
Meeting Date: September 23, 2015
Staff Contact: Kristopher Cadena, Principal Engineer, Utility Development

TITLE: R-15-14 – Authorizing an Agreement with Woodmont Paseo, LLC for the Durango Units 1, 2 and 3 Subdivision for Water and Sewer Service

ACTION: Recommend Approval

SUMMARY:

The development is located along the south side of Woodmont Ave., west of Rainbow Blvd. within the City Limits. The project consists of 88 individual building lots. The property lies within Pressure Zone 4W in the Corrales Trunk. The property is adjacent to existing infrastructure and development.

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

FISCAL IMPACT:

None.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-15-14

1 **RESOLUTION**

2 **AUTHORIZING AN AGREEMENT WITH WOODMONT PASEO, LLC FOR THE**
3 **DURANGO UNITS 1, 2 AND 3 SUBDIVISION FOR WATER AND SEWER SERVICE.**

4 WHEREAS, Woodmont Paseo, LLC is the developer and owner of approximately
5 88 residential lots located west of Rainbow Blvd; and

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

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

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

19 Section 2. The expansion of the System shall incur no net expense to the Water
20 Authority.

21 Section 3. Woodmont Paseo, LLC will be responsible for close coordination of
22 the project with the Water Authority during the design and construction phases,
23 including the review of the design details during the design process, and the approval of
24 specifications and contract documents.

25 Section 4. The Executive Director is authorized to enter into the agreement with
26 Woodmont Paseo, LLC for the provision of water and sewer service.

DEVELOPMENT AGREEMENT
Durango Units 1, 2 and 3 Subdivision

Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision, ("Water Authority") and Woodmont Paseo, LLC, a Nevada limited liability corporation, ("Developer") (together, "Parties"), agree as follows:

1. Recitals

- A. Woodmont Paseo, LLC is the "Developer" and owner of certain real property located in Unit 3a of The Trails subdivision (collectively, the "Property"). The Property is more particularly described and as shown on **Exhibit A** attached hereto and incorporated herein by reference. The Property at full development will consist of five phases, with Phases 1 through 3 served by pressure zone 4W, and subject to this development agreement "Agreement". The phases consist of the following lots: Unit 1 (31 lots), Unit 2 (22 lots), and Unit 3 (35 lots) for a total of 88 residential lots. Units 4 and 5 will be served by the future pressure zone 5W infrastructure and therefore subject to a separate development agreement. The Property is located in the former New Mexico Utilities, Inc. ("NMUI") service area, outside the Water Authority's currently adopted Water Service Area.
- B. The Legal Description of the Property is as follows: **Unit 1**, Lots 1 thru 31, as shown on Exhibit A-1, being a portion of Tracts 7 and 8, of the plat entitled Bulk Land Plat of The Trails Unit 3A (being a Re-plat of Tracts 1 thru 8, OS-1 and OS-2, The Trails Unit 3 and Tract 12, The Trails Unit 2) within the Town of Alameda Grant in the projected Section 16 and 17, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico", which was recorded in the office of the Bernalillo County Clerk on December 21, 2007, Document # 2007171107, pages 1 thru 6, plat book 2007C, page 352. **Unit 2**, Lots 1 thru 22, as shown on Exhibit A-1, being a portion of Tracts 7 and 8, of the plat entitled Bulk Land Plat of The Trails Unit 3A (being a Re-plat of Tracts 1 thru 8, OS-1 and OS-2, The Trails Unit 3 and Tract 12, The Trails Unit 2) within the Town of Alameda Grant in the projected Section 16 and 17, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico", which was recorded in the office of the Bernalillo County Clerk on December 21, 2007, Document # 2007171107, pages 1 thru 6, plat book 2007C, page 352. **Unit 3**, Lots 1 thru 35, as shown on the Exhibit A-1, being a portion of Tract 8, of the plat entitled Bulk Land Plat of The Trails Unit 3A (being a Re-plat of Tracts 1 thru 8, OS-1 and OS-2, The Trails Unit 3 and Tract 12, The Trails Unit 2) within the Town of Alameda Grant in the projected Section 16 and 17, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico", which was recorded in the office of the Bernalillo County Clerk on December 21, 2007, Document # 2007171107, pages 1 thru 6, plat book 2007C, page 352.

- C. The Property is served by Pressure Zone 4W of the Corrales Trunk.
- D. 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. The Developer desires to construct, or cause to be constructed, extensions of existing public water and sanitary sewer lines and appurtenant infrastructure (collectively, "Line Extensions") under all applicable plans, specifications, requirements, and standards of the Water Authority. The Serviceability Statement for the Property reflecting the line extensions and other matters referred to in this Agreement is attached hereto as **Exhibit B** and incorporated herein by reference and made a term of this agreement.
- E. The expansion of the existing water distribution system to The Property will require additional arsenic treatment and water storage capacity within the Pressure Zone 4W distribution system. As such, The Property will be assessed a Facility Fee that reflects their proportional costs of the required additional system capacities.
- F. The waterline and sewer line extensions referenced in this Agreement are not considered Master Plan lines by the Water Authority. As such, reimbursement of construction costs associated with these extensions will not be available through water and sewer UEC (defined below in Section 3.B) reimbursements.

2. Design and Construction of the Waterlines and Sanitary Sewer Line

- A. The Developer will cause definitive designs and plans of the Line Extensions to be produced which will include estimates of all costs and expenses. The Developer will not connect the extension lines to the existing water and sanitary sewer lines within the City of Albuquerque ("City") public right-of-way until the Water Authority has approved the line extensions. The Developer will convey, at no expense to the Water Authority, all Line Extensions that have been approved and accepted by the Water Authority and all necessary easements for the Line Extensions at locations reasonably acceptable to the Developer, free and clear of all liens, claims, and encumbrances for the construction, operation, and maintenance of the line extension. The Developer will obtain all necessary permits, assurances, and approvals from the Water Authority and City, and the Developer will deliver a copy of such permits, assurances, and approvals to the Water Authority prior to the start of construction. Construction will be handled through the City work order process.
- B. The Developer will complete, or cause to be completed, construction of the Line Extensions 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.

- C. 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.
- D. 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 Subdivision Ordinance and the DPM of the City, will be followed and used for the Line Extensions.

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 Supply Charges (WSCs) 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. The Developer shall pay a Facility Fee to the Water Authority in the amount of \$72,013. This fee reflects the proportional costs associated with the design and construction of supplemental arsenic treatment and distribution water storage in the Northwest Service Area which provides potable water service to the Property. No utility services will be sold to The Property until the Facility Fee is paid in whole. As the expansion of system capacity is classified as Master Plan Facility Improvements, this Facility Fee is reimbursable by the Water UEC's collected as services are established for the 88 residential lots within The Property. The UEC reimbursements will total no more than the Facility Fee amount. Reimbursement will be on a Fiscal Year basis. The Reimbursement request must be initiated by the Developer or its successor.
- D. 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 seventy-five (75) gallons per capita per day. All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Indoor water use shall consist of 70% of total use with outdoor limited to 30%. Where available, outdoor water usage shall utilize reclaimed water.

4. Termination. If construction of the waterline extensions and sanitary sewer

extensions 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.

- 5. Water for Construction.** During the construction of the waterline extensions and sanitary sewer line extensions, water for construction may be obtained from a hydrant designated by the Water Authority as set forth on **Exhibit C** attached hereto and incorporated herein by reference. If economically feasible, the Contractor is encouraged to utilize alternative methods for dust abatement and control including compost from the Water Authority.
- 6. Indemnification.** The Developer will defend, indemnify and hold harmless the Water Authority and its officials, agents, and employees on demand from any claims, actions, suits, or other proceedings arising from the acts or omissions of the Developer, its agents, representatives, contractors, or subcontractors, or arising from the failure of the Developer, its agents, representatives, contractors, or subcontractors to perform any act or duty required of the Developer in this Agreement. The indemnification by the developer will not extend to the negligent acts of the Water Authority.
- 7. 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.
- 8. Notices.** Any notice to be given under this Agreement will be in writing and will be deemed to have been given when deposited with the United States Postal Service, postage prepaid and addressed as follows:

If to the Water Authority:

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

If to Developer:

Woodmont Paseo, LLC, a Nevada limited liability corporation Attn:
Kelly Calhoun, Manager

9. Assignment. This Agreement will not be assigned without the prior written consent of the Water Authority and the Developer.

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

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

**Albuquerque Bernalillo County
Water Utility Authority**

Date: _____

By: _____
Kelly Calhoun
Manager

Date: _____

[illegible]

5

Manager of Woodmont Paseo, LLC a Nevada limited liability corporation, on behalf of said Company.

Notary Public

My Commission Expires:

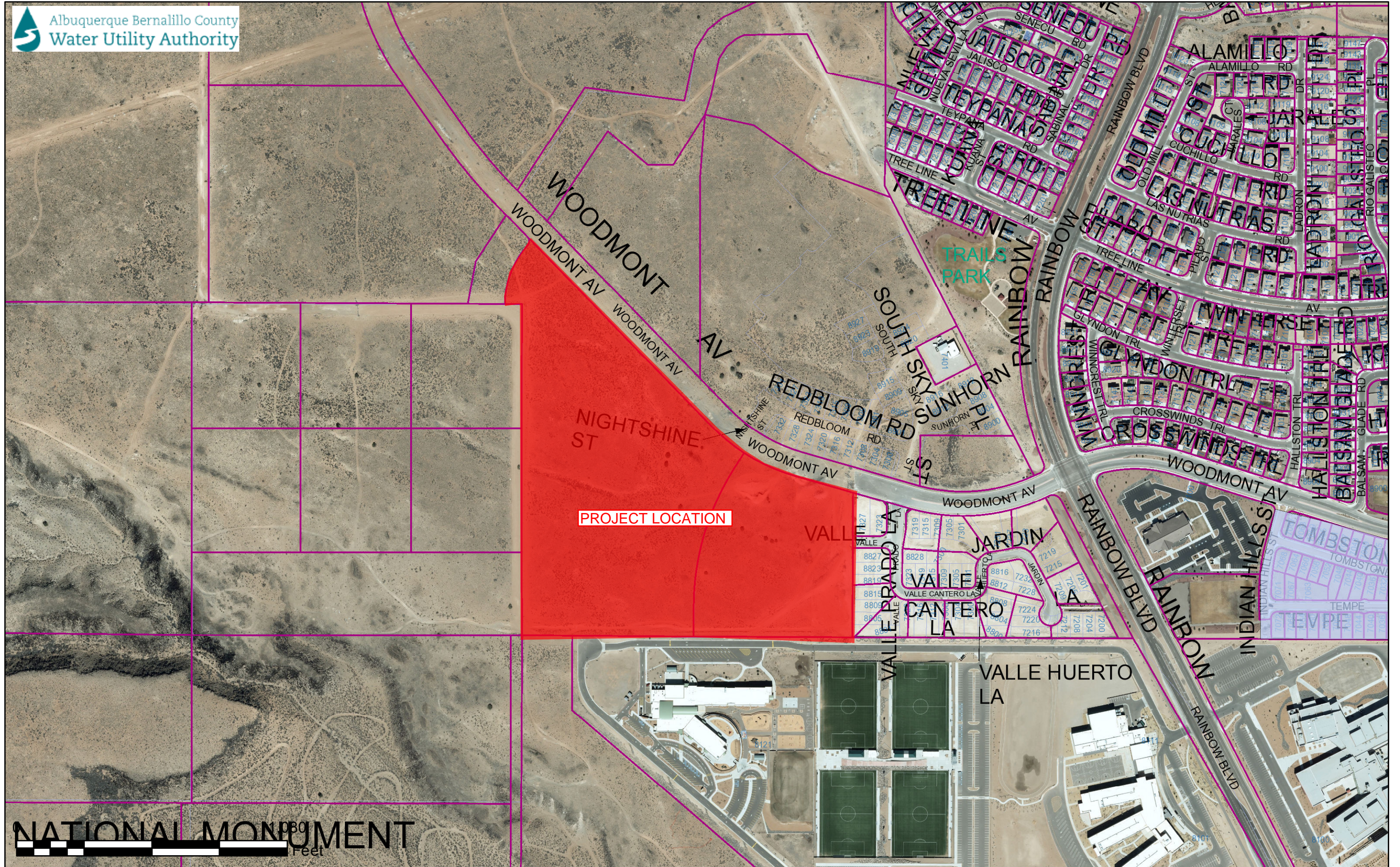
STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

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



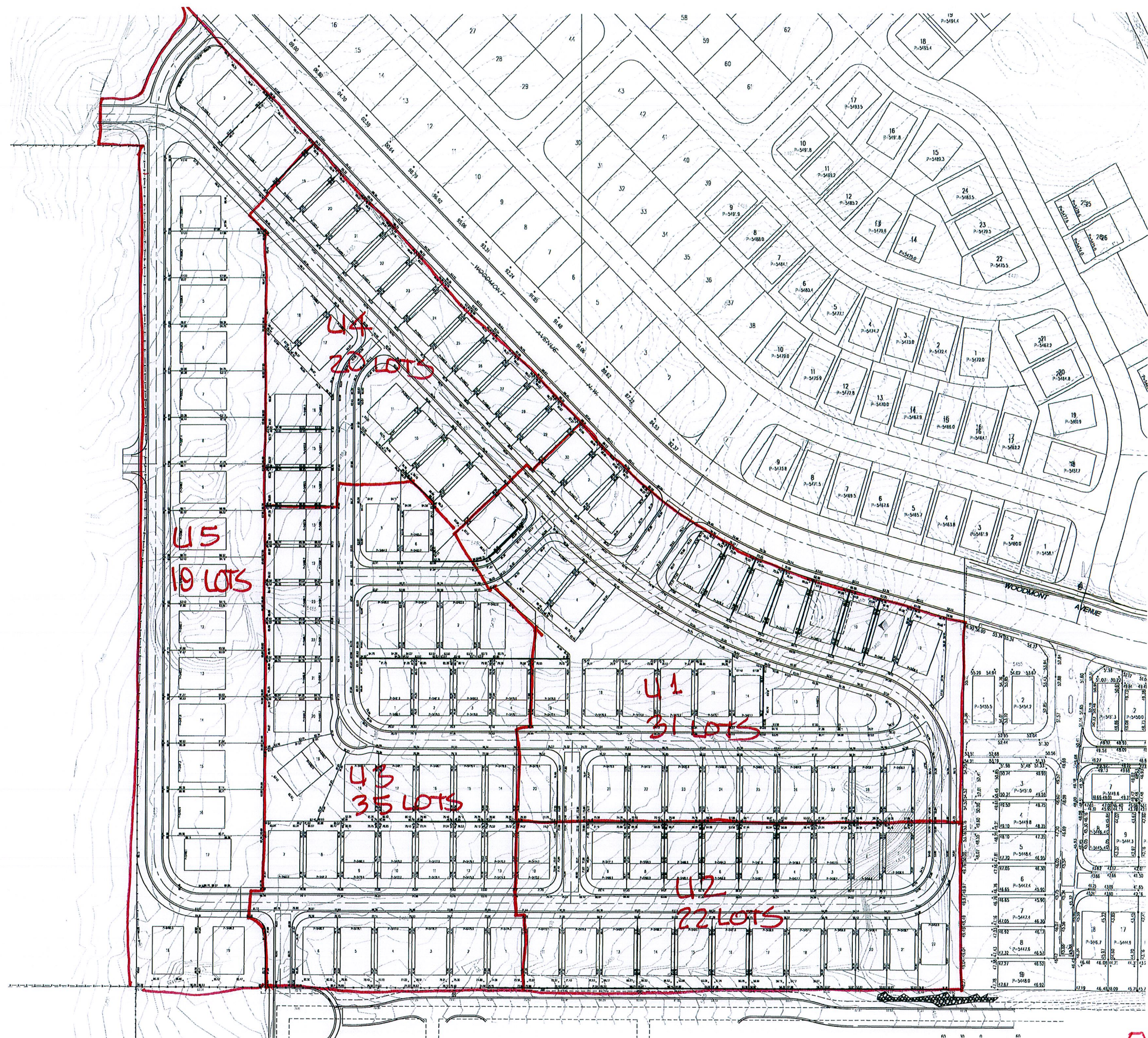


EXHIBIT A

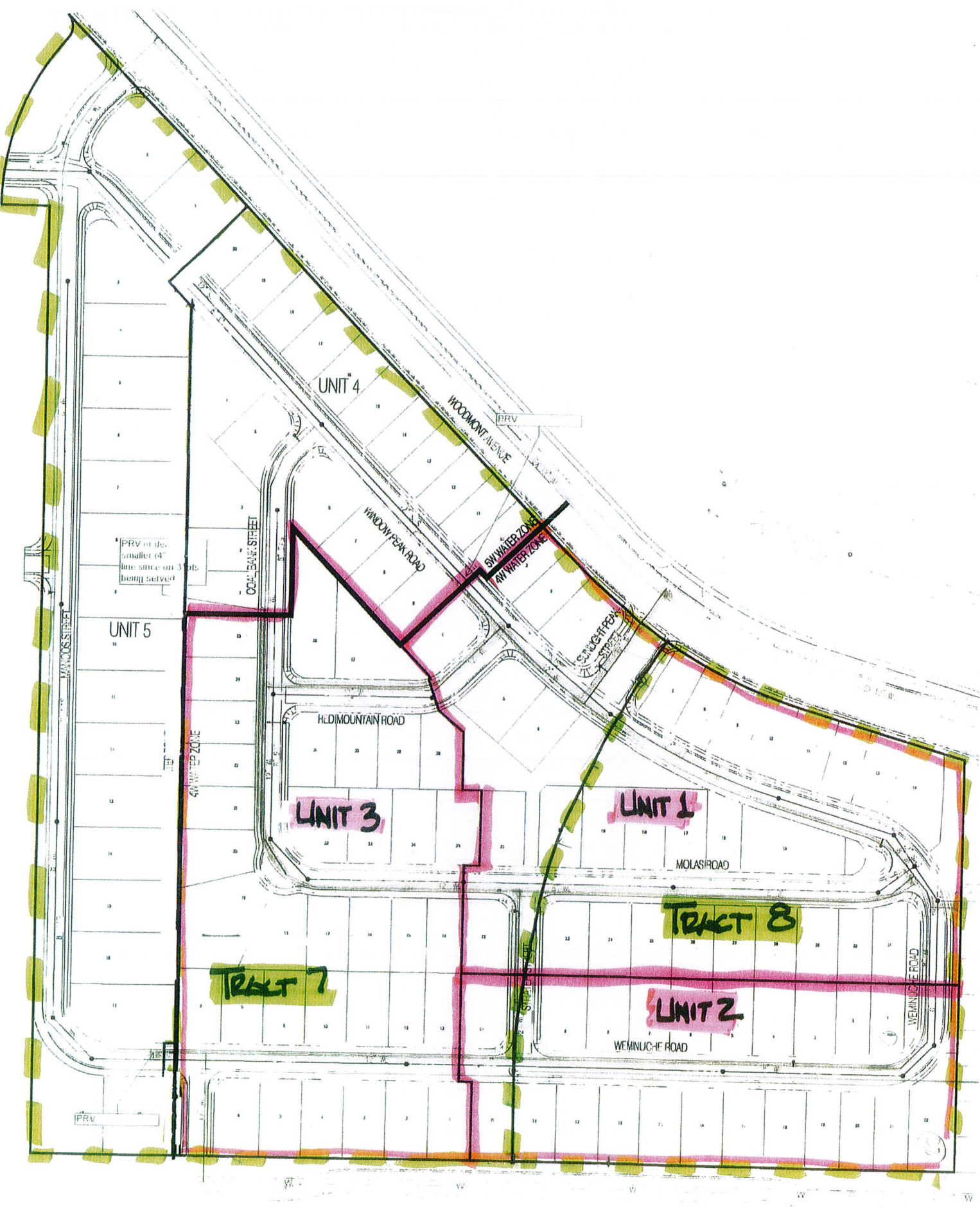


EXHIBIT A-1

April 14, 2015

Chair
Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Vice Chair
Trudy E. Jones
City of Albuquerque
Councilor, District 8

Richard J. Berry
City of Albuquerque
Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Debbie O'Malley
County of Bernalillo
Commissioner, District 1

Ken Sanchez
City of Albuquerque
Councilor, District 1

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Rick Beltramo
Gallway Construction, Inc
6330 Riverside Plaza Lane, #160
Albuquerque, NM 87120

RE: Water and Sanitary Sewer Serviceability Statement #150214
Project Name: Tracts 7 & 8 of The Trails - Project Location: Near the corner of Woodmont Avenue & Rainbow Blvd - Zone Atlas Map: C-9

Dear Mr. Beltramo:

Project Information: The subject site is located on Woodmont Avenue west of Rainbow Blvd within the City. The proposed development consists of approximately 30 acres and the property is currently zoned SU-2 (VTRD) for residential use. The property lies within the Pressure Zone 4W & 5W in the Corrales trunk. The request for Serviceability indicates plans to develop 125 residential dwelling units to be constructed within five phases.

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 the Utility Development Office for draft Development Agreements.

Water Supply Charge: All developments located outside of the Water Authority's service area will be assessed a Water Supply Charge (WSC) 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 WSC shall not be used for reimbursement of master planned facilities.

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

- 16 inch PVC Distribution Main (Project #26-7669.82-12) in the 20 feet water line easement located south of the proposed development.
- Eight inch PVC Distribution Main (Project #26-7300.86-08) in Valle Prado Lane.
- Eight inch PVC Distribution Main (Project #26-7300.71-14) in Valle Jardin Lane.
- 12 inch PVC Distribution Main (Project #26-7300.84-05) in Woodmont Avenue.

Sanitary sewer infrastructure in the area consists of the following:

- 12 inch PVC Collector Line (Project #26-7300.86-08) in Valle Prado Lane located south of Valle Jardin Lane.

- 12 inch PVC Collector Line (Project #26-7300.86-08) in Valle Jardin Lane.
- Eight inch PVC Collector Line (Project #26-7300.71-14 in Valle Prado Lane located north of Valle Jardin Lane.

Water and Sewer Service: New metered water service to the property can be provided contingent upon a developer funded project to install a 12 inch (4W) Distribution Main that shall connect the to the existing 12 inch (4W) Distribution Main in Woodmont and the existing 16 inch Distribution Main located just south of the project location and shall be aligned to follow the 4W/5W pressure zone boundary via internal streets. The existing 12 inch (4W) Distribution Main along Woodmont Ave. shall be extended as necessary along the property frontage up to the 4W/5W pressure zone boundary. Development of water infrastructure for the project shall include an internally looped system to serve the proposed dwelling units which consists of 8 inch Distribution Mains. Service for 4W pressure zone will not be provided to any properties with elevations greater than 5485 feet as proposed in the Request for Serviceability. A portion of the proposed project lies within the 5W pressure zone which cannot currently be served without developer funded infrastructure that includes but is not limited to an appropriately sized new reservoir, transmission lines, pump stations and the disinfection facilities necessary to operate the water system. 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

Sanitary sewer service can be provided contingent upon a developer funded project to extend a 12 inch Collector Line along the property frontage along Woodmont Ave. and connect to the existing 12 inch Collector Line located in Valle Jardin Lane. The developer will also be responsible for constructing the necessary sewer infrastructure to serve the proposed dwelling units internal to the project location.

Fire Protection: The instantaneous fire flow requirements for the subject property were not submitted in the request for Serviceability; therefore, this statement may not be complete and/or valid at the time of future construction. All new required hydrants as well as their exact locations must be determined through City of Albuquerque Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

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 water meters need to be five feet by five feet and include the length of the water service if located on private property. 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.

Pro Rata: As described in this Serviceability 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 ABCWUA 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 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 by a licensed, New Mexico registered professional engineer. Construction must be by a licensed, bonded, public utility contractor.

Costs and Fees: 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.

Water Use: All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita per day. Indoor water use shall consist of 70% of total use with outdoor limited to 30%. Where available, outdoor water usage shall utilize reclaimed water. All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority.

Closure: Changes in the proposed development may require reevaluation of serviceability 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 the Water Utility Development Office at (505) 289-3307, or by fax at (505) 289-3303 if you have questions regarding the information presented herein or need additional information.

Sincerely,

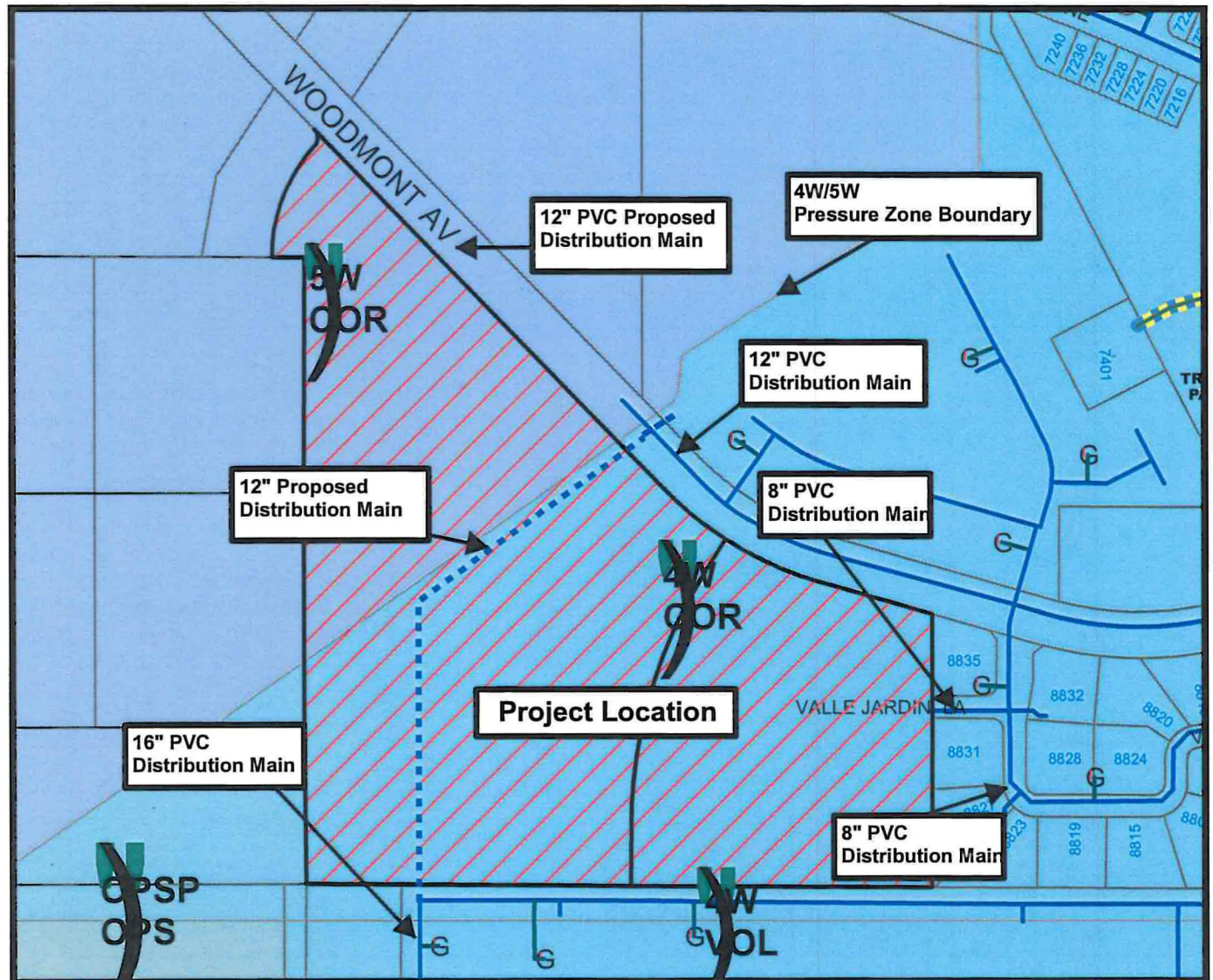


Mark S. Sanchez
Executive Director

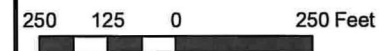
Enclosures: Infrastructure Maps (2)

f/ Serviceability C-9

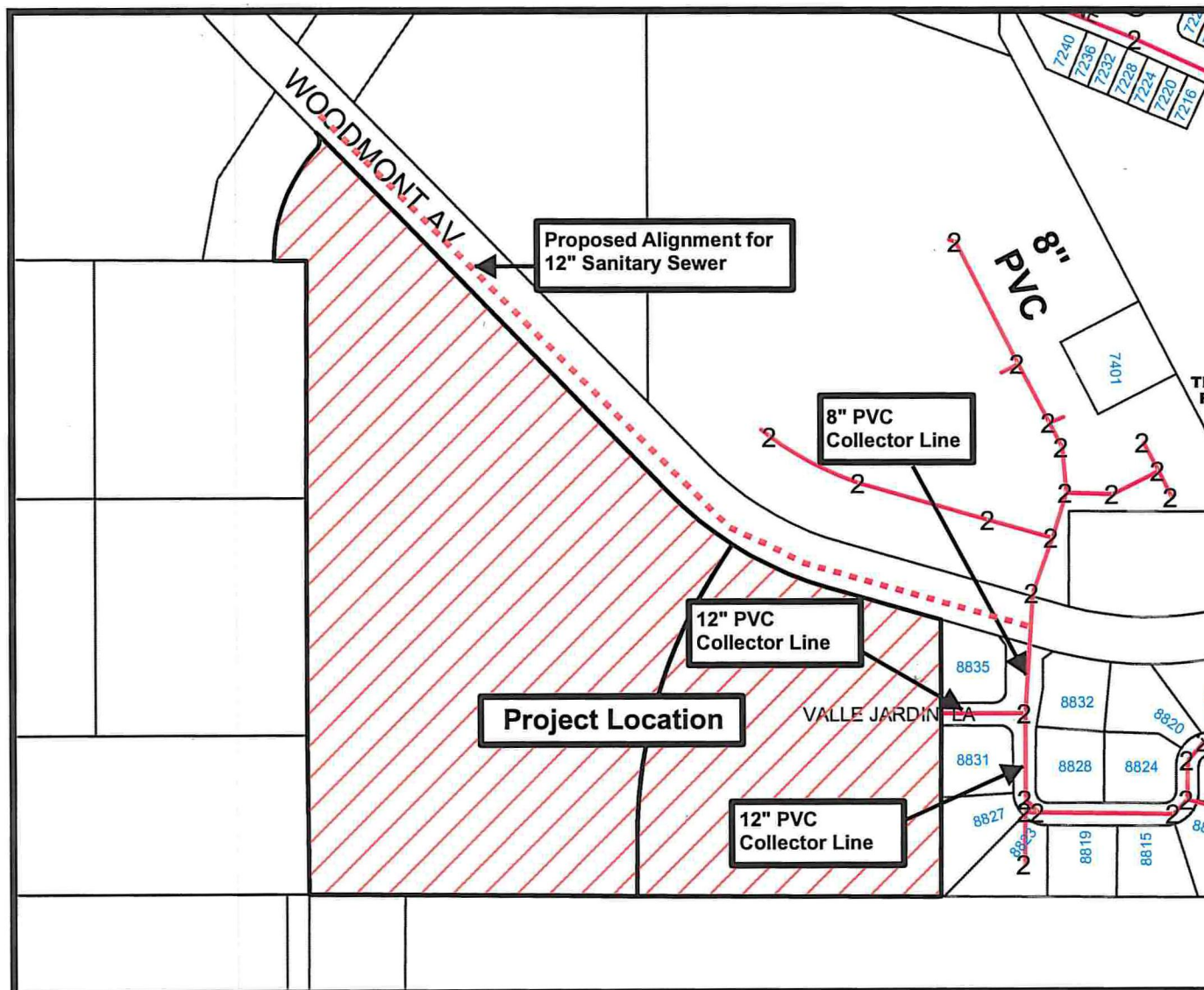
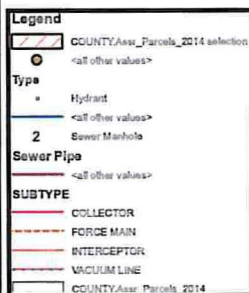
M



Availability Statement # 150214
Water Infrastructure



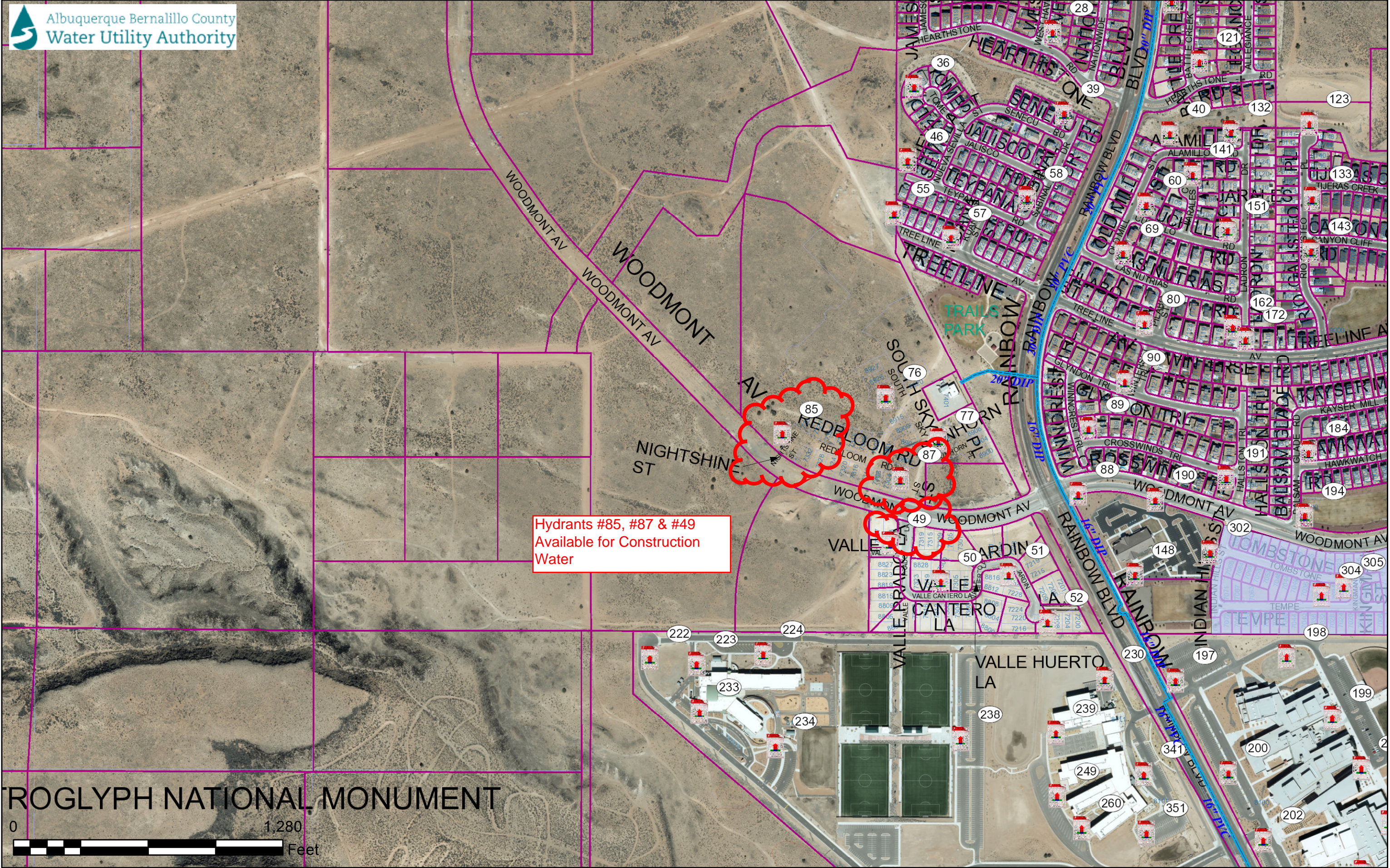
M



Availability Statement # 150214
Sewer Infrastructure



EXHIBIT C - HYDRANTS AVAILABLE FOR CONSTRUCTION WATER




Legend


Water Hydrants

-  <all other values>
-  Air Release Hydrant, <Null>
-  Air Release Hydrant, NO
-  Air Release Hydrant, Y
-  Standard Hydrant, <Null>
-  Standard Hydrant, NO
-  Standard Hydrant, Y

County Assessor Parcels 2014

-  County Assessor Parcels 2014

Base Map

-  Base Map



Rivers

-  Rivers



Water Pump Stations

-  Water Pump Station


Water Reservoirs

-  Round Reservoir
-  Square Reservoir










Transmission Mains

-  In Zone Transmission
-  Out Zone Transmission

Availability Statements

-  Availability Statements

San Juan-Chama Pipes

-  <all other values>
-  Treated, Y
-  Treated, NO
-  Treated, <Null>
-  Raw Transmission Lines, Y
-  Raw Transmission Lines, <Null>
-  Drain Line, Y
-  Drain Line, NO
-  <Null>, Y

Non-Potable Pipe

-  <all other values>
-  Distribution Main
-  Hydrant Leg
-  Over Flow Drain Line
-  Sleeve
-  Well Wash Line