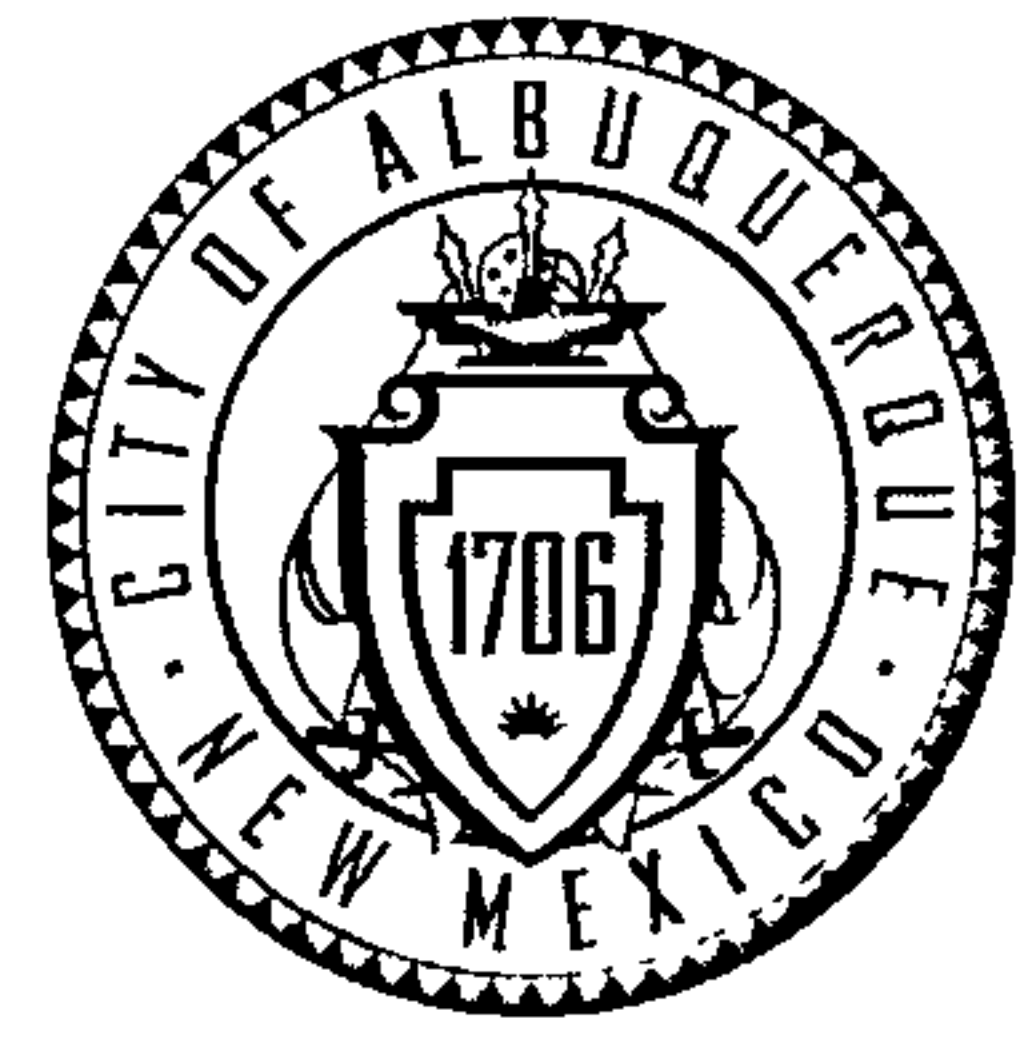


CITY OF ALBUQUERQUE



October 30, 2013

David Soule, P.E.
Rio Grande Engineering
P.O. Box 93924
Albuquerque, NM 87199

**Re: Hampton @25, 4412 The 25 Way
Request For Permanent C.O.
Engineer's Stamp date 03-29-12 (F-17/D088)
Certification Date: 10-25-13**

Dear Mr. Soule,

Based on the Certification received 10/29/2013, the site is acceptable for a release of a Permanent Certificate of Occupancy by Hydrology.

Hydrology is asking for an electronic copy, in PDF format, of this certification for our records. This PDF file can be e-mailed to me at: sbiazar@cabq.gov.

If you have any questions, you can contact me at 924-3695.

Sincerely,

Shahab Biazar, P.E.
Senior Engineer, Planning Dept.
Development Review Services

C: CO Clerk—Katrina Sigala
E-mail

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 01/28/2003rd)

PROJECT TITLE: ② Hampton @25
DRB #: _____ EPC #: _____

ZONE MAP/DRG. FILE #: F17-D88
WORK ORDER #: _____

LEGAL DESCRIPTION: trach H1a1a- The 25 SUBDIVISION
CITY ADDRESS: 7950 JACS LANE

ENGINEERING FIRM: Rio Grande Engineering
ADDRESS: PO BOX 93924
CITY, STATE: Alb

CONTACT: David Soule, PE
PHONE: (505)321-9099
ZIP CODE: 87199

OWNER: Depesh Kholwadwala
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

ARCHITECT: Peter Butterfield
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

SURVEYOR: GEOSURV CO
ADDRESS: _____
CITY, STATE: _____

CONTACT: David Vigil
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL, *REQUIRES TCL or equal*
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☒ ENGINEER'S CERTIFICATION (HYDROLOGY)
☐ CLOMR/LOMR
☐ TRAFFIC CIRCULATION LAYOUT (TCL)
☐ ENGINEERS CERTIFICATION (TCL)
☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
☐ OTHER

- ☐ SIA / FINANACIAL GUARANTEE RELEASE
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D. APPROVAL
☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
☐ SECTOR PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☐ BUILDING PERMIT APPROVAL
☒ CERTIFICATE OF OCCUPANCY (PERM.)
☐ CERTIFICATE OF OCCUPANCY (TEMP.)
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
☒ NO
☐ COPY PROVIDED

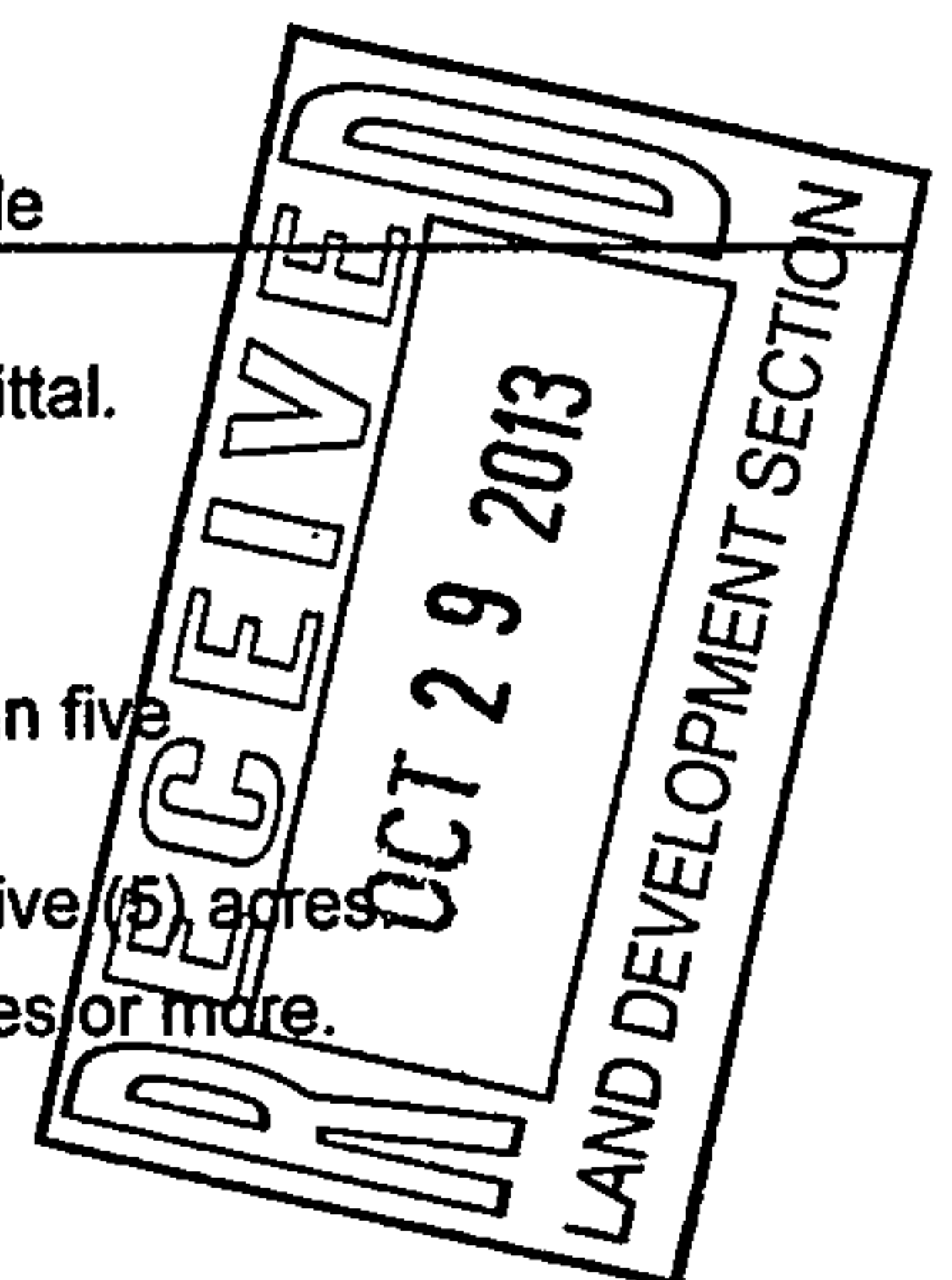
DATE SUBMITTED: _____ BY: David Soule

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal.

The particular nature, location and scope of the proposed development defines the degree of drainage detail.

One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plans:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more.



① 30 DAY Temp Verbal
SB. 10/29/13.

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

October 29, 2013

Peter Butterfield, R.A.
Peter Butterfield Architect
13013 Glenwood Hills Ct. NE
Albuquerque, NM 87111

Re: Certification Submittal for Certificate of Occupancy for
Hampton Inn & Suites (F17-D088)
4412 The 25 Way
Architect's Stamp dated 10-24-13

Dear Mr. Butterfield,

Based upon the information provided in your submittal received 10-28-13, Transportation Development has no objection to the issuance of a Permanent Certificate of Occupancy. This letter serves as a "green tag" from Transportation Development for a Permanent Certificate of Occupancy to be issued by the Building and Safety Division

PO Box 1293

If you have any questions, please contact me at (505)924-3630.

Albuquerque

Sincerely,

New Mexico 87103

Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services

www.cabq.gov

C: Engineer
File
CO Clerk

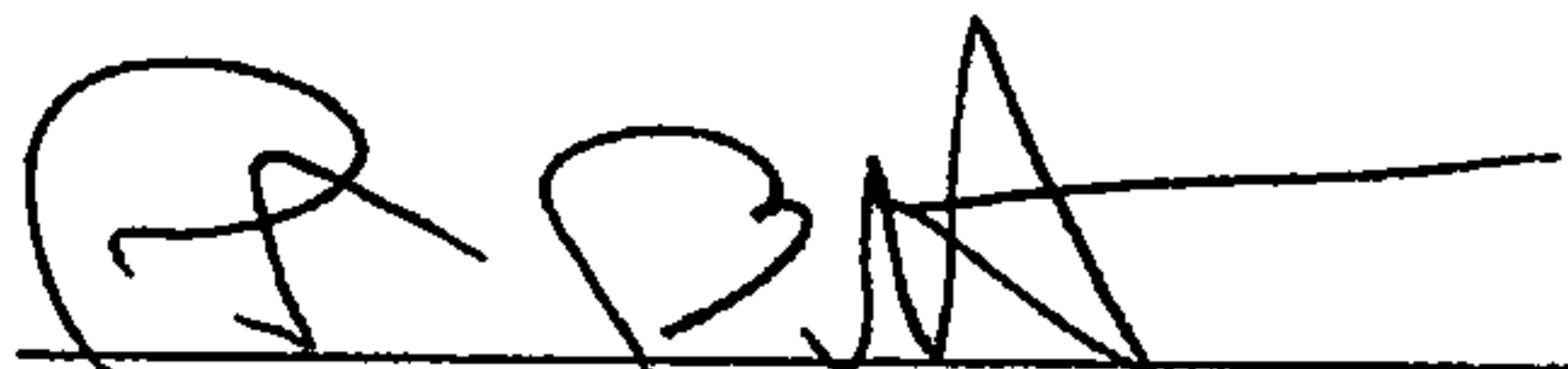
peter butterfield architect

• 505 332 9323 • fax 212 0901 • 13013 Glenwood Hills Ct. NE • Albuquerque New Mexico 87111 •

TRAFFIC CERTIFICATION

I, PETER BUTTERFIELD, NMRA 3850, OF THE FIRM PETER BUTTERFIELD ARCHITECT, HEREBY CERTIFY THAT THIS PROJECT IS IN SUBSTANTIAL COMPLIANCE WITH AND IN ACCORDANCE WITH THE DESIGN INTENT OF THE APPROVED PLAN DATED NOVEMBER 2, 2012. I FURTHER CERTIFY THAT I HAVE PERSONALLY VISITED THE PROJECT SITE ON OCTOBER 25, 2013 AND HAVE DETERMINED BY VISUAL INSPECTION THAT THE SURVEY DATA PROVIDED IS REPRESENTATIVE OF ACTUAL SITE CONDITIONS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS CERTIFICATION IS SUBMITTED IN SUPPORT OF A REQUEST FOR A PERMANENT CERTIFICATE OF OCCUPANCY.

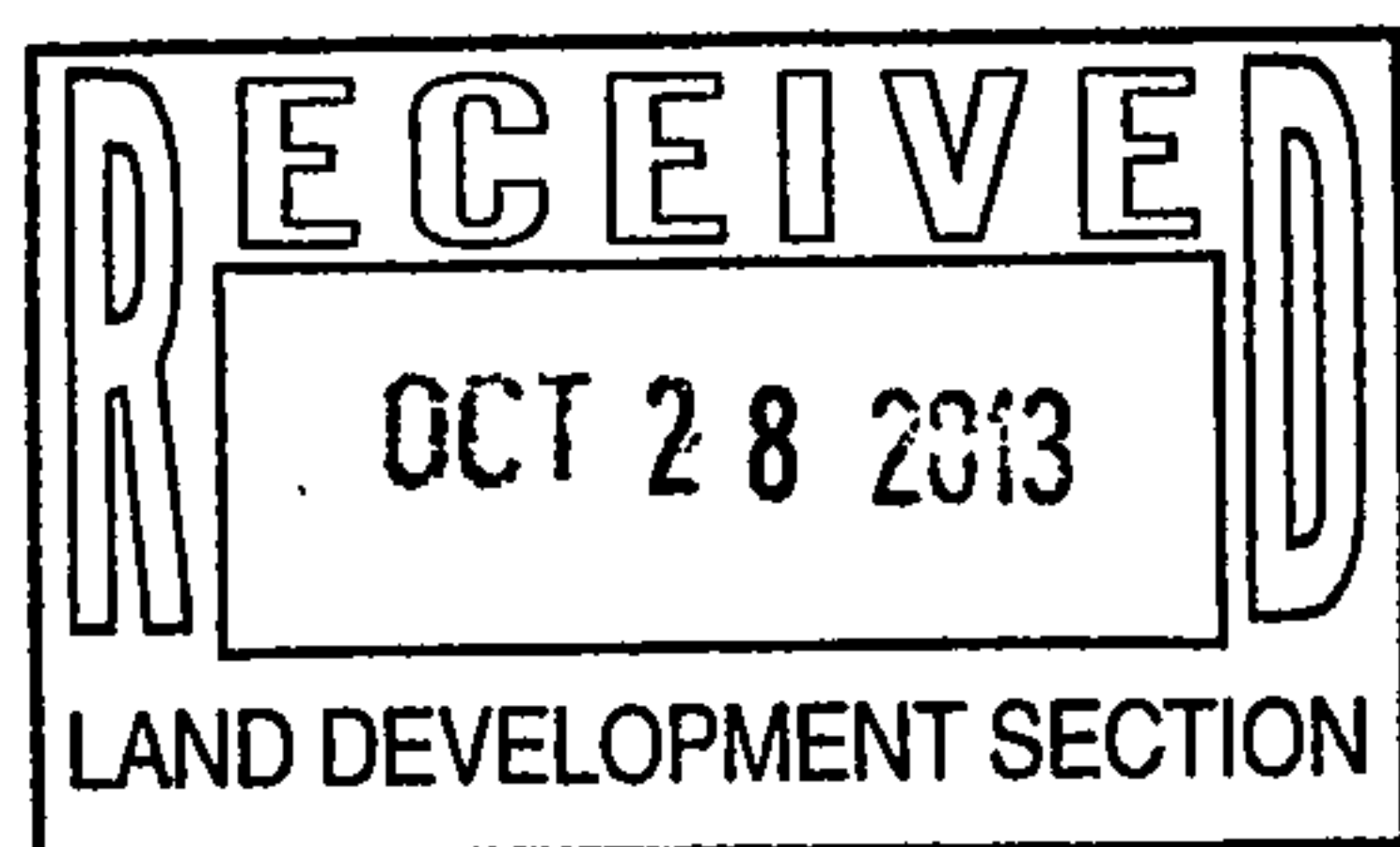
THE RECORD INFORMATION PRESENTED HEREON IS NOT NECESSARILY COMPLETE AND INTENDED ONLY TO VERIFY SUBSTANTIAL COMPLIANCE OF THE TRAFFIC ASPECTS OF THIS PROJECT. THOSE RELYING ON THE RECORD DOCUMENT ARE ADVISED TO OBTAIN INDEPENDENT VERIFICATION OF ITS ACCURACY BEFORE USING IT FOR ANY OTHER PURPOSE.



Signature of Engineer or Architect

ENGINEER'S OR ARCHITECT'S STAMP

10/24/13
Date



DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 02/2012)

PROJECT TITLE: Hampton Inn & Suites ZONE MAP: F-17-2/0088
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: H-1-A-1-A w/in Elena Gallegos Grant
CITY ADDRESS: 4412 The 25 Way

ENGINEERING FIRM: Rio Grande Engineering CONTACT: David Sork
ADDRESS: PO Box 67305 PHONE: 321 9099
CITY, STATE: Albuquerque NM ZIP CODE: 87193
EMAIL: David@RioGrandeEngineering.com

OWNER: Dream Catcher ABE Inc CONTACT: Deepesh Khulwadia
ADDRESS: 4836 Hardware Ave PHONE: 238 9381
CITY, STATE: Albuquerque NM ZIP CODE: 87109

ARCHITECT: Peter Butterfield Architect CONTACT: Peter Butterfield
ADDRESS: 13013 Glenwood Hills Ct NE PHONE: 332 9323
CITY, STATE: ABQ NM ZIP CODE: 87111
EMAIL: Peterbutterfield@aol.com

SURVEYOR: Construction Survey Technologies CONTACT: John Gallegos
ADDRESS: PO Box 65395 PHONE: 917 8921
CITY, STATE: Albuquerque NM ZIP CODE: 87193

CONTRACTOR: The Wright Group CONTACT: Doug Wright
ADDRESS: PO Box 1629 PHONE: 970 241 2793
CITY, STATE: Grand Junction CO ZIP CODE: 81507

TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1* SUBMITTAL
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL G & D PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERT (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT
- ☒ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY) _____

CHECK TYPE OF APPROVAL SOUGHT:

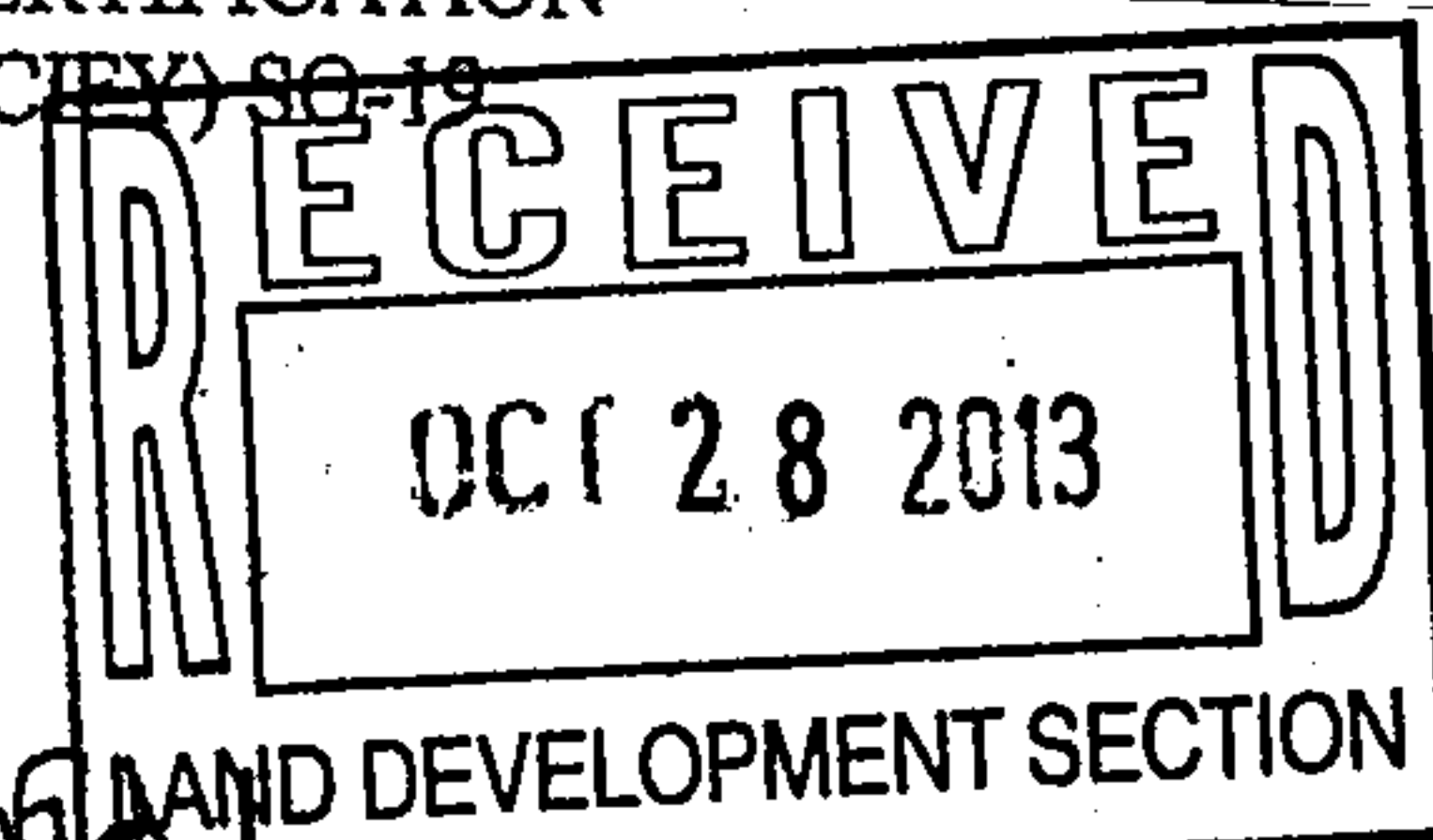
- ☐ SIA/FINANCIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D APPROVAL
- ☐ S. DEV. FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☐ BUILDING PERMIT APPROVAL
- ☒ CERTIFICATE OF OCCUPANCY (PERM)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP)
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ GRADING CERTIFICATION
- ☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☒ YES
- ☐ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: 10.28.13

BY: Peter Butterfield



Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

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2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 01/28/2003rd)

PROJECT TITLE: Hampton @25
DRB #: _____ EPC #: _____

ZONE MAP/DRG. FILE #: F17-D88
WORK ORDER #: _____

LEGAL DESCRIPTION: trach H1a1a- The 25 SUBDIVISION
CITY ADDRESS: 7950 JACS LANE

ENGINEERING FIRM: Rio Grande Engineering
ADDRESS: PO BOX 93924
CITY, STATE: Alb

CONTACT: David Soule, PE
PHONE: (505)321-9099
ZIP CODE: 87199

OWNER: Depesh Kholwadwala
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

ARCHITECT: Peter Butterfield
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

SURVEYOR: GEOSURV CO
ADDRESS: _____
CITY, STATE: _____

CONTACT: David Vigil
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

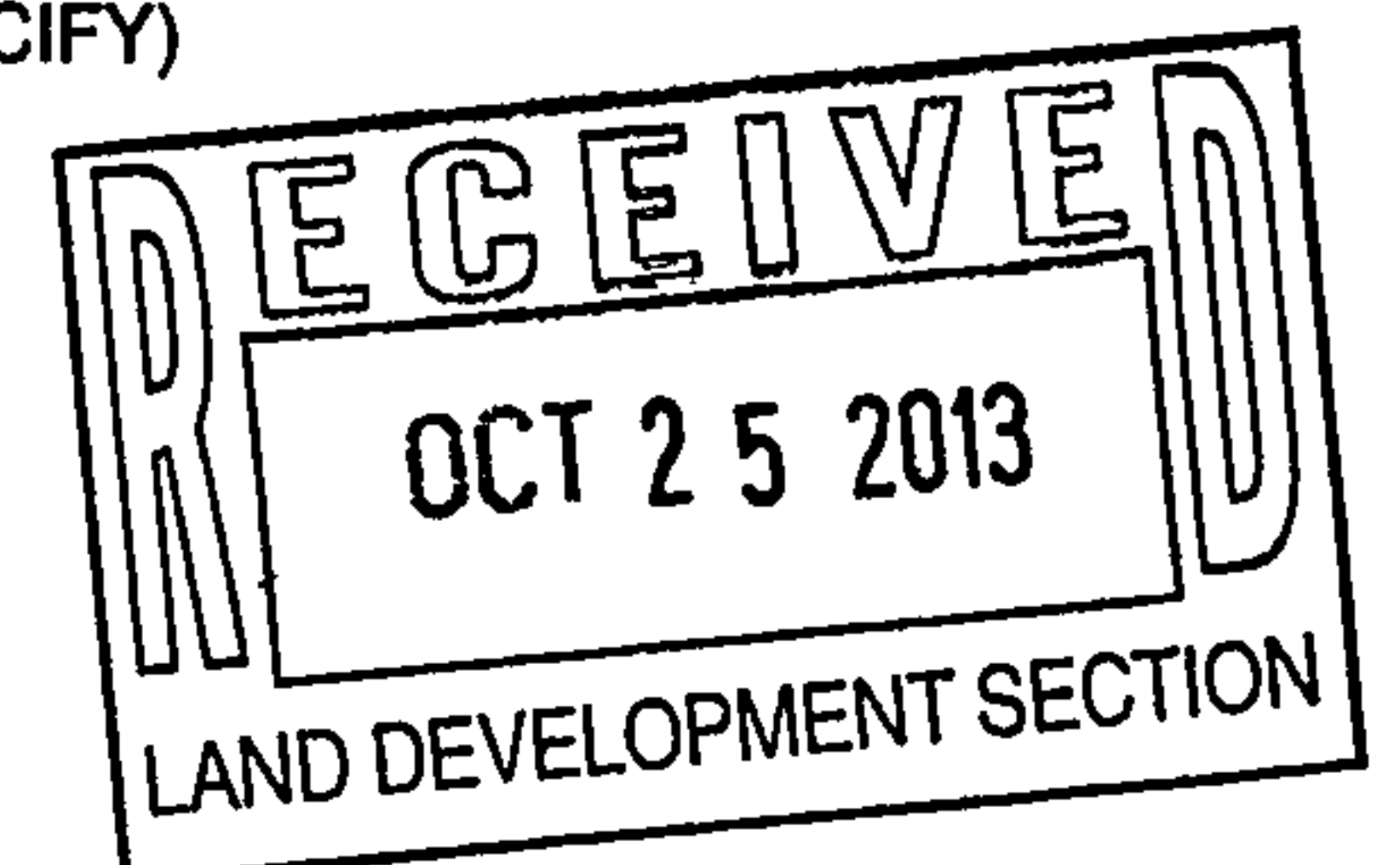
CHECK TYPE OF APPROVAL SOUGHT:

____ DRAINAGE REPORT
____ DRAINAGE PLAN 1st SUBMITTAL, *REQUIRES TCL or equal*
____ DRAINAGE PLAN RESUBMITTAL
____ CONCEPTUAL GRADING & DRAINAGE PLAN
____ GRADING PLAN
____ EROSION CONTROL PLAN
☒ ENGINEER'S CERTIFICATION (HYDROLOGY)
____ CLOMR/LOMR
____ TRAFFIC CIRCULATION LAYOUT (TCL)
____ ENGINEERS CERTIFICATION (TCL)
____ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
____ OTHER

____ SIA / FINANACIAL GUARANTEE RELEASE
____ PRELIMINARY PLAT APPROVAL
____ S. DEV. PLAN FOR SUB'D. APPROVAL
____ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
____ SECTOR PLAN APPROVAL
____ FINAL PLAT APPROVAL
____ FOUNDATION PERMIT APPROVAL
____ BUILDING PERMIT APPROVAL
☒ CERTIFICATE OF OCCUPANCY (PERM.)
____ CERTIFICATE OF OCCUPANCY (TEMP.)
____ GRADING PERMIT APPROVAL
____ PAVING PERMIT APPROVAL
____ WORK ORDER APPROVAL
____ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

____ YES
☒ NO
____ COPY PROVIDED



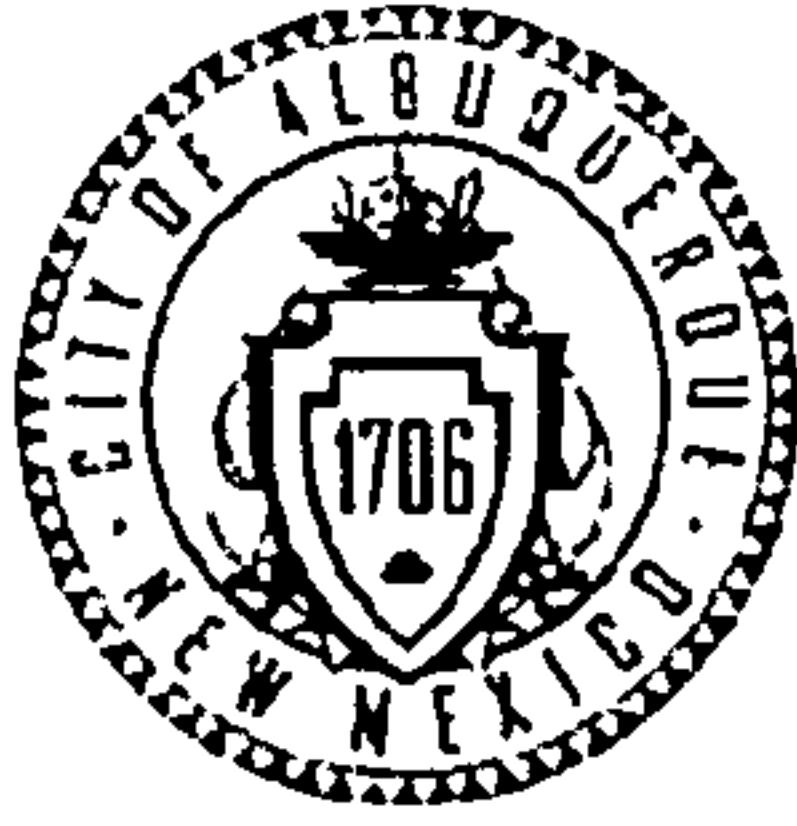
DATE SUBMITTED: _____ BY: David Soule

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CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

LEVINE INVESTMENTS (PETER BUTTERFIELD, AGENT) request(s) a special exception to Section 14-16-2-19 (C)(1): a VARIANCE of 55' to the 10' 5" maximum height allowance for a proposed hotel on all or a portion of Lot(s) H1A1A, Tract(s) H1A1A, THE 25 WAY zoned IP, located at 4412 THE 25 WAY NE (F-17)

Special Exception No:..... 11ZHE-80155
Project No: Project# 1008862
Hearing Date: 07-19-11
Closing of Public Record: 07-19-11
Date of Decision: 07-25-11

STATEMENT OF FACTS: The applicant, Levine Investments, requests a variance of 55' to the 10' 5" maximum height allowance for a proposed hotel. Peter Butterfield, agent for the applicant, testified that if approved a 64' high hotel will be constructed. He stated that the lot is exceptional because of its irregular size and shape. There are other buildings in the vicinity that are similar in height to this proposed building. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because of its irregular size and shape and, therefore, it meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on August 9, 2011 in the manner described below:

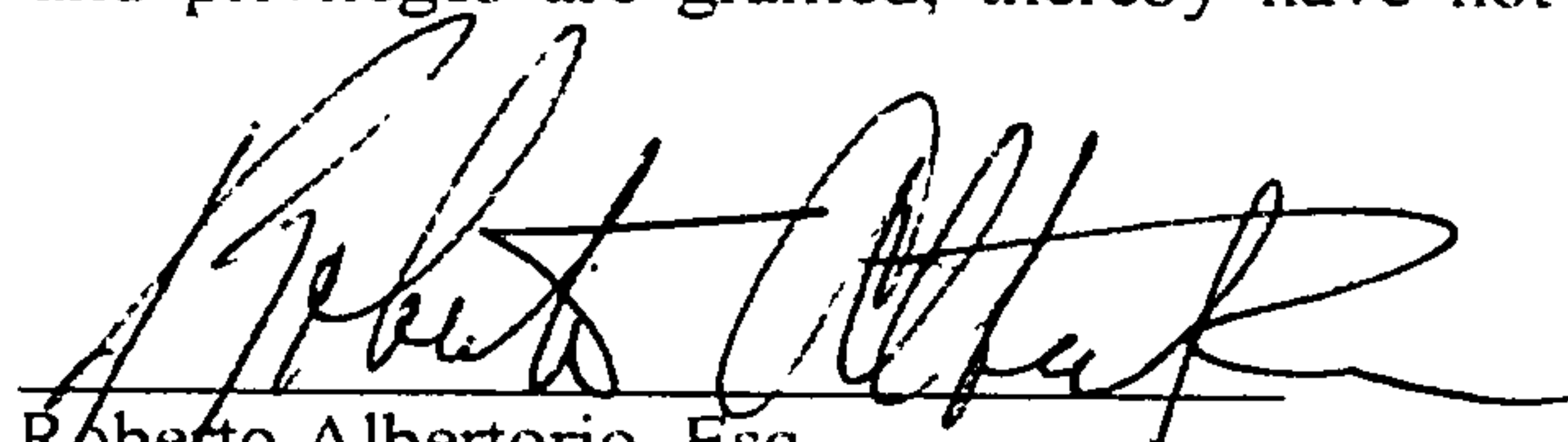
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Levine Investments, Tony Feiter, 1702 E. Highland, Phoenix, AZ, 85016
Peter Butterfield, 13013 Glenwood Hills Court NE, 87111

WHEN RECORDED RETURN TO:

David L. Lansky, Esq.
Mariscal Weeks McIntyre & Friedlander, P.A.
2901 North Central Avenue - Suite 200
Phoenix, Arizona 85012
1741232-003 2/13
FT000074472
J. Sorensen

PARKING AGREEMENT

THIS PARKING AGREEMENT (this "Agreement") is made and entered into as of the 15th day of November, 2011 by and between LEVINE INVESTMENTS LIMITED PARTNERSHIP, an Arizona limited partnership ("Levine") and KHOLWAD BROTHERS PARTNERSHIP, a New Mexico general partnership ("Kholwad").

WHEREAS, Levine is the owner of certain land within the City of Albuquerque, Bernalillo County, New Mexico (herein after referred to as the "Levine Property") with a legal description as set forth on Exhibit "A" to this Agreement.

WHEREAS, Kholwad is the owner of certain land within the City of Albuquerque, Bernalillo County, New Mexico (herein after referred to as the "Kholwad Property") adjacent to the Levine Property with a legal description as set forth on Exhibit "B" to this Agreement).

WHEREAS, in order to be used as a limited service, business oriented hotel, the Kholwad Property requires additional off-site parking during certain hours of the day.

WHEREAS, Levine is willing to grant a parking easement for the benefit of the limited service, business oriented hotel anticipated to be constructed on the Kholwad Property.

WHEREAS, Kholwad is willing to grant a parking easement for the benefit of the restaurant operated on the Levine Property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Easement Purpose. The cross-parking easement granted herein is for the purpose of:
(i) providing the owner of the Kholwad Property a right to have its invitees, employees, managers and agents park a maximum of seven (7) passenger motor vehicles in seven (7) parking spaces in the parking lot on the Levine Property during the hours of 8p.m. – 8a.m. on a daily basis so long as the Kholwad Property is used for the operation of a limited service, business oriented hotel; and (ii) providing the owner of the Levine Property a right for it, its tenant(s) and their respective invitees, employees, managers and agents park a maximum of seven (7) passenger motor vehicles in seven (7) parking spaces in the parking lot on the Kholwad Property during the hours of 8a.m. – 8p.m. on a daily basis; (i) and (ii), collectively, the "Easement Purpose").
2. Grant of Easement.

- a. So long as the Kholwad Property is used for the operation of a limited service, business oriented hotel, Levine grants and conveys to Kholwad and its invitees, employees, managers and agents a nonexclusive and irrevocable easement over, on and across the Levine Property for the Easement Purpose and for the benefit of the Kholwad Property and its invitees, employees, managers and agents, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Levine Easement"), to have and to hold the Levine Easement.
 - b. Kholwad grants and conveys to Levine, its tenant(s) and their respective invitees, employees, managers and agents, a nonexclusive and irrevocable easement over, on and across the Kholwad property for the Easement Purpose and for the benefit of the Levine Property, its owner, its tenant(s) and their respective invitees, employees, managers and agents, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Kholwad Easement"), to have and to hold the Kholwad Easement.
3. Barricades. No fence, barricade or improvement shall be constructed by either party that would prohibit the use of the Levine Property (or Kholwad Property, as the case may be) for the Easement Purpose.
4. Maintenance. Levine is responsible for the maintenance and repair of the Levine Property (including, but not limited to, the parking spaces thereon). Kholwad is responsible for the maintenance and repair of the Kholwad Property (including, but not limited to, the parking spaces thereon).
5. Parking. Parking by invitees of Kholwad on the Levine Property must be in a lawful, normal and customary manner that does not conflict with the operation and ordinary course of business conducted on the Levine Property. No storage, repair or 24-hour parking of vehicles on the Levine property by invitees of Kholwad is permitted. Levine is not responsible for any loss, theft, damage or destruction to any vehicle or personal property contained in any vehicle parked on the Levine Property by invitees of Kholwad.
6. Insurance. Levine shall maintain commercial general liability insurance with a combined single limit of not less than Two Million and No/100 Dollars (\$2,000,000.00) per occurrence, Four Million and No/100 Dollars (\$4,000,000.00) annual aggregate, insuring against any and all liability of Levine with respect to the parking of vehicles on the Levine Property. Such policy of liability insurance shall name Kholwad as an additional insured. Kholwad shall maintain commercial general liability insurance with a combined single limit of not less than Two Million and No/100 Dollars (\$2,000,000.00) per occurrence, Four Million and No/100 Dollars (\$4,000,000.00) annual aggregate, insuring against any and all liability of Kholwad with respect to the parking of vehicles on the Kholwad Property. Such policy of liability insurance shall name Levine (and any person designated by Levine) as an additional insured.
7. Indemnity.
 - (a) Levine and its tenant(s) and their respective invitees, employees, managers and agents shall not be liable for loss or damage to any vehicle parked by Kholwad, its respective agents, managers, invitees, servants, contractors or employees or pursuant to this Agreement and/or to the contents thereof caused by fire, theft,

vandalism, collision, explosion, freezing, earthquake, storms, natural disasters, strikes, riots or by any other causes, except to the extent caused by the gross negligence or willful misconduct of Levine. Kholwad waives, releases, discharges, indemnifies, defends and holds harmless Levine, its tenant(s) and their respective invitees, employees, managers and agents for, from and against all personal injury, bodily injury, property damage, liens, claims, demands, liabilities, causes of action, judgments, costs or expenses (including reasonable attorneys' fees and costs) resulting from Kholwad's use of the Levine Easement unless caused solely by the gross negligence or willful misconduct of Levine.

- (b) Kholwad and its agents and employees shall not be liable for loss or damage to any vehicle parked by Levine, its tenant(s) and their respective invitees, employees, managers and agents or pursuant to this Agreement and/or to the contents thereof caused by fire, theft, vandalism, collision, explosion, freezing, earthquake, storms, natural disasters, strikes, riots or by any other causes, except to the extent caused by the gross negligence or willful misconduct of Kholwad. Levine waives, releases, discharges, indemnifies, defends and holds harmless Kholwad, its agents and employees for, from and against all personal injury, bodily injury, property damage, liens, claims, demands, liabilities, causes of action, judgments, costs or expenses (including reasonable attorneys' fees and costs) resulting from Levine's use of the Kholwad Easement unless caused solely by the gross negligence or willful misconduct of Kholwad.
- (c) Notwithstanding any other term or condition of this Agreement, to the extent, if at all, Section 56-7-1, New Mexico Statutes Annotated, is applicable to any agreement to indemnify, defend and hold harmless set forth in this Agreement, such agreement will not extend to any liability, claims, damages, losses or expenses, including attorneys' fees, arising out of (i) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the indemnitee's agents or employees; or (ii) the giving or the failure to give directions or instructions by the indemnitee, or the indemnitee's agents or employees where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

8. Notices. If notification is to be provided hereunder, the same must be in writing and shall be by U.S. Registered or Certified Mail, adequate postage prepaid, directed to the following addresses, but either party's address may be changed from time to time by such party giving notice as provided above:

If to Levine: Levine Investments Limited Partnership
1702 East Highland - Suite 310
Phoenix, Arizona 85016
Attention: Andrew M. Cohn
Fax No.: 602-248-0874

With a copy to: David L. Lansky, Esq.
Mariscal Weeks McIntyre & Friedlander, P.A.
2901 North Central Avenue - Suite 200
Phoenix, Arizona 85022
Fax No.: 602-285-5100

If to Kholwad: c/o Deepesh Kholwadwala
Dreamcatcher ABQ, LLC
2011 Menaul Boulevard NE
Albuquerque, New Mexico 87107
Fax No.: 505-821-9226

9. Reservation of Rights. Levine shall have the right to use the Levine Property in any manner that is not inconsistent with the Easement Purpose and which will not unreasonably interfere with Kholwad's right of access to the parking spaces on the Levine Property. Kholwad shall have the right to use the Kholwad Property in any manner that is not inconsistent with the Easement Purpose and which will not unreasonably interfere with Levine's right of access to the parking spaces on the Kholwad Property.
10. No Conveyance. It is mutually agreed that nothing contained herein shall be deemed a conveyance or dedication in favor of the general public or for any public purpose whatsoever, it being the intention of the parties that this Agreement is for the private benefit of the parties and their respective successors and assigns and shall be strictly limited to and for the purposes herein expressed.
11. Run With The Land. The rights and obligations contained in this Agreement and the terms and condition hereof shall be deemed to be covenants running with the land and binding upon and inure to the benefit of the parties and their respective successors and assigns.
12. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, permitted assigns, heirs, and personal representatives.
13. Governing Law. The laws of the State of New Mexico shall govern the interpretation, validity, performance, and enforcement of this Agreement.

EXECUTED this 1 day of Nov, 2011.

LEVINE:

**LEVINE INVESTMENTS LIMITED
PARTNERSHIP**, an Arizona limited
partnership

By: Keim, Inc., an Arizona corporation
Its: General Partner

By: SIGNED IN COUNTERPART
Name: _____
Its: _____

KHOLWAD:

**KHOLWAD BROTHERS
PARTNERSHIP**, a New Mexico general
partnership

By: K. Kholwad
Name: Khushman Kholwad
Its: Partner

CITY OF ALBUQUERQUE:

By: M. Conrad

Name: MATTHEW CONRAD
FOR DEBORAH L. STOKER
Its: Planning Director

Date: 11/1/11

EXECUTED this 1st day of November, 2011.

LEVINE:

**LEVINE INVESTMENTS LIMITED
PARTNERSHIP**, an Arizona limited
partnership

By: Keim, Inc., an Arizona corporation
Its: General Partner

By: [Signature]
Name: William S. Levine
Its: Chairman

KHOLWAD:

KHOLWAD BROTHERS PARTNERSHIP,
a New Mexico general partnership

SIGNED IN COUNTERPART
By: _____
Name: _____
Its: _____

CITY OF ALBUQUERQUE:

By: **SIGNED IN COUNTERPART**

Name: _____

Its: Planning Director

Date: _____

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

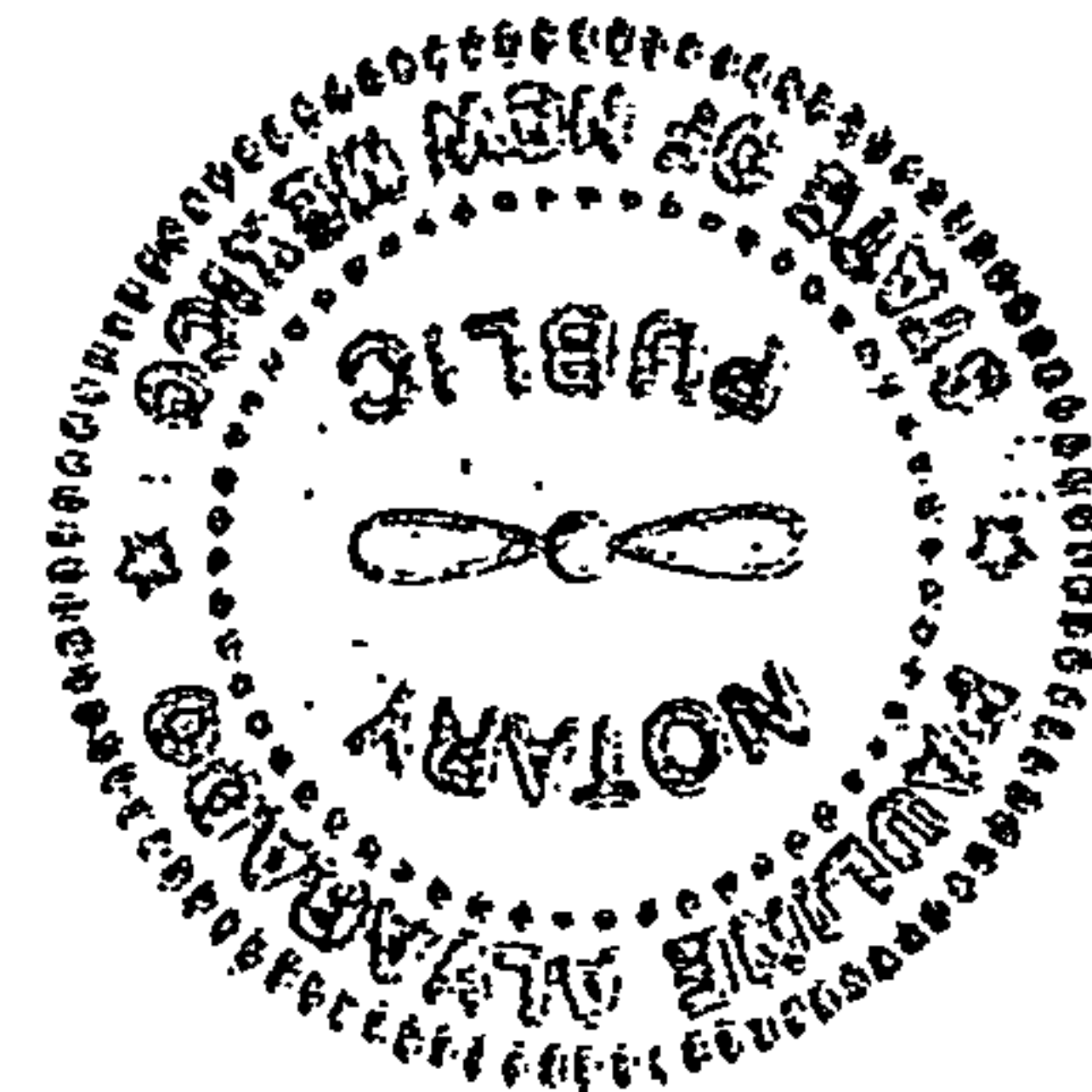
Before me, the undersigned authority, on this day personally appeared Matthew Conrad, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 1st DAY OF November 2011

[Signature]
Notary Public

My Commission Expires:

1/14/15



STATE OF NEW MEXICO

COUNTY OF BERNALILLO

Before me, the undersigned authority, on this day personally appeared KUSHMAN KHALWA, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 1st DAY OF November 2011

[Signature]
Notary Public

My Commission Expires



TRAVIS M. SCOTT JR.
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 2-10-14

THE STATE OF ARIZONA

COUNTY OF MARICOPA

On Nov 1, 2011, before me, a notary public in and for said state, personally appeared William S. Levine personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public

My Commission Expires:

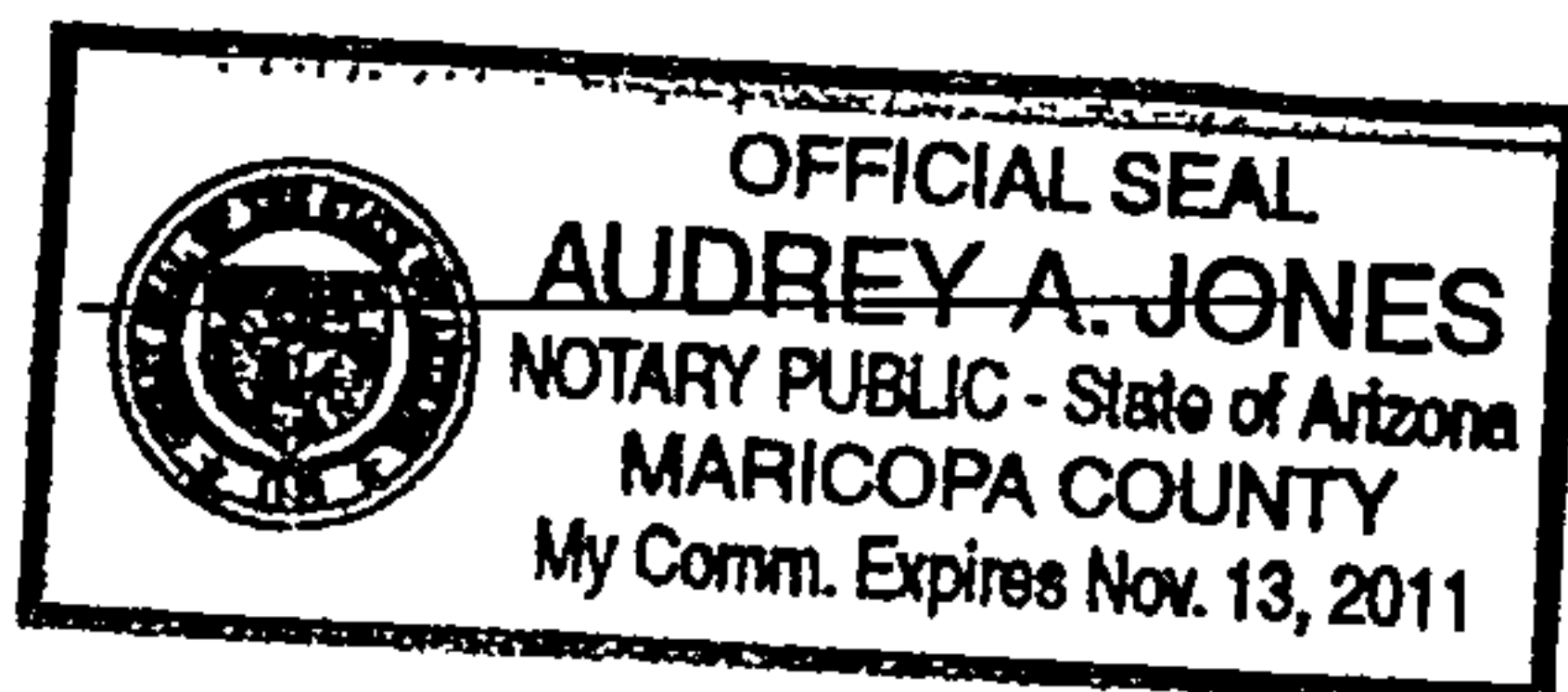


Exhibit "A"
Levine Property

Tract lettered H-One-A-One-B (H1-A-1-B) of the Plat of Tracts H1-A-1A and H1-A-1-B (being a Replat of Tract H1-A-1, The 25) of THE 25 within the Elena Gallegos Grant in projected Section 35, Township 11 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on October 25, 2004 in Plat Book 2004C, page 336.

Exhibit "B"
Kholwad Property

Tract lettered HOne-A-One-A (H1-A-1-A) of the Plat of Tracts H1-A-1A and H1-A-1-B (being a Replat of Tract H1-A-1, The 25) of THE 25 within the Elena Gallegos Grant in projected Section 35, Township 11 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on October 25, 2004 in Plat Book 2004C, page 336.

CITY OF ALBUQUERQUE



November 2, 2012

Peter Butterfield, R.A.
Peter Butterfield Architects
13013 Glenwood Hills Ct. NE
Albuquerque, NM 87111

Re: Hampton Inn and Suites, 4412 the 25 Way, Traffic Circulation Layout
Architect's Stamp dated 08-10-12 (F17-D088)

Dear Mr. Butterfield,

The TCL submittal received 11-02-12 is approved for Building Permit. The plan is stamped and signed as approved. A copy of this plan will be needed for each of the building permit plans. Please keep the original to be used for certification of the site for final C.O. for Transportation. **Public infrastructure or work done within City Right-of-Way shown on these plans is for information only and is not part of approval. A separate DRC and/or other appropriate permits are required to construct these items.**

If a temporary CO is needed, a copy of the original TCL that was stamped as approved by the City will be needed. This plan must include a statement that identifies the outstanding items that need to be constructed or the items that have not been built in "substantial compliance," as well as the signed and dated stamp of a NM registered architect or engineer. Submit this TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

When the site is completed and a final C.O. is requested, use the original City stamped approved TCL for certification. A NM registered architect or engineer must stamp, sign, and date the certification TCL along with indicating that the development was built in "substantial compliance" with the TCL. Submit this certification TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

Once verification of certification is completed and approved, notification will be made to Building Safety to issue Final C.O. To confirm that a final C.O. has been issued, call Building Safety at 924-3306.

Sincerely,

Nilo Salgado-Fernandez, P.E.
Senior Traffic Engineer, Planning Dept.
Development and Building Services

C. File

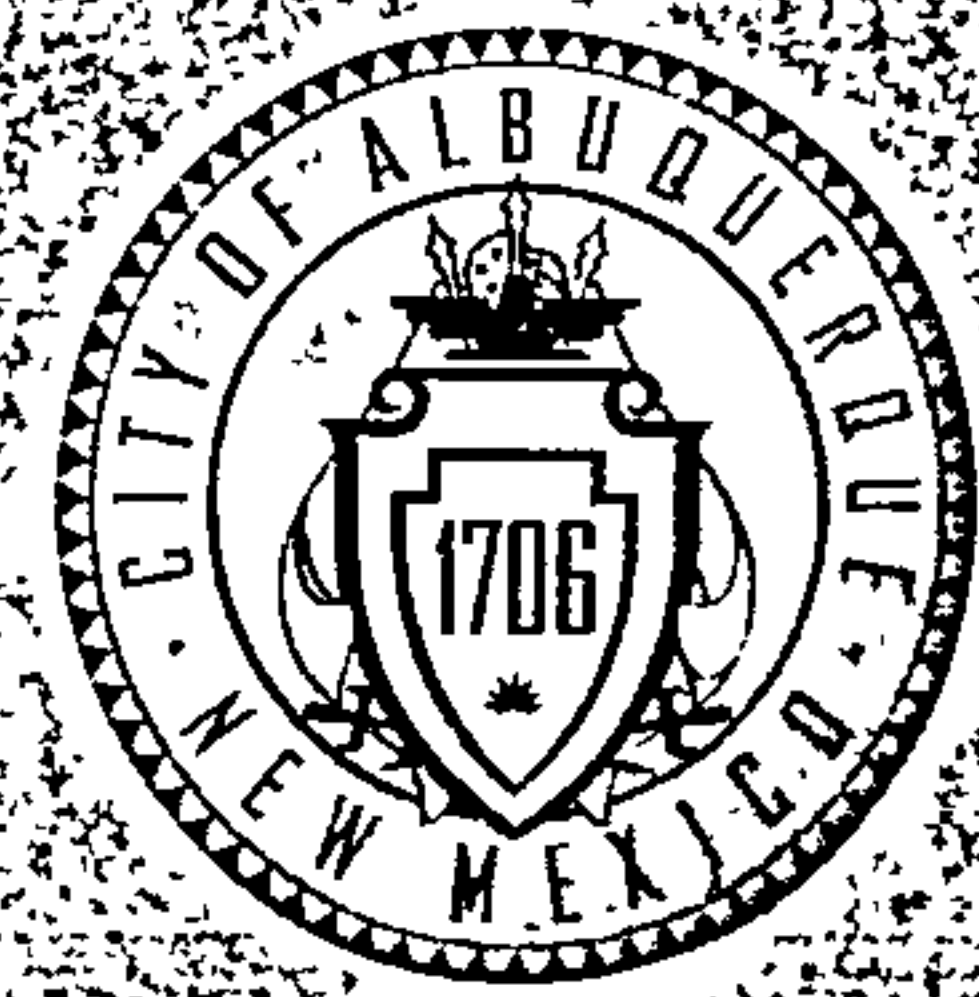
PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



October 26, 2012

Peter Butterfield, R.A.
Peter Butterfield Architects
13013 Glenwood Hills Ct. NE
Albuquerque, NM 87111

Re: Hampton Inn and Suites, 4412 the 25 Way, Traffic Circulation Layout
Architect's Stamp dated 08-10-12 (F17-D088)

Dear Mr. Butterfield,

The above referenced plan is not approved through the TCL process. Due to the existing zoning, this project is site plan controlled and will need to be submitted through the appropriate Board, (EPC, DRB, and AA) for approval. Verify with the Zoning Department for the correct Board approval. If this plan has already been approved by one of the Boards, be sure to include it in the plan set when applying for building permit.

If you have any questions, you can contact me at 924-3991.

Sincerely,

Kristal D. Metro, P.E.
Traffic Engineer, Planning Dept.
Development and Building Services

C: File

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV 02/2012)

PROJECT TITLE: Hampton Inn & Suites ZONE MAP: F-17-12088
 DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: H1-A-1-A Within Elena Gallagos Grant
 CITY ADDRESS: 4412 The 25 Way NE ALBUQUERQUE

ENGINEERING FIRM: Rio Grande Engineering CONTACT: David Sack
 ADDRESS: PO Box 67305 PHONE: 321 9099
 CITY, STATE: Albuquerque NM ZIP CODE: 87193
 EMAIL: david@riograndeengineering.com

OWNER: Dream Catcher ABQ INC CONTACT: Deepesh Kholwadwala
 ADDRESS: 4836 Handman Ave PHONE: 238 9381
 CITY, STATE: Albuquerque NM ZIP CODE: 87109

ARCHITECT: Peter Butterfield Architect CONTACT: Peter Butterfield
 ADDRESS: 13013 Glenwood Hills Ct NE PHONE: 332 9323
 CITY, STATE: Albuquerque NM ZIP CODE: 87111
 EMAIL: PeterButterfield@A.com

SURVEYOR: Construction Survey Technologies Inc CONTACT: John Gallagos
 ADDRESS: PO Box 65395 PHONE: 917 8921
 CITY, STATE: Albuquerque NM ZIP CODE: 87193

CONTRACTOR: The Wright Group CONTACT: Doug Wright
 ADDRESS: PO Box 1629 PHONE: 970 241 2793
 CITY, STATE: Grand Junction CO ZIP CODE: 81502

TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1st SUBMITTAL
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL G & D PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERT (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☒ TRAFFIC CIRCULATION LAYOUT
- ☐ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY) _____

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA/FINANCIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D APPROVAL
- ☐ S. DEV. FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☒ BUILDING PERMIT APPROVAL
- ☐ CERTIFICATE OF OCCUPANCY (PERM)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP)
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ GRADING CERTIFICATION
- ☐ OTHER (SPECIFY) _____

OCT - 9 2012

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☒ YES
- ☐ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: 10/8/12 BY: Peter Butterfield

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

PRT 8/10/11 Peter Butterfield

CITY OF ALBUQUERQUE



April 4, 2012

David Soule, P.E.
Rio Grande Engineering
P.O. Box 93924
Albuquerque, NM 87199

Re: Hampton @25 Grading and Drainage Plan
Engineer's Stamp date 03-29-12 (F-17/D088)

Dear Mr. Soule,

Based upon the information provided in your submittal received 03-29-12, the above referenced plan is approved for Building and Grading Permit. If one acre or more is being disturbed this project requires a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharge. If $\frac{3}{4}$ acre or more is being disturbed Topsoil Disturbance Permit will be required.

Albuquerque's MS4 Permit became effective March 1st, 2012. Grading and Drainage Plans and Drainage Reports will have to comply with the requirements of the new permit. The permit is available online at www.cabq.gov/Planning/landcoord/Hydrology.html

If you have any questions, you can contact me at 924-3695.

Sincerely,

Shahab Biazar, P.E.
Senior Engineer, Planning Dept.
Development and Building Services

C: File
CJH\SB
CC: Kathy Verhage, DMD

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 01/28/2003rd)

PROJECT TITLE: Hampton @25
DRB #: _____ EPC #: _____

ZONE MAP/DRG. FILE #: F17-D088
WORK ORDER #: _____

LEGAL DESCRIPTION: trach H1a1a- The 25 SUBDIVISION
CITY ADDRESS: 7950 JACS LANE

ENGINEERING FIRM: Rio Grande Engineering
ADDRESS: PO BOX 93924
CITY, STATE: Alb

CONTACT: David Soule, PE
PHONE: (505)321-9099
ZIP CODE: 87199

OWNER: Depesh Kholwadwala
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

ARCHITECT: Peter Butterfield
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

SURVEYOR: GEOSURV CO
ADDRESS: _____
CITY, STATE: _____

CONTACT: David Vigil
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1st SUBMITTAL, *REQUIRES TCL or equal*
- ☒ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
- ☐ ENGINEERS CERTIFICATION (TCL)
- ☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
- ☐ OTHER

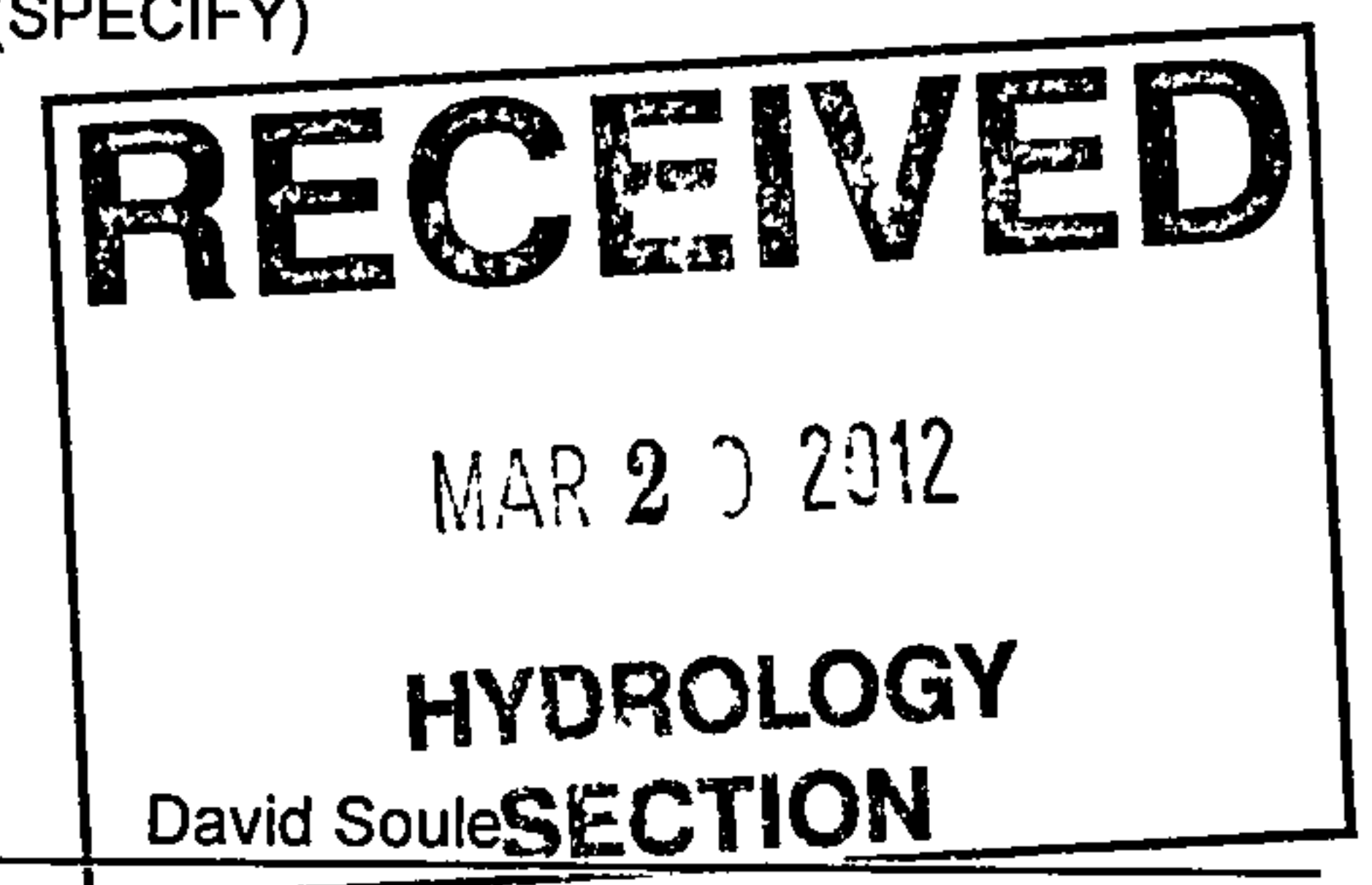
CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA / FINANACIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D. APPROVAL
- ☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☒ BUILDING PERMIT APPROVAL
- ☐ CERTIFICATE OF OCCUPANCY (PERM.)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP.)
- ☒ GRADING PERMIT APPROVAL
- ☒ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
- ☒ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: _____ BY: _____



Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal.

The particular nature, location and scope of the proposed development defines the degree of drainage detail.

One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plans:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more.

RIO GRANDE ENGINEERING OF NEW MEXICO, LLC

March 29, 2012

Mr. Shahab Biazar, PE
Senior Engineer
City of Albuquerque

**RE: Grading and Drainage Plan Resubmittal
Hampton @25 (F17-D088)**

Dear Mr. Biazar:

The purpose of this letter is to introduce the enclosed grading plan. The plan has been modified to address your written comments dated March 19, 2012.

1. Indicate the direction of roof flow.

This has been added to the plan

2. Provide detail for swale along southern edge of site

This has been added

3. Add water block to legend, as well a headwall at southwest portion of lot

The water block was added, and the retaining wall symbol was added

4. Correct p.3 of report.

Corrected page 3 has been enclosed

5. Please show basin boundaries on the plan

This is a flat site in locations and we feel the spot elevation information is critical. We request that the basin exhibit in the report be sufficient for delineation of the basins. We feel added to the plan does not benefit the plan and could hinder reading some grades, We request this not be required.

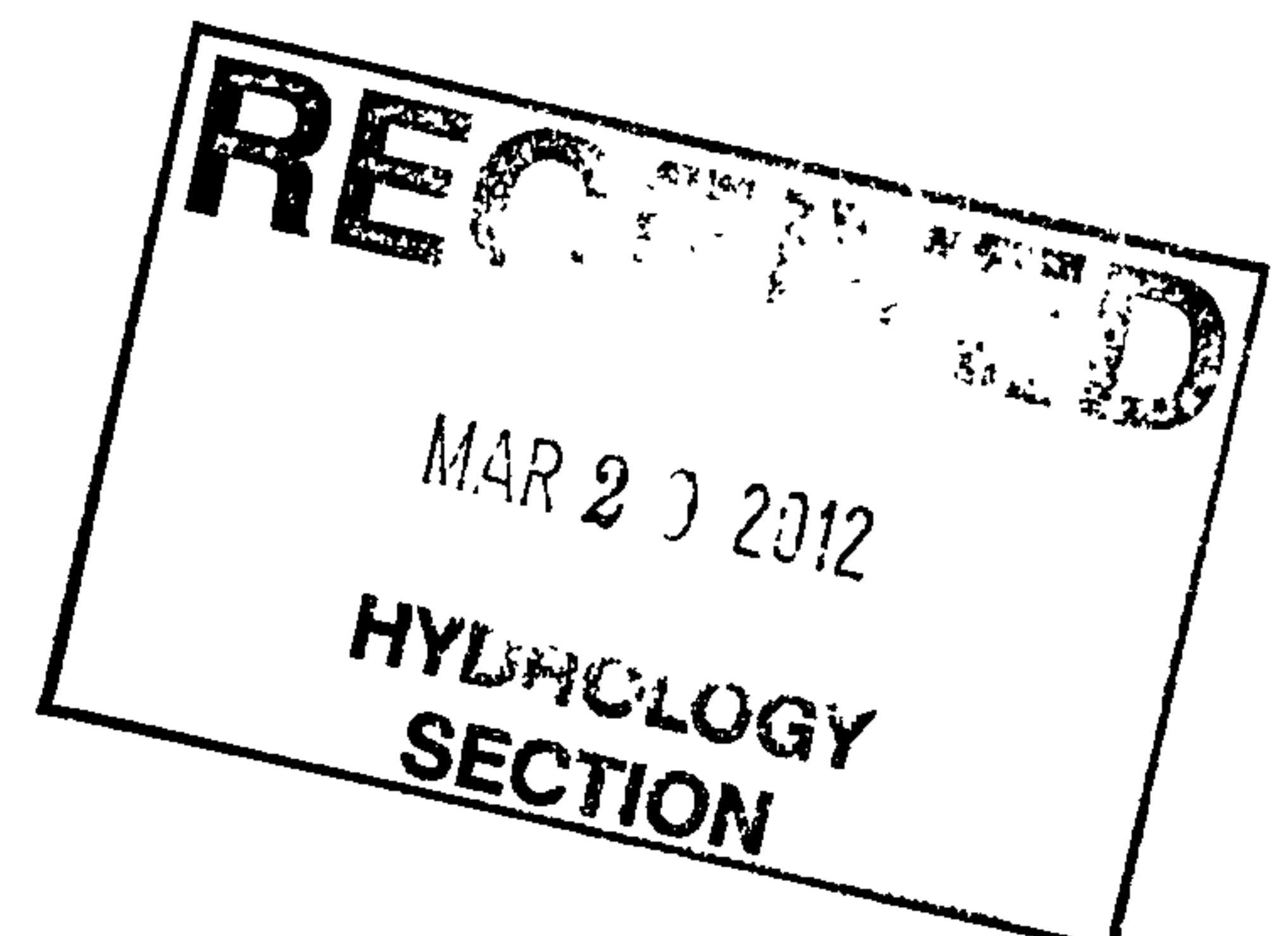
Should you have any questions regarding this submittal, please do not hesitate to call me.

Sincerely,

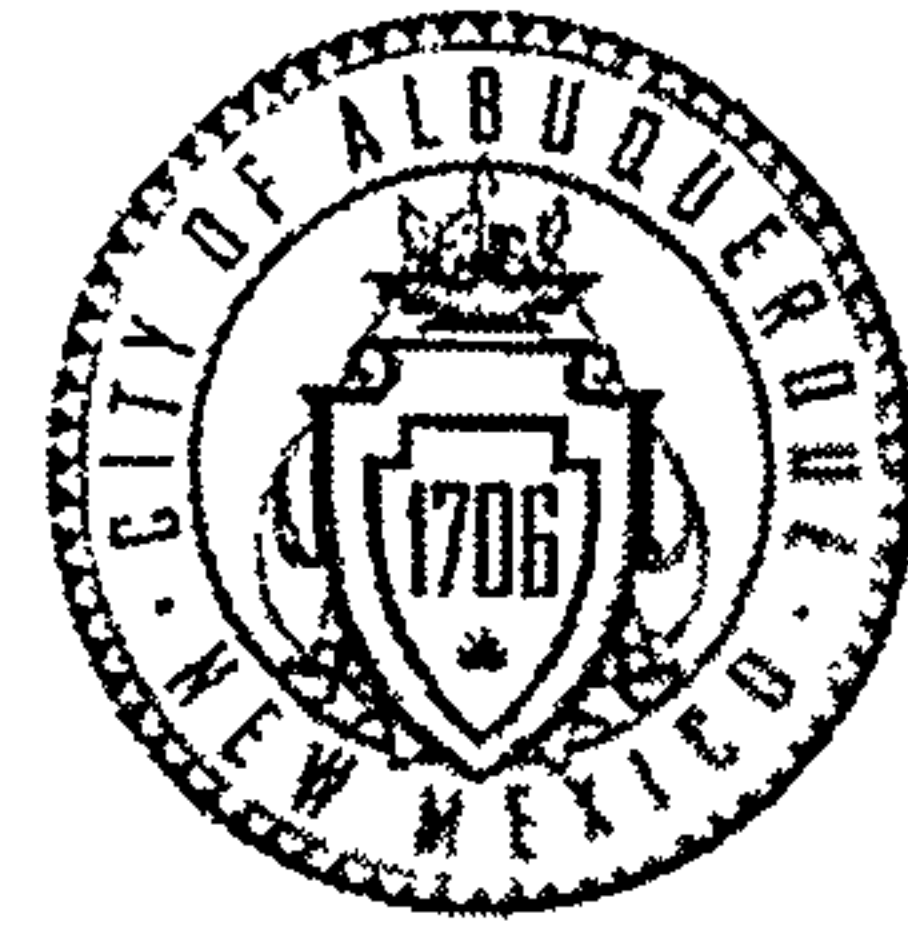


David Soule, PE
Rio Grande Engineering
PO Box 93924
Alb. NM 87199

Enclosures



CITY OF ALBUQUERQUE



March 26, 2012

David Soule, P.E.
Rio Grande Engineering
P.O. Box 93924
Albuquerque, NM 87199

Re: Hampton @25 Grading and Drainage Plan
Engineer's Stamp date 03-19-12 (F-17/D088)

Dear Mr. Soule,

Based upon the information provided in your submittal received 03-21-12, the above referenced plan cannot be approved for Building and Grading Permit until the following comments are addressed:

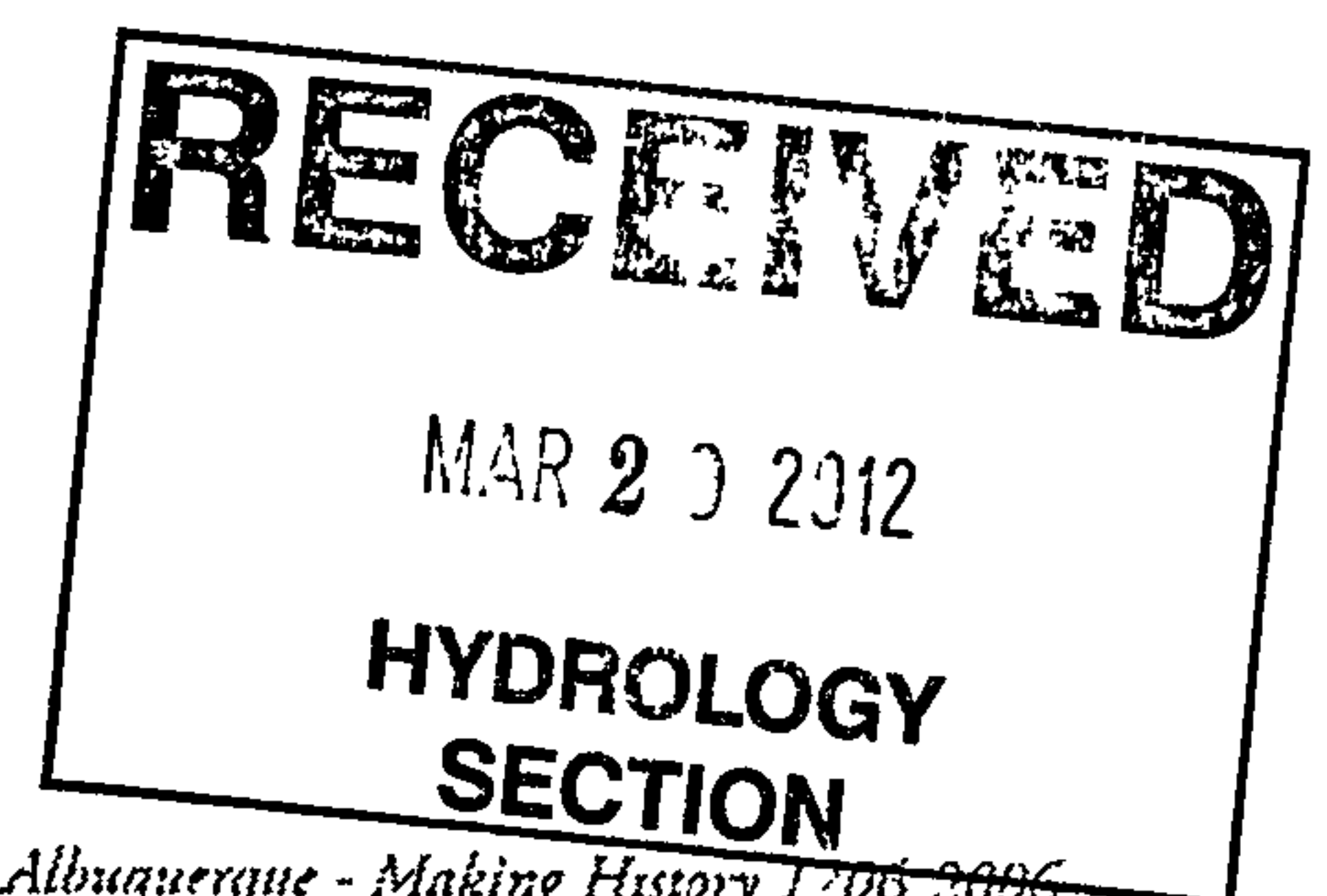
- Indicate the direction of roof flows on the plan.
- Provide details of cobble swale on the southern portion of the site.
- Water block symbol should be added to the legend as well as what appears to be a headwall on the southwest portion of the lot.
- Correct p.3 of the drainage report to indicate that the site drains from northeast to southwest.
- Please show basin boundaries on grading plan.

If you have any questions, you can contact me at 924-3695.

Sincerely,

Shahab Biazar, P.E.
Senior Engineer, Planning Dept.
Development and Building Services

C: File
CJH\SB



PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

DRAINAGE REPORT

For

**HAMPTON INN
@THE 25
Albuquerque, New Mexico**

Prepared by

Rio Grande Engineering
PO Box 93924
Albuquerque, New Mexico 87199

MARCH 2012



David Soule P.E. No. 14522

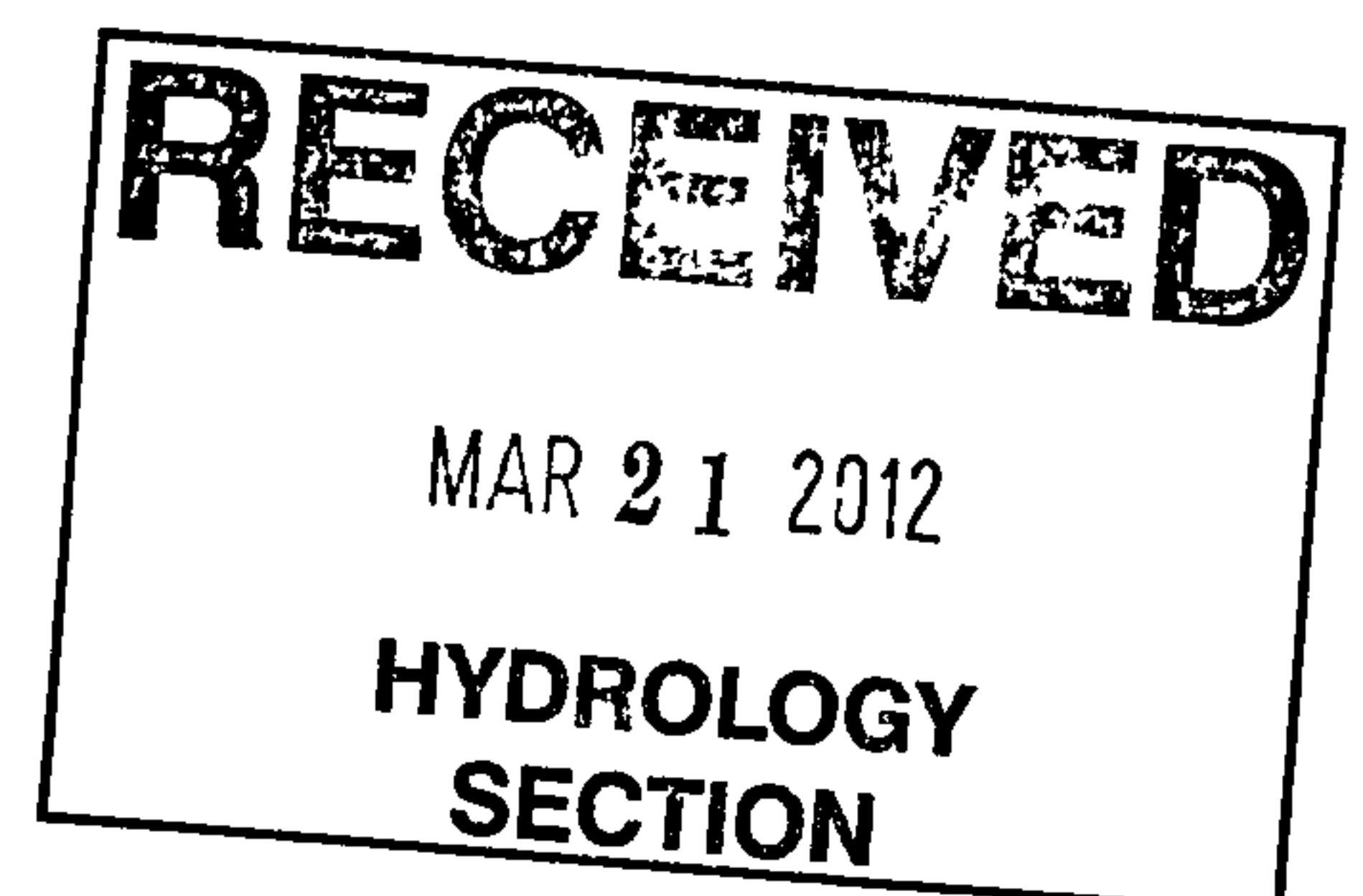


TABLE OF CONTENTS

Purpose	3
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Existing Conditions	3
Exhibit A-Vicinity Map	4
Proposed Conditions	5
Summary	5

Appendix

Site Hydrology	A
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Map Pocket

Site Grading and Drainage Plan

PURPOSE

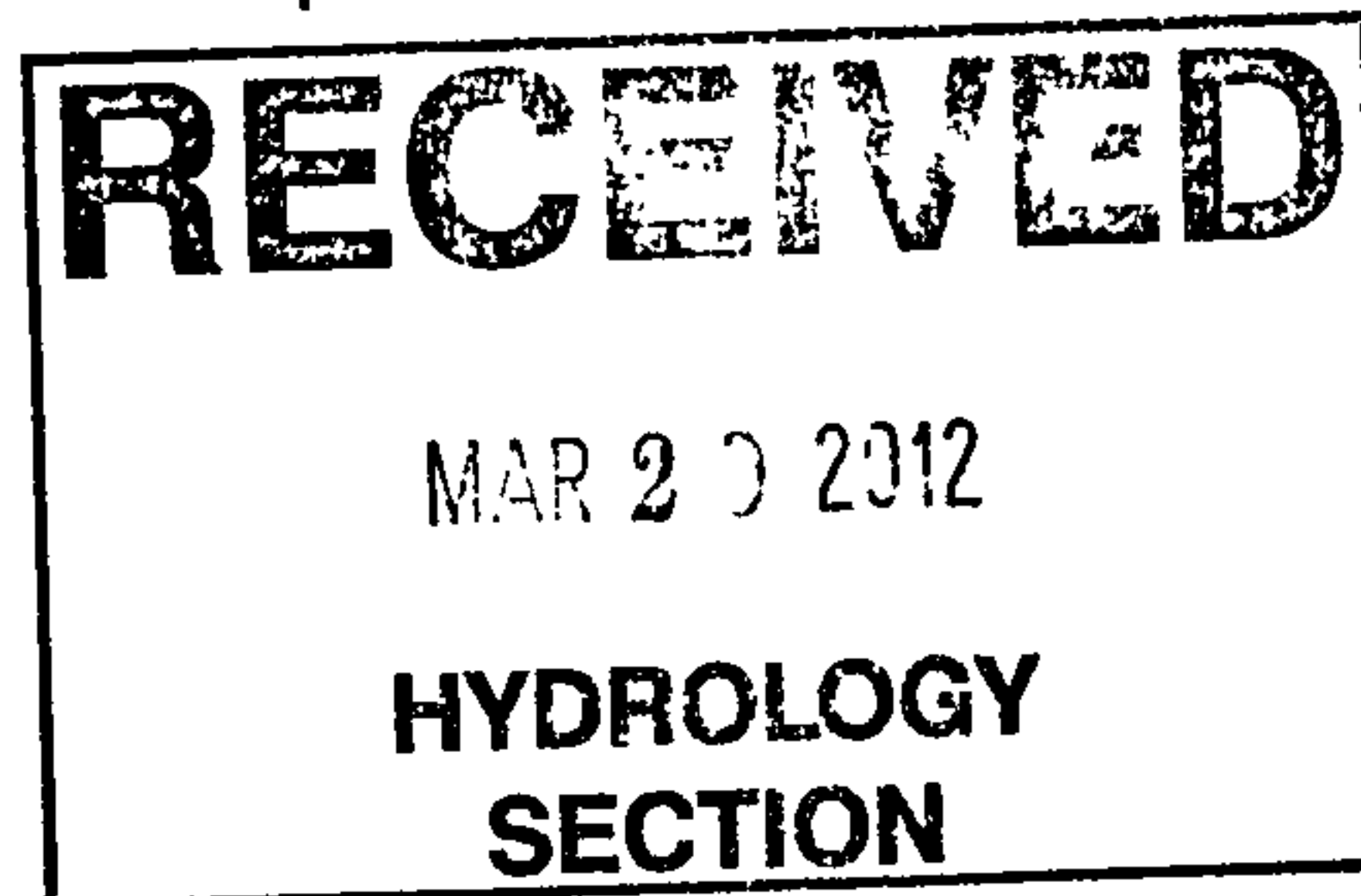
The purpose of this report is to provide the Drainage Management Plan for a Multi-story Hotel with an 11,000 square foot foundation. The site is located within The 25 Development. This plan was prepared in accordance with the City of Albuquerque design regulations, utilizing the City of Albuquerque's Development Process Manual drainage guidelines. This report will demonstrate that the grading does not adversely affect the surrounding properties, nor the upstream or downstream facilities.

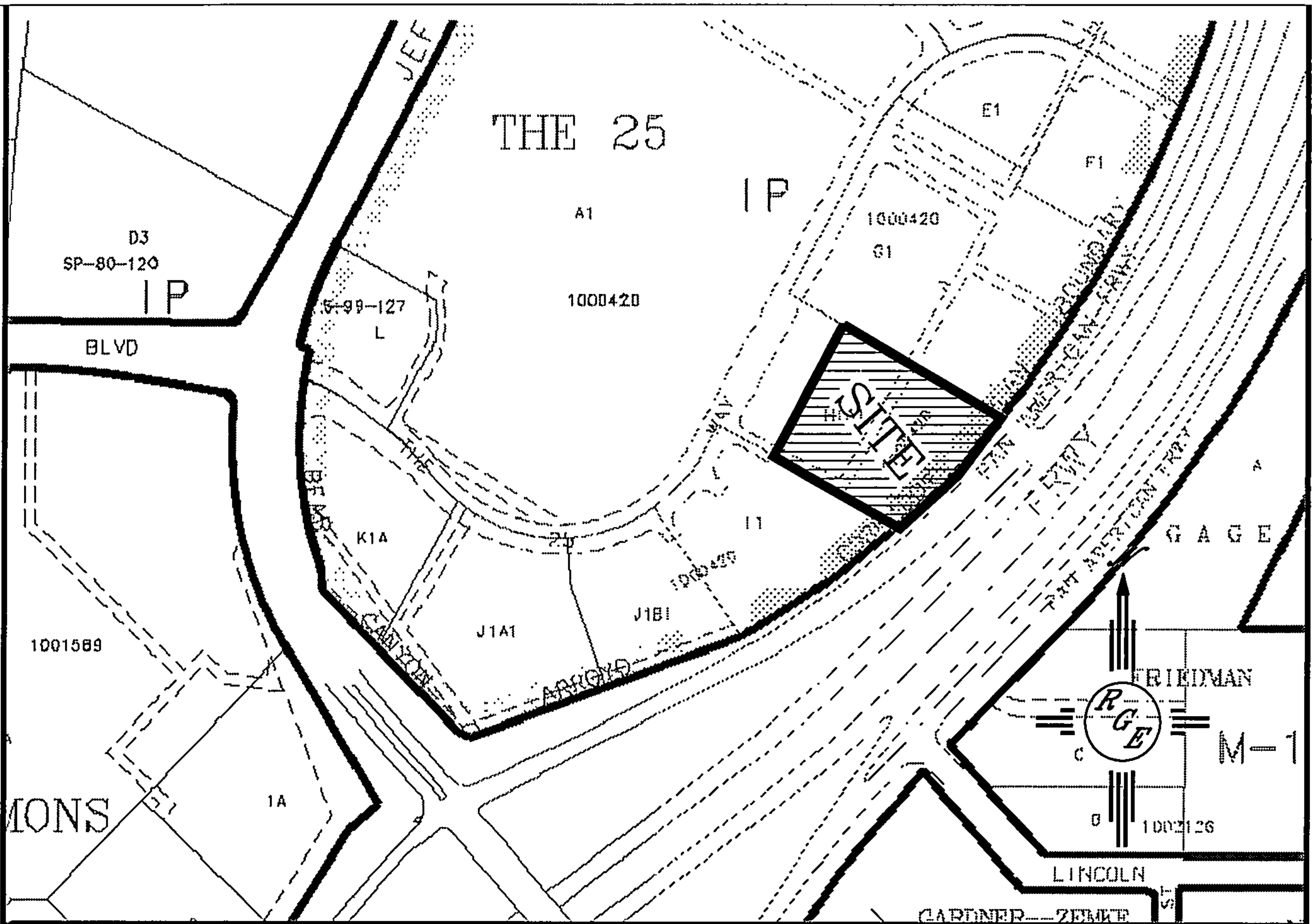
INTRODUCTION

The subject of this report, as shown on the Exhibit A, is a 1.25-acre parcel of land located on the east side of The 25 Development. The legal description of this site is the tract H1-A-1A, The 25 Subdivision. The site is one half of what was originally a pad site within the Master development. The southern portion was developed independently and the remaining portion of the tract was subdivided and is now being developed as a hotel. The entire development was initially the Digital Factory, with the same two main buildings and the remaining pavement. The redevelopment consisted of contouring the entire property sheet flows to a storm drain in Jefferson where it is conveyed to the Bear Canyon arroyo north of this site. As shown on FIRM map35001C0138E, the entire property is located within Flood Zone X. This site is allowed free discharge and must allow upland flow to cross the site.

EXISTING CONDITIONS

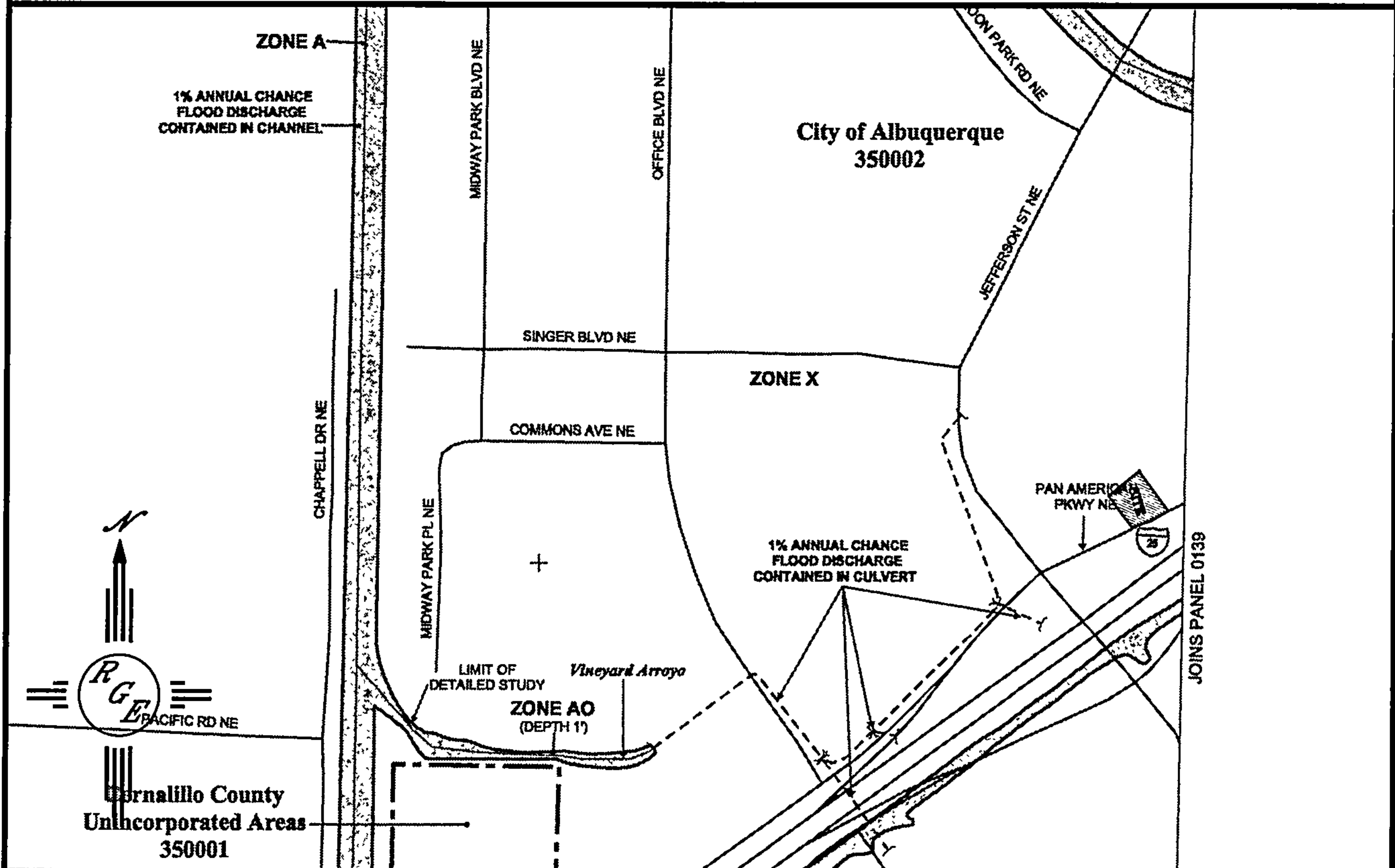
The site is currently the last remaining pad site within The 25 development. The site was mass graded with the entire master plan. The site currently drains from the northeast to the South West. The site is impacted by 12 cfs of offsite flows that enter the site at the paved areas and at a 6' rundown at the northeast property line





ZONE ATLAS

F-17-Z



FIRM MAP:

35001C0138E

LEGAL DESCRIPTION:

TRACT H1-A-1-A, THE 25

PROPOSED CONDITIONS

The proposed improvements consist of an 11,000 square footprint Hotel. The site is graded to accept the upland flows and pass them thru the site within the parking areas. As shown in appendix a, this site will discharge 5.87 cfs during the 100-year, 6-hour event. All the flows will be conveyed to the paved parking areas where the flows will continue to rain to the storm drain located at Singer and Jefferson. This site will free discharge and pass upland flow.

drain

SUMMARY AND RECOMMENDATIONS

This project is the last parcel to be redeveloped within The 25 Development. The master drainage plan allows for this site to free discharge. The site accepts the upland flow and conveys them through the site in the paved areas.

The proposed site development does not adversely affect the upstream or downstream facilities. The site was designed in conformance to City of Albuquerque Drainage design policy utilizing the City of Albuquerque DPM criterion. Therefore, we request approval of the site-grading plan. Since this site encompasses more than 1 acre, a NPDES permit should be required prior to construction activity.

APPENDIX A
SITE HYDROLOGY

Weighted E Method

Existing Developed Basins

											100-Year, 6-hr.		
Basin	Area (sf)	Area (acres)	Treatment A		Treatment B		Treatment C		Treatment D		Weighted E (ac-ft)	Volume (ac-ft)	Flow cfs
			%	(acres)	%	(acres)	%	(acres)	%	(acres)			
UPLAND	99000	2.273	0%	0	6.0%	0.136	4.0%	0.09091	90%	2.045	2.231	0.423	10.94
BASIN A	35834	0.823	0%	0	6.0%	0.049	4.0%	0.03291	90%	0.740	2.231	0.153	3.96
BASIN B	14229	0.327	0%	0	12.0%	0.039	18.0%	0.0588	70%	0.229	1.995	0.054	1.45
BASIN C	4630	0.106	0%	0	10.0%	0.011	30.0%	0.03189	60%	0.064	1.895	0.017	0.46
ONSITE TOTAL												0.224	5.869

54693.00

Equations:

Weighted E = $E_a \cdot A_a + E_b \cdot A_b + E_c \cdot A_c + E_d \cdot A_d / (\text{Total Area})$

Volume = Weighted D * Total Area

Flow = $Q_a \cdot A_a + Q_b \cdot A_b + Q_c \cdot A_c + Q_d \cdot A_d$

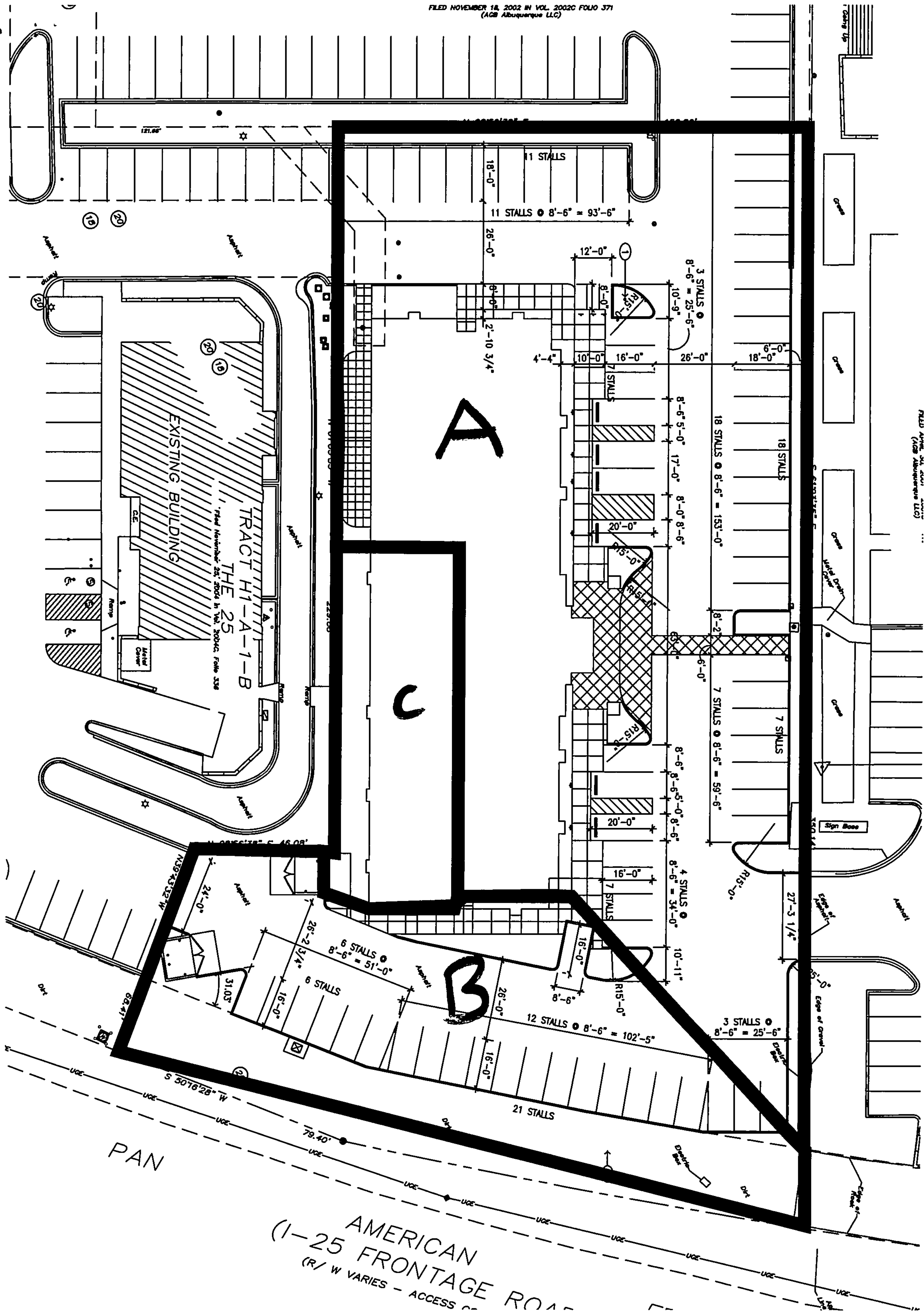
Where for 100-year, 6-hour storm

$E_a = 0.66$
 $E_b = 0.92$
 $E_c = 1.29$
 $E_d = 2.36$

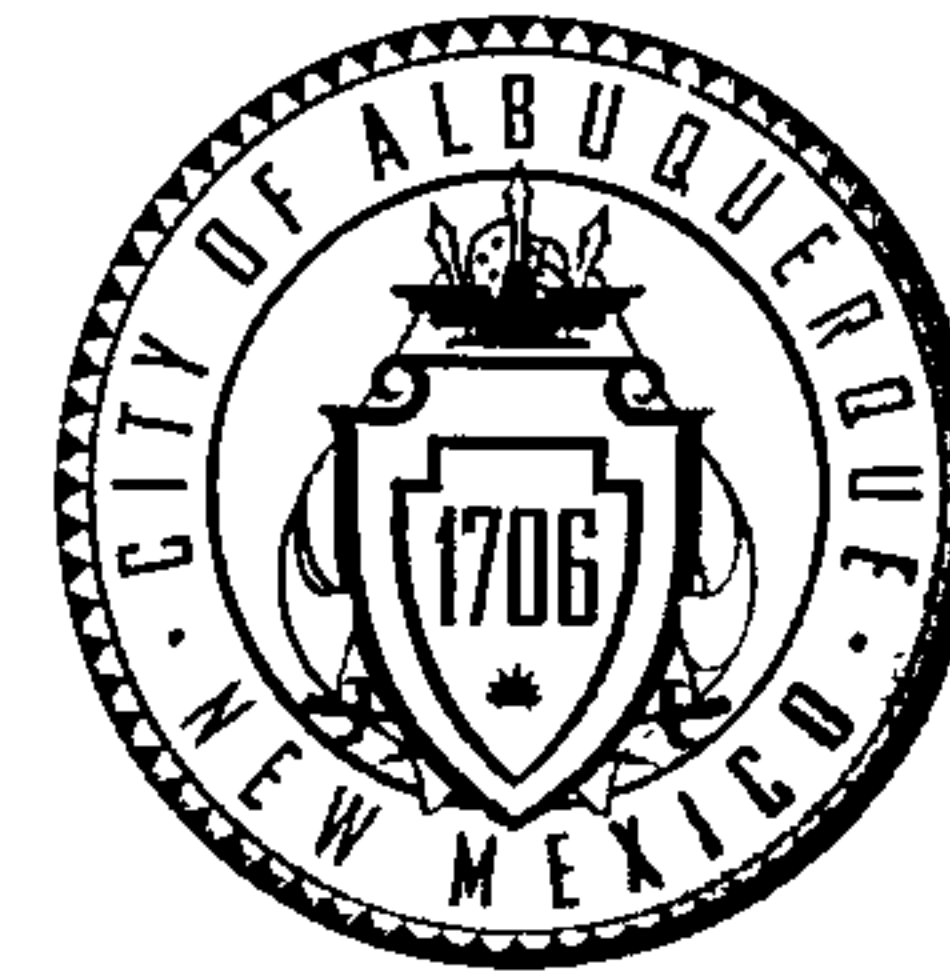
$Q_a = 1.87$
 $Q_b = 2.6$
 $Q_c = 3.45$
 $Q_d = 5.02$

What happened to the 12 cfs?

Says site discharges 5.87 cfs, does the 12 cfs disappear?



CITY OF ALBUQUERQUE



March 26, 2012

David Soule, P.E.
Rio Grande Engineering
P.O. Box 93924
Albuquerque, NM 87199

Re: Hampton @25 Grading and Drainage Plan
Engineer's Stamp date 03-19-12 (F-17/D088)

Dear Mr. Soule,

Based upon the information provided in your submittal received 03-21-12, the above referenced plan cannot be approved for Building and Grading Permit until the following comments are addressed:

- Indicate the direction of roof flows on the plan.
- Provide details of cobble swale on the southern portion of the site.
- Water block symbol should be added to the legend as well as what appears to be a headwall on the southwest portion of the lot.
- Correct p.3 of the drainage report to indicate that the site drains from northeast to southwest.
- Please show basin boundaries on grading plan.

If you have any questions, you can contact me at 924-3695.

Sincerely,


Shahab Biazar, P.E.
Senior Engineer, Planning Dept.
Development and Building Services

C: File
CJH\SB

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 01/28/2003rd)

F-17/DO88

PROJECT TITLE: Hampton @25
DRB #: _____ EPC #: _____

ZONE MAP/DRG. FILE #: F-17/DO88
WORK ORDER #: _____

LEGAL DESCRIPTION: trach H1a1a- The 25 SUBDIVISION
CITY ADDRESS: 7950 JACS LANE

ENGINEERING FIRM: Rio Grande Engineering
ADDRESS: PO BOX 93924
CITY, STATE: Alb

CONTACT: David Soule, PE
PHONE: (505)321-9099
ZIP CODE: 87199

OWNER: Depesh Kholwadwala
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

ARCHITECT: Peter Butterfield
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

SURVEYOR: GEOSURV CO
ADDRESS: _____
CITY, STATE: _____

CONTACT: David Vigil
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

- ☒ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1st SUBMITTAL, *REQUIRES TCL or equal*
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
- ☐ ENGINEERS CERTIFICATION (TCL)
- ☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
- ☐ OTHER

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA / FINANACIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D. APPROVAL
- ☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
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- ☐ FOUNDATION PERMIT APPROVAL
- ☒ BUILDING PERMIT APPROVAL
- ☐ CERTIFICATE OF OCCUPANCY (PERM.)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP.)
- ☒ GRADING PERMIT APPROVAL
- ☒ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ OTHER (SPECIFY)

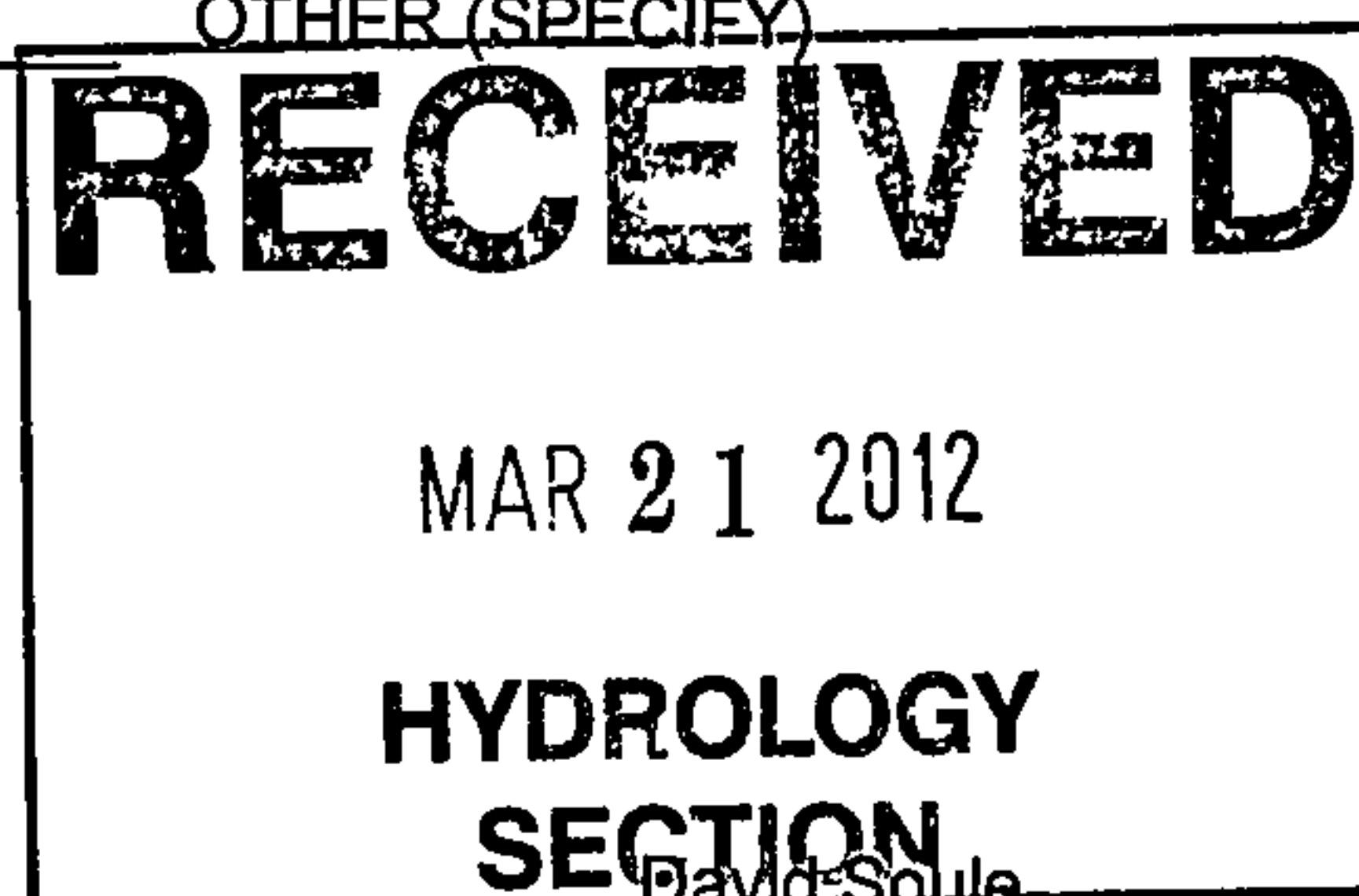
WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
- ☒ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: _____

DM

BY: _____



Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal.

The particular nature, location and scope of the proposed development defines the degree of drainage detail.

One or more of the following levels of submittal may be required based on the following:

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3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more.



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 8, 2004

Ronald Bohannon, P.E.
Tierra West, LLC
8509 Jefferson NE
Albuquerque, NM 87113

**Re: Krispy Kreme @ 25, 4412 The 25 Way, Temporary Certificate of Occupancy
Engineer's Stamp dated 9-30-03 (F17/D88)
Certification dated 4-08-04**

Dear Mr. Bohannon,

Based upon the information provided in your submittal received 4-08-04, the above referenced certification is approved for release of permanent Certificate of Occupancy by Hydrology.

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

Sincerely,

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

C: Phyllis Villanueva
file

DRAINAGE AND TRANSPORTATION SHEET

(REV. 1/28/2003rd)

F-17/088

PROJECT TITLE: Krispy Kreme @25
DRB 10000420 EPC #: _____

ZONE MAP/DRG. FILE #: E-17-Z / F-17-Z
WORK ORDER #: 7193.81

LEGAL DESCRIPTION: Tract H1-A-1, The 25

CITY ADDRESS: 4412 The 25 way

ENGINEERING FIRM: Tierra West, LLC
ADDRESS: 8509 Jefferson NE
CITY, STATE: Albuquerque, NM

CONTACT: RONALD R. BOHANNAN
PHONE: (505) 858-3100
ZIP CODE: 87113

OWNER: Krispy Kreme Doughnut Corp.
ADDRESS: PO Box 83
CITY, STATE: Winston-Salem NC

CONTACT: _____
PHONE: 1 800 457-4779
ZIP CODE: 27103

ARCHITECT: Faust, Howell Associates. INC
ADDRESS: 14344 "Y" Street, Suite 101
CITY, STATE: Omaha, NE

CONTACT: Scott Tekin
PHONE: 402 895-0878
ZIP CODE: 68137

SURVEYOR: Precision Surveys
ADDRESS: 8414 Jefferson NE
CITY, STATE: Albuquerque, NM

CONTACT: Larry Medrano
PHONE: 856-5700
ZIP CODE: 87113

CONTRACTOR: Enterprise Builders Corporation
ADDRESS: PO Box 3987
CITY, STATE: Albuquerque, NM

CONTACT: John McMahon
PHONE: 857-0050
ZIP CODE: 87114

CHECK TYPE OF SUBMITTAL:

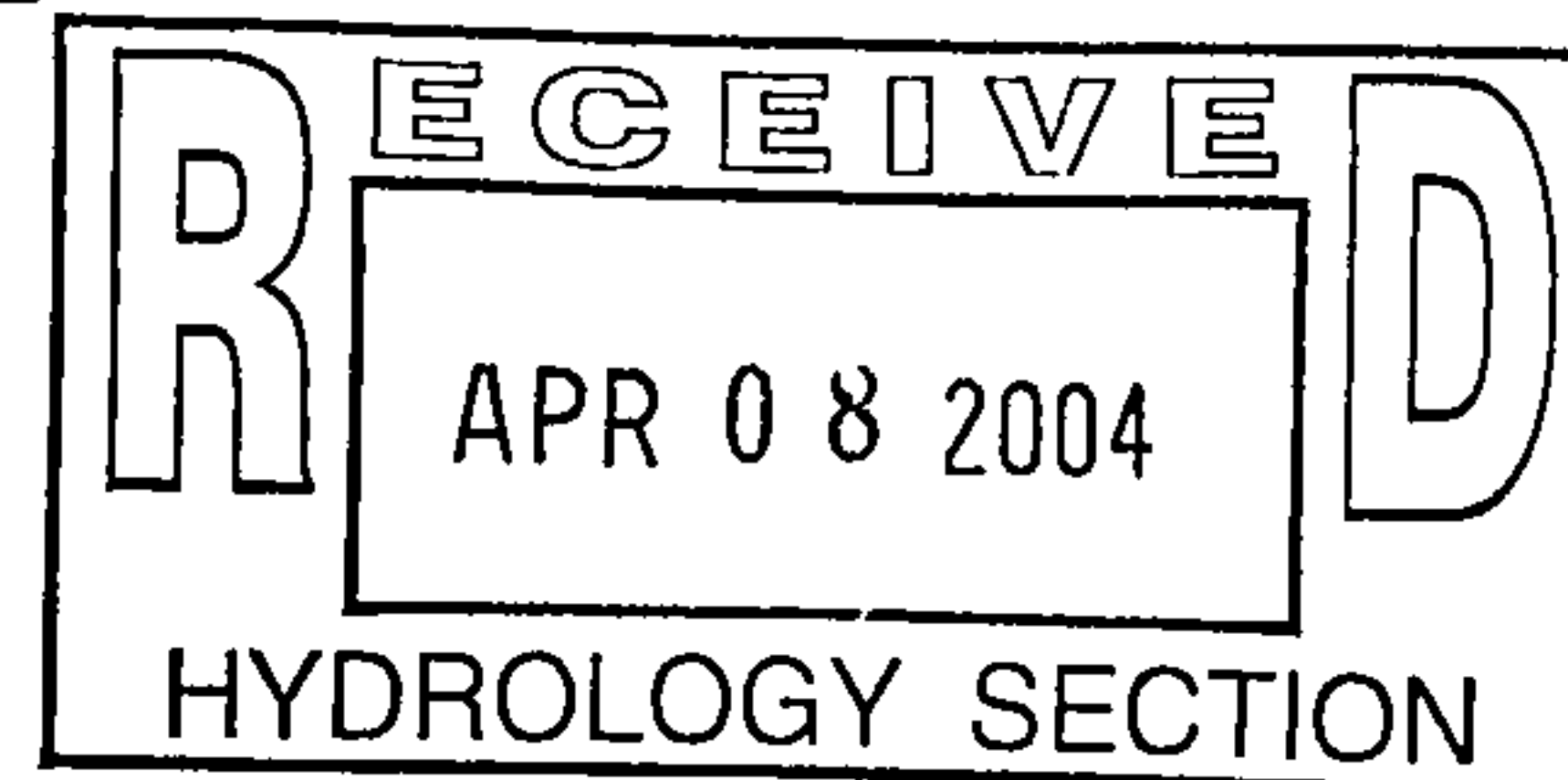
- ☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL, **REQUIRES TCL or equal**
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
☐ CLOMR/LOMR
☒ TRAFFIC CIRCULATION LAYOUT (TCL)
☐ ENGINEERS CERTIFICATION (TCL)
☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
☐ OTHER

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA / FINANACIAL GUARANTEE RELEASE
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D. APPROVAL
☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
☐ SECTOR PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☐ BUILDING PERMIT APPROVAL
☒ CERTIFICATE OF OCCUPANCY (PERM.)
☐ CERTIFICATE OF OCCUPANCY (TEMP.)
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
☒ NO
☐ COPY PROVIDED



DATE SUBMITTED: 4/8/2004 BY: Tierra West LLC (Brad Frosch)

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

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City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 21, 2003

David Sould, P.E.
Tierra West, LLC
8509 Jefferson NE
Albuquerque, NM 87113

**Re: Krispy Kreme @ The 25 Development, Grading and Drainage Plan
Engineer's Stamp dated 9-30-03 (F17/D88)**

Dear Mr. Soule,

Based upon the information provided in your submittal received 10-03-03, the above referenced plan is approved for Building Permit, Grading Permit, and Foundation Permit. Please attach a copy of this approved plan to the construction sets prior to sign-off by Hydrology.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit. Refer to the attachment that is provided with this letter for details. If you have any questions please feel free to call the Public Works Hydrology section at 768-3654 (Charles Caruso) or 768-3645 (Brian Wolfe).

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

Sincerely,

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

C: Charles Caruso, Public Works Hydrology
file



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

July 17, 2003

Ron Bohannon, PE
Tierra West, LLC
8509 Jefferson NE
Albuquerque, NM 87113

**Re: Krispy Kreme Drainage Report (F-17/D88)
Engineer's Stamp Dated 6-30-03**

Dear Mr. Bohannon:

The above referenced drainage report received 7-9-03 is approved for Building Permit, Foundation Permit, and Grading Permit. Please attach a copy of the approved plan to the construction set. Prior to Certificate of Occupancy approval, an Engineer's Certification per the DPM is required on the above referenced plan.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit. Refer to the attachment that is provided with this letter for details. If you have any questions please feel free to call the Public Works Hydrology section at 768-3654 (Charles Caruso) or 768-3645 (Brian Wolfe).

If you have any questions please call me at 924-3986.

Sincerely,

Bradley L. Bingham, PE
Sr. Engineer, Planning Dept.
Development and Building Services

C: Charles Caruso, Public Works Hydrology
File

DRAINAGE AND TRANSPORTATION SHEET

(REV. 1/11/2002)

F-17/D88

PROJECT TITLE: Krispy Kreme
DRB #: _____ EPC #: _____

ZONE MAP/DRG. FILE #: F-17
WORK ORDER #: _____

LEGAL DESCRIPTION: Tract H1-A-1, The 25 Development
CITY ADDRESS: _____

ENGINEERING FIRM: Tierra West, LLC
ADDRESS: 8509 Jefferson NE
CITY, STATE: Albuquerque, NM

CONTACT: David Soule
PHONE: (505) 858-3100
ZIP CODE: 87113

OWNER: FHA Architects
ADDRESS: 14334 "Y" Street, Suite 101
CITY, STATE: Omaha NE

CONTACT: Scott Tekin
PHONE: (402)895-0878
ZIP CODE: 68137-2805

ARCHITECT: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

SURVEYOR: Precision Surveys
ADDRESS: 8414-D Jefferson Street, NE
CITY, STATE: Albuquerque, NM

CONTACT: Larry Medrano
PHONE: (505) 856-5700
ZIP CODE: 87113

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

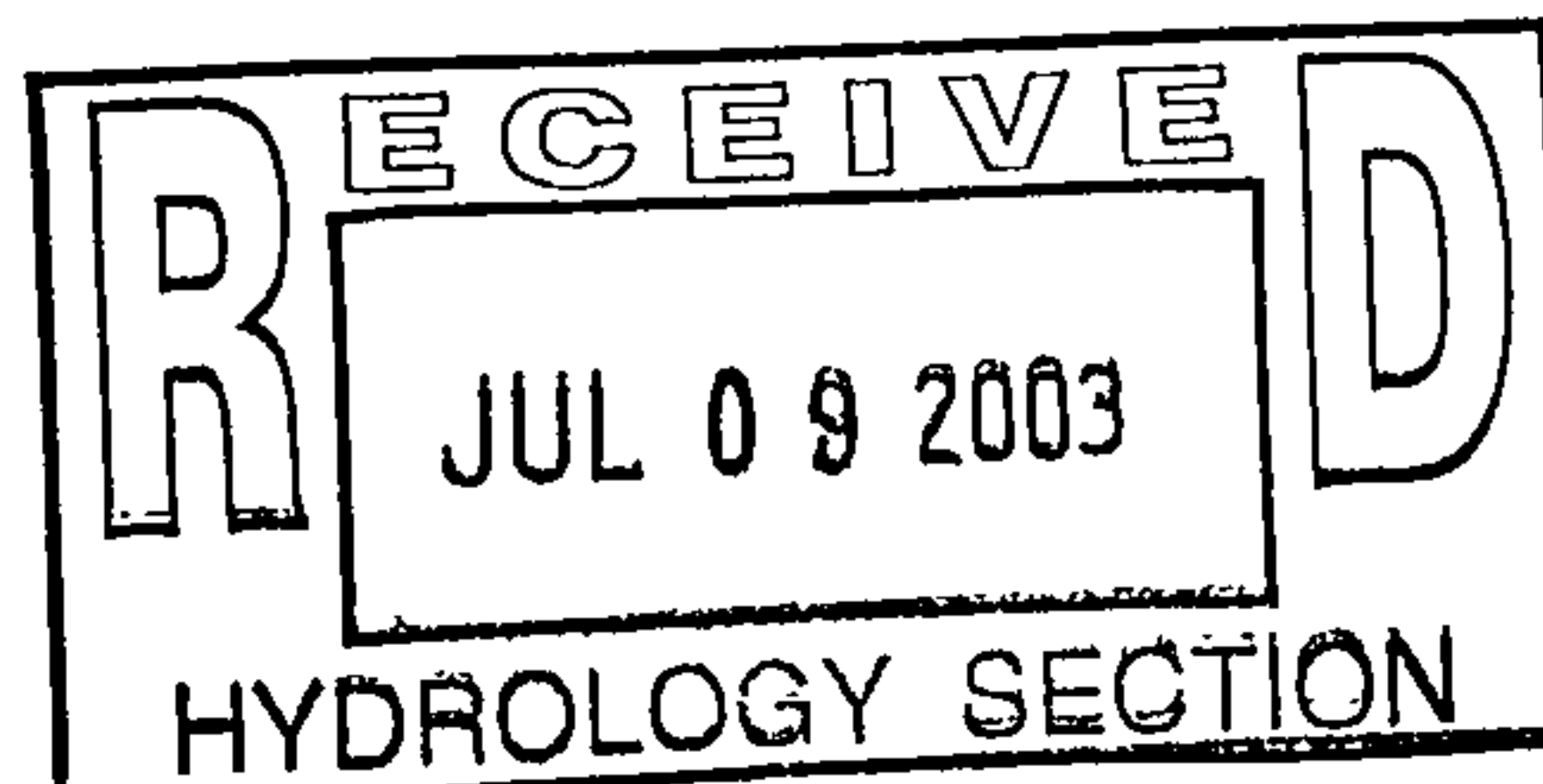
- ☒ DRAINAGE REPORT
- ☒ DRAINAGE PLAN
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☒ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
- ☐ ENGINEERS CERTIFICATION (TCL)
- ☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
- ☐ OTHER(master utility plan)

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA / FINANACIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D. APPROVAL
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- ☒ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
- ☒ NO
- ☐ COPY PROVIDED



DATE SUBMITTED: 7/9/2003 BY: David Soule, PE

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

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3. **Drainage Report** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more.

DRAINAGE REPORT

for

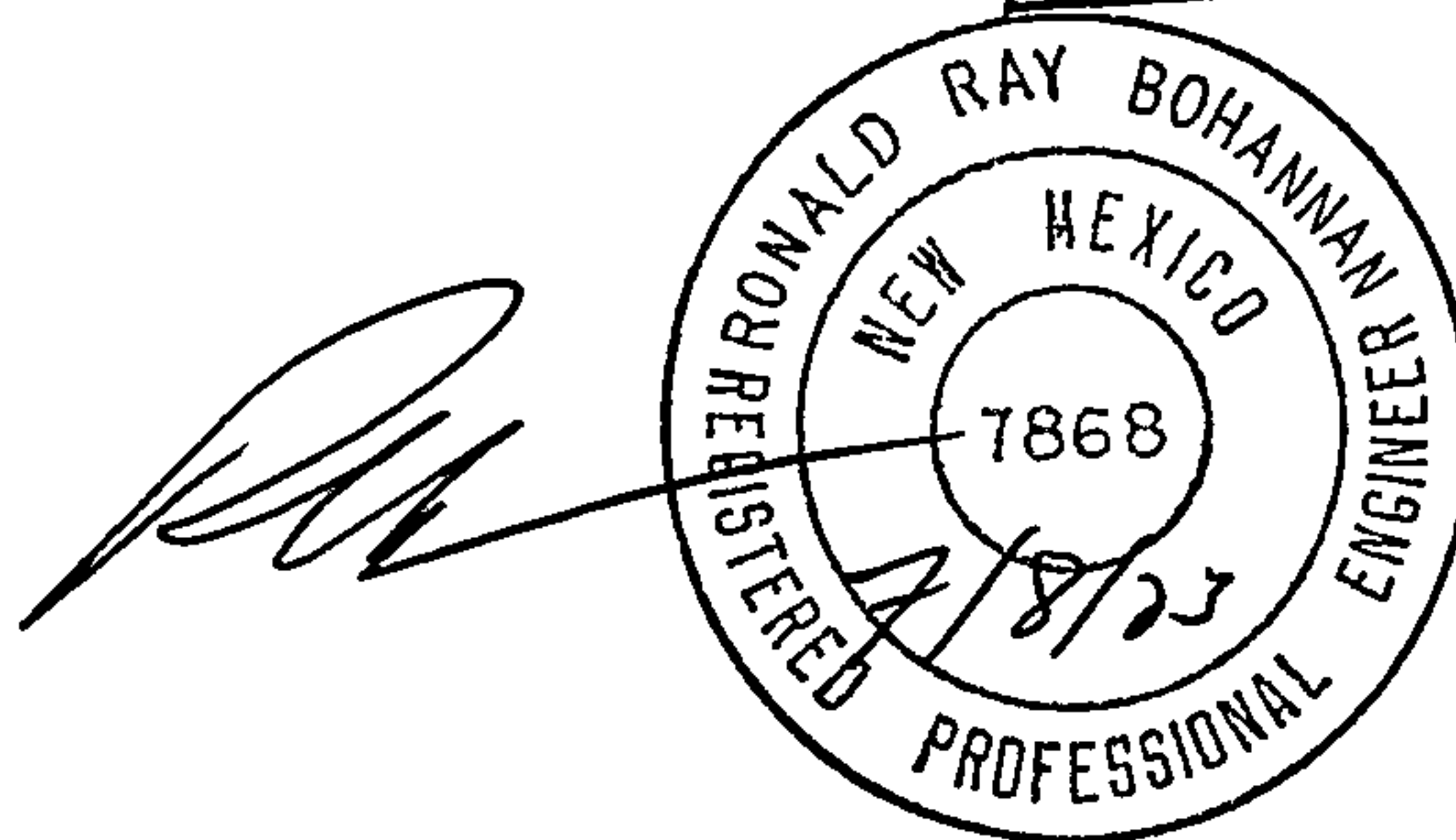
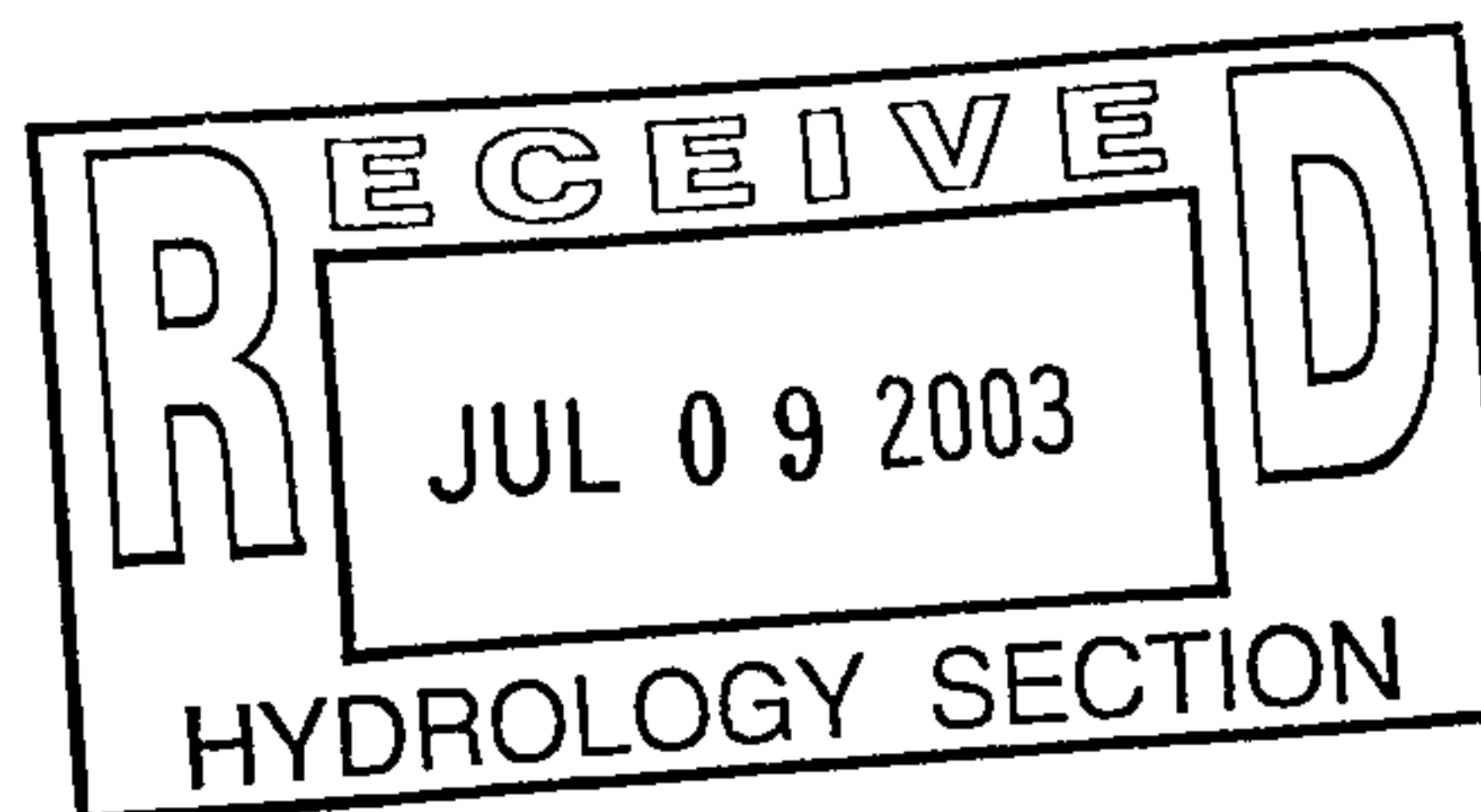
Krispy Kreme @ 25 Albuquerque, New Mexico

Prepared by

Tierra West, LLC
8509 Jefferson NE
Albuquerque, New Mexico 87113

Prepared for
FHA Architects
14344 "Y" Street, Suite 101
Omaha NE 6813-2805

July 2003



Ronald R. Bohannon P.E. No. 7868

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Appendix

Site Hydrology A

Map Pockets

The 25 Development Grading Plan.....A

Site Grading and Drainage Plan B

PURPOSE

The purpose of this report is to prove the development of the subject 2.01-acre property, for the use as Krispy Kreme and Future Restaurant, is in accordance with the DPM Chapter 22. This report will demonstrate that the proposed improvements do not adversely effect the surrounding properties nor the upstream or downstream facilities.

INTRODUCTION

The subject of this report, as shown on the Exhibit A vicinity map, is a 2.01-acre parcel of land located on the northeast corner of Jefferson and I-25. The site is located on Zone Atlas page F-17. The site currently exists as a rough graded pad site within The 25 Development. The legal description of the property is Tract H1-A-1 of The 25 Development. As shown on FIRM map 35001C0139D, the site lies within flood zone X.

This site was analyzed within the Master Drainage Report and Grading Plan for The 25 Development (F17-D46D) previously submitted by Tierra West, LLC, with the stamp date of 5/5/99. The City of Albuquerque Hydrology Section approved the Drainage Management Plan on 5/13/99. Based upon the approved Drainage Management Plan, this site is located entirely within Basin D of The 25 Development. The approved Master Drainage Plan indicates this parcel is allowed free discharge if the land treatments are equal to, or less than 85% D, and 15% B. Since our improvements are consistent with developed condition assumptions within The 25 Development Drainage Plan the site should be allowed free discharge.

Offsite flows enter the site from the north and east. These flows will continue to enter the site and will be conveyed through the site via surface flow within the parking lot as indicated on the Master Drainage Study.

EXISTING CONDITIONS

The site slopes from northeast to southwest, with general grades between 2-4%. The site was Rough Graded with the construction of The 25 Development. The approved grading plan for The 25 Development is included in Map Pocket A. This site was analyzed within the Drainage Study for the entire 25 Development. This site is located entirely within Basin D, as described within the Master drainage study, and shown in Exhibit B. As determined within the Master Drainage Study, Basin D accepts 11.26 CFS from the I-25 frontage road. As discussed within The 25 Development's drainage report, Basin D flows from the northeast to the west, where the flows enter a desiltation area and are captured by a 42" RCP that conveys the flows to an existing Storm drain within Jefferson Boulevard. This storm drain discharges directly into the Vineyard Channel. A cross lot drainage easement was provided for the benefit of all the lots within the center. According to The 25 Developments' Master Drainage Plan, the flows from Basin D, Area 4 (I-25 frontage), and flows generated in Jefferson Boulevard are the contributing basins for this storm drain system. As shown in the Vineyard Channel design, prepared by URS Griener, the storm drain system is designed to accommodate 225 CFS from these three contributing basins.

This site currently accepts the developed flow from area 4 (the I-25 Frontage road), and the flows from the upland portion of Basin D. The flows from the frontage road enter a swale located along the sites southeastern boundary. This swale continues around The 25 Developments southern boundary and ends at a desiltation pond and 42" RCP connected to the Jefferson storm drain. The upland flow from Basin D enters the site via a 6' wide concrete rundown as well as the proposed drive access between the sites. This runoff enters the site along its northern boundary and sheet flows across the site. Once the flow leaves the site it continues to sheet flow to the previously mentioned desiltation pond and discharge pipe located at the southwest corner of The 25 Development site.

PROPOSED CONDITIONS

The proposed improvements consist of the construction of a 4,056 square foot Krispy Kreme restaurant and a future 5,814 square foot restaurant and their associated parking lots. As shown in Exhibit B, the entire site lies within Basin D as described within The 25 Developments' Master Drainage Study. As shown in Appendix A, the proposed land treatments are consistent with the developed condition assumptions for this site within The 25 Developments' Drainage Management Plan. The offsite flows that currently enter the site from the north and east will continue to be accepted and passed through the site. The runoff generated by the frontage road will continue to drain within the perimeter swale. The onsite flows generated from the pavement areas, are conveyed via surface flow from north to south where they are discharge to the adjacent parking lot. The predicted 100-year peak runoff generated from this site is 8.51 CFS. This is less than the 9.36 CFS that was predicted to be generated by this site in its ultimate condition.

As shown in The 25 Developments' Master Drainage Study, the entire Basin D flows to an existing desiltation pond and 42" RCP located at the southwestern portion of the 25 Development. This pipe is connected to an existing storm drain within Jefferson Boulevard. According to the Griener Report Analysis of the Vineyard Channel, the Jefferson storm drain system has a capacity of 225 CFS. Once The 25 Development is completely developed the total flow discharging to this inlet will be 181.08 CFS. Therefore the total contributing flow to the Vineyard Channel Storm drain will be 200.94, which is less than the systems' capacity.

SUMMARY AND RECOMMENDATIONS

This site is an existing pad within The 25 Development, which is an existing commercial center. The City of Albuquerque Hydrology Section approved the drainage management plan for the entire center. The 25 Development's Master Drainage Plan assumed fully developed

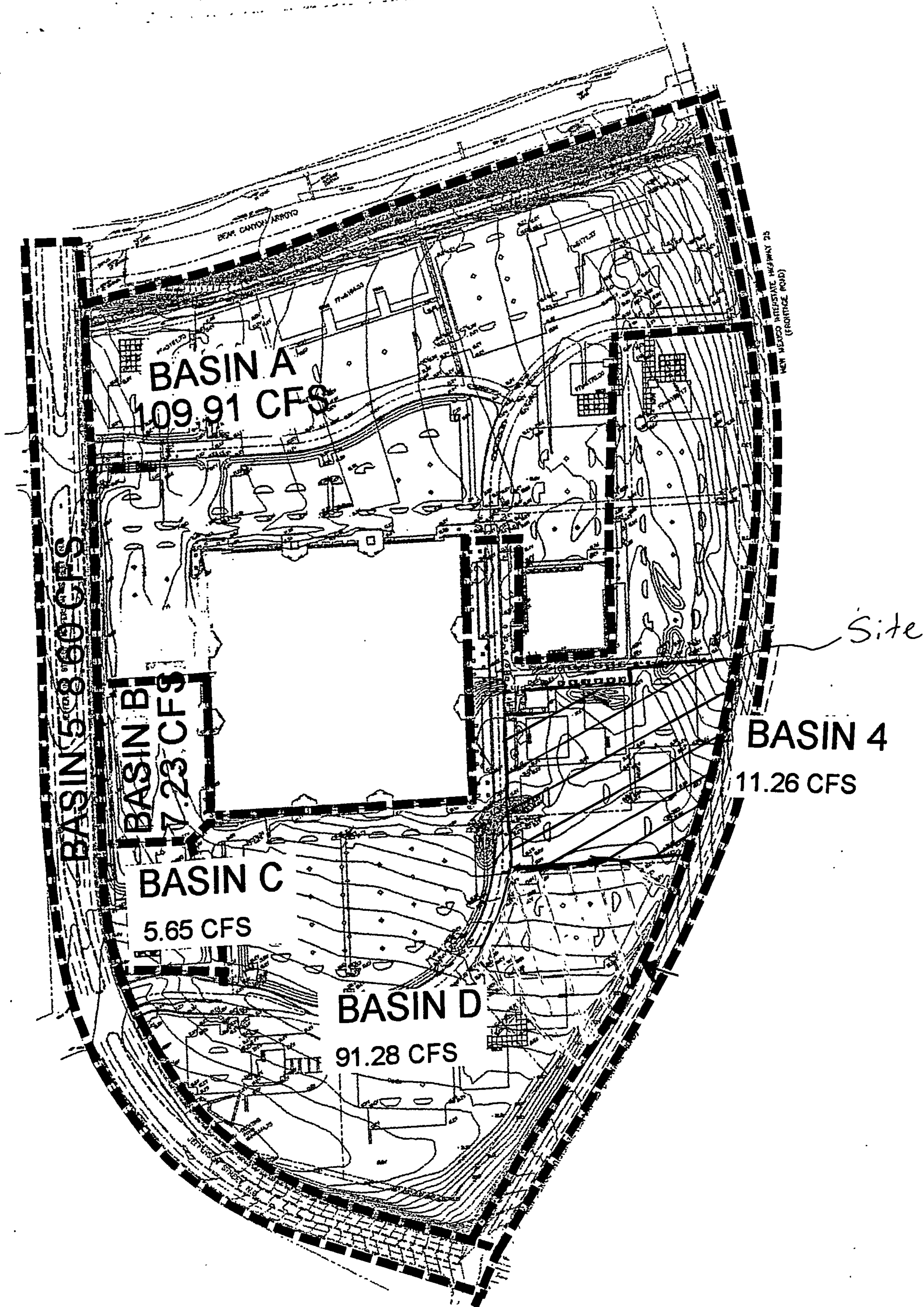


Exhibit B- The 25 Development Basin Map

conditions for our site. The proposed improvements are consistent with the land treatment types used for the developed condition for this site within The 25 Development's drainage plan. The development of this site is consistent with the DPM, Chapter 22, Hydrology section. Since this site encompasses more than one acre, a NPDES permit is required prior to any construction activity. No improvements will occur within City right of way, therefore, all work can be performed under the building permit, and an infrastructure list is not required. It is recommended this development be approved for rough grading, and for Building Permit.

APPENDIX A
SITE HYDROLOGY

RUNOFF RATE COMPARISON

Use Equation A-10: $Q_p = Q_{pA} A_A + Q_{pB} A_B + Q_{pC} A_C + Q_{pD} A_D$
Values of Q_{pi} are from Table A-9, and are in CFS/acre. Area values are in acres.

DEVELOPED RATE OF RUNOFF (CFS)									
BASIN	Q_{pA}	A_A	Q_{pB}	A_B	Q_{pC}	A_C	Q_{pD}	A_D	Total CFS
site as proposed in this report	1.87	0.00	2.60	0.10	3.45	0.12	5.02	1.56	8.51
Site as proposed in The 25 master plan*	1.87	0.00	2.60	0.30	3.45	0.00	5.02	1.71	9.36

* based upon treatment percentages used for basin D

MAP POCKET A

THE 25 DEVELOPMENT GRADING PLAN

MAP POCKET B
SITE GRADING PLAN



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

***Planning Department
Transportation Development Services Section***

April 8, 2004

Ronald R. Bohannon, P.E.
8509 Jefferson NE
Albuquerque, NM 87113

Re: Certification Submittal for Final Building Certificate of Occupancy for
Krisp Kreme @25, [E-17 / D88]
4412 The 25 Way
Engineer's Stamp Dated 04/08/04

Dear Mr. Bohannon:

The TCL / Letter of Certification submitted on April 8, 2004 is sufficient for acceptance by this office for final Certificate of Occupancy (C.O.). Notification has been made to the Building and Safety Section.

Sincerely,

Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
Hydrology file >
CO Clerk

DRAINAGE AND TRANSPORTATION SHEET

(REV. 1/28/2003rd)

588
X

PROJECT TITLE: Krispy Kreme @25
DRB 10000420 EPC #: _____

ZONE MAP/DRG. FILE #: E-17-Z / F-17-Z
WORK ORDER #: 7193.81

LEGAL DESCRIPTION: Tract H1-A-1, The 25

CITY ADDRESS: 4412 The 25 way

ENGINEERING FIRM: Tierra West, LLC
ADDRESS: 8509 Jefferson NE
CITY, STATE: Albuquerque, NM

CONTACT: RONALD R. BOHANNAN
PHONE: (505) 858-3100
ZIP CODE: 87113

OWNER: Krispy Kreme Doughnut Corp.
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ARCHITECT: Faust, Howell Associates. INC
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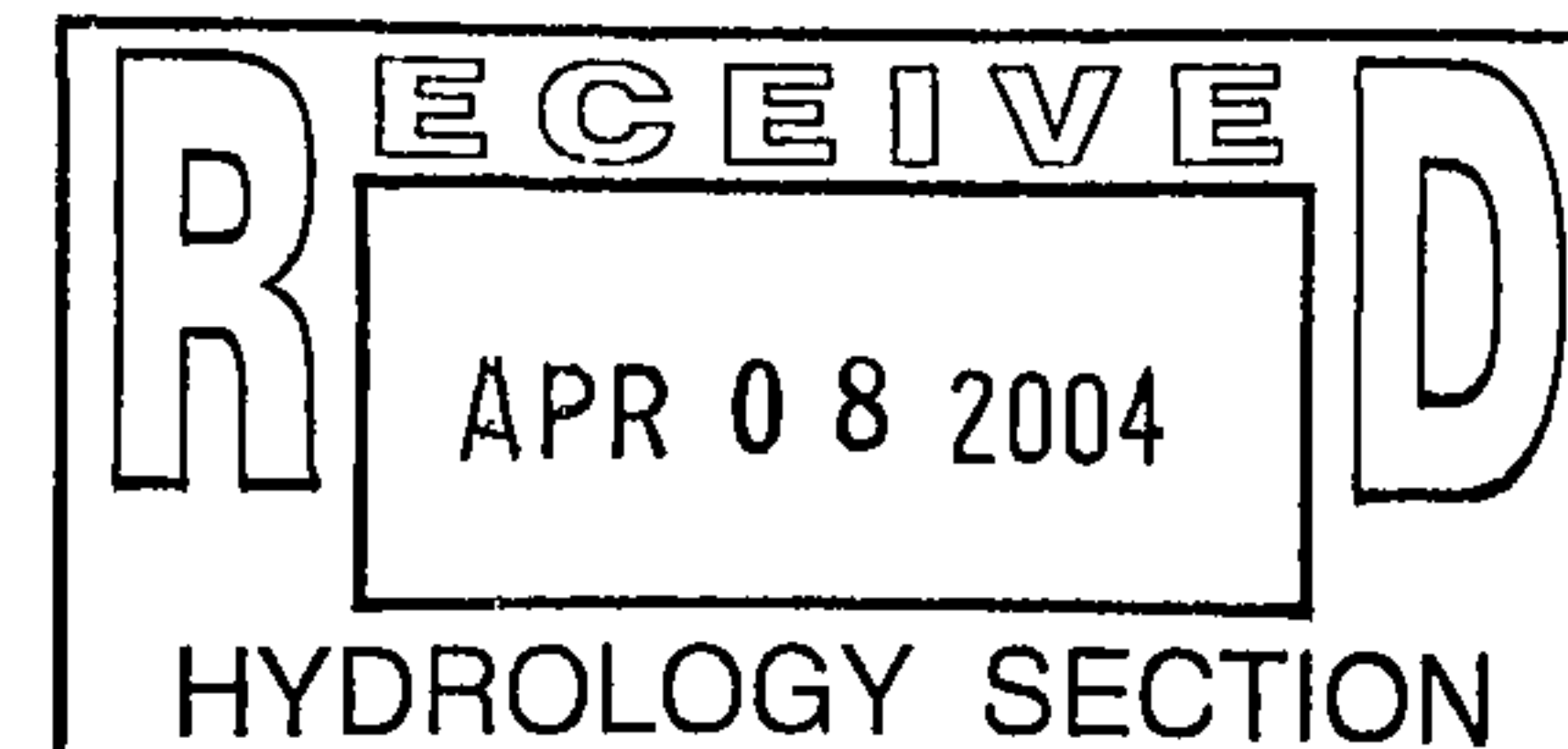
- ☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL, **REQUIRES TCL or equal**
☐ DRAINAGE PLAN RESUBMITTAL
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☐ GRADING PLAN
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☒ ENGINEER'S CERTIFICATION (HYDROLOGY)
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☐ TRAFFIC CIRCULATION LAYOUT (TCL)
☒ ENGINEERS CERTIFICATION (TCL)
☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
☐ OTHER

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☐ CERTIFICATE OF OCCUPANCY (TEMP.)
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
☒ NO
☐ COPY PROVIDED



DATE SUBMITTED: 4/8/2004 BY: Tierra West LLC (Brad Frosch)

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

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TIERRA WEST, LLC

8509 Jefferson NE
Albuquerque, NM 87113

(505) 858-3100
fax (505) 858-1118

twllc@tierrawestllc.com
1-800-245-3102

April 8, 2004,

Mr. Nilo Salgado-Fernandez, PE
Development and Building Services
Public Works Department
PO Box 1293
Albuquerque, NM 87103

**RE: Site Plan Certification for Final Certificate of Occupancy
Krispy Kreme Restaurant
4412 The 25 Way**

Dear Nilo:

Tierra West, LLC, requests Final Certification of the Horizontal Control Plan for the Krispy Kreme restaurant located in the @ 25 Development. Enclosed please find the information sheet and the as-built DRB approved Horizontal Control Plan (TCL). Site curb work and sidewalks are complete. Site paving is complete. Handicap Ramps are in place. Parking lot striping is complete. Punch list items have been corrected. The Field verification of the Site Plan was completed by our office and is in substantial compliance with the approved plan. The curb at the exit of the drive thru was removed and replaced to provide the proper clearance of 12'0". A section of curb, gutter and asphalt in the drive thru lane, was removed and replaced to correct the drainage.

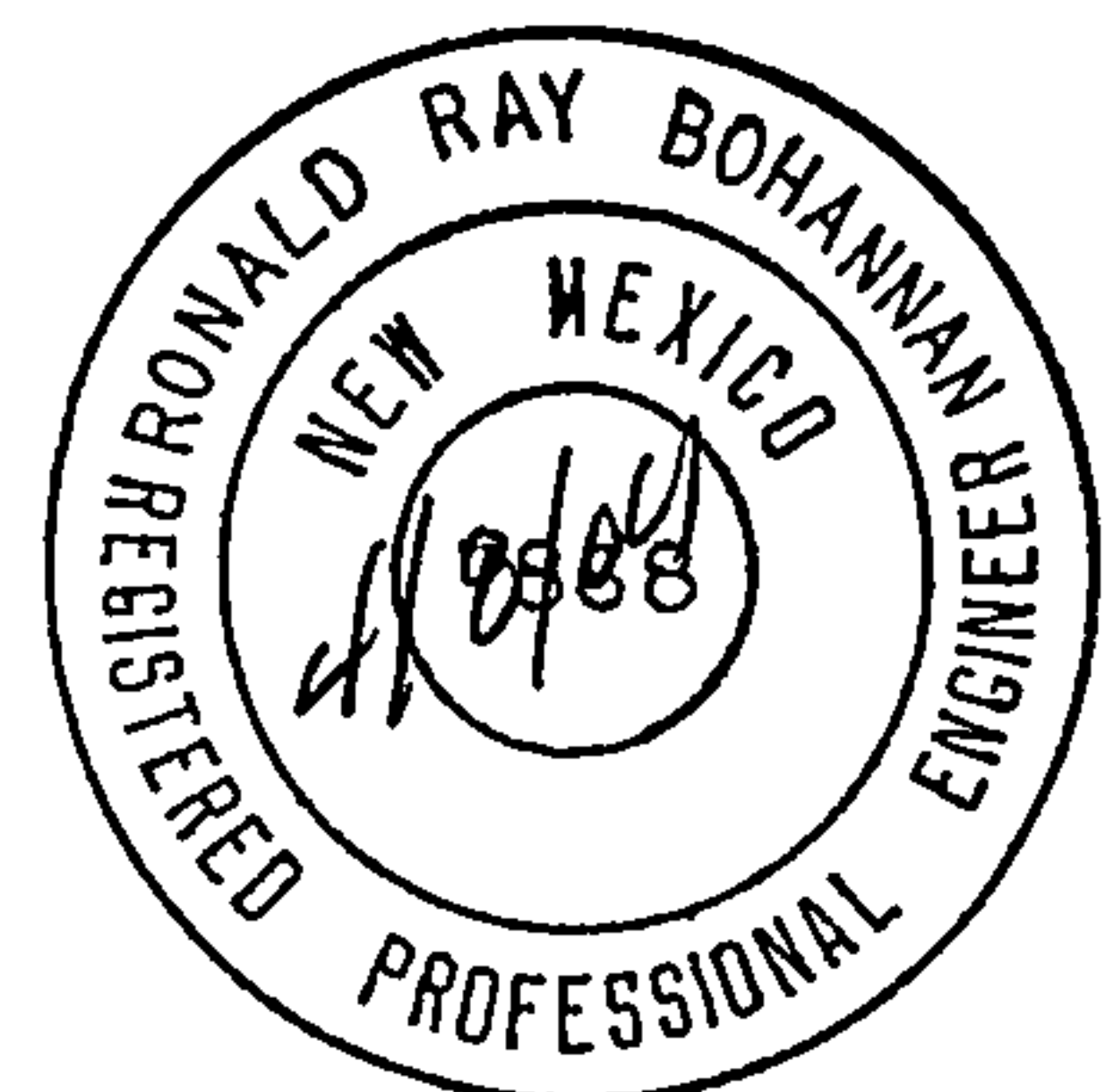
We are, therefore, requesting Certification of the Horizontal Control Plan for a Final Certificate of Occupancy.

If you have any questions or need additional information regarding this matter, please do not hesitate to call me.

Sincerely,



Ronald R. Bohannon, PE

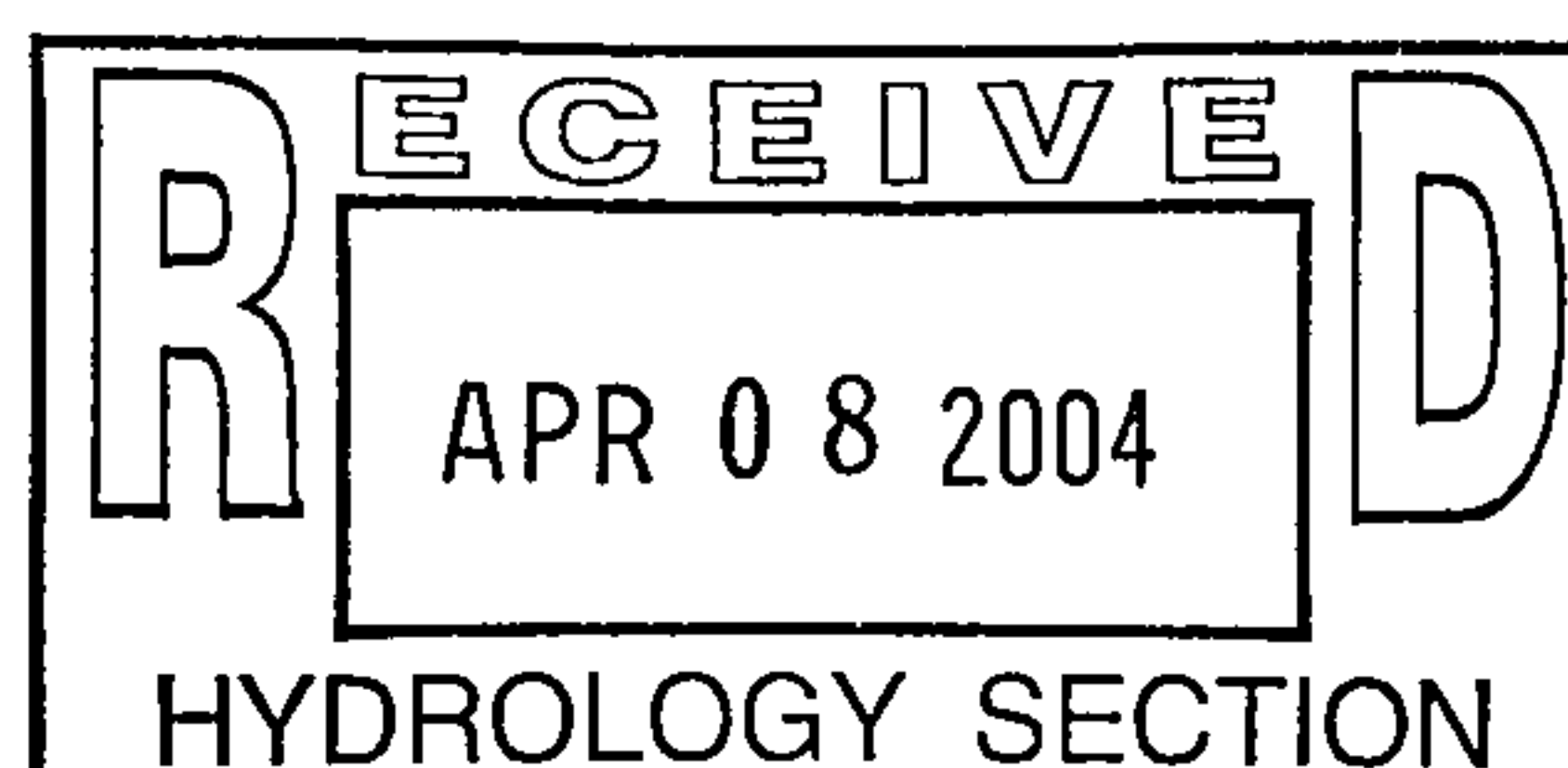


Enclosure/s

cc: Krispy Kreme Corp.
Faust, Howell and Associates INC.
EB Enterprises

JN: 230037
RRB/bf/rw

230037/Krispy Kreme @25 TCL Cert





City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

February 2, 2004

Ronald Bohannon, P.E.
Tierra West, LLC
8509 Jefferson NE
Albuquerque, NM 87113

**Re: Krispy Kreme @ 25, 4412 The 25 Way, Temporary Certificate of Occupancy
Engineer's Stamp dated 9-30-03 (F17/D88)
Certification dated 1-30-04**

Dear Mr. Bohannon,

Based upon the information provided in your submittal received 1-30-04, the above referenced certification is approved for release of 30-day temporary Certificate of Occupancy by Hydrology.

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

Sincerely,

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

C: Phyllis Villanueva
file



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

March 2, 2004

Ronald Bohannon, P.E.
Tierra West, LLC
8509 Jefferson NE
Albuquerque, NM 87113

**Re: Krispy Kreme @ 25, 4412 The 25 Way, Temporary Certificate of Occupancy
Engineer's Stamp dated 9-30-03 (F17/D88)
Certification dated 3-01-04**

Dear Mr. Bohannon,

Based upon the information provided in your submittal received 3-01-04, the above referenced certification is approved for release of 30-day temporary Certificate of Occupancy by Hydrology.

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

Sincerely,

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

C: Phyllis Villanueva
file



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

**Planning Department
Transportation Development Services Section**

January 30, 2004

Ronald Ray Bohannon, P.E.
Tierra West, LLC
8509 Jefferson NE
Albuquerque, NM 87113

Re: Approval of Temporary Certificate of Occupancy (C.O.) for
Krispy Kreme @25, [F-17 / D88]
4412 The 25 Way
Engineer's Stamp Dated 01/29/04

Dear Mr. Bohannon:

Based on the information provided on your submittal dated January 30, 2004, the above referenced project is approved for a 30-day Temporary C.O.

A Temporary C.O. has been issued allowing the outstanding sidewalk & handicap ramp (SW corner), parking lot striping, landscaping, water final (from City), general site cleanup and an approved site plan (approved by transportation development or administrated amendment-if applicable) issues to be completed within this time period. When these remaining issues have been fully completed, are in substantial compliance, and a final Certification for Transportation has been resubmitted to the City's Hydrology office for approval, a Permanent C.O. will be issued.

The Certification package for Final C.O. must include an exact copy of the approved TCL, or signed off D.R.B. Site Plan, which is in each of the two City Permit Plan Sets—the contractor's City field set and the City's plan set in the basement of the Plaza Del Sol building. Package also must include a letter of certification on designer's letterhead- stamped with his seal, signed, and dated. Submit package along with fully completed Drainage Information Sheet to front counter personnel for log in and evaluation by Transportation.

If you have any questions, please call me at 924-3630.

Sincerely,

Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
— Hydrology file
— CO Clerk



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

***Planning Department
Transportation Development Services Section***

March 5, 2004

Ronald R. Bohannon, P.E.,
Tierra West LLC
8509 Jefferson NE
Albuquerque, NM 87113

Re: Certification Submittal for Final Building Certificate of Occupancy for
Krispy Kreme @ The 25 Way, [F-17 / D88]
4412 The 25 Way
Engineer's Stamp Dated (none provided)

Dear Mr. Bohannon:

The TCL / Letter of Certification submitted on March 2, 2004 is not sufficient for acceptance by this office for final Certificate of Occupancy (C.O.). The following will need to be corrected, addressed and provided for final approval of C.O.:

- Provide an approved Site Plan (Administrated Amendment).
- Provide Engineer Stamp with signature on Letter of Certification.
- The exit width of 10'6" is not appropriate. The width will need to be 12' per the approved Site Plan and Development Process Manual (DPM) requirements.

The TCL (or DRB Site Plan) submitted for Final C.O. needs to be the exact copy of the approved TCL in the plan set approved for building permit. This will be the latest edition, which may have redlined comments, initialled and dated by the designer-of-record.

Resubmit acceptable package along with fully completed Drainage Information Sheet to front counter personnel for log in and evaluation by Transportation.

Sincerely,

Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
— Hydrology file
CO Clerk