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● ALSO LICENSED IN OKLAHOMA  
▲ ALSO LICENSED IN NEBRASKA

September 6, 2001

E-MAIL

KENNETH C. LEACH  
7005 Prospect Pl. NE  
Albuquerque, NM 87110

RE: Your clients: Dr. Robert and Denae Byrd  
My clients: Dr. Leo Gomez and Mary Burnett De Gomez

Dear Mr. Leach:

I enclose a copy of the letter I have received from the City of Albuquerque dated August 20, 2001 by Carlos A. Montoya, City Floodplain Administrator. This letter advised Harder Custom Builder that runoff from the building site has entered my clients' home lot. Further, the letter advised that the runoff situation needed to be addressed by the builder.

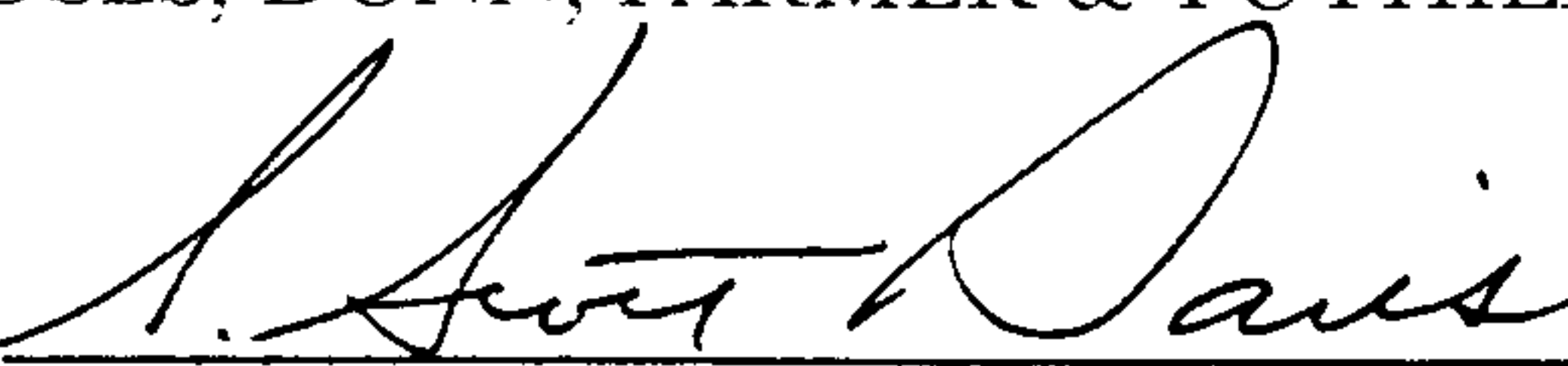
The purpose of this letter is to advise that my client requests the runoff sediment on her property be removed and her property be restored to its original condition. Additionally, my client is still very much concerned about future runoff despite the shallow channel which has been dug between the two properties. The roof water remains a concern as it appears the canales on the south side of the new construction may not be properly channeled to the west of the property as my client was led to believe would occur.

As was suggested by Carlos Montoya it may behoove the parties to open communications. In that regard, I would suggest a meeting between counsel. Please let me know in the near future as to whether or not that can occur. I would appreciate a response to the corrective measures needed on the water trespass which has already occurred by September 12, 2001. If you have any questions please do not hesitate to contact me.

Sincerely,

MOSES, DUNN, FARMER & TUTHILL, P.C.

By:



S. SCOTT DAVIS

SSD/sd

cc: Carlos A. Montoya  
client

4417 Skyline Ct. NE  
Albuquerque, New Mexico 87111  
May 9, 2001

Mr. Carlos Montoya  
City/County Floodplain Administrator  
City of Albuquerque  
PO Box 1293  
Albuquerque, New Mexico 87103

FAX number: 924-3864

Re: Drainage Complaint for 4421 Skyline Ct. NE

Dear Mr. Montoya:

We are alarmed at the structure Mr. Harder has erected today as part of his solution to the drainage problem. This railroad tie structure is about 45 feet long, 40" high and has been placed approximately 41" from our fence.

We feel the railroad tie structure is too close to the fence. We are concerned that this "acequia" will become choked with weeds, debris, grasses etc. and is a potential fire hazzard. We are well aware of the extreme fire danger in Glenwood Hills during the warm months of the year. In past years, every summer my husband has had to clear tumbleweeds, brush and other debris away from the fence on the Byrd's side in order to minimize this fire danger.

Our fence, which is really an architectural feature, is valued at about \$10,000.00. How does Mr. Harder propose that Mr. and Mrs. Bryd maintain the space between the railroad ties and our fence, so that it does not pose a fire hazzard and that water does not back up in this area?

Sincerely,

  
Mary Burnett de Gomez

cc: Kyle Harder  
File







4417 Skyline Ct. NE  
Albuquerque, New Mexico 87111  
May 8, 2001

Mr. Carlos Montoya  
City/County Floodplain Administrator  
City of Albuquerque  
PO Box 1293  
Albuquerque, New Mexico 87103

Re: Drainage Complaint for 4421 Skyline Ct. NE

Dear Mr. Montoya:

I have received a copy of your letter to Mr. Harder, dated May 7, 2001, which I have added to my file.

I would like to make a comment regarding item number 3, paragraph 3 (solutions): In this paragraph you state, "The soil fill for your foundations is about five feet high" and you have included a copy of one of the photographs which you took showing the fill level. Subsequent to the taking of this photograph, an additional five to six feet of fill was added to the area shown, which you and I noted on May 3, 2001, the date of the meeting with Mr. Harder.

Sincerely,



Mary Burnett de Gomez

cc: Mr. Kyle Harder  
File





# ***City of Albuquerque***

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

May 7, 2001

Kyle Harder  
Harder Custom Builder  
P.O. Box 92643  
Albuquerque, New Mexico 87199

**RE: Drainage Complaint for 4421 Skyline Court NE**

Dear Mr. Harder:

Thank you for meeting with adjoining property owner (4417 Skyline Ct.) and myself on May 3, 2001. As you are aware we discussed the drainage issues and came away with certain understandings. I wanted to document these issues and understanding for future reference.

I have attached a copy of a photo I took on May 2, 2001 of the problem area. As you can see you are adding soil material to your side of the property in order to construct your foundations and adjust to the steep grades. The adjoining property owner was concerned with any fill against their fence, erosion caused by your development, and the free runoff of their storm water.

The following were the solutions that were agreed upon to in order to protect the adjoining property.

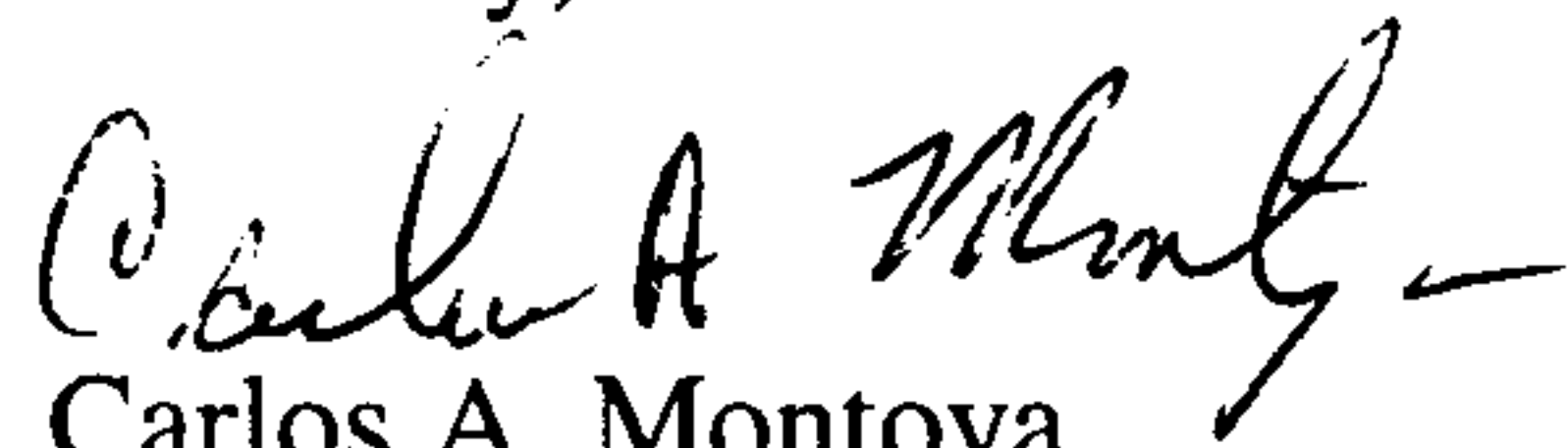
1. You would gutter the south part of your house so that the runoff from your roof would be safely discharged downstream of the fence.
2. You would do minor excavation downstream from your house so that runoff from your house and the adjoining house could be discharged downstream and not back up. The adjoining owner would like to place a small pipe at the property line to discharge to your property in the historic manner.
3. The soil fill for your foundations is about five feet high. In the future you would landscape this fill area so that there would be no erosion. Also, there would need to be a safe drainage path for your runoff so that the wood fence would not be undermined.

2571.027



Thank you for meeting with us and trying to address your neighbor's concerns.  
If you have any questions please call me at 924-3982.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carlos A. Montoya", followed by a horizontal line.

Carlos A. Montoya  
City/County Floodplain Administrator

C: Mary Burnett de Gomez  
File









# ***City of Albuquerque***

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

August 20, 2001

Kyle Harder  
Harder Custom Builder  
P.O. Box 92643  
Albuquerque, New Mexico 87199

**RE: Drainage Complaint for 4421 Skyline Court NE**

Dear Mr. Harder:

I was asked by Ms. Burnett de Gomez to review the work at the referenced lot. I visited the site on August 20, 2001 and spoke to you by phone on the same day. Ms. Burnett de Gomez was concerned about the drainage caused by the construction on your site. I spoke to you about the concerns and I felt that I should document the following responses.

1. You are going to build a retaining wall along the southeast side of the lot. This retaining wall is on the new house drawings, but this is scheduled at a later date.
2. You are going to gutter the roof drains and convey the runoff to the west of the new house.
3. You are going to collect runoff from the front yard in an inlet and pipe, and drain it to the rear of the new house.
4. The owner has not decided on what type of soil treatment will be used between the new house and Ms. Burnett de Gomez's wood fence. This will be decided at a later date.
5. Runoff from the new building site has entered Ms. Burnett de Gomez's lot. I viewed sediment under the fence in their lot. Please address this situation.

Many of the concerns will be addressed as the house construction continues. It may help both parties if you tried to open a line of communication to explain some of the future construction.



If you have any questions please call me at 924-3982.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos A. Montoya". The signature is fluid and cursive, with the first name "Carlos" being more prominent.

Carlos A. Montoya

City Floodplain Administrator

C: Mary Burnett de Gomez  
S. Scott Davis, Attorney  
File







10003311458

POLAROID®

MAY 2, 01  
6223 - D60







10003313450

POLAROID®

MAY 2, 01

G23-D10







1000331147

POLAROID®

MA2, 01  
G23-D10







10003311400

POLAROID®

MAY 2, 01

G23-P10



# DRAINAGE INFORMATION SHEET

Grading and Drainage Plan

G23/D10

PROJECT TITLE: 4421 Skyline Court NE ZONE ATLAS/DRNG. FILE #: G-23

LEGAL DESCRIPTION: Lot 43, Block 15, Unit 3, Glenwood Hills

CITY ADDRESS: 4421 Skyline Court, NE

ENGINEERING FIRM: Marvin R Kortum CONTACT: Marvin R Kortum

ADDRESS: 1605 Speakman Dr. SE PHONE: (505) 299-0774  
Albuquerque, NM 87123

OWNER: Keith MacDuffee, Norris Realty CONTACT: \_\_\_\_\_

ADDRESS: 3240 Juan Tabo, NE PHONE: 299-7666  
Albuquerque, NM 87111

ARCHITECT: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

SURVEYOR: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

## PRE-DESIGN MEETING:

☐ YES  
☒ NO Tel Conversation w/Carlos M  
☐ COPY OF CONFERENCE RECAP  
SHEET PROVIDED

DRB NO. \_\_\_\_\_

EPC NO. \_\_\_\_\_

PROJ. NO. \_\_\_\_\_

## TYPE OF SUBMITTAL:

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

## CHECK TYPE OF APPROVAL SOUGHT:

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

*Stamped  
4-5-96*

**APR 8 1996**

DATE SUBMITTED: April 5, 1996

by: Marvin R Kortum



Marvin R Kortum  
1605 Speakman Drive SE  
Albuquerque, New Mexico 87123  
NMPE 6519  
(505) 299-0774

April 5, 1996

City of Albuquerque  
Design Hydrology Section  
ATTN: Lisa Ann Manwill  
Public Works Department  
P. O. Box 1293  
Albuquerque, New Mexico 87103

REFERENCE: Grading and drainage plan for Building Permit  
Approval for 4421 Skyline Court NE, Albuquerque, New  
Mexico. [Lot 43, Unit 3, Glenwood Hills] (G23/D10)

Dear Lisa:

The comments below are in response to your letter of  
March 27, 1996 on the above referenced subject:

Comment 1: Attached is a copy of the current plat for the  
lot 43, recorded June 28, 1963. Please note that there is  
no mention of drainage easements on the document. Many  
plats approved through that time period do not address  
drainage, apparently based on the fact that water will  
continue to run down hill in natural flow or constructed  
channels.

Comment 2: The estimated land use values for the  
undeveloped condition included a large number of exposed  
boulders and rock outcrop, which I considered as impervious  
surfaces. Attached is a revised table A with the same area  
assigned a land treatment C. The peak flow estimate is  
lowered from 1.3 CFS to 1.1 CFS, which does not appear to be  
significant.

Comment 3: The swimming pool area is considered a land  
treatment D. The area will be mostly impervious deck,  
sloped away from the water surface. The water surface  
itself would not be land treatment D unless there was an  
impervious cover which shed the precipitation, or the pool  
itself was at the deck level so that overflow would go over  
the deck. The area of the pool itself will be small  
compared to the total deck area.

Comment 4: Paragraph K has been changed to state that  
erosion control must be placed immediately.

APR 6 1996



Comment 5: Paragraph Q has been revised to state that the retaining walls must be placed before work on the building is started in order to protect the adjacent property to the south from possible hazard.

Comment 6: Your comment by telephone that the water block at the street entrance to the side yard driveway should be at least 8 inches has been incorporated on the drawings.

Please call me if you have further questions.

Sincerely,



Marvin R. Kortum



1111

April 2, 1996

RUNOFF FOR LOT 43, BLOCK 15, UNIT 3, GLENWOOD HILLS (4421 SKYLINE CT, NE)

TABLE A

Runoff Estimate: For On-site Basin of .362 acres, (LOT 43).

Runoff Factors			UNDEVELOPED				PROPOSED USE			
Zone 4										
Land use	Peak	Total	Area Percent		Peak	Total	Area Percent		Peak	Total
	CFS/acre	inches	SF		Runoff	Runoff	SF		Runoff	Runoff
					CFS	CF			CFS	CF
A	2.20	0.80	5000	0.317	0.3	333.3	500	0.032	0.0	33.3
B	2.92	1.08	5000	0.317	0.3	450.0	7250	0.460	0.5	652.5
C	3.73	1.46	5750	0.365	0.5	699.6	1000	0.063	0.1	121.7
D	5.25	2.64	0	0.000	0.0	0.0	7000	0.444	0.8	1540.0
TOTALS			15750	1.000	1.1	1482.9	15750	1.000	1.4	2347.5
			0.362 acre				0.362 acre			

TABLE B-1

Runoff Estimate: For Off-site Basin of .293 acres, (LOT 44)

Runoff Factors			CURRENT USE				PROPOSED USE			
Zone 4										
Land use	Peak	Total	Area Percent		Peak	Total	Area Percent		Peak	Total
	CFS/acre	inches	SF		Runoff	Runoff	SF		Runoff	Runoff
					CFS	CF			CFS	CF
A	2.20	0.80	1000	0.078	0.1	66.7	1000	0.078	0.1	66.7
B	2.92	1.08	4750	0.373	0.3	427.5	4750	0.373	0.3	427.5
C	3.73	1.46	1000	0.078	0.1	121.7	1000	0.078	0.1	121.7
D	5.25	2.64	6000	0.471	0.7	1320.0	6000	0.471	0.7	1320.0
TOTALS			12750	1.000	1.2	1935.8	12750	1.000	1.2	1935.8
			0.293 acre				0.293 acre			









CITY OF  
Albuquerque

April 30, 1996

Martin J. Chávez, Mayor

Marvin R. Kortum  
1605 Speakman Dr. SE  
Albuquerque, NM 87123

**RE: 4421 SKYLINE COURT NE (G23-D10) GRADING AND DRAINAGE PLAN FOR  
BUILDING PERMIT APPROVAL. ENGINEER'S STAMP DATED APRIL 5,  
1996.**

Dear Mr. Kortum:

Based on the information provided on your April 8, 1996 submittal,  
the above referenced project is approved for Building Permit.

If I can be of further assistance, please feel free to contact me  
at 768-3622.

Sincerely,

Lisa Ann Manwill  
Engineering Assoc./Hyd.

c: Andrew Garcia

File







# ***City of Albuquerque***

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

March 27, 1996

Marvin R. Kortum  
1605 Speakman Dr. SE  
Albuquerque, NM 87123

**RE: 4421 SKYLINE COURT NE (G23-D10) GRADING AND DRAINAGE PLAN FOR  
BUILDING PERMIT APPROVAL. ENGINEER'S STAMP DATED MARCH 6,  
1996.**

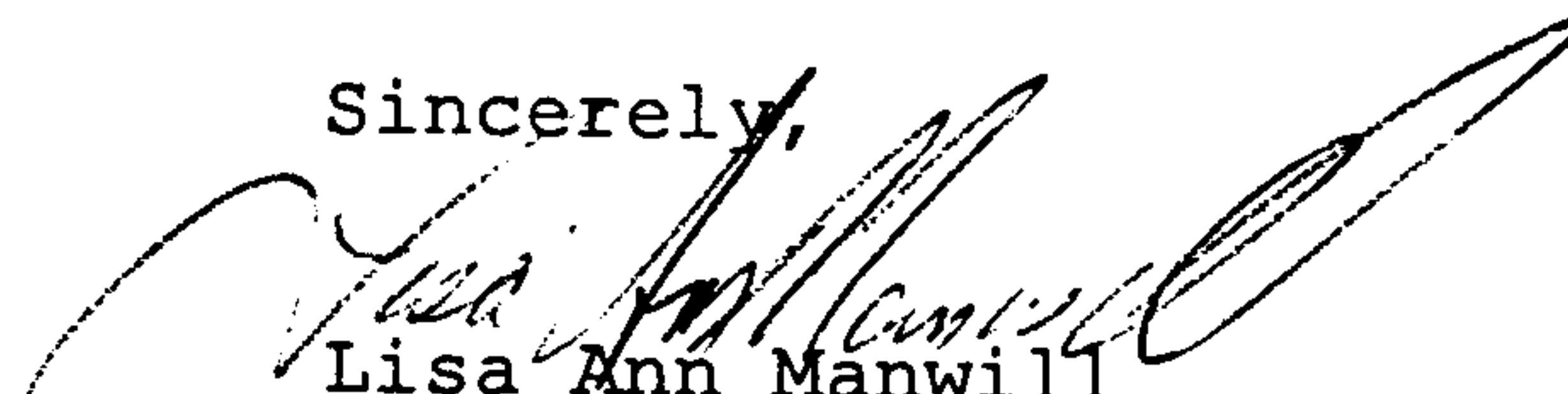
Dear Mr. Kortum:

Based on the information provided on your March 8, 1996 submittal,  
please address the following comments:

1. Please provide a copy of the most current plat showing the drainage easement.
2. How did you come up with 36.5% land treatment type "D" for existing undeveloped conditions?
3. Did you consider the swimming pool to be land treatment type "D?"
4. Erosion control must be placed immediately. Please take out the verbiage in note "K" to the contrary.
5. Please remove note "Q" from sheet 1 of 3. If the owner/builder decides at a latter date to make changes that have an impact on the amount of runoff produced, he/she will need to resubmit an updated drainage plan. Building Permits are good only for the plans submitted to this office. Major variations from the approved plans are prohibited.

If I can be of further assistance, please feel free to contact me at 768-3622.

Sincerely,



Lisa Ann Manwill  
Engineering Assoc./Hyd.

c: Andrew Garcia  
File



Note to file  $\Rightarrow$  Go up higher than 6" full  
water block. 9-10" maybe ok.

I call Mr. Kortum on 3/29/96  
to tell him this

LAM



# DRAINAGE INFORMATION SHEET

Grading and Drainage Plan

PROJECT TITLE: 4421 Skyline Court NE ZONE ATLAS/DRNG. FILE #: G-23/1010

LEGAL DESCRIPTION: Lot 43, Block 15, Unit 3, Glenwood Hills

CITY ADDRESS: 4421 Skyline Court, NE

ENGINEERING FIRM: Marvin R Kortum CONTACT: Marvin R Kortum

ADDRESS: 1605 Speakman Dr. SE PHONE: (505) 299-0774  
Albuquerque, NM 87123

OWNER: Keith MacDuffee, Norris Realty CONTACT: \_\_\_\_\_  
3240 Juan Tabo, NE

ADDRESS: Albuquerque, NM 87111 PHONE: 299-7666

ARCHITECT: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

SURVEYOR: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

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☒ NO Tel Conversation w/Carlos M  
☐ COPY OF CONFERENCE RECAP  
 SHEET PROVIDED

DRB NO. \_\_\_\_\_

EPC NO. \_\_\_\_\_

PROJ. NO. \_\_\_\_\_

MAR - 8 1996

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☐ ROUGH GRADING PERMIT APPROVAL  
☐ GRADING/PAVING PERMIT APPROVAL  
☐ OTHER \_\_\_\_\_ (SPECIFY)

DATE SUBMITTED: March 6, 1996

BY: Marvin R Kortum

*stamp date.*