PLANS/PLATS ON FILE

FILE DESC: A-12/D002

PLANS/PLATS 0

H572

New Mexico Utilities Inc.
10001-A Coors Rd. N.W.
Albuquerque, New Mexico 87114
(505) 898-2661

October 9, 1985

RECEIVED
OCT 14 1985
CITY ENGINEER
rec'd 10/16
DHO434

Mr. Jim Fink
M.D.D., Engineer Division (Hydrology)
First Civic Plaza
Albuquerque-Bernalillo County
Governmental Center
Albuquerque, NM 87102

Dear Mr. Fink:

In way of introduction, I am president of New Mexico Utilities, Inc., a water and wastewater investor-owned company serving portions of the northwest part of the City of Albuquerque and Bernalillo County.

A problem was brought to my attention this date by Mr. and Mrs. Weselak who purchased Lot 27, Block 9, Paradise Heights Unit 1, a subdivision of record in Bernalillo County. Attached is a Xerox portion of Paradise Heights Unit 1 that shows the Weselak lot outlined in red.

This company recently extended a water service line and meter set to their lot along with a sewer lateral to the property line, at a cost of $1,000 along with the City of Albuquerque's utility expansion charge for sewer. It is my understanding that power and telephone has also been extended to this lot. The Weselaks have explained to me that your office will not grant a building permit because they are in a flood zone.

The Albuquerque Transportation Department has been working with me and AMAFCA on realigning the Black's Arroyo through Block 19, Lots 1 through 7, and up stream from Golf Course Road through the first 7 lots along with a bridge crossing at Golf Course Road. It is my understanding that bids are to be let this month and that there will be a pre-construction conference on November 26, 1985, and construction should start on the bridge and channel by the first of the year or sooner. I was at a loss as what to tell these people based on my knowledge of the area, so I talked to Art Kelly of the City Transportation Department and he suggested that I write a letter to you.

This company, and I assume PNM and the telephone company, have not been advised regarding your ruling of the boundaries of the flood plain and denial of building permits within that area. As a result, people are spending money for utilities and then are denied a building permit. It is my feeling that the boundaries of the flood plain should be looked at again, especially in view of the fact that a bridge and channelization are scheduled within the

next few months. Theoretically the rainy season will not occur until next summer.

I will appreciate a prompt reply to this letter.

Sincerely,

J. L. Williams
President and
General Manager

JLW:js

cc with enclosure:

1. Mr. & Mrs. Weselak, P.O. Box 15321, Rio Rancho, N.M. 87174
2. Joe Martin, Director of Transportation
3. Art Kelly, Transportation Department
4. Richard Leonard, Chief Engineer, AMAFCA

RECEIVED
OCT 10 1985
HYDROLOGY SECTION

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE October 9, 1985 REF. NO.

TO: Art Kelly, Planning & Programming Section, Transportation Department

FROM: Andre Houle, Design Section, MDD/Engineering

SUBJECT: GOLF COURSE ROAD AT BLACK'S ARROYO - PROJECT NO. 2473

I have reviewed the as-bid set and the following concerns need to be addressed:

1. In my final and checkset comments I recommended that the need for training dikes be determined. The training dikes were not provided. It now appears that the flood plain which previously occurred here has been displaced and two existing residents may be adversely affected during the 100 year storm event. AMAFCA is currently selecting a consultant to study this area, however the area will probably be as proposed for 2 more years. I feel this project should include temporary training dikes to funnel the entire 100 year storm event through the bridge crossing.

AH/tsl
3053E

c.c. GRO
Q.A. file
Carlos Montoya

Steve Baberg
Q.A. file

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR
Harry E. Kinney

CHIEF
ADMINISTRATIVE OFFICER
Bob V. Slover

October 17, 1985
Planning & Programming
Transportation Department

Lawrence Larranaga, P.E.
Chief Highway Administrator
New Mexico State Highway Department
P.O. Box 1149
Santa Fe, New Mexico 87504-1149

SUBJECT: ADDENDUM NO. 1 - GOLF COURSE ROAD AT BLACK'S ARROYO FAU
PROJECT NO. M-4079(2)

Dear Mr. Larranaga:

We request approval of the attached Addendum No. 1 to the subject project currently in advertisement to accomplish the following.

A. Corrections to the Contract Documents and Construction Plans not previously incorporated as result of final P.S.&E. Review by the Federal Highway Administration.

B. Extension of the Bid Opening date from October 22, 1985 to October 29, 1985, to allow distribution of the foregoing Addendum.

C. Allow sufficient time for distribution of Addendum No. 2 which will be forthcoming October 21, 1985 to construct a dike on the west portion of the Channel cutting off potential flows crossing Benton Avenue at appropriate station 0+00. Construction costs for this dike will be entirely paid for by City of Albuquerque Hydrology Division, Municipal Development Department, and are deemed necessary by that division to prevent potential damage to existing houses to the South and West of Golf Course Road and Benton Avenue during the 100 year storm event.

If you have any questions, please contact Art Kelly at 766-4700.

Sincerely,

Joseph A. Martin

Joseph A. Martin, Director
Transportation Department

APPROVAL:

_____ _____
Chief Highway Administrator Date

Ref. No. 0233K
JAM/APK/cb

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FRED
Please recommend action 10/25

Kool, Kool, Bloomfield & Hollis

Professional Association
Attorneys at Law
1516 San Pedro, N.E.
Albuquerque, New Mexico 87110
Telephone
(505) 265-5641

Albert R. Kool (1907-1973)
Roland B. Kool
Gerald R. Bloomfield
John L. Hollis

October 17, 1985

Mr. Duane Sheppard
City Engineer
City-County Building
Albuquerque, New Mexico 87102

Re: Application for Variance for Building Permit

Dear Mr. Sheppard:

I have been retained to represent Bronislaus Weselak and Veronica Weselak, husband and wife, to assist them in obtaining a building permit for their residence at Lot No. 27, Block No. 9, in the Paradise Heights Subdivision. It seems clear that the circumstances indicate the granting of a variance in this case is appropriate and permitted by City Ordinance No. 99-1981, which requires:

a. a showing a good and sufficient cause;
b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
c. a determination that the granting of a variance will not result in increased flood heights, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Sec. 6.s. or conflict with existing local laws or ordinances.

The Weselak's present a case of extreme hardship as a result of the failure to obtain a building permit for their residence. They are an elderly retired couple living on a fixed income. They purchased this lot in Paradise Heights in April of 1985. At that time the subdivision was under the jurisdiction of the county which allowed construction of homes in that area, sometimes at elevations lower than the one in question. Upon acquisition of this property by the City of Albuquerque the Weselak's found their building plan was in compliance of all city ordinances except the flood hazard ordinance. They were told that while there was only a one percent chance in one hundred years of a flood occurring on their property, they would have to obtain a ?

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Kool, Kool, Bloomfield & Hollis
Professional Association

drainage plan by an engineer before the building permit would be released.

Since that time the Weselak's have been told it may be possible for them to avoid the expense of obtaining a engineer's certification because of construction of a bridge on Golf Course Road. It is my understanding that improvements will be made in conjunction with this bridge construction to the draining of Black's Arroyo. Thus, while the chance of a flood occurring on the Weselak's property was slim to begin with the proposed improvements to drainage in that area will make the chances of flooding even more remote. The Weselak's are willing to elevate their home by as much as a foot in order to accommodate the concerns of your office.

The granting of a building permit to the Weselak's is critical for the following reasons. (1) Since the purchase of the property in April, 1985, they have sold their residence in Buffalo, New York and moved to Albuquerque to begin construction on their new home. They were living with their daughter in Albuquerque but have since found out that she is now moving out of town. The Weselak's have been living in a motor home for the past two weeks which is unhealthy given the fact that they are an elderly couple with various physical ailments. (2) The Weselak's have expended a substantial amount of money in purchasing this plot of land, extending water line service and a sewer lateral to the property, and paying various fees in the process of obtaining the building permit.

The Weselak's have found nothing but frustration and delay when they ask your office what can be done to get a building permit. They are willing to cooperate in altering the building plan in order to assure safety in case of a flood. However, no one in the Hydrology Office will offer them that information.

We offer this Application for Variance with a real sense of urgency. With winter moving in their staying in a motor home presents a significant health risk. Also, they an elderly couple on a fixed income and have invested a substantial sum of money for their retirement home. The fact that this subdivision has since been transferred to the City of Albuquerque has resulted in substantial delay in construction of their residence. As a

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Kool, Kool, Bloomfield & Hollis

Professional Association

Mr. Duane Sheppard
October 21, 1985
Page 3

result, refusal by your office to release the building permit or to provide conditions which must be met before construction will be permitted (i.e. raising the elevation of the house) will cause substantial hardship for the Weselaks. Construction of this home will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public or conflict with existing local laws or ordinances. You prompt review of this request will be most appreciated.

Sincerely,

KOOL, KOOL, BLOOMFIELD & HOLLIS, P.A.

Gerald R. Bloomfield

Gerald Bloomfield

GB/dd

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11-1-85

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

RECEIVED
ALBUQUERQUE, N.M.
REF 0 0 0 3 0 1985
MUNICIPAL DEV. DEPT.
ADMIN. DIV.

INTER-OFFICE CORRESPONDENCE

October 28, 1985

TO: Carl Rodolph, Director, Municipal Development Department

FROM: Ken Schultz, Councillor, District 9 KS

SUBJECT: Building Permit, Paradise Heights

The Weselak's have contacted me in desperation about their inability to obtain a building permit for their property as described in the attached correspondence. It seems New Mexico Utilities, Inc., and other utility companies have provided service to the lots on the basis that they are developable. Mr. Williams, President of New Mexico Utility is under the impression that the flood plain issue will be resolved with construction of some upcoming drainage improvements.

I would like to know what is planned in this area to remove it from the flood plain and what the timeframe actually is for the improvements. Also, I am sure this type of situation has been encountered before and we have been able to work with property owners. Can't we issue at least a foundation permit to the Weselaks in the interim?

I would greatly appreciate any help you can provide so as to minimize the impact this problem is presenting to these people.

I look forward to hearing from you promptly on this matter.

KS/mt

0331C

cc: Mr. & Mrs. Weselak, 5704 Sandia Court, 87107

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CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

Rec'd 11/19/85

RECEIVED
ALBUQUERQUE N M
NOV 5 1985
REF. NO. 77
MUNICIPAL DEV. DEPT.
ADMIN. DIV.

INTER-OFFICE CORRESPONDENCE
November 4, 1985

LBT

TO: Carl Rodolph, Director, Municipal Development Department

FROM: Larry Titman, Chief Plans Reviewer, MDD/CAD

SUBJECT: Flood Plain Enforcement, Lot 27, Block 9, Paradise Heights Unit 1
Owned by Mr. & Mrs. Weselak

The above referenced property was, until recently, outside the City limits. While outside the City limits it would have been possible to satisfy County flood plain requirements by elevating the finish floor above the flood plain, provided said project was certified by a registered engineer or architect. Extending utilities to this property under this condition would be understandable.

However, with annexation the particular area is now under a different political entity with a different flood plain ordinance which requires approval by the City Hydrology Department. Having ascertained that this property is located at the bottom of what is known as Black's Arroyo, the hydrologists will not issue permits in this area until future needed channel improvements occur. An AMAFCA study of these needs is scheduled to be completed in May, 1986.

For further details contact the hydrologist who reviewed this project, Rick Duran, 766-7644.

LT/nmw
0344N

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE November 15, 1985 REF. NO._____

TO: C. Dwayne Sheppard, City Engineer

FROM: Carlos A. Montoya, P.E.; City/County Flood Plain Admin. CAM

SUBJECT: APPLICATION FOR VARIANCE FOR BUILDING PERMIT

The following items are attached to the memo for clarification:

1. Zone Atlas page showing location of proposed construction.
2. FEMA Flood Insurance Rate Map.
3. FEMA Floodway Map.
4. Copy of letter sent to Mrs. Veronica Weselak indicating reasons why we were unable to approve the building permit.
5. Copy of an ortho topo map. The contour map does show street layout. However, at present, the streets do not have curb and gutter.

I would like to address some of the comments made by Mr. Bloomfield in his October 21, 1985 letter.

1. The last sentence on page 1 should indicate a flood having a one percent chance of being equalled or exceeded in any given year.
2. We realize that the Weselaks are in a difficult position, however, they are proposing to build in a location which is encumbered by a 100 year floodplain. This floodplain is shown on our FEMA maps adopted in 1983. (maps attached)
3. The construction of the bridge on Golf Course Road does not eleminate the flooding for the proposed residence. We believe that it would improve the situation but we do not know the extent of this relief.
4. We have sent the Weselaks a letter dated October 14, 1985, stating the problems and giving the background information. (letter attached) We also apologized for not addressing this situation sooner, however, are setting precedent for the entire subdivision.
5. The request for variance did not address the conditions for variance when the subject site is in a floodway per Section 6.G.1. and Section 6.G.3. variances cannot be issued if the site is in a designated floodway. Also, Section 7.C. prohibits encroachments in the floodway including fill, new construction, substantial improvements, and the storage of hazardous materials and other development.

My personal opinions why the site should not be classified as a floodway ARE:

1. The area is designated as an AO shallow flooding area in the FEMA Maps. Therefore, it would be difficult to justify that they are located in a designated floodway which is not defined in the FEMA Maps.
2. The floodway is located somewhere in the main arroyo and overbanks where the velocities and discharge are very dangerous.
3. The improvements to the bridge and channel would contain most of the flooding in the main arroyo. The spilling of flows to the south would be classified as a shallow flooding where a clearly defined channel does not exist.
4. We are not being consistant by allowing County building permits to be released in a floodplain and then changing the rules by not allowing them to obtain a building permit now that they are in the City.

For the reasons above, I believe we should release the building permit. Below listed are the requirements that will be placed to obtain Building Permit:

1. We are asking the Weselaks to protect themselves by elevating "Finish floor out per Roark Flood elevation." We cannot hold them responsible for total improvements in the channel to control the total discharge, since it is clearly the responsibility of the City with the annexing of the subdivision.
2. A professional engineer would have to submit a drainage plan showing the following:

   a. Lot with existing and proposed contours to mean sea level.
   b. Footprint of house on the lot.
   c. Finish floor elevation.
   d. Floodplain boundary and depth per FEMA Maps.
   e. Drawing stamped by professional engineer.
   f. Certification by engineer upon completion of project.

3. Elevating the house should protect the structure from the 100 year design flood. The depth of flow and velocities are undetermined, however, building two feet above natural ground level gives a certain amount of protection.
4. By requiring a professional engineer's drainage plan, we would set the precedent for the subdivision by requiring drainage plans until improvements upstream correct the problem.
5. Each area that we review for building permit which are in the floodplain will be reviewed on a site specific basis. Hopefully, more information will be available to evaluate impact on further development.
6. A recommendation for other sites in the same predicament would be to upgrade our WANG computer to run HEC-II. We have the HEC-II disks now, now we need to upgrade the memory.

CAM/cl

Attachments

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

November 20, 1985

Mr. Gerald Bloomfield
Kool, Kool, Bloomfield & Hollis
1516 San Pedro Drive N.E.
Albuquerque, NM 87110

RE: VARIANCE REQUEST FOR PARADISE HEIGHTS SUBDIVISION, BLOCK 9, LOT 27

Dear Mr. Bloomfield:

We have reviewed your variance request and concur; however, the following conditions must be satisfied prior to building permit approval and occupancy of the building:

Building Permit

1. Submittal of a plot plan showing existing contours and/or spot elevations and house foot print with finish floor elevation superimposed on the plan. Per the flood hazard ordinance, the elevation of the proposed finish floor must be two feet above the highest ground elevation adjacent to the finish floor.

2. Provide a Temporary Bench Mark on plot plan.

Occupancy of Building

3. Provide certification by a New Mexico land surveyor that the foundation has been constructed to the required elevation prior to occupancy.

NOTE: This information must be provided by a New Mexico registered Land Surveyor and the topographic survey based on mean sea level.

3389E/tsl

This variance is being granted for the following reasons:

1. The site is located within an AO zone, which does not present a severe flooding problem given the depth of flow and velocity associated with such a zone that flood proofing could not mitigate.

2. There are scheduled drainage improvements to the Black Arroyo that would improve the existing flooding conditions.

3. A drainage management study has been authorized by AMAFCA for the Black Arroyo. This information will be used to evaluate future development and/or infrastructure requirements.

If you should have any questions regarding this variance or the conditions of building permit approval, please feel free to call me at 766-7644.

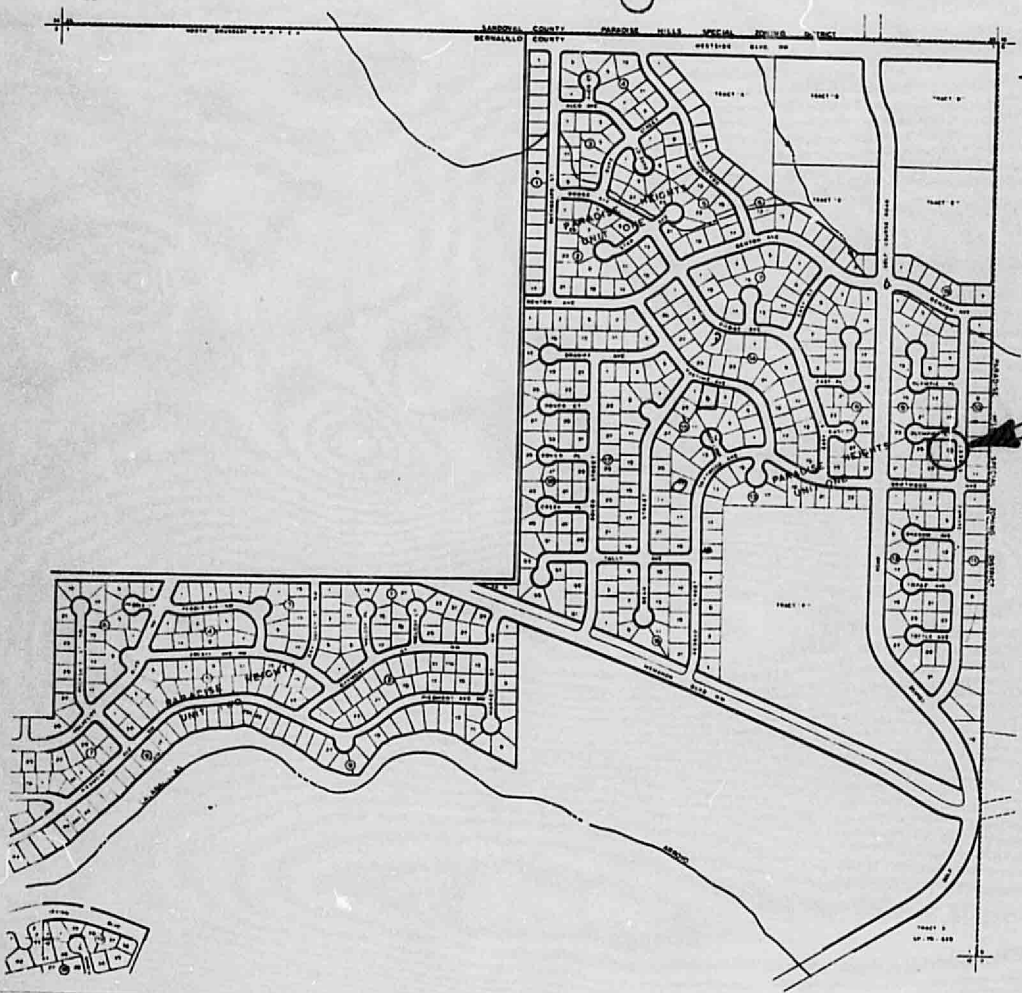
Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

C. Dwayne Sheppard, P.E.
City Engineer

cc: Mr. Weselak
P.O. Box 15321
Rio Rancho, NM
Charles Volz, Chief Building Official

CAM/bsj


SANDOVAL COUNTY
BERNALILLO COUNTY
PARADISE HILLS SPECIAL ZONING DISTRICT
PARADISE HEIGHTS
PARADISE HILLS UNIT 1
PARADISE HEIGHTS UNIT 1
PARADISE HEIGHTS UNIT 2
Proposed Building Site

Item 1

A-12-Z

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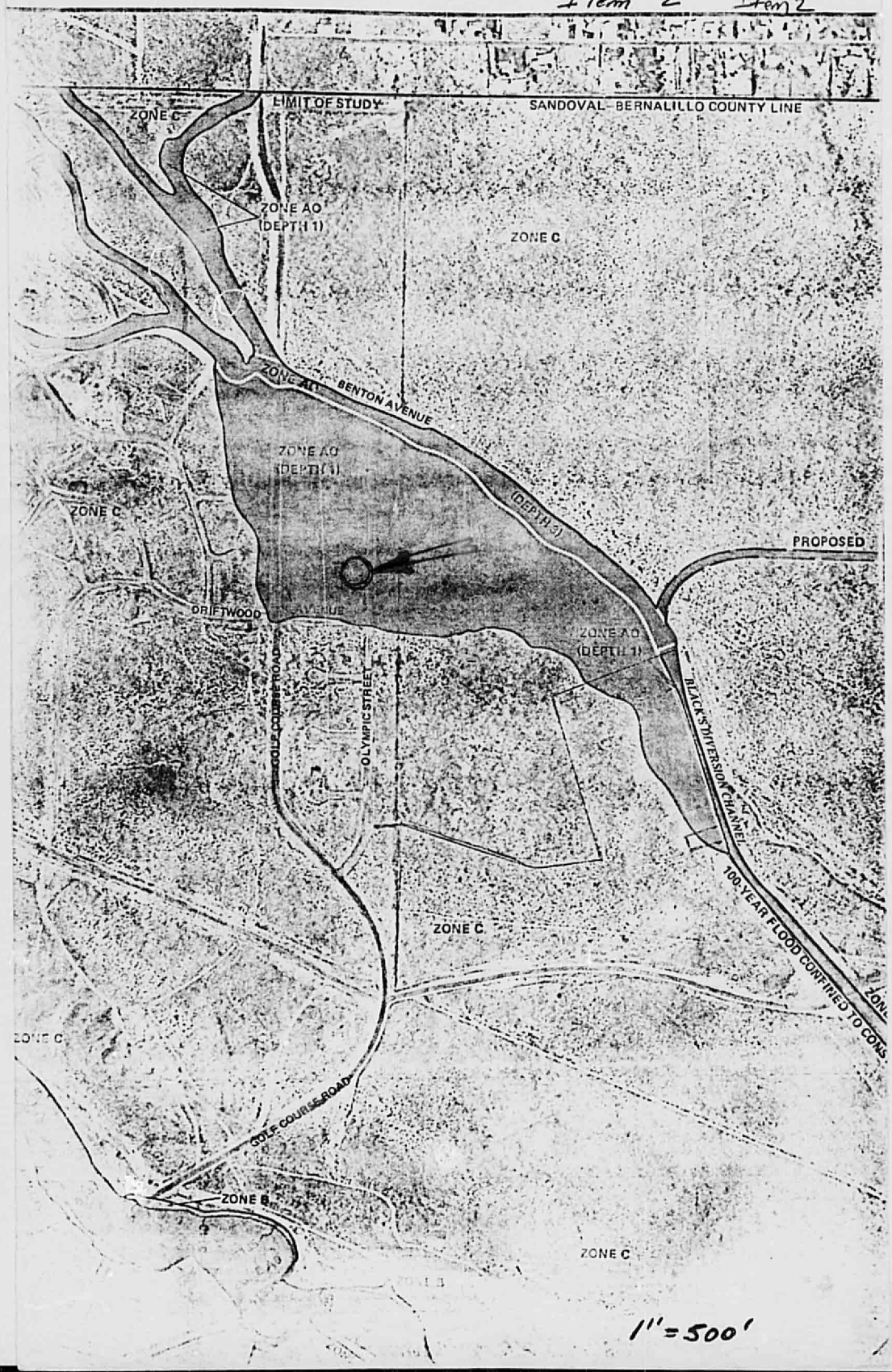
Item 2 Item 2



1" = 500'

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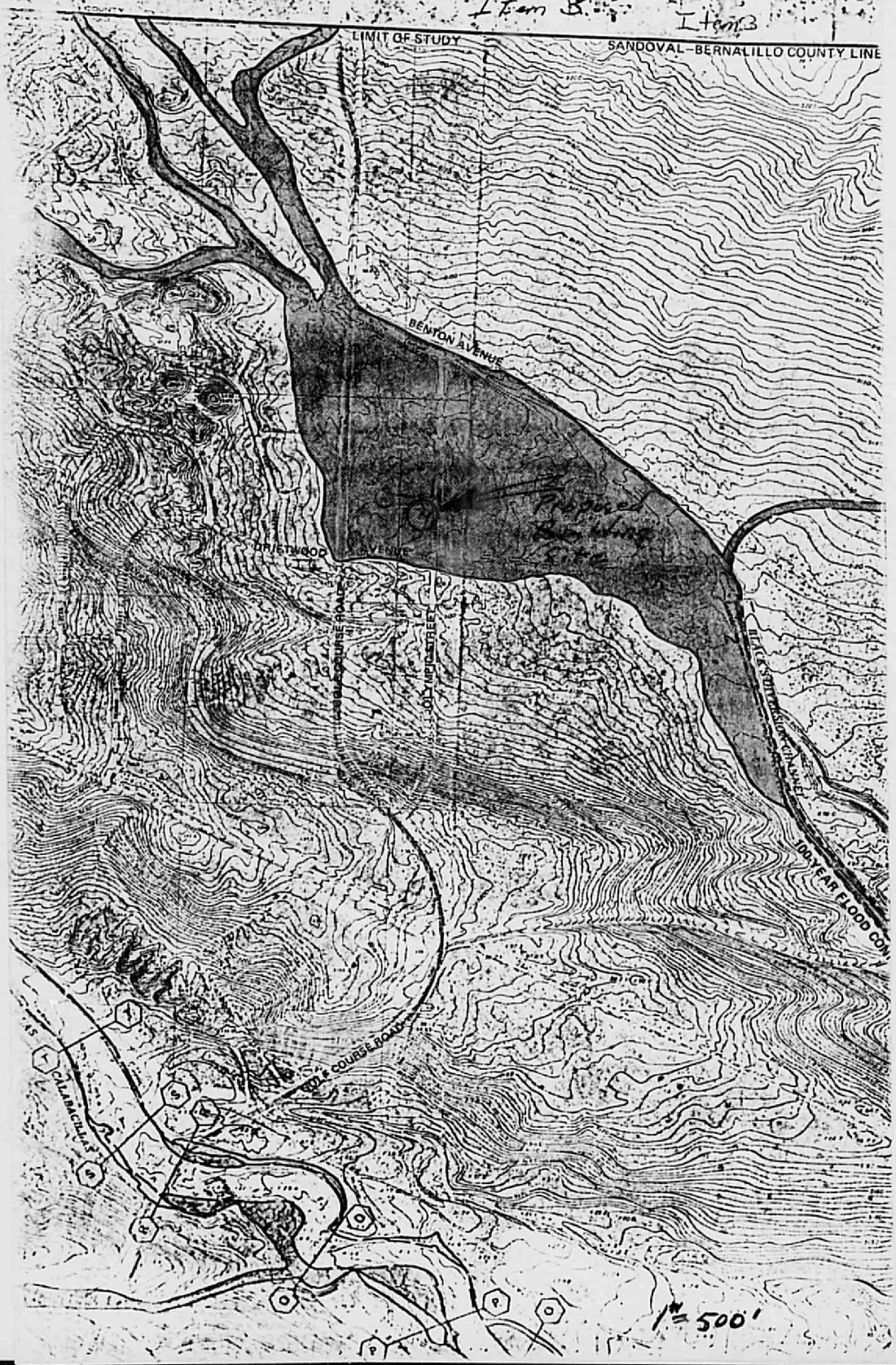
Item 8

Item 3



Barbara

Item 4

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

October 14, 1985

Mrs. Veronica Weselak
5704 Sandia Court
Albuquerque, NM 87107

REF: BUILDING PERMIT ON LOT 27, BLOCK 9,PARADISE HEIGHTS, UNIT 1

Dear Mr. Weselak:

Attached to this letter is a copy of the FEMA floodplain map showing your proposed house location. The proposed house is situated in the center of a floodway. The City Floodplain Ordinance defines "Floodway" as a channel or a river, arroyo or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood. The Ordinance further indicates that new construction is prohibited in the floodway due to velocity of flood waters, potential projectiles, and erosion potential.

There is a project scheduled for construction that proposes a bridge crossing and some channel improvements that may improve the existing floodway conditions. However, this improved condition will not be known until a study is performed based on the proposed improvements. AMAFCA is negotiating a contract for a management plan to study the area and is scheduled for completion on May 1986.

We have in the past released building permits while the area was located in Bernalillo County. The flood plain Ordinance for the county allows construction with the following restrictions. First, elevate the finish flood to or above the floodplain elevation and, second, be certified by a professional engineer or architect. At present the proposed house is located in the Albuquerque City Limits and we are responsible with enforcing the City Floodplain Ordinance.

We sincerely wish that we could release your building permit; however, the release of this permit would allow others in your situation to demand the same treatment. We feel that by releasing the permit we would not be enforcing the Ordinance and we would be endangering lives and property.

Sincerely,

Carlos A. Montoya

Carlos A. Montoya, PE
City/County Flood Plain Admin.

CAM/cl

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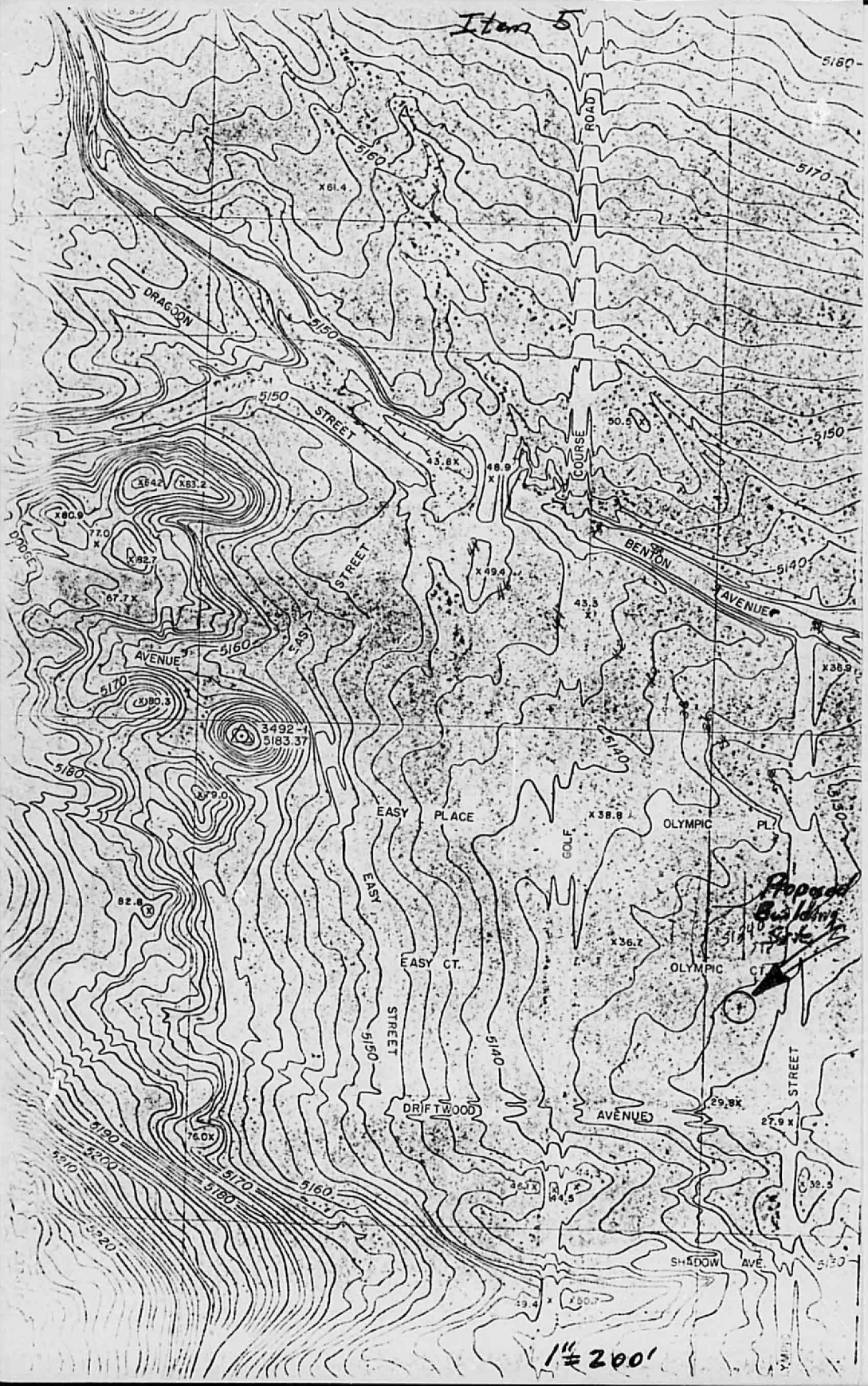
Item 5



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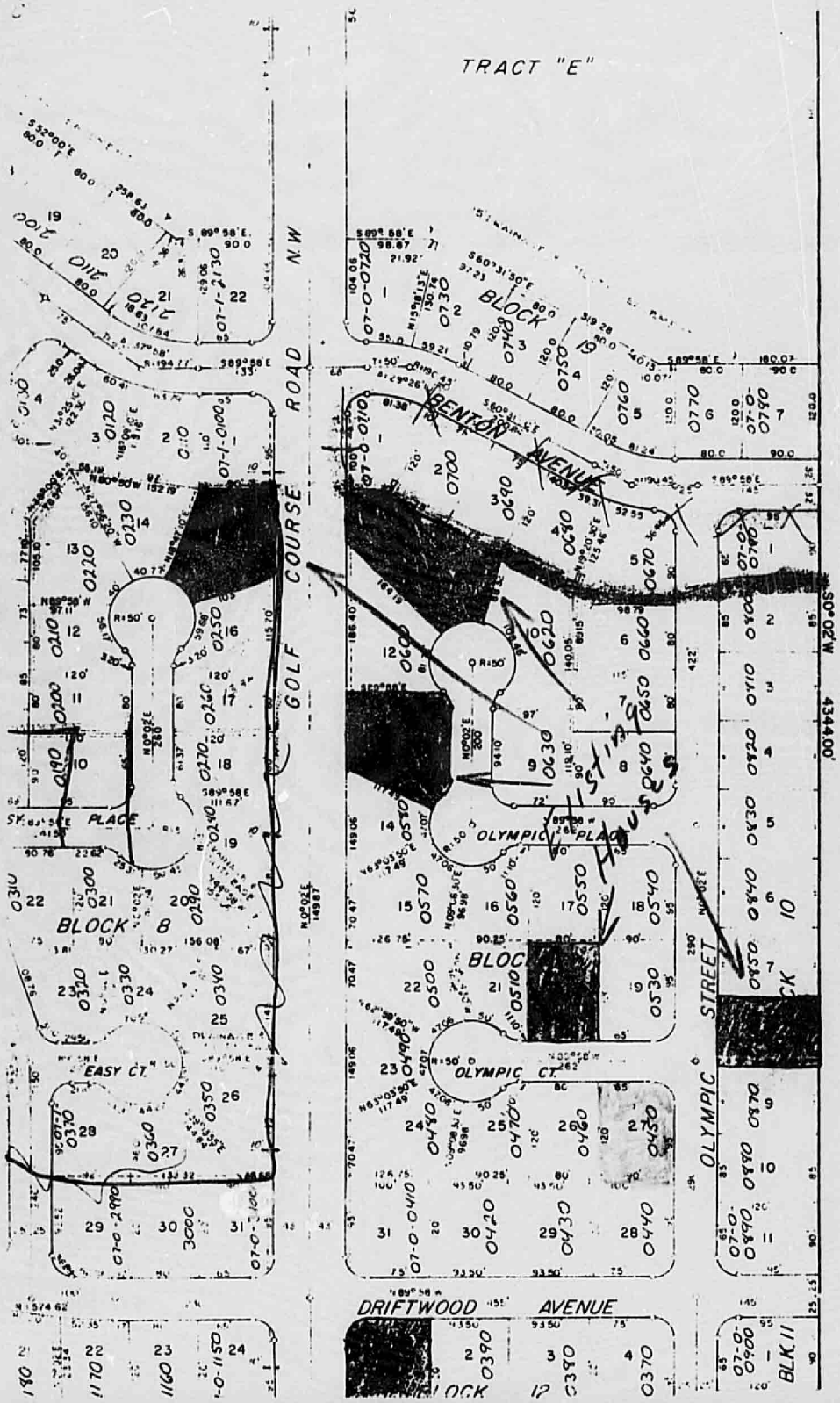
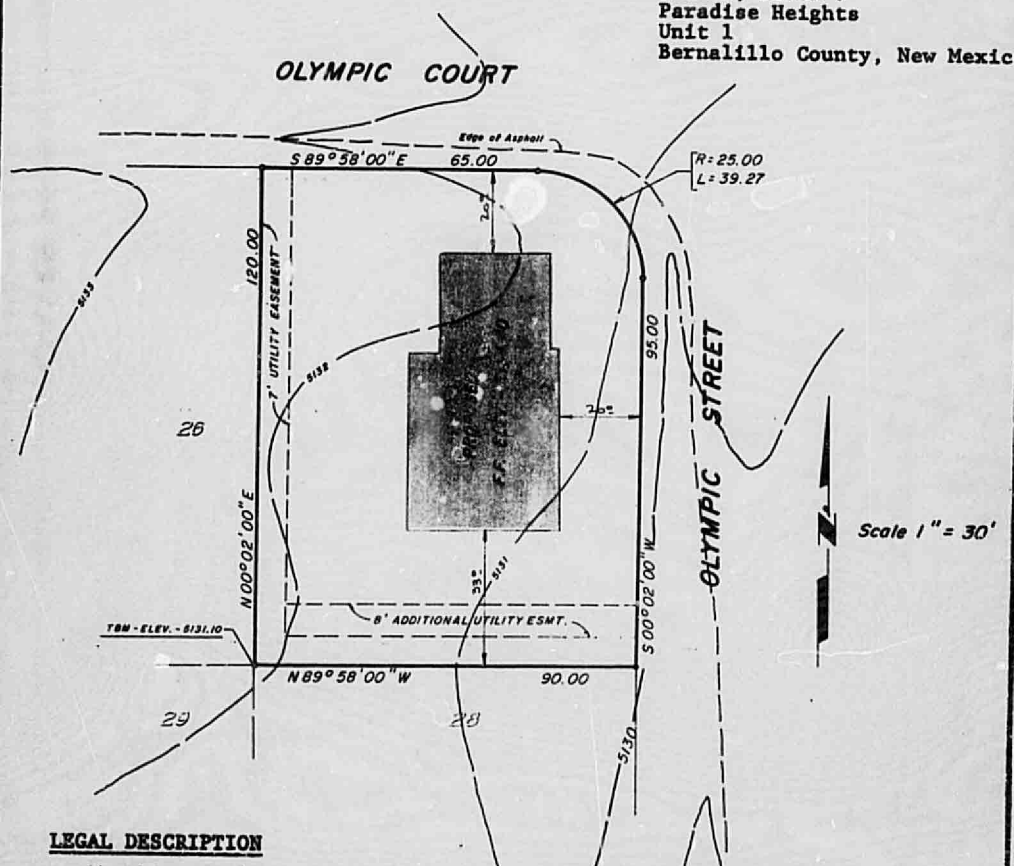


THIS MICROIMAGE IS THE BEST POSSIBLE REPRODUCTION DUE TO THE POOR QUALITY OF THE ORIGINAL DOCUMENT.

Lot 27, Block 9
Paradise Heights
Unit 1
Bernalillo County, New Mexico



LEGAL DESCRIPTION

Lot numbered Twenty seven (27) in Block numbered Nine (9), Paradise Heights Unit 1, as shown on the plat entitled "PARADISE HEIGHTS, UNIT ONE, PAGE ONE, TOWN OF ALAMEDA GRANT, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on December 13, 1966, in Volume D3, folio 154.

SURVEYORS CERTIFICATION

I, Garry P. Hugg, New Mexico Professional Land Surveyor Number 5823, hereby certify that this plat of survey was prepared from field notes of an actual topographic 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 Land Surveyors; and that it is true and correct to the best of my knowledge and belief.

Garry P. Hugg
NMPLS No. 5823
November 27, 1985

REGISTERED LAND SURVEYOR STATE OF NEW MEXICO No. 5823 GARRY P. HUGG

Note: Vertical Datum is based on the Albuquerque City Survey Monument "Black 2" having an elevation of 5213.84 feet.

hugg surveying co.
1701 Grande S.E. Rio Rancho, New Mexico 87124 Phone: (505) 892-8800