HYDROLOGY K11/D18 1 PLAN

K11/D18

1 Plan

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 5, 1982

Mr. Herbert M. Poynter, President
G. F. Development, Inc.
1524 Eubank, NE, Suite 2
Albuquerque, New Mexico 87112

Ref: Godfather's Pizza - 5306 Central SW
(K11-D18)

Dear Mr. Poynter:

Attached is the filed copy of the Indemnification Agreement and Convenant. If you have any questions about this matter, please feel free to call me at 766-7644.

Sincerely,

Fred J. Aguirre

Fred J. Aguirre, PE
Civil Engineer/Hydrology

FJA/el

cc: Drainage File
Reading File

Attachment

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

August 26, 1982

REF. NO._____

INTER-OFFICE CORRESPONDENCE

TO: deVesty, Malcolm, Municipal Finances, Legal Services Div.

FROM: Fred J. Aguirre, Civil Engineer/Hydrology FJA

SUBJECT: REVISED IDEMNIFICATION AGREEMENT AND COVENANT FOR 5306 CENTRAL SW
FILE NO. K11-D18

Attached is another copy of the subject Agreement for your signature. This extra copy is required for our records.

FJA/el

Attachment

cc: Drainage File
Reading File

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

August 18, 1982

REF. NO.

TO: deVesty, Malcolm, Municipal Finances, Legal Services Div.

FROM: Fred J. Aguirre, Civil Engineer/Hydrology

SUBJECT: REVISED IDEMNIFICATION AGREEMENT AND COVENANT FOR 5306 CENTRAL SW
FILE NO. K11-D18

Attached is a revised Idemnification Agreement and Covenant incorporating your comments for the subject site for your review. My only comment is, does this Agreement need to include a copy of the approved plan dated November 2, 1981 discussed in the recital portion of this Agreement?

Yes MD

FJA/el

Attachment

cc: Drainage File
Reading File

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

July 21, 1982

G. F. Development, Inc.
C/O Herbert M. Poynter, Pres.
1524 Eubank, NE, Suite 2
Albuquerque, New Mexico 87112

REF: HOLD HARMLESS AGREEMENT - 5306 Central SW (K11-D18)

Dear Mr. Poynter:

Attached are the comments from the City Attorneys Office and my comments outlined in RED on the Indemnification Agreement and Covenant. Please address these comments and resubmit for review.

If you have any questions, please feel free to call me at 766-7644.

Sincerely,

Fred J. Aguirre, PE
Civil Engineer/Hydrology

FJA/el

cc: Drainage File
Reading File

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

RECEIVED
JUL 06 1982
CITY ENGINEER

INTER-OFFICE CORRESPONDENCE

July 2, 1982

REF. NO.

TO: Fred J. Aguirre, Civil Engineer-Hydrology

FROM: Malcolm W. deVesty, Assistant City Attorney Mac

SUBJECT: Hold Harmless Agreement - 5306 Central S.W.

The owners appear to be a corporation and an individual; it is not so set up either in the introduction or in the signature provisions. Again, we must confirm ownership and description of property. You have noted some changes that should be made, therefore, these will have to be incorporated in the final product. Otherwise, the Agreement appears to follow our normal format.

MWdV:mab

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE June 28, 1982 REF. NO._____

TO: deVesty, Malcolm, Municipal Finances, Legal Services Div.

FROM: Fred J. Aguirre, Civil Engineer/Hydrology FJA

SUBJECT: IDEMNIFICATION AGREEMENT AND COVENANT FOR 5306 CENTRAL S.W.

Attached for your review is a Indemnification Agreement required by this office for construction deviation from the approved plan. This deviation only affects the subject site.

The comments in red were made by this office.

FJA/el

Attachment

Godfather's Pizza

G.F. Development, Inc.
1524 Eubank, N.E., Suite 2
Albuquerque, NM 87112 (505) 292-0534

Locations:
Albuquerque (6)
Alamogordo
Grants
Las Cruces
Roswell
Santa Fe
El Paso (3)

May 5, 1982

City of Albuquerque
Attn: Mr. Charles Easterling
Prin. Asst. Engineer Hydrology
123 Central N.W.
Albuquerque, NM 87107

Dear Mr. Easterling,

G.F. Development, Inc. does hereby hold the City of Albuquerque harmless from any and all claims, past, present or future, against damage caused by flooding and/or drainage to or on the Godfather's Pizza property located at 5306 Central S.W., Albuquerque, New Mexico.

Herbert M. Poynter

Herbert M. Poynter, President

OFFICIAL SEAL
Signature Shirley A. Lowther
SHIRLEY A. LOWTHER
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 6-1-83

INDEMNIFICATION AGREEMENT AND COVENANT

The City of Albuquerque (City), and JCM, Ltd. and Sue M. Daulton (Owners, which term includes successors and assigns) agree:

RECITAL

Owners are the owners of the following described real property:

> Tract 38-A, Unit #6, Town of Atrisco Grant, City of Albuquerque, Bernalillo County, New Mexico, Filed in the office of the County Clerk of Bernalillo County, New Mexico on November 20, 1981

The Owners have presented a drainage plan to the City which was approved on November 2, 1981 (see Exhibit "A" attached hereto). The construction of the building's finished floor elevation does not conform to the approved plan (Exhibit "A" attached hereto).

The City requires Owners to enter into this Agreement as a condition for the release of a Certificate of Occupancy.

UNDERSTANDING OF EXPOSURE

Owners agree and understand that the building as sited does not provide protection for the Owners' property and is subject to flood and water run off damage resulting from noncompliance with the approved plan (Exhibit "A" attached hereto).

INDEMNIFICATION AND HOLD HARMLESS

The Owners agree 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 the parties for or on account of any matter arising from the failure of the Owner to comply with the approved plan (Exhibit "A" attached hereto).

COVENANT RUNNING WITH THE PROPERTY

The obligations of the Owners set forth herein shall be binding upon the Owners, their heirs, successors and assigns and the property described herein and will run with said property until released by the City.

ISSUANCE OF CERTIFICATE OF OCCUPANCY

Upon execution of this Agreement, the City will not withhold issuance of a Certificate of Occupancy for reasons related to noncompliance to the referenced Ordinance for the building project on this property.

OWNERS

Jcm, Ltd, By: John C Marshall

Sue M. Daulton

REVIEWED & APPROVED BY THE
LEGAL DEPARTMENT

_____
Assistant City Attorney

_____
Charles M. Easterling
Principal Asst. Engineer-
Hydrology

_____
Frank A. Kleinhenz
Chief Administrative Officer

ACKNOWLEDGEMENTS

STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me by JOHN C. MARSHALL and SUE M. DAULTON, ~~his wife~~, on this 9 day of JUNE, 1982.

Betty Jo Brotherton
Notary Public

My Commission Expires:

4-28-83

OFFICIAL SEAL
Signature Betty Jo Brotherton
BETTY JO BROTHERTON
NOTARY PUBLIC - NEW MEXICO
Notary Bond Filed with Secretary of State
My Commission Expires 4-28-83

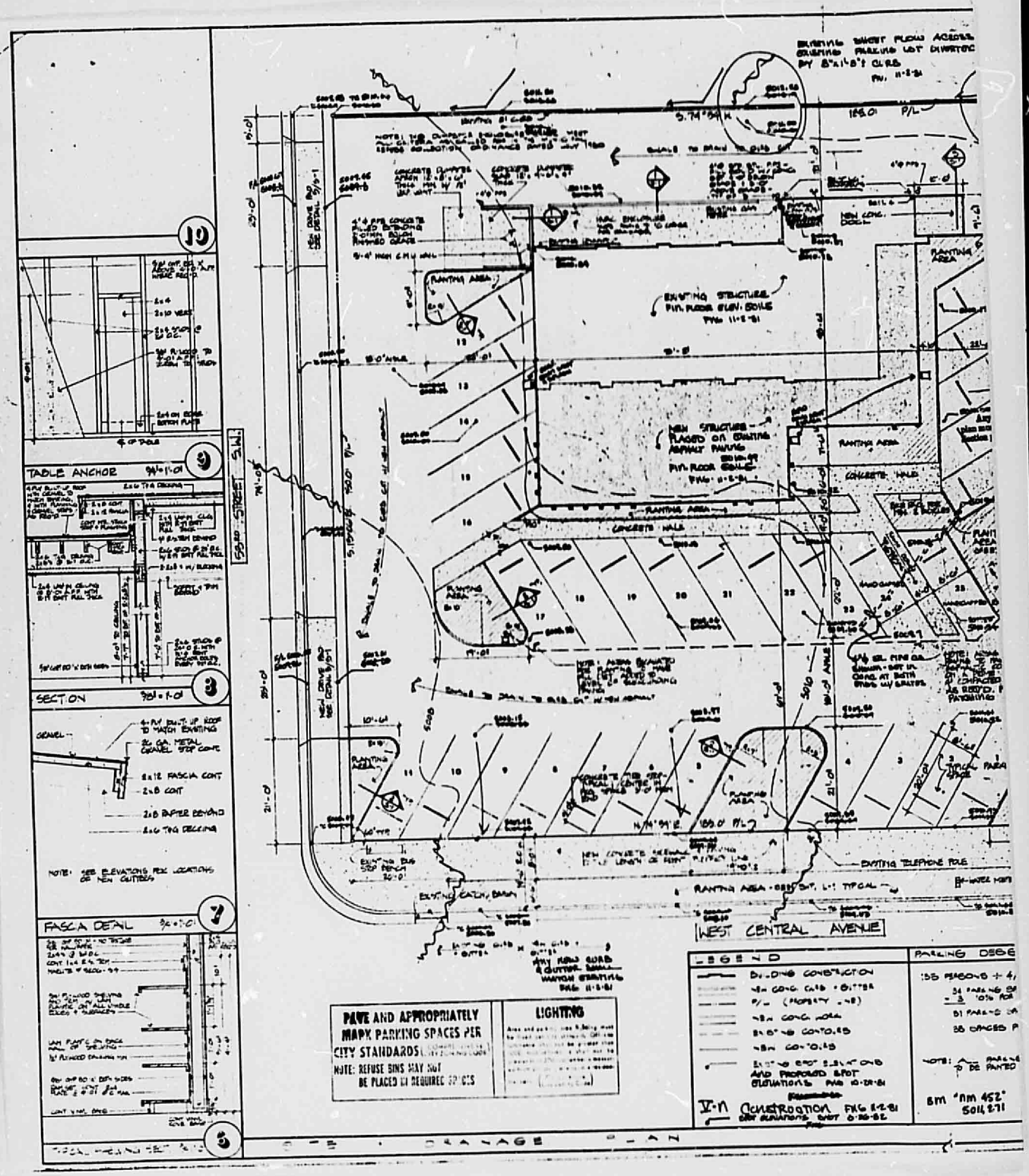
STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me on this _____ day of _____, 1982, by FRANK A. KLEINHENZ, Chief Administrative Officer of the City of Albuquerque, a Municipal Corporation, on behalf of said corporation.

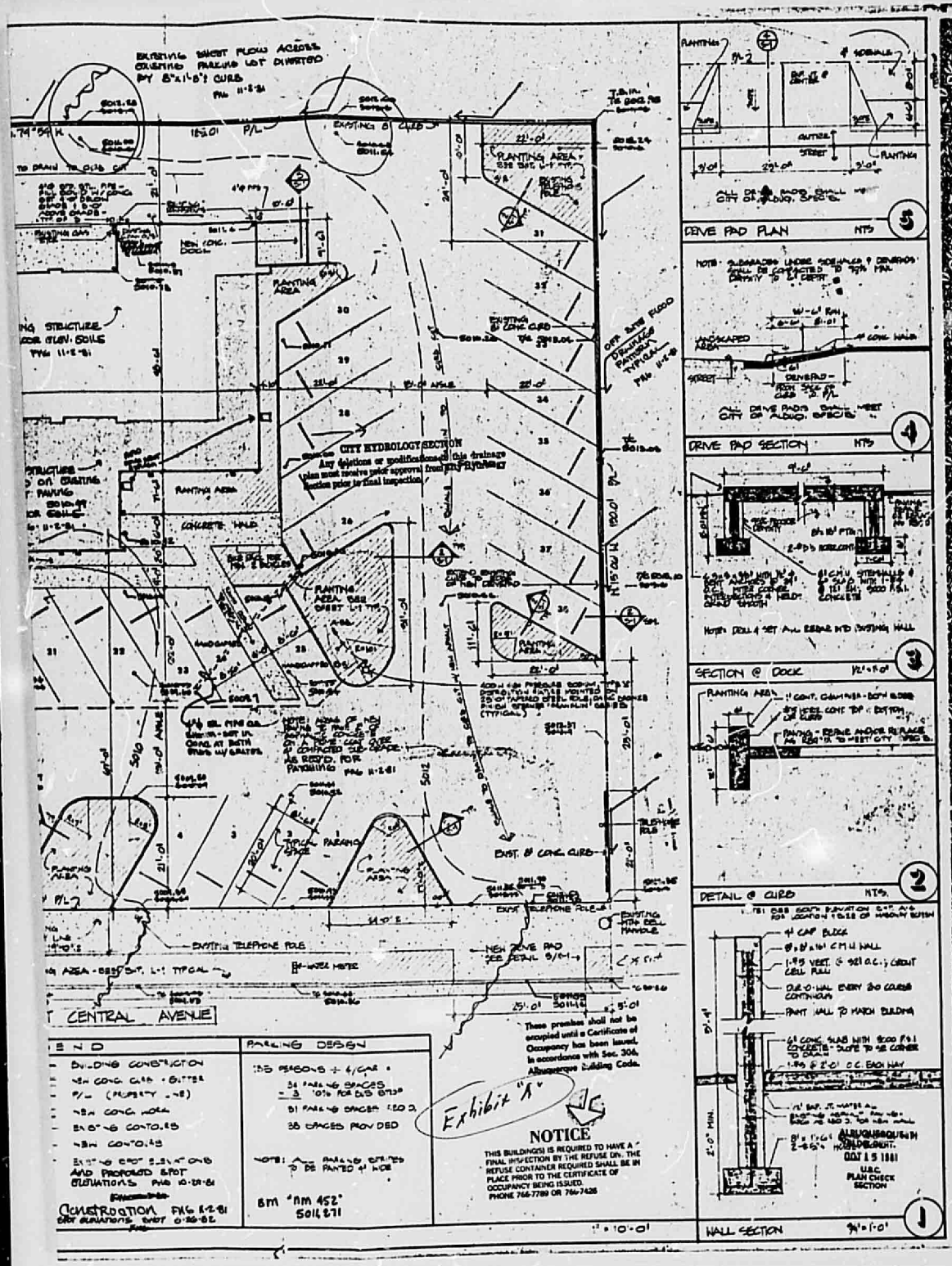
_____
Notary Public

My Commission Expires:

_____



This Plan filmed IN
Two Separted Section.


EXISTING SHEET FLOW ACROSS EXISTING PARKING LOT DIVERTED BY 8"x1'-8" CURB
CITY HYDROLOGY SECTION
Any deletions or modifications of this drainage plan must receive prior approval from the hydrology section prior to final inspection
PARKING DESIGN
BUILDING CONSTRUCTION
NEW CONC. CURB & GUTTER
P/L (PROPERTY LINE)
NEW CONC. WORK
EXISTING CONTOURS
NEW CONTOURS
AND PROPOSED & EXIST. ELEVATIONS
CONSTRUCTION
Exhibit "A"
NOTICE
THIS BUILDING(S) IS REQUIRED TO HAVE A FINAL INSPECTION BY THE REFUSE DIV. THE REFUSE CONTAINER REQUIRED SHALL BE IN PLACE PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED.
PHONE 766-7789 OR 766-7426
These premises shall not be occupied until a Certificate of Occupancy has been issued, in accordance with Sec. 306, Albuquerque Building Code.
DRIVE PAD PLAN
DRIVE PAD SECTION
SECTION @ DOCK
DETAIL @ CURB
WALL SECTION
SITE PLAN
GODFATHER'S PIZZA
8900 WEST CENTRAL AVENUE
ALBUQUERQUE, NEW MEXICO
ARCHITECTURAL CONCEPTS
SHEET NO
S-1
OF 11 SHEETS