HYDROLOGY F18/D46 ONE PLAN

F18/D46

1 Plan

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 17, 1987

Louis Gross, P.E.
Logan/Gross & Associates, Inc.
925 Sixth Street, NW Suite 3
Albuquerque, New Mexico 87102

RE: CERTIFICATION FOR ERICKSON APARTMENTS
(F-18/D46) ENGINEER'S STAMP DATED JUNE 29, 1987

Dear Louis:

Based on the information provided on your submittal of July 15, 1987, the above certification is acceptable.

Please advise your client to contact Rick Duran at 764-1699 to make arrangements for release of the green tag.

If I can be of further assistance, please feel free to call me at 768-2650.

Cordially,

Bernie J. Montoya

Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Erickson Apartments ZONE ATLAS/DRNG. FILE #: E18/ D46

LEGAL DESCRIPTION: Tract "Y", Bankers Union Life Subdivision

CITY ADDRESS: 5009 San Mateo Lane NE

ENGINEERING FIRM: Logan/Gross & Assoc. Inc. CONTACT: L. Gross

ADDRESS: 925 6th St NW PHONE: 243-6353

OWNER: Donald Erickson CONTACT: Same

ADDRESS: 4204 Amherst NE PHONE: 881-3202

ARCHITECT: Bob Ponto CONTACT: Same

ADDRESS: 8101 Harwood Ave NE PHONE: 296-5511

SURVEYOR: Logan/Gross & Assoc. Inc. CONTACT: L. Gross

ADDRESS: 925 6th St. NW PHONE: 243-6353

CONTRACTOR: Donald Erickson CONTACT: Same

ADDRESS: 8101 Harwood Ave NE PHONE: 881-3202

PRE-DESIGN MEETING:

____ YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. _____

EPC NO. _____

PROJ. NO. _____

RECEIVED JUL 15 1987 HYDROLOGY SECTION

TYPE OF SUBMITTAL:

____ DRAINAGE REPORT

____ DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAINAGE PLAN

____ GRADING PLAN

____ EROSION CONTROL PLAN

xx 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

xx CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

____ OTHER _____ (SPECIFY)

DATE SUBMITTED: 7/15/87

BY: Louis W. Gross

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

HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 768-7644

October 2, 1986

Louis Gross, P.E.
Logan/Gross & Associates, Inc.
925 Sixth Street, NW Suite 3
Albuquerque, New Mexico 87102

RE: DRAINAGE PLAN FOR TRACT "Y", BANKER'S UNION LIFE SUBDIVISION (F-18/D46) REVISION DATE SEPTEMBER 23, 1986

Dear Louis:

Based on the information provided on your resubmittal of September 24, 1986, the above referenced drainage plan is approved for Building Permit.

Please attach a copy of this approved to both sets of construction drawings prior to sign-off by the Hydrology Section.

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

Cordially,

for Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

DRAINAGE INFORMATION SHEET

CITY OF ALBUQUERQUE, N.M.

REVISED

PROJECT TITLE: Erikson Apartments ZONE ATLAS/DRNG. FILE #: F18/D46

LEGAL DESCRIPTION: Tract "Y" Bankers Union Life Subdivision

CITY ADDRESS: 5009 San Mateo Lane N.E.

ENGINEERING FIRM: Logan/Gross and Associates CONTACT: Louis Gross

ADDRESS: 925 6th St. N.W. Suite 3 PHONE: 243-6353

OWNER: Donald Erikson CONTACT: Same

ADDRESS: 4204 Amherst N.E. PHONE: 881-3202

ARCHITECT: Bob Ponto CONTACT: Same

ADDRESS: 8101 Harwood Ave. N.E. PHONE: 296-5511

SURVEYOR: Logan/Gross and Associates CONTACT: Louis W. Gross

ADDRESS: 925 6th ST. N.W. Suite 3 PHONE: 243-6353

CONTRACTOR: Not Yet Selected CONTACT:

ADDRESS: PHONE:

RECEIVED SEP 24 1986 HYDROLOGY SECTION

PRE-DESIGN MEETING:

XX YES

____ NO

____ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. ____

EPC NO. ____

PROJ. NO. ____

TYPE OF SUBMITTAL:

XX DRAINAGE REPORT

XX DRAINAGE PLAN

____ CONCEPTUAL GRADING & DRAINAGE PLAN

XX 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

XX BUILDING PERMIT APPROVAL

____ FOUNDATION PERMIT APPROVAL

____ CERTIFICATE OF OCCUPANCY APPROVAL

____ ROUGH GRADING PERMIT APPROVAL

____ GRADING/PAVING PERMIT APPROVAL

____ OTHER ____ (SPECIFY)

DATE SUBMITTED: Sept 16, 1986 REVISED Sept 23, 1986

BY: Louis W. Gross

Louis W. Gross

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

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

September 17, 1986

Louis Gross, P.E.
Logan/Gross & Associates, Inc.
925 Sixth Street, NW Suite 3
Albuquerque, New Mexico 87102

RE: DRAINAGE PLAN FOR TRACT "Y", BANKER'S UNION LIFE SUBDIVISION (F-18/D46) RECEIVED SEPTEMBER 16, 1986

Dear Louis:

Based on the information provided on your submittal of September 16, 1986, listed you will find certain items that need to be addressed prior to Building Permit sign-off by the Hydrology Section:

1. New information sheet with resubmittal designation.
2. Engineer's stamp with signature and revision date.
3. Location, description and elevation of TBM.
4. Location and direction of roof drains.

If I can be of further assistance, please feel free to call me at 766-7644.

Cordially,

Bernie J. Montoya

Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

DRAINAGE INFORMATION SHEET

CITY OF ALBUQUERQUE, N.M.

PROJECT TITLE: Erikson Apartments ZONE ATLAS/DRNG. FILE #: F18/D46

LEGAL DESCRIPTION: Tract "Y", Bankers Union Life Subdivision

CITY ADDRESS: 5009 San Mateo Lane N.E.

ENGINEERING FIRM: Logan/Gross and Associates CONTACT: Louis Gross

ADDRESS: 925 6th St. N.W. Suite 3 PHONE: 243-6353

OWNER: Donald Erikson CONTACT: Same

ADDRESS: 4204 Amherst N.E. PHONE: 881-3202

ARCHITECT: Bob Ponto CONTACT: Same

ADDRESS: 8101 Harwood Ave. N.E. PHONE: 296-5511

SURVEYOR: Logan/Gross and Associates CONTACT: Louis Gross

ADDRESS: 925 6th St. N.W. Suite 3 PHONE: 243-6353

CONTRACTOR: Not Yet Selected CONTACT:

ADDRESS: PHONE:

RECEIVED SEP 16 1986 HYDROLOGY SECTION

PRE-DESIGN MEETING:

XX YES

___ NO

XX COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 86-406

EPC NO.

PROJ. NO.

TYPE OF SUBMITTAL:

XX DRAINAGE REPORT

XX DRAINAGE PLAN

___ CONCEPTUAL GRADING & DRAINAGE PLAN

XX GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

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___ PRELIMINARY PLAT APPROVAL

___ SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

XX BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

___ OTHER _____ (SPECIFY)

DATE SUBMITTED: September 16, 1986

BY: Louis W. Gross *Louis W. Gross*

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

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

August 13, 1986

Louis Gross
Logan/Gross & Associates
925 Sixth Street, NW
Albuquerque, New Mexico 87102

RE: CONCEPUTAL DRAINAGE PLAN FOR ERIKSON APARTMENTS
(F-18/D46) RECEIVED AUGUST 13, 1986

Dear Mr. Gross:

The above referenced plan, dated March 27, 1986, is approved for Site Development Plan. We will require a drainage plan submitted and approved prior to Building Permit release.

If you have any questions, call me at 766-7644.

Cordially,

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

CAM/bsj

#9 & 13

DRAINAGE INFORMATION SHEET

CITY OF ALBUQUERQUE, N.M.

REVISED

PROJECT TITLE: Erikson Apartments ZONE ATLAS/DRNG. FILE #: F18/D46

LEGAL DESCRIPTION: Tract "Y", Backers Union Life Subdivision

CITY ADDRESS: 5009 San Mateo Lane N.E.

ENGINEERING FIRM: Logan/Gross and Associates CONTACT: Duane Logan

ADDRESS: 925 6th St. N.W. Suite 3 PHONE: 243-6353

OWNER: Donald Erikson CONTACT: Same

ADDRESS: 4204 Amherst N.E. PHONE: 881-3202

ARCHITECT: Bob Ponto CONTACT: Same

ADDRESS: 8101 Harwood Ave. N.E. PHONE: 296-5511

SURVEYOR: Logan/Gross and Associates CONTACT: Duane Logan

ADDRESS: 925 6th St. N.W. Suite 3 PHONE: 243-6353

CONTRACTOR: Not Yet Selected CONTACT:

ADDRESS: PHONE:

RECEIVED AUG 06 1986 HYDROLOGY SECTION

PRE-DESIGN MEETING:

XX YES

___ NO

XX COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 86-~~406~~ 460

EPC NO.

PROJ. NO.

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

XX CONCEPTUAL GRADING & DRAINAGE PLAN Revised by correspondence

___ GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

XX 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: ~~July 18, 1986~~ August 6, 1986

BY: Duane L. Logan

LOGAN/GROSS & ASSOC. INC.
Consulting Civil Engineers

RECEIVED
AUG 06 1986
HYDROLOGY SECTION

August 6, 1986

City of Albuquerque
Municipal Development Department
Engineering Division, Hydrology Section
123 Central N.W.
Albuquerque, NM 87102

Attn: Mr. Bernie Montoya

Re: Erickson Apartments, File #F18/D46, your letter of July 23, 1986.

Dear Mr. Montoya:

In response to your request for more information regarding the subject project, I am submitting the following:

1. Easement across Track M, filed July 16, 1986 in book MS 372A, Pages 979 and 980. Copy attached.

2. Downstream capacity through Tract M is achieved with a paved swale section with a minimum width of 45' and a minimum depth of 6". Slope in the section is 0.0150. Q=11.25 X 1.486/0.017 X 0.40 X 0.122 = 48 C.F.S. Contribution of the North part of Tract "M" is 3.0 C.F.S. There is no contribution from Tract "D" on the north. There is no contribution from San Mateo Lane due to a 3" inverted crown with a 0.009 slope to the south. Therefore with a 10 C.F.S. maximum flow, the existing swale through Tract "M" is more that adequate. Copy of the Tract M plat, with pertinent information is attached.

925 6th St. N.W., Suite 3, Albuquerque, New Mexico 87102 / 243-6353

LOGAN/GROSS & ASSOC. INC.
Consulting Civil Engineers

3. The drainage easement between Tract M and the two 4' X 10' concrete boxes at San Mateo is noted on the Plat of Tract "A", filed May 12, 1976, Book D7, Page 29, copy attached. From existing construction at the exit from Tract M, the easement was apparently created to serve considerably more drainage area that exists today. The paved channel, 20' wide with a 10' wide bottom and an 18" depth has a capacity of 300 C.F.S. The two 4' X 10' concrete boxes have a capacity of 1000 C.F.S. The City Facility Maps do not show the channel, apparently it was a private endeavor. The concrete boxes are referred to, but are apparently a State Highway Department project connected to San Mateo Blvd.

Hopefully, this narrative, with the attachments, will be adequate to answer your request. Please call if further clarification is requested.

Sincerely,

Louis W. Gross

Louis W. Gross P.E.

925 6th St. N.W., Suite 3, Albuquerque, New Mexico 87102 / 243-6353

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

July 23, 1986

Louis Gross
Logan/Gross & Associates
925 Sixth Street, NW
Albuquerque, New Mexico 87102

RE: DRAINAGE PLAN FOR ERIKSON APARTMENTS
(F-18/D46) RECEIVED JULY 15, 1986

Dear Mr. Gross:

A preliminary review of your submittal for Site Development Plan approval has shown that the following information is lacking for this section to begin the review process:

Information Needed

1. Easement must be filed and recorded.
2. Please address downstream capacity. (What happens once it enters Tract M?)
3. Copy of utility map showing existing channel and the existing two 4' x 10' concrete boxes.

Please provide this information so that we may process your request as expediently as possible.

Cordially,

for Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

ENGINEERING DIVISION
Telephone (505) 766-7467

AN EQUAL OPPORTUNITY EMPLOYER

DRAINAGE INFORMATION SHEET

~~Bernalillo County, NM~~

New

PROJECT TITLE: Erikson Apartments ZONE ATLAS/DRNG. FILE #: F18/D46

LEGAL DESCRIPTION: Tract "Y", Bankers Union Life Subdivision

CITY ADDRESS: 5009 San Mateo Lane NE

ENGINEERING FIRM: Logan/Gross and Associates CONTACT: Duane Logan

ADDRESS: 925 6th St., NW PHONE: 243-6353

OWNER: Donald W. Erickson CONTACT: Same

ADDRESS: 4204 Amherst NE PHONE: 881-3202

ARCHITECT: Bob Ponto CONTACT: Same

ADDRESS: 8101 Harwood Ave., NE PHONE: 296-5511

SURVEYOR: Logan/Gross CONTACT: Duane Logan

ADDRESS: As Above PHONE:

CONTRACTOR: Not yet selected CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

XXX YES

___ NO

XXX COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 86-460

EPC NO.

PROJ. NO.

RECEIVED JUL 1 5 1986 HYDROLOGY SECTION

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

XXX CONCEPTUAL GRADING & DRAINAGE PLAN

___ GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

XXX 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: July 14, 1986

BY: Duane Logan

GRANT OF DRAINAGE EASEMENT

This easement grant is made and executed this 1st day of July, 1986

by and between Bruce Caird, hereinafter called the "Grantor"

and Donald W. Erickson, hereinafter called the "Grantee".

1. The Grantor is the owner of the following described real property within the City of Albuquerque, County of Bernalillo, State of New Mexico:

Tract M, Bankers Union Life Subdivision, filed August 24, 1977.

2. For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant and deliver to the Grantee a perpetual easement over and across a portion of Grantor's property for the purpose of permitting overland flow of storm water runoff.

3. The property affected by the grant of this easement and right-of-way is more particularly described as follows: Northerly 20.00 feet of Tract M for the entire 200 feet east to west.

4. Said easement is intended to be permanent in nature for use recited above to the Grantee, his successors and assigns, until such time as the Grantee releases said easement in writing.

5. The obligation of the Grantor set forth herein shall be binding upon the Grantor, his heirs, and assigns, and the property of the Grantor as described herein and will run with said property until released by the Grantee.

IN WITNESS WHEREOF, the parties have set their hands and seals this 1st day of July, 1986

GRANTOR

By: Bruce Caird

Title: ~~President~~ General Partner Serendipity Group, a N.M. Limited Partnership

RECEIVED
JUL 15 1986
HYDROLOGY SECTION

ACKNOWLEDGEMENT

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS.

The foregoing instrument was acknowledged before me this 1st day of July, 1986, by BRUCE CAIRD
Name of Grantor

OFFICIAL SEAL
Notary Public
IAN A. CAIRD
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires: 8/24/86

My Commission Expires:
8/24/86

CV-78-7970

STATE OF NEW MEXICO COUNTY OF BERNALILLO

IN THE DISTRICT COURT

SUMMONS ISSUED

GOODWILL INDUSTRIES OF NEW MEXICO,
Plaintiff,

vs.

CITY OF ALBUQUERQUE,
COUNTY OF BERNALILLO,
and ALBUQUERQUE METROPOLITAN
ARROYO FLOOD CONTROL AUTHORITY,
Defendants.

CV- 78-07970

No. _____

FILED IN MY OFFICE THIS DEC 5 '78 PM
CLERK DISTRICT COURT
JOHN E. MOSSMAN

COMPLAINT

Plaintiff alleges:

I

Plaintiff is a nonprofit corporation, organized under the laws of the State of New Mexico, and having its principal office at Albuquerque, New Mexico.

II

Plaintiff is the owner of that parcel of real estate in Bernalillo County, New Mexico, described on Exhibit A hereunto annexed and made a part hereof.

III

Some or all of the defendants claim a public drainage easement over and across the northerly twenty-five feet, more or less, of plaintiff's said real estate.

IV

If such a drainage easement was ever in effect, the use thereof has long since been abandoned, and serves no public purpose nor provides any public benefit. Even after heavy rainfall, no runoff of waters are carried across the said portion of

RECEIVED
AUG 13 1986
HYDROLOGY SECTION

plaintiff's property. Adequate drainage of rain waters falling directly upon plaintiff's said property is provided by channels other than the said northerly twenty-five feet of plaintiff's land.

V

By reason of the claim of public drainage easement asserted by some or all of the defendants, title to plaintiff's said parcel of real estate is clouded, the value thereof is damaged, and plaintiff is prevented from making use of the area subject to the said alleged drainage easement.

VI

Any claim of public drainage easement over and across the said portion of plaintiff's land is wholly without right or foundation, either in law or in equity.

VII

By reason of the premises, an actual controversy exists between the plaintiff and some or all of the defendants.

WHEREFORE, plaintiff prays the judgment of the Court, declaring plaintiff's said real estate to be free and clear of any public drainage easement, and quieting plaintiff's title in and to plaintiff's real estate described on Exhibit A herof against the adverse claims of the defendants, and of each of them.

Plaintiff prays for such other and further relief as plaintiff is entitled in the premises.

ATKINSON & KEISER

By _____
W. B. ATKINSON
Attorneys for Plaintiff
1300 Bank of New Mexico Bldg.
P.O. Drawer 1126
Albuquerque, NM 87103
Phone: 505/842-6111

RECEIVED
AUG 13 1986

Exhibit A

The following described real estate in Bernalillo County, New Mexico:

A tract of land situate within the Elena Gallegos Grant, Bernalillo County, New Mexico, being more particularly described as follows:
Beginning, for a tie, at the closing corner for Sections 35 and 36, Township 11 North, Range 3 East, N.M.P.M., on the South boundary of the Elena Gallegos Grant, a point within the right of way of San Mateo Boulevard N.E., and running, thence N. 89 deg. 59'20"E., 70.90 feet along the South boundary of said Elena Gallegos Grant to a point on the Easterly right of way line of said San Mateo Boulevard N.E.; Thence running N. 0 deg. 04'00"E., 820.00 feet along the Easterly right of way line of said San Mateo Boulevard N.E. to the Southwest and beginning Corner No. 1 of the tract herein set forth; Thence continuing N. 0 deg. 04'00"E., 500.00 feet along the Easterly right of way line of said San Mateo Boulevard N.E. to the Northwest Corner No. 2; Thence leaving said San Mateo Boulevard N.E. and running N. 89 deg. 59'20"E., 850.00 feet to the Northeast Corner No. 3 of the tract herein set forth; Thence S. 0 deg. 04'00"W., 500.00 feet to the Southeast Corner No. 4 of the tract herein set forth; Thence S. 89 deg. 59'20"W., 850.00 feet to the Southwest and beginning Corner No. 1 of the tract herein set forth; containing 9.757 acres, more or less; Bounded on the North by land of Simpson, on the South and East by land of Frontier Theatres, Inc., and on the West by San Mateo Boulevard N.E., County of Bernalillo, State of New Mexico.

POOR QUALITY ORIGINAL
POOR QUALITY ORIGINAL
POOR QUALITY ORIGINAL
POOR QUALITY ORIGINAL

STATE OF NEW MEXICO COUNTY OF BERNALILLO

IN THE DISTRICT COURT

GOODWILL INDUSTRIES OF NEW MEXICO,

Plaintiff,

vs.

No. CV-78-07970

CITY OF ALBUQUERQUE, COUNTY OF BERNALILLO, and ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Defendants.

FILED IN MY OFFICE THIS DEC 14 '81 PM
CLERK DISTRICT COURT

MOTION TO DISMISS

COMES NOW Defendant, City of Albuquerque, by and through its attorney of record, James P. Fitzgerald, and moves this Court for its Order of Dismissal for Failure to Prosecute pursuant to Rule 41(e)(1) of the New Mexico Rules of Civil Procedure. As grounds therefor, Defendant City would show the Court that Plaintiff filed its Summons and Complaint on December 5, 1978 and has failed to file another pleading in this matter.

WHEREFORE, Defendant City prays for an Order of Dismissal for Failure to Prosecute in the above-entitled matter with prejudice.

Respectfully Submitted,

James P. Fitzgerald
Assistant City Attorney
Post Office Box 1293
Albuquerque, New Mexico 87103
Phone: (505) 766-7411

This will certify that a copy of the foregoing pleading was mailed to all opposing counsel of record on this 14th day of December, 1981.

POOR QUALITY ORIGINAL

STATE OF NEW MEXICO COUNTY OF BERNALILLO

IN THE DISTRICT COURT

GOODWILL INDUSTRIES OF NEW MEXICO,

Plaintiff,

vs.

No. CV-78-07970

CITY OF ALBUQUERQUE, COUNTY OF BERNALILLO, and ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY,

Defendants.

FILED IN MY OFFICE THIS JAN 6 '82 PM

CLERK DISTRICT COURT

ORDER OF DISMISSAL

THIS MATTER having come before the Court upon Motion of Defendant, City of Albuquerque, by and through its attorney of record, James P. Fitzgerald, and the Court being fully advised in the premises, FINDS;

That Defendant, City of Albuquerque's, Motion is well taken and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-entitled and numbered cause of action is hereby dismissed with prejudice.

DISTRICT JUDGE

APPROVED:

W. W. Atkinson
Attorney at Law
Attorney for Plaintiff

James P. Fitzgerald
Assistant City Attorney
Attorney for City of Albuquerque

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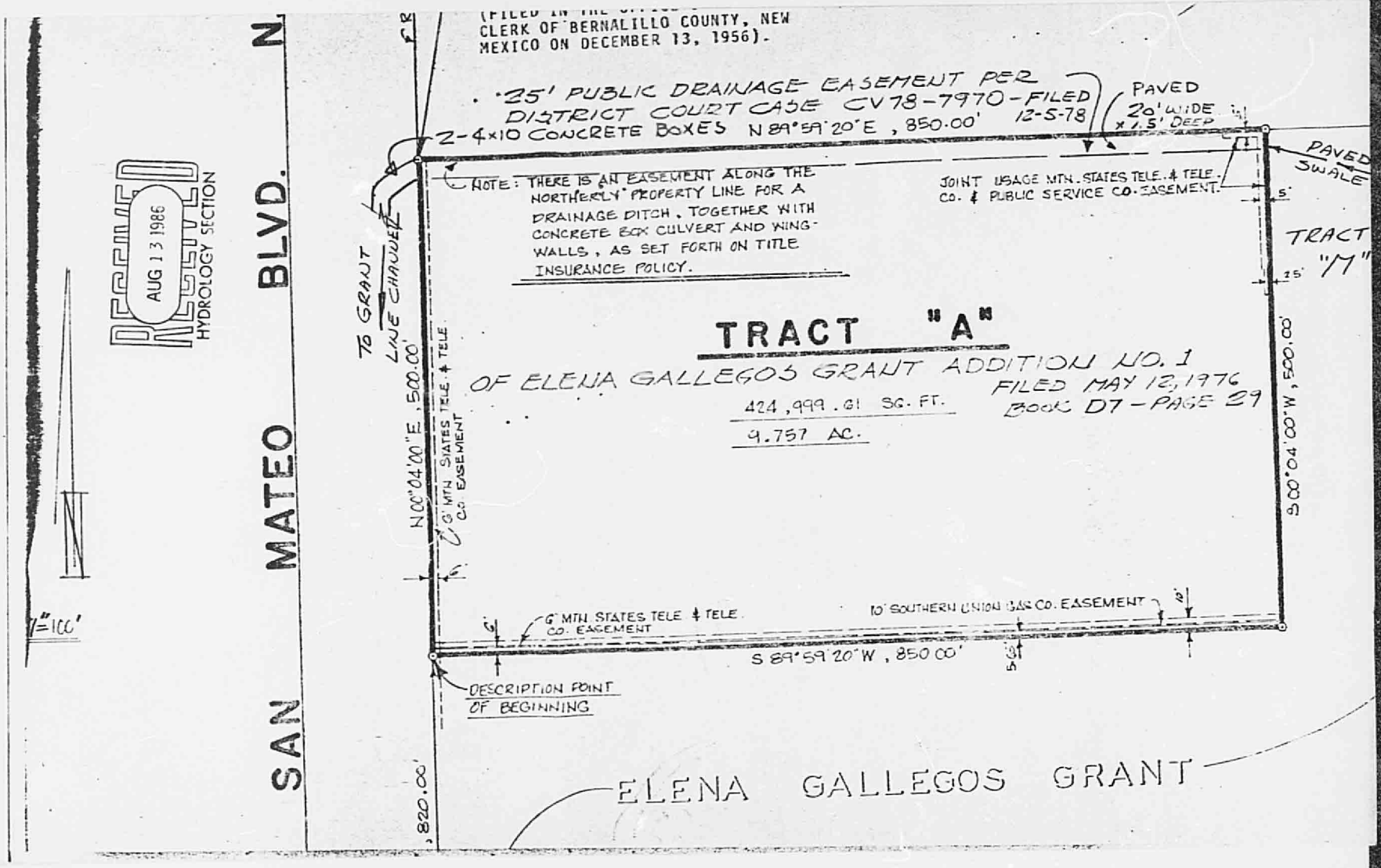
AUG 13 1986
HYDROLOGY SECTION


(FILED IN THE OFFICE
CLERK OF BERNALILLO COUNTY, NEW
MEXICO ON DECEMBER 13, 1956).
25' PUBLIC DRAINAGE EASEMENT PER
DISTRICT COURT CASE CV78-7970 - FILED
12-5-78
PAVED
20' WIDE
x 1.5' DEEP
2-4x10 CONCRETE BOXES N 89°59'20"E, 850.00'
PAVED
SWALE
NOTE: THERE IS AN EASEMENT ALONG THE
NORTHERLY PROPERTY LINE FOR A
DRAINAGE DITCH, TOGETHER WITH
CONCRETE BOX CULVERT AND WING-
WALLS, AS SET FORTH ON TITLE
INSURANCE POLICY.
JOINT USAGE MTN. STATES TELE. & TELE.
CO. & PUBLIC SERVICE CO. EASEMENT.
TRACT "M"
TO GRANT LINE CHANGE
TRACT "A"
OF ELENA GALLEGOS GRANT ADDITION NO. 1
FILED MAY 12, 1976
BOOK D7 - PAGE 29
424,999.61 SQ. FT.
9.757 AC.
N 00°04'00"E, 500.00'
S 00°04'00"W, 500.00'
6' MTN. STATES TELE. & TELE
CO. EASEMENT
6' MTN. STATES TELE. & TELE
CO. EASEMENT
10' SOUTHERN UNION GAS CO. EASEMENT
S 89°59'20"W, 850.00'
DESCRIPTION POINT
OF BEGINNING
820.00'
ELENA GALLEGOS GRANT
SAN MATEO BLVD. N.
RECEIVED
AUG 13 1986
HYDROLOGY SECTION
1"=100'

X - 86 65014 GRANT OF DRAINAGE EASEMENT 979

This easement grant is made and executed this 1st day of July, 1986

by and between Bruce Caird, hereinafter called the "Grantor"

and Donald W. Erickson, hereinafter called the "Grantee".

RECEIVED AUG 06 1986 HYDROLOGY SECTION

1. The Grantor is the owner of the following described real property within the City of Albuquerque, County of Bernalillo, State of New Mexico:

Tract M, Bankers Union Life Subdivision, filed August 24, 1977.

2. For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant and deliver to the Grantee a perpetual easement over and across a portion of Grantor's property for the purpose of permitting overland flow of storm water runoff.

3. The property affected by the grant of this easement and right-of-way is more particularly described as follows: Northerly 20.00 feet of Tract M for the entire 200 feet east to west.

4. Said easement is intended to be permanent in nature for use recited above to the Grantee, his successors and assigns, until such time as the Grantee releases said easement in writing.

5. The obligation of the Grantor set forth herein shall be binding upon the Grantor, his heirs, and assigns, and the property of the Grantor as described herein and will run with said property until released by the Grantee.

IN WITNESS WHEREOF, the parties have set their hands and seals this 1st day of July, 1986

Filed 7/16/86 3:32 p
Book Ms 372A
Pgs 979-980

GRANTOR

By: Bruce Caird

Title: ~~President~~ General Partner
Serendipity Group, a N.M. Limited Partnership

ACKNOWLEDGEMENT

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

The foregoing instrument was acknowledged before me this 1st day of July, 1986, by BRUCE CAIRD
Name of Grantor

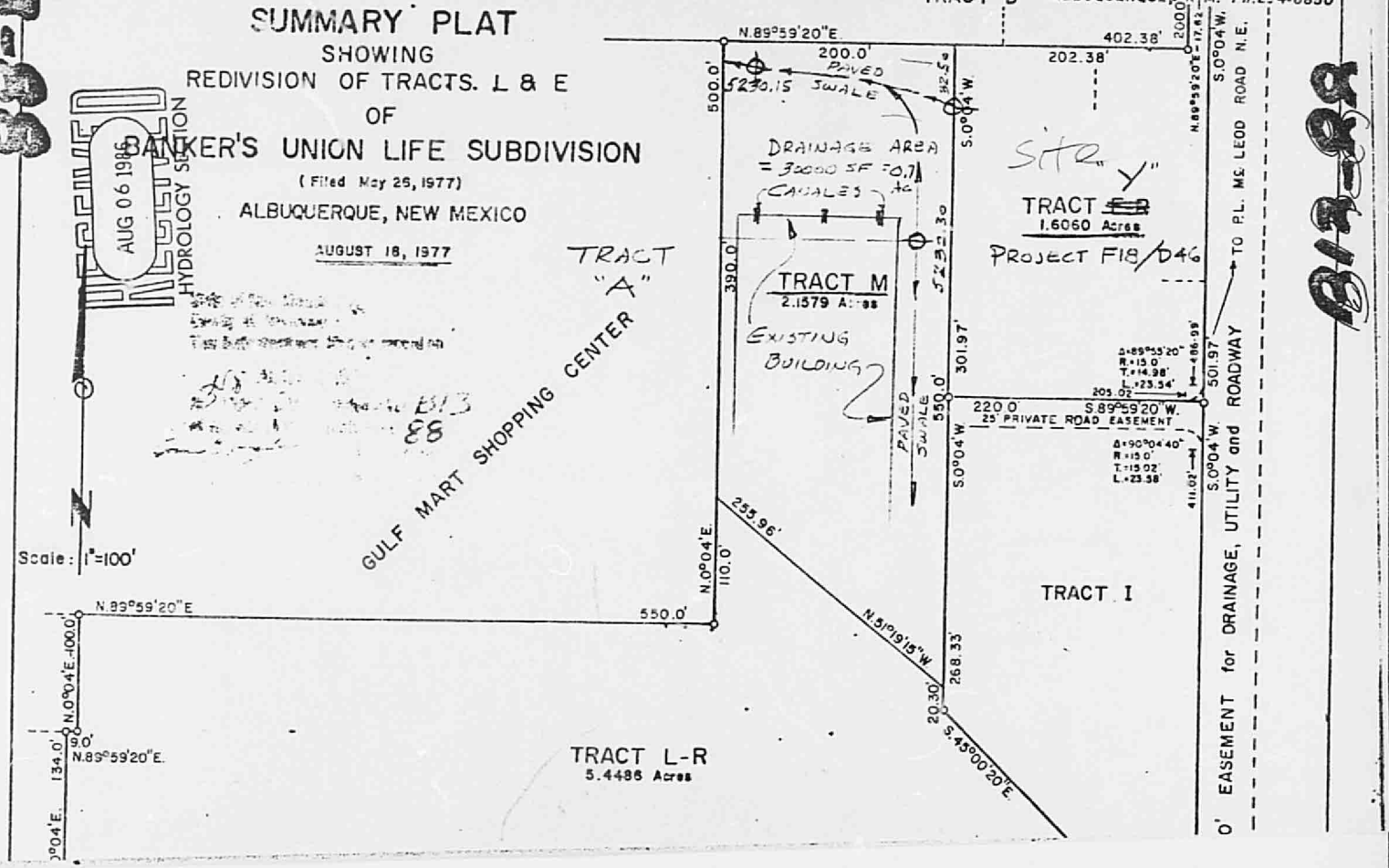
OFFICIAL SEAL
Notary Public
IAN A. CAIRD
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires: 8/24/86

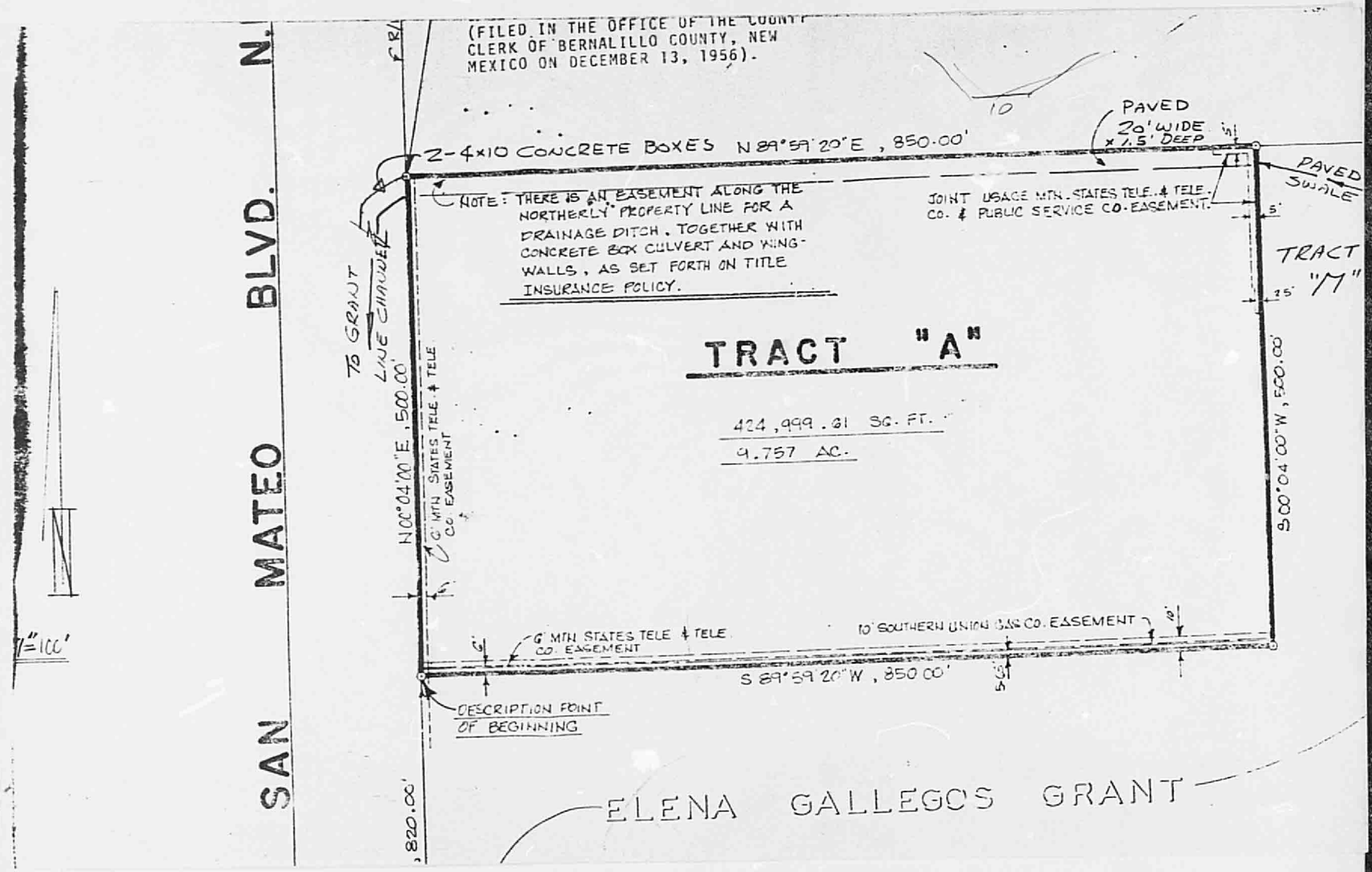
My Commission Expires:
8/24/86

ENCHANTMENT ENGINEERING Inc.
1529-F EUBANK BLVD. N.E.
ALBUQUERQUE, N.M. Ph. 294-8850

SUMMARY PLAT
SHOWING
REDIVISION OF TRACTS. L & E
OF
BANKER'S UNION LIFE SUBDIVISION
(Filed May 26, 1977)
ALBUQUERQUE, NEW MEXICO
AUGUST 18, 1977

RECEIVED AUG 06 1986 HYDROLOGY SECTION




(FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON DECEMBER 13, 1956).
SAN MATEO BLVD. N.
2-4x10 CONCRETE BOXES
N 89°59'20"E, 850.00'
PAVED 20' WIDE x 1.5' DEEP
PAVED SWALE
NOTE: THERE IS AN EASEMENT ALONG THE NORTHERLY PROPERTY LINE FOR A DRAINAGE DITCH, TOGETHER WITH CONCRETE BOX CULVERT AND WING-WALLS, AS SET FORTH ON TITLE INSURANCE POLICY.
JOINT USAGE MTN. STATES TELE. & TELE. CO. & PUBLIC SERVICE CO. EASEMENT.
TRACT "M"
TO GRANT LINE CHANNEL
TRACT "A"
424,999.61 SQ. FT.
9.757 AC.
N 00°04'00"E, 500.00'
6' MTN STATES TELE. & TELE CO. EASEMENT
S 00°04'00"W, 500.00'
6' MTN STATES TELE & TELE CO. EASEMENT
10' SOUTHERN UNION GAS CO. EASEMENT
S 89°59'20"W, 850.00'
DESCRIPTION POINT OF BEGINNING
1"=100'
820.00'
ELENA GALLEGOS GRANT

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

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: F-18 DATE: 3/24/86 @ 2:00

PLANNING DIVISION NOS: EPC: _____ DRB: _____

SUBJECT: _____

STREET ADDRESS (IF KNOWN): _____

SUBDIVISION NAME: Tract Y Bankers Union Life Subd

APPROVAL REQUESTED:

- [x] PRELIMINARY PLAT (CM)
- [x] SITE DEVELOPMENT PLAN
- [ ] OTHER _____
- [ ] FINAL PLAT
- [x] BUILDING PERMIT (CM)
- [ ] ROUGH GRADING

ATTENDANCE: WHO	REPRESENTING
~~Logan~~ Lou Gross	Logan Gross
Carlos A Montoya	

FINDINGS:

1. For site plan approval require conceptual drainage plan
2. For bulk, permit require drainage plan
3. Downstream capacity
   - (A) Capacity of San Mateo Lane
   - (B) ~~It~~ would drain to Grant Line Channel
4. Drainage to the west will require 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: Carlos A Montoya	SIGNED: [illegible]
TITLE:	TITLE:
DATE: 3-24-86	DATE: 3/24/86

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

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

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: F-18 DATE: 3/24/86 @ 2:00

PLANNING DIVISION NOS: EPC: _____ DRB: _____

SUBJECT: _____

STREET ADDRESS (IF KNOWN): _____

SUBDIVISION NAME: Tract Y Bankers Union Life Sub'd

APPROVAL REQUESTED:

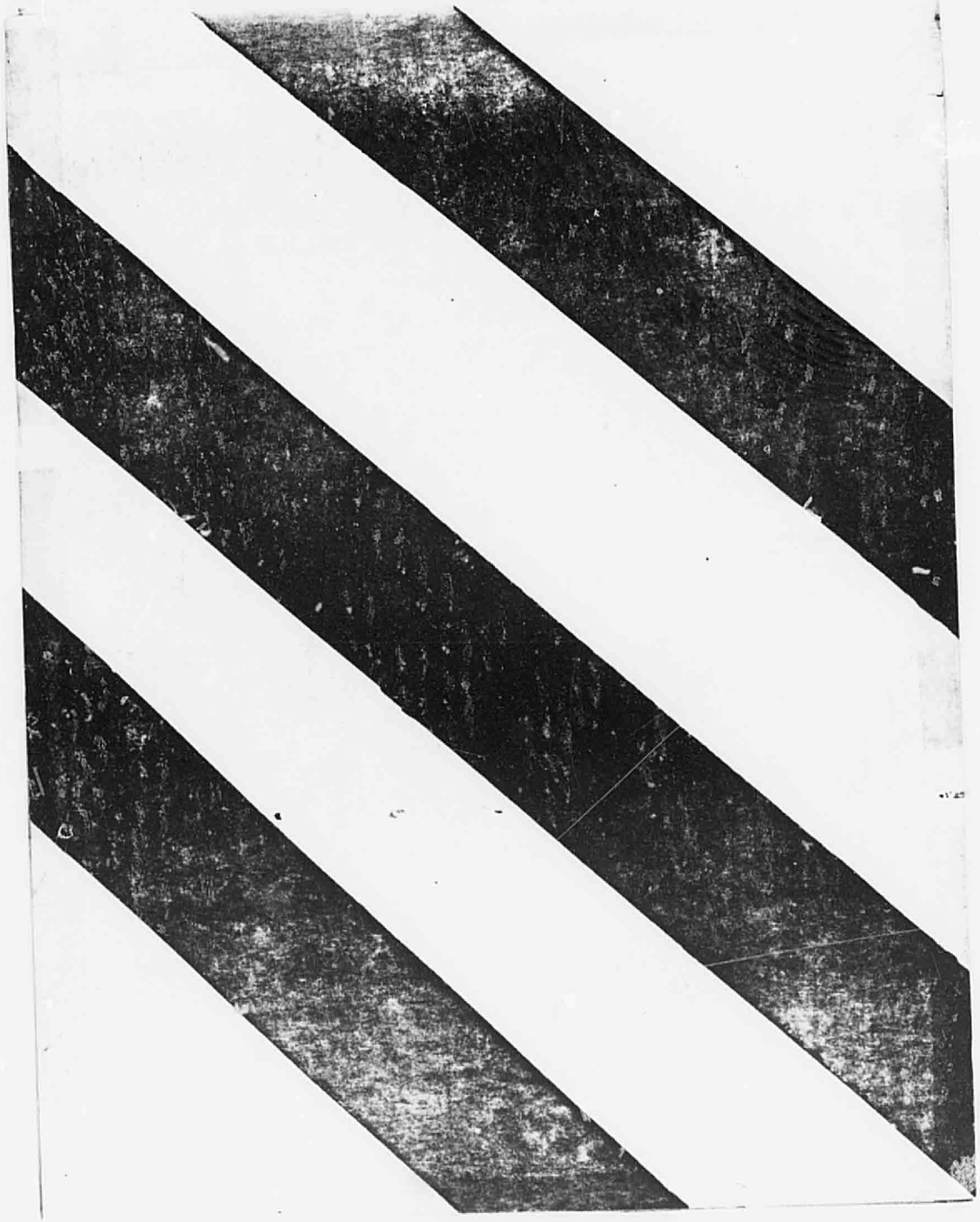
- X CM PRELIMINARY PLAT
- X SITE DEVELOPMENT PLAN
- ____ OTHER
- ____ FINAL PLAT
- X CM BUILDING PERMIT
- ____ ROUGH GRADING

ATTENDANCE:	WHO	REPRESENTING
	~~Logan~~ Lou Gross	Logan Gross
	Carlos A Montoya	

FINDINGS:

1. For site plan approval require conceptual drainage plan
2. For building permit require drainage plan
3. Downstream capacity
   A. Capacity of 5cfs Metro Line
   B. It would drain to Grant Line Channel
4. Drainage to the west will require 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: Carlos A Montoya	SIGNED: [illegible]
TITLE:	TITLE:
DATE: 3-24-86	DATE: 3/24/86

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