City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

June 6, 2001

Diane Hoelzer, P.E.
Mark Goodwin & Assoc.
P.O. Box 90606
Albuquerque, New Mexico 87199

RE: **THE ESTATES AT VISTA DEL NORTE (D-16/D10)**
Engineers Certification For Release of Financial Guaranty
Engineers Stamp dated 3/9/2000
Engineer's Certification dated 5/30/2001

Dear Ms. Hoelzer:

Based upon the information provided in your submittal dated May 31, 2001, the above referenced plan is adequate to satisfy the Grading and Drainage Certification requirements for Release of Financial Guaranty.

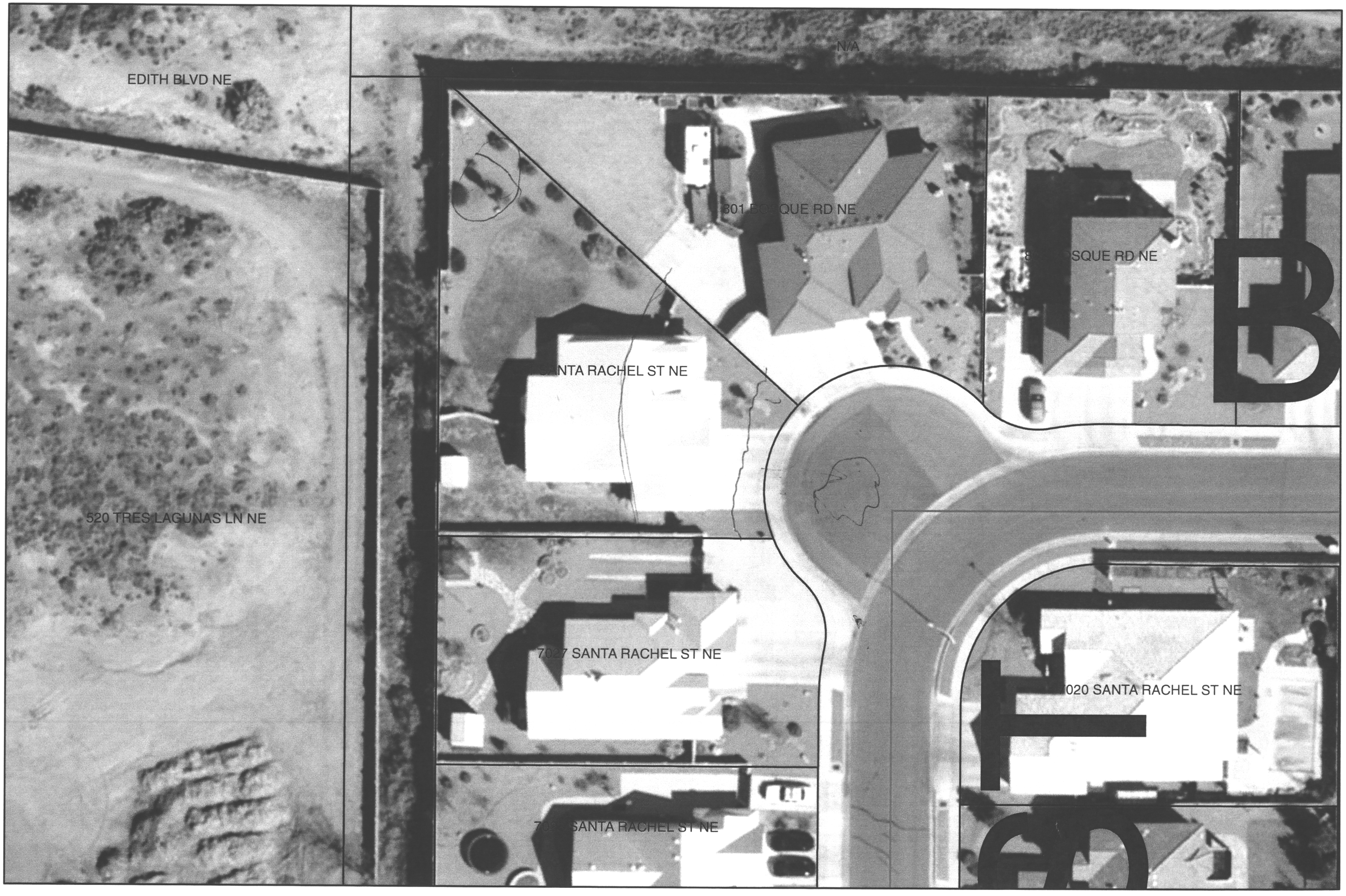
If you have any questions, please call me at 924-3981.

Sincerely,

Teresa A. Martin
Hydrology Division
Public Works Department

C: Arlene Portillo, PWD – #645081
File

WO 645081 Mark Goodwin & Assoc


EDITH BLVD NE
N/A
301 BOSQUE RD NE
SQUE RD NE
NTA RACHEL ST NE
520 TRES LAGUNAS LN NE
7027 SANTA RACHEL ST NE
020 SANTA RACHEL ST NE
SANTA RACHEL ST NE

History

built on old gravel pit - historic drainage pattern - so built up first

Should have grading plan for gravel pit reclamation

Street maintenance-

geotech report 20ft - collapsible soils 7-20' dp

remediation - replace soil

city - did skin patching

→ try to find Mass Grading Plan next month

CONSTRUCTION PLANS

FOR

THE ESTATES AT VISTA DEL NORTE

ALBUQUERQUE, NEW MEXICO

INDEX TO DRAWINGS

SHEET NO.	SHEET
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6	MASTER PAVING PLAN
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8	PAVING IMPROVEMENTS – SANTA RACHEL STREET
9	PAVING IMPROVEMENTS – SANTA MARISA STREET
10	PAVING IMPROVEMENTS – SANTA ELENA STREET
11	PAVING IMPROVEMENTS – PASEO VERDE ROAD
12	MASTER UTILITY PLAN
13	UTILITY IMPROVEMENTS – BOSQUE ROAD
14	UTILITY IMPROVEMENTS – SANTA RACHEL STREET
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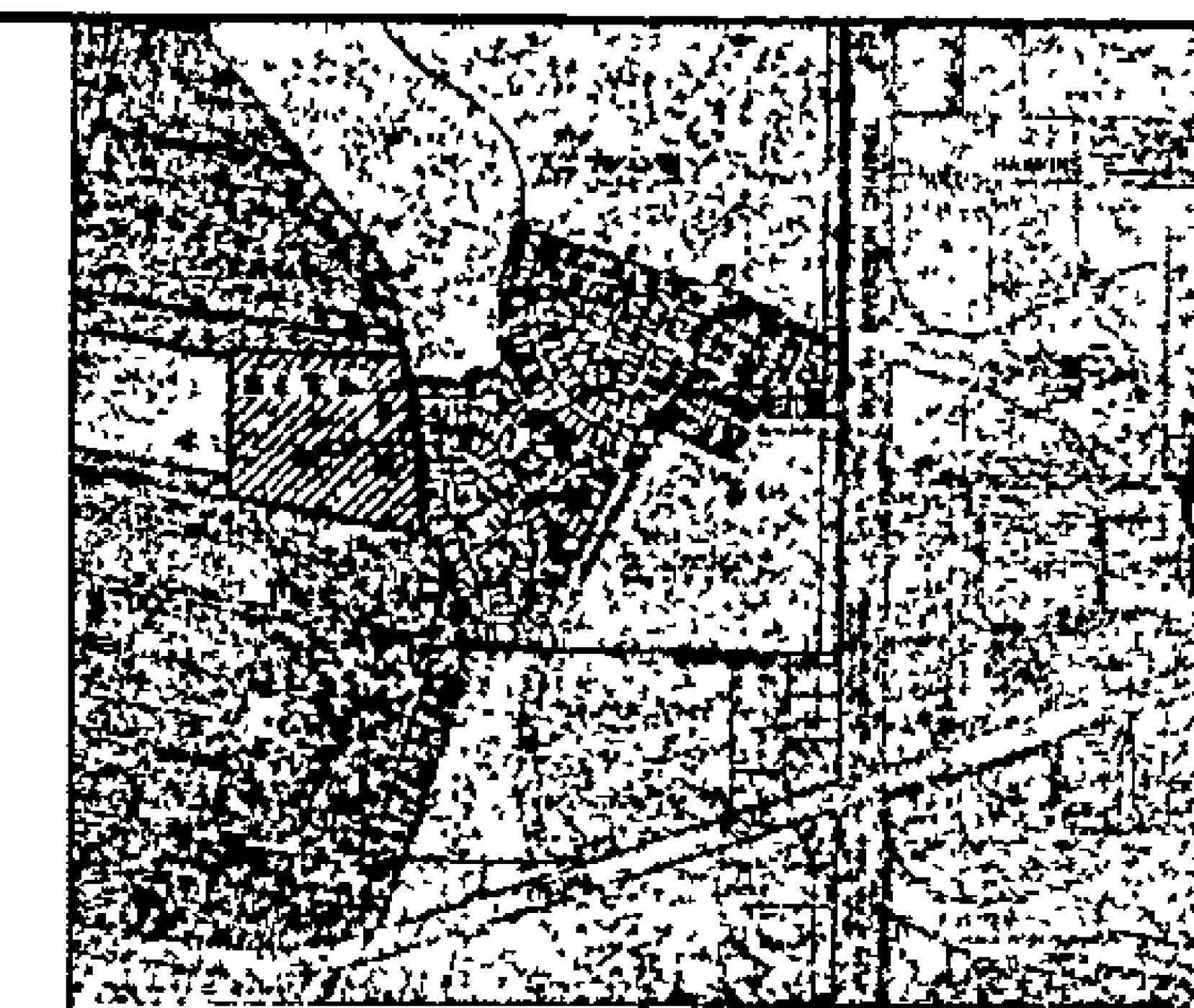
19	STORM DRAIN IMPROVEMENTS

APPROVAL OF RECORD DRAWINGS
CHIEF CONSTRUCTION ENGINEER
DATE 9/5/01

07-06-01

DRB NO. 99-190



VICINITY MAP — ZONE ATLAS D-18 — SCALE NONE

GENERAL NOTES

NOTICE TO CONTRACTORS

1. CITY OF ALBUQUERQUE SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 1986 EDITION AS AMENDED THROUGH UPDATE 6, WILL BE REFERRED TO HEREIN AS THE "STANDARD SPECIFICATIONS".
2. TWO WORKING DAYS PRIOR TO ANY EXCAVATION, CONTRACTOR MUST CONTACT NEW MEXICO ONE CALL SYSTEM (260-1990) AND DETERMINE LOCATION OF EXISTING UTILITIES.
3. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL OBSTRUCTIONS. SHOULD A CONFLICT EXIST THE CONTRACTOR SHALL NOTIFY THE ENGINEER OR THE SURVEYOR SO THAT THE CONFLICT CAN BE RESOLVED WITHOUT DELAY
4. ALL EXISTING SIGNS, MARKERS, DELINEATORS, ETC., WITHIN THE CONSTRUCTION LIMITS SHALL BE REMOVED, STORED AND RE-SET BY THE CONTRACTOR
5. FIVE (5) WORKING DAYS PRIOR TO BEGINNING CONSTRUCTION THE CONTRACTOR SHALL SUBMIT TO THE CONSTRUCTION COORDINATION DIVISION A DETAILED CONSTRUCTION SCHEDULE. TWO (2) WORKING DAYS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL OBTAIN A BARRICADING PERMIT FROM THE CONSTRUCTION COORDINATION DIVISION. CONTRACTOR SHALL NOTIFY BARRICADE ENGINEER (768-2581) PRIOR TO OCCUPYING AN INTERSECTION SEE SECTION 19 OF THE SPECIFICATIONS.
6. ALL STREET STRIPING ALTERED OR DESTROYED SHALL BE REPLACED WITH PLASTIC REFLECTORIZED PAVEMENT MARKINGS BY CONTRACTOR IN EXISTING OR NEW LOCATION AS INDICATED BY THIS SET.
7. THE CONTRACTOR SHALL NOTIFY THE ENGINEER NOT LESS THAN SEVEN (7) DAYS PRIOR TO STARTING WORK IN ORDER THAT THE ENGINEER MAY TAKE NECESSARY MEASURES TO INSURE THE PRESERVATION OF SURVEY MONUMENTS. CONTRACTOR SHALL NOT DISTURB PERMANENT SURVEY MONUMENTS WITHOUT THE CONSENT OF THE ENGINEER AND SHALL NOTIFY THE ENGINEER AND BEAR THE EXPENSE OF REPLACING ANY THAT MAY BE DISTURBED WITHOUT PERMISSION. REPLACEMENT SHALL BE DONE ONLY BY THE CITY SURVEYOR. WHEN A CHANGE IS MADE IN THE FINISHED ELEVATIONS OF THE PAVEMENT OF ANY ROADWAY IN WHICH A PERMANENT SURVEY MONUMENT IS LOCATED, CONTRACTOR SHALL, AT HIS OWN EXPENSE, ADJUST THE MONUMENT COVER TO THE NEW GRADE UNLESS OTHERWISE SPECIFIED. REFER TO SECTION 4.4 OF THE GENERAL CONDITIONS OF THE STANDARD SPECIFICATIONS.
8. ANY WORK OCCURRING WITHIN AN ARTERIAL ROADWAY REQUIRES 24 HOURS CONSTRUCTION.

THE FOLLOWING NOTES ALSO APPLY WHEN CHECKED

- [x] ALL UTILITIES AND UTILITY SERVICE LINES SHALL BE INSTALLED PRIOR TO PAVING
- [x] BACKFILL COMPACTION SHALL BE ACCORDING TO SPECIFIED STREET USE.
- [ ] TACK COAT REQUIREMENTS SHALL BE DETERMINED BY THE CITY ENGINEER.
- [x] SIDEWALK AND WHEELCHAIR RAMPS WITHIN THE CURB RETURNS SHALL BE CONSTRUCTED WHEREVER A NEW CURB RETURN IS CONSTRUCTED
- [ ] IF CURB IS DEPRESSED FOR A DRIVEPAD, THE DRIVEPAD SHALL BE CONSTRUCTED PRIOR TO ACCEPTANCE OF CURB AND GUTTER
- [x] ALL STORM DRAINAGE FACILITIES SHALL BE COMPLETED PRIOR TO FINAL ACCEPTANCE.

CAUTION:
NOTE THAT ALL EXISTING UTILITIES MAY NOT BE SHOWN. ALL EXISTING SERVICE CONNECTIONS ARE NOT SHOWN. ANY EXISTING UTILITIES THAT ARE SHOWN ARE APPROXIMATE LOCATION ONLY. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT ALL THE UTILITY OWNERS AND TO CONDUCT ALL NECESSARY FIELD INVESTIGATIONS PRIOR TO ANY EXCAVATIONS TO DETERMINE THE ACTUAL LOCATION OF UTILITIES AND OTHER IMPROVEMENTS.

dmg D. MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
P.O. BOX 90606
ALBUQUERQUE, NEW MEXICO 87199
(505) 828-2200 FAX (505) 797-9539

REV	SHEETS	CITY ENGINEER	DATE	USER DEPARTMENT	DATE	USER DEPARTMENT	DATE

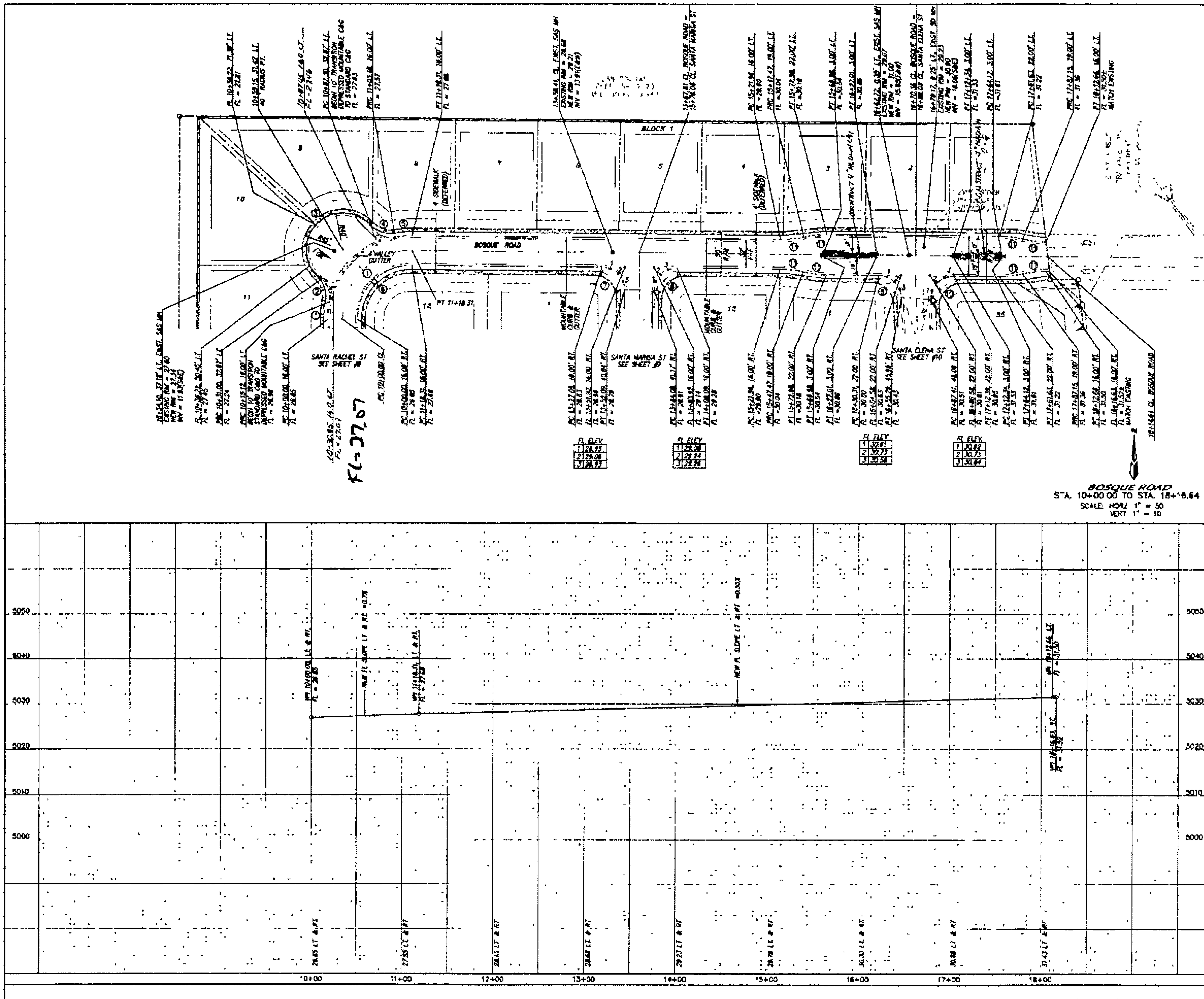
ENGINEERS STAMP & SIGNATURE	APPROVALS	ENGINEER	DATE
	DRC CHAIRMAN	[signature]	9/7/00
	TRANSPORTATION	[signature]	
	WATER/WASTEWATER	[signature]	7.13.00
	HYDROLOGY	[signature]	7.13.00
	CIP		
	CONSTR. MNGMT		
	CONSTR. COORD	[signature]	6/6/01

APPROVED FOR CONSTRUCTION

CITY ENGINEER — DATE

CITY PROJECT NO 645081

SHEET 1 OF 19



NOTES

CURVE DATA – DESCRIBES CENTERLINE

① Δ = 90°22'46" R = 75.00' L = 118.31' T = 75.50'

CURVE DATA – DESCRIBES FACE OF CURB

① Δ = 11°33'13" R = 91.00' L = 18.35' T = 9.21'

② Δ = 65°04'09" R = 25.00' L = 28.39' T = 15.95

③ Δ = 197°24'38" R = 40.00' L = 137.83' T = N/A

④ Δ = 65°04'17" R = 25.00' L = 28.39' T = 15.95'

⑤ Δ = 11°33'20" R = 91.00' L = 18.35' T = 9.21'

⑥ Δ = 90°22'46" R = 59.00' L = 93.07' T = 59.39'

⑦ Δ = 89°37'15" R = 25.00' L = 39.10' T = 24.84'

⑧ Δ = 90°22'45" R = 25.00' L = 39.44' T = 25.17'

⑨ Δ = 87°59'04" R = 25.00 L = 38.39' T = 24.14'

⑩ Δ = 92°28'07" R = 25.00' L = 40.35' T = 26.11'

⑪ Δ = 13°24'42" R = 110.00' L = 25.75 T = 12.93

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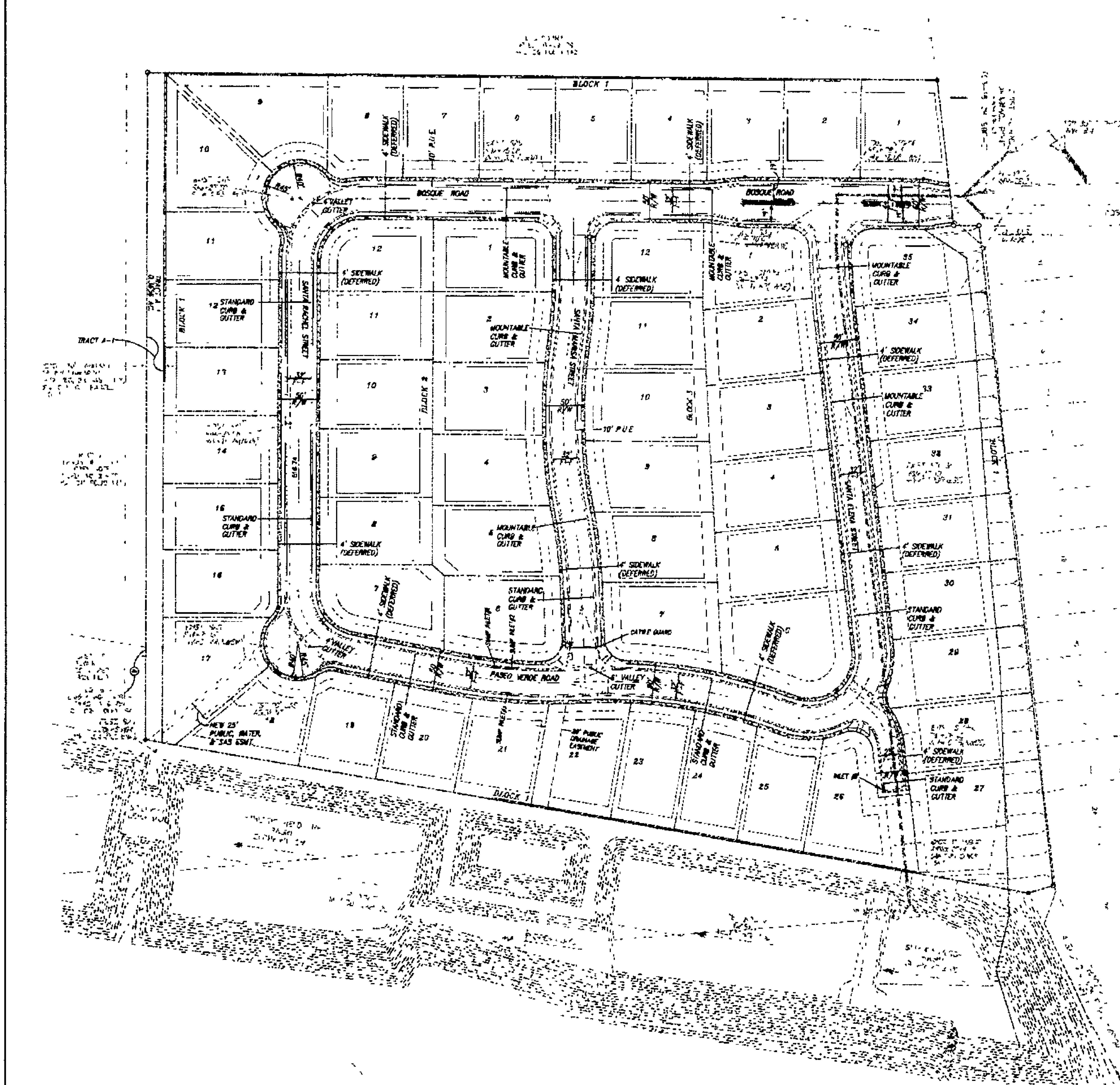
CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
ENGINEERING DEVELOPMENT GROUP

TITLE: THE ESTATES AT VISTA DEL NORTE
BOSQUE ROAD
PAVING IMPROVMENTS

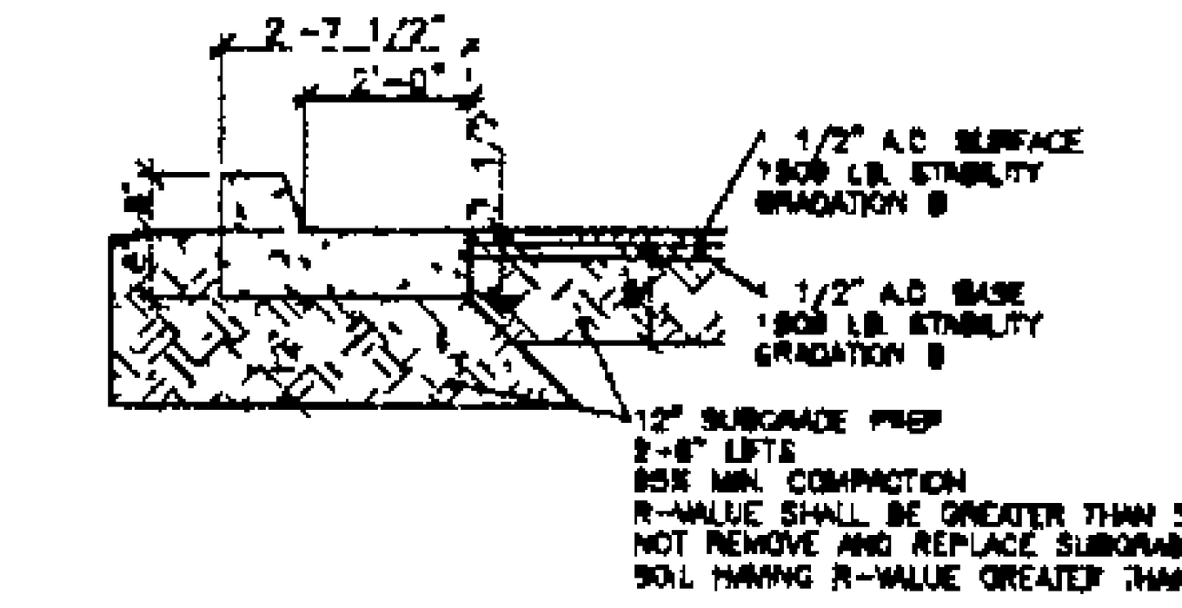
CITY PROJECT NO. 645081 | ZONE MAP NO. D-16 | SHEET 7 OF 19

9057\9057PP_1\08-02-00\NHM SPS

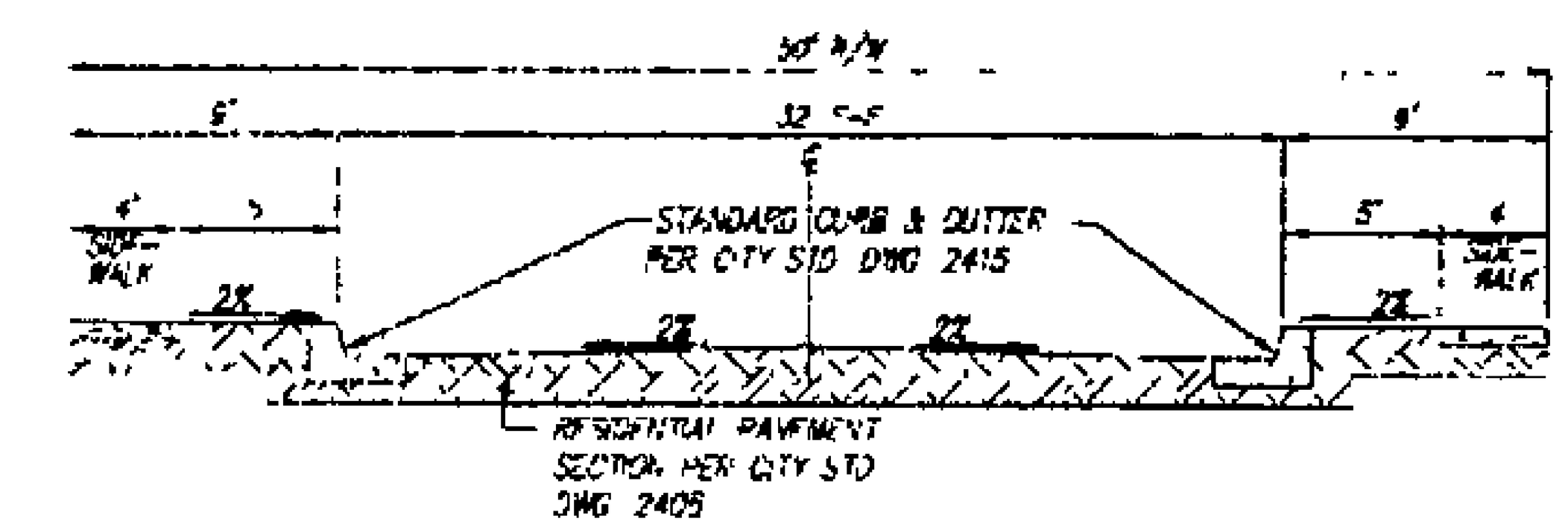


NOTES

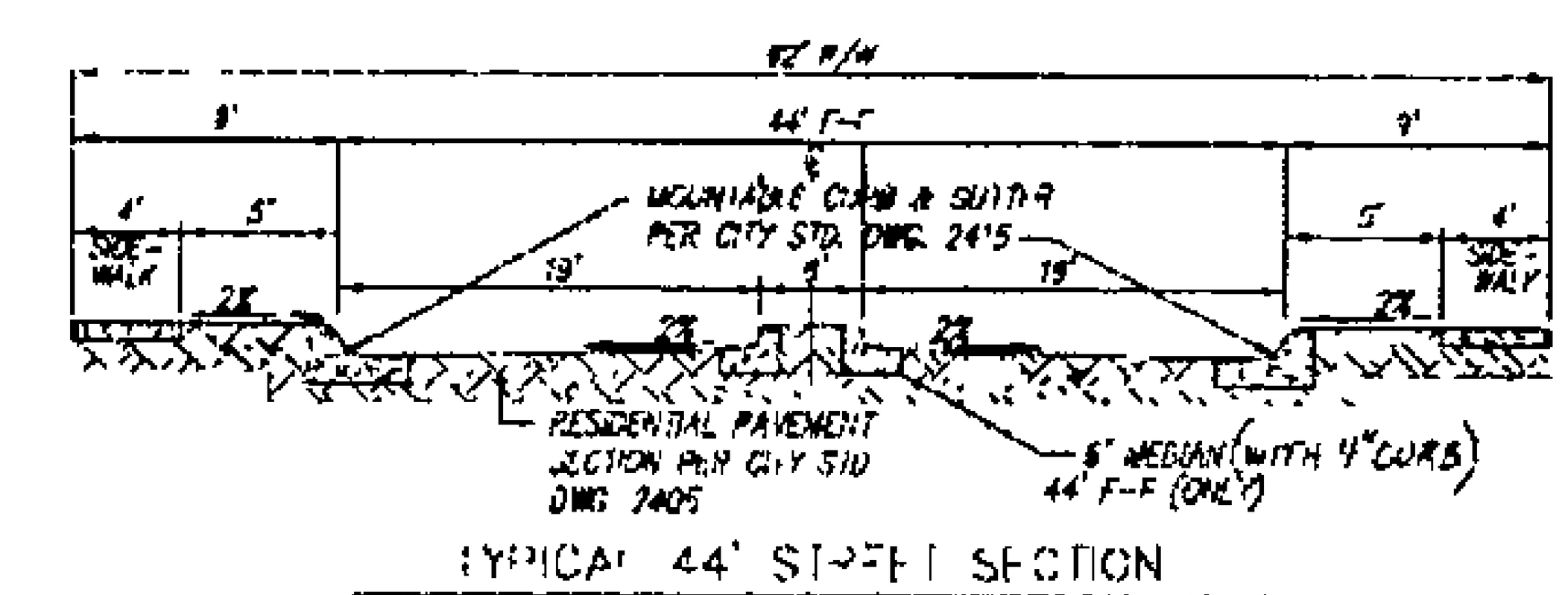
1. ALL 4' VALLEY GUTTERS PER CITY OF ALBUQUERQUE STANDARD DRAWING 2421 AT KNUCKLES AND 6' VALLEY GUTTERS PER CITY OF ALBUQUERQUE STANDARD DRAWING 2420 AT ALL INTERSECTIONS.
2. ALL 4' INTERIOR SIDEWALKS ARE DEFERRED
3. ALL HANDICAP RAMPS TO BE CASE II PER CITY OF ALBUQUERQUE STANDARD DRAWING 2441. WHERE GRADES DO NOT PERMIT A MAXIMUM SLOPE OF 12:1 TO BE MAINTAINED WITHIN THE 7' LENGTH AS SPECIFIED, THEN THE "F" LENGTH AS SHOWN IN DRAWING 2441 MUST BE INCREASED TO MAINTAIN A SLOPE < 12:1.
4. TRANSITION FROM MOUNTABLE CURB TO STANDARD CURB SHALL BE WITHIN 10' SECTION.
5. TRANSITION SECTION FROM FULL CROWN TO NO CROWN TO BE A MINIMUM OF 50', PER CITY OF ALBUQUERQUE STANDARD DRAWING 2401
6. ALL INTERIOR SUBDIVISION STREETS ARE PRIVATE



RESIDENTIAL\TEMPORARY PAVEMENT SECTION DETAIL
NOT TO SCALE
PAVEMENT SECTION PER COA STD DWG 2405



TYPICAL 32' STREET SECTION
N.T.S.



TYPICAL 44' STREET SECTION
N.T.S.

LEGEND

- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM SEWER MANHOLE
- EXISTING 8" SANITARY SEWER
- EXISTING STORM DRAIN
- STANDARD 8" CURB & GUTTER
- MOUNTABLE CURB & GUTTER
- RETAINING WALL
- CENTERLINE
- TRACT/LOT BOUNDARY
- SETBACK
- PROPERTY
- EASEMENT
- EXISTING EASEMENT
- EXISTING CONTOUR
- EXISTING LOTS
- HANDICAP RAMPS
- STREET LIGHT
- SIDEWALK
- 50' CROWN TRANSITION
- STORM DRAIN INLET

SCALE 1" = 60'

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CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
ENGINEERING DEVELOPMENT GROUP

THE ESTATES AT VISTA DEL NORTE
MASTER PAVING PLAN

CITY ENGINEER

CITY PROJECT NO.	ZONE MAP NO.	SHEET OF
645081	D-16	6 19

9057\RA\9057PVNE\07-03-00\NHM

The city does not require a more
geotechnical data for "deep" collapsible soils

5.1.5.4

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

HYDROLOGY DEVELOPMENT SECTION
DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1009178

AGENDA ITEM NO: 8

SUBJECT:

Preliminary Plat approval

ENGINEERING COMMENTS:

Hydrology met with the Wilson & Company and COA Storm Drain Maintenance to discuss storm drain easements in SAD 228. Hydrology is awaiting a response from storm drain maintenance concerning this request.

The storm drain easement should be exclusive and south of the PUE.

Per the construction plans, the easement for the storm drain is to flare out at the west end of Lot 6 as the storm drain turns south.

RESOLUTION/COMMENTS:

SIGNED:

Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 1-9-13

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

SCOTT HENRY,

Plaintiff,

vs. No. D-202-CV-2012-11193

THE CITY OF ALBUQUERQUE, and
THE DEPARTMENT OF MUNICIPAL DEVELOPMENT,

Defendants.

COMPLAINT FOR DAMAGES DUE TO NEGLIGENCE AND INVERSE CONDEMNATION

Plaintiff Scott Henry, by and through his attorneys, Dixon, Scholl & Bailey, P.A., for his Complaint for Damages against Defendants City of Albuquerque and The Public Works Department states and alleges:

JURISDICTION & VENUE

1. Plaintiff Scott Henry is a resident of Bernalillo County, State of New Mexico, and owns the real property located at 7031 Santa Rachel Road, NE, Albuquerque, Bernalillo County, New Mexico (hereinafter Property).

2. Defendant City of Albuquerque (hereinafter City) is a municipal corporation organized under the laws of the State of New Mexico and situated in Bernalillo County, State of New Mexico.

3. Defendant Department of Municipal Development is an agency of the City.

4. Plaintiff's claims arise from the damages due to water runoff from the public roadways Santa Rachel St. NE and Bosque Rd. NE, which collects, pools and amasses from multiple

roadways adjacent to and upon the Property.

5. Defendants are responsible for and maintain these roadways and the drainage of them.

6. The Court has jurisdiction over the parties and the subject matter of these claims.

7. Venue is proper in the State of New Mexico, County of Bernalillo, Second Judicial District Court.

STATEMENT OF FACTS GERMANE TO ALL CLAIMS

8. The allegations set forth in Paragraphs 1 through 51 of this Complaint are incorporated herein by this reference.

9. Plaintiff purchased the Property and the improvements located thereon which include a residential home in 2008.

10. The Property is a lot located on a cul de sac at the lowest point of the current grade, where the roadways abutting the Property make a 90 degree turn in front of the Property.

11. After purchasing the Property Plaintiff invested a large amount of money to improve, repair and maintain the home and the Property.

12. The City, by and through its employees, departments and divisions, have performed maintenance on the street in front of the Property and on adjoining streets multiple times to control water runoff and drainage from the surrounding neighborhoods.

13. The maintenance and lack of maintenance performed by the City changed the grade and thus, the flow of the water onto and along the roadway in front of the Property.

14. As a result of the changes made by the City which effect the flow, large amounts of water pool and collect on the roadway adjoining the Property and on the Property itself from rain or snow storms.

15. The City, by and through its employees, departments and divisions, are aware of the pooling and collection of water and have attempted to pump it off the street and Property using heavy pumping equipment.

16. Despite the City's efforts, the collected water seeps and has seeped into the ground below and surrounding the Property each time it collects, amasses, and pools during and after the storms, saturating the soil.

17. The collection and removal of water causes the ground beneath and beside the Property to swell and contract, and subside, all of which has adversely effected the compaction, stability and contour of the soils adjacent to and underneath the Property.

18. The action in the ground has caused and is causing uneven settlement of the soils upon and beneath the Property.

19. The uneven settlement of the ground has caused and is causing physical and structural damage to the home and other improvements on the Property.

20. The uneven settlement and resulting damage is causing the home to become uninhabitable.

21. Plaintiff cannot sell the Property or rent at market price the Property because of the uneven settlement.

22. The Property is located in a residential neighborhood and there is no other use for these improvements other than as a residential house.

23. The actions of the City described herein have created a drainage pond on the Property which is effectively collecting runoff from the surrounding neighborhoods and streets.

24. The pooling and collection of water adjacent to and upon the Property has caused a change to the usefulness of the Property as a residential home, and altered the highest and best use of the Property making it suitable only as a collection or ponding area.

COUNT I
NEGLIGENT MAINTENANCE OF ROADWAY AND SIDEWALK

25. The allegations set forth in Paragraphs 1 through 51 of this Complaint are incorporated herein by reference.

26. Under the provisions of the Tort Claims Act, NMSA §41-4-1 through §41-4-30, the City and its Departments are not immune to suit under the facts of this case.

27. The City, by and through its employees, divisions, and division employees owed Plaintiff a duty to exercise ordinary care in maintaining the roadways adjacent to and in front of the Property.

28. Prior to performing maintenance on the roadways in front of and adjacent to the Property, the City had knowledge of the nature and characteristics of the soil around and beneath Plaintiff's Property; and, that collection and ponding of water upon and near the Property would likely cause damage to stability of the subsoils and structures.

NO

V Compactor tests for the house pad

29. Even with this knowledge, the City has allowed and continues to allow water to pool on the roadway bordering the Property and upon the Property itself.

30. The City has allowed runoff to collect, accumulate and pond knowing it was probable that damage would result to the Property as the result of the water migrating through the soil causing the Property to settle. can't prove this

31. Prior to performing maintenance on the roadways in front of and adjacent to the Property, the City had knowledge of the nature and characteristics of the soil around and beneath Plaintiff's Property; and, knew that collection and ponding of water upon and near the Property would likely cause damage to stability of the subsoil structure. NO

32. As a result of its efforts to maintain the roadways adjacent to and in front of the Property, the City breached its duties and negligently changed how runoff water flows and migrates there, allowing and causing it to collect, accumulate and pool in front of and upon the Property, saturating the subsoils.

33. As a result of the negligent maintenance of the roadway, the pooled water migrates under the Property and adjoining roadway causing the Property to settle.

34. The collection of water has damaged, and is damaging the Property and the residential home upon it.

35. The City, by and through its employees and departments are liable to Plaintiff for the damage to the Property and damage to the improvements located thereon suffered as a proximate result of the negligence of the City, its employees, and departments with respect to its maintenance of the roadway in front of and adjacent to the Property which was not done in a reasonably prudent

manner.

36. Plaintiff provided the notice to the City of this claim in a letter dated March 9, 2011.

COUNT II
INVERSE CONDEMNATION OF ENTIRE PROPERTY

37. The allegations set forth in Paragraphs 1 through 51 of this Complaint are incorporated herein by reference.

38. The water accumulating, pooling, and infiltrating into the soil on and beside this Property has caused permanent and irreversible damage to the Property making it unusable as a residential property.

39. The actions of the City in causing the pooling and collection of neighborhood runoff waters in front of and adjacent to the Property is a taking of the Property.

40. As a result of the City's actions, Plaintiff is unable to use and enjoy the Property to its highest and best use.

41. As a result of the City's actions, Plaintiff is unable to sell the Property, and has been forced by this situation to rent the Property at below market price.

42. The settlement caused by the City's actions, and the resulting damage to the house will require Plaintiff to abandon and demolish it due safety concerns.

43. Due to the settlement of the soils caused by the City's actions and inactions, the ultimate best use of the Property will be as a holding pond for runoff.

44. The roadways in the City, and in front of and adjacent to the Property, are for public use.

45. The maintenance and building of these roadways are for a public purpose.

46. The roadways in the area of the Property have, at least, the public purpose of allowing citizens to access their homes and homes of others, allow the City to provide utilities and services, and to drain storm water off of properties and the roadways.

47. The City is vested with the power of eminent domain.

48. The actions and inactions of the City as set out herein constitute a taking of the Property for the public's use.

49. The City has failed to institute condemnation proceedings with respect to the Property and improvements located thereon under its power of eminent domain despite taking the Property and improvements located thereon from Plaintiff.

50. Plaintiff is entitled to recover under NMSA §42A-1-29 or other applicable law just compensation for the taking of or damage to the Property and the improvements located thereon.

51. In addition, Plaintiff is entitled to compensation under NMSA §42-3-10 or other applicable law.

WHEREFORE, Plaintiff prays to the Court for judgment in his favor and against Defendants for compensatory damages sufficient to compensate Plaintiff for the losses and taking he has suffered as a result of Defendants' actions and conduct as set forth herein, for his costs incurred in bringing and prosecuting this suit, and for any further and additional relief the Court deems appropriate under the circumstances.

Respectfully submitted,

Steve Scholl
Richard Wilson
DIXON, SCHOLL & BAILEY, P.A.
Attorneys for Plaintiffs
P.O. Box 94147
Albuquerque, New Mexico 97199-4147
Telephone: 505.224.3890
Email: sscholl@dsblaw.com
Email: rwilson@dsblaw.com

DRAINAGE REPORT

FOR

The "Estates" at Vista Del Norte

(NEAR OSUNA AND EDITH)

Mark Goodwin & Associate, P.A.

MARCH 2000

I. PROJECT DESCRIPTION

The proposed "Estates" at Vista Del Norte is identified as Tract 'A' within the 407 acre Vista Del Norte Master Planned Community (DRB 98-071). This developing community is roughly bounded by the AMAFCA North Diversion Channel and Edith Blvd. to the east and west and by Osuna Road and Paseo Del Norte to the south and north. Tract 'A' is located along the west boundary of Vista Del Norte and is roughly bounded by the existing Las Colinas subdivision to the north and Sunnymeade subdivision to the south. This proposed subdivision consists of approximately 20.5 acres and will be developed into 59 single family residential homes.

The back bone infrastructure for Vista Del Norte which includes paving, sanitary sewer, water and storm drain has been constructed. As part of the backbone system the internal roads have been constructed which establish access from Osuna Road to the project site's east boundary. Also there is an existing 30" RCP storm drain that runs through the site in Santa Elena Street which connects the master planned existing Middle Detention Pond to the South Detention pond facility. The 'Estates' storm drain system will discharge directly into the South Detention Pond Facility located at the southwest corner of the site in accordance with the approved Vista Del Norte Master Drainage Plan (Parsons Brinkerhoff).

II. DRAINAGE DESIGN CRITERIA AND PREVIOUS REPORTS

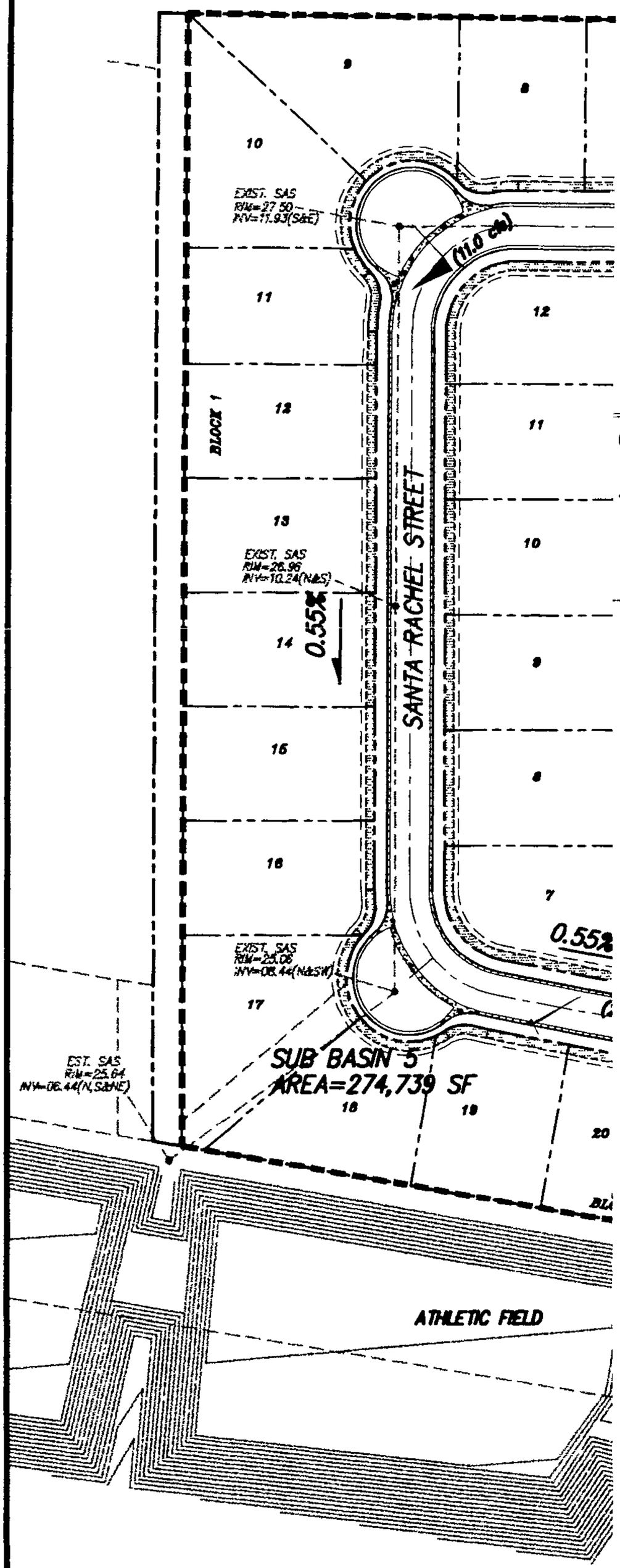
The design criteria used in this report was in accordance with Section 22.2 Hydrology of the Development Process Manual, Volume 2, Design Criteria, January 1993 edition. The 100-year 6-hour storm event was analyzed to determine street capacities and sizing of the internal storm drain system using P(1 hr) = 2.05", P(6 hr)=2.30" . The onsite Land Treatment values used were Treatment D=34, Treatment C=33 and Treatment B=33. Calculations are provided in Appendix A.

III. EXISTING DRAINAGE CONDITIONS

The project site has been mass graded at a general 0.5 percent slope towards the south as part of the approved Vista Del Norte grading and drainage plan. Existing runoff flows in a general south direction until it is intercepted by the south sedimentation/detention pond facility.

IV. DEVELOPED DRAINAGE CONDITIONS

The 100 year "developed conditions" peak discharge from the site is 68.1 cfs. Runoff will be conveyed as street flows to a series of three sump inlets located just west of Santa Marisa in Paseo Verde Road. A recticuline traverse inlet at the south end of Santa Marisa Street will intercept 100 percent of the flows originating from Subasin 2. The storm drain system in Paseo Verde Road will convey the flows from subasin 2, 3, 4, and 5 south to the existing detention pond facility that was constructed as part of the Vista Del Norte backbone infrastructure (City Project No. 5970.81). Flows from Subasin 1 located in Santa Elena Street are conveyed south and discharge into the existing storm sewer through a Double Type 'A' inlet located at the south end of the stub road. Sump inlet calculations and the preliminary storm drain design can be found in Appendix C. According to parsons Brinkerhoff's Drainage Report the maximum water surface elevation in the pond is 21.49'. Using this as the initial condition "worst case" HGL , the water surface elevation at the grates is just below top of curb. Assuming top of pipe at the outfall as the initial condition (19.0') the maximum water surface elevation is below the grates. Pertinent information from the approved Vista Del Norte Master Drainage Plan prepared by Parsons-Brinkerhoff can be found in Appendix D. Summary of Street Capacities can be found in Table 1.



6.04 acres	20.5 cfs
4.10 acres	13.9 cfs
1.55 acres	5.3 cfs
2.10 acres	7.1 cfs
6.31 acres	21.3 cfs
20.1 acres	68.1 cfs

EXHIBIT 1

MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
P.O. BOX 90606
ALBUQUERQUE, NEW MEXICO 87199
(505) 828-2200, FAX (505) 797-9539

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
ENGINEERING DEVELOPMENT GROUP

"THE ESTATES" AT VISTA DEL NORTE
SUB BASIN BOUNDARIES

DESIGN REVIEW COMMITTEE	CITY ENGINEER APPROVAL	LAST DESIGN UPDATE	MO./DAY/YR.	MO./DAY/YR.

CITY PROJECT NO.	ZONE MAP NO.	SHEET OF
	D16	1 1

DLH

"THE ESTATES" AT VISTA DEL NORTE

TABLE 1: SUMMARY OF STREET CAPACITY CALCULATIONS

LOCATION	CURB	CROWN	WIDTH	SLOPE %	Q_{100} cfs	DEPTH ft	EG ft
BOSQUE ROAD	MTB	Y	32'FF	0.550	11.0	0.33	0.39
SANTA MARISA STREET	MTB	Y	32'FF	0.666	12.0	0.33	0.40
SANTA ELENA STREET	MTB	N-1.0%	32'FF	1.041	11.0	0.33	0.43
SANTA MARISA STREET	STD	Y	32'FF	0.666	13.9	0.43	0.51
PASEO VERDE ROAD WEST	STD	Y	32' FF	0.550	28.4	0.55	0.68
SANTA ELENA STREET	STD	N-2.0%	32'FF	1.041	20.5	0.57	0.75

MTB = Mountable Curb
STD = Standard Curb

f\\vistadel.-a\str.cap 3-7-00

D. Mark Goodwin & Associates, P.A.
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199
(505) 828-2200 FAX 797-9539
e-mail: dmg@swcp.com

PROJECT Tract A "The Estates"
SUBJECT Hydrology Calcs.
BY DLH DATE 10-8-99
CHECKED _____ DATE _____
SHEET ____ OF ____

$$n = \frac{59\ lots}{19.9434\ acres} = 2.958$$

Land Treatment 'D' $= 7 \times \sqrt{(2.958)^2 + (5 \times 2.958)}$

$= 33.96 \Rightarrow$ USE "D" = 34

B/C = 33/33

AHYMO SUMMARY TABLE (AHYMO194) - AMAFCA Hydrologic Model - January, 1994 RUN DATE (MON/DAY/YR) =03/03/2000
INPUT FILE = TRACTAR.DAT USER NO.= M_GOODWN.I01

COMMAND	HYDROGRAPH IDENTIFICATION	FROM ID NO.	TO ID NO.	AREA (SQ MI)	PEAK DISCHARGE (CFS)	RUNOFF VOLUME (AC-FT)	RUNOFF (INCHES)	TIME TO PEAK (HOURS)	CFS PER ACRE	NOTATION
START										TIME= .00
RAINFALL TYPE= 1										RAIN6= 2.300
COMPUTE NM HYD	100.10	-	1	.00944	20.46	.669	1.32870	1.500	3.385	PER IMP= 34.00
COMPUTE NM HYD	100.20	-	1	.00641	13.89	.454	1.32870	1.500	3.387	PER IMP= 34.00
COMPUTE NM HYD	100.30	-	1	.00242	5.26	.172	1.32870	1.500	3.393	PER IMP= 34.00
COMPUTE NM HYD	100.40	-	1	.00329	7.13	.233	1.32870	1.500	3.391	PER IMP= 34.00
COMPUTE NM HYD	100.50	-	1	.00986	21.35	.698	1.32870	1.500	3.385	PER IMP= 34.00
FINISH										

CALCULATIONS FOR INLETS AT SUMP
for
The "Estates" at Vista Del Norte

Capacity is measured by the weir equation at the lip of the gutter assuming an allowable ponding elevation equal to the lowest adjacent right of way elevation. The length of the double grate facing the street is 6.5' and the maximum depth is 0.725' at the lip of the gutter. The sides are each 2' long and the average depth is 0.892'. These depths assume an 8" curb with right of way 9' behind the curb for an additional depth of 0.18' above the top of curb. From the weir equation:

*Front Q cap = (3.0) x (6.5') x (0.725) **1.5 = 12.04 cfs*

*Sides Q cap = (3.0) x (4.0') x (0.892) **1.5 = 10.11 cfs*

Total Q cap = 12.04 cfs + 10.11 cfs = 22.15 cfs

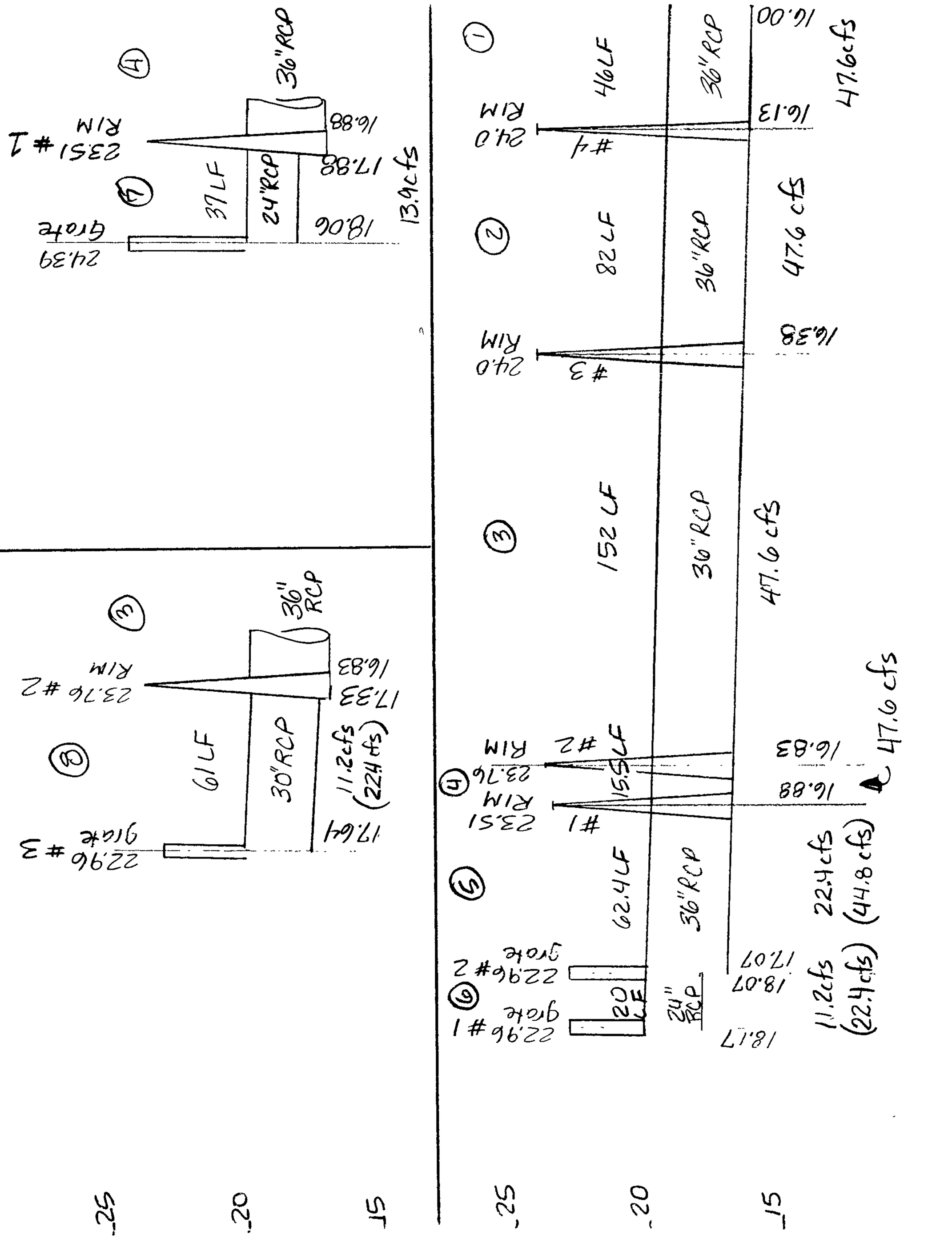
The 100 year flow to the sump for this project is 33.7 cfs. Since there is no overflow to the detention pond to the south, the sump inlets are designed to intercept 2 times the peak 100 year flow rate which is 67.4 cfs. Three sumps, two on north and one on the south side of the street will have a combined capacity of 66.45 cfs which is approximately (1.98) twice the peak 100 year discharge reaching the sump inlets.

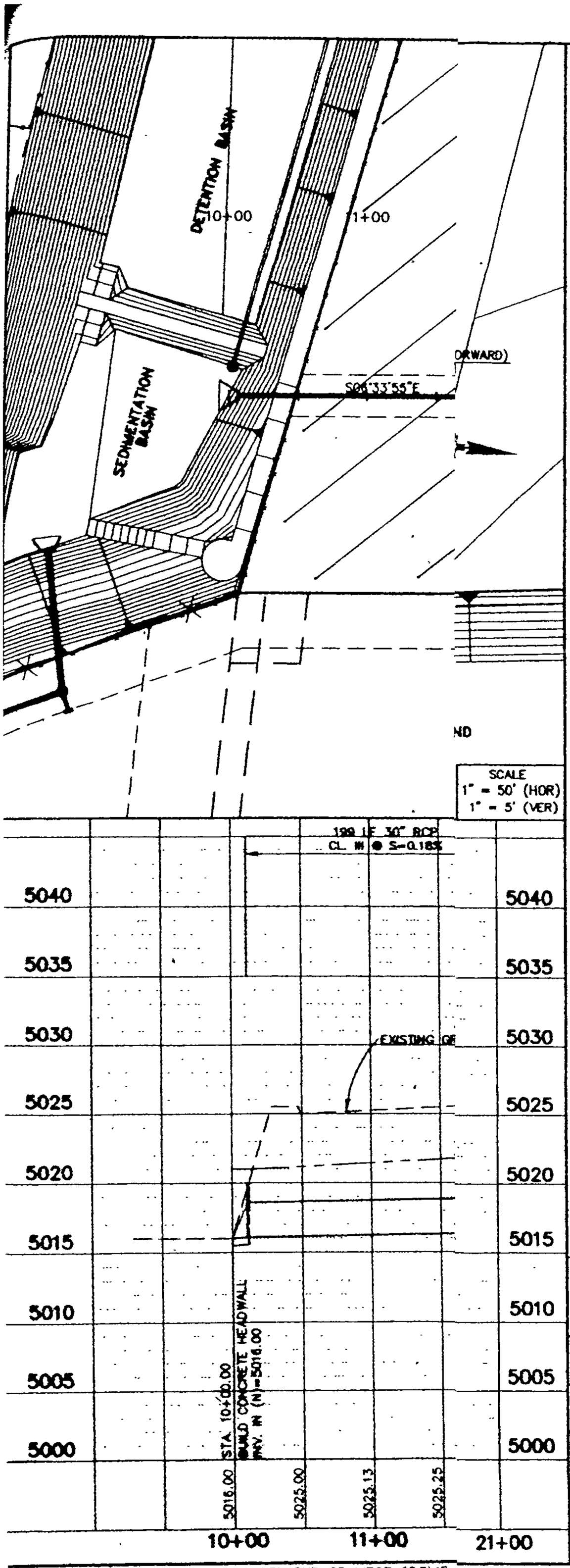
3-8-00

D. Mark Goodwin & Associates, P.A.
Consulting Engineers

P.O. BOX 90606, ALBUQUERQUE, NM 87199
(505) 828-2200 FAX 797-9539
e-mail: dmg@swcp.com

PROJECT The Estates @ Vista Del Norte
SUBJECT Storm Drain Schematic
BY DLH DATE 3-7-00
CHECKED _____ DATE _____
SHEET ____ OF ____





STORM DRAIN NOTES

1.) STATIONING ALONG ℄ OF STREET UNLESS OTHERWISE NOTED.

2.) SLOPES ARE COMPUTED INVERT TO INVERT. M/H RIM ELEVATIONS GIVEN ARE APPROXIMATE. CONTRACTOR SHALL ADJUST ALL RIMS TO FINAL GRADE.

3.) DISTANCES ARE FROM CENTER OF MANHOLE TO CENTER OF MANHOLE.

4.) CONTRACTOR IS RESPONSIBLE FOR COORDINATION WITH UTILITY COMPANIES.

5.) CONTRACTOR SHALL VERIFY ALL EXISITING UTILITIES AND UTILITY CONNECTIONS PRIOR TO BEGINNING CONSTRUCTION. SHOULD A CONFLICT EXIST OR DESIGN REVISIONS BE REQUIRED FOR ANY REASON, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND ALLOW SUFFICIENT TIME FOR DESIGN REVISIONS SO AS TO NOT DELAY THE CONSTRUCTION SCHEDULE.

LEGEND

- CENTERLINE OF STREET
- EXISTING CURB & GUTTER
- PROPOSED STANDARD CURB & GUTTER
- PROPOSED MEDIAN CURB & GUTTER
- PROPOSED CONCRETE VALLEY GUTTER
- PROPOSED MANHOLE
- EXISTING MANHOLE
- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- PROPOSED STORM INLET
- PROPOSED FIRE HYDRANT
- EXISTING GATE VALVE
- PROPOSED GATE VALVE

PB Parsons Brinckerhoff

AS BUILT INFORMATION
CONTRACTOR
WORK STAKED BY — DATE
INSPECTOR'S ACCEPTANCE BY — DATE
FIELD VERIFICATION BY — DATE
DRAWING CORRECTED BY — DATE
MICRO-FILM INFORMATION
RECORDED BY — DATE
NO.

BENCH MARKS
CONTROL STATION DATA:
THE STATION MARK IS A STANDARD BRASS TABLET (AN AFCA RIGHT-OF-WAY MARKER) STAMPED "AAA-8" LOCATED 5.8 MILES NORTHEAST OF DOWNTOWN ALBUQUERQUE, ON THE WEST SIDE OF THE NORTH DIVERSION CHANNEL, ABOUT 0.5 MILES NORTH OF OSUNA ROAD.
X= 383,902.61 Y= 1,513,713.15
TRIGONOMETRIC ELEVATION 5073.8

SURVEY INFORMATION
FIELD NOTES
NO. | BY | DATE

ENGINEER'S SEAL

NO.	DATE	REMARKS	BY

DESIGNED BY — DATE
DRAWN BY — DATE
CHECKED BY — DATE

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

WEST STORM DRAIN PLAN & PROFILE
VISTA DEL NORTE UNIT 1

CITY ENGINEER APPROVAL
DEC 15 1998
DRAINAGE REVIEW CONCURRENCE

City Project No.	Zone Map No.	Sheet	Of
5970.81	D-16-Z & E-16-Z	46	87

E:\VISTA-DEL-NORTE\DRAWINGS\65%\PNP\SD-WEST-02.DWG

26.25	3.45	5019.21	3.876	5.91
26.50	3.39	5019.18	3.825	5.84
26.75	3.33	5019.15	3.775	5.77
27.00	3.28	5019.11	3.725	5.70
27.25	3.23	5019.08	3.675	5.63
27.50	3.18	5019.05	3.625	5.57
27.75	3.13	5019.01	3.576	5.50

TIME (HRS)	INFLOW (CFS)	ELEV (FEET)	VOLUME (AC-FT)	OUTFLOW (CFS)
28.00	3.08	5018.98	3.527	5.43
28.25	3.03	5018.95	3.479	5.37
28.50	2.98	5018.91	3.431	5.31
28.75	2.93	5018.88	3.383	5.25
29.00	2.89	5018.84	3.335	5.18
29.25	2.84	5018.81	3.288	5.12
29.50	2.80	5018.78	3.241	5.06
29.75	2.75	5018.74	3.194	5.00

PEAK DISCHARGE = 272.760 CFS - PEAK OCCURS AT HOUR 1.65

MAXIMUM WATER SURFACE ELEVATION = 5021.489 ← Maximum Water Surface Elevation

MAXIMUM STORAGE = 7.4443 AC-FT INCREMENTAL TIME= .050000HRS

```
*
PRINT HYD                          ID=17    CODE=1

                                        HYDROGRAPH FROM AREA   997.00


    RUNOFF VOLUME =     1.52864 INCHES     =      31.5673 ACRE-FEET
    PEAK DISCHARGE RATE =     272.76 CFS  AT   1.650 HOURS   BASIN AREA =   .3872 SQ. MI.


*
DIVIDE HYD                         ID=31   Q=7.5  ID I=1   HYD NO=990
                                                    ID II=2  HYD NO=991
*
PRINT HYD                          ID=1     CODE=1

                                        HYDROGRAPH FROM AREA   990.00


    RUNOFF VOLUME =     1.68131 INCHES     =      14.8067 ACRE-FEET
    PEAK DISCHARGE RATE =       7.50 CFS  AT   1.250 HOURS   BASIN AREA =   .1651 SQ. MI.


*
PRINT HYD                          ID=2     CODE=1

                                        HYDROGRAPH FROM AREA   991.00


    RUNOFF VOLUME =     1.68131 INCHES     =      19.9132 ACRE-FEET
    PEAK DISCHARGE RATE =     464.45 CFS  AT   1.500 HOURS   BASIN AREA =   .2221 SQ. MI.


*
*
*   ROUTE HYD NO. 997.2 OVER WEIR TO ATHLETIC FIELD ONE POND
*
*S ** Athletic Field #1 **
ROUTE RESERVOIR     ID=15     HYD NO=997.4    INFLOW ID=2      CODE=5
                               OUTFLOW(CFS)    STORAGE(AC FT)    DEPTH(FT)
```

Cherne, Curtis

From: Cherne, Curtis
Sent: Friday, September 30, 2011 1:42 PM
To: Curran, Kevin J.
Subject: RE: 1031 Santa Rachel

Kevin,
I disagree.
This is not the first home to have settling problems.

Curtis

From: Curran, Kevin J.
Sent: Friday, September 30, 2011 12:50 PM
To: Cherne, Curtis
Cc: Dourte, Richard H.
Subject: FW: 1031 Santa Rachel

Curtis,

What do you guys think of Rolands prognosis?

Kevin J. Curran
Assistant City Attorney
t 505-768-4657
f-505-768-4525

Kcurran@cabq.gov

From: Penttila, Roland V.
Sent: Thursday, September 29, 2011 5:01 PM
To: Curran, Kevin J.
Subject: RE: 1031 Santa Rachel

Not really. The properties west of, and north of, his lot are private. To make it more complicated, they are in the County.

Solutions are:

1. to inject material deep underground to raise the fill under the houses to the original grade. I believe that was rejected due to cost. Wilfred Gallegos may have those costs.
2. to install inlets, pipe and manholes to drain this low area of the development about 850 feet to an existing system. I think I told Melissa that this would cost about $250k

3. buy his property and turn it into a pond. However, it is possible that this may further exacerbate the collapsible soils in this area and cause further damage to surrounding homes.

forwarded by:
Roland Penttila, P.E.
Manager, Storm Drainage Design Section
Engineering Division; City of Albuquerque
768-2778

From: Curran, Kevin J.
Sent: Thursday, September 29, 2011 4:29 PM
To: Penttila, Roland V.; Cherne, Curtis
Cc: Dourte, Richard H.; Lozoya, Melissa R.
Subject: RE: 1031 Santa Rachel

Roland,

Risk determined the claim was not compensable. The owner is now contemplating filing suit. His attorney called to suggest an easement be granted along the side of the lot to convey the water thru the lot instead of ponding on the front of the lot. Does this have any legs?

Kevin J. Curran
Assistant City Attorney
t 505-768-4657
f-505-768-4525

Kcurran@cabq.gov

From: Penttila, Roland V.
Sent: Thursday, September 29, 2011 11:21 AM
To: Curran, Kevin J.; Cherne, Curtis
Cc: Dourte, Richard H.; Lozoya, Melissa R.
Subject: RE: 1031 Santa Rachel

I have most of the information for this site. Kevin, you can call me for a briefing. Have you talked to the Risk Management group? The last meeting we had on this subject was with them. I wondered what the status had become after that meeting (about 2 months ago).

forwarded by:
Roland Penttila, P.E.

Manager, Storm Drainage Design Section
Engineering Division; City of Albuquerque
768-2778

From: Curran, Kevin J.
Sent: Thursday, September 29, 2011 10:53 AM
To: Cherne, Curtis
Cc: Penttila, Roland V.; Dourte, Richard H.
Subject: FW: 1031 Santa Rachel
Importance: High

Curtis,

Are you aware of the drainage issue at this address?

Kevin J. Curran
Assistant City Attorney
t 505-768-4657
f-505-768-4525

Kcurran@cabq.gov

From: Jerry Dixon [mailto:JDixon@DSBLAW.COM]
Sent: Wednesday, September 28, 2011 9:53 PM
To: Curran, Kevin J.
Cc: Debbie Hogan
Subject: 1031 Santa Rachel
Importance: High

Kevin

I am writing to follow-up on our conversation last week regarding the referenced address. Have you had an opportunity to meet with the appropriate personnel to proceed with discussions toward resolution of the drainage issues in the street which are causing problems to my client's residence? We would like to meet with you and other City personnel to work toward resolution as soon as reasonably possible. Thank you

Best Regards,
Jerry Dixon
Dixon, Scholl & Bailey, P.A.
707 Broadway, NE, Suite 505
Albuquerque, New Mexico 87102
Telephone: 505-244-3890
Fax: 505-244-3889
Email: jdixon@dsblaw.com

9-20-11 e-mail re property

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

HYDROLOGY DEVELOPMENT SECTION
DEVELOPMENT REVIEW BOARD MEMO

DRB PROJECT NO: 1009178

AGENDA ITEM NO: 8

SUBJECT:

Preliminary Plat approval

ENGINEERING COMMENTS:

Hydrology met with the Wilson & Company and COA Storm Drain Maintenance to discuss storm drain easements in SAD 228. Hydrology is awaiting a response from storm drain maintenance concerning this request.

The storm drain easement should be exclusive and south of the PUE.

Per the construction plans, the easement for the storm drain is to flare out at the west end of Lot 6 as the storm drain turns south.

The applicant should request a Bulk Land Variance for Lot 31-A and an Infrastructure List will be required for this platting action.

RESOLUTION/COMMENTS:

SIGNED:
Curtis Cherne
Hydrology Section
City Engineer Designee
AMAFCA Designee
924-3986

DATE: 1-9-13

Biazar, Shahab

From: Cherne, Curtis
Sent: Thursday, September 25, 2014 8:01 AM
To: Biazar, Shahab
Subject: FW: 1031 Santa Rachel

FYI

From: Penttila, Roland V.
Sent: Thursday, September 29, 2011 11:21 AM
To: Curran, Kevin J.; Cherne, Curtis
Cc: Dourte, Richard H.; Lozoya, Melissa R.
Subject: RE: 1031 Santa Rachel

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Best Regards,
Jerry Dixon
Dixon, Scholl & Bailey, P.A.
707 Broadway, NE, Suite 505
Albuquerque, New Mexico 87102
Telephone: 505-244-3890
Fax: 505-244-3889
Email: jdixon@dsblaw.com