



Meeting Date: April 20, 2022
Staff Contact: Kristopher Cadena, Chief Engineer, Utility Development

TITLE: R-22-11 - Development Agreement for Lisa Road and Teree Street Subdivision

ACTION: Recommend Approval

SUMMARY:

The development is located along the southwest corner of Lisa Road and Teree Street in unincorporated Bernalillo County. The project proposed to subdivide the existing lot into five residential lots.

The property lies within Pressure Zone 0W in the Pajarito Trunk.

Water and wastewater service is contingent on the Developer constructing internal distribution and collector lines that tie to the existing infrastructure proximate to the property. A water main adjacent to the property is required to be upsized to deliver adequate fire flow.

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

FISCAL IMPACT:

None.

DEVELOPMENT AGREEMENT
Lisa Road and Teree Street Subdivision

Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision, (“Water Authority”) and Alejandro Rodriguez, a resident of New Mexico, (“Developer”) (together, “Parties”), agree as follows:

1. Recitals

- A.** Alejandro Rodriguez is the “Developer” and owner of certain real property located in Town of Atrisco Grant Row 2 South (collectively, the “Property”). The Property is shown on **Exhibit A** attached hereto and incorporated herein by reference. The Property is located outside of the Water Authority’s currently adopted Water Service Area.
- B.** The legal description for the property is: Lot 13, Town of Atrisco Grant Row 2 South. The proposed legal description for the property is: Tracts 13-A, 13-B, 13-C, 13-D, and 13-E, Town of Atrisco Grant Row 2 South. The Property is more particularly described and shown on **Exhibit B** attached hereto and incorporated herein by reference.
- C.** The Property will develop as a one lot to five lots residential subdivision.
- D.** The Property is located in Pressure Zone 0W of the Pajarito Trunk.
- E.** The Parties desire to agree upon terms and conditions pursuant to which the Water Authority will provide water and sanitary sewer service to the Property. As a condition of such service, the Developer shall construct, or cause to be constructed, extensions of existing public water and sanitary sewer lines and other necessary infrastructure improvements (collectively, “Facility Improvements”) under all applicable plans, specifications, requirements, and standards of the Water Authority. The Serviceability Letter for the Property reflecting necessary Facility Improvements referred to in this Agreement is attached hereto as **Exhibit C** and incorporated herein by reference and made a term of this Agreement.
- F.** The Facility Improvements referenced in this Agreement are not considered Master Plan improvements by the Water Authority. As such, reimbursement of construction costs associated with their construction will not be available through water and sewer UEC (defined below in Section 3.B) reimbursements.

2. Design and Construction of the Facility Improvements

- A.** The Developer will cause definitive designs and plans of the Facility Improvements to be produced which will include estimates of all costs and

expenses. The Developer will not connect the Facility Improvements to the existing water and sanitary sewer lines within the Bernalillo County (“County”) public right-of-way or within public easements until the Water Authority has approved the Facility Improvements. The Developer will obtain all necessary permits, assurances, and approvals from the Water Authority and County, 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 Water Authority work order process.

- B.** The Developer will complete, or cause to be completed, construction of the Facility Improvements as approved by the County and the Water Authority, and in conformance with all applicable plans, specifications, and standards of the County and the Water Authority. The Water Authority shall provide service to the Property only after the Water Authority has accepted the Facility Improvements. The Water Authority shall accept, operate and maintain the Facility Improvements after the Developer conveys, at no expense to the Water Authority, all the Facility Improvements together with all real and personal property rights which the Water Authority deems reasonably necessary which shall be free and clear of all claims, encumbrances and liens for the construction, operation and maintenance. The provisions of this Agreement constitute covenants running with the referenced Property for the benefit of the Water Authority and its successors and assigns until terminated, and are binding on the Developer and their heirs, successors and assigns.
- C.** The contractor’s one (1) year warranty period shall commence upon final project acceptance by the Water Authority. The Developer shall be responsible for conducting an 11 month warranty inspection. Developer shall be responsible for correcting any deficiencies found during the inspection to the satisfaction of the Water Authority.
- D.** The Developer will be responsible for close coordination of the project with the Water Authority during the design and construction phases, including review of design details, during the design process, and the approval of specifications and contract documents. The Water Authority will review and approve in a timely manner the design plans for construction and estimated cost, to ensure the designs meet Water Authority standards and follow the guidance provided in the City’s Development Process Manual (“DPM”) and/or applicable Water Authority Design Manuals.
- E.** To the extent relevant and applicable and to the extent there is no conflict with the terms of this Agreement, the usual procedures and documentation, including the County Subdivision Improvements Agreement process, will be followed and used for the Facility Improvements.
- F.** Upon completion of all Work Order projects, the Developer shall provide to the Water Authority a completed Asset Data Table of the assets

installed/constructed or any other asset information required of the Water Authority.

3. Service

- A. The Developer shall comply with the Water Authority's Water and Sewer System Expansion Ordinance, as amended from time to time. Connection for water service shall require the concurrent connection of sanitary sewer service to the Water Authority's wastewater system.
 - B. The Developer or its successor shall pay Utility Expansion Charges (UEC) and the Water Resource Charges (WRCs) at the rates that are imposed at the time of a service connection, as provided in the Water Authority's Water and Sewer Rate Ordinance, as amended from time to time.
 - C. Pursuant to Water Authority Resolution No. R-05-13, the Developer agrees that it will incorporate water conservation guidelines that will seek to achieve water usage of no more than 180 gallons per household which is equivalent to seventy-five (75) gallons per capita per day.
4. **Financial Guarantee** - For any Master Plan Infrastructure required to be constructed by Developer herein, the Developer shall provide a financial guarantee in the form of a property lien that is acceptable to the Water Authority as assurance that the Master Plan Infrastructure will be completed and placed in service.
5. **Termination.** If construction of the Facility Improvements by the Developer has not been completed and accepted by the Water Authority within seven years of the effective date of this Agreement, this Agreement shall automatically terminate, and the Water Authority and the Developer shall have no further rights, obligations, or liabilities with respect to this Agreement, unless otherwise agreed in writing.
6. **Water for Construction.** During the construction of the Facility Improvements, the Developer agrees to utilize alternative methods as approved by the City of Albuquerque's Air Quality Division for dust abatement and control including compost from the Water Authority, if economically feasible. The Developers may purchase water for construction from the Water Authority from the nearest approved fire hydrant in accordance with the Water Authority's Water and Sewer Rate Ordinance. Water purchased from the Water Authority shall be used only for construction.
7. **Indemnification.** Until final acceptance of the Facility Improvements by the Water Authority, the Developer shall be solely responsible for the condition and maintenance of the Facility Improvements and the premises upon which the Facility Improvements are constructed. The Developer agrees to indemnify and hold harmless the Water Authority and its officials, agents, and employees from and against all suits, actions or claims of any character brought because of any injury or damage arising out of the design or construction of the Facility Improvements, or by reason of any act or omission, or misconduct of the Developer, its agents, employees or the Engineer or

Contractor or its agents or employees. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico. The indemnification by the Developer herein does not extend to the negligent acts of the Water Authority.

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

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

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

If to the Water Authority:

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

If to Developer:

Alejandro Rodriguez
1319 Amole Dr SW
Albuquerque, NM 87121

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

11. Miscellaneous. This Agreement will be governed by and interpreted in accordance with the laws of the State of New Mexico. The headings used in this Agreement are for convenience only and shall be disregarded in interpreting the substantive provisions of the Agreement. This Agreement binds and benefits the Water Authority and their successors, assigns, and transferees and the Developer and their successors, assigns and

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

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

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

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

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

**Albuquerque Bernalillo County
Water Utility Authority**

**Developer
Alejandro Rodriguez,
a New Mexico resident**

By: _____
Mark S. Sanchez
Executive Director

By: _____
Alejandro Rodriguez
Owner

Date: _____

Date: _____

ACKNOWLEDGEMENTS

STATE OF _____)
) ss.
COUNTY OF _____)

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

My Commission Expires:

Notary Public

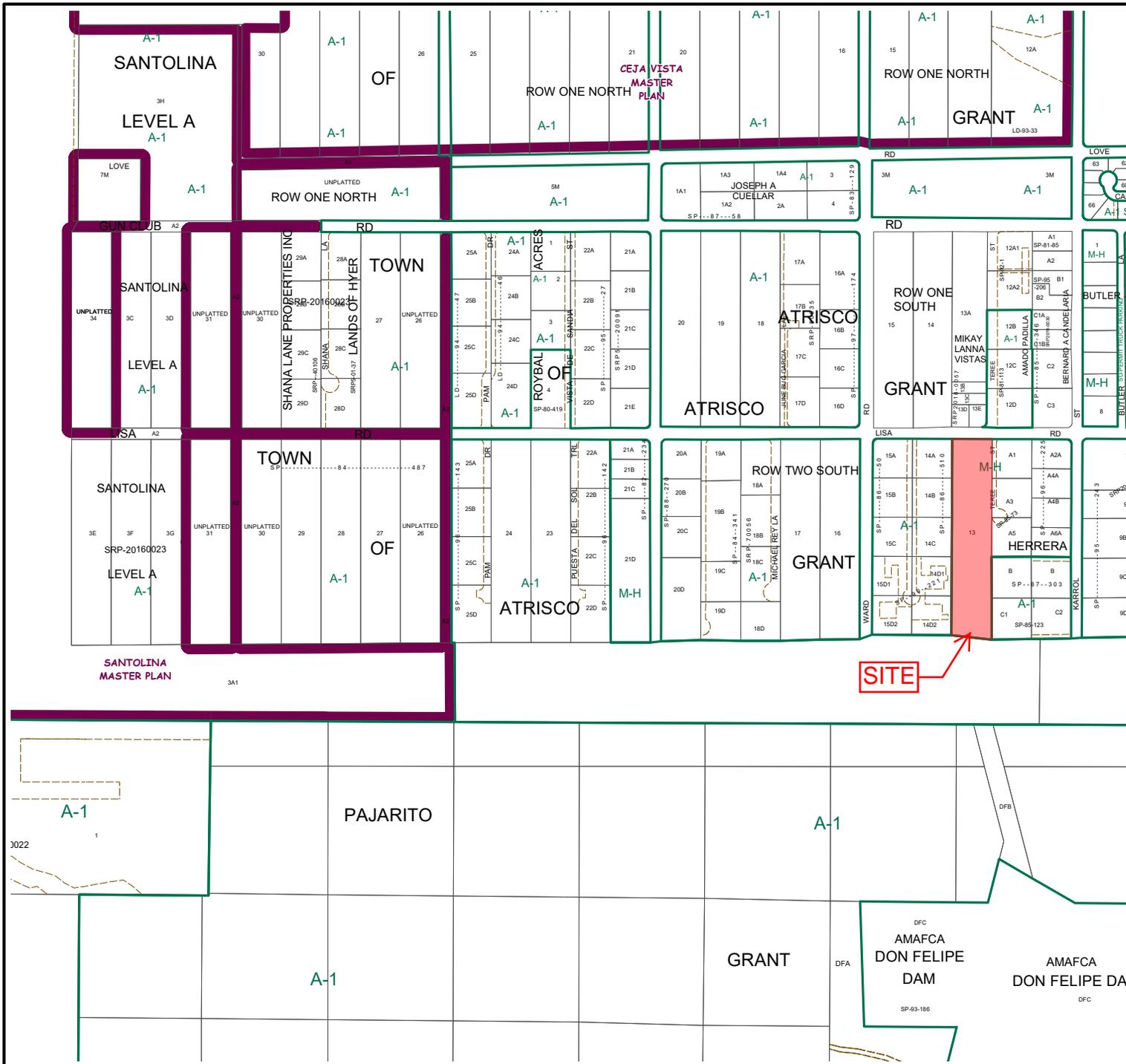
STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

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 Q-9



LEGAL DESCRIPTION

T9N
R2E
SEC 16

UNIFORM PROPERTY CODE

1-009-052

250 0 250 500 750 1,000
Feet

Map amended through Fall 2021

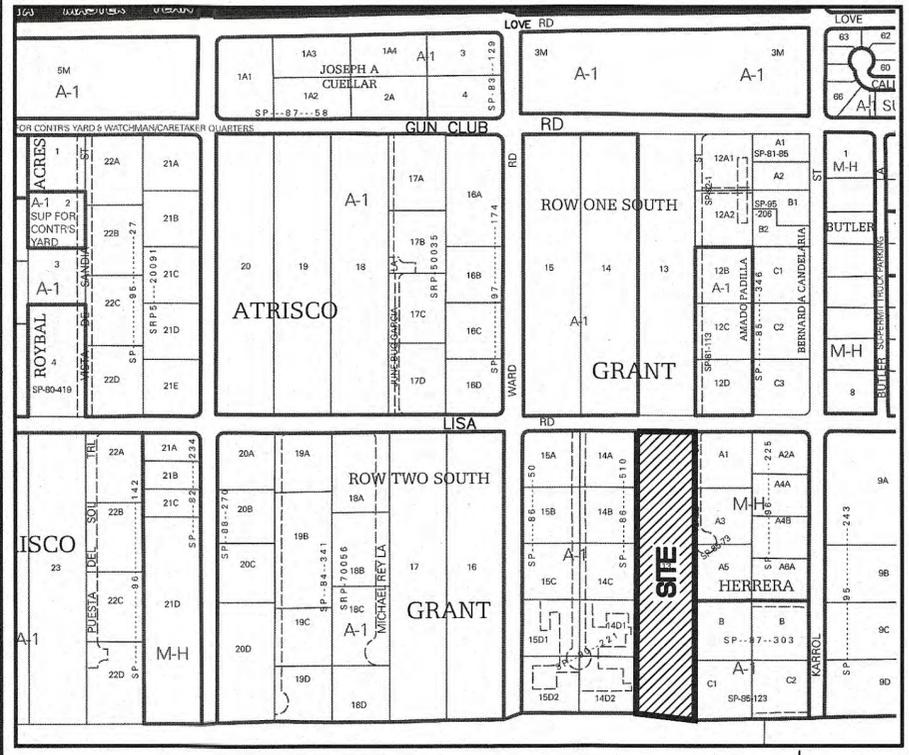
PLANNING & DEVELOPMENT SERVICES
GIS TECHNOLOGY SECTION

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data from Bernalillo County and the City of Albuquerque. For current information visit <https://www.bernco.gov/planning/download-zone-atlas.aspx>

Q-9-Z

EXHIBIT B
Proposed Plat

**Tracts 13-A, 13-B, 13-C, 13-D, and 13-
E, Town of Atrisco Grant Row 2 South
Subdivision**



Vicinity Map - Zone Atlas Q-9-Z

Purpose of Plat

- 1. SUBDIVIDE AS SHOWN HEREON.
- 2. GRANT EASEMENTS AS SHOWN HEREON.

Documents

- 1. WARRANTY DEED FOR SUBJECT PROPERTY FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON APRIL 19, 2017, AS DOC. NO. 2017036998.

Free Consent

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 DO HEREBY GRANT THE RIGHT TO CONSTRUCT, OPERATE, INSPECT, MAINTAIN FACILITIES THEREIN; AND ALL PUBLIC UTILITIES EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICE FOR BURIED DISTRIBUTION LINES, CONDUITS AND PIPES FOR UNDERGROUND UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THEIR RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION 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.

ALEJANDRO RODRIGUEZ
OWNER

STATE OF NEW MEXICO }
COUNTY OF } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 2019
BY: ALEJANDRO RODRIGUEZ, OWNER

By: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

Indexing Information

Projected Section 16, Township 9 North, Range 2 East, N.M.P.M., within the Town of Atrisco Grant
Subdivision: The Town of Atrisco, Row 2 South
Owner: Alejandro Rodriguez
UPC #: 100905247024640312

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND

PAID ON UPC

PROPERTY OWNER OF RECORD

BERNALILLO COUNTY TREASURER'S OFFICE

Subdivision Data

GROSS ACREAGE, 5.0664 ACRES
ZONE ATLAS PAGE NO. Q-9-Z
NUMBER OF EXISTING LOTS, 1
NUMBER OF LOTS CREATED, 5
MILES OF FULL-WIDTH STREETS, 0.000 MILES
MILES OF HALF-WIDTH STREETS, 0.000 MILES
RIGHT-OF-WAY DEDICATION TO BERNALILLO COUNTY, 0.0000 ACRES
DATE OF SURVEY, OCTOBER 2016

Legal Description

A CERTAIN PARCEL OF LAND IDENTIFIED AS TRACT THIRTEEN (13), OF THE TOWN OF ATRISCO, TWO SOUTH, BEING WITHIN THE TOWN OF ATRISCO GRANT AND SITUATE WITHIN SECTION 16, TOWNSHIP 9 NORTH, RANGE 2 EAST, N.M.P.M.

BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY OF LISA ROAD S.W., MARKED BY A 1/2" REBAR, WHENCE A TIE TO ACS MONUMENT "5-Q9", BEARS N 53°18'22" W, A DISTANCE OF 1902.53 FEET;

THENCE, FROM SAID POINT OF BEGINNING, COINCIDING WITH SAID SOUTHERLY RIGHT OF WAY OF LISA ROAD S.W., S 89°31'04" E, A DISTANCE OF 211.11 FEET TO THE NORTHEAST CORNER OF THE SAID PARCEL, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY OF LISA ROAD S.W., S 00°16'57" W, A DISTANCE OF 1060.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL, MARKED BY AN ALUMINUM CAP;

THENCE, N 82°58'38" W, A DISTANCE OF 211.33 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, MARKED BY A BATHEY MARKER WITH CAP "LS 14271";

THENCE, N 00°12'49" E, A DISTANCE OF 1036.50 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0664 ACRES (220,607 SQ. FT.). MORE OR LESS.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE X WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD. AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP DATED AUGUST 16, 2012, MAP NO. 35001C0338H.

Notes

- 1. FIELD SURVEY PERFORMED IN OCTOBER 2006, AUGUST 2015 AND OCTOBER 2016.
- 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. THIS PROPERTY IS SUBJECT TO BERNALILLO COUNTY CODE CHAPTER 38 FLOODS. A GRADING AND DRAINAGE PLAN PREPARED BY A NEW MEXICO REGISTERED ENGINEER MAY BE REQUIRED WITH FUTURE DEVELOPMENT OF THIS PROPERTY.
- 5. CROSS LOT DRAINAGE MUST NOT BE INCREASED OR IMPACTED BY DEVELOPMENT OF THESE LOTS.
- 6. LOTS MUST ACCEPT HISTORICAL STORM WATER RUNOFF FROM ADJACENT ROADWAYS AND PROPERTIES.
- 7. NO MASS SITE GRADING, CLEARING OR GRUBBING IS ALLOWED WITHOUT AN APPROVED GRADING & DRAINAGE PLAN.
- 8. EXISTING PUBLIC WATER AND SANITARY SEWER INFRASTRUCTURE MAY NOT BE CONSTRUCTED OR SIZED TO ADEQUATELY SERVE POTENTIAL FUTURE DEVELOPMENT. IMPROVEMENT OR UPSIZING OF EXISTING PUBLIC INFRASTRUCTURE MAY BE REQUIRED AS A CONDITION OF FUTURE DEVELOPMENT APPROVAL.

Plat for
Tracts 13-A, 13-B, 13-C, 13-D
and 13-E, Town of Atrisco Grant
Row 2 South
Being Comprised of
Tract 13
Town of Atrisco Grant Row 2 South
Bernalillo County, New Mexico
November 2019

Case Number: _____

Plat Approvals:

PNM Electric Services	Date
Qwest Corp. d/b/a CenturyLink QC	Date
New Mexico Gas Company	Date
Comcast Cable	Date

County Approvals:

Bernalillo County Development Review Authority, Chair	Date
Bernalillo County Zoning	Date
Bernalillo County Fire Marshal's Office	Date
Bernalillo County Natural Resources	Date
Bernalillo County Public Works	Date
Bernalillo County Parks and Recreation	Date
City Surveyor	Date
A.M.A.F.C.A.	Date
A.B.C.W.U.A.	Date

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 OF THE BERNALILLO COUNTY SUBDIVISION ORDINANCE, 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.
Will Plotner Jr.
N.M.R.P.S. No. 14271
Date 11/29/19

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



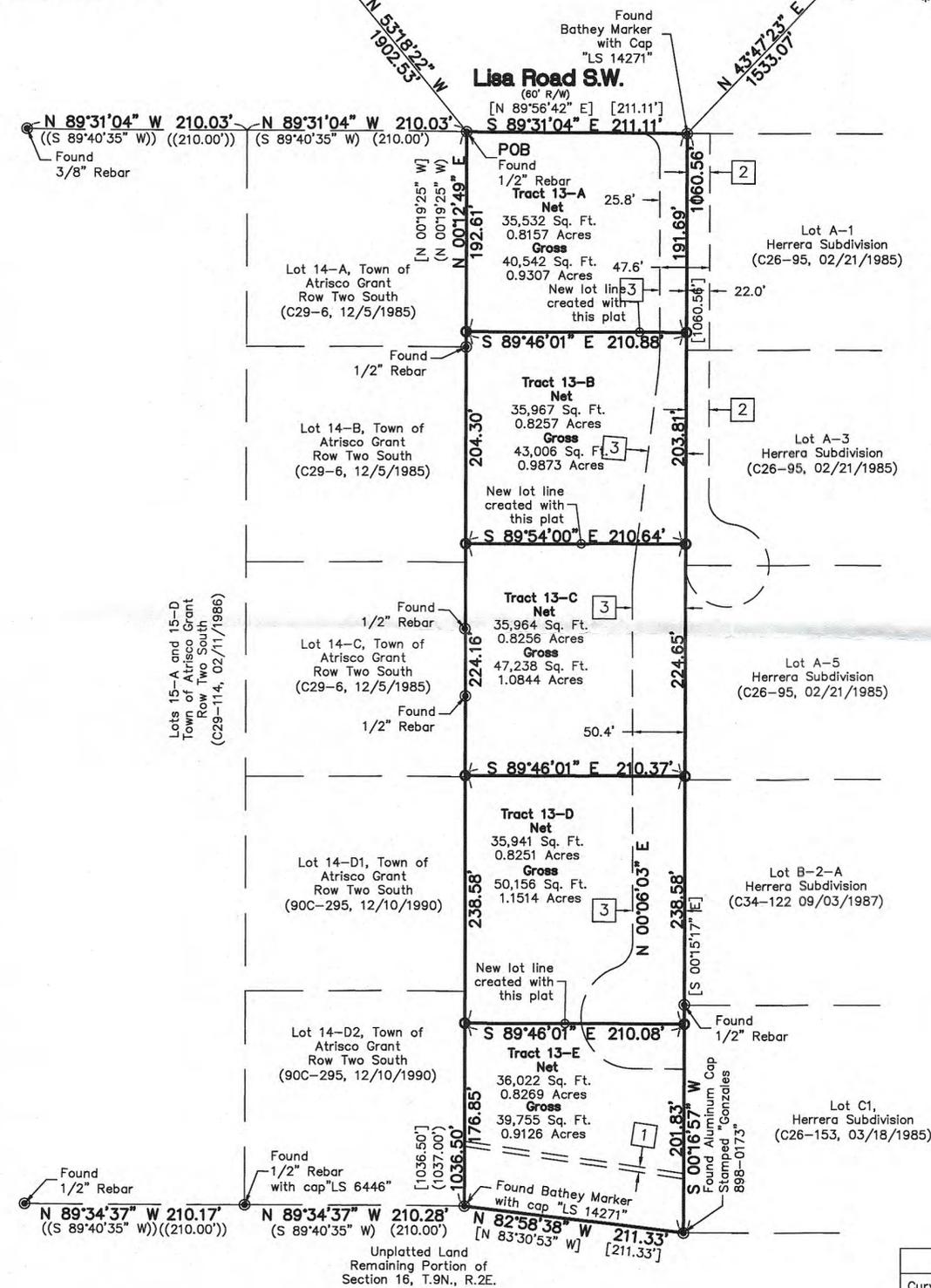
Attachment: SketchPlat (10928 : SRP2019-0083)

ACS Monument " 5-Q9 "
 NAD 1983 CENTRAL ZONE
 X=1495272.452 *
 Y=1459943.776 *
 Z=5072.213 * (NAVD 1988)
 G-G=0.99968491
 Mapping Angle=-0°16'41.23"
 * U.S. SURVEY FOOT

NOTE: NET ACREAGE AS SHOWN HEREON AS
 GROSS LESS ROADWAY EASEMENT [3]

ACS Monument " 11-Q10 "
 NAD 1983 CENTRAL ZONE
 X=1498069.018 *
 Y=1459911.88 *
 Z=4958.446 * (NAVD 1988)
 G-G=0.99968943
 Mapping Angle=-0°16'21.94"
 * U.S. SURVEY FOOT

Plat for
Tracts 13-A, 13-B, 13-C, 13-D
and 13-E, Town of Atrisco Grant
Row 2 South
Being Comprised of
Tract 13
Town of Atrisco Grant Row 2 South
Bernalillo County, New Mexico
November 2019



Legend

N 90°00'00" E MEASURED BEARINGS AND DISTANCES
 (N 90°00'00" E) RECORD BEARINGS AND DISTANCES (12/05/1985, C29-6)
 [N 90°00'00" E] RECORD BEARINGS AND DISTANCES PER DEED (4/19/2017, DOC. NO. 2017036998)
 ((N 90°00'00" E)) RECORD BEARINGS AND DISTANCES (2/11/1986, C29-114)

● FOUND MONUMENT AS INDICATED
 ○ SET BATHEY MARKER "LS 14271" UNLESS OTHERWISE NOTED

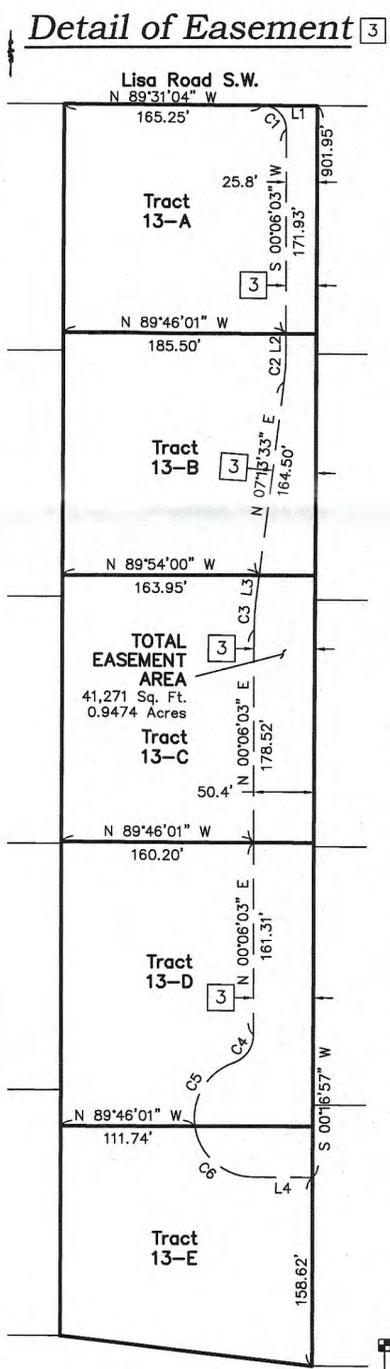


Line Table

Line #	Direction	Length (ft)
L1	S 89°31'04" E	45.86'
L2	N 00°06'03" E	15.83'
L3	N 07°13'33" E	21.37'
L4	N 89°46'01" W	48.75'

Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	31.28'	20.00'	89°37'07"	28.19'	N 44°42'31" W
C2	24.87'	200.00'	7°07'30"	24.85'	N 03°39'48" E
C3	24.87'	200.00'	7°07'30"	24.85'	N 03°39'48" E
C4	30.55'	25.00'	70°01'22"	28.69'	N 35°06'44" E
C5	67.80'	50.00'	77°41'31"	62.72'	N 31°16'39" E
C6	71.75'	50.00'	82°12'58"	65.75'	N 48°40'35" W



- Easement Notes**
- EXISTING 5' P.U.E. (8/18/1993, BK. 93-22, PG. 4866-4867, DOC. NO. 93090044)
 - EXISTING 22' ROAD & UTILITY ESMT. (C26-95, 02/21/1985)
 - PRIVATE ROADWAY EASEMENT GRANTED WITH THIS PLAT, BENEFITING TRACTS 13-A, 13-B, 13-C, 13-D AND 13-E TO BE MAINTAINED BY THE OWNERS OF SAID TRACTS

- 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
 Sheet 2 of 2
 063356

Attachment: SketchPlat (10928 : SRP2019-0083)

EXHIBIT C
Serviceability Letter
#220301

March 29, 2022

Chair

Klarissa J. Peña
City of Albuquerque
Councilor, District 3

Vice Chair

Debbie O'Malley
County of Bernalillo
Commissioner, District 1

Tammy Fiebelkorn
City of Albuquerque
Councilor, District 7

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Timothy M. Keller
City of Albuquerque
Mayor

Charlene Pyskoty
County of Bernalillo
Commissioner, District 5

Steven Michael Quezada
County of Bernalillo
Commissioner, District 2

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

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Alejandro Rodriguez
JP Mainline, LLC
1319 Amole Dr SW
Albuquerque, NM 87121

RE: Water and Sanitary Sewer Serviceability Letter #220301
Project Name: Lisa Subdivision
Project Address: 3330 Lisa Rd SW
Legal Description: Tract 14, ROW 1 South, Town of Atrisco Grant
UPC: 100905247024640312
Zone Atlas Map: Q-10

Dear Rodriguez:

Project Description: The subject site is located at the southwest corner of Lisa Road and Teree Street within unincorporated Bernalillo County. The proposed development consists of approximately five acres and the property is currently zoned M-H for residential use. The property lies within the Pressure Zone 0W in the Pajarito Trunk. The request for availability indicates plans to subdivide the existing tract into five total lots for single-family residential development.

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

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

- Six-inch PVC distribution line (project #26-6042.06-01) along Teree Street.
- Six-inch PVC distribution line (project #26-6042.06-01) along Lisa Road.

Sanitary sewer infrastructure in the area consists of the following:

- Eight-inch PVC sanitary sewer collector line (project #26-4686.91-96) along Teree Street, terminating at manhole Q10-401.
- Eight-inch PVC sanitary sewer collector line (project #26-5103.62-18) along the frontage of Lisa Road.

Water Service: New metered water service to the property can be provided contingent upon a developer funded project to upsize the six-inch public watermain along the eastern property line from a six-inch to an eight-inch main. The upsize shall begin at Lisa Road. The eight-inch main shall run south sufficient distance for each lot to gain perpendicular service connection. The public extension shall be located within the access easement. Upon completion of the infrastructure construction, the development may receive service via routine connection to the proposed eight-inch distribution main along Teree Street. The engineer is responsible for determining pressure losses and

sizing of the service line(s) downstream of the public water line to serve the proposed development.

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

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

Extension of the existing six-inch main within Teree Street is prohibited because the required fire flow cannot be met with further extension. Extension of a public water main along Lisa Road from the 0W pressure zone is also prohibited. The subject parcel is the westernmost extent of the 0W pressure zone. Expansion of the water system westward requires establishment of the 1W pressure zone in this area.

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

Sanitary Sewer Service: New sanitary sewer service to the property can be provided contingent upon a developer funded project to extend an eight-inch collector line from existing manhole Q10-401, to the south the length necessary for each proposed lot to gain a perpendicular service connection. The extension shall terminate with a manhole. The extension shall be located within the access easement extension of Teree Street. 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: A standard fire hydrant flow of 1,000 gallons-per-minute has been applied to the proposed infrastructure. As modeled using InfoWater™ computer software, the fire flow can be met. The analysis was performed by simulating the required fire flow at the end of the proposed six-inch waterline extension.

All new required hydrants as well as their exact locations must be determined through the Bernalillo County Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

Cross Connection Prevention: Approved dual check valves shall be inserted on all water services within pressure zones 0W, 1W and 1E.

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

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

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

Easements: Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated rights-of-way. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer both within the same easement. Easements for standard sized water meters need to be five feet by five feet and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35 feet by 35 feet easement is required. Actual easement widths may vary depending on the depth of the lines to be installed. Acceptable easements must be documented prior to approval of service. Side yard easements are not acceptable for either water or sanitary sewer.

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

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

Design and Construction: Design and construction of all required improvements will be at the developer/property owner's expense. Improvements must be coordinated through the Bernalillo County Public Works Division and Water Authority Work Order process. Designs must be performed by a licensed, New Mexico registered, professional engineer. Construction must be performed by a licensed and bonded public utility contractor.

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

Water Resource Charge (WRC): All developments located outside of the Water Authority's Adopted Service Area will be assessed a Water Resource Charge (WRC) as provided in the Water Authority's Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies necessary to serve the development. The WRC shall not be used for reimbursement except pursuant to a Water Authority Governing Board approved development agreement allowing reimbursement to offset the cost of regional master planned water, wastewater, and reuse supply projects necessary to the Water 2120 planning strategy.

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

Water Use: When metered water service becomes available to this site, the Water Authority is ready, willing, and able to provide the maximum annual requirement for the subject subdivision/project for a period of at least 70 years as required by the Bernalillo County Subdivision Ordinance. However, the Water Authority is also committed to meeting water conservation goals and requirements. Accordingly, all new development utilizing Water Authority services are subject to the requirements for water usage and

water conservation requirements as defined by the Water Authority. Where available, outdoor water usage shall utilize reclaimed water.

All new residential development outside of the Water Authority water service should be designed to meet the standard water usage of 180 gallons per day per household which is equivalent to 75 gallons per capita per day.

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

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

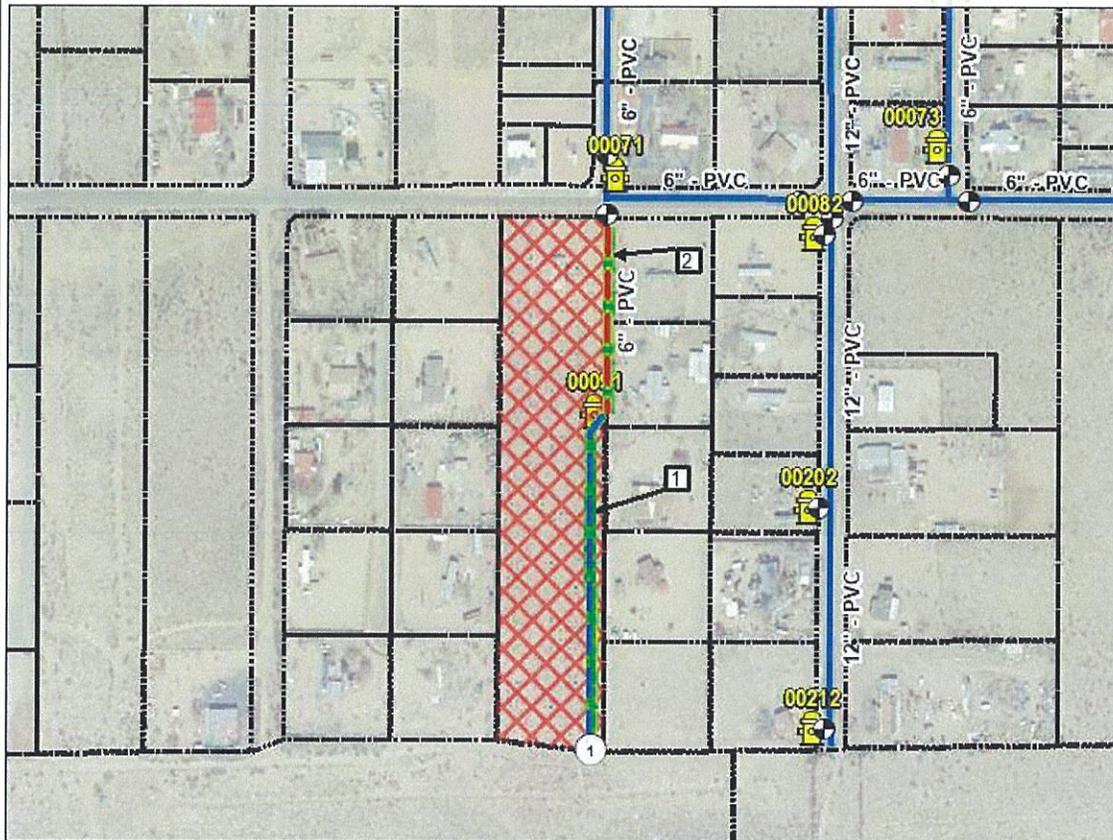
Sincerely,



Mark S. Sanchez
Executive Director

Enclosures: Infrastructure Maps
f/ Serviceability Letter #220301

220301 - Water



Legend

-  Project Location
-  Valve
-  Hydrant

Pipe

SUBTYPE

-  Distribution Line
-  Hydrant Leg



--- General Map Keyed Notes

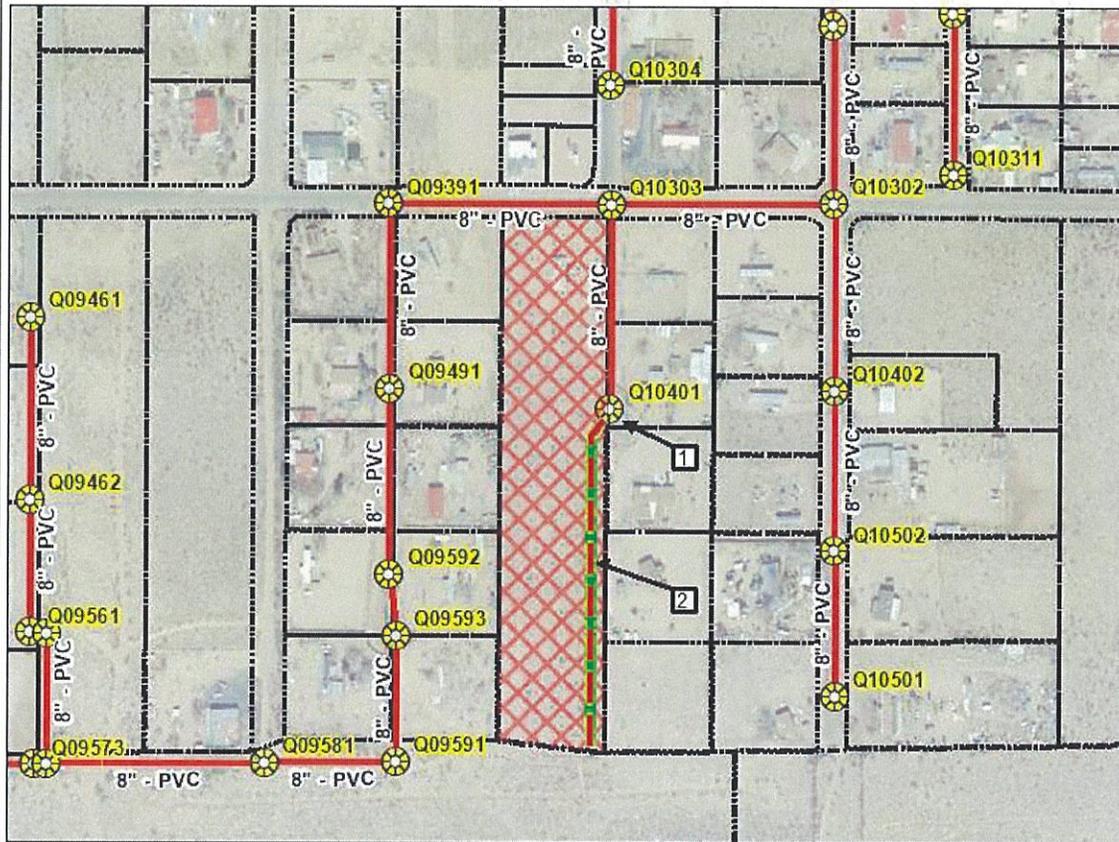
- 1 --- Proposed Water Line Extension 
- 2 --- Existing Water Line Needing Larger Diameter Pipe 

○ --- Fire Flow Analysis Points

- 1 --- Analysis Point



220301 - Sanitary Sewer



Legend

-  Project Location
-  Sewer Manhole

Sewer Pipe

SUBTYPE

-  COLLECTOR
-  BERN CO. CountyBaseMap

-  --- General Map Keyed Notes

1 --- Existing Sewer Manhole Q10401

2 --- Proposed Sewer Line Extension 

