

AFFIDAVIT OF _____

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

_____ on his oath deposes and states:

1. I am an employee of the City of Albuquerque and am responsible in part for the administration of Construction Permits within the City of Albuquerque, State of New Mexico.
2. I am familiar with the Building Codes for the City of Albuquerque and all Retaining Walls where there is a grade differential of more than 18" on each side of the wall are required to be separately permitted for construction within the City of Albuquerque.
3. I have reviewed the Plans that were submitted by Peterson INV-Juan Tabo, LLC for the construction of the Walgreens on Parcel A of Tract 1 of the Eldorado Center Subdivision, and the Retaining Wall that is shown on Page CG-101 at Note 14, and that retaining wall that is noted to be "designed by others".
4. The Building Permit was issued only for construction of Improvements on Parcel A, Tract One of Eldorado Center Subdivision.
5. That Retaining Wall was required to have been separately permitted with appropriate detailed engineering plans submitted, if the detailed plans were not submitted with the set that was submitted with the initial application.
6. If the Retaining Wall was to be constructed on a parcel other than Parcel A of Tract One of Eldorado Center Subdivision, the plans would have to be submitted by the agent for the Owner of the Parcel on whose land the Retaining Wall was to be built. For example, if the Retaining Wall was to be built on Parcel B of Tract One of Eldorado Center Subdivision, then the Owner of Parcel B or his agent would have to apply for a Building Permit to build a Retaining Wall on that Parcel.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this _____ day of December, 2009, by _____.

Notary Public

My Commission expires:

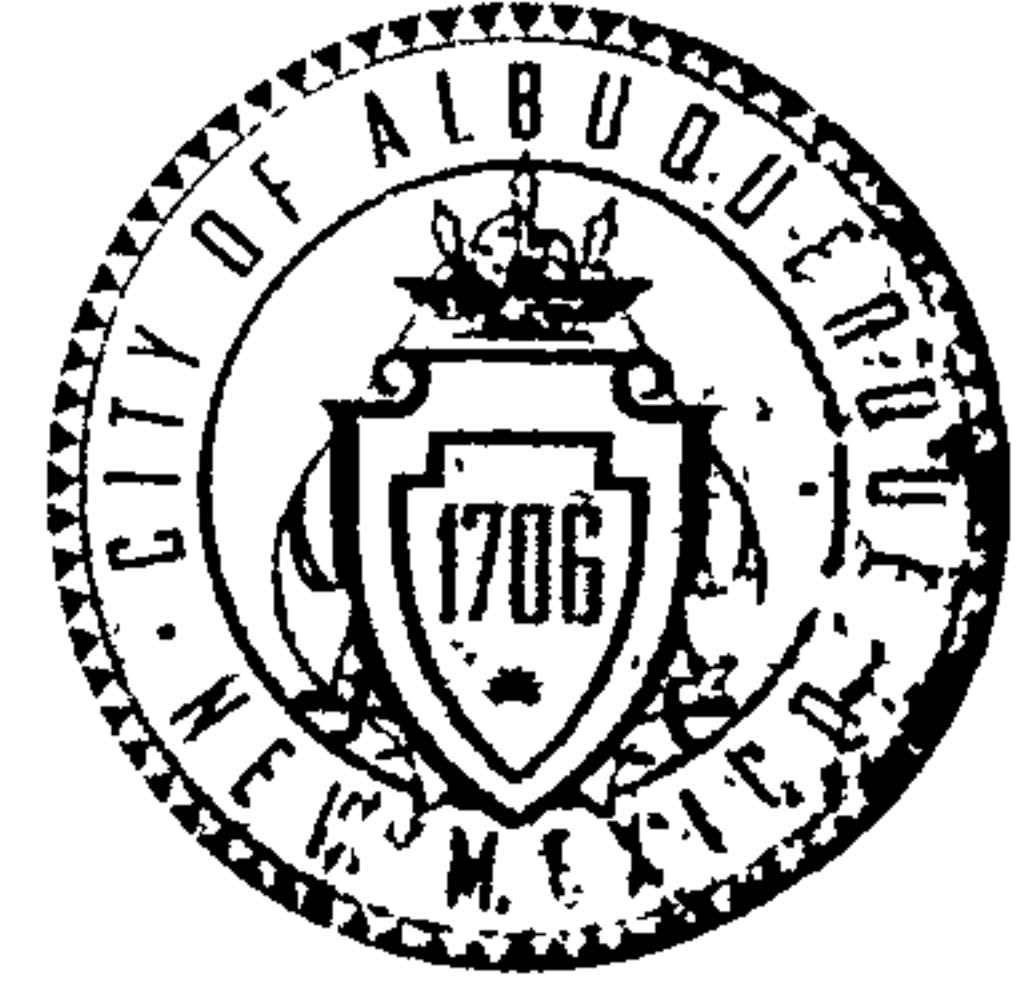
WILL FERGUSON & ASSOCIATES
ATTORNEYS AT LAW

ROGER EATON

PRACTICE PRIMARILY LIMITED TO PERSONAL INJURY AND TRIALS

1720 LOUISIANA BLVD NE, SUITE 100
ALBUQUERQUE, NEW MEXICO 87110
505 243-5566
FAX 505 243-5699
1 800 251-5566
www.fergusonlaw.com
roger@fergusonlaw.com

CITY OF ALBUQUERQUE



October 23, 2008

Scott McGee, P.E.
Isaacson & Arfman, P.A.
128 Monroe Street N.E.
Albuquerque, NM 87108

**Re: Walgreens @ Juan Tabo & Montgomery, 11200 Montgomery Blvd. NE,
(G-22/D020)**

Approval of Permanent Certificate of Occupancy,

Engineer's Stamp Dated: 4-11-08

Certification dated 10-23-2008

Mr. McGee:

PO Box 1293

Based upon the information provided in your submittal received 10/23/08, 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. 1/28/2003rd)

PROJECT TITLE: WALGREENS Montgomery & Juan Tabo

ZONE MAP / DRG. FILE #: G-22/D020

DRB #: _____ EPC #: _____

WORK ORDER #: _____

LEGAL DESCRIPTION: Parcel A Eldorado Center

CITY ADDRESS: 11200 Mont. - N.E.

ENGINEERING FIRM: Isaacson & Arfman, P.A.

CONTACT: Scott McGee, PE

ADDRESS: 128 Monroe St. NE

PHONE: 268-8828

CITY, STATE: Albuquerque, NM

ZIP CODE: 87108

OWNER: Walgreens

CONTACT: _____

ADDRESS: _____

PHONE: _____

CITY, STATE: Alb, NM

ZIP CODE: _____

ARCHITECT: George Rainhart AIA

CONTACT Jon Stern

ADDRESS: 2325 San Pedro NE, Suite 2-B

PHONE: 884-9110

CITY, STATE: Albuquerque, New Mexico

ZIP CODE: 87110

SURVEYOR: SURV-TEK # 9750

CONTACT: Russ Hugg

ADDRESS: 9384 Valley View Drive NW

PHONE: 897-3366

CITY, STATE: Albuquerque, New Mexico

ZIP CODE: 87114

CONTRACTOR: _____

CONTACT: _____

ADDRESS: _____

PHONE: _____

CITY, STATE: _____

ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1ST *REQUIRES TCL or equal*
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☒ ENGINEER'S CERTIFICATION (HYDROLOGY)
☐ CLOMR / LOMR
☐ TRAFFIC CIRCULATION LAYOUT (TCL)
☐ ENGINEER'S CERTIFICATION (TCL)
☐ ENGINEER'S CERTIFICATION (DRB APPR, SITE PLAN)
☐ OTHER

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA / FINANCIAL GUARANTEE RELEASE
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D APPROVAL
☐ S. DEV. PLAN FOR BLDG. PERMIT APPR.
☐ 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

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
☒ NO
☐ COPY PROVIDED

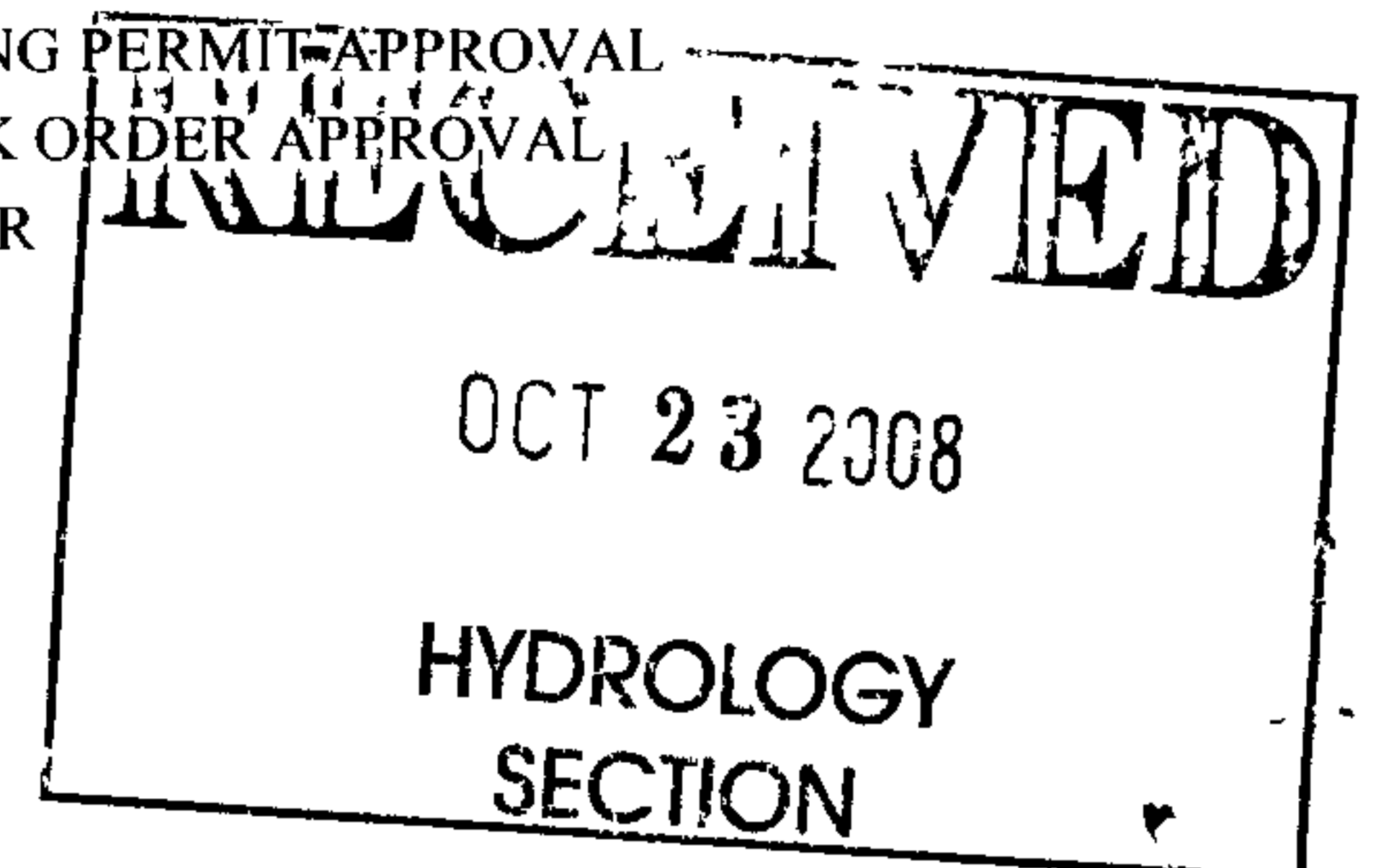
DATE SUBMITTED: Thursday, October 23, 2008

BY: Scott McGee

Isaacson & Arfman, P.A.

Requests for approvals of Site Development Plans and / or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of 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 acres and Sector Plans
2. Drainage Plans: Required for building permits, grading permits, paving permits and site plans less than five acres
3. Drainage Report: Required for subdivisions containing more than ten (10) lots or constituting five acres or more.



CITY OF ALBUQUERQUE



November 09, 2007

Scott M. McGee, P.E.
Isaacson & Arfman
128 Monroe St. NE
Albuquerque, NM 87108

**Re: Walgreen's @ Montgomery & Juan Tabo, 11200 Montgomery,
Grading and Drainage Plan
Engineer's Stamp dated 11-06-07 (G-22/D020)**

Dear Mr. McGee,

Based upon the information provided in your submittal received 11-08-07, the above referenced plan is approved for Building Permit. Please attach a copy of this approved plan to the construction sets prior to sign-off by Hydrology. Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit. If you have any questions regarding this permit please feel free to call the DMD Storm Drainage Design Section at 768-3654 or 768-3645.

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

Sincerely,

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

Cc:  Brad Bingham
File

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

PROJECT TITLE: WALGREENS Montgomery & Juan Tabo

ZONE MAP / DRG. FILE #: G-22/D 020

DRB #: _____ EPC #: _____

WORK ORDER #: _____

LEGAL DESCRIPTION: Parcel A Eldorado Center

CITY ADDRESS: _____

ENGINEERING FIRM: Isaacson & Arfman, P.A.

ADDRESS: 128 Monroe St. NE

CITY, STATE: Albuquerque, NM

CONTACT: Scott McGee, PE

PHONE: 268-8828

ZIP CODE: 87108

OWNER: Walgreens

ADDRESS: _____

CITY, STATE: Alb, NM

CONTACT: _____

PHONE: _____

ZIP CODE: _____

ARCHITECT: George Rainhart AIA

ADDRESS: 2325 San Pedro NE, Suite 2-B

CITY, STATE: Albuquerque, New Mexico

CONTACT Jon Stern

PHONE: 884-9110

ZIP CODE: 87110

SURVEYOR: SURV-TEK # 9750

ADDRESS: 9384 Valley View Drive NW

CITY, STATE: Albuquerque, New Mexico

CONTACT: Russ Hugg

PHONE: 897-3366

ZIP CODE: 87114

CONTRACTOR: _____

ADDRESS: _____

CITY, STATE: _____

CONTACT: _____

PHONE: _____

ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☒ DRAINAGE PLAN 1ST *REQUIRES TCL or equal*
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☒ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERTIFICATION (HYDROLOGICAL)
- ☐ CLOMR / LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
- ☐ ENGINEER'S CERTIFICATION (TCL)
- ☐ ENGINEER'S CERTIFICATION (DRB APPR, SITE PLAN)
- ☐ OTHER

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SIA / FINANCIAL GUARANTEE RELEASE
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D APPROVAL
- ☐ S. DEV. PLAN FOR BLDG. PERMIT APPR.
- ☐ 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

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
- ☒ NO
- ☐ COPY PROVIDED

DATE SUBMITTED: Wednesday, November 07, 2007

BY: Scott McGee

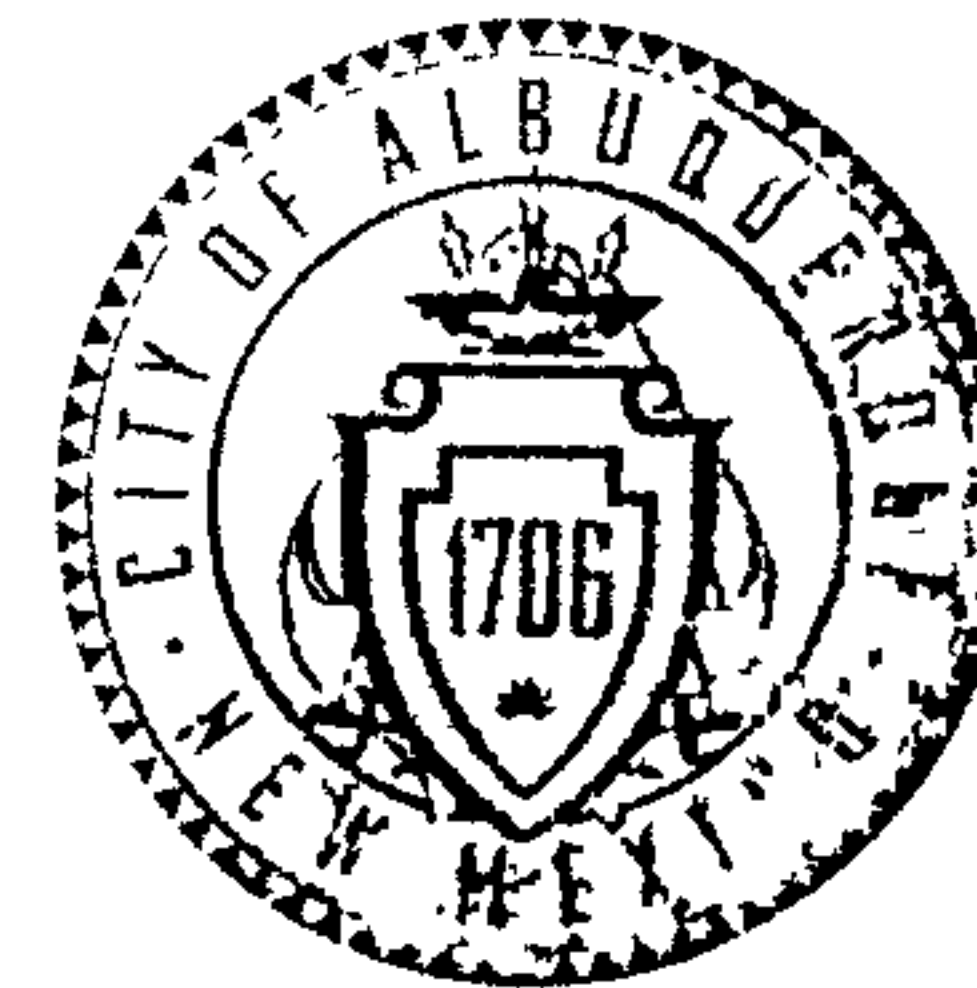
Isaacson & Arfman, P.A.

Requests for approvals of Site Development Plans and / or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of 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 subdivisions containing more than ten (10) lots or constituting five acres or more.

22/20

CITY OF ALBUQUERQUE



May 1, 2008

Scott M. McGee, P.E.
Isaacson & Arfman
128 Monroe St. NE
Albuquerque, NM 87108

**Re: Walgreen's @ Montgomery & Juan Tabo, 11200 Montgomery,
Grading and Drainage Plan (Resubmittal)
Engineer's Stamp dated 04-11-08 (G-22/D020)**

Dear Mr. McGee,

Based upon the information provided in your submittal received 04-11-08, the above referenced plan is approved for Building Permit. Please attach a copy of this approved plan to the construction sets prior to sign-off by Hydrology. Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required.

PO Box 1293

This project requires a National Pollutant Discharge Elimination System (NPDES) permit. If you have any questions regarding this permit please feel free to call the DMD Storm Drainage Design Section at 768-3654 or 768-3645.

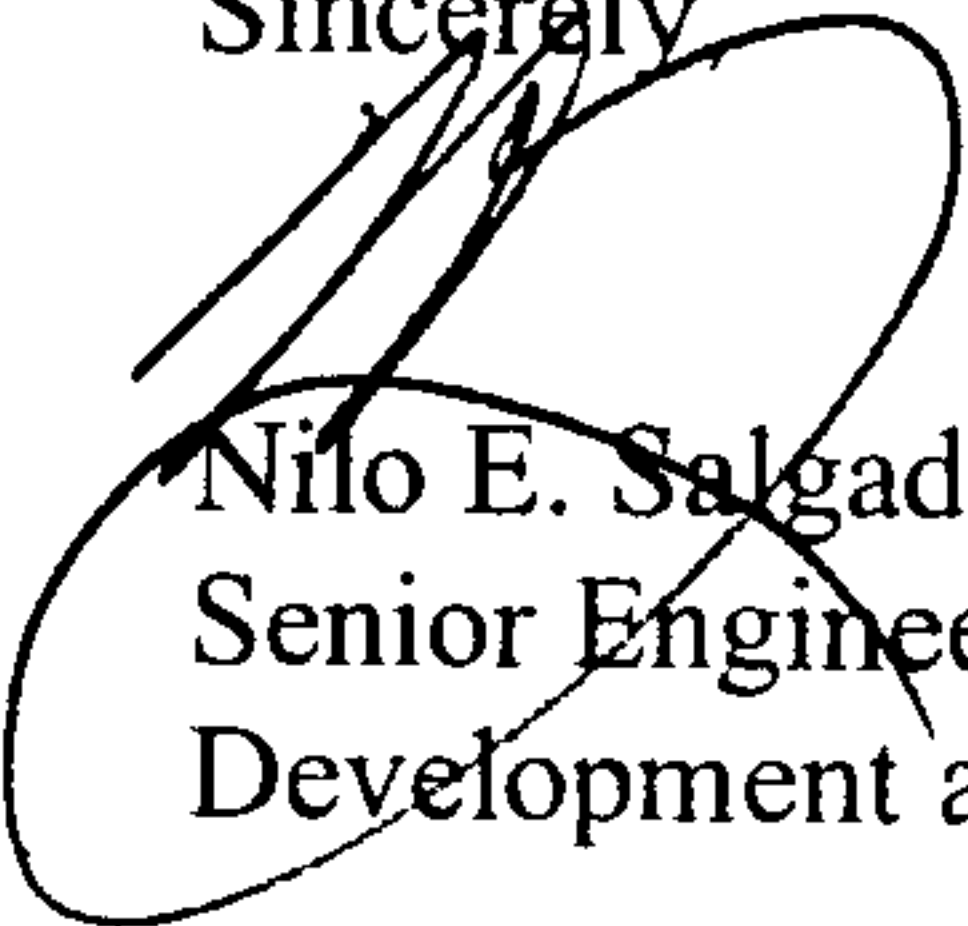
Albuquerque

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

NM 87103

Sincerely,

www.cabq.gov


Nilo E. Salgado-Fernandez, P.E.
Senior Engineer - Hydrology, Planning Dept.
Development and Building Services

Cc: File

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

PROJECT TITLE: WALGREENS Montgomery & Juan Tabo

ZONE MAP / DRG. FILE #: G-22/D020

DRB #: _____ EPC #: _____

WORK ORDER #: _____

LEGAL DESCRIPTION: Parcel A Eldorado Center

CITY ADDRESS: 11200 MONTGOMERY BLVD NE

ENGINEERING FIRM: Isaacson & Arfman, P.A.

ADDRESS: 128 Monroe St. NE

CITY, STATE: Albuquerque, NM

CONTACT: Scott McGee, PE

PHONE: 268-8828

ZIP CODE: 87108

OWNER: Walgreens

ADDRESS: _____

CITY, STATE: Alb, NM

CONTACT: _____

PHONE: _____

ZIP CODE: _____

ARCHITECT: George Rainhart AIA

ADDRESS: 2325 San Pedro NE, Suite 2-B

CITY, STATE: Albuquerque, New Mexico

CONTACT Jon Stern

PHONE: 884-9110

ZIP CODE: 87110

SURVEYOR: SURV-TEK # 9750

ADDRESS: 9384 Valley View Drive NW

CITY, STATE: Albuquerque, New Mexico

CONTACT: Russ Hugg

PHONE: 897-3366

ZIP CODE: 87114

CONTRACTOR: _____

ADDRESS: _____

CITY, STATE: _____

CONTACT: _____

PHONE: _____

ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

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☐ DRAINAGE PLAN 1ST *REQUIRES TCL or equal*
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☒ BUILDING PERMIT APPROVAL
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☐ CERTIFICATE OF OCCUPANCY (TEMP)
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER

WAS A PRE-DESIGN CONFERENCE ATTENDED:

- ☐ YES
☒ NO
☐ COPY PROVIDED

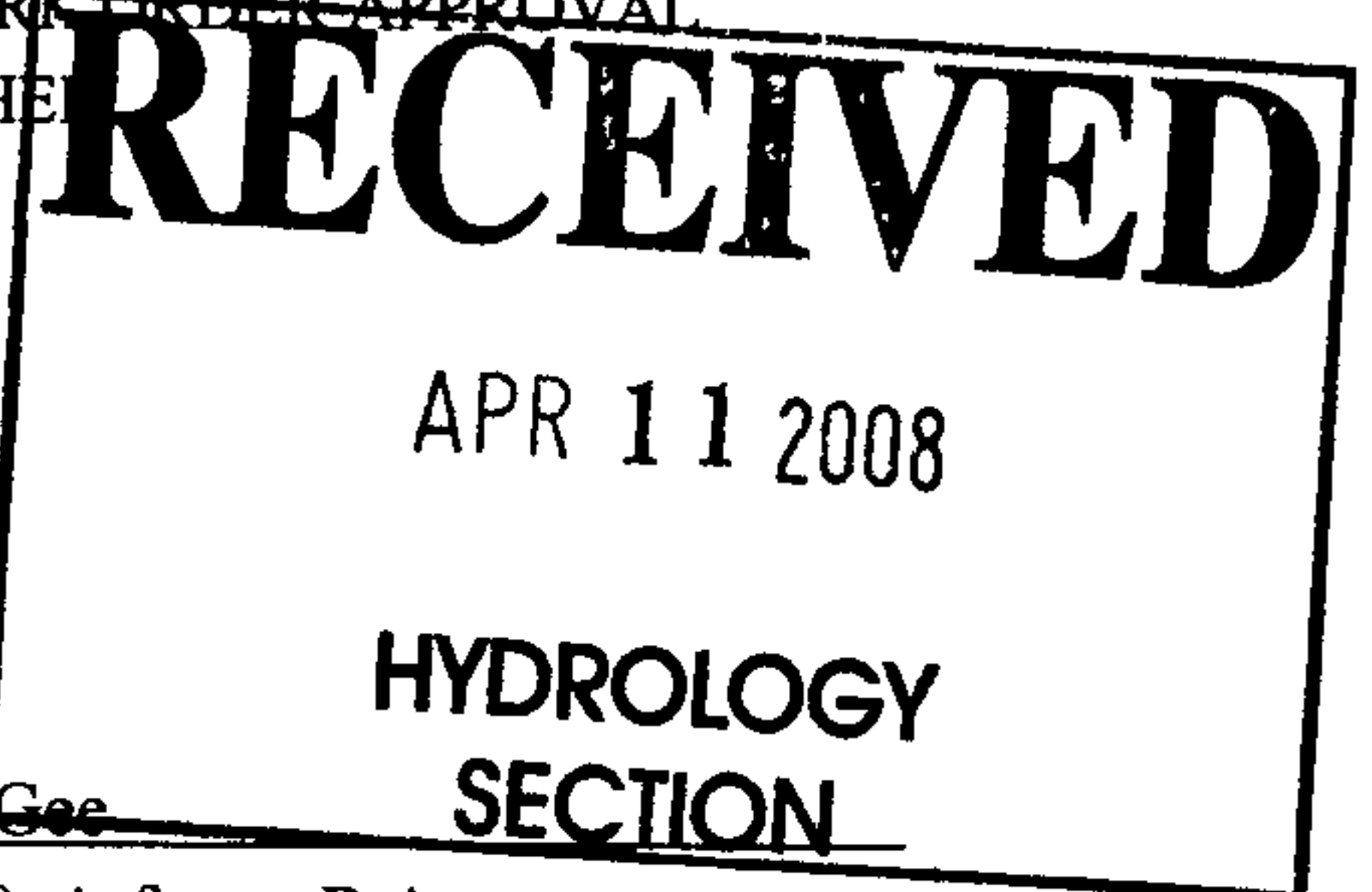
DATE SUBMITTED: Friday, April 11, 2008

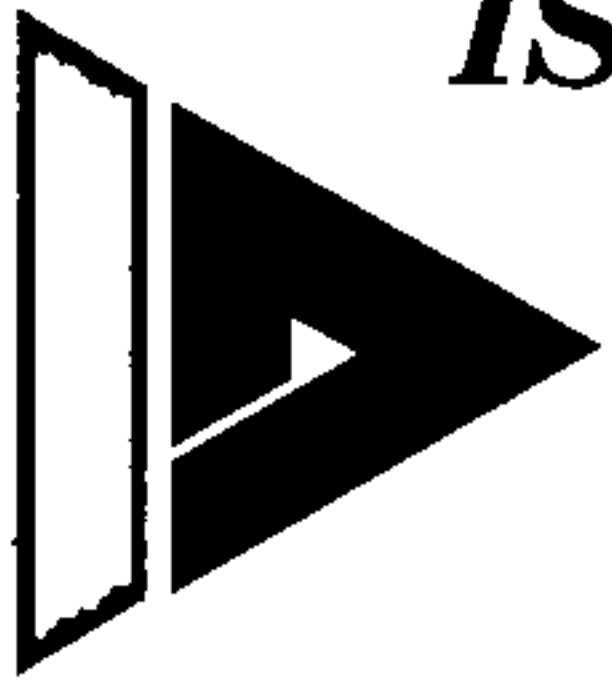
BY: Scott McGee

Isaacson & Arfman, P.A.

Requests for approvals of Site Development Plans and / or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of 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 subdivisions containing more than ten (10) lots or constituting five acres or more.





ISAACSON & ARFMAN, P.A.

Consulting Engineering Associates

*Thomas O. Isaacson, PE & LS • Fred C. Arfman, PE
Scott M. McGee, PE*

April 11, 2008

Mr. Timothy Sims
Plan Checker – Hydrology, Planning Dept.
Development and Building Services
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: WALGREEN'S @ MONTGOMERY & JUAN TABO (G22-D020)

Dear Mr. Sims,

Attached with this letter is a revised Grading and Drainage Plan for your review. This project was previously approved per your letter dated November 9, 2007 and the building is currently under construction. Architectural revisions to the site plan required a modification of the proposed grades as follows:

1. Pedestrian access from Montgomery Blvd. revised causing minor grade changes within the parking area.
2. Minor grade revisions and the addition of stairs at the east retaining wall to transition pedestrians.
3. Minor changes to parking islands.

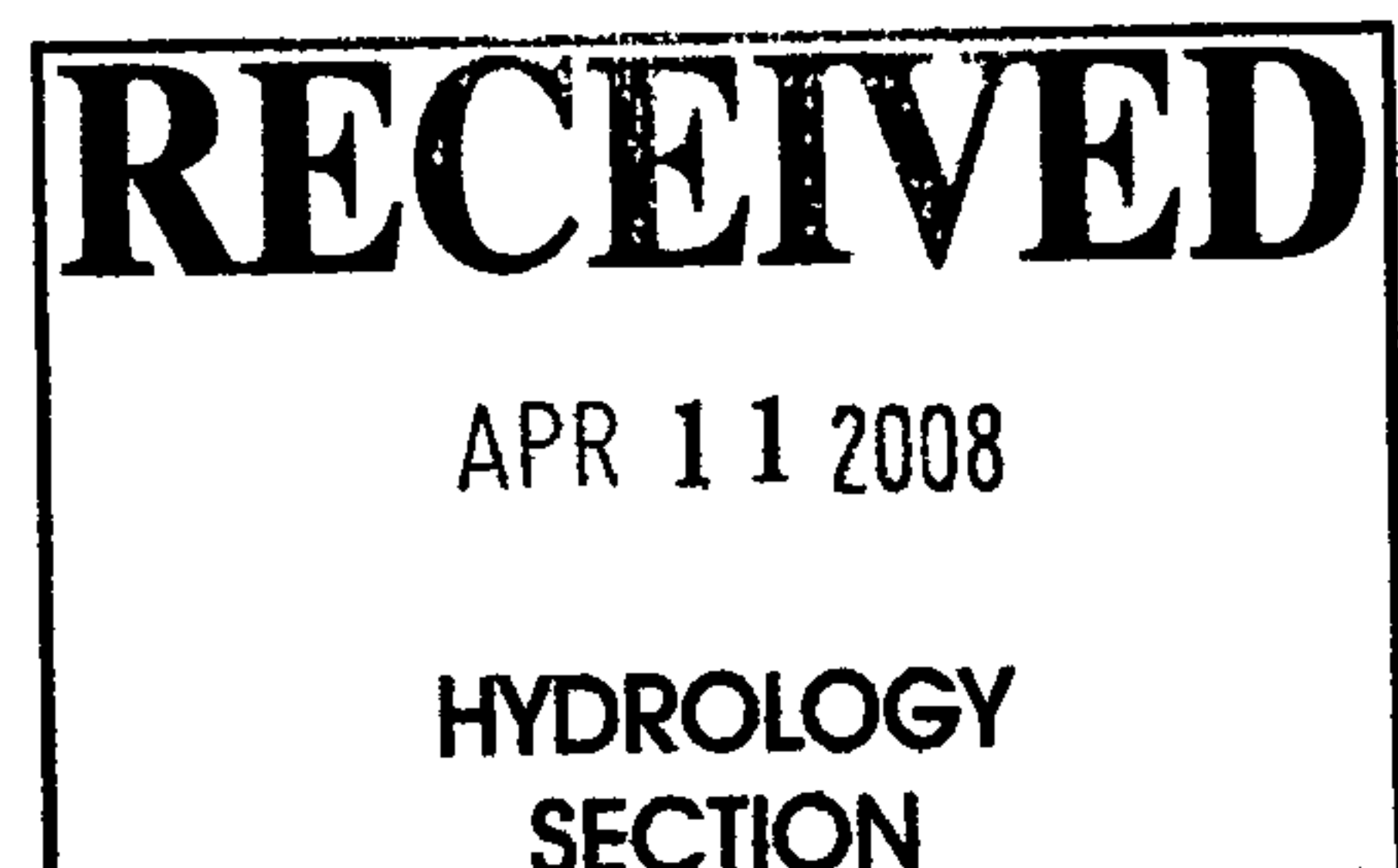
Overall drainage discharge patterns and calculations remain as originally submitted.

Please don't hesitate to call me with any questions or concerns.

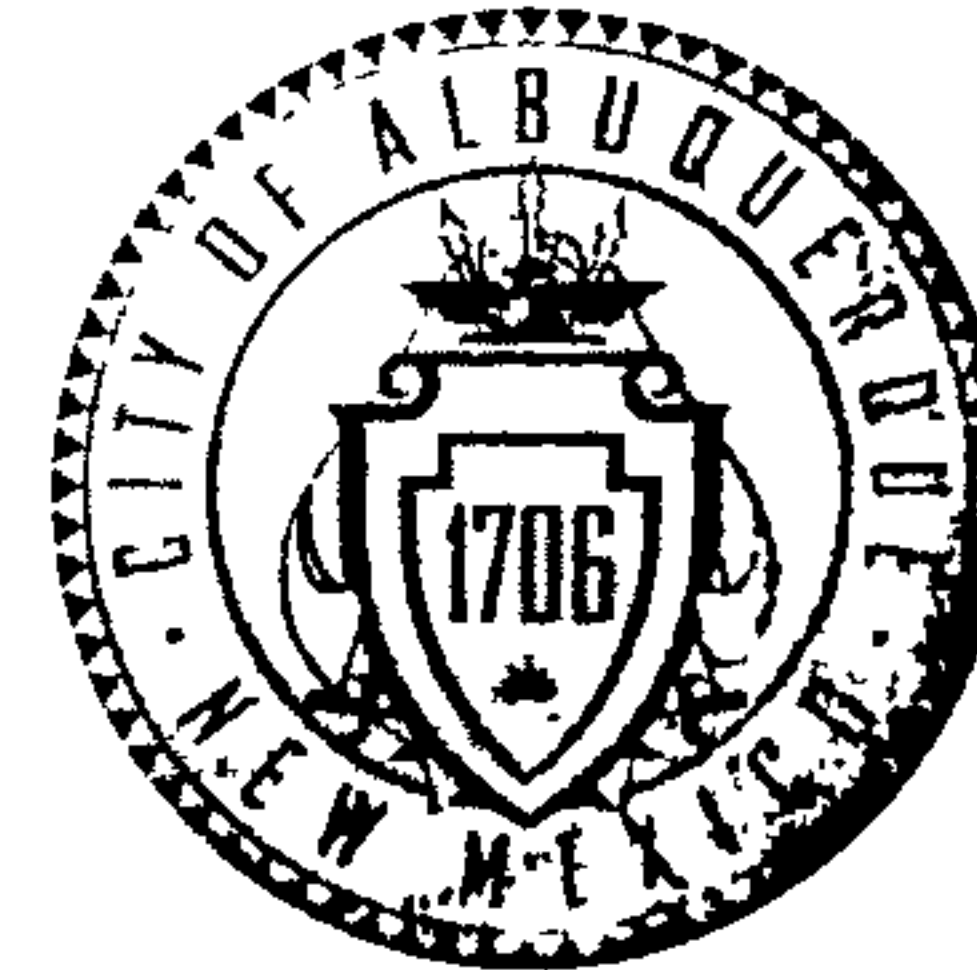
Sincerely,

ISAACSON AND ARFMAN, P.A.

Scott M. McGee, PE
Attachment



CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

January 12, 2008

George R. Rainhart, Registered Architect
Attn: Jonathan Stern
George Rainhart, Architect & Associates P.C.
2325 San Pedro NE, Ste. 2-B
Albuquerque, NM 87110

Re: Certification Submittal for Final Building Certificate of Occupancy for
Walgreens, [G-22 / D020]
11200 Montgomery NE
Architect's Stamp Dated 01/09/09

PO Box 1293

Dear Mr. George R. Rainhart:

Albuquerque

The TCL / Letter of Certification submitted on January 9, 2009 is sufficient for acceptance by this office for final Certificate of Occupancy (C.O.). Notification has been made to the Building and Safety Section.

NM 87103

Sincerely,

www.cabq.gov

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

c: Engineer
Hydrology file
CO Clerk

Salgado-Fernandez, Nilo E.

From: Scott M. McGee [scottm@IACIVIL.COM]

Sent: Friday, November 07, 2008 1:35 PM

To: Salgado-Fernandez, Nilo E.

Subject: Walgreens at SEC Montgomery/ Juan Tabo NE

Hi Nilo,

11200 MONTGOMERY

The local Architect has asked us to assist with the H/C ramp design at the referenced location. What is the City review/approval process for the design and construction of this new ramp?

Scott McGee

Isaacson & Arfman, P.A.

Phone: (505)268-8828

~~E-21~~

G22/D020

ELDORADO
SHOPPING
CENTER

GEORGE RAINHART

(JON STERN 338-1499)
JONATHAN EXT. 110



10/1/00 11:00 AM

10/1/00 11:00 AM
FUDNY RULES
H98
FUDNY RULES

11/1/00 11:00 AM

Juan Tabo
Montgomery

Re. mt.
0715879



Van Tabe

Montgomery

07/5979

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

PROJECT TITLE: Walgreen's G-22/DOZO
DRB#: _____ EPC#: _____ ZONE MAP/DRG. FILE # G-22-2
WORK ORDER#: _____

LEGAL DESCRIPTION: Parcel "A-1" of Eldorado Center
CITY ADDRESS: 11200 Montgomery NE

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

CONTACT: _____
PHONE: _____
ZIP CODE: _____

OWNER: Walgreen's
ADDRESS: 200 S. 11th St.
CITY, STATE: DEERFIELD, IL

CONTACT: _____
PHONE: (708) 940-2500
ZIP CODE: 60015

ARCHITECT: George Reinhart & Assoc.
ADDRESS: 2325 San Pedro NE, Ste 2B
CITY, STATE: ALBUQUERQUE, NM

CONTACT: Jon Stern
PHONE: 318-1499 x7-110
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
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☐ PAVING PERMIT APPROVAL
☐ WORK ORDER APPROVAL
☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:...

- ☒ YES
☐ NO
☐ COPY PROVIDED

SUBMITTED BY: [Signature] DATE: 1.9.09



JAN 12 2009

HYDROLOGY
SECTION

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:

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January 9, 2009

Nilo Salgado-Fernandez, P.E.
Senior Traffic Engineer
Planning Department
Transportation Development Services
City of Albuquerque

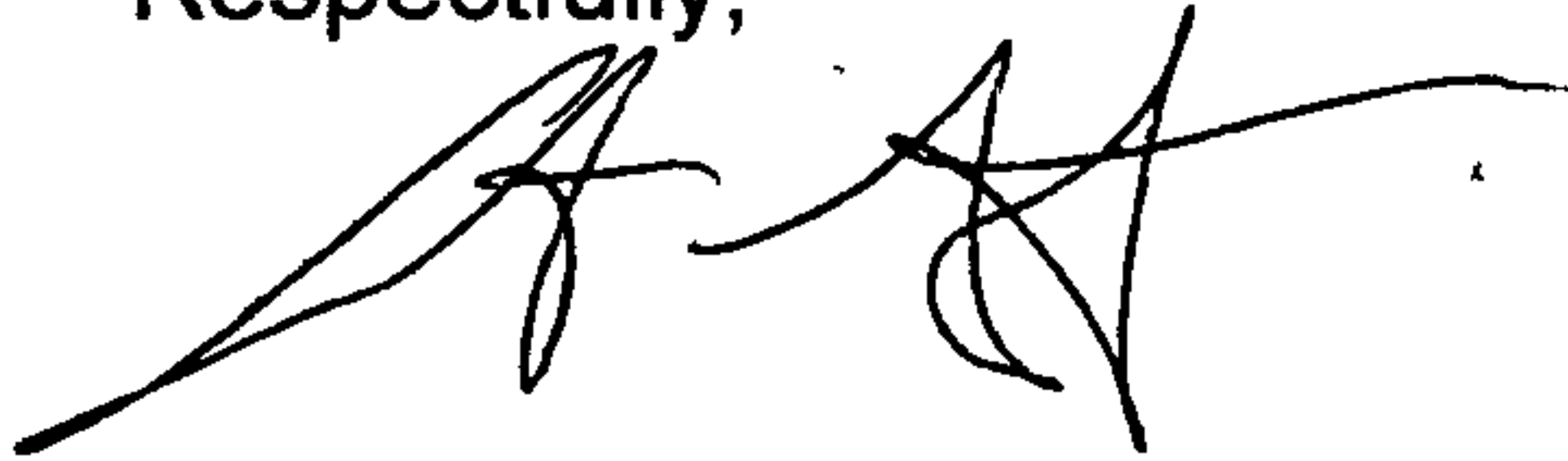
Re:
Approval of Permanent C.O. for Walgreens at Parcel A-1 El Dorado Center [G-22/D020]
11200 Montgomery NE

Dear Mr. Salgado:

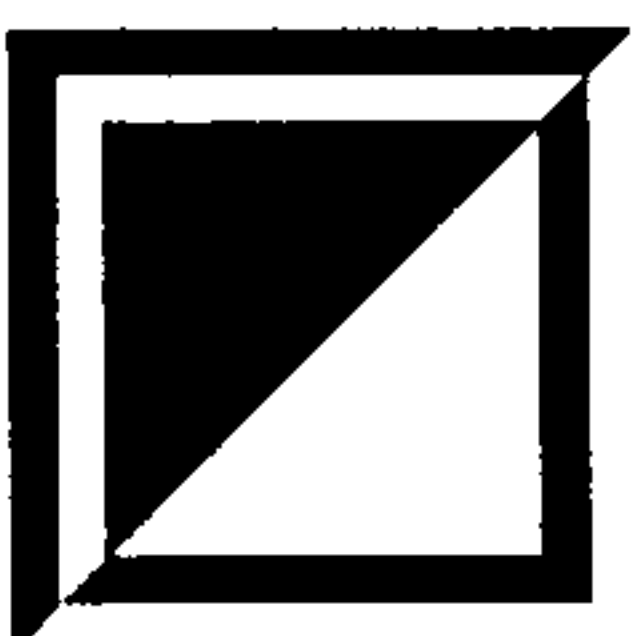
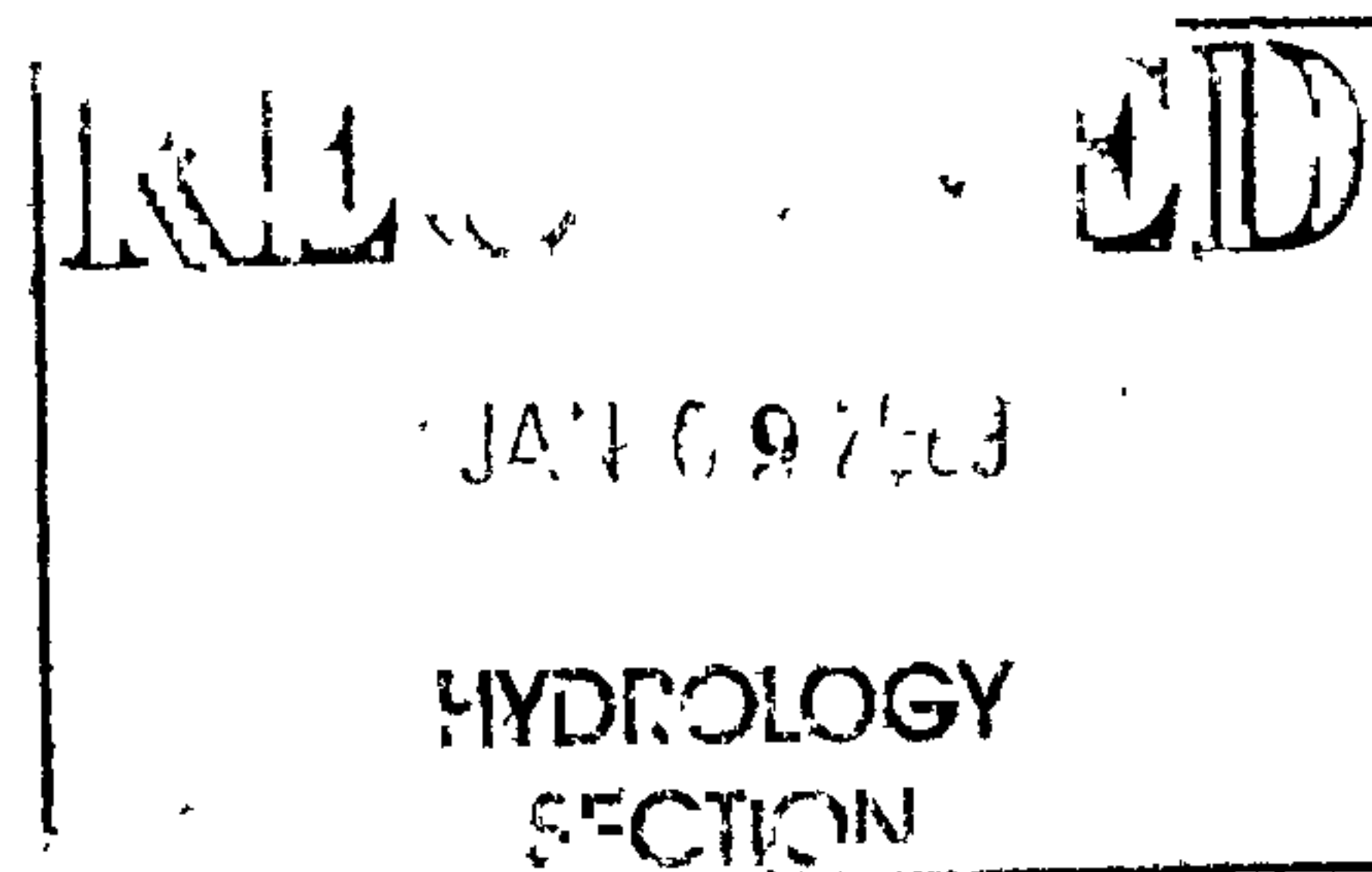
We are submitting for approval of Permanent Certificate of Occupancy based on your photographically-documented observation of the reconstructed ramp at the southeast corner of Juan Tabo and Montgomery NE.

Please let me know if you require any further information or documentation.

Respectfully,



Jonathan Stern AIA
Architect
For George Rainhart Architects & Associates, P.C.

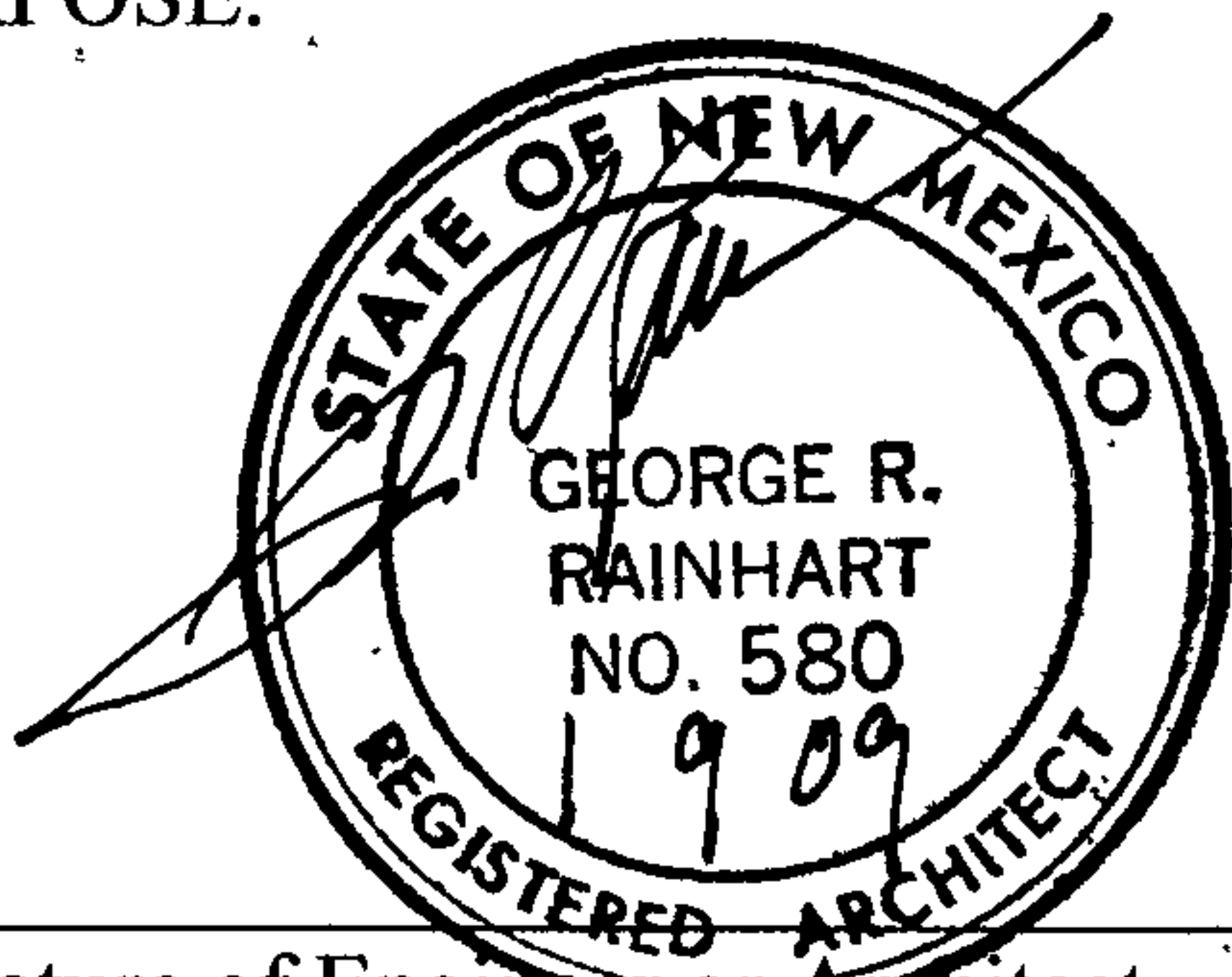


GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

TRAFFIC CERTIFICATION

I, GEORGE RAINHART, NMRA 580, OF THE FIRM GEORGE RAINHART ARCHITECT & ASSOCIATES P.C. HEREBY CERTIFY THAT THIS PROJECT IS IN SUBSTANTIAL DESIGN COMPLIANCE WITH AND IN ACCORDANCE WITH THE DESIGN INTENT OF THE APPROVED PLAN DATED 12/20/04, SEALED 12/8/08. THE RECORD INFORMATION EDITED ONTO THE ORIGINAL DESIGN DOCUMENT HAS BEEN OBTAINED BY GEORGE RAINHART OF THE FIRM GEORGE RAINHART & ASSOCIATES P.C. I FURTHER CERTIFY THAT I HAVE PERSONALLY VISITED THE PROJECT SITE ON 1/9/09 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.

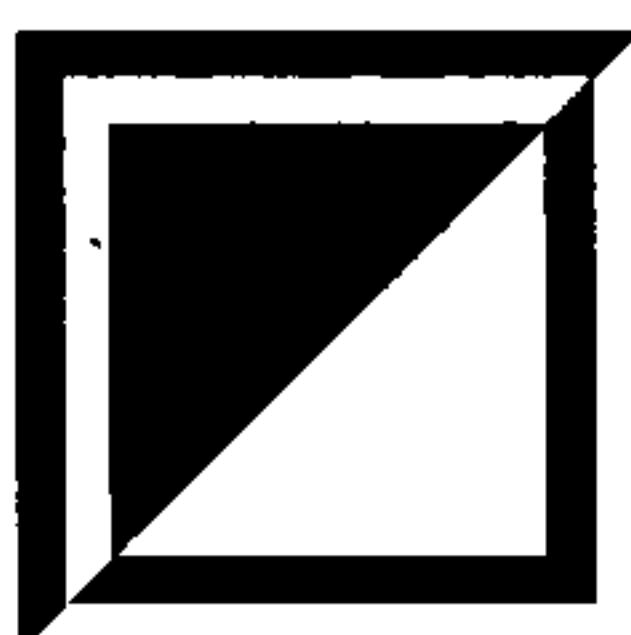
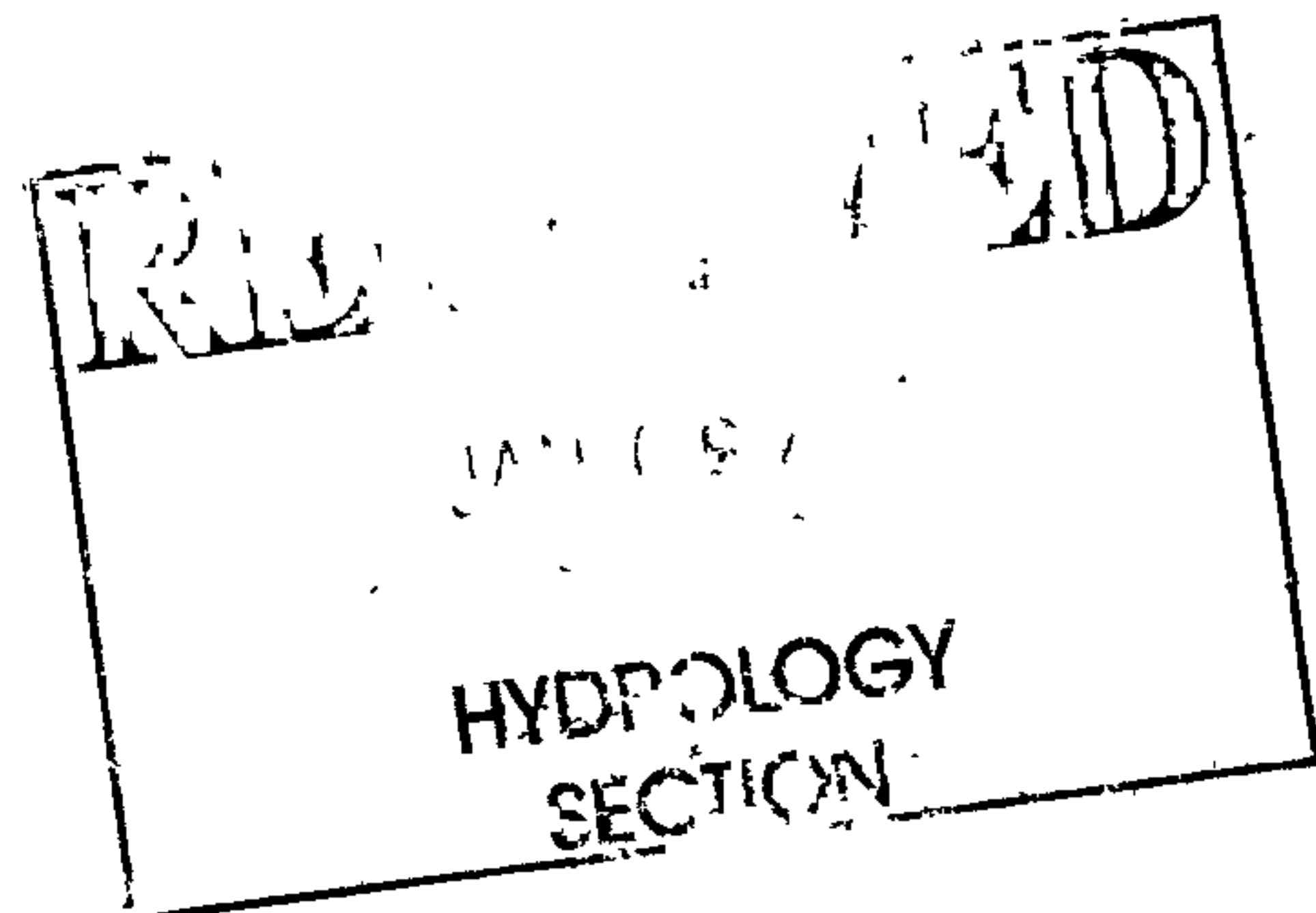
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ARCHITECT'S STAMP

Signature of Engineer or Architect

1/9/09
Date



GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

CITY OF ALBUQUERQUE



Planning Department
Transportation Development Services Section

October 22, 2008

OK
VOP
NSF
2 Dec 08

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

Re: Approval of Temporary Certificate of Occupancy (C.O.) for
Walgreen at Parcel A-1 El Dorado Center, [G-22 / D020]
11200 Montgomery NE
Architect's Stamp Dated 10/21/08

Dear Mr. Rainhart:

Based on the information provided on your submittal dated October 21, 2008, the above referenced project is approved for a 120-day Temporary C.O.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A Temporary C.O. has been issued allowing the outstanding H.C. ramp (located at the corner of Montgomery/Juan Tabo), and additional information needed for the rest of parking circulation (it was changes from 1-way to 2-way orientation) 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.

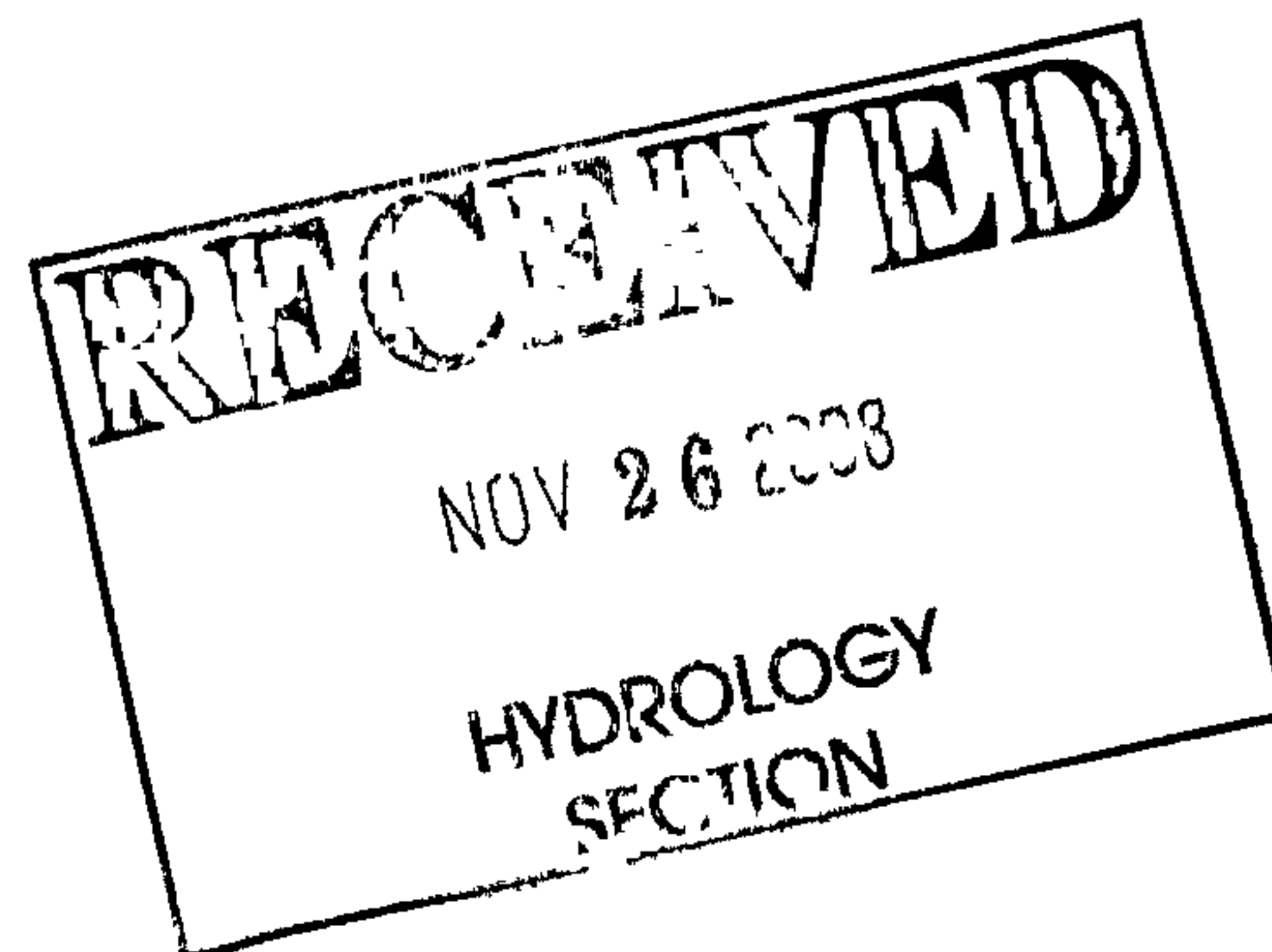
The Certification package for Final C.O. must include an exact copy of the approved TCL, or signed off D.R.B. Site Plan, which is in each of the two City Permit Plan Sets—the contractor's City field set and the City's plan set in the basement of the Plaza Del Sol building. Package also must include a 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 924-3620.

Sincerely,


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

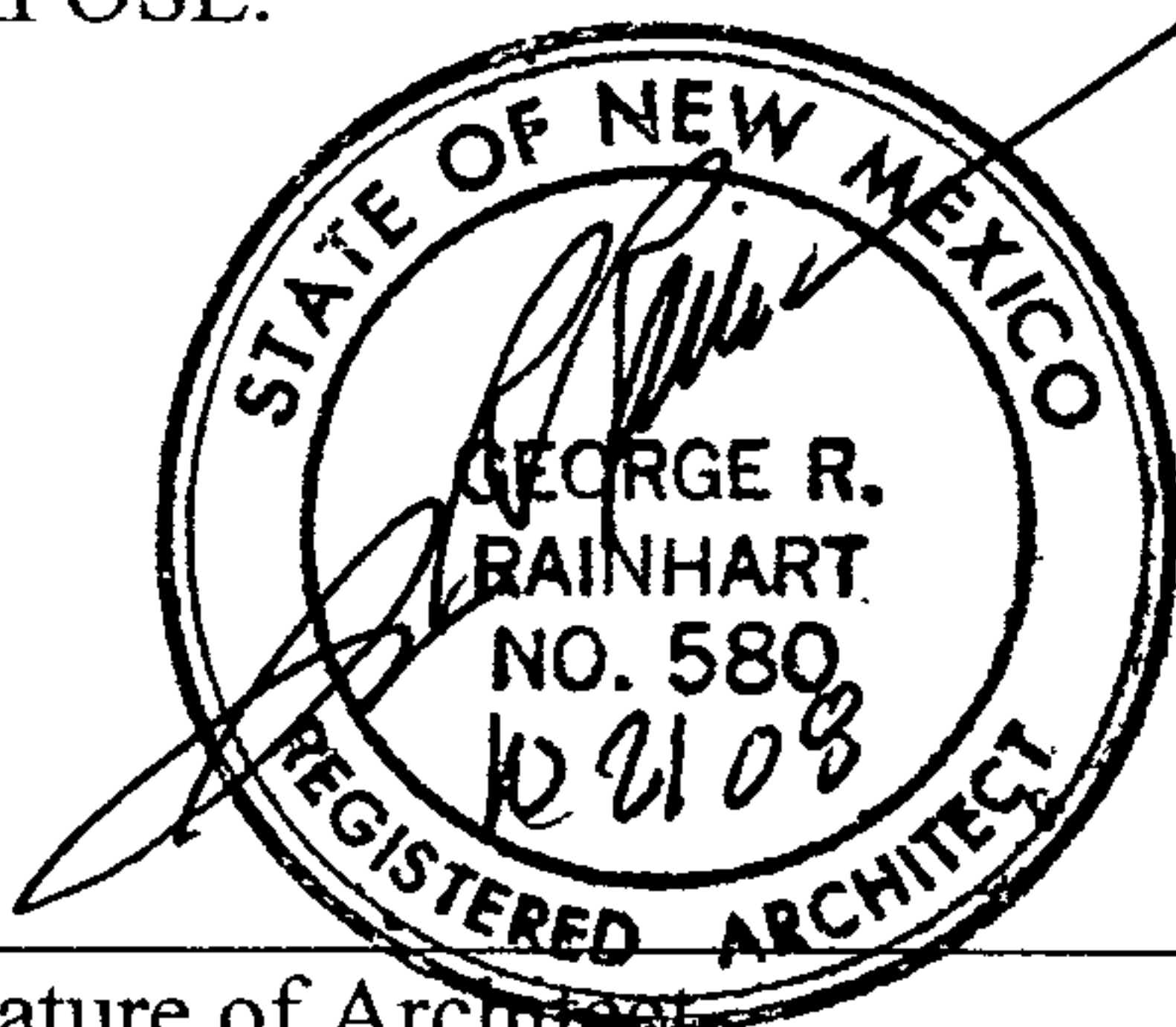
c: Engineer
Hydrology file
CO Clerk



TRAFFIC CERTIFICATION

I, GEORGE RAINHART, NMRA 580, OF THE FIRM GEORGE RAINHART ARCHITECT & ASSOCIATES P.C., HEREBY CERTIFY THAT THIS PROJECT HAS IS IN DESIGN SUBSTANTIAL COMPLIANCE WITH AND IN ACCORDANCE WITH THE DESIGN INTENT OF THE APPROVED PLAN DATED 12/20/04, SEALED 12/8/08. THE RECORD INFORMATION EDITED ONTO THE ORIGINAL DESIGN DOCUMENT HAS BEEN OBTAINED BY GEORGE RAINHART. OF THE FIRM GEORGE RAINHART ARCHITECT & ASSOCIATES P.C. I FURTHER CERTIFY THAT I HAVE PERSONALLY VISITED THE PROJECT SITE ON 10/15/08 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 A TEMPORARY CERTIFICATE OF OCCUPANCY.

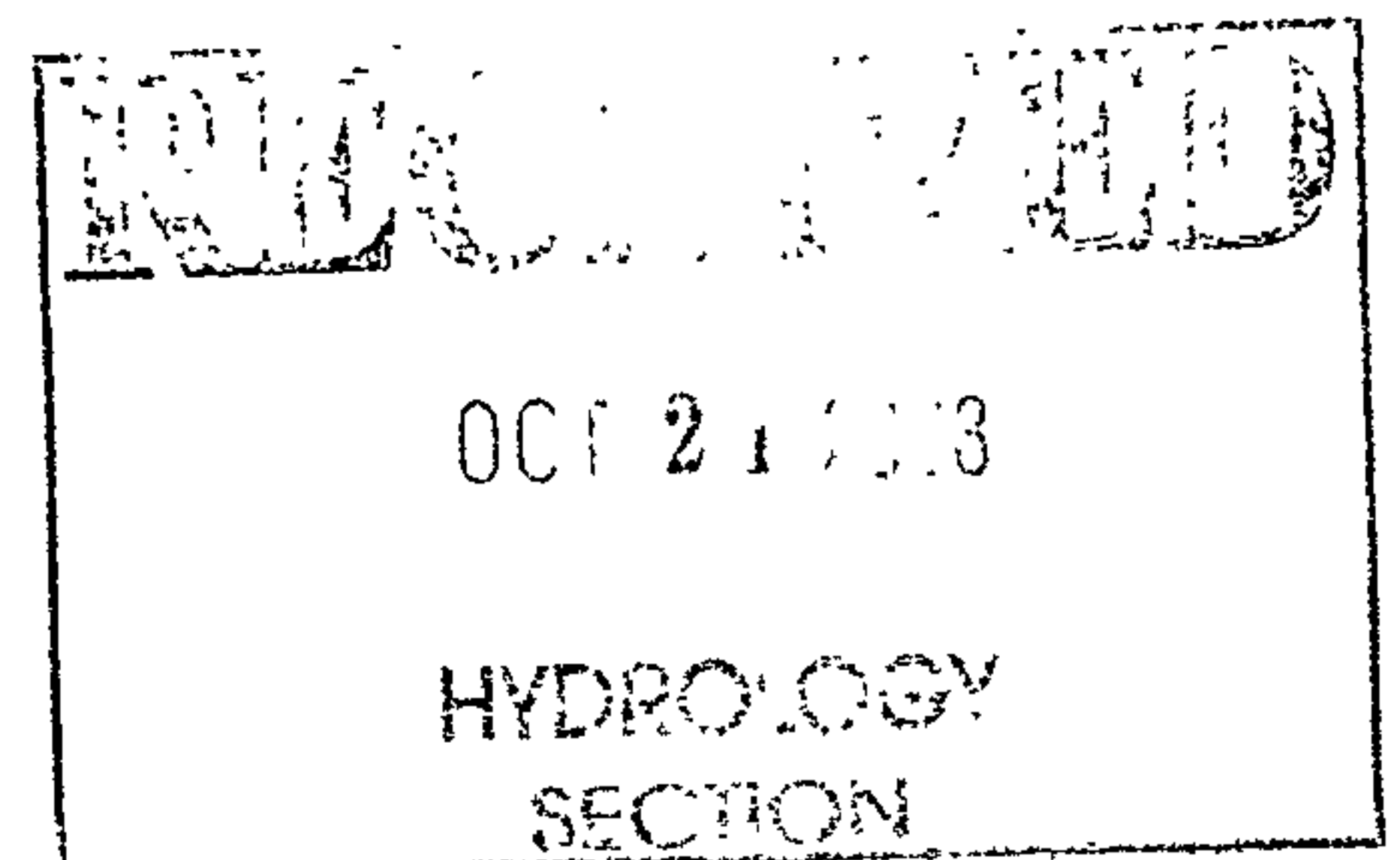
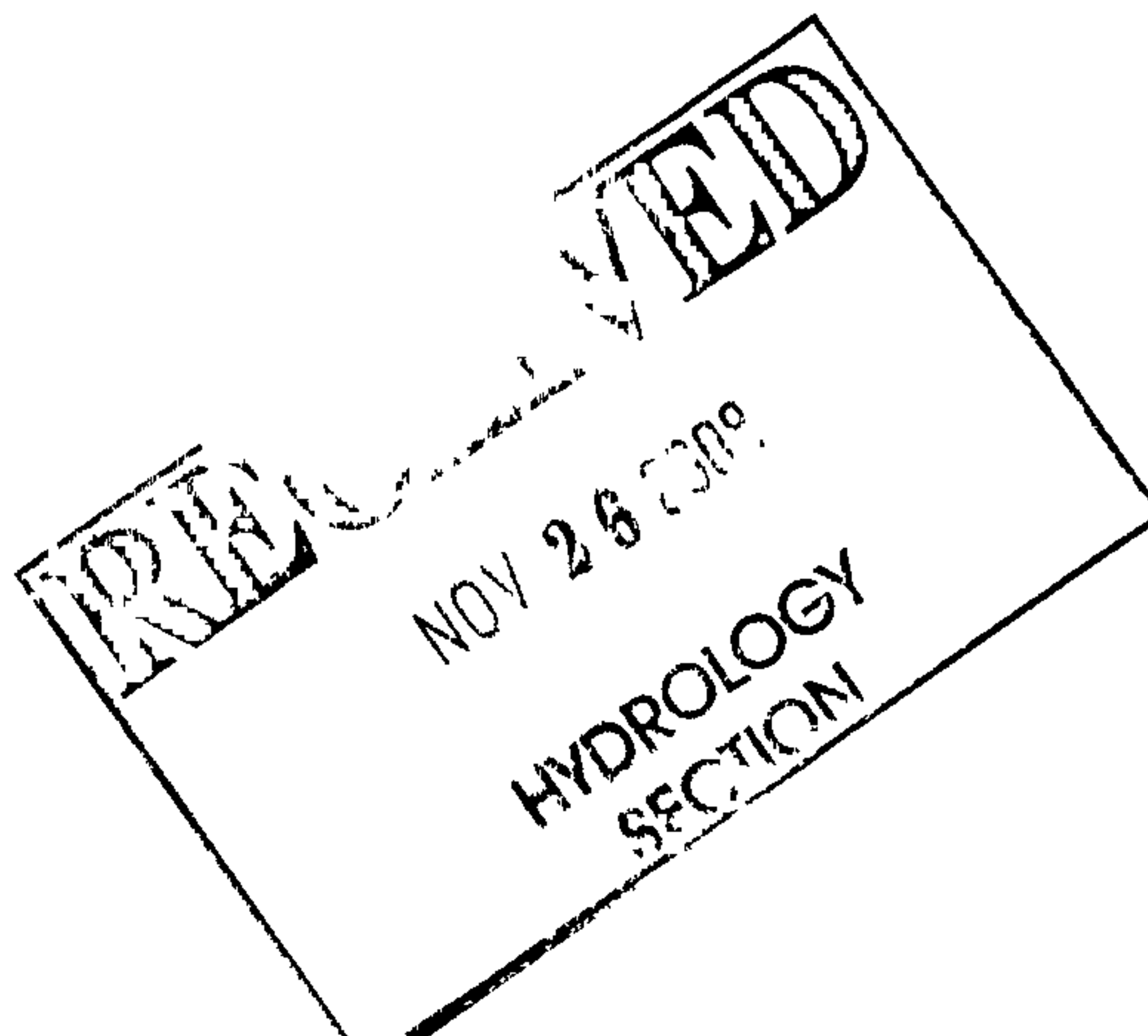
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ARCHITECT'S STAMP

Signature of Architect

10/21/08
Date



GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

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

TITLE: WALGREENS (SEC JUANITABO & MONTGOMERY)

EPC#: _____

ZONE MAP/DRG. FILE # _____

WORK ORDER#: _____

LEGAL DESCRIPTION: PARCEL A-1 EL DORADO CENTER

CITY ADDRESS: 11200 MONTGOMERY

ENGINEERING FIRM: WALLA ENGINEERS

ADDRESS: _____

CITY, STATE: _____

CONTACT: _____

PHONE: _____

ZIP CODE: _____

OWNER: _____

ADDRESS: _____

CITY, STATE: _____

CONTACT: _____

PHONE: _____

ZIP CODE: _____

ARCHITECT: GEORGE RAINHART

ADDRESS: 2325 SAN PEDRO NE, STE. 2B

CITY, STATE: ALBUQUERQUE, NM 87110

CONTACT: JON STERN

PHONE: 338-1499 EXT. 110

ZIP CODE: _____

SURVEYOR: _____

ADDRESS: _____

CITY, STATE: _____

CONTACT: _____

PHONE: _____

ZIP CODE: _____

CONTRACTOR: WILGER ENTERPRISES

ADDRESS: 425 EDMON RD NE

CITY, STATE: ALBUQUERQUE, NM 87107

CONTACT: SCOT MCGILLAND

PHONE: 345-2854

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
☐ NETWORK ORDER APPROVAL
☐ OTHER (SPECIFY) _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:...

☐ YES

☐ NO

☐ COPY PROVIDED

SUBMITTED BY: JONATHAN STERN

DATE: 10/21/08

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.

CITY OF ALBUQUERQUE



**Planning Department
Transportation Development Services Section**

October 22, 2008

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

Re: Approval of Temporary Certificate of Occupancy (C.O.) for
Walgreen at Parcel A-1 El Dorado Center, [G-22 / D020]
11200 Montgomery NE
Architect's Stamp Dated 10/21/08

Dear Mr. Rainhart:

Based on the information provided on your submittal dated October 21, 2008, the above referenced project is approved for a 120-day Temporary C.O.

PO Box 1293

Albuquerque

NM 87103

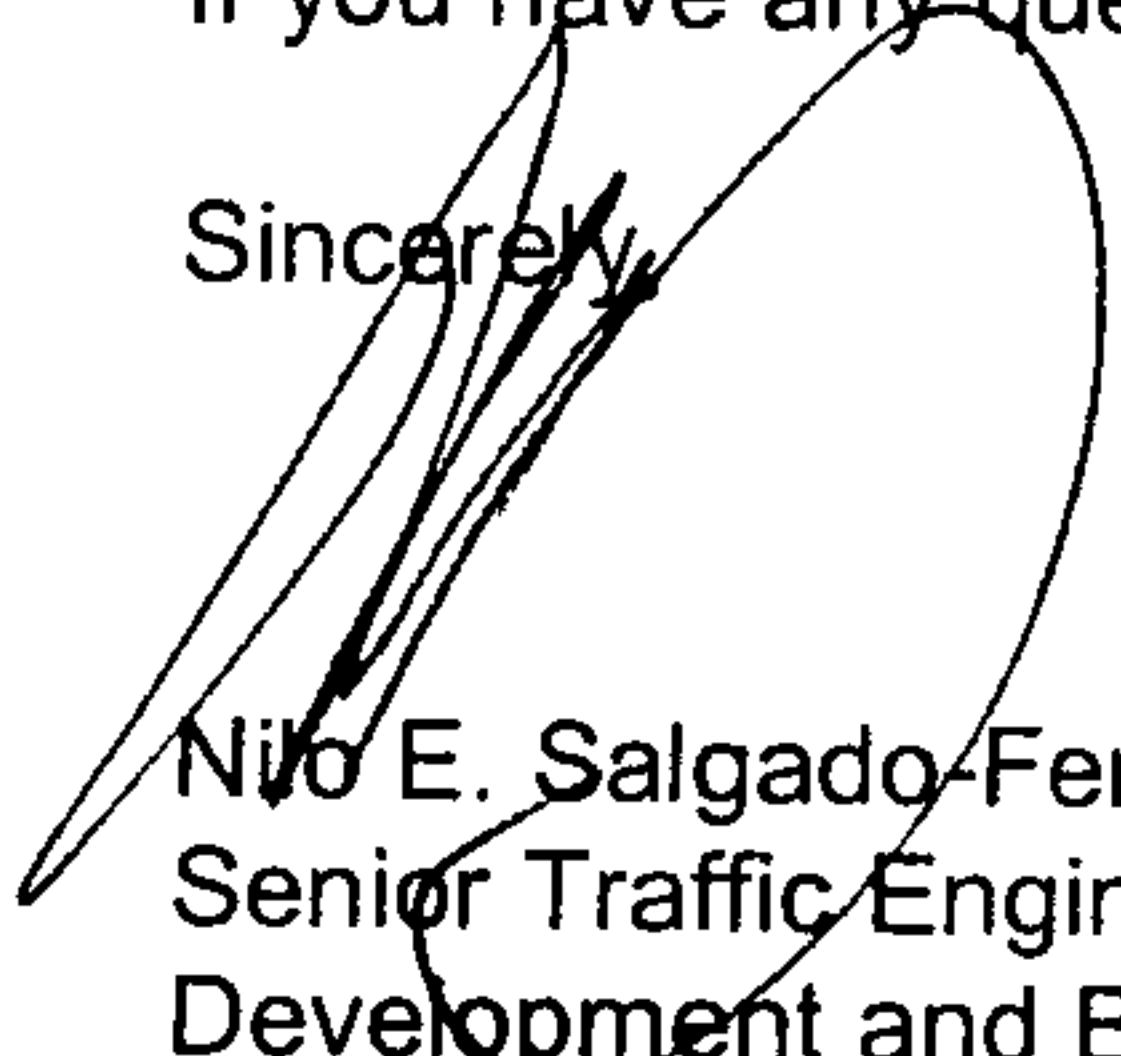
www.cabq.gov

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If you have any questions, please call me at 924-3620.

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. 12/05)

PROJECT TITLE: WALGREENS (SEC JUAN TARO & MONTGOMERY) ZONE MAP/DRG. FILE # G-22/2020
 DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: PARCEL A-1 EL DORADO CENTER
 CITY ADDRESS: 11200 MONTGOMERY

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

CONTACT: _____
 PHONE: _____
 ZIP CODE: _____

OWNER: _____
 ADDRESS: _____
 CITY, STATE: _____

CONTACT: _____
 PHONE: _____
 ZIP CODE: _____

ARCHITECT: GEORGE RAINHART
 ADDRESS: 2325 SAN PEDRO NE, STE. 2B
 CITY, STATE: ALBUQUERQUE, NM 87110

CONTACT: JOHN STERN
 PHONE: 338-1499 EXT. 110
 ZIP CODE: _____

SURVEYOR: _____
 ADDRESS: _____
 CITY, STATE: _____

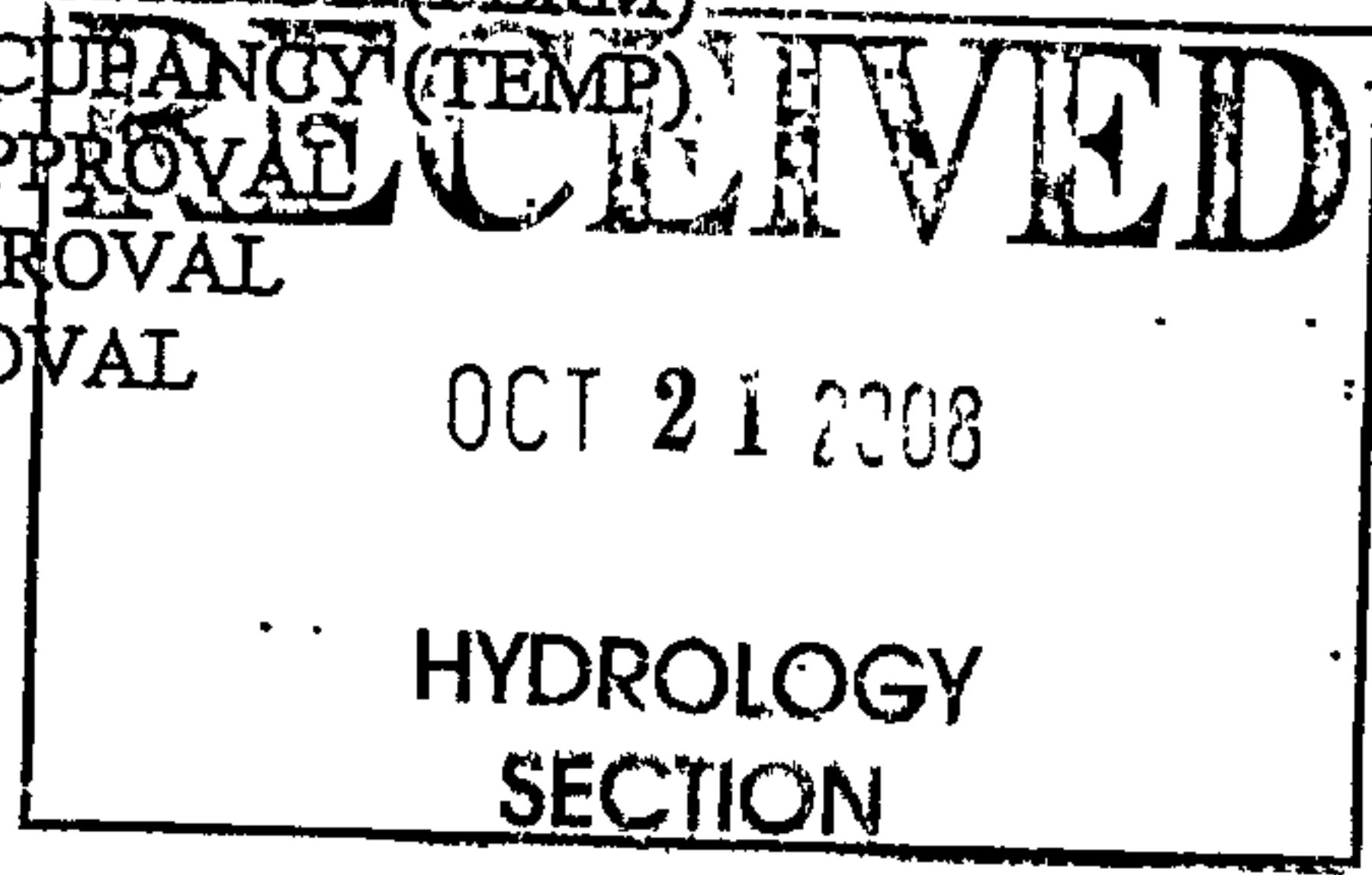
CONTACT: _____
 PHONE: _____
 ZIP CODE: _____

CONTRACTOR: WILGGR ENTERPRISES
 ADDRESS: 425 EDMON RD NE
 CITY, STATE: ALBUQUERQUE, NM 87107

CONTACT: SCOT MCGILLAND
 PHONE: 345-2854
 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
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 - ☐ SECTOR PLAN APPROVAL
 - ☐ FINAL PLAT APPROVAL
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 - ☐ CERTIFICATE OF OCCUPANCY (PERM)
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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

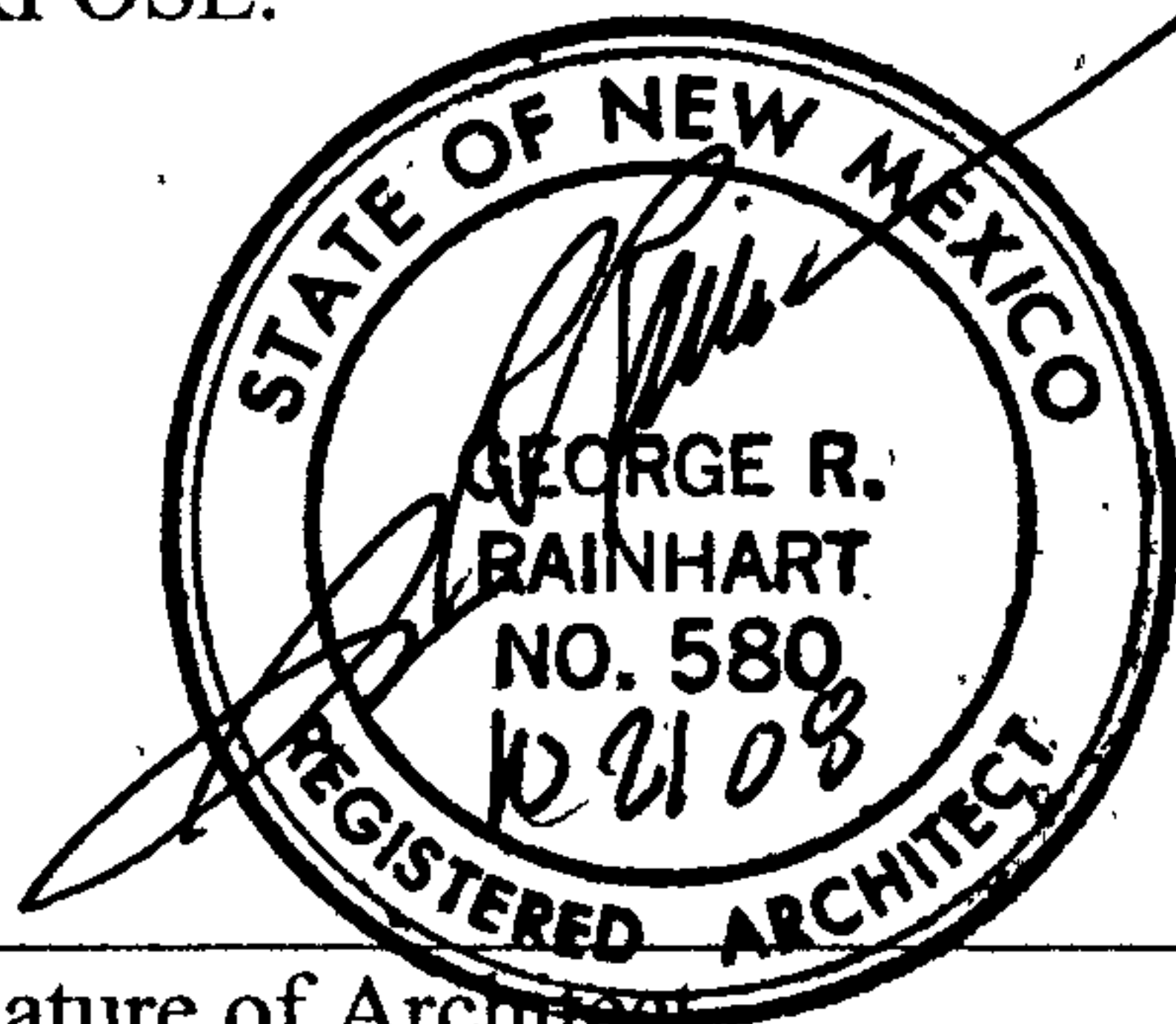
SUBMITTED BY: JONATHAN STERN DATE: 10/21/08

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

TRAFFIC CERTIFICATION

I, GEORGE RAINHART, NMRA 580, OF THE FIRM GEORGE RAINHART ARCHITECT & ASSOCIATES P.C., HEREBY CERTIFY THAT THIS PROJECT HAS IS IN DESIGN SUBSTANTIAL COMPLIANCE WITH AND IN ACCORDANCE WITH THE DESIGN INTENT OF THE APPROVED PLAN DATED 12/20/04, SEALED 12/8/08. THE RECORD INFORMATION EDITED ONTO THE ORIGINAL DESIGN DOCUMENT HAS BEEN OBTAINED BY GEORGE RAINHART. OF THE FIRM GEORGE RAINHART ARCHITECT & ASSOCIATES P.C. I FURTHER CERTIFY THAT I HAVE PERSONALLY VISITED THE PROJECT SITE ON 10/15/08 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 A TEMPORARY CERTIFICATE OF OCCUPANCY.

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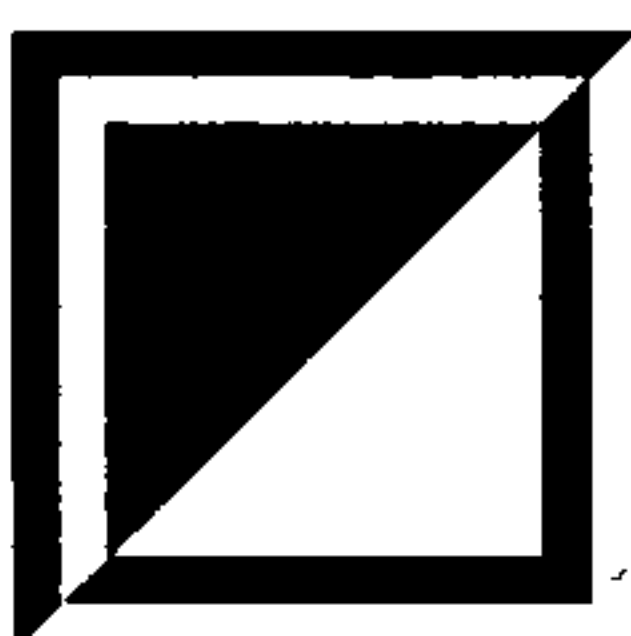
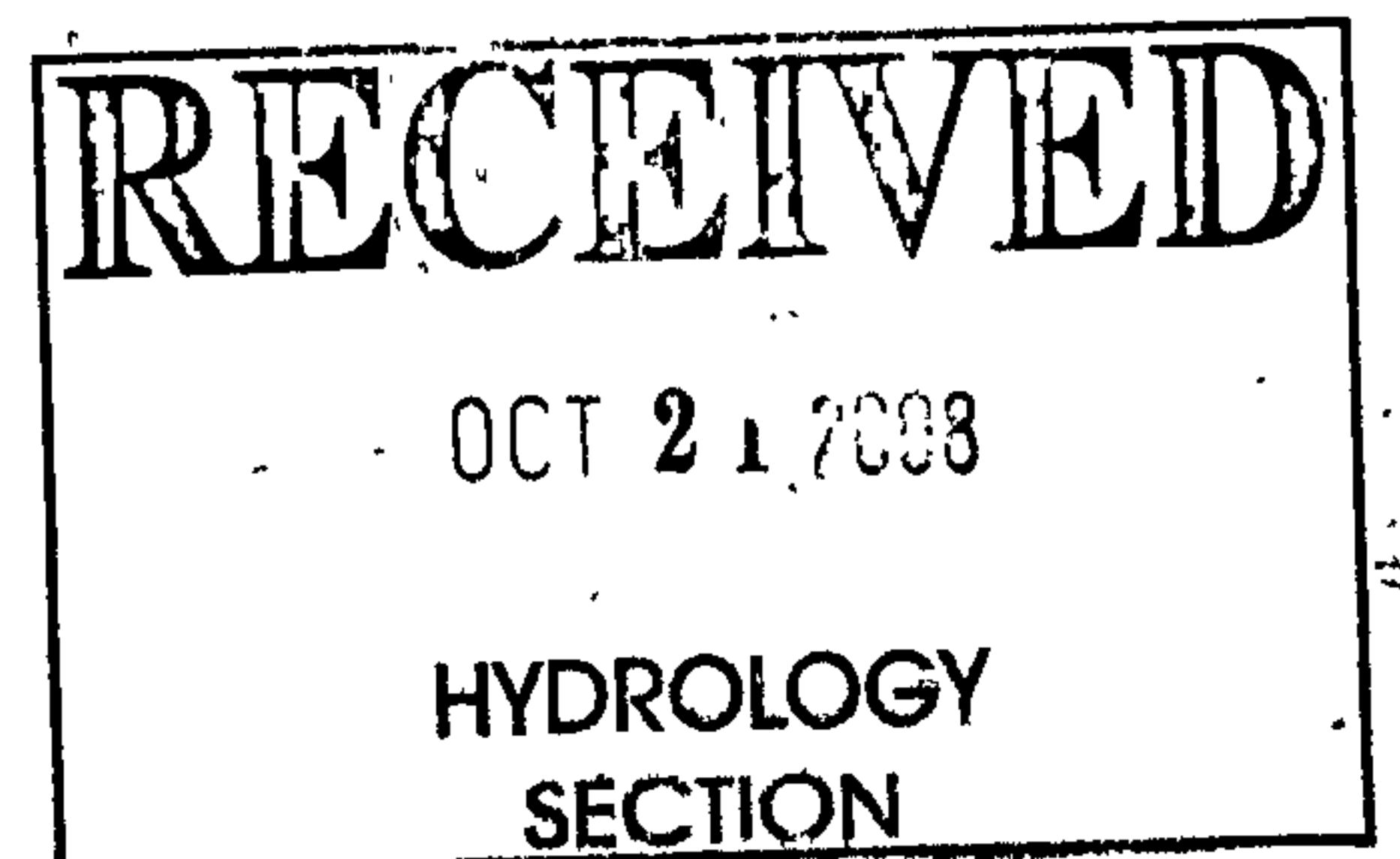


ARCHITECT'S STAMP

Signature of Architect

10/21/08

Date



GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

HYDROLOGY SECTION
PLANNING DEPARTMENT
DEVELOPMENT & BUILDING SERVICES DIVISION
600 SECOND STREET NW SUITE 201
ALBUQUERQUE, NM 87102
505-924-3982

Records Withdrawal Form

Requested by: Taylor/Roger Will Ferguson & Assoc
Name and Company

Phone No.: 243-5586

Hydrology File: G-22/10020

a. File b. Microfilm c. other _____

Hydrology File: 1005364

a. File b. Microfilm c. other _____

Hydrology File: _____

a. File b. Microfilm c. other _____

Hydrology File: _____

a. File b. Microfilm c. other _____

Hydrology File: _____

a. File b. Microfilm c. other _____

Hydrology File: _____

a. File b. Microfilm c. other _____

Hydrology File: _____

a. File b. Microfilm c. other _____

Picked Up By:

Name: FRANK LUCERO Organization: Albuquerque Repro 883-6452
Print 884-6862

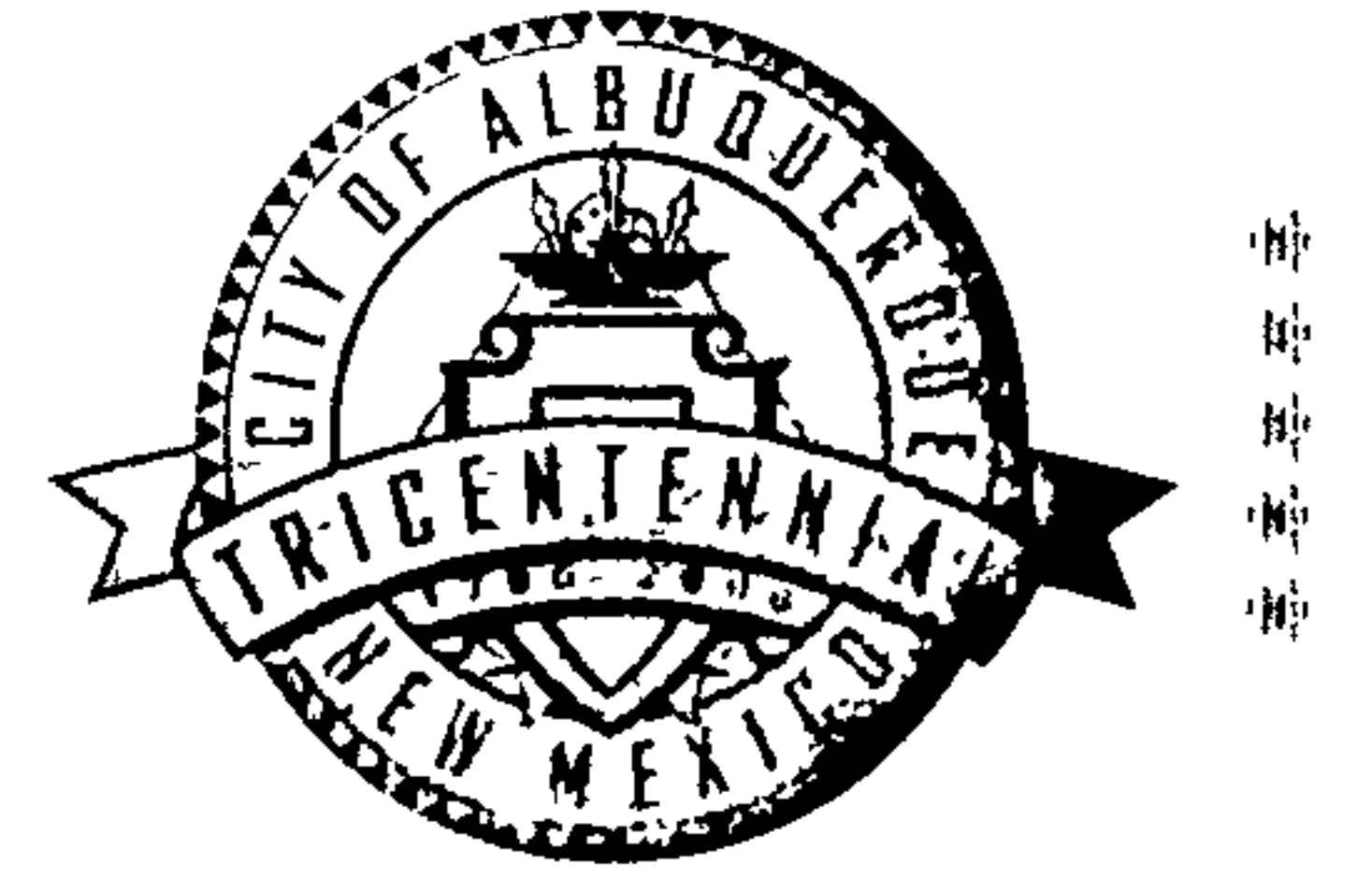
Signed: Frank Lucero Date: 23

Office Use Only

Return Acknowledged:

Received by: S. Hardley Date: 07/29/09

CITY OF ALBUQUERQUE



January 29, 2008

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

Re: Walgreens, Juan Tabo / Montgomery,
Traffic Circulation Layout
Architect's Stamp dated 1-28-08 (G22-D020)

11200 Montgomery Blvd NE

Dear Mr. Rainhart,

The TCL submittal received 1-29-08 is approved for Building Permit. The plan is stamped and signed as approved. A copy of this plan will be needed for each of the building permit plans. Please keep the original 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.**

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

If a temporary CO is needed, a copy of the original TCL that was stamped as approved by the City will be needed. This plan must include a statement that identifies the outstanding items that need to be constructed or the items that have not been built in "substantial compliance," as well as the signed and dated stamp of a NM registered architect or engineer. 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 must stamp, sign, 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,

A handwritten signature in black ink, appearing to read "K. D. Metro", with a long horizontal line extending to the right.

Kristal D. Metro, P.E.
Traffic Engineer, Planning Dept.
Development and Building Services

C: File

5/16/13 11:00 AM

SE CORNER
IS Juan Tabo/Montgomery: WC Ramp
appears to have been replaced!
Not ADA, very steep, will need
to be replaced 6/6/08 (NSF)

DECLARATION OF COVENANTS, CONDITIONS, AND CROSS-EASEMENTS

This Declaration of Covenants, Conditions, and Cross-Easements ("Declaration") is made as of the 20th day of April, 2007, by Hinkle Income Properties, LLC, a New Mexico limited liability company (hereinafter "Declarant").

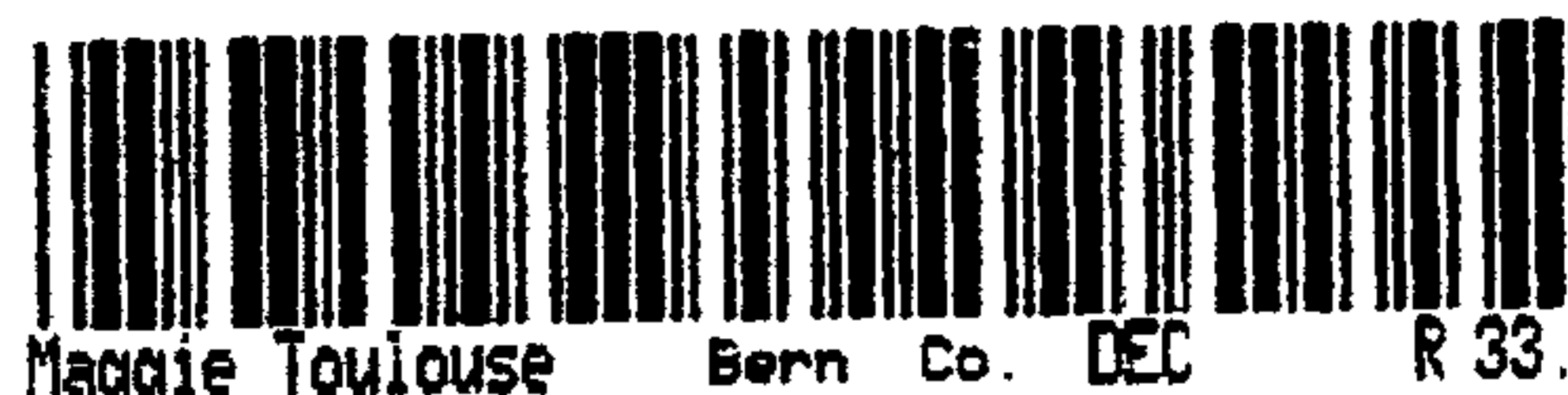
PREAMBLE:

A. Declarant is the fee owner of those certain Parcels of real estate described as Parcel 1 and Parcel 2 located at the Southeast corner of Montgomery Boulevard and Juan Tabo Boulevard in the City of Albuquerque, County of Bernalillo, State of New Mexico, which Parcels are designated "Parcel 1" and "Parcel 2" on Exhibit "A" and more particularly described in Exhibits "B" and "C" respectively, which Exhibits are attached hereto and by this reference incorporated herein. Parcel 1 and Parcel 2 are hereinafter collectively referred to as the "Property" and sometimes individually as a "Parcel".

B. Declarant wishes to establish cross-easements between Parcels 1 and 2 for the mutual 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 covenants, conditions, and easements for the mutual benefit of each Parcel.



A handwritten signature in black ink, appearing to be a stylized 'C' or 'G' followed by a horizontal line.

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 all of those areas on each Parcel which are 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.

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 either Parcel 1 or Parcel 2 and 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.



Maggie Toulouse

Bern Co DEC

R 33.00

2007050778

6641725

Page: 2 of 13

04/23/2007 03:23P

Bk-A135 Pg-8659

A handwritten signature in black ink, consisting of a stylized cursive 'C' followed by a checkmark-like flourish.

Section 1.03. Owner. "Owner" shall mean any Person having any fee simple estate in any portion of either Parcel 1 or Parcel 2, excluding any Person 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, partnerships, trusts, etc.) as well as natural persons.

Section 1.05. Access Point "A". "Access Point "A"" shall mean the area indicated as such on Exhibit "A".

Section 1.06. Access Point "B". "Access Point "B"" shall mean the area indicated as such on Exhibit "A".

Section 1.07. Access Point "C". "Access Point "C" shall mean the area indicated as such on Exhibit "A".

ARTICLE II

EASEMENTS

Section 2.01. Ingress and Egress. Declarant hereby grants and establishes for the benefit of the Owner of Parcel 1, its lessees, customers and invitees, mutual non-exclusive cross-easements of ingress and egress for vehicular and pedestrian traffic at Access Point "A" and Access Point "B" and Access Point "C", over and across the Common Areas of Parcel 2 as such may exist from time to time to and from the Parcel 2 curb cuts on Juan Tabo Boulevard and Montgomery Boulevard, as they may exist from time to time.



A handwritten signature in black ink, appearing to be a stylized 'C' or 'G' followed by a horizontal line.

Declarant hereby grants and establishes for the benefit of the owners of Parcel 2, its lessees, customers and invitees, mutual non-exclusive cross-easements of ingress and egress for vehicular and pedestrian traffic at Access Point "A" and Access Point "B" and Access Point "C" over and across the Common Areas of Parcel 1 to all curb cuts on Juan Tabo Boulevard and Montgomery Boulevard, as they may exist from time to time.

Section 2. 02. Drainage. Declarant hereby establishes and grants for the benefit of each Parcel and the Owners thereof and their successors and assigns and their lessees, a perpetual drainage easement either by natural flow or through pipelines or otherwise to detention or retention facilities over, upon, under and across the Common Area of each Parcel for the benefit of the other Parcel, for the sole purpose of drainage of storm and surface water. Notwithstanding the foregoing, no Parcel may retain its water upon another Parcel without the express written consent of the Owner of the Parcel upon which retention area is located. Each Parcel shall be developed and maintained so as to retain or discharge its own normal on-site rain fall in accordance with the requirements of the appropriate governmental entity with jurisdiction, including the City of Albuquerque.

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) via Federal Express (or similar over-night carrier) for priority over-night delivery; (c) United States Postal Service



A handwritten signature in black ink, appearing to be a stylized 'C' or 'G' with a long horizontal stroke extending to the right.

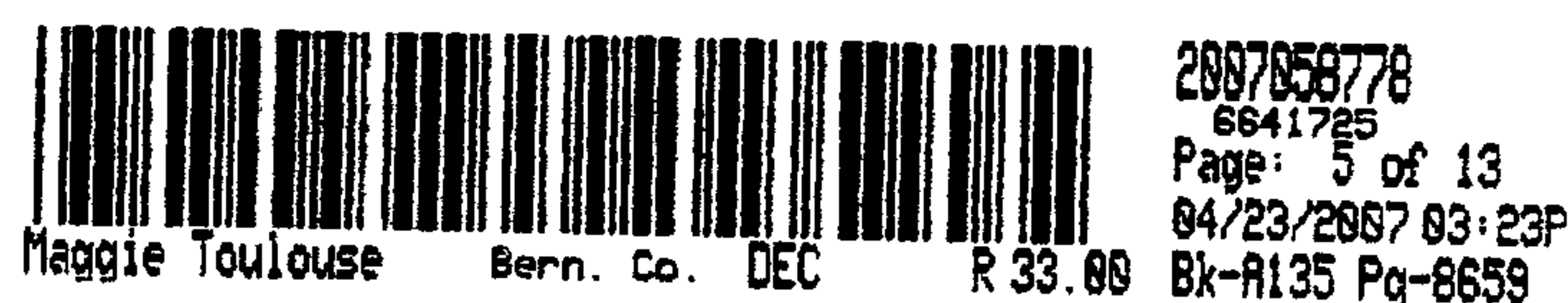
postage prepaid, by Certified or Registered Mail, return receipt requested; or (d) via facsimile (together with a copy sent by regular United States class mail) to:

If to Declarant: Hinkle Income Properties, LLC; P.O. Box 14934, Albuquerque, NM 87191; Gene Hinkle, Trustee of the Gene Hinkle Trust, 1005 Four Hills Court SE, Albuquerque, New Mexico 87123; Bryan Hinkle, 13604 Embudo Court NE, Albuquerque, New Mexico 87112; and Doug Hinkle, 10504 Kielich NE, Albuquerque, New Mexico 87111

If to any other Owner or occupant: To such address as such Owner or occupant shall designate in writing to Declarant, or to the Owner's or occupant's address in the Property, if no other address is designated; or to such address as is thereafter provided by the parties hereto.

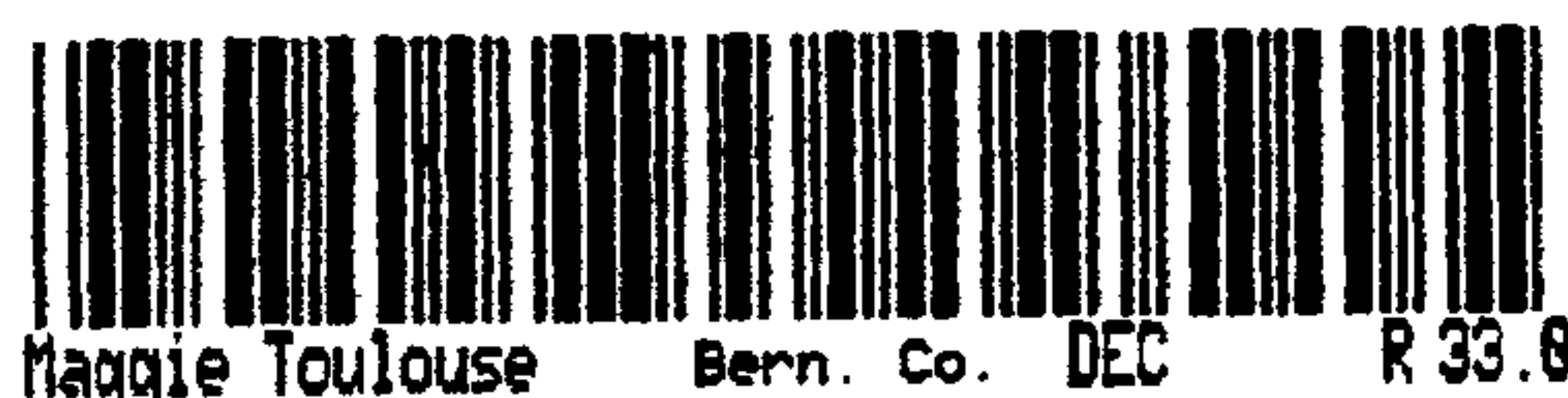
If written notice is hand delivered it shall be deemed received upon delivery. If written notice is sent via Federal Express, it shall be deemed received the next business day. If written notice is mailed via United States Certified or Registered Mail, it shall be deemed received upon the earlier of 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. 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, personal representatives, successors and assigns. In the event of a breach, or attempted or threatened breach by any Owner, tenant or occupant, 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. Notwithstanding the previous sentence in this Section, in the event of an emergency, the non-defaulting party shall only have to give reasonable notice under the circumstances before undertaking a cure of the default. 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 3.03. 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, 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



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A handwritten signature in black ink, appearing to be a stylized 'C' or 'G' followed by a horizontal stroke.

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 3.04. Estoppel Certificates. Any Owner and/or tenant of either Parcel 1 or Parcel 2 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 Owner to whom such request is made, which certificate shall include information as to any modification of this Declaration and to the best knowledge of the Owner and/or tenant to whom such request is made, whether or not the requesting Owner is in default of this Declaration.

Section 3.05. Effective Date. The covenants, conditions, restrictions and cross-easements contained herein shall be effective commencing on the date of recordation of this Declaration in the Official Records and may be modified, amended or canceled by a writing executed by the fee Owners of the Property (less any area[s] dedicated to a governmental entity, such as for Right of Way, etc.).

Section 3.06. Severability. Each provision of this Declaration and the application thereof to Parcels 1 and 2 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 3.07. 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 3.08. 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 Owners.

Section 3.09. Jurisdiction. The laws of the State of New Mexico shall govern the interpretation, validity, performance and enforcement of this Declaration.

Section 3.10. Subdivision. Nothing contained herein shall be construed as limiting the right of the Owner(s) 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 3.11. 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 Owner(s) of the Property or any portion thereof, shall agree to promptly cause such legal description to be prepared and made a part hereof.

Section 3.12. Attorney's Fees. In the event any party is required to enforce the provisions of this Declaration by judicial proceedings, the prevailing party shall be entitled to reasonable attorney's fees and court costs from the non-prevailing party.



ARTICLE IV

GRANTEE'S COVENANT

Each grantee, tenant or other person in interest, accepting either a deed or any other interest in the Property, whether or not the same incorporates or refers to this Declaration, covenants for himself, his heirs, personal representatives, successors and assigns to not violate and be bound by this Declaration (but not by any amendment[s] hereto made after the date upon which such grantee, tenant, or other person in interest acquires such interest, unless such grantee, tenant, or other person in interest approves of such amendment in writing).



EXECUTED as of the date first above written.

"DECLARANT"

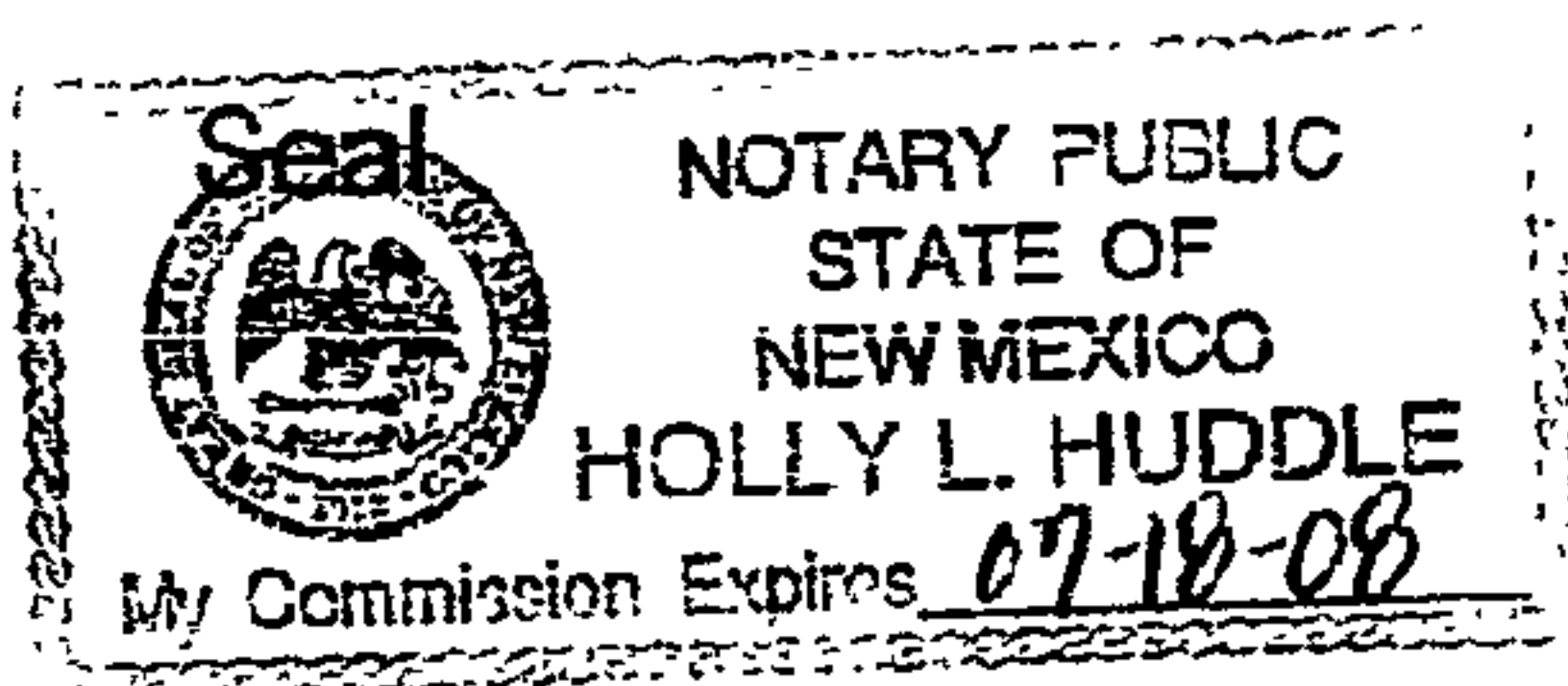
Hinkle Income Properties, LLC,
A New Mexico Limited Liability Company

By 

Its: Managing Member

STATE OF New Mexico,
COUNTY OF Bernalillo) SS)

On this 20th day of April, 2007, before me appeared Gene E. Hinkle, Managing Member of Hinkle Income Properties, LLC, a New Mexico limited liability company, and signed said instrument on behalf of said limited liability company and acknowledged said instrument to be the free act and deed of said limited liability company.




Notary Public

My commission expires


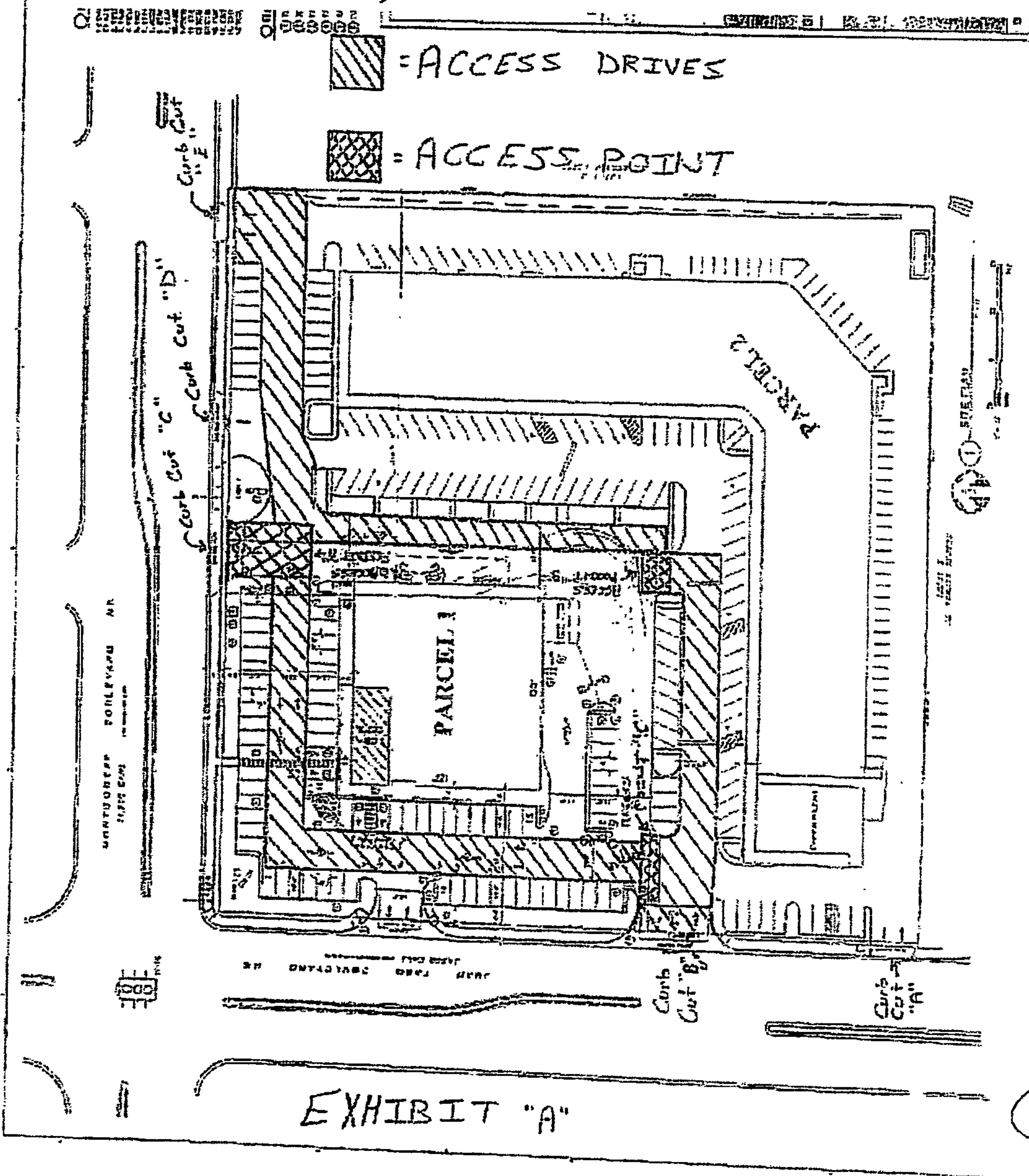

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Exhibit "A"

(the northeastern-most Access Point is "Access Point "A""; the southeastern-most Access Point is "Access Point "B"", and the southwestern-most Access Point is "Access Point "C"")



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Exhibit B - Legal Description of Parcel 1

That certain tract of land situate within Section 3, Township 10 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico comprising all of Parcel "A" and a Northwesterly portion of Parcel "B", El Dorado Center as the same are shown and designated on the plat entitled "REPLAT SHOWING PARCELS 'A' & 'B' OF TRACT ONE (1) OF THE EL DORADO CENTER, ALBUQUERQUE, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico on April 7, 1974 in Volume C9, Folio 169 more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Land Surveyor Number 9750 using New Mexico State Plane Coordinate System, central Zone (NAD 27) grid bearings and ground distances as follows:

BEGINNING at the Northwest corner of said Parcel "A", El Dorado Center, a point of intersection of the Southerly right of way line of Montgomery Boulevard N.E. with the Easterly right of way line of Juan Tabo Boulevard N.E.; Thence,

S 89° 46' 50" E , 239.23 feet along said Southerly right of way line of Montgomery Boulevard N.E. to the Northeast corner of the tract herein described; Thence,

S 00° 14' 04" W , 285.78 feet to the Southeast corner of the tract herein described; Thence,

N 89° 46' 50" W , 239.23 feet to a point on said Easterly right of way line of Juan Tabo Boulevard N.E. and the Southwest corner of the tract herein described; Thence,

N 00° 14' 04" E , 285.78 feet along said Easterly right of way line of Juan Tabo Boulevard N.E. to the Northwest corner and point of beginning of the tract herein described.

Said tract contains 1.5695 acres or 68,367 square feet, more or less.

SEC Juan Tabo / Montgomery
Declaration
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Exhibit C - Legal Description of Parcel 2

That certain tract of land situate within Section 3, Township 10 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico comprising the major southeasterly portion of Parcel "B", El Dorado Center as the same is shown and designated on the plat entitled "REPLAT SHOWING PARCELS "A" & "B" OF TRACT ONE (1) OF THE EL DORADO CENTER, ALBUQUERQUE, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico on April 7, 1974 in Volume C9, Folio 169 more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Land Surveyor Number 9750 using New Mexico State Plane Coordinate System, central Zone (NAD 27) grid bearings and ground distances as follows:

BEGINNING at the Southwest corner of said Parcel "B", El Dorado Center, a point on the Easterly right of way line of Juan Tabo Boulevard N.E.; Thence,

N 00° 14' 04" E , 179.34 feet along said Easterly right of way line of Juan Tabo Boulevard N.E. to a point; Thence,

S 89° 46' 50" E , 239.23 feet to a point; Thence,

N 00° 14' 04" E , 285.78 feet to a point on the Southerly right of way line of Montgomery Boulevard N.E. and the Northwest corner of the tract herein described; Thence,

S 89° 46' 50" E , 225.97 feet along said Southerly right of way line of Montgomery Boulevard N.E. to the Northeast corner of said Parcel "B" and Northeast corner of the tract herein described; Thence,

S 00° 14' 43" W , 463.51 feet along the Easterly line of said Parcel "B" to the Southeast corner of said Parcel "B" and the Southeast corner of the tract herein described; Thence,

N 89° 58' 45" W , 465.11 feet along the southerly line of said Parcel "B" to the Southwest corner and point of beginning of the tract herein described.

Said tract contains 3.3887 acres or 147,611 square feet, more or less.

SEC Juan Tabo / Montgomery
Declaration
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DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV 12/2005)

G-22/0020

PROJECT TITLE: WALGREENS (SEC MONTGOMERY & JUAN TABO) ZONE MAP: G-22-2
 DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: LOT A1 ELDORADO CENTER, TRACT 1, PARCEL A
 CITY ADDRESS: 11200 MONTGOMERY BLVD. NE 87111

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

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

ARCHITECT: GEORGE RAINHART ARCHITECTS CONTACT: Jon STERN
 ADDRESS: 2325 SAN PEDRO NE, SUITE 2B PHONE: 884-9110 EXT. 110
 CITY, STATE: ALBUQUERQUE, NM ZIP CODE: 87110

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: 1-25-08 BY: John C Spitz

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.

1/26/08 Verbal No

