



Judy D. Woodward

Bern. Co.

AGRE

R 17.00

2000027234

5347978

Page: 1 of 6

03/21/2000 12:48P

Bk-A3 Pg-7113

## AGREEMENT AND COVENANT

# 615581

K-09/D 032

This Agreement and Covenant, between the City of Albuquerque, New Mexico ("City") and Curb, Inc., ("User") is made in Albuquerque, New Mexico and is entered into as of the date of recording this Agreement with the Bernalillo County Clerk.

1. Recital. The City is the owner of certain real property, easement or public right-of-way ("City's Property") more particularly described as:

A 3.0 acre park site as shown on the Plat of Avalon Subdivision Unit 2, filed in the office of the Clerk of Bernalillo County on 01/03/2000 in Book 2000C, Page 1, Document No. 2000000005.

The User wishes to construct upon, improve or repair and to maintain the following "Improvement" on the City's Property (or already has done so):

A temporary retention pond.

A sketch of the proposed or existing Improvement is attached as Exhibit A and made a part of this Agreement.

The City agrees to permit the Improvement to exist on the City's Property provided the User complies with the terms of this Agreement.

2. City Use of City's Property and City Liability. The City has the right to enter upon the City's Property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the User. If the Work affects the Improvement the City will not be financially or otherwise responsible for rebuilding or repairing the improvement. The User promptly will repair the Improvement to the City's satisfaction. The cost of repairing the Improvement will be paid by User.

3. Users' Responsibility for Improvement. The User will be solely responsible for construction, maintaining, repairing and, if required, removing the Improvement, all in accordance with standards required by the City as per the approved Grading and Drainage Plan K9/D12 on file at the City Engineers' office. The User will be solely responsible for paying all related costs. The User will not permit the Improvement to constitute a hazard to the health or safety of the general public or to interfere with the City's use of the City's Property. The User will conform with all applicable laws, ordinances and regulations.

4. Use of the Improvement. If the City's Property is a public right-of-way, it shall be open to the use of the general public at all times, subject to reasonable curtailment during periods of construction, maintenance or repair.

5. Demand for Repair, Modification or Removal. The City shall send written notice ("Notice") to the User requiring the User to repair, modify or remove the Improvement within 30 days ("Deadline") and the User will comply promptly with the requirements of the Notice. If removal is demanded, the City also may require the User to return the City's Property to its' original condition by the Deadline. The User will perform all required work by the Deadline, at Users' sole expense.

6. Maintenance Fund. The User shall establish and maintain during the term of this Agreement a cash Maintenance Fund (the "Maintenance Fund") in the amount of not less than five thousand dollars (\$5000.00) for the exclusive purpose of maintaining the Improvement. The Maintenance Fund shall be for the exclusive use and benefit of the City and shall not be available to any other party except the City and may not be used by the City for any other purpose. In the event the City determines in its' sole discretion that User is in default under Users' obligation to maintain the Improvement, User shall upon written request by the City, make the Maintenance Fund available to the City after the 30 day Notice Deadline. The City may then expend any sums necessary from the Maintenance Fund to cure the default. The User shall promptly restore the Maintenance Fund to the original amount of five thousand dollars (\$5000.00).

7. Failure to Perform by User and Emergency Work by City. If the User fails to comply with the terms of the Notice by the Deadline stated, or, if the City determines that an emergency condition exists, the City may perform the work itself, or make demand on the Maintenance Fund. The City then may assess the User for the cost of the work and for any other expenses or damages which result from Users' failure to perform. The User agrees promptly to pay the City the amount assessed. If the User fails to pay the City within thirty (30) days after the City gives the User written notice of the amount due, the City may make demand on the maintenance fund, and User shall promptly pay to the City the amount demanded.



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8. Cancellation of Agreement and Release of Covenant. This Agreement may be canceled and Users' covenants released by the City at will by the City's mailing to the User notice of the City's intention to record a Cancellation and Release with the Bernalillo County Clerk. The Cancellation and Release will be effective thirty (30) days after the date of mailing the notice to the User unless a later date is stated in the notice or the Cancellation and Release. After the effective date, the City will record the Cancellation and Release with the Bernalillo County Clerk.

9. Condemnation. If any part of the Users' Property is ever condemned, the User will forego all claims to compensation for any portion of Users' structure which encroaches on City Property and for severance damage to the remaining portion of Users' structure on Users' Property.

10. Assessment. Nothing in this Agreement shall be construed to relieve the User, his heirs, assigns and successors from an assessment against Users' Property for improvements to the City Property under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the Improvement will not reduce the amount assessed by the City.

11. Notice. For purposes of giving written notice to the User, Users' address is:

Curb, Inc.  
6301 Indian School Road NE Ste. 208  
Albuquerque, New Mexico 87110

Notice may be given to the User either in person or by mailing the notice by regular U.S. mail, postage paid. Notice will be considered to have been received by the User within 3 days after the notice is mailed if there is no actual evidence of receipt. The User may change Users' address by giving written notice of the change by certified mail, return receipt requested, to the City Engineer at P.O. Box 1293, Albuquerque, New Mexico 87103.

12. Indemnification. The User agrees to defend, indemnify and hold harmless the City, its' officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties as a result of Users' use of the City's Property. To the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement 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 indemnitee, or the agents or employees of the indemnitee; or (2) the giving of or the failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.



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13. Term. This Agreement shall continue until revoked by the City pursuant to Section 8 above.

14. Binding on Users' Property. The covenants and obligations of the User set forth herein shall be binding on User, his heirs, assigns and successors and on Users' Property and constitute covenants running with Users Property until released by the City.

15. 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.

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

17. 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.

18. 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.

**CITY OF ALBUQUERQUE:**

By: [Signature]

Chief Administrative Officer

Dated: 3-17-00

APPROVED:

[Signature] 3/17/00  
Director, Public Works Dept.

*Kel 3/16/00*

**USER: Curb, Inc.**

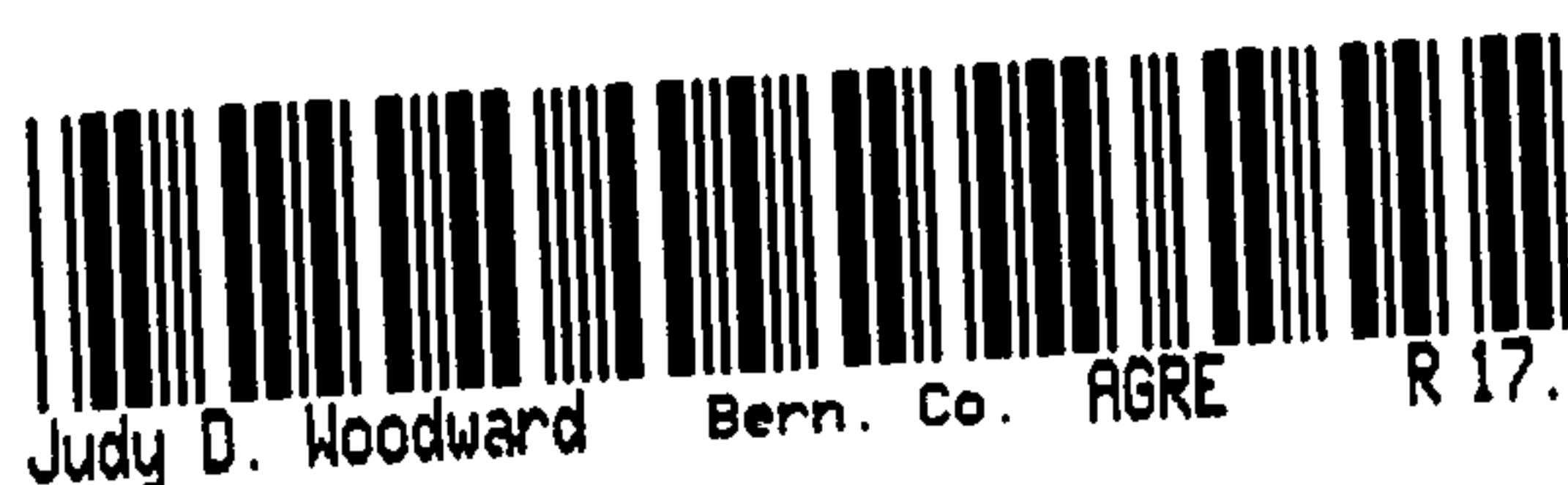
By: [Signature]

Title: President

Dated: 2/24/2000

Reviewed by:

[Signature] 3/17/00  
City Engineer *J 3-11-00*



2000027234  
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Page: 4 of 6  
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**STATE OF NEW MEXICO            )**  
**) ss**  
**COUNTY OF BERNALILLO        )**

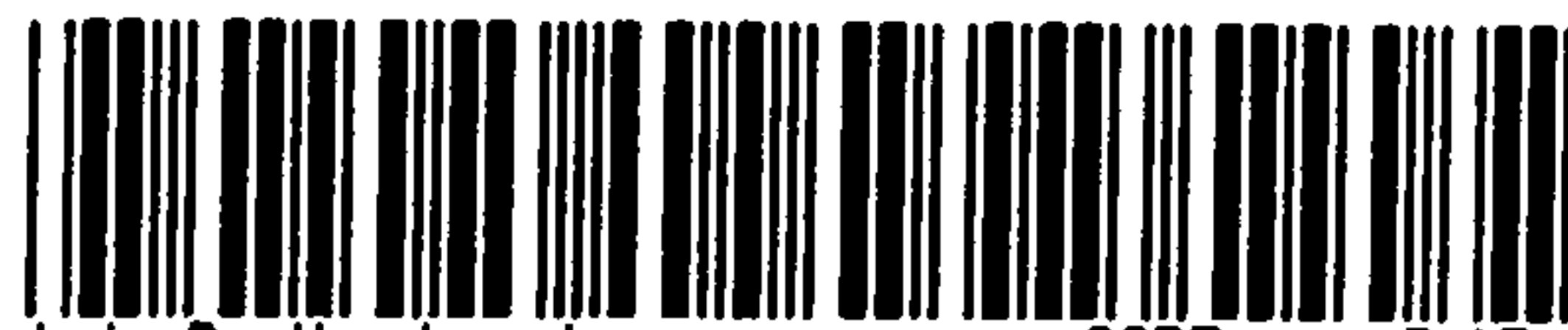
Gloria S. Saavedra  
Notary Public

11-15-2003

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

  
\_\_\_\_\_  
Notary Public

My commission expires: 9-17-2023

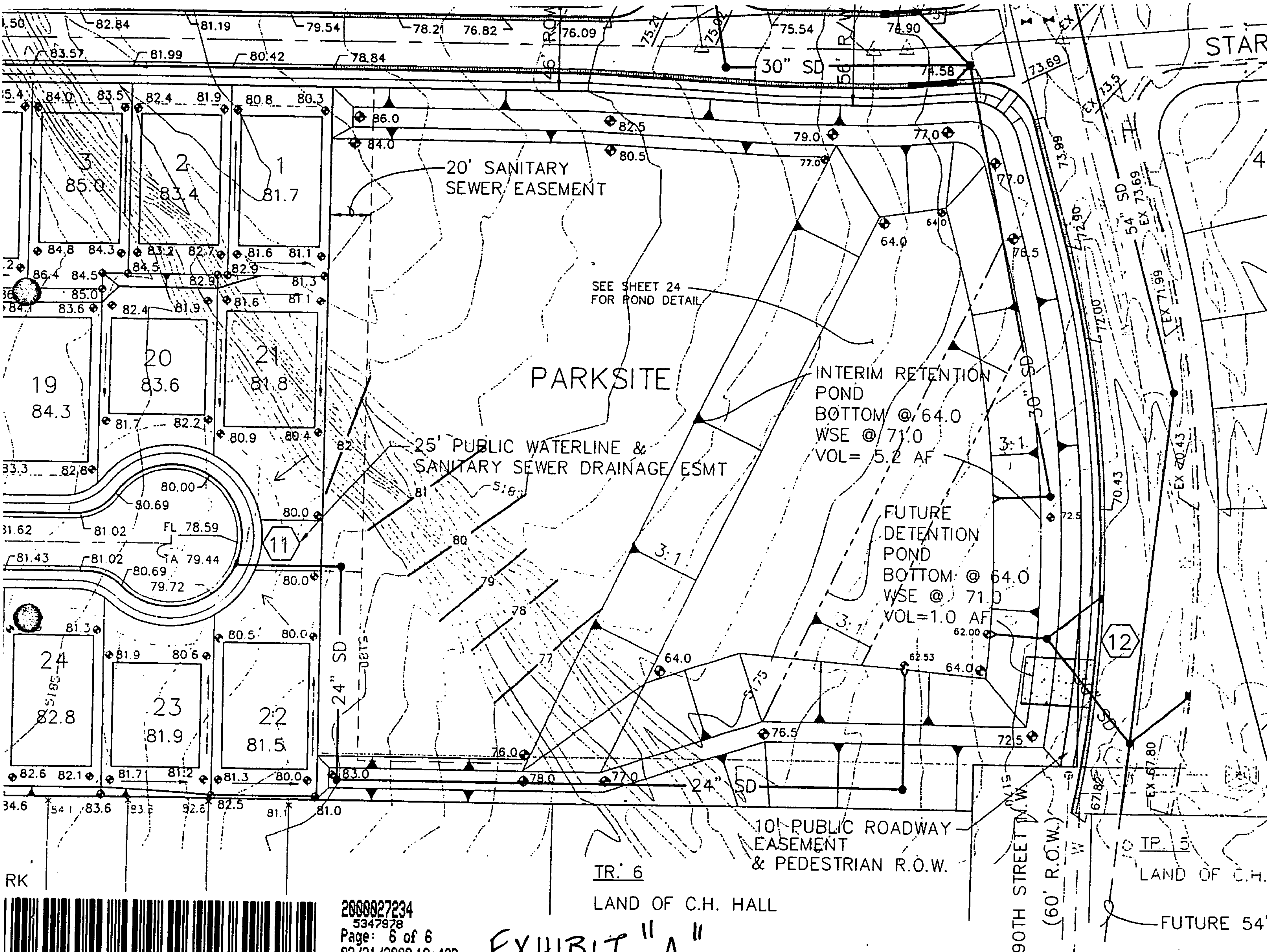


**Judy D. Woodward**

Bern. Co. AGRE

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Page: 5 of 6  
03/21/2000 12:48P  
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 Page: 6 of 6  
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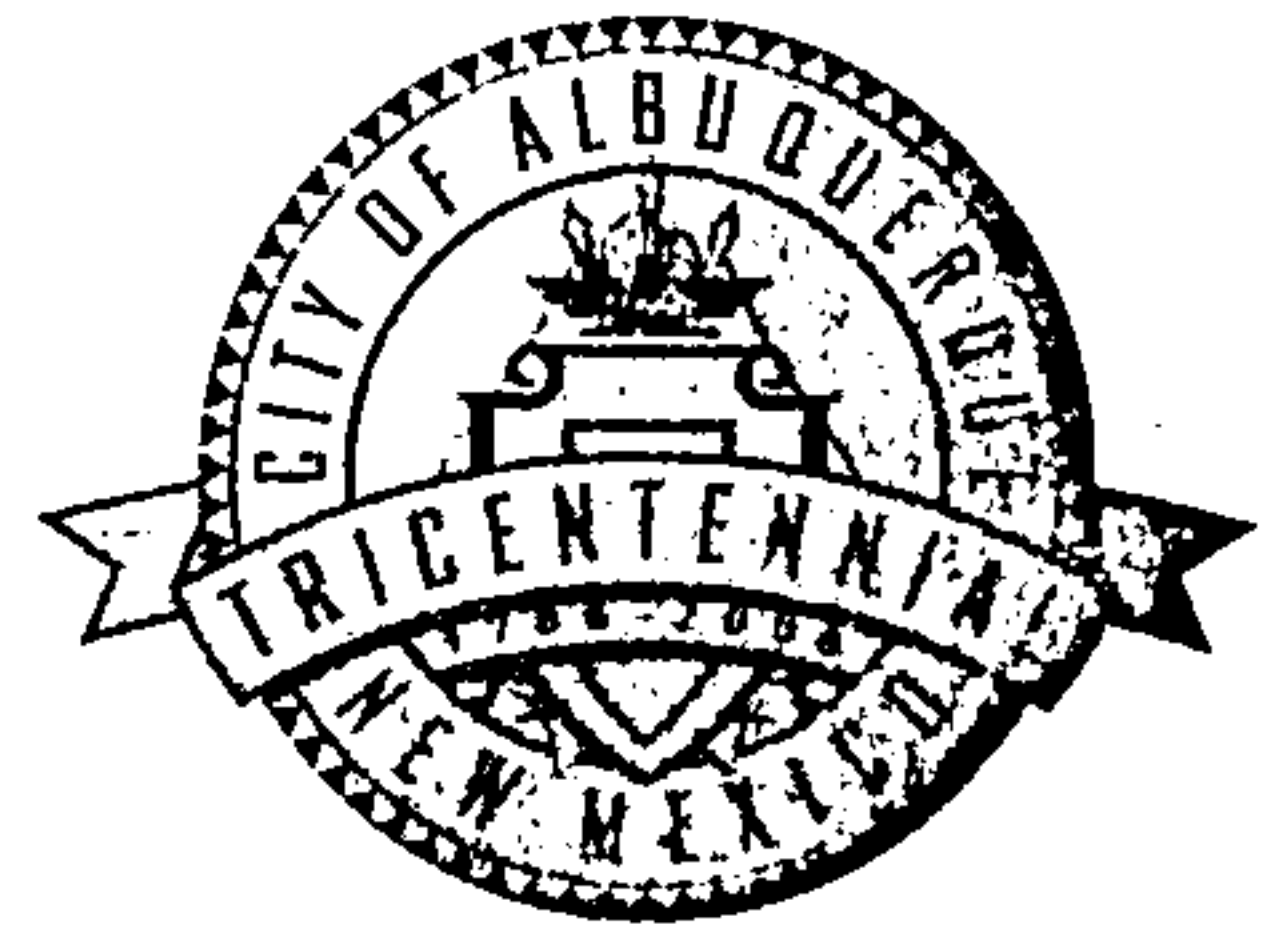
EXHIBIT "A"

TR. 6  
 LAND OF C.H. HALL

TP. 5  
 LAND OF C.H.  
 FUTURE 54'



# CITY OF ALBUQUERQUE



December 6, 2006

Bruce J. Stidworthy, P.E.  
Bohannon Huston, Inc.  
7500 Jefferson St. NE-Courtyard 1  
Albuquerque, NM 87109

**Re: Avalon Park Storm Drain Plan and Grading and Drainage Plan  
Engineer's Stamp dated 12-5-06 (K9/D32)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittal dated 12-5-06, the above referenced plans are approved for Grading Permit. Upon completion of the project, please provide an Engineer Certification for our files.

P.O. Box 1293

This project requires a National Pollutant Discharge Elimination System (NPDES) permit.

Albuquerque

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

New Mexico 87103

Sincerely,

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

[www.cabq.gov](http://www.cabq.gov)

C: file  
Sertil Kanbar, DMD

# DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

PROJECT TITLE: AVALON PARK

ZONE MAP/DRG. FILE # K-9-ZD32

DRB #: \_\_\_\_\_ EPC#: \_\_\_\_\_

WORK ORDER#: \_\_\_\_\_

LEGAL DESCRIPTION: Avalon Park, Block G, Avalon Unit 2

CITY ADDRESS: \_\_\_\_\_

ENGINEERING FIRM: Bohannon Huston, Inc.

ADDRESS: 7500 Jefferson NE - Courtyard I

CITY, STATE: Albuquerque, NM

CONTACT: Rudy Armijo

PHONE: (505) 823-1000

ZIP CODE: 87109

OWNER: City of Albuquerque: Parks and Recreation

ADDRESS: 400 Marquette Ave. NW

CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: 87102

ARCHITECT: Consensus Planning, Inc

ADDRESS: 924 Park Avenue SW

CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: 87102

SURVEYOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

## CHECK TYPE OF SUBMITTAL:

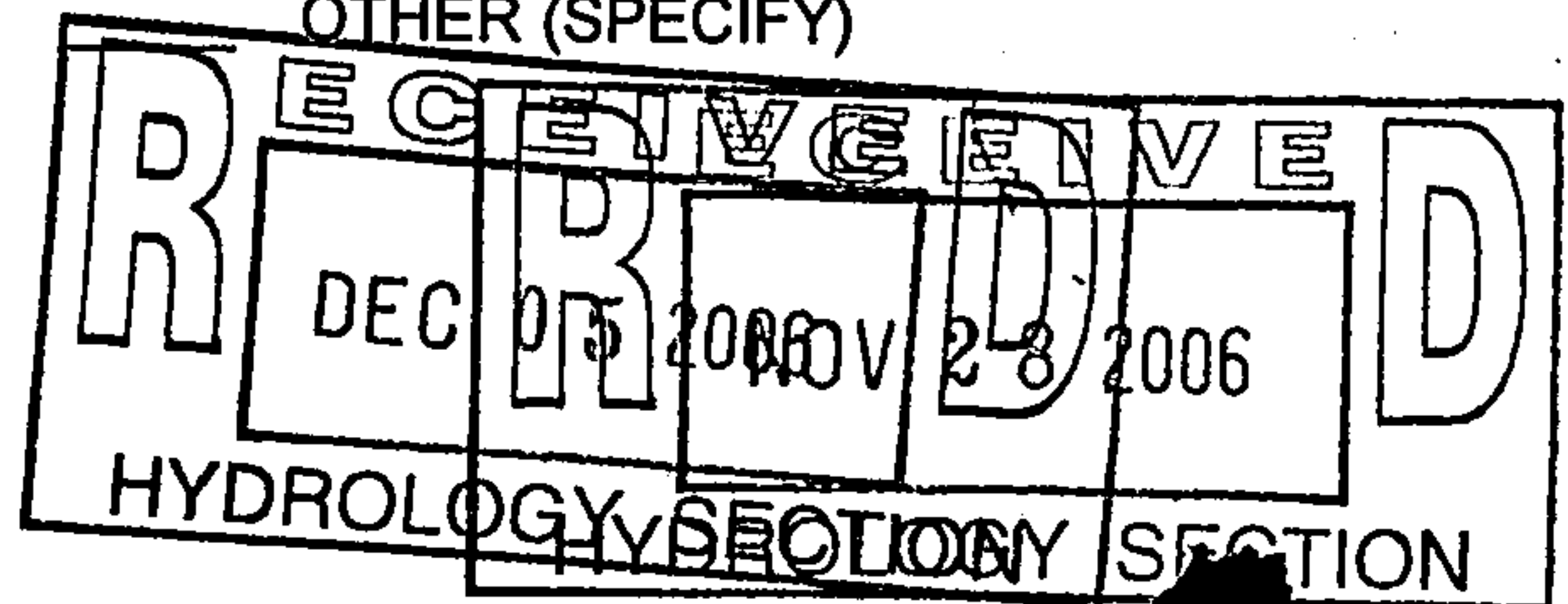
- ☐ DRAINAGE REPORT  
☒ DRAINAGE PLAN 1<sup>st</sup> SUBMITTAL, **REQUIRES TCL or equal**  
☐ DRAINAGE PLAN RESUBMITTAL  
☐ CONCEPTUAL GRADING & DRAINAGE PLAN  
☐ GRADING PLAN  
☐ EROSION CONTROL PLAN  
☐ ENGINEER'S CERTIFICATION (HYDROLOGY)  
☐ CLOMR/LOMR  
☐ TRAFFIC CIRCULATION LAYOUT (TCL)  
☐ ENGINEERS 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: NOVEMBER 28, 2006 BY: RUDY ARMISO

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.



# CITY OF ALBUQUERQUE



December 6, 2006

Bruce J. Stidworthy, P.E.  
Bohannon Huston, Inc.  
7500 Jefferson St. NE-Courtyard 1  
Albuquerque, NM 87109

**Re: Avalon Park Storm Drain Plan and Grading and Drainage Plan  
Engineer's Stamp dated 12-5-06 (K9/D32)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittal dated 12-5-06, the above referenced plans are approved for Grading Permit. Upon completion of the project, please provide an Engineer Certification for our files.

P.O. Box 1293

This project requires a National Pollutant Discharge Elimination System (NPDES) permit.

Albuquerque

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

New Mexico 87103

Sincerely,

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

[www.cabq.gov](http://www.cabq.gov)

C: file  
Sertil Kanbar, DMD

# DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

PROJECT TITLE: AVALON PARK

ZONE MAP/DRG. FILE # K-9-ZD32

DRB #: \_\_\_\_\_ EPC#: \_\_\_\_\_

WORK ORDER#: \_\_\_\_\_

LEGAL DESCRIPTION: Avalon Park, Block G, Avalon Unit 2

CITY ADDRESS: \_\_\_\_\_

ENGINEERING FIRM: Bohannon Huston, Inc.

ADDRESS: 7500 Jefferson NE - Courtyard I

CITY, STATE: Albuquerque, NM

CONTACT: Rudy Armijo

PHONE: (505) 823-1000

ZIP CODE: 87109

OWNER: City of Albuquerque: Parks and Recreation

ADDRESS: 400 Marquette Ave. NW

CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: 87102

ARCHITECT: Consensus Planning, Inc

ADDRESS: 924 Park Avenue SW

CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: 87102

SURVEYOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_

PHONE: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

## CHECK TYPE OF SUBMITTAL:

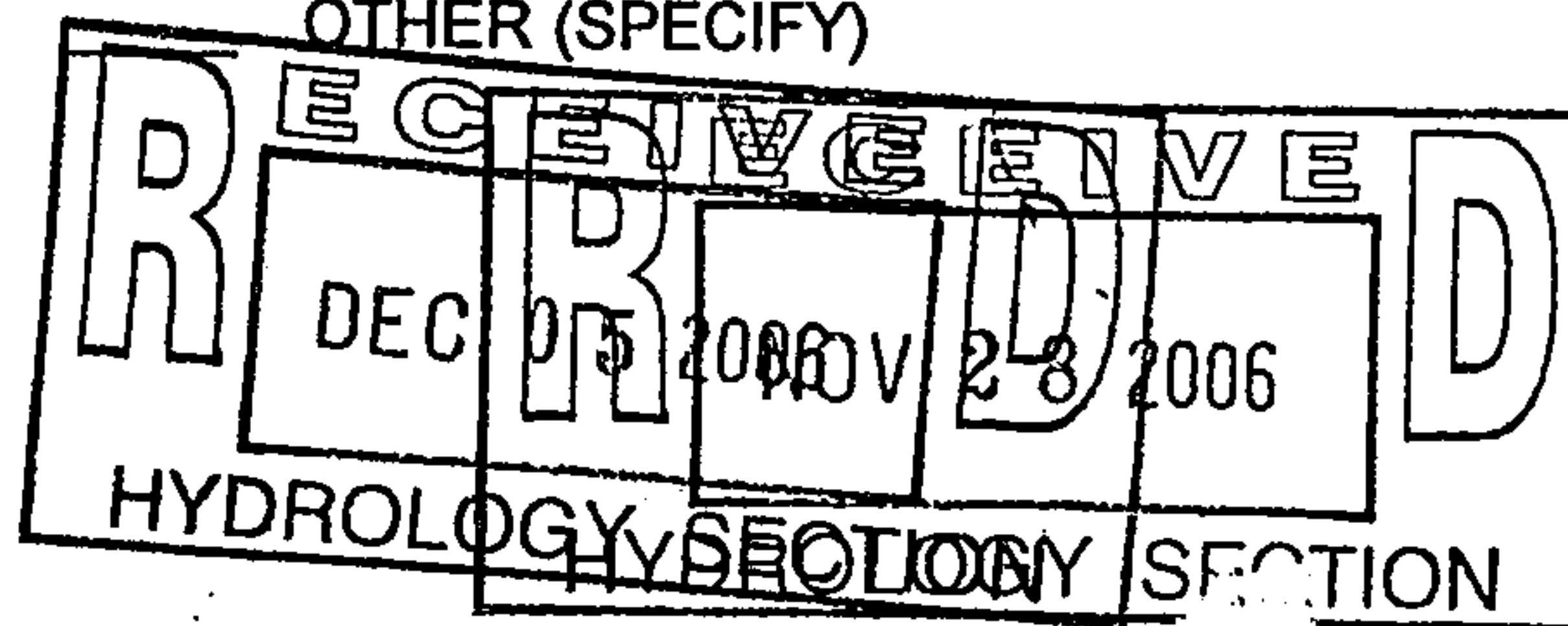
- ☐ DRAINAGE REPORT  
☒ DRAINAGE PLAN 1<sup>st</sup> SUBMITTAL, **REQUIRES TCL or equal**  
☐ DRAINAGE PLAN RESUBMITTAL  
☐ CONCEPTUAL GRADING & DRAINAGE PLAN  
☐ GRADING PLAN  
☐ EROSION CONTROL PLAN  
☐ ENGINEER'S CERTIFICATION (HYDROLOGY)  
☐ CLOMR/LOMR  
☐ TRAFFIC CIRCULATION LAYOUT (TCL)  
☐ ENGINEERS CERTIFICATION (TCL)  
☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)  
☐ OTHER

## CHECK TYPE OF APPROVAL SOUGHT:

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☐ S. DEV. PLAN FOR SUB'D. APPROVAL  
☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL  
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☐ FINAL PLAT APPROVAL  
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☐ 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: NOVEMBER 28, 2006 BY: RUDY ARMISO

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.



Courtyard I  
7500 Jefferson St. NE  
Albuquerque, NM  
87109-4335

[www.bhinc.com](http://www.bhinc.com)

voice: 505.823.1000  
facsimile: 505.798.7988  
toll free: 800.877.5332

December 5, 2006

Curtis A Cherne, E.I.  
Engineering Associate, Planning Dept.  
Development and Building Services  
City of Albuquerque  
P. O. Box 1293  
Albuquerque, NM 87103

Re: Avalon Park Grading and Drainage  
Engineer's Stamp dated 10-26-06 (K9/D32)

Dear Curtis:

Based upon the comments provided in your letter dated December 1, 2006, the Storm Drain Plan for the referenced project has been updated to meet the requirements for Building Permit approval. The following revision has been addressed:

1. The 24.13 cfs was updated to be conveyed from the offsite basin 300.1 to the surge pond. In order to be within the required 49.4 cfs discharge from the pond, the orifice plate was reduced from 25.18" to 25.10".

If you have questions or require further information, please contact me at 823-1000.

Sincerely,



Rudy Armijo, E.I.  
Community Development and Planning Group

RLA/cc  
Enclosures

cc: Bruce Stidworthy, Bohannon Huston Inc.

# CITY OF ALBUQUERQUE



January 17, 2008

Bruce J. Stidworthy, P.E.  
**Bohannon Huston, Inc**  
7500 Jefferson St. NE  
Albuquerque, NM 87109

**Re: Avalon Park, City Project Number 730905, Grading/Drainage Plan,  
Engineer's Stamp, 12/05/2006 (K-09/D032)**

Mr. Stidworthy,

Thank you for providing an Engineer Certification for the Grading/Drainage Plan  
for the above referenced plan. It will be placed in the project file

P.O. Box 1293

If you have any questions, I can be contacted at 924-3982.

Sincerely,

Albuquerque

Timothy Sims

New Mexico 87103

Plan Checker, Planning Dept.-Hydrology  
Development and Building Services

C: file

[www.cabq.gov](http://www.cabq.gov)



**DRAINAGE AND TRANSPORTATION INFORMATION SHEET**  
(Rev. 12/2005)

K-09/032

PROJECT TITLE: AVALON PARK ZONE MAP/DRG. FILE # K-9-Z  
DRB#: \_\_\_\_\_ EPC#: \_\_\_\_\_ WORK ORDER#: \_\_\_\_\_

LEGAL DESCRIPTION: Avalon Park, Block G, Avalon Unit 2  
CITY ADDRESS: \_\_\_\_\_

ENGINEERING FIRM: Bohannon Huston, Inc.  
ADDRESS: 7500 Jefferson NE – Courtyard I  
CITY, STATE: Albuquerque, NM

CONTACT: Rudy Armijo  
PHONE: (505) 823-1000  
ZIP CODE: 87109

OWNER: City of Albuquerque: Parks and Recreation  
ADDRESS: 400 Marquette Ave. NW  
CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: \_\_\_\_\_

ARCHITECT: Consensus Planning, Inc  
ADDRESS: 924 Park Avenue SW  
CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: 87102

SURVEYOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE: \_\_\_\_\_

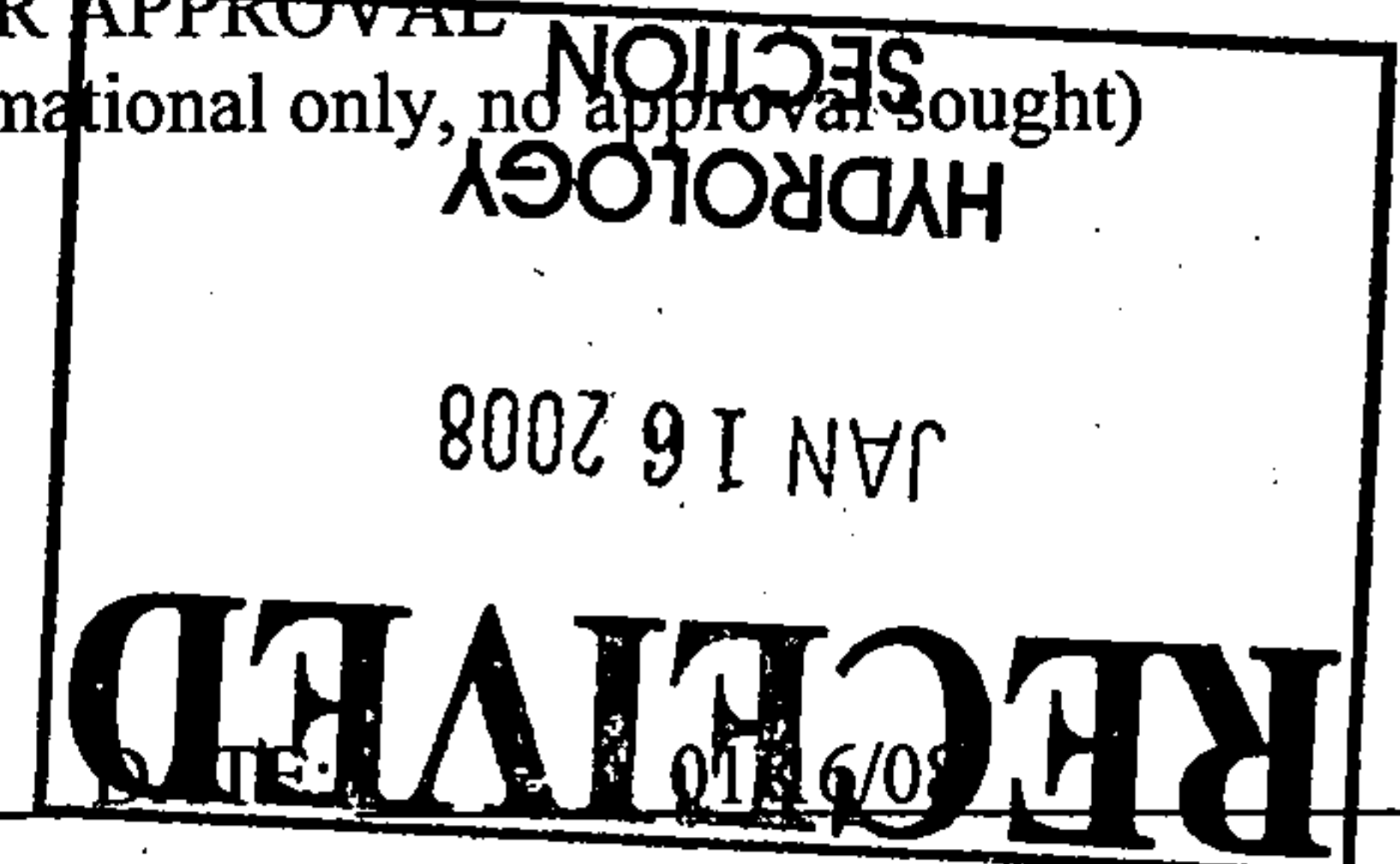
CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: \_\_\_\_\_

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

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  
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☐ 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 (informational only, no approval sought)

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

SUBMITTED BY: Rudy Armijo



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 define the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

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# CITY OF ALBUQUERQUE



REC'D DEC 07 2006

December 6, 2006

Bruce J. Stidworthy, P.E.  
Bohannon Huston, Inc.  
7500 Jefferson St. NE-Courtyard 1  
Albuquerque, NM 87109

**Re: Avalon Park Storm Drain Plan and Grading and Drainage Plan**  
**Engineer's Stamp dated 12-5-06 (K9/D32)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittal dated 12-5-06, the above referenced plans are approved for Grading Permit. Upon completion of the project, please provide an Engineer Certification for our files.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Curtis A. Cherne".

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

C: file  
Sertil Kanbar, DMD



January 15, 2008

Courtyard I  
7500 Jefferson St. NE  
Albuquerque, NM  
87109-4335

[www.bhinc.com](http://www.bhinc.com)

voice: 505.823.1000  
facsimile: 505.798.7988  
toll free: 800.877.5332

Mr. Brad Bingham  
City of Albuquerque Hydrology  
600 Second Street NW, 2nd Floor West  
Albuquerque, NM 87102

Re: Avalon Park Grading and Drainage (Engineer's Stamp dated 12/05/06 (K9/D32)), **Engineer Certification**

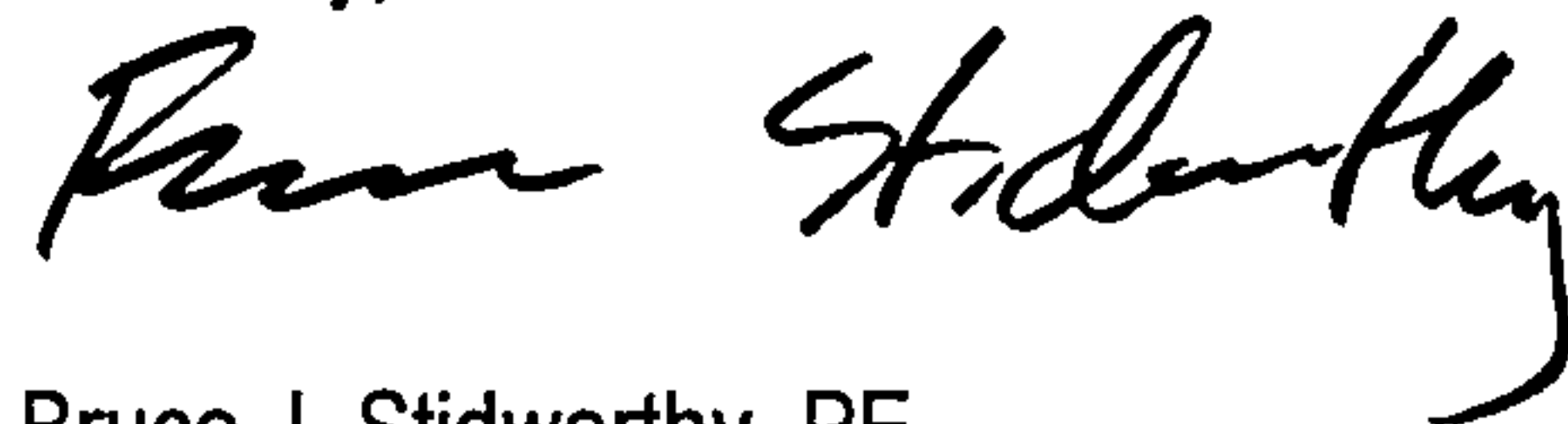
Dear Brad:

After review of the as-built grades for Avalon Park the following discrepancies were identified. If not corrected, the functionality and design intent of the detention pond will not fully conform to the approved grading and drainage plan.

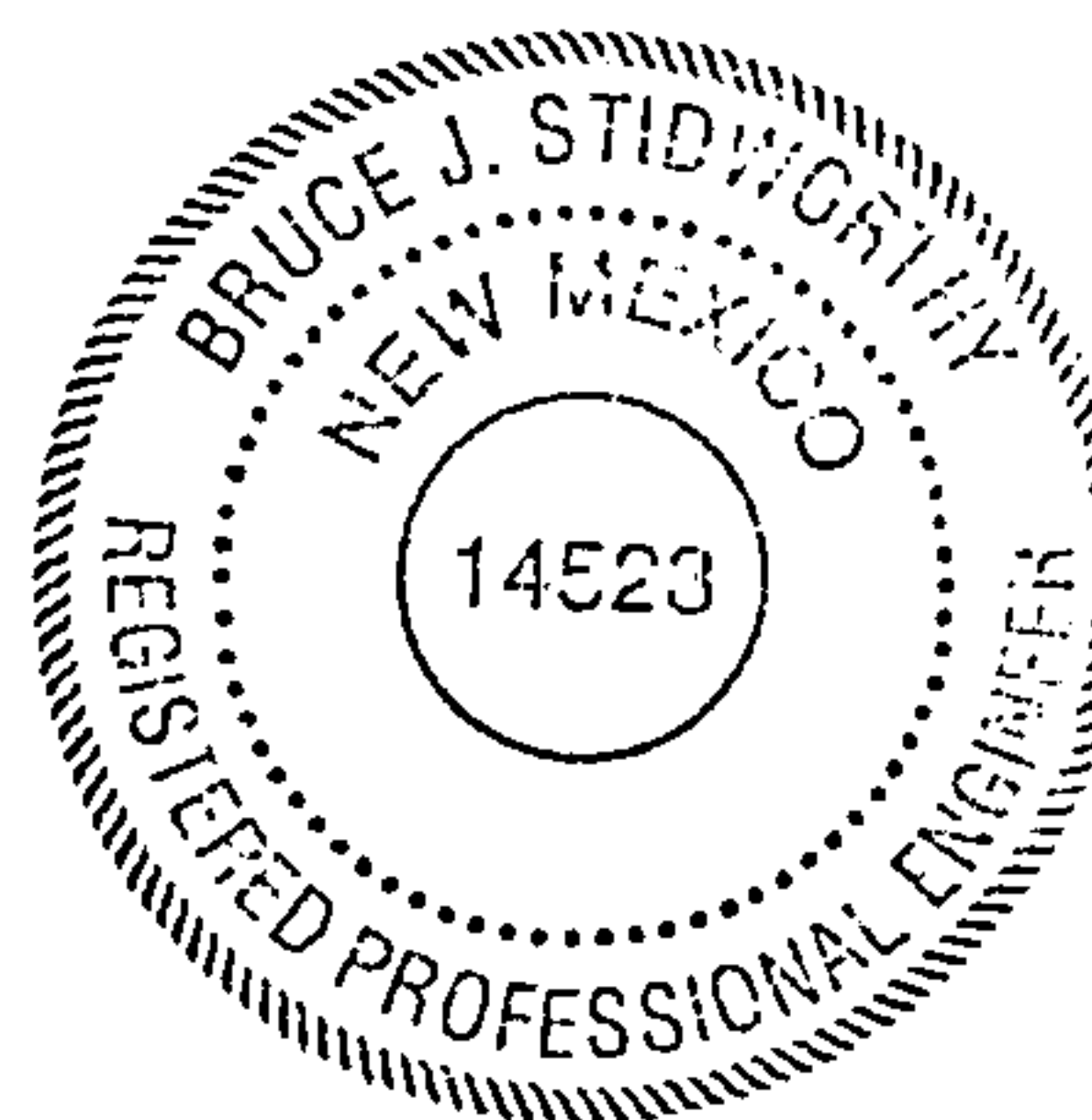
1. The finished grade elevations of the berm on the west side of the site are 5175.10' per plan. As-built grades show to be .43', .27', and .17' lower than the proposed design grades.
2. The grading around the existing concrete emergency overflow spillway was designed to create a low point at the lip of the spillway. Field observation and as-built grades show the grass just south and west of the spillway was constructed lower than the spillway lip. If the pond fills up during a large storm event, water will spill over the existing bike trail, landscaping, and surrounding area.
3. The surge pond was designed to have a maximum capacity of 1.74 ac-ft to store the 100-yr storm volume of 1.58 ac-ft at a maximum water surface elevation of 5173.44. As-built, the pond will only have a maximum capacity of 1.40 ac-ft at 5173.70 (the spillway elevation). The additional .20 ac-ft of storage would be conveyed through the emergency overflow.
4. The storm drain manholes and steel orifice plate were visually inspected no deficiencies were noted. Please note that our office was not contracted to provide construction inspection services.

Enclosed for your review is a copy of the as-built drawing, the original drainage management plan, approval letter, and the grading plan for Avalon Park. For your convenience we have included a marked up copy of the as-built grading plan, which identifies items 1 – 3 above. If you have any questions regarding this submittal please call me at 823-1000.

Sincerely,



Bruce J. Stidworthy, PE,  
Vice President & Group Leader  
Community Development and Planning



BJS/cc  
Enclosures

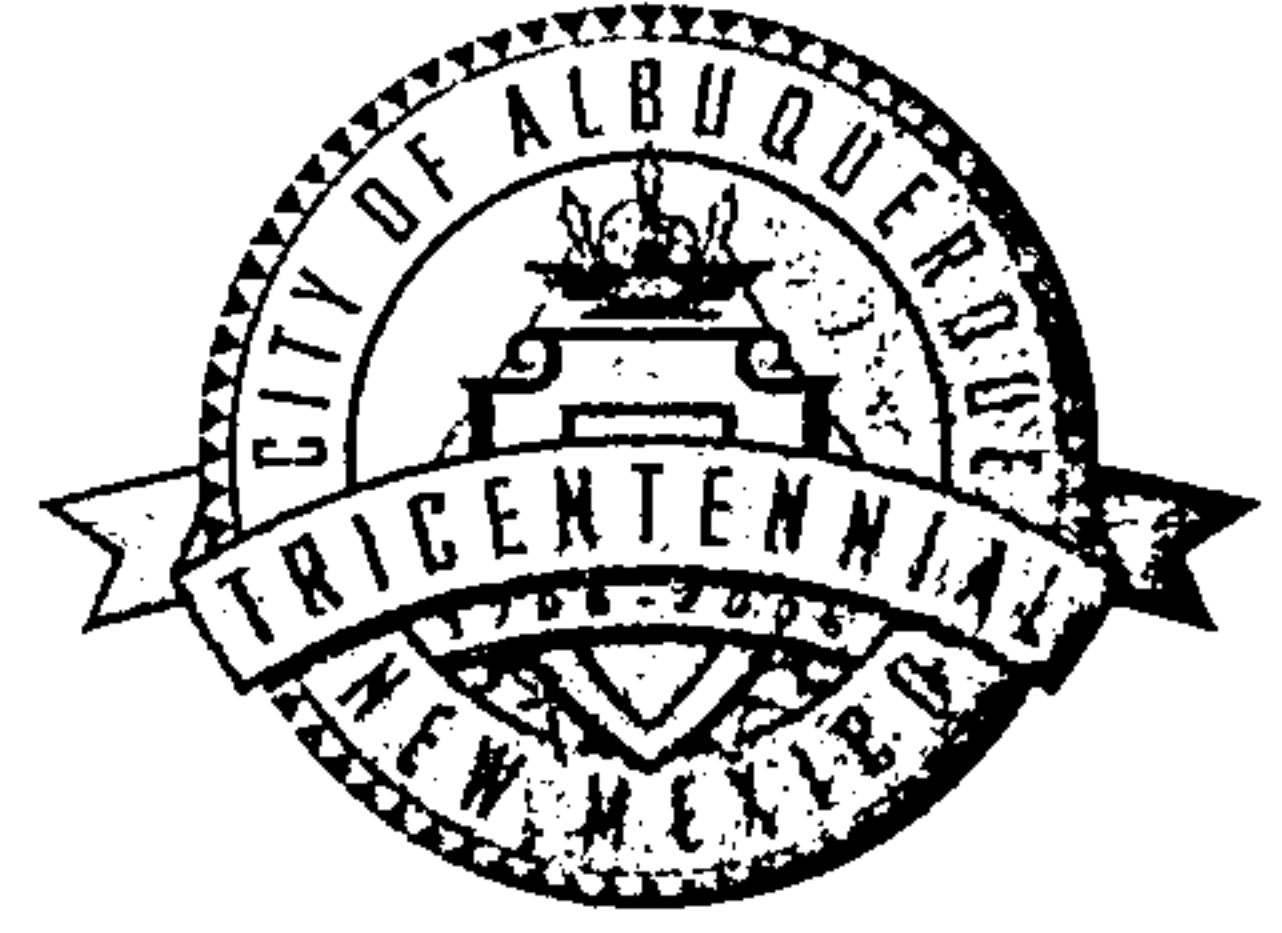
cc: Corinne O'Hara, Consensus Planning (w/encs.)

**ENGINEERING** ▲

**SPATIAL DATA** ▲

**ADVANCED TECHNOLOGIES** ▲

# CITY OF ALBUQUERQUE



November 7, 2006

Bruce J. Stidworthy, P.E.  
Bohannon Huston, Inc.  
7500 Jefferson St. NE-Courtyard 1  
Albuquerque, NM 87109

**Re: Avalon Park Grading and Drainage Plan**  
**Engineer's Stamp dated 10-26-06 (K9/D32)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittal dated 10-31-06, the above referenced plan cannot be approved for Grading Permit until the following comments are addressed:

- Basins 300.1 and 105.1 should have been included in the AHYMO run. Provide calculations with these basins added.
- Show the location of the inlets on the Grading Plan. It appears that the grate height of 69.5 does not daylight.

P.O. Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

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

C: file



# DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

PROJECT TITLE: AVALON PARK

ZONE MAP/DRG. FILE # K-9-~~D32~~

DRB #: \_\_\_\_\_ EPC#: \_\_\_\_\_ WORK ORDER#: \_\_\_\_\_

LEGAL DESCRIPTION: Avalon Park, Block G, Avalon Unit 2

CITY ADDRESS: \_\_\_\_\_

ENGINEERING FIRM: Bohannon Huston, Inc.  
ADDRESS: 7500 Jefferson NE – Courtyard I  
CITY, STATE: Albuquerque, NM

CONTACT: Rudy Armijo  
PHONE: (505) 823-1000  
ZIP CODE: 87109

OWNER: City of Albuquerque: Parks and Recreation  
ADDRESS: 400 Marquette Ave. NW  
CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: 87102

ARCHITECT: Consensus Planning, Inc  
ADDRESS: 924 Park Avenue SW  
CITY, STATE: Albuquerque, NM

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: 87102

SURVEYOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE: \_\_\_\_\_

CONTACT: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
ZIP CODE: \_\_\_\_\_

## CHECK TYPE OF SUBMITTAL:

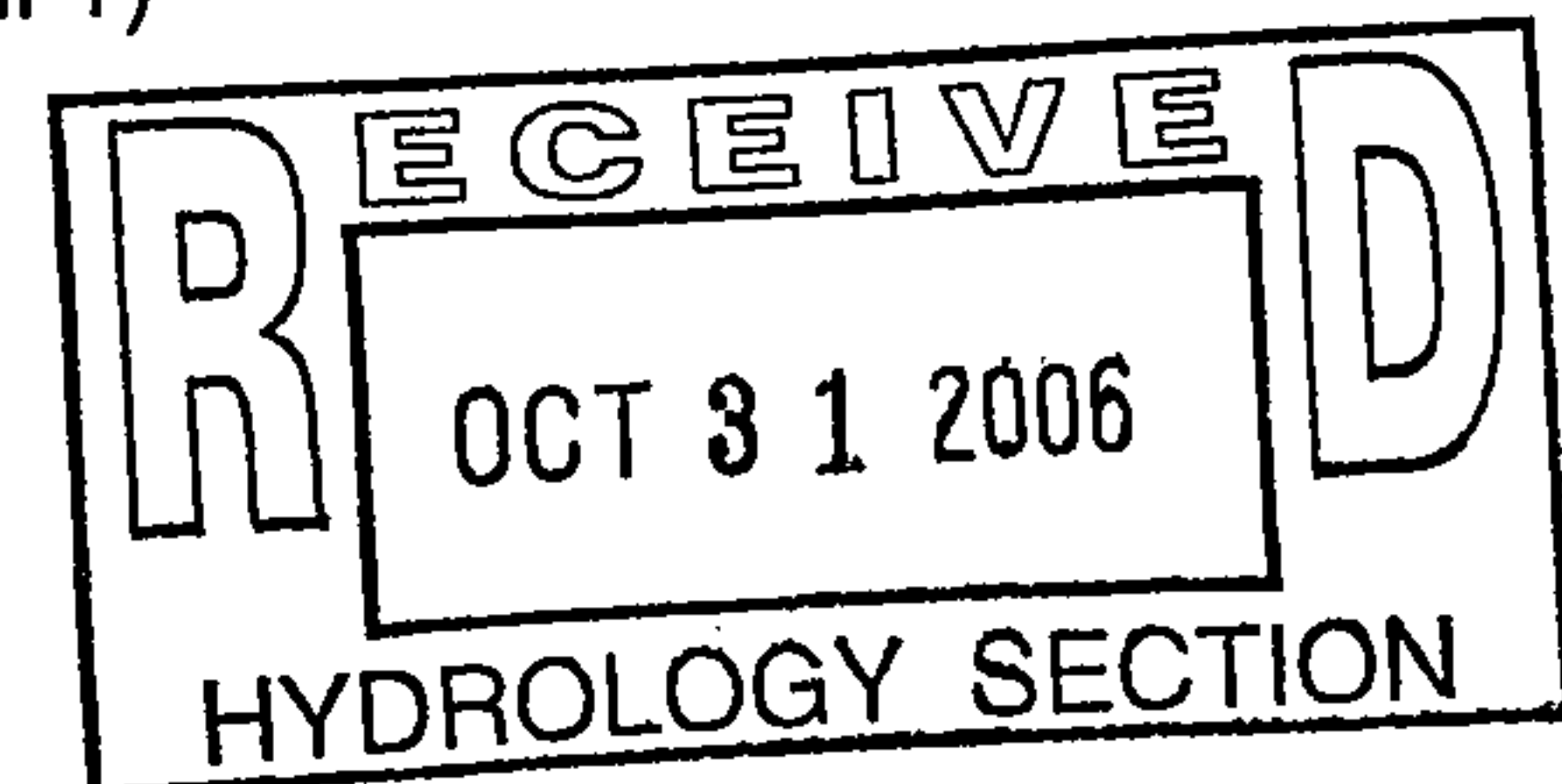
- ☐ DRAINAGE REPORT
- ☒ DRAINAGE PLAN 1<sup>st</sup> SUBMITTAL, **REQUIRES TCL or equal**
- ☐ DRAINAGE PLAN RESUBMITTAL
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
- ☐ CLOMR/LOMR
- ☐ TRAFFIC CIRCULATION LAYOUT (TCL)
- ☐ ENGINEERS 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: 10/31/06 BY: RUDY ARMISO, EI

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.

# CITY OF ALBUQUERQUE



December 1, 2006

Bruce J. Stidworthy, P.E.  
Bohannon Huston, Inc.  
7500 Jefferson St. NE-Courtyard 1  
Albuquerque, NM 87109

**Re: Avalon Park Storm Drain Plan(s) and Grading and Drainage Plan  
Engineer's Stamp dated 11-20-06 and 11-28-06 (K9/D32)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittals dated 11-20-06 and 11-28-06, the above referenced plan(s) cannot be approved for Grading Permit until the following comments are addressed:

P.O. Box 1293

Albuquerque

New Mexico 87103

- Per the Drainage Report for Bluewater Pointe Subdivision by Thompson Engineering Consultants, Inc. July 2004, 24.13 cfs will be conveyed to Jetty Ct. Therefore, 24.13 cfs is to be used in the calculations for Basin 300.1.
- In your next submittal, please submit the Grading Plan along with the Storm Drain Plan and have the same stamp date on both sheets.

[www.cabq.gov](http://www.cabq.gov)

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

C: file



# DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

PROJECT TITLE: AVALON PARK

ZONE MAP/DRG. FILE # K-9-~~Z~~D32

DRB #:

EPC#:

WORK ORDER#:

LEGAL DESCRIPTION: Avalon Park, Block G, Avalon Unit 2

CITY ADDRESS:

ENGINEERING FIRM: Bohannon Huston, Inc.

ADDRESS: 7500 Jefferson NE – Courtyard I

CITY, STATE: Albuquerque, NM

CONTACT: Rudy Armijo

PHONE: (505) 823-1000

ZIP CODE: 87109

OWNER: City of Albuquerque: Parks and Recreation

ADDRESS: 400 Marquette Ave. NW

CITY, STATE: Albuquerque, NM

CONTACT:

PHONE:

ZIP CODE: 87102

ARCHITECT: Consensus Planning, Inc

ADDRESS: 924 Park Avenue SW

CITY, STATE: Albuquerque, NM

CONTACT:

PHONE:

ZIP CODE: 87102

SURVEYOR:

ADDRESS:

CITY, STATE:

CONTACT:

PHONE:

ZIP CODE:

CONTRACTOR:

ADDRESS:

CITY, STATE:

CONTACT:

PHONE:

ZIP CODE:

## CHECK TYPE OF SUBMITTAL:

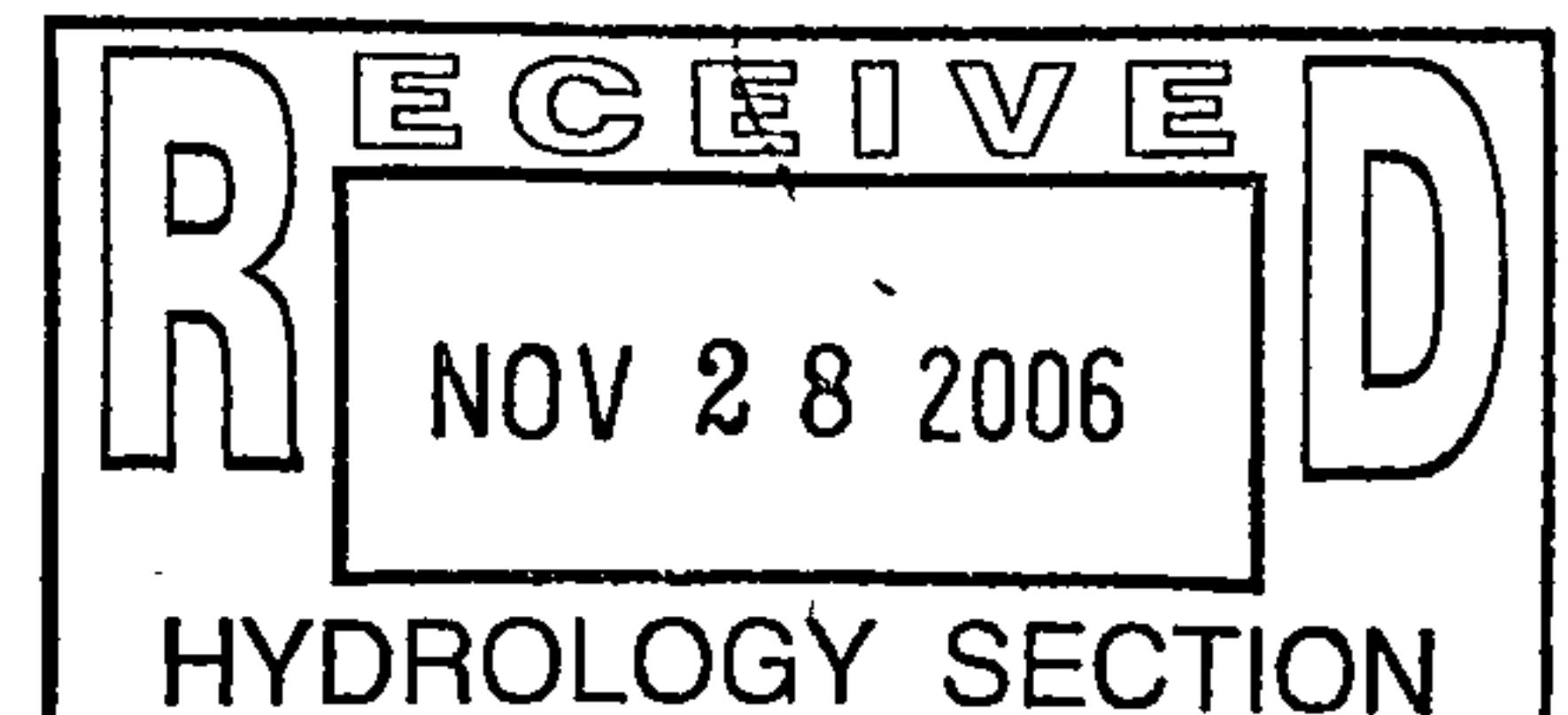
- ☐ DRAINAGE REPORT  
☒ DRAINAGE PLAN 1<sup>st</sup> SUBMITTAL, **REQUIRES TCL or equal**  
☐ DRAINAGE PLAN RESUBMITTAL  
☐ CONCEPTUAL GRADING & DRAINAGE PLAN  
☐ GRADING PLAN  
☐ EROSION CONTROL PLAN  
☐ ENGINEER'S CERTIFICATION (HYDROLOGY)  
☐ CLOMR/LOMR  
☐ TRAFFIC CIRCULATION LAYOUT (TCL)  
☐ ENGINEERS 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: NOVEMBER 28, 2006 BY: Rudy Armijo

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.

Courtyard I  
7500 Jefferson St. NE  
Albuquerque, NM  
87109-4335

www.bhinc.com

voice: 505.823.1000  
facsimile: 505.798.7988  
toll free: 800.877.5332

November 28, 2006

Curtis A Cherne, E.I.  
Engineering Associate, Planning Dept.  
Development and Building Services  
City of Albuquerque  
P. O. Box 1293  
Albuquerque, NM 87103

Re: Avalon Park Grading and Drainage  
Engineer's Stamp dated 10-26-06 (K9/D32)

Dear Curtis:

Based upon the comments provided in your letter dated November 7, 2006, the Grading and Drainage plan for the referenced project has been updated to meet the requirements for Building Permit approval. The following revisions have been addressed:

- (ow) -
1. As per our conversation on November 28, 2006; Basin 300.1 was included as a contributing basin for the detention pond in Avalon Park. In accordance with page 3 of the Drainage Masterplan for Avalon Subdivision prepared by Brasher & Lorenz, Inc. 1999 the allowable peak discharge under developed conditions is limited to 2.05 cfs/acre. Our analysis used 2.2 cfs/acre which is based on undeveloped conditions and is slightly conservative for future developed conditions. The discharge rate of the pond was still within the allowable 49.4 cfs required by the DMP.

Basin 105.1 is included in the analysis, re-evaluated as three separate basins under developed conditions. (Basins A1, A2, and A3) (See Storm Drain Plan).

2. Inlets and storm drain pipes were included on the grading plan with top of grate elevations labeled.

If you have questions or require further information, please contact me at 823-1000.

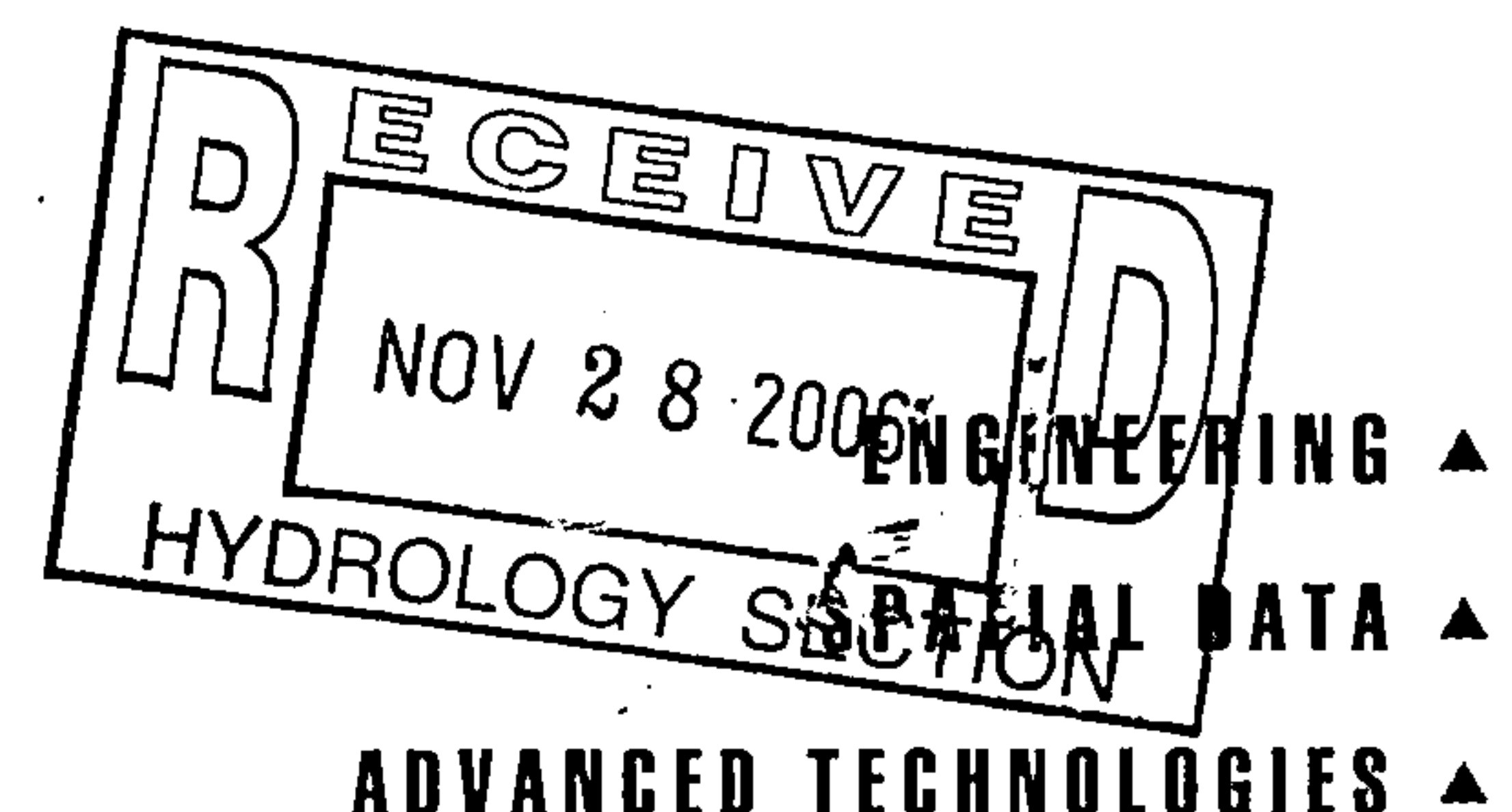
Sincerely,



Rudy Armijo, E.I.  
Community Development and Planning Group

RLA/cc  
Enclosures

cc: Bruce Stidworthy, Bohannon Huston Inc.





The eastern phase and off-site Basin 400.0 are programmed to drain east to the Unser Diversion. The Unser Diversion was designed to remove the floodplains from downstream properties, however, capacity apparently does not exist to allow free discharge from the upstream watershed. Per the DMP the east phase is allowed to discharge 35.8 cfs into the Unser Diversion. This results in a ponding requirement of approximately 1.26 acre feet. The entire east phase will drain into the detention pond via an internal storm drain. The detention pond will drain at a controlled rate into the Unser Diversion.

Off-site Basin 200 will also be intercepted by Bluewater Road. Bluewater street improvements will convey the undeveloped surface runoff to the Unser Diversion. Future developed flows will be routed direct to the Unser Diversion.

## PROJECT PHASING

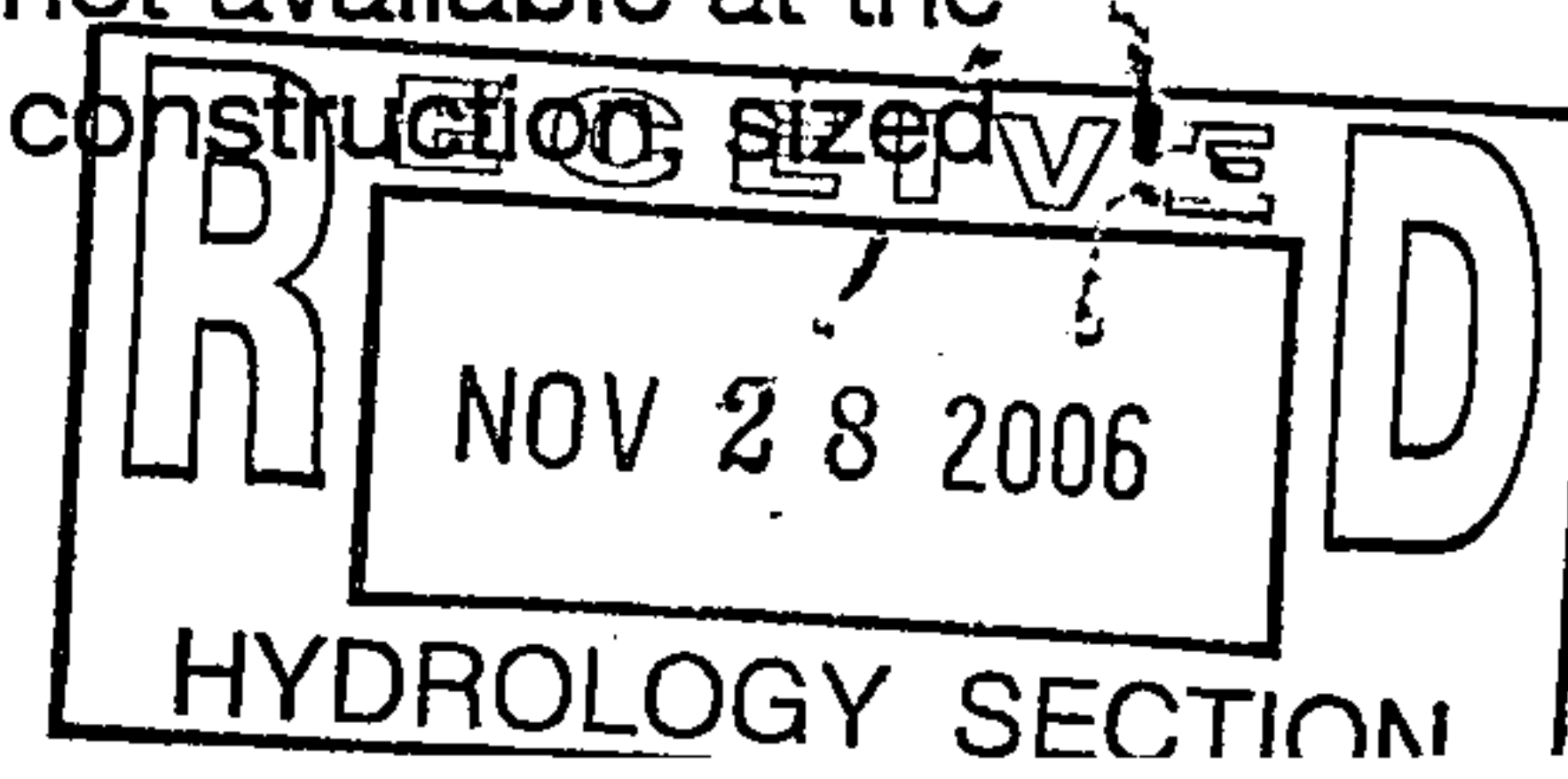
### PHASE ONE

Phase One consists of the acreage located east of 90th Street. The Phase One Plan (see sheets 1 and 2 in pocket) outlines the improvements recommended to manage excess runoff from the project site. In accordance with the DMP for Atrisco Business Park, Phase One will rout all flows through a permanent detention pond located at the southeast corner of the site. The pond will discharge at a controlled rate of 38.5 cfs into the Unser Diversion. Perimeter street improvements will consist of the construction of the south one-half of Bluewater Road and the full width section of 90th Street. A 54 inch storm drain will be constructed in 90th Street from Bluewater, south to the Avalon Corridor, for future connection to the Amole System. A single drop inlet with a connection to the Unser Diversion is required at the east end of Bluewater to collect street flow from the south one-half of Bluewater.

Off-site improvements consist of the construction of an interim trainer along the north side of Bluewater to direct existing flows east to the Unser Diversion, and the construction of interim trainer dikes and an interim retention pond on Phase Two to retain runoff from undeveloped Phase Two acreage. The Phase Two pond will also provide an outfall for the 54 inch storm drain to be constructed in 90th Street, pending construction of the Amole System.

### PHASE TWO

Phase Two consists of the construction of the acreage located between 90th and 94 Streets. The Phase Two Plan (see sheet 3 in pocket) outlines the improvements recommended to manage excess runoff from the project site. In accordance with the DMP for the Amole del Norte Diversion Facilities Phase II and the DMP for West Ridge MHP, Phase Two is limited to a discharge rate of 2.05 cfs/acre, or 49.4 cfs. Phase Two will rout all flows through a permanent detention pond located at the proposed park site, which will drain to the future Amole System. If the Amole System is not available at the time of development of Phase Two, an interim retention pond will be constructed sized



BLE (AHYM0194) - AMAFCA Hydrologic Model - January, 1994  
076-OS.DAT

RUN DATE (MON/DAY/YR) =03/15/1998  
USER NO.= BRASHERE.I01

HYDROGRAPH IDENTIFICATION	FROM ID NO.	TO ID NO.	AREA (SQ MI)	PEAK DISCHARGE (CFS)	RUNOFF VOLUME (AC-FT)	RUNOFF (INCHES)	TIME TO PEAK (HOURS)	CFS PER ACRE	PAGE = 1 NOTATION
									TIME= .00
									RAIN6= 2.200
1	300.00	- 1	.01670	19.95	.631	.70854	1.500	1.867	PER IMP= 15.00
	300.10	- 2	.01310	30.17	1.052	1.50556	1.500	3.599	PER IMP= 60.00
	300.20	- 3	.08390	219.00	8.030	1.79461	1.500	4.078	PER IMP= 85.00
	200.00	- 4	.03890	101.68	3.723	1.79461	1.500	4.084	PER IMP= 85.00
	400.00	- 6	.04690	122.59	4.489	1.79461	1.500	4.084	PER IMP= 85.00

from Brasher . Loring 1998 Adam Subdusen

D = 60 %  
C = 20 %  
B = 20 %

D12)

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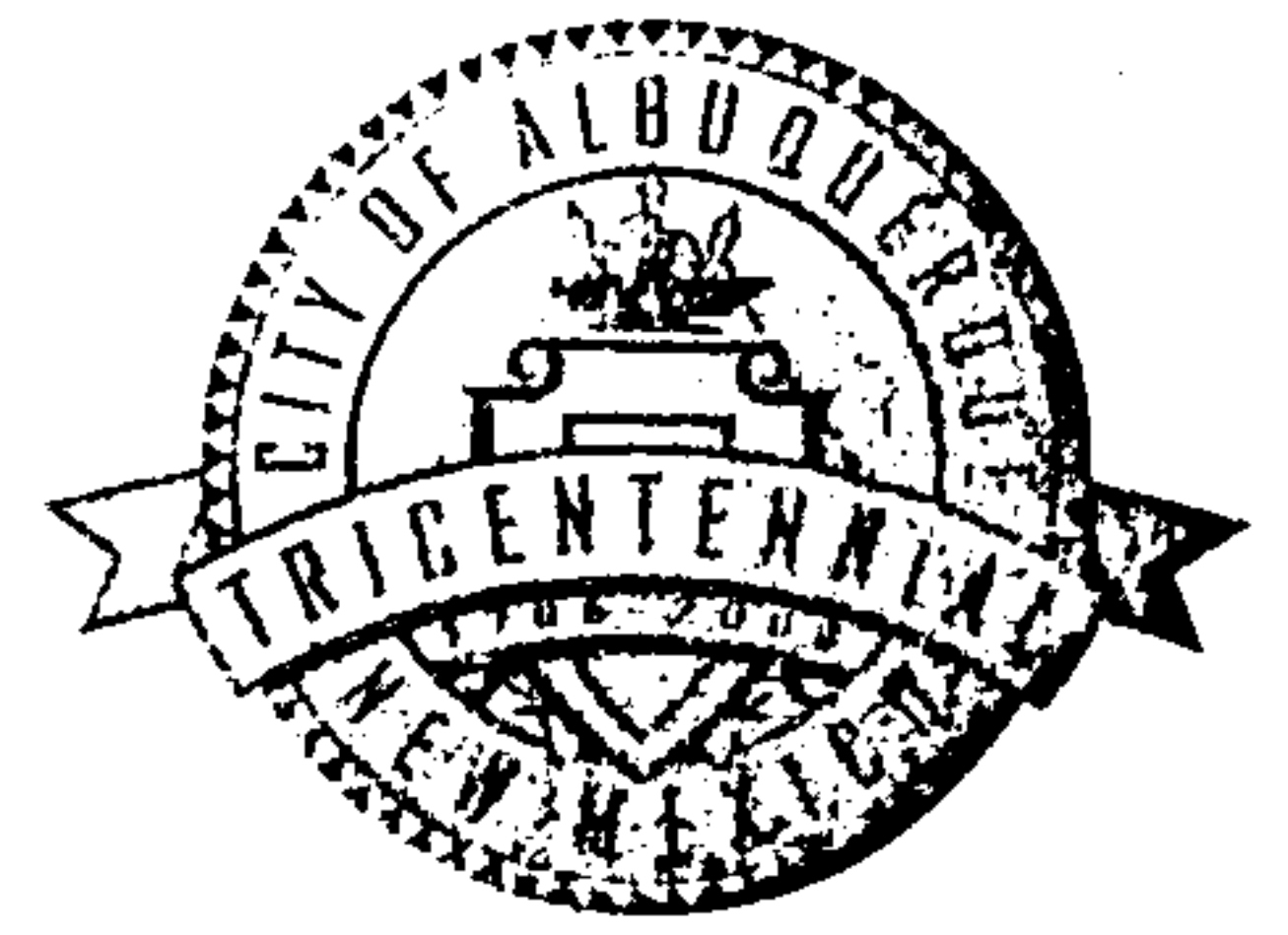
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# CITY OF ALBUQUERQUE



December 6, 2006

Bruce J. Stidworthy, P.E.  
Bohannon Huston, Inc.  
7500 Jefferson St. NE-Courtyard 1  
Albuquerque, NM 87109

**Re: Avalon Park Storm Drain Plan and Grading and Drainage Plan  
Engineer's Stamp dated 12-5-06 (K9/D32)**

Dear Mr. Stidworthy,

Based upon the information provided in your submittal dated 12-5-06, the above referenced plans are approved for Grading Permit. Upon completion of the project, please provide an Engineer Certification for our files.

This project requires a National Pollutant Discharge Elimination System (NPDES) permit.

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

C: file  
Sertil Kanbar, DMD

P.O. Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)