

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

January 19, 2007

David Paul West, Registered Architect
1504 Camino Ecuestre NW
Albuquerque, NM 87107

Re: Certification Submittal for Final Building Certificate of Occupancy for
Del Norte Animal Clinic, [G-18 / D43]
4001 Louisiana NE
Architect's Stamp Dated 01/08/07

Dear Mr. West:

P.O. Box 1293

The TCL / Letter of Certification submitted on January 18, 2007 is sufficient for acceptance by this office for final Certificate of Occupancy (C.O.). Notification has been made to the Building and Safety Section.

Albuquerque

Sincerely,

New Mexico 87103


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

www.cabq.gov

c: Engineer
Hydrology file
CO Clerk

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

PROJECT TITLE: Del Norte Animal Clinic ZONE MAP/DRG. FILE # G-18/D43
DRB#: n/a EPC#: n/a WORK ORDER#: _____

LEGAL DESCRIPTION: _____
CITY ADDRESS: 4001 LOUISIANA NE

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

CONTACT: _____
PHONE: _____
ZIP CODE: _____

OWNER: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

ARCHITECT: David West Architect
ADDRESS: 1504 Camino Ecuestre NW
CITY, STATE: Albany NM 87107

CONTACT: David West
PHONE: 266-6416
ZIP CODE: 87107

SURVEYOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

TYPE OF SUBMITTAL:

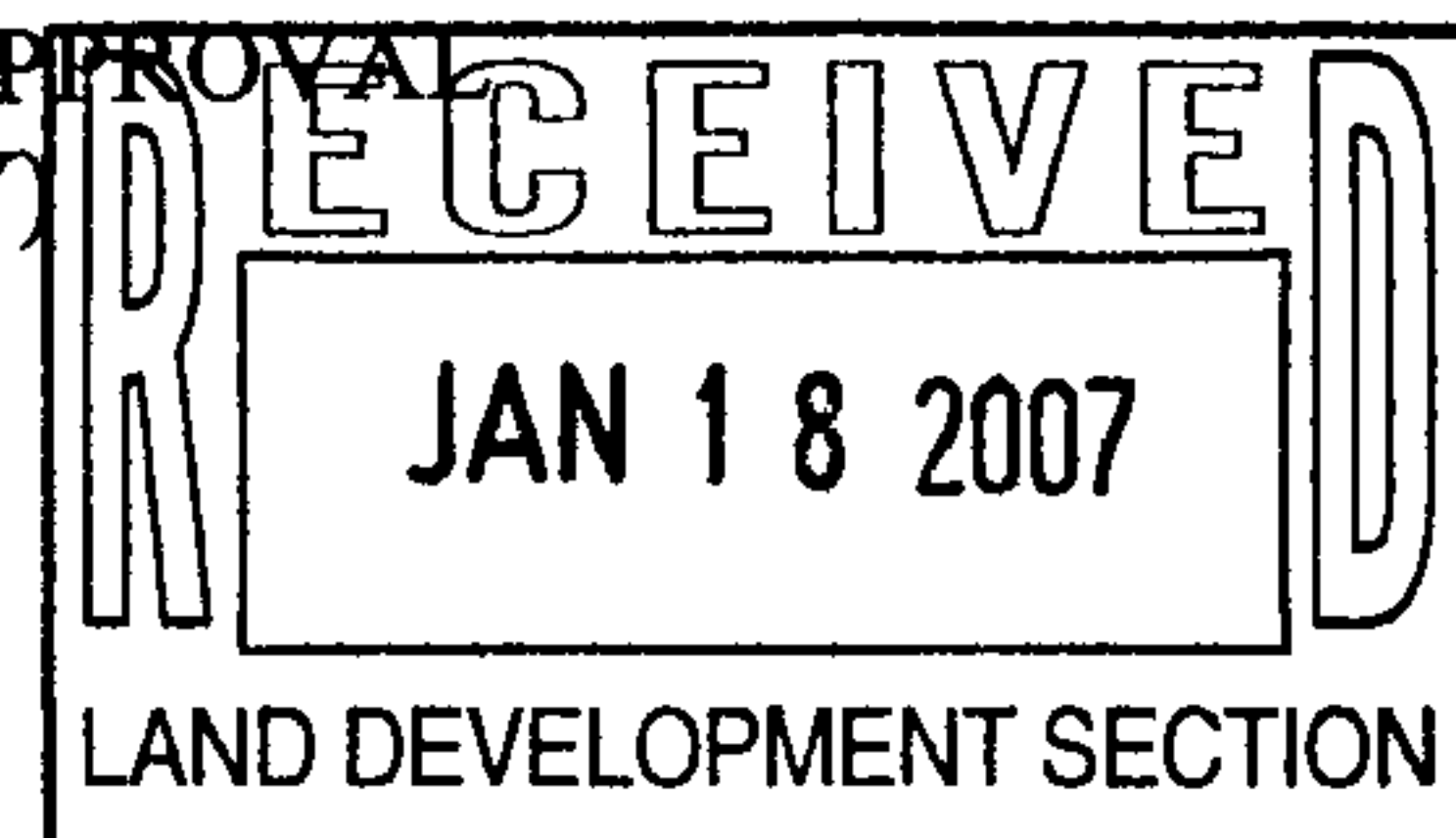
- ☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL G & D PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERT (HYDROLOGY)
☐ CLOMR/LOMR
☐ TRAFFIC CIRCULATION LAYOUT
☒ ENGINEER/ARCHITECT CERT (TCL)
☐ ENGINEER/ARCHITECT CERT (DRB S.P.)
☐ ENGINEER/ARCHITECT 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: 1-18-07

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.

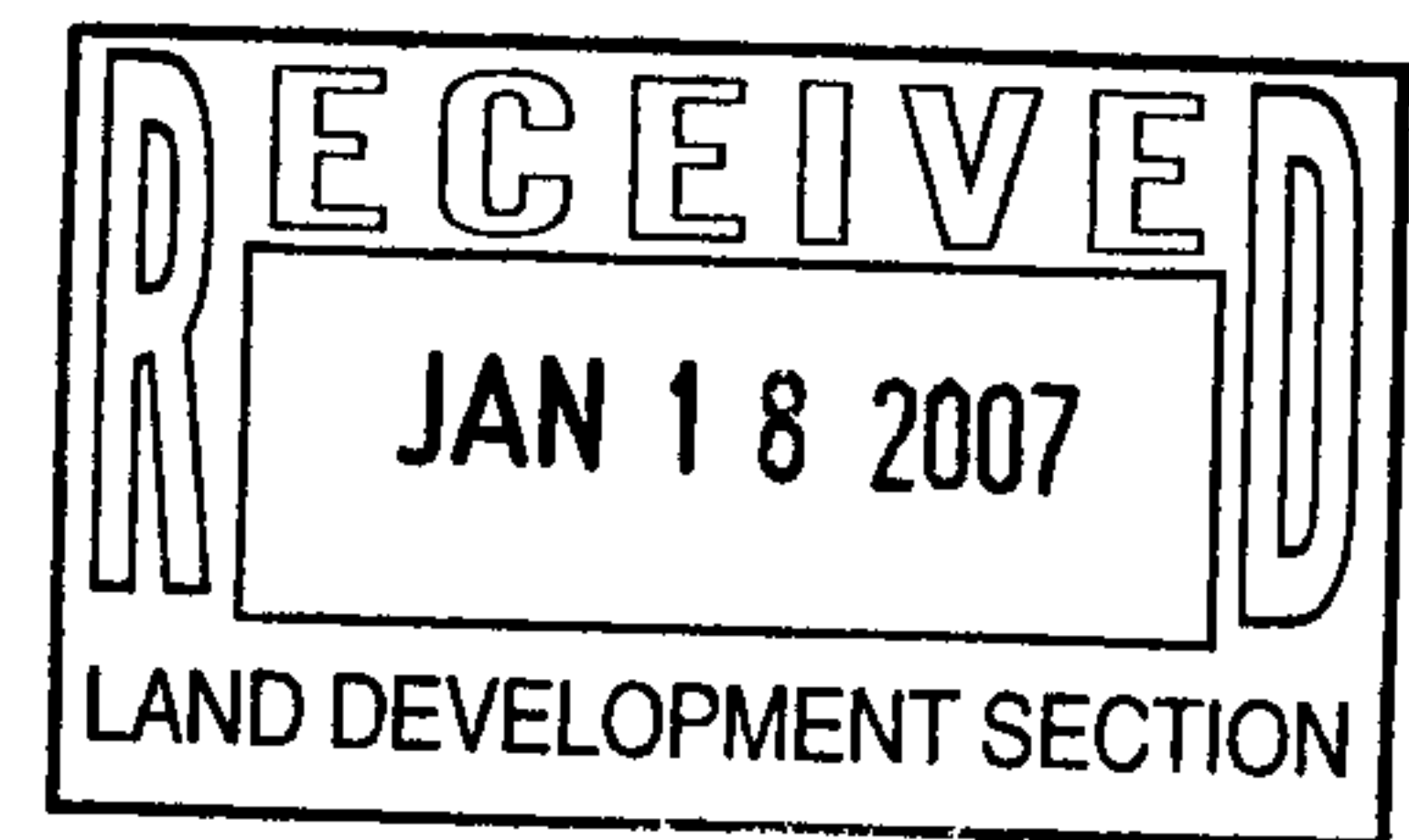


1504 Camino Ecuestre NW • Albuquerque • New Mexico • 87107
phone/fax: 505-266-6416 • mobile: 505-264-0618
email: west1504@msn.com

January 8, 2007

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

Re: Traffic Certification for
Del Norte Animal Clinic
4001 Louisiana Blvd. NE
Albuquerque, NM 87110



Mr. Salgado-Fernandez:

I visited the project site on December 13, 2006, and again on January 5, 2007, and determined by visual inspection that the project is in substantial compliance with and in accordance with the design intent of the TCL-approved plan dated 7-7-06.

I observed that actual site conditions differed from the TCL-approved plan as follows:

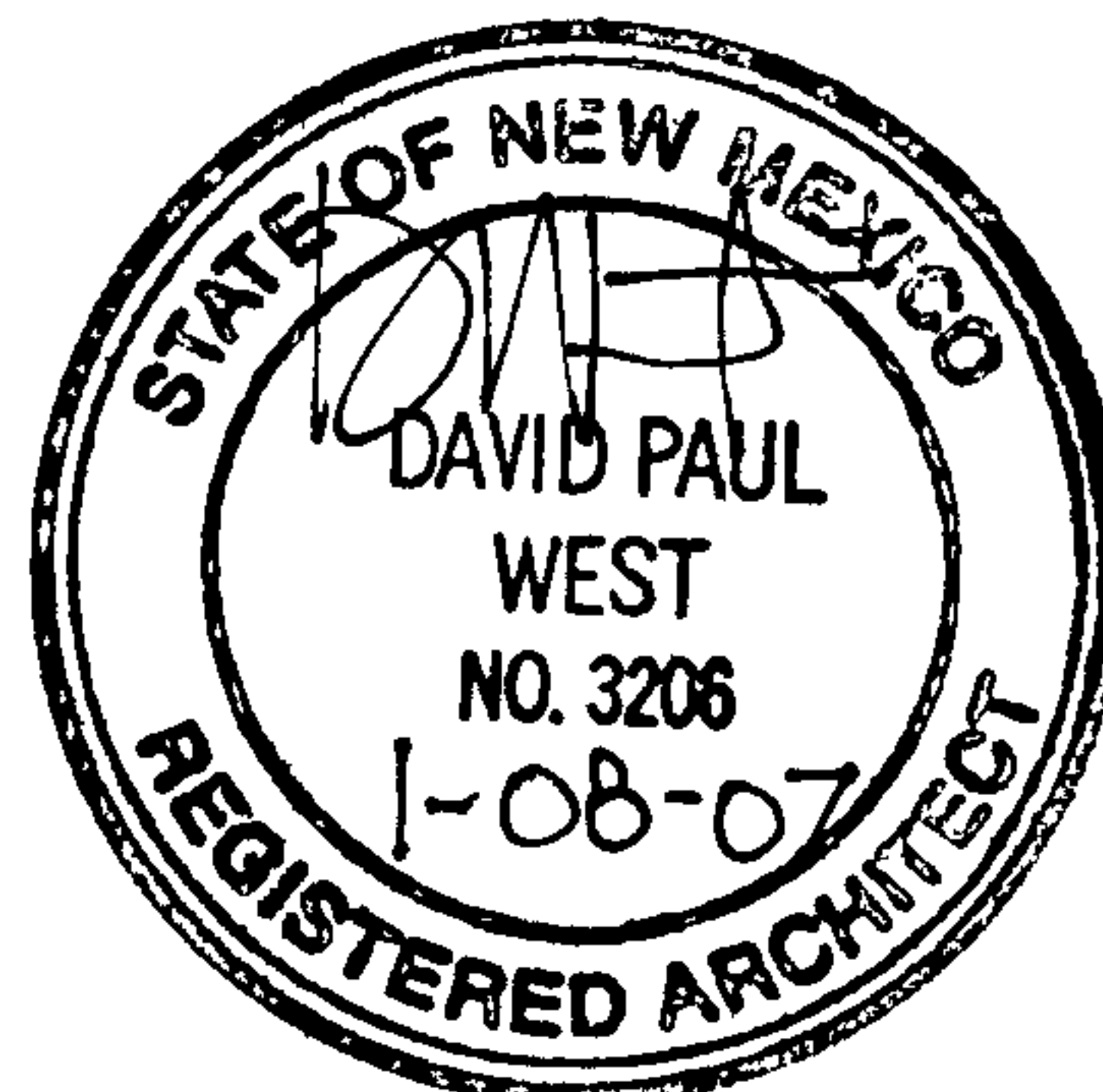
- The new header curb indicated on east side of drive was installed as concrete wheel stops instead. Grades on the east side of the wheel stops slope down to the west, and a continuous curb would contribute to unwanted ponding.
- The slope of the new sidewalk connecting the existing asphalt drive to the public walk along Louisiana Blvd. is indicated.

I am submitting a red-lined copy of the TCL-approved plan indicating these changes. The record information presented thereon is not necessarily complete and is 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.

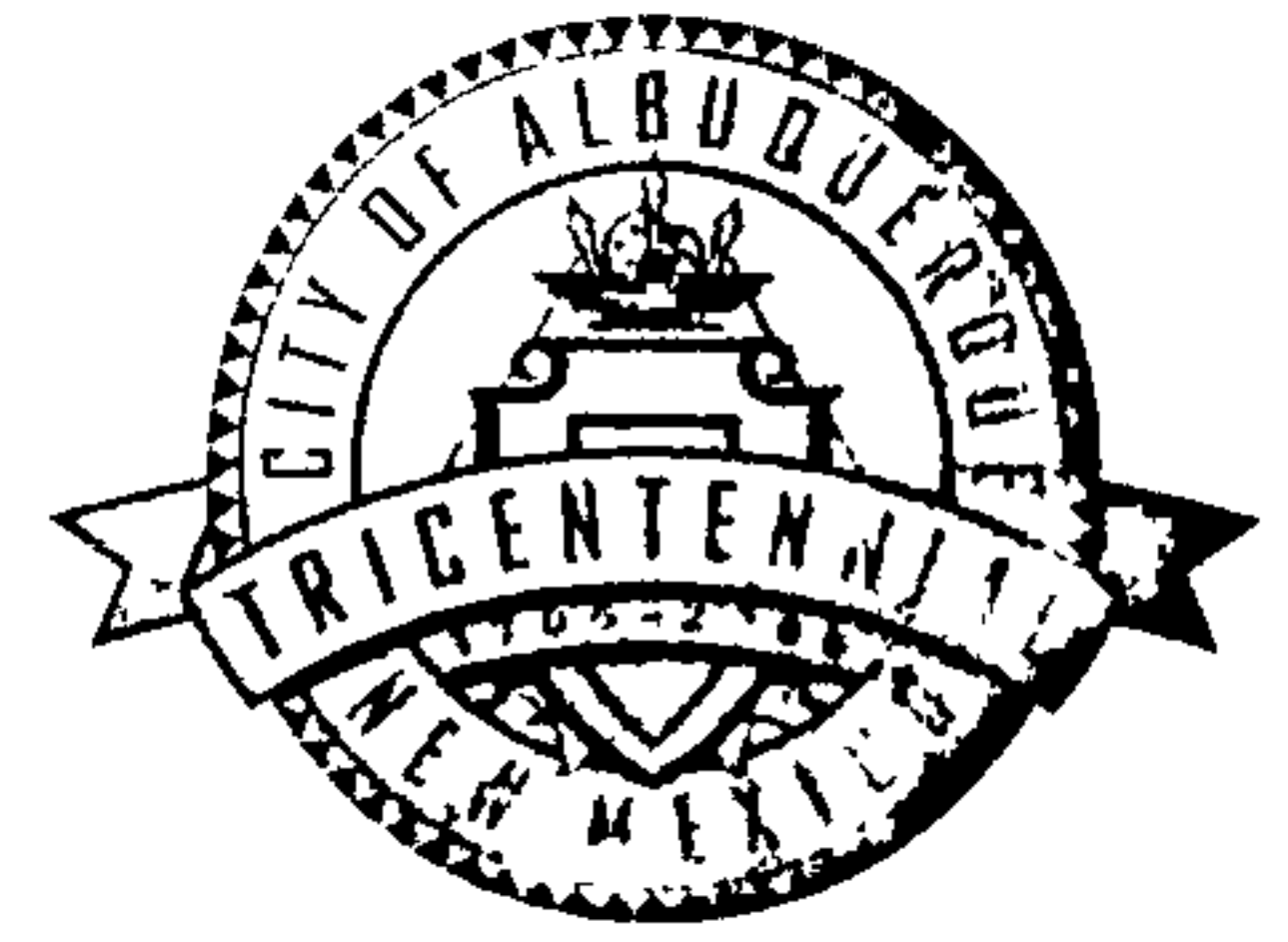
Sincerely,

A handwritten signature in black ink, appearing to read "DW", followed by a long horizontal line.

David West, AIA



CITY OF ALBUQUERQUE



December 18, 2006

Mr. J. Arthur Blessen, PE
J. ARTHUR BLESSEN ENGINEERING.
111930 Menaul Blvd. NE, Suite 109
Albuquerque, NM 87112

Re: DEL NORTE ANIMAL CLINIC
4001 Louisiana Blvd. NE
Approval of Permanent Certificate of Occupancy (C.O.)
Engineer's Stamp dated 07/25/2006 (G-18/D43)
Certification dated 12/14/2006

P.O. Box 1293
Dear Arthur,

Based upon the information provided in your submittal received 12/14/2006, the above
referenced certification is approved for release of Permanent Certificate of Occupancy by
Albuquerque Hydrology.

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

New Mexico 87103

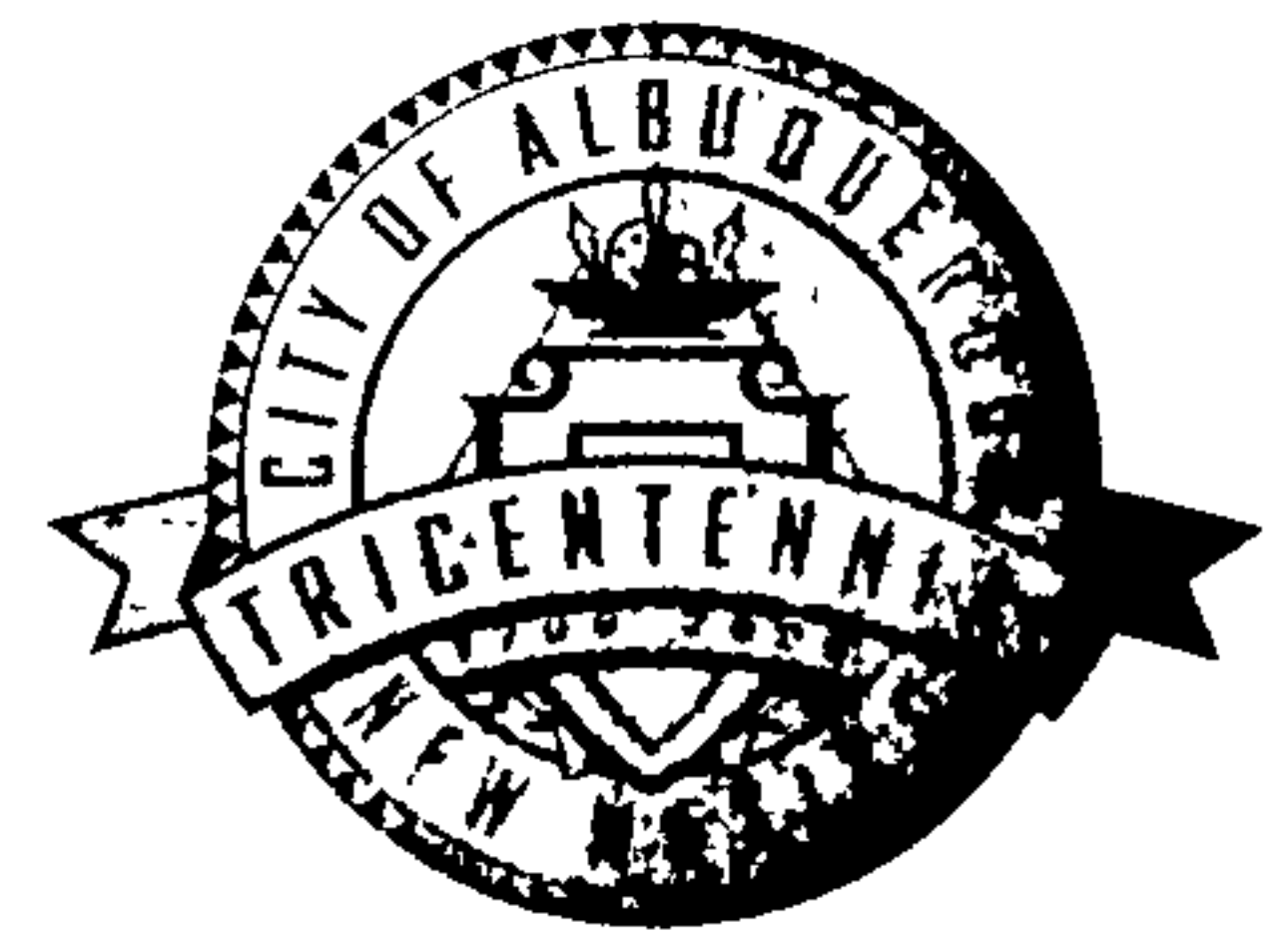
www.cabq.gov

Sincerely,

Arlene V. Portillo
Plan Checker, Planning Dept. - Hydrology
Development and Building Services

C: CO Clerk
File

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

December 19, 2006

David West, Registered Architect
David West Architect
1504 Camino Ecuestre NW
Albuquerque, NM 87107

Re: Certification Submittal for Final Building Certificate of Occupancy for
Del Norte Animal Clinic, [G-18 / D43]
4001 Louisiana NE
None Stamp Dated None

Dear Mr. West:

P.O. Box 1293

The TCL / Letter of Certification submitted on December 14, 2006 is not sufficient for acceptance by this office for final Certificate of Occupancy (C.O.).

Albuquerque

The following issues need to be addressed prior to C.O. approval: There is no record of permit being issues for sidewalk connection from Louisiana onto site, so no inspection was accomplished to determine appropriate profile grades. A permit will need to be requested; Need an Architect Stamp on letter of certification; Need to redline all changes on approved site plan (mentioned on letter of certification), initialled and dated by the designer-of-record.

New Mexico 87103

www.cabq.gov

Resubmit acceptable package along with fully completed Drainage Information Sheet to front counter personnel for log in and evaluation by Transportation.

Sincerely,

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

c: Engineer
Hydrology file

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(Rev. 12/05)

* PROJECT TITLE: Del Norte Animal Clinic * ZONE MAP/DRG. FILE # G-18-7/D43
 DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: Tract H-2-A Unit 6 Altamont
 * CITY ADDRESS: 4001 LOUISIANA

ENGINEERING FIRM: J. Arthur Blessen Engineering CONTACT: Art Blessen
 ADDRESS: 11930 Menard Suite 101 PHONE: 293-1477
 CITY, STATE: Abq. Nm ZIP CODE: 87112

OWNER: _____ CONTACT: _____
 ADDRESS: _____ PHONE: _____
 CITY, STATE: _____ ZIP CODE: _____

* ARCHITECT: David West Architect LLC CONTACT: David West
 ADDRESS: 1504 Camino Ecuestre NW PHONE: 266-6414
 CITY, STATE: Abq Nm ZIP CODE: 87107

SURVEYOR: _____ CONTACT: _____
 ADDRESS: _____ PHONE: _____
 CITY, STATE: _____ ZIP CODE: _____

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/ARCHITECT CERT (TCL)
- ☐ ENGINEER/ARCHITECT CERT (DRB S.P.)
- ☐ ENGINEER/ARCHITECT CERT (AA)
- ☐ OTHER (SPECIFY) _____

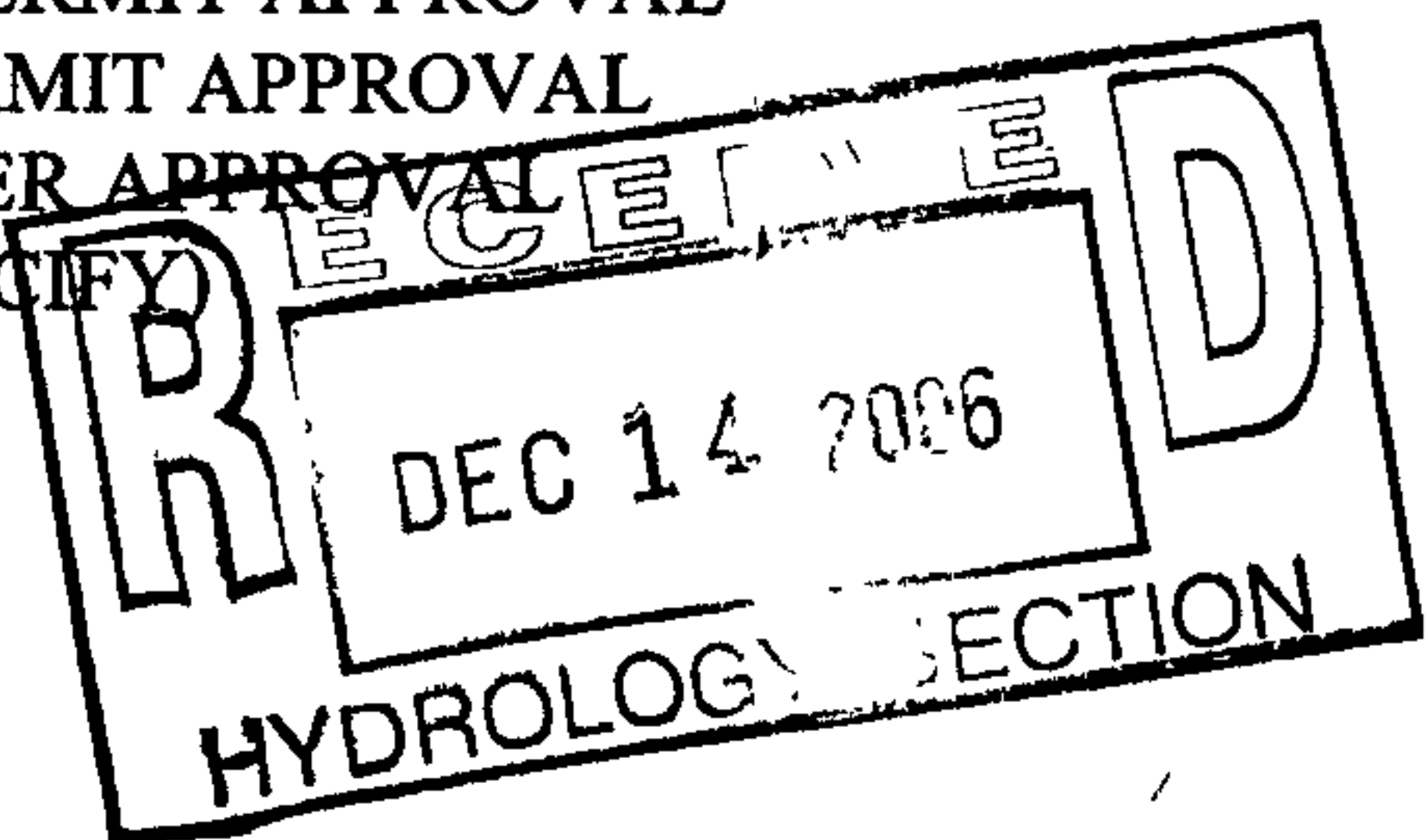
CHECK TYPE OF APPROVAL SOUGHT:

- ☐ 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:

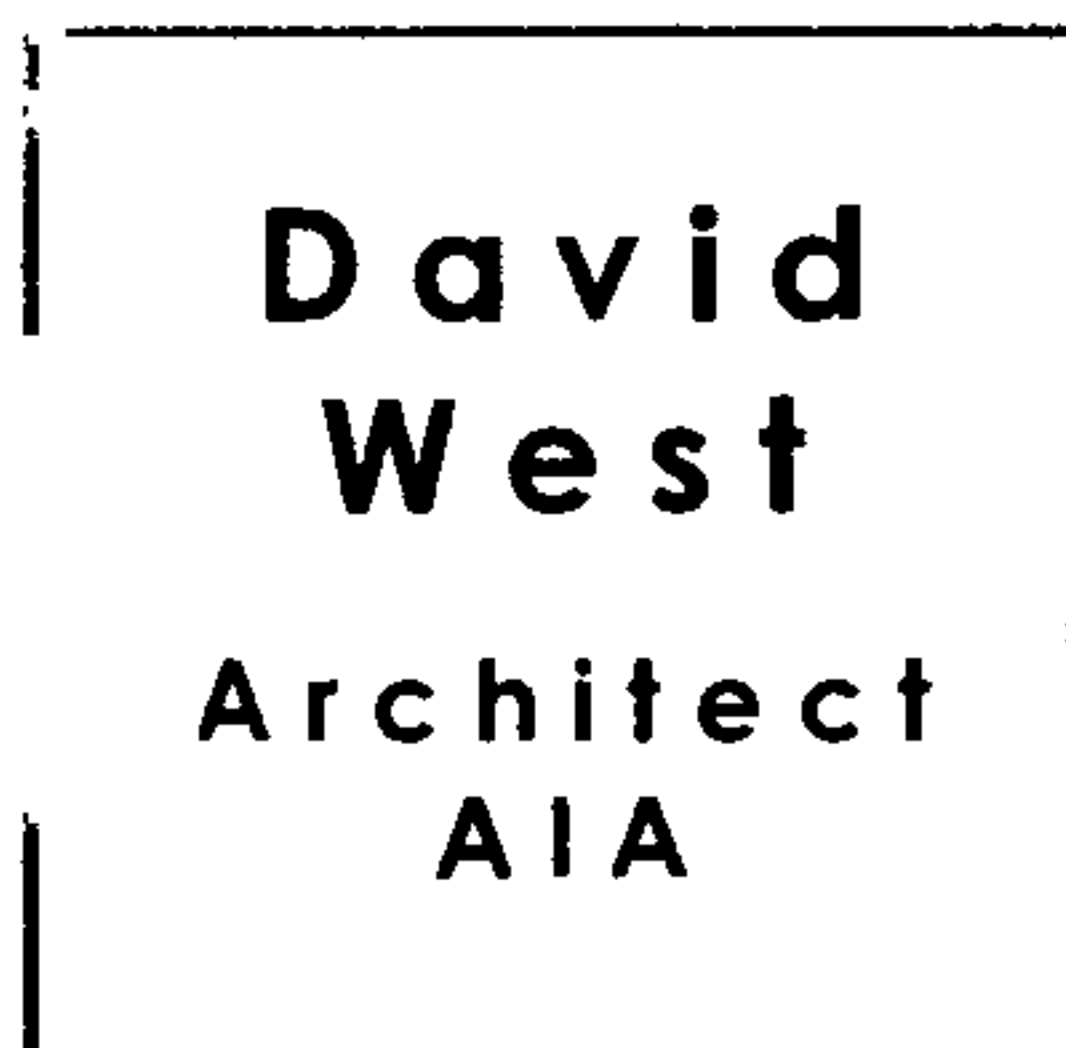
- ☐ YES
- ☐ NO
- ☐ COPY PROVIDED

* SUBMITTED BY: David West [Signature] DATE: 12-14-06



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:

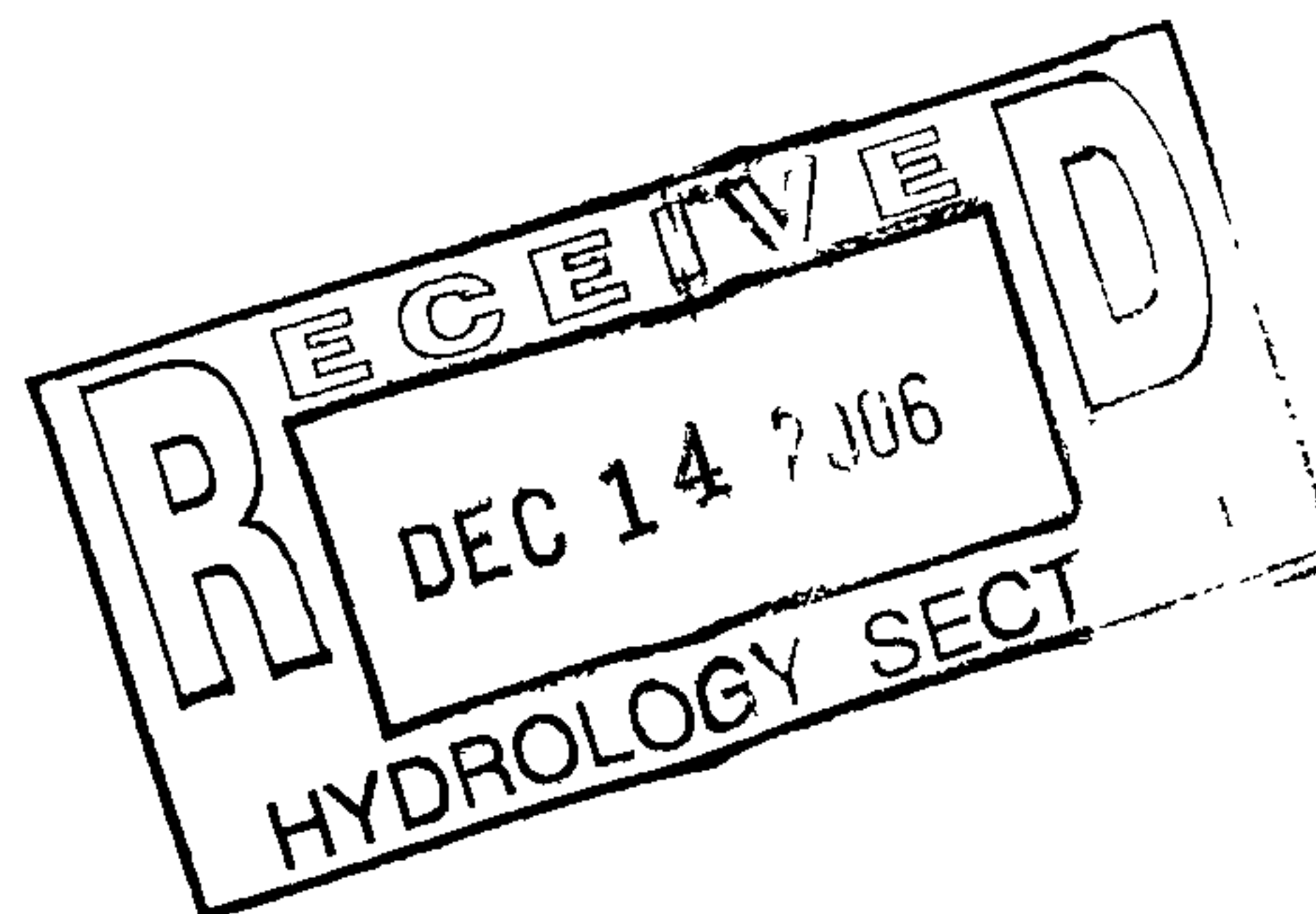
1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for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



1504 Camino Ecuestre NW • Albuquerque • New Mexico • 87107
phone/fax: 505-266-6416 • mobile: 505-264-0618
email: west1504@msn.com

December 14, 2006

Mr. Wilfred Gallegos, PE
Development and Building Services
P.O. Box 1293
Albuquerque, New Mexico 87103



Re: Traffic Certification for
Del Norte Animal Clinic
4001 Louisiana Blvd. NE
Albuquerque, NM 87110

Mr. Gallegos:

On December 13, 2006, this office made a site visit of the completed improvements to the above project. All work necessary to support the facility has been completed, except as noted below, and is in substantial compliance with the TCL approved by your office

- The landscaping around the site was in progress.
- ~~The new header curb~~ indicated on east side of drive is being installed as concrete wheel stops instead, so as not to cause water to collect behind curb. Grades on east side of wheel stops slope down to the west.

This work is scheduled to be completed by December 15, 2006.

Sincerely,

A handwritten signature in black ink, appearing to be "DW" followed by a long horizontal stroke.

David West, AIA

CITY OF ALBUQUERQUE



December 18, 2006

Mr. Thomas Johnston, PE
TGC ENGINEERING INC.
330 Louisiana Blvd. NE
Albuquerque, NM 87108

Re: THE ULTIMATE CAR WASH
12711 Candelaria Road NE
Approval of Permanent Certificate of Occupancy (C.O.)
Engineer's Stamp dated 05/03/2006 (G-23/D1)
Certification dated 12/13/2006

P.O. Box 1293 Dear Thomas,

Albuquerque Based upon the information provided in your submittal received 12/14/2006, the above
referenced certification is approved for release of Permanent Certificate of Occupancy by
Hydrology.

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

New Mexico 87103

www.cabq.gov

Sincerely,

Arlene V. Portillo
Plan Checker, Planning Dept. - Hydrology
Development and Building Services

C: CO Clerk
File

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 12/2005)

PROJECT TITLE: DEL NORTE ANIMAL CLINIC ZONE MAP: 918/D43
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: TRACT H-2-A Altamont, Unit 6,
CITY ADDRESS: 4001 Louisiana Blvd NE

ENGINEERING FIRM: J Arthur Blessen Engineering CONTACT: Arthur Blessen
ADDRESS: 11930 Menaul Suite 109 PHONE: 293-1477
CITY, STATE: Albuquerque NM ZIP CODE: 87112

OWNER: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

ARCHITECT: DAVID WEST Architect CONTACT: _____
ADDRESS: 1504 Camino Ecuestre NW PHONE: 266-6416
CITY, STATE: Albuquerque NM ZIP CODE: 87107

SURVEYOR: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

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

TYPE OF SUBMITTAL:

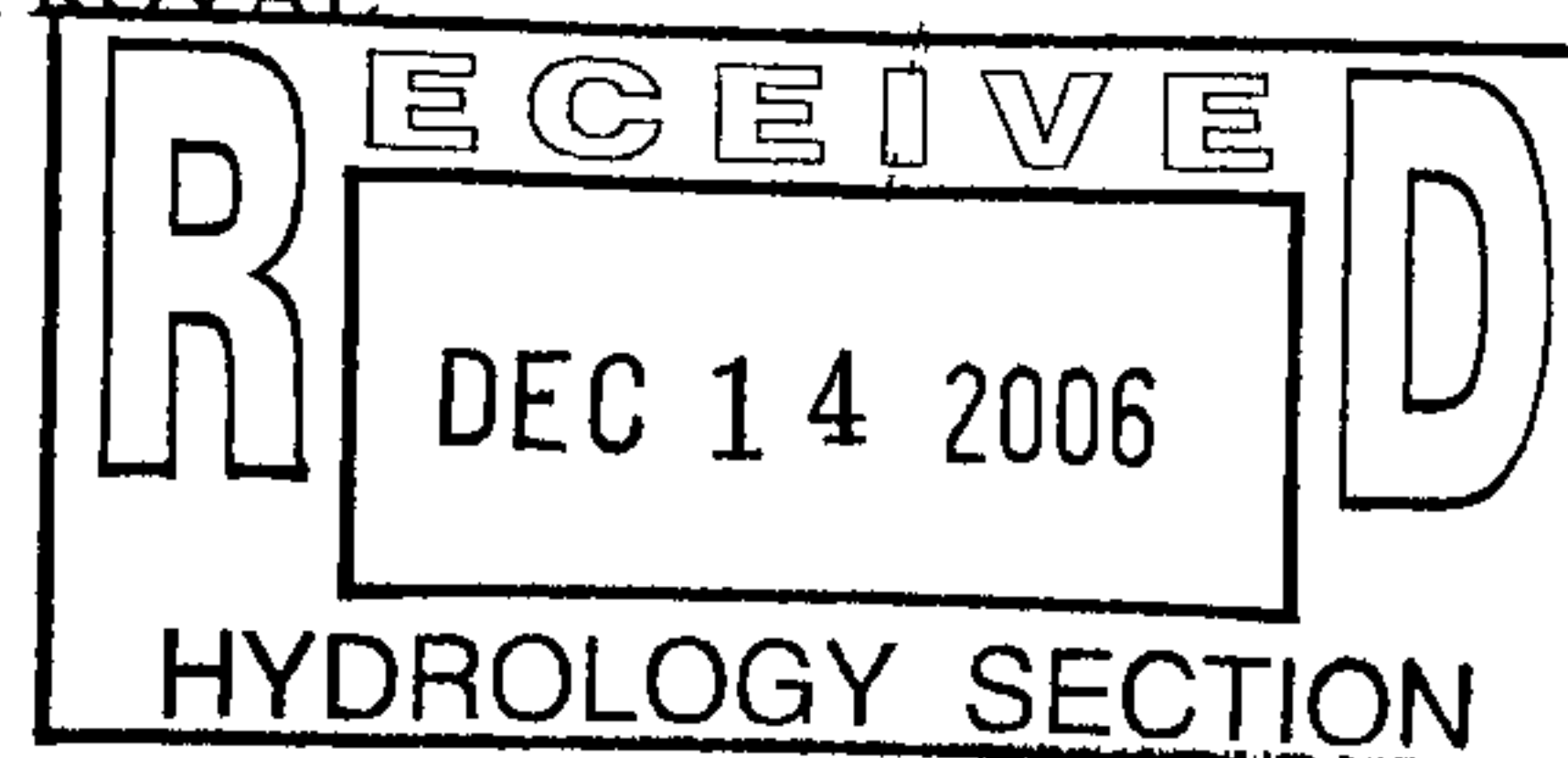
- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN 1st SUBMITTAL
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL G & D PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☒ ENGINEER'S CERT (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT
- ☐ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY)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

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: 12-14-06 BY: J Arthur Blessen

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



July 31, 2006

J. Arthur Blessen, P.E.
J. Arthur Blessen Engineering
11930 Menaul NE, Suite 109
Albuquerque, NM 87110

Re: Del Norte Animal Clinic, Tract H2A Unit 6 of the Altamont Addition
Engineer's Stamp dated 7-25-06 (G18/D43)

Dear Mr. Blessen,

Based on the information contained in your submittal received on July 25, 2006, the above referenced project is approved for both Grading and Building Permit. If you have any questions or need additional information, feel free to contact the undersigned at 924-3990.

Sincerely,

Jeremy Hoover, P.E.
Senior Engineer
Hydrology Section
Development and Building Services

P.O. Box 1293

Albuquerque

cc: file G18/D43

New Mexico 87103

www.cabq.gov

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 12/2005)

PROJECT TITLE: DEL NORTE ANIMAL CLINIC ZONE MAP: G18/D43
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: TRACT H2A UNIT 6 ALTAMONT ADDITION
CITY ADDRESS: 4001 LOUISIANA NE

ENGINEERING FIRM: J Arthur Blessen Engineering CONTACT: Arthur Blessen
ADDRESS: 2429 ZENA LONA PHONE: 293-1477
CITY, STATE: Albuquerque NM ZIP CODE: 87112

OWNER: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

ARCHITECT: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

SURVEYOR: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

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

TYPE OF SUBMITTAL:

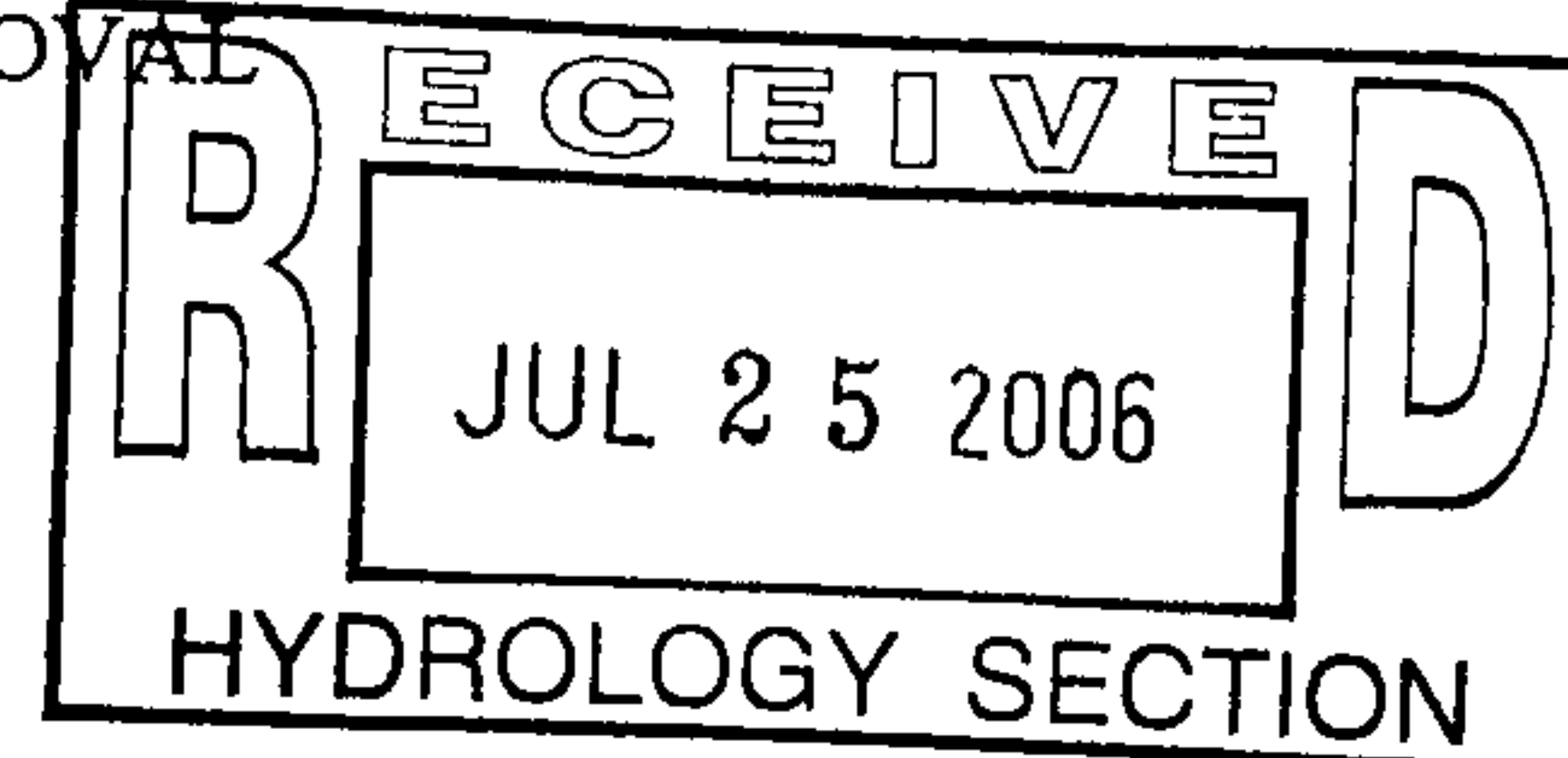
- ☒ DRAINAGE REPORT
☒ DRAINAGE PLAN 1st SUBMITTAL
☒ DRAINAGE PLAN RESUBMITTAL
☒ CONCEPTUAL G & D PLAN
☒ GRADING PLAN
____ EROSION CONTROL PLAN
____ ENGINEER'S CERT (HYDROLOGY)
____ CLOMR/LOMR
____ TRAFFIC CIRCULATION LAYOUT
____ ENGINEER'S CERT (TCL)
____ ENGINEER'S CERT (DRB SITE PLAN)
____ OTHER (SPECIFY)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

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: 7-25-06 BY: J Arthur Blessen

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.

j arthur blessen engineering
architect engineer
2429 Zena Lona
Albuquerque, NM 87112
tel 293-1477

July 25, 2006

Jeremy Hoover, PE, Senior Engineer
City of Albuquerque Development and Building Section
PO Box 1293
Albuquerque, New Mexico 87103

re: Del Notre Animal Clinic, Track H2A Unit6, Altamont Addition
file: G18/D43

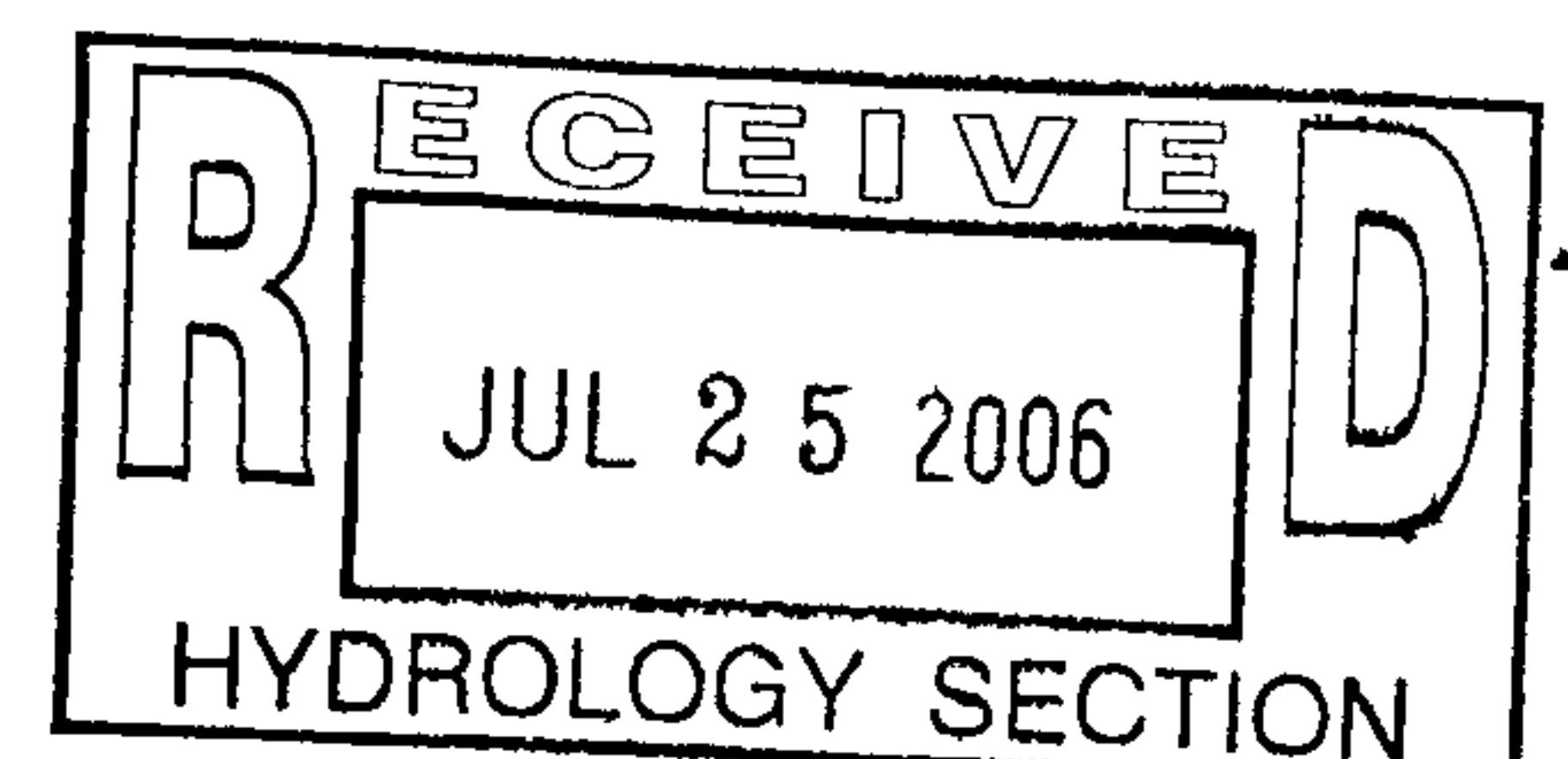
Dear Mr Hoover,

I have received your comments of July 17, 2006, to follow are the responses to those comments:

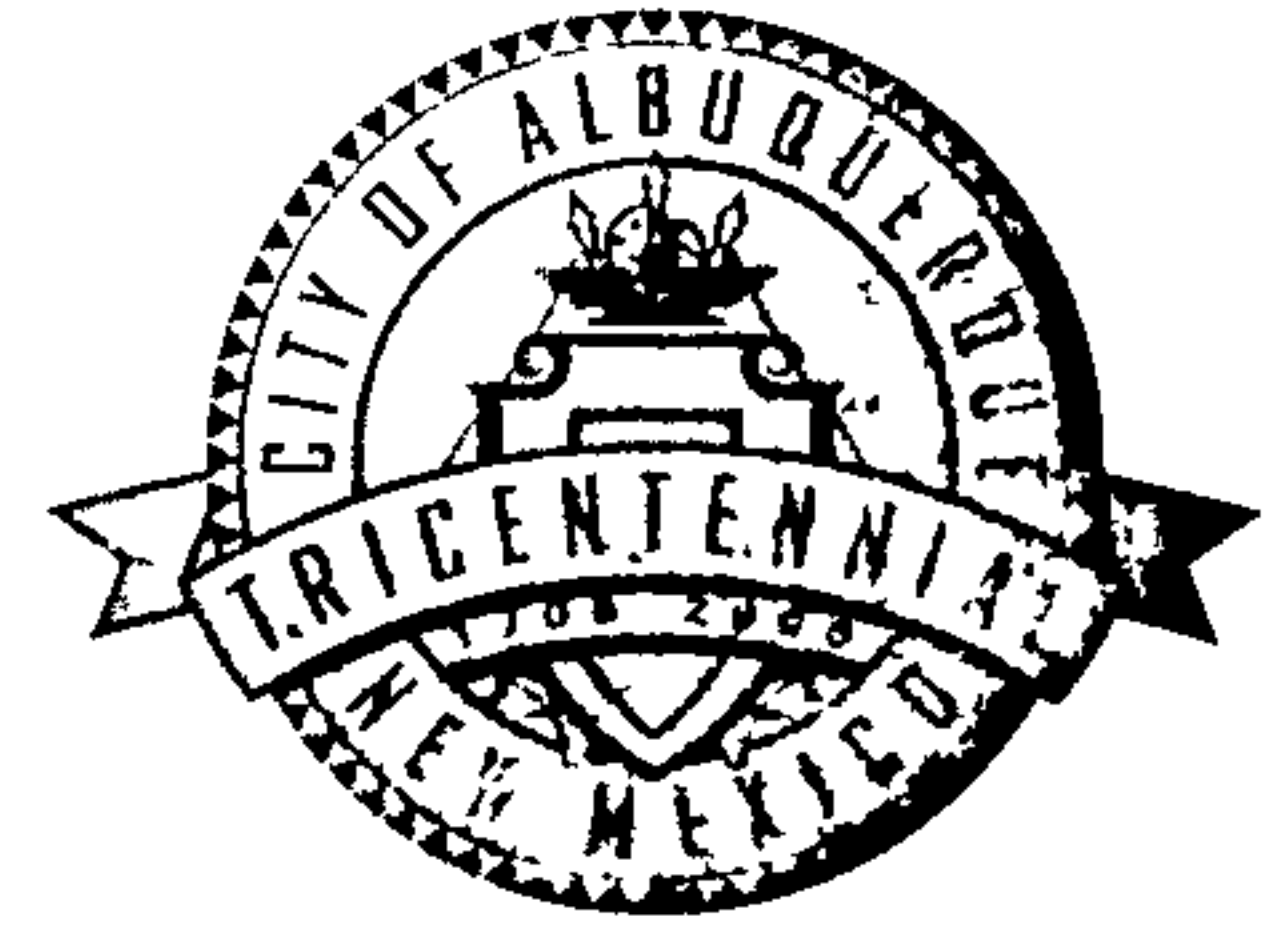
1. The requested FIRM panel number has been added to the narrative.
2. The peak discharge values for treatment D has been corrected.
3. The narrative has been revised to include a state that the offsite flows are insignificant.
4. Sub basins have been added to the grading plan showing the location and quantity of run off for each basin.
5. The requested yard drain has been added at the trash enclosure.
6. The elevation at the curb has been revised to indicate the typical 6" dimention.
7. The curb and gutter along Louisiana is existing as indicated, the graphic depiction of the drive entrance to the south has been modified to be consistent with the COA standard detail 2425.
8. The elevation used for this submittal where taken for the survey provided by Hall Surveying dated September 2005, and based on the published elevation for the bench mark noted on the grading plan. May of the published bench mark elevation have been modified over the years, therefore the elevations indicated on this submittal should be the current elevations based on the current published bench mark elevation.

Should you have any questions or require additional information please call.


J Arthur Blessen, PE



CITY OF ALBUQUERQUE



July 17, 2006

J. Arthur Blessen, P.E.
J. Arthur Blessen Engineering
11930 Menaul NE, Suite 109
Albuquerque, NM 87110

Re: Del Norte Animal Clinic, Tract H2A Unit 6 of the Altamont Addition
Engineer's Stamp dated 6-2-06 (G18-D43)

Dear Mr. Blessen,

Upon review of the information provided in your submittal dated 6-2-06 and received on 6-16-06, there are several issues that must be addressed prior to approval for Grading or Building Permit. Those issues are detailed below.

1. The pertinent FIRM panel number must be referenced in the narrative.
2. The Peak Discharge Value for treatment 'D' used in the flow calculations does not agree with the value specified in Table A-9 of the DPM. The calculations must be revised accordingly.
3. Any offsite flows must be both quantified and depicted graphically. If no offsite flows exist, then this should be addressed in the narrative. The drainage basin must also be shown.
4. Indicate where the flows generated by this development will be routed (across lot lines and / or to Louisiana) and quantify the amounts.
5. Runoff generated by trash enclosures may not be routed into storm drains. Drains to the sanitary sewer collection system must be included in the site work. As such, a detail of the trash enclosure with the drain and associated spot elevations must be shown.
6. One (1) of the curb elevations on the south side of the proposed structure indicates a 12-inch difference between the top of asphalt and the top of curb.
7. A curb is shown to be in existence across the entire eastern frontage along Louisiana although drive entrances and curb cuts are also shown to exist.
8. The spot elevations shown as existing do not agree with the Grading and Paving plan currently on file with Hydrology.

If you have any questions, you can contact me at 924-3990

Sincerely,

Jeremy Hoover, P.E.
Senior Engineer
Hydrology Section
Development and Building Services

Cc: file G18/D43

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV 01/06 - KDM)

PROJECT TITLE: Del Norte Animal Clinic ZONE MAP: G-18-~~AD43~~
DRB#: --- EPC#: --- WORK ORDER#: ---

LEGAL DESCRIPTION: Tract H-2-A, Altamont, Unit 6, Albuquerque, Bernalillo County, New Mexico
CITY ADDRESS: 4001 Louisiana Boulevard 87110

ENGINEERING FIRM: J. Arthur Blessen Engineering CONTACT: Art Blessen
ADDRESS: 11930 Menaul NE Suite 109 PHONE: 293-1477
CITY, STATE: Albuquerque, NM ZIP CODE: 87112

OWNER: Jeff & Susan Livingstone CONTACT: Jeff Livingstone, D.V.M.
ADDRESS: 3921 Louisiana Boulevard NE PHONE: (505) 881-9661
CITY, STATE: Albuquerque NM ZIP CODE: 87110

ARCHITECT: David West, Architect, LLC CONTACT: David West
ADDRESS: 1504 Camino Ecuestre NW PHONE: (505) 266-6416
CITY, STATE: Albuquerque, NM ZIP CODE: 87107

SURVEYING FIRM: Hall Surveying, Co. LICENSED SURVEYOR: Preston Hall
ADDRESS: 12805 Menaul Blvd. NE PHONE: (505) 292-6727
CITY, STATE: Albuquerque, NM ZIP CODE: 87112

PROFESSIONAL LICENSED SURVEYOR SIGNATURE	LICENSE NO.	DATE
--	-------------	------

CONTRACTOR: HB Construction CONTACT: Mike Brown
ADDRESS: 3400 Vista Alameda NE PHONE: (505) 856-0404
CITY, STATE: Albuquerque NM ZIP CODE: 87113

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)

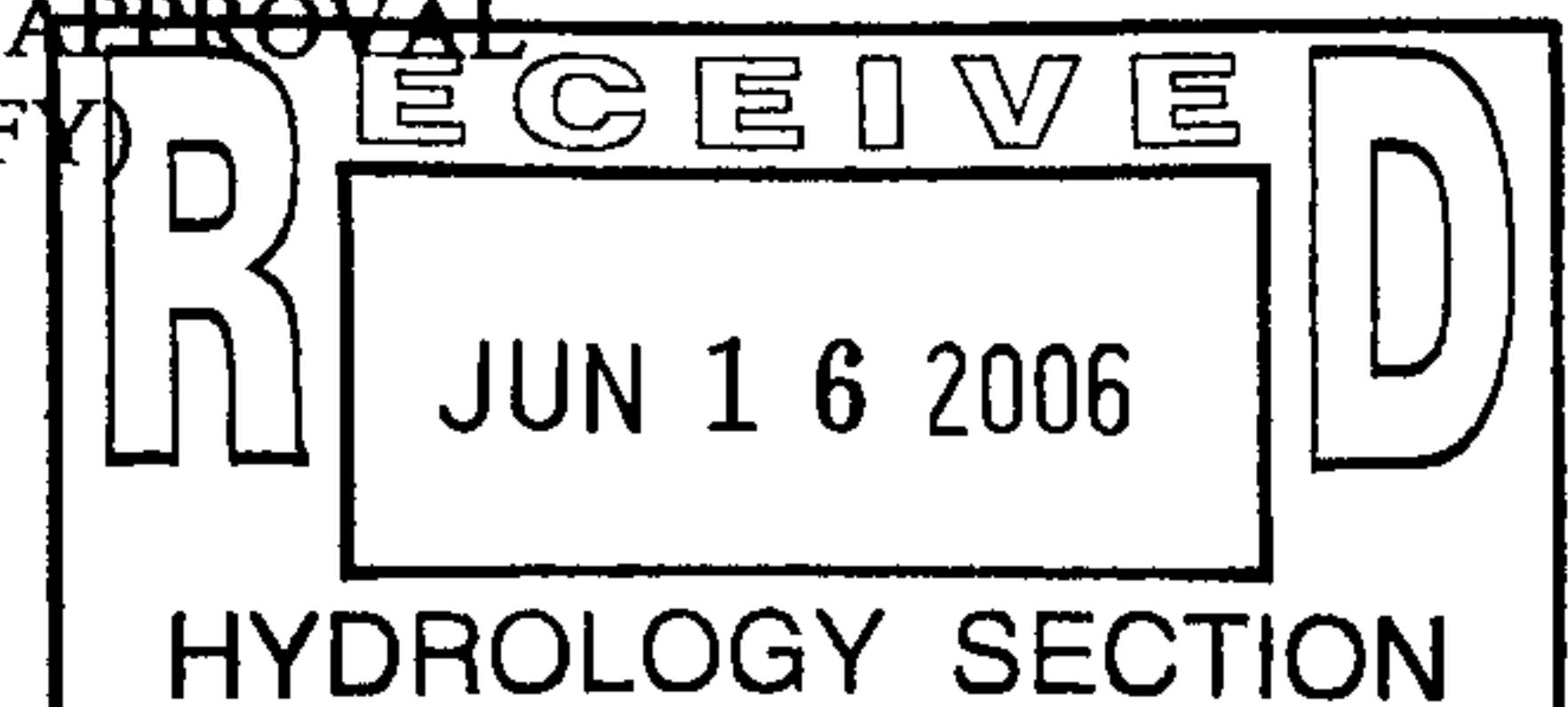
CHECK TYPE OF APPROVAL SOUGHT:

☐ 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
☒ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

☐ YES
☒ NO
☐ COPY PROVIDED

DATE SUBMITTED: June 14, 2006 BY: J Arthur Blessen



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.

PUBLIC WORKS DEPARTMENT

October 30, 2000

INTEROFFICE CORRESPONDENCE

HYDROLOGY DIVISION

TO: Pam Lujan, Permits

FROM:  John Murray, Hydrology, PWD

SUBJECT: **PRIVATE DRAINAGE FACILITIES WITHIN PUBLIC RIGHT-OF-WAY
DRAINAGE FILE NUMBER (G18-D43). 4001 LOUISIANA BLVD NE**

Transmitted herewith is a copy of the approved drainage plan for the referenced project incorporating the SO #19 design.

This plan is being submitted to you for permitting and inspection. Please provide this section with a signed-off copy per the signature block upon construction and acceptance by your office.

As you are aware, the signed off SO #19 is required by this office for Certificate of Occupancy release; therefore your expeditious processing of this plan would be greatly appreciated and would avoid any unnecessary delay in the release of the Certificate of Occupancy.

Thank you for your cooperation and if you should have any questions and/or comments, please feel free to call me at 924-3984.

Attachment

File

PVE -
Need 2nd set



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 27, 2000

Levi J. Valdez, P.E.
BJM Development Consultant
4409 Karol Road SW
Albuquerque, NM 87121

**RE: TRACT "H-2-A", UNIT 6, ALTAMONT ADDT (4001 Louisiana Blvd NE) (G18-D43).
GRADING AND DRAINAGE PLAN FOR GRADING PERMIT, PAVING PERMIT AND
SO#19 PERMIT APPROVALS. ENGINEER'S STAMP DATED SEPTEMBER 15, 2000.**

Dear Mr. Valdez:

Based on the information provided on your September 18, 2000 submittal, the above referenced project is approved for Grading, Paving, and SO#19 Permits. File the executed Drainage Covenant with the County Clerk.

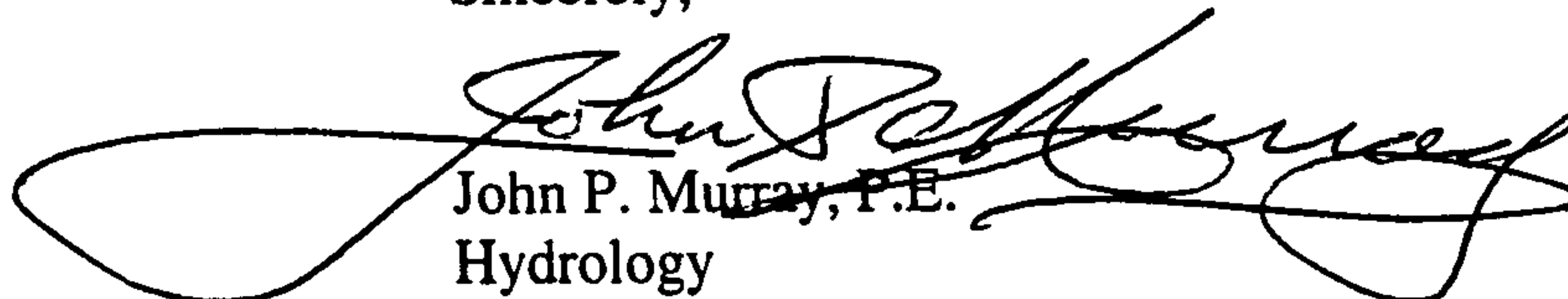
Please attach a copy of this approved plan with the construction sets prior to sign-off by Hydrology.

A separate permit is required for construction within the City right-of-way. A copy of this approval letter must be on hand when applying for the excavation permit. Please note that only the Inspector's Signatute is now required for the SO#19 sign-off.

Prior to Certificate of Occupancy approval, an Engineer's Certification per the DPM will be required.

If I can be of further assistance, please feel free to contact me at 924-3984.

Sincerely,


John P. Murray, P.E.
Hydrology

c: Pam Lujan
Whitney Reiersen
File

DRAINAGE COVENANT

THIS COVENANT, made this 8th day of September, 2000, by and between:

Jeff Livingstone, owner(s) and proprietor(s) of Tract "H-2-A", Unit Six (6), ALTAMONT ADDITION, Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the Plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 20, 1990, (Bk. 90C, P.286),

AND

Doug Weckerly, owner(s) and proprietor(s) of Tract "H-4-A", Unit Six (6), ALTAMONT ADDITION, Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the Plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 20, 1990, (Bk. 90C, P. 286).

THE owner(s) and proprietor(s) of said Tract "H-4-A" do hereby grant to the owner(s) and proprietor(s) of aforementioned Tract "H-2-A", an surface drainage easement and right to convey developed storm runoff from said Tract "H-2-A" over and across the asphalt paved parking areas and drives of Tract "H-4-A".

This DRAINAGE COVENANT shall be binding upon the owner(s) and proprietor(s) of said Tracts "H-2-A" and "H-4-A", their heir(s) and assign(s), and shall continue to run with said Tract "H-4-A" property in perpetuity until an alternate drainage plan for Tract "H-2-A" has been approved by the City of Albuquerque Hydrology Department and an appropriate document of release of this Drainage Covenant is recorded in the office of the County Clerk of Bernalillo County, New Mexico.

JJ Livingstone DVM TRACT "H-2-A", Owner(s)/Proprietor(s) Doug W. Weckerly TRACT "H-4-A", Owner(s)/Proprietor(s)

ACKNOWLEDGEMENT(S)

State of New Mexico)
County of Bernalillo) SS:

This foregoing instrument was acknowledged before me this 8th day of September, 2000, by Doug W. Weckerly, hereby known to me to be the owner(s) and proprietor(s) of Tract "H-4-A", and by JJ Livingstone, hereby known to me to be the owner(s) and proprietor(s) of Tract "H-2-A", as their own free act and deed.

Sandra A. Wakitsch
NOTARY PUBLIC
My Commission Expires: 06/09/02



2000090688
5412146
Page: 1 of 1
09/13/2000 02:36P
Bk-A10 Pg-325

APPLICANT'S NAME: TRACT "H-2-A" ZONE ATLAS/DRNG. FILE #: G-18 / D0438

DRB #: _____ EPC #: _____ WORK ORDER #: _____

LEGAL DESCRIPTION: TRACT "H-2-A" Unit 6 Altamont AdditionCITY ADDRESS: 4001 Louisiana Blvd NEENGINEERING FIRM: BJM Development Consultant CONTACT: Bernie J. MontoyaADDRESS: 4409 Karrol Rd SW. 87121 PHONE: 877-4041

OWNER: _____ CONTACT: _____

ADDRESS: _____ PHONE: _____

ARCHITECT: _____ CONTACT: _____

ADDRESS: _____ PHONE: _____

SURVEYOR: _____ CONTACT: _____

ADDRESS: _____ PHONE: _____

CONTRACTOR: _____ CONTACT: _____

ADDRESS: _____ PHONE: _____

TYPE OF SUBMITTAL:

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

PRE-DESIGN MEETING:

- ☐ YES
☐ NO
☐ COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SKETCH PLAT APPROVAL
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D APPROVAL
☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
☐ SECTOR PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☐ BUILDING PERMIT APPROVAL
☒ CERTIFICATE OF OCCUPANCY APPROVAL
☒ GRADING PERMIT APPROVAL
☒ PAVING PERMIT APPROVAL
☐ S.A.D. DRAINAGE REPORT
☐ DRAINAGE REQUIREMENTS
☒ SUBDIVISION CERTIFICATION
☒ OTHER 5019 (SPECIFY)

DATE SUBMITTED: 9/18/2000BY: B.J. Montoya

Revised 02/98

RECEIVE
 SEP 18 2000
 HYDROLOGY SECTION

CITY OF ALBUQUERQUE



June 26, 2006

David West, R.A.
David West Architecture LLC
1504 Camino Ecuestre NW
Albuquerque, NM 87107

**Re: 4001 Louisiana Blvd., Tract H-2-A Altamont Unit 6, Traffic
Circulation Layout Architect's Stamp dated 06-13-06 (G18-D043)**

Dear Mr. West,

Based upon the information provided in your submittal received 06-17-06, the above referenced plan cannot be approved for Building Permit until the following comments are addressed:

1. Provide a copy of the cross access agreement.
2. Indicate on the vicinity map which lot is in reference.
3. A minimum of 22' is required for internal parallel parking.
4. Provide "Do Not Enter" signs on the one way leading towards the alley.
5. Provide solid waste approval.
6. The southeast corner refers to note one, how will this affect the parking?
7. Include two copies of the TCL with the next submittal.

P.O. Box 1293

Albuquerque

New Mexico 87103

If you have any questions, you can contact me at 924-3630.

www.cabq.gov

Sincerely,

Wilfred Gallegos, P.E.
Engineer, Planning Dept.
Development and Building Services
C: file

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 01/06 – KDM)

PROJECT TITLE: Del Norte Animal Clinic ZONE MAP: G-18-Z D43
DRB#: --- EPC#: --- WORK ORDER#: ---

LEGAL DESCRIPTION: Tract H-2-A, Altamont, Unit 6, Albuquerque, Bernalillo County, New Mexico
CITY ADDRESS: 4001 Louisiana Boulevard 87110

ENGINEERING FIRM: J. Arthur Blessen Engineering CONTACT: Art Blessen
ADDRESS: 11930 Menaul NE Suite 109 PHONE: 293-1477
CITY, STATE: Albuquerque, NM ZIP CODE: 87112

OWNER: Jeff & Susan Livingstone CONTACT: Jeff Livingstone, D.V.M.
ADDRESS: 3921 Louisiana Boulevard NE PHONE: (505) 881-9661
CITY, STATE: Albuquerque NM ZIP CODE: 87110

ARCHITECT: David West, Architect, LLC CONTACT: David West
ADDRESS: 1504 Camino Ecuestre NW PHONE: (505) 266-6416
CITY, STATE: Albuquerque, NM ZIP CODE: 87107

SURVEYING FIRM: Hall Surveying, Co. LICENSED SURVEYOR: Preston Hall
ADDRESS: 12805 Menaul Blvd. NE PHONE: (505) 292-6727
CITY, STATE: Albuquerque, NM ZIP CODE: 87112

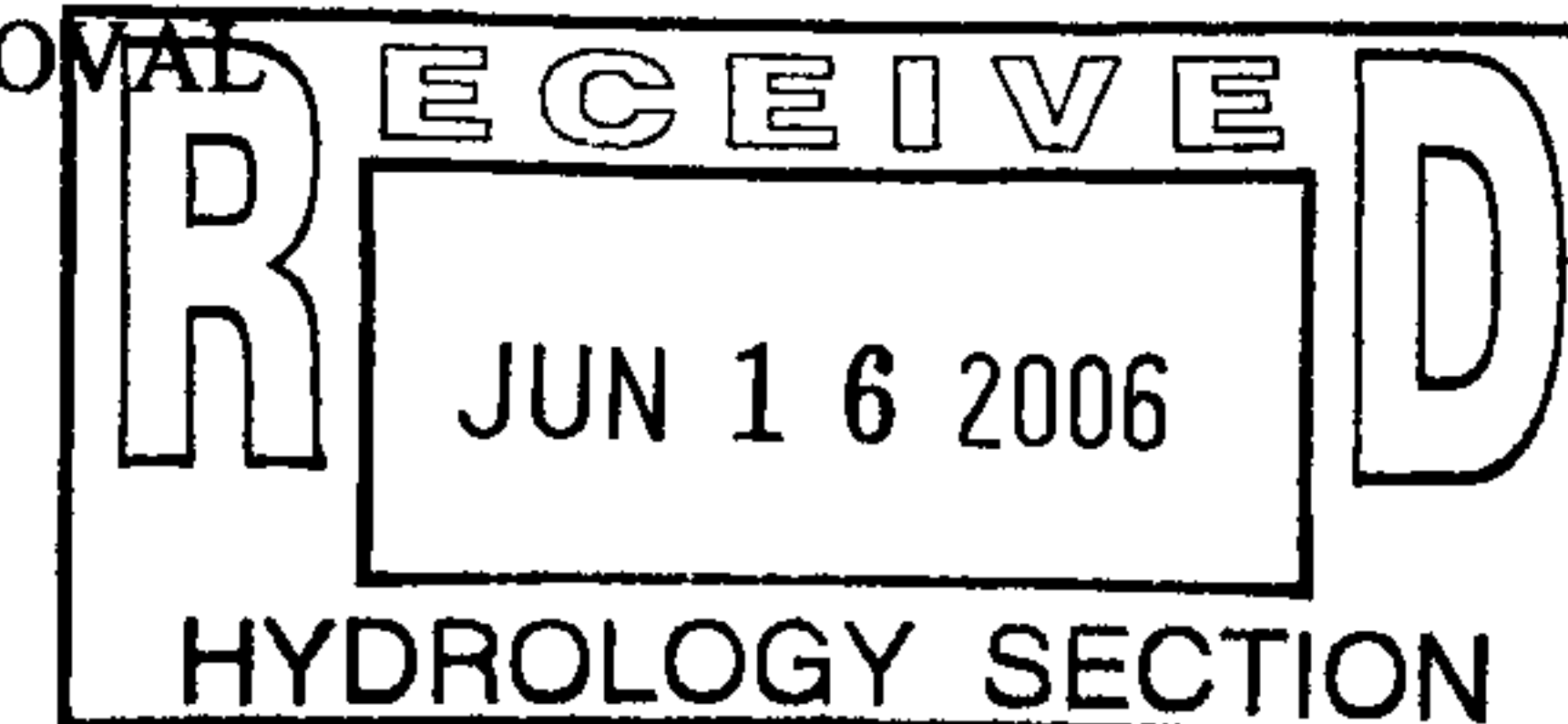
PROFESSIONAL LICENSED SURVEYOR SIGNATURE	LICENSE NO.	DATE
--	-------------	------

CONTRACTOR: HB Construction CONTACT: Mike Brown
ADDRESS: 3400 Vista Alameda NE PHONE: (505) 856-0404
CITY, STATE: Albuquerque NM ZIP CODE: 87113

TYPE OF SUBMITTAL:
☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL G & D PLAN
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☐ 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
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☐ CERTIFICATE OF OCCUPANCY
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY) _____

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



DATE SUBMITTED: June 14, 2006 BY: David West

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.

~~XX~~ - ACCESS

~~N ARROW~~

022' PARKING in MIDDLE

Do Not Ent @ West
Existing PARKING

11

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

July 13, 2006

David West
David West Architect
1504 Camino Ecuestre
Albuquerque, NM 87110

Re: Traffic Circulation Layout (TCL) Submittal for Building Permit Approval for
Offices and Warehouse for Del Norte Animal Clinic [G-18/D-43r]
(4001 Louisiana Blvd), Albuquerque, NM
Engineer's/Architect's Stamp Dated 07-07-06

Dear Mr. West,

The TCL submittal dated July 07, 2006 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,

Wilfred A. Gallegos, PE
Development and Building Services

cc: Hydrology file
File

RE-SUBMITTAL

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV 01/06 - KDM)

PROJECT TITLE: Del Norte Animal Clinic ZONE MAP: G-18-7 **p43**
DRB#: --- EPC#: --- WORK ORDER#: ---

LEGAL DESCRIPTION: Tract H-2-A, Altamont, Unit 6, Albuquerque, Bernalillo County, New Mexico
CITY ADDRESS: 4001 Louisiana Boulevard 87110

ENGINEERING FIRM: J. Arthur Blessen Engineering CONTACT: Art Blessen
ADDRESS: 11930 Menaul NE Suite 109 PHONE: 293-1477
CITY, STATE: Albuquerque, NM ZIP CODE: 87112

OWNER: Jeff & Susan Livingstone CONTACT: Jeff Livingstone, D.V.M.
ADDRESS: 3921 Louisiana Boulevard NE PHONE: (505) 881-9661
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ARCHITECT: David West, Architect, LLC CONTACT: David West **✗**
ADDRESS: 1504 Camino Ecuestre NW PHONE: (505) 266-6416
CITY, STATE: Albuquerque, NM ZIP CODE: 87107

SURVEYING FIRM: Hall Surveying, Co. LICENSED SURVEYOR: Preston Hall
ADDRESS: 12805 Menaul Blvd. NE PHONE: (505) 292-6727
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PROFESSIONAL LICENSED SURVEYOR SIGNATURE	LICENSE NO.	DATE
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CONTRACTOR: HB Construction CONTACT: Mike Brown
ADDRESS: 3400 Vista Alameda NE PHONE: (505) 856-0404
CITY, STATE: Albuquerque NM ZIP CODE: 87113

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- ☒ TRAFFIC CIRCULATION LAYOUT
- ☐ ENGINEER'S CERT (TCL)
- ☐ ENGINEER'S CERT (DRB SITE PLAN)
- ☐ OTHER (SPECIFY)

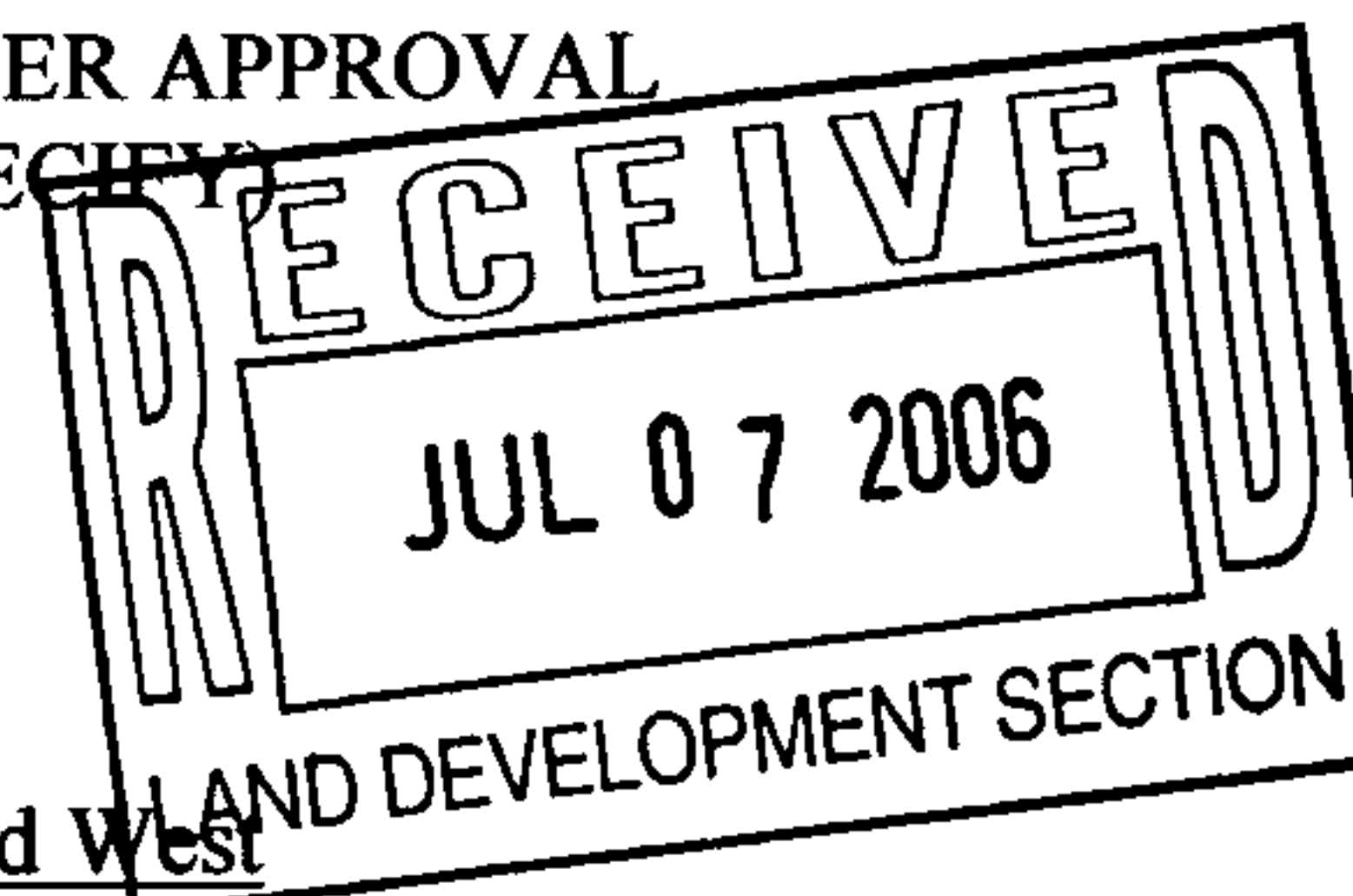
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- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ WORK ORDER APPROVAL
- ☐ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
- ☒ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: July 7, 2006 BY: David West



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:

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3. **Drainage Report:** Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

CROSS EASEMENT AGREEMENT

This Agreement is made between Art Kaplan and Toya Kaplan, husband and wife, whose address is 3913 Louisiana Blvd, NE, Albuquerque, NM 87110, (referred to in this agreement as "**Kaplan**"), and Jeff J. Livingstone, DVM and Susan Livingstone, husband and wife, whose address is 3921 Louisiana Blvd., NE, Albuquerque, New Mexico 87110, (referred to in this agreement as "**Livingstone**").

RECITALS

A. Kaplan holds legal title to a certain parcel of real estate described in Exhibit A and referred to herein as "**Parcel A**";

B. Livingstone is a tenant in the building located on Parcel A pursuant to that certain Lease Agreement dated September 30, 2000 by and between Douglas A. Weckerly as Lessor and Jeff J. Livingstone as Lessee, said Lease Agreement was assigned by Douglas Weckerly to Kaplan on April 21, 2004 ;

C. Livingstone holds legal title to a certain parcel of real estate described in Exhibit B and referred to herein as "**Parcel B**". Parcel B is contiguous to Parcel A and does not have direct vehicular ingress or egress to or from a public street. Parcel A and Parcel B are jointly referred to herein as the "**Property**";

D. As of the date of this Agreement, Livingstone is in the process of constructing or causing to be constructed on Parcel B a commercial building for his use as a veterinary clinic (the "**Parcel B Building**");

E. Kaplan and Livingstone desire to enter into this Agreement to allow Livingstone to complete the construction and use of the Parcel B Building without the need for direct access to Louisiana Boulevard and with access to Parcel B through Parcel A, and to allow customers of both Parcel A and Parcel B to have access to parking on both Parcel A and Parcel B.

NOW, THEREFORE, in consideration of the foregoing and the covenants and agreements of the parties hereto, it is agreed as follows:

ACCESS EASEMENTS

1 **Livingstone Easement.** Kaplan hereby grants to Livingstone for Livingstone's use and enjoyment and the use and enjoyment of Livingstone's Permittees, a perpetual easement on, over, through and across the Access Driveway for the purposes of vehicular and pedestrian ingress and egress to and from Louisiana Blvd. to Parcel B.

2 **Kaplan Easement.** Livingstone hereby grants to Kaplan for Kaplan's use and enjoyment and the use and enjoyment of Kaplan's Permittees, a perpetual easement on, over, through and



across the Access Driveway for the purposes of vehicular and pedestrian ingress and egress to and from Parcel A to access parking on Parcel B.

3. **Easements.** Kaplan and Livingstone and each successive owner of the Property hereby grant to the other owners, as grantees for the benefit of each of the other owners, and their permittees, and for the benefit of the parcel owned by each grantee, a non-exclusive easement appurtenant to each parcel owned by each grantee for (i) ingress and egress by vehicular and pedestrian traffic, and (ii) parking upon, over and across the Joint Use Area, as it exists from time to time. Employees shall not be permitted to park in the Joint Use Area, except in Joint Use Areas on the Property at which they are employed. The owners may from time to time mutually designate and approve "employee parking areas"; however, if they do not, each owner may designate "employee parking areas" on its own parcel.

4 **Maintenance of Easements.** Each Party agrees to repair, replace and renew or cause to be maintained, repaired, replaced or renewed the portion of the Access Driveway and Joint Use Area located on the Party's Parcel so as to keep the same in a clean, sightly, safe and first-class condition consistent with its original appearance and condition, including, but not limited to, the prompt removal of all snow, ice, and debris from the portion of the Access Driveway and Joint Use Area located on the Party's Parcel. Upon a failure of a parcel owner to promptly repair damage to the Access Driveway and Joint Use Area located on its parcel or to otherwise maintain the Access Driveway and Joint Use Area as required by this paragraph, the other parcel owner may do so with the actual and reasonable costs incurred chargeable to and promptly payable by the responsible parcel owner.

CONSTRUCTION OF VETERINARY CLINIC

5 **Marshalling and Staging Area.** The Parties agree that an area shall be designated for the purpose of staging and marshalling of construction vehicles, equipment, contractors, subcontractors, materialmen and suppliers in connection the construction of the Parcel B Building (the "**Marshalling and Staging Area**"). The Marshalling and Staging Area may be changed from time to time as the circumstances require and as the Parties agree. The Parties agree that the purpose of the designation of the Marshalling and Staging Area is to prevent disruption to the businesses of both Parties during the construction, including, but not limited to, ensuring adequate parking spaces on both Parcel A and Parcel B during regular business hours. Any designated Marshalling and Staging Area shall cease to be a Marshalling and Staging Area upon the completion of the construction of the Parcel B Building.

6 **Property Damage.** Irrespective of the location of the Marshalling and Staging Area, Livingstone shall be responsible for any damage caused to Parcel A by any contractors, subcontractors, materialmen or suppliers during or in connection with the construction on Parcel B of the veterinary clinic.



Mary Herrera

Bern. Co. AGRE

R 23.00

2006090526

6486089

Page: 2 of 8

07/03/2006 10:16A

Bk-A119 Pg-8248

Handwritten signature/initials

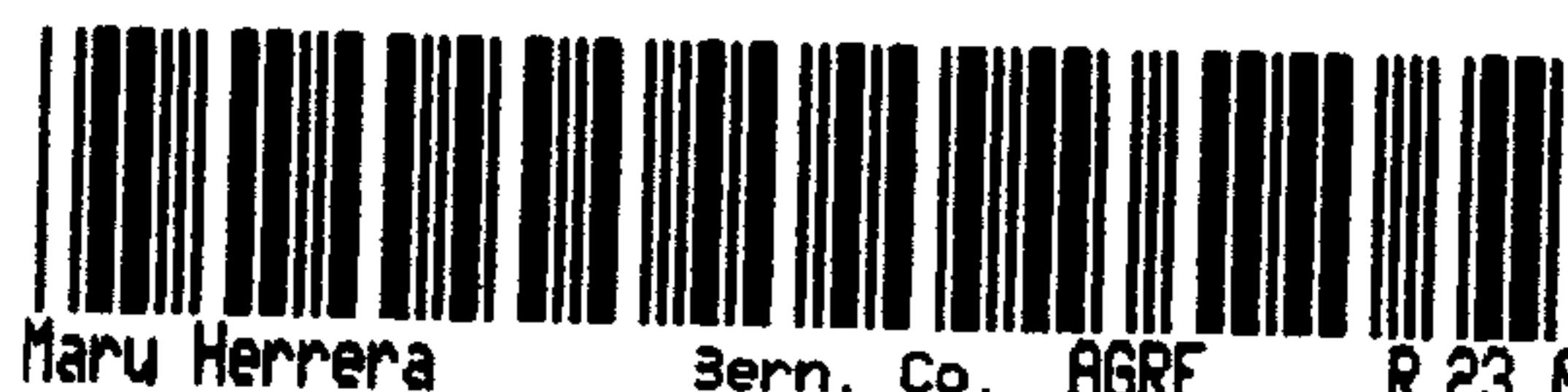
MISCELLANEOUS

7 **No Liability.** The Parties expressly understand and agree, for themselves, their successors and assigns, and on behalf of the Parties' Permittees, that no Party to this agreement shall have any liability to any other Party or any other person for any damage or injury as a consequence of entering into this Agreement or any of the actions taken in performance of this Agreement.

8 **Arbitration.** Any dispute, controversy or claim arising out of or in connection with or relating to this Agreement or any breach or alleged breach of this Agreement shall, on the request of one of the parties, be submitted to and settled by arbitration as follows: Each Party shall select a person not related or affiliated to the selecting Party and the selection shall be made within 30 days after the request for arbitration by either Party. The two arbitrators so selected shall choose a third independent arbitrator and then render a decision within 30 days after the selection. The costs of the arbitrators and the arbitrators' fees, if any, shall be shared equally by the Parties to the arbitration; provided, however, that the arbitrators in their sole discretion may allocate costs and fees to one of the Parties to the arbitration if they believe that one of the Parties unreasonably caused a dispute, controversy or claim to be submitted to arbitration. Each Party shall be responsible for experts and attorneys engaged by the Party on its behalf. A decision of two of the three arbitrators shall be determinative. Any decision rendered by arbitrators shall be final and conclusive on the parties and a judgment on the decision may be entered in competent court of law in the State of New Mexico.

9 **Indemnification.** Subject to the provisions of paragraph 8, each Party (hereinafter, in this paragraph 9, the "Indemnifying Party") covenants and agrees, at its sole cost and expense, to indemnify and hold harmless the other Party (hereinafter, in this paragraph 8, the "Indemnitee") from and against any and all claims against the Indemnitee for losses, liabilities, damages, judgments, costs and expenses and any actions or proceedings arising therefrom, by or on behalf of any person, other than the Indemnitee, arising from the Indemnifying Party's use, possession or management of the Indemnifying Party's Parcel or activities therein or arising out of the Indemnifying Party's or any Indemnifying Party's Permittees' use, exercise or enjoyment of an Easement, and from and against all costs, attorneys' fees, expenses and liabilities incurred with respect to any such claim, action or proceeding arising therefrom. In case any action or proceeding is brought against the Indemnitee by reason of any such claim, the Indemnifying Party, upon notice from the Indemnitee and at the Indemnifying Party's sole cost and expense, covenants to resist or defend such action or proceeding with attorneys reasonably satisfactory to the Indemnitee. These indemnity obligations shall not extend to indemnities proscribed by Section 56-7-1, NMSA, 1978 Comp.

10 **Easements are Appurtenant.** The easements and rights created by this agreement shall be deemed to run with the land, and shall be for the benefit of and inure to the Parties, their successors and assigns, and shall burden their respective parcels, perpetually.



Handwritten signature or initials.

11 **Abandonment of Easements.** Easements created hereunder shall not be presumed abandoned by non-use or the occurrence of damage or destruction of a portion of Parcel A or Parcel B unless the Party who is benefitted by such Easement states in writing that Party's intention to abandon such Easement.

12 **No Utility Easements.** Nothing in this Agreement shall be construed as creating or allowing a utility easement on either Parcel A or Parcel B.

13 **Definitions.** As used in this Agreement, the following terms shall have the following meanings:

(a) **Access Driveway.** The driveway between Parcel A and Parcel B located as shown on the plat attached as Exhibit C.

(b) **Easement(s).** A collective reference to easements provided for or created under this Agreement.

(c) **Permittees.** Each Party and their respective employees, agents, contractors, customers, visitors, invitees, licensees, lessees, subtenants and concessionaires.

(d) **Joint Use Area.** The term "Joint Use Area" means those areas within the Property, which, at any given time, do not have buildings on them and which have been paved and/or improved with landscaping, drive aisles, curbing or other similar parking lot improvements. At the time a building is constructed upon a portion of Joint Use Area, such portion will be deemed no longer Joint Use Area.

14 **Amendment.** This Agreement may be amended at any time in writing signed by the Parties to this Agreement.

15 **Governing Law.** The parties hereto acknowledge that this Agreement and any other instruments in connection herewith, have been negotiated, executed and delivered in the City of Albuquerque, County of Bernalillo, and State of New Mexico. This Agreement and said other instruments, in all respects, shall be governed, construed, applied and enforced in accordance with the laws of New Mexico, including, without limitation, matters affecting title to all real property described herein.

16 **No Third Party Beneficiary.** This Agreement is not intended to give or confer any benefits, rights, privileges, claims, actions or remedies to any person or entity as a third party beneficiary under any statutes, laws, codes, ordinances, rules, regulations, orders, decrees or otherwise.



Maru Herrera

Bern. Co. AGRE

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Handwritten signature or initials, possibly "JH2", with a checkmark-like flourish below it.

Dated: 4/17/06

ART KAPLAN and TOYA KAPLAN

Art Kaplan

Toya Kaplan

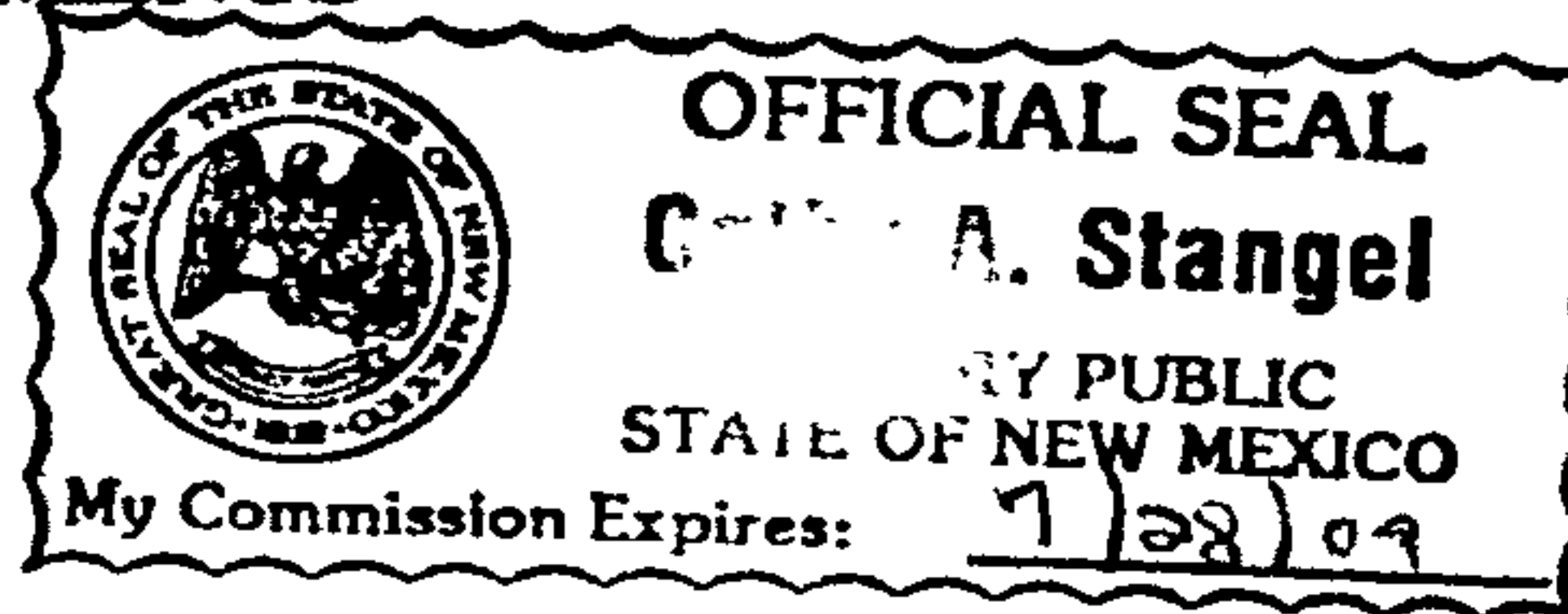
JEFF J. LIVINGSTONE and SUSAN LIVINGSTONE

Jeff K. Livingstone, DVM

Susan Livingstone

ACKNOWLEDGMENTS

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



On this 17th day of April, ^{2006 C.S.}2005 before me appeared Art Kaplan and Toya Kaplan who are personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities for the purposes stated therein.

NOTARY PUBLIC

My Commission Expires:

7/28/09

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

On this 24th day of April, 2006 before me appeared Jeff J. Livingstone and Susan Livingstone who are personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities for the purposes stated therein.

NOTARY PUBLIC



**OFFICIAL SEAL
SEANDALE LOWERY
NOTARY PUBLIC
STATE OF NEW MEXICO**

My Commission Expires:

8/30/2006

My Commission Expires: _____

8/30/2006

Page 5 of 5



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Page: 5 of 8

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EXHIBIT A

LEGAL DESCRIPTION OF PARCEL A

Tract H-4-A of the Plat of Tracts H-2-A & H-4-A, Unit No. 6, Altamont, being a Replat of Tracts H-2 & H-4, Unit No. 6, Altamont (filed October 21, 1974, Vol. A5, p. 114), Section 1, T.10N., R.3E., N.M.P.M., Albuquerque, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 20, 1990, in Plat Book 90C, page 286.



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Page: 6 of 8

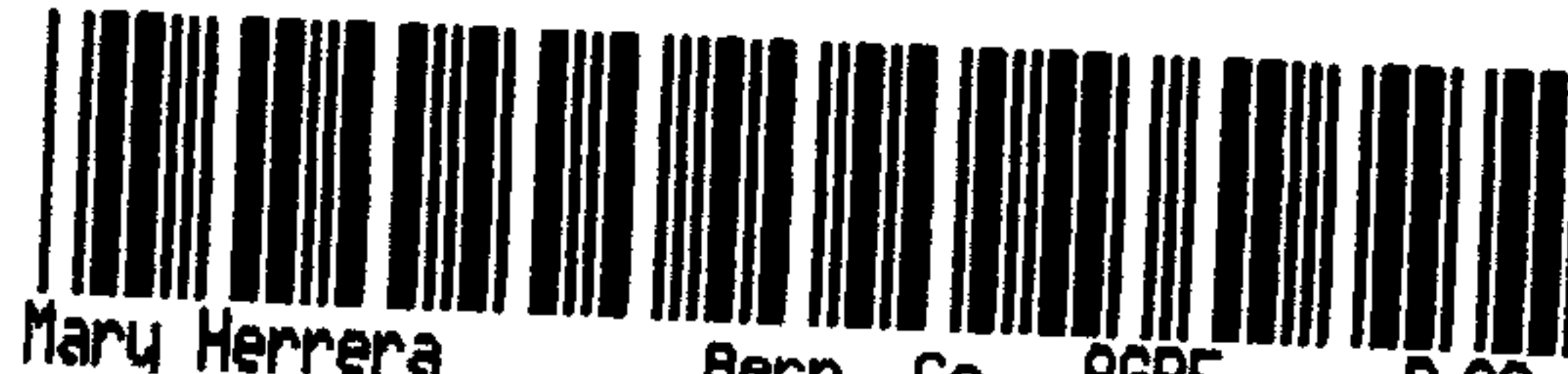
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EXHIBIT B

LEGAL DESCRIPTION OF PARCEL B

Tract H-2-A of Altamont Unit 6, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 20, 1990 on Plat Book 90C, folio 286



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Page: 7 of 8

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Page: 8 of 8

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Exhibit C

