

**From:** [Ken Hovey](#)  
**To:** [Sims, Timothy E.](#)  
**Subject:** FW: Jacs Lane  
**Date:** Thursday, January 26, 2012 2:30:46 PM

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**From:** [lmazur@amafca.org](mailto:lmazur@amafca.org)  
**To:** [CCherne@cabq.gov](mailto:CCherne@cabq.gov); [david@riograndeengineering.com](mailto:david@riograndeengineering.com); [murprop7@gmail.com](mailto:murprop7@gmail.com)  
**CC:** [ken\\_hovey@msn.com](mailto:ken_hovey@msn.com); [richd@gotspaceusa.com](mailto:richd@gotspaceusa.com)  
**Date:** Mon, 9 Jan 2012 14:04:20 -0600  
**Subject:** RE: Jacs Lane

I visited the site and found that AMAFCA's needs have been met with respect to the excavation easement for the North Diversion Channel. I also received an encroachment permit for work within the easement. AMAFCA has no further comments on this case.

## **Albuquerque Metropolitan Arroyo Flood Control Authority**

Lynn M. Mazur, P.E., C.F.M.  
Development Review Engineer  
Phone: (505) 884-2215  
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**From:** Cherne, Curtis [<mailto:CCherne@cabq.gov>]  
**Sent:** Wednesday, November 30, 2011 4:02 PM  
**To:** Mazur, Lynn; David Soule; David Murphy  
**Cc:** Ken Hovey; Rich Diller; Lovato, Jerry  
**Subject:** RE: Jacs Lane

Hydrology has not approved the Grading Plan awaiting AMAFCA approval. Per our Building Permit program, Hydrology has not approved the Building Permit set, and neither has the City.

Curtis

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**From:** Mazur, Lynn [mailto:lmazur@amafca.org]  
**Sent:** Tuesday, November 29, 2011 12:32 PM  
**To:** David Soule; 'David Murphy'; Cherne, Curtis  
**Cc:** 'Ken Hovey'; 'Rich Diller'; Lovato, Jerry  
**Subject:** RE: Jacs Lane

Re: A-Class RV, Lot 3, Blue Sky Subdivision next to North Diversion Channel, ZAP D-16

I understand, but was not aware at the time, that a building permit was issued prior to AMAFCA's review. This is an unfortunate situation, but, regardless, the owner is responsible for knowing easement restrictions on his property. And not that it is anyone's business, but Sower's Cabinets received prior, written permission from AMAFCA to construct a wall partially within the excavation easement. A-Class Towing did not, but gates were shown on their permit after the fact.

If Jerry Lovato, AMAFCA's Executive Engineer, agrees to it, we may be able to accept an access easement through the property from Jacs Lane to the excavation easement. This can be done at staff level by paper document. We will need a surveyor's metes and bounds description of a 15-foot wide corridor, or if the owner agrees, it can be a blanket easement with no surveyor's description. I will speak to Jerry and let you know.

## **Albuquerque Metropolitan Arroyo**

### **Flood Control Authority**

Lynn M. Mazur, P.E., C.F.M.  
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**From:** David Soule [mailto:david@riograndeengineering.com]  
**Sent:** Monday, November 28, 2011 2:49 PM  
**To:** 'David Murphy'; Mazur, Lynn  
**Cc:** 'Ken Hovey'; 'Rich Diller'  
**Subject:** RE: Jacs Lane

Lynn, due to the use of the property for storage of high dollar RV's the operator does not want to have a gate, even if locked. I have been told that many of the existing lots do not have such gate. I know I need your approval but do not know how to resolve this matter. I can provide the exhibit for the encroachment but without the gate it does not meet your comment. Is there another remedy?

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**From:** David Murphy [mailto:murprop7@gmail.com]  
**Sent:** Monday, November 28, 2011 8:57 AM  
**To:** David Soule  
**Cc:** Ken Hovey; Rich Diller

**Subject:** Re: Jacs Lane

David,

John Kusionovich responded back to me saying that he recalls NO such agreement for an AMAFCA gate. Since the fence is already permitted and built, it would be very costly to go back in and add the gate and the associated security equipment needed to protect this gate. The cameras are already up and running, and there is no provision for the additional cameras needed. Since we are a storage facility we have a very high standard for access and security, this additional gate is a real problem. A locked gate can be turn into an open gate in 10 seconds with the modern battery powered cutters now available. We have already lost a vehicle to theft at this facility, so we recognize the threat.

Thanks for your help on this,

David Murphy

On Sun, Nov 27, 2011 at 9:51 PM, David Soule <[david@riograndeengineering.com](mailto:david@riograndeengineering.com)> wrote:  
I knew this was your position, the encroachment agreement is pretty benign, it just says amafca give you the right to place the improvment in there easement. They require it for everything , fences, driveways, signs, etc. When i send you the prepared document you will see and dont think you will have issue, the gate is something i have tried to ommit many times but AMAFCA is not willing to sign off without it. Please let me know if Art can help us clear this up. I would think they had to make some sort of allowance for amafca for access, hopefully not on this lot. The gate would be a locked gate

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**From:** David Murphy [mailto:[murprop7@gmail.com](mailto:murprop7@gmail.com)]

**Sent:** Sunday, November 27, 2011 9:46 PM

**To:** David Soule

**Cc:** Ken Hovey

**Subject:** Re: Jacs Lane

David,

If the gate is so important, I'm just wondering why neither of my neighbors have them....and they have walls/fencing on that East property line. Not to mention that if I put in a gate there, it would be a huge security risk. I'm not inclined to do this. By the way, I do not have walls of any kind on my property, only fences. The East property line on my property is a metal fence that could be removed in 20 minutes if an emergency should happen. We need to work to dissolve this request. I will ask John/Art (the developers) if they agreed to anything in regards to an AMAFCA gate...I will get back to you.

Thanks,

David Murphy

On Sun, Nov 27, 2011 at 9:04 PM, David Soule <[david@riograndeengineering.com](mailto:david@riograndeengineering.com)> wrote:  
The city has approved conditioned on AMAFCA. Lynn at AMAFCA sent me an email stating the 20' gate must be put in and an encroachment agreement for the wall needs to be executed, other than that it is approved. I have tried to get her not to need the gate but it is a requirement that the developers must have agreed to for every single lot. The encroachment agreement requires me to prepare an exhibit showing the wall and she prepared the agreement. I will email you copy of the plan tommorow. I know David does not want to put the gate but they are adamant about it and the city will not give ok without AMAFCA. I will send David the agreement when Lynn gets to me. This can be all cleared up this week, assuming David is willing to give the gate.

David Soule

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**From:** Ken Hovey [mailto:[ken\\_hovey@msn.com](mailto:ken_hovey@msn.com)]

**Sent:** Friday, November 25, 2011 9:47 PM  
**To:** David Soule  
**Subject:** Jacs Lane

David,

I'm submitting for building permit Monday morning for the carports at Jacs Lane. The TCL has been approved. I'm going to need copies of the G&D plan you submitted to the city. Do we have an approved G&D?

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