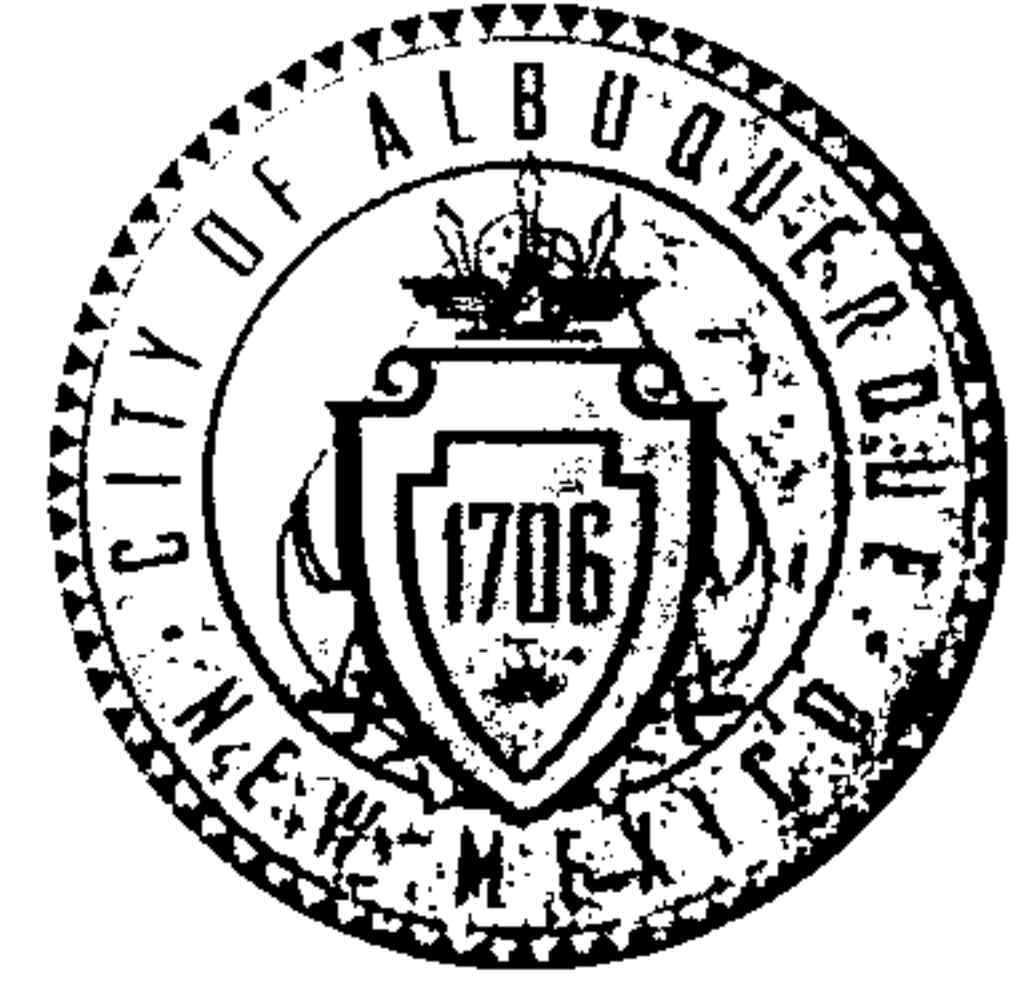


# CITY OF ALBUQUERQUE



April 22, 2009

Jeffery Todd Wooten, P.E.  
**Wooten Engineering**  
623 E. Dallas Rd.  
Grapevine, TX 76051

**Re: Desert spring Nursery, 135-137 Charleston SE,  
(D-19/D134)  
Approval of Permanent Certificate of Occupancy,  
Engineer's Stamp Dated: 02-23-07  
Engineer's Certification Date: 4-22-09**

Dear Mr. Wooten,

PO Box 1293

Based upon the information provided by our visual inspection on 4/22/09, the above referenced certification is approved for release of Permanent Certificate of Occupancy by Hydrology.

Albuquerque

If you have any questions, you can contact me at 924-3982.

NM 87103

Sincerely,

www.cabq.gov

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

C: CO Clerk—Katrina Sigala  
file

# DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/11/2002)

PROJECT TITLE: Desert Spring Nursery ZONE MAP/DRG. FILE # K-19 / D134  
DRB #: \_\_\_\_\_ EPC#: \_\_\_\_\_ WORK ORDER#: \_\_\_\_\_

LEGAL DESCRIPTION: Lots 14 & 15, Block 1, B. M. Moore Addition  
CITY ADDRESS: 135 & 137 Charleston SE

ENGINEERING FIRM: Wooten Engineering CONTACT: Jeff Wooten  
ADDRESS: 5017 Sanbusco Dr NE PHONE: (505) 771-8038  
CITY, STATE: Rio Rancho, NM ZIP CODE: 87144

OWNER: Peggy Wells CONTACT: \_\_\_\_\_  
ADDRESS: 425 Virginia St NE PHONE: \_\_\_\_\_  
CITY, STATE: Alb, NM ZIP CODE: 87108

ARCHITECT: KGA Architects CONTACT: Bill Santiana  
ADDRESS: 214 Truman St PHONE: 255-4975  
CITY, STATE: Albuquerque ZIP CODE: 87108

SURVEYOR: Albuquerque Surveying CONTACT: Vladimir Jirik  
ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
CITY, STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

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)
- ☐ ENGINEERS CERTIFICATION (TCL)
- ☐ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN)
- ☐ OTHER

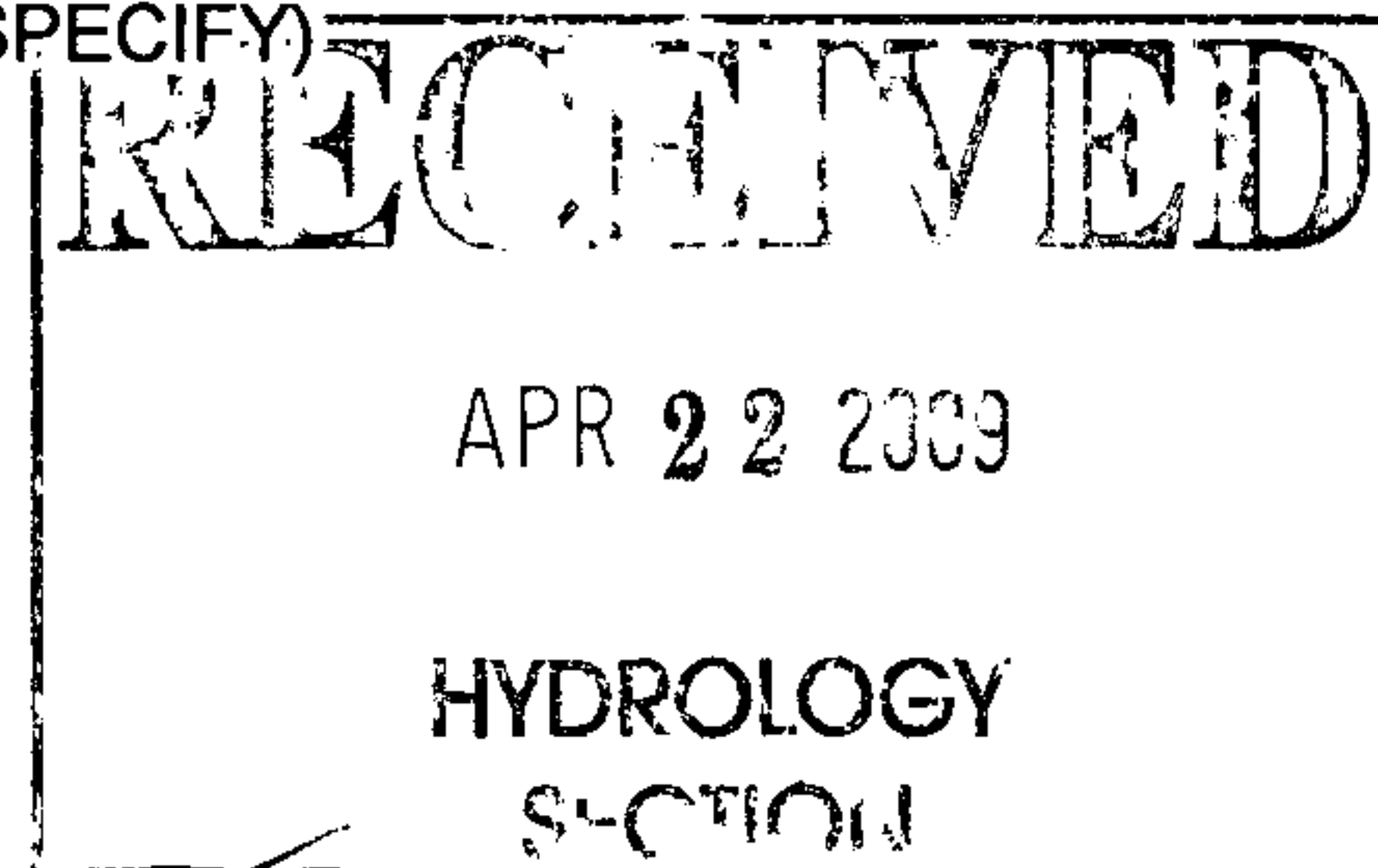
## CHECK TYPE OF APPROVAL SOUGHT:

- ☐ 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

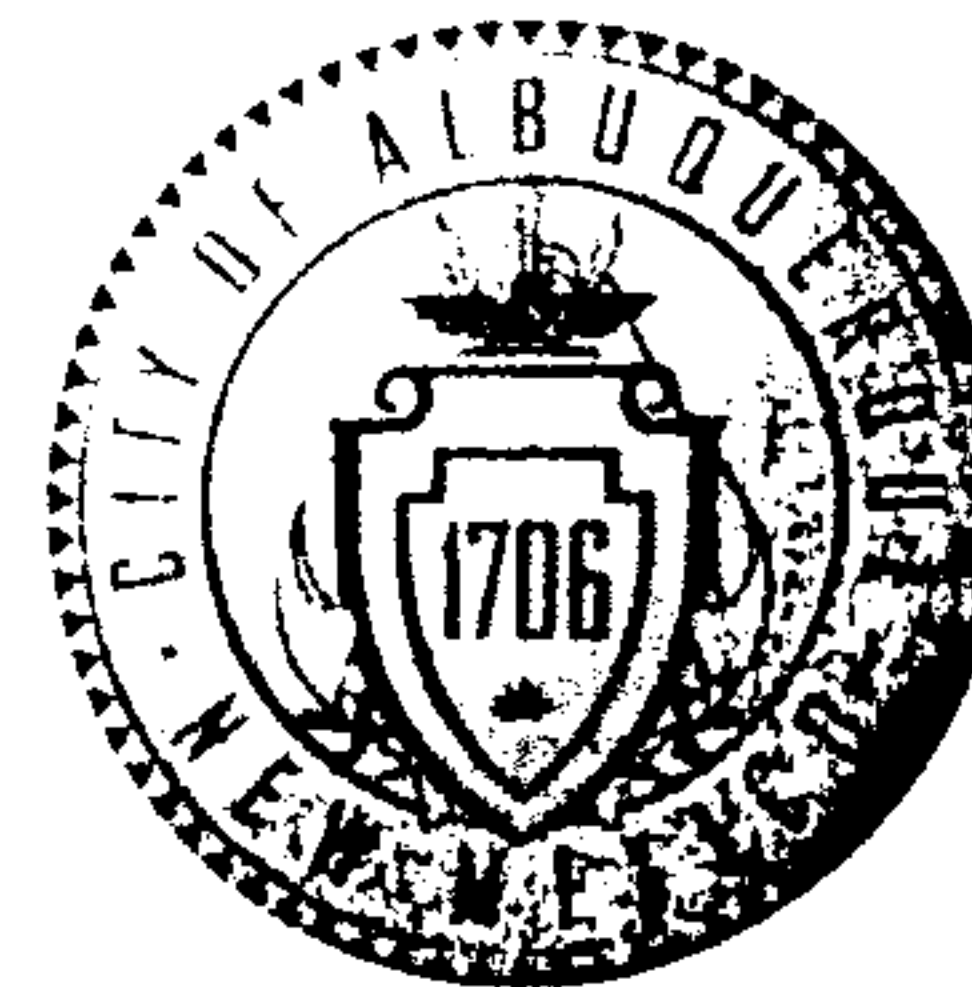
DATE SUBMITTED: 4/22/09 BY: [Signature]



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 (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



April 27, 2009

Kevin E. Georges, R.A.  
KGA Architecture & Planning  
214 Truman St NE  
Albuquerque, NM 87108-1333

**Re: Desert Spring Nursery, 135-137 Charleston SE,  
Certificate of Occupancy – Transportation Development  
Architect's Stamp dated 04-25-07 (K19-D134)  
Certification dated 03-24-09**

Dear Mr. Georges,

Based upon the information provided in your submittal received 04-27-09, the above referenced certification is approved for release of permanent Certificate of Occupancy by Transportation Development.

If you have any questions, you can contact me at 924-3991.

Sincerely,

Kristal D. Metro, P.E.  
Traffic Engineer, Planning Dept.  
Development and Building Services

C: CO Clerk--Katrina Sigala  
File



12-19/D134  
DESERT SPRINGS Nursery  
1351/137 Charleston  
TCL-co-Perm

March 24, 2009

City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87102

Re: Final Site Plan Certification for Traffic  
Desert Springs Nursery  
137 and 139 Charleston St. SE  
Albuquerque, New Mexico

Legal Description: Lots 14 & 15, Block 1  
BM Moore Addition  
Bernalillo County, New Mexico

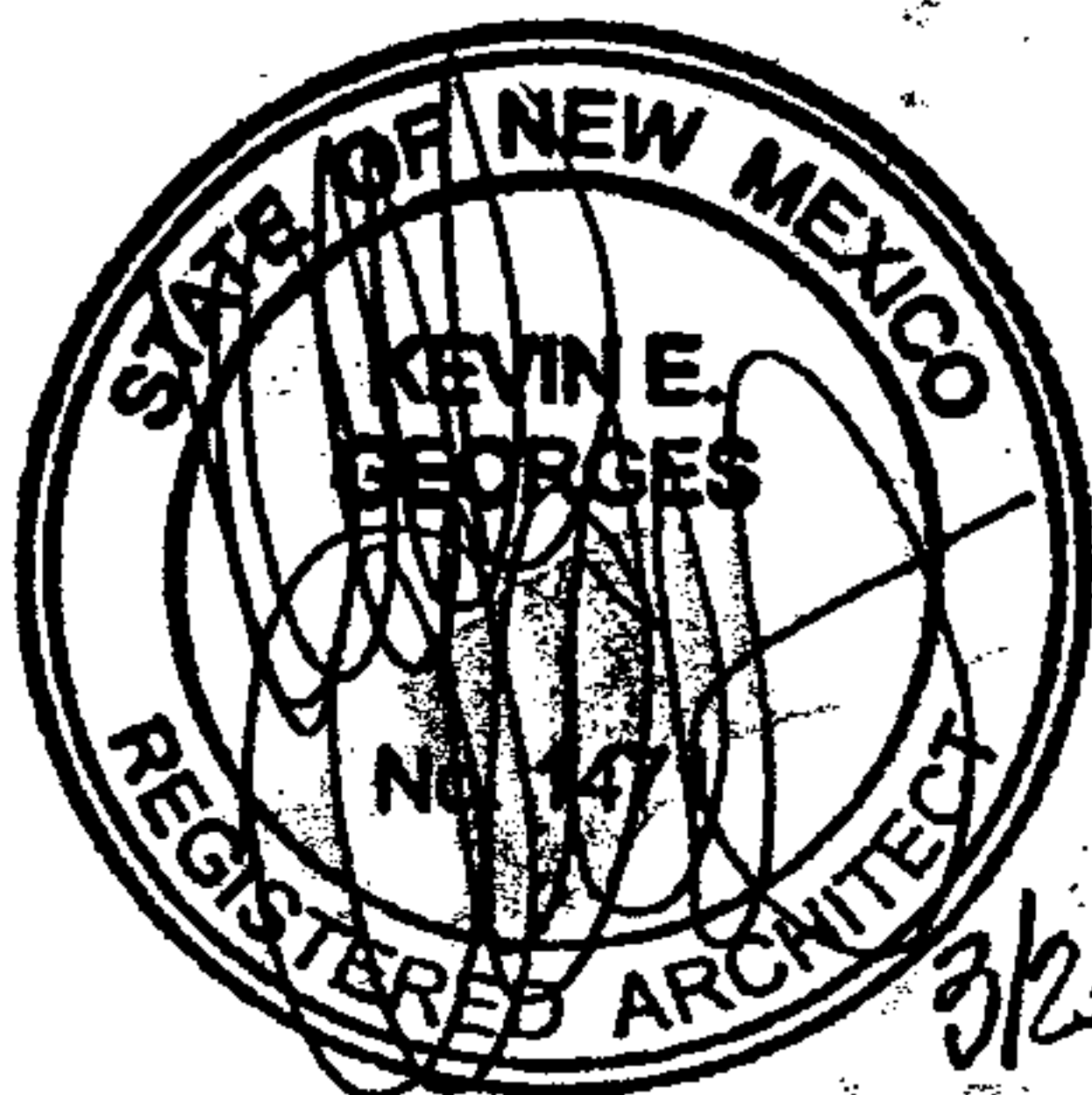
Zone Atlas Page No.: K - 19- Z

To Whom it May Concern:

Please find the attached copy of the Site Plan as approved by TCL on May 15, 2007. I am certifying by this letter that the site plan as built is in Substantial Compliance with the previously approved plan.

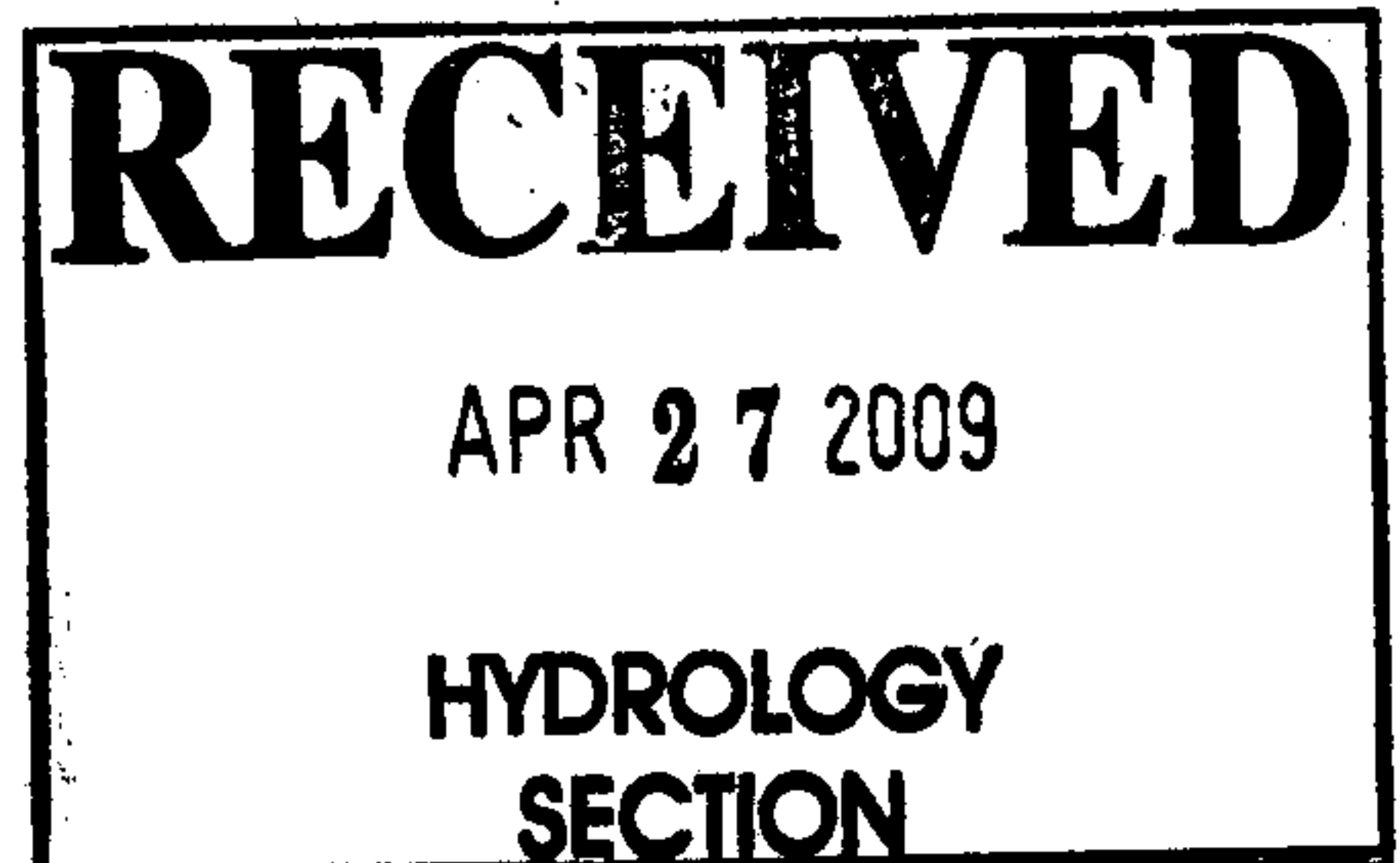
Sincerely,

Kevin Georges, AIA  
Principal Architect  
NM Architect 1471



KEG/vg  
2004.47\CA

OWNER.  
PEGGY WELLS  
256-1920



- 12-19/D134 -



# CITY OF ALBUQUERQUE



March 2, 2007

Jeffrey Todd Wooten, P.E.  
Wooten Engineering, LTD.  
5017 Sanbusco Dr. NE  
Rio Rancho, NM 87144

Re: Desert Spring Nursery – 135 & 137 Charleston NE, (K19/D134)  
Engineer's Stamp dated 2-23-07

Dear Mr. Wooten,

Based upon the information provided in your submittal received on February 26, 2007, the above referenced plan is approved for Building Permit. **Please attach a copy of this approved plan as well as the executed and notarized easement documents to the construction sets prior to sign-off by Hydrology.** Prior to Certificate of Occupancy release, Engineer Certification per the DPM checklist will be required.

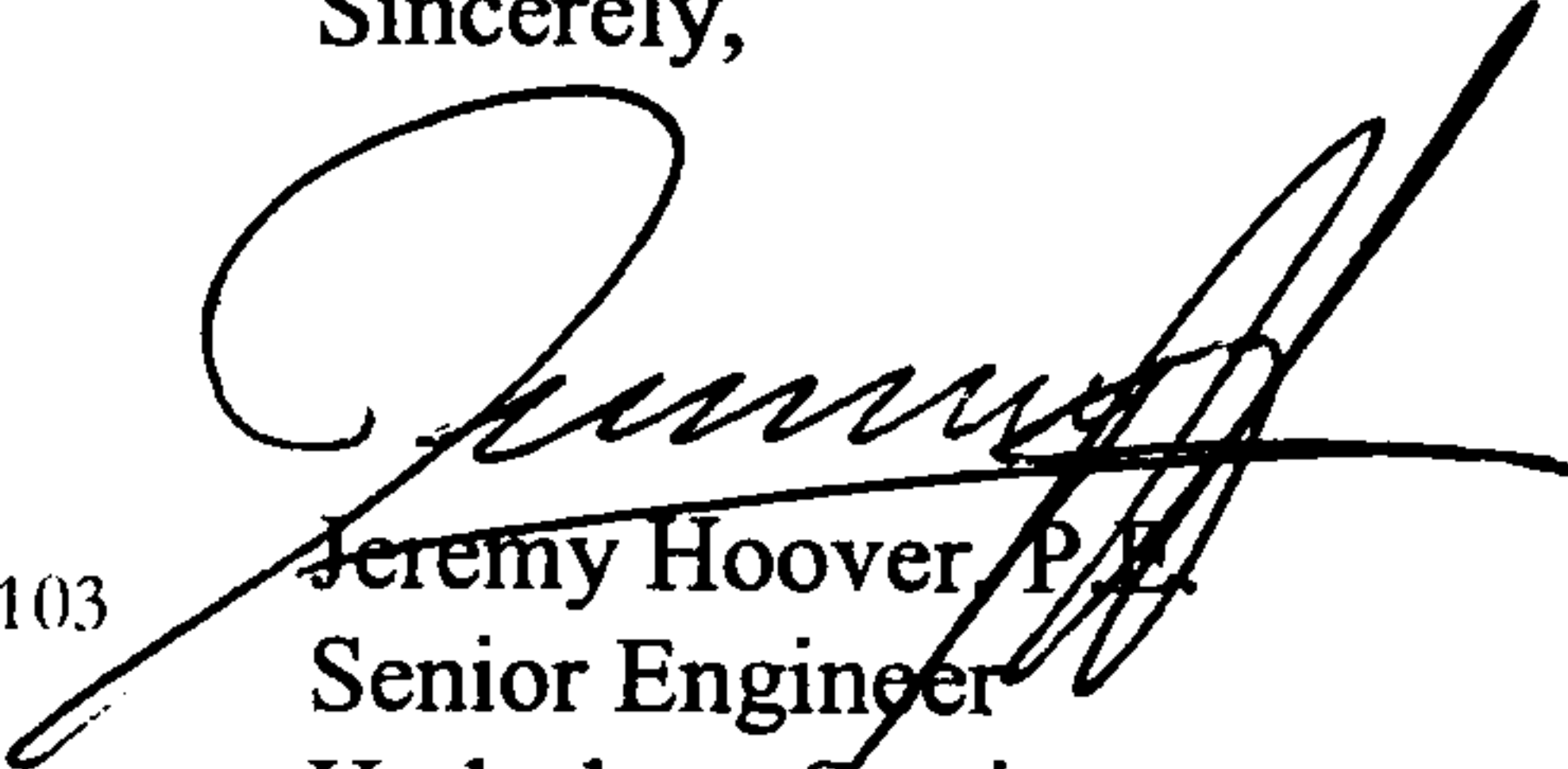
P.O. Box 1293

If you have any questions or need additional information, feel free to contact me at 924-3990.

Sincerely,

Albuquerque

New Mexico 87103

  
Jeremy Hoover, P.E.  
Senior Engineer  
Hydrology Section  
Development and Building Services

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

cc: file (K19/D134)

# CITY OF ALBUQUERQUE



May 15, 2007

Kevin Georges, R.A.  
Kevin Georges & Associates  
214 Truman St. NE  
Albuquerque, NM 87108

Re: Desert Spring Nursery, 137 and 139 Charleston St SE, Traffic Circulation Layout  
Architect's Stamp dated 4-25-07 (K19-D134)

Dear Mr. Georges,

The TCL submittal received 5-03-07 is approved for Building Permit. The plan is stamped and signed as approved. A copy of this plan will be needed for each of the building permit plans. Please keep the original to be used for certification of the site for final C.O. for Transportation. **Public infrastructure or work done within City Right-of-Way shown on these plans is for information only and is not part of approval. A separate DRC and/or other appropriate permits are required to construct these items.**

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

If a temporary CO is needed, a copy of the original TCL that was stamped as approved by the City will be needed. This plan must include a statement that identifies the outstanding items that need to be constructed or the items that have not been built in "substantial compliance," as well as the signed and dated stamp of a NM registered architect or engineer. Submit this TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

When the site is completed and a final C.O. is requested, use the original City stamped approved TCL for certification. A NM registered architect or engineer must stamp, sign, and date the certification TCL along with indicating that the development was built in "substantial compliance" with the TCL. Submit this certification TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

Once verification of certification is completed and approved, notification will be made to Building Safety to issue Final C.O. To confirm that a final C.O. has been issued, call Building Safety at 924-3306.

Sincerely,

Kristal D. Metro, P.E.  
Senior Engineer, Planning Dept.  
Development and Building Services

C: File

# CITY OF ALBUQUERQUE



April 11, 2007

Kevin Georges, R.A.  
Kevin Georges & Associates  
214 Truman Street NE  
Albuquerque, NM 87108

Re: **Desert Spring Nursery, 137 and 139 Charleston St. SE,**  
**Traffic Circulation Layout, Architect's Stamp dated 2-09-07 (K19-D134)**

Dear Mr. Georges,

Based upon the information provided in your submittal received 04-09-07, the above referenced plan cannot be approved for Building Permit until the following comments are addressed:

1. Please show a vicinity map.
2. Provide more detail on the entrance. Per your previous discussion with Wilfred Gallegos, the location of the entrance was to be located further to the west off of the alley. In addition, you may need to move the entrance gate further back from the entrance. Please provide the queuing distance for this entrance.
3. Will the Passage Gate (see keyed note 7) be ADA compliant?
4. Is the proposed 6' Pedestrian Path and the 8' pathway around the building flush with the parking lot pavement or raised?
5. Clarify existing versus proposed conditions.
6. Define the width of the driveway. ~ 24' Required
7. What is the current status of the alley? Is it paved? Is there curb and gutter? Will the driveway interfere with the curb returns at Charleston and the Public Alley?
8. Are there existing ADA compliant wheelchair ramps at the intersection of the Public Alley and Charleston? If not, this will need to be remedied at this time
9. What is the width of the sidewalk along Charleston?
10. Include a copy of refuse approval with the next submittal. *ok'd by WG*
11. List radii for all curves shown.
12. The handicapped space must include an 8-foot wide van access aisle in order to be a "van accessible" space. This space should be located to the right of the space. *WG ok'd to the left of space*

*Requirement waived by WG 4-24-07*

If you have any questions, you can contact me at 924-3981.

Sincerely,

Kristal Metro, P.E.  
Senior Engineer  
Development and Building Services

C: File

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov



# CITY OF ALBUQUERQUE



February 21, 2007

Jeffrey Todd Wooten, P.E.  
Wooten Engineering, LTD.  
5017 Sanbusco Dr. NE  
Rio Rancho, NM 87144

Re: Desert Spring Nursery – 135 & 137 Charleston NE, (K19/D134)  
Engineer's Stamp dated 2-1-07

Dear Mr. Wooten,

Based upon the information provided in your submittal received on February, 2-2007, there are some additional items that must be addressed prior to permit approval. Those items are as follows.

- Your Drainage Management Plan narrative refers to the unit runoff rates (cfs per acre) not the total runoff values. Please revise accordingly. Are there any off-site flows entering the site?
- A cross-lot drainage easement is necessary. Be advised that, given the proposed structure location, a platting action will likely be required by Zoning.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

If you have any questions or need additional information, feel free to contact me at 924-3990.

Sincerely,

Jeremy Hoover, P.E.  
Senior Engineer  
Hydrology Section  
Development and Building Services

cc: file (K19/D134)



#4  
(NOT DEVELOPER OWNED PROPERTY)

**PRIVATE FACILITY  
DRAINAGE COVENANT AND  
RESERVATION OF PRIVATE DRAINAGE EASEMENT**

1K19-D134

This Drainage Covenant, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of \_\_\_\_\_," "partnership":] Margaret A. Wells, a married person ("Owner"), whose address is 425 Virginia NE Albuquerque NM; [state the name of the developer or subdivider required to construct the drainage facility and state the legal status of the developer, for example, "single person," "husband and wife," "corporation of the State of \_\_\_\_\_," "partnership":] Margaret A. Wells, a married person ("Developer"), whose address is 425 Virginia NE Albuquerque NM, and the City of Albuquerque, a New Mexico municipal corporation ("City") whose address is P.O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner and Developer sign this Covenant.

1. Recital. The Owner is the owner of the following described real property located at [give legal description, and street address: See Exhibit "A" 137 Charleston SE Albuquerque in Bernalillo County, New Mexico (the "Property").

N/A Pursuant to City ordinances, regulations and other applicable laws, the Developer is required to construct and maintain certain drainage facilities and the Owner, for good and valuable consideration received from the Developer, is willing to allow construction and maintenance of the Drainage Facility on its Property, and the parties wish to enter into this Covenant to establish the obligations and responsibilities of the parties.

N/A 2. Description and Construction of Drainage Facility. The Developer shall construct the following "Drainage Facility" within the Property at the Developer's sole expense in accordance with the standards, plans and specifications approved by the City:



The Drainage Facility is more particularly described in Exhibit A attached hereto and made a part hereof.

3. Reservation of Easement. The Owner, for itself, its heirs, successors and assigns, jointly and severally, hereby grants to Developer, its heirs, successors and assigns, jointly and severally, a perpetual easement over and across a portion of the Owner's property for the benefit of [describe the lots, parcels or tracts which are to be benefited by the Drainage Facility and easement] Lot ~~14~~ 15.

ma-w  
for the purpose of permitting the flow, conveyance, and discharge of storm water runoff and for the purpose of permitting ingress and egress for the construction, maintenance and repair of the drainage facility. The land affected by the grant of this easement is more particularly described as:

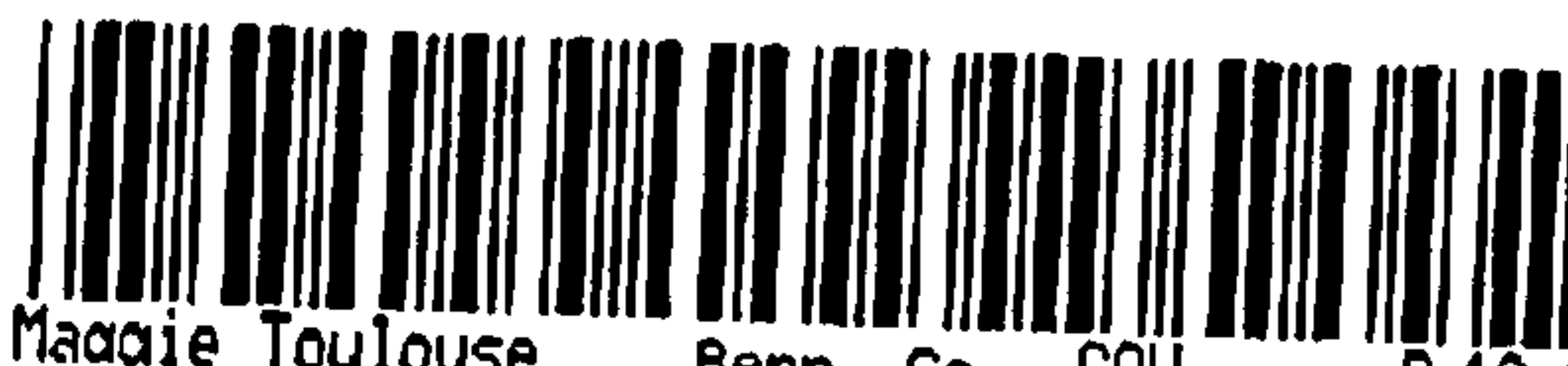
Lot 14 and 15, Block 001, Subdivision RM Moore

N/A  
4. Maintenance of Drainage Facility. The Developer shall maintain the Drainage Facility and Easement at the Developer's sole cost in accordance with the approved Drainage Report and plans. In the event the Developer fails to maintain the Drainage Facility, Owner agrees that it shall be responsible for maintenance of the Drainage Facility and Easement in accordance with the approved Drainage Report and plans.

N/A  
5. Benefit to Property. The Developer and Owner acknowledge and understand that the Drainage Facility required herein to be constructed is for the private benefit and protection of the Developer's property and that failure to maintain such facility could result in damage or loss to the Owner's Property and to the property of Developer.

N/A  
6. Inspection of Drainage Facility. The City shall have no duty or obligation whatsoever to perform any inspection, maintenance or repair of the Drainage Facility, it being the duty of the Developer, its heirs, successors and assigns to construct and maintain the facility in accordance with approved plans and specifications.

7. Liability of City. The Developer and Owner understand and agree that the City shall not be liable to the Developer or the Owner, or their respective heirs, successors or assigns, or to any third parties for any damages resulting from the Developer's or Owner's failure to construct, maintain or repair the Drainage Facility.





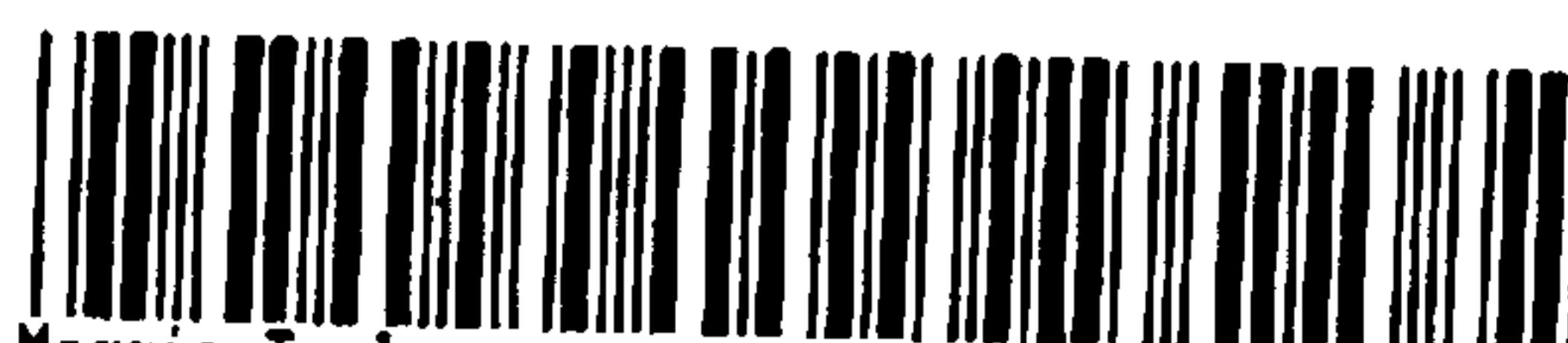
8. Indemnification. The Developer owns and controls the Drainage Facility and shall not permit the Drainage Facility to constitute a hazard to the health or safety of the general public. The Developer agrees to indemnify, defend and hold harmless the City, its officials, agents and employees, and the Owner, its heirs, successors and assigns from any claims, actions, suits or other proceedings arising from or out of the negligent acts or omissions of the Developer, its agents, negligent acts or omissions of the Developer, its agents, representatives, contractors or subcontractors or arising from the failure of the Developer, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer herein; provided, however, 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 expense, including attorney's fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the respective indemnitee, or the agents or employees of the respective indemnitee; or (2) the giving of or the failure to give direction or instructions by the respective indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

9. Assessment. Nothing in this Easement and Covenant shall be construed to relieve the Owner or Developer, or their respective heirs, assigns and successors from an assessment against the Owner's or Developer's property for improvements under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the Drainage Facility will not reduce the amount assessed by the City.

10. Binding on Owner's Property. The easement, covenants and obligations of the Owner and Developer set forth herein shall be binding on the Owner and Developer, and their respective heirs, assigns and successors and on the Owner's Property and constitute covenants running with the Owner's Property until released by the City's Chief Administrative Officer as approved by the City Engineer.

11. Entire Covenant. This Covenant 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.

12. Changes to Covenant. Changes to this Covenant are not binding unless made in writing, signed by all parties.



Bk-A136 Pg-2977



## OWNER'S ACKNOWLEDGMENT

STATE OF NEW MEXICO )

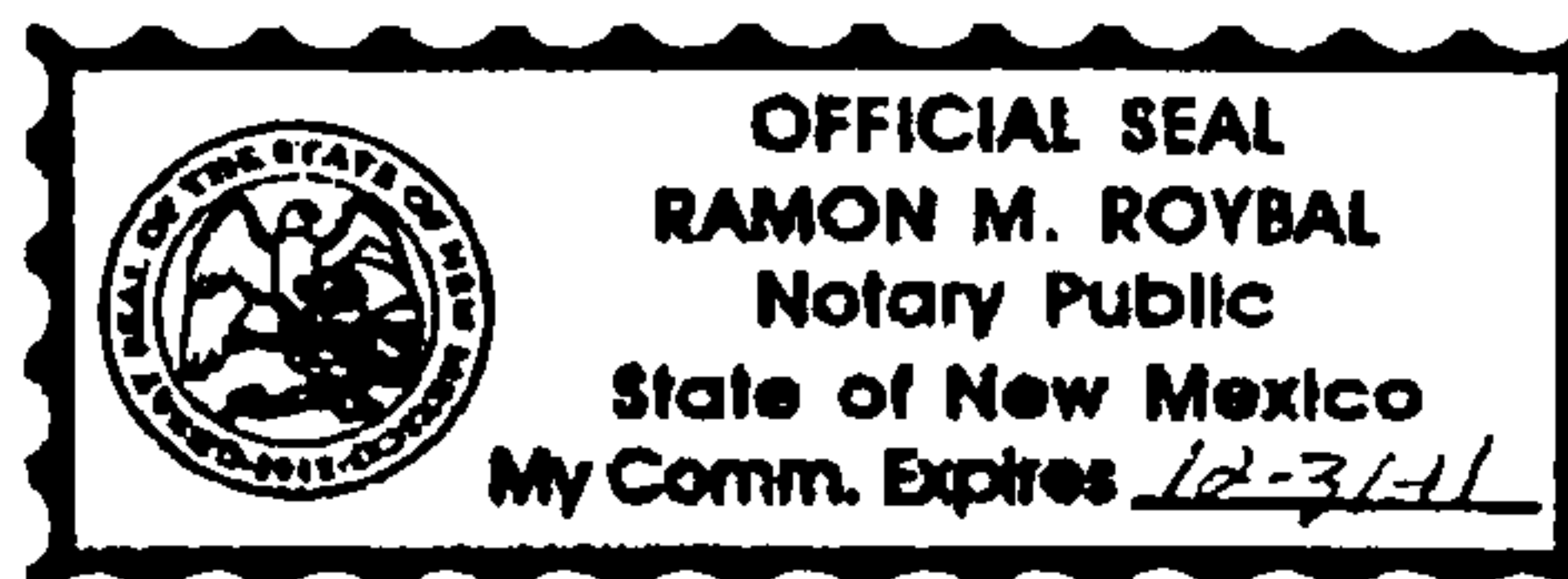
COUNTY OF BERNALILLO )

) ss.

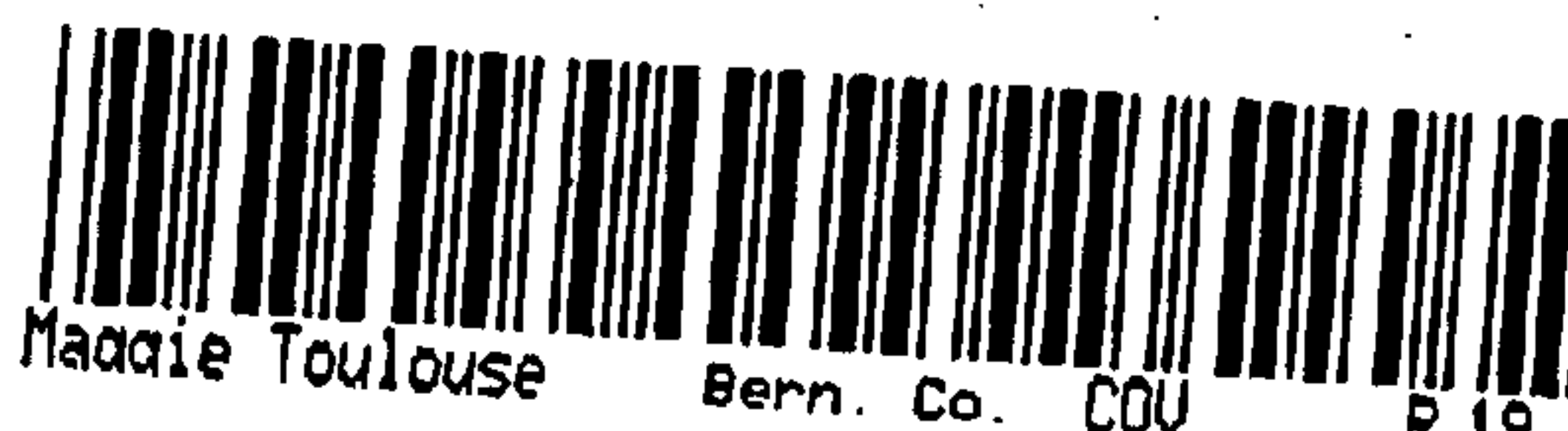
This instrument was acknowledged before me on April 30th  
19 2007, by Margaret A. Wells, on behalf of Margaret  
A. Wells.

Notary Public

My Commission Expires:

12-31-11

(EXHIBIT A ATTACHED)



**ALBUQUERQUE SURVEYING COMPANY INC.**

2119 MENAUL BOULEVARD, N.E. • ALBUQUERQUE, N.M. 87107

PHONE (505) 884-2036

FAX (505) 884-3796

Email vjirik@qwest.net

**EXHIBIT A****LEGAL DESCRIPTION****5' DRAINAGE EASEMENT  
WITHIN LOT 14, BLOCK 1, B.M. MOORE ADDITION  
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO**

BEING THAT CERTAIN PARCEL OF LAND SITUATED IN SECTION 19, TOWNSHIP 10 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS THE SOUTHERLY 5 FEET OF LOT 14, BLOCK 1, B.M. MOORE ADDITION, AS SAID LOT 14 IS SHOWN AND DESIGNATED ON THE PLAT OF SAID ADDITION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON NOVEMBER 29, 1947 IN VOLUME C1. FOLIO 172, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL OF LAND HEREIN DESCRIBED BEING THE SOUTHEAST CORNER OF LOT 14, THE NORTHEAST CORNER OF LOT 15, BLOCK 1, B.M. MOORE ADDITION, AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CHARLESTON STREET S.E.; THENCE,

S 89°18'21" W, 139.32 FEET DISTANCE TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND HEREIN DESCRIBED BEING THE SOUTHWEST CORNER OF SAID LOT 14, THE NORTHWEST CORNER OF SAID LOT 15, AND A POINT ON THE EASTERLY LINE OF LOT 6, BLOCK 5, BEVENS ADDITION (PLAT FILED 6/15/1946 IN VOLUME D, FOLIO 35); THENCE,

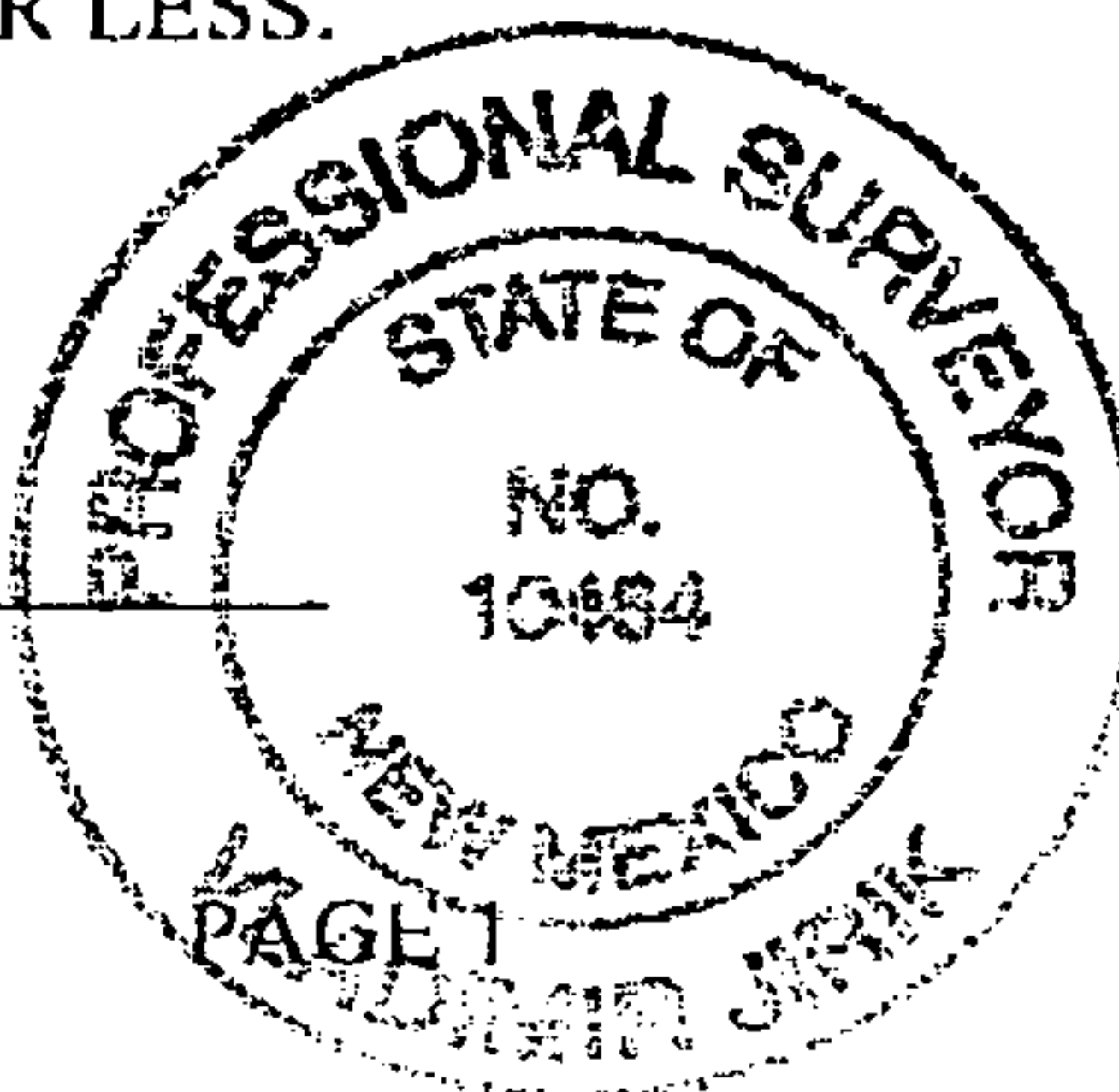
N 01°07'03" E, 5.00 FEET DISTANCE TO THE NORTHWEST CORNER OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE,

N 89°18'21" E, 139.32 FEET DISTANCE TO THE NORTHEAST CORNER OF THE PARCEL OF LAND HEREIN DESCRIBED BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CHARLESTON STREET S.E.; THENCE,

S 01°07'03" W, 5.00 FEET DISTANCE TO THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED AND CONTAINING 697 SQUARE FEET (0.0160 ACRE), MORE OR LESS.

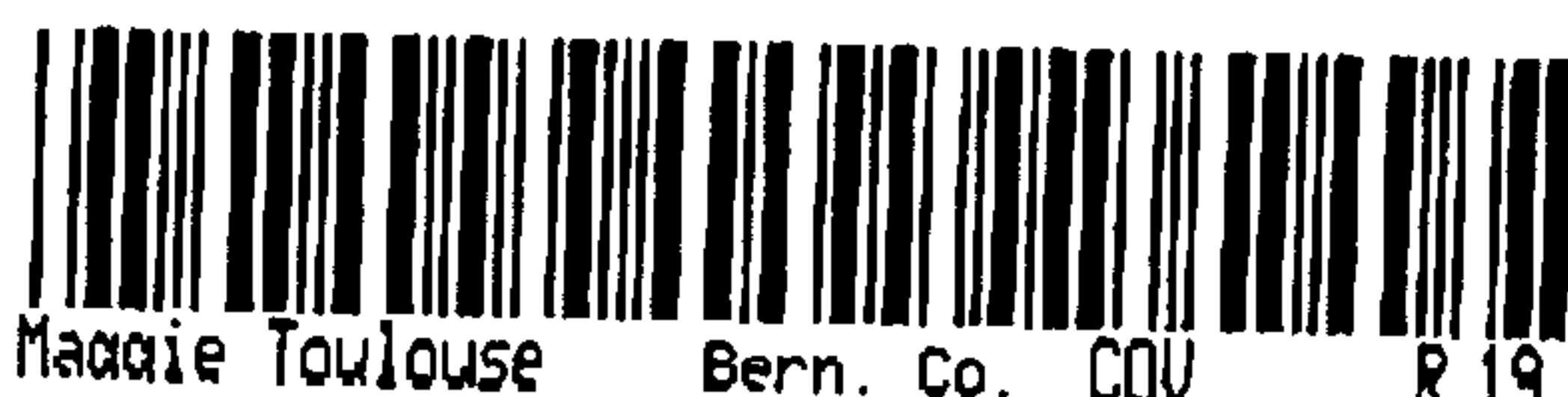
  
VLADIMIR JIRIK, NMPS NO. 10464

27003legal2.doc/vj



APR 17 2007

DATE



Maddie Toulouse

Bern. Co. COV

R 19.00

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Page: 6 of 6

04/30/2007 02:24P

BK-A136 Pg-2977



ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME Jeffrey Wooten

AGENT \_\_\_\_\_

ADDRESS 5017 Sanbusco Dr. N.E.

PROJECT & APP # \_\_\_\_\_

PROJECT NAME Desert Spring Nursery

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ \_\_\_\_\_ 441006/4983000 DRB Actions

\$ \_\_\_\_\_ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ \_\_\_\_\_ 441018/4971000 Public Notification

\$ 50.00 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan (X) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study

\$ 50.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

DBA WOOTEN ENGINEERING 03-06 1011  
JEFFREY T. WOOTEN SOLE PROP  
505-771-8038  
5017 SANBUSCO DR. N.E.  
RIO RANCHO, NM 87144-5303  
Date Feb 2, 2007 95-32/1070 NM 1125

Pay to the Order of CITY OF ALBUQUERQUE \$ 50.00  
FIFTY and No/100 Dollars

Bank of America  
ACH R/T 107000327  
For Desert Spring Submittal (Hydrology)  
Cov 1: 107000327: 004276221868 1011  
Account 441006 Fund 0110  
Activity 4983000  
Trans Art J24 Misc CK CHANGE  
\$50.00  
\$50.00  
\$50.00  
\$0.00  
LOC: ANNX  
TRANSH 0017  
TRSMSP  
Thank You