PLANS/PLATS ON FILE

FILE DESC: _____

B-13 / D003A

_____

_____

_____

PLANS/PLATS 3

DRAINAGE INFORMATION SHEET

Pitre

ZONE ATLAS/DRAINAGE FILE NO. B - 13 / D3A

PROJECT TITLE: PITRE BUICK / ~~CONCEPTUAL G/D PLAN~~

LEGAL DESCRIPTION: TRACT N-1B-1 SEVEN BAR RANCH

CITY ADDRESS: COORS BY-PASS & EAGLE RANCH RD.

ENGINEERING FIRM: Easterling & Assoc. Inc. CONTACT:

ADDRESS: 5643 Paradise Blvd. N.W. PHONE: 898-8021

OWNER: BERT PITRE CONTACT: BERT PITRE

ADDRESS: 6640 E. McDOWELL RD SCOTTSDALE AZ. 85257 PHONE: 602 - 994 - 9451

ARCHITECT: RAGNAR C. QVALE & ASSOC. CONTACT: FRANK

ADDRESS: 433 S. SPRING ST. LA. CALIF. 90013 PHONE: 213 - 625 - 1070

SURVEYOR: HUGG SURVEYING CONTACT: GARRY HUGG

ADDRESS: 4100 SOUTHGATE RIO RANCHO PHONE: 892 - 8800

CONTRACTOR: N/A CONTACT: N/A

ADDRESS: PHONE:

RECEIVED JUL 01 1988 HYDROLOGY SECTION

PRE-DESIGN MEETING:

____ YES

X NO *

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

* FOLLOWING APPROVED DRAINAGE MASTER PLAN

DRB NO. ____

EPC NO. 7-85-79-3

PROJECT NO. ____

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAINAGE PLAN

____ GRADING PLAN

____ GRADING & DRAINAGE PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

X SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

____ OTHER ____ (SPECIFY)

DATE SUBMITTED: 7-1-88 BY: DOUG CREWS

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR	CHIEF ADMINISTRATIVE OFFICER	DEPUTY CAO DEVELOPMENT & ENTERPRISE SERVICES	DEPUTY CAO PUBLIC SERVICES
KEN SCHULTZ	GENE ROMO	LARRY LARRANAGA	DAN WEAKS

August 8, 1988

Charles M. Easterling, P.E.
Easterling & Associates, Inc.
5643 Paradise Boulevard, NW
Albuquerque, New Mexico 87114

RE: CONCEPTUAL GRADING & DRAINAGE PLAN SUBMITTAL OF PITRE BUICK RECEIVED JULY 1, 1988 FOR SITE DEVELOPMENT PLAN APPROVAL (B-13/D3A)

Dear Mr. Easterling:

I have reviewed the above referenced submittal and have the following comments to be addressed prior to Site Development Plan sign-off by the City Engineer:

1. Our files show that the existing legal description is Tract N-1B. If there is proposed subdivision, then provide a copy of the proposed plat and show the existing legal description on the Grading Plan.

2. Quantify the off-site flows to the west. If the proposed off-site drainage swale will be on property separate from this project, then approval of the off-site landowner will be required.

3. What is the outfall for Ponding Area C? It will be required to drain.

4. How will runoff get into Ponding Area B when it appears that most of the site drains to Ponding Area A and Area A is lower than Area B?

If you have any questions, call me at 768-2650.

Cordially,

Roger A. Green PE

Roger A. Green, P.E.
C.E./Hydrology Section

RAG/bsj

V. T., Inc.

August 11, 1988

Mr. Burt Pitre
Pitre Buick
6640 E. McDowell
Scottsdale, Arizona 85257

RE: Cottonwoods Auto Plaza

Dear Burt,

This letter serves as a notice that it is acceptable to place a temporary storm drainage swale on my property subject to the following conditions:

1) The swale is to be 40' wide and no more than 2 1/2' deep running contiguous to your western property line from the landscaped area on the north end to the center line of the access road on the south end of your property.

2) The cost of construction and maintenance of the swale to be your responsibility.

3) The swale be removed upon development of the land west of your property.

Sincerely,

V.T., INC.

CECIL VAN TOYL
President

CVT:b

MERRIAM OAKS
8500 Shawnee Mission Parkway · Suite 200 · P.O. Box 795 · Shawnee Mission, Kansas 66201
913-432-6400

DRAINAGE INFORMATION SHEET

PROJECT TITLE: PITRE BUICK ZONE ATLAS/DRNG. FILE #: B-13/D3A

LEGAL DESCRIPTION: TRACT N-1B1- SEVEN BAR RANCH

CITY ADDRESS: —

ENGINEERING FIRM: SASTERLING & ASSOC CONTACT: DOUG CREWE

ADDRESS: 5643 PARADISE BLVD NW PHONE: 898-8021

OWNER: PITRE INC CONTACT: BERT PITRE

ADDRESS: 6640 E MCDOWELL RD SCOTTSDALE AZ 85257 PHONE: 602-994-9451

ARCHITECT: QUALE & ASSOC. CONTACT: LARRY

ADDRESS: 433 S. SPRING ST. LOS ANGELES CA 90013 PHONE: 213-625-1070

SURVEYOR: HUGG SURVEYING CONTACT: GARY HUGG

ADDRESS: PHONE: 892-8860

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

RECEIVED AUG 15 1988 HYDROLOGY SECTION

PRE-DESIGN MEETING:

___ YES

___ NO

___ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 88-0442

EPC NO. 85-79-3

PROJ. NO. _____

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAINAGE PLAN

___ GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

X SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

___ BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

___ OTHER _____ (SPECIFY)

DATE SUBMITTED: 8-12-88

BY: Doug Crewe

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR	CHIEF ADMINISTRATIVE OFFICER	DEPUTY CAO DEVELOPMENT & ENTERPRISE SERVICES	DEPUTY CAO PUBLIC SERVICES
KEN SCHULTZ	GENE ROMO	LARRY LARRANAGA	DAN WEAKS

August 18, 1988

Charles M. Easterling, P.E.
Easterling & Associates, Inc.
5643 Paradise Boulevard, NW
Albuquerque, New Mexico 87114

RE: REVISED CONCEPTUAL GRADING & DRAINAGE PLAN SUBMITTAL OF PITRE BUICK RECEIVED JULY 1, 1988 FOR SITE DEVELOPMENT PLAN APPROVAL (B-13/D3A)

Dear Mr. Easterling:

The above referenced submittal, revised August 15, 1988, is approved for Site Development Plan approval.

Prior to building Permit approval, the required detailed Grading and Drainage Plan will need to also address and include the following items:

1. Compliance with the V.T. Auto Park Drainage Plan previously approved (B-13/D3).

2. Private Drainage Covenant granting permission to divert offsite flows, and establish maintenance responsibilities.

3. Include the offsite watershed in the hydrology table and provide watershed map.

4. Provide detention pond routing calculations.

If you have any questions, call me at 768-2650.

Cordially,

Roger A. Green, PE

Roger A. Green, P.E.
C.E./Hydrology Section

RAG/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: PITRE BUICK ZONE ATLAS/DRNG. FILE #: D13/D3A

LEGAL DESCRIPTION: TRACT N-13-1 - SOUTH BAR RANCH

CITY ADDRESS:

ENGINEERING FIRM: ZASTERLING & ASSOC. CONTACT: DOUG CRAWE

ADDRESS: 5643 PARADISE BLVD NW PHONE: 898-8021

OWNER: PITRE INC. CONTACT: BERT PITRE

ADDRESS: 6640 E. McDOWELL RD. SCOTTSDALE AZ. 85257 PHONE: 602-994-9451

ARCHITECT: QUALE & ASSOC. CONTACT: LARRY

ADDRESS: 433 S. SPRING ST. LOS ANGELES CA. 90013 PHONE: 213-625-1070

SURVEYOR: HUGG SURVEYING CONTACT: GARY HUGG

ADDRESS: PHONE: 892-8800

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

RECEIVED AUG 24 1988 HYDROLOGY SECTION

PRE-DESIGN MEETING:

___ YES

___ NO

___ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 88-0442

EPC NO. 85-79-3

PROJ. NO. _____

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAINAGE PLAN

___ GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

___ SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

___ BUILDING PERMIT APPROVAL

X FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

X ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

___ OTHER _____ (SPECIFY)

DATE SUBMITTED: 8-24-88

BY: DOUG CRAWE

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

ALBUQUERQUE NEW MEXICO 1706

KEN SCHULTZ
MAYOR

August 26, 1988

Doug Crew
Easterling & Associates, Inc.
5643 Paradise Boulevard, NW
Albuquerque, New Mexico 87114

RE: CONCEPTUAL GRADING & DRAINAGE PLAN SUBMITTAL OF PITRE BUICK RECEIVED AUGUST 24, 1988 FOR FOUNDATION PERMIT AND ROUGH GRADING APPROVAL (B-13/D3A)

Dear Mr. Easterling:

The above referenced submittal, dated August 15, 1988, is approved for Foundation Permit approval by Hydrology.

Approval to grade the site is not granted. Prior to grading approval, the Grading and Drainage Plan must include the following:

1. an erosion control plan to protect Eagle Ranch Road and the storm drain;
2. grading contours or spot elevations for the entire area;
3. grading specifications or reference to;
4. a topsoil disturbance permit must be obtained if grading is to be done prior to building permit.

If you have any questions, please call me at 768-2650.

Cordially,

Roger A. Green, PE

Roger A. Green, P.E.
C.E./Hydrology Section

xc: Rick Duran, Drainage Inspector
RAG/bsj
(WP+807)

DRAINAGE INFORMATION SHEET

PROJECT TITLE: PITRE BUICK ZONE ATLAS/DRNG. FILE #: B-13/D3A

LEGAL DESCRIPTION: TRACT NW B-1 SEVEN BAR RANCH

CITY ADDRESS: —

ENGINEERING FIRM: ISBSTERLING & ASSOC CONTACT: DOUG CREWE

ADDRESS: 5643 PARADISE BLVD NW PHONE: 898-8021

OWNER: PITRE INC. CONTACT: BERT PITRE

ADDRESS: 6640 E. McDOWELL RD SCOTTDALE AZ. 85257 PHONE: 602 994-9451

ARCHITECT: QUALE & ASSOC CONTACT: LARRY NELKRUG

ADDRESS: 433 S. SPRING ST LOS ANGELES CA 90013 PHONE: 213 625.1070

SURVEYOR: HUGG SURVEYING CONTACT: GARY HUGG

ADDRESS: PHONE:

CONTRACTOR: BRADBURY & SYAHM CONTACT: RICK TAUZELLI

ADDRESS: PO BOX 25027 87125 PHONE: 765-1200

PRE-DESIGN MEETING:

___ YES

X NO

___ COPY OF CONFERENCE RECAP SHEET PROVIDED

APPROVED CONCEPTUAL G/D PLAN

DRB NO. 88-0442

EPC NO. 85-79-3

PROJ. NO. _____

RECEIVED SEP 07 1988 HYDROLOGY SECTION

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

X DRAINAGE PLAN

___ CONCEPTUAL GRADING & DRAINAGE PLAN

X GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

___ SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

X BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

___ OTHER _____ (SPECIFY)

DATE SUBMITTED: 9-7-88

BY: Doug Crewe

Easterling & Associates, Inc.

5643 Paradise Boulevard, NW
Albuquerque, New Mexico 87114
(505) 898-8021

RECEIVED
SEP 16 1988
HYDROLOGY SECTION

September 13, 1988

Roger Green, P.E.
Utility Development
Hydrology Section
Engineering Group
Public Works Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: PITRE BUICK GRADING AND DRAINAGE PLAN (B-13/D3A)

Dear Roger:

On behalf of Pitre Buick, we are hereby requesting release of building permit based upon the enclosed letter satisfying your requirement for agreement between the property owners for the construction and maintenance of the off-site drainage swale.

It is understood by all parties that a more formal agreement (consistent with City requirements) will be provided prior to issuance of Certificate of Occupancy by the City.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Charles M. Easterling, P.E.

CME/dlh
Job No. 2221

cc: Mr. Bert Pitre
Mr. Duane Dean

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

ALBUQUERQUE ≈ NEW MEXICO 1706

KEN SCHULTZ
MAYOR

September 19, 1988

Doug Crew
Easterling & Associates, Inc.
5643 Paradise Boulevard, NW
Albuquerque, NM 87114

RE: GRADING AND DRAINAGE PLAN SUBMITTAL OF PITRE BUICK, RECEIVED SEPTEMBER 7, 1988 FOR BUILDING PERMIT APPROVAL. (B-13/D3A).

Dear Mr. Crew:

The above referenced subittal, dated 9-7-88, is approved for Building Permit signoff by Hydrology. Include this approved Plan with the construction sets routed for signoff.

~~Prior to approval of the Certificate of Occupancy, the Private Drainage Easement and Covenant must be executed and recorded for the off-site diversion.~~

Also approved is the design to tie into the back of the existing catchbasin. Prior to this construction, a seperate Excavation Permit must be obtained by the contractor.

If you have any further questions call me at 768-2650

Cordially,

Roger A. Green, PE

Roger A. Green, PE
CE / Hydrology Section

xc: Rick Duran, Inspector
Becky Sandoval, Permits

RAG/
(wp+807)

FILE COPY

MEMORANDUM:

ENGINEERING GROUP

September 27, 1988

TO: Jacob Baca, Transportation System Division

FROM: Fred J. Aguirre, Hydrologist; Engineering Group/PWD

SUBJECT: PRIVATE DRAINAGE FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY/EASEMENT
PITRE BUICK - COORS BOULEVARD BY-PASS ROAD (B-13/D3A)

Transmitted herewith, is a copy of the approved drainage plan for the referenced project incorporating the S.O. #19 design.

In accordance with the new process, this plan is being submitted to you for permitting and inspection. Please provide this section with a signed-off copy per the signature block upon construction and acceptance by your office.

As you are aware, the signed-off S.O. #19 is required by this office for Certificate of Occupancy release; hence your expeditious processing of this plan would be greatly appreciated and would avoid any unnecessary delay in the release of the Certificate of Occupancy.

Thank you for your cooperation, and if you should have any questions and/or comments regarding the process, please feel free to call me at 768-2650.

FJA/bsj

Attachment

James

FRED S. JAMES & CO. OF ARIZONA 1414 West Broadway Road, Suite 200, Tempe, Arizona 85282 602-968-6270 FAX 602-921-0957

RECEIVED
FEB 13 1989
HYDROLOGY SECTION

February 9, 1939

Mr. Carlos Montoya
City of Albuquerque
Hydrology Section
P. O. Box 1293
Albuquerque, NM 87103

Dear Mr. Montoya:

Would you please provide me with the flood zone information pertaining to the following property:

Pitre Buick Co.
9737 Eagle Ranch Road, N.W.
Albuquerque, Bernalillo County, New Mexico

with the legal description:

Tract N-1B-1, being a Replat of N-1B, SEVEN BAR RANCH, City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 12, 1988 in Volume C37, folio 35.

Thank you for your assistance

Sincerely,

FRED. S. JAMES & COMPANY

Edward S. Krupinski
Vice President
Risk Control Services

ESK/vlb

GRADING ONLY

APPROVED FOR DRAINAGE

9/9/88
DATE

Robert Green Hydrology
SIGNATURE TITLE

Environmental Health Department, Air Pollution Control Division
P. O. Box 1293, Albuquerque, New Mexico 87103 - 766-7432

TOP SOIL DISTURBANCE APPLICATION/PERMIT

PLEASE SEE OTHER SIDE FOR ADDITIONAL INFORMATION

Zone Map No. B-13

A. Owner: 1. Name Pitre Buick

2. Address 6640 East McDowell, Scottsdale, AZ 85257

3. Phone: Daytime (602) 994-9451 After Hours

B. General Contractor: 1. Name Bradbury & Stamm Construction Company, Inc.

2. Address 1217 1st Street, NW 87102

3. Phone: Daytime 765-1200 After Hours (Charlie Apodaca) 877-6735

C. Site Location/Address: (Attach Map) Southwest corner of Eagle Ranch Road and Coors By-Pass Road (NW)

D. Dimensions or area of work site 189,420 ft^2
(.75 acre = 32,670 sq. ft)

E. Check the nature of the work to be performed below and give date and estimated duration in weeks.

	Dates	Duration	Subcontractor(s)
☑ Earthmoving	9/8/88	3 weeks	UNIVERSAL CONSTRUCTORS To be selected during bid process on 9/7/88
☐ Structural			
☐ Landscaping			
☐ Paving			
☐ Utility Trenching			
☐ Other			

Note: This application for rough grading only. Additional Top Soil Disturbance Permit application will be applied for during plan check/building permit process.

F. Time period of development: Date of initial site work - 9/8/88

Date of completion of development or build out - 4/15/89

G. Dust Control Plan: On a separate sheet describe in detail your plan for controlling any dust that may be generated by any activity of development in accordance with AQCB Reg. 8.01 and 8.03 (See back of this form for directions).

H. Signature of person responsible for compliance with AQCB Reg. 8 during the actual time period of the initial site work.

Robert M. Hersh — Contractor's Rep. — 8/29/88
Signature Title Date

Signature of person responsible for compliance with AQCB Reg. 8 during overall time period of development as stated above in Section F.

Robert M. Hersh — Contractor's Rep — 8/29/88
Signature Title Date

NOTE: Ultimate responsibility for compliance with AQCB Reg. 8 rests with the owner of record

PERMISSION IS GRANTED for TOPSOIL DISTURBANCE:

Stephen Sindt — Supervisor — 9-1-88
Signature Title Date

White - Air Pollution Yellow - Owner Pink - Contractor

DUST EMISSION CONTROL PLAN - Pitre Buick
S. W. Corner of Eagle Ranch Road
and Coors By-Pass Road

Water will be drawn from existing fire hydrant located on site until permanent water lines are installed.

During the period of excavation, dust will be controlled by the use of a water truck with 3,000 gallon tank and a pressurized spray bar.

Dust will also be controlled with the same truck mentioned above periodically throughout the entire project as required by weather conditions when no work is in progress.

Prior to completion of the project, the site will be paved and landscaped.

Clean-up any excavated material spilled or carried onto adjacent paved surfaces.

Confine construction vehicles to a designated parking area.

Water down interior roadways, storage yards and parking lots.

Water down any piled excavated material.

~~Name of landscape subcontractor will be provided when selected.~~

Additional control measures may be necessary. If so indicated, additional measures will be negotiated and determined jointly between the permitte and air division staff.

-8922459

TEMPORARY DRAINAGE EASEMENT

RECEIVED
MAR 1 6 1989
HYDROLOGY SECTION

THIS TEMPORARY DRAINAGE EASEMENT (the "Easement") is made as of this 27TH day of November, 1988, by and between **V.T., INC.**, a Kansas corporation, ("Owner") whose address is 8500 Shawnee Mission Parkway, Suite 200, Merriam, Kansas 66202 and **PITRE PROPERTIES, LTD.**, an Arizona limited partnership ("Grantee").

RECITALS

A. Owner is the owner of certain real property located on the Coors By-Pass in the city of Albuquerque, County of Bernalillo, state of New Mexico and which property is more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property").

B. Grantee is the owner of certain real property located at approximately Southeast corner of the intersection of Eagle Ranch Road and Coors By-Pass in the city of Albuquerque, County of Bernalillo, state of New Mexico and which property is more particularly described on Exhibit B attached hereto and incorporated herein by reference (the "Grantee Property").

C. Grantee desires to develop and to construct certain improvements upon the Grantee Property. In order to assist Grantee in the development of the Grantee Property, Grantee has requested Owner to grant this Temporary Drainage Easement in order to provide for the drainage and removal of surface water from the Property and to prevent surface water from entering upon the Grantee Property. This Temporary Drainage Easement shall continue until such time as the Property has been fully developed and appropriate facilities for drainage and removal of surface water from the Property have been made thereon. Owner is willing to grant such a Temporary Drainage Easement upon the terms and conditions set out herein.

NOW, THEREFORE, in consideration of the premises aforesaid, the mutual agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. **GRANT OF EASEMENT.**

Owner hereby grants, conveys, bargains, sells, and assigns, unto Grantee its successors and assigns, for the use and benefit of the Grantee Property, the right and easement to go upon that portion of the property more particularly described on Exhibit C attached hereto, and incorporated herein, by reference ("Easement Premises") subject to the further terms, conditions and limitations of this grant and for the purposes set out herein.

2. **TERM.**

This grant of Temporary Drainage Easement shall expire upon the conclusion of the development of the Property by Owner or Owner's successors or assigns.

3. **PURPOSE.**

This grant of easement to Grantee across the Easement Premises is for the purpose of allowing Grantee to construct upon the Easement Premises a drainage swale (the "Swale") which Swale shall be subject to the following restrictions:

a. The Swale at any point along its entire distance shall be no wider than 40 feet.

b. The Swale shall not be deeper than two and one-half feet at any single point along its entire distance.

c. The Swale shall extend from the landscaped area at the northerly end of the Property to the center line of the access road located at the southerly end of the Property.

4. **CONSTRUCTION OF SWALE.**

The full cost, responsibility and obligation for construction of the Swale shall be born by Grantee and Owner shall not be liable in any respect or fashion for such construction. Grantee shall perform and diligently prosecute to completion the work necessary to construct the Swale and shall perform such work in a good and workmanlike manner and keep the Property as free from dust, noise, loose dirt, debris and other effects of such construction as possible. In performing such construction, Grantee shall use appropriate and customary methods of construction in order to control the aforementioned conditions. Grantee shall take all safety measures reasonably required to protect Owner and Owner's employees, agents and invitees, free from injury or damage caused by the construction of the Swale.

5. **MAINTENANCE OF THE SWALE.**

Grantee shall, at Grantee's sole cost and expense, from and after the completion of the Swale, maintain the Swale in a good and sightly condition and repair, such maintenance to include, without limitation the regular removal of debris, filth or trash which may accumulate thereon, as well as maintenance of unsightly weeds or other underbrush. Grantee shall also maintain the Swale so that it performs its intended function and does not misdirect surface water in such fashion that it runs off across any other portion of the Property.

6. **CANCELLATION OF TEMPORARY DRAINAGE EASEMENT.**

Owner and Grantee agree to execute such documents, instruments, writings or releases as may be necessary to effect a cancellation of this Easement at the expiration of its term according to the terms and conditions hereof.

7. **INDEMNIFICATION.**

As a portion of the consideration for this grant, Grantee does hereby agree to hold Owner harmless from any and all liability or cost or expense associated therewith, which arises from the construction, maintenance or use of the Swale by Grantee.

8. **BINDING ON PROPERTY.**

The covenants and obligations of Owner set forth herein, shall be binding on Owner, its successors and assigns and on the Property and shall constitute covenants and obligations running with the land until the termination thereof according to the terms of this agreement.

9. **ENTIRE AGREEMENT.**

This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

10. **CONSTRUCTION AND SEVERABILITY.**

If any part of this Easement is held to be invalid or unenforceable, the remainder of the Easement will continue in full force and affect and remain valid and enforceable without reference to that portion which has been held invalid.

11. **NOTICE.**

For purposes of giving formal written notice hereunder, the following addresses shall be effective:

Grantee:	PITRE PROPERTIES, LTD. 6640 E. McDowell Scottsdale, Arizona 85257 Attention: Burt Pitre
Owner:	V.T., INC. 8500 Shawnee Mission Parkway, Suite 200 Merriam, Kansas 66202 Attention: Nona P. Martin Copy: Bradford L. Pittenger

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Temporary Drainage Easement as of the day and year first above written.

"OWNER"

V.T., INC., a Kansas corporation

By: Cecil Van Tuyl

Cecil Van Tuyl, President

"GRANTEE"

PITRE PROPERTIES, LTD., an Arizona limited partnership

Name: Burt Pitre

General Partner

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

The foregoing instrument was acknowledged before me this 31st day of October, 1988, by Cecil Van Tuyl, President of V.T., Inc., a Kansas corporation, on behalf of the corporation.

Nona P. Martin
Notary Public

My Commission Expires:

5-7-89

NONA P. MARTIN
My Appt. Exp. _____

(Notarial Seal)

STATE OF ARIZONA)
) ss:
COUNTY OF BERNALILLO)

On this 29TH day of November, 1988, before me, a Notary Public, personally appeared BERT PITRE, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed, and the said BERT PITRE further declared that he is a General Partner of Pitre Properties, Ltd., an Arizona limited partnership, and the execution thereof was authorized on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Daniel L. Mply
Notary Public

My Commission Expires:

OFFICIAL SEAL
DANIEL H. MALIFFHY
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires June 19, 1990

(Notarial Seal)

EXHIBITS A AND B

ARE THE PLAT OF

TRACTS N-1B-1 AND N-1B-2
(A REPLAT OF TRACT N-1B, SEVEN-BAR RANCH)
SEVEN-BAR RANCH
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
MAY, 1988

FILED ON AUGUST 12, 1988
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
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STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

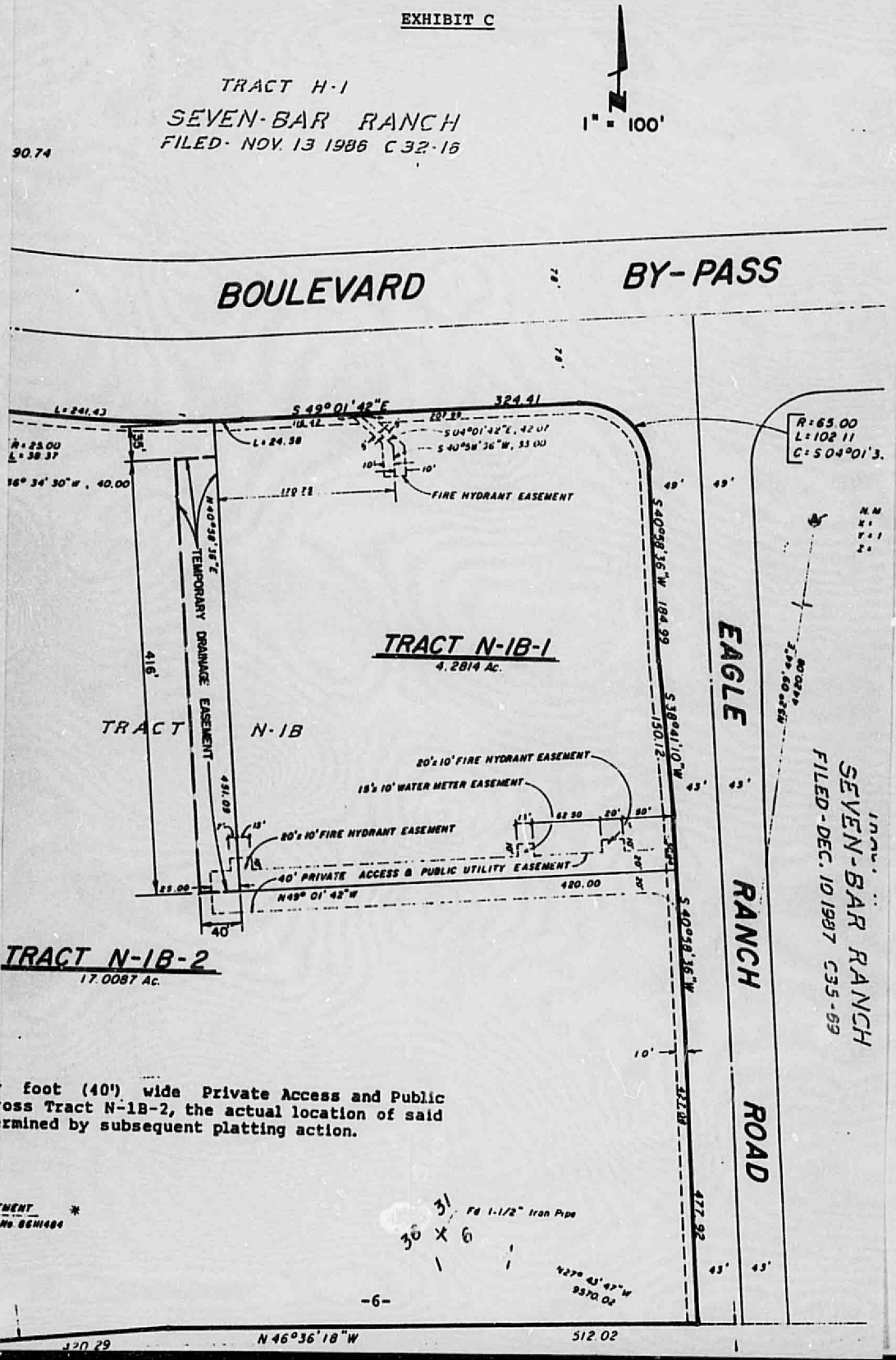
89 MAR 16 PM 3:39

BK_____ PG_____

GLADYS M. DAVIS
CO. CLERK & RECORDER

_____ DEPUTY

EXHIBIT C


TRACT H-1
SEVEN-BAR RANCH
FILED- NOV. 13 1986 C 32-16
1" = 100'
90.74
BOULEVARD
BY-PASS
L=241.43
S 49°01'42"E
324.41
L=24.58
S 04°01'42"E, 42.07
S 40°58'36"W, 33.00
FIRE HYDRANT EASEMENT
R=25.00
L=38.37
16° 34' 30"W, 40.00
N 40°58'36"E
TEMPORARY DRAINAGE EASEMENT
416'
TRACT N-1B-1
4.2814 Ac.
TRACT N-1B
S 40°58'36"W 184.99
S 38°41'10"W
150.12
20'x10' FIRE HYDRANT EASEMENT
15'x10' WATER METER EASEMENT
20'x10' FIRE HYDRANT EASEMENT
40' PRIVATE ACCESS & PUBLIC UTILITY EASEMENT
N49° 01' 42"W
420.00
S 40°58'36"W
477.92
R=65.00
L=102.11
C=S 04°01'3.
EAGLE RANCH ROAD
SEVEN-BAR RANCH
FILED-DEC. 10 1987 C35-69
TRACT N-1B-2
17.0087 Ac.
foot (40') wide Private Access and Public
oss Tract N-1B-2, the actual location of said
rmined by subsequent platting action.
Fd 1-1/2" Iron Pipe
N 46°36'18"W
512.02

PLAN/PLATS

ON

FILE