HYDROLOGY

F19/D16B

PENN SQUARE

DRAINAGE PLAN

FIG - D16B

1 PLAN

DRAINAGE COVENANT

THIS COVENANT made this 17 day of December, 1982, by and between the City of Albuquerque, a municipal corporation, (City) and L.G.W. Ltd., a New Mexico limited partnership, (Owner, which term includes successors and assigns.)

RECITAL

The Owner is owner of certain real property located at 7501 Montgomery Boulevard N.E. in Albuquerque, New Mexico (the Property) and more particularly described in Exhibit "A" attached hereto.

That pursuant to City ordinance, regulations, and other applicable laws, the Owner is required to install and/or maintain certain drainage facilities on the Property, and the parties wish to provide for an agreement as to the obligations and responsibilities for same.

DESCRIPTION OF FACILITIES

The following facilities are to be constructed and/or maintained by the Owner:

All drop inlets, sump pumps, and drain lines.

CONSTRUCTION OF DRAINAGE FACILITIES

The Owner shall construct the drainage facilities in accordance with standards, plans, and specifications prescribed and approved by the City.

MAINTENANCE OF FACILITIES

The Owner shall, at his cost in accordance with the standards, plans and specifications prescribed by the City, maintain said drainage facility. The City shall have the right to enter periodically upon the Property to inspect the drainage facility.

FAILURE TO COMPLY AND LIEN

In the event that the Owner shall fail to construct the drainage facility in accordance with standrads, plans, and specifications prescribed and approved by the City or fail to adequately

maintain said facilities, the City shall give the Owner notice in writing to construct, correct, or maintain said facilities, and if the Owner fails to comply therewith within ____ days, the City may enter upon said property to perform the necessary construction or maintenance. The cost of the City's performing such construction or maintenance shall be paid by the Owner. In the event the Owner fails to pay said cost within thirty (30) days after being billed for same the City may file a lien against the Property.

LIABILITY

The City shall not be liable for any damages to the Owner resulting from its construction, modification, or maintenance of said facilities.

NOTICE

The written notice provided for herein shall be accomplished by mailing same to:

L.G.W. Ltd.
500 Oak St. N.E., Suite 200
Albuquerque, NM 87106

The Owner may change said address by giving written notice, certified mail, return receipt requested, to the City Engineer, City Hall, at 505 Marquette Street, Albuquerque, NM 87103.

INDEMNIFICATION AND HOLD HARMLESS

The Owner agrees to defend, indemnify, and hold harmless, the City, its officials, agents and employees from and against any and all claims, actions, suits, or proceedings of any kind brought against said parties for or on account of any matter arising from the drainage facility provided for herein or the Owner's failure to construct, maintain, or modify the drainage facility under this Covenant.

COVENANT RUNNING WITH THE PROPERTY

The obligation of the Owner set forth herein shall be binding upon the Owner, his heirs, and assigns, and the Property

of the Owner as described herein and will run with said property until released by the City.

OWNER - L.G.W. LTD.

By _____

Title: _____

REVIEWED BY THE LEGAL DEPARTMENT:

CITY OF ALBUQUERQUE

_____
Assistant City Attorney

_____
Chief Administrative Officer

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

The foregoing instrument was acknowledged before me this 17 day of December, 1982, by D.R. Lusk, of L.G.W. LTD., a New Mexico limited partnership, on behalf of said limited partnership.

My commission expires:

9-18-86

Ramona Bussiere
Notary Public

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

The foregoing instrument was acknowledged before me this _____ day of _____, 1982, by _____, Chief Administrative Officer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My commission expires:

_____

_____
Notary Public

DRAINAGE COVENANT AGREEMENT

RECITAL

The undersigned is Owner of that certain real property located at 7303 Montgomery Boulevard N.E. in Albuquerque, New Mexico (the Property) and more particularly described on Exhibit "A" attached.

That Owner has approved and consented to the Drainage Covenant between L.G.W. Ltd., owner of the adjoining real estate located at 7501 Montgomery Boulevard N.E. in Albuquerque, New Mexico and more particularly described on Exhibit "B" attached and the City of Albuquerue, and does hereby approve and consent to the Drainage Covenant between the said L.G.W. Ltd. and the City of Albuquerque and agrees that no claim will be made against either the City or L.G.W. Ltd. as a result of the agreements and facilities as described therein.

COVENANT RUNNING WITH THE PROPERTY

The consent and hold harmless agreement set forth herein shall be binding upon the Onwer, his heirs and assigns, and the Property of the Owner as described herein, and will run with said Property until released by the City of Albuquerque.

Dennis McCary, Owner
By D.R. Lusk, President of American Management Services Corp. as agent for Dennis McCary

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

The foregoing instrument was acknowledged before me this 17 day of December, 1982 by Dennis McCary.

Ramona Bussian
Notary Public

My commission expires:
9-18-86

EXHIBIT A

LEGAL DESCRIPTION

Westerly portion Tract 1 and southerly portion Tract 2 of plat of Lot 2 Section 31, Albuquerque, New Mexico.

BOHANNAN-HUSTON INC.
ENGINEERS PLANNERS PHOTOGR
D., N.E. ALBUQUERQUE, NEW MEXICO 87107 505 881-2000

RECEIVED
DEC 29 1977
CITY ENGINEERS

December 27, 1977

Dave file with plat.
L.

Mr. Joe Azar
Azar Realty
4055 Montgomery Blvd., N.E.
Albuquerque, NM 87110

RE: Penn Square Plat and Ownership

Dear Mr. Azar:

In accordance with our telephone conversation with Mr. V. M. Kimmick, City Engineer, and Ms Goar, secretary to Mrs. Jean Hicks, New Mexico Title Company, the ownership of the above-referenced property was determined to be in the hands of Mr. John McFarland.

The plat was signed by the city engineer and will be recorded by us assuming this ownership information is correct. We or the city engineer will not be responsible for any ownership conflicts that arise.

Sincerely,

Michial M. Emery

Michial M. Emery
Vice President

cc: Mr. V. M. Kimmick

MME/kb
Job No. 77-100

Cremans Inc.
Engineers · Planners
EL PASO, TEXAS

SCHLEGEL AND LEWIS, ARCHITECTS 1620 Central SE
Albuquerque
87106
(505) 247-1529

F19-D16

RECEIVED
OCT 5 1981
CITY ENGINEER

September 30, 1981

Mr. Brian Burnett
Hydrology Department
City of Albuquerque
P. O. Box 1293
Albuquerque, N. M. 87103

Re: Drainage concept for SU approval
Penn Square, TR1 Blk. 6

Dear Mr. Burnett:

As per our meeting on September 28, 1981, we are proceeding with the development of our SU Plan using the following criteria with regard to the drainage concept:

1. That the storm sewer and manhole location(s) along the southeast and south property lines shall be identified.

2. That the development shall have free discharge to this storm drain.

3. That there shall be an adequate drainage system within the development to carry runoff quickly from affected portions of the site to the storm sewer.

4. That this document shall constitute a preliminary drainage concept for the purposes of SU approval only and that a full drainage report will be required prior to the issuing of a building permit.

Additions/ deletions/ comments: _____

Sincerely,

J Brawley

Joseph C. Brawley
JCB:bjs

Tom Mann Associates, Inc.
Engineers
811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

20051
April 19, 1982

RECEIVED
APR 20 1982
CITY ENGINEER

Mr. Brian G. Burnett
Engineer/Hydrology Division
City of Albuquerque
P. O. Box 1293
Albuquerque, New Mexico 87103

Re: Penn Square Drainage Plan

Dear Brian:

Transmitted herewith are two (2) prints of the proposed drainage plan for Penn Square.

Due to the limited space on the drawing, I have attached all of the calculations for the project to this letter. The summary of the calculations is shown on the drawing.

Please review and comment as soon as possible. The construction drawings have been submitted to the Plan Check Room on Central for their approval. If you have any questions or comments, please do not hesitate to call. Thank you.

Yours truly,

TOM MANN & ASSOCIATES, INC.

Thomas T. Mann, Jr., P.E.
President

TTM:bb
Encs.

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

F19 - D16

July 8, 1982

Mr. Tom Mann
Tom Mann & Associates
811 Dallas N.E.
Albuquerque, N.M. 87110

RE: PENN SQUARE DRAINAGE PLAN

Dear Tom:

The referenced drainage report is approved. Please see that the revised plans dated 4/19/82 are placed in the City construction sets. Approved copies of Special Order No. 19 detailing the storm sewer connections should also be attached.

Very truly yours,

Brian G. Burnett
Civil Engineer/Hydrology

BGB/tsl

Tom Mann Associates, Inc.
Engineers
811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

20052
October 21, 1982

RECEIVED
OCT 21 1982
ENGINEERING

Mr. Brian G. Burnett
Engineer/Hydrology Division
City of Albuquerque
P. O. Box 1293
Albuquerque, New Mexico 87103

Re: Penn Square Drainage Plan Revisions F19-D16

Dear Brian:

Transmitted herewith are two (2) copies of the revised Penn Square Drainage Plan.

The reason for the revision is to lower the finished floor elevations, providing embankments against the rear of each building. Drainage basins and runoff conditions remain essentially the same as per the previous Penn Square Drainage Plan approved July 8, 1982.

Sincerely,

TOM MANN & ASSOCIATES, INC.

Stephen D. Cannon

Stephen D. Cannon
Project Engineer

SDC:bb
Encs. (2)

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

F19 - D16

October 25, 1982

Mr. Stephen Cannon
Tom Mann & Associates
811 Dalles N.E.
Albuquerque, N.M. 87110

RE: PENN SQUARE DRAINAGE PLAN REVISIONS - YOUR LETTER OF OCTOBER 21, 1982

Dear Steve:

I have several questions about the drainage plan revisions which should be cleared up prior to final approval:

a. How will roof runoff be directed to the street now that the finished flow is below the perimeter grades. A sketch showing the proposed plan should be included along with the drain locations shown on the drainage plan.

b. The revised plan indicates grading off-site at the SW corner of the site. Is this a City drainage easement? If so, the standard encroachment procedure must be followed. If the parcel is under private ownership, then a letter of permission for the grading must be obtained.

c. The gunite slope at the north edge of the property will significantly alter the manner in which runoff is directed to the north? Will this be an adverse impact? What is the direction of flow once it reaches the street?

d. We request that a drainage covenant be completed. This will insure that storm inlets and sump pumps will be maintained by the owner.

If you have any questions concerning these matters, please call.

Very truly yours,

Brian G. Burnett
Civil Engineer/Hydrology

BGB/tsl

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

January 4, 1983

Mr. Thomas T. Mann, PE
Tom Mann Associates, Inc.
811 Dallas NE
Albuquerque, NM 87110

REF: REVISED PENN SQUARE DRAINAGE PLAN (F19-D16B)

Dear Mr. Mann:

The revised plan, as received 12/30/83, is hereby approved. When this work is completed, we would like your firm to certify that it was done in accordance with the revised plan.

If you have any questions on the above, please feel free to contact me at 766-7644.

Thank you,

John Armstrong
Civil Engineer/Hydrology

JA:mrk

Tom Mann Associates, Inc.
Engineers
811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

20052
August 25, 1983

Mr. Fred Aguirre
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Penn Square - Temporary C.O.'s

Dear Fred:

On Wednesday, August 24, 1983, I visited the Penn Square Apartments and met with you concerning interim erosion control measures. Attached, please find a blueprint with notation concerning the temporary construction we will do in order to get the temporary occupancy permit.

The Owner has constructed a two-foot high berm on the south side of building No. 4. In addition, a two-foot deep depression has been constructed where the asphalt ends near the northwest corner of the complex. The berm will prevent water from running from unpaved areas down into paved areas, and the depression will do likewise. It is anticipated that paving will occur in these areas within the next 30 to 45 days. At that time the depression and the check can be removed. What we are actually doing, is trying to prevent debris from entering paved areas. To go along with that, we are recommending that the catch basins near the storm drain at the west side of the site be filled with hay or straw. We do not want it packed tightly, but placed only to act as a filter to stop any sediment that might be transported to the catch basins from entering the pipe system. Again, as soon as upstream facilities are in place, the hay will be removed from the catch basins.

The Owner has agreed to have buildings No. 1 and 2 landscaped by no later than September 12, 1983. This will prevent the erosion near buildings No. 1 and 2 from entering Montgomery Boulevard. In addition, as the other buildings are brought on-line, the landscaping will be in place and complete prior to asking for occupancy permits.

I feel that if the Owner provides the temporary facilities that we have recommended, that they have made an effort to check erosion. They are most anxious to complete the project, and I feel that they will do so in the next 60 to 90 days. The Owner's signature below acts as a guarantee that all construction is in place, or

will be in place by the time that is specified. Should you have any questions or comments, please do not hesitate to call.

Thank you,

TOM MANN & ASSOCIATES, INC.

D. R. Lusk, President
LGW Partnership

Thomas T. Mann, Jr., P.E.
President

TTM:ra
Encl.

Tom Mann Associates, Inc.
Engineers
811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

20052
September 21, 1983

Mr. Fred Aguirre
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Penn Square - Temporary C.O. No. 2

Dear Fred:

On Wednesday, September 21, 1983, I visited the Penn Square Apartments to verify that buildings No. 3 and No. 4, and the Club House were ready for occupancy.

The interim procedures that were instituted on August 25, 1983, are still in place and are still functioning. By occupying buildings No. 3 and No. 4 and the Club House, it will not create any additional problems concerning run-off. Those three units drain to the west and into a street that is paved. There are inlets in the street, and the street would, in addition, overflow into Montgomery. During the visit, it was noted that the landscapers were at work landscaping the area around these three buildings. That landscaping will tie into the landscaping done for buildings No. 1 and No. 2, and minimize erosion.

Therefore I recommend a temporary occupancy permit for buildings No. 3, No.4, and the Club House. The owner, by his signature on this letter, agrees to diligently pursue landscaping so as to complete that as soon as possible. No other interim measures are necessary at this time.

If you have any questions or comments, please do not hesitate to call.

Thank you,

TOM MANN & ASSOCIATES, INC.

Bob Wilson
LGW Partnership

Thomas T. Mann, Jr., P.E.
President

TTM:ra

811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

Tom Mann Associates, Inc.
Engineers

20052
October 26, 1983

Mr. Fred J. Aguirre
Hydrology Division
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Penn Square - Temporary C.O. No. 3

Dear Fred:

On Wednesday, October 26, 1983, I visited the Penn Square Apartments to verify that Buildings No. 5 and 6 were ready for occupancy.

The interim procedures that were instituted on August 25, 1983 are still in place and are still functioning. Our occupying Buildings No. 5 and 6 will not create any additional problems concerning runoff. These units drain to the west and into a street that is paved. There are inlets in the street, and the street would in addition overflow into Montgomery. During the visit it was noted that the landscapers have landscaped all areas adjacent to these buildings. The contractor is continuing to work to landscape the remaining buildings and to pave the remaining parking lots.

Therefore, I recommend the temporary occupancy permit for Buildings No. 5 and 6. The owner, by his signature on this letter, agrees to diligently pursue landscaping so as to complete that as soon as possible. No other interim measures are necessary at this time.

If you have any questions or comments, please do not hesitate to call. Thank you.

Yours truly,

AGREED TO & ACCEPTED BY:

Bob Wilson or D. R. Lusk
L.G.W. Partnership

TOM MANN & ASSOCIATES, INC.

Thomas T. Mann, Jr., P.E.
President

TTM:kf

20052
NOV 29 1983

November 17, 1983

City of Albuquerque
Building Inspection Department
Albuquerque, New Mexico 87102

Gentlemen:

I, James Aieres, owner of the vacant property, whose legal description is; "Tract Lettered N of the amend sumary plat of Lots M & N Penn-Square, Albuquerque, New Mexico as the same is shown and designated on the amended sumary plat thereof filed in the office of the County Clerk of Bernalillo County of New Mexico on January 24, 1983."

This property abbuts the easterly boundry of Penn-Square Apartment complex at 7501 Montgomery N.E. I hereby give permission to the owners of Penn-Square Apartments to allow excess surface water to flow onto my property in a fashion that the present terrain provides.

Sincerely,

James Aieres

James Aieres

Tom Mann Associates, Inc.
Engineers
811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

20052
December 2, 1983

RECEIVED
DEC 6 5 1983
ENGINEERING

Bernie Montoya
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Penn Square

Dear Bernie:

I have visited the site at Penn Square on numerous occasions in order to obtain temporary C.O.'s for the project. I again visited the site on November 29, 1983. At that time I felt that the project site was in substantial compliance with the construction drawings with the exception of the following two items.

The first item concerns the construction of a wall along the southeast property line, that property line being the one shared with the proposed Ogelvie's Restaurant. The plans call for a wall to be constructed to deflect waters out into Montgomery Road rather than down onto the Ogelvie's property. I am transmitting herewith a letter from the owner of Ogelvie's, James Aieres, stating that it is all right with him for the small amount of water to drain down into his parking lot. Therefore, I feel that this item has been addressed.

The second item is the construction of sidewalk culverts within the project. Two of the culverts that we recommended were not constructed. After reviewing the as-built conditions it appears to me that water will flow over the sidewalks. Since they are private sidewalks, I see no conflict; therefore, once again I would recommend that these items not be pursued.

I have attached a grading and drainage plan with my certification

on it for your review. I recommend that you issue a permanent green tag for the hydrology portion of this project. If you have any questions or comments, please do not hesitate to call.

Thank you,

TOM MANN & ASSOCIATES, INC.

Thomas T. Mann, Jr., P.E.
President

TTM:ra
Encls.

TO

John Armstrong

City Hydrologist

FROM

Tom Mann

SUBJECT 20052 Penn Square

45911

MESSAGE

Transmitted herewith are two copies of the revised certification for Penn Square. Hopefully I have complied with all the comments. In addition, I have reviewed the original topography and it indicates that the majority of the runoff from the site was crossing onto the property to the west. This project has directed those flows to the south off the adjacent property. The small amount of runoff from the sloped wall is insignificant when compared to what has been diverted from the site. Therefore, I recommend approval of the plan as now submitted.

Thanks for all your assistance in this matter.

SIGNED Tom

DATE 12 / 30 / 83

REPLY

RECEIVED DEC 30 1983 HYDROLOGY SECTION

SIGNED

DATE / /

SEND PARTS 1 AND 3 PART 3 WILL BE RETURNED WITH REPLY

REDIFORM® 4W463
POLYPAK 4P463
REDI-RECORD®

Tom Mann Associates, Inc.
Engineers
811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110 • 505-265-5611

20052
January 31, 1984

Mr. John Armstrong
City Hydrologist
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Penn Square

Dear John:

This letter is to confirm that the additional improvements to Penn Square have been constructed.

A pipe and gravel drain field has been installed along the northwest side of the property to prevent water from coming across the property line. The pipe is in place and appears to drain properly.

A drainage ditch was constructed at the southwest corner of the property to convey flows from the property into the city drainage facilities. The ditch was constructed of plastic and rock and will divert the runoff waters.

Therefore, I recommend acceptance of the Penn Square project and issuance of the final hydrology green tag. If you have any questions or comments, please do not hesitate to call.

Thank you,

TOM MANN & ASSOCIATES, INC.

Thomas T. Mann, Jr., P.E.
President

TTM:kl