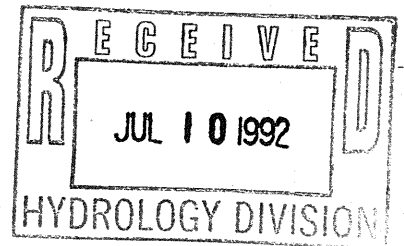


# Poole, Kelly & Ramo

▲ ATTORNEYS AT LAW ▲  
A Professional Corporation

July 8, 1992



Ms. Sylvia R. Fettes  
Law Specialist  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, New Mexico 87103

*K16/D21A*

Re: Zanios/Brunacini: Amended Plat

Dear Sylvia:

As previously advised, Brunacini and Zanios have completed the retention pond improvements on Lots B-1-A and A-1-A, which is the only condition precedent to approval by the City of the contemplated amended plat. As you know, the amended plat is required to be filed in order to complete the process of vacating the public drainage easement previously in effect for the City. Obviously, the temporary license for the storm water retention will not expire until the detention pond/storm sewer improvements have been fully completed. For your information, the proposed forms of Amendment to Drainage Agreement and Amendment to Drainage Covenant in the form received under cover of your office's July 6 letter have already been signed by the trustees of the Zanios Trust and consented to by First National Bank in Albuquerque. These documents have been delivered to Ken Hunt for signature by the Brunacinis. Ken Hunt will deliver all of the documents back to you for processing.

In the meantime, I would like to clarify the City's requirements for a certificate of substantial completion of the retention pond. As you know, the City has approved revised plans for the construction of both the retention pond and the detention pond, which will be attached to the Amendment to Drainage Agreement as Exhibit "D-Phase 1" (retention pond) and Exhibit "D-Phase 2" (detention pond). We had contemplated having Mr. Jake Bordenave furnish to you a letter certifying in his capacity as a registered engineer, that the retention pond improvements have been completed substantially in accordance with Exhibit "D-Phase 1". We understand from Mr. Bordenave that your office may require a survey of the retention pond as constructed. It seems to us that this requirement, which is expensive, is in excess of what the City requires pursuant to the Drainage Agreement, as amended. In the circumstances,

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