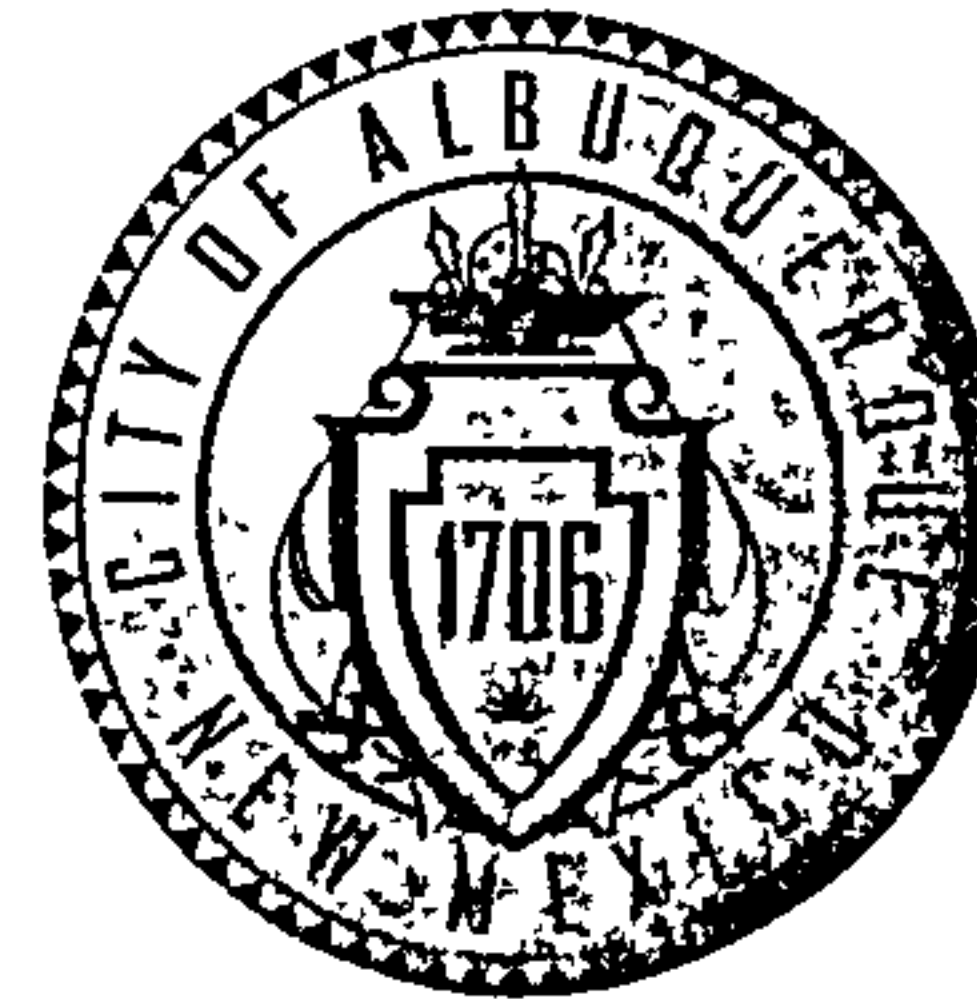


CITY OF ALBUQUERQUE



November 17, 2008

Levi J. Valdez, P.E.
c/o George T. Rodriguez
George T. Rodriguez - Development Consultant
12800 San Juan NE
Albuquerque, NM 87123

Re: 4501 4th Street, (G-14/D078)
Approval of Permanent Certificate of Occupancy,
Engineer's Stamp Dated: 9-12-07
Certification dated 11-13-2008

Mr. Valdez

PO Box 1293

Based upon the information provided in your submittal received 11/13/08, the above referenced certification is approved for release of Permanent Certificate of Occupancy by Hydrology.

Albuquerque

If you have any questions, you can contact me at 924-3982.

NM 87103

Sincerely,

Timothy Sims
Plan Checker-Hydrology, Planning Dept
Development and Building Services

www.cabq.gov

C: CO Clerk—Katrina Sigala
file

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 12/2005)

PROJECT TITLE: 4501 4TH ST. N.W. ZONE MAP: G14/D078
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: LOTS 1 THRU 12, BLOCK 2, BELMONT PLACE ADDITION
CITY ADDRESS: 4501 4TH ST. N.W.

ENGINEERING FIRM: LEVI J. VALDEZ, P.E. CONTACT: LEVI VALDEZ
GEORGE T. RODRIGUEZ - CONSULTING PHONE: 610-0593
ADDRESS: 12800 SAN JUAN N.E. ZIP CODE: 87123
CITY, STATE: ALBUQUERQUE, NEW MEXICO

OWNER: COE & PETERSON CONTACT: STEVE COE
ADDRESS: 2325 SAN PEDRO N.E. - SUITE 2A PHONE: 250-2205
CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87110

ARCHITECT: GEORGE RAINHART ARCHITECT & ASSOC. CONTACT: STEPHEN DUNBAR
ADDRESS: 2325 SAN PEDRO N.E., SUITE 2-B PHONE: 884-9110
CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87110

SURVEYOR: WAYJOHN SURVEYING, INC. CONTACT: THOMAS JOHNSON
ADDRESS: 330 LOUISIANA BLVD. N.E. PHONE: 235-2052
CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87108

CONTRACTOR: ? CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1st SUBMITTAL
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL G & D PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☒ ENGINEER'S CERT (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT
- ☐ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY) _____

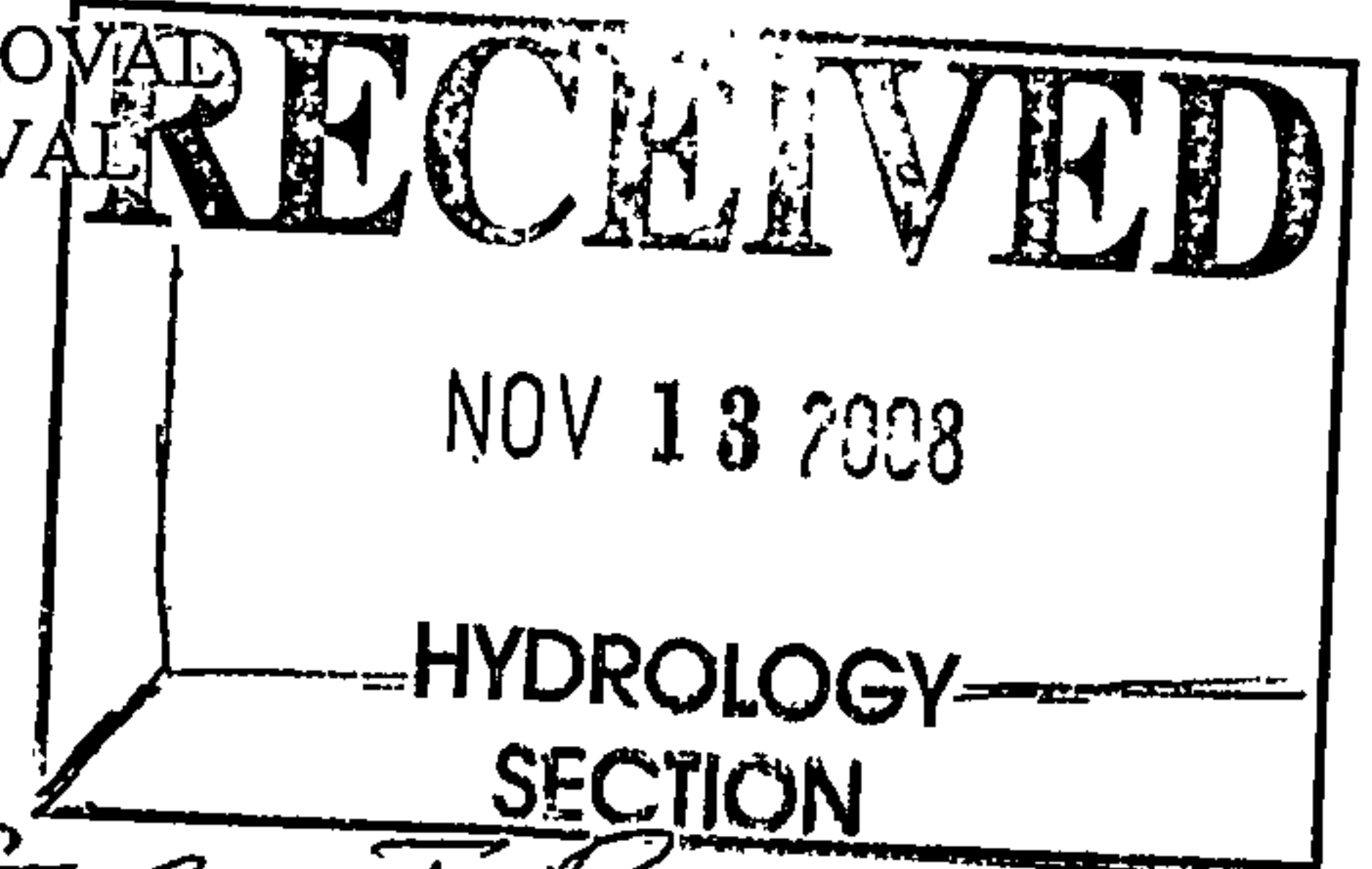
CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA/FINANCIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D APPROVAL
- ☐ S. DEV. FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☐ BUILDING PERMIT APPROVAL
- ☒ CERTIFICATE OF OCCUPANCY (PERM)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP)
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:

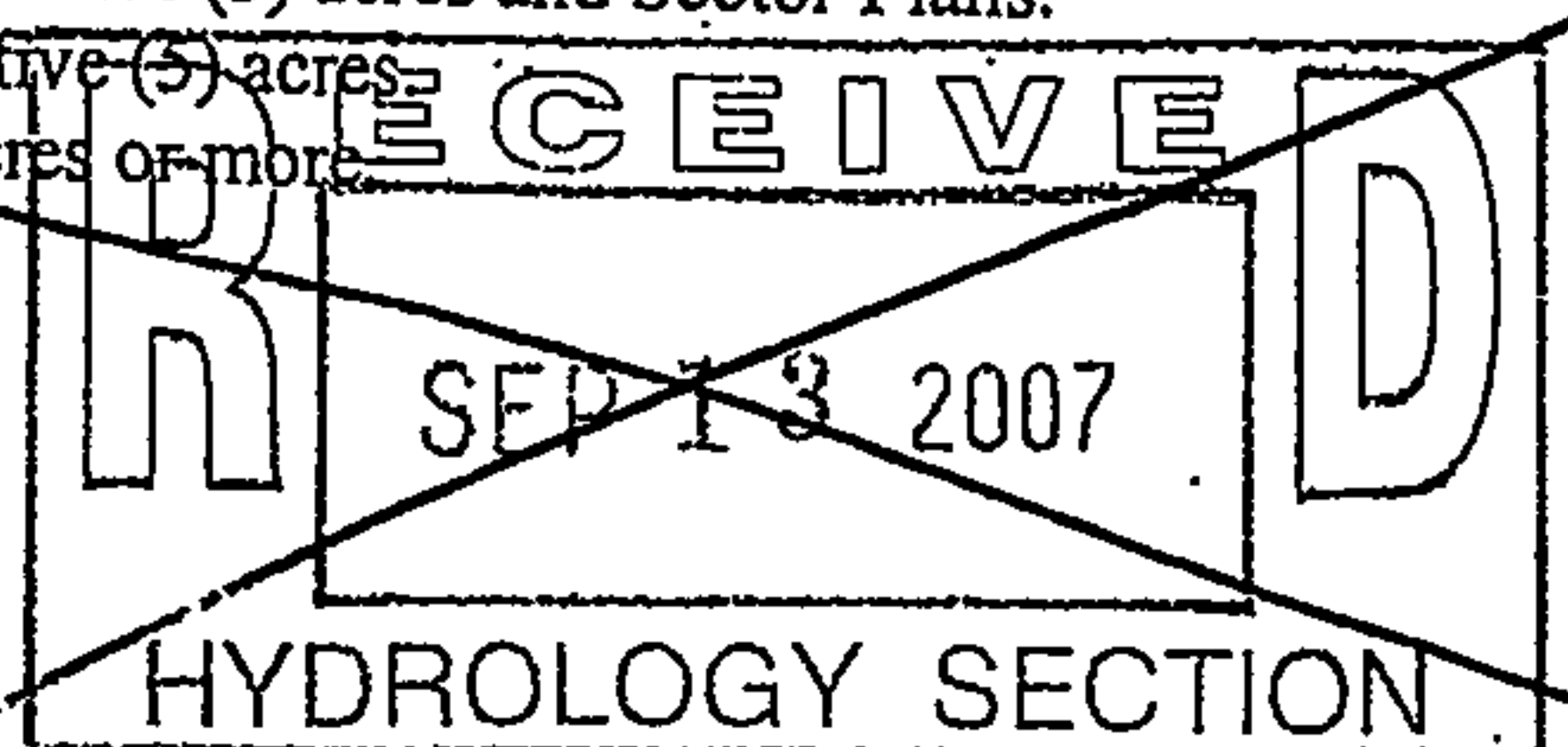
☒ YES
☒ NO
☐ COPY PROVIDED

DATE SUBMITTED: 11-13-08



Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. Conceptual Grading and Drainage Plan: Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. Drainage Plans: Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. Drainage Report: Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.



CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

December 23, 2008

Jonathan Stern, Registered Architect
2325 San Pedro NE, Ste. 2B
Albuquerque, NM 87110

Re: Certification Submittal for Final Building Certificate of Occupancy for
Freeman Shops, [G-14 / D078]
4501 4th St.
Architect's Stamp Dated 12/23/08

Dear Mr. Stern:

The TCL / Letter of Certification submitted on December 23, 2008 is sufficient for acceptance by this office for final Certificate of Occupancy (C.O.). Notification has been made to the Building and Safety Section.

Sincerely,

Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
Hydrology file
CO Clerk

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(Rev. 12/05)

PROJECT TITLE: 4th & FREEMAN STOPS ZONE MAP/DRG. FILE # G-14-4 D078
DRB#: _____ EPC#: _____ WORK ORDER#: _____
LEGAL DESCRIPTION: LOTS 1 THRU 12 IN BLOCK & LUMBERED TWO (2) BELMONT PL. ALBUQ., NM
CITY ADDRESS: _____

ENGINEERING FIRM: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

OWNER: Peterson Properties
ADDRESS: 2325 SAN PEDRO NE. STE 2A
CITY, STATE: ALBUQUERQUE, NM

CONTACT: Steve Atkinson
PHONE: 884. 3578
ZIP CODE: 87110

ARCHITECT: MODULUS ARCHITECTS
ADDRESS: 2325 SAN PEDRO NE STE 2S
CITY, STATE: ALBUQ. NM

CONTACT: Stephen Dunbar
PHONE: 338.1499 XT-106
ZIP CODE: 87110

SURVEYOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

TYPE OF SUBMITTAL:

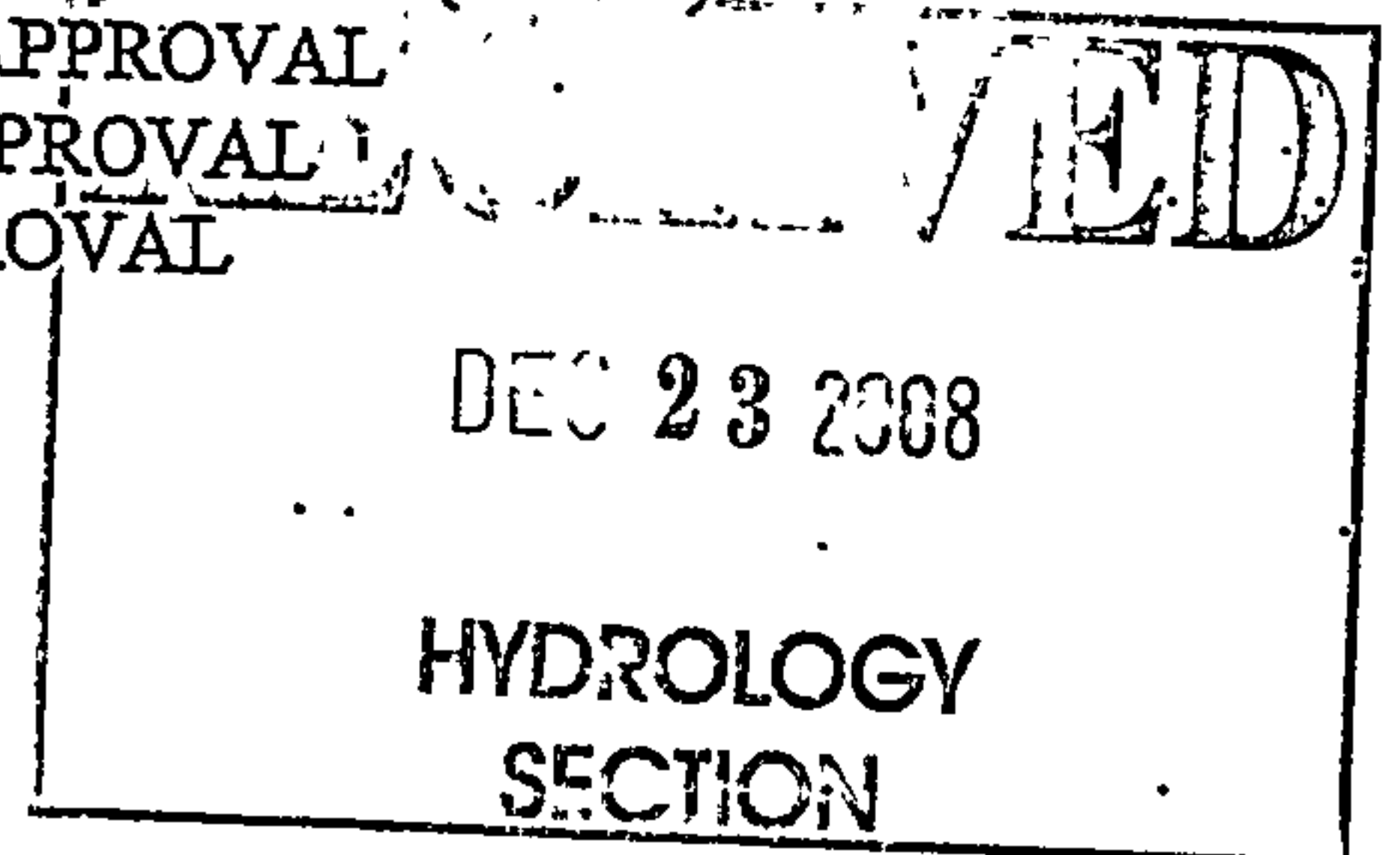
- ☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL G & D PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERT (HYDROLOGY)
☐ CLOMR/LOMR
☒ TRAFFIC CIRCULATION LAYOUT
☒ ENGINEER/ARCHITECT CERT (TCL)
☐ ENGINEER/ARCHITECT CERT (DRB S.P.)
☐ ENGINEER/ARCHITECT CERT (AA)
☐ OTHER (SPECIFY) _____

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA/FINANCIAL GUARANTEE RELEASE
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D APPROVAL
☐ S. DEV. FOR BLDG. PERMIT APPROVAL
☐ SECTOR PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☒ BUILDING PERMIT APPROVAL
☒ CERTIFICATE OF OCCUPANCY (PERM)
☒ CERTIFICATE OF OCCUPANCY (TEMP)
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED: _____

- ☒ YES
☒ NO
☐ COPY PROVIDED



SUBMITTED BY: [Signature] DATE: 12.23.08

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope to the proposed development define the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. Conceptual Grading and Drainage Plan: Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. Drainage Plans: Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. Drainage Report: Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

TRAFFIC CERTIFICATION

I, JONATHAN STERN, NMPE OR NMRA 3419, OF THE FIRM MODULUS ARCHITECTS INC. HEREBY CERTIFY THAT THIS PROJECT IS IN SUBSTANTIAL DESIGN COMPLIANCE WITH AND IN ACCORDANCE WITH THE DESIGN INTENT OF THE APPROVED PLAN DATED 10/31/07. THE RECORD INFORMATION EDITED ONTO THE ORIGINAL DESIGN DOCUMENT HAS BEEN OBTAINED BY JONATHAN STERN OF THE FIRM MODULUS ARCHITECTS INC. I FURTHER CERTIFY THAT I HAVE PERSONALLY VISITED THE PROJECT SITE ON 12/17/08 AND HAVE DETERMINED BY VISUAL INSPECTION THAT THE SURVEY DATA PROVIDED IS REPRESENTATIVE OF ACTUAL SITE CONDITIONS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS CERTIFICATION IS SUBMITTED IN SUPPORT OF A REQUEST FOR ~~TEMPORARY~~ CERTIFICATE OF OCCUPANCY.

FINAL 12.23.08
THE RECORD INFORMATION PRESENTED HEREON IS NOT NECESSARILY COMPLETE AND INTENDED ONLY TO VERIFY SUBSTANTIAL COMPLIANCE OF THE TRAFFIC ASPECTS OF THIS PROJECT. THOSE RELYING ON THE RECORD DOCUMENT ARE ADVISED TO OBTAIN INDEPENDENT VERIFICATION OF ITS ACCURACY BEFORE USING IT FOR ANY OTHER PURPOSE.

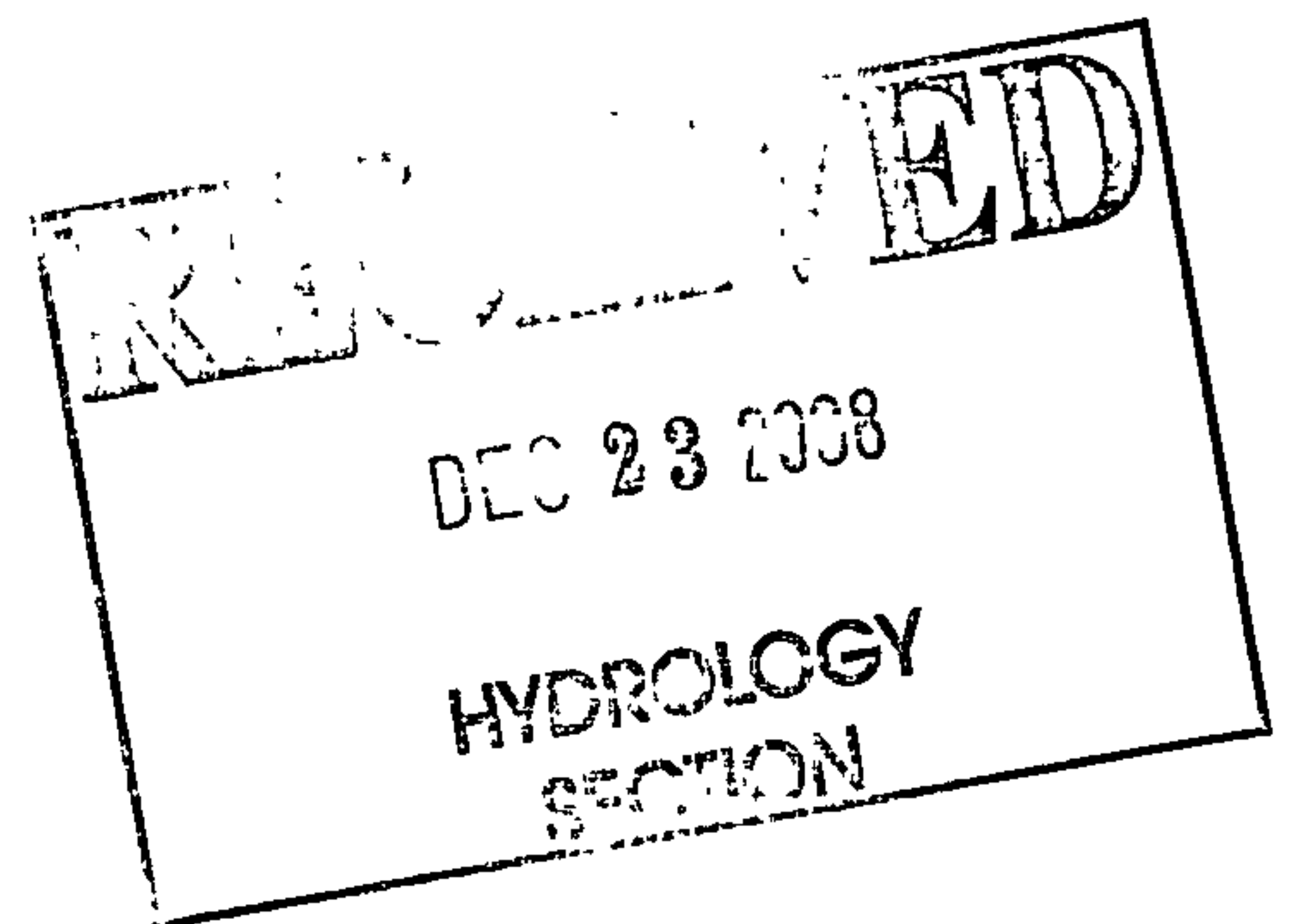


ARCHITECT'S STAMP

Signature of Engineer or Architect

Date

12/23/08

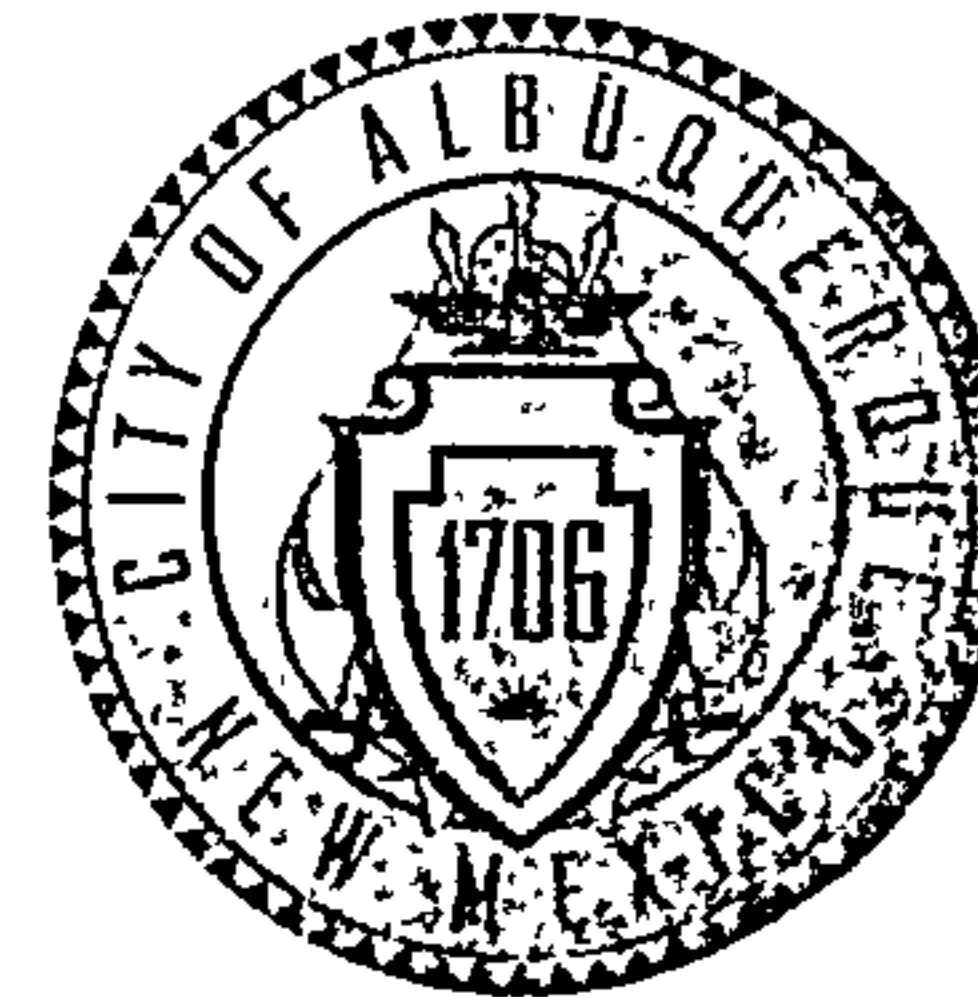


2325 San Pedro NE, Suite 2b
Albuquerque, New Mexico 87110
p 505.338.1499 f 505.338.1498
toll free: 1-866-224-2161



4501 4th H.C. Anderson

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

December 11, 2008

Stephen A. Dunbar, Registered Architect,
MODULUS ARCHITECTS
2325 San Pedro NE, Ste. 2B
Albuquerque, NM 87110

Re: Approval of Temporary Certificate of Occupancy (C.O.) for
Freeman Shops, [G-14 / D078]
4501 4th Street
Architect's Stamp Dated 12/10/08

Dear Mr. Dunbar:

Based on the information provided on your submittal dated December 10, 2008, the above referenced project is approved for a 90-day Temporary C.O.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A Temporary C.O. has been issued allowing the truncated domes (required within COA ROW and located at/near the landing edge); wheel chair ramp (located at western entrance is not ADA compliance); and steps adjacent to alley abutting COA ROW (step needs to be located to the side of the landing-ALL OF THEM ABUTTING THE ROW) issues to be completed within this time period. When these remaining issues have been fully completed, are in substantial compliance, and a final Certification for Transportation has been resubmitted to the City's Hydrology office for approval, a Permanent C.O. will be issued.

The Certification package for Final C.O. must include an exact copy of the approved TCL, or signed off D.R.B. Site Plan, which is in each of the two City Permit Plan Sets—the contractor's City field set and the City's plan set in the basement of the Plaza Del Sol building. Package also must include a letter of certification on designer's letterhead—stamped with his seal, signed, and dated. Submit package along with fully completed Drainage Information Sheet to front counter personnel for log in and evaluation by Transportation.

If you have any questions, please call me at 924-3630.

Sincerely,

Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
Hydrology file
CO Clerk

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(Rev: 12/2005)

PROJECT TITLE: FREEMAN Shops ZONE MAP/DRG. FILE #: G-14/D078
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: Lots 1-12 Block 2 of Belmont Place
CITY ADDRESS: 4501 4th St

ENGINEERING FIRM: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

OWNER: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

ARCHITECT: GEORGE RAINHART ARCH & ASSOC
ADDRESS: 2525 SAN PEDRO N.W. Ste 2B
CITY, STATE: Albuquerque NM

CONTACT: STEPHEN DUNBAR
PHONE: 338-1499
ZIP CODE: 87110

SURVEYOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

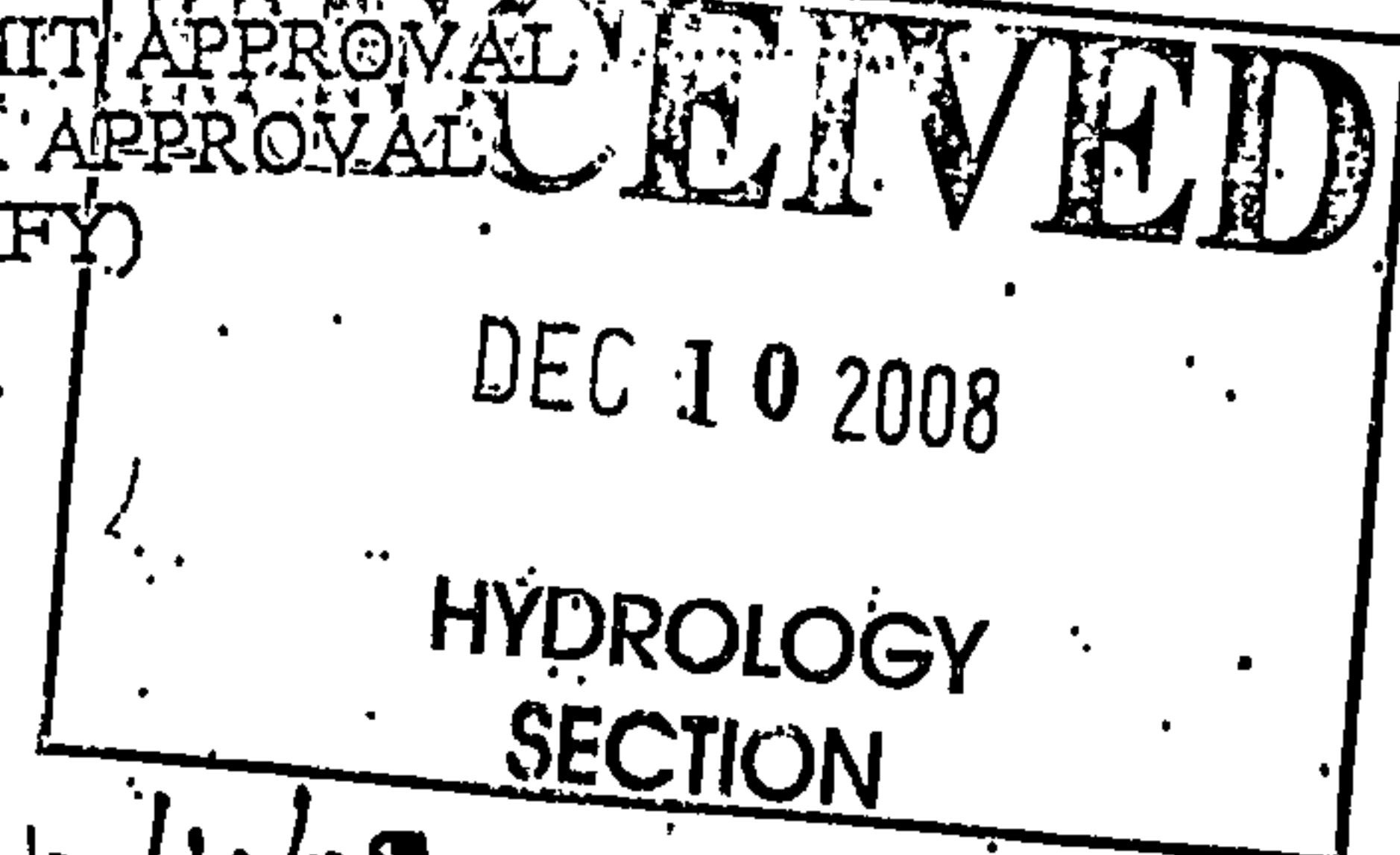
TYPE OF SUBMITTAL:
☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL G & D PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERT (HYDROLOGY)
☐ CLOMR/LOMR
☒ TRAFFIC CIRCULATION LAYOUT
☐ ENGINEER'S/ARCHITECT'S CERT (TCL)
☐ ENGINEER'S CERT (DRB SITE PLAN)
☐ OTHER _____

CHECK TYPE OF APPROVAL SOUGHT:
☐ SIA/FINANCIAL GUARANTEE RELEASE
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D APPROVAL
☐ S. DEV. FOR BLDG. PERMIT APPROVAL
☐ SECTOR PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☐ BUILDING PERMIT APPROVAL
☒ CERTIFICATE OF OCCUPANCY (PERM)
☐ CERTIFICATE OF OCCUPANCY (TEMP)
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:
☐ YES
☐ NO
☐ COPY PROVIDED

SUBMITTED BY: Stephen A Dunbar

DATE: 12/10/08



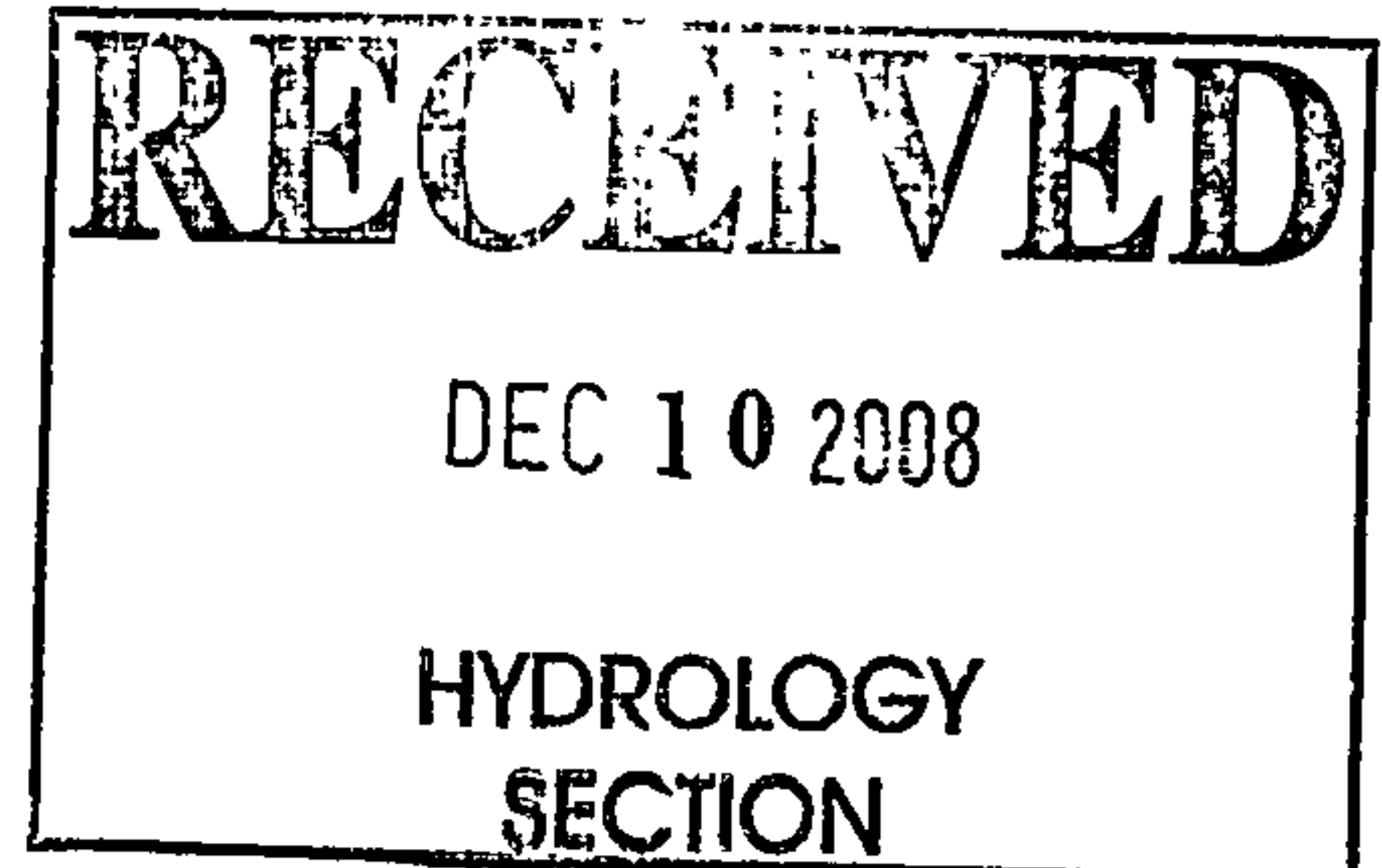
Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. Conceptual Grading and Drainage Plan: Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. Drainage Plans: Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. Drainage Report: Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

TRAFFIC CERTIFICATION

I, STEPHEN DUNBAR, NMPE OR NMRA 004218, OF THE FIRM MODULUS ARCHITECTS INC. HEREBY CERTIFY THAT THIS PROJECT IS IN SUBSTANTIAL DESIGN COMPLIANCE WITH AND IN ACCORDANCE WITH THE DESIGN INTENT OF THE APPROVED PLAN DATED 10/31/08 ^{12.10.08} THE RECORD INFORMATION EDITED ONTO THE ORIGINAL DESIGN DOCUMENT HAS BEEN OBTAINED BY STEPHEN DUNBAR OF THE FIRM MODULUS ARCHITECTS INC. I FURTHER CERTIFY THAT I HAVE PERSONALLY VISITED THE PROJECT SITE ON 11/21/08 AND HAVE DETERMINED BY VISUAL INSPECTION THAT THE SURVEY DATA PROVIDED IS REPRESENTATIVE OF ACTUAL SITE CONDITIONS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS CERTIFICATION IS SUBMITTED IN SUPPORT OF A REQUEST FOR FINAL CERTIFICATE OF OCCUPANCY.

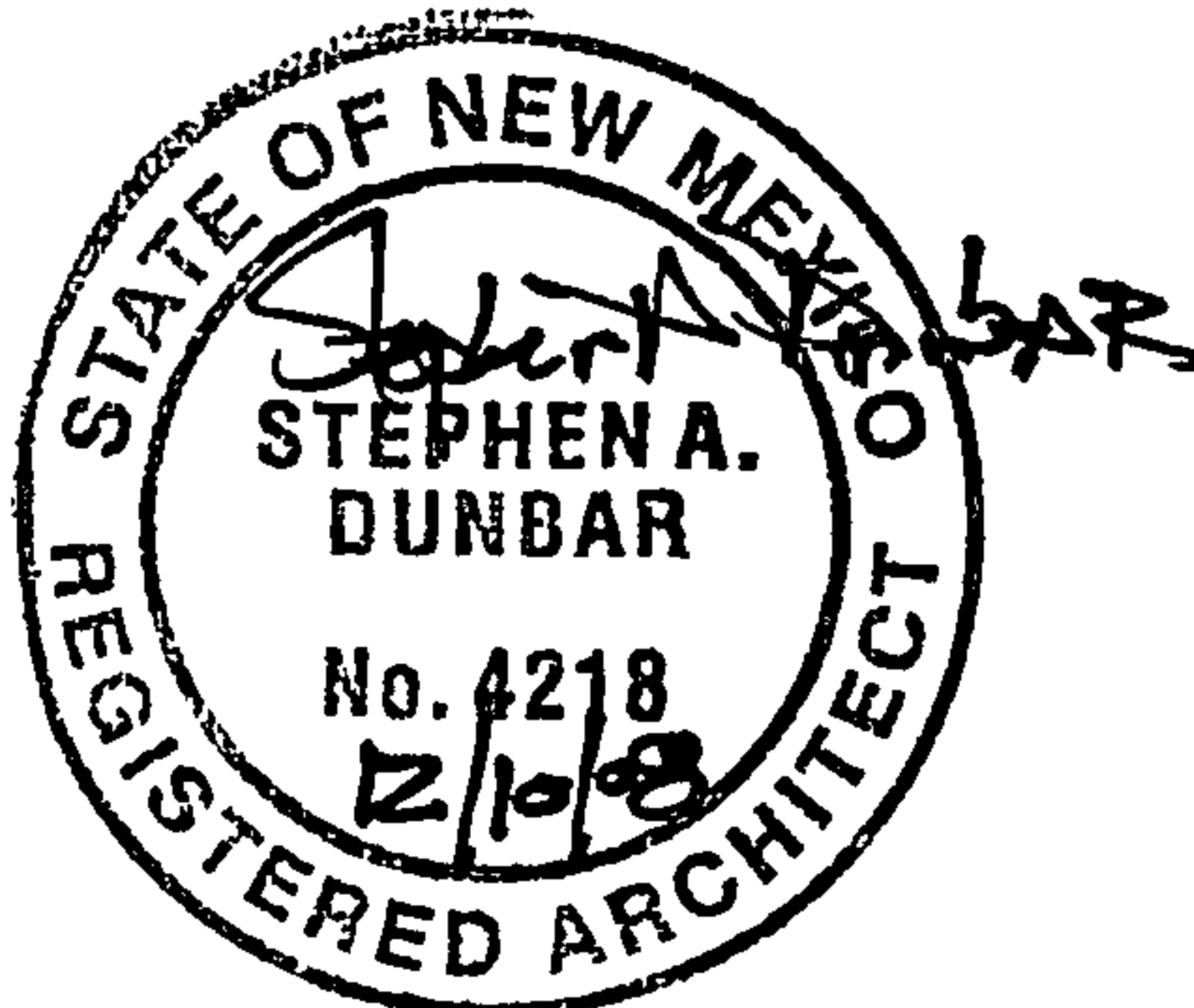
THE RECORD INFORMATION PRESENTED HEREON IS NOT NECESSARILY COMPLETE AND INTENDED ONLY TO VERIFY SUBSTANTIAL COMPLIANCE OF THE TRAFFIC ASPECTS OF THIS PROJECT. THOSE RELYING ON THE RECORD DOCUMENT ARE ADVISED TO OBTAIN INDEPENDENT VERIFICATION OF ITS ACCURACY BEFORE USING IT FOR ANY OTHER PURPOSE.



Stephen A. Dunbar
Signature of Engineer or Architect

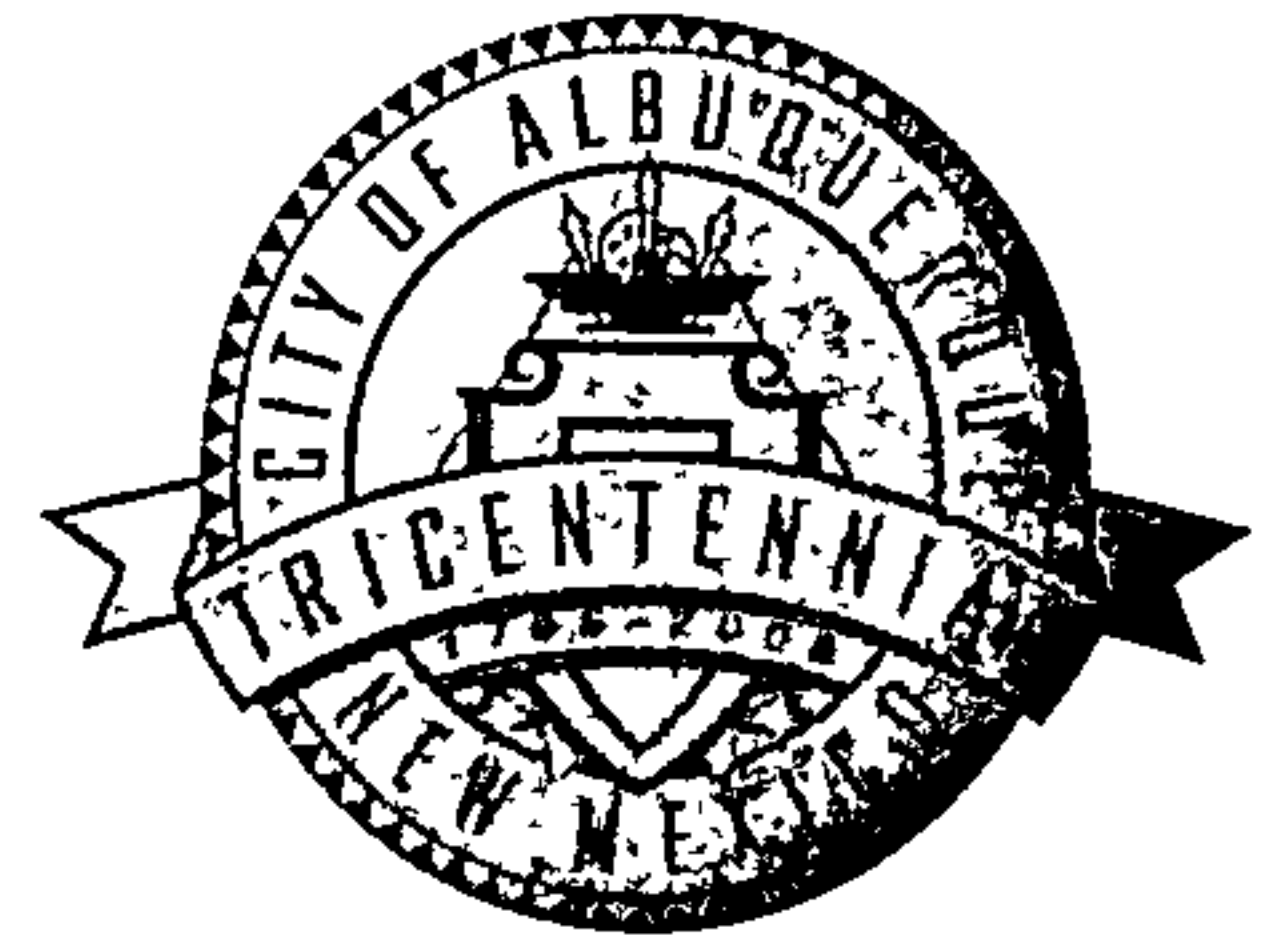
ARCHITECT'S STAMP

12/10/08
Date



2325 San Pedro NE, Suite 2b
Albuquerque, New Mexico 87110
p 505.338.1499 f 505.338.1498
toll free: 1-866-224-2161

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

October 31, 2007

George Rainhart, R.A.
George Rainhart Architect & Associates P.C.
2325 San Pedro NE Ste 2-B
Albuquerque, NM 87110

Re: Traffic Circulation Layout (TCL) Submittal for Building Permit Approval for
Offices and Warehouse for 4501 North 4th Street, [G-14/D-078],
Albuquerque, NM
Engineer's/Architect's Stamp Dated 10/31/2007

Dear Mr. Rainhart,

The TCL submittal dated October 31, 2007 is approved for building permit. The plan is stamped and signed as approved. Two copies of the plan that is stamped as approved will be required: one for each of the building permit plans and the original to be kept by you to be used for certification of the site for final C.O. for Transportation. **Public infrastructure or work done within City Right-of-Way shown on these plans is for information only and is not part of approval. A separate DRC and/or other appropriate permits are required to construct these items.**

If a temporary CO is needed then a copy of the original TCL that was stamped as approved by the City which includes a statement that identifies the outstanding items that need to be constructed or the items that have not been built in "substantial compliance". This statement requires a NM registered architect or engineer stamp to be dated. Submit this TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

When the site is completed and a final C.O. is requested, use the original City stamped approved TCL for certification. A NM registered architect or engineer needs stamp and date the certification TCL along with indicating that the development was built in "substantial compliance" with the TCL. Submit this certification TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

Once verification of certification is completed and approved, notification will be made to Building Safety to issue Final C.O. To confirm that a final C.O. has been issued, call Building Safety at 924-3306.

Sincerely,

Bradley Bingham, PE
Development and Building Services

cc: Hydrology file
File

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

CITY OF ALBUQUERQUE



September 21, 2007

Levi Valdez, P.E.
George T. Rodriguez Consulting
12800 San Juan NE
Albuquerque, NM 87123

Re: 4501 4th St NW, Grading and Drainage Plan
Engineer's Stamp dated 9-12-07 (G14-D078)

Dear Mr. Rodriguez,

Based upon the information provided in your submittal received 9-13-07, the above referenced plan is approved for Building Permit and SO-19. Please attach a copy of this letter and the approved plan to the construction sets to obtain sign-off by Hydrology. Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required.

P.O.Box 1293

Albuquerque

If you have any questions, you can contact me at 924-3977.

New Mexico 87103

www.cabq.gov

Sincerely,

Rudy E. Rael Associate Engineer
Planning Department.
Development and Building Services

C: Edward Elwell, DMD Street / Storm Maintenance
Antoinette Baldonado, Construction Services
Dwayne Schmitz, DMD Street / Storm Maintenance
CC: File

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 12/2005)

PROJECT TITLE: 4501 4TH ST. N.W. ZONE MAP: G14/D07B
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: LOTS 1 THRU 12, BLOCK 2, BELMONT PLACE ADDITION
CITY ADDRESS: 4501 4TH ST. N.W.

ENGINEERING FIRM: LEVI J. VALDEZ, P.E. CONTACT: LEVI VALDEZ
GEORGE T. RODRIGUEZ - CONSULTING PHONE: 610-0593
ADDRESS: 12800 SAN JUAN N.E. ZIP CODE: 87123
CITY, STATE: ALBUQUERQUE, NEW MEXICO

OWNER: COE & PETERSON CONTACT: STEVE COE
ADDRESS: 2325 SAN PEDRO N.E. - SUITE 2A PHONE: 250-2205
CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87110

ARCHITECT: GEORGE RAINHART ARCHITECT & ASSOC. CONTACT: STEPHEN DUNBAR
ADDRESS: 2325 SAN PEDRO N.E., SUITE 2-B PHONE: 884-9110
CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87110

SURVEYOR: WAYJOHN SURVEYING, INC. CONTACT: THOMAS JOHNSON
ADDRESS: 330 LOUISIANA BLVD. N.E. PHONE: 255-2052
CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87108

CONTRACTOR: ? CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☒ DRAINAGE PLAN 1st SUBMITTAL
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL G & D PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERT (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT
- ☐ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY) _____

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA/FINANCIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D APPROVAL
- ☐ S. DEV. FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☒ BUILDING PERMIT APPROVAL
- ☐ CERTIFICATE OF OCCUPANCY (PERM)
- ☐ CERTIFICATE OF OCCUPANCY (TEMP)
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☒ OTHER (SPECIFY) SO #19

WAS A PRE-DESIGN CONFERENCE ATTENDED:

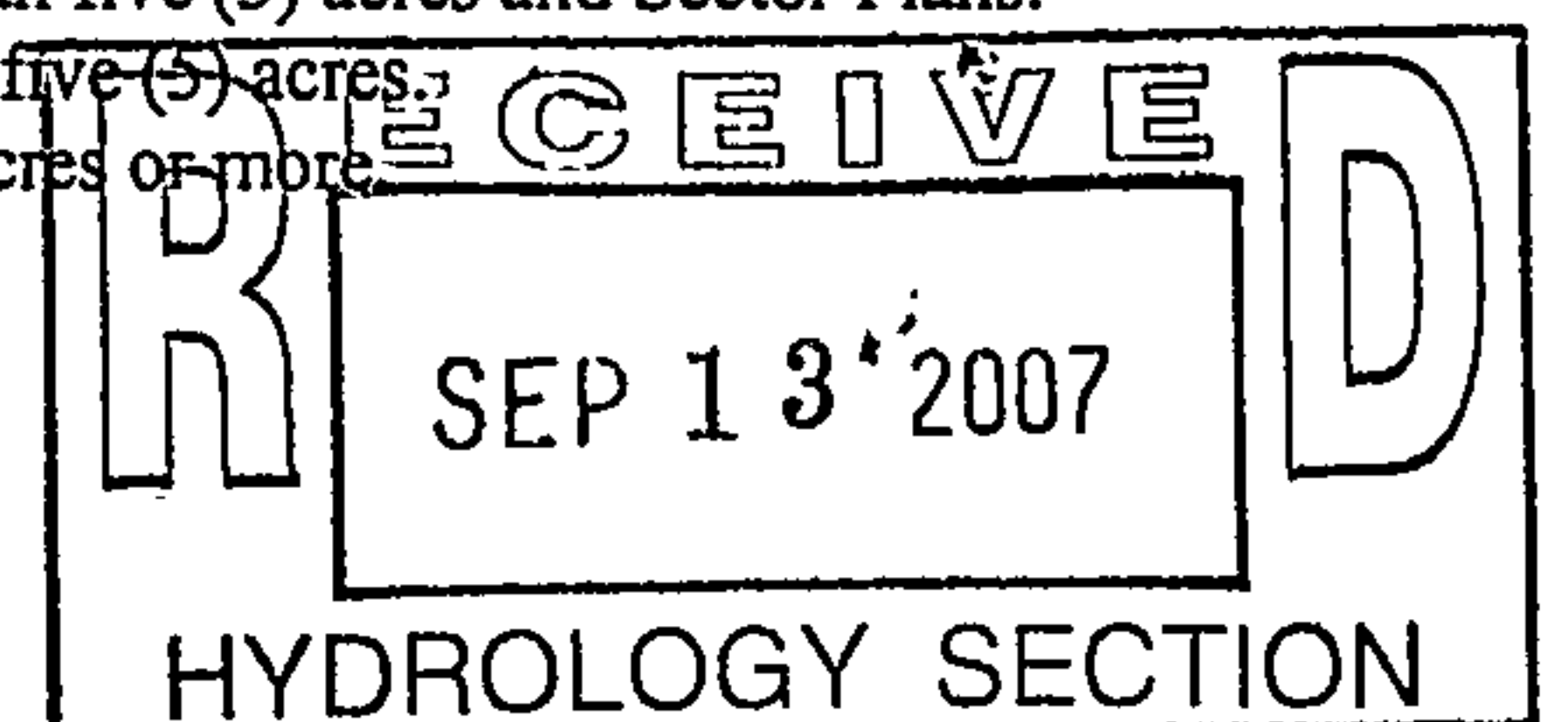
- ☒ YES
- ☒ NO
- ☐ COPY PROVIDED

paid 50.00

DATE SUBMITTED: SEPTEMBER 13, 2007 BY: GEORGE T. RODRIGUEZ

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.



CITY OF ALBUQUERQUE



September 20, 2007

George Rainhart, R.A.
George Rainhart Architects & Associates
2325 San Pedro NE Ste. 2-B
Albuquerque, NM 87110

**Re: Retail Development at 4501 4th Street NW, Traffic Circulation Layout,
Architect's Stamp dated 09-13-07 (G-14/D078)**

Dear Mr. Rainhart,

Based upon the information provided in your submittal received 09-13-07, the above referenced plan cannot be approved for Building Permit until the following comments are addressed:

1. Please show a vicinity map on the plan.
2. List the number of parking spaces required by the zoning code as well as the proposed number of parking spaces.
3. Is this site currently being replatted into one lot?
4. The alley must be paved with this project.
5. Remove the grading references from the plan.
6. All ramps located within the City right of way will need to include truncated domes.
7. Please ensure all ramps are ADA compliant.
8. Refer to all applicable City of Albuquerque Standard Specifications by drawing number.
9. Show the location of the nearest driveway on the adjacent lots.
10. Include a legend defining all symbols and linetypes.
11. Please clarify existing versus proposed conditions.
12. The existing driveway apron shown along 4th Street will need to be removed. Are there any other existing drives? If so, they must also be removed. Provide a build note for the removal of the drive and its replacement with sidewalk and curb and gutter. Refer to all appropriate City Standards.
13. The majority of the sidewalk along 4th Street is located outside of the right of way. Please provide a sidewalk easement.
14. The entrance on Freeman Street needs to extend beyond the parking stall. It appears that the curb return does not protect the vehicle when parked in the stall.
15. Please include two copies of the traffic circulation layout at the next submittal.
16. The parking stalls adjacent the light poles will not be able to have a 2-foot overhang. Due to this fact, they are considered compact spaces and will need to be labeled by placing the words "compact" on the pavement of each space.
17. Include the widths of all sidewalks, existing and proposed.
18. Wheelchair ramps will be required west of the alley. If there are existing ramps in this area, please show them on the plan.
19. Provide a detail for all wheelchair ramps, including slopes and geometric data, or refer to the appropriate city standard.
20. Consider redesigning the wheelchair ramp located between Suites F and G.

If you have any questions, you can contact me at 924-3981.

Sincerely,

Kristal Metro, P.E.
Senior Engineer
Development and Building Services

C: File

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV 12/2005)

PROJECT TITLE: 4501 4TH ST. N.W. ZONE MAP: G14/D078
 DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: LOTS 1 THRU 12, BLOCK 2, BELMONT PLACE ADDITION
 CITY ADDRESS: 4501 4TH ST. N.W.

ENGINEERING FIRM: _____ CONTACT: _____
 ADDRESS: _____ PHONE: _____
 CITY, STATE: _____ ZIP CODE: _____

OWNER: COE & PETERSON CONTACT: STEVE COE
 ADDRESS: 2325 SAN PEDRO N.E. - SUITE 2A PHONE: 250-2205
 CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87110

* ARCHITECT: GEORGE RAINHART ARCHITECT & ASSOC. CONTACT: STEPHEN DUNBAR
 ADDRESS: 2325 SAN PEDRO N.E., SUITE 2-B PHONE: 884-9110
 CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87110

SURVEYOR: WAYJOHN SURVEYING, INC. CONTACT: THOMAS JOHNSON
 ADDRESS: 330 LOUISIANA BLVD. N.E. PHONE: 255-2052
 CITY, STATE: ALBUQUERQUE, NEW MEXICO ZIP CODE: 87108

CONTRACTOR: ? CONTACT: _____
 ADDRESS: _____ PHONE: _____
 CITY, STATE: _____ ZIP CODE: _____

<p>TYPE OF SUBMITTAL:</p> <p><input type="checkbox"/> DRAINAGE REPORT</p> <p><input type="checkbox"/> DRAINAGE PLAN 1st SUBMITTAL</p> <p><input type="checkbox"/> DRAINAGE PLAN RESUBMITTAL</p> <p><input type="checkbox"/> CONCEPTUAL G & D PLAN</p> <p><input type="checkbox"/> GRADING PLAN</p> <p><input type="checkbox"/> EROSION CONTROL PLAN</p> <p><input type="checkbox"/> ENGINEER'S CERT (HYDROLOGY)</p> <p><input type="checkbox"/> CLOMR/LOMR</p> <p><input checked="" type="checkbox"/> TRAFFIC CIRCULATION LAYOUT</p> <p><input type="checkbox"/> ENGINEER'S CERT (TCL)</p> <p><input type="checkbox"/> ENGINEER'S CERT (DRB SITE PLAN)</p> <p><input type="checkbox"/> OTHER (SPECIFY) _____</p>	<p>CHECK TYPE OF APPROVAL SOUGHT:</p> <p><input type="checkbox"/> SIA/FINANCIAL GUARANTEE RELEASE</p> <p><input type="checkbox"/> PRELIMINARY PLAT APPROVAL</p> <p><input type="checkbox"/> S. DEV. PLAN FOR SUB'D APPROVAL</p> <p><input type="checkbox"/> S. DEV. FOR BLDG. PERMIT APPROVAL</p> <p><input type="checkbox"/> SECTOR PLAN APPROVAL</p> <p><input type="checkbox"/> FINAL PLAT APPROVAL</p> <p><input type="checkbox"/> FOUNDATION PERMIT APPROVAL</p> <p><input checked="" type="checkbox"/> BUILDING PERMIT APPROVAL</p> <p><input type="checkbox"/> CERTIFICATE OF OCCUPANCY (PERM)</p> <p><input type="checkbox"/> CERTIFICATE OF OCCUPANCY (TEMP)</p> <p><input type="checkbox"/> GRADING PERMIT APPROVAL</p> <p><input type="checkbox"/> PAVING PERMIT APPROVAL</p> <p><input type="checkbox"/> WORK ORDER APPROVAL</p> <p><input type="checkbox"/> OTHER (SPECIFY) _____</p>
--	---

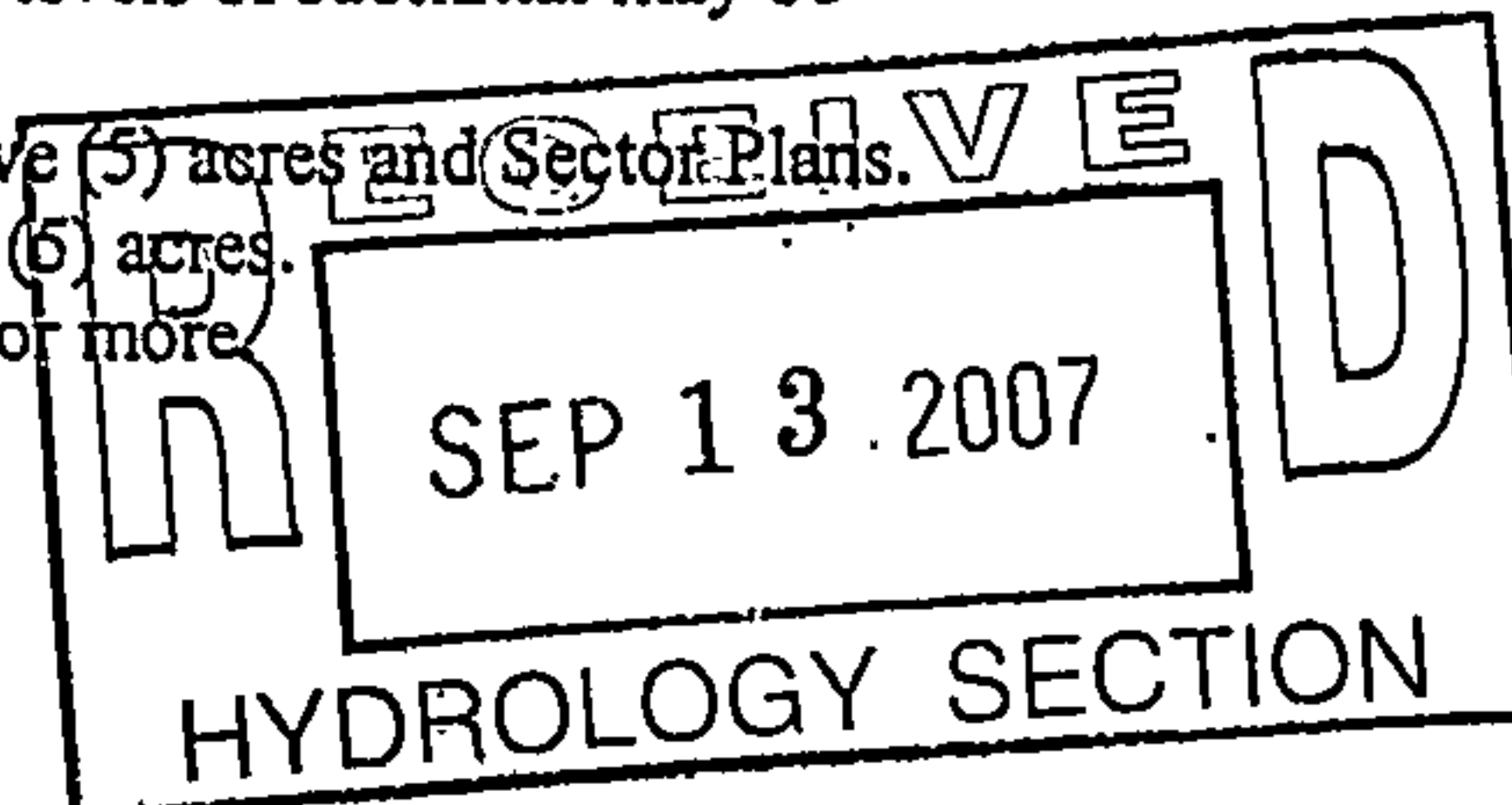
WAS A PRE-DESIGN CONFERENCE ATTENDED:

☒ YES
☒ NO
☐ COPY PROVIDED

DATE SUBMITTED: SEPTEMBER 13, 2007 BY: [Signature]

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. Conceptual Grading and Drainage Plan: Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. Drainage Plans: Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. Drainage Report: Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.



↓ VICINITY MAP

- ~~CALL OUT~~ ALL APPLICABLE COA SPECS.
(SIDEWALK, C&G, DRIVEPADS, wheel chair RAMPS, etc.)
- ~~PARKING~~ STALLS LOCATED ADJACENT TO LIGHT POLES (NOTE 1) WILL NEED TO BE COMPACT. "COMPACT" WILL NEED TO BE STAMPED ON PARKING STALL.
- wheel chair RAMPS will need to be PLACED west of the alley on the north & south of project. PROVIDE RAMP SLOPES (A&L)
- REMOVE ALL CIVIL INFORMATION FROM TCL PLAN, (CONTOUR LINES)
- CALL OUT WIDTHS OF ALL SIDEWALKS, ARE THEY EXISTING / PROPOSED
- INCLUDE BUILD NOTES FOR REMOVE & REPLACE, EXISTING / PROPOSED, & new CONSTRUCTION.
- ~~THE~~ ~~SOUTH~~ ENTRANCE OFF of Freeman Street does not. The curb return does not protect the parked vehicles. This curb return will need to extend to the end of the parking stall.
(off of Freeman Street)
- Provide a legend that identifies all symbols.
- ↓ TRUNCATED DOMES. on RAMPS Located in COA ROW.
- ~~ARE~~ wheel chair RAMPS on 4th St ADA COMPLIANT?
- PROVIDE A RAMP DETAIL on the ~~ADA~~ PED. PATH. / (this design with ~~NEW~~ (REDESIGN))
- Show ALL DRIVEPADS on ~~street~~ PROPERTY ADJACENT TO SITE.
- FIRE HYDRANT @ Freeman & 4th will need to ~~be~~ ^{to} have wheel chair accessibility ~~at~~ AROUND it.

Exhibit 1: Initial Plan

KRISTAL

- WILL ALLEY NEED TO BE PAVED?

CITY OF ALBUQUERQUE



September 20, 2007

George Rainhart, R.A.
George Rainhart Architects & Associates
2325 San Pedro NE Ste. 2-B
Albuquerque, NM 87110

Re: Retail Development at 4501 4th Street NW, Traffic Circulation Layout,
Architect's Stamp dated 09-13-07 (G-14/D078)

Dear Mr. Rainhart,

Based upon the information provided in your submittal received 09-13-07, the above referenced plan cannot be approved for Building Permit until the following comments are addressed:

1. Please show a vicinity map on the plan.
2. List the number of parking spaces required by the zoning code as well as the proposed number of parking spaces.
3. ~~Is this site currently being replatted into one lot?~~ NO, cross lot access east
4. The alley must be paved with this project. - 18" wide per BLB - WO req.
5. Remove the grading references from the plan.
6. All ramps located within the City right of way will need to include truncated domes.
7. Please ensure all ramps are ADA compliant.
8. Refer to all applicable City of Albuquerque Standard Specifications by drawing number.
9. Show the location of the nearest driveway on the adjacent lots.
10. Include a legend defining all symbols and linetypes.
11. Please clarify existing versus proposed conditions.
12. The existing driveway apron shown along 4th Street will need to be removed. Are there any other existing drives? If so, they must also be removed. Provide a build note for the removal of the drive and its replacement with sidewalk and curb and gutter. Refer to all appropriate City Standards.
13. The majority of the sidewalk along 4th Street is located outside of the right of way. Please provide a sidewalk easement.
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20. Consider redesigning the wheelchair ramp located between Suites F and G.

If you have any questions, you can contact me at 924-3981.

Sincerely,

Kristal Metro, P.E.
Senior Engineer
Development and Building Services

C: File

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

6-14/D78

Doc# 2007150625

10/30/2007 09:41 AM Page: 1 of 12
DEC R:\$31.00 M. Toulouse, Bernalillo County



DECLARATION OF CROSS-EASEMENTS

This Declaration of Cross-Easements ("Declaration") is made as of the ____ day of October, 2007, by, 4501 4th Street, LLC, a New Mexico limited liability company (hereinafter "Declarant").

PREAMBLE:

A. Declarant is the fee owner of those certain parcels of real estate described as Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), in Block numbered Two (2) of BELMONT PLACE, an addition to the City of Albuquerque, New Mexico, as the same are shown and designated on the map of said addition, filed in the office of the County Clerk of Bernalillo County, New Mexico, on January 23, 1924, in Plat book B2, page 34 (hereinafter collectively the "Property"). The Property is more generally known as 4501 4th Street in the City of Albuquerque, County of Bernalillo, State of New Mexico and is shown (with individual lot designations) on Exhibit "A" attached hereto and by this reference incorporated herein.

B. Declarant wishes to grant certain easements for the benefit of the Property.

C. This Declaration shall run in perpetuity and is intended to be and shall be construed as covenants running with the land and shall be binding upon Declarant, each Owner, and all other persons acquiring any right, title or interest in and to the Property or any part thereof, and shall inure to the benefit of Declarant and each person who becomes an Owner of any part of the Property, as well as their respective successors-in-interest.

Declarant hereby declares, grants and establishes the following easements, for the

benefit of the Property.

ARTICLE I

DEFINITIONS

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, for all purposes of this Declaration have the meaning herein specified.

Section 1.01. Common Area. "Common Area" shall mean that area of the Property which is not from time to time, and at any applicable time, occupied by buildings. By way of illustration, and not limitation, Common Area shall include all private streets, driveways, areas of ingress and egress, parking areas, service areas, sidewalks and other pedestrian ways, landscape areas and similar amenities designated and maintained for such uses from time to time. The Owner of the Property shall have the right to change the Common Area at any time and from time to time, provided access as provided for in this Declaration is not adversely affected.

Section 1.02. Mortgage/Mortgagee. "Mortgage" shall mean a mortgage, deed of trust or other security device affecting all or any portion of or interest in the Property which has been recorded in the real property files of Bernalillo County (hereinafter "Official Records") and "Mortgagee" shall mean and refer to the mortgagee, beneficiary or other holder of any of the foregoing instruments, providing the name and address of such mortgagee, beneficiary or other holder shall appear among the aforesaid Official Records.

Section 1.03. Owner. "Owner" shall mean any Person having any fee simple estate in any portion of the Property excluding any Person (hereinafter defined) who holds such interest as security for the payment of an obligation, but including any Mortgagee or other security holder in actual possession of any portion of the Property by foreclosure or

otherwise, and any Person taking title from any such security holder.

Section 1.04. Person. "Person" shall mean artificial persons or legal entities (such as corporations, limited liability companies, partnerships, trusts, etc.) as well as natural persons.

ARTICLE II

EASEMENTS

Section 2.01. Ingress and Egress.

(A) Declarant hereby declares, grants to, and establishes for the benefit of the Owner of the Property, its lessees, customers and invitees, reciprocal, perpetual, non-exclusive cross-easements of ingress and egress for vehicular and pedestrian traffic over and across the Common Areas of the Property as such Common Areas may exist from time to time. Additionally, Declarant hereby declares, grants to, and establishes for the benefit of the Owner of the Property, a perpetual, non-exclusive, reciprocal easement for vehicular and pedestrian ingress to and egress from existing and future curb cuts on Freeman Avenue, 4th Street and Bellrose Avenue over, upon and across those areas of the Property crosshatched and designated "Common Access Driveway" as shown on Exhibit "A" hereto. The easement rights created in this Section 2.01 are collectively referred to as "Access Easements". No Owner of any portion of the Property shall construct or permit any barrier, fence, wall, building or any other structure of any kind which prevents or materially adversely affects access over the Common Area and/or the Common Access Driveway.

(B) The Owner of the Property shall maintain, at its sole cost and expense, the Common Access Driveway in good condition and repair, clean and free of all rubbish.

Section 2.02. Parking.

(A) Declarant hereby declares, grants to, and establishes for the benefit of the Owner of the Property, its lessees, customers and invitees, reciprocal, perpetual, non-exclusive cross-easements of parking on, over and across the parking spaces (as same are designated on Exhibit "A") within the Property as such parking spaces may exist from time to time.

(B) The Owner of the Property shall have the right to change, increase, decrease, or relocate the parking areas or parking spaces within the Property at any time and from time to time in such Owner's sole discretion. The Owner of the Property shall maintain, at its sole cost and expense, the parking spaces in good condition and repair, clean and free of all rubbish.

Section 2.03. Utilities. Declarant hereby establishes and grants for the benefit of the entire Property, the Owner thereof and its successors, assigns and lessees, a perpetual, non-exclusive, reciprocal underground easement across the Common Areas of the Property (as such Common Areas are maintained from time to time) for the purpose of installing, maintaining, operating, repairing, replacing and renewing any and all utility lines and related facilities, including without limitation, electricity, water, gas, sewer, telephone, cable television and storm drains, provided that, in any event, no such utilities shall be located within any building footprint, or encroach upon any permanent improvements located on the Property from time to time. All such easements, shall (if practical) be located along perimeters or boundary lines of the Property, but in any event shall be situated so as to minimize damage, diminution in value or other negative impacts, upon the Property or the Common Areas. The utility easements granted hereby are solely for the

purposes set forth above.

Section 2.04. Drainage. Declarant hereby establishes and grants for the benefit of the entire Property, the Owner thereof, its successors, assigns and lessees, a perpetual, non-exclusive, reciprocal drainage easement over, upon, under and across the Common Area of the Property for the purpose of drainage of storm and surface water. Declarant also hereby establishes a non-exclusive and perpetual easement to install, maintain, repair and replace any storm water collection, retention, detention and distribution lines, conduits, pipes and other apparatus under and across the Common Areas of the Property. The storm water detention areas, if any, and all lines, conduits, pipes and other apparatus for water drainage, and all storage systems necessary in connection therewith, shall be hereinafter called the "Water Detention and Drainage Facilities". The easement granted herein shall include the right of reasonable ingress and egress with respect to the Water Detention and Drainage Facilities as may be required to maintain and operate the same. Once constructed, the Owner shall operate and maintain, or cause to be operated and maintained, in good order, condition and repair, the Water Detention and Drainage Facilities located upon the Property and make any and all repairs and replacements that may from time to time be required with respect thereto.

ARTICLE III

GENERAL

Section 3.01. Notices. All notices required to be given pursuant to the provisions of this Declaration shall be in writing and delivered in accordance with the following accepted forms of delivery: (a) hand delivery with a signature and date to verify receipt; (b) Federal Express (or similar over-night carrier) for priority over-night delivery; (c) United States

Postal Service postage prepaid, by Certified or Registered Mail, return receipt requested;
or (d) facsimile (together with a copy sent by regular United States first class mail) to:

If to Declarant: 4501 4th Street, LLC
c/o JMD Partnership LTD. Liability Co.
2325 San Pedro NE, Suite 2A
Albuquerque, NM 87110
Attn: Douglas H. Peterson
Phone: 505/884-3578
Fax: 505/884-6793

or to such address as is thereafter provided by the parties hereto. If written notice is hand delivered it shall be deemed received upon delivery. If written notice is sent via Federal Express, it shall be deemed received the next business day. If written notice is mailed via United States Certified or Registered Mail, it shall be deemed received upon the earlier of actual receipt or on the third business day following the date of mailing. If written notice is sent via facsimile, it shall be deemed received upon transmission when successful transmission has been confirmed by a printed confirmation sheet. In addition, all notices sent by facsimile shall also be mailed via regular United States Mail.

Section 3.02. Maintenance. Each Owner shall at all times maintain its portion of the Property and all improvements thereon in a safe, clean, neat, attractive and sanitary condition as appropriate for a first-class commercial property, and in all respects in compliance with all governmental zoning, health, fire and police requirements. By way of illustration and not limitation, such maintenance shall include (i) maintaining the surfaces of all driveways and parking areas of its portion of the Property in a level, smooth and evenly covered condition with asphalt pavement or similarly appropriate surfacing material; (ii) planting, weeding, irrigating, pruning and otherwise maintaining landscaping on all portions of the Property which are not covered by a structure or paving; (iii) re-painting, cleaning

and repairing the exterior of all buildings and other improvements on a regular basis; (iv) removing all trash, refuse, papers and debris; (v) placing and keeping in repair and replacing as necessary directional signs, markers, lines and striping; and (vi) operating, keeping in repair and replacing as necessary such artificial lighting facilities as shall be reasonably required for the safe and attractive condition of the Property.

Section 3.03. Taxes. As to any portion of the Property, it is intended that all real estate taxes and assessments by public authority relating to said land and improvements thereon or the ownership thereof, shall be paid prior to delinquency by the respective Owner thereof.

Section 3.04. Default. This Declaration shall create privity of contract and estate with and among all grantees of all or any part of the Property and their respective heirs, executors, administrators, successors and assigns. In the event of a breach, or attempted or threatened breach by any Owner of any part of the Property, in any of the terms, covenants, and conditions hereof, any one or all such other Owners of any part of the Property shall be entitled forthwith to full and adequate relief by injunction and all such other available legal and equitable remedies from the consequences of such breach. In addition to all other remedies available at law or in equity, upon the failure of a defaulting party to cure a breach of this Agreement within thirty (30) days following written notice thereof by another party (unless, with respect to any such breach the nature of which cannot reasonably be cured within such (thirty) 30-day period, the defaulting party commences such cure within such (thirty) 30-day period and thereafter diligently pursues such cure to completion) the non-defaulting party or parties shall have the right to perform such obligation contained in this Declaration on behalf of such defaulting party and be

reimbursed by such defaulting party, upon demand, for the reasonable costs incurred in the course of curing such default together with interest thereon at the prime rate for Bank One (or any successor institution) plus two percent (2%) (not to exceed the maximum rate of interest allowed by law). The remedies permitted at law or equity of any one or all such Owners specified herein shall be cumulative as to each and as to all.

Section 3.05. Covenants Running With The Land. The easements and covenants established by this Declaration shall run in perpetuity and are intended to be and shall be construed as covenants running with the land, binding upon, and inuring to the benefit of and enforceable by the Declarant and all subsequent Owners of the Property or any part thereof. If during the existence of this Declaration, an Owner of all or any part of the Property shall sell or transfer or otherwise terminate its interest as Owner, then from and after the effective date of such sale, transfer, or termination of interest, such party shall be released and discharged from any and all obligations, responsibilities and liabilities under this Declaration as to the parts sold or transferred provided that the transferee assumes all of said obligations, responsibilities and liabilities, except those obligations, responsibilities and liabilities (if any) which have already accrued as of such date, and any such transferee by the acceptance of the transfer of such interest shall thereupon become subject to the covenants contained herein to the same extent as if such transferee were originally a party hereto. The covenants and easements established hereby are not intended and shall not be construed as a dedication of such rights in the Property for public use, and this Declaration shall not be deemed to vest any rights in any customers, invitees or the public at large, but are solely for the benefit of the Owners of the Property and their lessees, customers and invitees to the extent heretofore established.

Section 3.06. Attorney's Fees. In the event any Owner is required to enforce the provisions hereof through judicial proceedings, the prevailing party shall be entitled to reasonable attorney's fees and court costs from the non-prevailing party.

Section 3.07. Estoppel Certificates. Any Owner of any portion of the Property shall execute and deliver to any other Owner or its Mortgagee within fifteen (15) days from receipt of such other Owner's request from time to time, an estoppel certificate, in a form reasonably acceptable to the requesting Owner, which certificate shall include information as to any modification of this Declaration and to the best knowledge of the Owner to whom such request is made, whether or not the requesting Owner is in Default of this Declaration.

Section 3.08. Effective Date. This Declaration shall be effective commencing on the date of recordation of this Declaration in the Official Records and may be modified, amended or canceled by recordation in the Official Records of a writing executed by a majority of all Owners of the Property at the time of such modification, amendment or cancellation.

Section 3.09. Severability. Each provision of this Declaration and the application thereof the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.

Section 3.10. Waiver. No waiver of any default of any obligation by any Owner of all or a part of the Property shall be implied from any omission by the other Owner or Owners to take any action with respect to such default.

Section 3.11. Relationship of the Owners. Nothing in this Declaration shall be

deemed or construed by any party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

Section 3.12. Jurisdiction. The laws of the State of New Mexico shall govern the interpretation, validity, performance and enforcement of this Declaration.

Section 3.13. Subdivision. Nothing contained herein shall be construed as limiting the right of the Owners of the Property to subdivide and/or sell all or any portion of the Property to third parties, so long as any third party assumes the rights and obligations established hereunder.

Section 3.14. Legal Descriptions. In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the Owners of the Property or any portion thereof, shall promptly cause such legal description to be prepared and made a part hereof.

ARTICLE IV

GRANTEE'S COVENANT

Each grantee, tenant or other person in interest, accepting either a deed or any other interest in any portion of the Property whether or not the same incorporates or refers to this Declaration, covenants for himself, his heirs, successors and assigns to observe, perform and be bound by this Declaration and to incorporate this Declaration by reference in any deed or other document of conveyance of all or any portion of its interest in any real property subject hereto.

EXECUTED as of the date first above written.

"DECLARANT"


4501 4th Street, LLC

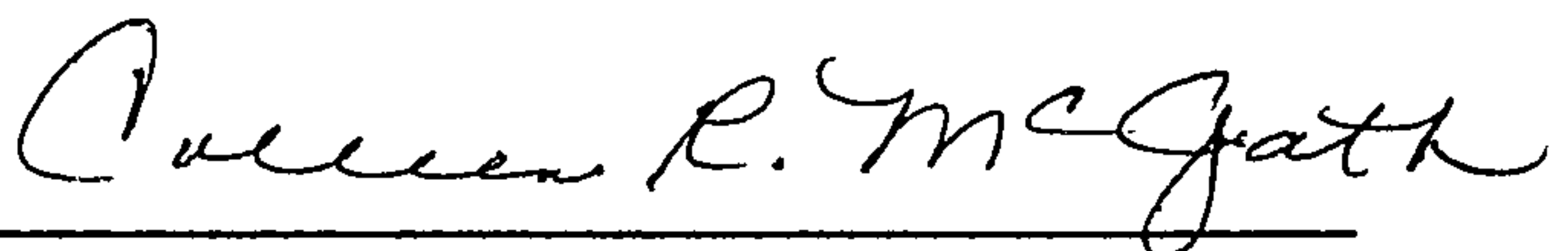
By: JMD Partnership Ltd. Liability Co., Managing
Member

By: 
Douglas H. Peterson
Managing Member

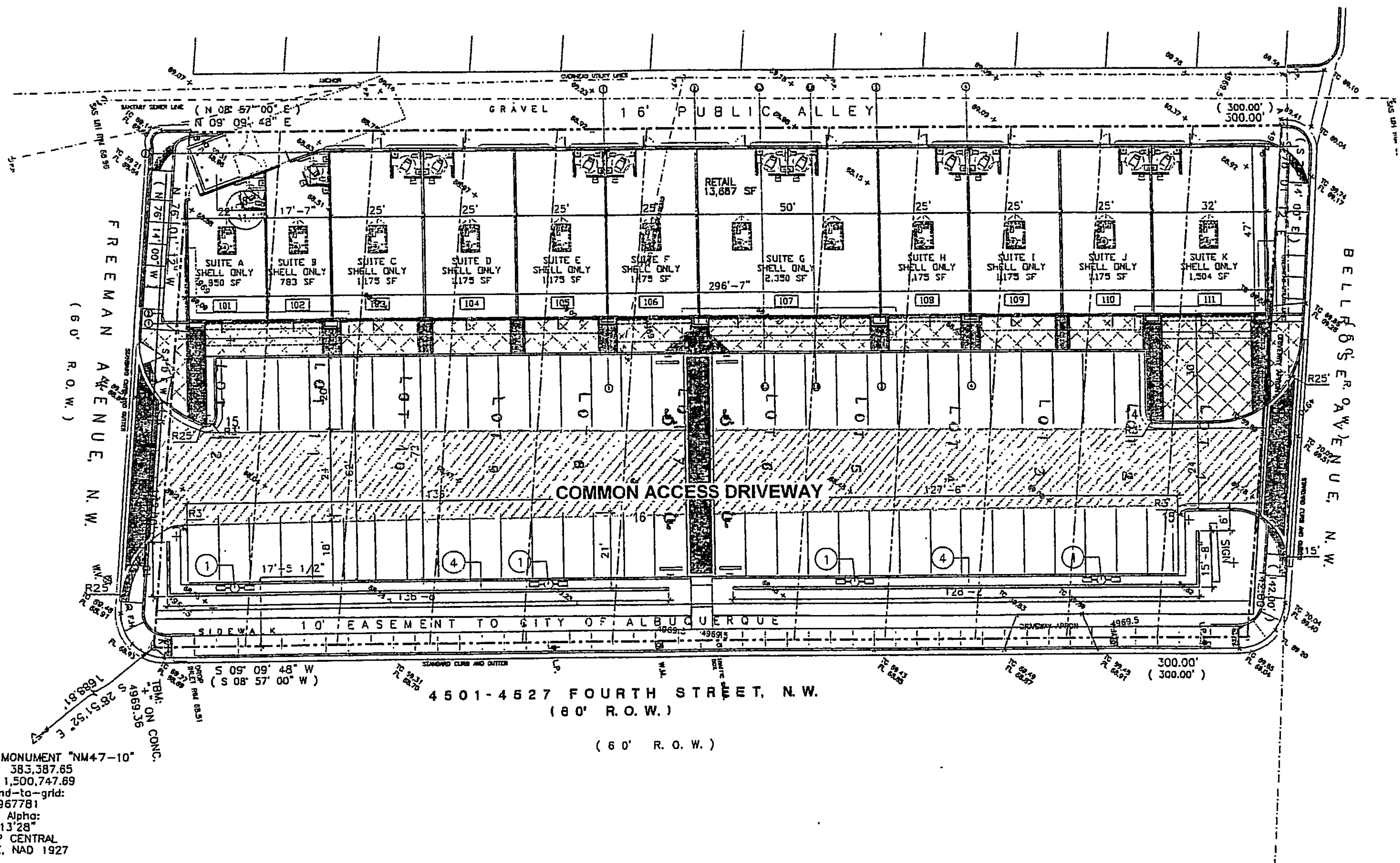
STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO) SS

This instrument was acknowledged before me this 30th day of October, 2007, by
Douglas H. Peterson, Managing Member of JMD Partnership Ltd. Liability Co.,
Managing Member of 4501 4th Street, LLC. on behalf of said limited liability company.

 OFFICIAL SEAL
COLLEEN R. McGRATH
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 10/19/09


NOTARY PUBLIC

My Commission Expires: 10/19/09



DECLARATION
4501 4th Street
MP 10/29/07

Exhibit "A"