

Poole, Kelly & Ramo

▲ ATTORNEYS AT LAW ▲

A Professional Corporation

July 27, 1993

Edward R. Pearson, Esq.
Assistant City Attorney
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Zanios/Brunacini: Airport Drive Storm Drainage Upgrade

Dear Ted:

Thank you for your July 6, 1993 letter evidencing your approval of our suggested form of Notice of Termination and Cancellation of Drainage Agreement and of Drainage Covenant.

Regarding the requirements for termination of the Drainage Agreement and Drainage Covenant, as set out in the second paragraph of your letter, I agree that all contemplated improvements, including the detention pond, must be completed and the facility connected to the storm sewer before the City is obligated under paragraph 9 of the Drainage Agreement to terminate the Drainage Agreement and the Drainage Covenant. It is my understanding that this has occurred and that all Hydrology is waiting for is the final engineer's certificate of completion of the detention pond improvements--the final certificate of occupancy has already been issued.

May I suggest, given your approval of the form of Notice of Termination and Cancellation of Drainage Agreement and of Drainage Covenant, that the Zanios contractor (Jaynes Corporation) and Jake Bordenave work directly with Hydrology, and once the engineer's certificate is in form satisfactory to Hydrology, you can process the approved form.

Thank you very much for your cooperation.

Very truly yours,

Henry A. Kelly
For the Firm

HAK/mj

cc: Mr. James G. Zanios
Jaynes Corporation
Attn: Mr. Donald A.M. Power, President
Mr. George Rice, Project Engineer
Mr. Jean J. Bordenave
Mr. Gilbert Aldaz
Mr. Dan W. Hogan 201 Third Street N.W., Suite 1600 P.O. Box 1769
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