



Howard Balmer

Consultant

June 26, 2020

Mr. Anthony Caravella
City of Rio Rancho Development Services Director
3200 Civic Center Circle NE
Rio Rancho, NM 87144

RE: Zone Map Amendment Unit 10 Block 24, Lots 63-75

Please be advised that I have been retained to represent the landowners of Unit 10 Block 24 Lots 63-75 located along 22nd Ave SE, in regards to the attached zone map amendment from R-1 to R-4 use.

All lot owners were contacted to verify their interest in their participation in this zone request and Letters of Authorization have been provided for all owners of property. The stated purpose for this R-4 zone map amendment is to allow medium density development consistent with the R-3 and R-4 designation of Unit 10 Blocks 74 and 75 and the General Land Use Map and Unit 10 Specific Area Plan approved by the Governing Body on August 24, 2016.

This zone map amendment will allow the owners of Unit 10 Block 74 and 75 and Block 24 Lots 63-75 to consolidate the respective properties and bring forward a comprehensive infill subdivision project consistent with the stated goals outlined in the City of Rio Rancho (CORR) Unit 10 Specific Area Plan and General Land Use Maps. The section below will outline the justification for this request.

Zone Map Amendment Justification

This application will be consistent with the adopted elements of the Unit 10 Specific Area Plan that incorporate the policies defined in the CORR Comprehensive Plan by;

- Encouraging infill development of all underdeveloped areas within the municipal boundary
- Integrating mixed uses into future development utilizing buffering, scale, and design elements that support the kind of responsible development clearly spelled out in the CORR Comprehensive Plan.
- The Unit 10 Specific Area Plan specifically encourages medium density development utilizing lot consolidation.
- The Unser Blvd, Westside Blvd, and Black Arroyo area has developed into a dynamic and significant nodal development area during the last 10 years. With the various medical and commercial uses built, medium density development is more advantageous to the City, rather than fractured ownership and zoning, and conforms to the stated City plans, policies, and goals.

City Zoning Code Requirements

The following City policies concerning zone map amendments are addressed;

1. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city:

The proposed zone map Amendment will enhance the health, safety, morals, and general welfare of the City by allowing a buffer between higher density activity and lower density activity residential. Additionally, this zone change will allow a better managed transportation plan by utilizing Black Arroyo Blvd, Isabel Rd SE, 10th St SE, and Westside Blvd as the focal points for entry into this 23-acre site, rather than use 12th St SE, Aspen Dr SE, and 22nd Ave SE.

Furthermore, by allowing this R-4 zoning and subsequent development, the CORR will have 23 acres under development with its corresponding impact fees, gross receipts taxes, elimination of wells and septic systems, and the CORR ability to control scale, buffering, design guidelines, transportation flows and impacts.

2. Stability of land use and zoning is desirable; the applicant must provide a sound justification for the change. The burden is on the applicant to prove why the change should be made, not on the city to show why it should be made:

The requested zone change will bring added stability to the area by allowing development to be managed by the CORR in a manner consistent with the Comprehensive Plan and the Unit 10 Specific Area Plan. This includes design guidelines, transportation plans, lot consolidation and City infrastructure enhancements. This stability will be further enhanced by the buffering between commercial activity along an arterial and lower density residential housing.

3. A proposed zone change shall generally be consistent with adopted elements of the Comprehensive Plan or other City Master Plans:

This zone change amendment is consistent with numerous stated goals and policies as outlined in the CORR's Comprehensive Plan and will be described later. However, the main goals are land use, transportation, and urban design elements.

This change further meets these goals by adhering to the Unit 10 Specific Area Plan goal of encouraging lot consolidation in order to provide a variety of housing option, City utility infrastructure hook up's effective transportation planning, and expanding future development by integrating dissimilar uses by utilizing buffering, scale, and design.

4. The applicant must demonstrate that existing zoning is inappropriate because:
 - (a) There was an error, mistake, or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 transitional zone on an antiquated plat map filed before the City's incorporation and adoption of its own Zoning Code or on land annexed by the City.
 - (b) changed neighborhoods or community conditions justify the change
 - (c) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City Master Plans;

This zone map amendment request satisfies both (b) and (c) elements. The entire Southeast quadrant of Unit 10, the Cabezon area, and lands north and south of Black Arroyo Blvd have changed dramatically in the preceding 10 years, thereby justifying the requested R-4 change. Specifically, Rust Medical Center, has developed rapidly and is on its 3rd expansion, the Petroglyph Plaza and Unser Pavillion Retail and Medical Developments have commenced, Westside Blvd is undergoing major expansion, Los Diamontes has begun development, Joe Harris Elementary School is completing construction, land for a 3rd High School has been purchased by the School District, and all lands south of Black Arroyo Blvd in Albuquerque have been developed for residential housing.

The advantage to this zone map amendment is the implementation of the City's plans and policies concerning desired land uses as outlined in the Unit 10 Specific Area Plan. We believe that this medium density project adheres to Section 5.1 Land Use, Goal L2 to encourage consolidation of lots in order to promote a variety of housing choices to include, low and medium density options alongside high and multi-family development choices. In addition, L2 is further enhanced as this will be one of the last opportunities to consolidate 23 acres in order to provide a medium density choice to the surrounding rapidly developing commercial area.

5. The cost of land or other economic considerations pertaining to the applicant shall not be a determining factor for a zone change. Not Applicable
6. Location on a collector or major arterial street is not in itself sufficient justification of apartment, office, or commercial zoning. Not applicable
7. Zone changes which give one parcel a change in zoning versus the surrounding area is considered spot zoning.

This zone map amendment includes an area approximately 23 acres in size with multiple land owners, and is fact the opposite of spot zoning. This request will implement Comprehensive Plan policies concerning the elimination of piecemeal zoning and fractured lot ownership and provide unified zoning and planning.

2010 Comprehensive Plan

Land Use Elements 5.5.2 and 5.6.3

Goal L-2 and Goal L-3 encourages consolidation of lots in order to provide a variety of land uses in a planned manner and provide a balance of land uses. This zone map amendment furthers these elements by providing for a master planning of the 23-acre site in order to incorporate a variety of land uses and housing while meeting the health, safety, morals, and general welfare of the City.

Transportation Element 7.8.2

Encourage infill development that will effectively mix land uses and provide for an efficient transportation system. With Los Diamantes and this 23-acre site changing access points and developing the surrounding road grid, this zone map amendment will allow for a decrease of traffic flow through the adjoining low-density neighborhood, while assisting the city in its development of arterial roads and its public transportation foot print.

Urban Design Element 10.4.1 and 10.4.2

Goal UD-1 is to create and foster growth areas where existing public infrastructure can support higher density development and Goal UD-5 in which the City will support infill and redevelopment that have been neglected. This amendment provides for development that is adjacent to public water and sewer infrastructure, thereby eliminating multiple water wells and septic systems, thus, promoting the safety and welfare of the City. In addition, it is adjacent to an arterial road, SCAFCA drainage systems, and schools. Furthermore, for the reasons listed above, there is no need to expand City services to remote outlying areas.

Unit 10 Specific Area Plan

Unit 10 SAP Goal 2.2

This zone map amendment achieves the stated goal of creation of future neighborhoods with a variety of housing options and expansion of public infrastructure by increasing the amount of R-4 options available, the required tie in to CORR sewer and water infrastructure, and the expansion and assistance in the creation of Isabel Rd into a major collector at 10th St SE and Black Arroyo Blvd as indicated in Goal LU 4.2 and Goal TR 1.4 Map 7 and 8.

Unit 10 SAP Goal CF 3.1

The zone map amendment proposal of R-4 will assist in the development of providing medium density options as desired in the Comprehensive Plan and this stated goal.

Unit 10 SAP Section 4.2

Medium density is outlined in 4.2 Table 2 as R-3, R-4, and R-5. This request will help meet the goal of encouraging master planned developments to support medium and higher densities in order to provide a variety of housing options outlined in Goal 4.4.1. The original General Land Use Map was approved by the Governing Body in 2015. Utilizing this map, the new owners of these lots proceeded to acquire the lots all remaining lots. During this acquisition phase, the CORR brought forth the Unit 10 SAP, in which the General Land Use Map was amended slightly by eliminating the medium density option for this stretch of lots as shown in 2015 and making them low density only. We recognize the City's desire implement Goal LU-2 to protect existing areas, but the current land owners relied on the 2015 General Land Use Map when embarking on acquisition of the other lots. The owners, **5 years later**, purchased the final lot in June 2020. We respectfully request the CORR to be accommodative in approving this request in light of the MAP change 1 year later and length of time to finally persuade the last lot owner to sell. This will assist in implementing new road outcomes and traffic patterns, and provide a variety of housing choices.

Unit 10 SAP Goal UT 1.2 and UT 1.3

By approving this zone map amendment request, these stated goals will be met by the future master planned development for this area. This development will implement new drainage infrastructure to the SCAFCA plan, eliminate 27 single well and septic systems and expand City sewer and water infrastructure.

Conclusion

After having provided the policy support and justifications using the 2010 Comprehensive Plan, the 2016 Unit 10 Specific Area Plan, compliance with CORR's zone map amendment policies, the need to reduce fractured and antiquated platting, and provide infill projects that helps the City's infrastructure and health, safety, morals, and general welfare, we respectfully ask for your approval for the zone map amendment of Unit 10 Block 24, Lots 63-75 from R-1 to R-4 use. If you should have need for further information, please contact me at 505-340-4733 or homefest@yahoo.com

Sincerely,



Howard Balmer
Kula Partners LLC

cc. Respective lot owners

February 4, 2020

RE: Zone Change Request
Rio Rancho Estates
Unit 10, Block 24, Lots 63,66,69

To whom it may concern,

Per our client's request, Sunwest Trust, as custodian for the Gregory N. Anderson Roth IRA, owner of the above referenced lots, confirm support of the zone map amendment for R-1 to R-4 in the City of Rio Rancho, New Mexico. Sunwest Trust also authorizes Howard Balmer and Kula Partners, LLC to act as the agent and representative in all matters concerning this zone map amendment for the above referenced lot.

Respectfully,



Cynthia Archuleta Exec VP
Sunwest Trust, LLC, as custodian for the Gregory N. Anderson Roth IRA

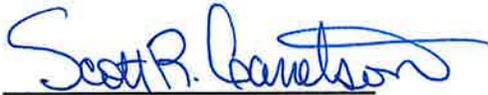
January, 30, 2020

RE: Zone Change Request
Rio Rancho Estates
Unit 10, Block 24 Lot 65

To Whom it May Concern,

As the owner of record of the above referenced lot, I am in support of the zone map amendment from R-1 to R-4. I also authorize Howard Balmer and Kula Partners LLC to act as my agent and representative in all matters concerning this zone map amendment for the above referenced lot.

Respectfully,



Scott R Garretson

February 9, 2020

RE: Zone Change Request
Rio Rancho Estates
Unit 10 Block 24 Lots 70 and 74 *and 67*

To Whom It May Concern,

As the owner of record of the above referenced lots, we are in support of the zone map amendment from R-1 to R-4. We also authorize Howard Balmer and Kula Partners LLC to act as our agent and representative in all matters concerning this zone map amendment for the above referenced lots.

Respectfully,

A handwritten signature in blue ink, appearing to read "W. Fietz", written over a horizontal line.

Michael Fietz
Managing Member
W&W Capital LLC

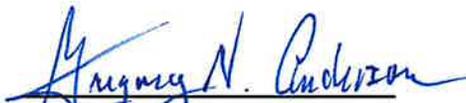
January, 30, 2020

RE: Zone Change Request
Rio Rancho Estates
Unit 10, Block 24 Lots 64, 68, 71, 72, 75

To Whom it May Concern,

As the owners of record of the above referenced lots, we are in support of the zone map amendment from R-1 to R-4. We also authorize Howard Balmer and Kula Partners LLC to act as our agent and representative in all matters concerning this zone map amendment for the above referenced lots.

Respectfully,


Gregory N Anderson
Managing Member
Garrande Investment LLC

FT000165886 RAD

FIDELITY ... INSURANCE CO.

REPLACEMENT QUITCLAIM DEED

The City of Rio Rancho ("Grantor"), a municipal corporation and political subdivision of the State of New Mexico, with offices at 3200 Civic Center Circle NE, Rio Rancho, NM 87144, for good and valuable consideration in hand paid, hereby quitclaims and conveys to Sunwest Trust, Inc., a New Mexico corporation with offices at 3240-D Juan Tabo Boulevard NE, Albuquerque, NM 87111, successor to Zia Trust, Inc., as custodian for Scott Garretson Roth IRA, all of such right, title and interest Grantor may have by virtue of a Judgment and Order of Foreclosure filed in the 13th Judicial District Court on, in cause no. D-1329-CV-2012-02633, filed in the 13th Judicial District Court on April 5, 2013, and recorded in the land records of the Sandoval County Clerk on December 6, 2013, at Book 416, Page 32604, in the following described real estate located in Sandoval County, New Mexico:

Lot number 65, Block 24, Unit 10; Lot number 5, Block 74, Unit 10; and Lots number 5, 6, 7 and 8, Block 76, Unit 10, Rio Rancho Estates, Town of Alameda Grant, Sandoval County, New Mexico.

THIS DEED is a replacement for an identical Quitclaim Deed executed by the City of Rio Rancho on May 2, 2014, but never recorded and now presumed lost.

IN WITNESS WHEREOF, the City of Rio Rancho has executed this Deed this 6th day of October, 2014, by its duly elected Mayor.

CITY OF RIO RANCHO

By: *Gregory D. Hull*
Gregory D. Hull, Mayor

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10/31/2014 08:40:40 AM Page 1 of 1
Eileen Garbagni, County Clerk-Sandoval County, NM

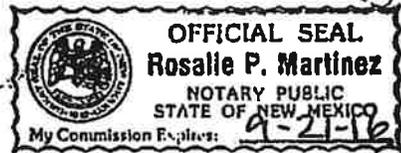
STATE OF NEW MEXICO }
COUNTY OF SANDOVAL } ss.

This instrument was acknowledged before me on October 6, 2014, by Gregory D. Hull, Mayor, as Mayor of the City of Rio Rancho.

Rosalie P. Martinez
Notary Public

My Commission Expires:

9-21-16



SCRIVENER'S-ERROR AFFIDAVIT

I, William K. Wooten, ("Affiant"), being first duly sworn, state under oath:

1. I am duly authorized to execute this Affidavit, have actual knowledge of the matters set forth within this Affidavit and am competent to testify in a court of law about the facts stated in this Affidavit.

2. I am eligible and qualified under New Mexico law to be the Affiant of this Scrivener's-Error Affidavit because of the following facts:

I oversaw preparation of the document being the subject of this affidavit.

3. The instrument containing the error that this Affidavit intends to correct is as follows:

Warranty Deed

4. The purpose of this Affidavit is to provide notice of the scrivener's error described in this Affidavit and to correct the Original Instrument.

5. The Original Instrument was prepared by, completed by or associated with:

Our Albuquerque office in connection with a real estate closing.

6. The names and capacities of the parties to the Original Instrument are:

Ruiz Développement LC, a New Mexico limited liability company to W & W Capital LLC, a New Mexico limited liability company

7. The recording information, including the recording date and document, instrument or reception number for the Original Instrument, is as follows:

Recorded April 7, 2020

Recording information

In Book 423, page 8294 as Document number 20200082941 in the real property records of Sandoval County, New Mexico.

8. A brief description of each error in the Original Instrument that this Affidavit is designed to correct:

The legal description on the Warranty Deed is incorrect.

9. The correct information to be inserted or reflected in the Original Instrument is as follows:

Lot numbered Sixty-seven (67) in Block numbered Twenty-four (24) of UNIT NO. 10, RIO RANCHO ESTATES, Sandoval County, New Mexico, as the same is shown and designated on the Plat of said Addition, filed in the office of the County Clerk of Sandoval County, New Mexico, in Rio Rancho Estates Plat Book No. 1, page 75, on May 13, 1988.

10. This Affidavit is made under penalty of perjury.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 23rd day of June, 2020.



Name: William K. Wooten

Company Name: Fidelity National Title Company of New Mexico

Title: Vice-President

STATE OF NEW MEXICO

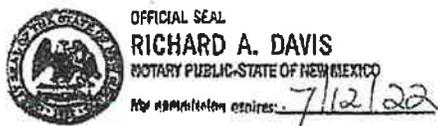
COUNTY OF Bernalillo

This instrument was sworn to and acknowledged on this 23rd day of June, 2020 by William K. Wooten, Vice-President of Fidelity National Title Insurance Company of New Mexico, Inc.



Notary Public (Seal)

My commission expires: 7/12/22



2

WARRANTY DEED

GARRANDE INVESTMENTS, LLC, a New Mexico limited liability company, whose address is P.O Box 94103, Albuquerque, NM 87199, for consideration paid, grant to **FNA, LLC, a New Mexico limited liability company**, whose address is 9600 Tennyson Street NE, Albuquerque, NM 87122, the following described real estate in Sandoval County, New Mexico:

LOTS NUMBERED FORTY-THREE (43), SIXTY-FOUR (64), SIXTY-EIGHT (68), SEVENTY-ONE (71), SEVENTY-TWO (72), AND SEVENTY-FIVE (75) IN BLOCK TWENTY-FOUR (24);

LOTS NUMBERED FORTY (40), FORTY-ONE (41), FIFTY-NINE (59) AND SIXTY-ONE (61) IN BLOCK TWENTY-FIVE (25);

LOTS NUMBERED ONE (1), TWO (2), THREE (3), FOUR (4), AND SEVEN (7) IN BLOCK SEVENTY-FOUR (74);

LOTS NUMBERED TWO (2) AND FOURTEEN (14) IN BLOCK SEVENTY-FIVE (75);

LOT NUMBERED NINETEEN (19), IN BLOCK SEVENTY-SEVEN (77);

LOT NUMBERED SEVENTEEN (17) IN BLOCK SEVENTY-EIGHT (78);

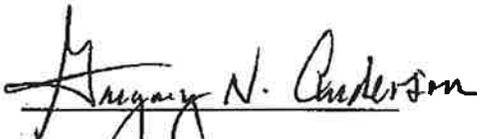
LOTS NUMBERED FOURTEEN (14) AND NINETEEN (19) IN BLOCK SEVENTY-NINE (79); UNIT TEN (10),

AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID RIO RANCHO ESTATES FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON MAY 13, 1968.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2020 and subsequent years.

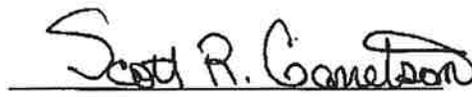
IN WITNESS WHEREOF, the undersigned have executed this document on the date set forth below.

Dated: 1st day of May, 2020.



Gregory N. Anderson - Manager

Garrande Investments, LLC



Scott R. Garretson - Manager

Garrande Investments, LLC

Acknowledgment for Corporations

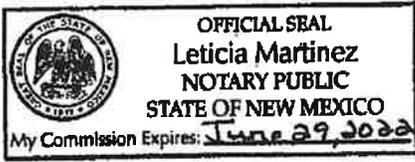
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on May 10, 2020, by Gregory N. Anderson and Scott R. Garretson, Managers of Garrande Investments, LLC.

(Seal)



Notary Public





WARRANTY DEED

SUNWEST TRUST, INC, as custodian for the **Gregory N. Anderson Roth IRA**, for consideration paid, grants to **Madison Trust Company**, as custodian for the **Gregory N. Anderson Roth IRA**, whose address is 401 E. 8th Street, Sioux Falls, South Dakota, 57108, the following described real estate in Sandoval County, New Mexico:

LOTS NUMBERED SIXTY-THREE (63), SIXTY-SIX (66), AND SIXTY-NINE (69), IN BLOCK TWENTY-FOUR (24), UNIT TEN (10);

LOT NUMBERED FORTY-TWO (42), IN BLOCK TWENTY-FIVE (25), UNIT TEN (10);

AN UNDIVIDED 50% INTEREST IN LOT NUMBERED FIVE (5), IN BLOCK SEVENTY-FOUR (74), UNIT TEN (10);

LOTS NUMBERED FOUR (4), AND FIVE (5), IN BLOCK SEVENTY-FIVE (75), UNIT TEN (10);

LOT NUMBERED FIFTEEN (15), IN BLOCK SEVENTY-SIX (76), UNIT TEN (10)

AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID RIO RANCHO ESTATES FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON MAY 13, 1968.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2020 and subsequent years.

IN WITNESS WHEREOF, the undersigned have executed this document on the date set forth below.

Dated: 15 day of May, 2020.

Sunwest Trust, as custodian for the

Gregory N. Anderson Roth IRA

By: Cynthia Archuleta

Its: Authorized Signor

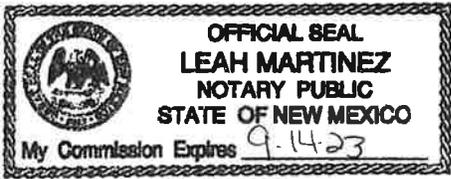
Acknowledgment for Corporations

STATE OF NEW MEXICO)

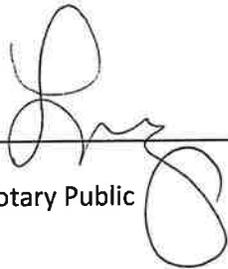
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on May 15, 2020,

by Cynthia Archuleta.



(Seal)



Notary Public

Stewart File No. 01147-48673dh

WARRANTY DEED

Martha Walkowicz, an unmarried woman

for consideration paid, grant(s) to

W & W Capital, LLC, a New Mexico limited liability company

whose address is: 9600 Tennyson NE, Albuquerque, NM 87122

the following described real estate in Sandoval County, New Mexico:

Lot numbered Seventy (70) in Block numbered Twenty-four (24). UNIT 10, RIO RANCHO ESTATES, as the same is shown and designated on the Plat entitled, "Southern Portion Unit Ten, Rio Rancho Estates, Town of Alameda Grant, Sandoval County, New Mexico", filed in the Office of the County Clerk of Sandoval County, New Mexico, on May 13, 1988, in Rio Rancho Estates Plat Book No. 1, Page 76.

Subject to patent reservations, restrictions and easements of record and to taxes for the current year and years thereafter.

with warranty covenants.

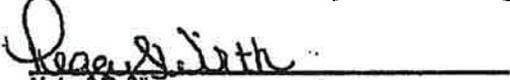
Witness this 11th day of September, 2018


Martha Walkowicz



State of Wisconsin
County of Darren

This instrument was acknowledged before me on 11th day of September, 2018 by Martha Walkowicz.


Notary Public

My Commission Expires: 10/22/21

Return To:
Fidelity National Title Insurance Company
8500 Menaul Blvd NE, Suite B-150
Abuquerque, NM 87112

GF No.: SP000049470

WARRANTY DEED

Neil Gacom, a married man as his sole and separate property
for consideration paid, grant to
W & W Capital, LLC a New Mexico limited liability company
whose address is Vacant Land, Rio Rancho, NM 87124
the following described real estate in Sandoval County, New Mexico:

Lot numbered 74, Block numbered 24, Rio Rancho Estates Unit No. 10, As shown and designated on the map
of said Rio Rancho Estates, filed in the office of the County Clerk of Sandoval County, New Mexico in Rio
Rancho Estates Plat Book No. 1, page 75, on May 13, 1968.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2019, and
subsequent years.

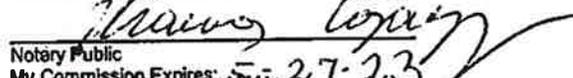
IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 11-7-2018


Neil Gacom

State of OH
County of medina

This instrument was acknowledged before me on this 7 day of November 2018, by Neil
Gacom, a married man as his sole and separate property.


Notary Public
My Commission Expires: 5-27-23

(SEAL)



Marina Lozovyy, Notary Public
in and for the State of Ohio
My Commission Expires
May 27, 2023