

## **Chronology of Mariposa East Development & Permitting Activities**

### **1994**

**1/29/94**—Sunwest Bank of Albuquerque sells the “Mariposa Property” (6,248.317 acres of real estate in Sandoval County, NM) to the Albuquerque Academy, a NM non-profit corporation.

### **1996**

**4/3/96**—Santa Fe Pacific Gold Corporation transfers its interest in the “Mariposa Property” to the Albuquerque Academy.

### **2002**

**2/13/02**—The City of Rio Rancho adopts the Mariposa Master Plan, which divides the property into two planning areas: Mariposa East and Mariposa West. The master plan also identifies the 2,200-acre Mariposa Preserve as protected in perpetuity by the Albuquerque Academy.

**2/27/02**—The Albuquerque Academy, High Desert Investment Corporation, the for-profit arm of the Albuquerque Academy, and the City of Rio Rancho enter into an annexation/development agreement for the development of 6,685 acres, the Mariposa Community.

### **2003**

**6/5/03**—The Albuquerque Academy sells to High Desert Investment Corporation its interest in Mariposa.

### **2004**

**4/13/04**— Bohannon Huston, Incorporated (BHI), an Albuquerque engineering firm, prepares Mariposa Drainage Management Plan (rev. 9/8/04 & amended 9/12/05).

**6/2/04**—USACE SPA issues High Desert Investment Corporation a 10-year Individual Permit for Mariposa East, a 1,465-acre master planned community located within jurisdictional unnamed tributaries of the Venada, Baranca, and Montoyas Arroyos and jurisdictional unnamed tributaries of the Jemez River, Rio Rancho, Sandoval County, New Mexico (Action No. SPA-2004-00109), with an expiration date of 12/31/14.

**6/22/04**—Articles of Incorporation for the Mariposa Community Association are filed with the New Mexico Public Regulation Commission.

**8/27/04**—The Bylaws of the Mariposa Community Association were signed by the founding officers of the MCA on behalf of the MCA and recorded with the Sandoval County Clerk on 12/23/04.

**12/23/04**—The Founder, High Desert Investment Corporation, establishes the Charter document which provides for governance structure of the Mariposa Community, including the Mariposa Community Association.

### **2006**

The Mariposa East Public Improvement District (PID) is created.

### **2012**

**6/12/12**—High Desert Investment Corporation announces it is pulling out of Mariposa East and putting their interest in the community on the market. News outlets report that only 250 out of 1,500 potential residential home sites had been built and sold.

**8/29/12**—High Desert Investment Corporation grants to Bank of Albuquerque, as Trustee of the Mariposa East Public Improvement District (PID), all of the real property designated as Mariposa East.

**12/13/12**—MEast Holdings, LLC registers as a Foreign Limited Liability Company with the NM Secretary of State.

**12/19/12**—Bank of Albuquerque, as Trustee of the PID, grants, with special warranty covenants, all of its interest in Mariposa East to MEast Holdings, LLC, the Bondholders of the PID. High Desert Investment Corporation, the permittee of the Mariposa East Permit (Action No. SPA-2004-00109), transfers the permit to MEast Holdings, LLC.

### **2013**

**7/1/13**—The Homeowners Association Act (NM State Statutes Chapter 47 Property Law Article 16 Homeowner Associations 47-16-1 through 47-16-18) goes into effect, providing for the formation and management of HOAs, disclosure of records, and requirements of disclosure to purchasers.

### **2014**

**8/26/14**—Bohannon Huston, Incorporated (BHI), an Albuquerque engineering firm, requests a 10-year extension to the Mariposa East Permit authorization, on behalf of MEast Holdings, LLC.

**9/2/14**—USACE SPA grants a request by MEast Holdings, LLC for a 10-year extension of the Mariposa East Permit (Action No. SPA-2004-00109), with a new expiration date of 12/31/24. The extension letter noted that the extension was largely based on the following statement: *“There are currently no plans to change the amount of fill discharged into jurisdictional waters.”* Furthermore, BHI’s extension request letter acknowledged that *any changes to the approved scope of work in the permit authorization will require further consultation with the Corps.* The extension letter also notes that CFR Section 325.5 allows for USACE to grant extensions of time limits if doing so would not be contrary to the public interest.

**10/10/14**—Harvard Ventures, Inc., a Canadian development company, enters into a Development Agreement for Mariposa East with the City of Rio Rancho.

**10/10/14**—The Albuquerque Academy enters into a Development Agreement for Mariposa West with the City of Rio Rancho.

**10/29/14**—MEast Holdings, LLC sells all of its land and interest in Mariposa East to Mariposa East, LP, an Arizona limited partnership and affiliate of Harvard Ventures, Inc.

### **2016**

**12/7/16**—MEast Holdings, LLC cancels registration as a Foreign Limited Liability Company with the NM Secretary of State.

### **2018**

**2/28/18**—Mariposa East, LP sells Tract 1-A3 to Jemez Vista Residential Development, LLC (dba Price Land & Development Group). Tract 1-A3 is a 10-acre tract of undeveloped land located in Phase 1 of Mariposa East. It was re-platted in December 2017 as the Jemez Vista Neighborhood, which will include 41 single-family residential lots.

**3/29/18**—Mariposa East, LP sells Tract 1A-11 to Pulte Homes of New Mexico, Inc., a Michigan corporation. Tract 1A-11 is a 31.6-acre tract of undeveloped land located in Phase 2 of Mariposa East and platted to include 135 single-family residential lots. Pulte Homes broke ground in late 2018 and the new neighborhood—Redondo at Mariposa—is approximately 60% complete.

## **2019**

**1/2/19**—SSCAFCA passes Resolution 2019-05 requesting that the City of Rio Rancho require Harvard Investments, Inc. to update the Mariposa Drainage Management Plan either in total or by tract to reflect their re-zoning request because it has the potential to significantly increase runoff and change current drainage patterns, upon which flood control facilities were planned, built, or are managed.

**1/23/19**—The City of Rio Rancho approves a zoning and masterplan amendment request by Harvard Investments, Inc. to rezone approximately 684 acres in Mariposa East from E-1 (Estate Residential), R-1 (less dense single family residential), and OS (Open Space) to R-4 (more dense single family residential). See, Ordinance No. 33, Enactment No. 19-08.

**3/21/19**—The City of Rio Rancho officially recognizes the Mariposa Neighborhood Association, which was formed because the Mariposa Homeowners Association board of directors is currently in the “Founders Phase” and controlled by the master developer, Harvard Investments, Inc. and its sub-developers and their builders.

**6/13/19**—BHI submits permit ownership transfer request to USACE requesting transfer of Mariposa East Permit (Action No. SPA-2004-00109) to ABQ-GP, LLC, General Partner of Mariposa East LP, Mariposa East 2, LP, Mariposa 3, LP, and Mariposa East Overlook, LP (Owners), stating that “A letter requesting an update to the permit based on changes in the land development plans will be submitted at a later date.”

## **2020**

**6/1/20**—Jemez Vista Residential Development, LLC, sells the 10-acre Tract 1A-3 in Phase 1 of Mariposa East (aka the Jemez Vista Neighborhood) to DRHorton, Inc, a Delaware Corporation.

**6/6/20**—DRHorton breaks ground on the new Jemez Vista Neighborhood, clearing and grubbing mature juniper trees with active bird nests and filling in three arroyos, which were identified by USACE SPA in 2004 as jurisdictional waters and are tributaries to an unnamed arroyo situated on the far north section of the property that is protected by a SSCAFCA easement.

**6/8/20**—Cassandra D’Antonio, a resident of Mariposa East and Chair of MNA’s Infrastructure Committee, contacts Forrest Luna with USACE SPA Regulatory Branch to inquire whether or not there is a 404 permit associated with Price Land & Development Group’s construction activity in the Jemez Vista neighborhood. After phone calls to DRHorton and BHI, and maybe others, and a search of the SPA’s data base, Mr. Luna informs Ms. D’Antonio that a permit for the work was issued by USACE SPA in 2004.

**6/15/20**—MNA submits a FOIA request to the USACE SPA FOIA office for an electronic copy of Mariposa East Permit No. SPA-2004-00109.

**6/22/20**—EPA’s and USACE’s new regulations take effect removing federal protections of ephemeral streams.

**7/24/20**—Ms. D’Antonio receives an electronic copy of Mariposa East Permit No. SPA-2004-00109 from USACE SPA.

**7/27/20**—Ms. D’Antonio submits a FOIA request to the USACE SPA FOIA office requesting a copy of the water quality certification that may have been issued by NMED in concert with Mariposa East Permit No. SPA-2004-00109 in 2004 or upon its renewal in 2014.

**8/28/20**—Rebecca Roose, Director of the Water Protection Division, NMED, notifies John R. D’Antonio, Jr that the Surface Water Quality Bureau has no record that a 401 Water Quality Certification was issued by NMED for the Mariposa East Permit No. SPA-2004-00109, nor were

they notified of or certified the permit's renewal in 2014, which is unusual based on common and expected practice.

**9/3/20**—John D'Antonio receives a copy of NMED's water quality certification from Shelly Lemon, Chief of the NMED SWQB.

**10/19/20**—USACE responds to MNA's request for all documents pertaining to Mariposa East Permit No. SPA-2004-00109.

**2021**

**5/11/21**—Master Developer requests approval of a bulk plat for Mariposa East, Tracts 1A-12 through 1A-15 (Monarch Subdivision).