



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

TITLE: R-22-36 – Authorizing an Agreement for Water and Sewer Service for Sonata Trails, LLC (NV LLC)

ACTION: Recommend Approval

SUMMARY:

The development is located along the east side of Universe Boulevard between Avenida de Jaimito and Treeline Avenue within the City of Albuquerque limits. The property will develop as a 228-unit multi-family development.

Water and wastewater service is contingent upon the developer constructing distribution and collector lines that tie to the existing infrastructure proximate to the property and paying a facility fee for a future 15-inch sanitary sewer interceptor.

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

FISCAL IMPACT:

None.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-22-36

1 RESOLUTION

2 AUTHORIZING AN AGREEMENT FOR WATER AND SEWER SERVICE FOR
3 SONATA TRAILS, LLC (NV LLC)

4 WHEREAS, Sonata Trails, LLC (NV LLC) is the developer and owner of real
5 property to be developed as 17.41 Acre Tract - 250 Unit multi-family development
6 located near Along Universe Boulevard between Avenida de Jaimito and Treeline
7 Avenue; and

8 WHEREAS, the property which is located outside the service area of the Water
9 Authority will require a development agreement for the extension and/or connection of
10 water and sewer lines to the Water Authority's water and sewer system; and

11 WHEREAS, the Water Authority's Water and Wastewater System Expansion
12 Ordinance requires that new service developed outside the Water Authority's service
13 area will incur no net expense to the Water Authority and be subject to provisions of
14 relevant updated planning documents as approved by the City and/or County; and

15 BE IT RESOLVED BY THE WATER AUTHORITY:

16 Section 1. Sonata Trails, LLC (NV LLC) will obtain all permits, assurances, and
17 approvals from the Water Authority and the City of Albuquerque development/design
18 review process. Construction of water and/or sewer lines shall be in conformance with
19 the plans approved by the Water Authority and all applicable plans, specifications,
20 requirements, and standards of the Water Authority.

21 Section 2. The expansion of the System shall incur no net expense to the Water
22 Authority and be subject to current Utility Expansion and Water Supply Charges.

23 Section 3. Sonata Trails, LLC (NV LLC) will be responsible for close coordination
24 of the project with the Water Authority during the design and construction phases,
25 including the review of the design details during the design process, and the approval of
26 specifications and contract documents.

27 Section 4. The Executive Director is authorized to enter into the agreement with
28 Sonata Trails, LLC (NV LLC) for the provision of water and sewer service.

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

DEVELOPMENT AGREEMENT
Sonata Apartments Phase II

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

1. Recitals

- A.** Sonata Trails, LLC is the owner of a certain real property located in Tract 3A.
- B.** Sonata Trails Tract 4, LLC is the owner of certain real property located in Tract 4.
- C.** Following the recording of a plat which will include Tract 3A and Tract 4, Sonata Trails, LLC will become owner and developer of Tracts 3A and 4, Unit 4, The Trails (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.
- D.** The existing legal description for the property is: Tracts 3A and 4, Unit 4, The Trails.
- E.** The proposed legal description for the property is: Tracts 3A-1 & 4-A, The Trails, Unit 4.
- F.** The Property is more particularly described and shown on **Exhibit B** attached hereto and incorporated herein by reference.
- G.** The Property will develop as a multi-family development consisting of approximately 228 units.
- H.** The Property is located in Pressure Zone 4W of the Corrales Trunk.
- I.** 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.

- J.** The Property is within the Volcano Heights Area. The Volcano Heights Wastewater Service Area Study was completed in 2017 (CDMSmith) and identified a 15 inch sanitary sewer interceptor along the Paseo Del Norte/Avenida De Jaimito alignment for full buildout conditions of the Volcano Heights area. The extension of the 15 inch interceptor would begin at the terminus of the existing interceptor along Paseo Del Norte which terminates just west of the Petroglyph National Monument. Currently, the terminus of the existing interceptor is more than 7,000 feet east of the subject property. Since the project is located at the western boundary of the Volcano Heights area, the extension of the interceptor is not feasible for the Property at this time.
- K.** The expansion of the existing water and sanitary sewer systems to serve the Property will require, in addition to the Facility Improvements detailed in the Serviceability Letter, the future extension of the required 15 inch sanitary sewer interceptor to serve the Volcano Heights area. As such, the Property will be assessed a Facility Fee that reflects its proportional share of the costs associated with the 15 inch sanitary sewer interceptor.
- L.** The Facility Improvements referenced in this Agreement are not considered Master Plan improvements by the Water Authority. As such, reimbursement of construction costs associated with their construction will not be available through water and sewer UEC (defined below in Section 3.B) reimbursements.

2. Design and Construction of the Facility Improvements

- A.** The Developer will cause definitive designs and plans of the Facility Improvements to be produced which will include estimates of all costs and expenses. The Developer will not take service from the Facility Improvements until the Water Authority has approved the Facility Improvements. The Developer will obtain all necessary permits, assurances, and approvals from the Water Authority and City, and the Developer will deliver a copy of such permits, assurances, and approvals to the Water Authority prior to the start of construction. Construction will be handled through the City or Water Authority work order process.
- B.** The Developer will complete, or cause to be completed, construction of the Facility Improvements as approved by the City of Albuquerque Design Review Committee and the Water Authority, and in conformance with all applicable plans, specifications, and standards of the City and the Water Authority. The Water Authority shall provide service to the Property only after the Water Authority has accepted the Facility Improvements. The Water Authority shall accept, operate and maintain the Facility Improvements after the Developer conveys, at no expense to the Water Authority, all the Facility Improvements together with all real and personal property rights which the Water Authority deems reasonably necessary which shall be free and clear of all claims, encumbrances and liens for the construction, operation and maintenance. The provisions of this Agreement constitute covenants running with the referenced

Property for the benefit of the Water Authority and its successors and assigns until terminated, and are binding on the Developer and their heirs, successors and assigns.

- C. The contractor's one (1) year warranty period shall commence upon final project acceptance by the Water Authority or the City. The Developer shall be responsible for conducting an 11 month warranty inspection. Developer shall be responsible for correcting any deficiencies found during the inspection to the satisfaction of the Water Authority.
- D. The Developer will be responsible for close coordination of the project with the Water Authority during the design and construction phases, including review of design details, during the design process, and the approval of specifications and contract documents. The Water Authority will review and approve in a timely manner the design plans for construction and estimated cost, to ensure the designs meet Water Authority standards and follow the guidance provided in the City's Development Process Manual ("DPM") and/or applicable Water Authority Design Manuals.
- E. To the extent relevant and applicable and to the extent there is no conflict with the terms of this Agreement, the usual procedures and documentation, including the Procedure "B", as defined in the Development Process Manual (DPM) of the City and Section 14-16-5-4(G) of the City IDO, will be followed and used for the Facility Improvements.
- F. Upon completion of all Work Order projects, the Developer shall provide to the Water Authority a completed Asset Data Table of the assets installed/constructed or any other asset information required of the Water Authority.

3. Service

- A. The Developer shall comply with the Water Authority's Water and Sewer System Expansion Ordinance, as amended from time to time. Connection for water service shall require the concurrent connection of sanitary sewer service to the Water Authority's wastewater system.
- B. The Developer or its successor shall pay Utility Expansion Charges (UEC) and the Water Resource Charges (WRCs) at the rates that are imposed at the time of a service connection, as provided in the Water Authority's Water and Sewer Rate Ordinance, as amended from time to time.
- C. **Sanitary Sewer Facility Fee** - The Developer shall pay a Facility Fee to the Water Authority in the amount of **\$93,438** for the development's proportional cost associated with the extension of the required 15 inch sanitary sewer interceptor along the Paseo Del Norte/Avenida De Jaimito alignment.

- D.** Facility Fees are in lieu of a developer requirement to build the entire Master Plan Infrastructure. No utility services will be sold to the Property until the Facility Fees are paid in whole. As the expansion of system capacity is classified as Master Plan Facility Improvements, these Facility Fees are reimbursable by the **Sanitary Sewer UEC's**, collected as services are established within the Property. The UEC reimbursements will total no more than the respective Facility Fee amount. The Developer may not receive 100% reimbursement of the Facility Fees as the UECs generated from the development may be less than the Facility Fees. Reimbursement will be on a Calendar Year basis. The Reimbursement request must be initiated by the Developer or its successor.
- E.** Pursuant to Water Authority Resolution No. R-05-13, the Developer agrees that it will incorporate water conservation guidelines that will seek to achieve water usage of no more than 180 gallons per household which is equivalent to seventy-five (75) gallons per capita per day.
- 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 validly existing limited liability company under the laws of the State of Nevada.
- 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:

John Murtagh, Manager
Sonata Trails, LLC
Suite D3-338
8201 Golf Course Road NW
Albuquerque NM 87120

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

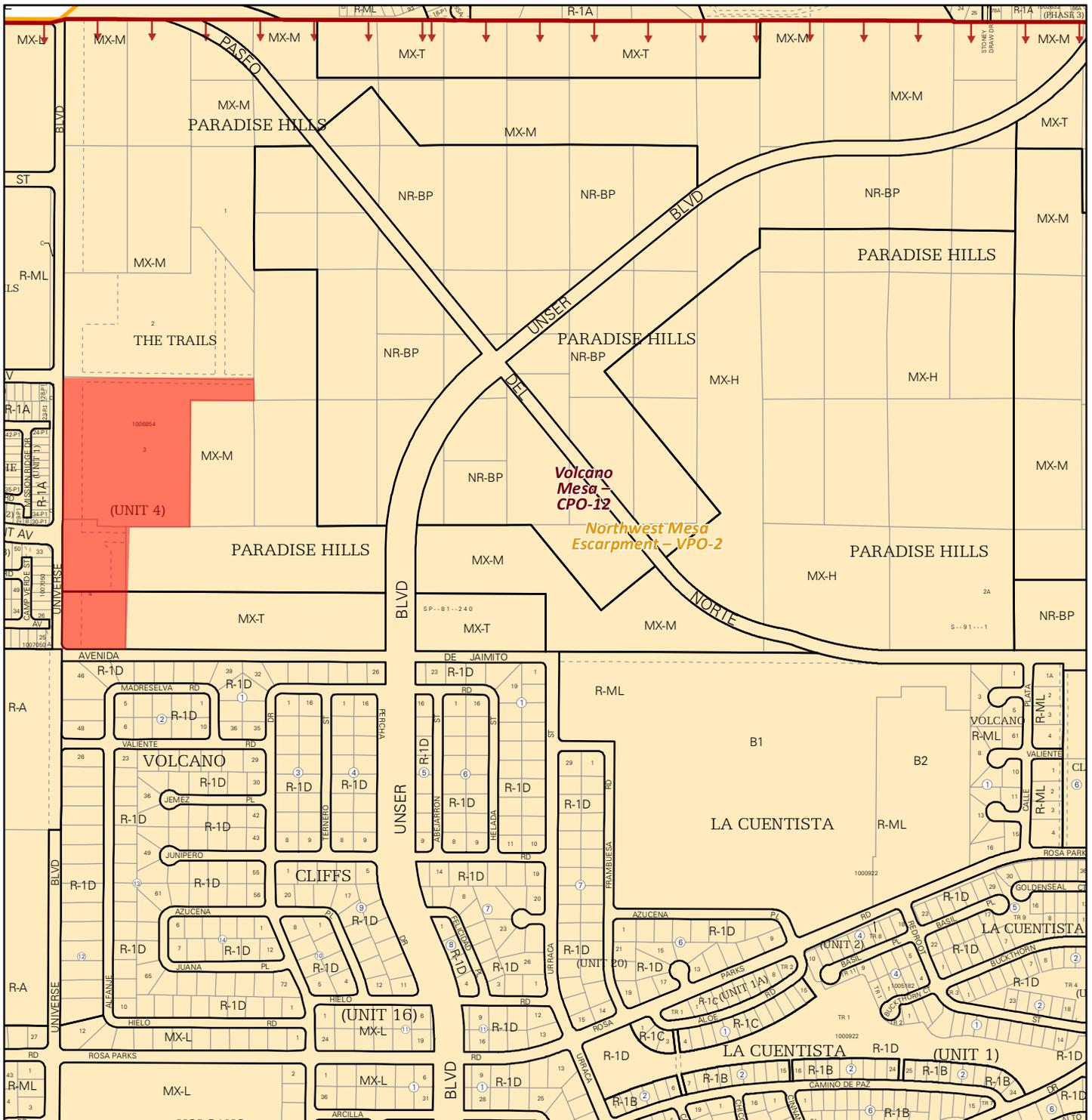
COUNTY OF BERNALILLO)

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 C-10

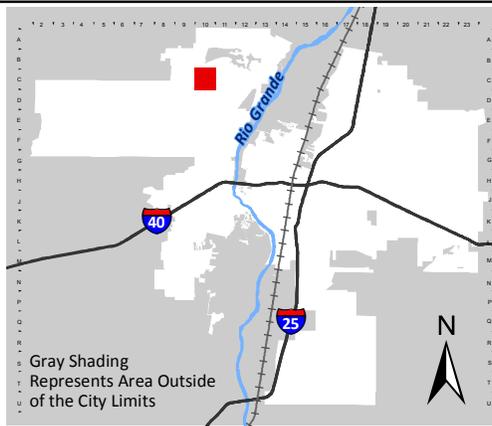


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



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



Zone Atlas Page:
C-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

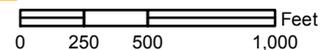
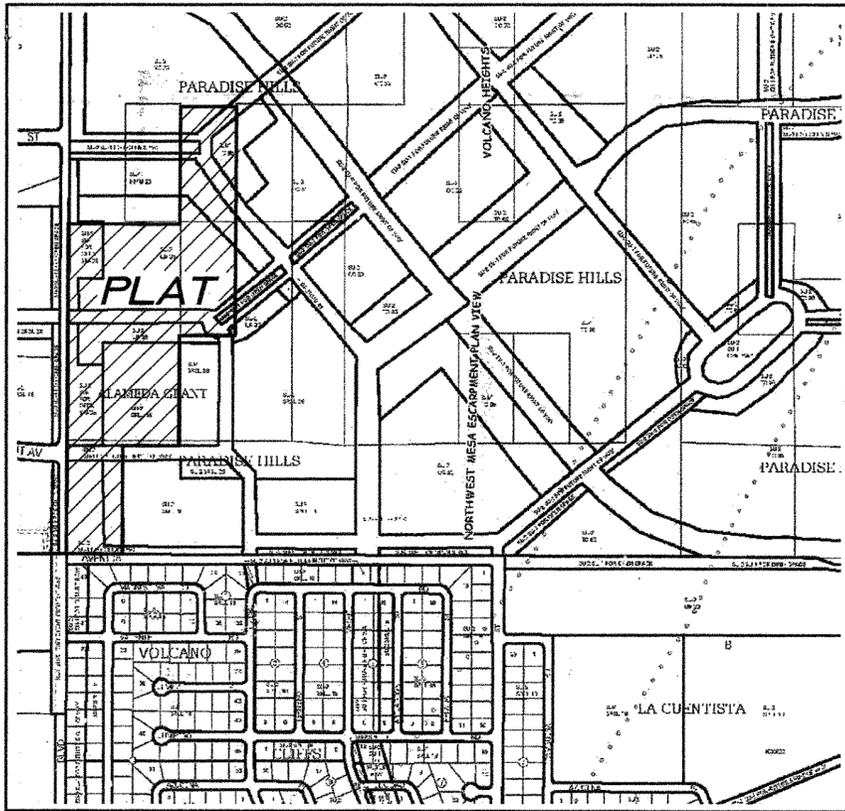


EXHIBIT B.1
Existing Plat

Tracts 1, 2, 3 and 4 of The Trails Unit 4



VICINITY MAP
Not To Scale

GENERAL NOTES

- Bearings are grid based upon the New Mexico State Plane Coordinate System, Central Zone (NAD 27).
- Distances are ground.
- Record plat bearings and distances where they differ from those measured by field survey are shown in parenthesis ().
- All corners are a 5/8" rebar and cap stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- Albuquerque City Zone Atlas page C-10.
- U.C.L.S. Log Number 2007421011.
- Current Zoning per the Volcano Heights Sector Development Plan is SU-2 - SRLL

SUBDIVISION DATA

- Total number of existing Tracts: 7
- Total number of Tracts created: 4
- Total mileage of full width streets created: 0 miles.
- Gross Subdivision acreage: 34.8467 acres.

SHEET INDEX

- SHEET 1 OF 4 - Approvals, General Notes, Etc...
- SHEET 2 OF 4 - Legal Description, Free consent and dedication
- SHEET 3 OF 4 - Overall Bulk Plat Boundary and Easement Vacations
- SHEET 4 OF 4 - New Tracts created, Trails Unit 4

TREASURERS CERTIFICATION

This is to certify that taxes are current and paid on the following:

Listed Parcels
Trail LLC

[Signature] 12/27/07
Bernalillo County Treasurer: Date

PUBLIC UTILITY EASEMENTS

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

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

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

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

DISCLAIMER

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

PURPOSE OF PLAT:

The purpose of this Bulk land Plat is to:

- Show the various Public Roadway and Utility Easements which were vacated by 07DRB-70340 AND 70341
- Create the Four(4) Bulk Parcels shown hereon to facilitate platting of future Trails Units.
- Grant the New Public Easements as shown hereon.
- Dedicate the additional public right of way as shown hereon.

SURVEYORS CERTIFICATION

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

[Signature]
Russ P. Hugg
NMPS No: 9750
October 8, 2007



BULK LAND PLAT OF
THE TRAILS UNIT 4
(BEING A REPLAT OF UNPLATTED DEED PARCELS)

WITHIN
THE TOWN OF ALAMEDA GRANT
IN
PROJECTED SECTION 15, TOWNSHIP 11 NORTH, RANGE 2 EAST
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
OCTOBER, 2007

PROJECT NUMBER: 1006854
Application Number: 07-70343

PLAT APPROVAL

Utility Approvals:

<u>[Signature]</u> PNM Electric Services	<u>12/27/2007</u> Date
<u>[Signature]</u> PNM Gas Services	<u>12/27/2007</u> Date
<u>[Signature]</u> QWest Corporation	<u>10/22/07</u> Date
<u>[Signature]</u> Comcast	<u>10-22-07</u> Date
<u>[Signature]</u> New Mexico Utilities	<u>12/19/07</u> Date

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

City Approvals:

<u>[Signature]</u> City Surveyor	<u>10-24-07</u> Date
N/A Real Property Division	Date
N/A Environmental Health Department	Date
<u>[Signature]</u> Traffic Engineering, Transportation Division	<u>12-12-07</u> Date
N/A ABCWUA	Date
<u>[Signature]</u> Parks and Recreation Department	<u>12/12/07</u> Date
<u>[Signature]</u> AMAFCA	<u>12/12/07</u> Date
<u>[Signature]</u> City Engineer	<u>12/27/07</u> Date
<u>[Signature]</u> DRB Chairperson, Planning Department	<u>12-28-07</u> Date

DOCH 2007173084
12/28/2007 03:45 PM Page: 1 of 4
PLAT R:522.00 B: 2007C P: 0357 M. Toulouse, Bernalillo County

SHEET 1 OF 4
SURV+TEK, INC.
Consulting Surveyors
9384 Valley View Drive, N.W. Albuquerque, New Mexico 87114 Phone: 505-897-3366 Fax: 505-897-3377

BULK LAND PLAT OF
THE TRAILS UNIT 4
 (BEING A REPLAT OF UNPLATTED DEED PARCELS)

WITHIN
 THE TOWN OF ALAMEDA GRANT
 IN
 PROJECTED SECTION 15, TOWNSHIP 11 NORTH, RANGE 2 EAST
 NEW MEXICO PRINCIPAL MERIDIAN
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 OCTOBER, 2007

LEGAL DESCRIPTION

That certain unplatted parcel of land situate within the Town of Alameda Grant in projected Section 15, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising the West 1/2 of the SW 1/4 of the NW 1/4; the SW 1/4 of the SE 1/4 of the NW 1/4 of the NW 1/4; the NW 1/4 of the NE 1/4 of the SW 1/4 of the NW 1/4 and the NW 1/4 of the NW 1/4 of the NW 1/4 of the SW 1/4 of said projected Section 15, Township 11 North, Range 2 East, New Mexico Principal Meridian and further described in those certain Warranty Deeds filed in the office of the County Clerk of Bernalillo County, New Mexico on: September 24, 2003 in Book A65, page 5664; November 30, 2004 in Book A87, page 5010; December 2, 2004 in Book A87, page 7462; more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) grid bearings and ground distances as follows:

BEGINNING at the Southwest corner of the parcel herein described (a 3-1/2" USGLO brass cap stamped "CC TA S16/15" found in place), the North closing corner on the South Boundary of the Town of Alameda Grant for Sections 15 and 16, Township 11 North, Range 2 East, New Mexico Principal Meridian, said point also being the Southwest corner of the lands of The Trails, LLC as described in the aforesaid Warranty Deed filed in Book A65, page 5664 and the Northwest corner of Unit No. 16 Volcano Cliffs Subdivision as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on March 17, 1971 in Volume D4, Folio 116 Thence,

- N 00° 16' 10" E, 1960.65 feet along the projected Section line common to Sections 15 and 16, to a point (a 5/8" Rebar and cap stamped "L.S. 9750" set); Thence,
- S 89° 52' 12" E, 329.28 feet to a point (a 5/8" Rebar and cap stamped "L.S. 7719" found in place); Thence,
- S 89° 51' 50" E, 330.61 feet to a point (a 5/8" Rebar and cap stamped "L.S. 7719" found in place); Thence,
- N 00° 16' 11" E, 659.92 feet to a point (a 5/8" Rebar and cap stamped "L.S. 9750" set); Thence,
- S 89° 49' 22" E, 330.09 feet to a point (a 5/8" Rebar and cap stamped "L.S. 9750" set); Thence,
- S 00° 16' 10" W, 659.88 feet to a point (a 5/8" Rebar and cap stamped "L.S. 9750" set); Thence,
- S 00° 16' 10" W, 660.42 feet to a point (a 5/8" Rebar and cap stamped "L.S. 9750" set); Thence,
- N 89° 40' 58" W, 330.05 feet to a point (a 5/8" Rebar and cap stamped "L.S. 7719" found in place); Thence,
- S 00° 16' 16" W, 659.53 feet to a point (a 5/8" Rebar and cap stamped "L.S. 7719" found in place); Thence,
- N 89° 49' 46" W, 329.94 feet to a point (a 5/8" Rebar and cap stamped "L.S. 7719" found in place); Thence,
- S 00° 16' 14" W, 642.17 feet to a point on the Northerly line of said Unit No. 16 Volcano Cliffs Subdivision (a 5/8" Rebar and cap stamped "L.S. 9750" set); Thence,
- N 89° 47' 40" W, 329.97 feet along said Northerly line of Unit No. 16 Volcano Cliffs Subdivision to the Southwest corner and point of beginning of the parcel herein described.

Said parcel contains 34.8467 acres, more or less.

FREE CONSENT AND DEDICATION

SURVEYED and REPLATTED and now comprising, "BULK LAND PLAT OF THE TRAILS UNIT 4 (BEING A REPLAT OF UNPLATTED DEED PARCELS) WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 15, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. Said owner(s) and proprietor(s) do hereby dedicate the additional public street right of way as shown hereon to the City of Albuquerque in fee simple with warranty covenants by this plat. Said owner(s) and proprietor(s) do hereby grant the public utility easements as shown hereon. Said owner(s) and proprietor(s) do hereby warrant that they hold among them, complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

OWNER(S)

THE TRAILS, LLC
 a Nevada limited liability company
 Longford Group, Inc., it's manager

By Kelly Murtagh 12-10-07
 Kelly Murtagh, Vice President Date

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO SS

The foregoing instrument was acknowledged before me this 10th
 day of December, 2007, by Kelly Murtagh, Vice President
 of The Longford Group, Inc.

DKrapcha My commission expires 12/1/08
 Notary Public



NOTICE OF SUBDIVISION PLAT CONDITIONS

TRACTS 1 THRU 4, THE TRAILS UNIT 4

The plat of TRACTS 1 THRU 4, THE TRAILS UNIT 4 has been granted a variance or waiver from certain subdivision requirements pursuant to Section 7 of the City of Albuquerque Subdivision Ordinance.

Future subdivision of lands within this plat, zoning Site Development Plan approvals, and development permits may be conditioned upon dedication of right-of-way and easements, and/or upon infrastructure improvements by the owner for 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; park and open space requirements; drainage requirements 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 recordable document, removing such conditions from all of from a portion of the area within the subject subdivision.

Note: There is a Notice of subdivision plat conditions for Tracts 1 thru 4, The Trails Unit 4, filed in the office of the County Clerk of Bernalillo County,

New Mexico on _____, 2008 in Book _____, page _____
 as Document Number _____.

SECTION 14-14-4-7 PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS

"No property within the area of requested final action shall at any time be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of proposed plat. The foregoing requirement shall be a condition to approval of this plat or site development plan for subdivision"

DOCH 2007173084

12/29/2007 03:45 PM Page: 2 of 4
 PLAT R: \$22.00 B: 2007C P: 8357 M. Toulouse, Bernalillo County



SHEET 2 OF 4

SURVTEK, INC.

Consulting Surveyors Phone: 505-897-3366
 9384 Valley View Drive, N.W. Albuquerque, New Mexico 87114 Fax: 505-897-3377

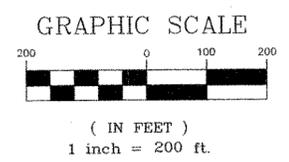
BULK LAND PLAT OF
THE TRAILS UNIT 4
 (BEING A REPLAT OF UNPLATTED DEED PARCELS)

WITHIN
 THE TOWN OF ALAMEDA GRANT
 IN
 PROJECTED SECTION 15, TOWNSHIP 11 NORTH, RANGE 2 EAST
 NEW MEXICO PRINCIPAL MERIDIAN
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 OCTOBER, 2007

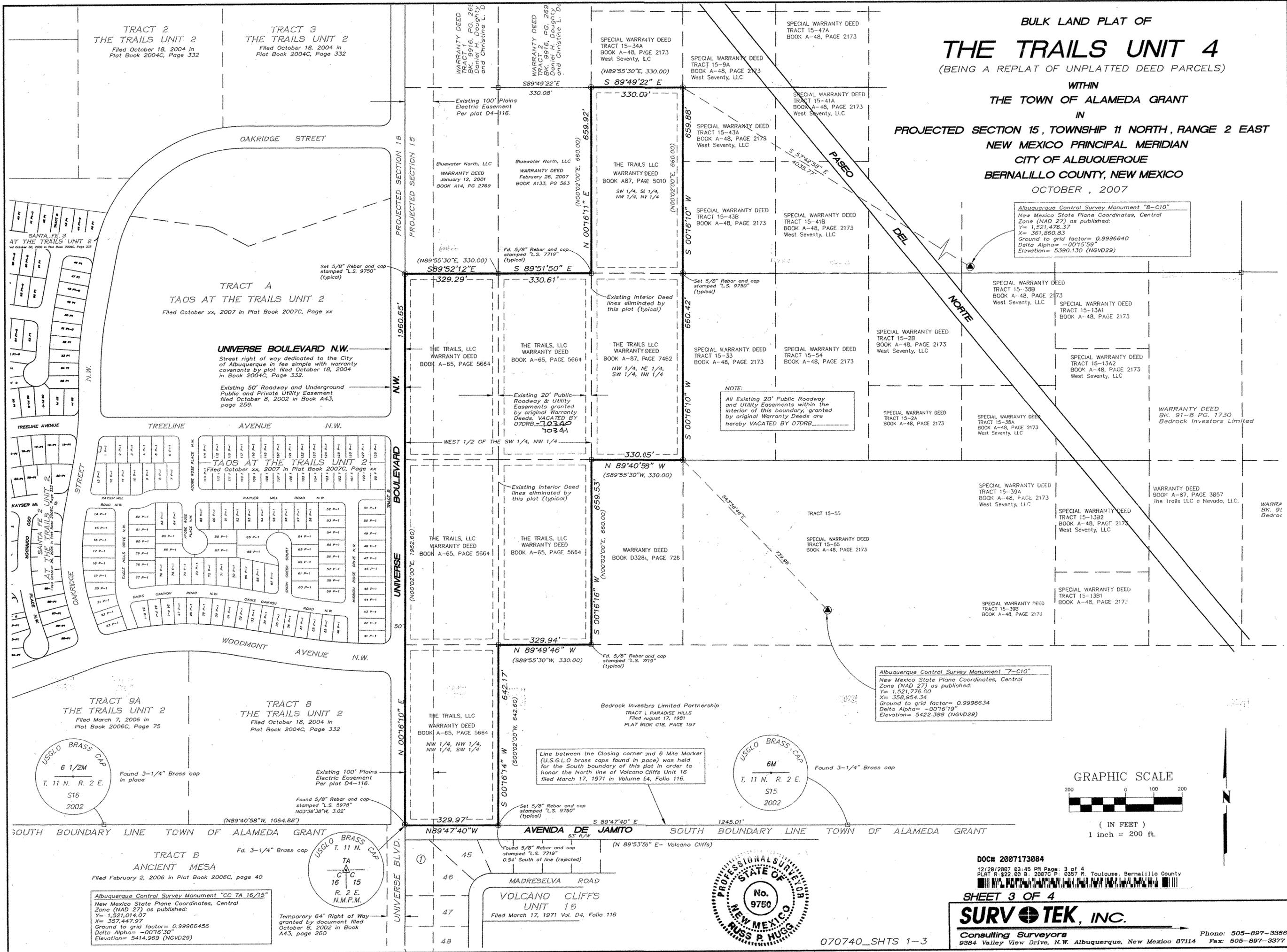
Albuquerque Control Survey Monument "8-C10"
 New Mexico State Plane Coordinates, Central
 Zone (NAD 27) as published:
 Y= 1,521,476.37
 X= 381,860.83
 Ground to grid factor= 0.9996640
 Delta Alpha= -00'15.59"
 Elevation= 5390.130 (NGVD29)

NOTE:
 All Existing 20' Public Roadway
 and Utility Easements within the
 interior of this boundary, granted
 by original Warranty Deeds are
 hereby VACATED BY 07DRB.

Albuquerque Control Survey Monument "7-C10"
 New Mexico State Plane Coordinates, Central
 Zone (NAD 27) as published:
 Y= 1,521,776.00
 X= 358,954.34
 Ground to grid factor= 0.9996634
 Delta Alpha= -00'16.19"
 Elevation= 5422.388 (NGVD29)



DOCM 2007173084
 12/28/2007 03:45 PM Page: 3 of 4
 PLAT R: \$22.00 B: 2007C P: 0357 M. Toulouse, Bernalillo County
SHEET 3 OF 4
SURVOTEK, INC.
 Consulting Surveyors Phone: 505-897-3366
 9384 Valley View Drive, N.W. Albuquerque, New Mexico 87114 Fax: 505-897-3377



TRACT 2
 THE TRAILS UNIT 2
 Filed October 18, 2004 in
 Plat Book 2004C, Page 332

TRACT 3
 THE TRAILS UNIT 2
 Filed October 18, 2004 in
 Plat Book 2004C, Page 332

TRACT A
 TAOS AT THE TRAILS UNIT 2
 Filed October xx, 2007 in Plat Book 2007C, Page xx

UNIVERSE BOULEVARD N.W.
 Street right of way dedicated to the City
 of Albuquerque in fee simple with warranty
 covenants by plat filed October 18, 2004
 in Book 2004C, Page 332.
 Existing 50' Roadway and Underground
 Public and Private Utility Easement
 filed October 8, 2002 in Book A43,
 page 259.

TRACT 8
 THE TRAILS UNIT 2
 Filed October xx, 2007 in Plat Book 2007C, Page xx

TRACT 9A
 THE TRAILS UNIT 2
 Filed March 7, 2006 in
 Plat Book 2006C, Page 75

TRACT 8
 THE TRAILS UNIT 2
 Filed October 18, 2004 in
 Plat Book 2004C, Page 332

TRACT B
 ANCIENT MESA
 Filed February 2, 2006 in Plat Book 2006C, page 40

Albuquerque Control Survey Monument "CC TA 16/15"
 New Mexico State Plane Coordinates, Central
 Zone (NAD 27) as published:
 Y= 1,521,014.97
 X= 357,447.97
 Ground to grid factor= 0.99966456
 Delta Alpha= -00'16.30"
 Elevation= 5414.989 (NGVD29)

Temporary 64' Right of Way
 granted by document filed
 October 8, 2002 in Book
 A43, page 260

VOLCANO CLIFFS
 UNIT 16
 Filed March 17, 1971 Vol. D4, Folio 116

070740_SHTS 1-3

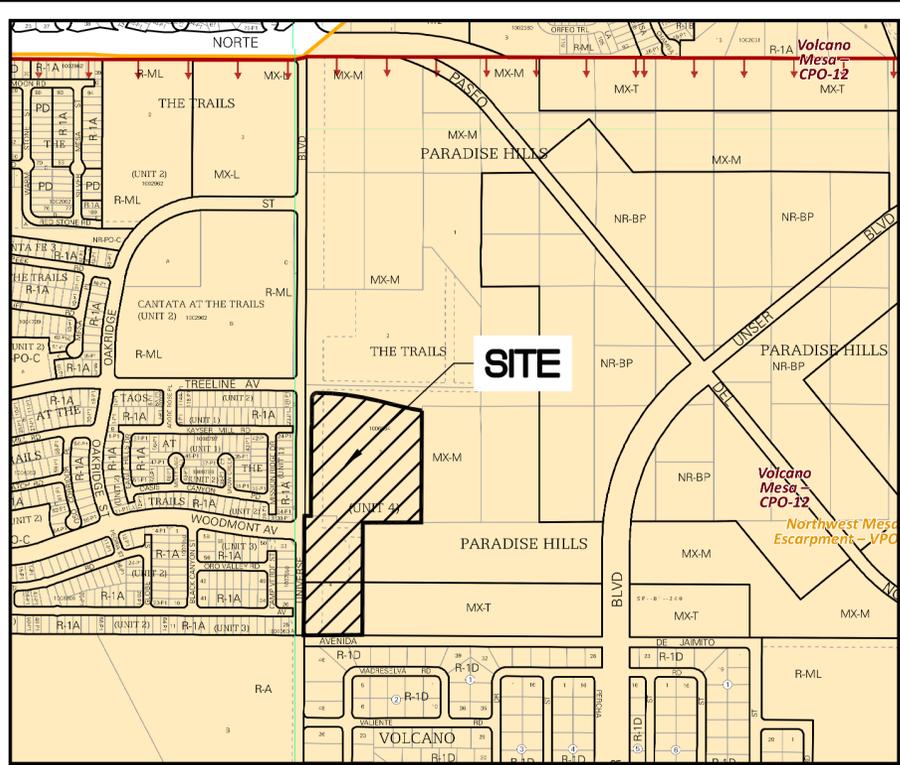
EXHIBIT B.2

Existing Plat

**Tracts 1A, 1B and 3A of The Trails
Unit 4**

EXHIBIT B.3
Proposed Plat

Tracts 3A-1 and 4-A of the Trails Unit 4



Vicinity Map - Zone Atlas C-10-Z



Documents

1. TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE, HAVING FILE NO. 2110711 AND AN EFFECTIVE DATE OF NOVEMBER 10, 2021.
2. BULK LAND PLAT OF RECORD FOR THE TRAILS UNIT 4, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON DECEMBER 28, 2007, IN BOOK 2007C, PAGE 357.
3. PLAT OF RECORD FOR TRACTS 1A, 1B AND 3A, THE TRAILS UNIT 4, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON JUNE 24, 2021, IN BOOK 2021C, PAGE 73.
4. SPECIAL WARRANTY DEED FOR TRACT 4, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON OCTOBER 13, 2020, AS DOCUMENT NUMBER 2020100662.
5. WARRANTY DEED FOR TRACT 3A, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON FEBRUARY 25, 2020, AS DOCUMENT NUMBER 2020017636.

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 NO. 35001C0111G, DATED SEPTEMBER 26, 2008.

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.

Indexing Information

Section 15, Township 11 North, Range 2 East, N.M.P.M.
 as Projected into the Town of Alameda Grant
 Subdivision: The Trails, Unit 4
 Owner: Trails Tract 4, LLC (Tract 4)
 Owner: Sonata Trails, LLC (Tract 3A)
 UPC #: 101006401722630106 (Tract 4)
 UPC #: TBD (Tract 3A)

Purpose of Plat

1. SUBDIVIDE AS SHOWN HEREON.
2. DEDICATE RIGHT-OF-WAY AS SHOWN HEREON.
3. VACATE EASEMENTS AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE, 14.8281 ACRES
 ZONE ATLAS PAGE NO. C-10-Z
 NUMBER OF EXISTING LOTS. 2
 NUMBER OF LOTS CREATED. 2
 MILES OF FULL-WIDTH STREETS. 0.0000 MILES
 MILES OF HALF-WIDTH STREETS. 0.0000 MILES
 RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE. 1.2096 ACRES
 DATE OF SURVEY. NOVEMBER 2021

Notes

1. FIELD SURVEY PERFORMED IN OCTOBER AND NOVEMBER 2021.
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

Legal Description

TRACT NUMBERED FOUR (4) OF THE TRAILS UNIT 4, WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 15, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON DECEMBER 28, 2007 IN PLAT BOOK 2007C, PAGE 357.

AND

TRACT NUMBERED THREE--A (3--A) OF THE TRAILS UNIT 4, (BEING A REPLAT OF TRACTS 1--3, THE TRAILS UNIT 4), WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTION 15, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 24, 2021 IN PLAT BOOK 2021C, PAGE 73.

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND PAID ON UPC # 101006401722630106

PROPERTY OWNER OF RECORD
 BERNALILLO COUNTY TREASURER'S OFFICE

Plat for Tracts 3A-1 and 4-A, The Trails Unit 4 Being Comprised of Tract 3A and Tract 4, The Trails Unit 4 City of Albuquerque Bernalillo County, New Mexico May 2022

Project Number: PR-2022-00

Application Number:

Plat Approvals:

PNM Electric Services

Qwest Corp. d/b/a CenturyLink QC

New Mexico Gas Company

Comcast

City Approvals:

City Surveyor

Traffic Engineer

ABCWUA

Parks and Recreation Department

Code Enforcement

AMAFCA

City Engineer

DRB Chairperson, Planning Department

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 FOR 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. 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

**Plat for
Tracts 3A-1 and 4-A,
The Trails Unit 4
Being Comprised of
Tract 3A and Tract 4,
The Trails Unit 4
City of Albuquerque
Bernalillo County, New Mexico
May 2022**

Easement Notes

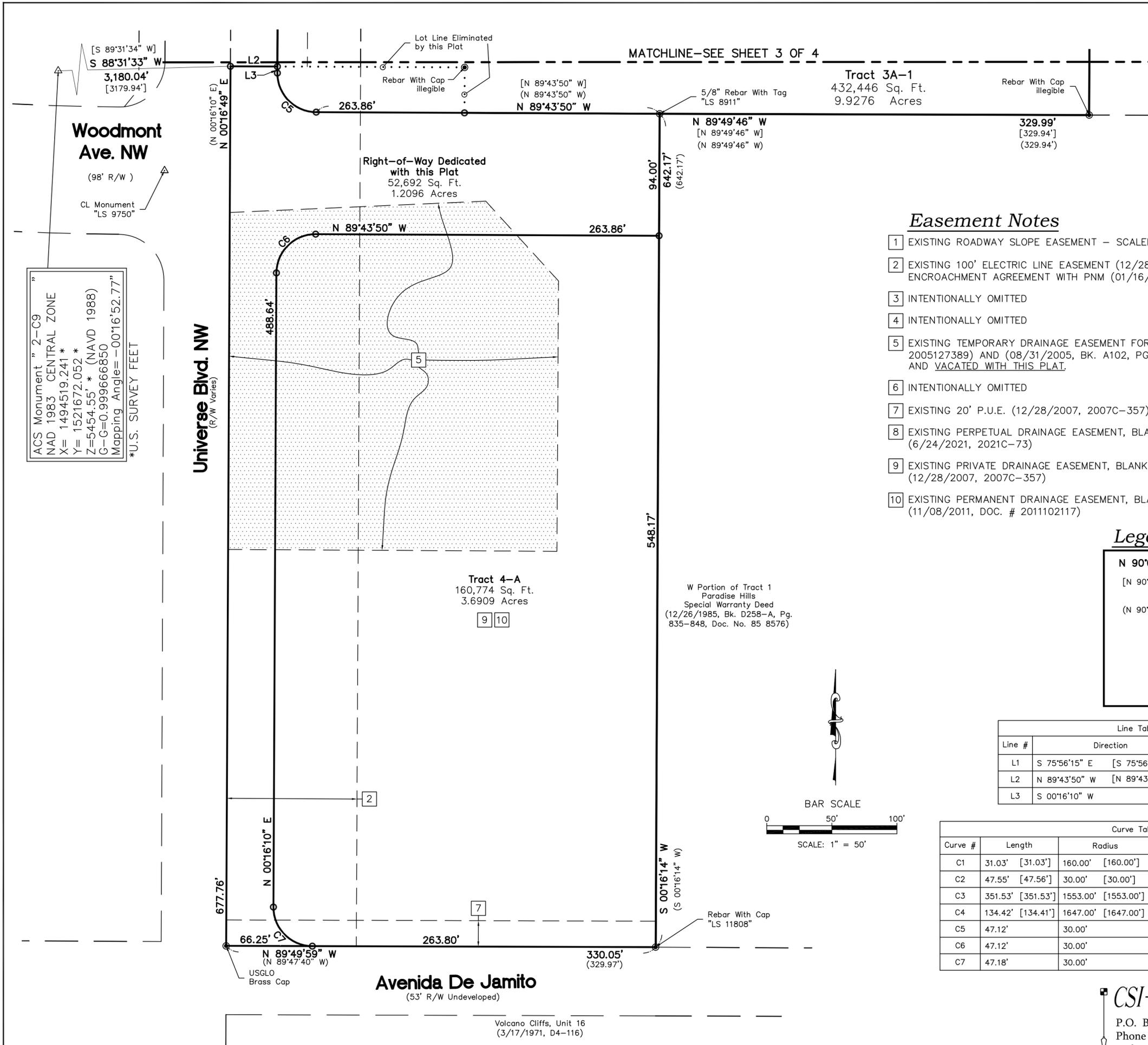
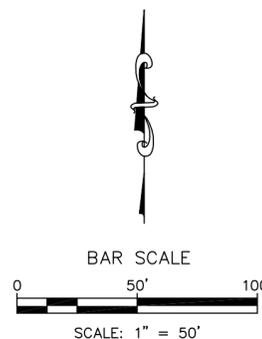
- 1 EXISTING ROADWAY SLOPE EASEMENT – SCALED FROM PLAT (06/24/2021, 2021C-73, DOC. # 2021074745)
- 2 EXISTING 100' ELECTRIC LINE EASEMENT (12/28/2007, 2007C-357) ENCROACHMENT AGREEMENT WITH PNM (01/16/2013, DOC. # 2013005525)
- 3 INTENTIONALLY OMITTED
- 4 INTENTIONALLY OMITTED
- 5 EXISTING TEMPORARY DRAINAGE EASEMENT FOR POND "K" (08/31/2005, BK. A102, PG. 7018, DOC. # 2005127389) AND (08/31/2005, BK. A102, PG. 7020, DOC. # 2005127391) SHOWN HEREON AS [Dotted Area] AND VACATED WITH THIS PLAT.
- 6 INTENTIONALLY OMITTED
- 7 EXISTING 20' P.U.E. (12/28/2007, 2007C-357)
- 8 EXISTING PERPETUAL DRAINAGE EASEMENT, BLANKET IN NATURE ACROSS TRACTS 1A, 1B AND 3A (6/24/2021, 2021C-73)
- 9 EXISTING PRIVATE DRAINAGE EASEMENT, BLANKET IN NATURE ACROSS TRACTS 1-4, THE TRAILS UNIT 4 (12/28/2007, 2007C-357)
- 10 EXISTING PERMANENT DRAINAGE EASEMENT, BLANKET IN NATURE ACROSS TRACTS 2-4, THE TRAILS UNIT 4 (11/08/2011, DOC. # 2011102117)

Legend

N 90°00'00" E	MEASURED BEARINGS AND DISTANCES
[N 90°00'00" E]	RECORD BEARINGS AND DISTANCES PER PLAT (06/24/2021, 2021C-73)
(N 90°00'00" E)	RECORD BEARINGS AND DISTANCES PER PLAT (12/28/2007, 2007C-357)
●	FOUND MONUMENT AS INDICATED
○	SET 1/2" REBAR WITH CAP "LS 14271" UNLESS OTHERWISE NOTED
△	FOUND CENTERLINE MONUMENT AS INDICATED

Line #	Direction	Length (ft)
L1	S 75°56'15" E [S 75°56'15" E]	114.10' [114.10']
L2	N 89°43'50" W [N 89°43'50" W]	36.07' [36.07']
L3	S 00°16'10" W	5.00'

Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	31.03' [31.03']	160.00' [160.00']	11°06'41"	30.98'	N 05°49'33" E
C2	47.55' [47.56']	30.00' [30.00']	90°49'23"	42.73'	N 45°40'53" E
C3	351.53' [351.53']	1553.00' [1553.00']	12°58'09"	350.78'	S 82°25'20" E
C4	134.42' [134.41']	1647.00' [1647.00']	4°40'34"	134.38'	S 78°16'32" E
C5	47.12'	30.00'	90°00'00"	42.43'	N 44°43'50" W
C6	47.12'	30.00'	90°00'00"	42.43'	N 45°16'10" E
C7	47.18'	30.00'	90°06'09"	42.46'	N 44°46'55" W



ACS Monument "2-C9"
NAD 1983 CENTRAL ZONE
X= 1494519.241 *
Y= 1521672.052 *
Z=5454.55' * (NAVD 1988)
G-G=0.999666850
Mapping Angle= -00°16'52.77"
*U.S. SURVEY FEET

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

**Plat for
Tracts 3A-1 and 4-A,
The Trails Unit 4
Being Comprised of
Tract 3A and Tract 4,
The Trails Unit 4
City of Albuquerque
Bernalillo County, New Mexico
May 2022**

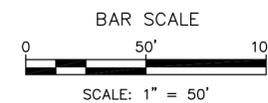
Tract 1B
The Trails Unit 4
(6/24/2021, 2021C-73)
8 9 10

Tract 3-A-1
432,446 Sq. Ft.
9.9276 Acres
8 9
10

Line Table		
Line #	Direction	Length (ft)
L1	S 75°56'15" E [S 75°56'15" E]	114.10' [114.10']
L2	N 89°43'50" W [N 89°43'50" W]	36.07' [36.07']
L3	S 00°16'10" W	5.00'

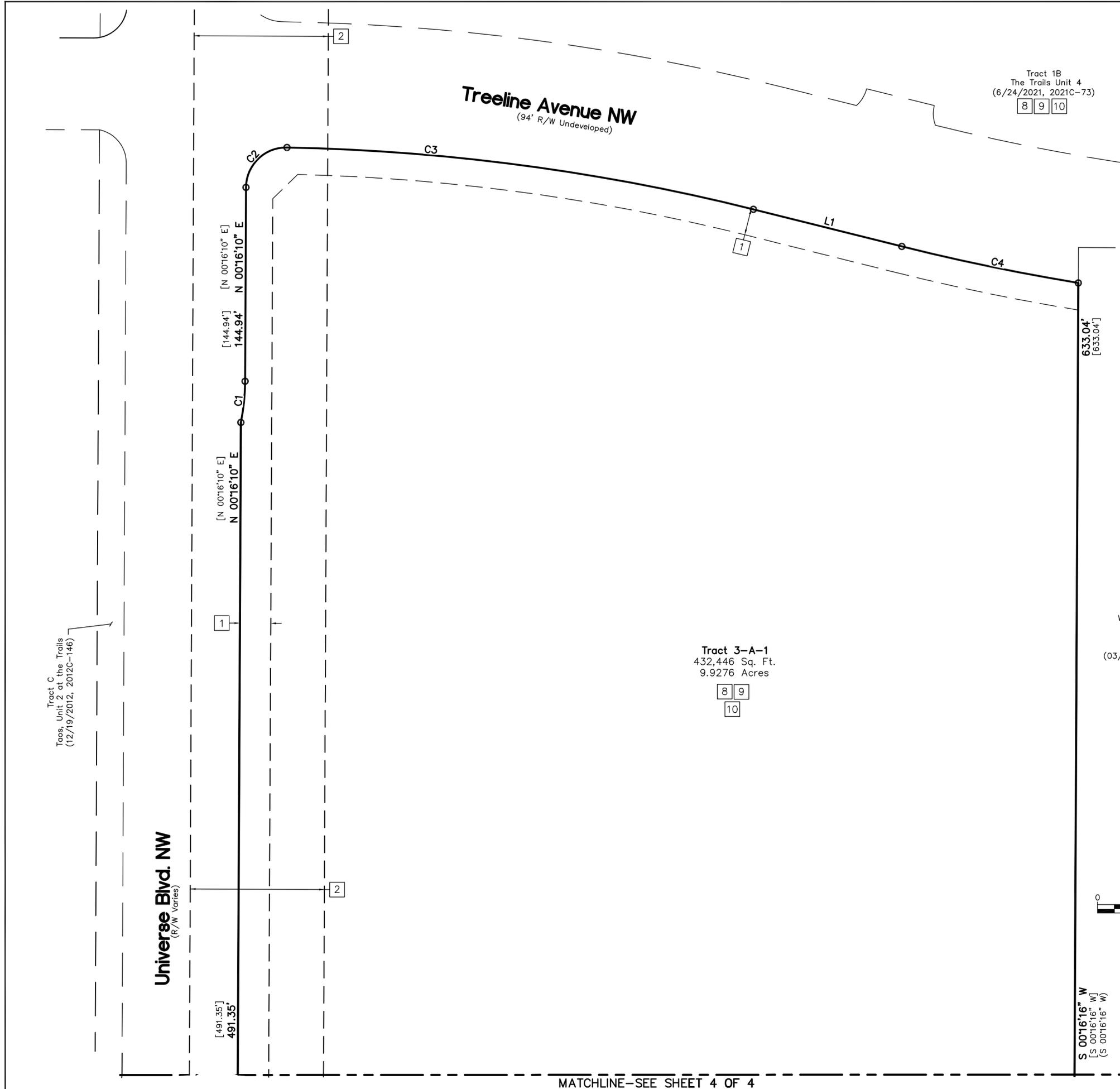
Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
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C5	47.12'	30.00'	90°00'00"	42.43'	N 44°43'50" W
C6	47.12'	30.00'	90°00'00"	42.43'	N 45°16'10" E
C7	47.18'	30.00'	90°06'09"	42.46'	N 44°46'55" W

W 1/2 SE 1/4 SW 1/4
NW 1/4, Sec 15,
T11N R2E, NMPM
Warranty Deed
(03/23/1988, Document No.
8824971)



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

MATCHLINE-SEE SHEET 4 OF 4



Tract C
Taos, Unit 2 at the Trails
(12/19/2012, 2012C-146)

EXHIBIT C
Serviceability Letter
#220427R

October 10, 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

Jeremy Shell
RESPEC
7770 Jefferson Street NE
Suite 200
Albuquerque, NM 87109

RE: Water and Sanitary Sewer Serviceability Letter #220427R
Project Name: Sonata Apartments Phase II
Project Address: N/A
Legal Description: Tracts 3A and 4, Unit 4, The Trails
UPC: 101006403630120152 & 101006401722630106
Zone Atlas Map: C-10

Dear Mr. Shell:

Project Description: The subject site is located along the east side of Universe Boulevard, between Avenida de Jaimito and Treeline Avenue, within the City of Albuquerque. The proposed development consists of approximately 17.41 acres and the property is currently zoned MX-M/T for mixed-use, moderate intensity to transition. The property lies within the Pressure Zone 4W in the Corrales Trunk. The request for availability indicates plans to develop a total of 228 multi-family units on two separate tracts.

Revision Description: The initial request proposed water and sewer lines looped though the site. This was found to be an issue given the drainage pond in the southern lot which would conflict with the proposed public water line and public sanitary sewer. The public water line and public sewer line alignments have been updated to avoid extension through the site.

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

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

- 12-inch PVC distribution line (project #26-7300.84-08) along Universe Boulevard and stubbed into the property from Woodmont Avenue and Kayser Mill Road.

Sanitary sewer infrastructure in the area consists of the following:

- Eight-inch force main (project #26-7300.81-06, abandoned slurry filled) along Universe Boulevard.
- 15-inch PVC sanitary sewer interceptor (project #26-7300.70-16) along Tempe Avenue and Universe Boulevard south of Avenida De Jaimito

Water Service: New metered water service to the property can be provided contingent upon a developer funded project to extend a minimum of ten-inch water lines along

Avenida de Jaimito and Woodmont Avenue such that the frontage of the site is covered. The water line in Treeline Avenue is currently under construction with Sonata Phase I, Project #761284. If this is not completed before this project, this subject development must build the line along Treeline Avenue. Upon completion of the infrastructure construction, the development may receive service via routine connection to the proposed distribution main extensions. The engineer is responsible for determining pressure losses and sizing of the service line(s) downstream of the public water line to serve the proposed development.

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

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

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

Sanitary Sewer Service: For the full buildout condition, the entire Volcano Heights area shall be served via the extension of the 15-inch interceptor along Avenida de Jaimito /Paseo del Norte corridor. The analysis was provided by the Volcano Heights Wastewater Area Study by CDM Smith, dated August 14, 2017, which includes this development.

The interceptor's current terminus is at the western boundary of the Petroglyph National Monument along Paseo del Norte. The future 8,000-foot extension of the interceptor to serve the development is currently not available, therefore an alternate temporary approach is provided.

New sanitary sewer service to the property can be provided contingent upon a developer funded project to extend a collector line from manhole C10-510 at the eastern end of Tempe Avenue. It shall extend north along Universe Boulevard such that both tracts can receive perpendicular connection.

Once the 15-inch interceptor along the Avenida de Jaimito /Paseo del Norte corridor is extended, it will reroute flow from the existing Universe Boulevard 15-inch interceptor into the Avenida de Jaimito /Paseo del Norte interceptor.

An extension along Woodmont Avenue is not required due to topographic limitations east of this development. Tracts east of Sonata II are limited to service to the Avenida de Jaimito /Paseo del Norte interceptor.

The developer will be responsible for paying a facility fee to the Water Authority which reflects the proportional costs for the development that are associated with the construction of the 15-inch sanitary sewer interceptor. The development agreement will provide more information regarding the requirement of possible facility fees.

The sewer line in Treeline Avenue is currently under construction with Sonata Phase I, Project #761284. If this is not completed before this project, this subject development must build the line along Treeline Avenue.

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 largest fire flow requirement was 2,500 gallons-per-minute related to proposed buildings four and five. Three fire hydrants are required. There are 13 proposed hydrants as a part of this project, varying from public to private. Hydrants located outside of public easements are to be considered private and painted safety orange. As modeled using InfoWater™ computer software, the fire flow can be met. Analysis was performed by simulating the required fire flow at the terminus of the extension along Woodmont Avenue.

Any changes to the proposed connection points shall be coordinated through Utility Development. All new required hydrants as well as their exact locations must be determined through the City of Albuquerque Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

The engineer is responsible for determining pressure losses and sizing of the fire line(s) downstream of the public water line to serve the proposed fire hydrants and/or fire suppression system.

Cross Connection Prevention: Per the Cross Connection Ordinance, all new non-residential premises must have a reduced pressure principle backflow prevention assembly approved by the Water Authority installed at each domestic service connection at a location accessible to the Water Authority. No tees, branches or possible connection fittings or openings are allowed between the reduced principle backflow prevention assembly and the service connection unless protected by a backflow prevention assembly. These requirements also apply to all remodeled non-residential premises when the work area of the building undergoing repairs, alterations or rehabilitation, as defined in the International Existing Building Code, exceeds 50 percent of the aggregate area of the building regardless of the costs of repairs, alteration or rehabilitation.

All non-residential irrigation water systems connected to the public water system shall have a pressure vacuum breaker, spill-resistant pressure vacuum breaker or a reduced pressure principle backflow prevention assembly installed after the service connection. Such devices shall be approved by the Water Authority. No tees, branches or possible connection fittings or openings are allowed between the containment backflow prevention assembly and the service connection.

All non-residential customers connected via piping to an alternative water source or an auxiliary water supply and the public water system shall install a containment reduced pressure principle backflow prevention assembly approved by the Water Authority after the potable service connection.

All new services to private fire protection systems shall be equipped with a containment reduced pressure principal backflow prevention assembly approved by the Water Authority and Fire Marshal having jurisdiction installed after the service connection. No tees, branches or possible connection fittings or openings are allowed between the containment backflow prevention assembly and the service connection. A double check valve assembly approved by the Water Authority and Fire Marshal having jurisdiction may be installed instead of a reduced pressure backflow prevention assembly provided the private fire protection system meets or exceed ANSI/NSF

Standard 60 61 throughout the entire private fire protection system, the fire sprinkler drain discharges into atmosphere, and there are no reservoirs, fire department connections nor connections from auxiliary water supplies.

The Water Authority requests that all backflow (containment) devices be located above ground just outside the easement or roadway right-of-way. Contact Cross Connection at (505) 289-3454 for more information.

Easements and Property: Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated rights-of-way. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer both within the same easement. Easements for standard sized water meters need to be five feet by five feet and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35 feet by 35 feet easement is required. Actual easement widths may vary depending on the depth of the lines to be installed. Acceptable easements must be documented prior to approval of service. A Warranty Deed shall be required when a property will be transferred to the Water Authority for the installation of Water Authority owned facilities such as pump stations, reservoirs, wells, lift stations, or any other facility.

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

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

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

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

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

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

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

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

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

For service to be provided, an approved 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.

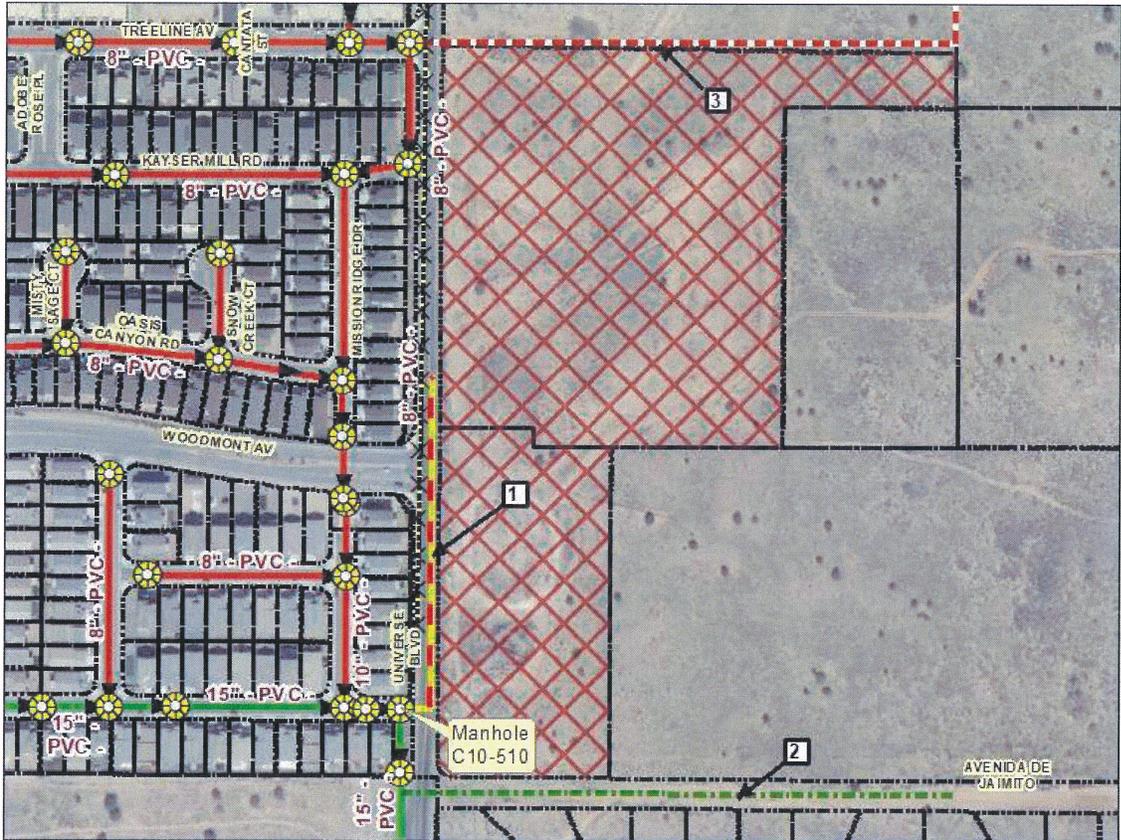
Sincerely,



Mark S. Sanchez
Executive Director

Enclosures: Infrastructure Maps
f/ Serviceability Letter #220427R

220427R - Sanitary Sewer



Legend

- | | | |
|-------------------|--|--|
| Sewer Manhole | Project Location | |
| Sewer Pipe | Base Map City | |
| Subtype | General Map Keyed Notes | |
| COLLECTOR | 1 - Proposed Sanitary Sewer Collector Extension | |
| FORCE MAIN | 2 - Interceptor along Avenida de Jaimito / Paseo del Norte | |
| INTERCEPTOR | 3 - Under Construction Project #761284 | |
| X X Abandoned | | |



220427R - Water



Legend

- | | |
|-------------------|--|
| Hydrant | Project Location |
| Water Pipe | Base Map City |
| Subtype | Fire Flow Analysis Points |
| Distribution Line | Analysis Point (1) |
| Hydrant Leg | --- General Map Keyed Notes |
| | 1 - Proposed Water Line Extension |
| | 2 - Under Construction Project #761284 |

