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Daniel F. Lyon, Vice Chair
Tim Eichenberg, Secretary-Treasurer
Janet Saiers, Asst. Secretary-Treasurer
Danny Hernandez, Director

John P. Kelly, P.E.
Executive Engineer



**Albuquerque
Metropolitan
Arroyo
Flood
Control
Authority**

2600 Prospect N.E., Albuquerque, NM 87107
Phone: (505) 884-2215 Fax: (505) 884-0214

File

December 22, 2005

Rhett Waterman
Managing Member
Alpha Equities, LLC
8813 2nd Street NW, #E
Albuquerque, NM 87114

Mail & Fax 1-505-922-9418

Re: AMAFCA Does Not Accept the Drainage Improvements for Maintenance
Quivera Estates Subdivision

Mr. Waterman,

Per our agreement, dated March 17, 2004, "Agreement to Provide Maintenance for a Sediment Facility on the El Camino Arroyo at Barstow & Glendale", Alpha Equities, was to provide to AMAFCA an engineers certification that all improvements had been constructed in accordance with the approved plans and specifications for the project before AMAFCA would maintain the drainage improvements.

The pond shown on the approved plans was not constructed to the lines and grades shown. Consequently, AMAFCA did not accept the drainage improvements after construction and instructed Leo Valdez, Construction Observer, for Mark Goodwin & Associates, that AMAFCA would require that the pond be constructed to the lines and grades shown on the plans. I contacted Mr. Greg Krenik, P.E., the design engineer for the project concerning the construction deficiencies that were found.

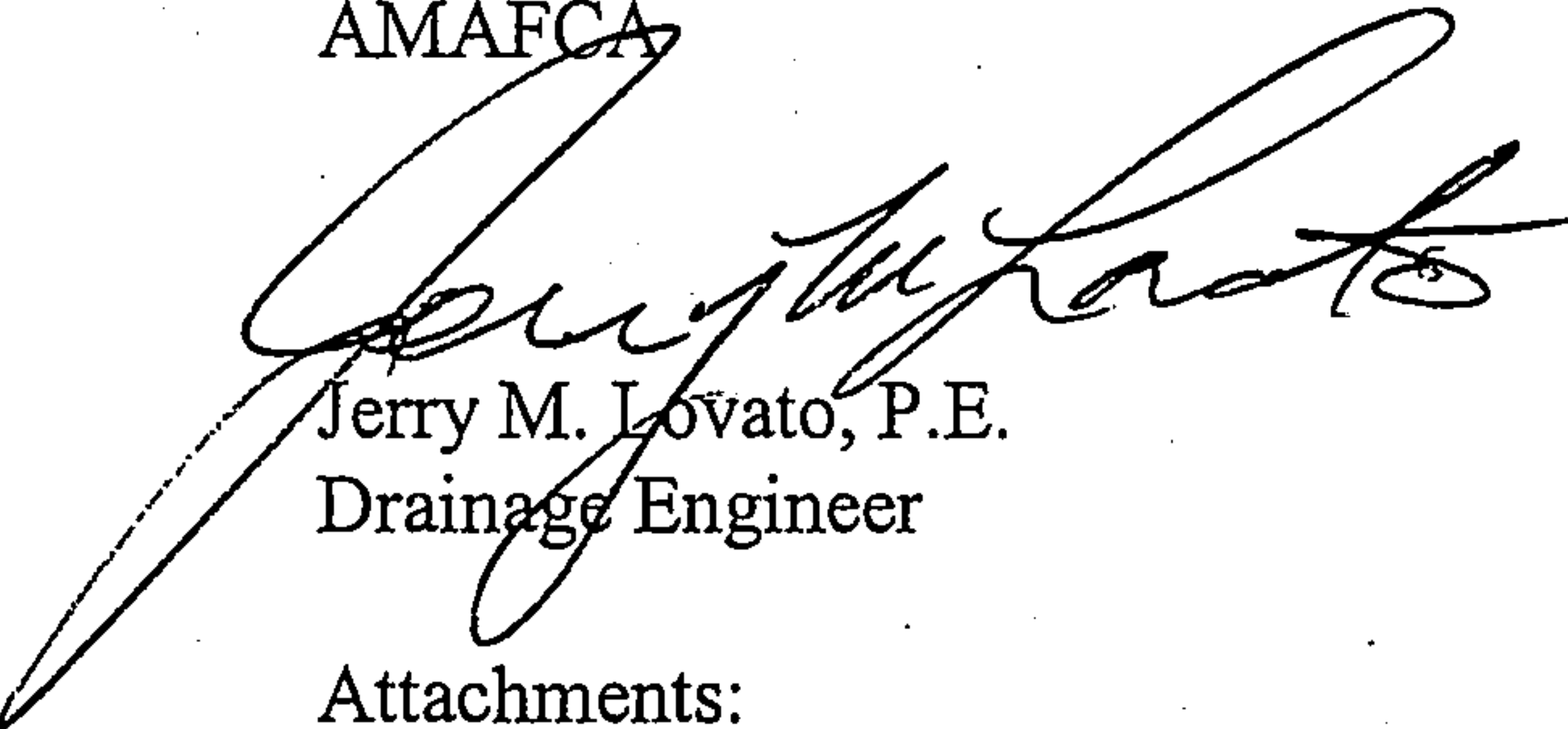
Remedial work was done on the pond in an attempt to address the construction deficiencies. Additional fill has been placed on the pond berm, but the fill was not benched or tied into the existing berm nor was the fill moisture conditioned and compacted. The modification to the pond is not acceptable.

Please submit to AMAFCA a remediation plan to address elevation deficiencies for all embankments associated with the diversion berm and pond located at Glendale and Barstow. All work shall meet the lines and grades shown on your plans for City of Albuquerque Project No. 729781 and shall be supported by appropriate geotechnical testing. All work will need to be completed by February 1, 2005. The remediation plan shall be submitted to AMAFCA no later than close of business January 5, 2006.

Rhett Waterman
December 22, 2005
Page 2 of 2

If you need additional information or have any questions please give me a call.

Sincerely,
AMAFCA



Jerry M. Lovato, P.E.
Drainage Engineer

Attachments:

Agreement to Provide Maintenance for a Sediment Facility on the El Camino Arroyo at
Barstow & Glendale, dated March 17, 2004

CC:

Greg Krenik, P.E., D. Mark Goodwin & Associates, P.A.

fax 1-505-797-9539

Brad Bingham, P.E., City of Albuquerque

fax 1-505-924-3864

Lynn Mazur, P.E., Development Review Engineer, AMAFCA

AMAFCA Correspondence File

SECTION 1. OWNER, at its sole expense, agrees to:

- a. Cause to be designed, with engineer's seal and signature, and to be constructed the IMPROVEMENTS, with a minimum Volume Capacity of 2 acre-feet, one (1) Vehicle Access Ramp, a shotcrete weir and inlet structure, and an 84-inch Outlet Pipe. The IMPROVEMENTS shall conform to the dimensions and location shown on Exhibit "B". Construction of the IMPROVEMENTS shall conform to AMAFCA specifications and requirements.
- b. Provide final plans and specifications for construction of the IMPROVEMENTS to AMAFCA for review and approval prior to construction.
- c. Provide for the inspection of construction, including administration, testing, and inspection, or other supervision of construction, by a registered engineer and testing firm hired by OWNER and approved by AMAFCA to assure construction is in conformance with the plans and specifications.
- d. Reimburse AMAFCA for documented time spent at the job site by its staff for construction inspection. This time will be reimbursed at the rate of \$50.00 per hour, not to exceed a total combined amount of \$2,000.00.
- e. Cause work to be halted and remedial measures taken should the work be out of compliance with the plans and specifications, and/or standard construction practice.
- f. Obtain all necessary agency approvals for the project.
- g. Notify AMAFCA's Field Engineer by phone call to 884-2215 and in writing by facsimile to 884-0214 at least 48 hours prior to beginning work on the IMPROVEMENTS.
- h. Provide copies of all daily construction reports and testing reports to AMAFCA.
- i. Provide an engineer's certification to AMAFCA that the IMPROVEMENTS have been constructed in accordance with the approved plans and specifications. Furnish as-built mylars within 30 days of final acceptance.
- j. Require its contractor to provide liability insurance during the period of construction naming AMAFCA as an additional insured. The amount of the liability insurance shall be at least \$1,000,000.00.
- k. Provide a Grant of Permanent Easement for Storm Drainage Works (Drainage Easement), granting easement rights to AMAFCA for the operation and maintenance of the IMPROVEMENTS, acceptable to AMAFCA.

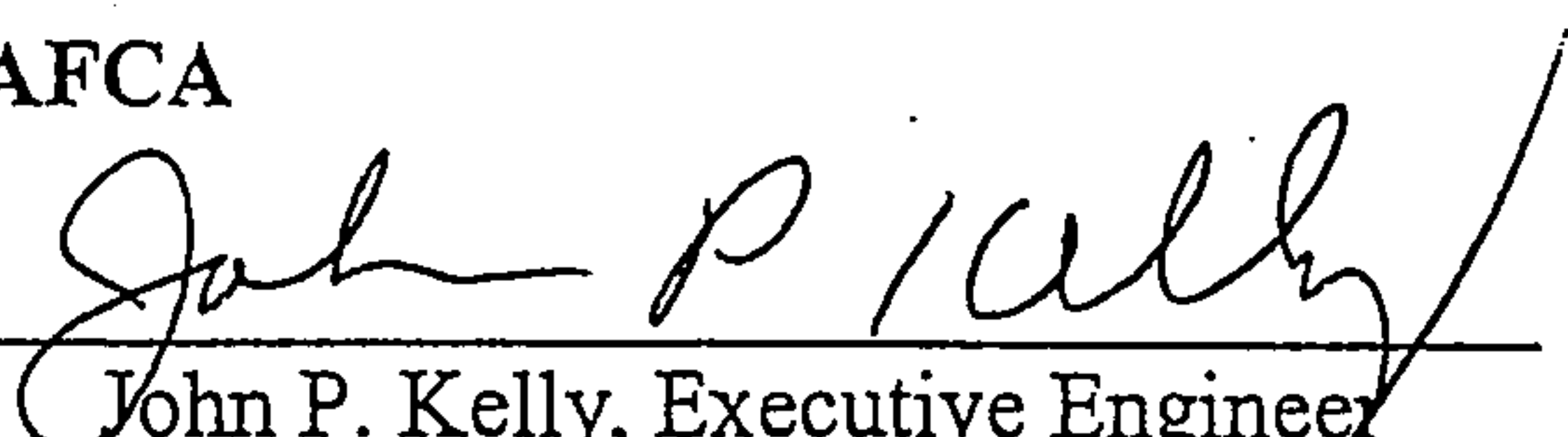
SECTION 4. SUCCESSORS AND ASSIGNS:

The Agreement and the rights, interests, and obligation hereunder shall be binding upon and shall insure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed as of the day and year set forth above.

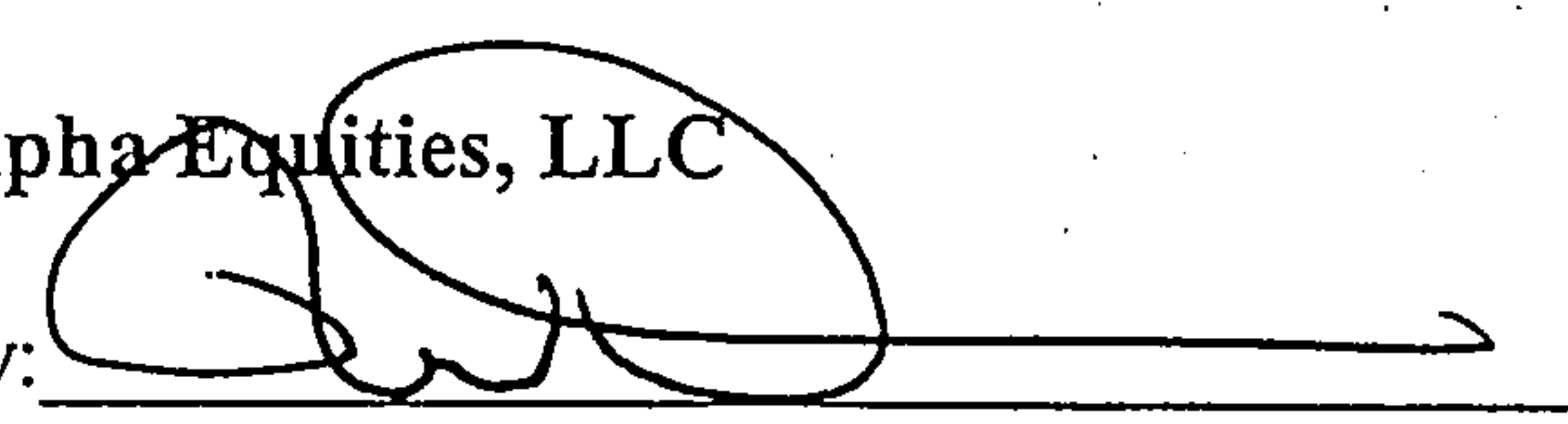
AMAFCA

By:


John P. Kelly, Executive Engineer
(as authorized by the AMAFCA Board of Directors
at its meeting of March 17, 2004)

Alpha Equities, LLC

By:


Rhett Waterman, Managing Member

ACKNOWLEDGEMENT FOR NATURAL PERSON

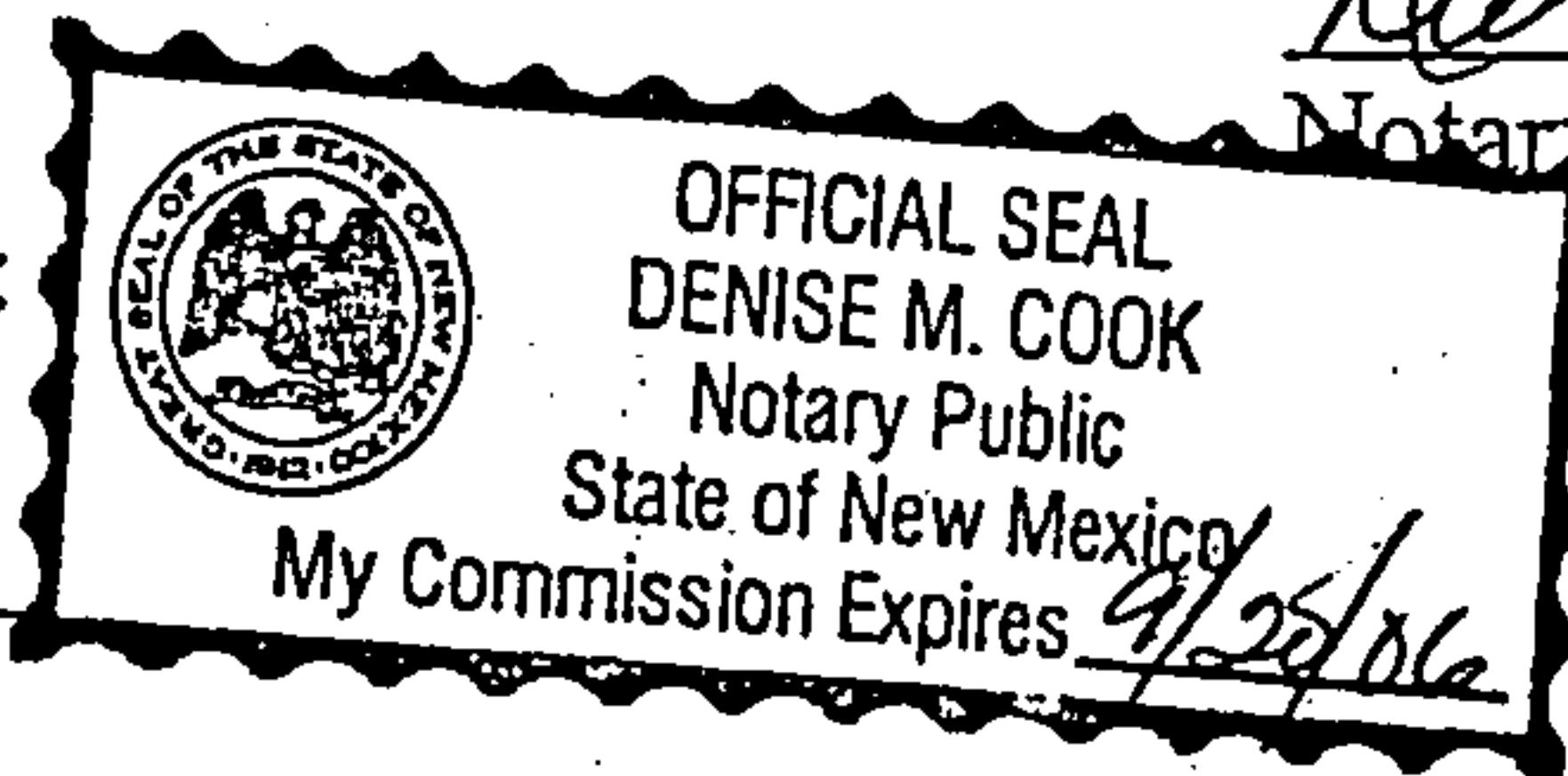
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on April 5th, 2004 by John P. Kelly, Executive Engineer for the Albuquerque Metropolitan Arroyo Flood Control Authority, a Political Subdivision of the State of New Mexico.

Denise M. Cook
Notary Public

My Commission Expires:

Sept. 20, 2006



ACKNOWLEDGEMENT FOR CORPORATION

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

This instrument was acknowledged before me on March 30th, 2004 by Rhett Waterman, Managing Member, Alpha Equities, LLC, on behalf of said Limited Liability Company.

[Signature]
Notary Public

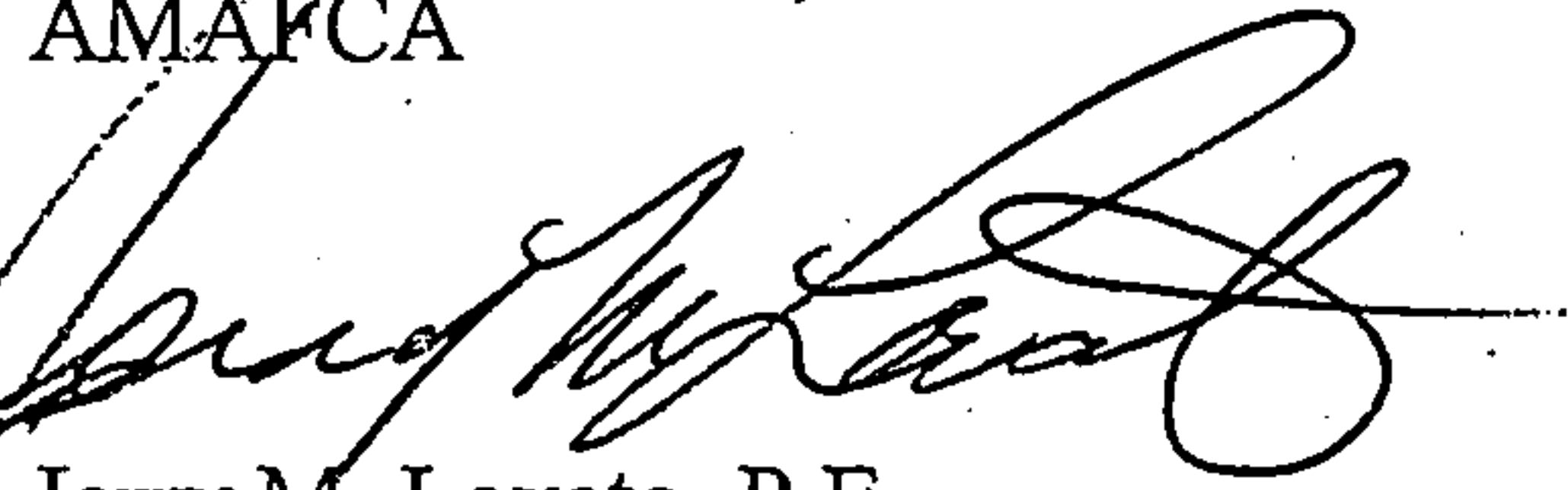
My Commission Expires:

4-10-05

Greg Krenik
December 22, 2005
Page 2 of 2

If you need additional information or have any questions please give me a call.

Sincerely,
AMAFCA



Jerry M. Lovato, P.E.
Drainage Engineer

Attachments:

Photos, dated December 21, 2005, Barstow & Glendale

CC:

Rhett Waterman, Alpha Equities, LLC

fax 1-505-922-9418

Brad Bingham, P.E, City of Albuquerque

fax 1-505-924-3864

Lynn Mazur, AMAFCA, Development Review Engineer

AMAFCA File (2)

***Drainage Calculations
for Perimeter Roads***

at

Quivera Estates

March 2004

