

# CITY OF ALBUQUERQUE

Planning Department  
Alan Varela, Director



Mayor Timothy M. Keller

September 4, 2025

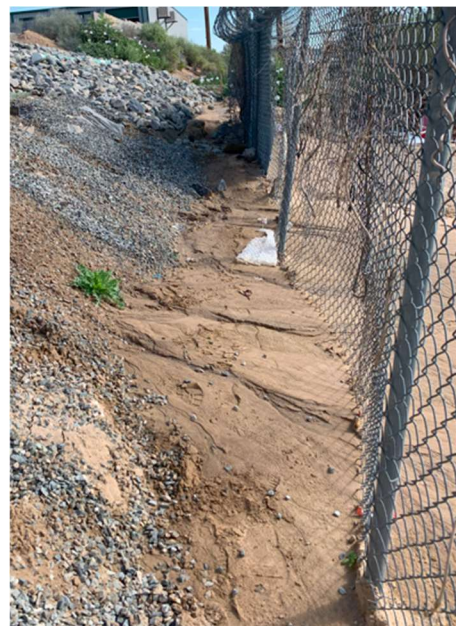
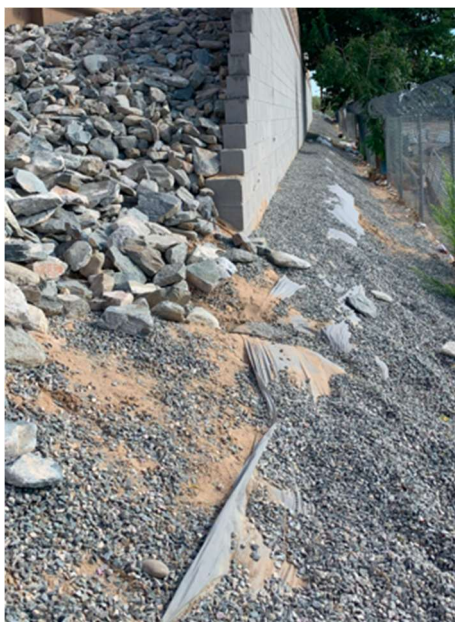
Circle K Stores Inc. (Denver)  
Attn: Renee Skinner Construction Department  
5500 South Quebec Street, Suite 100  
Greenwood Village, CO 80111

**RE: Notice of Violation**  
**Circle K**  
**9610 Eagle Ranch Rd NW**  
**Alb. NM 87114**

Dear Ms. Skinner,

This notice of violation is being sent in response to drainage and flooding complaints received by the City Planning Department by the neighboring properties east of the site in August of 2025.

On 9/3/2025 a site visit was conducted and the erosion and sediment controls appear to be failing along the east property line of the site. The picture below shows that the runoff has already moved much of the gravel, exposed the filter fabric material, and now is allowing sediment to enter the properties to the east.



PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

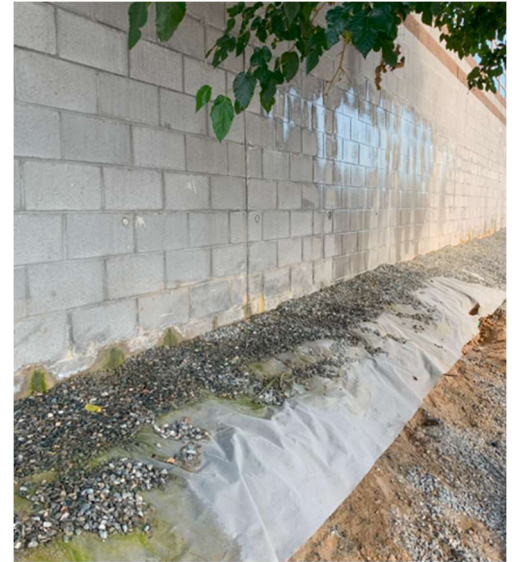
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Another area of concern is the saturation seen along the retaining wall. It was not obvious what the root cause of the saturation was or where it was coming from however it is important to note so that this can be addressed to avoid a total failure of the wall in the future.



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Per 14-5-2-11(D)(2)(d) of the Flood Hazard and Drainage Control Ordinance: *Demand for construction or repair - The city may send written notice ("notice") to the owner requiring maintenance, construction, or repair to the drainage facility within 30 days ("deadline") of receipt of the notice, and the owner, at their expense, must comply with the requirements of the notice by the deadline provided.*

This Notice of Violation also serves as a formal Demand for Construction or Repair of the site's grading and drainage to eliminate the storm water runoff to the neighboring lots with a design and construction deadline of October 6, 2025.

Per 14-5-2-12(B)(2) of the Flood Hazard and Control Ordinance: *Construction, grading or paving on any lot within the jurisdiction of the city shall not increase the damage potential to upstream, downstream or adjacent properties or public facilities. Damages shall be defined as those caused by flooding from the 100-year design storm and all smaller storms and from erosion and sedimentation resulting from the 10-year design storm and all smaller storms.*

Given that the site is experiencing failures in the erosion and sediment control systems that are now allowing stormwater and sediment flows across the property line, potentially causing damage to the neighboring lot to the east, this property is in violation of the Flood Hazard and Control Ordinance.

Per 14-5-2-99 Penalty: *A person who violates any provisions of §§ [14-5-2-1](#) et seq. shall be subject to the penalty provisions set forth in § [1-1-99](#) of this code of ordinances. Each day of violation is considered a separate offense.*

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Per 1-1-99 General Penalty: *Any person who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both unless a different specific penalty is provided. Each separate violation shall constitute a separate offense and, upon conviction, each day of violation shall constitute a separate offense.*

Failure to comply with the requested Demand for Construction or Repair by the stated deadline of October 6, 2025, will result in the filing of a criminal complaint against the property owner(s).

If you have any questions, please contact me at 505-924-3314 or [amontoya@cabq.gov](mailto:amontoya@cabq.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Montoya, Jr.', is written over a light blue rectangular background.

PO Box 1293  
Anthony Montoya, Jr., P.E., C.F.M.  
Senior Engineer, Hydrology  
Planning Department, Development Review Services

Albuquerque

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