HYDROLOGY E19/D25A 4 PLANS

E19/D25a

4 Plans

6/21/87
Rec'd

AGREEMENT

This agreement, between the City of Albuquerque, New Mexico, a municipal corporation ("City") and Wyo-San Partnership, a New Mexico general partnership, formerly Wyoming Land Investors ("Owner"), is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this agreement.

1. Recital.

A. Owner owns certain real property ("Owner's Property") located at 7007 Wyoming Boulevard, N.E., in Albuquerque, New Mexico, and more particularly described as:

Tract C-2 of the plat of Academy Acres Unit 17, recorded March 26, 1985 in the records of Bernalillo County, New Mexico.

B. The City is in the process of widening and improving Wyoming Boulevard, N.E., which abuts Owner's property on the east. The Owner understands and agrees that the widening of Wyoming Boulevard and related construction, including the grading on Owner's Property and the resulting improved street, will benefit the Owner and Owner's Property.

2. Grant of Temporary Construction Easement.

A. The Owner grants to the City a temporary easement ("Temporary Easement") in, over, upon and across the Owner's Property for construction of Wyoming Boulevard, N.E., including, but not limited to grading on Owner's Property. The Temporary Easement is more particularly described in the attached Exhibit A. During the term of the Temporary Easement, the City shall have the right to enter upon the Temporary Easement at any time for inspection, installation, maintenance, repair or modification, and the right to remove trees, bushes, undergrowth and any other obstacles if the City determines they interfere with the appropriate use of the Temporary Easement.

B. Owner states that it is the Owner in fee simple of Owner's Property and that it has a good, lawful right to convey the Owner's Property or any part thereof.

C. The grant of the temporary construction easement and all provisions of this section 2 constitute covenants running with the land for the benefit of the City and it's successors and assigns until terminated.

D. This Temporary Easement shall remain in effect until twelve months after the date of final execution of this agreement ("Termination"). Upon Termination and demand by the Owner, the City will execute and deliver to the Owner a release of this Temporary Easement.

E. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the City agrees to save the Owner harmless from any and all liability arising from the City's negligent use of the Temporary Easement for the purposes set forth herein. The City does not agree to save Owner harmless from any liability which may arise from the Owner's use of the Temporary Easement and Owner's Property.

3. Grading on Owner's Property and Release.

A. The Owner understands and agrees that the City's use of the Temporary Easement shall include grading within the area of the Temporary Easement, which will result in the final contours indicated on the attached Exhibit B, and that, following Termination of the Temporary Easement, the City will leave a portion of the Owner's Property within the Temporary Easement in a different configuration than existed before construction by the City. The Owner agrees to the grading if the City leaves the graded area in a smooth condition upon Termination of the Temporary Easement.

B. The Owner also agrees that, within the Temporary Easement area, the Owner may not alter the final graded configuration of the grading performed by the City or build structures upon the graded area without providing adequate support for Wyoming Boulevard and abutting public infrastructure and meeting all City requirements.

C. The Owner acknowledges that within the Temporary Easement area, the Owner's Property will benefit from the improvements to Wyoming Boulevard and the grading to be performed by the City, and the Owner waives any and all claims against the City for damages or compensation which result from the City's non-negligent exercise of the rights granted in this agreement, and specifically waives all claims relating to the permanent changes in the contour within the Temporary Easement area which are the result of the grading performed by the City, if the resulting contour is as shown on the attached Exhibit B.

4. Indemnification. As part of the consideration for this agreement, the City agrees to defend, indemnify and hold the Owner harmless from and against any and all claims, actions, suits or proceedings of any kind brought against the Owner by any individual or entity not a party to this agreement, arising from or out of the City's negligent performance under this agreement.

5. Binding on Successors. The Owner agrees for itself and its successors in interest that it has received valuable consideration for all rights granted in this agreement, and that the rights granted are not gifts or donations.

6. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Wyo-San Partnership
3811 Atrisco, N.W.
Albuquerque, New Mexico 87120

For purposes of giving formal, written notice to the City, the City's address is:

Mayor
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Copies of any notices to the City must also be give to:

City Engineer
P.O. Box 1293
Albuquerque, New Mexico 87103

Written notice must be made either personally or by regular Untied States Mail. If the notice is mailed, the notice will be complete when deposited in the United States mail, postage paid, and addressed as required in this section.

7. Entire Agreement. This agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

8. Changes to Agreement. Changes to this agreement are not binding unless made in writing, signed by both parties.

9. Construction and Severability. If any part of this agreement is held to be invalid or unenforceable, such holding will not affect the validity of enforceability of any other part of this agreement as long as the remainder of the agreement is reasonably capable of completion.

CITY OF ALBUQUERQUE

_____
Chief Administrative Officer

Dated: _____

Approved By: _____

_____
City Engineer

Dated: _____

OWNER:

By: _____

Its: _____

Dated: _____

(EXHIBIT "A" AND "B" ATTACHED)

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by _____, (Title:) _____ of Wyo-San Partnership, on behalf of the partnership.

_____
Notary Public

My Commission Expires:
_____

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by Gene Romo, Chief Administrative Officer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

_____
Notary Public

My Commission Expires:
_____

EXHIBIT "A"

Construction and Slope Easement

Pino Arroyo Corridor Improvements

City of Albuquerque Project No. 2151

Sheet 1 of 2

Description

A certain tract of land situate within Section 30, Township 11 North, Range 4 East, N.M.P.M., as projected within the Elena Gallegos Grant, Bernalillo County, New Mexico, being and comprising a portion of Tract C-2 of ACADEMY ACRES UNIT 17 as the same is shown and designated on the Subdivision Plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on March 26, 1985, and being more particularly described as follows:

Beginning at the southeast corner of the tract herein described, a point common to the southeast corner of said Tract C-2; thence,

N 89°55'05" W, 25.08 feet along the south line of said Tract C-2 to the southwest corner of the tract herein described; thence,

N 01°18'20" E, 99.98 feet to a point; thence,

S 89°55'05" E, 5.00 feet to a point; thence,

N 00°04'55" E, 208.47 feet to a point on curve; thence,

Southeasterly, 34.24 feet along the arc of a curve bearing to the right having a radius of 25.00 feet and a chord which bears S 39°08'58" E, 31.62 feet to a point of tangency on the westerly right-of-way line of Wyoming Blvd. NE; thence,

S 00°04'55" W, 212.38 feet along the said westerly line of Wyoming Blvd. NE to a point of curvature; thence,

Southwesterly, 71.60 feet along the arc of a curve bearing to the right having a radius of 1,247.00 feet and a chord which bears S 01°43'37" W, 71.59 feet to the southeast corner and point of beginning of the tract herein described, containing 0.1516 acres (6,603 sq. ft.), more or less.

Note: Bearings are referenced to the New Mexico State Plane Grid.

SURVEYOR'S CERTIFICATE

I, GAYLE D. JEWELL, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED UNDER MY SUPERVISION AND DIRECTIONS, AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR STATE OF NEW MEXICO No. 4071 GAYLE JEWELL

Gayle D. Jewell

GAYLE D. JEWELL, L.S. NO. 4071

06-01-87

DATE

ANDREWS, ASBURY & ROBERT, INC.
CONSULTING ENGINEERS
ALBUQUERQUE NEW MEXICO

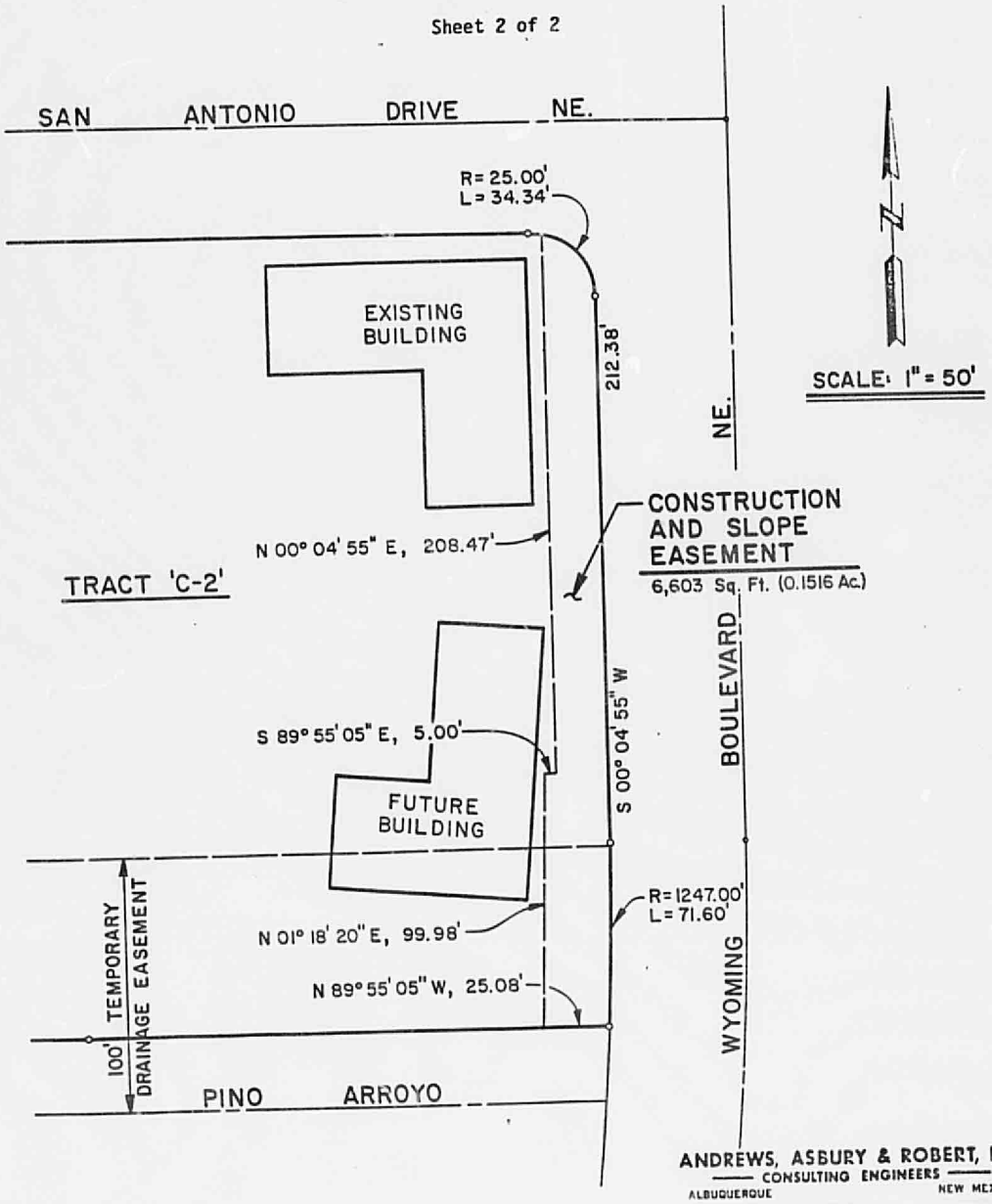
EXHIBIT "A"

Construction and Slope Easement

Pino Arroyo Corridor Improvements

City of Albuquerque Project No. 2151

Sheet 2 of 2



ANDREWS, ASBURY & ROBERT, INC.
CONSULTING ENGINEERS
ALBUQUERQUE NEW MEXICO

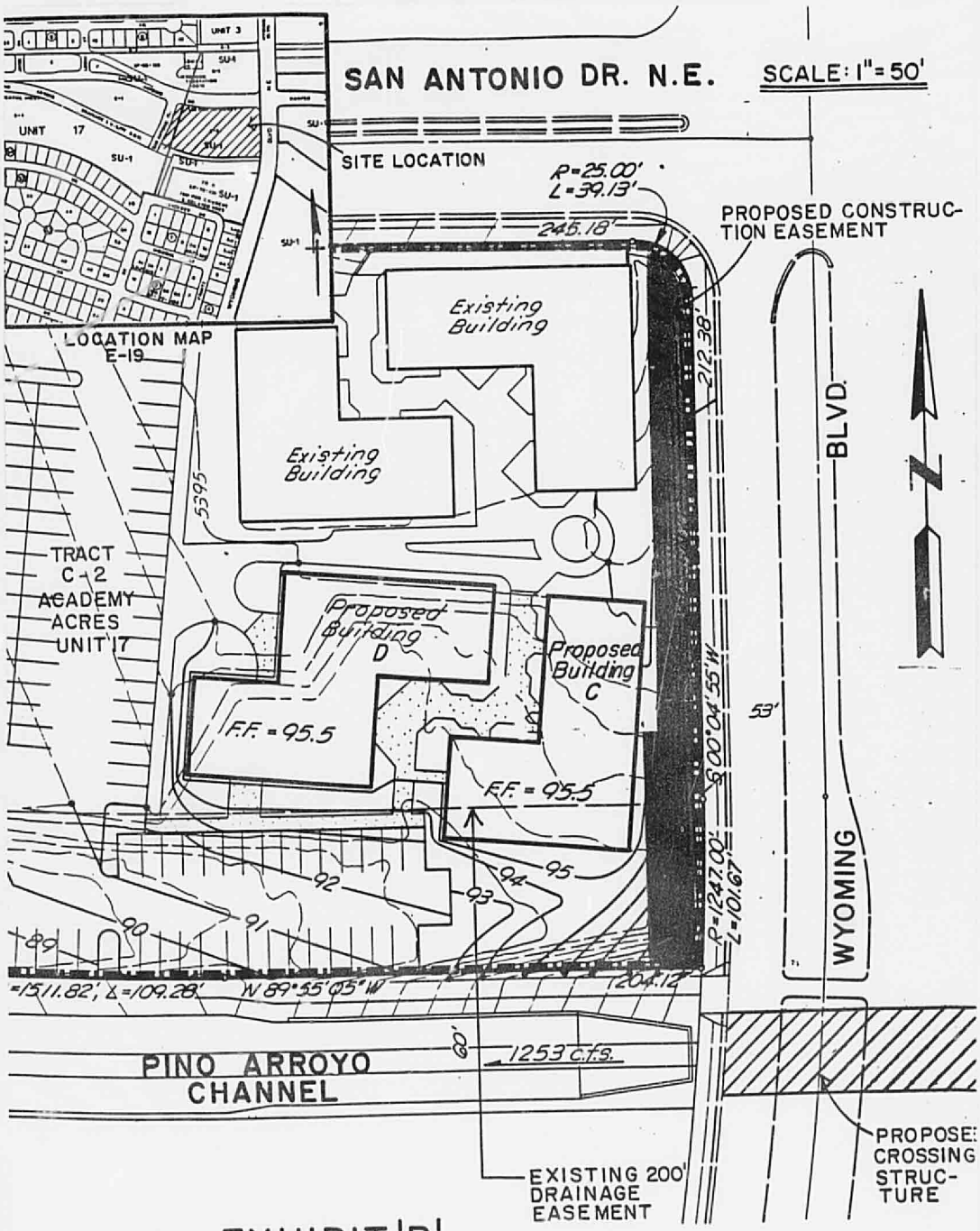

SAN ANTONIO DR. N.E.
SCALE: 1"=50'
SITE LOCATION
LOCATION MAP
E-19
UNIT 3
UNIT 17
SU-1
R=25.00'
L=39.13'
245.18'
PROPOSED CONSTRUCTION EASEMENT
Existing Building
Existing Building
212.38'
BLVD.
WYOMING
N
5395
TRACT
C-2
ACADEMY
ACRES
UNIT 17
Proposed Building D
Proposed Building C
F.F. = 95.5
F.F. = 95.5
53'
S00°04'55"W
P=1247.00'
L=101.67'
92
93
94
95
91
90
89
=1511.82', L=109.28'
W 89°55'05"W
204.12'
60'
1253 c.f.s.
PINO ARROYO
CHANNEL
EXISTING 200' DRAINAGE EASEMENT
PROPOSED CROSSING STRUCTURE

EXHIBIT 'B'

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

July 6, 1987

Jim Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE & GRADING PLAN FOR WYOMING OFFICE PARK PHASE I
(E-19/D25A) RECEIVED JUNE 5, 1987

Dear Mr. Millington:

The above referenced plan, dated June 5, 1987, is approved for Certificate of Occupancy release.

If you should have any questions regarding this project, please call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

Rec'd 6/21/87

AGREEMENT AND RELEASE

This Agreement, between the City of Albuquerque, New Mexico, a municipal corporation ("City"), and Wyo-San Partnership, a New Mexico general partnership ("Owner"), formerly Wyoming Land Investors, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

1. Recital. The Owner is the owner of certain real property ("Owner's Property") located at 7007 Wyoming Blvd., N.E., in Albuquerque, New Mexico, and more particularly described as:

> Tract C-2 of Academy Acres Unit 17, recorded on March 26, 1985 in book C26, Folio 162 of the records of Bernalillo County, New Mexico.

On February 26, 1978 an easement for storm water diversion ("Drainage Easement") was granted to the City and was recorded on March 11, 1976, in Book Misc. Vol. 467 at pages 167 to 169 of the records of Bernalillo County, New Mexico.

The Owner has asked the City to issue a building permit so the Owner can construct commercial buildings, parking lot and related features as shown on the attached Exhibit A ("Structures") on the Owner's property, partially within the Drainage Easement granted to the City. However, the City has not completed the channelization of the Pino Arroyo in the vicinity and cannot vacate the Drainage Easement prior to completion of the channel.

Therefore the parties agree to the following.

2. Issuance of Building Permit. If the Owner meets all other requirements for issuance of a building permit and meets the terms of this Agreement and Release, the City will issue the "Building Permit" and the Owner may begin construction of the Phase II Structures as identified in City Drainage File E19/D25A ("Drainage File").

3. Diversion Structures.

A. If the City has determined that construction of the Pino Channel between the east right-of-way of San Antonio Place N.E. and 600' east of the east right-of-way of Wyoming Blvd. N.E., including the Wyoming crossing structure, is

complete by the time the Building Permit is issued and the Owner is ready to begin construction of the Structures, the Owner may begin construction, and Section 3B below is inapplicable.

B. If the requirements of Section 3A have not been met by the time the Building Permit is issued and the Owner is ready to begin construction of the Structures, the temporary flood-proofing requirements detailed in the Drainage File must be completed and approved by the City before construction of the Structures can begin. The temporary flood-proofing requirements will be constructed by Owner, at Owner's sole expense.

4. Temporary Construction Easement. Simultaneously with this signed Agreement, the Owners also will grant to the City the temporary construction easement which is required for the construction of Wyoming Boulevard N.E. The easement will be located within the east boundary of Tract C-2 of Academy Acres Unit 17 and must be in a form which is satisfactory to the City.

5. City Use of the Drainage Easement. The City will continue to have the right to enter upon the Drainage Easement at any time for the same purposes and with the same rights and responsibilities as established in the Drainage Easement, except as prevented by the construction and existence of the Structures and as established in this Agreement.

6. Construction by Owner. The Owner will not permit the Structures to constitute a hazard to the health or safety of the general public or to interfere with the City's use of the Drainage Easement. The Owner will conform with all applicable laws, ordinances and regulations.

7. Demand for Repair, Modification or Removal. The City may send written notice ("Notice") to the Owner requiring the Owner to repair, modify, move or remove any personal property or features within the Drainage Easement which are not in approved locations or which obstruct the City's use of the Drainage Easement or the Pino Arroyo/San Antonio Corridor work, and the Owner will comply with the requirements of the Notice by the deadline stated in the Notice. The Owner will perform all required work by the deadline, at Owner's sole expense.

8. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Wyo-San Partnership
3811 Atrisco N.W.
Albuquerque, New Mexico, 87120

For purposes of giving formal written Notice to the City, the City's address is:

City Engineer
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Notice, including notice of change of address, may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received by the Owner within six (6) days after the notice is mailed if there is no actual evidence of receipt.

9. Release. Owner hereby releases the City, its officials, agents and employees from any and all claims by Owner which may arise as a direct or indirect result of Owner's presence within or construction or other activity upon the Drainage Easement.

10. Indemnification. The Owner agrees to defend, indemnify and hold harmless the City, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against such parties which may arise as a direct or indirect result of the Owner's presence within or construction or other activity upon the Drainage Easement, including, but not limited to the presence or activity of any guest, invitee, tenant, employee, agent or other member of the public.

11. Insurance. Owner shall procure or cause to be procured and shall maintain public liability insurance in the amount of not less than one million dollars ($1,000,000) combined at single limit for accidents or occurrences which cause bodily injury, death or property damage to any member of the public resulting from any condition on, or occurrence at 7007 Wyoming Blvd., N.E., Buildings C and D and all related areas within the Drainage Easement, including as the result of water or flood damage, or any condition of the Structures or the Owner's construction activities. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interests may appear, as additional insureds. The Owner shall maintain such insurance until the Drainage Easement upon which the Structures are located is vacated by the City and AMAFCA in accordance with the Subdivision Ordinance. Any cancellation provision must provide that if the policy is cancelled prior to the vacation, materially changed, or not renewed, the issuing company will mail thirty days' written notice to the City, Attention: City Engineer. The Owner shall furnish the City with a Certificate of said insurance prior to final execution of this Agreement.

12. Term. This Agreement shall continue until construction of the Pino Channel is completed and until the City Drainage Easement as shown on V87-68 is vacated by the City and AMAFCA in accordance with the Subdivision Ordinance.

13. Binding on Owner's Property. The obligations of the Owner set forth herein shall be binding upon the Owner, its assigns and successors and on Owner's Property, and constitute covenants running with Owner's Property until released by the City.

14. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

15. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

16. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

17. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

CITY OF ALBUQUERQUE

_____
Chief Administrative Officer
Dated:_____

Approved By:

_____
City Engineer

Dated:_____

OWNER:

By:_____

Its:_____

Dated:_____

EXHIBIT A ATTACHED

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 19___ by _____ [title or position:]_____ on behalf of Wyo-San Partnership.

_____
Notary Public

My commission expires:

_____

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____ _____, 19___, by Gene Romo, Chief Administrative Officer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

_____
Notary Public

My commission expires:

_____

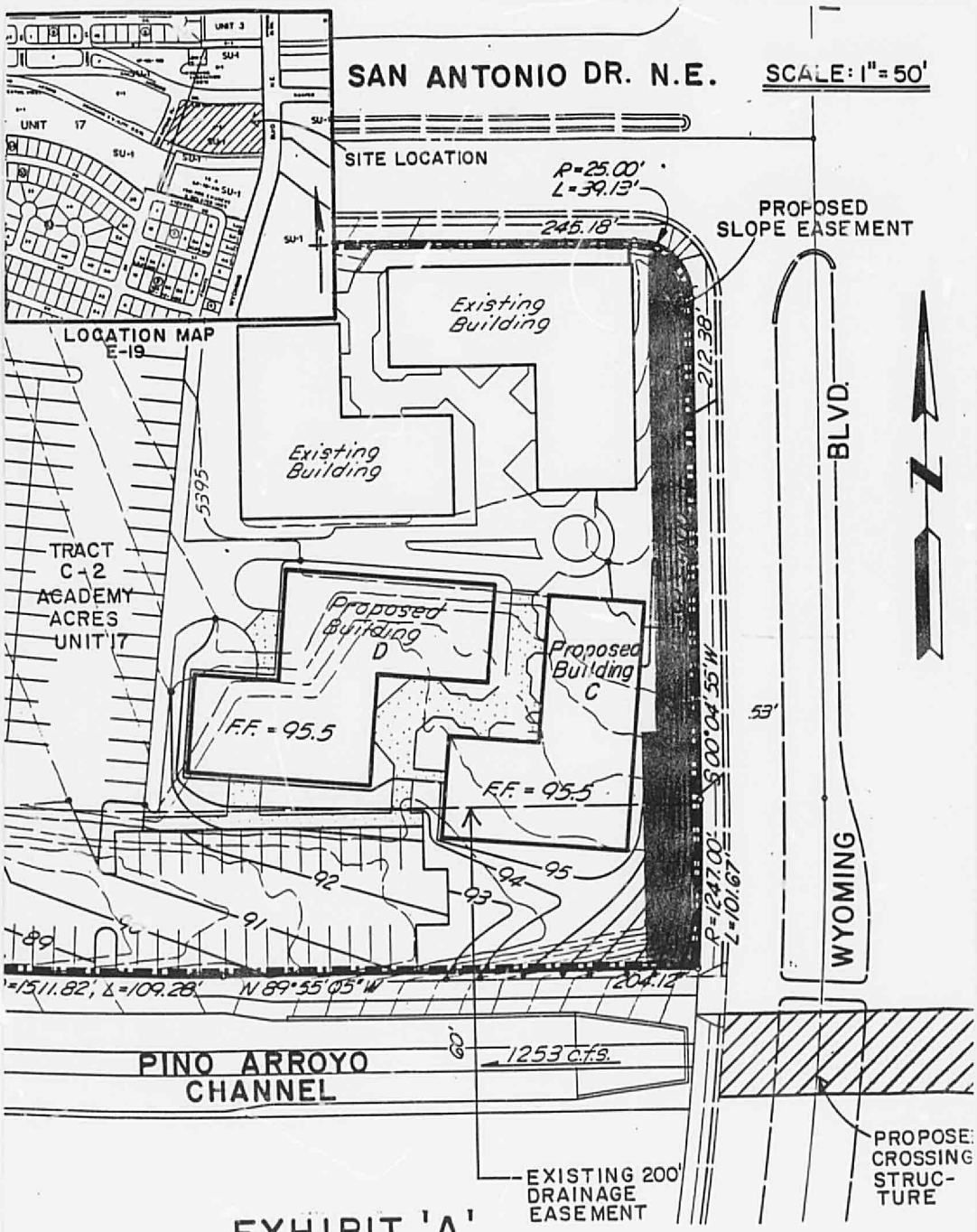

SAN ANTONIO DR. N.E.
SCALE: 1" = 50'
SITE LOCATION
LOCATION MAP
E-19
UNIT 17
UNIT 3
SU-1
R=25.00'
L=39.13'
245.18'
PROPOSED
SLOPE EASEMENT
Existing Building
Existing Building
212.38'
BLVD.
WYOMING
N
5395
TRACT
C-2
ACADEMY
ACRES
UNIT 17
Proposed Building D
Proposed Building C
F.F. = 95.5
F.F. = 95.5
53'
S00°04'55"W
P=1247.00'
L=101.67'
92
93
94
95
91
89
=1511.82', L=109.28'
N 89°55'05"W
204.12'
60'
1253 c.f.s.
PINO ARROYO
CHANNEL
EXISTING 200'
DRAINAGE
EASEMENT
PROPOSED
CROSSING
STRUCTURE

EXHIBIT 'A'

Carlos, FYI
Then file away
AJ
10/2/87

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR
KEN SCHULTZ

CHIEF ADMINISTRATIVE OFFICER
GENE ROMO

DEPUTY CAO PUBLIC SERVICES
FRANK MARTINEZ

DEPUTY CAO PLANNING/DEVELOPMENT
BILL MUELLER

RECEIVED
OCT 01 1987
HYDROLOGY SECTION

October 1, 1987

E19-D25A

Mr. Joe R. Payne
Metmor Financial, Inc.
2400 Louisiana Boulevard Northeast
Building 5, Suite 530
Albuquerque, New Mexico 87110

RE: Pino Arroyo Improvements, Project 2151

Dear Mr. Payne:

This is a follow-up to our telephone conversation concerning the reference project as it relates to Tract C-2 Academy Acres Unit 17. The reference project is substancially complete and will convey the 100 year flood past the tract of land without indangering existing or proposed structures.

For information on removing the flood plain from said lands on Federal Emergency Management Agency (FEMA) maps, please contact Fred Aguirre at 768-2650.

Sincerely,

Dan Hogan

Dan hogan, P.E., L.S.
Assistant Utility Engineer/Hydrology
Utility Design Section
Public Works Department

DH:cma

xc: Gene Leyendecker
Fred Aguirre
189

166

~~81~~

LEGAL DESCRIPTION

A TRACT OF LAND SITUATE IN BERNALILLO COUNTY, NEW MEXICO BEING AND COMPRISING A PORTION OF THE ELENA GALLEGOS GRANT, WITHIN SECTION 25 T 1N., R3E., N.M.P.M. AND SECTION 30 T.11N., R.4E., N.M.P.M. (AS PROJECTED); SAID TRACT OF LAND BEING A TWO-HUNDRED (200) FOOT WIDE EASEMENT FOR THE TEMPORARY ALIGNMENT OF ARROYO DEL PINO AND HEREIN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SAID 200 FOOT WIDE EASEMENT FROM WHICH THE NORTHEAST CORNER OF THE SAID SECTION 25 BEARS N.0°05'50"W. 250.00 FEET AND RUNNING THENCE N.89°46'20"W. 2000.00 FEET TO THE END OF THE CENTERLINE OF THIS EASEMENT; TOGETHER WITH AN ADDITIONAL EASEMENT 200 FEET IN WIDTH THE CENTERLINE OF WHICH BEGINS AT THE PREVIOUS POINT OF BEGINNING AND RUNNING THENCE S.89°46'20"E. 989.33 FEET TO A POINT OF CURVATURE AND CORNER NO. 2 OF THE EASEMENT HEREIN DESCRIBED; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1468.00 FEET THROUGH A CENTRAL ANGLE OF 36°46'20" AN ARC DISTANCE OF 942.16 FEET WHOSE CHORD BEARS S.71°23'10"E. 926.07 FEET TO A POINT OF REVERSE CURVATURE AND CORNER NO. 3 OF THE EASEMENT HEREIN DESCRIBED; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 767.16 FEET THROUGH A CENTRAL ANGLE OF 37°06' AN ARC DISTANCE OF 488.12 FEET WHOSE CHORD BEARS S.71°33' E 488.12 FEET TO A POINT OF TANGENCY AND CORNER NO. 4 OF THE EASEMENT HEREIN DESCRIBED; THENCE N.89°54'E. 258.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WYOMING BLVD. NE AND THE END OF THE CENTERLINE OF THIS EASEMENT. SAID EASEMENT CONTAINS THEREIN 21.517 ACRES, MORE OR LESS.

FOR: AMAFCA

CITY DRAINAGE ENGINEER

FEB. 26, 1976

APPROVED AS TO DESCRIPTION
Date 3-1-76
V. M. KIMMICK CITY ENGINEER

RALPH K. HICKS

NMLS NO. 3307

REGISTERED LAND SURVEYOR
STATE OF
NO. 3307
NEW MEXICO
RALPH K. H

State of New Mexico
County of Bernalillo } SS
This instrument was filed for record
on
MAR 1976
..o'clock ... recorded in Vol. Misc 466
of records of said County, folio ... 167-169
Clerk & Recorder
Deputy Clerk

Misc. 467
Folio: 167-169

Exhibit
'B'
Pg 2 of 2

~~12102~~ 76 13681

GRANT OF EASEMENT FOR STORM WATER DIVERSON ~~83~~

167

THIS INDENTURE MADE AND EXECUTED THIS 26 DAY OF FEB, 1976, BY AND BETWEEN ALBUQUERQUE NATIONAL BANK, CO-TRUSTEES UNDER A TRUST DESIGNATED AS "THE ACADEMY FOR BOYS TRUST" AS EXTABLISHED BY A TRUST INDENTURE FROM ALBERT G SIMMS TO SAID CO-TRUSTEES, AND ASSOCIATED INVESTMENT COMPANY OF EL PASO, TEXAS, IN THE COUNTY OF BERNALILLO AND STATE OF NEW MEXICO, HEREINAFTER CALLED THE GRANTORS AND THE CITY OF ALBUQUERQUE, NEW MEXICO, A MUNICIPAL CORPORATION.

WITNESSETH, THAT FOR GOOD AND VALUABLE CONSIDERATION THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED THE GRANTORS HAVE THIS DAY BARGAINED AND SOLD AND BY THESE PRESENT TO SELL, CONVEY AND DELIVER UNTO THE CITY OF ALBUQUERQUE A TEMPORARY EASEMENT AS RIGHT OF WAY INCLUDING THE RIGHT OF ENTRY UPON THE REAL ESTATE HEREINAFTER DESCRIBED AT ANY TIME THAT IT MAY SEE FIT AND CONSTRUCT, MAINTAIN AND REPAIR A STORM WATER DIVERSION UPON THE LANDS HEREINAFTER DESCRIBED AND THE FURTHER RIGHT TO REMOVE TREES, BUSHES AND OBSTRUCTIONS INTERFERING WITH THE LOCATION, CONSTRUCTION AND MAINTENANCE OF SAID STORM WATER DIVERSION.

THE LAND AFFECTED BY THE GRANT OF THIS EASEMENT AND RIGHT OF WAY IS LOCATED IN THE COUNTY OF BERNALILLO AND STATE OF NEW MEXICO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEE ATTACHED LEGAL DESCRIPTION AND SKETCH.

TO HAVE AND TO HOLD THE SAID EASEMENT FOR THE USE AND PURPOSE AFORESAID, UNTO GRANTEE ITS SUCCESSORS AND ASSIGNS FOR SO LONG AS SAID EASEMENT IS DEEMED NECESSARY BY THE CITY OF ALBUQUERQUE, AND THE ALBUQUERQUE METROPOLITAN FLOOD CONTROL AUTHORITY, OR ITS SUCCESSORS AND ASSIGNS.

THE GRANTORS DO HEREBY COVENANT WITH THE GRANTEE THAT THEY ARE LAWFULLY SEIZED AND POSSESSED OF THE REAL ESTATE ABOVE DESCRIBED AND THAT THEY HAVE GOOD AND LAWFUL RIGHT TO CONVEY IT OR ANY PART THEREOF, THAT IT IS FREE FROM ALL ENCUMBRANCES EXCEPT TAXES DUE AND OWING THE TREASURER OF BERNALILLO COUNTY AND THAT THEY WILL FOREVER WARRENT AND DEFEND THE TITLE THERETO AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER.

AS PART OF THE CONSIDERATION FOR THIS GRANT, THE GRANTORS DO HEREBY RELEASE ANY AND ALL CLAIMS FOR DAMAGES FOR WHATSOEVER CAUSE INCIDENTAL TO THE EXCERCISE OF THE RIGHTS HEREIN GRANTED AND PROVIDED, HOWEVER; THAT THE GRANTEE AGREES TO SAVE THE GRANTORS HARMLESS FROM ANY AND ALL LIABILITY THAT MAY ARISE AS A RESULT OF THE CONSTRUCTION AND USE OF THE EASEMENT FOR THE PURPOSES SET FORTH. GRANTEE CERTIFIES THAT ANY OF THE ABOVE LANDS NOT NEEDED IN THE FINAL ALIGNMENT OF SAID EASEMENT AND RIGHT OF WAY WILL REVERT TO THE ABOVE GRANTORS AS THEIR INTEREST APPEARS.

IN WITNESS WHEREOF, THE PARTIES HAVE SET THEIR HAND AND SEALS THIS 26 DAY OF FEB, 1976.

for J D FULMER VICE PRESIDENT
ASSOCIATED INVESTMENT CO.
OF EL PASO TEXAS

JOHN Y GANNOWAY SR VICE PRES
ALBUQUERQUE NATIONAL BANK
CO-TRUSTEE FOR THE BOYS
ACADEMY TRUST.

STATE OF NEW MEXICO)
SS
COUNTY OF BERNALILLO)

SUBSCIIBED AND SWORN THIS 26th DAY OF FEB, 1976.

RALPH K. HICKS NOTARY PUBLIC

MY COMMISSION EXPIRES FEB. 10, 1978.

Exhibit
'B'

B 1 of 2

08753691

QUITCLAIM DEED

The ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico, for consideration, quitclaims to THE BOARD OF AMERICAN MISSIONS OF THE LUTHERAN CHURCH IN AMERICA, A MINNESOTA CORPORATION the following described real estate in Bernalillo County, New Mexico.

See attached Addendum "A"

WITNESS My hand X and seal _____ this 21st day of May, 1987.

ATTEST: Rex Funk
Rex Funk
Secretary

B.H. Swinburne
B.H. Swinburne, Chairman
Board of Directors

(SEAL)

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
) SS.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by B.H. Swinburne, Chairman, Board of Directors of Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico, a New Mexico Municipal Corporation, on behalf of said corporation.

My Commission Expires:
Sept. 21, 1988

Cindy Boullem
Notary Public

(SEAL)

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

87 MAY 22 AM 9:26

BK 284-A PG 284-285

GLADYS M. DAVIS
CO. CLERK & RECORDER

DEPUTY

DESCRIPTION

A certain tract of land located within the Corporate Limits of the City of Albuquerque, New Mexico comprising a portion of the land described by Warranty Deed (Document No. 83-10219) filed in the Office of the County Clerk of Bernalillo County, New Mexico on February 18, 1983, Book D128A, Pages 549 and 550, said portion of land also adjoins Tract A, Lands of Lutheran Church in America, as shown on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on January 15, 1979, Book C-14, Page 90, and being more particularly described as follows:

Beginning at the southeast corner of the parcel herein described, being the northeast corner of said Tract A and also being a point on the west right-of-way line of Wyoming Boulevard N.E.; thence S 89°54'00" W a distance of 246.62 feet; thence along the arc of a curve to the right with DELTA = 21°16'18", R = 867.16 feet and L = 321.94 feet; thence N 21°10'18" E a distance of 55.00 feet; thence along the arc of a curve to the left with DELTA = 21°16'18", R = 812.16 feet, and L = 301.52 feet; thence N 89°54'00" E a distance of 254.37 feet to a point on the west right-of-way line of Wyoming Boulevard N.E.; thence along the arc of a curve to right with DELTA = 02°33'08" , R = 1247.00 feet, and L = 55.55 feet to the point of beginning and containing 0.7101 acres more or less.

RT.

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

September 16, 1987

Mr. Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE COMPLAINT FOR WYOMING OFFICE PARK PHASE II
(E-19/D25A)

Dear Mr. Millington:

We have received a drainage complaint concerning damage to curb and gutter on the southwest portion of the property. The curb and gutter section is on San Antonio Place. The runoff from your site is not being directed to the proper concrete channel side inlet. The parking lot asphalt should be swaled to direct your runoff to the concrete channel side inlet. Also, the total length of the rundown should be asphalt. There are side swales parallel with the concrete channel. These parallel swales should be allowed to enter the channel side inlet. Please submit a drawing showing these corrections prior to release of the Certificate of Occupancy.

If you would like to discuss this matter, please call me at 768-2650.

Cordially,

G. S. Reeder

for Carlos A. Montoya, P.E.
City/County Floodplain Administrator

cc: Rick Duran, Drainage Inspector

CAM/bsj

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

July 6, 1987

Jim Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE & GRADING PLAN FOR WYOMING OFFICE PARK PHASE I
(E-19/D25A) RECEIVED JUNE 5, 1987

Dear Mr. Millington:

The above referenced plan, dated June 5, 1987, is approved for Certificate of Occupancy release.

If you should have any questions regarding this project, please call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

June 26, 1987

Jim Millington, P.E.
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR WYOMING OFFICE PARK, PHASE II
(E-19/D25A) RECEIVED JUNE 26, 1987

Dear Mr. Millington:

The referenced plan dated June 26, 1987, is approved for Foundation Only Permit and Rough Grading Permit.

Please attach a copy of this approved plan to both sets of construction drawings submitted for foundation permit sign-off by Hydrology.

If you should have any questions regarding this project, call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase II ZONE ATLAS/DRG. FILE #: E-19 / D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington
ADDRESS: 149 Jackson NE, Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Suncor CONTACT: Griff Pickard
ADDRESS 3811 Atrisco NW Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: CONTACT:
ADDRESS: PHONE:

SURVEYOR: CONTACT:
ADDRESS: PHONE:

CONTRACTOR: Owner CONTACT:
ADDRESS: PHONE:

PRE-DESIGN MEETING:

____ YES
____ NO
____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED JUN 09 1987 HYDROLOGY SECTION

DRB NO. 87-68
EPC NO. Z-79-66-2
PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT
✓ DRAINAGE PLAN
____ CONCEPTUAL GRADING & DRAIN. PLAN
✓ GRADING PLAN
____ EROSION CONTROL PLAN
____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL
____ PRELIMINARY PLAT APPROVAL
____ SITE DEVELOPMENT PLAN APPROVAL
____ FINAL PLAT APPROVAL
____ BUILDING PERMIT APPROVAL
✓ FOUNDATION PERMIT APPROVAL
____ CERTIFICATE OF OCCUPANCY APPROVAL
✓ ROUGH GRADING PERMIT APPROVAL
____ GRADING/PAVING PERMIT APPROVAL
OTHER _____ (SPECIFY)

DATE SUBMITTED: 6 8 87
BY: Jim Millington

Rev. 11/84

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park ZONE ATLAS/DRNG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington

ADDRESS: 144 Parkson NE Albuquerque, New Mexico 87108 PHONE: 265-6631

OWNER: Sunco CONTACT: Griff Pickard

ADDRESS: 3511 Atrisco NW Albuquerque, New Mexico 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: Owner CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

✓ YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED JUN 05 1987 HYDROLOGY SECTION

DRB NO. 85-318

EPC NO. 79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

✓ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

✓ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

✓ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 06 05 87

BY: [signature]

Rev. 11/84

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

April 23, 1987

Jim Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: CONCEPTUAL DRAINAGE PLAN FOR WYOMING OFFICE PARK PHASE II
(E-19/D25A) RECEIVED APRIL 7, 1987

Dear Mr. Millington:

The above referenced plan dated April 7, 1987, is approved for Site Development Plan. Prior to Building Permit release, we will need the construction of the Pino Arroyo improvements.

If you should have any questions regarding this project, please call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase II ZONE ATLAS/DRNG. FILE #: E-19 / D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS: 7007 Wyoming NE Building (E)

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington

ADDRESS: 149 Jefferson NE, Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Sunco CONTACT: Griff Pickard

ADDRESS 3911 Atrisco NW Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: Custer Bassarich CONTACT: Royse-Bassarich

ADDRESS: 500 Marquette NW, Suite 302 Albuquerque, NM 87102 PHONE: 765-1020

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

____ YES

✓ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED APR 07 1987 HYDROLOGY SECTION

DRB NO.

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

✓ CONCEPTUAL GRADING & DRAIN. PLAN

____ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

✓ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 04.07.87

BY: Jim Millington

Rev. 11/84

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

February 5, 1987

James Millington
Andrews, Asbury & Robert, Inc.
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR WYOMING OFFICE PARK, PHASE I
(E-19/D25A) RECEIVED JANUARY 21, 1987

Dear Mr. Millington:

The above referenced plan dated January 21, 1987, is approved for Building Permit.

Please attach a copy of this approved plan to both sets of drawings submitted for building permit sign-off.

If you have any questions, call me at 768-2650.

Cordially,

Carlos A. Montoya

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS. RNG. FILE #: E-19

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews Asbury & Robert CONTACT: Jim Millington

ADDRESS: 149 Jackson NE, Albuquerque 87108 PHONE: 265-6631

OWNER: Suncor CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW Albuquerque 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: Suncor CONTACT: Fred Andrade

ADDRESS: 3811 Atrisco NW Albuquerque, NM PHONE: 831-0847

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED JAN 21 1987 HYDROLOGY SECTION

DRE NO. 85-318

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

X DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

X GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

X BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

X GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 1/21/87

BY: [signature]

Rev. 11/84

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRNG. FILE #: E-19

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Ashburg & Robert CONTACT: Jim Millington

ADDRESS: 414 Jackson NE, Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Sunco - Inc CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES DRB NO. 85-318

____ NO EPC NO. Z-74-66-2

____ COPY OF CONFERENCE RECAP SHEET PROVIDED PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

X GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

✓ ROUGH GRADING PERMIT APPROVAL revision

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 12/22/86

BY: [signature]

Rev. 11/84

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7614

November 17, 1986

James Millington, P.E.
Andres, Asbury & Robert, Inc.
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: CONCEPTUAL DRAINAGE PLAN FOR WYOMING OFFICE PARK, PHASE I
(E-19/D25A) RECEIVED OCTOBER 24, 1986

Dear Mr. Millington:

The above referenced plan, dated October 23, 1986 is approved for Site Plan and Rough Grading permit approval.

If you have any questions regarding this project, call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington

ADDRESS: 149 Jackson NE Albuquerque NM 87108 PHONE: 265-6631

OWNER: Wyoming Land Investors CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW Albuquerque, NM 87120 PHONE: 831 0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED NOV 13 1986 HYDROLOGY SECTION

DRB NO. 85-312

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

X GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

X ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 11/13/86

BY: [signature]

Rev. 11/84

ANDREWS, ASBURY & ROBERT, INC.
Consulting Engineers
149 Jackson, NE, Albuquerque, New Mexico 87108
(505) 265-6631

John A. Andrews, P.E.
Charles T. Asbury, P.E.
John B. Robert, P.E. & L.S. (1915 - 1984)
James E. Millington, P.E. - V.P.

RECEIVED
OCT 24 1986
HYDROLOGY SECTION

October 23, 1986

Mr. Carlos Montoya
City of Albuquerque
Public Works Department
Engineering Group
Utility Development Division
Hydrology Section
P. O. Box 1293
Albuquerque, New Mexico 87103

SUBJECT: CONCEPTUAL DRAINAGE PLAN FOR
WYOMING OFFICE PARK - PHASE I
E-19/D25A

Dear Mr. Montoya:

Enclosed is a revised Conceptual Drainage Plan for your review. Your comments of October 20, 1986 are individually addressed as follows:

1. Information sheet has been revised.

2. Legal description has been corrected to Tract C-2 on drawing.

3. 100 year flood plain has been indicated.

4. Section of CTP slope protector has been added.

5. Spot elevations have been shown.

6. Roads have been clarified. San Antonio Place is the only road being added as part of this project.

7. Direct discharge of runoff to arroyo has been approved by Dan Hogan, the City's Design Engineer for the project.

8. The site plan submitted to DRB shows Phase II only as background information. Only Phase I approval is being requested, likewise only Phase I approval of drainage is being requested. Phase II drainage will be discharged directly to lined Pino Arroyo through side inlets being constructed as a part of this Pino project.

If you need any further information, please call.

Very truly yours,

JAMES E. MILLINGTON, P.E.

jtg:420
Attachment

DRAINAGE INFORMATION SHEET

PROJECT TITLE: W, ing Office Park Phase I ZONE ATLAS/ .NG. FILE #: E-19 /D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert, inc CONTACT: James E. Millington

ADDRESS: 149 Jackson St., N.E. Albuquerque, New Mexico 87108 PHONE: 505/265-6631

OWNER: Wyoming Land Investors CONTACT: Griff Pickard

ADDRESS 3811 Atrisco N.W. Albuquerque, New Mexico 87120 PHONE: 505/831-0847

ARCHITECT: Miller & Associates CONTACT: Jim Miller

ADDRESS: 2819 Richmond, N.E. Albuquerque, New Mexico 87107 PHONE: 505/884-1255

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED OCT 24 1986 HYDROLOGY SECTION

DRB NO. 85-318

EPC NO. Z-79-66-Z

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAIN. PLAN

____ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

X SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 10/23/86

BY:

Rev. 11/84

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT

RECEIVED
OCT 22 1986
HYDROLOGY SECTION

INTER-OFFICE CORRESPONDENCE

October 21, 1986

TO Fred Aguirre, P.E., City Hydrologist
Hydrology Section, PWD

FROM Dan Hogan, P.E., Assistant Utility Engineer
Hydrology/Utility Design Section, PWD

SUBJECT DRB #85-318 Wyoming Office Park - Phase I

Carlos, FYI then file with report.
10/22/86

This is to confirm our telephone conversation today giving this Section's approval for development of the referenced project as proposed. My understanding is that this will allow discharge of runoff to the South Pino Arroyo without ponding. The minimum amount of water from this site (approximately 13 cfs. 100yr.) should not interfere with construction of the concrete channel lining. At this time construction is planned to begin in January of 1987.

If you need more information, have any questions or would like to discuss this, please call me at 768-2778.

DH:cma

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

October 20, 1986

James Millington
Andrews, Asbury & Robert, Inc.
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: CONCEPTUAL DRAINAGE PLAN FOR WYOMING OFFICE PARK PHASE I
(E-19/D25A) RECEIVED OCTOBER 15, 1986

Dear Mr. Millington:

I have reviewed the referenced plan and forward the following comments:

1. The information sheet should indicate Conceptual Grading and Drainage Plan not Drainage Plan.

2. The legal description on the drawing is different than the information sheet.

3. Please delineate the 100 year floodplain for the Pino Arroyo.

4. Please submit more detailed information on the CTB slope protection.

5. Show proposed elevations along the Pino Arroyo to indicate protection from flooding.

6. Please indicate proposed and existing roads. Which roads will be built with this project?

7. Need interim solution for the site's runoff till downstream improvements are made.

8. The site plan submitted to DRB shows Phase I & II. However, the conceptual drainage plan is only for Phase II.

If you have any questions regarding these comments, please call me at 768-2650.

Cordially,

Carlos A. Montoya

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHE

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRNG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert, Inc CONTACT: James E. Millington

ADDRESS: 149 Jackson NE, Albuq., NM 87108 PHONE: 265-6631

OWNER: Wyoming Land Investors CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW, Albuq., NM 87120 PHONE: 831-0847

ARCHITECT: Miller & Associates CONTACT: Jim Miller

ADDRESS: 2819 Richmond NE, Albuq., NM 87107 PHONE: 884-1255

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

RECEIVED OCT 15 1986 HYDROLOGY SECTION

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 85-318

EPC NO. Z-79-66-Z

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

X DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAIN. PLAN

____ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CAM

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

X SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 10/15/86

BY: Jim Miller

Rev. 11/84

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION/DESIGN HYDROLOGY SECTION

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: E19 DATE: 7/23/86

PLANNING DIVISION NOS: EPC: _____ DRB: 85-318

SUBJECT: Wyoming Office Park (B

STREET ADDRESS (IF KNOWN): _____

SUBDIVISION NAME: Academy Acres Unit 17, Tract C-2

APPROVAL REQUESTED:

____	PRELIMINARY PLAT	____	FINAL PLAT
X	SITE DEVELOPMENT PLAN	X	BUILDING PERMIT
____	OTHER	____	ROUGH GRADING

ATTENDANCE:	WHO	REPRESENTING
	Jim Millington	Andrew, Eldon + Robert
	Fred J. Kelly	

FINDINGS:

Site Development Plan sign-off (No required improvements to be finally evaluated at a conclusion of site plan sign-off)

- An approved site plan grading & drainage plan required for sign-off that addresses the proposed building phasing

Building Permit sign-off (two buildings at the N.E. corner of tract C-2)

- An approved drainage plan ~~for~~ required for ~~the~~ Academy Acres Unit 17, Tract C-2 with proposed phasing scheme

Note: This office has no objection to releasing building permit for the proposed building shown on the site plan at Wyoming & Indian School. No environmental impacts of the existing facilities.

The undersigned agrees that the above findings are summarized accurately and are only subject to change if further investigation reveals that they are not reasonable or that they are based on inaccurate information.

SIGNED:	[illegible]	SIGNED:	[illegible]
TITLE:		TITLE:	
DATE:	7/23/86	DATE:	07/23/86

NOTE PLEASE PROVIDE A COPY OF THIS RECAP WITH THE DRAINAGE SUBMITTAL

HYDROLOGY E19/D25A 4 PLANS

E19/D25a

4 Plans

6/21/87
Rec'd

AGREEMENT

This agreement, between the City of Albuquerque, New Mexico, a municipal corporation ("City") and Wyo-San Partnership, a New Mexico general partnership, formerly Wyoming Land Investors ("Owner"), is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this agreement.

1. Recital.

A. Owner owns certain real property ("Owner's Property") located at 7007 Wyoming Boulevard, N.E., in Albuquerque, New Mexico, and more particularly described as:

Tract C-2 of the plat of Academy Acres Unit 17, recorded March 26, 1985 in the records of Bernalillo County, New Mexico.

B. The City is in the process of widening and improving Wyoming Boulevard, N.E., which abuts Owner's property on the east. The Owner understands and agrees that the widening of Wyoming Boulevard and related construction, including the grading on Owner's Property and the resulting improved street, will benefit the Owner and Owner's Property.

2. Grant of Temporary Construction Easement.

A. The Owner grants to the City a temporary easement ("Temporary Easement") in, over, upon and across the Owner's Property for construction of Wyoming Boulevard, N.E., including, but not limited to grading on Owner's Property. The Temporary Easement is more particularly described in the attached Exhibit A. During the term of the Temporary Easement, the City shall have the right to enter upon the Temporary Easement at any time for inspection, installation, maintenance, repair or modification, and the right to remove trees, bushes, undergrowth and any other obstacles if the City determines they interfere with the appropriate use of the Temporary Easement.

B. Owner states that it is the Owner in fee simple of Owner's Property and that it has a good, lawful right to convey the Owner's Property or any part thereof.

C. The grant of the temporary construction easement and all provisions of this section 2 constitute covenants running with the land for the benefit of the City and it's successors and assigns until terminated.

D. This Temporary Easement shall remain in effect until twelve months after the date of final execution of this agreement ("Termination"). Upon Termination and demand by the Owner, the City will execute and deliver to the Owner a release of this Temporary Easement.

E. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the City agrees to save the Owner harmless from any and all liability arising from the City's negligent use of the Temporary Easement for the purposes set forth herein. The City does not agree to save Owner harmless from any liability which may arise from the Owner's use of the Temporary Easement and Owner's Property.

3. Grading on Owner's Property and Release.

A. The Owner understands and agrees that the City's use of the Temporary Easement shall include grading within the area of the Temporary Easement, which will result in the final contours indicated on the attached Exhibit B, and that, following Termination of the Temporary Easement, the City will leave a portion of the Owner's Property within the Temporary Easement in a different configuration than existed before construction by the City. The Owner agrees to the grading if the City leaves the graded area in a smooth condition upon Termination of the Temporary Easement.

B. The Owner also agrees that, within the Temporary Easement area, the Owner may not alter the final graded configuration of the grading performed by the City or build structures upon the graded area without providing adequate support for Wyoming Boulevard and abutting public infrastructure and meeting all City requirements.

C. The Owner acknowledges that within the Temporary Easement area, the Owner's Property will benefit from the improvements to Wyoming Boulevard and the grading to be performed by the City, and the Owner waives any and all claims against the City for damages or compensation which result from the City's non-negligent exercise of the rights granted in this agreement, and specifically waives all claims relating to the permanent changes in the contour within the Temporary Easement area which are the result of the grading performed by the City, if the resulting contour is as shown on the attached Exhibit B.

4. Indemnification. As part of the consideration for this agreement, the City agrees to defend, indemnify and hold the Owner harmless from and against any and all claims, actions, suits or proceedings of any kind brought against the Owner by any individual or entity not a party to this agreement, arising from or out of the City's negligent performance under this agreement.

5. Binding on Successors. The Owner agrees for itself and its successors in interest that it has received valuable consideration for all rights granted in this agreement, and that the rights granted are not gifts or donations.

6. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Wyo-San Partnership
3811 Atrisco, N.W.
Albuquerque, New Mexico 87120

For purposes of giving formal, written notice to the City, the City's address is:

Mayor
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Copies of any notices to the City must also be give to:

City Engineer
P.O. Box 1293
Albuquerque, New Mexico 87103

Written notice must be made either personally or by regular Untied States Mail. If the notice is mailed, the notice will be complete when deposited in the United States mail, postage paid, and addressed as required in this section.

7. Entire Agreement. This agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

8. Changes to Agreement. Changes to this agreement are not binding unless made in writing, signed by both parties.

9. Construction and Severability. If any part of this agreement is held to be invalid or unenforceable, such holding will not affect the validity of enforceability of any other part of this agreement as long as the remainder of the agreement is reasonably capable of completion.

CITY OF ALBUQUERQUE

_____
Chief Administrative Officer

Dated: _____

Approved By: _____

_____
City Engineer

Dated: _____

OWNER:

By: _____

Its: _____

Dated: _____

(EXHIBIT "A" AND "B" ATTACHED)

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by _____, (Title:) _____ of Wyo-San Partnership, on behalf of the partnership.

_____
Notary Public

My Commission Expires:
_____

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by Gene Romo, Chief Administrative Officer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

_____
Notary Public

My Commission Expires:
_____

EXHIBIT "A"

Construction and Slope Easement

Pino Arroyo Corridor Improvements

City of Albuquerque Project No. 2151

Sheet 1 of 2

Description

A certain tract of land situate within Section 30, Township 11 North, Range 4 East, N.M.P.M., as projected within the Elena Gallegos Grant, Bernalillo County, New Mexico, being and comprising a portion of Tract C-2 of ACADEMY ACRES UNIT 17 as the same is shown and designated on the Subdivision Plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on March 26, 1985, and being more particularly described as follows:

Beginning at the southeast corner of the tract herein described, a point common to the southeast corner of said Tract C-2; thence,

N 89°55'05" W, 25.08 feet along the south line of said Tract C-2 to the southwest corner of the tract herein described; thence,

N 01°18'20" E, 99.98 feet to a point; thence,

S 89°55'05" E, 5.00 feet to a point; thence,

N 00°04'55" E, 208.47 feet to a point on curve; thence,

Southeasterly, 34.24 feet along the arc of a curve bearing to the right having a radius of 25.00 feet and a chord which bears S 39°08'58" E, 31.62 feet to a point of tangency on the westerly right-of-way line of Wyoming Blvd. NE; thence,

S 00°04'55" W, 212.38 feet along the said westerly line of Wyoming Blvd. NE to a point of curvature; thence,

Southwesterly, 71.60 feet along the arc of a curve bearing to the right having a radius of 1,247.00 feet and a chord which bears S 01°43'37" W, 71.59 feet to the southeast corner and point of beginning of the tract herein described, containing 0.1516 acres (6,603 sq. ft.), more or less.

Note: Bearings are referenced to the New Mexico State Plane Grid.

SURVEYOR'S CERTIFICATE

I, GAYLE D. JEWELL, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED UNDER MY SUPERVISION AND DIRECTIONS, AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED LAND SURVEYOR STATE OF NEW MEXICO No. 4071 GAYLE JEWELL

Gayle D. Jewell
GAYLE D. JEWELL, L.S. NO. 4071

06-01-87
DATE

ANDREWS, ASBURY & ROBERT, INC.
CONSULTING ENGINEERS
ALBUQUERQUE NEW MEXICO

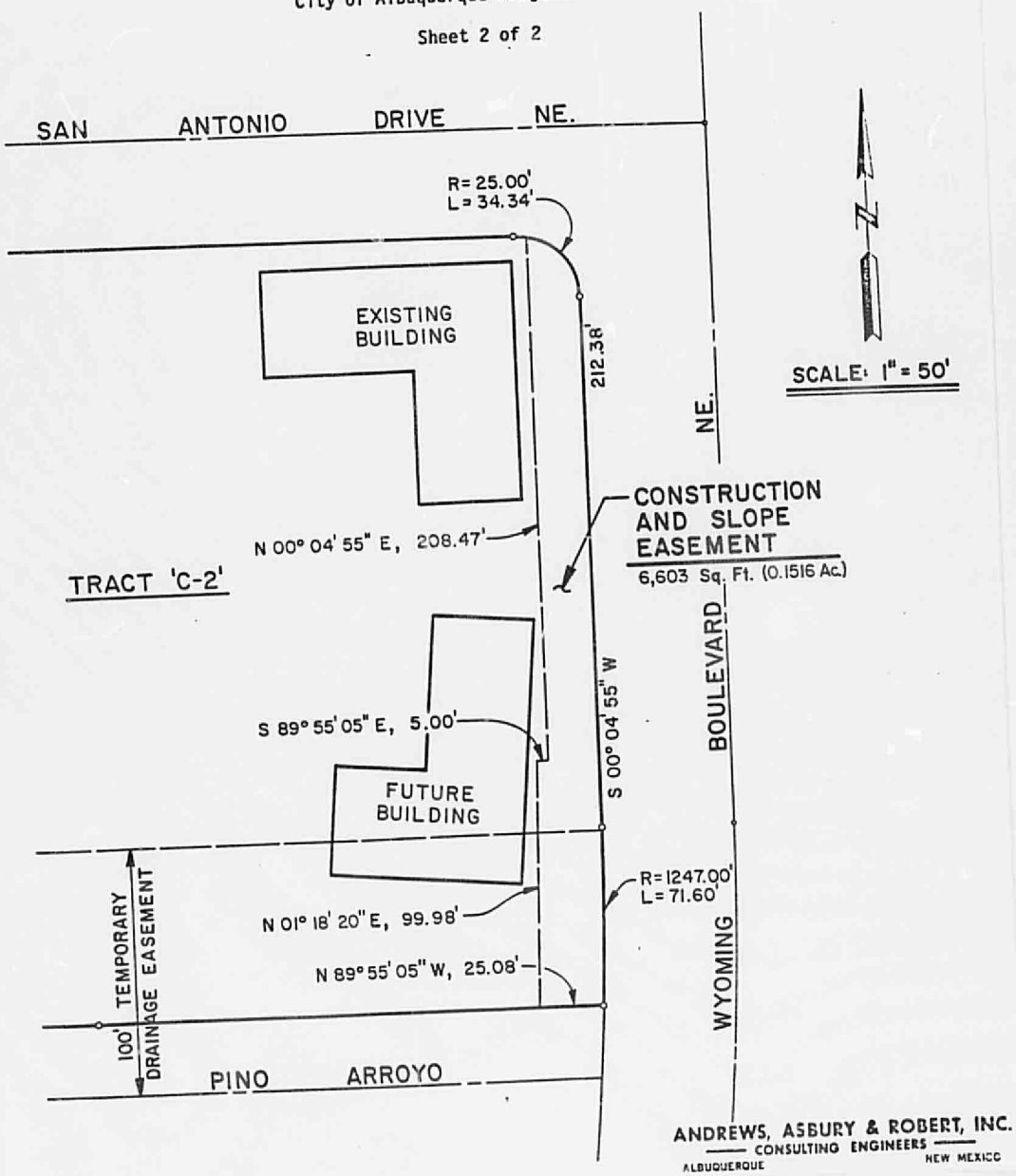
EXHIBIT "A"

Construction and Slope Easement

Pino Arroyo Corridor Improvements

City of Albuquerque Project No. 2151

Sheet 2 of 2



ANDREWS, ASBURY & ROBERT, INC.
CONSULTING ENGINEERS
ALBUQUERQUE NEW MEXICO

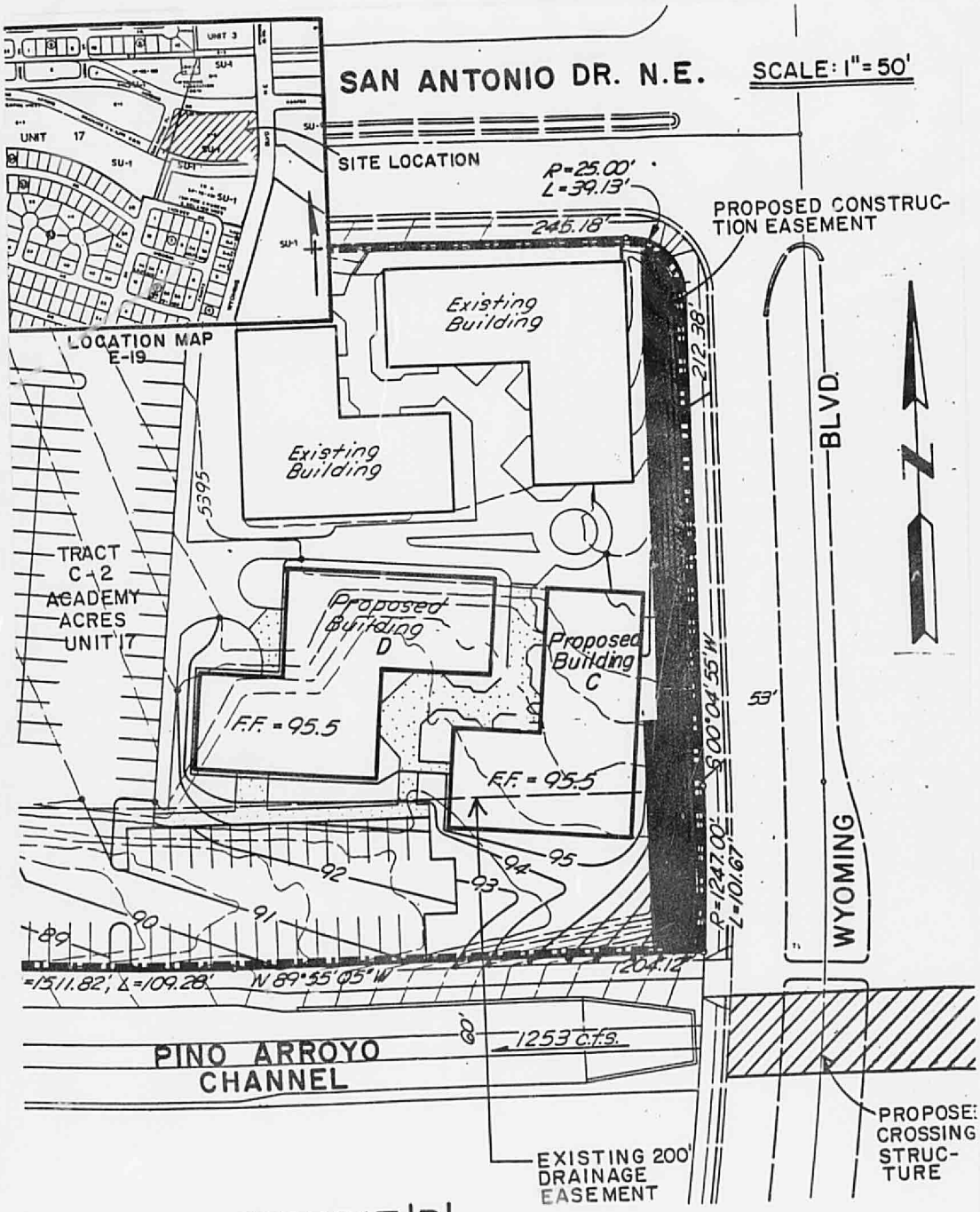

SAN ANTONIO DR. N.E.
SCALE: 1" = 50'
UNIT 3
UNIT 17
SU-1
SITE LOCATION
LOCATION MAP
E-19
R=25.00'
L=39.13'
245.18'
PROPOSED CONSTRUCTION EASEMENT
Existing Building
Existing Building
212.38'
BLVD.
WYOMING
5395
TRACT
C-2
ACADEMY
ACRES
UNIT 17
Proposed Building D
Proposed Building C
F.F. = 95.5
F.F. = 95.5
53'
S00°04'55"W
P=1247.00'
L=101.67'
92
93
94
95
90
91
89
1204.12'
=1511.82', Δ=109.28'
N 89°55'05"W
1253 c.f.s.
PINO ARROYO CHANNEL
EXISTING 200' DRAINAGE EASEMENT
PROPOSED CROSSING STRUCTURE

EXHIBIT 'B'

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

July 6, 1987

Jim Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE & GRADING PLAN FOR WYOMING OFFICE PARK PHASE I
(E-19/D25A) RECEIVED JUNE 5, 1987

Dear Mr. Millington:

The above referenced plan, dated June 5, 1987, is approved for Certificate of Occupancy release.

If you should have any questions regarding this project, please call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

PUBLIC WORKS DEPARTMENT
ENGINEERING GROUP
Walter Nickerson, P.E., City Engineer
Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

Rec'd 6/21/87

AGREEMENT ANL RELEASE

This Agreement, between the City of Albuquerque, New Mexico, a municipal corporation ("City"), and Wyo-San Partnership, a New Mexico general partnership ("Owner"), formerly Wyoming Land Investors, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

1. Recital. The Owner is the owner of certain real property ("Owner's Property") located at 7007 Wyoming Blvd., N.E., in Albuquerque, New Mexico, and more particularly described as:

> Tract C-2 of Academy Acres Unit 17, recorded on March 26, 1985 in book C26, Folio 162 of the records of Bernalillo County, New Mexico.

On February 26, 1978 an easement for storm water diversion ("Drainage Easement") was granted to the City and was recorded on March 11, 1976, in Book Misc. Vol. 467 at pages 167 to 169 of the records of Bernalillo County, New Mexico.

The Owner has asked the City to issue a building permit so the Owner can construct commercial buildings, parking lot and related features as shown on the attached Exhibit A ("Structures") on the Owner's property, partially within the Drainage Easement granted to the City. However, the City has not completed the channelization of the Pino Arroyo in the vicinity and cannot vacate the Drainage Easement prior to completion of the channel.

Therefore the parties agree to the following.

2. Issuance of Building Permit. If the Owner meets all other requirements for issuance of a building permit and meets the terms of this Agreement and Release, the City will issue the "Building Permit" and the Owner may begin construction of the Phase II Structures as identified in City Drainage File E19/D25A ("Drainage File").

3. Diversion Structures.

A. If the City has determined that construction of the Pino Channel between the east right-of-way of San Antonio Place N.E. and 600' east of the east right-of-way of Wyoming Blvd. N.E., including the Wyoming crossing structure, is

complete by the time the Building Permit is issued and the Owner is ready to begin construction of the Structures, the Owner may begin construction, and Section 3B below is inapplicable.

B. If the requirements of Section 3A have not been met by the time the Building Permit is issued and the Owner is ready to begin construction of the Structures, the temporary flood-proofing requirements detailed in the Drainage File must be completed and approved by the City before construction of the Structures can begin. The temporary flood-proofing requirements will be constructed by Owner, at Owner's sole expense.

4. Temporary Construction Easement. Simultaneously with this signed Agreement, the Owners also will grant to the City the temporary construction easement which is required for the construction of Wyoming Boulevard N.E. The easement will be located within the east boundary of Tract C-2 of Academy Acres Unit 17 and must be in a form which is satisfactory to the City.

5. City Use of the Drainage Easement. The City will continue to have the right to enter upon the Drainage Easement at any time for the same purposes and with the same rights and responsibilities as established in the Drainage Easement, except as prevented by the construction and existence of the Structures and as established in this Agreement.

6. Construction by Owner. The Owner will not permit the Structures to constitute a hazard to the health or safety of the general public or to interfere with the City's use of the Drainage Easement. The Owner will conform with all applicable laws, ordinances and regulations.

7. Demand for Repair, Modification or Removal. The City may send written notice ("Notice") to the Owner requiring the Owner to repair, modify, move or remove any personal property or features within the Drainage Easement which are not in approved locations or which obstruct the City's use of the Drainage Easement or the Pino Arroyo/San Antonio Corridor work, and the Owner will comply with the requirements of the Notice by the deadline stated in the Notice. The Owner will perform all required work by the deadline, at Owner's sole expense.

8. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Wyo-San Partnership
3811 Atrisco N.W.
Albuquerque, New Mexico, 87120

For purposes of giving formal written Notice to the City, the City's address is:

City Engineer
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Notice, including notice of change of address, may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received by the Owner within six (6) days after the notice is mailed if there is no actual evidence of receipt.

9. Release. Owner hereby releases the City, its officials, agents and employees from any and all claims by Owner which may arise as a direct or indirect result of Owner's presence within or construction or other activity upon the Drainage Easement.

10. Indemnification. The Owner agrees to defend, indemnify and hold harmless the City, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against such parties which may arise as a direct or indirect result of the Owner's presence within or construction or other activity upon the Drainage Easement, including, but not limited to the presence or activity of any guest, invitee, tenant, employee, agent or other member of the public.

11. Insurance. Owner shall procure or cause to be procured and shall maintain public liability insurance in the amount of not less than one million dollars ($1,000,000) combined at single limit for accidents or occurrences which cause bodily injury, death or property damage to any member of the public resulting from any condition on, or occurrence at 7007 Wyoming Blvd., N.E., Buildings C and D and all related areas within the Drainage Easement, including as the result of water or flood damage, or any condition of the Structures or the Owner's construction activities. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interests may appear, as additional insureds. The Owner shall maintain such insurance until the Drainage Easement upon which the Structures are located is vacated by the City and AMAFCA in accordance with the Subdivision Ordinance. Any cancellation provision must provide that if the policy is cancelled prior to the vacation, materially changed, or not renewed, the issuing company will mail thirty days' written notice to the City, Attention: City Engineer. The Owner shall furnish the City with a Certificate of said insurance prior to final execution of this Agreement.

12. Term. This Agreement shall continue until construction of the Pino Channel is completed and until the City Drainage Easement as shown on V87-68 is vacated by the City and AMAFCA in accordance with the Subdivision Ordinance.

13. Binding on Owner's Property. The obligations of the Owner set forth herein shall be binding upon the Owner, its assigns and successors and on Owner's Property, and constitute covenants running with Owner's Property until released by the City.

14. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

15. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

16. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

17. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

CITY OF ALBUQUERQUE

_____
Chief Administrative Officer
Dated:_____

Approved By:

_____
City Engineer

Dated:_____

OWNER:

By:_____

Its:_____

Dated:_____

EXHIBIT A ATTACHED

1728Y

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 19___ by _____ [title or position:]_____ on behalf of Wyo-San Partnership.

_____
Notary Public

My commission expires:

_____

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 19___, by Gene Romo, Chief Administrative Officer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

_____
Notary Public

My commission expires:

_____

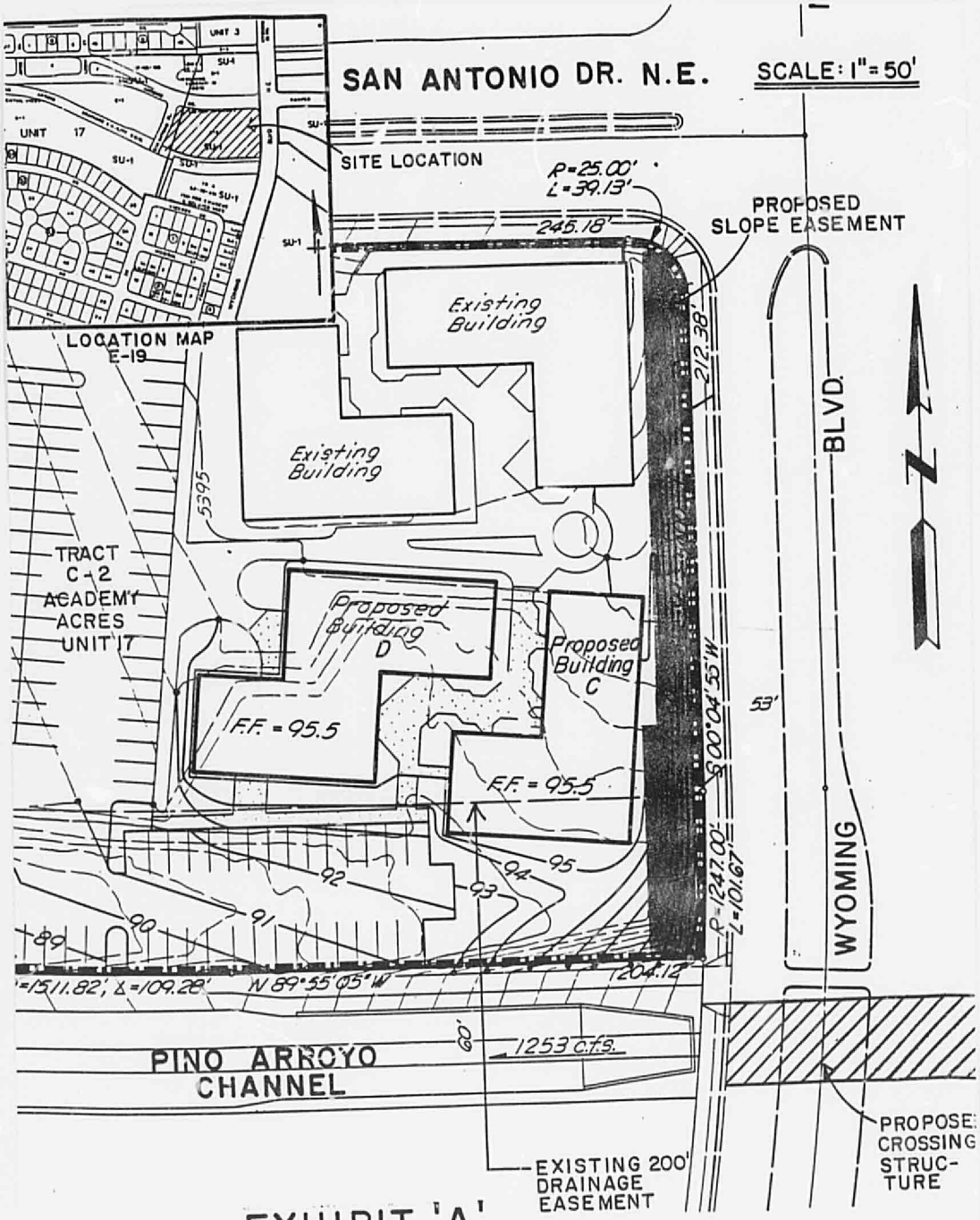

SAN ANTONIO DR. N.E.
SCALE: 1" = 50'
SITE LOCATION
R=25.00'
L=39.13'
PROPOSED SLOPE EASEMENT
245.18'
212.38'
Existing Building
Existing Building
LOCATION MAP E-19
UNIT 17
UNIT 3
SU-1
SU-4
TRACT C-2 ACADEMY ACRES UNIT 17
Proposed Building D
Proposed Building C
F.F. = 95.5
F.F. = 95.5
95
94
93
92
91
90
89
53'
S00°04'55"W
R=247.00'
L=101.67'
BLVD.
WYOMING
N
1204.12
=1511.82', Δ=109.28'
N 89°55'05"W
60'
1253 c.f.s.
PINO ARROYO CHANNEL
EXISTING 200' DRAINAGE EASEMENT
PROPOSED CROSSING STRUCTURE

EXHIBIT 'A'

Carlos, FYI
Then file away
AJ
10/2/87

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MAYOR KEN SCHULTZ | CHIEF ADMINISTRATIVE OFFICER GENE ROMO | DEPUTY CAO PUBLIC SERVICES FRANK MARTINEZ | DEPUTY CAO PLANNING/DEVELOPMENT BILL MUELLER

RECEIVED OCT 01 1987 HYDROLOGY SECTION

October 1, 1987

E19-D25A

Mr. Joe R. Payne
Metmor Financial, Inc.
2400 Louisiana Boulevard Northeast
Building 5, Suite 530
Albuquerque, New Mexico 87110

RE: Pino Arroyo Improvements, Project 2151

Dear Mr. Payne:

This is a follow-up to our telephone conversation concerning the reference project as it relates to Tract C-2 Academy Acres Unit 17. The reference project is substancially complete and will convey the 100 year flood past the tract of land without indangering existing or proposed structures.

For information on removing the flood plain from said lands on Federal Emergency Management Agency (FEMA) maps, please contact Fred Aguirre at 768-2650.

Sincerely,

Dan Hogan

Dan Hogan, P.E., L.S.
Assistant Utility Engineer/Hydrology
Utility Design Section
Public Works Department

DH:cma

xc: Gene Leyendecker
Fred Aguirre
189

108

LEGAL DESCRIPTION

A TRACT OF LAND SITUATE IN BERNALILLO COUNTY, NEW MEXICO BEING AND COMPRISING A PORTION OF THE ELENA GALLEGOS GRANT, WITHIN SECTION 25 T.11N., R3E., N.M.P.M. AND SECTION 30 T.11N., R.4E., N.M.P.M. (AS PROJECTED); SAID TRACT OF LAND BEING A TWO-HUNDRED (200) FOOT WIDE EASEMENT FOR THE TEMPORARY ALIGNMENT OF ARROYO DEL PINO AND HEREIN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SAID 200 FOOT WIDE EASEMENT FROM WHICH THE NORTHEAST CORNER OF THE SAID SECTION 25 BEARS N.0°05'50"W. 250.00 FEET AND RUNNING THENCE N.89°46'20"W. 2000.00 FEET TO THE END OF THE CENTERLINE OF THIS EASEMENT; TOGETHER WITH AN ADDITIONAL EASEMENT 200 FEET IN WIDTH THE CENTERLINE OF WHICH BEGINS AT THE PREVIOUS POINT OF BEGINNING AND RUNNING THENCE S.89°46'20"E. 989.33 FEET TO A POINT OF CURVATURE AND CORNER NO. 2 OF THE EASEMENT HEREIN DESCRIBED; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1468.00 FEET THROUGH A CENTRAL ANGLE OF 36°46'20" AN ARC DISTANCE OF 942.16 FEET WHOSE CHORD BEARS S.71°23'10"E. 926.07 FEET TO A POINT OF REVERSE CURVATURE AND CORNER NO. 3 OF THE EASEMENT HEREIN DESCRIBED; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 767.16 FEET THROUGH A CENTRAL ANGLE OF 37°06' AN ARC DISTANCE OF 488.12 FEET WHOSE CHORD BEARS S.71°33' E 488.12 FEET TO A POINT OF TANGENCY AND CORNER NO. 4 OF THE EASEMENT HEREIN DESCRIBED; THENCE N.89°54'E. 258.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WYOMING BLVD. NE AND THE END OF THE CENTERLINE OF THIS EASEMENT. SAID EASEMENT CONTAINS THEREIN 21.517 ACRES, MORE OR LESS.

FOR: AMAFCA

CITY DRAINAGE ENGINEER

FEB. 26, 1976

RALPH K. HICKS

NMLS NO. 3307

REGISTERED LAND SURVEYOR
STATE OF NEW MEXICO
NO. 3307
RALPH K. HICKS

APPROVED AS TO DESCRIPTION
Date 3-1-76
V. M. KIMMICK CITY ENGINEER

State of New Mexico
County of Bernalillo } SS
This instrument was filed for record
on
2 MAR 1976
..o'clock ..M. and recorded in Vol. Misc 466
of records of said County, Folio ..... 173 Day
..... Clerk & Recorder
..... Deputy Clerk

Misc. 467
Folio: 167-169

Exhibit
'B'
pg 2 of 2

~~12102~~ 76 13681

GRANT OF EASEMENT FOR STORM WATER DIVERSON

167

THIS INDENTURE MADE AND EXECUTED THIS 26 DAY OF FEB, 1976, BY AND BETWEEN ALBUQUERQUE NATIONAL BANK, CO-TRUSTEES UNDER A TRUST DESIGNATED AS "THE ACADEMY FOR BOYS TRUST" AS EXTABLISHED BY A TRUST INDENTURE FROM ALBERT G SIMMS TO SAID CO-TRUSTEES, AND ASSOCIATED INVESTMENT COMPANY OF EL PASO, TEXAS, IN THE COUNTY OF BERNALILLO AND STATE OF NEW MEXICO, HEREINAFTER CALLED THE GRANTORS AND THE CITY OF ALBUQUERQUE, NEW MEXICO, A MUNICIPAL CORPORATION.

WITNESSETH, THAT FOR GOOD AND VALUABLE CONSIDERATION THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED THE GRANTORS HAVE THIS DAY BARGAINED AND SOLD AND BY THESE PRESENT TO SELL, CONVEY AND DELIVER UNTO THE CITY OF ALBUQUERQUE A TEMPORARY EASEMENT AS RIGHT OF WAY INCLUDING THE RIGHT OF ENTRY UPON THE REAL ESTATE HEREINAFTER BESCRIBED AT ANY TIME THAT IT MAY SEE FIT AND CONSTRUCT, MAINTAIN AND REPAIR A STORM WATER DIVERSION UPON THE LANDS HEREINAFTER DESCRIBED AND THE FURTHER RIGHT TO REMOVE TREES, BUSHES AND OBSTRUCTIONS INTERFERING WITH THE LOCATION, CONSTRUCTION AND MAINTENANCE OF SAID STORM WATER DIVERSION.

THE LAND AFFECTED BY THE GRANT OF THIS EASEMENT AND RIGHT OF WAY IS LOCATED IN THE COUNTY OF BERNALILLO AND STATE OF NEW MEXICO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEE ATTACHED LEGAL DESCRIPTION AND SKETCH.

TO HAVE AND TO HOLD THE SAID EASEMENT FOR THE USE AND PURPOSE AFORESAID, UNTO GRANTEE ITS SUCCESSORS AND ASSIGNS FOR SO LONG AS SAID EASEMENT IS DEEMED NECESSARY BY THE CITY OF ALBUQUERQUE, AND THE ALBUQUERQUE METROPOLITAN FLOOD CONTROL AUTHORITY, OR ITS SUCCESSORS AND ASSIGNS.

THE GRANTORS DO HEREBY COVENANT WITH THE GRANTEE THAT THEY ARE LAWFULLY SEIZED AND POSSESSED OF THE REAL ESTATE ABOVE DESCRIBED AND THAT THEY HAVE GOOD AND LAWFUL RIGHT TO CONVEY IT OR ANY PART THEREOF, THAT IT IS FREE FROM ALL ENCUMBRANCES EXCEPT TAXES DUE AND OWING THE TREASURER OF BERNALILLO COUNTY AND THAT THEY WILL FOREVER WARRENT AND DEFEND THE TITLE THERETO AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER.

AS PART OF THE CONSIDERATION FOR THIS GRANT, THE GRANTORS DO HEREBY RELEASE ANY AND ALL CLAIMS FOR DAMAGES FOR WHATSOEVER CAUSE INCIDENTAL TO THE EXCERCISE OF THE RIGHTS HEREIN GRANTED AND PROVIDED, HOWEVER; THAT THE GRANTEE AGREES TO SAVE THE GRANTORS HARMLESS FROM ANY AND ALL LIABILITY THAT MAY ARISE AS A RESULT OF THE CONSTRUCTION AND USE OF THE EASEMENT FOR THE PURPOSES SET FORTH. GRANTEE CERTIFIES THAT ANY OF THE ABOVE LANDS NOT NEEDED IN THE FINAL ALIGNMENT OF SAID EASEMENT AND RIGHT OF WAY WILL REVERT TO THE ABOVE GRANTORS AS THEIR INTEREST APPEARS.

IN WITNESS WHEREOF, THE PARTIES HAVE SET THEIR HAND AND SEALS THIS 26 DAY OF FEB., 1976.

FRED FULMER VICE PRESIDENT
ASSOCIATED INVESTMENT CO.
OF EL PASO TEXAS

JOHN Y GANNOWAY SR VICE PRES
ALBUQUERQUE NATIONAL BANK
CO-TRUSTEE FOR THE BOYS
ACADEMY TRUST.

STATE OF NEW MEXICO)
SS
COUNTY OF BERNALILLO)

SUBSCIIBED AND SWORN THIS 26th DAY OF FEB, 1976.

RALPH K. HICKS NOTARY PUBLIC

MY COMMISSION EXPIRES FEB. 10, 1978.

Exhibit
'B'

B 1 of 2

08753691

QUITCLAIM DEED

284

The ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico, for consideration, quitclaims to THE BOARD OF AMERICAN MISSIONS OF THE LUTHERAN CHURCH IN AMERICA, A MINNESOTA CORPORATION the following described real estate in Bernalillo County, New Mexico.

See attached Addendum "A"

WITNESS My hand X and seal ____ this 21st day of May, 1987.

ATTEST: Rex Funk
Rex Funk
Secretary

B.H. Swinburne, Chairman
Board of Directors

(SEAL)

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
) SS.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by B.H. Swinburne, Chairman, Board of Directors of Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico, a New Mexico Municipal Corporation, on behalf of said corporation.

My Commission Expires:
Sept. 21, 1988

Cindy Bauldin
Notary Public

(SEAL)

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

87 MAY 22 AM 9:26

D-304-A PG 284-285

GLADYS M. DAVIS
CO. CLERK & RECORDER

DEPUTY

DESCRIPTION

A certain tract of land located within the Corporate Limits of the City of Albuquerque, New Mexico comprising a portion of the land described by Warranty Deed (Document No. 83-10219) filed in the Office of the County Clerk of Bernalillo County, New Mexico on February 18, 1983, Book D128A, Pages 549 and 550, said portion of land also adjoins Tract A, Lands of Lutheran Church in America, as shown on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on January 15, 1979, Book C-14, Page 90, and being more particularly described as follows:

Beginning at the southeast corner of the parcel herein described, being the northeast corner of said Tract A and also being a point on the west right-of-way line of Wyoming Boulevard N.E.; thence S 89°54'00" W a distance of 246.62 feet; thence along the arc of a curve to the right with DELTA = 21°16'18", R = 867.16 feet and L = 321.94 feet; thence N 21°10'18" E a distance of 55.00 feet; thence along the arc of a curve to the left with DELTA = 21°16'18", R = 812.16 feet, and L = 301.52 feet; thence N 89°54'00" E a distance of 254.37 feet to a point on the west right-of-way line of Wyoming Boulevard N.E.; thence along the arc of a curve to right with DELTA = 02°33'08" , R = 1247.00 feet, and L = 55.55 feet to the point of beginning and containing 0.7101 acres more or less.

87033

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

September 16, 1987

Mr. Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE COMPLAINT FOR WYOMING OFFICE PARK PHASE II
(E-19/D25A)

Dear Mr. Millington:

We have received a drainage complaint concerning damage to curb and gutter on the southwest portion of the property. The curb and gutter section is on San Antonio Place. The runoff from your site is not being directed to the proper concrete channel side inlet. The parking lot asphalt should be swaled to direct your runoff to the concrete channel side inlet. Also, the total length of the rundown should be asphalt. There are side swales parallel with the concrete channel. These parallel swales should be allowed to enter the channel side inlet. Please submit a drawing showing these corrections prior to release of the Certificate of Occupancy.

If you would like to discuss this matter, please call me at 768-2650.

Cordially,

G. S. Reeder

for Carlos A. Montoya, P.E.
City/County Floodplain Administrator

cc: Rick Duran, Drainage Inspector

CAM/bsj

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

July 6, 1987

Jim Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE & GRADING PLAN FOR WYOMING OFFICE PARK PHASE I
(E-19/D25A) RECEIVED JUNE 5, 1987

Dear Mr. Millington:

The above referenced plan, dated June 5, 1987, is approved for Certificate of Occupancy release.

If you should have any questions regarding this project, please call me at 768-2650.

Cordially,

Carlos A. Montoya

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

June 26, 1987

Jim Millington, P.E.
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR WYOMING OFFICE PARK, PHASE II
(E-19/D25A) RECEIVED JUNE 26, 1987

Dear Mr. Millington:

The referenced plan dated June 26, 1987, is approved for Foundation Only Permit and Rough Grading Permit.

Please attach a copy of this approved plan to both sets of construction drawings submitted for foundation permit sign-off by Hydrology.

If you should have any questions regarding this project, call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase II ZONE ATLAS/D.RG. FILE #: E-19 / D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington
149 Jackson NE,
ADDRESS: Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Sunco CONTACT: Griff Pickard
3811 Atrisco NW
ADDRESS Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: Owner CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

____ YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED JUN 09 1987 HYDROLOGY SECTION

DRB NO. 87-68

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

✓ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

✓ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

✓ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

✓ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 6 8 87

BY: Jim Millington

Rev. 11/84

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park ZONE ATLAS/DRNG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington

ADDRESS: 144 Tulan NE Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Sunco CONTACT: Griff Pickard

ADDRESS: 3511 Atrisco NW Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: Owner CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

✓ YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED JUN 05 1987 HYDROLOGY SECTION

DRB NO. 85-318

EPC NO. Z79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

✓ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

✓ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

✓ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 06 05 87

BY: [signature]

Rev. 11/84

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

April 23, 1987

Jim Millington
Andrews, Asbury & Robert
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: CONCEPTUAL DRAINAGE PLAN FOR WYOMING OFFICE PARK PHASE II (E-19/D25A) RECEIVED APRIL 7, 1987

Dear Mr. Millington:

The above referenced plan dated April 7, 1987, is approved for Site Development Plan. Prior to Building Permit release, we will need the construction of the Pino Arroyo improvements.

If you should have any questions regarding this project, please call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase II ZONE ATLAS/DRNG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS: 7007 Wyoming NE Building (E)

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington

ADDRESS: 149 Jefferson NE, Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Sunco CONTACT: Griff Pickard

ADDRESS 3911 Atrisco NW Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: Custer Bassarich CONTACT: Royse-Bassarich

ADDRESS: 620 Marquette NW, Suite 302 Albuquerque, NM 87102 PHONE: 765-1020

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

___ YES

✓ NO

___ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED APR 07 1987 HYDROLOGY SECTION

DRB NO. ___

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

✓ CONCEPTUAL GRADING & DRAIN. PLAN

___ GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

✓ SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

___ BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

OTHER ___ (SPECIFY)

DATE SUBMITTED: 04.07.87

BY: [signature]

Rev. 11/84

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

February 5, 1987

James Millington
Andrews, Asbury & Robert, Inc.
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR WYOMING OFFICE PARK, PHASE I
(E-19/D25A) RECEIVED JANUARY 21, 1987

Dear Mr. Millington:

The above referenced plan dated January 21, 1987, is approved for Building Permit.

Please attach a copy of this approved plan to both sets of drawings submitted for building permit sign-off.

If you have any questions, call me at 768-2650.

Cordially,

Carlos A. Montoya

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyomingo Office Park Phase I ZONE ATLAS. ENG. FILE #: E-19

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews Asbury & Robert CONTACT: Jim Millington

ADDRESS: 149 Jackson NE, Albuquerque 87108 PHONE: 265-6631

OWNER: Suncor CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW Albuquerque 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: Suncor CONTACT: Fred Andrade

ADDRESS: 3811 Atrisco NW Albuquerque, NM PHONE: 831-0847

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED JAN 21 1987 HYDROLOGY SECTION

DRE NO. 85-31P

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

X DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

X GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

X BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

X GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 1/21/87

BY: Jan Allen

Rev. 11/84

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRNG. FILE #: E-19

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Ashburg & Associates CONTACT: Jim Millington

ADDRESS: 114 Jackson NE, Albuquerque, NM 87108 PHONE: 265-6631

OWNER: Sunco-Inc CONTACT: Griff Richard

ADDRESS 3811 Atrisco NW Albuquerque, NM 87120 PHONE: 831-0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 85-318

EPC NO. Z-74-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

X GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

✓ ROUGH GRADING PERMIT APPROVAL Revision

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 12/22/86

BY: [signature]

Rev. 11/84

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

November 17, 1986

James Millington, P.E.
Andres, Asbury & Robert, Inc.
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: CONCEPTUAL DRAINAGE PLAN FOR WYOMING OFFICE PARK, PHASE I
(E-19/D25A) RECEIVED OCTOBER 24, 1986

Dear Mr. Millington:

The above referenced plan, dated October 23, 1986 is approved for Site Plan and Rough Grading permit approval.

If you have any questions regarding this project, call me at 768-2650.

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert CONTACT: Jim Millington

ADDRESS: 149 Jackson NE Albuquerque NM 87108 PHONE: 265-6631

OWNER: Wyoming Land Investors CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW Albuquerque, NM 87120 PHONE: 831 0847

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED NOV 13 1986 HYDROLOGY SECTION

DRB NO. 85-318

EPC NO. Z-79-66-2

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAIN. PLAN

X GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

____ SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

X ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 11/13/86

BY: [signature]

Rev. 11/84

ANDREWS, ASBURY & ROBERT, INC.
Consulting Engineers
149 Jackson, NE, Albuquerque, New Mexico 87108
(505) 265-6631

John A. Andrews, P.E.
Charles T. Asbury, P.E.
John B. Robert, P.E. & L.S. (1915 - 1984)
James E. Millington, P.E. - V.P.

RECEIVED
OCT 24 1986
HYDROLOGY SECTION

October 23, 1986

Mr. Carlos Montoya
City of Albuquerque
Public Works Department
Engineering Group
Utility Development Division
Hydrology Section
P. O. Box 1293
Albuquerque, New Mexico 87103

SUBJECT: CONCEPTUAL DRAINAGE PLAN FOR
WYOMING OFFICE PARK - PHASE I
E-19/D25A

Dear Mr. Montoya:

Enclosed is a revised Conceptual Drainage Plan for your review. Your comments of October 20, 1986 are individually addressed as follows:

1. Information sheet has been revised.

2. Legal description has been corrected to Tract C-2 on drawing.

3. 100 year flood plain has been indicated.

4. Section of CTP slope protector has been added.

5. Spot elevations have been shown.

6. Roads have been clarified. San Antonio Place is the only road being added as part of this project.

7. Direct discharge of runoff to arroyo has been approved by Dan Hogan, the City's Design Engineer for the project.

8. The site plan submitted to DRB shows Phase II only as background information. Only Phase I approval is being requested, likewise only Phase I approval of drainage is being requested. Phase II drainage will be discharged directly to lined Pino Arroyo through side inlets being constructed as a part of this Pino project.

If you need any further information, please call.

Very truly yours,

JAMES E. MILLINGTON, P.E.

jtg:420
Attachment

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRNG. FILE #: E-19 /D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert, Inc. CONTACT: James E. Millington

ADDRESS: 149 Jackson St., N.E. Albuquerque, New Mexico 87108 PHONE: 505/265-6631

OWNER: Wyoming Land Investors CONTACT: Griff Pickard

ADDRESS 3811 Atrisco N.W. Albuquerque, New Mexico 87120 PHONE: 505/831-0847

ARCHITECT: Miller & Associates CONTACT: Jim Miller

ADDRESS: 2819 Richmond, N.E. Albuquerque, New Mexico 87107 PHONE: 505/884-1255

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

___ NO

___ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED OCT 24 1986 HYDROLOGY SECTION

DRB NO. 85-318

EPC NO. Z-79-66-Z

PROJECT NO. 2312

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAIN. PLAN

___ GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

X SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

___ BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 10/23/86

BY:

Rev. 11/84

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT

RECEIVED
OCT 22 1986
HYDROLOGY SECTION

INTER-OFFICE CORRESPONDENCE

October 21, 1986

TO Fred Aguirre, P.E., City Hydrologist
Hydrology Section, PWD

FROM Dan Hogan, P.E., Assistant Utility Engineer
Hydrology/Utility Design Section, PWD

SUBJECT DRB #85-318 Wyoming Office Park - Phase I

Carlos, FYI then file with report.
10/22/86

This is to confirm our telephone conversation today giving this Section's approval for development of the referenced project as proposed. My understanding is that this will allow discharge of runoff to the South Pino Arroyo without ponding. The minimum amount of water from this site (approximately 13 cfs. 100yr.) should not interfere with construction of the concrete channel lining. At this time construction is planned to begin in January of 1987.

If you need more information, have any questions or would like to discuss this, please call me at 768-2778.

DH:cma

FILE COPY

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

October 20, 1986

James Millington
Andrews, Asbury & Robert, Inc.
149 Jackson, NE
Albuquerque, New Mexico 87108

RE: CONCEPTUAL DRAINAGE PLAN FOR WYOMING OFFICE PARK PHASE I
(E-19/D25A) RECEIVED OCTOBER 15, 1986

Dear Mr. Millington:

I have reviewed the referenced plan and forward the following comments:

1. The information sheet should indicate Conceptual Grading and Drainage Plan not Drainage Plan.

2. The legal description on the drawing is different than the information sheet.

3. Please delineate the 100 year floodplain for the Pino Arroyo.

4. Please submit more detailed information on the CTB slope protection.

5. Show proposed elevations along the Pino Arroyo to indicate protection from flooding.

6. Please indicate proposed and existing roads. Which roads will be built with this project?

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

7. Need interim solution for the site's runoff till downstream improvements are made.

8. The site plan submitted to DRB shows Phase I & II. However, the conceptual drainage plan is only for Phase II.

If you have any questions regarding these comments, please call me at 768-2650.

Cordially,

Carlos A. Montoya

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

DRAINAGE INFORMATION SHE

PROJECT TITLE: Wyoming Office Park Phase I ZONE ATLAS/DRNG. FILE #: E-19/D25A

LEGAL DESCRIPTION: Academy Acres Unit 17, Tract C-2

CITY ADDRESS:

ENGINEERING FIRM: Andrews, Asbury & Robert, Inc CONTACT: James E. Millington

ADDRESS: 149 Jackson NE, Albuq., NM 87108 PHONE: 265-6631

OWNER: Wyoming Land Investors CONTACT: Griff Pickard

ADDRESS 3811 Atrisco NW, Albuq., NM 87120 PHONE: 831-0847

ARCHITECT: Miller & Associates CONTACT: Jim Miller

ADDRESS: 2819 Richmond NE, Albuq., NM 87107 PHONE: 884-1255

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED OCT 15 1986 HYDROLOGY SECTION

DRB NO. 85-318

EPC NO. Z-79-66-Z

PROJECT NO. 2312

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

X DRAINAGE PLAN

X CONCEPTUAL GRADING & DRAIN. PLAN

____ GRADING PLAN

____ EROSION CONTROL PLAN

____ ENGINEER'S CERTIFICATION

CAM

CHECK TYPE OF APPROVAL SOUGHT:

____ SKETCH PLAT APPROVAL

____ PRELIMINARY PLAT APPROVAL

X SITE DEVELOPMENT PLAN APPROVAL

____ FINAL PLAT APPROVAL

____ BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

OTHER _____ (SPECIFY)

DATE SUBMITTED: 10/15/86

BY: Jim Miller

Rev. 11/84

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION/DESIGN HYDROLOGY SECTION

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: E19 DATE: 7/23/86

PLANNING DIVISION NOS: EPC: _____ DRB: 85-718

SUBJECT: Wyoming Office Park (B

STREET ADDRESS (IF KNOWN): _____

SUBDIVISION NAME: Academy Acres Unit 17, Tract C-2

APPROVAL REQUESTED:

____	PRELIMINARY PLAT	____	FINAL PLAT
X	SITE DEVELOPMENT PLAN	X	BUILDING PERMIT
____	OTHER	____	ROUGH GRADING

	WHO	REPRESENTING
ATTENDANCE:	Jim Mullington	Andrews, Fibery + Pedrick
	Fred J. Kourpis	

FINDINGS:

Site Development Plan Sign-off (No required individual lots to be final. Only summary at a subdivision of site plan sign-off)

- An approved conceptual grading + drainage plan required for sign-off that addresses the proposed building phasing

Building Permit Sign-off (Two buildings at the N.E. corner of Tract C-2)

- An approved drainage plan ~~for~~ required for ~~the~~ Academy Acres Unit 17, Tract C-2 with proposed phasing scheme

Note: This office has no objections to releasing building permit for the proposed buildings shown on the site plan at Wyoming + Indian School. No encroachment of the 50' of the existing drainage easement

The undersigned agrees that the above findings are summarized accurately and are only subject to change if further investigation reveals that they are not reasonable or that they are based on inaccurate information.

SIGNED:	[illegible]	SIGNED:	[illegible]
TITLE:		TITLE:	
DATE:	7/23/86	DATE:	07/23/86

NOTE PLEASE PROVIDE A COPY OF THIS RECAP WITH THE DRAINAGE SUBMITTAL

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