

Jeff Martensen
Jeff Martensen & Associates, Inc.
6010-3 Midway Park Blvd. NE
Albuquerque, New Mexico
87109

7/21/93

RE: Drainage Plan For Princess Jeanne Hometown
Bulldozer (J21-D19A)

Dear Mr. Martensen:

Based on the information provided on your
building, the above referenced site is approved for
building Permit. Please attach a copy of this
approved plan to the construction sets prior to
sign off by Hydrology.
I can be of further assistance,
please feel free to contact me at 768-2667.

c.c. Alan Martinez

Sincerely

Bernie J. Montoya CE
Engineer Associates

VERBAL CMTS ON

7/27/93 by Fred A.

log off J21-D19A

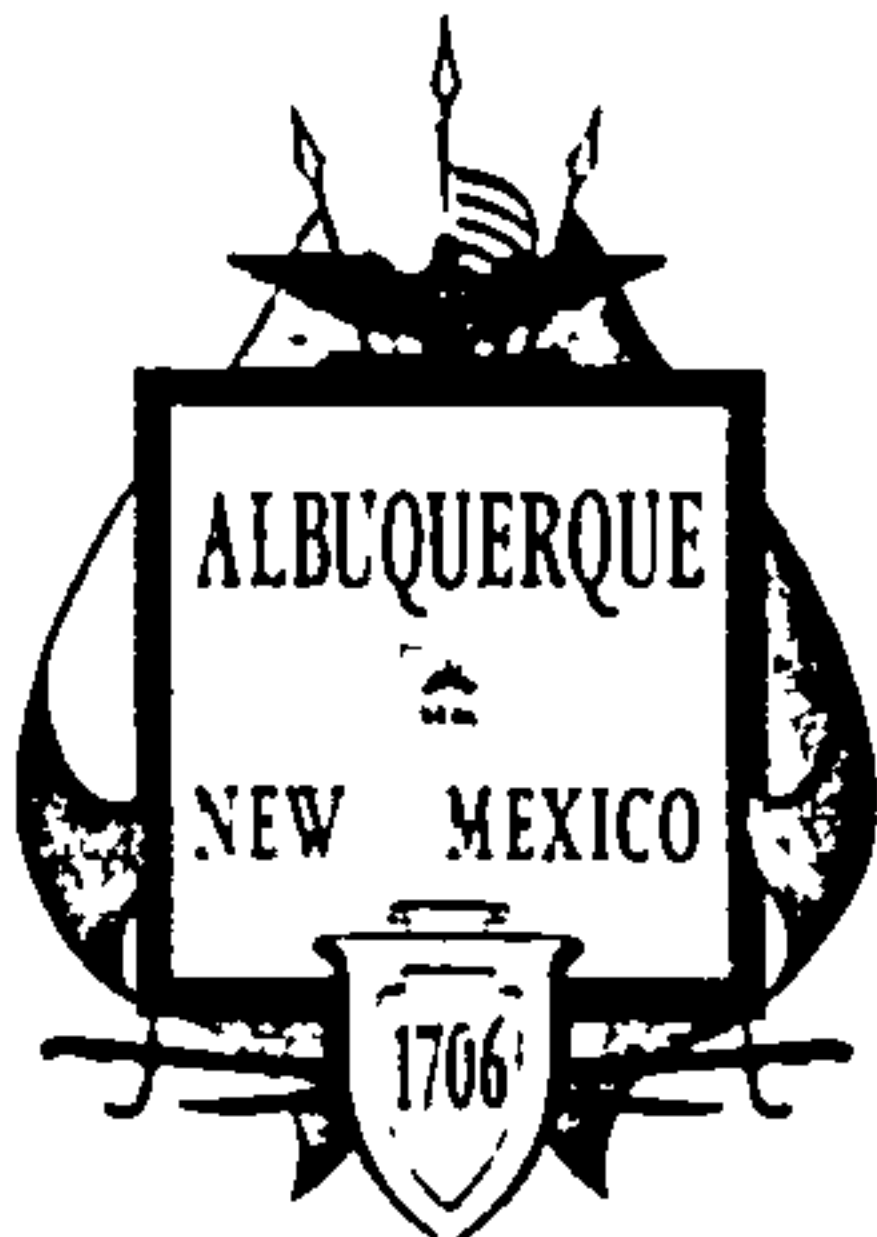
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City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

December 9, 1992

Jeff Mortensen
Jeff Mortensen & Associates, Inc.
6010-B Midway Park Boulevard, NE
Albuquerque, New Mexico 87109

RE: CONCEPTUAL DRAINAGE PLAN FOR PRINCESS JEANNE HOMETOWN BUFFET
(J21-D19A) ENGINEER'S STAMP DATED 11/25/92.

Dear Mr. Mortensen:

Based on the information provided on your November 27, 1992 submittal, the above referenced site is acceptable for Site Development for Building Permit. Prior to Building Permit approval, please provide the following:

1. Recommend that the roof drains be constructed under the perimeter walk of the proposed building.
2. Please contact Traffic Engineering (Ed Adams) they may require alley paving.
3. Is there a replat proposed? Cross-lot-line drainage will need to be addressed.

If I can be of further assistance, please feel free to contact me at 768-2667.

Sincerely,

Bernie J. Montoya
Bernie J. Montoya, CE
Engineering Assistant

BJM/d1/WPHYD/7379

xc: ~~File~~

PUBLIC WORKS DEPARTMENT

DRAINAGE INFORMATION SHEET

921009

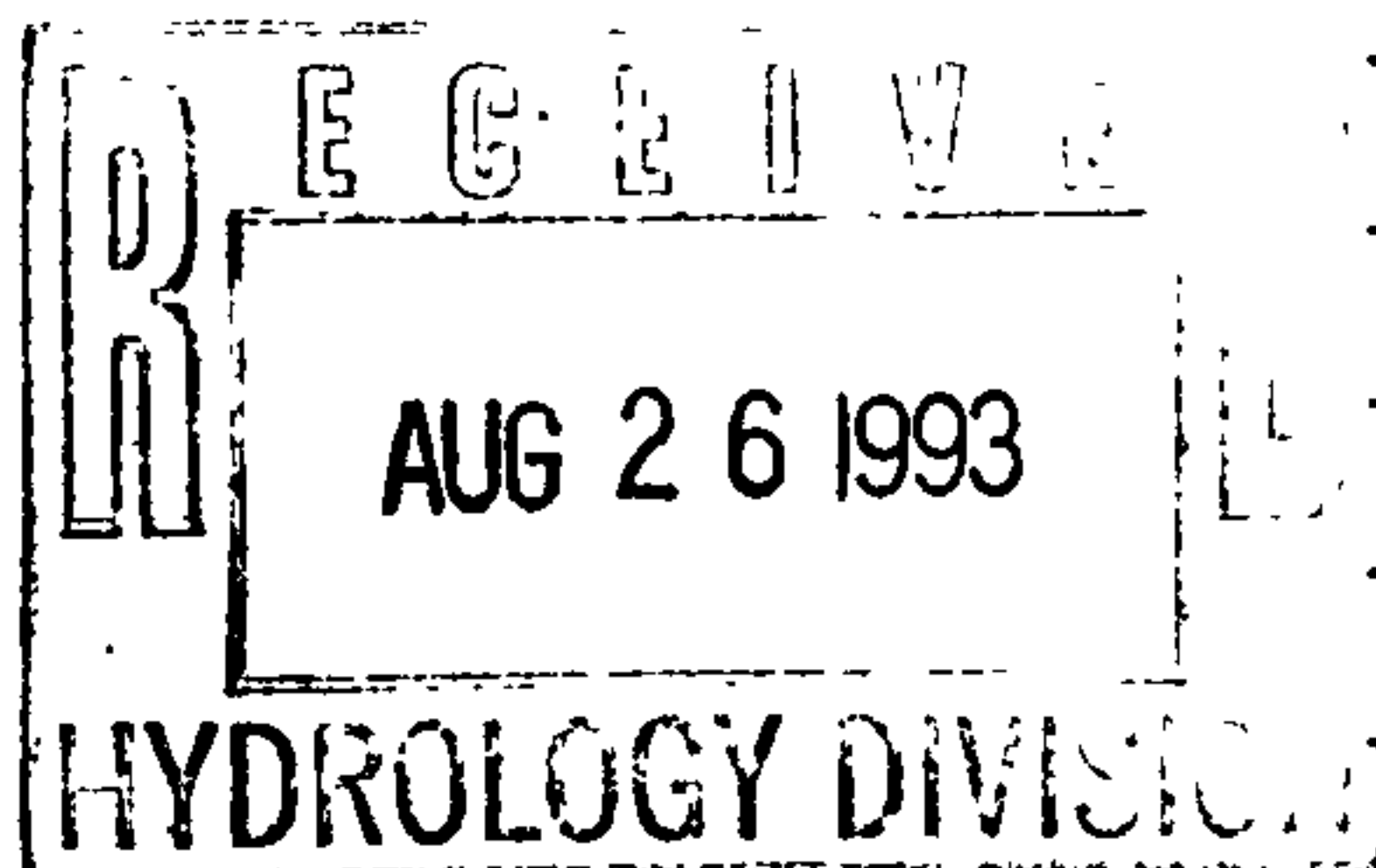
PROJECT TITLE: HOMETOWN BUFFET ZONE ATLAS/DRNG. FILE #: J21/D19A
DRB #: _____ EPC #: _____ WORK ORDER #: _____
LEGAL DESCRIPTION: TR. 100-A, BLK 1, PRINCESS JEANNE PARK
CITY ADDRESS: 1528 EUBANK NE
ENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN
ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250
OWNER: HTB RESTAURANTS CONTACT: BERT BORSLI
1010 W. 2610 SOUTH
ADDRESS: SALT LAKE CITY, UTAH PHONE: 1-801-974-4356
ARCHITECT: RICK BENNETT CONTACT: RICK BENNETT
ADDRESS: _____ PHONE: 242-1859
SURVEYOR: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN
ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250
CONTRACTOR: ANDY SOULE CONTACT: ANDY SOULE
ADDRESS: _____ PHONE: 263-4414

TYPE OF SUBMITTAL:

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

PRE-DESIGN MEETING:

- ☐ YES
☐ NO
☐ COPY PROVIDED



CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SKETCH PLAT APPROVAL
☐ 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 APPROVAL
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ S.A.D. DRAINAGE REPORT
☐ DRAINAGE REQUIREMENTS
☐ OTHER _____ (SPECIFY)

DATE SUBMITTED:

08-26-93

BY:

JEFFREY G. MORTENSEN



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

August 17, 1993

Jeff Mortensen
Jeff Mortensen & Associates Inc.
6010-B Midway Park Blvd. NE
Albuquerque, NM 87109

RE: REVISED DRAINAGE PLAN FOR PRINCESS JEANNE HOMETOWN BUFFET
(J21-D19A) REVISION DATED 8/6/93.

Dear Mr. Mortensen:

Based on the information provided on your August 10, 1993 resubmittal, the above referenced site is approved for Building Permit.

Please be advised that prior to Certificate of Occupancy release, the following items must be submitted:

1. Engineer Certification per the D.P.M. Checklist.
2. Grant of Easement document to grant a public drainage easement across the site.

If I can be of further assistance, please feel free to contact me at 768-2667.

Sincerely,

Bernie J. Montoya, CE
Engineer Associate

BJM/d1/WPHYD/7379

xc: Alan Martinez
Bert Borski
File

PUBLIC WORKS DEPARTMENT

DRAINAGE INFORMATION SHEET

921009

PROJECT TITLE: Princess Jeanne HTB ZONE ATLAS/DRNG. FILE #: J21/D19A
DRB #: 93-038 EPC #: _____ WORK ORDER #: _____
LEGAL DESCRIPTION: Tract 100-A, Blk 1, Princess Jeanne Park
CITY ADDRESS: 1528 Eubank Blvd. N.E.
ENGINEERING FIRM: Jeff Mortensen & Assoc. CONTACT: Jeff Mortensen
ADDRESS: 6010-B Midway Park Blvd. N.E. PHONE: 345-4250
OWNER: JB's Restaurants, Inc. CONTACT: Bert Borski
ADDRESS: 1010 W. 2610 South
Salt Lake City, Utah 84119 PHONE: 1-801- 974-4356
ARCHITECT: Rick Bennett CONTACT: Rick Bennett
ADDRESS: 1118 Park Avenue S.W. - 87102 PHONE: 242-1859
SURVEYOR: Jeff Mortensen & Associates CONTACT: Jeff Mortensen
ADDRESS: 6010-B Midway Park Blvd. N.E. PHONE: 345-4250
CONTRACTOR: _____ CONTACT: Andy Sowle
ADDRESS: _____ PHONE: 263-4414

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT
☐ DRAINAGE PLAN
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☐ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERTIFICATION
☒ OTHER (Easement)

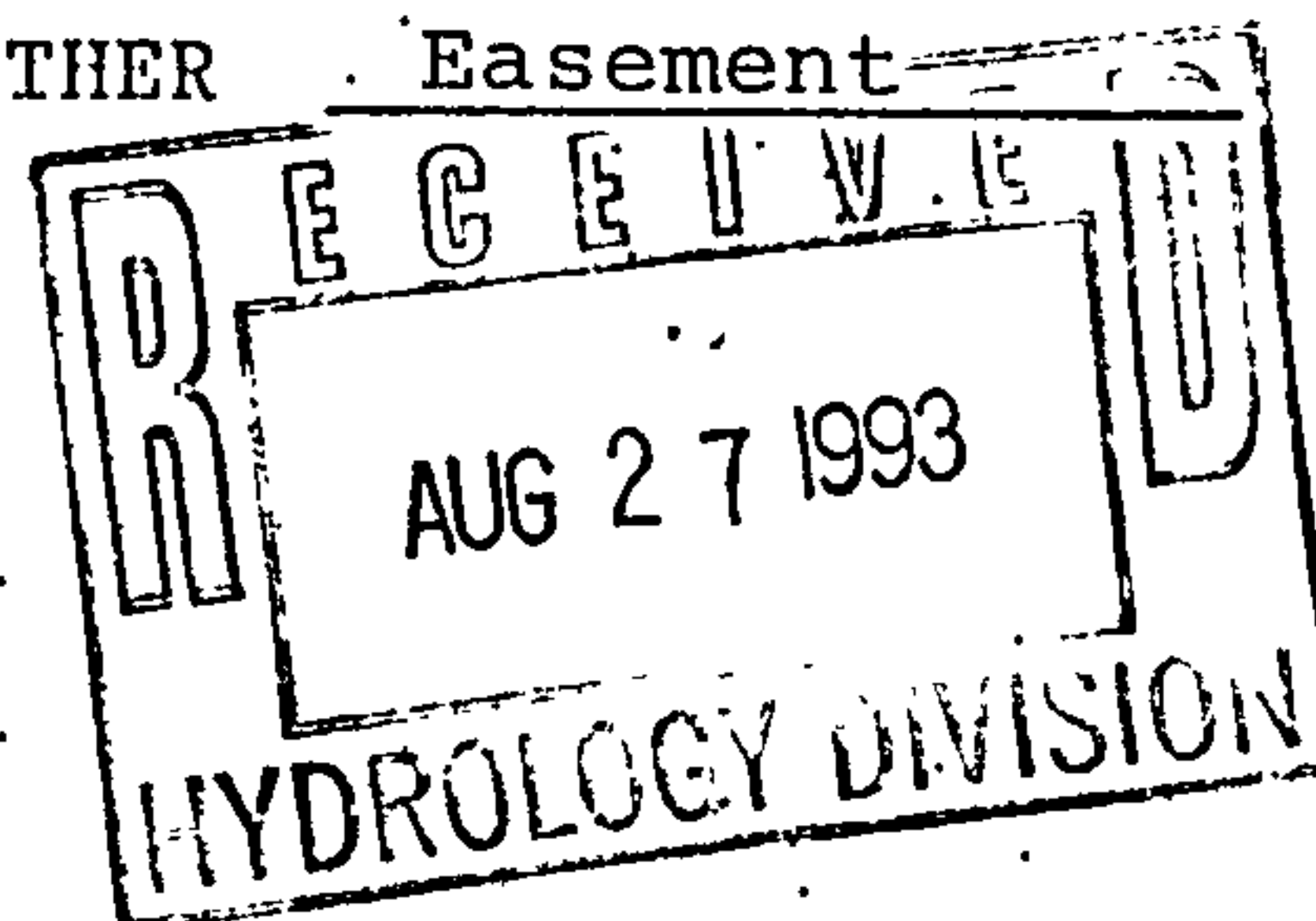
PRE-DESIGN MEETING:

☐ YES
☐ NO
☐ COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT APPROVAL
☐ 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 APPROVAL
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ S.A.D. DRAINAGE REPORT
☐ DRAINAGE REQUIREMENTS
☒ OTHER Easement (SPECIFY)

DATE SUBMITTED: 08/26/93
BY: Jeffrey G. Mortensen





City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

September 20, 1993

Jeff Mortensen
Jeff Mortensen & Associates Inc.
6010-B Midway Park Blvd. NE
Albuquerque, NM 87109

RE: REVISED ENGINEER CERTIFICATION FOR PRINCESS JEANNE HOMETOWN
BUFFET (J21-D19A) RECERTIFICATION STATEMENT DATED 8/25/93.

Dear Mr. Mortensen:

Based on the information provided on your August 27, 1993 resubmittal,
Engineer Certification for the above referenced site is acceptable.

If I can be of further assistance, please feel free to contact me at 768-2667.

Sincerely,

Bernie J. Montoya
Bernie J. Montoya, CE
Engineer Associate

BJM/d1/WPHYD/7379

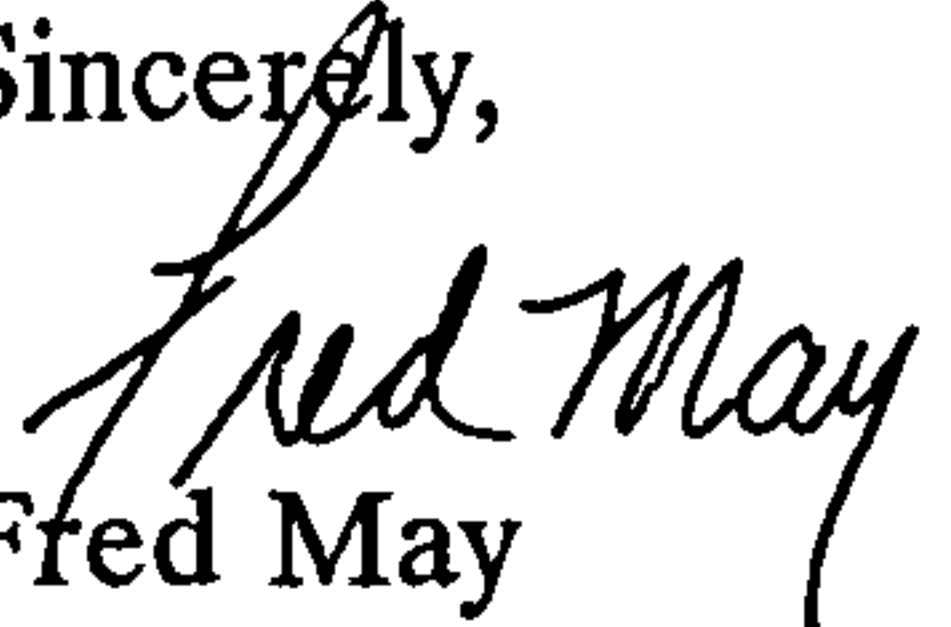
xc: Alan Martinez
File

PUBLIC WORKS DEPARTMENT

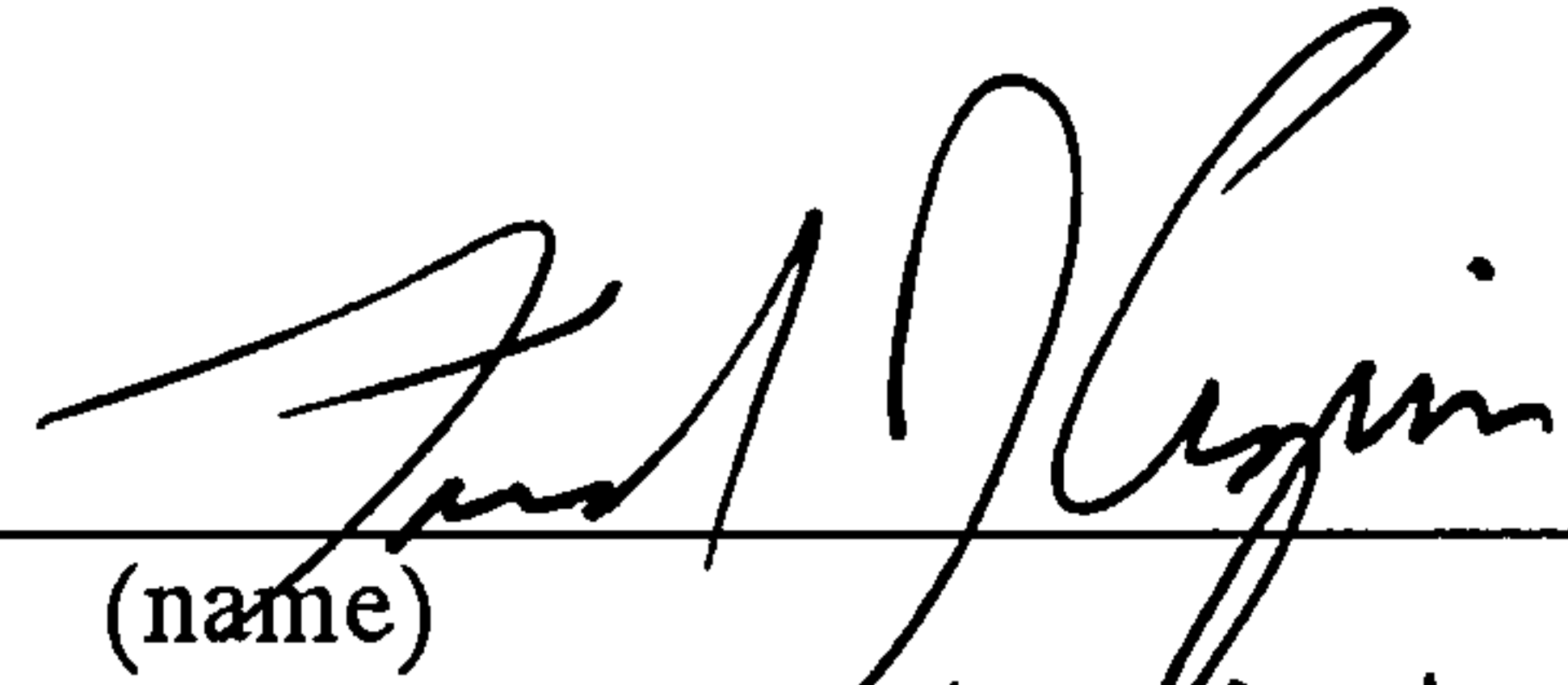
Page 2
July 28, 1993


If you should have any questions or comments regarding this memorandum of understanding, please do not hesitate to call. You may also feel free to contact our engineer, Mr. Jeff Mortensen, Jeff Mortensen & Associates, Inc.

Sincerely,


Fred May
Director of Unit Facilities

Accepted and Approved by:



(name)


(title) City of Albuquerque

cc: Jeff Mortensen & Associates, Inc.
Rick Bennett



JB's Restaurants, Inc.
1010 West 2610 South
Salt Lake City, Utah
84119-2486
801 / 974-4300

July 28, 1993

J-21/019A

Mr. Fred J. Aguirre
Hydrology Section
Public Works Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Princess Jeanne Shopping Center - HomeTown Buffet

Dear Mr. Aguirre:

JB's Restaurants, developer of the above referenced project, agrees to the following:

1. Paving of that portion of the public alley which lies immediately adjacent to the project site.
2. Grade and drain the alley so that the runoff generated by the improvements within that public right-of-way sheetflow across the project site. The runoff will be accepted and conveyed through the site and discharged to Eubank Boulevard N.E.
3. Prepare and execute a grant of Easement document to grant a public drainage easement across the site to provide for the drainage pattern described in the preceding item.
4. Revise the Grading and Drainage Plan to reflect revised alley grades for paving purposes.

It is further understood that the above requirements must be satisfied as a condition for the issuance of a Certificate of Occupancy for the building construction and the release of the Financial Guarantee attached to the Subdivision Improvements to be able to approve the Site Development Plan which is required as a condition for Building Permit approval.



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

July 26, 1993

Bert Borski, Vice President
1010 West 2610 South
Salt Lake City, Utah 84119-2486

RE: CONTRACT FILE#9400130 CITY PROJECT NO.#4630.80 -JB RESTAURANTS, INC.

Dear Mr. Borski:

Enclosed is a copy of the SUBDIVISION IMPROVEMENTS AGREEMENT-PUBLIC AND/OR PRIVATE (Procedure "B") Package dated and executed on JULY 26, 1993, by the City's Director of Public Works, Robert E. Gurule.

Should you require any further information from the City in reference to this transaction, please do not hesitate to contact me at 786-2515.

Sincerely,

LyndaMichelle DeVanti, Project Administrator
Project Reveiw Section
Design/Construction Division
Engineering Group/Public Works Dept.

Enclosures (1)
cc: Project File

93079595

FIGURE 12

No. of Lots: 1
 Nearest Major Streets
 Constitution Ave. N.E.
 & Eubank Blvd. N.E.

FILED WITH CITY CLERK'S OFFICE

7/26/93

SUBDIVISION IMPROVEMENTS
 AGREEMENT-PUBLIC AND/OR PRIVATE
 (Procedure B)

8807

#4630.80

AGREEMENT TO CONSTRUCT
 PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 26th day of July, 1993, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. x 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and JB'S Restaurants, Inc. ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:] a Delaware Corporation, whose address is 1010 West 2610 South, Salt Lake City, Utah 84119-2486 and whose telephone number is (801) 974-4300, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description] Tracts 99, 100 & the remainder of Tract A-1, Block 1, Princess Jeanne Park, recorded on February 15, 1978 in the records of the Bernalillo County Clerk at Book Book C13, pages 4 through ----- (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] JB'S Restaurants, Inc. ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Tract 100-A, Block 1, Princess Jeanne Park describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 40K, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private Improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 1st day of March, 1994 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which has been filed with the City Engineer and is identified as Project No. 4630.80.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 7-16-6.C.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board ("DRB"), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes and amendment to the Agreement. (See Subdivision Ordinance Section 7-16-4.D.5.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

3. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual, Volume 1, Chapter 5, Work Order Process, and figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured or has caused to be procured public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage to any member of the public as a result of any condition of the Subdivision, the Improvements or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insureds. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either cancelled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 30 days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>3.25 of actual</u>
	<u>construction cost</u>
<u>Excavation and Sidewalk</u>	<u>As required per City-</u>
<u>Ordinance, Street Restor-</u>	<u>approved estimate,</u>
<u>ation Fees</u>	<u>(Figure 7)</u>

(Note: The Subdivider must pay the City all City fees which have been incurred during construction before the City will accept the public Improvements.)

4. Surveying, Inspection and Testing. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the public Improvements shall be performed by Jeff Mortensen & Assoc., and construction surveying of the private Improvements shall be performed by Jeff Mortensen & Assoc.. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Subdivider shall pay the City a reasonable fee for any construction surveying performed by the City.

B. Construction Inspection Methods. Inspection of the construction of the public Improvements shall be performed by Jeff Mortensen & Assoc., and inspection of the private Improvements shall be performed by Jeff Mortensen & Assoc., both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Subdivider shall pay the City a reasonable fee for any inspections performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by *, and field testing of the private Improvements shall be performed by *, both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefor.

5. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit or loan reserve letter issued by a FDIC or FSLIC-insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

* to be supplied at a later date

To meet the Subdivision Ordinance requirements, the Subdivider has acquired or is able to acquire the following "Financial Guarantee:"

Type of Financial Guaranty: Subdivision Improvements Bond ^{no.} 5761586
Amount: \$20,008.89 Name of Financial Institution or Surety
providing Guaranty: Safeco Insurance Company
Date City first able to call Guaranty: March 01, 1994
[Construction Completion Deadline]: March 01, 1994
If Guaranty other than a Bond, last day City able to call Guaranty
is: May 01, 1994
Additional Information: Bond No. 5761586

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange for a preconstruction conference and all required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the public Improvements and a Certificate of Completion for the private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guaranty which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

9. Reduction of Financial Guaranty Upon Partial Completion. The Subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guarantee other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Subdivider must submit the following documents to the City for review and approval:

13. Payment for Incomplete Improvements. If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to the Financial Guaranty.

14. Binding on Subdivider's Property. The provisions of this Agreement constitute covenants running with Subdivider's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Subdivider and the Owner and their heirs, successors and assigns.

15. Notice. For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six days after the notice is mailed if there is no actual evidence of receipt.

16. Entire Agreement. This Agreement 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.

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

18. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

19. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the Subdivider and signed by the City's Legal Department on this form.

21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

Executed on the date stated in the first paragraph of this Agreement.

SUBDIVIDER: JR's Restaurants, Inc.

CITY OF ALBUQUERQUE

By [Signature]: Bert Berski
 Name: Bert Berski
 Title: V.P. UNIT Facilities
 Dated: 7-8-93

Robert E. Gurule
 Director, Public Works Department
 Dated: 7-26-93

Approved by:

Ricardo B. Rafael
 City Engineer
7/21/93

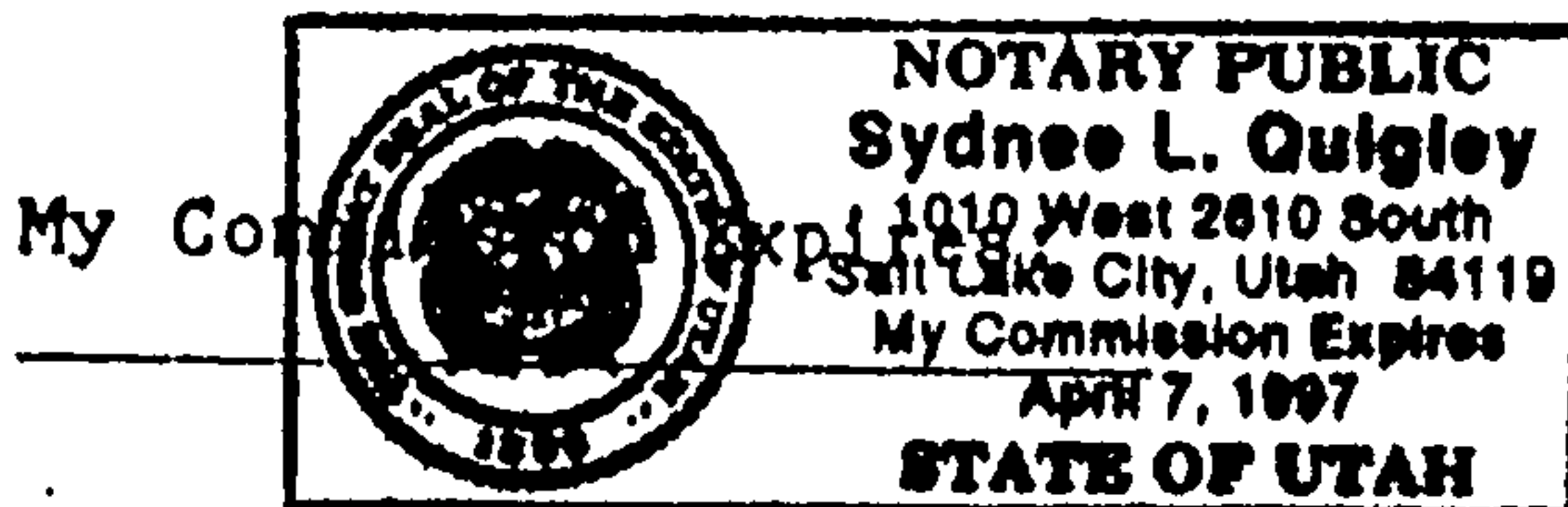
SUBDIVIDER'S NOTARY

STATE OF Utah)

COUNTY OF Salt Lake)

ss.

This instrument was acknowledged before me on 8th day of July, 1993 by [name of person:] Bert Berski, [title or capacity, for instance, "President" or "Owner":] V.P. Unit Facilities of [Subdivider:] JR's Restaurants, Inc.



Sydnee L. Quigley
 Notary Public

CITY'S NOTARY

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

ss.

This instrument was acknowledged before me on 26th day of July, 1993 by ROBERT E. GURULE, Director, Public Works Department of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Valerie S. Saavedra
 Notary Public

My Commission Expires:

8-7-93

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 FILED FOR RECORD

93 JUL 26 AM 10:37

POWER OF ATTORNEY AND EXHIBIT A ATTACHED

BK PG
 JUDY D. WOODWARD
 CO. CLERK & RECORDER
 DEPUTY

8814

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LISTING
for Hometown Buffet (Princess Jeanne)

[illegible]Page 1 of 1

Paul Clark 3-2-93
DRB Chairman Date

FILED WITH CITY CLERK'S OFFICE

7/26/93

FIGURE 16
SUBDIVISION BOND
(Procedure B)

Bond No. [Surety's No:] 5761586

SUBDIVISION IMPROVEMENTS BOND

KNOW ALL MEN BY THESE PRESENTS: That we [name of subdivider:] JB'S Restaurants, Inc. ("Subdivider") a [state type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc:] A Delaware Corporation as "Principal," and [name of surety:] Safeco Insurance Company of America organized and existing under and by virtue of the laws of the State of Washington and authorized to do business in the State of New Mexico, as "Surety," are held and firmly bound unto the CITY OF ALBUQUERQUE in the penal sum of TWENTY THOUSAND, EIGHT AND 89/100 Dollars, ([amount in figures:] \$20,008.89), as amended by change orders approved by the Surety or changes to the infrastructure list approved by the City Development Review Board, the payment of which is well and truly to be made, and each of us bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, and firmly by these presents.

NOW, THEREFORE, the condition of the above obligation is such that:

WHEREAS, the Principal is the owner of and/or is interested in or is developing land and premises known as [name of subdivision:] Tracts 99, 100 and the remainder of Tract A-1, Block 1, Princess Jeanne Park, City Project No. 4630.80; and

WHEREAS, said Subdivision is subject to the provisions and conditions of the ordinance of the CITY OF ALBUQUERQUE known as the Subdivision Ordinance, the requirements of which include the installation of various improvements by the Principal; and

WHEREAS, the Subdivision Ordinance requires the Principal to install and construct the following improvements at the Subdivision: [list the improvements, e.g., water, sewer, pavement, sidewalks:] Grading and paving of a section of the alley east of subdivider's property ("Improvements")

All construction shall be performed in accordance with the Agreement to Construct Public and/or Private Subdivision Improvements entered into between JB'S Restaurants, Inc. of Subdivider; and the CITY OF ALBUQUERQUE, as recorded in the office of the Clerk of Bernalillo County, New Mexico, in Book Misc. [leave blank:] 93-19, pages [leave blank:] 8807 through [leave blank:] 8814, as amended by change orders or amendments to the Agreement.

Bond No. [surety's No:] 5761586

NOW, THEREFORE, if the Principal completes construction of the Improvements and facilities and performs the work hereinabove specified to be performed, all on or before [Construction Completion Deadline established in Agreement or as amended:] March 1, 19 94 ("the "Construction Completion Deadline"), then this obligation shall be null and void; if the Principal does not complete construction by or before the Construction Completion Deadline, the City may call on this obligation until released by the City.

IN WITNESS WHEREOF, this bond has been executed this 30th day of June, 19 93.

SUBDIVIDER JB'S RESTAURANTS, INC.

By [signature:] Bert Borski
Name: Bert Borski
Title: V.P. UNIT Facilities
Dated: 7/9/93

SURETY SAFECO INSURANCE COMPANY OF AMERICA

By [signature:] Debbie Poppe
Name: Debbie Poppe
Title: Attorney-in-Fact
Dated: 6/30/93

STATE OF Utah)
COUNTY OF Salt Lake) ss

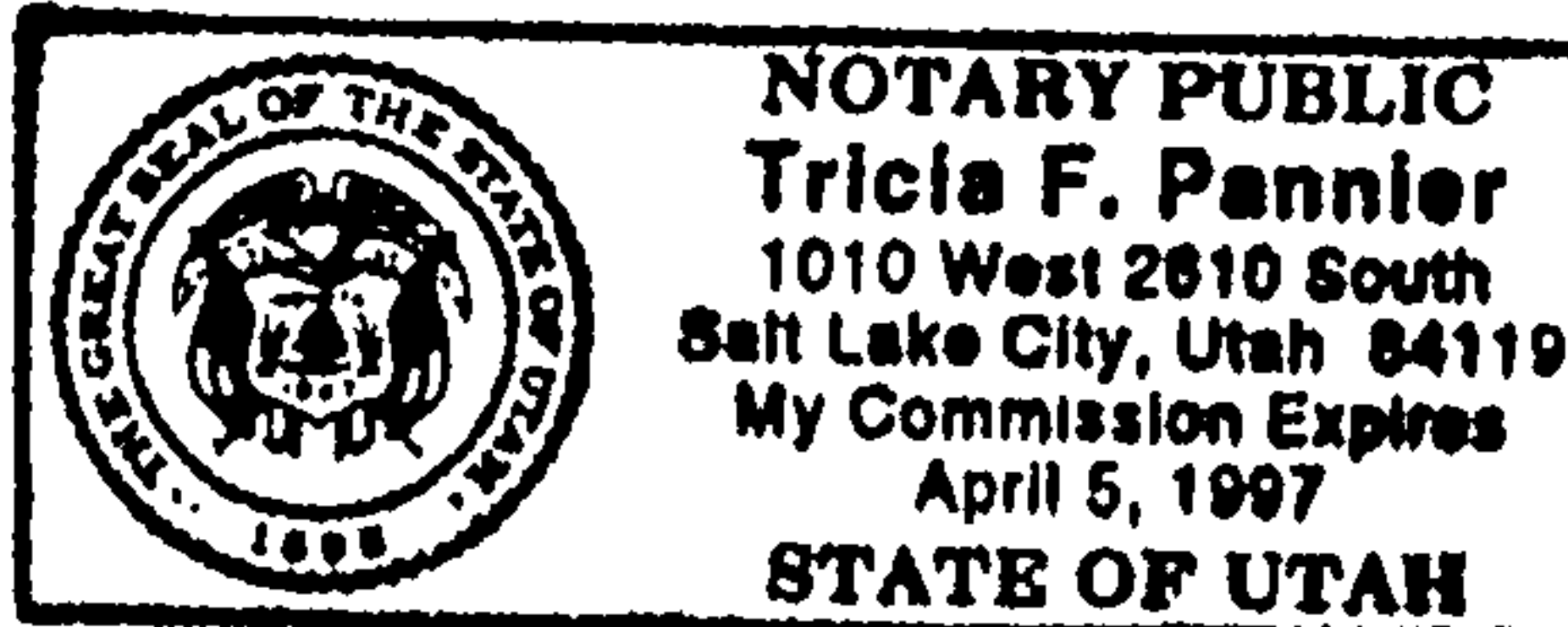
Subscribed and sworn to before me this 9th day of July, 1993.

My Commission Expires:

April 5, 1997

Tricia F. Pannier
Notary Public

*NOTE: Power of Attorney for Surety must be attached.





POWER
OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

No. 6613

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint
WILLIAM M. O'CONNELL, JR.; BRAD C. GIBSON; TERESA KRCHNAVY; SUE WOOD; SARAH FINN; DEBBIE POPPE
Denver, Colorado

Its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind SAFECO INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA has executed and attested these presents

this 4th day of January, 19 93

R A Pierson
R A PIERSON, SECRETARY

Dan D McLean
DAN D McLEAN, PRESIDENT

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS . . . the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business . . . On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of
SAFECO INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

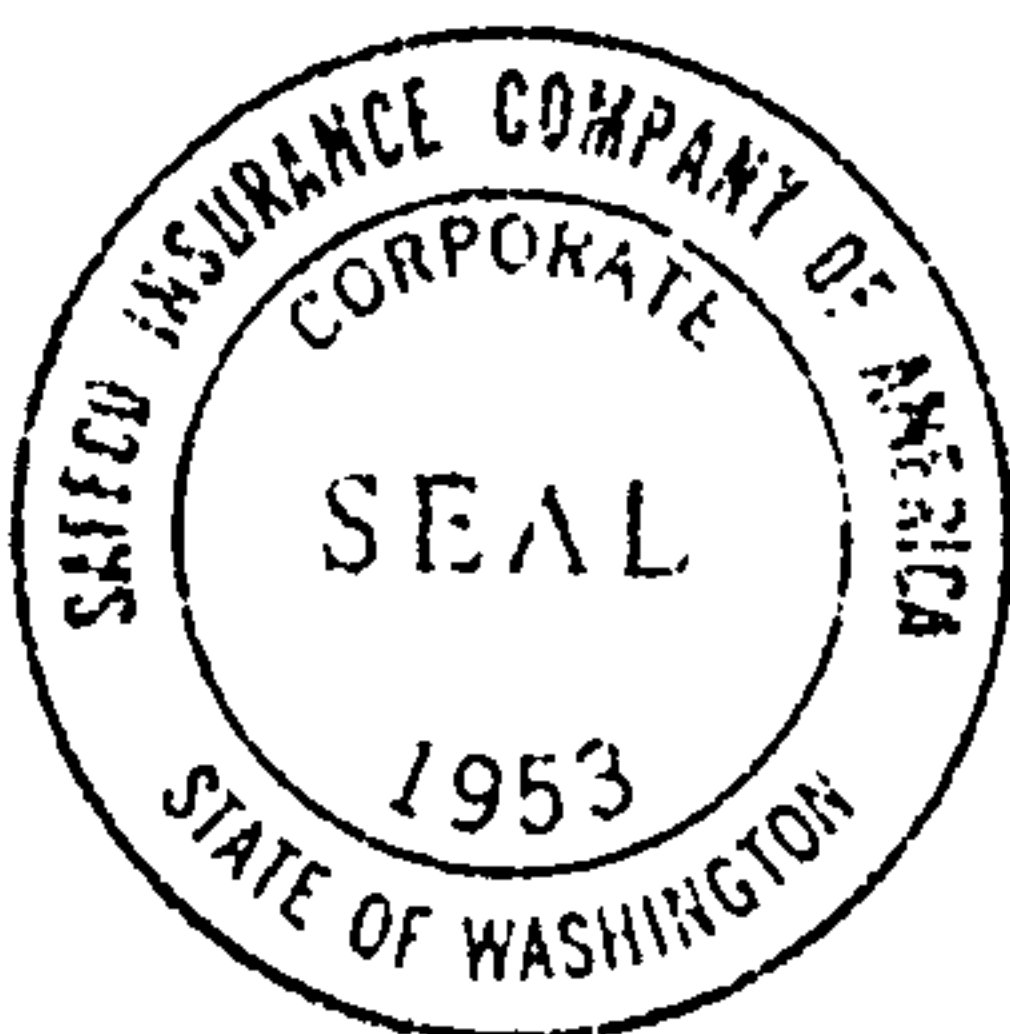
- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, R. A. Pierson, Secretary of SAFECO INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 30th day of June, 19 93



R A Pierson
R A PIERSON, SECRETARY

Financial Guaranty

Project No. 4630.8
Sheet 2 of 5

6. ITEM NO.	7. SHORT DESCRIPTION	8. EST. UNIT PRICE	9. EST. QUANTITY	10. EST. AMOUNT	11. AS-BUILT QUANTITY	12. AS-BUILT AMOUNT
0301.02	SUBGRADE PREP, ART, 12", PER SY	1.20	500	600.00 ✓		
0336.09	2 1/2" AC BS, 1800, M, PER SY	5.75	500	2,875.00 ✓		
0336.12	TK CT, PER SY	0.22	500	110.00 ✓		
0336.17	1 1/2" AC SFC, 1800, M, PER SY	3.05	500	1,525.00 ✓		
0340.04	ALLEY GUTTER, PCC, PER LF	7.00	225	1,575.00 ✓		
0510.10	CUT OFF WALL, PCC, PER CY	250.00	1	250.00 ✓		
0510.11	STR. CONC 4000 RPCC, FORM, PER CY	325.00	20	6,500.00 ✓		
SUBTOTAL:				13,435.00 ✓		
N.M.G.R.T. @ 5.8125%				780.91 ✓		
SUBTOTAL:				14,215.91 ✓		
ENGINEERING FEE @ 6.6%				938.25 ✓		
TESTING FEE @ 6%				852.95 ✓		
PROJECT TOTAL:				16,007.11 ✓		
FINANCIAL GUARANTEE AMOUNT (x 1.25)				20,008.89 ✓		

Approved by:

Billy J. Goolsby
Billy J. Goolsby
Project Review Section

6/29/93
Date

Amount of DESIGN DEPOSIT FEE (Figure 4) paid: \$ 236.25

DRAINAGE INFORMATION SHEET

921008

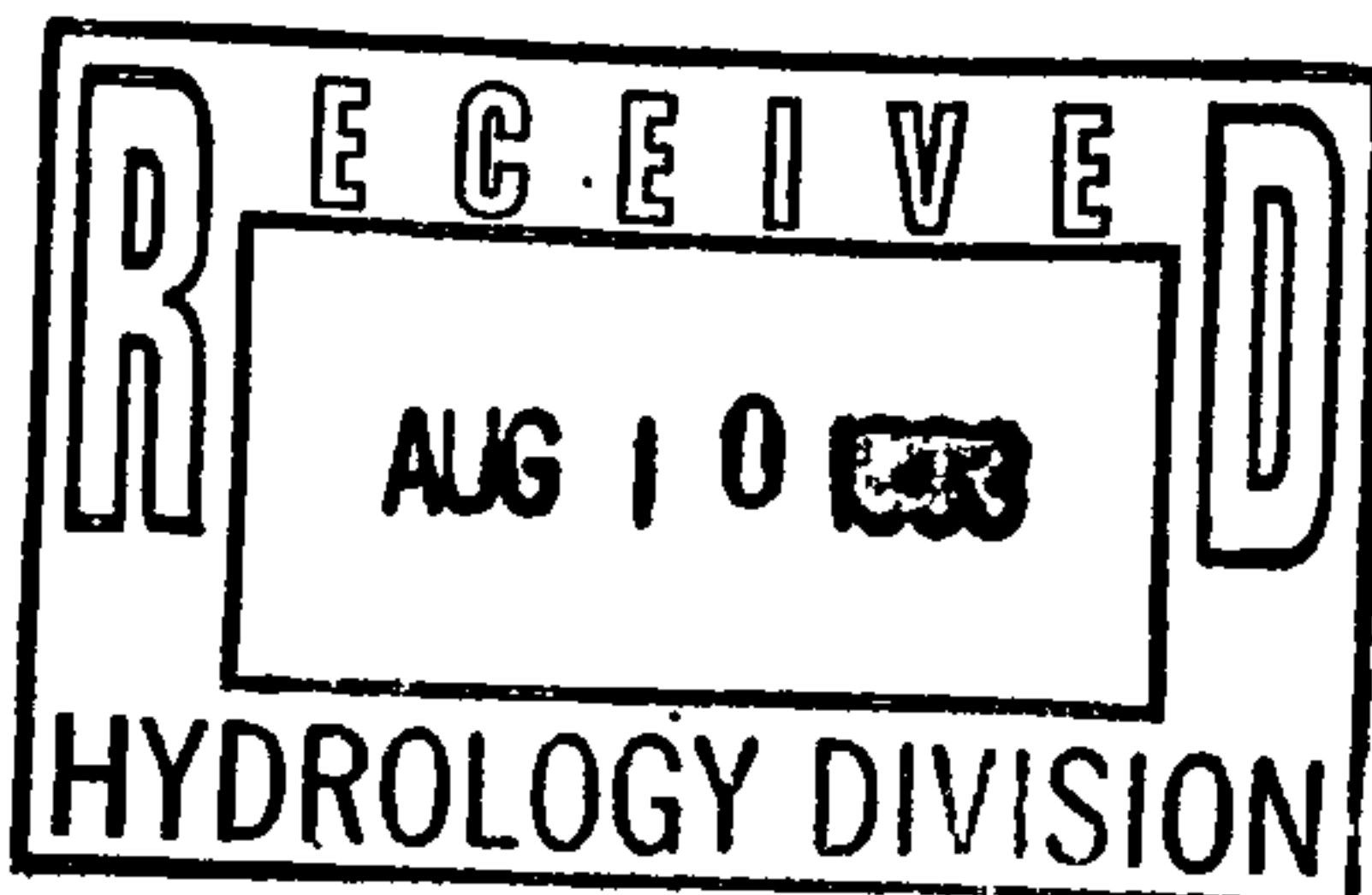
PROJECT TITLE: PRINCESS JOANNE HTB ZONE ATLAS/DRNG. FILE #: J21/D19A
DRB #: 93-038 EPC #: _____ WORK ORDER #: _____
LEGAL DESCRIPTION: TR 100-A, BLK 1, PRINCESS JOANNE PARK
CITY ADDRESS: EUBANK BLVD NE
ENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN
ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250
OWNER: J B'S RESTAURANTS CONTACT: BURT BORSKI
1010 W. 2610 SOUTH
ADDRESS: SALT LAKE CITY, UTAH PHONE: 1-801-974-4356
ARCHITECT: RICK BENNETT CONTACT: RICK BENNETT
ADDRESS: _____ PHONE: 242-1859
SURVEYOR: JEFF MORTENSEN & ASSOC CONTACT: JEFF MORTENSEN
ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250
CONTRACTOR: _____ CONTACT: ANDY SOWLE
ADDRESS: _____ PHONE: _____

TYPE OF SUBMITTAL:

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

PRE-DESIGN MEETING:

- ☒ YES
☐ NO
☐ COPY PROVIDED



CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SKETCH PLAT APPROVAL
☐ 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 APPROVAL
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ S.A.D. DRAINAGE REPORT
☒ DRAINAGE REQUIREMENTS
☐ OTHER _____ (SPECIFY)

DATE SUBMITTED:

08-09-93

BY:

JEFFREY G. MORTENSENXC: UNIVERSAL CONSTRUCTORS



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

August 25, 1993

Jeff Mortensen
Jeff Mortensen & Associates Inc.
6010-B Midway Park Blvd. NE
Albuquerque, NM 87109

RE: TEMPORARY ENGINEER CERTIFICATION FOR PRINCESS JEANNE HOMETOWN BUFFET
(J21-D19A) CERTIFICATION STATEMENT DATED 8/21/93.

Dear Mr. Mortensen:

Based on the information provided on your August 23, 1993 submittal, temporary Certificate of Occupancy may be granted until final Engineer Certification and Grant of Easement have been submitted for review.

If I can be of further assistance, please feel free to contact me at 768-2667.

Sincerely,


Bernie J. Montoya, CE
Engineer Associate

BJM/d1/WPHYD/7379

xc: Alan Martinez
<File>

PUBLIC WORKS DEPARTMENT

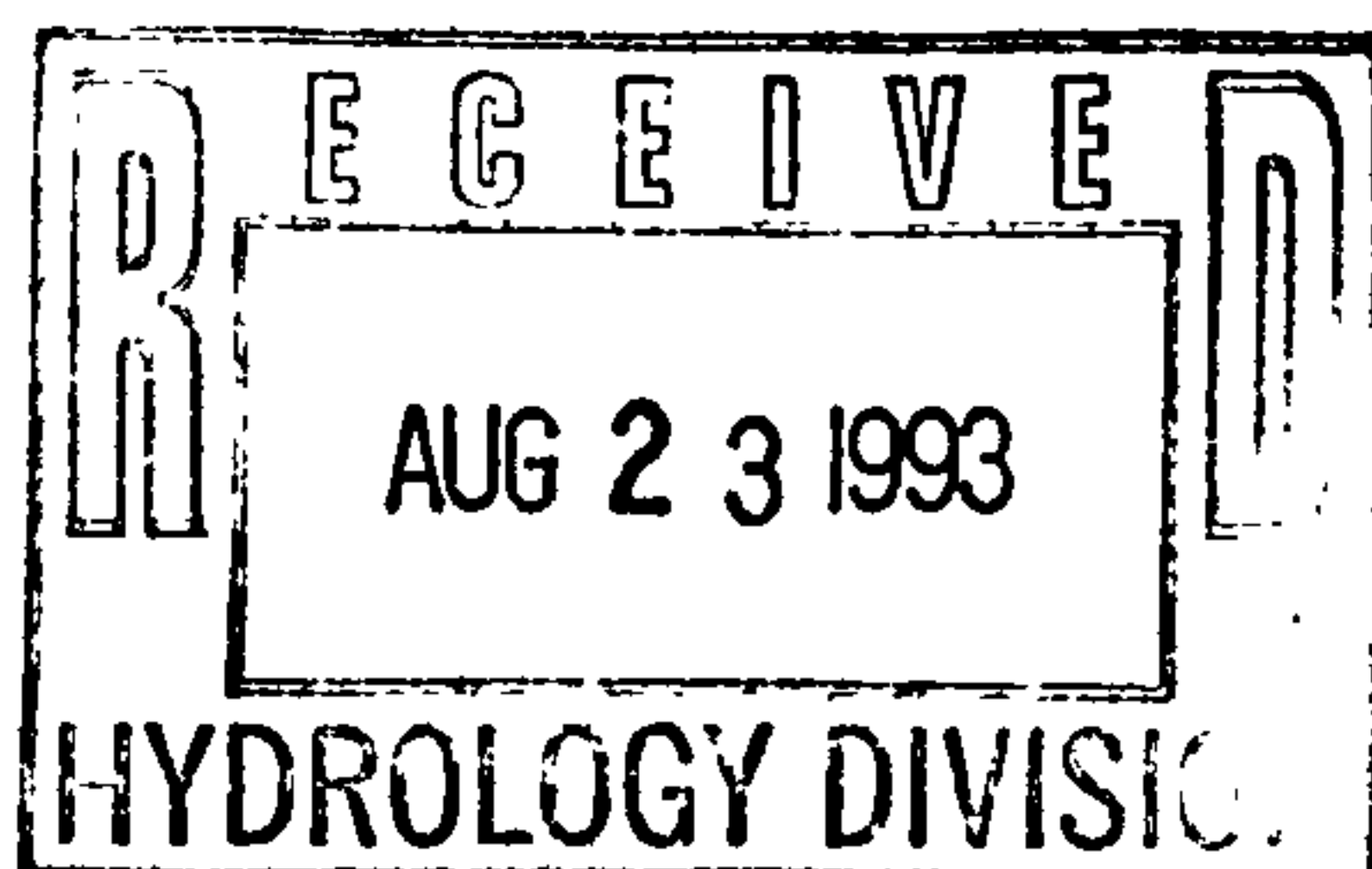
PROJECT TITLE: Princess Jeanne HTB ZONE ATLAS/DRNG. FILE #: J21/D19A
DRB #: 93-038 EPC #: _____ WORK ORDER #: _____
LEGAL DESCRIPTION: Tract 100-A, Block 1, Princess Jeanne Park
CITY ADDRESS: Eubank Blvd. N.E. 1528
ENGINEERING FIRM: Jeff Mortensen & Associates CONTACT: Jeff Mortensen
ADDRESS: 6010-B Midway Park Blvd. N.E. PHONE: 345-4250
OWNER: JB's REstaurants, Inc. CONTACT: Bert Borski
ADDRESS: 1010 W. 2610 South
ADDRESS: Salt Lake City, UT 84119 PHONE: 1-801-974-4356
ARCHITECT: Rick Bennett CONTACT: Rick Bennett
ADDRESS: 1118 Park Ave. S.W. - 87102 PHONE: 242-1859
SURVEYOR: Jeff Mortensen & Associates CONTACT: Jeff Mortensen
ADDRESS: 6010-B Midway Park Blvd. N.E. PHONE: 345-4250
CONTRACTOR: _____ CONTACT: Andy Sowle
ADDRESS: _____ PHONE: 243-4414

TYPE OF SUBMITTAL:

 DRAINAGE REPORT
 DRAINAGE PLAN
 CONCEPTUAL GRADING & DRAINAGE PLAN
 GRADING PLAN
 EROSION CONTROL PLAN
 XX ENGINEER'S CERTIFICATION
 OTHER

PRE-DESIGN MEETING:

_____ YES
_____ NO
COPY PROVIDED



CHECK TYPE OF APPROVAL SOUGHT:

_____ SKETCH PLAT APPROVAL
 _____ 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 APPROVAL
 _____ GRADING PERMIT APPROVAL
 _____ PAVING PERMIT APPROVAL
 _____ S.A.D. DRAINAGE REPORT
 _____ DRAINAGE REQUIREMENTS
xx OTHER Temporary (SPECIFY)
 Certificate of Occupancy

DATE SUBMITTED: 8-20-93

BY: Jeffrey G. Mortensen

DRAINAGE INFORMATION SHEET

921004

PRINCESS JEANNE

PROJECT TITLE: HOMETOWN BUFFET ZONE ATLAS/DRNG. FILE #: J21/019A

DRB #: _____ EPC #: _____ WORK ORDER #: _____

LEGAL DESCRIPTION: TRACTS 99, 100 & PORTION OF A-1, PRINCESSCITY ADDRESS: EUBANK BLVD NE JEANNE PARKENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSENADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250OWNER: J.B.'S RESTAURANT CONTACT: _____

ADDRESS: _____ PHONE: _____

ARCHITECT: RICK BENNETT ARCHITECT CONTACT: RICK BENNETTADDRESS: 1118 PARK AVE SW PHONE: 242-1859SURVEYOR: JEFF MORTENSEN & ASSOC CONTACT: JEFF MORTENSENADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250CONTRACTOR: N/A CONTACT: _____ADDRESS: RECEIVED PHONE: _____

NOV 27 1992

TYPE OF SUBMITTAL:

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

PRE-DESIGN MEETING:

- ☐ YES
- ☒ NO
- ☐ COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SKETCH PLAT APPROVAL
- ☐ 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 APPROVAL
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ S.A.D. DRAINAGE REPORT
- ☐ DRAINAGE REQUIREMENTS
- ☐ OTHER _____ (SPECIFY)

DATE SUBMITTED: 11-27-92BY: JEFFREY G. MORTENSEN

JEFF MORTENSEN & ASSOCIATES, INC.

6010-B Midway Park Blvd. NE
ALBUQUERQUE, NEW MEXICO 87109

(505) 345-4250

To BERNIE MONTAYA
HYDROLOGY SECTION

Memo

LETTER

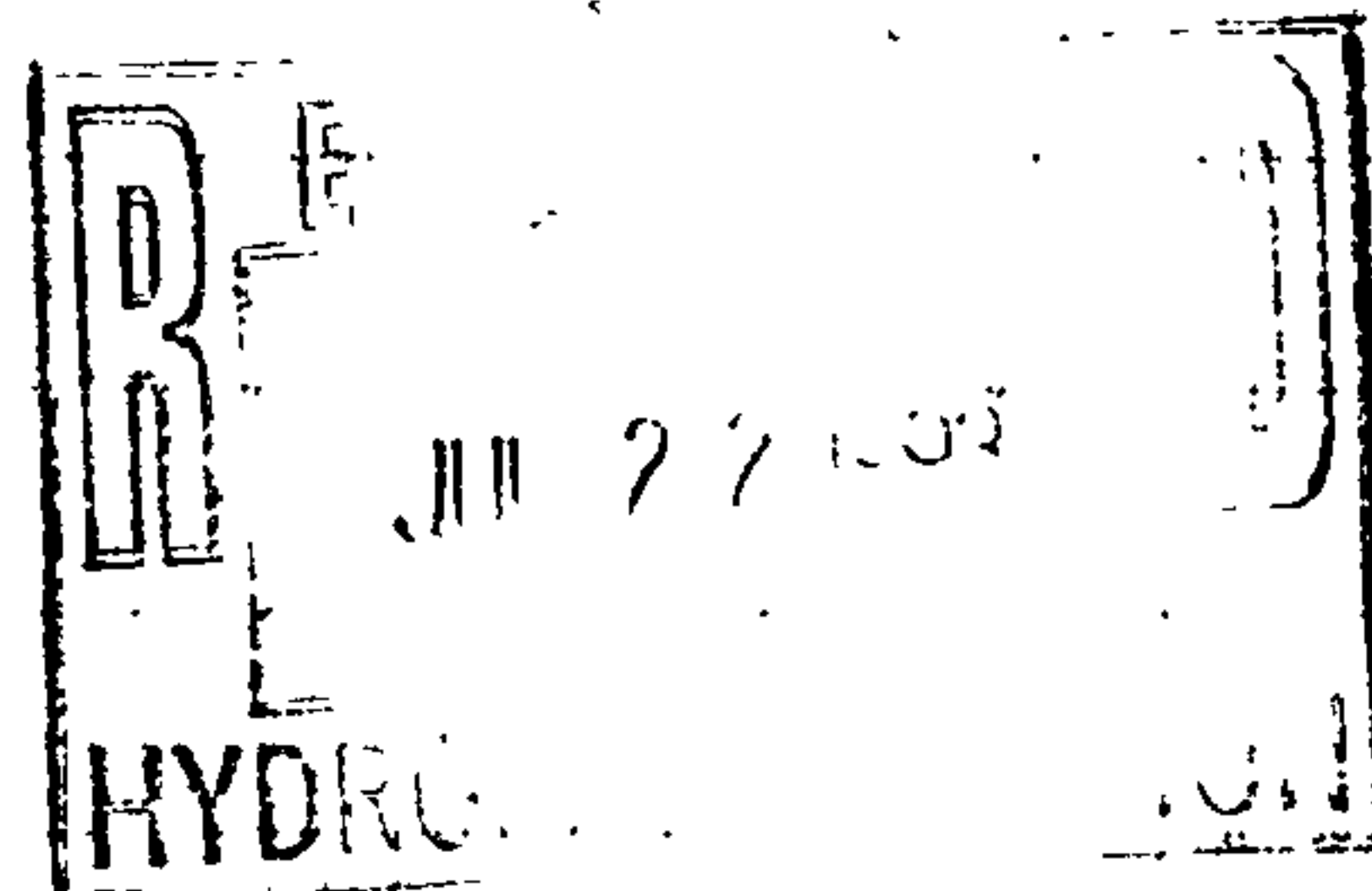
Date 07/22/93

Subject /Job No. 921008

HOMETOWN BUFFER/
PRINCESS JEANNE
PARK

ATTACHED IS COPY OF FILED PLAN
FOR YOUR RECORDS.

FILE. J21 / D 19 A



☐ Please reply

☐ No reply necessary

SIGNED



DRAINAGE INFORMATION SHEET

921008

PROJECT TITLE: HOMETOWN BUFFET ZONE ATLAS/DRNG. FILE #: J21/D19A
DRB #: 93-38 EPC #: _____ WORK ORDER #: 4630.90
LEGAL DESCRIPTION: TRACT 100-A, BLOCK 1, PRINCESS JEANNE PARK
CITY ADDRESS: _____
ENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN
ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250
OWNER: JB'S RESTAURANTS INC CONTACT: BERT BORSKI
1010 WEST 2610 SOUTH
ADDRESS: SALT LAKE CITY, UTAH PHONE: 801-974-4356
84119-2486
ARCHITECT: RICK BENNETT ARCHITECT CONTACT: RICK BENNETT
ADDRESS: 1118 PARK AVE SW PHONE: 242-1859
SURVEYOR: JEFF MORTENSEN & ASSOC CONTACT: JEFF MORTENSEN
ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250
CONTRACTOR: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____

TYPE OF SUBMITTAL:

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

PRE-DESIGN MEETING:

- ☐ YES
☒ NO
☐ COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SKETCH PLAT APPROVAL
☐ PRELIMINARY PLAT APPROVAL
☐ S. DEV. PLAN FOR SUB'D. APPROVAL
☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
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☐ CERTIFICATE OF OCCUPANCY APPROVAL
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ S.A.D. DRAINAGE REPORT
☐ DRAINAGE REQUIREMENTS
☐ OTHER 1101, E. G. E (SPECIFY)

DATE SUBMITTED:

07-15-93

VERBAL CMIS

7/27/93

BY:

JEFFREY G. MORTENSEN