



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

August 26, 2003

Bob Keeran
Llave Homes
P.O. Box 93642
Albuquerque, New Mexico 87199

CERTIFIED MAIL-RETURN
RECEIPT REQUESTED

**RE: Excavation of the La Cueva Arroyo 100 year Floodway
Lots 25 and 26, Block 3, Tract 3, Unit 3, North Albuquerque Acres
Tax Code Parcels ID # 102006412338720308, and 102006410838720307**

Dear Mr. Keeran:

NOTICE AND ORDER

City records indicate that you are the owner of the above referenced properties. Pursuant to the Flood Hazard and Drainage Ordinance, Chapter 14, Article 5, City of Albuquerque Revised Ordinance, this Notice and Order is being issued on the property located in the La Cueva Arroyo Lots 25, and 26, Block 3, Tract 3, Unit 3, NAA.

FINDINGS

The above referenced property is located within the La Cueva Floodway as identified in Panel 141 of the Federal Emergency Management Agency Flood Insurance Rate Map. Property located within floodways is subject to development restrictions due to the danger to the public health and safety from floodwaters. It is our understanding that excavation of the property by your contractor occurred on July 4,5, and 6th 2003. City Public Works Hydrology staff inspected the above-described property on July 8, 2003 and confirmed that a significant amount of excavation had occurred within the floodway. The inspection revealed that the property is in violation of the following City Ordinances.

1. Flood Hazard Ordinance Section 14-5-1-10, (A), Since the floodway is an extremely hazardous area due to velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply. Prohibit encroachments, including

fill, new construction, substantial improvements, the storage of hazardous materials and other development.

2. Drainage Ordinance Section 14-5-2-12, (B)(1), 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. Damage 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

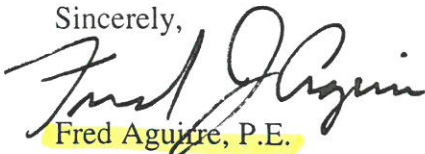
The site inspection revealed that the floodway had been excavated for fill material. Excavation occurred over an acre with depths varying from 3 to 7 feet. The excavation of your property has the potential for the increasing the floodwater damage potential to upstream, downstream, and adjacent property. In addition, there is potential floodwater damage from the erosion and sediment caused by your grading and alteration of the La Cueva Arroyo. The City has sent you letters dated July 8, 2003, July 21, 2003, and August 5, 2003 requesting that you correct this situation.

ORDER

Since grading and excavation of fill material has occurred in the floodway, the following measures and actions need to be taken immediately.

1. Cease and desist the altering of the floodway grades in the La Cueva Arroyo.
2. A grading plan has been approved for rough grading, engineers date July 14, 2003. Please have your contractor restore the borrow pit in accordance with the approved grading plan within two weeks of receiving this letter. If you need to discuss the matter contact the following person. Your contact point will be Carlos A. Montoya, Planning Department, 600 2nd Street NW, 87102, and phone number is 924-3982.

Sincerely,


Fred Aguirre, P.E.
City Engineer

C: Kevin Curran, Legal Department
Jon Kelly, AMAFCA