

CITY OF ALBUQUERQUE



December 21, 2006

Mr. Jeff Wooten, P.E.
WOOTEN ENGINEERING
5017 Sanbusco Drive NE
Rio Rancho, NM 871044

**Re: GOODMAN REALTY GROUP – FOREST SERVICE BUILDING
EXTERIOR – SUN HEALTHCARE PARKING FACILITY ADDN.
5141 Masthead NE
Approval of Permanent Certificate of Occupancy (C.O.)
Engineer's Stamp dated 09/21/2006 (D-17/D84)
Certification dated 12/21/2006**

Dear Ron:

Based upon the information provided in your submittal received 12/21/2006, the above referenced certification is approved for release of Permanent Certificate of Occupancy by Hydrology.

If you have any questions, you can contact me at 924-3982.

Sincerely,

Arlene V. Portillo
Plan Reviewer, Planning Dept. - Hydrology
Development and Building Services

C: C.O. Clerk
File

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

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Danny Hernandez - Vice Chair
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Janet Sayers - 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

September 22, 2006

D-17/D84

Mr. Jim Dobbie
Goodman Realty Group
101 B Sun Ave. NE, Ste. 300
Albuquerque, NM 87109

Re: Private Storm Drain License for Connection to North Pino Arroyo to Serve
Forest Service Building, ZAP D-17

Dear Mr. Dobbie:

The AMAFCA Board of Directors approved the referenced license at the September 21 meeting. Attached is the original document signed by John Kelly, AMAFCA Executive Engineer. Please sign, notarize, make a copy for your records, and return the original to our office.

If you have any questions, please call me at 884-2215.

Sincerely,
AMAFCA

Lynn M. Mazur, P.E., C.F.M.
Development Review Engineer

Enclosure

ZAP D-17

**PRIVATE LICENSE AGREEMENT
FOR STORM DRAIN CONNECTION TO
NORTH PINO ARROYO IN JOURNAL CENTER**

THIS LICENSE AGREEMENT is made and entered into this _____ day of _____, 2006, by and between the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY ("AMAFCA"), a political subdivision of the State of New Mexico, and Sun Center LLC, a New Mexico Limited Liability Company ("LICENSEE"), henceforth collectively referred to as the "PARTIES".

WHEREAS, AMAFCA is the fee simple owner of Drainage Right-of-Way ("R/W") on the North Pino Arroyo, ("Arroyo"), as shown on the Replat of the Journal Center, recorded in the Office of the County Clerk of Bernalillo County, New Mexico, in Volume C21, Folio 126, on June 30, 1983, and

WHEREAS, the LICENSEE, as part of the Grading and Drainage Plan for the new Forest Service Building in the Journal Center, will construct a twelve-inch reinforced concrete storm drain pipe ("PIPE") within AMAFCA's R/W, and

WHEREAS, the LICENSEE will agree to operate and maintain the PIPE after construction.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged:

AMAFCA hereby grants to LICENSEE, or its successors and assigns, a License to construct, operate and maintain the PIPE within the R/W, as shown on the attached Exhibit "A", together with full and free ingress thereto, upon the following terms and conditions:

1. LICENSEE shall obtain AMAFCA's prior written approval for the following:

a. All changes to the construction drawings for installation of the Facilities. The drawings, as approved with an Engineer's stamp dated August 10, 2006, shall be used.

b. All future repairs, modifications, removal, or other activities affecting the PIPE.

2. All construction activities by LICENSEE and operation, maintenance, repair, relocation or removal of the PIPE by LICENSEE shall be accomplished at the sole expense of LICENSEE and shall be done in such a manner as will not damage or interfere with the operation and maintenance of AMAFCA's flood control facilities. Any existing AMAFCA fencing or survey monuments that are moved or destroyed as a result of the actions permitted by this License shall be replaced by a registered surveyor at the expense of LICENSEE.

3. LICENSEE or its contractor shall notify the AMAFCA Field Engineer by phone call to 884-2215 in writing by facsimile to 884-0214 at least 48 hours prior to beginning work on or in AMAFCA's R/W.

4. LICENSEE shall be responsible for all damages within AMAFCA's R/W caused by the construction activities. To ensure repair of such damages, LICENSEE shall require its contractor to provide Liability Insurance in the amount of \$2,000,000.00, naming AMAFCA as additional insured. Evidence of said insurance shall be provided to AMAFCA prior to construction.

5. Construction by LICENSEE'S contractor within AMAFCA's R/W, as well as any impairment to the flood-carrying ability of the Arroyo, shall last no longer than ten (10) days and shall be restricted to the period between October 15 and June 15, unless written permission is received from the AMAFCA Executive Engineer or his representative. At all other times, the Arroyo shall be in original or final condition, and excavations and other land alterations shall be returned to their original contours and compacted condition.

6. All construction by LICENSEE's contractor and materials within the limits of AMAFCA's R/W shall be subject to inspection by AMAFCA's Field Engineer or his representative. Any AMAFCA comments shall be directed to LICENSEE's contractor.

7. Prior to acceptance by AMAFCA, AMAFCA shall have the authority to cause the installation of any of the PIPE to be stopped, or to require that the PIPE be removed by LICENSEE from AMAFCA's R/W, if the construction does not comply with the approved plans.

8. LICENSEE shall provide AMAFCA with a complete set of "as built" drawings of the PIPE within thirty (30) days of completion of work.

9. LICENSEE shall revegetate all ground area within AMAFCA's R/W disturbed by construction in accordance with City of Albuquerque Standard Specifications for Public Works Construction, Section 1012 Native Grass Seeding, as currently updated.

10. Upon completion of construction and written acceptance by AMAFCA, the LICENSEE agrees to maintain the PIPE in good operating order. If the PIPE fails or causes damage to the Arroyo, AMAFCA shall have the authority to require that the PIPE be removed by LICENSEE.

11. This License, and all rights and privileges granted herein, may be terminated by AMAFCA should LICENSEE fail to comply with the provisions of this License, fail to follow approved construction drawings, or fail to make use of the premises for the purposes stated herein.

12. This License grants LICENSEE only the right to use the easement rights owned by AMAFCA. LICENSEE shall be responsible for obtaining all permits or licenses required for

construction, operation and maintenance of the PIPE, including but not limited to, any required by the Journal Center Corporation.

13. LICENSEE shall indemnify and hold AMAFCA harmless from all claims or judgments for damages or injury to property or persons arising from the construction, operation, maintenance, relocation or removal of the PIPE and related equipment, and shall defend AMAFCA against any such claim. LICENSEE shall reimburse AMAFCA for all costs and expenses incurred by AMAFCA resulting from the installation, operation, maintenance or removal of the PIPE should such activities be required to prevent damage to AMAFCA or others. Determination of whether such damage is likely shall be by AMAFCA, which determination shall be reasonable. This agreement to indemnify shall not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of: (a) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by AMAFCA, its agents or employees; or, (b) the giving of, or the failure to give, directions or instructions by AMAFCA, its agents or employees, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

14. Each individual signing for each of the PARTIES hereunder warrants and represents that he/she is an authorized agent of such PARTY, on whose benefit he/she is executing this License, and is authorized to execute the same.

15. In the event of any litigation regarding this License, the prevailing PARTY shall be entitled to reimbursements of its costs and reasonable attorney's fees.

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

LICENSOR: AMAFCA

By: John P. Kelly
John P. Kelly, Executive Engineer
(as authorized by the AMAFCA Board of Directors
at its meeting of September 21, 2006)

LICENSEE: SUN CENTER, LLC

By: Jim Dobbie
Jim Dobbie, C.O.O.

Title: Integrated Property Services Co. Inc.
Agent for Owner

ACKNOWLEDGEMENTS

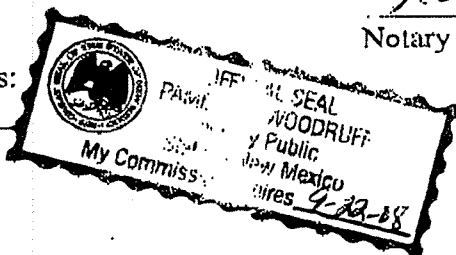
STATE OF NEW MEXICO)
) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on Sept 21, 2006 by John P. Kelly as Executive Engineer of the Albuquerque Metropolitan Arroyo Flood Control Authority, a Political Subdivision of the State of New Mexico.

Hemela S. Woodruff
Notary Public

My Commission Expires: 9-23-08



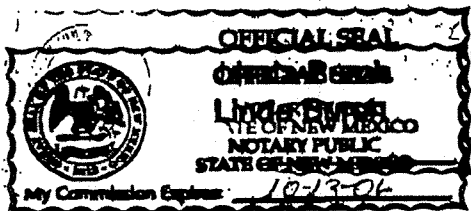
STATE OF NEW MEXICO)
) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on October 10, 2006 by Jim Dobbie as Chief operating officer of Sun Center, LLC, on behalf of said Company. Integrated Property Services Co. Inc.

Jinda Burch
Notary Public

My Commission Expires: 10-13-06





Goodman
REALTY GROUP

Tel: 505-881-0100
Fax: 505-881-0101

FACSIMILE COVER SHEET

Date: 12/21/06

To: Arlene Portillo

Company: _____

RE: AMAFCA License for 5141 Masthead

Fax No: _____

From: Judith Weinstein

Pages (including this page): 6

Message:

100 Sun Avenue NE, Suite 100 Albuquerque, New Mexico 87109
Office (505) 881-0100 * Fax (505) 881-0101

CITY OF ALBUQUERQUE



September 26, 2006

Jeffrey T. Wooten, P.E.
Wooten Engineering
5017 Sanbusco Dr. NE
Rio Rancho, NM 87144

Re: Forest Service Building Exterior, Engineer's Stamp dated 9-21-06
Lot 4AA3B of the Journal Center (D17/D84)

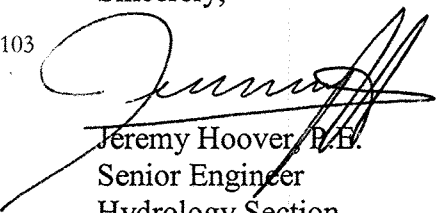
Dear Mr. Wooten,

Based on the information contained in your submittal received on September 21, 2006, the above referenced plan is approved for Building Permit, Grading Permit, and Paving Permit.

Please attach a copy of this letter to the construction sets prior to sign-off by Hydrology. Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required. As part of that certification, please include a copy of the AMAFCA License Agreement to include their concurrence with the channel connection.

If you have any questions or need additional information, feel free to contact me at 924-3990.

Sincerely,


Jeremy Hoover, P.E.
Senior Engineer
Hydrology Section
Development and Building Services

cc: file D17/D84

Lynn M. Mazur, P.E., C.F.M., AMAFCA
Bub

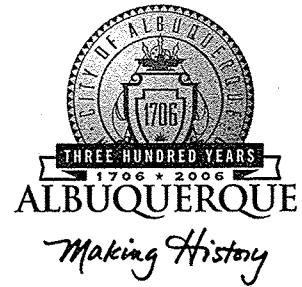
P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

CITY OF ALBUQUERQUE



November 17, 2004

Bruce Stidworthy, P.E.
Bohannon Huston, Inc.
7500 Jefferson NE – Courtyard 1
Albuquerque, NM 87109

**Re: Sun Healthcare Parking Addition, 101 Sun Avenue, Grading and
Drainage Plan
Engineer's Stamp dated 10-22-04 (D17-D84)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittal received 11-02-04, the above referenced plan is approved for Paving Permit and Grading Permit. Please attach a copy of this approved plan to the construction sets prior to sign-off by Hydrology.

A separate permit (SO#19) is required for construction within City Right of Way. A copy of this approval letter must be on hand when applying for the excavation permit. Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit. If you have any questions regarding this permit please feel free to call the DMD Storm Drainage Design section at 768-3654 (Charles Caruso).

If you have any questions, you can contact me at 924-3981.

Sincerely,

Kristal D. Metro
Engineering Associate, Planning Dept.
Development and Building Services

C: Matt Cline, Arroyo Maintenance
Pam Lujan, Excavation Permits
Charles Caruso, DMD Storm Drainage Design
File



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 2, 2002

Bruce J. Stidworthy, PE
Bohannon Huston, Inc.
7500 Jefferson NE-Courtyard 1
Albuquerque, NM 87109

**Re: Sun Health Care parking Facilities Grading and Drainage Plan
Engineer's Stamp Dated 3-28-02, (D17/D84)**

Dear Mr. Stidworthy,

Based on the information contained in your submittal dated 3-29-02, the above referenced plan is approved for Site Plan for Building Permit Action by the DRB.

If you have any questions, you can contact me at 924-3982.

Sincerely,

Carlos A. Montoya, PE
City Floodplain Administrator, PWD
Development and Building Services

C: Terri Martin, Hydrology
File (2)