HYDROLOGY H14/D18 1 PLAN

H14/D18

1 Plan

DRAINAGE COVENANT

THIS COVENANT made this 2nd day of December, 1981, by and between the City of Albuquerque, a municipal corporation, (City) and D. R. Seymour (Owner, which term includes successors and assigns.)

RECITAL

The Owner is owner of certain real property located at 3306 Fourth St. NW in Albuquerque, New Mexico, (the Property) and more particularly described as follows:

Lot 2, Block 2, Gentry Addition

That pursuant to City ordinances, regulations, and other applicable laws, the Owner is required to install and/or maintain certain drainage facilities on the Property, and the parties wish to provide for an agreement as to the obligations and responsibilities for same.

DESCRIPTION OF FACILITIES

The following facilities are to be constructed and/or maintained by the owner:

Drainage Pond (See Engineer's Drawing on Blueprint)

CONSTRUCTION OF DRAINAGE FACILITIES

The Owner shall construct the drainage facilities in accordance with standards, plans, and specifications prescribed and approved by the City.

MAINTENANCE OF FACILITIES

The Owner shall, at his cost in accordance with the standards, plans, and specifications prescribed by the City, maintain said drainage facility. The City shall have the right to enter periodically upon the Property to inspect the drainage facility.

FAILURE TO COMPLY AND LIEN

In the event that the Owner shall fail to construct the drainage facility in accordance with standards, plans, and specifications prescribed and approved by the City or fail to adequately maintain said facilities, the City shall give the Owner notice in writing to construct, correct, or maintain said

facilities, and if the Owner fails to comply therewith within _____ days, the City may enter upon said property to perform the necessary construction or maintenance. The cost of the City's performing such construction or maintenance shall be paid by the Owner. In the event the Owner fails to pay said cost within thirty (30) days after being billed for same, the City may file a lien against the Property.

LIABILITY

The City shall not be liable for any damages to the Owner resulting from its construction, modification, or maintenance of said facilities.

NOTICE

The written notice provided for herein shall be accomplished by mailing same to:

The Owner may change said address by giving written notice, certified mail, return receipt requested, to the City Engineer, City Hall, at 505 Marquette Street, Albuquerque, New Mexico, 87103.

INDEMNIFICATION AND HOLD HARMLESS

The Owner agrees to defend, indemnify, and hold harmless, the City, its officials, agents and employees from and against any and all claims, actions, suits, or proceedings of any kind brought against said parties for or on account of any matter arising from the drainage facility provided for herein or the Owner's failure to construct, maintain, or modify the drainage facility under this Covenant.

COVENANT RUNNING WITH THE PROPERTY

The obligacion of the Owner set forth herein shall be binding upon the Owner, his heirs, and assigns, and the property of the Owner as described herein and will run with said property until released by the City.

OWNER D. R. Seymour

By: D R Seymour

Title: Owner

REVIEWED BY THE LEGAL DEPARTMENT:

_____
Assistant City Attorney

CITY OF ALBUQUERQUE

_____
Chief Administrative Officer

ACKNOWLEDGEMENTS

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

The foregoing instrument was acknowledged before me this _____ day of _____, 1981, by _____, _____
(Name of Officer) (Title)
_____, a _____
(Name of Corporation) (State of Incorporation)
corporation, on behalf of said corporation.

_____
Notary Public

My Commission Expires:
_____

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

The foregoing instrument was acknowledged before me this _____ day of _____, 1981, by _____
(Name of Acknowledging Partner or Partners)
on behalf of _____,
(Name of Partnership)
a partnership.

_____
Notary Public

My Commission Expires:
_____

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

The foregoing instrument was acknowledged before me by D. R. Seymour, on this 2nd day of December, 1981.

Ruben Montano
Notary Public

My Commission Expires:
Jan 30, 1984

OFFICIAL SEAL
RUBEN MONTANO
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires: Jan 30, 1984

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

The foregoing instrument was acknowledged before me this _____ day of _____, 1981, by _____ Chief Administrative Officer of the City of Albuquerque, municipal corporation, on behalf of said corporation.

_____
Notary Public

My Commission Expires:
_____