

County of Bernalillo

State of New Mexico

BOARD OF COUNTY COMMISSIONERS

STEVE D. GALLEGOS, CHAIRMAN
DISTRICT 2

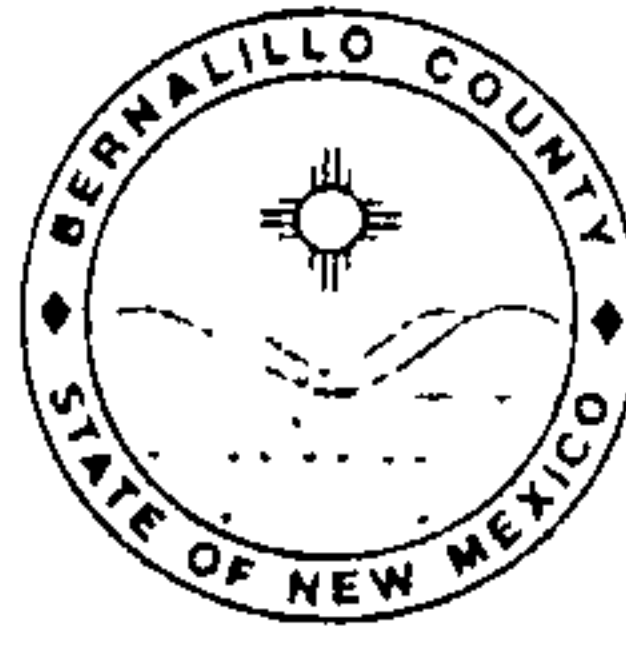
KEN SANCHEZ, VICE CHAIRMAN
DISTRICT 1

TOM RUTHERFORD, MEMBER
DISTRICT 3

BARBARA J. SEWARD, MEMBER
DISTRICT 4

LES HOUSTON, MEMBER
DISTRICT 5

JUAN R. VIGIL, COUNTY MANAGER



2400 BROADWAY, S.E.
ALBUQUERQUE, NEW MEXICO 87102
PUBLIC WORKS (505) 848-1500

DAVID K. ANDERSON, ASSESSOR
JUDY D. WOODWARD, CLERK
THOMAS J. MESSALL, PROBATE JUDGE
JOE BOWDICH, SHERIFF
ORLANDO VIGIL, TREASURER

November 16, 1998

Shahab Biazar, P.E.
Advanced Engineering and Consulting
10209 Snowflake Ct. NW
Albuquerque, New Mexico 87114

***RE: Grading and Drainage Plan for Lot A, Lands of McGinnis (G12/D26) (PWD-98-161)
Submitted for Building Permit and Grading Permit Approvals, Engineer's Stamp
Dated 10/17/98.***

Dear Shahab:

Based on the information provided, the above referenced plan is approved for release of the Grading and Building Permits.

As you are aware, the Engineer's Certification is required prior to the release of the Certificate of Occupancy for this residence.

If you have any questions, or if I may be of further assistance to you, please call me at 924-3982.

Sincerely,

A handwritten signature in cursive script, reading "Susan Calongne".

Susan M. Calongne, P.E.
City/County Floodplain Administrator

c: Andrew Garcia, City Hydrology
Brad Catanach, Bernalillo County Public Works Division

File

DRAINAGE INFORMATION SHEET

PROJECT TITLE: <u>Lot A, Lands of McGinnis</u>	ZONE ATLAS/DRNG. FILE #: <u>G-12 / D26, PWD-98-161</u>
DRB #: _____	EPC #: _____
WORK ORDER #: _____	
LEGAL DESCRIPTION: <u>Lot A, Lands of McGinnis</u>	
CITY ADDRESS: <u>NE corner of Beach Road and Riverside Drain</u>	
ENGINEERING FIRM: <u>Advanced Engineering and Consulting</u>	CONTACT: <u>Shahab Biazar</u>
ADDRESS: <u>10209 Snowflake Ct. NW Alb., NM 87114</u>	PHONE: <u>(505) 899-5570</u>
OWNER: <u>Ellen Bayard / Jim O'Neill</u>	CONTACT: <u>Ellen Bayard / Jim O'Neill</u>
ADDRESS: <u>28 Double Arrow Rd. South, Santa Fe, NM 87505</u>	PHONE: <u>(505) 983-7466</u>
ARCHITECT: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____
SURVEYOR: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____
CONTRACTOR: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____

TYPE OF SUBMITTAL:

- | | |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> | DRAINAGE REPORT |
| <input checked="" type="checkbox"/> | DRAINAGE PLAN |
| <input type="checkbox"/> | CONCEPTUAL GRADING & DRAINAGE PLAN |
| <input checked="" type="checkbox"/> | GRADING PLAN |
| <input type="checkbox"/> | EROSION CONTROL PLAN |
| <input type="checkbox"/> | ENGINEER'S CERTIFICATION |
| <input type="checkbox"/> | OTHER |

CHECK TYPE OF APPROVAL SOUGHT:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | SKETCH PLAN APPROVAL |
| <input type="checkbox"/> | PRELIMINARY PLAT APPROVAL |
| <input type="checkbox"/> | S. DEV. PLAN FOR SUB'D. APPROVAL |
| <input type="checkbox"/> | S. DEV. PLAN FOR BLDG. PERMIT APPROVAL |
| <input type="checkbox"/> | SECTOR PLAN APPROVAL |
| <input type="checkbox"/> | FINAL PLAT APPROVAL |
| <input type="checkbox"/> | FOUNDATION PERMIT APPROVAL |
| <input type="checkbox"/> | BUILDING PERMIT APPROVAL |
| <input type="checkbox"/> | CERTIFICATE OF OCCUPANCY APPROVAL |
| <input checked="" type="checkbox"/> | GRADING PERMIT APPROVAL |
| <input type="checkbox"/> | PAVING PERMIT APPROVAL |
| <input type="checkbox"/> | S. A. D. DRAINAGE REPORT |
| <input type="checkbox"/> | DRAINAGE REQUIREMENTS |
| <input type="checkbox"/> | OTHER |

PRE-DESIGN MEETING:

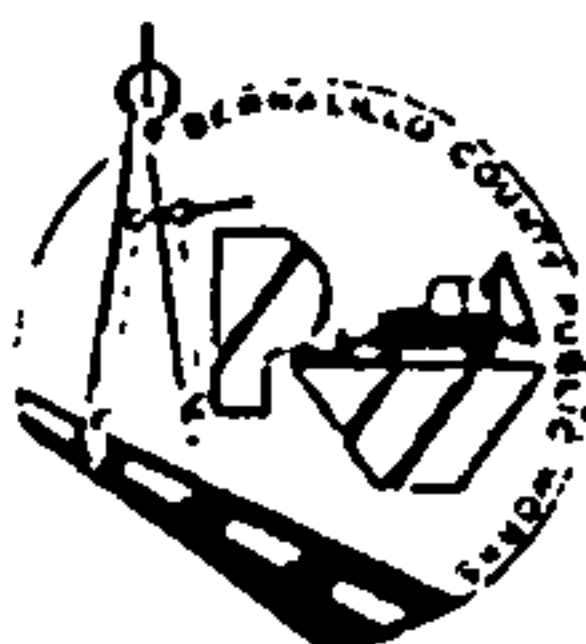
- | | |
|--------------------------|---------------|
| <input type="checkbox"/> | YES |
| <input type="checkbox"/> | NO |
| <input type="checkbox"/> | COPY PROVIDED |

RECEIVED
OCT 19 1998
HYDROLOGY SECTION

DATE SUBMITTED: 10 / 19 / 98BY: SHAHAB BIAZAR

*hold for
pond
covenant
received 11/16/98*

BERNALILLO COUNTY



PWD SUBMITTAL

Use for all PWD applications EXCEPT Street Excavation

☐ NEW SUBMITTAL

☒ RESUBMITTAL

☐ FINAL SIGNOFF

TODAY'S DATE. 10/19/98

CASE NO: PWD-98-161

OWNER

OWNER	Ellen Bayard / Jim O'Neill	505-983-7466	
PHONE			
MAILING ADDRESS	28 Double Arrow Rd. South	Santa Fe NM	
		CITY ZIP 87505	

AGENT

AGENT / CONTRACTOR	Advanced Engineering & Consulting	899-5570
PHONE		
MAILING ADDRESS	10209 Snowflake Ct. NW	Alb. NM 87114
		CITY ZIP
STATE LICENSE NO	EXP DATE	VOLUME CLASS
ARCHITECT/ENGINEER	LICENSE NO	PHONE

SITE INFORMATION

SITE ADDRESS / DIRECTIONS	NE corner of Beach Rd. & Albuquerque	ZONE ATLAS NO: G-12-Z
	Riverside Drain	
LEGAL DESCRIPTION	Lot A, Lands of McGinnis	
		LOT SIZE: 2.5 Acres
EXISTING BUILDING(S) AND USE	PROPOSED BUILDING(S):	
UPC #	-	-

TYPE OF SUBMITTAL

- | | |
|---|--|
| <input type="checkbox"/> REPLAT | <input type="checkbox"/> TRAFFIC IMPACT ANALYSIS / TRAFFIC STUDY |
| <input type="checkbox"/> MINOR SUBDIVISION | <input type="checkbox"/> INFRASTRUCTURE LIST / DESIGN REVIEW |
| <input type="checkbox"/> MAJOR SUBDIVISION | <input type="checkbox"/> SPECIAL USE PERMIT |
| <input type="checkbox"/> CONSTRUCTION DRAWINGS | <input type="checkbox"/> BARRICADING PERMIT |
| <input checked="" type="checkbox"/> GRADING & DRAINAGE PLAN | <input checked="" type="checkbox"/> BUILDING PERMIT |
| <input type="checkbox"/> AS-CONSTRUCTED GRADING & DRAINAGE PLAN | <input type="checkbox"/> INSPECTION |
| <input type="checkbox"/> VARIANCE REQUEST | <input type="checkbox"/> OTHER (Specify): |
| <input type="checkbox"/> LAND DIVISION | |

The issuance of a permit or a review or approval of plan specifications, computations, and shop drawings, shall not be interpreted to be a permit for, or an approval of any variance or violation of any of the provisions of any COUNTY or STATE codes, ordinances, standards, or policies. Nor shall such issuance of a permit or approval of plans, specifications, computations, and shop drawings prevent any authorized COUNTY representative or COUNTY inspector from thereafter requiring the correction of errors in said plans, specifications, computations, or shop drawings or from stopping construction operations which are being carried on thereunder when in violation of any COUNTY or STATE codes, ordinances, standards, or policies.

☐ Owner ☒ Agent ☐ Contractor

Signature

Bigz

Date 10-19-98

COUNTY

BERNALILLO COUNTY USE ONLY

C/R's	TOTAL FEE
	Receipt No.:
	Received By:

Case Routing Slip

19-Oct-98

pwd -98 - 161

Category: Resubmitt

Applicant Name: Anvance Engineering

Application Date: 19-Oct-98

Applicant Category: Engineer

Due Date: 09-Nov-98

Owner Info

Agent Info

Egr/Svy Info

Name Ellen Bayard

Advanced Engineering

Address 28 double Arrow Rd South

10209 Snowflake Ct NW

City Santa Fe

Albuquerque

State NM

NM

ZIP 87505

87114

Ph 983-7466

899-5570

Legal Description: LT A LANDS OF MCGINNIS

UPC:

Zone Map G-12

Street Address: Beach Rd

Submittal Type: Grading & Drainage Plan

Comments Required From:

DRAN



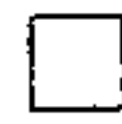
DRE



ENGA



INSP



TRAF



UTIL



OTHE



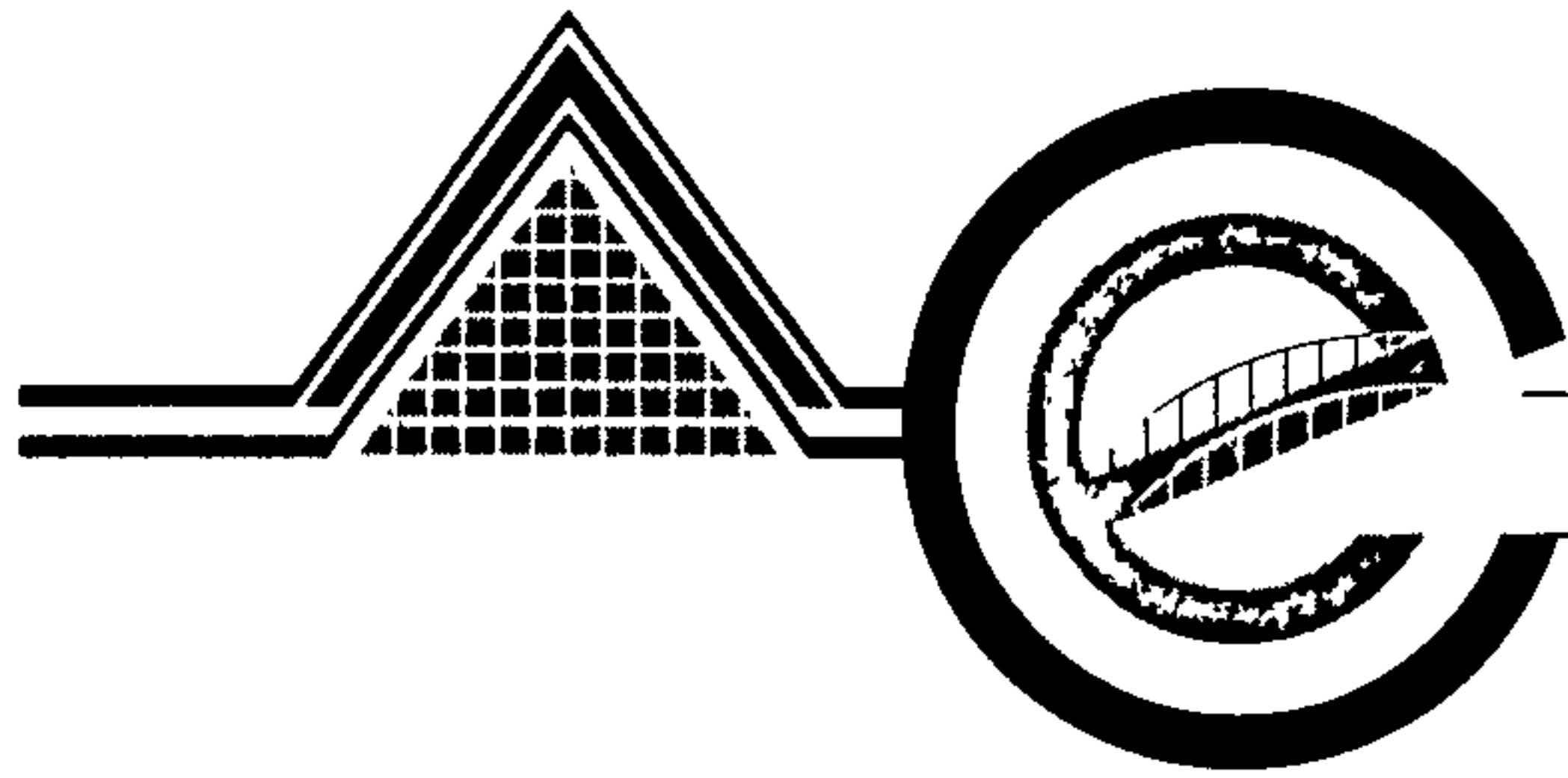
Angela Brad

Original

10/19/98

10/19/98

RECEIVED
OCT 19 1998
FUNDING SECTION



ADVANCED ENGINEERING and CONSULTING

*Consulting
Design
Development
Management*

October 17, 1998

Ms. Susan Calongne, P.E.
City/County Floodplain Administrator
600 Second Street NW
Albuquerque, New Mexico 87102

RE: REVISED GRADING/DRAINAGE PLAN FOR LOT A, LANDS OF MCGINNIS
(G12-D26) (PWD 98-161)

Dear Ms. Calongne:

This letter is in response to your comments sent on September 18, 1998 for the above referenced site:

1. The statement was changed to say a treatment of A=100% for existing conditions. We also modified the treatments under the proposed conditions to A=20%, B=54%, C=13%, and D=13%.
2. There is no offsite runoff that enters this site. To the north and to the east the runoff is intercepted by the existing development. To the west the runoff is intercepted by the Albuquerque Riverside Drain, and to the south the runoff is intercepted by Beach Road.
3. The new pond requirement based on the new treatment is 10,673.04 cf. The pond was made deeper (1.05') and the calculations were modified on the grading plan. The new pond will provide a volume of 11,061.21 cf which is more than the required amount. Also, a pond covenant is attached as part of this submittal. A recorded copy of the pond covenant will be provided at a later time.
4. A note has been added to the grading plan for reseeding of all the disturbed areas.

Please contact me if there are any questions or concerns regarding this submittal.

Sincerely yours

Shahab Biazar, P.E.

RECEIVED
OCT 19 1998
HYDROLOGY SECTION

DRAINAGE COVENANT

This Drainage Covenant, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of X," "partnership"] :

Ellen Bayard / Jim O'Neill

("owner") [his, her, their, or its] heirs, executors, successors, assigns and transferees, whose address is 28 Double Arrow Rd. S.
Santa Fe NM 87505

and the County of Bernalillo, a New Mexico political subdivision ("County"), whose address is One Civic Plaza, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner signs this Easement.

1. Recital. Owner is the owner of certain real property located at [give general description, for instance, subdivision, lot and block or street address:] Lot A, Land of McGinnis
NE corner of Beach Rd. & Alb. Riversdie Drain in Bernalillo County, New Mexico (the "Property").

Pursuant to County ordinances, regulations and other applicable laws, the Owner is required to construct and maintain certain drainage facilities on the Property, and the parties wish to enter into this agreement to establish the obligations and responsibilities of the parties.

2. Description and Construction of Drainage Facilities. Owner shall construct the following "Drainage Facility" within the Property at Owner's sole expense in accordance with the standards, plans and specifications approved by the County:
Retention Pond (See attached Exhibit A)

The Drainage Facility is more particularly described in the attached Exhibit A. The Owner shall not permit the Drainage Facility to constitute a hazard to the health or safety of the general public.

3. Maintenance of Drainage Facility. The Owner shall maintain the Drainage Facility at Owner's cost in accordance with the approved Drainage Report and plans.

4. County's Right of Entry. The County has the right to enter upon the Property at any time and perform whatever inspection of the Drainage Facility it deems appropriate, without liability to the Owner.

RECEIVED
AUG 19 1990
HYDROLOGY SECTION

5. Demand for Removal, Construction or Repair. The County may send written notice ("Notice") to the Owner requiring the Owner to construct, remove or repair the Drainage Facility within 60 days ("Deadline") of receipt of the Notice, as provided in Section 11, and the Owner shall comply promptly with the requirements of the Notice. The Owner shall perform all required work by the Deadline, at Owner's sole expense.

6. Failure to Perform by Owner and Emergency Work by County. If the Owner fails to comply with the terms of the Notice by the Deadline, or if the County determines that an emergency condition exists, the County may perform the work itself. The County then may assess the Owner for the cost of the work and for any other expenses or damages which result from Owner's failure to perform. The Owner agrees promptly to pay the County the amount assessed. If the Owner fails to pay the County within thirty (30) days after the County gives the Owner written notice of the amount due, the County may impose a lien against Owner's Property for the total resulting amount plus interest.

7. Liability of County for Repair after Notice or as a Result of Emergency. The County shall not be liable to the Owner for any damages resulting from the County's repair, removal or maintenance following notice to the Owner as required in this agreement or in an emergency unless the damages are the result of the reckless conduct or gross negligence of the County.

8. Indemnification. A. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the County agrees to save Owner harmless from any and all liability arising from the County's negligent use of the Drainage Facility. The County does not agree to save Owner harmless from any liability which may arise from Owner's use or misuse of the Drainage Facility and the Property.

B. The Owner hereby agrees to hold harmless, indemnify and defend the Bernalillo County, its Officers, Agents and Employees from and against any and all liability, suits, actions, claims, damages, costs of defense and fees arising out of or resulting from the Owner's and/or any of his employee's, agent's, or officer's conduct, performance, act(s), errors or omissions(s), relating in any manner whatsoever to this Covenant.

Provided, however, such indemnity shall not extend to liability, claims, damages, losses or expenses, including attorney's fees, arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee, or the giving of or the failure to give directions or instructions by the indemnitee, or the agents or employees of the indemnitee, where such giving or failing to give directions or instructions is a primary cause of bodily

injury to persons or damage to property.

9. Cancellation of Agreement and Release of Covenant. This agreement may be canceled and Owner's covenants released by the County by the County's mailing to the Owner notice of the County's intention to record a Cancellation and Release with the Bernalillo County Clerk. The Cancellation and Release shall be effective thirty (30) days after the date of mailing the notice to the User unless a later date is stated in the notice or in the Cancellation and Release. After the effective date, the County will record the Cancellation and Release with the Bernalillo County Clerk.

10. Assessment. Nothing in this agreement shall be construed to relieve the Owner, his heirs, assigns, transferees and successors from an assessment against Owner's Property for improvements to the Property under a duly authorized and approved Special Assessment District or applicable law. The Parties specifically agree that the value of the (Drainage Facility) will not reduce the amount assessed by the County.

11. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Ellen Bayard / Jim O'Neill

28 Double Arrow Rd. South

Santa Fe NM 87505

Notice may be given to the Owner either in person or by mailing the notice by regular U.S. mail, postage paid. Notice will be considered to have been received by the Owner within six (6) days after the notice is mailed if there is no actual evidence of receipt. The Owner may change Owner's address by giving written notice of the change by certified mail, return receipt requested, to the Bernalillo County Public Works Department, 2400 Broadway S.E., Albuquerque, New Mexico 87102.

12. Term. This agreement shall continue until terminated by the County pursuant to Section 9 above.

13. Binding on Owner's Property. The covenants and obligations of the Owner set forth herein shall be binding on Owner, his heirs, assigns, transferees and successors and on Owner's Property and shall constitute covenants running the Owner's Property until released by the County.

14. Entire Agreement. This agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

15. Changes to Agreement. Changes to this agreement are not binding unless made in writing, signed by both parties.

16. Construction and Severability. If any part of this agreement is held to be invalid or unenforceable, the remainder of the agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

17. Captions. The captions to the sections or paragraphs of this agreement are not part of this agreement and will not affect the meaning or construction of any of its provisions.

18. Form Not Changed. Owner agrees that changes to the wording of this form are not binding upon the County unless initialed by the Owner are approved and signed by the County Commission Chairman in writing on this form.

OWNER:

By: _____

Its: _____

Dated: _____

COUNTY OF _____) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 19 _____, by [name of person signing:] _____, [Title or capacity, for instance, "President" or "Owner":] _____ of [name of the entity which owns the Property if other than the individual signing, for instance, the name of the corporation, partnership, or joint venture:] _____.

My Commission Expires: _____

Notary Public

RECEIVED
OCT 19 1998
HYDROLOGY SECTION

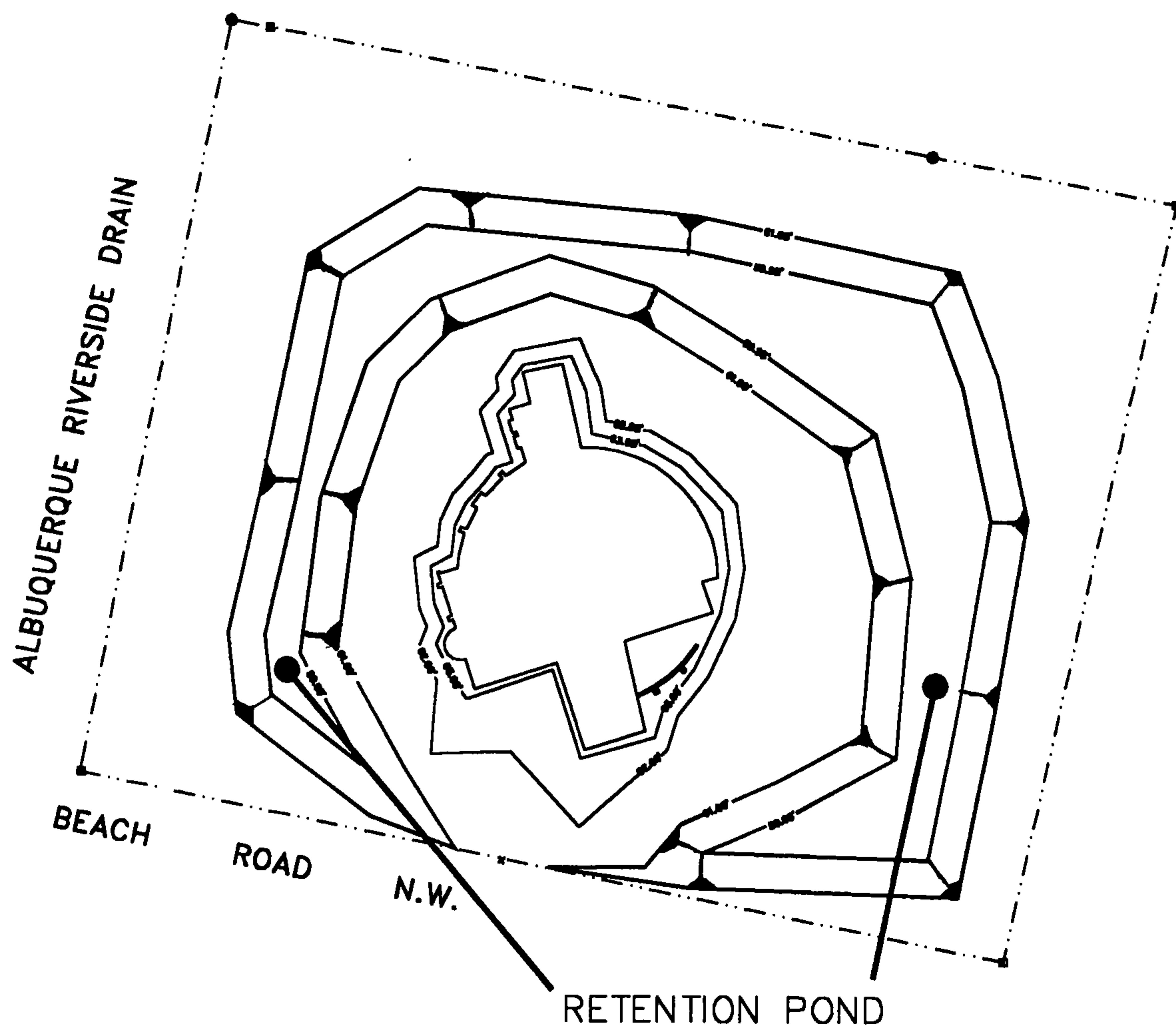


EXHIBIT A

DRAINAGE INFORMATION SHEET

PROJECT TITLE: <u>Lot A, Lands of McGinnis</u>	ZONE ATLAS/DRNG. FILE #: <u>G-12 / D26, PWD-98-161</u>
DRB #: _____	EPC #: _____
WORK ORDER #: _____	
LEGAL DESCRIPTION: <u>Lot A, Lands of McGinnis</u>	
CITY ADDRESS: <u>NE corner of Beach Road and Riverside Drain</u>	
ENGINEERING FIRM: <u>Advanced Engineering and Consulting</u>	CONTACT: <u>Shahab Biazar</u>
ADDRESS: <u>10209 Snowflake Ct. NW Alb., NM 87114</u>	PHONE: <u>(505) 899-5570</u>
OWNER: <u>Ellen Bayard / Jim O'Neill</u>	CONTACT: <u>Ellen Bayard / Jim O'Neill</u>
ADDRESS: <u>28 Double Arrow Rd. South, Santa Fe, NM 87505</u>	PHONE: <u>(505) 983-7466</u>
ARCHITECT: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____
SURVEYOR: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____
CONTRACTOR: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____

TYPE OF SUBMITTAL:

<input type="checkbox"/>	DRAINAGE REPORT
<input checked="" type="checkbox"/>	DRAINAGE PLAN
<input type="checkbox"/>	CONCEPTUAL GRADING & DRAINAGE PLAN
<input checked="" type="checkbox"/>	GRADING PLAN
<input type="checkbox"/>	EROSION CONTROL PLAN
<input type="checkbox"/>	ENGINEER'S CERTIFICATION
<input type="checkbox"/>	OTHER

PRE-DESIGN MEETING:

<input type="checkbox"/>	YES
<input type="checkbox"/>	NO
<input type="checkbox"/>	COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

<input type="checkbox"/>	SKETCH PLAN APPROVAL
<input type="checkbox"/>	PRELIMINARY PLAT APPROVAL
<input type="checkbox"/>	S. DEV. PLAN FOR SUB'D. APPROVAL
<input type="checkbox"/>	S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
<input type="checkbox"/>	SECTOR PLAN APPROVAL
<input type="checkbox"/>	FINAL PLAT APPROVAL
<input type="checkbox"/>	FOUNDATION PERMIT APPROVAL
<input checked="" type="checkbox"/>	BUILDING PERMIT APPROVAL
<input type="checkbox"/>	CERTIFICATE OF OCCUPANCY APPROVAL
<input checked="" type="checkbox"/>	GRADING PERMIT APPROVAL
<input type="checkbox"/>	PAVING PERMIT APPROVAL
<input type="checkbox"/>	S. A. D. DRAINAGE REPORT
<input type="checkbox"/>	DRAINAGE REQUIREMENTS
<input type="checkbox"/>	OTHER

DATE SUBMITTED: 10 / 19 / 98BY: SHAHAB BIAZAR

*County's
Copy?*

Case Routing Slip

19-Oct-98

pwd

-98

- 161

Category: Resubmitt

Applicant Name: Anvance Engineering

Application Date: 19-Oct-98

Applicant Category: Engineer

Due Date: 09-Nov-98

Owner Info

Agent Info

Egr/Svy Info

Name Ellen Bayard

Advanced Engineering

Address 28 double Arrow Rd South

10209 Snowflake Ct NW

City Santa Fe

Albuquerque

State NM

NM

ZIP 87505

87114

Ph 983-7466

899-5570

Legal Description: LT A LANDS OF MCGINNIS

UPC:

Zone Map G-12

Street Address: Beach Rd

Submittal Type: Grading & Drainage Plan

Comments Required From:

DRAN ☒ DRE ☐ ENGA ☐ INSP ☐ TRAF ☐ UTIL ☐ OTHE ☐

Angela Brad

Original FP
10/19/98 10/19/98

BERNALILLO COUNTY



PWD SUBMITTAL

Use for all PWD applications EXCEPT Street Excavation

☐ NEW SUBMITTAL

☒ RESUBMITTAL

☐ FINAL SIGNOFF

TODAY'S DATE. 10/19/98

CASE NO: PWD-98-161

OWNER

OWNER	Ellen Bayard / Jim O'Neill	505-983-7466	
PHONE			
MAILING ADDRESS	28 Double Arrow Rd. South	Santa Fe NM	
		CITY	ZIP 87505

AGENT

AGENT / CONTRACTOR	Advanced Engineering & Consulting		899-5570
PHONE			
MAILING ADDRESS	10209 Snowflake Ct. NW	Alb. NM	87114
		CITY	ZIP
STATE LICENSE NO	EXP DATE	VOLUME	CLASS
ARCHITECT/ENGINEER	LICENSE NO		PHONE

SITE INFORMATION

SITE ADDRESS / DIRECTIONS	NE corner of Beach Rd. & Albuquerque	ZONE ATLAS NO.	G-12-Z
	Riverside Drain		
LEGAL DESCRIPTION	Lot A, Lands of McGinnis		
		LOT SIZE:	2.5 Acres
EXISTING BUILDING(S) AND USE	PROPOSED BUILDING(S):		
UPC #	-		

TYPE OF SUBMITTAL

- | | |
|---|--|
| <input type="checkbox"/> REPLAT | <input type="checkbox"/> TRAFFIC IMPACT ANALYSIS / TRAFFIC STUDY |
| <input type="checkbox"/> MINOR SUBDIVISION | <input type="checkbox"/> INFRASTRUCTURE LIST / DESIGN REVIEW |
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| <input checked="" type="checkbox"/> GRADING & DRAINAGE PLAN | <input checked="" type="checkbox"/> BUILDING PERMIT |
| <input type="checkbox"/> AS-CONSTRUCTED GRADING & DRAINAGE PLAN | <input type="checkbox"/> INSPECTION |
| <input type="checkbox"/> VARIANCE REQUEST | <input type="checkbox"/> OTHER (Specify): |
| <input type="checkbox"/> LAND DIVISION | |

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☐ Owner ☒ Agent ☐ Contractor

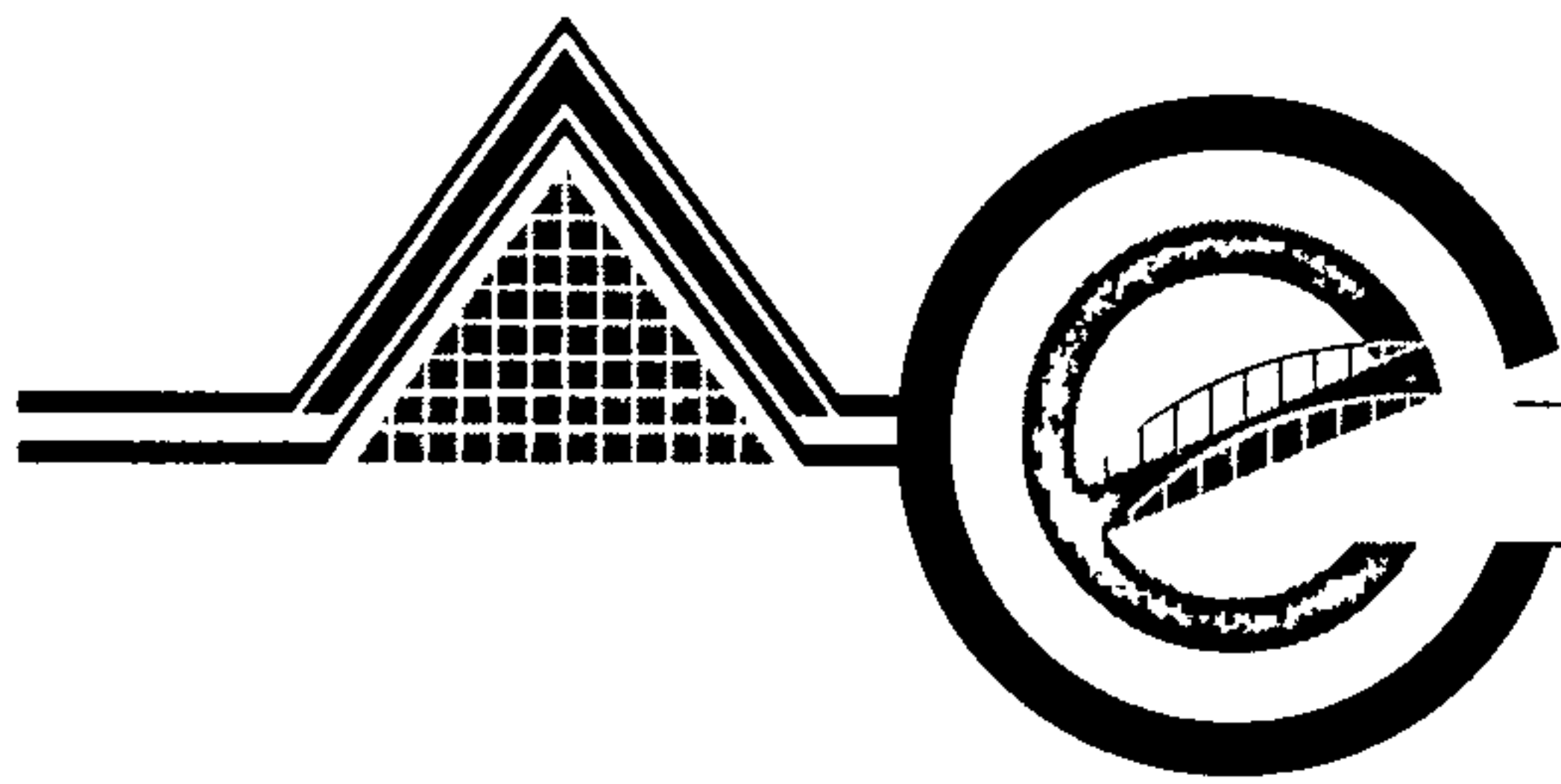
Signature

[Signature]

Date 10-19-98

COUNTY

BERNALILLO COUNTY USE ONLY			
C/R's		TOTAL FEE.	
		Receipt No.:	
		Received By:	



ADVANCED ENGINEERING and CONSULTING

*Consulting
Design
Development
Management*

October 17, 1998

Ms. Susan Calongne, P.E.
City/County Floodplain Administrator
600 Second Street NW
Albuquerque, New Mexico 87102

RE: REVISED GRADING/DRAINAGE PLAN FOR LOT A, LANDS OF MCGINNIS
(G12-D26) (PWD 98-161)

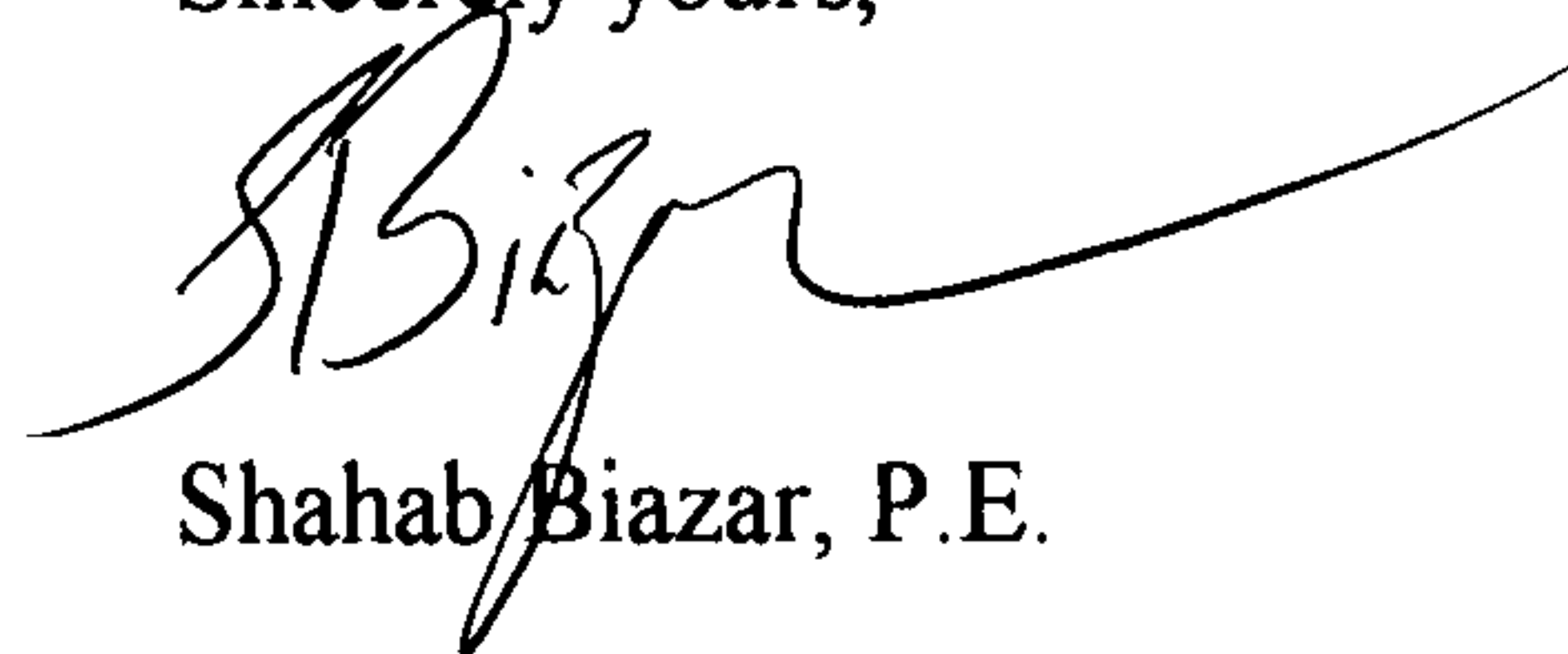
Dear Ms. Calongne:

This letter is in response to your comments sent on September 18, 1998 for the above referenced site:

1. The statement was changed to say a treatment of A=100% for existing conditions. We also modified the treatments under the proposed conditions to A=20%, B=54%, C=13%, and D=13%.
2. There is no offsite runoff that enters this site. To the north and to the east the runoff is intercepted by the existing development. To the west the runoff is intercepted by the Albuquerque Riverside Drain, and to the south the runoff is intercepted by Beach Road.
3. The new pond requirement based on the new treatment is 10,673.04 cf. The pond was made deeper (1.05') and the calculations were modified on the grading plan. The new pond will provide a volume of 11,061.21 cf which is more than the required amount. Also, a pond covenant is attached as part of this submittal. A recorded copy of the pond covenant will be provided at a later time.
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Please contact me if there are any questions or concerns regarding this submittal.

Sincerely yours,



Shahab Biazar, P.E.

DRAINAGE COVENANT

This Drainage Covenant, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of X," "partnership"] : _____

Ellen Bayard / Jim O'Neill

("owner") [his, her, their, or its] heirs, executors, successors, assigns and transferees, whose address is 28 Double Arrow Rd. S.
Santa Fe NM 87505

_____ and the County of Bernalillo, a New Mexico political subdivision ("County"), whose address is One Civic Plaza, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner signs this Easement.

1. Recital. Owner is the owner of certain real property located at [give general description, for instance, subdivision, lot and block or street address:] Lot A, Land of McGinnis NE corner of Beach Rd. & Alb. Riversdie Drain in Bernalillo County, New Mexico (the "Property").

Pursuant to County ordinances, regulations and other applicable laws, the Owner is required to construct and maintain certain drainage facilities on the Property, and the parties wish to enter into this agreement to establish the obligations and responsibilities of the parties.

2. Description and Construction of Drainage Facilities. Owner shall construct the following "Drainage Facility" within the Property at Owner's sole expense in accordance with the standards, plans and specifications approved by the County:
Retention Pond (See attached Exhibit A)

The Drainage Facility is more particularly described in the attached Exhibit A. The Owner shall not permit the Drainage Facility to constitute a hazard to the health or safety of the general public.

3. Maintenance of Drainage Facility. The Owner shall maintain the Drainage Facility at Owner's cost in accordance with the approved Drainage Report and plans.

4. County's Right of Entry. The County has the right to enter upon the Property at any time and perform whatever inspection of the Drainage Facility it deems appropriate, without liability to the Owner.

5. Demand for Removal, Construction or Repair. The County may send written notice ("Notice") to the Owner requiring the Owner to construct, remove or repair the Drainage Facility within 60 days ("Deadline") of receipt of the Notice, as provided in Section 11, and the Owner shall comply promptly with the requirements of the Notice. The Owner shall perform all required work by the Deadline, at Owner's sole expense.

6. Failure to Perform by Owner and Emergency Work by County. If the Owner fails to comply with the terms of the Notice by the Deadline, or if the County determines that an emergency condition exists, the County may perform the work itself. The County then may assess the Owner for the cost of the work and for any other expenses or damages which result from Owner's failure to perform. The Owner agrees promptly to pay the County the amount assessed. If the Owner fails to pay the County within thirty (30) days after the County gives the Owner written notice of the amount due, the County may impose a lien against Owner's Property for the total resulting amount plus interest.

7. Liability of County for Repair after Notice or as a Result of Emergency. The County shall not be liable to the Owner for any damages resulting from the County's repair, removal or maintenance following notice to the Owner as required in this agreement or in an emergency unless the damages are the result of the reckless conduct or gross negligence of the County.

8. Indemnification. A. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the County agrees to save Owner harmless from any and all liability arising from the County's negligent use of the Drainage Facility. The County does not agree to save Owner harmless from any liability which may arise from Owner's use or misuse of the Drainage Facility and the Property.

B. The Owner hereby agrees to hold harmless, indemnify and defend the Bernalillo County, its Officers, Agents and Employees from and against any and all liability, suits, actions, claims, damages, costs of defense and fees arising out of or resulting from the Owner's and/or any of his employee's, agent's, or officer's conduct, performance, act(s), errors or omissions(s), relating in any manner whatsoever to this Covenant.

Provided, however, such indemnity shall not extend to liability, claims, damages, losses or expenses, including attorney's fees, arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee, or the giving of or the failure to give directions or instructions by the indemnitee, or the agents or employees of the indemnitee, where such giving or failing to give directions or instructions is a primary cause of bodily

injury to persons or damage to property.

9. Cancellation of Agreement and Release of Covenant. This agreement may be canceled and Owner's covenants released by the County by the County's mailing to the Owner notice of the County's intention to record a Cancellation and Release with the Bernalillo County Clerk. The Cancellation and Release shall be effective thirty (30) days after the date of mailing the notice to the User unless a later date is stated in the notice or in the Cancellation and Release. After the effective date, the County will record the Cancellation and Release with the Bernalillo County Clerk.

10. Assessment. Nothing in this agreement shall be construed to relieve the Owner, his heirs, assigns, transferees and successors from an assessment against Owner's Property for improvements to the Property under a duly authorized and approved Special Assessment District or applicable law. The Parties specifically agree that the value of the (Drainage Facility) will not reduce the amount assessed by the County.

11. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Ellen Bayard / Jim O'Neill

28 Double Arrow Rd. South

Santa Fe NM 87505

Notice may be given to the Owner either in person or by mailing the notice by regular U.S. mail, postage paid. Notice will be considered to have been received by the Owner within six (6) days after the notice is mailed if there is no actual evidence of receipt. The Owner may change Owner's address by giving written notice of the change by certified mail, return receipt requested, to the Bernalillo County Public Works Department, 2400 Broadway S.E., Albuquerque, New Mexico 87102.

12. Term. This agreement shall continue until terminated by the County pursuant to Section 9 above.

13. Binding on Owner's Property. The covenants and obligations of the Owner set forth herein shall be binding on Owner, his heirs, assigns, transferees and successors and on Owner's Property and shall constitute covenants running the Owner's Property until released by the County.

14. Entire Agreement. This agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

15. Changes to Agreement. Changes to this agreement are not binding unless made in writing, signed by both parties.

16. Construction and Severability. If any part of this agreement is held to be invalid or unenforceable, the remainder of the agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

17. Captions. The captions to the sections or paragraphs of this agreement are not part of this agreement and will not affect the meaning or construction of any of its provisions.

18. Form Not Charged. Owner agrees that changes to the wording of this form are not binding upon the County unless initialed by the Owner are approved and signed by the County Commission Chairman in writing on this form.

OWNER:

By: _____

Its: _____

Dated: _____

COUNTY OF _____) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 19 _____, by [name of person signing:] _____, [Title or capacity, for instance, "President" or "Owner":] _____ of [name of the entity which owns the Property if other than the individual signing, for instance, the name of the corporation, partnership, or joint venture:] _____.

My Commission Expires: _____

Notary Public

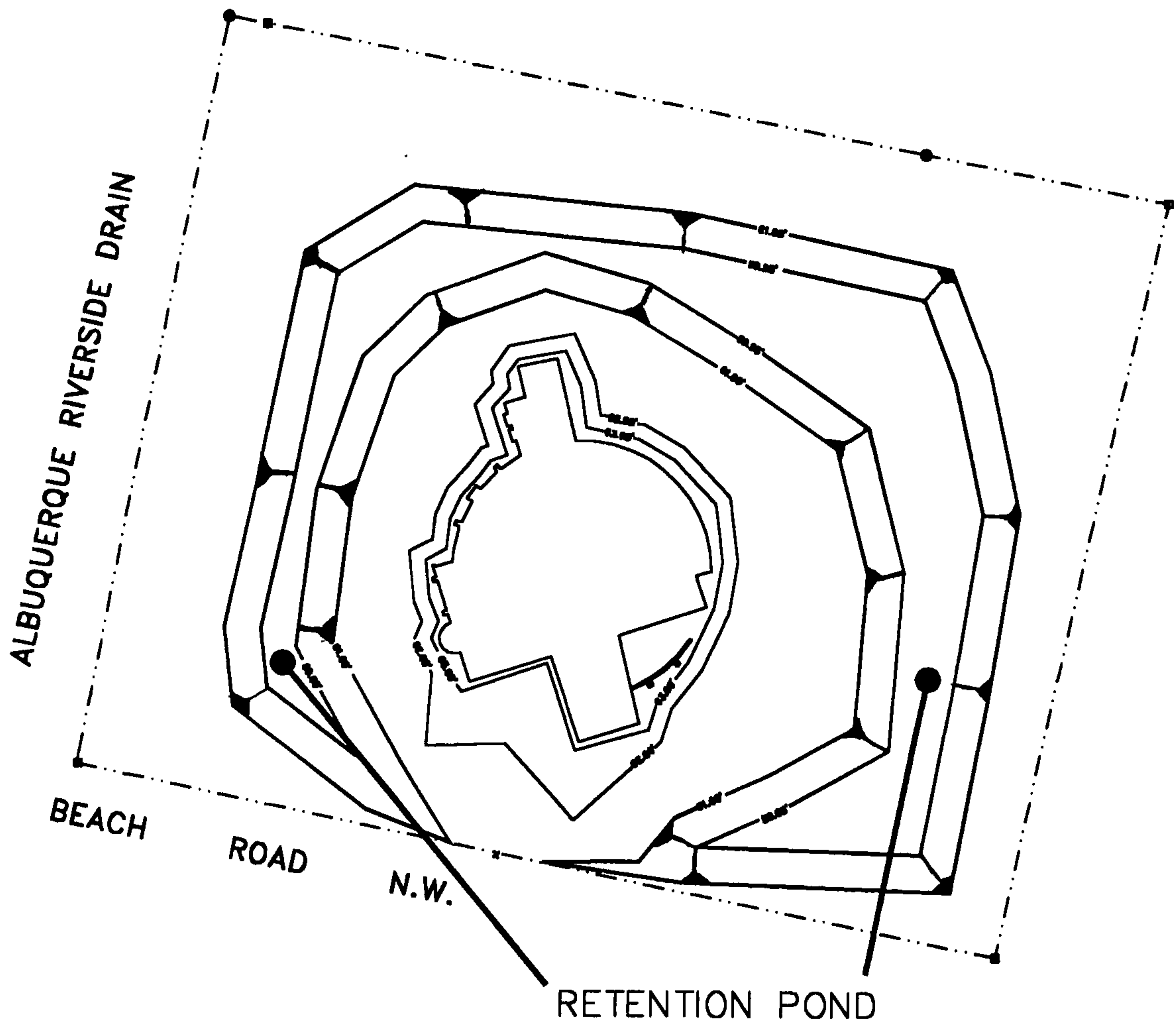
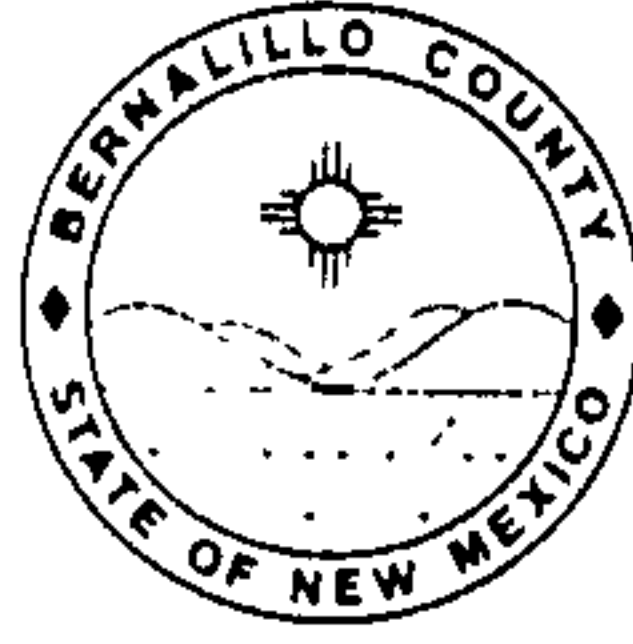


EXHIBIT A

County of Bernalillo

State of New Mexico



BOARD OF COUNTY COMMISSIONERS
STEVE D. GALLEGOS, CHAIRMAN
DISTRICT 2
KEN SANCHEZ, VICE CHAIRMAN
DISTRICT 1
TOM RUTHERFORD, MEMBER
DISTRICT 3
BARBARA J. SEWARD, MEMBER
DISTRICT 4
LES HOUSTON, MEMBER
DISTRICT 5
JUAN R. VIGIL, COUNTY MANAGER

2400 BROADWAY, S.E.
ALBUQUERQUE, NEW MEXICO 87102
PUBLIC WORKS (505) 848-1500

DAVID K. ANDERSON, ASSESSOR
JUDY D. WOODWARD, CLERK
THOMAS J. MESCALL, PROBATE JUDGE
JOE BOWDICH, SHERIFF
ORLANDO VIGIL, TREASURER

September 18, 1998

Shahab Biazar, P.E.
Advanced Engineering and Consulting
10209 Snowflake Ct. NW
Albuquerque, New Mexico 87114

RE: *Grading and Drainage Plan for Lot A, Lands of McGinnis (G12/D26) (PWD-98-161)*
Submitted for Building Permit and Grading Permit approvals, Engineer's Stamp
Dated 9/4/98.


Dear Shahab:

This letter is a compilation of comments from my office as well as from County Public Works. Prior to approval of the above referenced plan, the following comments must be addressed:

1. The plan states that a treatment of $D = 100\%$ was used for existing conditions, however, the AHYMO input file uses $A = 100\%$. Please clarify this. It appears that using 50% land treatment "A" for the proposed condition is too high for the grading shown.
2. Please provide the off-site drainage basin map.
3. The pond volume for the areas shown calculate to 4,214 cf, not 10,006 cf. Please revise this. Is a pond covenant required for this pond?
4. Provide a note on the plan regarding reseeding of all disturbed areas.

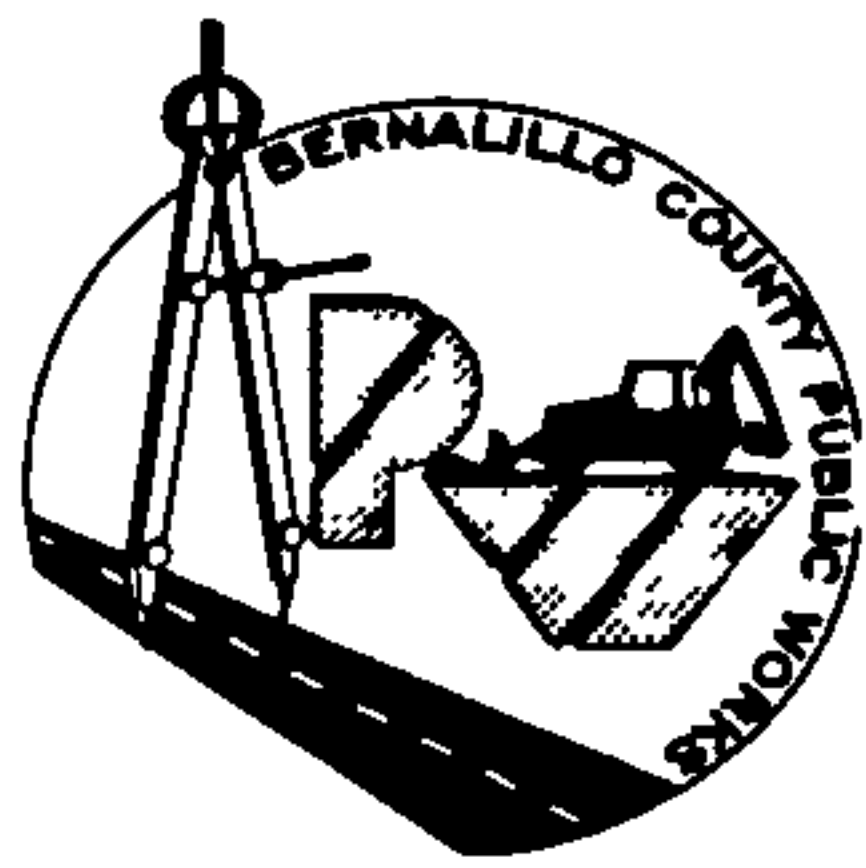
If you have any questions regarding these comments, please call me at 924-3982, or contact Brad Catanach at the County.

Sincerely,


Susan M. Calongne, P.E.
City/County Floodplain Administrator

c: Andrew Garcia, City Hydrology
 Brad Catanach, Bernalillo County Public Works Division

File



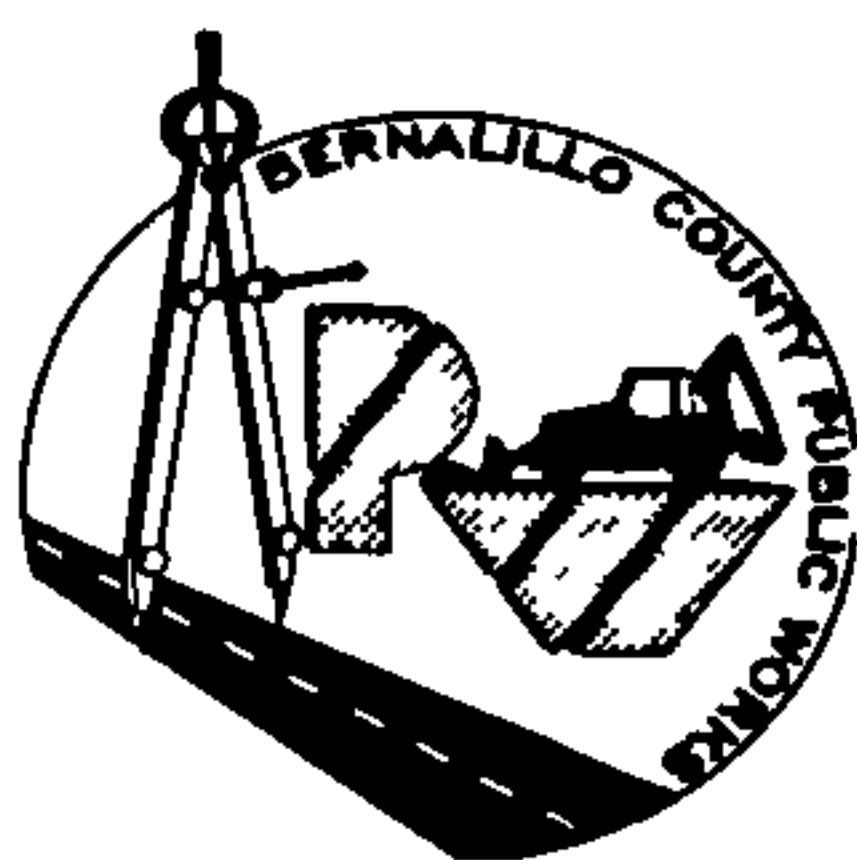
Bernalillo County Public Works Division Case File Comments

Case Number PWD 98 161

Date	Functional Area
------	-----------------

14-Sep-98	DRAN
-----------	------

1. The existing conditions of D=100% is unclear. Proposed conditions with 50% of the site as treatment A is high for the grading shown.
2. Provide an offsite drainage basin map.
3. The pond volume for the areas shown calculate to 4,214 cft not 10,006 cft.



Bernalillo County
Public Works Division
2400 Broadway Ave SE Albuquerque, NM 87102

Advanced Engineering &
Consulting

10209 Snowflake Ct NW

Albuquerque NM 87114

Beach RD

LT A LANDS OF MCGINNIS

G-12

16-Sep-98

Case Number

pwd - 98 - 161

Dear Applicant;

Attached are the Public Works Division comments regarding your building permit application. Should you require further information, please contact Hoss Foster or Jim Best at 848-1502.

Development Review Engineer

cc:

Agent

Case File

Zoning, Building, Planning Dept.

Molzen-Corbin Associates

Other: _____

DRAINAGE INFORMATION SHEET

PROJECT TITLE: <u>Lot A, Lands of McGinnis</u>	ZONE ATLAS/DRNG. FILE #: <u>G-12 / D26</u>
DRB #: _____	EPC #: _____
WORK ORDER #: _____	
LEGAL DESCRIPTION: <u>Lot A, Lands of McGinnis</u>	
CITY ADDRESS: <u>NE corner of Beach Road and Riverside Drain</u>	
ENGINEERING FIRM: <u>Advanced Engineering and Consulting</u>	CONTACT: <u>Shahab Biazar</u>
ADDRESS: <u>10209 Snowflake Ct. NW Alb., NM 87114</u>	PHONE: <u>(505) 899-5570</u>
OWNER: <u>Ellen Bayard / Jim O'Neill</u>	CONTACT: <u>Ellen Bayard / Jim O'Neill</u>
ADDRESS: <u>Double Arrow Rd. S., RR 33 Box 127E, Santa Fe, 87505</u>	PHONE: <u>(505) 983-7466</u>
ARCHITECT: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____
SURVEYOR: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____
CONTRACTOR: _____	CONTACT: _____
ADDRESS: _____	PHONE: _____

TYPE OF SUBMITTAL:

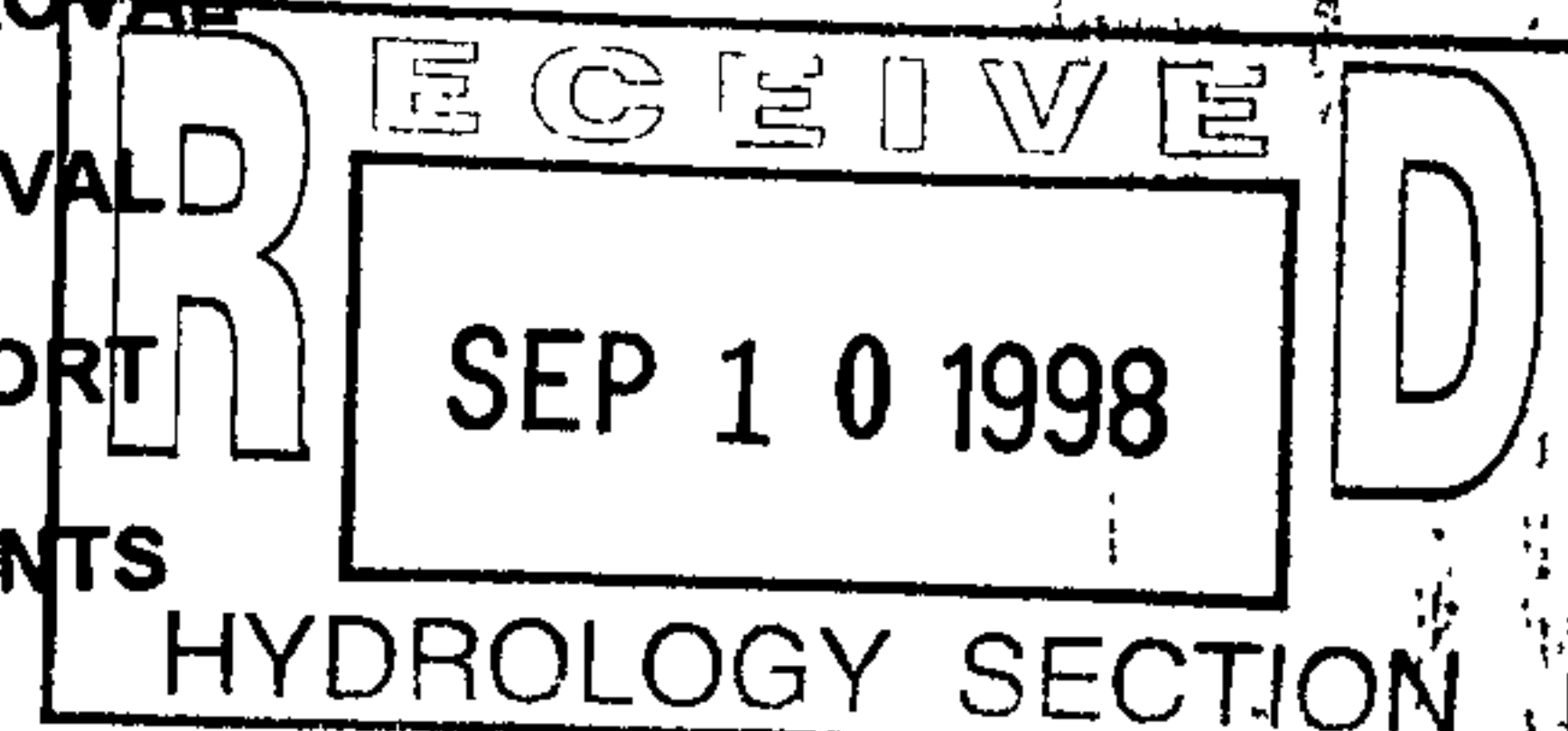
<input type="checkbox"/>	DRAINAGE REPORT
<input type="checkbox"/>	DRAINAGE PLAN
<input type="checkbox"/>	CONCEPTUAL GRADING & DRAINAGE PLAN
<input checked="" type="checkbox"/>	GRADING PLAN
<input type="checkbox"/>	EROSION CONTROL PLAN
<input type="checkbox"/>	ENGINEER'S CERTIFICATION
<input type="checkbox"/>	OTHER

PRE-DESIGN MEETING:

<input type="checkbox"/>	YES
<input type="checkbox"/>	NO
<input type="checkbox"/>	COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

<input type="checkbox"/>	SKETCH PLAN APPROVAL
<input type="checkbox"/>	PRELIMINARY PLAT APPROVAL
<input type="checkbox"/>	S. DEV. PLAN FOR SUB'D. APPROVAL
<input type="checkbox"/>	S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
<input type="checkbox"/>	SECTOR PLAN APPROVAL
<input type="checkbox"/>	FINAL PLAT APPROVAL
<input type="checkbox"/>	FOUNDATION PERMIT APPROVAL
<input checked="" type="checkbox"/>	BUILDING PERMIT APPROVAL
<input type="checkbox"/>	CERTIFICATE OF OCCUPANCY APPROVAL
<input checked="" type="checkbox"/>	GRADING PERMIT APPROVAL
<input type="checkbox"/>	PAVING PERMIT APPROVAL
<input type="checkbox"/>	S. A. D. DRAINAGE REPORT
<input type="checkbox"/>	DRAINAGE REQUIREMENTS
<input type="checkbox"/>	OTHER



DATE SUBMITTED: 09 / 04 / 98

BY: SHAHAB BIAZAR

Case Routing Slip

08-Sep-98

pwd -98 - 161

Category: Submittal

Applicant Name: Advanced Engineering & Cons

Application Date: 08-Sep-98

Applicant Category: Drainage Engineer

Due Date: 29-Sep-98

Owner Info

Agent Info

Egr/Svy Info

Name

Ellen Bayard

Advanced Emgineering & C

Address

Double Arrow Rd So RR 33

10209 Snowflake Ct NW

City

Santa Fe

Albuquerque

State

NM

NM

ZIP

87505

87114

Ph

983-7466

899-5570

Legal Description: LT A LANDS OF MCGINNIS

UPC:

Zone Map G-12

Street Address:

Beach RD

Submittal Type:

Grading & Drainage Plan

Comments Required From:

DRAN ☒ DRE ☐ ENGA ☐ INSP ☐ TRAF ☐ UTIL ☐ OTHE ☐

Brad

Original
9/9/98

FP
9/9/98

8-14-1996 9:09AM

FROM BC_PUBLIC_WORKS 505 848 1510

P. 1

BERNALILLO COUNTY



PWD SUBMITTAL

Use for all PWD applications EXCEPT Street Excavation

☒ NEW SUBMITTAL☐ RESUBMITTAL☐ FINAL SIGNOFF

TODAY'S DATE. 9-4-98

CASE NO:

OWNER Ellen Bayard/Jim O'Neill

PHONE 505-983-7466

MAILING Double Arrow Road South

Santa Fe NM

ADDRESS RR 33 Box 127E

CITY ZIP 87505

AGENT/ CONTRACTOR Advanced Engineering and Consulting

PHONE 899-5570

MAILING ADDRESS 10209 Snowflake Ct. NW

CITY Alb. ZIP NM 87114

STATE
LICENSE NO.EXP
DATE

VOLUME

CLASS

ARCHITECT/ENGINEER

LICENSE NO

PHONE

SITE ADDRESS / DIRECTIONS NE corner of Beach Rd. & Albuquerque

ZONE
ATLAS NO.: G-12-Z

Riverside Drain

LEGAL DESCRIPTION Lot A, Lands of McGinnis

LOT
SIZE: 2.5 AcresEXISTING
BUILDING(S) AND USE:PROPOSED
BUILDING(S):

UPC

TYPE OF SUBMITTAL

☐ REPLAT☐ MINOR SUBDIVISION☐ MAJOR SUBDIVISION☐ CONSTRUCTION DRAWINGS☒ GRADING & DRAINAGE PLAN☐ AS-CONSTRUCTED GRADING & DRAINAGE PLAN☐ VARIANCE REQUEST☐ LAND DIVISION☐ TRAFFIC IMPACT ANALYSIS / TRAFFIC STUDY☐ INFRASTRUCTURE LIST / DESIGN REVIEW☐ SPECIAL USE PERMIT☐ BARRICADING PERMIT☒ BUILDING PERMIT☐ INSPECTION☐ OTHER (Specify):

The issuance of a permit or a review or approval of plan specifications, computations, and shop drawings, shall not be interpreted to be a permit for, or an approval of any variance or violation of any of the provisions of any COUNTY or STATE codes, ordinances, standards, or policies. Nor shall such issuance of a permit or approval of plans, specifications, computations, and shop drawings prevent any authorized COUNTY representative or COUNTY inspector from thereafter requiring the correction of errors in said plans, specifications, computations, or shop drawings or from stopping construction operations which are being carried on thereunder when in violation of any COUNTY or STATE codes, ordinances, standards, or policies.

☐ Owner ☒ Agent ☐ Contractor

Signature

Date 9-4-98

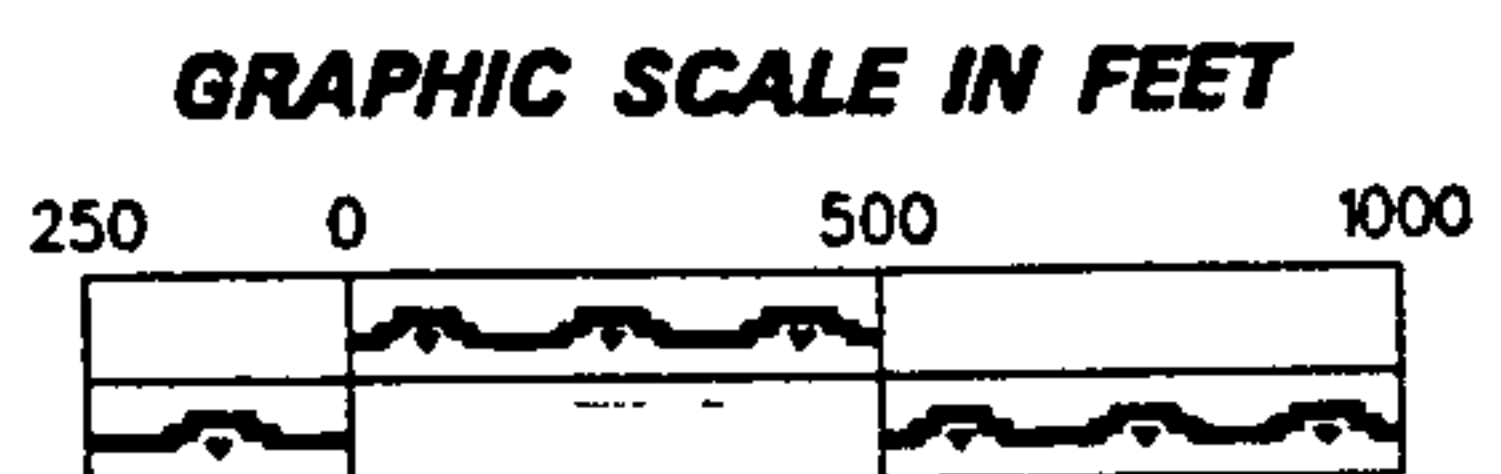
BERNALILLO COUNTY USE ONLY

C/R's

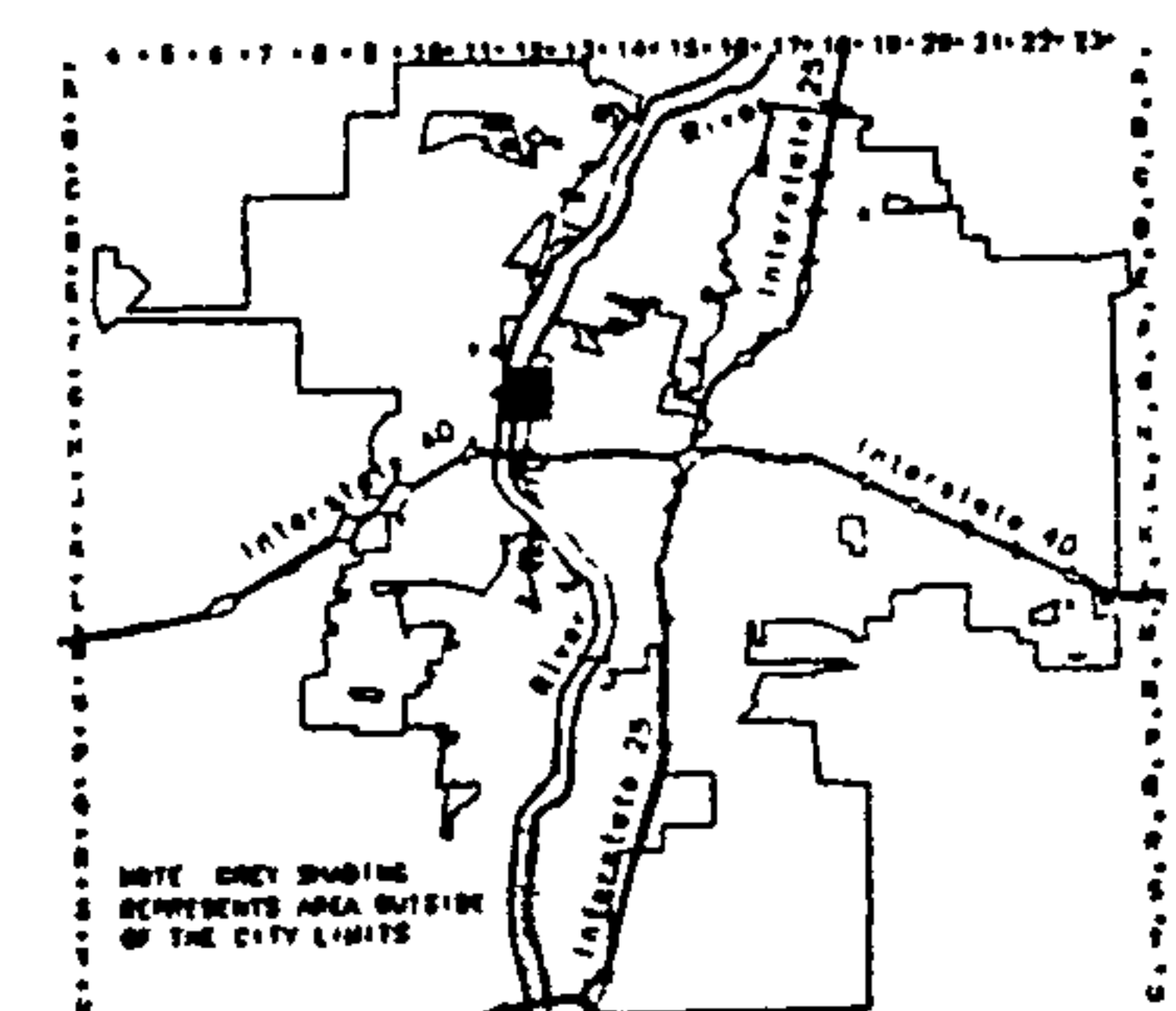
TOTAL FEE.

Receipt No

Received By



Map Amended through April 19, 1996



LEGAL DESCRIPTION
 TION
 RCE
 SEC 1

UNIFORM PROPERTY CODE
 1-012-000

G-12-Z