

CITY OF ALBUQUERQUE



November 22, 2017

Scott Steffen, PE
Bohannon Huston, Inc.
7500 Jefferson St NE
Albuquerque, NM 87109

RE: **WALH Towne Center Mass Grading
Grading Plan
Engineer's Stamp Date: 11/10/17
Hydrology File: J08D004**

Dear Mr. Steffen:

Based on the information provided in the submittal received on 11/10/17 the above-referenced Grading Plan is approved for Grading Permit.

Engineer's Certification of the grading, including compaction of the berms, is required at completion. If you have any questions, please contact me at 924-3695 or dpeterson@cabq.gov.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,

Dana M. Peterson
Senior Engineer, Planning Dept.
Development Review Services

**PRIVATE FACILITY
DRAINAGE COVENANT**

This Drainage Covenant ("Covenant"), between Western Albuquerque Land Holdings LLC ("Owner"), whose address is c/o Jeff Garrett, Garrett Development Corp, 6900 East Camelback Road, Suite 607, Scottsdale, AZ 85251, and whose telephone number is (480) 970-4002 and the City of Albuquerque, New Mexico, a municipal corporation whose address is P.O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner signs this Covenant.

1. Recital. The Owner is the current owner of the following described real property located at Parcel G-1, as the same is shown on the Plat of Parcels C-2-A, C-3-A, C-3-B, C-3-C, D-1-A, D-1-B, E-1, F-1, G-1, & H-1 Westland North recorded on September 27, 2013, pages 1 through 8, as Document No. 2013108078 in the records of the Bernalillo County Clerk, State of New Mexico (the "Property").

Pursuant to City ordinances, regulations and other applicable laws, the Owner is required to construct and maintain certain drainage facilities on the Property, and the parties wish to enter into this Covenant to establish the obligations and responsibilities of the parties.

2. Description and Construction of Drainage Facility. The Owner shall construct the following "Drainage Facility" within the Property at the at the Owner's sole expense in accordance with the standards, plans and specifications approved by the City: WALH Towne Center Stockpile.

The Drainage Facility is more particularly described in Exhibit A attached hereto and made a part hereof.

3. Maintenance of Drainage Facility. The Owner shall maintain the Drainage Facility at Owner's sole cost in accordance with the approved Drainage Report and plans.

4. Benefit to Property. The Owner acknowledges and understands that the Drainage Facility required herein to be constructed on the Owner's property is for the private benefit and protection of the Owner's property and that failure to maintain such facility could result in damage or loss to the Property.

5. Inspection of Drainage Facility. The City shall have no duty or obligation whatsoever to perform any inspection, maintenance or repair of the Drainage Facility, it being the duty of the Owner, its heirs, successors and assigns to construct and maintain the facility in accordance with approved plans and specifications.

6. Liability of City. The Owner understands and agrees that the City shall not be liable to the Owner, its heirs, successors or assigns, or to any third parties for any damages resulting from the Owner's failure to construct, maintain or repair the Drainage Facility.

7. Indemnification. The Owner owns and controls the Drainage Facility and shall not

Doc# 2017112125

11/22/2017 11:39 AM Page: 1 of 6
COV R:\$25.00 Linda Stover, Bernalillo County



permit the Drainage Facility to constitute a hazard to the health or safety of the general public. The Owner agrees to indemnify, defend and hold harmless the City, its officials, agents and employees, from any claims, actions, suits or other proceedings arising from or out of the negligent acts or omissions of the Owner, its agents, representatives, contractors or subcontractors or arising from the failure of the Owner, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer or Owner herein; provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Covenant, this Covenant to indemnify will not extend to liability, claims, damages, losses or expenses, including attorneys' fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the respective indemnitee, or the agents or employees of the respective indemnitee; or (2) the giving of or the failure to give direction or instructions by the respective indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

8. Assessment. Nothing in this Covenant shall be construed to relieve the Owner, its heirs, assigns and successors from an assessment against the Owner's property for improvements to the property under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the Drainage Facility will not reduce the amount assessed by the City.

9. Binding on Owner's Property. The covenants and obligations of the Owner set forth herein shall be binding on the Owner, its heirs, assigns and successors and on the Owner's property and constitute covenants running with the Owner's property until released by the City. This Covenant can only be released by the City's Chief Administrative Officer with concurrence of the City Engineer.

10. Entire Covenant. This Covenant contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

11. Changes to Covenant. Changes to this Covenant are not binding unless made in writing, signed by both parties.

12. Effective Date of Covenant. This Covenant shall be effective as of the date of signature of the Owner.

OWNER:

Western Albuquerque Land Holdings LLC
By: C-III Asset Management LLC,
as Special Servicer

By: Deborah A. Bacon

Name: Deborah A. Bacon

Engineer _____

Title: Servicing Officer

Dated: 11-3-17

CITY OF ALBUQUERQUE:

By: Shahab Biazar

Shahab Biazar, P.E., City Engineer

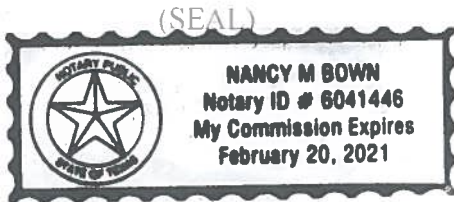
Dated: 11/21/17

OWNER'S ACKNOWLEDGMENT

STATE OF Texas)

COUNTY OF Denton)ss

This instrument was acknowledged before me on this 3rd day of November,
2017, by Deborah A. Bacon (name of person signing permit),
Servicing Officer (title of person signing permit) of
WALH (Owner).



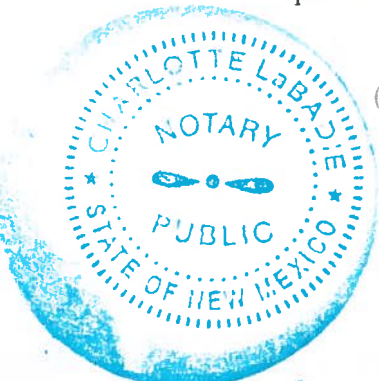
Nancy M. Bown
Notary Public
My Commission Expires: February 20, 2021

CITY'S ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)ss

This instrument was acknowledged before me on this 21st day of
November, 2017, by Shahab Biazar, P.E., City Engineer, of the City of Albuquerque,
a municipal corporation, on behalf of said corporation.



Charlotte LaBachie
Notary Public
My Commission Expires: March 15, 2021

(EXHIBIT A ATTACHED)

November 11, 2017

Ms. Dana Peterson
Senior Engineer
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

Re: Hydrology File: J08D004: WALH Towne Center Mass Grading and Drainage
Stamp Date 11/10/2017

Dear Ms. Peterson:

Please find enclosed the revised sheets for ABCWUA Work Order Approval for the above referenced project as well as the necessary supplemental information to satisfy the comments received on 11/02/2017.

Supplemental information is as follows:

1. Executed copy of the "Private Facility Drainage Covenant".

The following is a summary of the comments made by ABCWUA and the responses

1. Comment: "Section views A-A and B-B need to clearly define existing grade, fill, and compacted berm." *Added on sheet 2 of 2.*
2. Comment: "Compaction needs to be 95%, extend to the subgrade..." *Added on Sheet 2 of 2. Per conversations with your office, the compaction to 95% of maximum density only applies to the berm and the 12" subgrade below the berm.*
3. Comment: "Maintenance Plan needs to be included..." *The maintenance plan has been added on Sheet 2 of 2. The note states: "Maintenance inspections shall be performed annually and after rain events of 1/2" or more to determine whether erosion repair, sediment removal, vector control, mowing and/or other maintenance is needed. Any needed maintenance shall be performed within seven days of the inspection. Inspections and maintenance shall be performed by the Owner."*
4. Comment: "A Bernalillo County Recorded Private Facility Drainage Covenant is required..." *Completed. See Attached.*

Please let me know if you have any comments or concerns.

Sincerely,



Kelly Klein, EI
Engineer 2
Community Development and Planning



City of Albuquerque

Planning Department

Development & Building Services Division

DRAINAGE AND TRANSPORTATION INFORMATION SHEET (REV 09/2015)

Project Title: _____ **Building Permit #:** _____ **City Drainage #:** _____

DRB#: _____ **EPC#:** _____ **Work Order#:** _____

Legal Description: _____

City Address: _____

Engineering Firm: _____ **Contact:** _____

Address: _____

Phone#: _____ **Fax#:** _____ **E-mail:** _____

Owner: _____ **Contact:** _____

Address: _____

Phone#: _____ **Fax#:** _____ **E-mail:** _____

Architect: _____ **Contact:** _____

Address: _____

Phone#: _____ **Fax#:** _____ **E-mail:** _____

Other Contact: _____ **Contact:** _____

Address: _____

Phone#: _____ **Fax#:** _____ **E-mail:** _____

Check all that Apply:

DEPARTMENT:

- ☐ HYDROLOGY/ DRAINAGE
☐ TRAFFIC/ TRANSPORTATION
☐ MS4/ EROSION & SEDIMENT CONTROL

TYPE OF SUBMITTAL:

- ☐ ENGINEER/ ARCHITECT CERTIFICATION
- ☐ CONCEPTUAL G & D PLAN
☐ GRADING PLAN
☐ DRAINAGE MASTER PLAN
☐ DRAINAGE REPORT
☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
☐ TRAFFIC IMPACT STUDY (TIS)
☐ EROSION & SEDIMENT CONTROL PLAN (ESC)
- ☐ OTHER (SPECIFY) _____

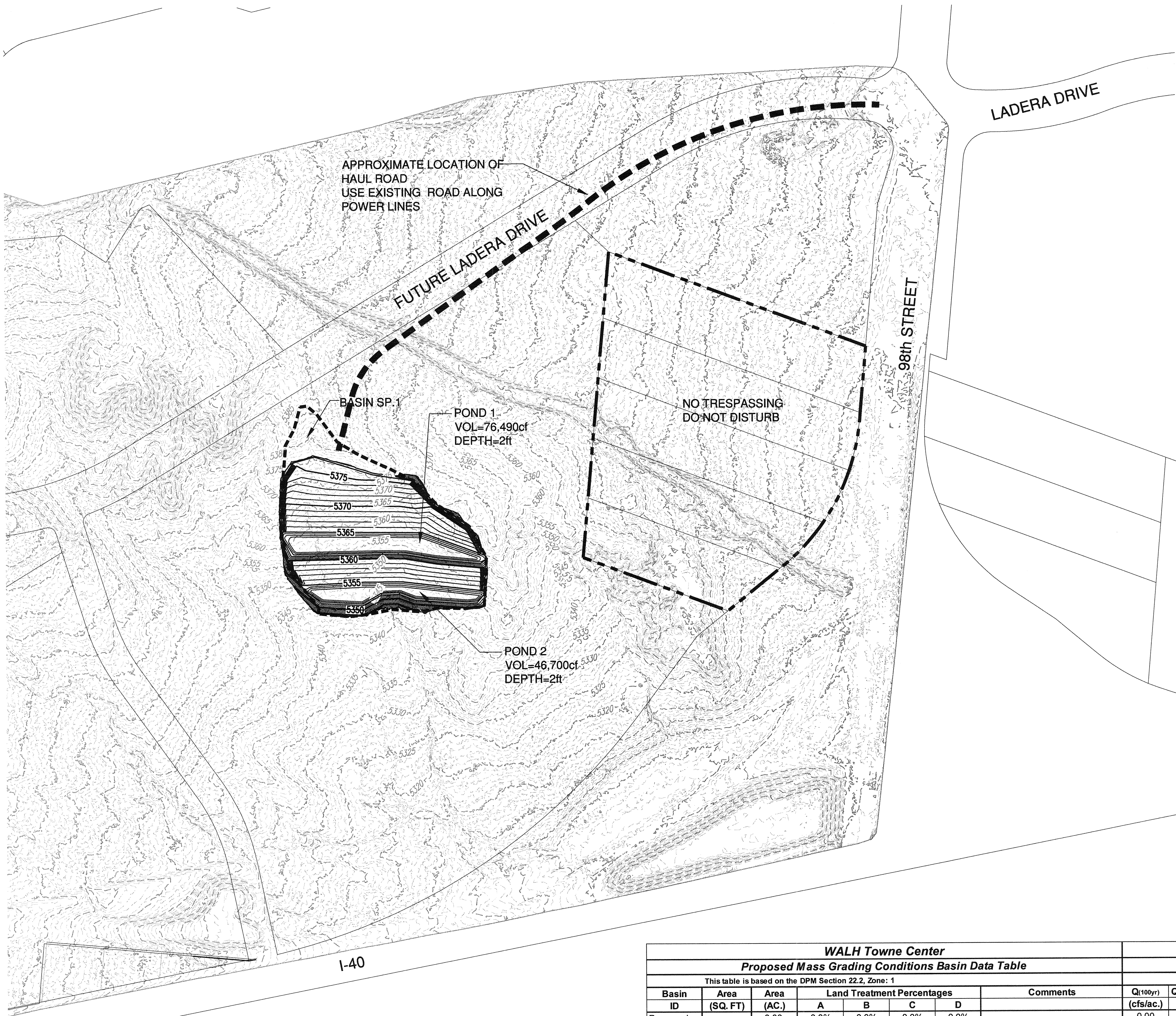
CHECK TYPE OF APPROVAL/ACCEPTANCE SOUGHT:

- ☐ BUILDING PERMIT APPROVAL
☐ CERTIFICATE OF OCCUPANCY
- ☐ PRELIMINARY PLAT APPROVAL
☐ SITE PLAN FOR SUB'D APPROVAL
☐ SITE PLAN FOR BLDG. PERMIT APPROVAL
☐ FINAL PLAT APPROVAL
☐ SIA/ RELEASE OF FINANCIAL GUARANTEE
☐ FOUNDATION PERMIT APPROVAL
☐ GRADING PERMIT APPROVAL
☐ SO-19 APPROVAL
☐ PAVING PERMIT APPROVAL
☐ GRADING/ PAD CERTIFICATION
☐ WORK ORDER APPROVAL
☐ CLOMR/LOMR
- ☐ PRE-DESIGN MEETING
☐ OTHER (SPECIFY) _____

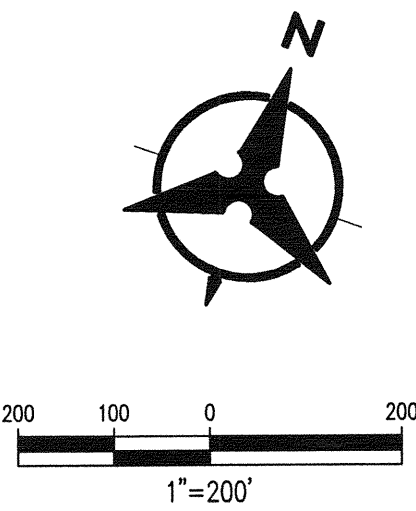
IS THIS A RESUBMITTAL?: ☐ Yes ☐ No

DATE SUBMITTED: _____ **By:** _____

COA STAFF: _____ ELECTRONIC SUBMITTAL RECEIVED: _____



EARTHWORK VOLUMES	
Volume	
Base Surface	C3d_Optimized_WALH_LP_Modified
Comparison Surface	Mass Grading
Cut Factor	1.00
Fill Factor	1.00
Cut volume (adjusted)	38.13 Cu. Yd.
Fill volume (adjusted)	59954.30 Cu. Yd.
Net volume (adjusted)	59916.16 Cu. Yd. <Fill>
Cut volume (unadjusted)	38.13 Cu. Yd.
Fill volume (unadjusted)	59954.30 Cu. Yd.
Net volume (unadjusted)	59916.16 Cu. Yd. <Fill>



GRADING AND DRAINAGE NARRATIVE

THIS PLAN PROVIDES A GRADING AND DRAINAGE PLAN FOR STOCKPILING SOIL ON THE FUTURE WESTERN ALBUQUERQUE LAND HOLDINGS TOWNE CENTER SITE. CONCEPTUAL SITE GRADING INDICATES THE NEED FOR APPROXIMATELY 100,000 CUBIC YARDS OF IMPORT FOR THE PROPOSED SITE PLAN. THIS GRADING PLAN ALLOWS FOR THE IMPORT OF 60,000 CUBIC YARDS WITHIN THE GRADING PERIMETER.

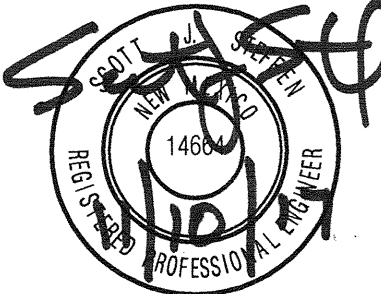
THE SITE WAS CHOSEN AS IT IS NEAR THE TOP OF AN EXISTING LOCALIZED DRAINAGE BASIN, WHICH MINIMIZES THE AMOUNT OF UPSTREAM DRAINAGE ENTERING THE SITE THAT NEEDS TO BE CONTROLLED. THERE IS LIMITED OFFSITE FLOW REACHING THE GRADING PERIMETER FROM THE NORTH. SOIL BERMS ON THE EAST AND WEST SIDE OF THE GRADING PERIMETER PREVENT OFFSITE FLOW FROM THE EAST OR WEST REACHING THE SITE AND THE SITE IS HIGHER THAN THE GROUND TO THE SOUTH.

THE GRADING PERIMETER IS APPROXIMATELY 7.3 ACRES WITH AN EXISTING SLOPE ACROSS THE SITE BETWEEN 4% AND 7%, GENERALLY FROM NORTH TO SOUTH.


THE DRAINAGE BASIN AFFECTING THE SITE IS APPROXIMATELY 8.5 ACRES. SECTION 22.2 OF THE CITY OF ALBUQUERQUE DEVELOPMENT PROCESS MANUAL WAS USED TO ANALYZE THE SITE HYDROLOGY. THE SITE IS IN RAINFALL ZONE 2 AS DEFINED BY FIGURE A-1. LAND TREATMENTS FOR THE POST GRADING CONDITIONS IS 100% TYPE C. RESULTS OF THE ANALYSIS ARE SHOWN IN THE TABLE BELOW. A 20% SEDIMENT BULKING FACTOR WAS ADDED.

THE REQUIRED STORAGE VOLUME FOR THE 100-YEAR 10-DAY STORM, INCLUDING THE 20% BULKING FACTOR IS 36,750 CUBIC FEET. THE GRADING PLAN HAS TWO PONDS WITHIN THE GRADING PERIMETER WITH A VOLUME OF 123,200 CUBIC FEET. THE DEPTH OF EACH POND IS TWO FEET. THE PONDS HAVE MORE THAN ADEQUATE CAPACITY TO CONTROL THE 100-YEAR, 10-DAY STORM VOLUME.

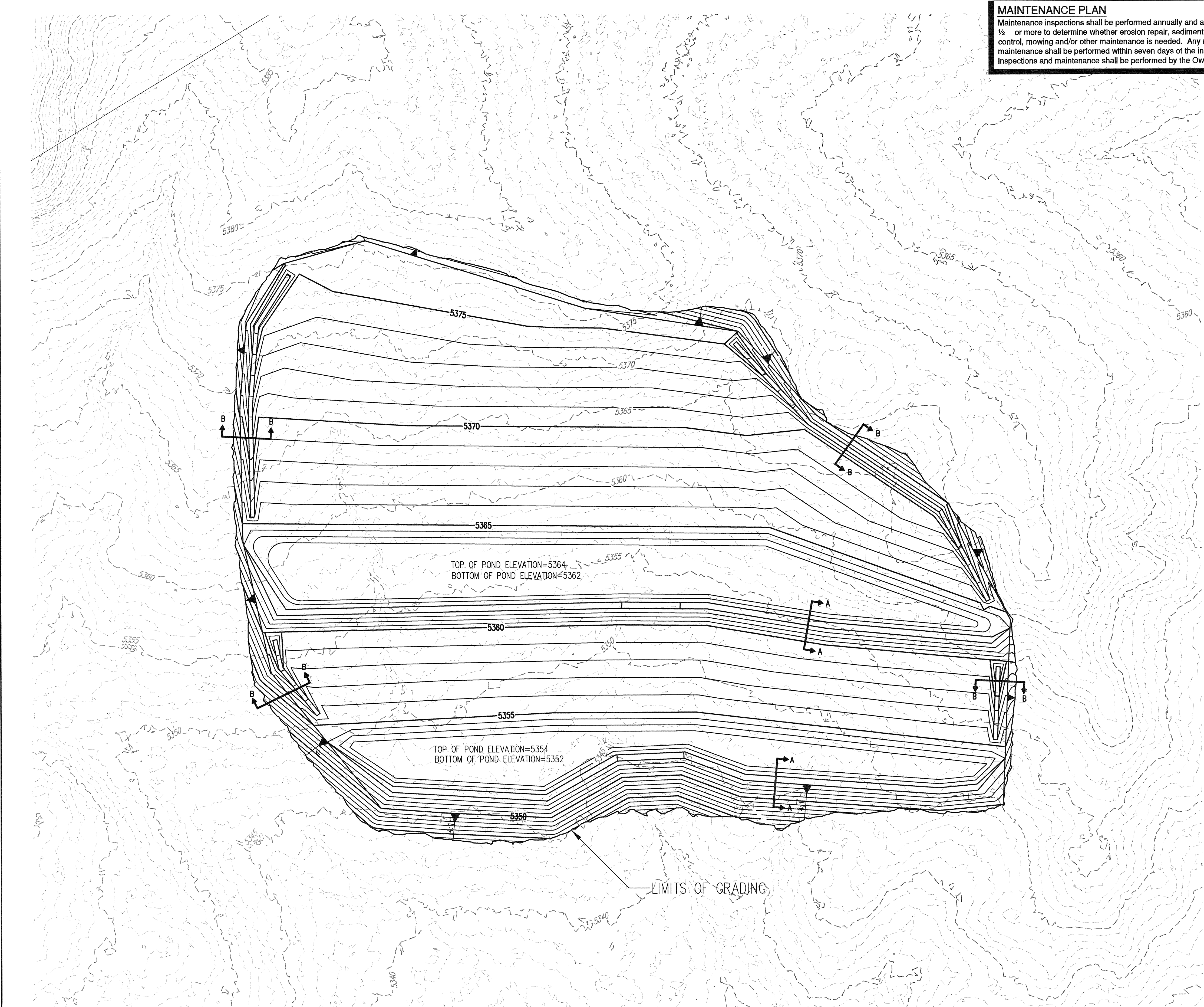
THE PROPOSED GRADING PLAN CONTROLS DRAINAGE TO SAFELY PROTECT DOWNSTREAM PROPERTY IN THE INTERIM CONDITION UNTIL THE TOWNE CENTER SITE IS DEVELOPED. WITH THIS SUBMITTAL WE REQUEST APPROVAL OF THIS GRADING AND DRAINAGE PLAN FOR GRADING PERMIT.

AS-BUILT INFORMATION		BENCH MARKS		SURVEY INFORMATION		ENGINEER'S SEAL	
CONTRACTOR	DATE	ACS ALUMINUM DISC "REMARK"	NO.	FIELD NOTES	DATE		
INSPECTOR'S REVIEW BY	DATE	GEODOMIC POSITION (NAD 1983)	DATE	BY			
INSPECTOR'S SURVEYANCE BY	DATE	NM STATE PLANE COORDINATES (CENTRAL ZONE)					
REVISION BY	DATE	N=1487364.063 E=1491190.0819					
REVISION BY	DATE	GROUND TO GROUND FACTOR = 0.999675005				<div>REMARKS REVISIONS DESIGN</div> <div>DATE: DATE: DATE:</div>	
REVISION BY	DATE	DELTA ALPHA = -00 17 12.26"					
REVISION BY	DATE	NAD 1983 ELEVATION = 5319.688					
REVISION BY	DATE	STOCKPILED AND DISPOSED OF AT THE DISCRETION OF THE OWNER.					

Bohannon & Huston
www.bhinc.com 800.877.5332

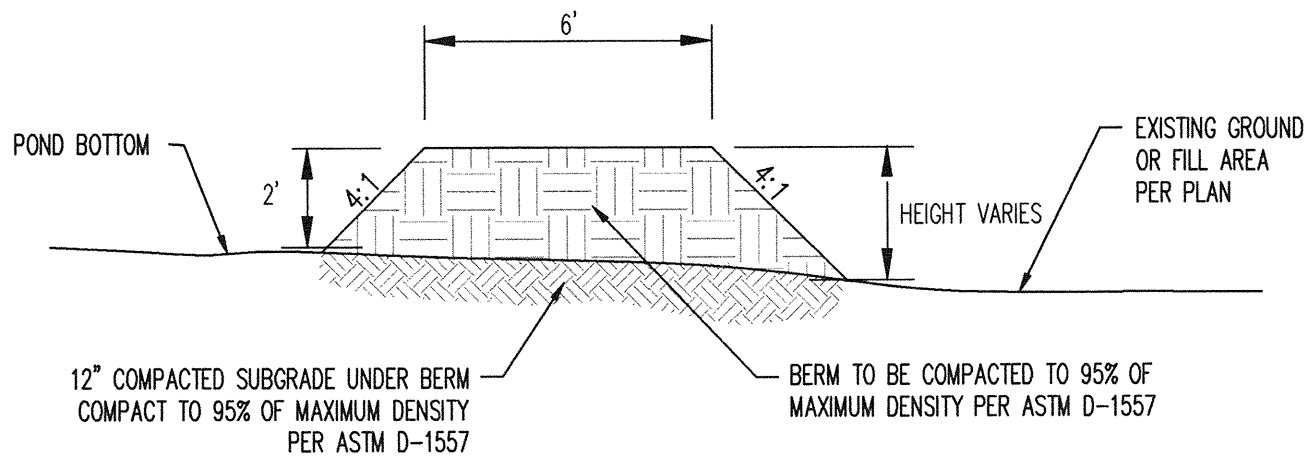
	CITY OF ALBUQUERQUE PUBLIC WORKS DEPARTMENT
WALH TOWNE CENTER	
DRAINAGE PLAN	
Design Review Committee	City Engineer Approval
Last Design Update	Mo./Day/Yr.
City Project No.	Zone Map No.
XXXXXX	C-09-Z
Sheet	Of
1	2

WALH Towne Center												
Proposed Mass Grading Conditions Basin Data Table												
This table is based on the DPM Section 22.2, Zone: 1							DPM Based Calculations					
Basin	Area	Area	Land Treatment Percentages				Comments	Q(100yr)	Q(100yr-6hr)	WT E	V(100yr-6hr)	V(100yr-10day)
ID	(SQ. FT)	(AC.)	A	B	C	D		(cfs/ac.)	(CFS)	(inches)	(CF)	CF
Proposed		0.00	0.0%	0.0%	0.0%	0.0%		0.00	0.00	0.00	0	0
SP.1	371224	8.52	0.0%	0.0%	100.0%	0.0%		2.87	24.46	0.99	30626	30626
SUBTOTAL	371224	9									30626	30626
							20% sediment bulking				6125	6125
TOTAL	371224	9									36751	36751

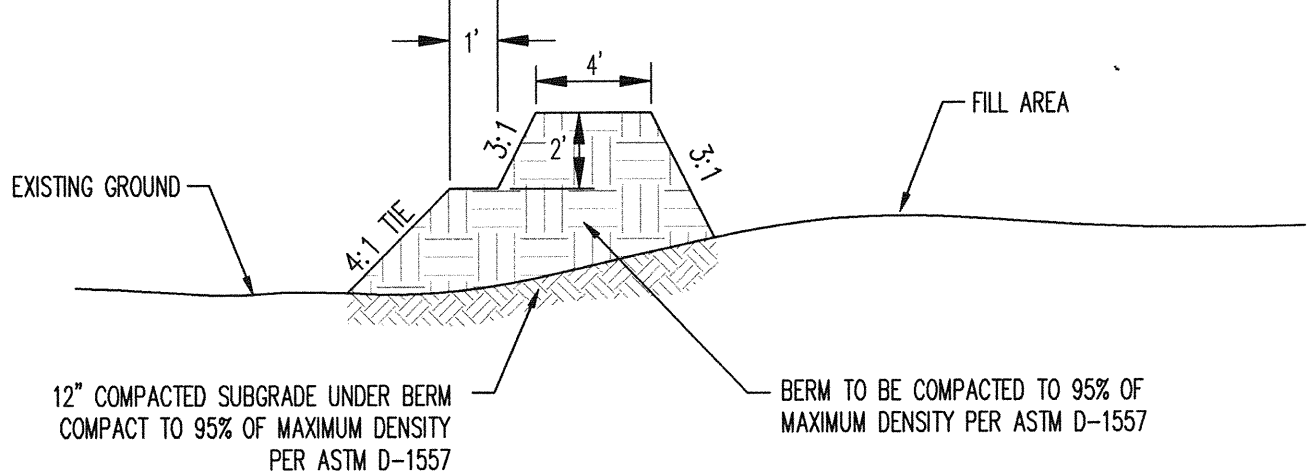


MAINTENANCE PLAN
Maintenance inspections shall be performed annually and after rain events of ½" or more to determine whether erosion repair, sediment removal, vector control, mowing and/or other maintenance is needed. Any needed maintenance shall be performed within seven days of the inspection. Inspections and maintenance shall be performed by the Owner.

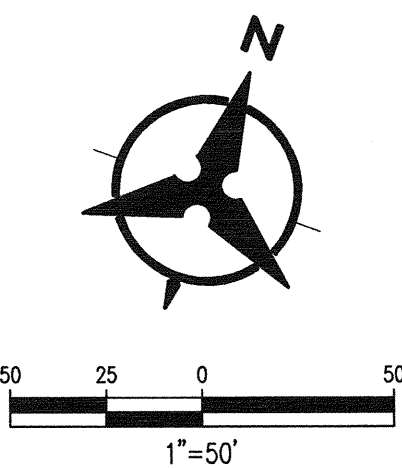
- GENERAL NOTES**
1. CONTRACTOR MUST OBTAIN A TOPSOIL DISTURBANCE PERMIT FROM THE ENVIRONMENTAL HEALTH DIVISION PRIOR TO CONSTRUCTION.
 2. THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE, AND FEDERAL DUST CONTROL MEASURES & REQUIREMENTS AND WILL BE RESPONSIBLE FOR PREPARING AND OBTAINING ALL NECESSARY APPLICATIONS AND APPROVALS.
 3. EXCEPT AS PROVIDED HEREIN, GRADING SHALL BE PERFORMED AT THE ELEVATIONS AND IN ACCORDANCE WITH THE DETAILS SHOWN ON THIS PLAN.
 4. EARTH SLOPES SHALL NOT EXCEED 3 HORIZONTAL TO 1 VERTICAL UNLESS SHOWN OTHERWISE.
 5. IT IS THE INTENT OF THESE PLANS THAT THIS CONTRACTOR SHALL NOT PERFORM ANY WORK OUTSIDE OF THE PROPERTY BOUNDARIES EXCEPT AS REQUIRED BY THIS PLAN.
 6. THE CONTRACTOR IS TO ENSURE THAT NO SOIL ERODES FROM THE SITE ONTO ADJACENT PROPERTY OR PUBLIC RIGHT-OF-WAY. THIS SHOULD BE ACHIEVED BY CONSTRUCTING TEMPORARY BERMS OR SILT FENCE SURROUNDING THE STOCKPILE AREA AND WETTING THE SOIL TO PROTECT IT FROM WIND EROSION.
 7. VERIFY ALL ELEVATIONS SHOWN ON PLAN FROM BASIS OF ELEVATION CONTROL STATION PRIOR TO BEGINNING CONSTRUCTION.
 8. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE REVEGETATED WITH NATIVE GRASS SEEDING. WHEN CONSTRUCTION ACTIVITIES CEASE AND EARTH DISTURBING ACTIVITIES WILL NOT RESUME IN 14 DAYS, STABILIZATION MEASURES MUST BE INITIATED. NATIVE GRASS SEEDING SHALL BE PER SECTION 1012.4.1.1, INCLUDING MULCHING PER SECTION 1012.7, OF THE CITY OF ALBUQUERQUE STANDARD SPECIFICATION FOR PUBLIC WORKS, LATEST EDITION.
 9. IF THE INITIAL SEEDING DOES NOT TAKE TO THE SATISFACTION OF THE OWNER OR THE CITY OF ALBUQUERQUE THE SEEDING SHALL BE REPEATED.
 10. CLEAR AND GRUB AND STOCKPILE PLACEMENT WORK SHALL PROGRESS FROM DOWNSTREAM TO UPSTREAM AS STOCKPILE MATERIAL IS IMPORTED. THE DISTURBANCE AREA SHALL BE KEPT TO A MINIMUM NECESSARY TO PROVIDE FOR PLACEMENT OF CURRENT STOCKPILE MATERIAL.
 11. CLEAR AND GRUB STRIPPINGS ARE TO BE PLACED AT THE DOWNSTREAM EDGE OF THE DISTURBED AREA.
 12. MINOR ADJUSTMENTS MAY BE MADE IN THE FIELD TO ACCOMMODATE POSSIBLE DIFFERENCES IN ANTICIPATED STOCKPILE VOLUME, BUT OVERALL CONCEPT OF THE DESIGN SHALL BE MAINTAINED.



A BERM SECTION A-A
NTS



B BERM SECTION B-B
NTS



Bohannon & Huston
www.bhinc.com 800.877.5332

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT

WALK TOWNE CENTER
MASS GRADING PLAN

Design Review Committee	City Engineer Approval	Mo./Day/Yr.	Mo./Day/Yr.
City Project No.	Zone Map No.	Sheet	Of
XXXXXX	C-09-Z	2	2

AS-BUILT INFORMATION		BENCH MARKS		SURVEY INFORMATION		ENGINEER'S SEAL	
CONTRACTOR	DATE	ACS ALUMINUM DISC "72HWD"		FIELD NOTES			
INSPECTOR'S	DATE	GEODESIC POSITION (NAD 1983)		NO.	DATE		
BY		UTM STATE PLANE COORDINATES (CENTRAL ZONE)		BY		REMARKS	
INSPECTOR'S	DATE	N=1,687,364.063 E=1,491,150.0819					
FIELD	DATE	GROUND TO GRID FACTOR = 0.999675005				REVISIONS	
VERIFICATION BY	DATE	DELTA ALPHA = -00° 17' 12.8"					
CORRECTED BY	DATE	NAD 1988 ELEVATION = 5319.688				DESIGN	
	DATE	STOCKPILED AND DISPOSED OF AT THE DISCRETION OF THE OWNER.					
	NO.					Designed By:	
						Drawn By:	
						Checked By:	