

EASEMENT AGREEMENT

AGREEMENT made this 18 day of Dec, 1985, by and between Robert F. and Laura B. Duderstadt, of 1305 Wagon Train SE, City of Albuquerque, County of Bernalillo, State of New Mexico, and Kenneth H. and Carole W. Hinkes, of 1144 Ortega Road NW, City of Albuquerque, County of Bernalillo, State of New Mexico.

RECITALS

1. The parties have interests in the following real estate situated in the City of Albuquerque, County of Bernalillo, State of New Mexico, described respectively, as follows:

- a. Robert F. and Laura B. Duderstadt, owning Tract 23-B-3-B, Corona Del Sol Subdivision, Albuquerque, New Mexico, as shown on the Amended Plat of Tracts 23-B-3-A and 23-B-3-B, Corona Del Sol Subdivision, filed in the Office of the County Clerk of Bernalillo, New Mexico, on december 19, 1984, in Volume C-25 of Records of said County Folio 187.
- b. Kenneth H. and Carole W. Hinkes, owning Tract 23-B-2, Corona Del Sol Subdivision, Albuquerque, New Mexico, as shown on the Plat of Tract 23-B-2, Corona del Sol Subdivision, filed in the office of the County Clerk of Bernalillo, New Mexico, on September 1, 1981, in Book B19, Page 39, and Tract 23-B-3-A, Corona Del Sol Subdivision, Albuquerque, New Mexico, as shown on the Amended Plat of Tracts 23-B-3-A and 23-B-3-B, Corona Del Sol Subdivision, filed in the Office of the County clerk of Bernalillo, New Mexico, on December 19, 1984, in Volume C25 of Records of said county folio 187.

2. Kenneth H. and Carole W. Hinkes, desire to grant an easement to Robert F. and Laura B. Duderstadt for the purpose of installing, repairing, maintaining, and operating a water and storm drain upon, over, across, and under a strip of land on that certain parcel of land lying and being situated within Section 2, Township 10 North, Range 2 East, N.M.P.M., County of Bernalillo, State of New Mexico, said parcel being a portion of Tract 23-B-2 as shown on the plat of Tract 23-B-2, Corona Del Sol Subdivision, filed September 1, 1981, Book B-19, Page 39.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. An easement for installing, repairing, maintaining, and operating a water and storm drain in favor of Tract 23-B-3-B, hereinabove described, is hereby granted and created by Kenneth H. and Carole W. Hinkes, upon, over, across, and under a strip of land on that certain parcel of land lying and being situated within Section 2, Township 10 North, Range 2 East, N.M.P.M., County of Bernalillo, State of New Mexico, said parcel being a portion of Tract 23-B-2 as shown on the plat of Tract 23-B-2, Corona Del Sol Subdivision, filed September 1, 1981, Book B-19, Page

39, being more particularly bounded and described as follows:

Beginning at the southwest corner of the private storm drain easement herein described whence the southwest corner of said Tract 23-B-2 bears S 00° 06' 30" W a distance of 29.93 feet; thence

N 00° 06' 30" E, a distance of 14.14 feet to the northwest corner; thence

S 44° 53' 30" E, a distance of 41.11 feet; thence

S 89° 53' 30" E, a distance of 55.93 feet; thence

S 39° 41' 55" E, a distance of 15.62 feet; thence

S 89° 53' 30" W, a distance of 70.00 feet to the northeast corner; thence

S 00° 06' 30" W, a distance of 3.00 feet to the southeast corner; thence

N 89° 53' 30" W, a distance of 75.83 feet; thence

N 39° 41' 55" W, a distance of 6.51 feet; thence

N 89° 53' 30" W, a distance of 60.07 feet; thence

N 44° 53' 30" W, a distance of 35.35 feet to the true point and place of beginning.

Containing a net area of 0.0287 acres more or less.

2. Robert F. and Laura B. Duderstadt shall assume the cost and expense of the construction of the water and storm drain on said easement, and shall further assume the cost and expense of maintaining said water and storm drain in good repair on said easement.

3. The parties hereby agree that they shall equally share the cost and expense of maintaining any water and storm drain on said easement which services both Tracts 23-B-3-B and 23-B-2.

4. The parties hereby agree that Robert F. and Laura B. Duderstadt intend to and shall connect their water and storm drain pipe to the existing four inch (4") water and storm drain pipe on Tract 23-B-2 at the point of connection designated on the attached site plan.

5. The parties hereby agree that the maximum diameter of the water and storm drain constructed by Robert F. and Laura B. Duderstadt shall be six inches (6") in diameter, and that said water and storm drain shall be buried at a depth of approximately four feet (4') below the surface of Tract 23-B-2.

6. The parties hereby agree that the water and storm drain constructed by Robert F. and Laura B. Duderstadt shall comply with all

applicable City, County and State building code requirements.

7. The parties hereby agree that Robert F. and Laura B. Duderstadt shall not commence the construction of said water and storm drain until the city of Albuquerque has constructed and is operating the proposed seventy two inch (72") Reinforced Concrete Pipe Drainage System (SAD198) or such other drainage system that the City of Albuquerque may hereinafter implement in substitution thereof.

8. The parties hereby agree that Robert F. and Laura B. Duderstadt shall indemnify Kenneth H. and Carole W. Hinkes against any loss and damages which may be caused by the construction and maintenance of the water and storm drain on said easement or by any wrongful or negligent act or omission committed by any of their agents or employees in the course of their employment with respect to said easement.

9. This Easement Agreement shall be binding upon and inure to the benefit of the parties, their heirs, executors, administrators, trustees, personal representatives, successors and assigns.

10. This Easement Agreement shall be governed by and construed in accordance with the laws of the State of New Mexico.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement as of the date first above cited.


ROBERT F. DUDERSTADT

ROBERT F. DUDERSTADT

Laura B. Duderstadt
LAURA B. DUDERSTADT

LAURA B. DUDERSTADT

KENNETH H. HINKES

KENNETH H. HINKES

Carole W. Hinkes
CAROLE W. HINKES

CAROLE W. HINKES

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

The foregoing instrument was acknowledged before me this 19th day of DECEMBER, 1985, by Robert F. Duderstadt.

My Commission expires:

MARCH 27, 1955

NOTARY PUBLIC

OFFICIAL SEAL
Jennifer C. McCash
NOTARY PUBLIC - STATE OF NEW MEXICO
Notary Bond filed with Secretary of State
My Commission Expires ~~12/31/2011~~



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

The foregoing instrument was acknowledged before me this 19th day
of December, 1985, by Laura B. Duderstadt.

My Commission expires:



Jennifer C. McCash
NOTARY PUBLIC
OFFICIAL SEAL

Jennifer C. McCash
NOTARY PUBLIC - STATE OF NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 3/8/88

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

The foregoing instrument was acknowledged before me this 18 day
of December, 1985, by Kenneth H. Hinkes.

My Commission expires:
Sept. 5, 1988

Kathleen L. Shanley
NOTARY PUBLIC

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

The foregoing instrument was acknowledged before me this 18 day
of December, 1985, by Carole W. Hinkes.

My Commission expires:
Sept. 5, 1988

Kathleen L. Shanley
NOTARY PUBLIC

40355



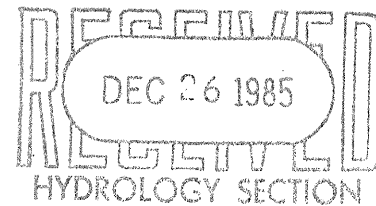
City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

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

December 12, 1985

Mr. Jeff Mortensen
Tom Mann & Associates
811 Dallas NE
Albuquerque, NM 87110



REF: REVISED PLAN FOR ARBY'S AT SEQUOIA SQUARE (G11-D16B) ENGINEER'S
STAMP DATED 12/2/85

Dear Jeff:

Based on the information provided on your December 2, 1985 resubmittal, revisions as indicated are acceptable for Building Permit. Please be advised that the approved filed private easement within Tract 23-B-2 will need to be submitted before final drainage inspection is requested.

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

Sincerely,

Bernie J. Montoya
for Bernie J. Montoya, CE
Engineering Assistant/Hydrology

BJM:mrk
xc: Tom Puckett
Robert Duderstadt
Randall Thompson

MUNICIPAL DEVELOPMENT DEPARTMENT

C. Dwayne Sheppard, P.E., City Engineer

ENGINEERING DIVISION

Telephone (505) 766-7467

AN EQUAL OPPORTUNITY EMPLOYER



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

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

Sincerely,


for Bernie J. Montoya, CE
Engineering Assistant/Hydrology

BJM:mrk

MUNICIPAL DEVELOPMENT DEPARTMENT

C. Dwayne Sheppard, P.E., City Engineer

ENGINEERING DIVISION

Telephone (505) 766-7467

AN EQUAL OPPORTUNITY EMPLOYER

DRAINAGE INFORMATION SHEET

PROJECT TITLE: ARBY'S - SEQUOIA SQUARE ZONE ATLAS/DRNG. FILE #: G-11/16B
 LEGAL DESCRIPTION: TRACT 23-B-3-B, CORONA DEL SOL SUBDIVISION
 CITY ADDRESS: S.E. CORNER OF COORS BLVD N.W. + SEQUOIA RD N.W.
 ENGINEERING FIRM: TOM MANN + ASSOC. CONTACT: LEONARD F. UTTER
 ADDRESS: 811 DALLAS N.E. PHONE: 265-5611
 OWNER: TED BRENNEN CONTACT: TED BRENNEN
 ADDRESS: 3768 NORWOOD DR SUITE 100 PHONE: _____
 ARCHITECT: ? CONTACT: _____
 ADDRESS: _____ PHONE: _____
 SURVEYOR: TOM MANN + ASSOCIATES CONTACT: TOM T. MANN
 ADDRESS: 811 DALLAS N.E. PHONE: 265-5611
 CONTRACTOR: S&D Construction CONTACT: TED BRENNEN
 ADDRESS: 3768 NORWOOD DR. SUITE 100 PHONE: _____
LITTLETON, CO 80125

PRE-DESIGN MEETING:

☒ YES
☐ NO
☐ COPY OF CONFERENCE RECAP
 SHEET PROVIDED

MAY 16 1985

HYDROLOGY SECTION

DRB NO. 84-791 12/11/84

EPC NO. _____

PROJ. NO. _____

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT
☒ DRAINAGE PLAN
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☒ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

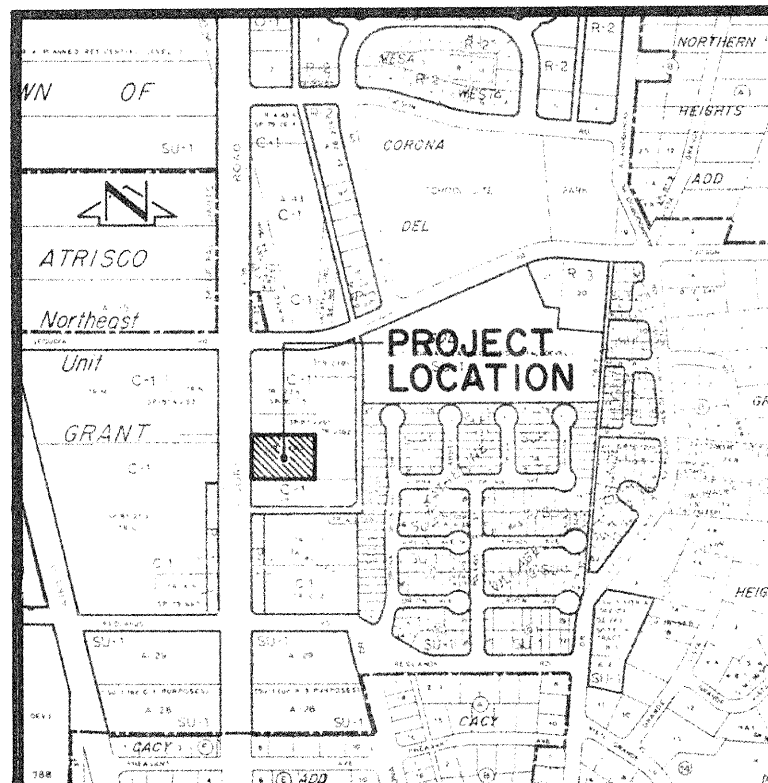
☐ SKETCH PLAT APPROVAL
☐ PRELIMINARY PLAT APPROVAL
☐ SITE DEVELOPMENT PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☒ BUILDING PERMIT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☐ CERTIFICATE OF OCCUPANCY APPROVAL
☐ ROUGH GRADING PERMIT APPROVAL
☐ GRADING/PAVING PERMIT APPROVAL
☐ OTHER _____ (SPECIFY)

DATE SUBMITTED:

May 16, 1985

BY:

Leonard F. Utter



VICINITY MAP
SCALE: 1" = 800'

- LEGEND:
- 5'00' — EXISTING CONTOUR
 - 00 — PROPOSED CONTOUR
 - ⊕ EXISTING SPOT ELEVATION
 - ⊕ PROPOSED SPOT ELEVATION
 - ▬ PROPOSED CONCRETE
 - ▬ PROPERTY LINE
 - ▬ SWALE
 - ▬ EXISTING ASPHALT

PROJECT BENCHMARK:

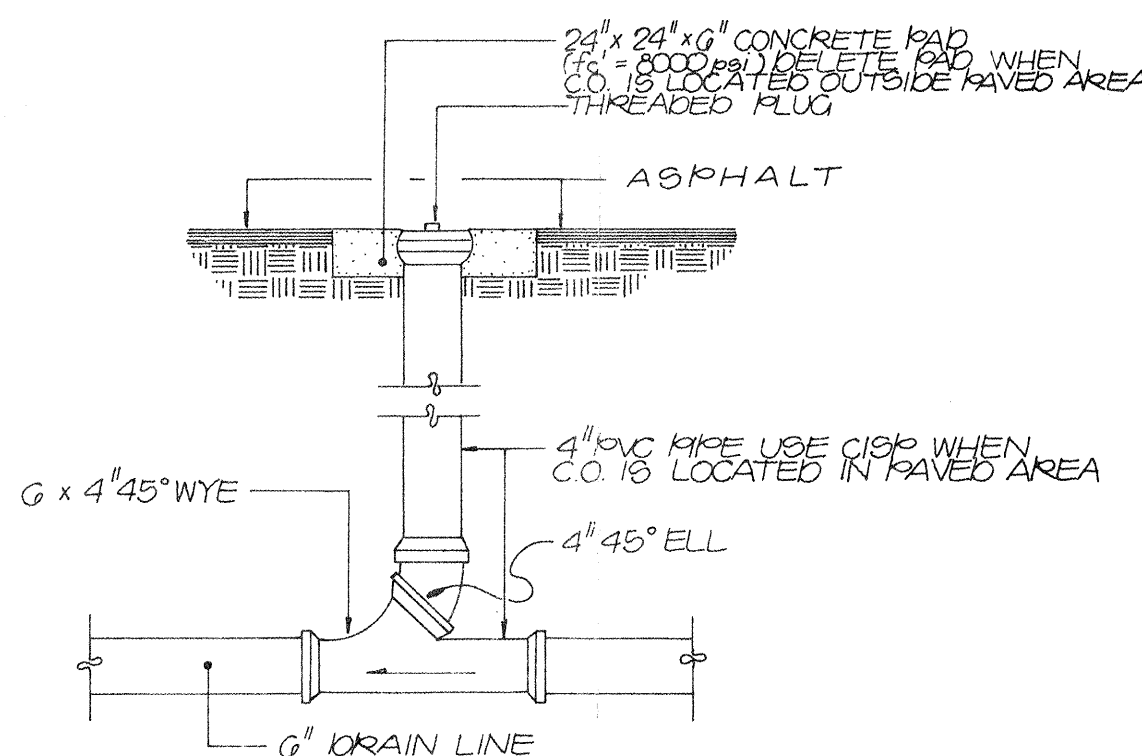
N.M.S.H.D. BRASS CAP MARKED "N.M. 443-NB"
LOCATED ON THE WEST MESA BOWLING ALLEY
PARKING LOT, ON THE EAST SIDE OF COORS
BLVD. NW
ELEVATION = 5099.55 FEET (M.S.L.D.)

T.B.M.:

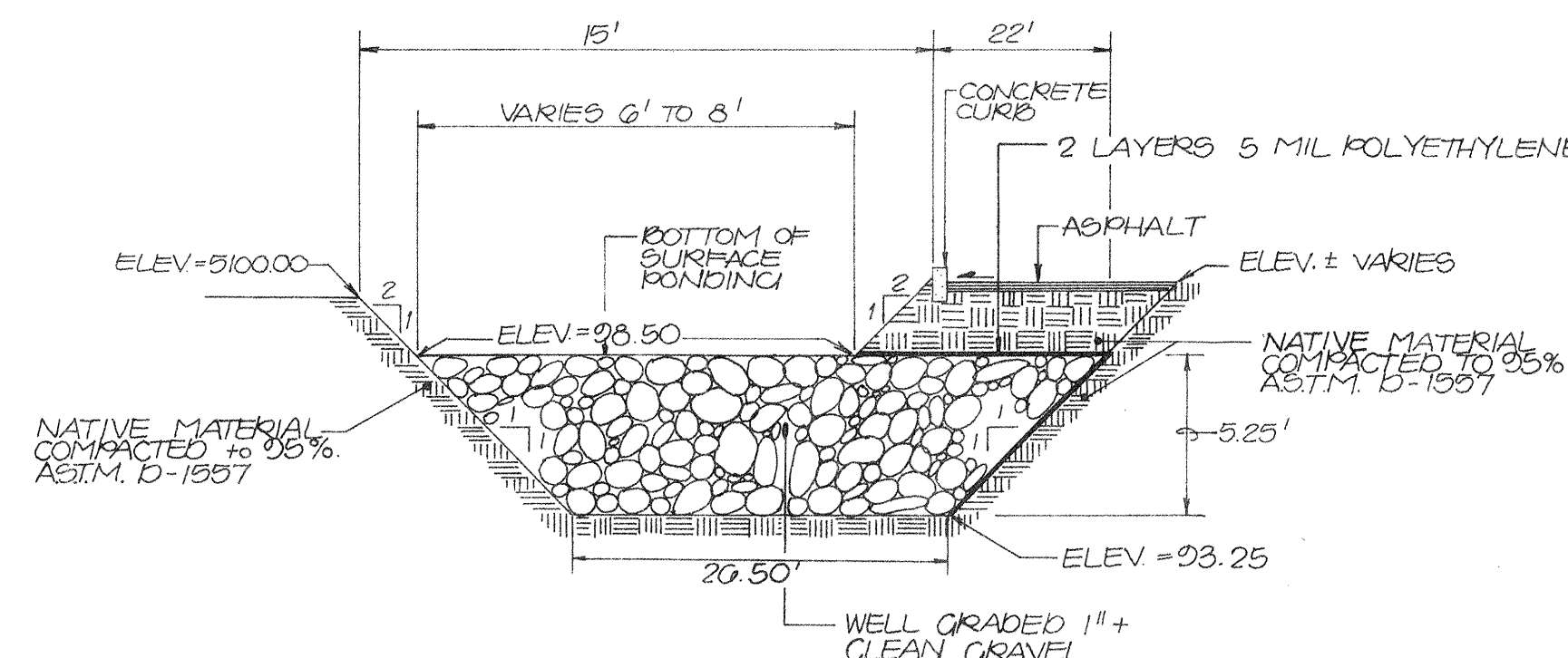
TOP OF #4 REBAR LOCATED @ THE SOUTHWEST
CORNER OF PROPERTY LINE.
ELEVATION = 5098.55 FEET (M.S.L.D.)

LEGAL DESCRIPTION:

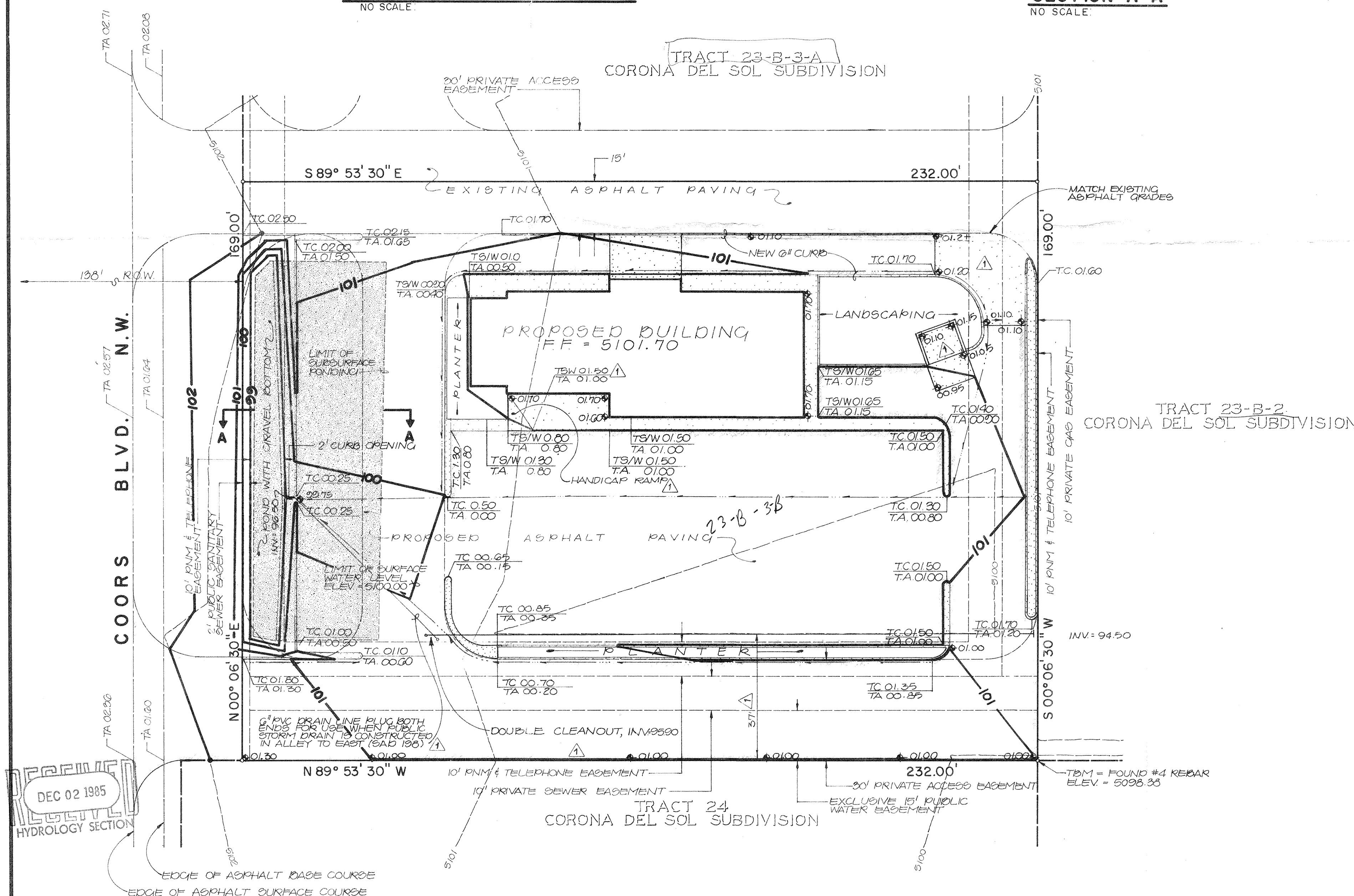
TRACT 23-B-3-B, CORONA DEL SOL SUBDIVISION,
FILED 12-19-84, BOOK C25, PAGE 137.



TYPICAL SINGLE CLEANOUT SECTION
NO SCALE



SECTION A-A
NO SCALE



DEC 02 1985
HYDROLOGY SECTION

DRAINAGE PLAN

The following items concerning the Arby's Sequoia Square Drainage Plan are contained hereon:

1. Vicinity Map
2. Grading Plan
3. Details
4. Calculations

The proposed improvements, as shown by the Vicinity Map, are located on the east side of Coors Boulevard N.W. just south of Sequoia Road N.W. At present, the site is undeveloped. The lands to the north and east are currently undergoing development and the land to the south lies vacant.

As shown by Panel 21 of the National Flood Insurance Program Flood Boundary and Floodway Maps for the City of Albuquerque, New Mexico, this site does not lie within a designated Flood Hazard Zone. A downstream flooding problem does exist, however, as demonstrated by these maps. Because of this, this site will, on an interim basis, provide 100% retention of all runoff generated by the site. A 6-inch PVC drain line has been provided to permit the draining of this pond when an adequate downstream facility is constructed. It is believed that a 72-inch RCP storm drain will be constructed within the public alley which lies to the east of this project as part of SAD 198.

The Grading Plan shows 1) existing and proposed grades indicated by spot elevations and contours at 1' 0" intervals, 2) the limit and character of the existing improvements, 3) the limit and character of the proposed improvements, and 4) continuity between existing and proposed elevations. As shown by this plan, the proposed improvements include the construction of a restaurant building along with adjacent paving and landscaping. This construction will be compatible with the adjacent sites and the proposed Coors Corridor Plan. As previously stated, this plan provides for the 100% retention of developed runoff generated by this site. The 100-year water surface level under this scheme will be 5100. This level will not flood the parking area nor will it flood adjacent properties. It is also worth noting, that no ponding is being provided within public right-of-way; the proposed ponding will lie entirely within private property. Lastly, no offsite flows will affect this site due to the fact the surrounding sites which are topographically higher than this site are being, or have been, developed such that they contain their own runoff.

The Calculations which appear hereon analyze both the existing and developed conditions for the 100-year, 6-hour rainfall event. The Rational Method has been used for this analysis in accordance with the City of Albuquerque Development Process Manual, Volume II. As shown by these calculations, a small increase in runoff is anticipated due to the proposed construction. Also demonstrated by these calculations, is that sufficient pond volume has been provided to contain 100% of the 100-year runoff generated by this site under the fully developed condition.

CALCULATIONS

Ground Cover Information

From SCS Bernalillo County Soil Survey, Plate 20:
MWA-Madurez-Wink Association
Hydrologic Soil Group B

Rational Method

Discharge: $Q = C_i A$
where C varies
 $i = P_6 (6.84) T_c^{-0.51} = 4.65 \text{ in/hr}$
 $P_6 = 2.2 \text{ in (DPM Plate 22.2D-1)}$
 $T_c = 10 \text{ min (minimum)}$
 $A = \text{area, acres}$

Volume: $V = C P_6 A (1/12)$
where C varies
 $P_6 = 2.2 \text{ in (DPM Plate 22.2D-1)}$
 $A = \text{area, sf}$

Existing Condition

$A_{\text{total}} = 39,208 \text{ sf} = 0.90 \text{ Ac}$
 $A_{\text{imp}} = 13,250 \text{ sf}; \% \text{ impervious} = 0.34$
 $C_i = 0.49 \text{ (DPM Plate 22.2C-1)}$
 $Q_{100} = C_i A = (0.49) (4.65) (0.90) = 2.1 \text{ cfs}$
 $V_{100} = C P_6 A = (0.49) (2.2/12) (39,208) = 3520 \text{ cf}$

Developed Condition

$A_{\text{total}} = 39,208 \text{ sf} = 0.90 \text{ Ac}$
 $A_{\text{imp}} = 35,200 \text{ sf}; \% \text{ impervious} = 0.90$
 $C_i = 0.85 \text{ (DPM Plate 22.2C-1)}$
 $Q_{100} = C_i A = (0.85) (4.65) (0.90) = 3.6 \text{ cfs}$
 $V_{100} = C P_6 A = (0.85) (2.2/12) (39,208) = 6110 \text{ cf}$

Comparison

$\Delta Q_{100} = 3.6 - 2.1 = 1.5 \text{ cfs (increase)}$
 $\Delta V_{100} = 6110 - 3520 = 2590 \text{ cf (increase)}$

Pond Volume

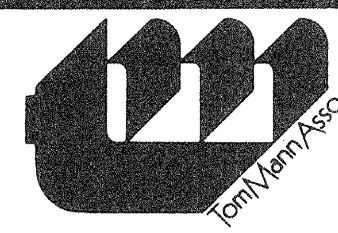
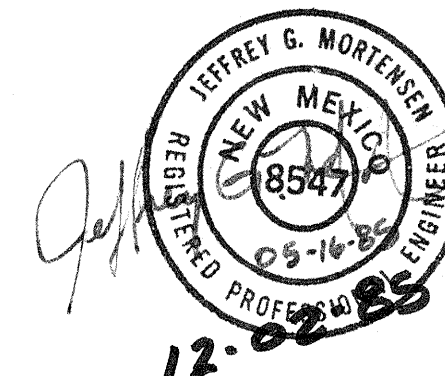
$V_{\text{required}} = 6110 \text{ cf}$
 $V_{\text{pond}} = (1/2) (4070 + 1424) 5.25 + 1/2 [(1130) (0.50) + (3320) (1.0)]$
 $V_{\text{pond}} = 4800 + 1890 = 6690 \text{ cf} > V_{\text{required}}$

CONSTRUCTION NOTES:

1. TWO (2) WORKING DAYS PRIOR TO ANY EXCAVATION, CONTRACTOR MUST CONTACT LINE LOCATING SERVICE 765-1234, FOR LOCATION OF EXISTING UTILITIES.
2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL POTENTIAL OBSTRUCTIONS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT CAN BE RESOLVED WITH A MINIMUM AMOUNT OF DELAY.
3. ALL WORK ON THIS PROJECT SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS CONCERNING CONSTRUCTION SAFETY AND HEALTH.
4. ALL CONSTRUCTION WITHIN PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE CITY OF ALBUQUERQUE STANDARDS AND PROCEDURES.

EROSION CONTROL MEASURES

1. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE SITE INTO PUBLIC RIGHT-OF-WAY OR ONTO PRIVATE PROPERTY. THIS CAN BE ACHIEVED BY CONSTRUCTING TEMPORARY BERM AT THE PROPERTY LINES AND WETTING THE SOIL TO KEEP IT FROM BLOWING.
2. THE CONTRACTOR SHALL PROMPTLY CLEAN UP ANY MATERIAL EXCAVATED WITHIN THE PUBLIC RIGHT-OF-WAY SO THAT THE EXCAVATED MATERIAL IS NOT SUSCEPTIBLE TO BEING WASHED DOWN THE STREET.
3. THE CONTRACTOR SHALL SECURE "TOPSOIL DISTURBANCE PERMIT" PRIOR TO BEGINNING CONSTRUCTION.



811 DALLAS, N.E. • ALBUQUERQUE • NEW MEXICO • 87110
ENGINEERS

NO.	DATE	BY	REVISIONS
1	11/85	JGM	REVISE GRADES @ S. R. & N.E. CORNER; RELOCATE PRIVATE STORM DRAIN; ADD HANDICAP RAMP.

DESIGNED BY: JGM & LRU	JOB NO. 40355
DRAWN BY: LBD	DATE 1-85
APPROVED: JGM	

GRADING & DRAINAGE PLAN
ARBY'S - SEQUOIA SQUARE

FILE NO.
SHEET 1 OF 1