

Cherne, Curtis

From: Dourte, Richard H.
Sent: Monday, April 25, 2011 4:39 PM
To: 'Dan Wilson'
Cc: 'Victor Chavez'; Cherne, Curtis
Subject: RE: 7020 Prospect Place NE, drainage problem.

Mr. Wilson,

I have looked into this issue again and have spoken with the Engineer, Mr. Victor Chaves, PE for the site located at 7020 Prospect Place NE.

The proposed grinder pump with the outlet discharging these minor flows onto the parking lot just north of this building should correct the concern regarding the ponding of water on the west side of the building located at 7020 Prospect NE.

It has also come to my attention that the parking lot to the west of 7020 Prospect Place NE was constructed after 7020 Prospect Place NE was developed. The City approved drainage plan dated Jan. 11, 2002 by Mr. Larry Reed, PE indicated that the area west of this building was part of drainage basins 3 and 4. This indicates that the storm water received by the area west of the building would go to the storm drain inlet in drainage basin no. 3. or basin no. 4. The parking lot was built higher than the grade at the base of the building and is not in conformance with the drainage concept, however the grinder pump installation should alleviate the concern regarding storm water that is received within the area between the building and the parking lot curb.

Regarding the pipe size for the storm drain inlet:

The engineer, Mr. Chavez has indicated to me that the 3 inch pipe from the storm drain inlet that connects into the 6 inch pipe will suffice. Previous drainage problems due to this inlet were created by the inlet grate being clogged not by pipe size. I have been told that the owner has been notified and plans to maintain this inlet grate.

Hope this addresses all your concerns on this matter.

Richard Dourte, PE
 City Engineer,
 Planning Department

From: Dan Wilson [mailto:dwilson@parsassets.com] **Sent:** Thursday, April 21, 2011 11:44 AM
To: Dourte, Richard H.
Subject: 7020 Prospect Place NE, drainage problem.

Hi Richard,

I just wanted to follow up; Have you received any response from the engineer for the Prospect property regarding the size of the storm drain pipe?

They installed a 3" pipe. The plan apparently called for a 6" pipe. It just seems that if the right size pipe was installed that chances for flooding to their property would be greatly reduced.

4/26/2011

They are blaming us for their flooding problem, and it seems inappropriate.

Thank you,
Dan Wilson

Dan Wilson
Property Manager
PARS Assets
Ph. 505-888-2663
Fax. 505-888-3006

4/26/2011



Dan Wilson
Property Manager
email: dwilson@parsassets.com

2440 Louisiana Blvd., N.E.
Suite 510
Albuquerque, NM 87110
Phone: 505-888-2663
Fax: 505-888-3006
<http://www.parsassets.com>

7310 Miramar Road
Suite 500
San Diego, CA 92126-4213
Phone: (858) 547-1800
Fax: (858) 547-1900

F A X

DATE: January 10, 2011

of Pages: 2
(including cover sheet)

FROM: Demetri Lahanas

TO: Tim Sims

FAX #: 505-924-3864

PHONE #:

RE: 7020 Prospect Place

Dear Mr. Sims:

Dan Wilson has been communicating with you about the unpermitted construction that has been taking place at the above referenced property and our concerns regarding that project. As you may know, we had requested that the owner cease and desist all work until we figure out what is taking place at the site. Today I received a letter from the building owner attorney advising me that some of the work was going to begin again and they would not honor our earlier request to cease and desist. Attached please find my response to their attorney for your records.

Thank you again for your time and attention to this matter

Regards,

Demetri Lahanas

The information contained in this facsimile message is confidential information (and may be privileged) intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. mail. Thank you.

January 10, 2011

VIA U.S. MAIL AND FAX DELIVERY (505) 247-9761

Sean R. Calvert
Calvert Meniucci
8900 Washington St., N.E., Suite A
Albuquerque, NM 87113



7310 Miramar Road

Fifth Floor

Re: Illegal Construction at 7020 Prospect Place

Dear Mr. Calvert:

San Diego, CA 92126-4213

Thank you for your January 6, 2011 letter. Please be advised that we are again demanding all work relating to this illegal unpermitted project cease and desist immediately. If B P & G, Ltd. Co. ("B P & G") wants to make baseless claims about an alleged improper blockage in order justify its deceitful conduct, it needs to follow the proper procedures. B P & G cannot unilaterally initiate illegal and unpermitted construction. In fact, we have been advised that B P & G had previously been instructed by the City of Albuquerque ("City") that City permission and permission from AFC 5 would be required before B P & G could begin any drainage construction.

Phone: 858-547-1800

Fax: 858-547-1900

<http://www.parsassets.com>

B P & G's intentional and deceitful attempt to skirt the requirements outlined by the City gives rise to serious concerns about the integrity of the construction and the negative structural and financial impact it will have on our property. Furthermore, B P & G has committed a trespass and since it is refusing to reasonably cooperate with our previous request for information we are demanding that B P & G immediately restore our property to its original condition prior to the start of the B P & G construction. If B P & G does not agree to this, we will take immediate steps to excavate and remove all the improper construction work that exists on our property at B P G's expense.

Again our preference and intent is to cooperate and work through this quickly so that we can resolve our reasonable concerns. Accordingly, please contact me at your soonest opportunity to let me know if B P & G insists on ignoring our request for the construction to cease and desist and so that we can attempt to resolve the entire issue amicably.

Sincerely,

PARS Assets, LLC

A handwritten signature in black ink, appearing to read "Demetri Lahanas", written over the company name.

Demetri Lahanas
General Counsel

Cc: City of Albuquerque

CALVERT ❖ **MENICUCCI**
A Professional Corporation



8900 Washington St., N.E., Suite A
Albuquerque, N.M. 87113

Phone 505-247-9100

scalvert@hardhatlaw.net

Fax 505-247-9761

January 20, 2011

Mr. W. Spencer Reid, Esq.
Keleher & McLeod, P.A.
P.O. Box AA
Albuquerque, New Mexico 87103

Re: Improvements at 7020 Prospect Place

Dear Mr. Reid:

I appreciate your walking through the improvements at the project site with us on Tuesday. After meeting with you at the site, I went over the original development plans approved by the City for this development.

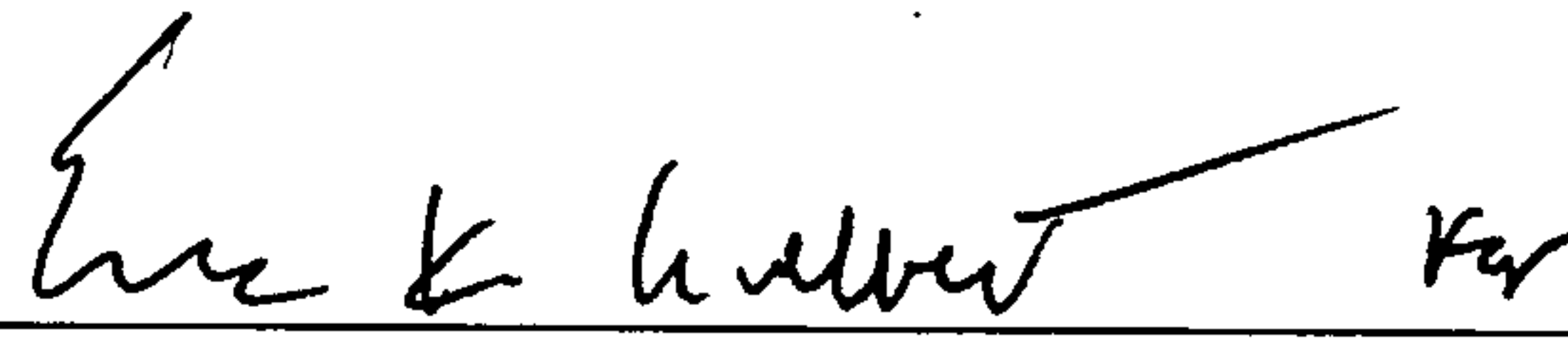
It appears from the plans that PARS, in developing the site, did not follow the original site plans, which called for the parking area to extend continuously up to the edge of the retaining wall and rear of B P & G, Ltd. Co.'s ("B P & G") building. Obviously, if this had been done, or at a minimum PARS had not constructed the curb significantly above grade, there would be no problem with the drainage at the rear of the B P & G property.

In looking over the original plans, it further appears that the B P & G property was identified as having free discharge of surface water onto the adjacent properties, and that the current drainage pipe, which we inspected on Tuesday, was added after the fact by the adjacent property owner and terminated just onto the PARS property above grade, and discharged the surface flows directly onto that property. It is thus clear that PARS, in developing their property, modified the drainage to extend the existing drain pipe to its current location. Given this and the declarations in the original development plans, which were of record when your client purchased the

property, it is apparent that your client was aware when they purchased and developed the property of the drainage through their property and elected to construct their parking lot so as to detain water on B P & G's property. PARS had no right to prevent the flow of water from upstream and divert it onto B P & G's property. This improper detention of water has resulted in significant damage to B P & G's property as shown in our site visit on Tuesday.

As, according to the original site development plans, the disposal of the water coming off the B P & G property was not the responsibility of B P & G, and apparently they were not responsible for the construction or alteration of the drainage lines, B P & G is no longer willing to undertake the remediation of the drainage issue at its cost. Accordingly, B P & G hereby demands that PARS commence remediation of the site drainage such that it no longer results in the blockage of surface drainage from the B P & G site. As the continued detention of water along the boundary of the BP&G property is resulting in oversaturation of the soils and settling and damage to structures, B P & G requires that PARS provide a proposed remediation plan within thirty days of the date of this letter and commence the remediation immediately thereafter.

Very truly yours,
Calvert Menicucci, P.C.


Sean R. Calvert

SRC:slm
2181-01

cc: ~~City of Albuquerque~~
Peltier, Gustafson & Miller, P.A.

Dourte, Richard H.

From: Dourte, Richard H.
Sent: Thursday, March 03, 2011 3:58 PM
To: 'Victor Chavez'
Cc: Steve Peltier; Cherne, Curtis
Subject: RE: Drainage issue

Mr. Victor Chavez, PE,

With the following being the case, the City approves the request to make maintenance modifications for drainage purposes to the site located at 7020 Prospect Place NE (Lot 6-A-1-B).

- All work is to be contained onsite.
- The flow from the grinder pump (located west of the building at 7020 Prospect Place NE) will discharge into the southwest corner of the parking lot located just north of building previously referenced.
- Approved drainage flows from this site to lot 6-A-1-A (north adjacent lot) was 1.26 cfs, after construction the flow was reduced (per Engineer's certification dated August 1, 1996) to 1.18 cfs because of the eastern portion of the side was graded such that it drained directly to Prospect Place.
- The flows to the north, including the grinder pump will now be 1.18 cfs + 0.11 cfs for a total of 1.29 cfs. This conforms with the drainage plan that was originally approved by the City.

If you should have any questions please call me at 924-3999.

Richard Dourte, PE
 City Engineer

From: Victor Chavez [mailto:VictorChavez@cg-engrs.com]
Sent: Thursday, March 03, 2011 2:40 PM
To: Dourte, Richard H.
Cc: Steve Peltier; Cherne, Curtis
Subject: RE: Drainage issue

The pump is a grinder pump and has a discharge of 50 gpm.

All of the work will be done on 6-A-1-B, assuming that is 7020 Prospect.

From: Dourte, Richard H. [mailto:RDourte@cabq.gov]
Sent: Thursday, March 03, 2011 2:36 PM
To: Victor Chavez
Cc: Steve Peltier; Cherne, Curtis
Subject: RE: Drainage issue

Victor, for the record, what is the flow from the sump pump if you are going to be discharging into the parking lot to the north?? All work would be done on lot 6-A-1-B of the Louisiana subdivision, correct??

Richard

3/3/2011

From: Victor Chavez [mailto:VictorChavez@cg-engrs.com]
Sent: Thursday, March 03, 2011 8:29 AM
To: Dourte, Richard H.
Cc: Steve Peltier
Subject: RE: Drainage issue

Thanks Richard.

From: Dourte, Richard H. [mailto:RDourte@cabq.gov]
Sent: Thursday, March 03, 2011 7:48 AM
To: Victor Chavez; CCherne@cabq.gov
Subject: Re: Drainage issue

Victor,

Seems like a good alternative.

Curtis, please look into this.

Thanks

Connected by DROID on Verizon Wireless

-----Original message-----

From: Victor Chavez <VictorChavez@cg-engrs.com>
To: "Dourte, Richard H." <RDourte@cabq.gov>
Sent: Wed, Mar 2, 2011 22:01:11 GMT+00:00
Subject: FW: Drainage issue

Ironically, I just got this from the Prospect owner. it actually makes sense and all of the water ends up in the same place.

What do you think?

From: Steve Peltier [mailto:steve@pgm-cpa.com]
Sent: Wednesday, March 02, 2011 2:48 PM
To: Victor Chavez
Cc: BrentC@klingerllc.com; Karl Gustafson
Subject: Drainage issue

Vic

We have heard nothing from the AFC 5 people, but I had an idea to resolve the issue. Instead of piping the sump pump discharge into the AFC 5 parking lot to the west or into the line from the south parking lot, could we discharge into the front (north) parking lot? The pipe could be buried below grade along the west wall of the building or retaining wall, or even over the retaining wall, ultimately discharging into the north parking lot.

Water from the roof already discharges into the north lot. That water goes into a drain in the north lot, which is owned mostly by the building across from us, but that drain flows into the AFC 5 system, so it ultimately gets to the right place. If that drain fills, it would run over the wall into AFC 5 landscaping.

Can the sump pump handle the uphill run? Would this work?

3/3/2011

If we do this, we could avoid running the line on AFC 5's property.

Steve

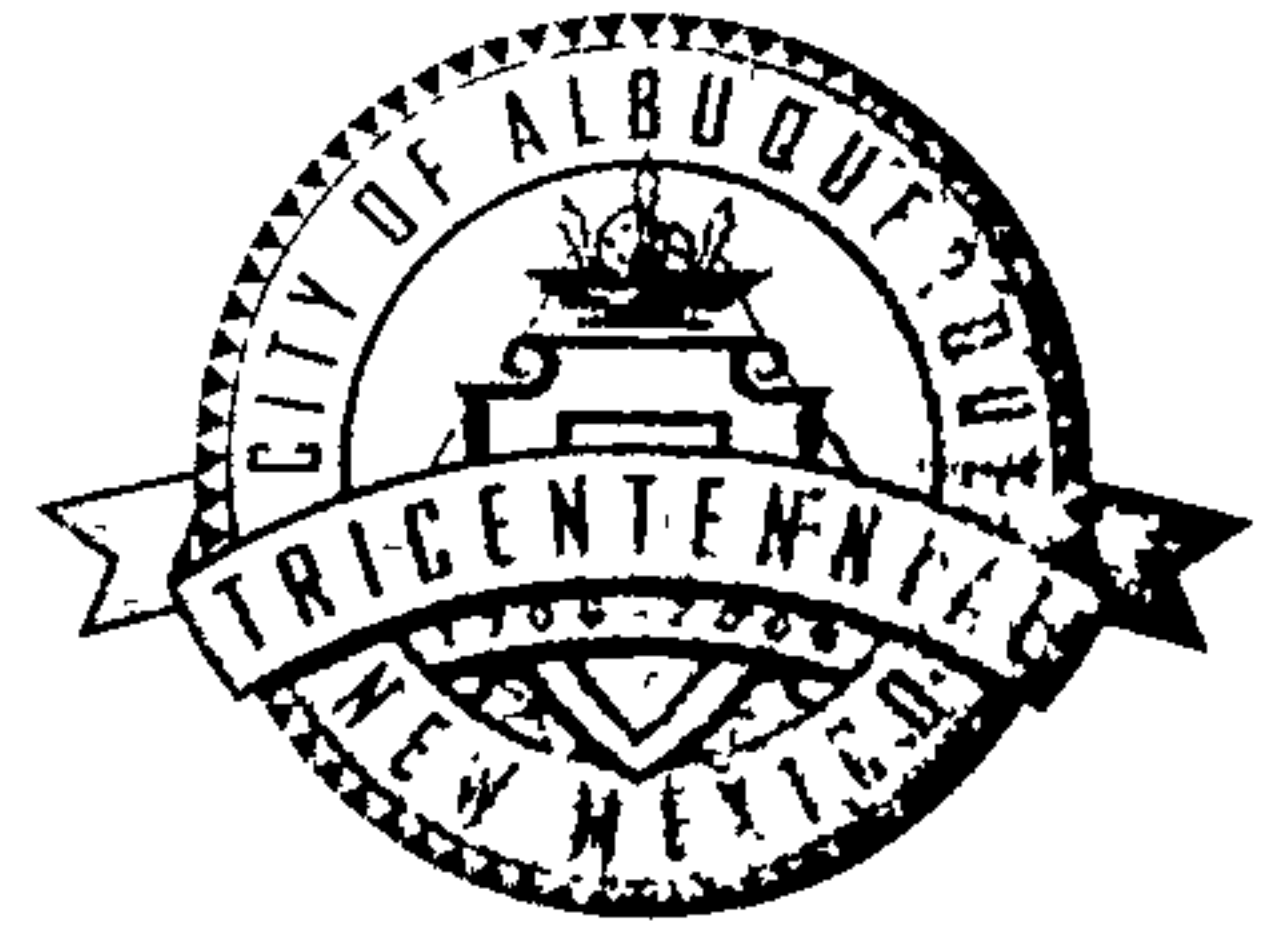
Stephen B. Peltier
Peltier, Gustafson & Miller, P.A.
7020 Prospect Place NE
Albuquerque, New Mexico 87110
505-881-3953 - phone
505-888-4713 – fax

DISCLAIMER: IRS regulations require us to advise you that, unless otherwise specifically noted, any federal tax advice in this communication (including any attachments, enclosures, or other accompanying materials) was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law provisions; furthermore, this communication was not intended or written to support the promotion or marketing of any of the transactions or matters it addresses.

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3/3/2011

CITY OF ALBUQUERQUE



Uptown
AFC #5
Dan Wilson #700

October 23, 2006

Jeffrey Todd Wooten, P.E.
Wooten Engineering
5017 Sanbusco Dr NE
Rio Rancho, NM 87144

Re: Peltier, Gustafson & Miller Bldg Drainage Improvements Grading and Drainage Plan

Engineer's Stamp dated 9-27-06 (H19/D61)

Dear Mr. Wooten,

P.O. Box 1293

Based upon the information provided in your submittal dated 9-27-06, the above referenced plan cannot be approved for Grading and Paving Permit until the following comments are addressed:

Albuquerque

- Work is to be accomplished on an adjacent lot and may cause disruption of business. Provide evidence that the affected property owner(s) have acknowledged that this work will be accomplished.

New Mexico 87103

- Provide an inlet or grate on the new 6" pipe to prevent large debris from entering the storm drain.

www.cabq.gov

- Will some type of screen or filter be required around the clogged inlet in the parking lot to prevent future clogging?

If you have any questions, you can contact me at 924-3695.

Sincerely,

Curtis A. Cherne, E.I.
Engineering Associate, Planning Dept.
Development and Building Services

BJB

C: file

Letter of Transmittal

To: Arlene Portillo

City of Albuquerque - Hydrology

Plaza Del Sol

Date: Wednesday, September 27, 2006

Job No.: 2006029

Re: 7020 Prospect Place

Received By: _____

Date: _____

WE ARE SENDING YOU:

Via: Hand Delivery

☒ As requested ☒ For your use/information ☐ For review/comment ☐ For approval/signature (please return)

Copies	Description
--------	-------------

1	Copy of Grading Plan for Grading/Paving Permit Approval
---	---

1	Drainage Info Sheet
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Remarks:

Arlene,

I spoke to Brad and he said there is no fee for this submittal. He mainly wants it so that he has a copy in the file. Brad and I have been discussing the situation. Please run this by Brad before distributing for review, as he may want to perform the review himself.

Thanks.

Copy To: _____

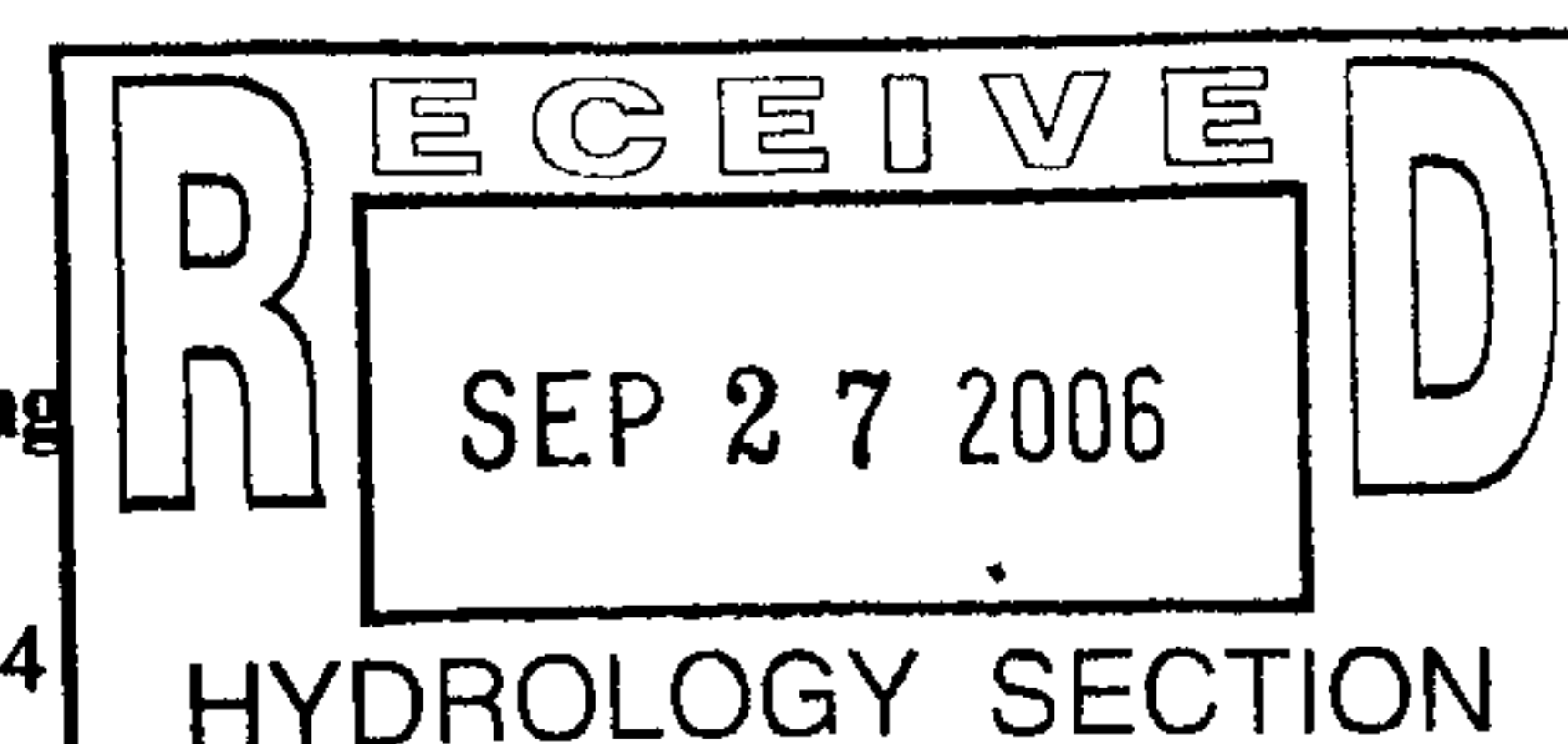
By: 
Jeffrey F. Wooten, P.E.

☒ Correspondence File
☐ Reader File

If enclosures are not as noted, kindly notify us at once

WE

Wooten Engineering
5017 Sanbusco Dr NE
Rio Rancho, NM 87144
505-771-8038
Fax 505-771-8905



DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/11/2002)

PROJECT TITLE: Peltier, Gustafson, and Miller Building ZONE MAP/DRG. FILE # H-19 / D61
DRB #: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: Lot 6A1B, Block C, Louisiana Subdivision
CITY ADDRESS: 7020 Prospect Place, Albuquerque, NM

ENGINEERING FIRM: Wooten Engineering CONTACT: Jeff Wooten
ADDRESS: 5017 Sanbusco Dr NE PHONE: (505) 771-8038
CITY, STATE: Rio Rancho, NM ZIP CODE: 87144

OWNER: Peltier, Gustafson, and Miller CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

ARCHITECT: N/A CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

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

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

CHECK TYPE OF SUBMITTAL:

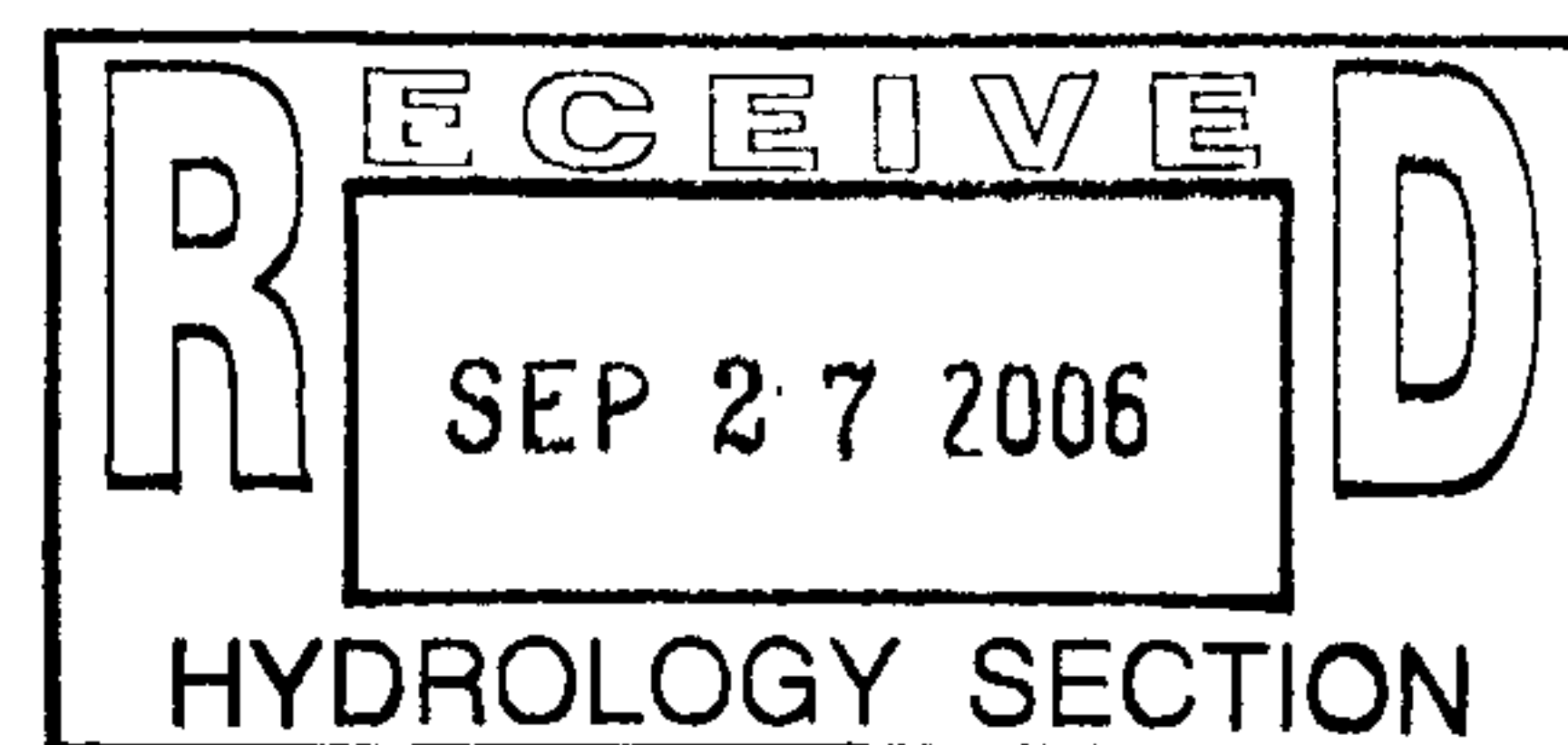
- ☐ DRAINAGE REPORT
- ☒ DRAINAGE PLAN
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
- ☐ ENGINEERS CERTIFICATION (TCL)
- ☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
- ☐ OTHER

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 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: September 27, 2006 BY: Jeff Wooten

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 (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 subdivisions containing more than ten (10) lots or constituting five (5) acres or more.

PROJECT Site Visit 10-23-06

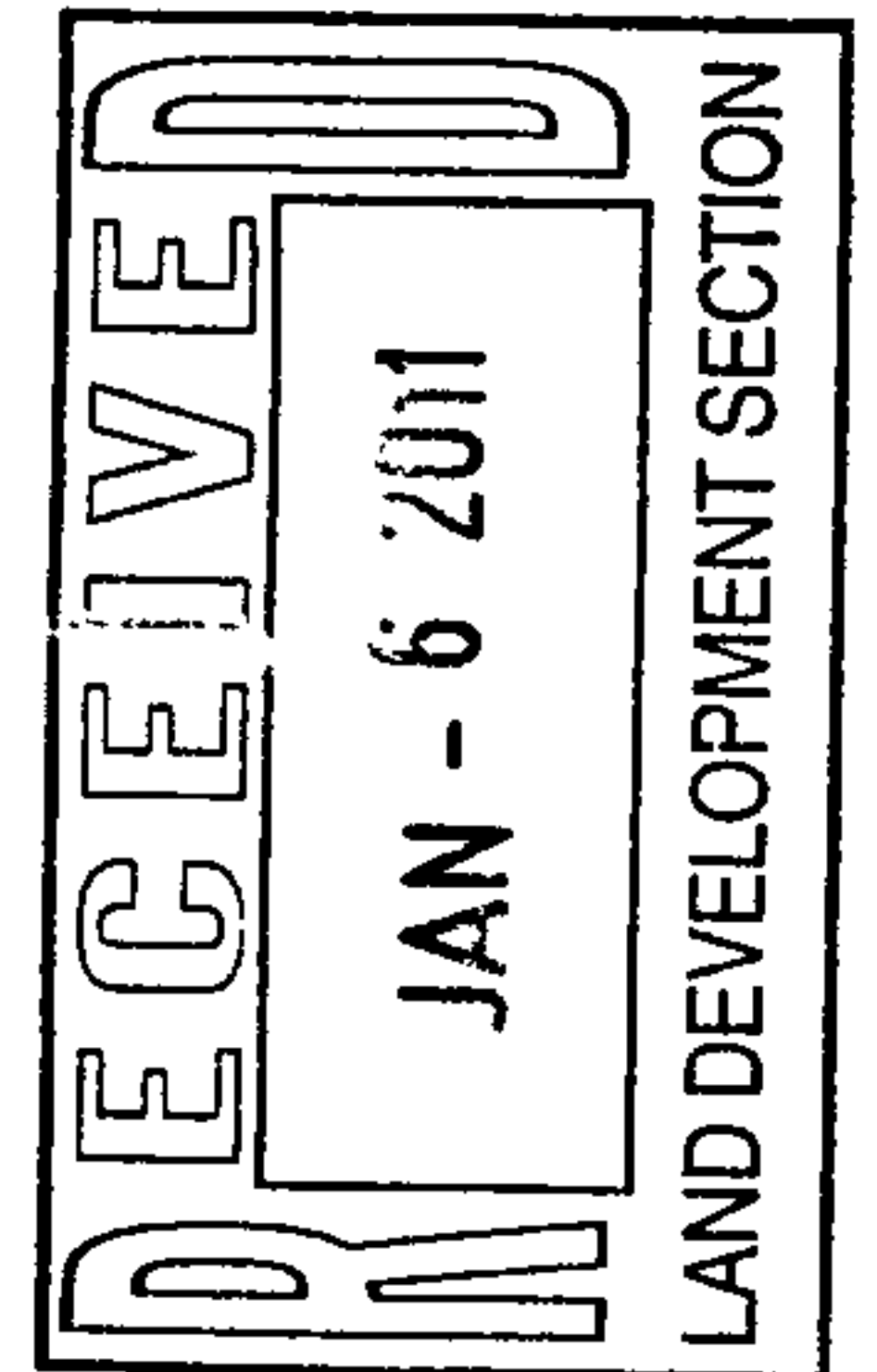
- runoff pans at clogged inlet - goes down through wall south end of stair case and runs to door
- before parking area west of the way paved - water would run west. It is where the grade was raised to put on parking lot to get positive drainage to the west
- drain area between P/L and this building drains to the door
- would parking drain inlet

CC

PARS ASSETS
2440 LOUISIANA BLVD. NE, #700
ALBUQUERQUE, NM 87110

HAND DELIVERED

Brad Bingham
City of Albuquerque
Planning Department
Hydrology
600 2nd St. NW
Albuquerque, NM 87103



December 22, 2010

VIA Hand and Fax Delivery (505) 888-4713

Peltier-Gustafson-Miller-PA
7020 Prospect Place NE
Albuquerque, NM 87110

Re: American Financial Center 5
2400 Louisiana Ave.
Albuquerque, NM 87110

To Whom It May Concern:

Please be advised that PARS ASSETS is the authorized representative of AFC-5, LLC, a New Mexico limited liability company ("Owner"), which is the owner of the above referenced property ("AFC 5"). It has come to our attention that recently there has been subterranean earth work and construction work taking place at 7020 Prospect Place ("Project"), which is directly adjacent to AFC 5. On or about December 22, 2010 it appeared to our property manager, Dan Wilson that the Project encroached onto the AFC 5 property without any notice and without any authorization from the Owner.

We have concerns that an illegal trespass has occurred and that said trespass may be ongoing. Moreover, we have grave concerns about the impact of the Project and whether any damage has occurred or may occur to the AFC 5 property as a result of the Project.

Accordingly, please be advised that this letter will serve as the Owner's formal written demand that the Project and all construction, earth work and excavation work related to the Project immediately cease and desist. This demand will remain in effect until: 1) we are provided with all permits relating to the Project; 2) we are advised in writing the complete scope of work that is part of the Project; 3) we are advised what portions of the Project have been completed; 4) we are advised what portions of the Project remain to be completed; 5) we are provided with all plans relating to the Project; 6) our experts are provided with an opportunity to examine the work that has been performed and/or remains to be performed on the Project; 7) the parties responsible for initiating the Project pay to have a surveyor properly identify the respective property lines in writing so that we can verify no further encroachment takes place; and 8) we can verify that said Project will not have any negative impact on AFC 5.

Our intent is to cooperate and work through this quickly so that we can resolve our reasonable concerns. If it becomes clear that AFC 5 will not suffer any negative impact as a result of the Project we will withdraw our cease and desist demand immediately. Furthermore, it is our understanding

PARS
ASSETS

7310 Miramar Road

Suite 500

San Diego, CA 92126

Phone: 858-547-1800

Fax: 858-547-1900

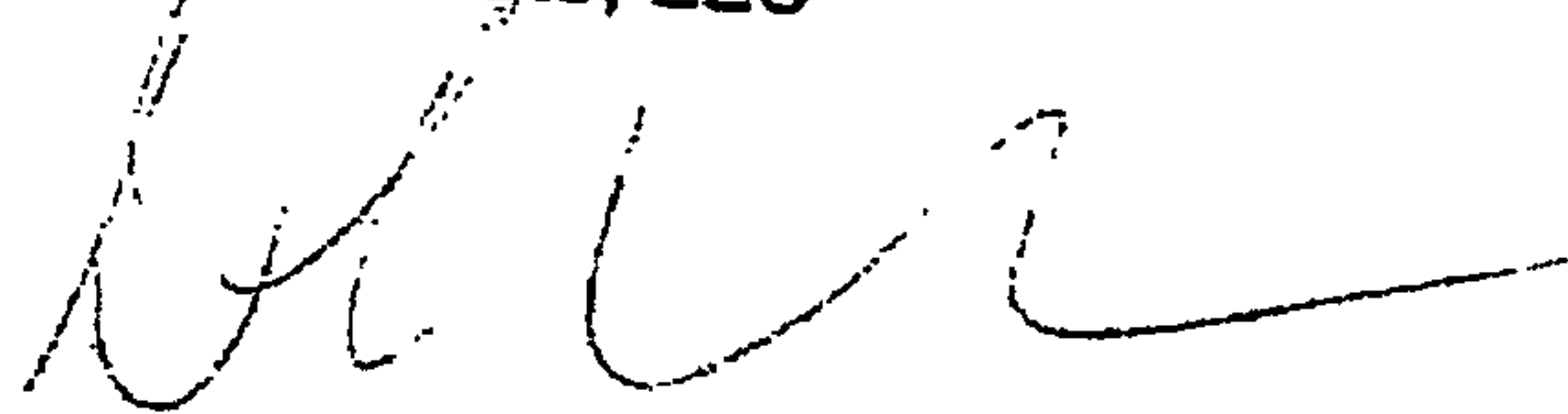
<http://www.parsassets.com>

that due to the weather and the holiday season work on the Project has currently ceased. This provides us with a better opportunity to work through the questions we have regarding the Project.

Please do not hesitate to contact our office should you have any questions or concerns.

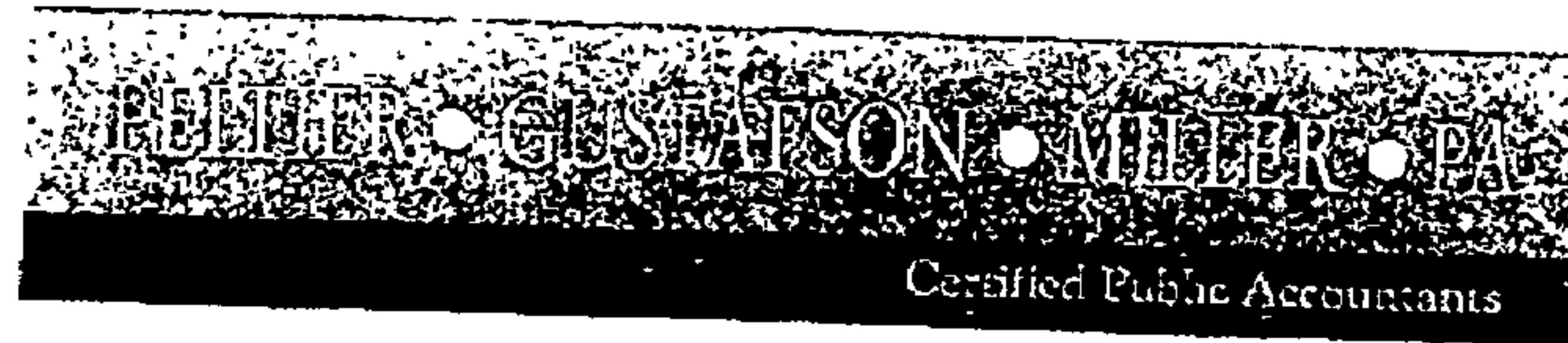
Sincerely,

PARS Assets, LLC



Demetri Lahanas
General Counsel

Cc: Klinger Constructor, LLC
FAX: 505-821-0439



Karl W. Gustafson

7020 Prospect Place NE
Albuquerque, NM 87110
505.881.3953 • fax 505.888.4713
karl@pgm-cpa.com • www.pgm-cpa.com

VIA Hand and Fax Delivery (505) 888-4713

PARS
ASSETS

7310 Miramar Road

Suite 500

San Diego, CA 92136

Phone: 858-547-1890

Fax: 858-547-1900

<http://www.parsassets.com>

Accordingly, please be advised that this letter will serve as the Owner's formal written demand that the Project and all construction, earth work and excavation work related to the Project immediately cease and desist. This demand will remain in effect until: 1) we are provided with all permits relating to the Project; 2) we are advised in writing the complete scope of work that is part of the Project; 3) we are advised what portions of the Project have been completed; 4) we are advised what portions of the Project remain to be completed; 5) we are provided with all plans relating to the Project; 6) our experts are provided with an opportunity to examine the work that has been performed and/or remains to be performed on the Project; 7) the parties responsible for initiating the Project pay to have a surveyor properly identify the respective property lines in writing so that we can verify no further encroachment takes place; and 8) we can verify that said Project will not have any negative impact on AFC 5.

Our intent is to cooperate and work through this quickly so that we can resolve our reasonable concerns. If it becomes clear that AFC 5 will not suffer any negative impact as a result of the Project we will withdraw our cease and desist demand immediately. Furthermore, it is our understanding

that due to the weather and the holiday season work on the Project has currently ceased. This provides us with a better opportunity to work through the questions we have regarding the Project.

Please do not hesitate to contact our office should you have any questions or concerns.

Sincerely,

PARS Assets, LLC

A handwritten signature in black ink, appearing to read 'DL', with a long horizontal stroke extending to the right.

Demetri Lahanas
General Counsel

Cc: Klinger Constructor, LLC
FAX: 505-821-0439



Karl W. Gustafson

7020 Prospect Place NE
Albuquerque, NM 87110
505.881.3953 • fax 505.888.4713
karl@pgm-cpa.com • www.pgm-cpa.com

Albuquerque Satellite Office:

Dan Wilson, Property Manager
Uptown Tower, Suite 510
2440 Louisiana Boulevard NE
Albuquerque, NM 87110
Telephone: (505) 888-2663
Facsimile: (505) 888-3006
E-Mail: dwilson@parsassets.com



7310 Miramar Road

FAX TRANSMITTAL

January 6, 2011

Fifth Floor

TO: Brad Bingham
City of Albuquerque
Planning Dept.
Hydrology

San Diego, CA 92126-4222

Phone: 858-547-1800

FAX NUMBER: 505-924-3864

Fax: 858-547-1900

OF PAGES INCLUDING COVER PAGE = 6

<http://www.parsassets.com>

Re: Boundary concerns and drainage from 7020 Prospect Place NE.

Albuquerque Satellite Office:

Dan Wilson, Property Manager
Uptown Tower, Suite 510
2440 Louisiana Boulevard NE
Albuquerque, NM 87110
Telephone: (505) 888-2663
Facsimile: (505) 888-3006
E-Mail: dwilson@parsassets.com



7310 Miramar Road

January 6, 2011

Fifth Floor

VIA Hand and Fax Delivery (505) 924-3864

San Diego, CA 92126-4222

Brad Bingham
City of Albuquerque
Planning Department
Hydrology Development/Building Services
600 2nd St. NW
Albuquerque, NM 87103

Phone: 858-547-1800

Fax: 858-547-1900

Re: Boundary concerns and drainage from 7020 Prospect Place NE.

<http://www.parsassets.com>

Dear Brad,

My home office has asked that I submit our list of concerns to you in writing. The intent is to list them so that they can be properly addressed from the beginning and hopefully that it expedites closure to this entire matter.

A copy of our "cease and desist" letter to the property owners and the contractor for the property owner is attached here for your reference as well.

Our concerns/questions regarding adjacent property owner's site work are listed below:

1. We have serious concerns about the integrity of the project and the negative structural and financial impact it will have on our property. Specifically, based on the fact that this is a contractor that should have known a permit was necessary and because the building owner was on notice from the City that they needed an agreement with AFC 5 before beginning the project and they both ignored these requirements, we believe corners were cut or what was constructed is something other than what they say was constructed.
2. PGM (Peltier-Gustafson-Miller-PA) and its contractor have blatantly attempted to deceive the City. Consequently, PGM and its contractor have lost all credibility and we want everything opened/dug up so that the proper personnel from the City can inspect all aspects of the project and so that we can

make a decision on what the proper terms should be of our agreement that must be reached with PGM before any further work, if any, is allowed.



3. Will the discharge of water undermine our property and cause a collapse of our parking lot and the foundations of our covered parking structures?

* 4. We do not want surface water dumped onto our parking lot. It could cause insurance issues, i.e. water freezing and ice accumulation, slip and falls.

7310 Miramar Road

5. We ask for assurances that the project was properly engineered and approved by the City.

Fifth Floor

6. We ask for assurances that the scope of work was and will be completed to the specifications approved by the City.

San Diego, CA 92126-4222

7. We require that an appropriate agreement between AFC 5 and the PGM group be established for this work, and that it be duly registered with the appropriate government agency before any further work begins.

Phone: 858-547-1800

Fax: 858-547-1900

8. The PGM group needs to have the property boundary in the affected area marked by a licensed surveyor to show that the project does not encroach into the property of AFC 5.

<http://www.parsassets.com>

I look forward to meeting with you, as we discussed, once you have gathered your information and made your reviews.

Thank you very much for your time and consideration in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Dan Wilson".

Dan Wilson

Cc: PARS ASSETS

January 10, 2011

VIA U.S. MAIL AND FAX DELIVERY (505) 247-9761

Sean R. Calvert
Calvert Meniucci
8900 Washington St., N.E., Suite A
Albuquerque, NM 87113



7310 Miramar Road

Fifth Floor

Re: Illegal Construction at 7020 Prospect Place

Dear Mr. Calvert:

San Diego, CA 92126-4213

Thank you for your January 6, 2011 letter. Please be advised that we are again demanding all work relating to this illegal unpermitted project cease and desist immediately. If B P & G, Ltd. Co. ("B P & G") wants to make baseless claims about an alleged improper blockage in order justify its deceitful conduct, it needs to follow the proper procedures. B P & G cannot unilaterally initiate illegal and unpermitted construction. In fact, we have been advised that B P & G had previously been instructed by the City of Albuquerque ("City") that City permission and permission from AFC 5 would be required before B P & G could begin any drainage construction.

Phone: 858-547-1800

Fax: 858-547-1900

<http://www.parsassets.com>

B P & G's intentional and deceitful attempt to skirt the requirements outlined by the City gives rise to serious concerns about the integrity of the construction and the negative structural and financial impact it will have on our property. Furthermore, B P & G has committed a trespass and since it is refusing to reasonably cooperate with our previous request for information we are demanding that B P & G immediately restore our property to its original condition prior to the start of the B P & G construction. If B P & G does not agree to this, we will take immediate steps to excavate and remove all the improper construction work that exists on our property at B P G's expense.

Again our preference and intent is to cooperate and work through this quickly so that we can resolve our reasonable concerns. Accordingly, please contact me at your soonest opportunity to let me know if B P & G insists on ignoring our request for the construction to cease and desist and so that we can attempt to resolve the entire issue amicably.

Sincerely,

PARS Assets, LLC

A handwritten signature in black ink, appearing to read "Demetri Lahanas", written over the printed name.

Demetri Lahanas
General Counsel

Cc: City of Albuquerque



7310 Miramar Road
Suite 500
San Diego, CA 92126-4213
Phone: (858) 547-1800
Fax: (858) 547-1900

F A X

DATE: January 10, 2011

of Pages: 2
(including cover sheet)

FROM: Demetri Lahanas

TO: Tim Sims

FAX #: 505-924-3864

PHONE #:

RE: 7020 Prospect Place

Dear Mr. Sims:

Dan Wilson has been communicating with you about the unpermitted construction that has been taking place at the above referenced property and our concerns regarding that project. As you may know, we had requested that the owner cease and desist all work until we figure out what is taking place at the site. Today I received a letter from the building owner attorney advising me that some of the work was going to begin again and they would not honor our earlier request to cease and desist. Attached please find my response to their attorney for your records.

Thank you again for your time and attention to this matter

Regards,

Demetri Lahanas

The information contained in this facsimile message is confidential information (and may be privileged) intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. mail. Thank you.

1:30

- Copy of plans for Dan (2 pm)
-

~~thru~~

1) No surface runoff

William / not / with /
Toscher 10:5

285-285
- 11:30
(initial state)

• 78053 | WIL

• ~~452-0307~~ Eddio ^{Nav} ~~452-8910~~

Managing
dev in Zone A

- ~~342-3338~~ Steven Scissans et al

- ~~Frank Thomas~~

- ~~363-9686~~ Judy Echot 363-9686 2717 Darlene

- ~~266-8838~~ Genny

- ~~880-7639~~ Nevada 707 Broadway NE

- 245-6324 Ann Novarez

Juno

• Teresa Rodriguez 2538 Gun Club SW - 877-3464
2542 "

888-2663

Dan Wilson -

(2440 Louisiana)

Pelletier / Gustafson / Miller
7020 Prospect