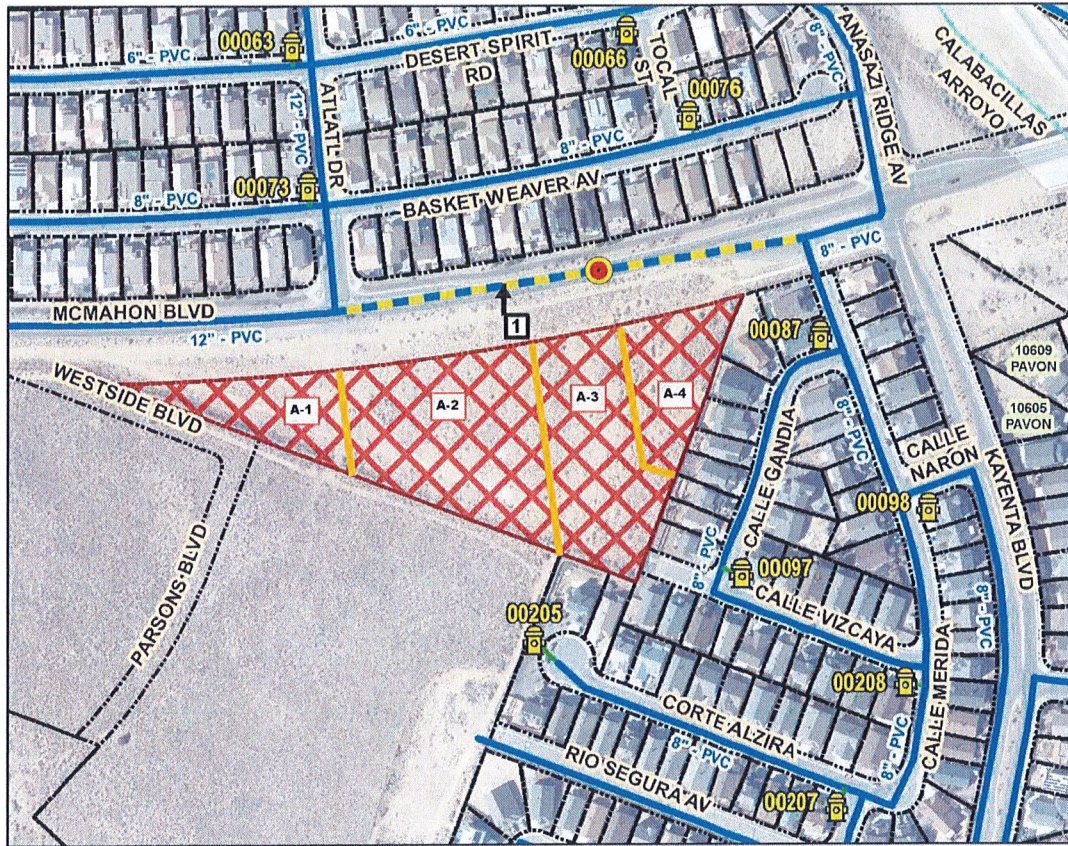
Sincerely,

A handwritten signature in black ink, appearing to be 'ms' with a stylized flourish at the end.

Mark S. Sanchez
Executive Director

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

231019 - Water



0 500 1,000 Feet



Legend



Hydrant



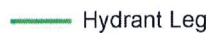
Project Location

Water Pipe

Subtype



Distribution Line



Hydrant Leg

Fire Flow Analysis Points



Analysis Point (1)



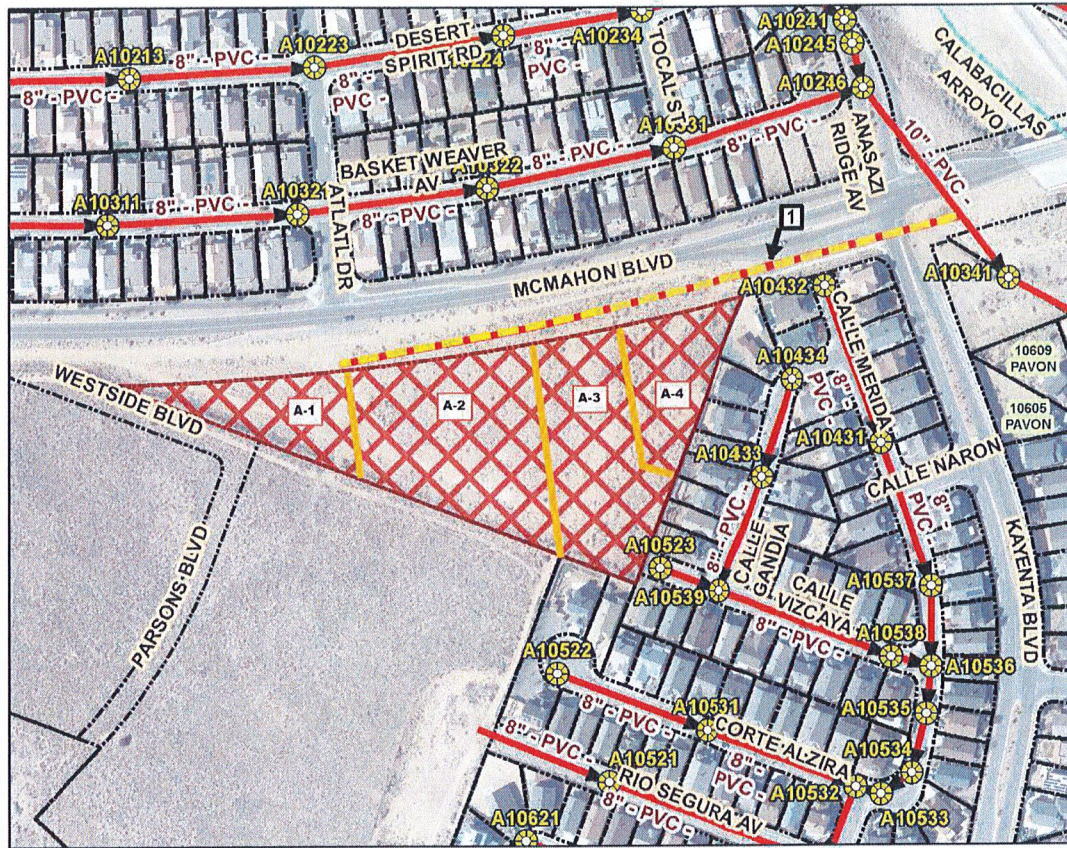
--- General Map Keyed Notes

1 - Required water distribution line extension

2 - Proposed Lot Lines



231019 - Sanitary Sewer



Legend

Sewer Manhole

Sewer Pipe

Subtype

COLLECTOR

Project Location

--- General Map Keyed Notes

1 - Required collector line extension

2 - Proposed Lot Lines

