

# CITY OF ALBUQUERQUE

Planning Department  
David Campbell, Director



Mayor Timothy M. Keller

July 9, 2018

Jeffery Wooten, P.E.  
Wooten Engineering  
1005 21<sup>st</sup> St SE, Suite A5  
Rio Rancho, NM 87124

RE: **Home Floor and Décor**  
**4936 Pan American Fwy NE**  
**Request for Certificate of Occupancy – 30 day Temporary**  
**Hydrology Final Inspection - Approved**  
**Engineer's Stamp Date 2/20/18 (F17D032)**  
**Certification Dated: 7/2/18**

Dear Mr. Wooten:

PO Box 1293

Based on the submittal received 7/2/18, the Engineer's Certification is approved in support of Temporary (30-day) Certificate of Occupancy by Hydrology.

Albuquerque

Prior to Permanent Certificate of Occupancy:

NM 87103

1. The most-recent approved grading and drainage plan needs to be certified. This is: Sheet C1.1 w/ Stamp Date: 4/4/18, and Sheet C1.2 w/ Stamp Date: 3/28/18.

If you have any questions, contact me at 924-3695 or [dpeterson@cabq.gov](mailto:dpeterson@cabq.gov).

[www.cabq.gov](http://www.cabq.gov)

Sincerely,

Dana Peterson, P.E.  
Senior Engineer, Planning Dept.  
Development Review Services

C: Email      Serna, Yvette M.; Fox, Debi; Tena, Victoria C.; Sandoval, Darlene M.



# City of Albuquerque

Planning Department

Development & Building Services Division

## DRAINAGE AND TRANSPORTATION INFORMATION SHEET (REV 3/2018)

**Project Title:** \_\_\_\_\_ **Building Permit #:** \_\_\_\_\_ **Hydrology File #:** \_\_\_\_\_

**DRB#:** \_\_\_\_\_ **EPC#:** \_\_\_\_\_ **Work Order#:** \_\_\_\_\_

**Legal Description:** \_\_\_\_\_

**City Address:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_ **Contact:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone#:** \_\_\_\_\_ **Fax#:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Other Contact:** \_\_\_\_\_ **Contact:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone#:** \_\_\_\_\_ **Fax#:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

Check all that Apply:

IS THIS A RESUBMITTAL?: \_\_\_\_ Yes \_\_\_\_ No

**DEPARTMENT:**

- \_\_\_\_ HYDROLOGY/ DRAINAGE  
\_\_\_\_ TRAFFIC/ TRANSPORTATION

**TYPE OF SUBMITTAL:**

- \_\_\_\_ ENGINEER/ARCHITECT CERTIFICATION  
\_\_\_\_ PAD CERTIFICATION  
\_\_\_\_ CONCEPTUAL G & D PLAN  
\_\_\_\_ GRADING PLAN  
\_\_\_\_ DRAINAGE MASTER PLAN  
\_\_\_\_ DRAINAGE REPORT  
\_\_\_\_ FLOODPLAIN DEVELOPMENT PERMIT APPLIC  
\_\_\_\_ ELEVATION CERTIFICATE  
\_\_\_\_ CLOMR/LOMR  
  
\_\_\_\_ TRAFFIC CIRCULATION LAYOUT (TCL)  
\_\_\_\_ TRAFFIC IMPACT STUDY (TIS)  
  
\_\_\_\_ OTHER (SPECIFY) \_\_\_\_\_  
\_\_\_\_ PRE-DESIGN MEETING?

**TYPE OF APPROVAL/ACCEPTANCE SOUGHT:**

- \_\_\_\_ BUILDING PERMIT APPROVAL  
\_\_\_\_ CERTIFICATE OF OCCUPANCY  
  
\_\_\_\_ PRELIMINARY PLAT APPROVAL  
\_\_\_\_ SITE PLAN FOR SUB'D APPROVAL  
\_\_\_\_ SITE PLAN FOR BLDG. PERMIT APPROVAL  
\_\_\_\_ FINAL PLAT APPROVAL  
  
\_\_\_\_ SIA/ RELEASE OF FINANCIAL GUARANTEE  
\_\_\_\_ FOUNDATION PERMIT APPROVAL  
\_\_\_\_ GRADING PERMIT APPROVAL  
\_\_\_\_ SO-19 APPROVAL  
\_\_\_\_ PAVING PERMIT APPROVAL  
\_\_\_\_ GRADING/ PAD CERTIFICATION  
\_\_\_\_ WORK ORDER APPROVAL  
\_\_\_\_ CLOMR/LOMR  
\_\_\_\_ FLOODPLAIN DEVELOPMENT PERMIT  
\_\_\_\_ OTHER (SPECIFY) \_\_\_\_\_

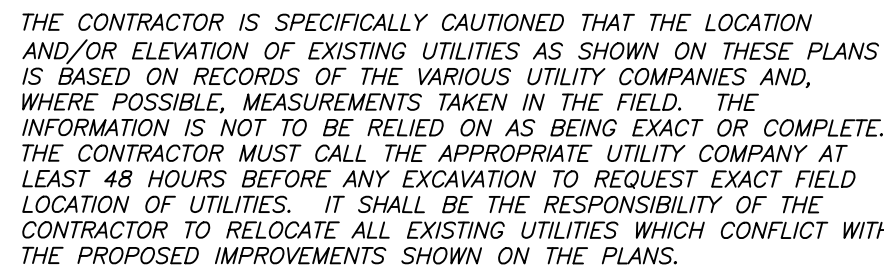
**DATE SUBMITTED:** \_\_\_\_\_ **By:** \_\_\_\_\_

COA STAFF:

ELECTRONIC SUBMITTAL RECEIVED: \_\_\_\_\_

FEE PAID: \_\_\_\_\_





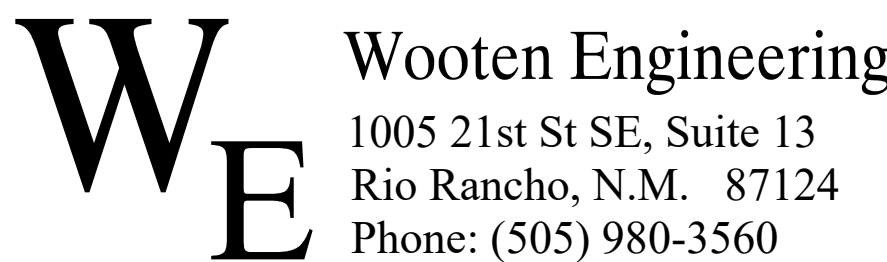
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JEFFREY TODD WOOTEN  
NEW MEXICO  
16892  
PROFESSIONAL ENGINEER

7/2/2018

THE RECORD INFORMATION PRESENTED HEREON IS NOT NECESSARILY COMPLETE AND INTENDED ONLY TO VERIFY SUBSTANTIAL COMPLIANCE OF THE GRADING AND DRAINAGE ASPECTS OF THIS PROJECT. THOSE RELYING ON THIS RECORD DOCUMENT ARE ADVISED TO OBTAIN INDEPENDENT VERIFICATION OF ITS ACCURACY BEFORE USING IT FOR ANY OTHER PURPOSE.

NOTE:  
ALL WORK WITHIN THE McLEOD RIGHT-OF-WAY IS  
TO BE PERMITTED SEPARATELY THROUGH THE  
CITY OF ALBUQUERQUE.



PROJECT TITLE		4936 PAN AMERICAN FRWY NE	
PROJECT NUMBER		MCLED AND 125	
JOB NO.		2017018	
SHEET TITLE		Grading Plan	
DRAWN BY:		OLIVIA WOOTEN	

DATE: 4/4/2018	sheet- C1.1
SCALE: AS NOTED	of 2



585784

#1

**PRIVATE FACILITY**  
**DRAINAGE COVENANT**

This Drainage Covenant ("Covenant"), between 4404 McLeod, LLC, a New Mexico limited liability company ("Owner"), whose address is 6801 Jefferson NE, Suite 300, Albuquerque, New Mexico, 87109 and the City of Albuquerque, a New Mexico municipal corporation ("City") whose address is P.O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner signs this Covenant.

1. Recital. The Owner is the current owner of the following described real property located at 4936 Pan American Freeway NE legally described as follows:

Lot 1-A as the same is designated on the Plat of Lots 1-A and 1-B Norris and Margaret Penny Addition (Being a Replat of Lot 1, Norris and Margaret Penny Addition) as the same is shown and designated on the plat of said addition filed in the office of the County Clerk of Bernalillo County, New Mexico on July 7, 2017 as Doc. No. 2017065629.

AND

Lot 2 as the same is designated on the Plat of Lots 1 & 2 of Norris and Margaret Penny Addition, to the City of Albuquerque, New Mexico, as the same are shown and designated on the plat of said addition filed in the office of the County Clerk of Bernalillo County, New Mexico on December 11, 1972 in Plat Book B7, page 75

in Bernalillo County, New Mexico (the "Property").

Pursuant to City ordinances, regulations and other applicable laws, the Owner is required to construct and maintain certain drainage facilities on the Property, and the parties wish to enter into this Covenant to establish the obligations and responsibilities of the parties.

2. Description and Construction of Drainage Facility. The Owner shall construct the following "Drainage Facilities" within the Property at the at the Owner's sole expense in accordance with the standards, plans and specifications approved by the City:

Two Stormwater Quality Ponds consisting of Pond 'A', a below grade Stormtech Pond containing approximately 4,974 cubic feet and Pond 'B' which contains approximately 364 cubic feet.

The Drainage Facilities are more particularly described in Exhibit A, attached hereto and made a part hereof.

3. Maintenance of Drainage Facility. The Owner shall maintain the Drainage Facility at

**Doc# 2018020501**

03/07/2018 03:14 PM Page: 1 of 6  
COV R \$25.00 Linda Stover, Bernalillo County



Owner's sole cost in accordance with the approved Drainage Report and plans.

4. Benefit to Property. The Owner acknowledges and understands that the Drainage Facility required herein to be constructed on the Owner's property is for the private benefit and protection of the Owner's property and that failure to maintain such facility could result in damage or loss to the Property.

5. Inspection of Drainage Facility. The City shall have no duty or obligation whatsoever to perform any inspection, maintenance or repair of the Drainage Facility, it being the duty of the Owner, its heirs, successors and assigns to construct and maintain the facility in accordance with approved plans and specifications.

6. Liability of City. The Owner understands and agrees that the City shall not be liable to the Owner, its heirs, successors or assigns, or to any third parties for any damages resulting from the Owner's failure to construct, maintain or repair the Drainage Facility.

7. Indemnification. The Owner owns and controls the Drainage Facility and shall not permit the Drainage Facility to constitute a hazard to the health or safety of the general public. The Owner agrees to indemnify, defend and hold harmless the City, its officials, agents and employees, from any claims, actions, suits or other proceedings arising from or out of the negligent acts or omissions of the Owner, its agents, representatives, contractors or subcontractors or arising from the failure of the Owner, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer or Owner herein; provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Covenant, this Covenant to indemnify will not extend to liability, claims, damages, losses or expenses, including attorneys' fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the respective indemnitee, or the agents or employees of the respective indemnitee; or (2) the giving of or the failure to give direction or instructions by the respective indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

8. Assessment. Nothing in this Covenant shall be construed to relieve the Owner, its heirs, assigns and successors from an assessment against the Owner's property for improvements to the property under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the Drainage Facility will not reduce the amount assessed by the City.

9. Binding on Owner's Property. The covenants and obligations of the Owner set forth herein shall be binding on the Owner, its heirs, assigns and successors and on the Owner's property and constitute covenants running with the Owner's property until released by the City. This Covenant can only be released by the City's Chief Administrative Officer with concurrence of the City Engineer.

10. Entire Covenant. This Covenant 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.

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

12. Effective Date of Covenant. This Covenant shall be effective as of the date of signature of the Owner.

CITY OF ALBUQUERQUE:

OWNER:

Accepted:

4404 McLeod, LLC, a New Mexico  
limited liability company

By: *SN*

Sarita Nair  
Chief Administrative Officer

Dated: 3/5/18

By: *SL*

Steve Maestas  
Manager

Dated: 2.13.18

Approved: *[Signature]*

By: *[Signature]*

City Engineer

CITY'S ACKNOWLEDGMENT

STATE OF NEW MEXICO )

)ss

COUNTY OF BERNALILLO )

This instrument was acknowledged before me on this 5 day of March 2018, by Sarita Nair, Chief Administrative Officer of the City of Albuquerque, a New Mexico municipal corporation, on behalf of the corporation.

(SEAL)

My Commission Expires:

10/06/21

*[Signature]*  
Notary Public



OWNER'S ACKNOWLEDGMENT

STATE OF NEW MEXICO )

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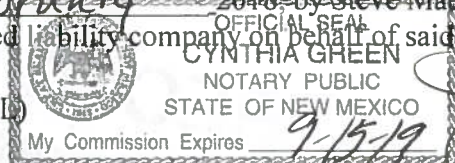
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on this 13<sup>th</sup> day of February 2018, by Steve Maestas, Manager of 4404 McLeod, LLC, a New Mexico limited liability company on behalf of said company.

(SEAL)

My Commission Expires:

9-15-19



*[Signature]*  
Notary Public

**EXHIBIT A**  
**Drainage Facilities**



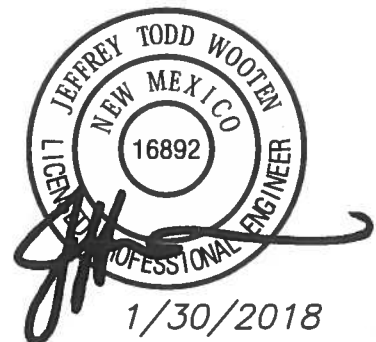
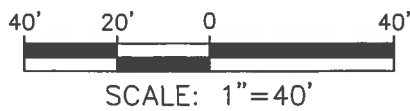
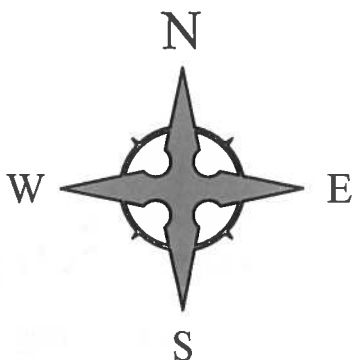
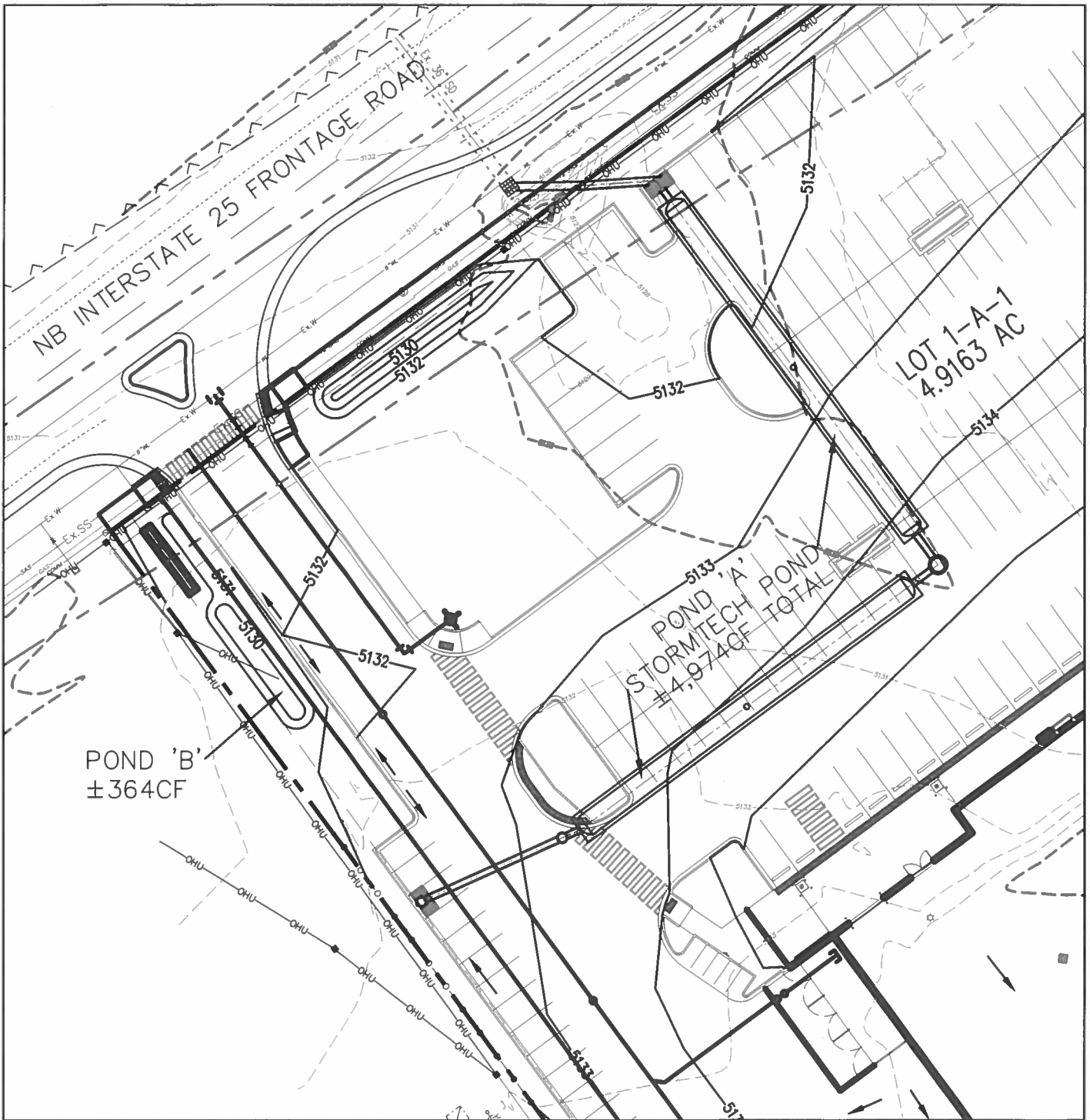


Exhibit 'A'