

GENEIVA MEEKER, CHAIR
DANIEL W. COOK, VICE-CHAIR
RONALD D. BROWN, SECRETARY-TREASURER
MICHAEL MURPHY, ASST. SECRETARY-TREASURER
TIM EICHENBERG, DIRECTOR

LARRY A. BLAIR
EXECUTIVE ENGINEER



Ms. Jeanne Wolfenbarger
Chavez-Grievies
5639 Jefferson St. NE
Albuquerque, NM 87109

Albuquerque
Metropolitan
Arroyo
Flood
Control
Authority

2600 PROSPECTIVE ALBUQUERQUE, N.M. 87107
TELEPHONE (505) 884-2215

November 7, 1996

B10/05

RE: Praxair Nitrogen Plant, map B-18, plans engineer stamp dated 10-29-96

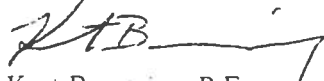
Dear Jeanne:

AMAFCA has reviewed the preliminary construction plans for the referenced project and offers the following comments:

1. How will the west portion of the site drain? Why not locate the outfall (or another outfall) at the west end?
2. The detail for a channel penetration is incorrect. This detail is for a small diameter ductile iron pipe. I have attached a standard detail that you can use. *(Will need to be modified for your alignment, etc.)*
3. Martin Eckert of our office will prepare the license agreement for the Nitrogen line crossing. We need additional 8.5x11 exhibits showing the location of the line in plan view and a complete cross section of the channel showing the entire channel prism. These will be attached to the license agreement. The license will not go before the Board and will be executed by our Executive Engineer. If boring pits are required, these should be shown on the plans.
4. A license is not required for the 24 inch penetration because this will be a publicly maintained pipe. AMAFCA must sign the appropriate construction mylars as part of the approval process.
5. I have included a storm sewer permit form for you and the contractor. Please add an appropriate note to the plans explaining this process and the insurance requirements for the contractor, so that the contractor will complete it prior to construction. You can prepare your own note and add "contact AMAFCA at 884-2215 at least 48 hours prior to construction".

Should you have any questions, please call.

Sincerely,
AMAFCA


Kurt Browning, P.E.
Drainage Engineer

encl

xc Fred Aguirre, COA PWD Hyd

**GRANT OF LICENSE TO PRAXAIR, INC. FOR NITROGEN LINE AND
COMMUNICATIONS LINE ON A SUPPORTING WALKWAY STRUCTURE OVER THE
AMAFCA NORTH LA CUEVA ARROYO CHANNEL BETWEEN SAN MATEO & I-25**

For good and valuable consideration paid, the receipt of which is hereby acknowledge and accepted, the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, hereinafter called Licensor, hereby grants to PRAXAIR, INC., its successors and assigns, hereinafter called Licensee, a License to construct, operate and maintain a pedestrian bridge, nitrogen line and communications line within the AMAFCA easement right of way of the North La Cuevo Arroyo Channel in Bernalillo County New Mexico, as shown on the attached Exhibit "A", together with full and free ingress thereto, upon the following terms and conditions:

1. Nitrogen line, communications line and supporting walkway structure shall be a minimum of one (1) foot separated from concrete channel surfaces. Lines shall only be placed as shown on the Praxair Nitrogen Plant grading and drainage plan, sheet C1, by Chavez-Grievess Consulting Engineers Inc. (Joe Kelley, P.E. #9996), August 26, 1997.
2. All construction, maintenance, repair, relocations and removal of these facilities and equipment shall be accomplished at the Licensee's sole expense and in such manner as will not interfere with the Licensor's operation and maintenance of its flood control facilities and equipment.
3. Licensee shall defend, save and hold harmless the Licensor from all claims and judgements for damages and injury to property and persons arising from the construction, operation, maintenance, relocation and removal of such facilities and equipment. Licensee's contractor shall name AMAFCA as additional insured on policy showing \$1,000,000.00 general liability coverage.
4. This License and the rights and privileges herein granted may be terminated upon thirty (30) days written notice, or if any term or condition hereof is not fulfilled, or if Licensee fails to make use of the premises for the purposes stated for a continuous period of one year.
5. Upon termination of this License, Licensee shall forthwith remove its facilities and equipment from the premises described in Exhibit "A" and restore the premises to the conditions existing, as near as practicable, on the date hereof.
6. In the event that the subject Licensed nitrogen line, communications line and/or walkway structure must be relocated to facilitate a flood control or other public function, the cost of such relocation shall be paid by the Licensee.
7. Licensee shall be responsible to obtain permission from underlying landowner where Licensor has easement right of way.
8. All disturbed ground area resulting from installation must be revegetated in accordance with City of Albuquerque Standard Specifications for Public Works Construction, Section 1012 Native Grass Seeding, as currently updated.

9. This license terminates all rights and privileges granted by the "Grant of License to Praxair, Inc. for underground nitrogen line and communications line under the AMAFCA north La Cueva Arroyo Channel between San Mateo and I-25," dated December 5, 1996, recorded in book 96.32 pages 7353-7358, document No. 96133049.

Witness my hand and seal this 16th day of September, 1997.

Terms and Conditions of License Agreed to and Acknowledged:

LICENSEE: PRAXAIR, INC.

By:

Scott Santley

Title:

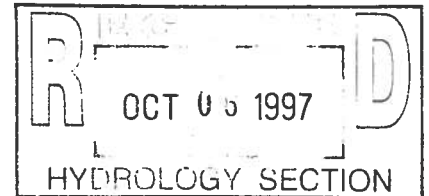
PROJECT MANAGER

LICENSOR:

Larry A. Blair 9/29/97
ALBUQUERQUE METROPOLITAN ARROYO
FLOOD CONTROL AUTHORITY

By:

Larry A. Blair
Executive Engineer



ACKNOWLEDGMENT: CORPORATION

STATE OF NEW YORK)

) SS.

COUNTY OF ERIE)

This instrument was acknowledged before me on Sept. 16, 1997 by Scott Santley as Project Manager of PRAXAIR, INC., a New York corporation, on behalf of said corporation.

My Commission Expires:

(SEAL)

TERRY L. BENNER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Apr 30, 1999

Terry L. Benner
Notary Public

ACKNOWLEDGMENT: PUBLIC AGENCY

STATE OF NEW MEXICO)

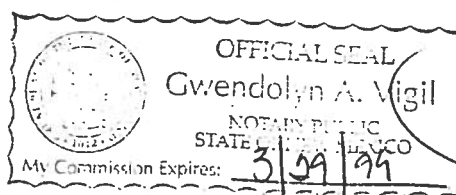
) SS.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on Sept. 29, 1997 by Larry A. Blair as Executive Engineer of the Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico, on behalf of said political subdivision.

My Commission Expires:

March 29, 1999
(SEAL)

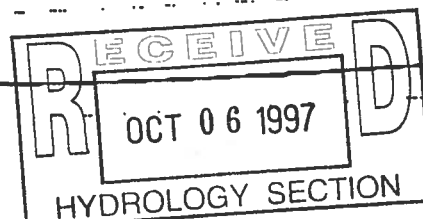


Gwendolyn A. Vigil
Notary Public

GRANT OF LICENSE TO PRAXAIR, INC. FOR NITROGEN LINE AND
COMMUNICATIONS LINE ON A SUPPORTING WALKWAY STRUCTURE
OVER THE AMAFCA NORTH LA CUEVA ARROYO CHANNEL
BETWEEN SAN MATEO & I-25

For good and valuable consideration paid, the receipt of which is hereby acknowledged and accepted, PHILIPS SEMICONDUCTORS, INC. hereinafter called Licensor, hereby grants to PRAXAIR, INC., its successors and assigns, hereinafter called Licensee, a license to construct, operate and maintain a nitrogen line, communications line, and supporting walkway ("License") within the Albuquerque Metropolitan Arroyo Flood Control Authority ("AMAFCA") easement right of way of the North La Cueva Arroyo Channel in Bernalillo County, New Mexico, as shown on the attached Exhibit "A", together with full and free ingress thereto, upon the following terms and conditions:

1. Nitrogen line, communications line and supporting walkway structure shall be a minimum of one (1) foot separated from concrete channel surfaces. Lines shall only be placed as shown on the attached Exhibit "A."
2. All construction, maintenance, repair, relocations and removal of these facilities and equipment shall be accomplished at the Licensee's sole expense and in such manner as will not interfere with AMAFCA's operation and maintenance of its flood control facilities and equipment or with Licensor's business operations.
3. Licensee shall defend, save and hold harmless the Licensor from all claims, and indemnify Licensor for any damage, expense, or other liability, arising out of or resulting from or in connection with, damages or injuries to property and persons arising from the construction, operation, maintenance, relocation and removal of such facilities and equipment.
4. This License and the rights and privileges herein granted may be terminated upon thirty (30) days' written notice, or if any term or condition hereof is not fulfilled, or if Licensee fails to make use of the premises for the purposes stated for a continuous period of one (1) year.
5. Upon termination of this License, Licensee shall forthwith remove its facilities and equipment from the premises described in Exhibit "A" and restore the premises to the conditions existing, as near as practicable, on the date hereof.
6. In the event that the subject licensed nitrogen line, communications line and/or walkway structure must be relocated to facilitate a flood control or other public function, the cost of such relocation shall be paid by the Licensee.
7. Licensee shall obtain permission from any easement holder with rights in the property subject to this License.



8. All disturbed ground area resulting from installation must be revegetated in accordance with City of Albuquerque Standard Specifications for Public Works Construction, §1012 Native Grass Seeding, as currently updated.

9. Licensee shall comply with all local, state and federal laws and regulations which apply.

Witness my hand and seal this 29 day of August, 1997.

Terms and Conditions of License Agreed to and Acknowledged:

LICENSEE: PRAXAIR, INC.

By: Scott Datt

Title: PROJECT MANAGER

LICENSOR: PHILIPS SEMICONDUCTORS, INC.

By: 30 8/7/97

Title: Material Manager

ACKNOWLEDGMENT: CORPORATION

STATE OF NEW YORK)
) ss.
COUNTY OF ERIE)

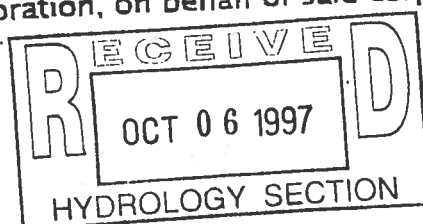
This instrument was acknowledged before me on Aug. 29, 1997, by Terry L. B
TB Scott Santley as of PRAXAIR, INC., a New York Delaware
corporation, on behalf of said corporation. Terry L. Benner

TERRY L. BENNER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 1999

ACKNOWLEDGMENT: CORPORATION

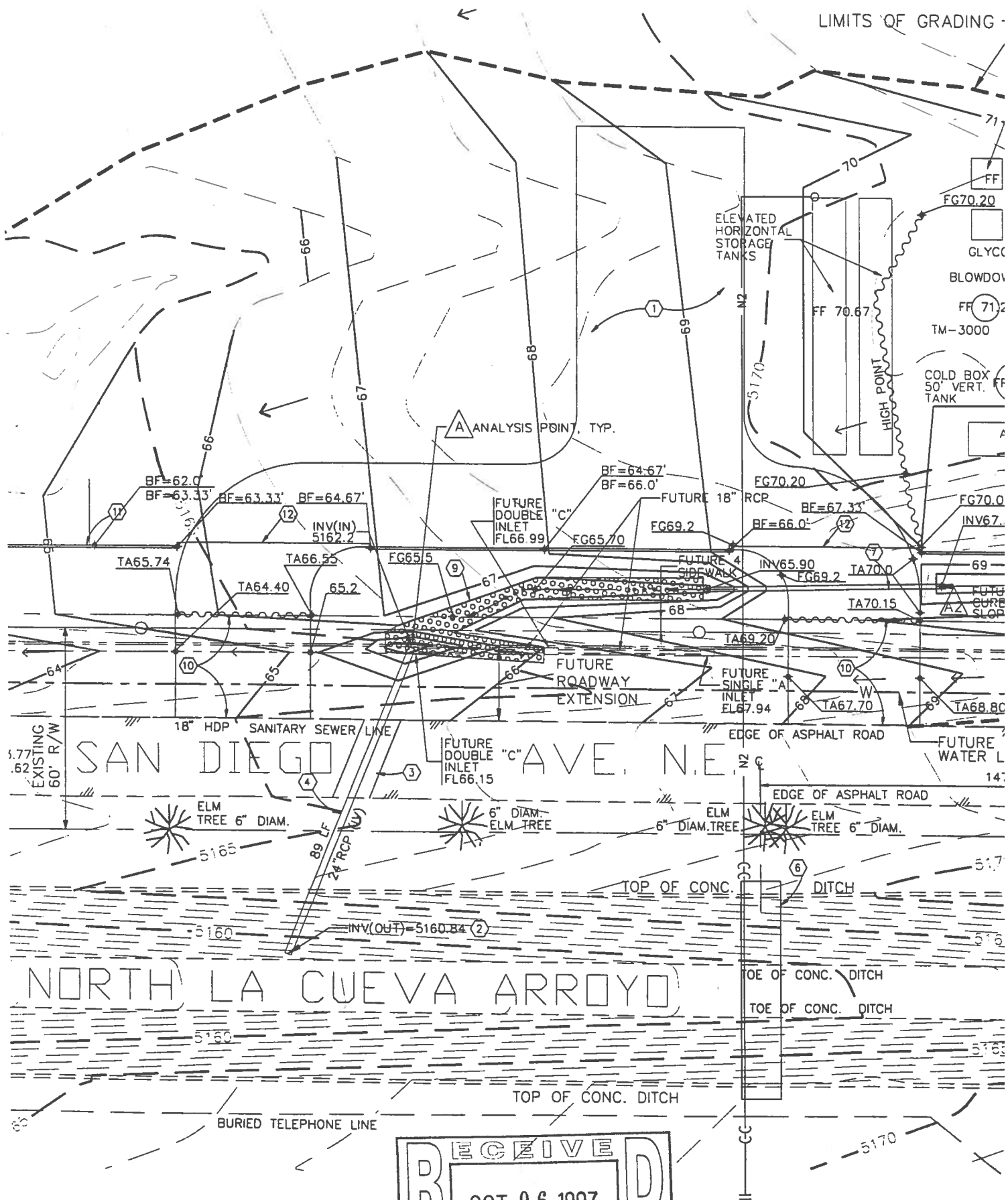
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 7th September, 1997, by
Diana C. Yaf as of PHILIPS SEMICONDUCTORS,
INC., a Delaware corporation, on behalf of said corporation.



Diana C. Yaf
Bernalillo Co, NM
Expires 2-10-9

EXHIBIT "A"



RECEIVED
OCT 06 1997
HYDROLOGY SECTION