



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

July 5, 2002

David B. Thompson, P.E.
Thompson Engineering Consultants, Inc.
P.O. Box 15954
Rio Rancho, NM 87124

Re: Lead & High Multi-Family Project Grading & Drainage Plan, Engineer's stamp dated 6/21/02 (K14/D37)

Dear Mr. Thompson,

Based on the information provided in your submittal dated June 21, 2002, the above referenced plan is approved for Grading Permit, Paving Permit, and Building Permit.

For the Building Permit, please attach a copy of this approved plan to the construction sets prior to sign-off by Hydrology.

Before release of the Certificate of Occupancy, the following are required:

- (1) Engineer's Certification of the grading and drainage plan per the DPM checklist, and
- (2) A copy of the grading and drainage plan with approval sign-off by the City's field inspector for the SO-19.

If you have any questions, please call me at 924-3988.

Sincerely,

Nancy Musinski, P.E.
Hydrology/Utility Development
City of Albuquerque Public Works

cc: Matt Cline, Drainage Inspector (letter w/plan)
Pam Luján, Permits (letter only)
file

DRAINAGE INFORMATION SHEET
(REV. 11/01/2001)

PROJECT TITLE: LEAD & HIGH MULTI-FAMILY PROJECT ZONE MAP/DRG. FILE #: K14/D37
DRB #: _____ EPC #: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: LOTS 1-A-1 & 2-A-1, BLOCK 29, HUNINGS HIGHLAND ADDITION
CITY ADDRESS: _____

ENGINEERING FIRM: Thompson Engineering Consultants, Inc.
ADDRESS: P.O. Box 15954
CITY, STATE: Rio Rancho, NM

CONTACT: David Thompson
PHONE: 896-7996
ZIP CODE: 87174

OWNER: SG Properties
ADDRESS: P.O.Box 1773
CITY, STATE: Santa Fe, NM

CONTACT: Sean Gilligan
PHONE: 440-5814
ZIP CODE: 87504

ARCHITECT: Tom Gifford
ADDRESS: P.O. Box 1773
CITY, STATE: Santa Fe, NM

CONTACT: Tom Gifford
PHONE: 690-5898
ZIP CODE: 87504

SURVEYOR: Precision Surveys
ADDRESS: 8414-D Jefferson St. NE
CITY, STATE: Albuquerque, NM

CONTACT: Larry Medrano
PHONE: 856-5700
ZIP CODE: 87113

CONTRACTOR: _____
ADDRESS: _____
CITY, STATE: _____

CONTACT: _____
PHONE: _____
ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

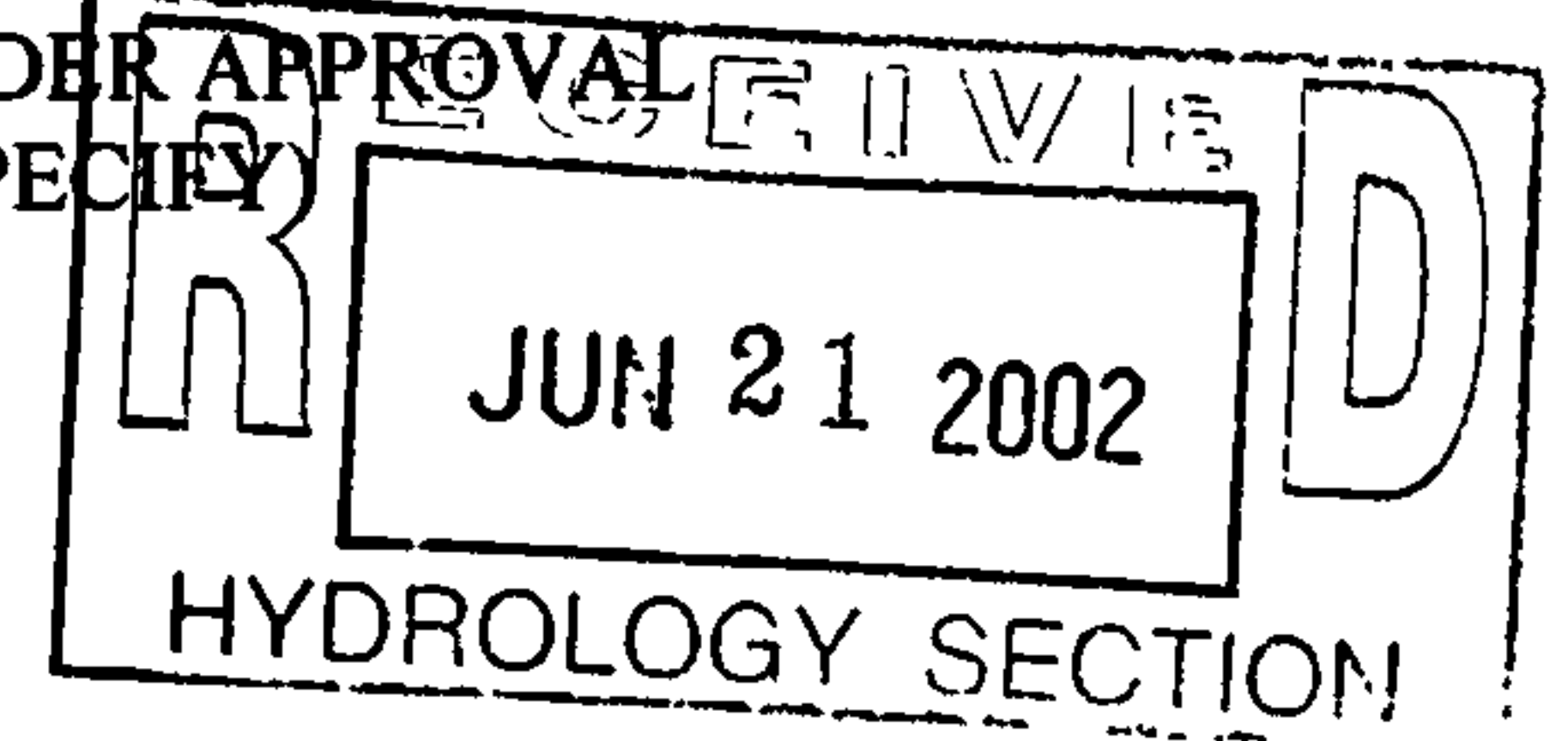
- ☐ DRAINAGE REPORT
☒ DRAINAGE PLAN
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☒ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
☐ CLOMR/LOMR
☐ TRAFFIC CIRCULATION LAYOUT (TCL)
☐ ENGINEER'S CERTIFICATION(TCL)
☐ ENGINEER'S CERTIFICATION (DRB APPR. SITE PLAN)
☐ OTHER

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: June 21, 2002

BY: 

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 acres
2. **Drainage Plans:** Required for building permits, grading permits, paving permits, and site plans less than five (5)
3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

December 3, 2001

David Thompson
Thompson Engineering Consultants, Inc.
P.O. Box 15954
Rio Rancho, New Mexico 87174

RE: Grading and Drainage Plan for Lead & High Multi-Family Project (K14-D37)
Dated November 21, 2001

Dear Mr. Thompson:

The above referenced grading and drainage plan received November 21, 2001 is approved for DRB action. The grading permit can be released after Preliminary plat is approved at DRB. There is a proposed sidewalk culvert in Lead Avenue. This structure will require and SO #19 to work in public Right-Of-Way. I will need two copies of the drainage plan. One set will go to the Arroyo Maintenance Inspector and the other copy will be kept in our files. Also, please include the SO #19 notes.

If you have any questions please call me a 924-3982.

Sincerely,

Carlos A. Montoya
City Floodplain Administrator

DRAINAGE INFORMATION SHEET

(REV. 11/01/2001)

K-14/D37

PROJECT TITLE: Lead & High Multi-Family Project ZONE MAP/DRG. FILE #: K14
DRB #: _____ EPC #: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: Tracts 1-A-1 & 2-A-1, Block 29, Huning's Highland Addition
CITY ADDRESS: _____

ENGINEERING FIRM: Thompson Engineering Consultants, Inc. CONTACT: David Thompson
ADDRESS: P.O. Box 15954 PHONE: 896-7996
CITY, STATE: Rio Rancho, NM ZIP CODE: 87174

OWNER: SG Properties CONTACT: Sean Gilligan
ADDRESS: P.O. Box 1773 PHONE: 440-5814
CITY, STATE: Santa Fe, NM ZIP CODE: 87504

ARCHITECT: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

SURVEYOR: Precision Surveys CONTACT: Larry Medrano
ADDRESS: 8414-D Jefferson St. NE PHONE: 856-5700
CITY, STATE: Albuquerque, NM ZIP CODE: 87113

CONTRACTOR: _____ CONTACT: _____
ADDRESS: _____ PHONE: _____
CITY, STATE: _____ ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:

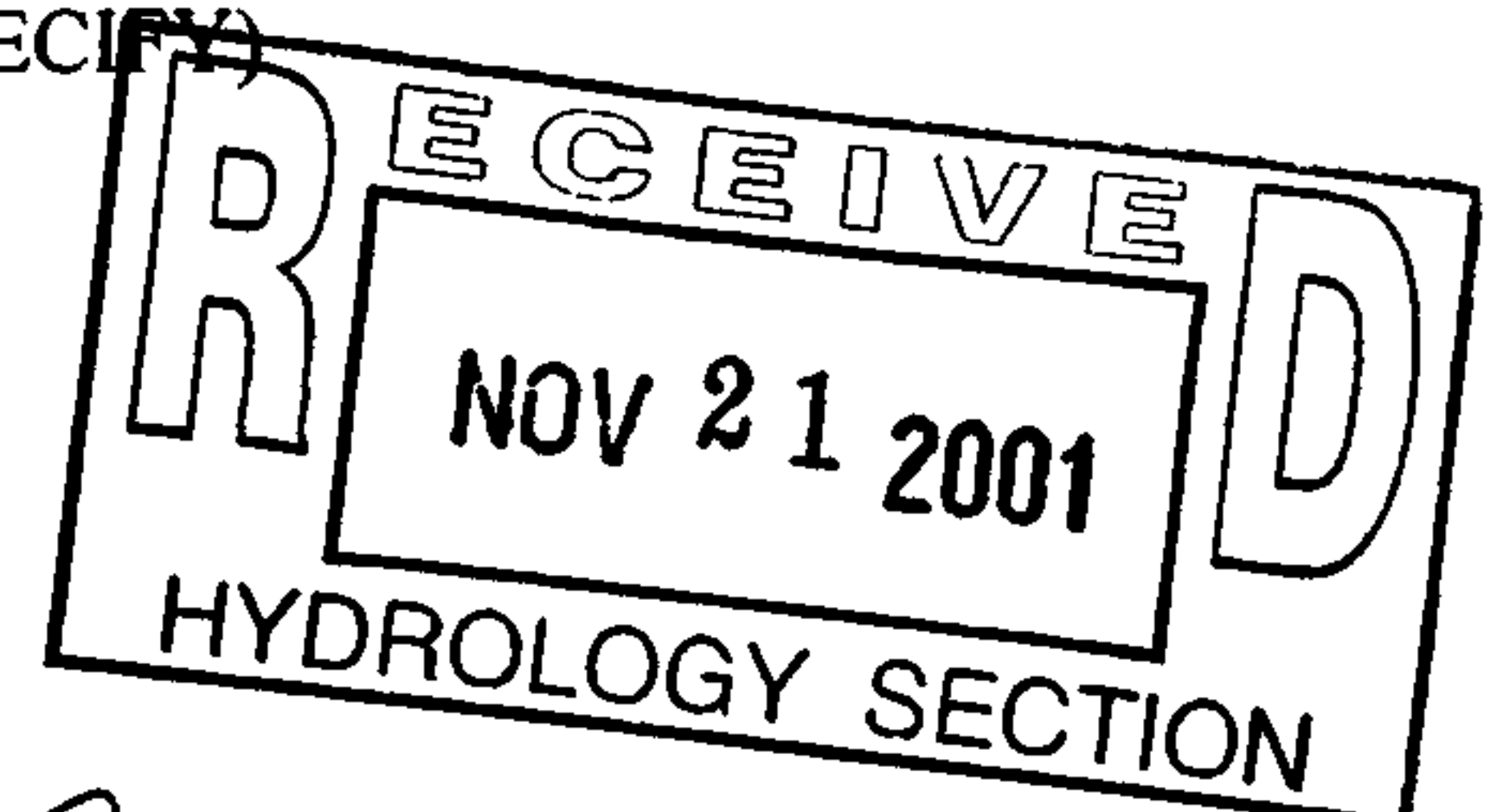
- ☐ DRAINAGE REPORT
☒ DRAINAGE PLAN
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☒ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERTIFICATION (HYDROLOGY)
☐ CLOMR/LOMR
☐ TRAFFIC CIRCULATION LAYOUT (TCL)
☐ ENGINEER'S CERTIFICATION(TCL)
☐ ENGINEER'S CERTIFICATION (DRB APPR. SITE PLAN)
☐ OTHER

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 21, 2001 BY: [Signature]

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 acres
2. **Drainage Plans:** Required for building permits, grading permits, paving permits, and site plans less than five (5)
3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or

NEXT
PHASE
SUBMITTAL!

Cap



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

NOV 4 1991

October 30, 1991

CERTIFICATE OF COMPLETION AND ACCEPTANCE

Mr. Monte L. Newsom
Kenmont Partners
P.O. Box 13138
Albuquerque, NM 87192

RE: PROJECT NO. 3171.90, HIGH STREET APARTMENTS, (MAP NO. K-14) 037


Dear Mr. Newsom:

This is to certify that the City of Albuquerque accepts Project No. 3171.90 as being completed according to approved plans and construction specifications. The City of Albuquerque will accept for continuous maintenance all public infrastructure improvements constructed as part of Project No. 3171.90.

The project is described as follows:

- Paved alley from Lead Avenue to a point 200' south, between High Street and Walter Street. Installed alley gutter, one single "D" drop inlet, 18" RCP storm drain and one 4' diameter storm drain manhole on Lead. Also constructed an alley drive pad for entrance off Lead Avenue.
- The contractor's correction period began September 26, 1991 and will be effective for a period of one (1) year.

Sincerely,


Brian L. Speicher, P.E.
Chief Construction Engineer
Design/Construction Division
Engineering Group
Public Works Department

BLS:kv

OLD
PHASE
INFO

LETTER OF ACCEPTANCE FOR PROJECT NO. 3171.90
October 30, 1991
Page Two (2)

xc: Jeff Mortenson & Associates
Sundance Mechanical
(Fred Aguirre, Engineering Group, PWD
Terri Martin, Engineering Group, PWD
Martin Barker, Engineering Group, PWD
Steve Gonzales, Special Assessments
Sam Hall, Operations Group, PWD
A. N. Gaume, Operations Group, PWD
Jim Fink, Operations Group, PWD
Ray Chavez, Engineering Group, PWD
Greg Olson, Water/Wastewater Group, PWD
Dave Parks, Engineering Group, PWD
Tom Kennerly, Engineering Group, PWD
Josie Gutierrez, New Meter Sales, Finance Group, PWD
Claudia Gallegos, Standby Clerk, Finance Group, PWD
Lynda Michelle Devanti, Engineering Group, PWD
Richard Zamora, Engineering Group, PWD
Kelly Trujillo, Engineering Group, PWD
f/Project 3171.90
f/Warranty
f/Readers
(INP 140185)

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 29, 1991

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

RE: DRAINAGE PLAN FOR PHASE I, HIGH STREET APARTMENTS
(K-14/D37) ENGINEER'S STAMP DATED JANUARY 22, 1991

Dear Mr. Mortensen:

Based on the information provided on your resubmittal of January 23, 1991, the above referenced plan is approved for Building Permit.

Please attach a copy of this plan to the construction sets prior to sign-off by Hydrology.

Also, please be advised that prior to Certificate of Occupancy release, the following will be required.

1. Letter of Acceptance for Project 3171.
2. Engineer's Certification per D.P.M. Checklist for Phase I construction.

If I can be of further assistance, please feel free to call me at 768-2650.

Cordially,

Bernie J. Montoya
for Fred J. Aguirre, P.E.
Hydrologist

xc: Ken Mont Partners

BJM:FJA/bsj
(WP+484)

PUBLIC WORKS DEPARTMENT

Walter H. Nickerson, Jr., P.E.
Assistant Director Public Works

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

PROJECT REVIEW COMMITTEE MEETING

1/30/91

2:30 P.M.

PROJECT: Alley Paving & Storm Drain
between Lead and Coal
(High Street Apartments)
CONSULTANT: Jeff Mortensen & Associates

PROJECT NO.: 3171

ATTENDEES: Roger Green, DRC Chairman
Bernie Montoya, Hydrology
Greg Olson, Water/Wastewater
Ed Adams, Transportation
Jeff Mortensen, Consultant

COMMENTS:

1. Marked up plan sets provided by Roger Green, Ed Adams, and Greg Olson.
2. Greg Olson will determine condition of existing sanitary sewer line for exact design depth of storm drain.

No further DRC meeting required. Bring in mylars to the master scheduler for signatures after the comments are addressed.

WP+125137

PUBLIC WORKS DEPARTMENT

Walter H. Nickerson, Jr., P.E.
Assistant Director Public Works

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

910051

DRAINAGE INFORMATION SHEET

H 1614 STREET APARTMENTS

PROJECT TITLE: PHASE I ZONE ATLAS/DRNG. FILE #: K14/D37DRB #: _____ EPC #: _____ WORK ORDER #: 3171LEGAL DESCRIPTION: LOT 3-A-1, BLK 29, HUNING'S HIGHLAND ADDN.CITY ADDRESS: HIGH STREET SEENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSENADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250OWNER: KEN MONT PARTNERS CONTACT: KEN SCHULTZADDRESS: PO BOX 13138 PHONE: 884-4704ARCHITECT: NOT KNOWN CONTACT: CONTRACTOR

ADDRESS: _____ PHONE: _____

SURVEYOR: JEFF MORTENSEN & ASSOC CONTACT: JEFF MORTENSENADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250CONTRACTOR: BRUNNER & SONS CONTACT: BILL BRUNNER

ADDRESS: _____ PHONE: _____

TYPE OF SUBMITTAL:

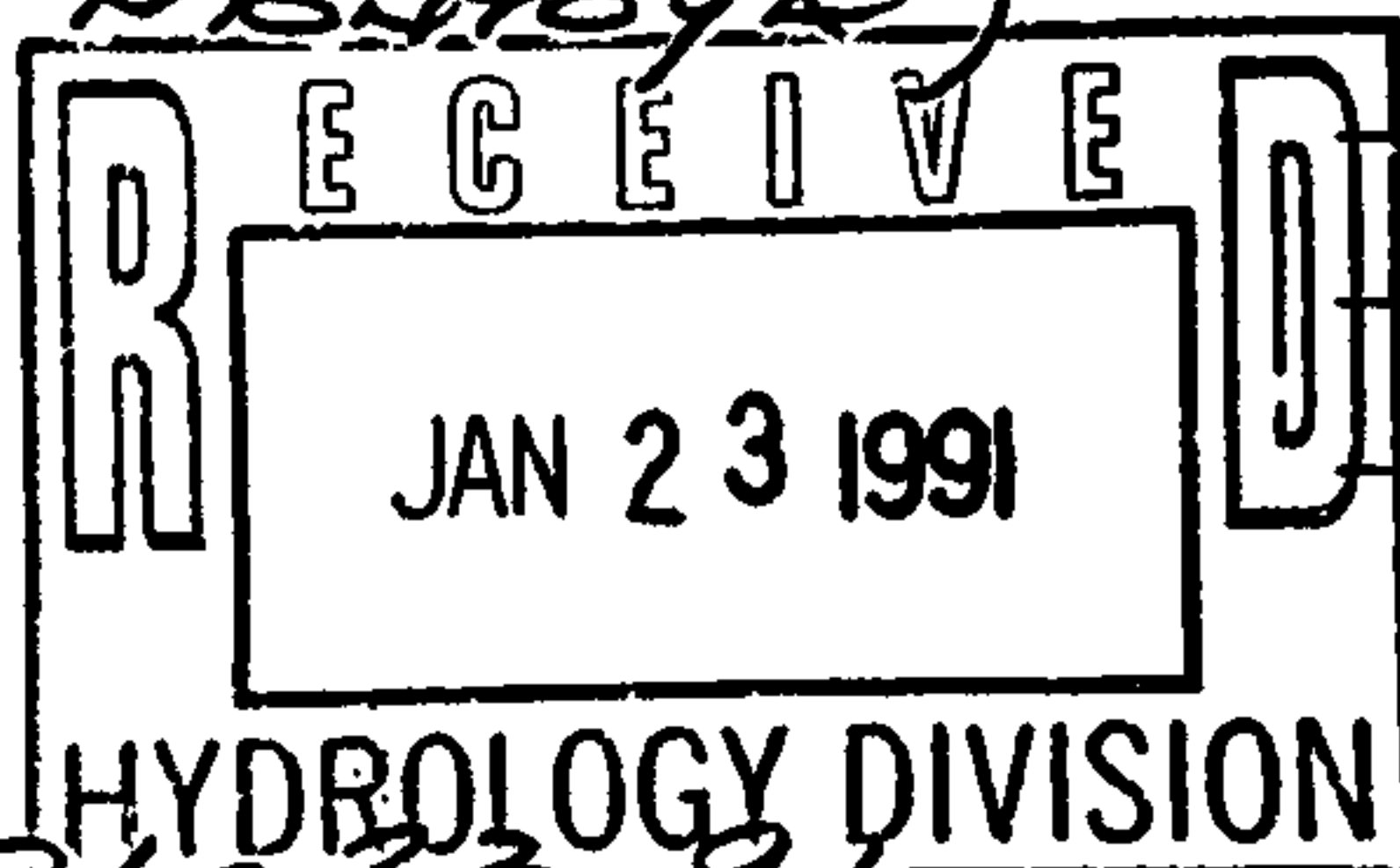
- ☐ DRAINAGE REPORT
☒ DRAINAGE PLAN
☐ CONCEPTUAL GRADING & DRAINAGE PLAN
☒ GRADING PLAN
☐ EROSION CONTROL PLAN
☐ ENGINEER'S CERTIFICATION
☐ OTHER

PRE-DESIGN MEETING:

- ☐ YES
☒ NO (PHONE CALL w/ BERNIE MONTROYA)
☐ 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 - CARPET
☒ CERTIFICATE OF OCCUPANCY APPROVAL
☐ GRADING PERMIT APPROVAL
☐ PAVING PERMIT APPROVAL
☐ S.A.D. DRAINAGE REPORT
☐ DRAINAGE REQUIREMENTS
☐ OTHER _____ (SPECIFY)

DATE SUBMITTED: 01-23-91BY: JEFFREY G. MORTENSEN

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 18, 1988

Jeff Mortensen, P.E.
Jeff Mortensen & Associates, Inc.
811 Dallas, NE
Albuquerque, New Mexico 87110

RE: UPDATED GRADING & DRAINAGE REPORT FOR HIGH STREET APARTMENTS,
SUBMITTED SEPTEMBER 23, 1988 (K-14/D37)

Dear Mr. Mortensen:

Thank you for submitting the update to the grading and drainage plan for High Street Apartments showing the changes as a result of Revision 3.

This submittal, with your engineer's stamp dated 11-03-88, is approved for Building Permit sign-off by the hydrology section. Please include this approved plan, sheet 1 of 1, in the construction sheets routed for sign-off.

If you have any questions, please call me at 768-2650.

Cordially,

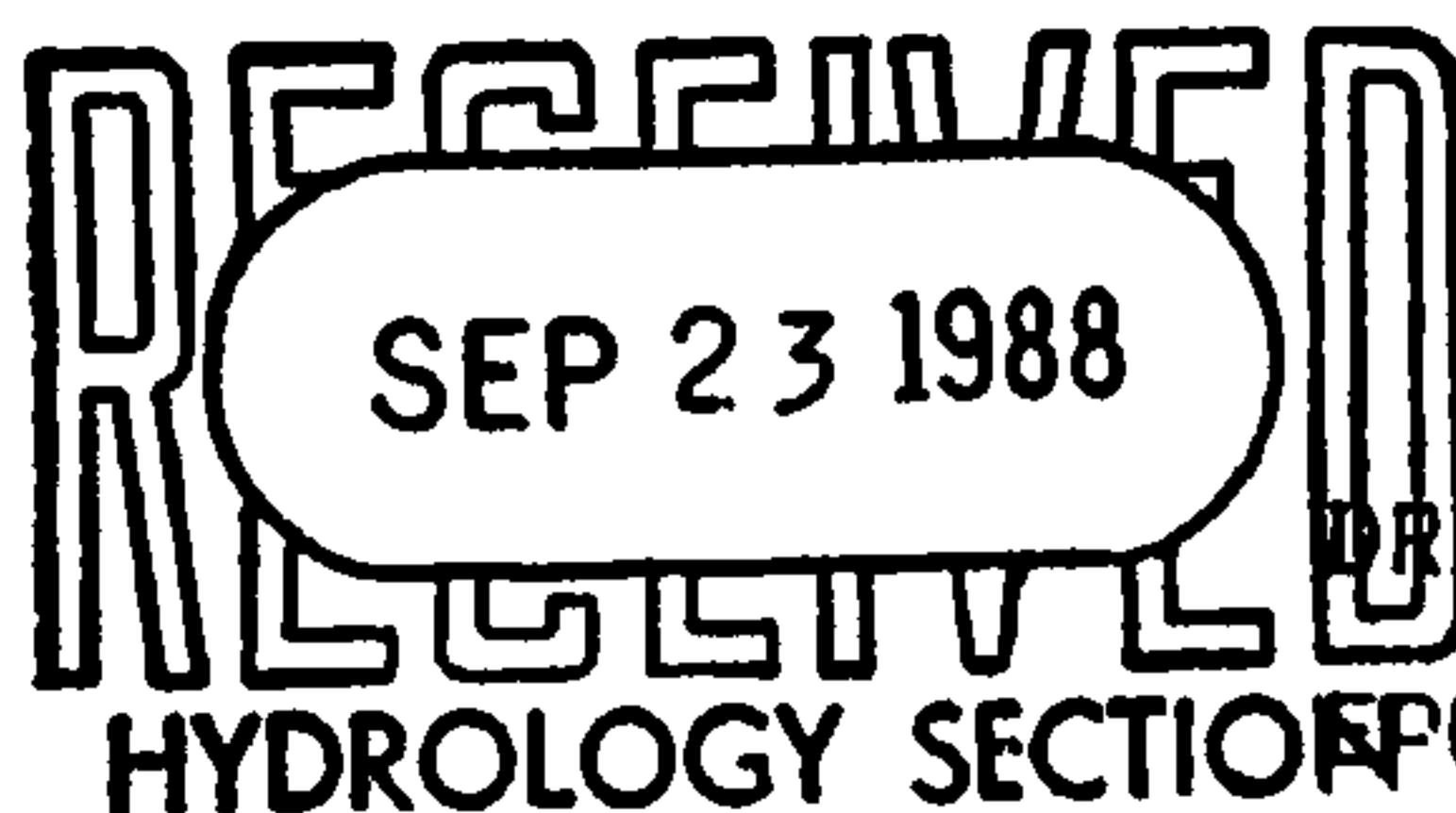
G. Stuart Reeder, P.E.
C.E./Hydrology Section

GSR
(WP+484)

DRAINAGE INFORMATION SHEET

PROJECT TITLE: HIGH STREET APTS ZONE ATLAS/DRNG. FILE #: K14/D37
 LEGAL DESCRIPTION: LOTS 1-A-1, 2-A-1, 3-A-1 BLOCK 29
 CITY ADDRESS: HUNING'S HIGHLAND ADDITION
 ENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN
 ADDRESS: 811 DALLAS NE 87110 PHONE: 265-5611
 OWNER: JIM MADDOX CONTACT: JIM MADDOX
 ADDRESS: _____ PHONE: _____
 ARCHITECT: NOT KNOWN CONTACT: _____
 ADDRESS: _____ PHONE: _____
 SURVEYOR: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN
 ADDRESS: _____ PHONE: 265-5611
 CONTRACTOR: NOT KNOWN CONTACT: _____
 ADDRESS: _____ PHONE: _____

PRE-DESIGN MEETING:

☐ YES☐ NO☐ COPY OF CONFERENCE RECAP
SHEET PROVIDED

DRB NO. _____

FPC NO. _____

PROJ. NO. _____

TYPE OF SUBMITTAL:

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

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT APPROVAL☐ PRELIMINARY PLAT APPROVAL☐ SITE DEVELOPMENT PLAN APPROVAL☐ FINAL PLAT APPROVAL☐ BUILDING PERMIT APPROVAL☐ FOUNDATION PERMIT APPROVAL☐ CERTIFICATE OF OCCUPANCY APPROVAL☐ ROUGH GRADING PERMIT APPROVAL☐ GRADING/PAVING PERMIT APPROVAL☒ OTHER REVISION (SPECIFY)

DATE SUBMITTED:

09-22-88

BY:

JEFF MORTENSEN

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

November 10, 1987

Jeff Mortensen, P.E.
Tom Mann & Associates, Inc.
811 Dallas, NE
Albuquerque, New Mexico 87110

RE: REVISED DRAINAGE PLAN FOR HIGH STREET APARTMENTS
(K-14/D37) REVISION DATE OF NOVEMBER 3, 1987

Dear Mr. Mortensen:

We are in receipt of your revised drainage plan indicating the new lot lines. Please be advised that the replat will need to indicate provisions for cross-lot-line drainage.

If I can be of further assistance, please feel free to call me at 768-2650.

Cordially,

Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

DRAINAGE INFORMATION SHE

PROJECT TITLE: HIGH STREET APTS. ZONE ATLAS/DRNG. FILE #: K14/D37
 LEGAL DESCRIPTION: 1-A-1, 2-A-1, 3-A-1, BLOCK 29, HUNING'S HIGHLAND ADDN.
 CITY ADDRESS: UNKNOWN

ENGINEERING FIRM: TOM MANN & ASSOC CONTACT: CHUCK CALA

ADDRESS: 811 DALLAS NE PHONE: 265-5611

OWNER: JIM MADDOX CONTACT: JIM MADDOX

ADDRESS: Suite 485 West 6400 Uptown Blvd. NE. PHONE: 764-0400

ARCHITECT: FMB INC. CONTACT: MIKE NORTON

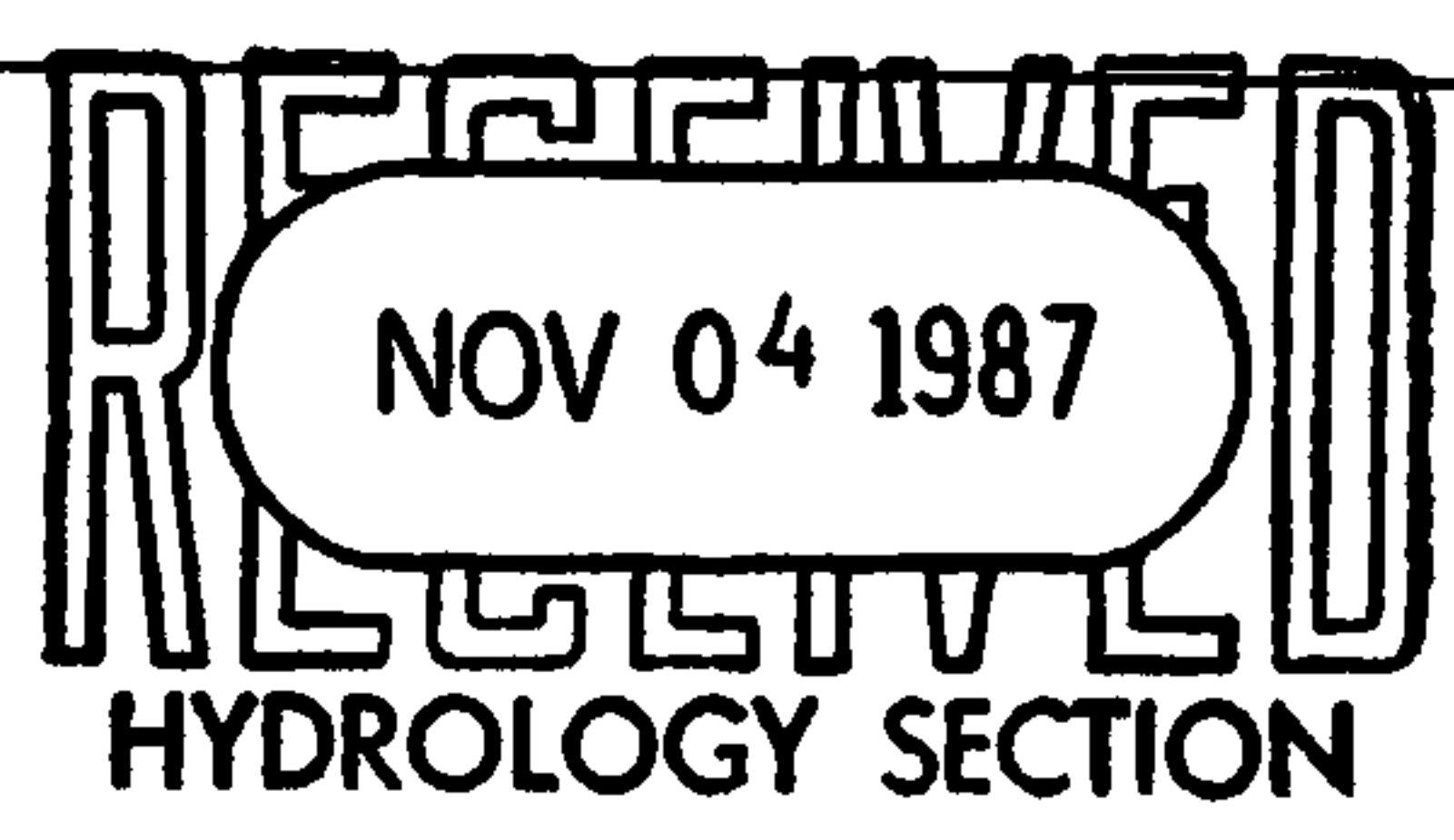
ADDRESS: P.O. Box 8266 87198 PHONE: 489-0777

SURVEYOR: GORDON DOUGLAS CONTACT: GORDON DOUGLAS

ADDRESS: 128 Washington S.E. PHONE: 268-4429

CONTRACTOR: UNKNOWN CONTACT: _____

ADDRESS: _____ PHONE: _____



PRE-DESIGN MEETING:

- ☐ YES
- ☐ NO

☐ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. 87-714
 EPC NO. _____
 PROJ. NO. _____

TYPE OF SUBMITTAL:

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

CHECK TYPE OF APPROVAL SOUGHT:

- ☐ SKETCH PLAT APPROVAL
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ SITE DEVELOPMENT PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ BUILDING PERMIT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☐ CERTIFICATE OF OCCUPANCY APPROVAL
- ☐ ROUGH GRADING PERMIT APPROVAL
- ☐ GRADING/PAVING PERMIT APPROVAL
- ☒ OTHER INFORMATION ONLY (SPECIFY)

☒ INFORMATION REQUESTED BY FRED AGUIRRE, DRAINAGE PLAN (PREVIOUSLY APPROVED) UPDATED TO REFLECT CURRENT PLATTING ACTION

DATE SUBMITTED: 11/3/87
 BY: Chuck Cala

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

March 4, 1987

Jeff: Portensen
Tom Mann & Associates, Inc.
211 Dallas, NE
Albuquerque, New Mexico 87110

RE: REVISED DRAINAGE PLAN FOR HIGH STREET APARTMENTS (K-14/D37)
ENGINEER'S STAMP DATED FEBRUARY 26, 1987

Dear Jeff:

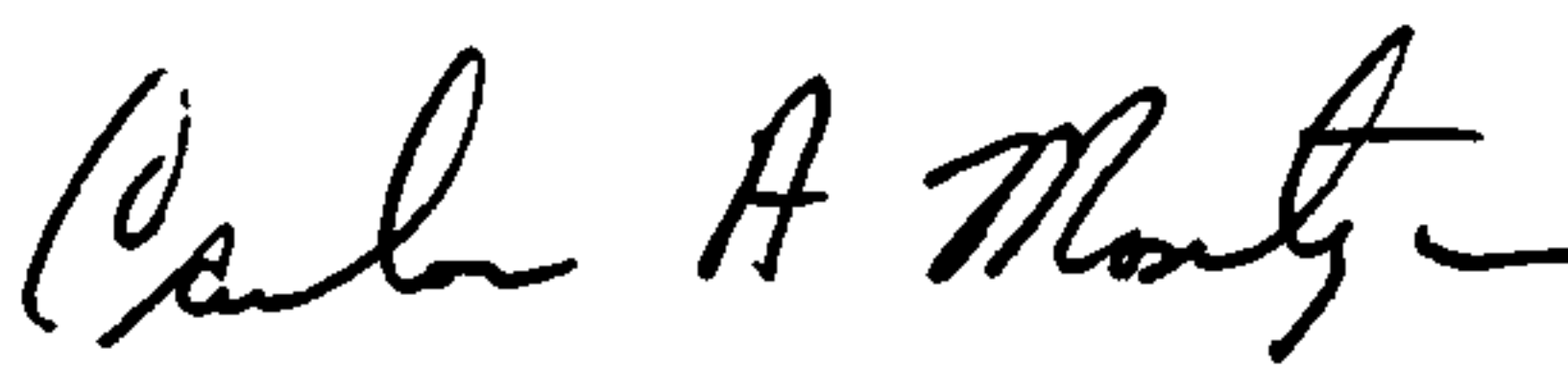
Based on the information provided on your resubmittal of February 26, 1987, revisions as indicated are acceptable.

Please be advised that we will need final acceptance of W.O. 3171 before the Certificate of Occupancy is released.

Please attach a copy of this approved plan to the construction sets prior to Hydrology sign-off.

If I can be of further assistance, please call me at 768-2650.

Cordially,

for 
Bernie J. Montoya, C.E.
Engineering Assistant

BJM/baj

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

5056

PROJECT TITLE: HIGH APTS ZONE A 3/DRNG FILE #: K-14/037
LEGAL DESCRIPTION: LOTS 1A, 1B, 2A, 2B, 3A & 3B BLOCK 29, HUNNING'S HIGHLAND ADD
CITY ADDRESS: NOT KNOWN
ENGINEERING FIRM: TOM MANN & ASSOC CONTACT: LEONARD UTTER
ADDRESS: 811 DALLAS N.E. PHONE: 265-5611
OWNER: JIM MADDOX INC CONTACT: JIM MADDOX
ADDRESS: SUITE 485 WEST 6400 UPTOWN BLVD N.E. PHONE: 881-0400
ARCHITECT: FMB INC. CONTACT: MICHAEL NORTON
ADDRESS: P.O. 8266 87198 PHONE: 889-0777
SURVEYOR: GORDON DOUGLAS CONTACT: GORDON DOUGLAS
ADDRESS: 128 WASHINGTON SE PHONE: 268-4429
CONTRACTOR: NOT KNOWN CONTACT: _____
ADDRESS: _____ PHONE: _____

PRE-DESIGN MEETING:

☒ YES

☐ NO

☐ COPY OF CONFERENCE RECORD COPY SECTION SHEET PROVIDED

RECEIVED
FEB 26 1987

DRB NO. _____

EPC NO. _____

PROJ. NO. _____

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT

☒ DRAINAGE PLAN

☐ CONCEPTUAL GRADING & DRAINAGE PLAN

☒ GRADING PLAN

☐ EROSION CONTROL PLAN

☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT APPROVAL

☐ PRELIMINARY PLAT APPROVAL

☐ SITE DEVELOPMENT PLAN APPROVAL

☐ FINAL PLAT APPROVAL

☐ BUILDING PERMIT APPROVAL

☐ FOUNDATION PERMIT APPROVAL

☐ CERTIFICATE OF OCCUPANCY APPROVAL

☐ ROUGH GRADING PERMIT APPROVAL

☐ GRADING/PAVING PERMIT APPROVAL

☒ OTHER REVISIONS (SPECIFY)

DATE SUBMITTED: 02/26/87

BY: [Signature]

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

February 17, 1987

Jeff Mortensen
Tom Mann & Associates, Inc.
811 Dailas, NE
Albuquerque, New Mexico 87110

RE: DRAINAGE PLAN FOR HIGH STREET APARTMENTS (E-14/D37)
ENGINEER'S STAMP DATED FEBRUARY 16, 1987

Dear Jeff:

Based on the information provided on your submittal of February 17, 1987,
the above referenced drainage plan is approved for Building Permit.

Please attach a copy of this approved plan to the construction sets prior
to Hydrology sign-off.

If I can be of further assistance, please call me at 768-2650.

Cordially,

Bernie J. Montoya, C.E.
Engineering Assistant

SJM/bsj

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

5056

PROJECT TITLE: HIGH ST. APTS ZONE A/LAS/DRNG. FILE #: K-14
LEGAL DESCRIPTION: LOTS 1A, 1B, 2A, 2B, 3A & 3B BLOCK 29, HUNNING'S HIGHLAND ADD
CITY ADDRESS: NOT KNOWN
ENGINEERING FIRM: TOM MANN & ASSOC CONTACT: LEONARD UTTER
ADDRESS: 811 DALLAS N.E. PHONE: 265-5611
OWNER: JIM MADDOX INC CONTACT: JIM MADDOX
ADDRESS: SUITE 485 WEST 6400 UPTOWN BLVD N.E. PHONE: 881-0400
ARCHITECT: FMB INC. CONTACT: MICHAEL NORTON
ADDRESS: P.O. 8266 87198 PHONE: 889-0777
SURVEYOR: GORDON DOUGLAS CONTACT: GORDON DOUGLAS
ADDRESS: 128 WASHINGTON SE PHONE: 268-4429
CONTRACTOR: NOT KNOWN CONTACT: _____
ADDRESS: _____ PHONE: _____

PRE-DESIGN MEETING:

☒ YES
☐ NO
☐ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. _____
EPC NO. _____
PROJ. NO. _____

TYPE OF SUBMITTAL:

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

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT APPROVAL
☐ PRELIMINARY PLAT APPROVAL
☐ SITE DEVELOPMENT PLAN APPROVAL
☐ FINAL PLAT APPROVAL
☒ BUILDING PERMIT APPROVAL
☐ FOUNDATION PERMIT APPROVAL
☐ CERTIFICATE OF OCCUPANCY APPROVAL
☐ ROUGH GRADING PERMIT APPROVAL
☐ GRADING/PAVING PERMIT APPROVAL
☐ OTHER _____ (SPECIFY)

**** FOR INFORMATION ON EASEMENTS**

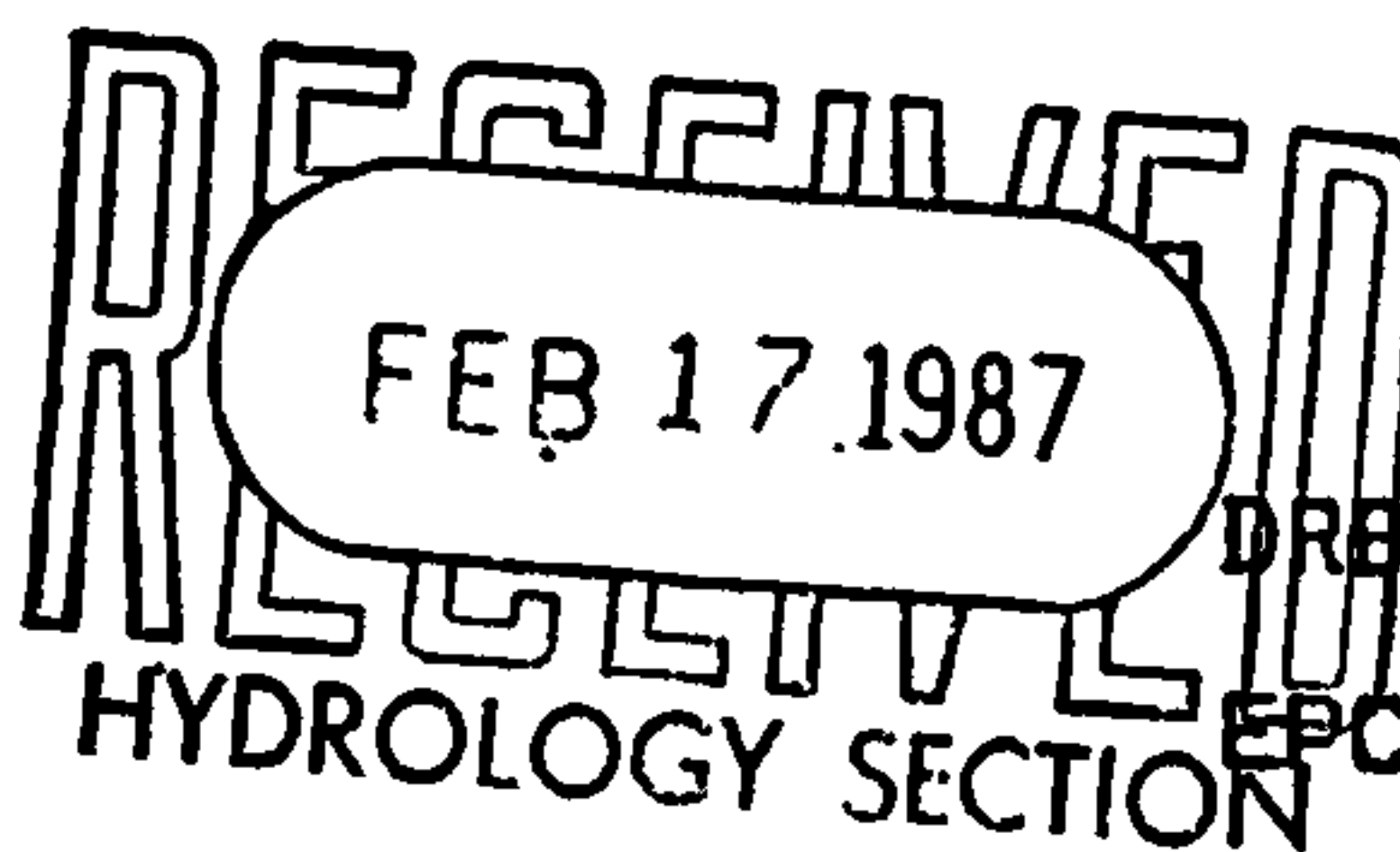
DATE SUBMITTED: 02/19/87
BY: [Signature]

DRAINAGE INFORMATION SHEET

PROJECT TITLE: HIGH ST. APTS ZONE ATLAS/DRNG. FILE #: K-1403
 LEGAL DESCRIPTION: LOTS 1A, 1B, 2A, 2B, 3A & 3B BLOCK 29, HUNNING'S HIGHLAND
 CITY ADDRESS: NOT KNOWN ADD
 ENGINEERING FIRM: TOM MANN & ASSOC CONTACT: LEONARD UTTER
 ADDRESS: 811 DALLAS N.E. PHONE: 265-5611
 OWNER: JIM MADDOX INC CONTACT: JIM MADDOX
 ADDRESS: SUITE 485 WEST
6400 UPTOWN BLVD N.E. PHONE: 881-0400
 ARCHITECT: FMB INC. CONTACT: MICHAEL NORTON
 ADDRESS: P.O. 8266 87198 PHONE: 889-0777
 SURVEYOR: GORDON DOUGLAS CONTACT: GORDON DOUGLAS
 ADDRESS: 128 WASHINGTON SE PHONE: 268-4429
 CONTRACTOR: NOT KNOWN CONTACT: _____
 ADDRESS: _____ PHONE: _____

PRE-DESIGN MEETING:

☒ YES
☐ NO
☒ COPY OF CONFERENCE RECAP
 SHEET PROVIDED



DRB NO. _____

EPC NO. _____

PROJ. NO. _____

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT
☒ DRAINAGE PLAN
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☐ FOUNDATION PERMIT APPROVAL
☐ CERTIFICATE OF OCCUPANCY APPROVAL
☐ ROUGH GRADING PERMIT APPROVAL
☐ GRADING/PAVING PERMIT APPROVAL
☐ OTHER _____ (SPECIFY)

DATE SUBMITTED: 02/17/87BY: [Signature]

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION/DESIGN HYDROLOGY SECTION

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: K-14 DATE: 10-23-86
PLANNING DIVISION NOS: EPC: _____ DRB: 85-420
SUBJECT: Apartment
STREET ADDRESS (IF KNOWN): Corner of HIGH & LEAD
SUBDIVISION NAME: LOTS 1A thru 3B Block 29 HIGHLAND
ADDITION

APPROVAL REQUESTED:

____ PRELIMINARY PLAT
____ SITE DEVELOPMENT PLAN
____ OTHER

____ FINAL PLAT
X BUILDING PERMIT
____ ROUGH GRADING

WHO	REPRESENTING
ATTENDANCE: <u>Jeff Mortensen</u>	<u>Tam Mann & Assoc.</u>
<u>Roger Green</u>	<u>CITY OF HYDROLOGY</u>
_____	_____

FINDINGS:

- (1) Approved Grading & Drainage Plan required
for Building Permit signed by Hydrology
- (2) Require either a replat to eliminate lots lined
or execute a reciprocal drainage and access
essment between lots.
- (3) If alley is used for drainage or access
purposes then approved ~~at~~ alley grades
are required prior to Building Permit release.
- (4) Free discharge to Lead or High Street is
approved.

The undersigned agrees that the above findings are summarized accurately and are only subject to change if further investigation reveals that they are not reasonable or that they are based on inaccurate information.

SIGNED: Don A. Green PE
TITLE: Civil Engineer
DATE: 10-23-86

SIGNED: [Signature]
TITLE: _____
DATE: 10-23-86

****NOTE** PLEASE PROVIDE A COPY OF THIS RECAP WITH THE DRAINAGE SUBMITTAL**

FIRST AMENDED
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HIGH STREET RESIDENCES

THIS FIRST AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 29th day of January, 1987, by JIM MADDOX, INC., a New Mexico corporation (hereinafter "Grantor"), and completely amends, and is substituted for that certain Declaration of Covenants, Conditions, and Restrictions for High Street Townhouses recorded in the Bernalillo County, New Mexico, real estate records, on September 23, 1985, in Book Misc. 273A, Pages 592-613.

WHEREAS, Grantor is the owner of the real property described in Article II of this Declaration and desires to create thereon a residential community and to provide for the preservation of the values and amenities in the community by subjecting the property to the covenants, restrictions, and easements hereinafter set forth, each and all of which is and are for the benefit of the property and each owner thereof.

NOW, THEREFORE, the Grantor declares that the real property described in Article II is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

ARTICLE I

DEFINITIONS

Section 1. The following words when used in this Declaration shall have the following meanings:

(a) "Lot" means the land identified as Lots 1A, 1B, 2A, 2B, 3A and 3B as shown on the Plat of Lots 1A, 1B, 2A, 2B, 3A and 3B, HUNING'S HIGHLAND ADDITION, as the same are shown on the plat thereof recorded in the Bernalillo County, New Mexico Real Estate Records on August 22, 1985, and refiled on September 26, 1985.

(b) "Declaration" means this Declaration of Covenants, Conditions and Restrictions, and any amendment or modification thereto.

(c) "Grading Plan" means the grading plan prepared for the Property by Grantor and on file with the City of Albuquerque Building Department.

(d) "Fourplex" means each of the three (3) buildings to be constructed upon the Property, each of which is intended for use and occupancy as four (4) Living Units.

(e) "Owner" means the record owner of the fee simple title of a Lot or Fourplex or a lessee of a Lot pursuant to a leasehold agreement of a term of twenty (20) years or greater and shall include a contract purchaser of any Lot. Owner shall not include a contract seller of a Lot or the lessor of a Lot pursuant to a leasehold agreement with a term of twenty (20) years or greater.

(f) "The Property" means all of the real property described in Article II.

(g) "Setback" means the shortest distance between a structure and the property line.

ARTICLE II

PROPERTY SUBJECT TO DECLARATION

The following-described property situate in the City of Albuquerque, County of Bernalillo, State of New Mexico is made subject to all easements, covenants, conditions and restrictions set forth in this Declaration.

Lots 1A, 1B, 2A, 2B, 3A and 3B as shown on the Plat of Lots 1A, 1B, 2A, 2B, 3A and 3B, HUNING'S HIGHLAND ADDITION, an addition to the City of Albuquerque, which plat was recorded in the Bernalillo County, Real Estate Records on August 22, 1985, and refiled on September 26, 1985.

ARTICLE III

USE RESTRICTIONS

Section 1. All Lots within the Property are hereby restricted to Fourplex residential dwellings for residential use. All construction upon any Lot must be new construction and no existing building or structure may be moved from another site to a Lot.

Section 2. Notwithstanding any provision herein contained to the contrary, it shall be expressly permissible for the Grantor to maintain during the period of construction and sale of the Fourplexes, upon such portion of the Property as the

Grantor may choose, such facilities as in the sole opinion of the Grantor may be reasonably required, convenient or incidental to the construction and sale of the Fourplexes, including, without limitation, a business office, storage area, construction yards, signs, model units and sales office.

Section 3. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes.

Section 4. No advertising signs (except as provided in Section 5 of this Article) billboards, unsightly objects, or nuisances shall be erected, placed or permitted to remain on the Property, nor shall the Property be used in any way or for any purpose which may endanger the health or unreasonably disturb the Owner of any Lot or any resident thereof.

Section 5. The following signs shall be permitted on the Property:

A. One "for sale" or "for rent" sign per Fourplex, which sign shall not exceed five (5) square feet in area.

B. During the construction of each Fourplex, signs of a reasonable size and in a reasonable number may be placed on the Lots to identify the builders and architects and to market the Fourplexes. These signs shall be subject to the control of the Architectural Control Committee.

Section 6. No business activities of any kind whatsoever shall be conducted in any Fourplex or on any portion of the Property. Provided, further, however, the foregoing covenants shall not apply to the business activities, or the construction and maintenance of buildings, if any, of the Grantor, its agents and assigns, during the construction and sale period.

Section 7. No fences, hedges or walls shall be erected or maintained upon the Property except such as are approved in accordance with Article VII of this Declaration.

Section 8. No trucks of greater than three-quarter (3/4) ton shall be permitted longer than one (1) day on any Lot. No trailers or boats shall be permitted to remain within public view on any part of the Property longer than one (1) day. Nothing in this section shall be construed as limiting use of the Property during the construction and sale phase of the development.

Section 9. No oil drilling, oil development, oil refining, derrick or other structure designed for use in boring for oil or natural gas, quarrying or mining operations of any kind shall be permitted upon or in any Lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot.

Section 10. No temporary house, trailer, tent, garage, or other outbuildings shall be used on any Lot at any time as a

residence, either temporarily or permanently, and no residence placed or erected on any part of any Lot shall be occupied in any manner at any time prior to its being fully completed, provided, however, that during the actual construction or alteration of a building on any Lot, necessary temporary buildings for storage of material, etc., may be erected and maintained by the person doing such work.

Section 11. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done, placed, or stored thereon which may be or become an annoyance or nuisance to the neighborhood, or occasion any noise or odor which will or might disturb the peace, comfort, or serenity of the occupants of neighboring properties. Without limiting the generality of the foregoing, permitting disabled vehicles to remain on a Lot or doing mechanical or body work on any vehicle other than work which can be accomplished in a few hours, shall be deemed a noxious or offensive activity.

Section 12. Lots shall be cleared of all weeds, trash and all other detracting impediments and all rubbish, trash or garbage shall be regularly removed from each Lot. All Lots shall be kept clean and maintained during the course of construction.

Section 13. Front yard landscaping visible from street shall be installed within ninety (90) days (weather permitting) after substantial completion of each Fourplex constructed on

Lots. Landscaping design and materials should be compatible with adjacent Fourplexes.

Section 14. No cotton-bearing cottonwood trees or elm trees of any nature shall be planted or permitted to grow on any Lot.

Section 15. Where externally visible air conditioners are erected or installed, they shall be so installed that they will minimize visibility from the front street or in the case of corner Lots, from either the front or a side street. Roof mounted units shall be allowed, however, they shall be installed as to comply with this restriction as much as possible.

Section 16. No radio, television, citizens band, HAM, or other aerial antenna or tower, whether for transmitting or receiving, or any support thereof shall be erected, installed, placed or maintained, except those devices which may be erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or structure which do not extend above the highest point of the roof. However, a television antenna may be mounted on the roof provided it is inconspicuously located so as not to be easily visible from the street.

Section 17. Outside clotheslines or other outside clothes drying or airing facilities, above ground trash and garbage receptacles, ground mounted solar energy collectors and equipment, ground mounted air conditioning compressors and equipment shall be enclosed within a fenced service area or areas

so as to conceal them from the streets. Fencing or screening should be harmonious with the overall design of the structures on the Lot and which shield these structures in such a way as not to be visible from streets.

Section 18. In the event that a structure is destroyed, wholly or partially by fire or other casualty, said structure shall be properly rebuilt, repaired or replaced to conform to this Declaration, or all remaining structures, including the debris and foundations shall be removed from the Lot.

ARTICLE IV

ARCHITECTURAL CONTROL COMMITTEE

Section 1. An Architectural Control Committee, hereinafter referred to as the "Committee", is hereby established and shall be comprised of three (3) persons, who shall be appointed by the Grantor to serve for a period of five (5) years from the date hereof and until their successors shall be appointed and qualified. The initial members of the Committee shall be Jim Maddox, Barbara Maddox and John Myers. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Upon the Grantor selling all of the Lots the term of the initial members of the Committee shall automatically terminate and sixty-six percent (66%) of the Owners may elect substitute members of the Committee. Vacancies occurring as a result of the expiration of such five (5) year term shall be appointed by a majority of the

Owners who are present at a special meeting called for the purpose of filling such vacancy.

Section 2. No member of the Committee shall be entitled to any compensation for service performed on said Committee. A majority of the Committee may designate a representative to act for it.

Section 3. Before the commencement of the construction, remodeling, addition to, or alteration of or removal of any building, swimming pool, wall, fence, tank, out building or any other structure whatsoever, on any Lot, and further to include landscaping and landscaping construction including ponds, waterfalls, statues, retaining walls or other structural component, which is visible from any street, they shall apply to the Committee for approval. There shall be submitted to the Committee: (a) A complete set of plans, including but not limited to, foundations, floor plans, elevations, details, specifications which identify construction material, exterior color scheme, and a site plan showing the location of the structure on the Lot identifying all construction including but not limited to roof overhang lines, all setbacks at point of minimum distance to each property boundary, dimension of Lots, all walks, drives, patios, decks, and walls and/or fences and their construction materials, which set of plans and specifications upon approval will be retained by the Committee to remain on file; (b) if

deemed necessary by the Committee, the following may be required: (1) colors and samples of exterior materials, (2) wall sections, (3) roof plan, (4) details of exterior furnishings, (5) the Owner's proposed construction schedule, and (6) an architect's rendering showing the perspective view of the proposed construction. These renderings may be in pencil or ink line drawings.

Section 4. No building, structure, or improvements of any kind, including walls and landscaping, shall be erected, altered, placed or maintained upon any Lot unless, and until the complete set of final plans and specifications have been approved in writing by the Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. Any resurfacing or painting of the exterior wall areas shall be completed in a color texture as close to the original as possible, unless the consent of the Committee is obtained in writing as to a different color and/or texture and except as hereafter provided.

Section 5. The Committee shall have the right to disapprove any plans, specifications or details submitted to it as aforesaid, in the event such plans and specifications are not in accord with all the provisions of these restrictions, or if a design or color scheme in the proposed structure is not in harmony with the general surroundings or in harmony with the Lot or adjacent structure, or if the plans and specifications

submitted are incomplete, or if the Committee deems the plans and specifications to be contrary to the spirit and intent of this Declaration, or contrary to the interest and the welfare and rights of all or any part of the Property.

Section 6. In the event the Committee shall fail to approve or disapprove the plans, specifications and other such information as may be required within thirty (30) days after submission, then such approval shall not be required, provided that no building or structures shall be erected which violate any of the terms of this Declaration.

Section 7. Neither the Committee, it's members, nor the Grantor shall be responsible in any manner whatsoever for any defect in any plans or specifications submitted or as revised by said Committee or the Grantor, or for work done pursuant to the requested changes by said plans and specifications.

Section 8. A majority of the Committee may, from time to time, grant exceptions or variances not in substantial conflict with this Declaration, without the consent of the Owners.

Section 9. The work of constructing any building on any part of the Property shall be completed within six (6) months from the commencement thereof.

Section 10. The Committee shall keep on file copies of the Grading Plan.

ARTICLE V

BUILDING LOCATION

Section 1. All Lots shall have a front yard setback of at least fifteen feet (15').

Section 2. All Lots shall have a rear yard setback of at least fifty-five feet (55').

Section 3. All Lots shall have a side yard setback of at least four feet (4') unless the building is built abutting the side lot line, or unless the adjoining Lot Owner has given his written consent and the Committee has approved the reduced setback, except as provided in Sections 7 and 8 of this Article.

Section 4. On corner Lots the sideyard setback on the side adjacent to the street shall be at least nine feet (9').

Section 5. Walls and fences may be constructed in any setback area, provided approval of the Committee is obtained.

Section 6. Ordinary projection of sills, chimneys, belts, courses, cornices, and ornamental features may project up to two feet (2') into the setback areas.

Section 7. A one foot (1') tolerance by reason of mechanical variance of construction is hereby automatically allowed for the setback requirements.

Section 8. The Architectural Control Committee shall have the right to permit reasonable modification of the setback requirements where, in the Committee's discretion, the setback requirements constitute an extreme hardship to the Owner.

ARTICLE VI

EASEMENTS

Section 1. Drainage Easement: The rear fifty-eight feet (58') of each Lot is encumbered by a drainage easement (the "Drainage Easement") which is for the benefit of all of the other Lots. The Drainage Easement is for the purpose of allowing the passage of surface drainage waters across the Lots pursuant to the grading and drainage plan approved by, and on file with, the City of Albuquerque for the Property (the "Drainage Plan"). No Owner shall be permitted to alter the grade of the portion of his Lot encumbered with the Drainage Easement, or construct any improvements on the Drainage Easement which would impair or modify the flow of drainage waters across the Drainage Easement. Each Lot Owner shall maintain the portion of his Lot encumbered with the Drainage Easement.

Section 2. Common Driveway Easement. The Owners of Lots 2A and 2B, and Lots 3A and 3B shall have a common driveway easement ("Driveway Easement") over the southerly twelve feet (12') of Lot 2B, and the northerly twelve feet (12') of Lot 3A on the eastern fifty-eight feet (58') of Lots 2B and 3A. The Owners of Lots 2B and 3A may not alter the terrain or construct any improvements on the Driveway Easement which would impair its use as a driveway. The Owner's of Lots 2B and 3A shall maintain their respective Lots in a neat and orderly manner.

Section 3. Each Lot shall have an easement on and over the adjacent Lots for surface water drainage runoff from the Fourplex's roof.

ARTICLE VII

WALLS AND FENCES

Section 1. The Owner of Lot 1A shall maintain the wall on the north side of Lot 1A which has been constructed with the original construction.

Section 2. Where there is a grade difference of more than eighteen inches (18") between two Lots, a retaining wall will be required which will extend to a point where the grade difference becomes less than twelve inches (12").

Section 3. No chainlink, barbed wire, welded wire, or welded pipe fence shall be permitted on any Lot.

Section 4. All gates, if any, providing access between the front and back yards must be of either wood construction similar to the rear and side yard fences, or wood painted to match the color of the Fourplex or the color of the Fourplex's trim.

Section 5. Walls for purposes of visual screening, privacy, protection of swimming pools, etc., may be constructed between the front and rear setback lines, provided their style, color and materials are compatible with those of the Fourplex and other structures or improvements on the Lot.

ARTICLE VIII

DRAINAGE AND EROSION CONTROL

Section 1. Each Owner shall be responsible for the construction and maintenance of and the handling and disposal of all surface water drainage and storm runoff from their Lot.

Section 2. Each Lot Owner is responsible for complying with the Grading Plan and for release or retentions of surface water drainage in accordance with said plans and each Owner shall hold harmless the City of Albuquerque and Grantor from any expense, maintenance and liability connected to the aforementioned.

ARTICLE IX

MISCELLANEOUS

Section 1. The Grantor may include restrictions, other than these set out herein, in any contract or deed to any Lots without otherwise modifying the general plan as now set forth, and such other restrictions shall inure to the benefit of and bind the respective parties in the same manner as though they had been expressed herein.

Section 2. The restrictions herein set out shall be referred to, adopted and made a part of each and every contract and deed executed by and on behalf of the Grantors of said Property, and any part thereof, to all such intents and purposes as though incorporated in full thereof; and each such contract

and/or deed shall be conclusively held to have been so executed, delivered and accepted upon the express conditions herein stated.

Section 3. None of the Lots within the Subdivision shall be further subdivided to create two (2) or more building sites, however, two (2) or more Lots may be combined into one (1) building site.

Section 4. Streetwalks providing for pedestrian traffic will be located at the front property line adjacent to City right-of-way or within the City right-of-way.

Section 5. Solar energy collectors shall be allowed only if constructed in such a manner that they are built into the basic lines of the parent structure to create an aesthetically pleasing appearance from adjoining properties and streets and provided further, if they are visible from any street within the subdivision, they must be shielded from view. The screening or covering used must match and blend with the improvement or structure to which it is attached, and must be shown in detail on the plans submitted to the Committee.

ARTICLE X

ENFORCEMENT

Section 1. All provisions of this Declaration shall be binding on all Lots and the Owners, regardless of the source of title of such Owners, and any breach thereof, if continued for a period of thirty (30) days from and after the date that the Committee or Owner of other property shall have notified in

writing the Owner of the Lot upon which such breach has been committed to refrain from a continuance of such action and to correct such breach, shall warrant the Grantor or other Lot owner to apply to any court of law or equity having jurisdiction thereof for an injunction or other proper relief. However, this Declaration shall not be binding on any Owner, except in respect to breaches committed during the time such Owner owns or has an interest in said Lot. If such relief is granted, the court may award to the plaintiff in such action his reasonable expenses in prosecuting such suit, including attorneys' fees.

Section 2. No delay or omission on the part of the Owner or Owners of Lot or Lots in exercising any right, power, or remedy herein provided for in the event of any breach of any of this Declaration shall be construed as a waiver thereof or acquiescence therein.

Section 3. No right of action shall accrue, nor shall any action be brought or maintained by anyone whomsoever against the Grantor for or on account of the failure or neglect of the Grantor to exercise any right, power, or remedy herein provided for in the event of any breach of this Declaration.

Section 4. In the event that any one or more of the provisions of this Declaration herein set forth shall be held by any court of competent jurisdiction to be null and void, all remaining provisions of this Declaration shall continue unimpaired and in full force and effect.

ARTICLE XI

AMENDMENTS

Section 1. This Declaration may be amended from time to time by written amendment executed by Owners owning seventy-five percent (75%) of the Lots, which Amendment shall become effective upon recording with the Bernalillo County Real Estate Records.

Section 2. Notwithstanding Section 1 of this Article, Grantor shall have the authority to unilaterally change, amend or modify this Declaration until Fourplexes have been constructed on all Lots, provided, that such changes, modifications or amendments do not materially change the character and quality of the Lots subject to this Declaration and do not materially increase the number of Lots within the Property and; provided further, that the prior written consent of the Architectural Control Committee has been obtained.

ARTICLE XII

DURATION

This Declaration as amended from time to time shall continue to be binding upon the Grantors, their successors and assigns, the Owners, and their heirs, assigns, personal representatives and all parties claiming by, through or under them, for a period of twenty-five (25) years from the date this instrument is filed for record in the office of the County Clerk of Bernalillo County, New Mexico, and shall automatically be

extended for successive period of fifteen (15) years each; provided, however, that at any time within five (5) years prior to the expiration of the first twenty-five (25) year period, or within five (5) years of the expiration of any fifteen (15) year period thereafter, the Owners of the Property may provide for the release of any and all of the Lots hereby restricted, from any part of this Declaration at the end of the first twenty-five (25) year period or at the end of any successive fifteen (15) year period, by executing and acknowledging a proper agreement or agreements in writing for such purpose and filing the same for record in the manner then required for the recording of land instruments, which election shall require the same procedures as amendment of this Declaration.

IN WITNESS WHEREOF, Jim Maddox, Inc., has caused this instrument to be executed this 29th day of January, 1987.

JIM MADDOX, INC., a New Mexico corporation

By [Signature]
Jim Maddox, President

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

The foregoing instrument was duly acknowledged this 29 day of January, 1987 by JIM MADDOX, President of JIM MADDOX INC., a New Mexico corporation, on behalf of said corporation.

[Signature]
Notary Public

My Commission Expires:

July 30, 1990

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

1987 FEB -3 PM 4:06

BY M54484 712-735

GLADYS H. DAVIS
CLERK & RECORDER
JUSM [Signature] DEPUTY

COV14HS.61

C I T Y O F A L B U Q U E R Q U E

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

REF. NO.: WPHYD484

February 26, 1991

TO: Robert E. Gurule, Director; Public Works Department

FROM: Bernie J. Montoya, Engineering Asst.; Hydrology Development Section *BJM*

SUBJECT: HIGH STREET APARTMENT ALLEY IMPROVEMENTS - PROJECT NO. 3171 (K-14/D37)

In response to your inquiry of the required alley improvements involving the High Street Apartments, I submit the following:

1. The SAD process is the only mechanism that could be used to pro-rate the cost of the alley improvements. This process would probably take a minimum of two years to implement. Developer must have improvements in place prior to Certificate of Occupancy release. Therefore, this process would not be beneficial to try and implement.
2. I have discussed the issue with Dan Hogan in as far as monies to fund the project. He has advised me that maybe Transportation Planning, John Castillo, might be able to assist if they have any funds available.

Should you need to discuss this matter further, please call me at 768-2650.

BJM/bsj

KENMONT PARTNERS
P.O. Box 13138
ALBUQ. N.M. 87192-3138
PHONE # 884-4704 (MONTE NEWSOM)



**The City of Albuquerque
Public Works Department**

P.O. Box 1293
ALBUQUERQUE, NEW MEXICO 87103
ONE CIVIC PLAZA
5TH FLOOR

ROBERT E. GURULE
DIRECTOR
(505) 768-3627



JEFF MORTENSEN & ASSOCIATES, INC.
6010-8 MIDWAY PARK BLVD. N.E.
ALBUQUERQUE, NM 87109

Jeffrey G. Mortensen, P.E.
President

☐ ENGINEERS & SURVEYORS ☐
☐ TELEPHONE (505) 345-4250 ☐

Larry Diller
Trust Real Estate Supervisor

**SUNWEST
BANK**

Sunwest Bank of Albuquerque, N A
PO Box 26900
Albuquerque, New Mexico 87125-6900
Tel 505-765-2795

History (Sequence of events may not be as listed.)

Jim Maddox bought 3 lots from Harold Brooks under a real estate contract

Jim Maddox agreed as the owner of all 3 lots to do alley and drainage improvements to secure building approval and development approval of all 3 lots from city of Albuq.

Jim Maddox filed covenants, with the county showing shared responsibility by each property owner for said improvements.

Jim Maddox secured a construction mortgage for one lot and one 4 Plex from Home Mortgage Savings and loan. 2 Remaining lots were left under the real estate contract.

Harold Brooks died and Sunwest Bank became Trustee for Brooks estate

Jim Maddox files Bankruptcy - Savings and loan and Sunwest Bank foreclose

Savings and loan is taken over by RTC

Ken Mont Partners buy 4 Plex from RTC

Sunwest Bank of Albuquerque, N.A.
Trust Division
P.O. Box 26900
Albuquerque, New Mexico 87125-6900
Tel. 505-765-2301

March 29, 1991

SUNWEST
BANK

KenMont Partners
PO Box 13138
Albuquerque, New Mexico 87192-3138

Re: Lots 1-A-1 and 2-A-1 Block 29
Hunning's Highland Addition - Harold Brooks Estate

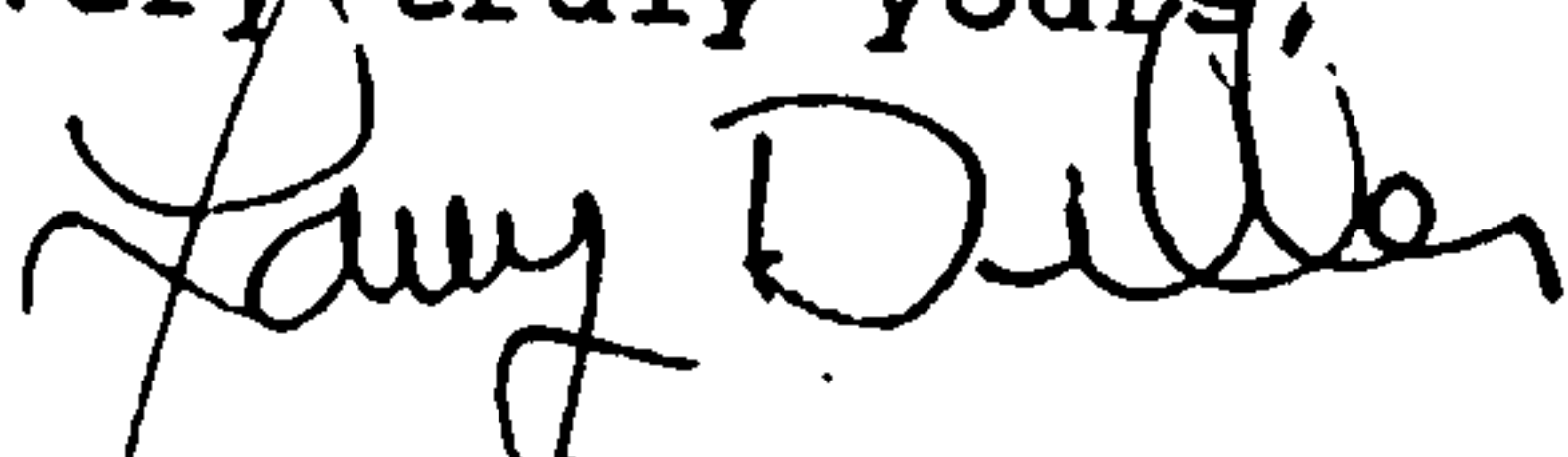
Dear Ken and Monte:

We are currently in the process of defaulting the purchaser on a real estate contract for the above referenced lots. In this case, the defaulting purchaser has had an IRS tax lien filed against him so we must obtain a consent to sell the property from the IRS.

If and when this consent is obtained, we will be in a position to negotiate a sale with you. If we cannot agree on a sales price we would consider negotiating a settlement to share in the expense of completing the alley and storm sewer line pursuant to the second amended declaration of covenants, conditions and restrictions for High Street residences.

We will keep you informed of our progress in defaulting out the above referenced contract. In the meantime, if you have any questions, please give me a call.

Very truly yours,



Larry Diller
Trust Real Estate Supervisor
(505) 765-2795

/ajp



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 29, 1991

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

RE: DRAINAGE PLAN FOR PHASE I, HIGH STREET APARTMENTS
(K-14/D37) ENGINEER'S STAMP DATED JANUARY 22, 1991

Dear Mr. Mortensen:

Based on the information provided on your resubmittal of January 23, 1991, the above referenced plan is approved for Building Permit.

Please attach a copy of this plan to the construction sets prior to sign-off by Hydrology.

Also, please be advised that prior to Certificate of Occupancy release, the following will be required.

1. Letter of Acceptance for Project 3171.
2. Engineer's Certification per D.P.M. Checklist for Phase I construction.

If I can be of further assistance, please feel free to call me at 768-2650.

Cordially,

Bernie J. Montoya
for Fred J. Aguirre, P.E.
Hydrologist

xc: Ken Mont Partners

BJM:FJA/bsj
(WP+484)

PUBLIC WORKS DEPARTMENT

Walter H. Nickerson, Jr., P.E.
Assistant Director Public Works

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

February 21, 1991

Procedure "A"

KenMont Partners
P.O. Box 13138
Albuquerque, N.M. 87192-3138

RE: CONSTRUCTION WORK ORDER PROCESS

PROJECT #3171.90

High Street Apartments

Gentlemen:

The City has reviewed and approved the Construction Drawings and Estimate for the aforementioned project. Attached for your use are 3 copies of the approved plan(s) & estimate. In order for this project to be constructed, the following documentation must be submitted (see Chapter 5 of the DPM for a detailed description of the process):

1. The attached Public Improvements Agreement filled in, signed and notarized.
2. A copy of the construction contract between the Developer and Contractor reflecting the Engineer's estimated quantities and work items. The contractor should do a complete work item take off from the quantities estimated by the Engineer. The City has not verified these estimated quantities and takes no responsibility for their accuracy.
3. The attached bond forms (labor & material payment and performance/warranty) for the amount of the construction contract, with a copy of the Power of Attorney Certificate accompanying the bonds.
4. The Certificate of Insurance for public liability of \$1,000,000 provided in accordance with Section 3 of the agreement.
5. The attached pro-rata statement must be filled out & returned prior to work order issuance.

In order to assist you in filling out the blanks as they appear on the attached form, the following instructions are provided:

1. Leave the agreement date blank, the City will fill this in when the agreement is executed.
2. State the developer's name and the type of legal entity (e.g. New Mexico corporation, limited partnership, general partnership, joint venture, individual, owner, etc.), state the address and phone number.

PUBLIC WORKS DEPARTMENT

Walter H. Nickerson, Jr., P.E.
Assistant Director Public Works

ENGINEERING GROUP

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AN EQUAL OPPORTUNITY EMPLOYER

3. Describe the lands according to plat description.
4. State name of present property owner, exactly as shown on document conveying ownership to present owner.
5. Insert City Project No. and deadline for completion of construction.
6. List types of improvements to be constructed.
7. State the engineering fee. This amount is based on whether the City or private entities are performing surveying, inspection, and testing services for the project. The City's Public Works Department is usually able to provide surveying, inspection, and testing services if desired. Contact the Project Administrator for the current fee schedule.
8. Identify the entities performing surveying, inspection and testing.
9. Developer must sign and state the title of the person signing (e.g. general partner, president, vice president, managing partner, etc.) If the capacity of the person signing (e.g., Project Supervisor) is not obviously the title of someone who can bind the developer regarding real estate-related matters, the developer must submit a power of attorney acceptable to the City's Legal Department, acceptable corporate resolution or minutes verifying authority, or other acceptable evidence.
10. Developer(s) signature(s) must be notarized and the title must be stated exactly as shown in developer's signature block.

Upon receipt of this package in it's entirety, the package will be forwarded to the Legal Department and the City's Chief Administrative Officer (CAO) for approval. Prior to issuance of the work order, you will be required to pay the Engineering Fees and any outstanding pro-rata charges. Once the fees are collected, the Work Order package will be prepared for distribution within three (3) working days.

For proper processing of the documents, please use the attached forms provided. (PLEASE DO NOT RETYPE.) Additional forms are available if required, or should you have any questions, please do not hesitate to contact me at 768-2515.

Sincerely

Project Administrator

Attachments: Estimate & Plan(s) (3 copies)
Agreement Form
Bond Forms
Example-Certificate of Insurance
Pro-Rata Statement (if applicable)

Note: Following are special conditions which apply to this project and which must be addressed prior to issuance of the Work Order.

cc: Jeff Mortensen & Associates

RG/tm (WP+1088) Rev. 1/19/90

SUNDANCE MECHANICAL AND UTILITY CONTRACTORS

LIC. #10879

FEBRUARY 20, 1991

KenMont PARTNERS
P.O. BOX 13138
ALBUQUERQUE, NEW MEXICO 87192-3138

RE: ALLEY & STORM SEWER LINE

DEAR SIR:

WE ARE PLEASED TO QUOTE TO YOU THE FOLLOWING ON THE ABOVE REFERENCED PROJECT:

DATE: FEBRUARY 20, 1991
PROJECT: ALLEY AND STORM SEWER LINE BETWEEN-
LEAD AVE AND COAL AVE.

ENGINEER: JEFF MORTENSEN & ASSOC.
TIME ALL'D: N/A
L.D. /dy: N/A
JOB NO.: 3171
FILE NAME: KENMONT

BID ITEM NO.	ITEM	UNIT	QTY BID	UNIT COST BID	TOTAL AMOUNT BID
0202.01	EXCAV & DISP, U, <2', R/W	CY	30	27.05	811.50
0301.03	SUBGRADE PREP, RES, 6"	SY	235	1.99	467.65
0303.01	SUBBASE 4"	SY	235	3.32	780.20
0336.02	1-1/2" AC BS, 1500-M	SY	235	4.80	1128.00
0336.12	TACK COAT	SY	235	0.24	56.40
0336.14	1-1/2" AC SFC, 1500-M	SY	235	4.80	1128.00
0340.01	SDWK 4", PCC	SF	50	3.26	163.00
0340.02	DRVPD, 6", PCC	SF	170	4.59	780.30
0340.03	VLY GUTTER & CURB, PCC	SF	0	0.00	0.00
0340.05	C & 6, STD, PCC	LF	31	12.61	390.91
0343.01	AC PVMT, REM & DISP, NO SAW	SY	250	1.97	492.50
0343.13	ART PVMT, R & R, W/OH	SY	45	33.93	1526.85
0510.10	CUT OFF WALL, PCC	CY	7	276.28	1933.96
0701.10	TR, BF & COMP., 18-36" SAS, <8'	LF	102	8.69	886.38
0910.06	18" RCP, IV	LF	102	22.04	2248.08
0920.01	MH, 4' DIA, C, <6' D	EA	1	1472.04	1472.04
	CTH BASIN, TYPE D, SGL	EA	1	1381.63	1381.63
	ALLEY GUTTER, PCC	LF	150	10.81	1621.50

SUBTOTAL 17268.90

TOTAL \$17,268.90

NOTE:

+ Bonding = 20%
+ SURVEY FEES = 2%
+ TESTING = 2%
+ Engineering = approx \$2000.00
+ Permit fees =

PAGE 1

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000499

SECOND AMENDED
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HIGH STREET RESIDENCES

THIS SECOND AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 22nd day of December, 1987, by JIM MADDOX, INC., a New Mexico corporation (hereinafter "Grantor"), and completely amends, and is substituted for that certain First Amended Declaration of Covenants, Conditions, and Restrictions for High Street Residences recorded in the Bernalillo County, New Mexico, real estate records, on February 3, 1987, in Book Misc. 448A, Pages 717-735.

WHEREAS, Grantor is the owner of the real property described in Article II of this Declaration and desires to create thereon a residential community and to provide for the preservation of the values and amenities in the community by subjecting the property to the covenants, restrictions, and easements hereinafter set forth, each and all of which is and are for the benefit of the property and each owner thereof.

NOW, THEREFORE, the Grantor declares that the real property described in Article II is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

000515

ARTICLE VIII

DRAINAGE AND EROSION CONTROL

Section 1. Each Owner shall be responsible for the construction and maintenance of and the handling and disposal of all surface water drainage and storm runoff from their Lot.

Section 2. Each Lot Owner is responsible for complying with the Grading Plan and for release or retention of surface water drainage in accordance with said plans and each Owner shall hold harmless the City of Albuquerque and Grantor from any expense, maintenance and liability connected to the aforementioned.

ARTICLE IX

MISCELLANEOUS

Section 1. The Grantor may include restrictions, other than these set out herein, in any contract or deed to any Lots without otherwise modifying the general plan as now set forth, and such other restrictions shall inure to the benefit of and bind the respective parties in the same manner as though they had been expressed herein.

Section 2. The restrictions herein set out shall be referred to, adopted and made a part of each and every contract and deed executed by and on behalf of the Grantors