

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

January 29, 2025

Mann Richard D & Margaret P
Trustees Mann Family Trust
9501 Lomas Blvd. NE
Albuquerque, NM 87111

Buffalo Property Montgomery 10899 LLC
10899 Montgomery Blvd NE, Suite A
Albuquerque, NM 87111-3926

RE: NOTICE OF VIOLATION

To whom it may concern,

PO Box 1293

This notice of violation is being sent in response to drainage and flooding complaints received by the City Planning Department by the neighboring property at 10701 Montgomery Blvd. NE in January of 2025.

Albuquerque

On 1/9/2025 a site visit was conducted, and it appears that stormwater from Lot 22A and Lot 22D is not making it to the 24" RCP private storm drain line that outfalls to Montgomery Blvd. The drainage structure, located in an easement (granted to Lot 22 owners) on the City park property is the responsibility of the owners of Lot 22A and Lot 22D to maintain. This area needs to have maintenance performed in order to re-establish the grades for the flows to be directed to the intended outfall.

NM 87103

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Per 14-5-2-11(D)(2)(d) of the Flood Hazard and Drainage Control Ordinance: *Demand for construction or repair - The city may send written notice ("notice") to the owner requiring maintenance, construction, or repair to the drainage facility within 30 days ("deadline") of receipt of the notice, and the owner, at their expense, must comply with the requirements of the notice by the deadline provided.*

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This Notice of Violation also serves as a formal Demand for Construction or Repair of the site's grading and drainage system to eliminate the storm water runoff to the neighboring lots with a construction deadline of March 31, 2025.

Per 14-5-2-12(B)(2) of the Flood Hazard and Control Ordinance: *Construction, grading or paving on any lot within the jurisdiction of the city shall not increase the damage potential to upstream, downstream or adjacent properties or public facilities. Damages shall be defined as those caused by flooding from the 100-year design storm and all smaller storms and from erosion and sedimentation resulting from the 10-year design storm and all smaller storms.*

Given that the lack of maintenance of the drainage structure currently results in and adverse function of the facility that now allows stormwater flows across the property line, potentially causing damage to the neighboring lots to the west and southwest, the 4465 Juan Tabo Blvd (Lot 22A) and the 10899 Montgomery Blvd (Lot 22D) properties are in violation of the Flood Hazard and Control Ordinance.

Per 14-5-2-99 Penalty: *A person who violates any provisions of §§ [14-5-2-1](#) et seq. shall be subject to the penalty provisions set forth in § [1-1-99](#) of this code of ordinances. Each day of violation is considered a separate offense.*

PO Box 1293

Per 1-1-99 General Penalty: *Any person who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both unless a different specific penalty is provided. Each separate violation shall constitute a separate offense and, upon conviction, each day of violation shall constitute a separate offense.*

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Failure to comply with the requested Demand for Construction or Repair by the stated deadline of March 31, 2025, will result in the filing of a criminal complaint against the property owner(s).

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If you have any questions, please contact me at 505-924-3314 or amontoya@cabq.gov.

Sincerely,

Anthony Montoya, Jr., P.E.
Senior Engineer, Hydrology
Planning Department, Development Review Services