

CITY OF ALBUQUERQUE



March 23, 2016

Darby Miera
RBA Architecture Planning Design
1104 Park Ave.
Albuquerque, NM

Re: Christmans Apartments
2040 Willis Pl., SW
Traffic Circulation Layout
Engineer's/Architect's Stamp 3-8-16 (J13-D202)

Dear Mr. Miera,

Based upon the information provided in your submittal received 3-10-16, the above referenced plan cannot be approved for Building Permit until the following comments are addressed:

1. Please detail and dimension all existing sidewalks, curb cuts and drive pads.
2. Grades and slopes on the handicap accessible pathway appear to be too large. Please provide more detail.
3. Please list the width and length for all existing and proposed parking spaces. In review of the submitted drawing, there seems to be a mistyped parking length for the parking spaces to the east of the project site.
4. Show all drive aisle widths and radii.
5. Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details of sidewalk dimension and slope.
6. Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. Please clearly show this pathway and provide details. The ADA pathway must be a solid surface and have appropriate striping. Roll curb is not permissible for ADA pathway.
7. A Revocable Permit will be required for the fencing and any patio in the ROW.
8. Please state if the garage entrances are still in place and being used or if they have been renovated and removed from the apartment structure.
9. Service vehicle and/or refuse vehicle maneuvering must be contained on-site; provide a copy of refuse approval.
10. Please provide a sight distance exhibit (see the *Development Process Manual, Chapter 23, Section 3, Mini Clear Sight Triangle*). Please provide this detail for entrance/exit on Willis Place.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov



Mini Clear Sight Triangle for Driveways on Residential Streets:

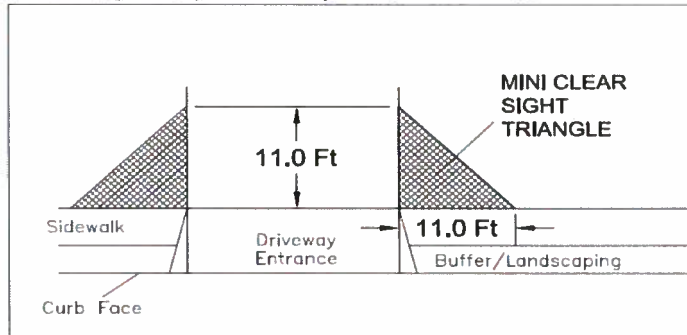


Figure 1. Mini Clear Sight Triangle

11. Please add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."
12. Unused curb cuts must be replaced with sidewalk and curb & gutter. A build note must be provided referring to the appropriate City Standard drawing.
13. All broken or cracked sidewalk must be replaced with sidewalk and curb & gutter. A build note must be provided referring to the appropriate City Standard drawing.
14. Please include a copy of your shared access agreement with the adjacent property owner.
15. Please include two copies of the traffic circulation layout at the next submittal.

Resubmit acceptable package along with fully completed Drainage Transportation Information Sheet to front counter personnel for log in and evaluation by Transportation. If you have any questions, please contact Gary Sandoval (505) 924-3675 or me at 924-3991.

Sincerely,

Racquel M. Michel, P.E.
Traffic Engineer, Planning Dept.
Development Review Services

\gs via: email
C: CO Clerk, File

DRAINAGE AND TRANSPORTATION INFORMATION SHEET
(REV 02/2012)

PROJECT TITLE: CHRISTMANS APARTMENTS ZONE/MAP: J-13-D 202
DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: LOT 8A, BLOCK B, OF WESTPARK ADDITION
CITY ADDRESS: 2040 WILLIS PL SW

ENGINEERING FIRM: N/A
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____
EMAIL: _____

OWNER: CARL'S CASITA LLC
ADDRESS: 310 RIO GRANDE BLVD SW
CITY, STATE: ALB, NM

CONTACT: MARC CUMPRO
PHONE: 505-585-7000
ZIP CODE: 87104

ARCHITECT: RBA ARCHITECTURE PLANNING DESIGN
ADDRESS: 1104 PARK AVE
CITY, STATE: ALB, NM

CONTACT: DARBY MIERA
PHONE: 505-242-1859
ZIP CODE: 87102
EMAIL: darby@rba81.com

SURVEYOR: N/A
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CONTRACTOR: N/A
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

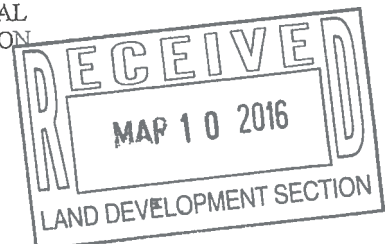
TYPE OF SUBMITTAL:
☐ DRAINAGE REPORT
☐ DRAINAGE PLAN 1st SUBMITTAL
☐ DRAINAGE PLAN RESUBMITTAL
☐ CONCEPTUAL G & D PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERT (HYDROLOGY)
☒ CLOMR/LOMR
☒ TRAFFIC CIRCULATION LAYOUT
☐ ENGINEER'S CERT (TCL)
☐ ENGINEER'S CERT (DRB SITE PLAN)
☐ OTHER (SPECIFY) _____

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
☐ GRADING CERTIFICATION
☐ OTHER (SPECIFY) SO-19 _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:
☐ YES
☒ NO
☐ COPY PROVIDED

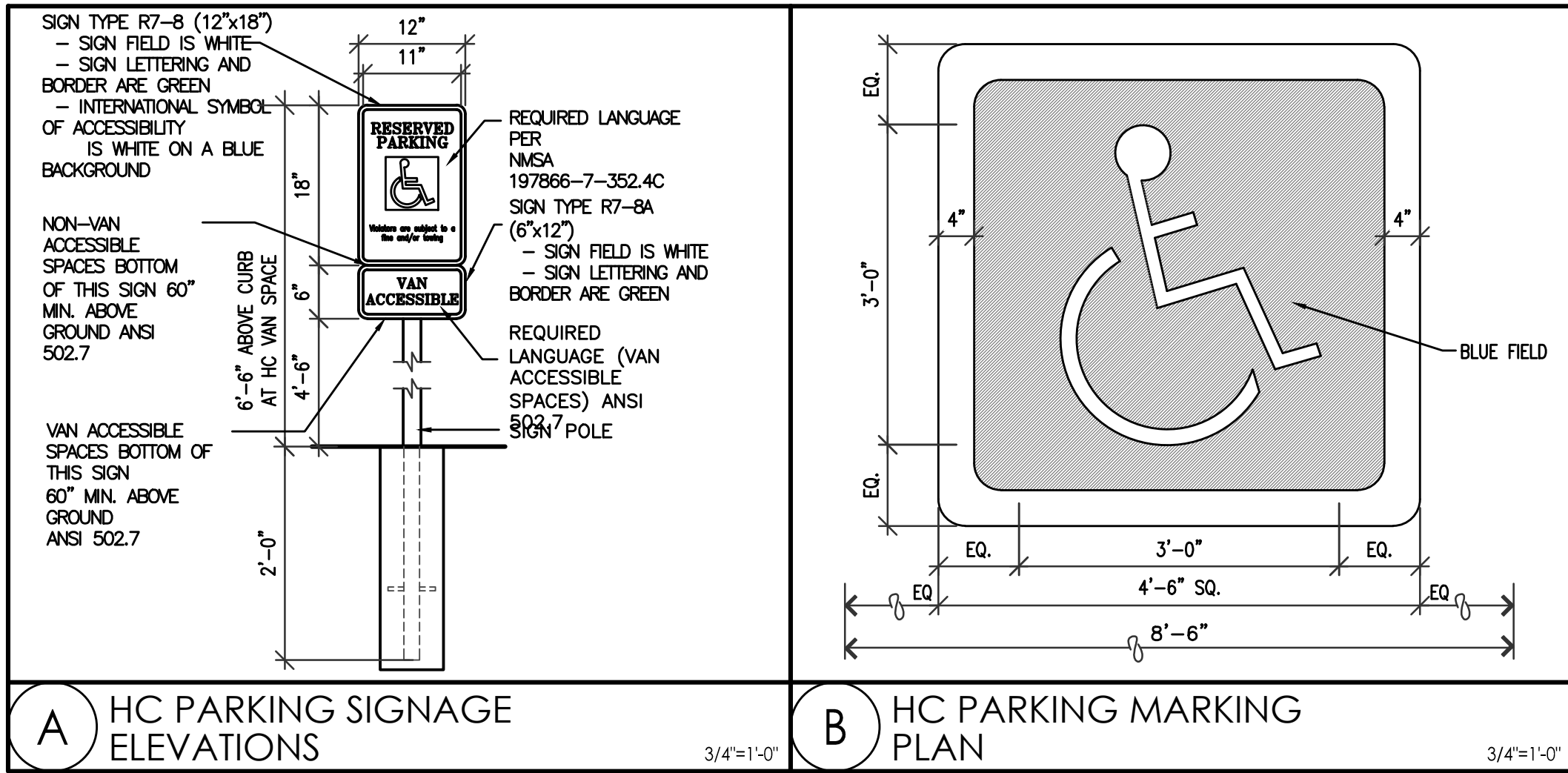
DATE SUBMITTED: 03/09/2016

BY: [Signature]



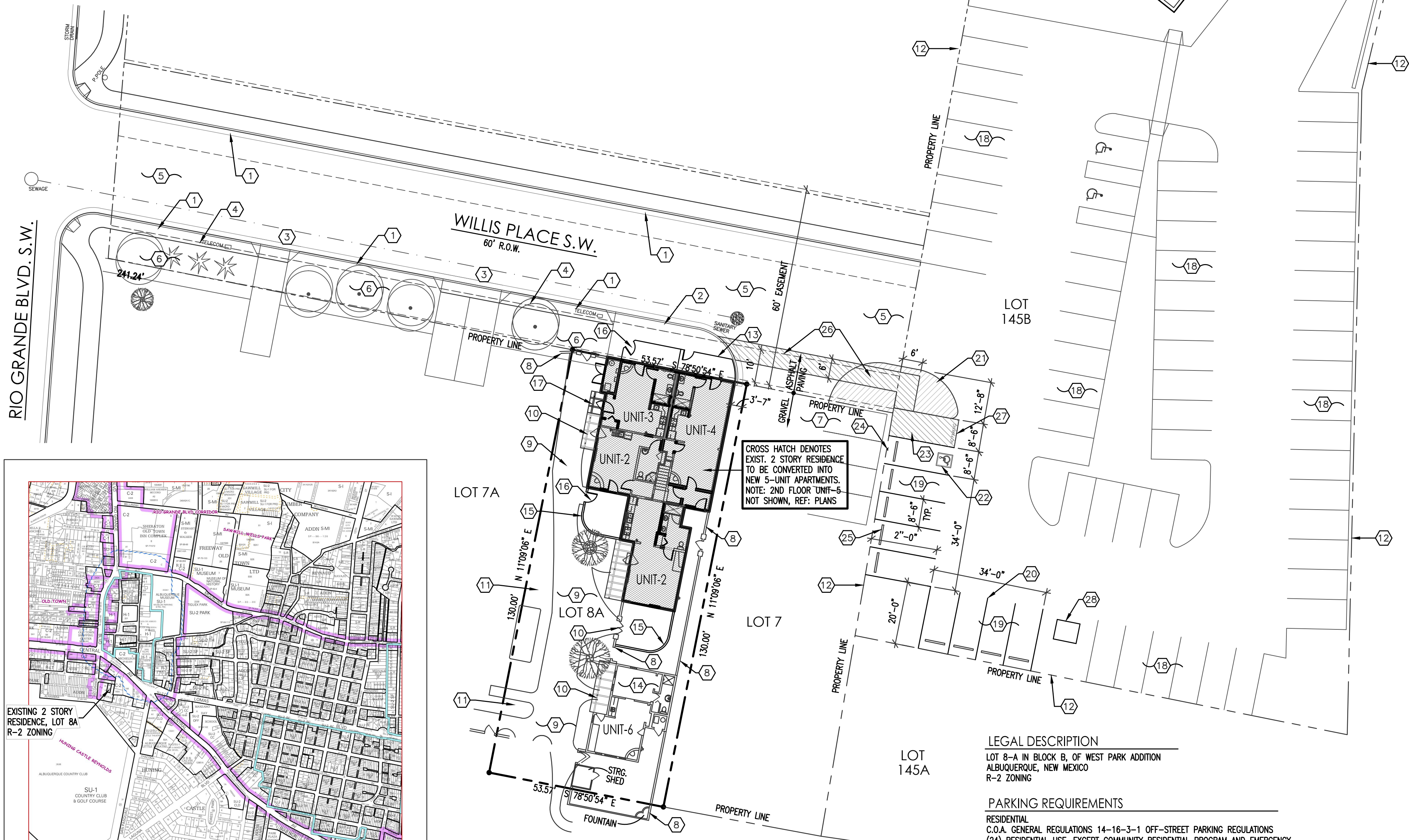
Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location, and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based 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.



KEYED NOTES

- EXISTING CONCRETE CURB AND GUTTER.
- EXISTING CONCRETE GUTTER, (ROLL OVER CURB).
- EXIST. CURB CUT AND DRIVE-PAD.
- EXIST. 4' WIDE CONCRETE SIDEWALK.
- EXIST. ASPHALT PAVED ROAD.
- EXIST. LANDSCAPING.
- EXIST. GRAVEL GROUND COVER.
- EXIST. COURTYARD WALL AND WOOD GATE.
- EXIST. GRAVEL PATHWAY.
- EXIST. TRELLIS ROOF.
- EXIST. GRASS GROUND COVER.
- EXIST. FENCE ON PROPERTY LINE.
- 5' HIGH WOOD FENCE WITH STEEL POST, BOTTOM POSTS TO BE BOLDED TO EXIST. CONCRETE SLAB.
- EXIST. BUILDING, UNIT-6: NEW WORK LIMITED TO NEW STUCCO COLOR COAT AND PAINT.
- NEW COURTYARD WALL: MATCH EXIST. WITH STUCCO FINISH.
- NEW WOOD GATE.
- NEW WOOD TRELLIS, MATCH EXISTING.
- EXISTING PARKING LOT.
- (9) DEDICATED PARKING SPACES FOR NEW UNIT-1 THRU UNIT-6, NOTE: 1.5 SPACES PER UNIT: 6x1.5 = 9 SPACES.
- 2" WIDE PAINTED PARKING STRIPE PER C.O.A. STANDARDS.
- 2" WIDE PAINT STRIPE ISLAND.
- HANDICAP SYMBOL PER C.O.A. STANDARDS, REF: DETAIL THIS SHEET.
- HANDICAP ACCESSIBLE AISLE PER C.O.A. STANDARDS.
- HANDICAP ACCESSIBLE SIGNAGE PER C.O.A. STANDARDS, REF: DETAIL, THIS SHEET.
- CONCRETE PARKING BUMPER, TYPICAL.
- 2" WIDE PAINTED STRIPE (6" WIDE) ACCESSIBLE PEDESTRIAN PATH-WAY PER C.O.A. STANDARDS.
- "NO PARKING" IN CAPITAL LETTERS, 12" HIGH x 2" WIDE, LOCATE SIGN AT THE REAR OF THE PARKING SPACE SO AS TO BE CLOSE TO WHERE AN ADJACENT VEHICLE'S TIRE WOULD BE. (66-1-4.1.B NMSA 1978).
- EXIST. DUMPSTER LOCATION.



LEGAL DESCRIPTION

LOT 8-A IN BLOCK B, OF WEST PARK ADDITION
ALBUQUERQUE, NEW MEXICO
R-2 ZONING

PARKING REQUIREMENTS

RESIDENTIAL
C.O.A. GENERAL REGULATIONS 14-16-3-1 OFF-STREET PARKING REGULATIONS
(24) RESIDENTIAL USE, EXCEPT COMMUNITY RESIDENTIAL PROGRAM AND EMERGENCY SHELTER, WHICH HAVE SEPARATE PARKING LISTING UNDER THIS DIVISION (A).

- (a) FOR EACH DWELLING SPACE WITH NET LEASABLE AREA OF LESS THAN 1,000 S.F. AND WHICH IS NOT COVERED BY EITHER DIVISIONS (c) OR (b) OF THIS DIVISION (24): ONE SPACE PER BATH BUT NOT LESS THAN ONE AND ONE-HALF SPACES.

PARKING REQUIRED: (6) DWELLING UNITS = 6x1.5 = (9) SPACES
ACCESSIBLE SPACES REQUIRED: (1) THRU (25) = (1) ACCESSIBLE SPACE REQUIRED

PARKING PROVIDED: (8) 8'-6" x 20'-0" SPACES
(1) 8'-6" x 20'-0" SPACE
(9) TOTAL PARKING SPACES PROVIDED

SCOPE OF WORK

EXISTING TWO STORY RESIDENCE WITH THREE CAR GARAGE TO BE CONVERTED INTO A NEW FIVE UNIT APARTMENT BUILDING REF: DEMO PLAN.

THE EXISTING WALLS THAT SEPARATE EACH APARTMENT UNITS WILL BE CHANGED INTO A NEW ONE HOUR FIRE-RATED WALL USING NEW 5/8" TYPE "X" GYP. BD OVER THE EXISTING GYP. BD., THE NEW TYPE "X" GYP. BD. WILL BE INSTALLED FROM TOP OF EXIST. SLAB TO BOTTOM OF EXIST. 2ND FLOOR DECKING AND CONTINUE UP TO THE BOTTOM OF THE EXIST. ROOF DECKING.

NEW WALLS SEPARATING EACH APARTMENT UNIT WILL BE AN NEW ONE HOUR FIRE-RATED WALL USING 5/8" TYPE "X" GYP. BD. THE TYPE "X" GYP. BD. WILL BE INSTALLED FROM TOP OF CONCRETE SLAB UP TO BOTTOM OF 2ND FLOOR DECKING. EXIST. GARAGE CEILING IS A ONE HOUR CEILING AND WILL BE PATCHED AND REPAIRED AS REQUIRED WHERE NEW WALLS ARE FRAMED UP TO BOTTOM OF THE EXIST. 2ND FLOOR DECKING. REF: NEW 1ST AND 2ND FLOOR PLAN SHEET A-2.0 AND SHEET A-2.1 FOR ONE HOUR FIRE WALL LOCATIONS.

G.C. TO INSTALL NEW NFPA 13R SPRINKLER SYSTEM WITH NO SPRINKLER HEADS IN CONCEALED CAVITY, ALL WALLS SEPARATING THE NEW APARTMENT UNITS TO BE ONE HOUR FIRE-RATED, REF: SHEET A-2.1 FOR ONE HOUR FIRE WALL LOCATIONS.

EXISTING ROOFS TO BE RE-ROOFED AND ALL EXISTING EXTERIOR WALLS ARE TO BE PATCH AND REPAIRED AND PREPARED FOR NEW STUCCO COLOR COAT.

ALL EXISTING ELECTRICAL TO BE RE-USED AND MODIFIED AS REQUIRED, REF: EXISTING/NEW ELECTRICAL PLAN.

INTERNATIONAL BUILDING CODE 2009

CHAPTER 3 OCCUPANCY AND USE CLASSIFICATION, SECTION

310 RESIDENTIAL GROUP R-2:

TABLE 503 GROUP R-2:

TABLE 503 ALLOWABLE HEIGHT AND BUILDING AREA:

EXIST. 2 STORY RESIDENCE (LOT 8-A)

EXISTING 1ST FLOOR HEATED AREA:	1,280 S.F.
EXISTING 2ND FLOOR HEATED AREA:	918 S.F.
TOTAL EXIST. 1ST AND 2ND FLOOR HEATED AREA:	2,198 S.F.
EXISTING GARAGE AREA:	798 S.F.
TOTAL EXIST. 1ST/2ND AND GARAGE AREA:	3,996 S.F. *
EXISTING COVERED ROOF AREA:	142 S.F.
TOTAL EXIST. UNDER ROOF AREA:	4,138 S.F.

R-2, APARTMENT HOUSES

V-B W/ FIRE-PROTECTION SYSTEM PER 903.2.8 GROUP R AND 903.3.1.2 NFPA 13R SPRINKLER SYSTEMS

2 STORY, 7,000 S.F., R-2 GROUP

EXIST. 2 STORY RESIDENCE (LOT 8-A)

EXISTING 2 STORY RESIDENCE TO BE CONVERTED INTO NEW 5-UNIT APARTMENTS.

UNIT 1 HEATED AREA:	553 S.F.
UNIT 2 HEATED AREA:	386 S.F.
UNIT 3 HEATED AREA:	400 S.F.
UNIT 4 HEATED AREA:	615 S.F.
UNIT 5 HEATED AREA: (2ND FLOOR)	996 S.F.
MECHANICAL ROOM AREA:	46 S.F.
TOTAL HEATED AREA:	3,996 S.F. *
EXIST. COVERED ROOF AREA:	142 S.F.
NEW COVERED ROOF ADDITION AREA:	28 S.F.
TOTAL EXIST./NEW UNDER ROOF AREA:	4,166 S.F.

ACTUAL EXIST. 2 STORY AREA: (HEATED/COVERED)

ACTUAL EXIST. 2 STORY AREA: (HEATED/NEW COVERED)

SECTION 420, GROUPS 1-1, R-1, R-2 AND R-3

420.1 GENERAL OCCUPANCIES IN GROUPS 1-1, R-1, R-2 AND R-3 SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION AND OTHER APPLICABLE PROVISIONS OF THIS CODE.

TABLE 601, FIRE-RESISTANCE RATING REQUIREMENTS:

TABLE 602, FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE:

SECTION 705.5 FIRE-RESISTANCE RATINGS FOR EXTERIOR WALLS PER TABLE 601 AND 602:

TABLE 705.8 MAXIMUM ALLOWABLE AREA OF OPENINGS IN EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCES:

SECTION 709, FIRE PARTITIONS:

SECTION 717, CONCEALED SPACE:

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS:

SECTION 907, FIRE ALARM AND DETECTION SYSTEMS:

4,138 SF.

4,166 SF. (WITH NEW 28 S.F. COVERED AREA)

420.2 SEPARATION WALLS. WALLS SEPARATING DWELLING UNITS AND WALLS SEPARATING SLEEPING UNITS IN THE SAME BUILDING AND WALL SEPARATING DWELLING OR SLEEPING UNITS FROM OTHER OCCUPANCIES CONTIGUOUS TO THEM IN SAME BUILDING SHALL BE CONSTRUCTED AS FIRE PARTITIONS IN ACCORDANCE WITH SECTION 709.

420.3 HORIZONTAL SEPARATION. FLOOR ASSEMBLIES SEPARATING DWELLING UNITS IN THE SAME BUILDINGS, FLOOR ASSEMBLIES SEPARATING SLEEPING UNITS IN THE SAME BUILDING SHALL BE CONSTRUCTED AS HORIZONTAL ASSEMBLIES IN ACCORDANCE WITH SECTION 712

TYPE V-B, EXTERIOR-INTERIOR BEARING WALLS, NO FIRE-RESISTANCE RATING REQUIRED.

5<X<10, TYPE V-B, R GROUP, ONE HOUR FIRE SEPARATION REQUIRED.

THE REQUIRED FIRE-RESISTANCE RATING OF EXTERIOR WALLS WITH A FIRE SEPARATION DISTANCE OF GREATER THAN 10' SHALL BE RATED FOR EXPOSURE FROM THE INSIDE, THE REQUIRED FIRE-RESISTANCE RATING OF EXTERIOR WALLS WITH A FIRE SEPARATION OF LESS THAN OR EQUAL TO 10' SHALL BE RATED FOR EXPOSURE TO FIRE FROM BOTH SIDES. REF: FLOOR PLANS FOR FIRE WALL LOCATIONS.

FIRE SEPARATION DISTANCE 5' TO LESS THAN 10', UNPROTECTED AND SPRINKLERED, ALLOWABLE AREA = 25%, REF: FLOOR PLANS FOR CALCULATIONS.

708.1 GENERAL, THE FOLLOWING WALL ASSEMBLIES SHALL COMPLY WITH THIS SECTION:
2. WALLS SEPARATING SLEEPING UNITS IN THE SAME BUILDING AS REQUIRED BY SECTION 402.7.2

717.3.2 GROUP R-2, DRAFTSTOPPING SHALL BE PROVIDED IN FLOOR-CEILING SPACES AND LOCATED ABOVE AND IN LINE WITH THE DWELLING UNIT AND SLEEPING UNIT SEPARATION.

903.2.8 GROUP R, AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 903.3 SHALL BE PROVIDED THROUGHOUT ALL BUILDING WITH A GROUP R FIRE AREA.

907.2.9 GROUP R-2 FIRE ALARM SYSTEM AND SMOKE ALARMS SHALL BE INSTALLED IN GROUP R-2 OCCUPANCIES AS REQUIRED IN SECTION 907.2.9.1 AND 907.2.9.2

I.B.C. SECTION 1107 DWELLING UNITS

1107.6.2.1.1 TYPE "A" UNITS. IN GROUP R-2 OCCUPANCIES CONTAINING MORE THAN (20) DWELLING UNIT OR SLEEPING UNITS, AT LEAST 2 PERCENT BUT NOT LESS THAN ONE OF THE UNITS SHALL BE A TYPE "A" UNIT. ALL TYPE R-2 UNITS ON A SITE SHALL BE CONSIDERED TO DETERMINE THE TOTAL NUMBER OF UNITS AND THE REQUIRED NUMBER OF TYPE "A" UNITS. TYPE "A" UNITS SHALL BE DISPERSED AMONG THE VARIOUS CLASSES OF UNITS.
NOTE: (6) TOTAL R-2 DWELLING UNITS ON SITE 8A, NO R-2 UNITS ARE REQUIRED TO BE A TYPE "A" UNIT.
NOTE: (5) R-2 DWELLING UNITS ON SITE TO BE TYPE "B" UNIT. (1) R-2 DWELLING UNIT TO BE TYPE "A" UNIT.

1107.6.2.1.2 TYPE "B" UNITS. WHERE THERE ARE FOUR OR MORE DWELLING UNITS OR SLEEPING UNITS INTENDED TO BE OCCUPIED AS A RESIDENCE IN A SINGLE STRUCTURE. EVERY DWELLING UNIT AND SLEEPING UNIT INTENDED TO BE OCCUPIED AS A RESIDENCE SHALL BE A TYPE "B" UNIT.

DESIGN CRITERIA

ROOF LIVE LOAD: = EXISTING 20 PSF, NON-REDUCABLE
FLOOR DESIGN LIVE LOAD: = EXISTING SLAB ON GRADE
WIND LOAD: = 90 MPH
SITE CLASS: = C
SEISMIC DESIGN CATEGORY: = C

INDEX OF DRAWINGS

CIVIL	SITE PLAN
C-1.0	
ARCHITECTURAL	
A-1.0	1ST AND 2ND FLOOR DEMOLITION PLAN
A-2.0	NEW 1ST AND 2ND FLOOR PLAN, KEYED NOTES AND GENERAL NOTES
A-2.1	1ST AND 2ND DIMENSION AND WALL TYPE PLAN AND NOTES
A-2.2	1ST AND 2ND FLOOR FLOOR FINISH PLAN
A-3.0	ADA/ANSI NOTES AND TYPE "A" UNIT KITCHEN AND BATHROOM DETAILS
A-4.0	DOOR AND WINDOW SCHEDULE AND WALL SECTIONS

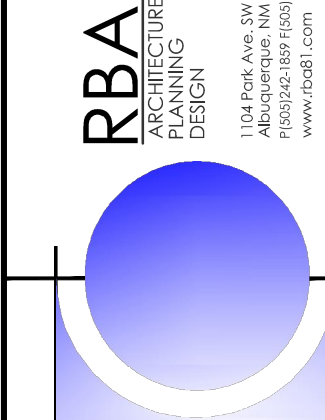
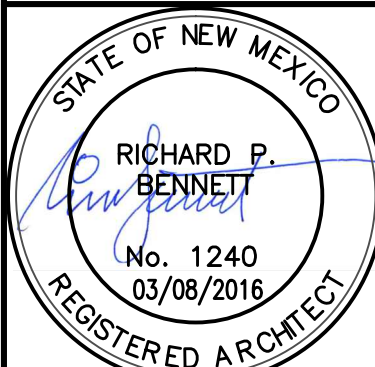
MECHANICAL
M-1.0 HVAC PLAN

ELECTRICAL
E-1.0 LIGHTING AND POWER PLAN

PLUMBING
P-1.0 PLUMBING PLAN

CHRISTMANS APARTMENTS
SITE PLAN
ALBUQUERQUE, NM
PROJECT #1548

REVISION DATE



DATE
03-08-2016

SHEET NUMBER
C-1.0

Cross Access/Common Driveway/ Cross Parking Agreement

Cross Access / Common Driveway / Cross Parking Agreement

This cross access / common driveway / cross parking agreement (the "Agreement") is hereby made on this date March 8th, 2016 ; between Owner #1 and Owner #2.

Owner 1:

Alvarado Hotels, LLC

Name

2026 Central Avenue SW

Address

Albuquerque NM 87104

City, State, Zip Code

Bernalillo
County

Owner 2:

Carls Casista's LLC

Name

314 Rio Grande Blvd. SW

Address

Albuquerque NM 87104

City, State, Zip Code

Bernalillo
County

Recitals

- A. Alvarado Hotels, LLC, is the owner of real property more fully described on Exhibit "A" (legal description) attached hereto and incorporated herein by this reference (as "Parcel 1");
- B. Carl'sCasita'sLLC is the owner of real property more fully described on Exhibit "B" (legal description) attached hereto and incorporated herein by this reference (as "Parcel 2");
- C. The parties to this agreement desire to create/grant a perpetual easement on, over, upon, and across portions of each property (**Parcel 1** and **Parcel 2**) for purposes of vehicular and pedestrian ingress and egress to and from, and non-exclusive parking rights, and for all other uses expressly contemplated by this agreement;
- D. The parties agree that these mutual easements will be defined, at a minimum, by the designated areas in Exhibit "C" (property layout with hatched areas) for **Parcel 1** and Exhibit "D" for **Parcel 2** (property layout areas). These exhibits are hereby defined as the "Easement Areas" and attached hereto.

1. **Granting of Easements**

- 1.1 Cross Access Easement. The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual cross access easements for purposes of vehicular and pedestrian ingress and egress on, over, upon, and across the areas defined in the Easement Areas.
 - 1.2 Common Driveway Easement. The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual common driveway easements for purposes of vehicular ingress and egress on, over, upon, and across the areas defined in the Easement Areas.
 - 1.3 Cross Parking Easement. The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual cross parking easements for use of all parking spaces within the areas defined in the Easement Areas.
-

2. Maintenance

- 2.1 Maintenance of Easement Areas. Each party, at its sole cost and expense, shall maintain and keep the easements areas in a commercially reasonable condition and state of repair.

3. Mutual Indemnities

- 3.1 Indemnity. Each party held by this Agreement will indemnify, defend, and hold harmless the other for, from, and against any and all claims suffered or incurred in connection with any alleged bodily injury or property damage arising out of use or enjoyment of the Easements Areas, unless caused by negligence or willful misconduct.

4. Run with the Land

- 4.1 The covenants, conditions, restrictions, easements, and the other provisions of this Agreement shall run with and be appurtenant to each portion of Parcel 1 and Parcel 2, and shall be binding upon each portion of Parcel 1 and Parcel 2 and the Owner(s) thereof and all successors in title to any portion of Parcel 1 or Parcel 2 during their respective ownership.

5. Modification

- 5.1 The terms and conditions of this Agreement may be abrogated, modified, rescinded or amended in whole or in part only by written instrument executed by all the then Owners of Parcel 1 and Parcel 2 and with permission of the City of Albuquerque Transportation Department.

IN WITNESS WHEREOF, this Agreement has been made as of the effective date.

Parcel 1:



Signature

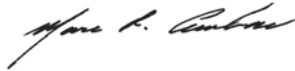
Marc R Cumbow

Printed Name

Managing Member

Title

Parcel 2:



Signature

Marc R Cumbow

Printed Name

Managing Member

Title