HYDROLOGY K22/D22B 8 PLANS 1 of 2

K22/D22B

8 Plans

Fred Aguirre

RECEIVED
SEP 09 1986
HYDROLOGY SECTION

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

K22/D22B

September 9, 1986

Mr. Ron McConnell
600 Paisano NE
Albuquerque, NM 87123

SUBJECT: RELEASE OF AGREEMENTS

Dear Mr. McConnell:

In accordance with your request on Wednesday, August 20th I have investigated the following six agreements.

Paisano Street - La Questa Subdivision

Zia Road - La Questa Subdivision

All World Travel - Zia Road - La Questa Subdivision

Security Village - La Questa Subdivision

Corte de Paz Subdivision

Domingo Road

Release of agreements for Paisano Street, Zia Road, All World Travel - Zia Road, and Domingo Road have all been signed and forwarded to Legal for final processing. Of course, Domingo Road continues to carry the covenant requiring maintenance since it is a private street. Two releases have not been signed. These are Security Village - La Questa Subdivision and Corte de Paz Subdivision.

Upon investigation of the drainage requirements and subsequent construction of a wall necessary for drainage it appears that dirt fill which provides support for the wall may lie on property adjacent to Security Village. It is further my understanding that permission for this fill has not been given by the adjacent property owner and he contests placement of the fill. Without the fill, the integrity of the wall is damaged, and it is believed the retaining wall may not stand. As a consequence, since it is possible the retaining wall may fall if dirt is ordered removed by

the adjacent property owner, we can not release the agreement. We would be pleased to release the agreement as soon as either the wall is constructed in such a manner as to not depend upon soil support on the adjacent property or the adjacent property owner agrees in writing to allow the support soil to remain. In order to release covenants for Security Village it is necessary that one of the above two conditions be met.

With respect to the Corte de Paz Subdivision, a meeting between Jake Bordenave, Fred Aguirre, and myself occurred on Wednesday, August 27, 1986. The original requirements set forth in the K22D22B drainage improvements have not been met. More specifically, rainfall from the roofs of apartment drain to the back yard of the apartments and insufficient provisions to channel rainfall from the back yards have been provided. In order to obtain release of the agreement successful completion of any one of the following three alternatives will suffice.

1. Block drainage pipes which drain to the back yards of properties.

2. Insure that wall openings are available for draining water across the properties to the street, in accordance with the engineering design.

3. Survey back yards in order to ascertain rather sufficient ponding capacity is available within each yard for drainage from its respective roof, and certification that such ponding will not cause damage to adjacent walls or buildings.

All three of these alternatives have been discussed with your Engineer, Jake Bordenave. Implementation of any one requirement will satisfy the City's requirements. In order to release the agreement the City must have the developer's Engineer Certify that the drainage improvements per City drainage file K22D22B have been constructed or, alternatively, one of the above three alternatives have been implemented.

I trust this addresses these issues sufficiently so as to clearly state the City's position. If there are any questions on any of the above or if further information or elaboration is needed, please let me know.

George E. Selvia, Assistant Director
Public Works/Engineering

GES/njb
Ref: 5707E

xc: Bill Mueller, Adelia Kearny, Fred Aguirre, Jake Bordenave, Andre Houle, Della Gallegos, and Pending

K22/D

FILE COPY

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

REF. NO._____

May 15, 1986

TO: Della Gallegos, Administrative Assistant; Engineering

FROM: Fred J. Aguirre, Hydrologist; Hydrology Section

SUBJECT: SECURITY VILLAGE COVENANTS

This office recommends withholding the release of the covenants for Security Village until such time that the retaining wall problem has been resolved. See attached letter, dated May 1, 1986, for specifics.

The retaining wall is an integral part of the drainage plan that requires certification as a condition of covenant release. This office will advise when the retaining wall problem has been resolved and covenants can be released.

Attachment: Letter from Kenneth Ballew
dated May 1, 1986

FJA/bsj

ROLLER KING!

Skating fun for everyone!

RECEIVED
MAY 09 1986
DH818
HYDROLOGY SECTION

400 Paisano NE (I-40 at Juan Tabo), Albuquerque, N.M. 87123, 505-299-4494

May 1, 1986

City of Albuquerque
123 Central Avenue N.W.
Albuquerque, New Mexico 87103

Attention: Mr. Bob Williams
Chief Building Inspector

Dear Bob:

This is to advise you that the retaining wall recently constructed on Roller King's eastern property line used fill dirt on Roller King property as an integral part of the retaining wall design. I did not grant permission for the use of Roller King's property to support this structure.

Our fence has been severely weakened by the fill dirt compaction and pavement placed against our wall previously by Mr. Ron McConnell. Until the fill on our property has been removed and a proper retaining wall constructed, I would ask that the covenants on Mr. McConnell's property not be released.

Thank you for any assistance you can give in this matter.

Sincerely,

Kenneth Ballew

KNB:lfb

CC: Mayor Ken Schultz
Councilman Michael Wiener
Hydrologist Fred Aquirre
Mr. Ron McConnell
Mr. Coda Roberson

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

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

February 19, 1986

Chris Weiss, P.E.
Weiss-Hines Engineering, Inc.
1100 Alvarado, NE Suite B
Albuquerque, New Mexico 87110

RE: ENGINEERS INFRASTRUCTURE CERTIFICATION FOR SECURITY VILLAGE TOWNHOUSE - ENGINEER'S STAMP DATED JANUARY 22, 1986 (K-22/D22B)

Dear Chris:

Based on the additional information provided on your February 18, 1986 resubmittal, the above referenced certification is acceptable.

If I can be of further assistance, please feel free to contact me at 766-7644.

Cordially,

Bernie J. Montoya

Bernie J. Montoya, C.E.
Engineering Assistant

cc: Denise Wilcox

BJM/bsj

RECEIVED
FEB 12 1986
DH 658
HYDROLOGY SECTION

DMJM

RECEIVED
FEB 1 2 1986
CITY ENGINEER

RECEIVED
FEB 18 1986
HYDROLOGY SECTION

February 6, 1986

Fred Aguirre, P. E.
City Design Hydrologist
City of Albuquerque
P. O. Box 1293
Albuquerque, NM 87103

RE: I-40-3(65)167 & M-4065(2)
Juan Tabo/I-40 Interchange - DMJM No. 4698-01-02

Dear Mr. Aguirre:

I have discussed the installation of the 5' Drainage Concrete Rundown and 12" Deep Riprap located at Sta. 372 + 20 W.B.L. on line "G" Ramp Sta. 4 + 80 inside the N.M.S.H.D. right-of-way with Mr. Paul Myers, Permit Supervisor, of the District 3 Office.

Mr. Myers is quite satisfied with the construction of the Rundown which he personally inspected and approved. This Rundown was authorized by N.M.S.H.D. Permit No. 311560 and was built in accordance with requirements of said permit.

I trust this information satisfies the concerns expressed by your office with respect to this installation.

Sincerely,

Ricardo T. Sanchez, P. E.
DMJM, Project Manager

cc: Paul Myers
Dist. 3 Office
N.M.S.H.D.

RTS/dt

Daniel, Mann, Johnson, & Mendenhall
Suite 280, 5700 Harper Drive, N.E.
Albuquerque, New Mexico 87109
Telephone: 505/822-7955

Planning
Engineering
Systems
Economics

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Scanlly Village ZONE ATLAS/DRNG. FILE #: K-22-D22B

LEGAL DESCRIPTION:

CITY ADDRESS:

ENGINEERING FIRM: WEISS-HINES ENGINEERING CONTACT: Chris Weiss

ADDRESS: 1100 ALVARADO NE PHONE: 505-266-3444

OWNER: Ron McConnell CONTACT:

ADDRESS: 1821 Stagecoach SE PHONE: 294-5036

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: Clauser & Assoc. CONTACT: Dave Clauser

ADDRESS: PHONE: 888-0690

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

RECEIVED
FEB 18 1986
HYDROLOGY SECTION

PRE-DESIGN MEETING:

___ YES

X NO

___ COPY OF CONFERENCE RECAP. SHEET PROVIDED

DRB NO. ___

EPC NO. ___

PROJ. NO. ___

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE/GRADING PLAN

___ CONCEPTUAL GRADING & DRAINAGE PLAN

___ RESUBMITTAL

___ EROSION CONTROL PLAN

X ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL BOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

___ SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

___ BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

X CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

___ OTHER _____ (SPECIFY)

DATE SUBMITTED: February 18, 86 DATE RECEIVED:

BY: Weiss-Hines Engineering, Inc. RECEIVED BY:

Attn Berry Montoya

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

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

January 28, 1986

Chris Weiss
Weiss-Hines Engineering
1100 Alvarado, NE
Albuquerque, New Mexico 87110

RE: ENGINEERS INFRASTRUCTURE CERTIFICATION FOR SECURITY VILLAGE TOWNHOUSES (K-22/D22B) RECEIVED JANUARY 22, 1986

Dear Chris:

Based on the information provided on your January 22, 1986 submittal, certification cannot be accepted until the following items have been addressed:

1. Provide copies of construction approval from the appropriate government agencies for construction within their rights-of-way and/or easements (rundown into the State Highway Right-of-Way).

2. Note identifying that certification is only for the private infrastructures and that all other improvements identified within the approved drainage plan will be the responsibility of the developer or the individual lot owner.

If I can be of further assistance, please call me at 766-7644.

Cordially,

Bernie J. Montoya

Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Security Village ZONE ATLAS/DRNG. FILE #: K-22/D28

LEGAL DESCRIPTION:

CITY ADDRESS:

ENGINEERING FIRM: WEISS-HINES ENGINEERING CONTACT:

ADDRESS: 1100 ALVARADO NE PHONE: 505-266-3444

OWNER: Ron McConnell CONTACT:

ADDRESS: 1321 Stagecoach S.E PHONE: 294-5036

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: Dave Claussen CONTACT:

ADDRESS: PHONE: 888-0690

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

RECEIVED JAN 22 1986 HYDROLOGY SECTION

PRE-DESIGN MEETING:

___ YES

___ NO

___ COPY OF CONFERENCE RECAP. SHEET PROVIDED

DRB NO. ___

EPC NO. ___

PROJ. NO. ___

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE/GRADING PLAN

___ CONCEPTUAL GRADING & DRAINAGE PLAN

___ RESUBMITTAL

___ EROSION CONTROL PLAN

X 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

X CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

___ GRADING/PAVING PERMIT APPROVAL

___ OTHER ___ (SPECIFY)

DATE SUBMITTED: 1-22-86 DATE RECEIVED:

BY: Weiss-Hines Engineering, Inc. RECEIVED BY: 1/22/86

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

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

December 26, 1985

Chris Weiss, PE
Weiss-Hines Engineering, Inc.
1100-B Alvarado NE
Albuquerque, NM 87110

RE: CERTIFICATION OF RETAINING WALL HEADER CURB, SECURITY VILLAGE (K22/D22B), DRAWINGS DATED 12/10/85, RECEIVED 12/17/85

Dear Chris,

The above referenced certification is acceptable based on your information provided.

If you have any questions, call me at 766-7644.

Sincerely,

Roger A. Green, PE

Roger A. Green, PE
CE/Design Hydrology

RAG/cl

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Retaining Wall Design Security Village ZONE ATLAS/DRNG. FILE #: K-22/D22B

LEGAL DESCRIPTION: La Cuesta Subdivision

CITY ADDRESS: Near I-40 & Eubank N.E.

ENGINEERING FIRM: WEISS-HINES ENGINEERING CONTACT: Chris Weiss

ADDRESS: 1100 ALVARADO NE PHONE: 505-266-3444

OWNER: CONTACT:

ADDRESS: PHONE:

ARCHITECT: CONTACT:

ADDRESS: PHONE:

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

___ YES

X NO

___ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. ___

EPC NO. ___

PROJ. NO. ___

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

X DRAINAGE/GRADING PLAN

___ CONCEPTUAL GRADING & DRAINAGE PLAN

X RESUBMITTAL

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

RECEIVED DEC 17 1985 HYDROLOGY SECTION

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

X OTHER Revision (SPECIFY)

DATE SUBMITTED: December 16, 1985 DATE RECEIVED: ___

BY: Weiss-Hines Engineering, Inc. RECEIVED BY: ___

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

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

October 23, 1985

Mr. Chris Weiss
Weiss-Hines Engineering, Inc.
1100-B Alvarado NE
Albuquerque, NM 87110

REF: SECURITY VILLAGE RETAINING WALL DESIGN (K22-D22B) RECEIVED OCTOBER 21, 1985

Dear Chris:

Based on the information provided on your October 21, 1985 submittal, I submit the following comments:

1. The retaining wall design will need to be coordinated with Building Code Administration for approval and permitting purposes.
2. Per agreement between Mr. Ron Mc Connell and the City of Albuquerque, the developers registered professional engineer shall certify to the city that the private improvements as shown on the grading plan in the city drainage file K22-D22B have been constructed in compliance with said plans. Therefore, certification is required.
3. You will need to coordinated the decrease in width of the private drive with Traffic Engineering.

If I can be of further assistance, please feel free to contact me at 766-7644.

Sincerely,

Carlos A. Montoya

Carlos A. Montoya
City/County Flood Plain Admin.

CAM/BJM/cl

DRAINAGE INFORMATION SHEET
(Retaining Wall Design)

PROJECT TITLE: Security Village ZONE ATLAS/DRNG. FILE #: K-22

LEGAL DESCRIPTION: La Cueva Subdivision

CITY ADDRESS: Near I-40 & Juan Tabo N.E.

ENGINEERING FIRM: WEISS-HINES ENGINEERING CONTACT: Chris Weiss

ADDRESS: 1100 ALVARADO NE PHONE: 505-266-3444

OWNER: CONTACT:

ADDRESS: PHONE:

ARCHITECT: Ron McConnell CONTACT: Ron McConnell

ADDRESS: 1321 Stagecoach Rd SE PHONE: 244-5036

SURVEYOR: CONTACT:

ADDRESS: PHONE:

CONTRACTOR: CONTACT:

ADDRESS: PHONE:

RECEIVED
OCT 21 1985
HYDROLOGY SECTION

PRE-DESIGN MEETING:

___ YES
X NO
___ COPY OF CONFERENCE RECAP SHEET PROVIDED

DRB NO. ___
EPC NO. ___
PROJ. NO. ___

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT
X DRAINAGE/GRADING PLAN
___ CONCEPTUAL GRADING & DRAINAGE PLAN
___ RESUBMITTAL
___ 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 Construction Modification Approval (SPECIFY)

DATE SUBMITTED: October 21, 1985 DATE RECEIVED: 10/21/85

BY: Weiss-Hines Engineering, Inc. RECEIVED BY: [illegible]

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

MAYOR
Harry E. Kinney

CHIEF
ADMINISTRATIVE OFFICER
Frank A. Kleinhenz

FILE W/ REPORT

March 8, 1985

Mr. Ken Ballew, President
Roller King, Inc.
400 Paisano, N.E.
Albuquerque, New Mexico 87123

Re: Your letter of February 28, 1985, concerning a wall at 400 Paisano, N.E.

Dear Mr. Ballew:

I have been informed by the Code Administration Division that the wall in question is in fact acting as a retaining wall. The wall was not constructed nor designed as a retaining wall and therefore the wall must be strengthened or the excess earth on the high side must be removed. The building code allows an 18" difference in elevation on opposite sides of a wall before it is considered a retaining wall.

Please contact the Code Administration Division and inform them of your proposed course of action. They can advise you of the necessary procedures to follow in resolving the situation. The contact person is Manuel Facio, Chief Building Inspector, phone number 766-7534.

Sincerely,

Frank A. Kleinhenz

Frank A. Kleinhenz
Chief Administrative Officer
City of Albuquerque

FAK/mmg/gm
0113N

xc: Mr. Carl Rodolph, Director, MDD
Mr. Manual Facio, Chief Building Inspector, CAD
Mr. Fred Aguirre, Engineer, Engineering, MDD
Mr. Charles W. Volz, AIA, Chief Building Official, CAD

Skating fun for everyone! *400 Paisano NE (I-40 at Juan Tabo), Albuquerque, N.M. 87123, 505-299-4494*

February 28, 1985

Mr. Frank Kleinhenz
Chief Administrative Officer
400 Marquette Avenue NW
Albuquerque, New Mexico 87102

Dear Mr. Kleinhenz:

I am the President, and along with my father, the majority shareholder in Roller King, Inc., a local roller-skating facility located at 400 Paisano NE. As part of its assets, the corporation owns the land the facility is located on which amounts to approximately 2-1/4 acres.

The land located directly to the east of the Roller King land was purchased by Coda Robertson, a local real estate development firm, in the fall of 1984. Coda Robertson plans to develop this adjacent land by building and selling town houses. Prior to the Coda Robertson purchase, the land in question has been owned for approximately ten years by Mr. Ron McConnell who owns other land in the area.

The east boundary of the Roller King land is adjacent to the west boundary of the McConnell/Coda Robertson land. The two land parcels are physically divided by a six foot cinder block fence located entirely on Roller King's land and owned by them. In early 1984, prior to McConnell's sale of the land to Coda Robertson and in anticipation of future development of the land, McConnell caused back fill to be placed on the land directly against the Roller King fence in excess of the current and then existing city ordinance. The applicable ordinance permitted back fill against an adjoining fence of 18 inches, whereas the back fill placed on the property by McConnell directly against the Roller King fence was 30 inches.

The motivation for writing this letter is not so much the fact that the back fill against Roller King's fence exceeded 18 inches, but, rather, the structural risk and potential damage caused by the back fill. The cost of the Roller King fence was approximately $10,000.00 in 1979. Subsequent to the back fill, the corporation has engaged its own engineer to examine the situation. Based upon his observations and measurements, the engineer immediately concluded that the excessive back fill will soon cause excessive

stress on the Roller King fence, thereby causing it to crack and/or collapse in the very near future at the risk of substantial financial loss to Roller King.

With the foregoing background in mind, I would now proceed to the nub of the matter which is that I am hereby requesting the City to pursue official action against the owner (and/or prior owner) of the land for a willful violation of the City ordinances and, which if allowed to go unresolved, will soon cause substantial financial loss to Roller King, Inc. McConnell, the previous owner, knew of the ordinance infraction prior to the sale and the actual back fill, but chose to willfully disregard the City's zoning ordinance as well as the rights of the adjoining private landowner.

It is realized that as a private landowner, the corporation has a number of additional remedies available to it including the alternative of initiating legal action within the court system. These legal remedies are currently being reviewed by counsel for the corporation. However, the existence of such remedies should be considered totally independent of the various legal consequences resulting from a willful City ordinance violation which is the subject of this letter.

In sum, I would request and appreciate the City taking the necessary and appropriate action to confirm the existence of the ordinance violation previously described, and additionally, to take the necessary action to have such violation corrected as soon as is possible.

Very truly yours,

KEN BALLEW
President

KB/lfb

CC: Mayor Harry Kinney
City Councillors

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

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

May 30, 1984

Mr. Chris Weiss
CTS, Inc.
1100 A Alvarado NE
Albuquerque, NM 87108

Dear Chris:

It has been brought to our attention (and confirmed by the approved drainage plan) that fill material in excess of 18" is proposed along the west boundary of the subject subdivision without the benefit of a retaining wall as required by Chapter 11 of the Uniform Administrative Code, Section 1107.

Please advise your client of this requirement and have him obtain the required wall permits to remedy this variance from code.

Sincerely yours,

Steve R. Chavez
Drainge Inspector

SRC:mrk

FOLLOWING FRAME (S)

IS SHOT OF

PHOTOGRAPH (S)

CITY OF ALBUQUERQUE
DRAINAGE COMPLAINT REPORT

Location 400 PAISANO N.E. Sheet 1 of 1

I-40 & JUAN TABO

Reported by: KEN BALLEW Phone 299-9999

Address: Ext.

Complainant Phone

Address Ext.

Taken by: FRED AGUIRRE Date 5-1-89

COMPLAINT ALLEGEDLY PROPERTY OWNER HAS BACK FILLED AND PAVED UP NEXT TO WALL.

Referred to: STEVE R. CHAVEZ

INVESTIGATION — CAUSE

Recommendation:

Investigated by: Date

Action taken:

Taken by: Date

Follow Up:

Taken by: Date

Zone Atlas

Date

Drainage Map

Complaint Report No.

Plan No.

Date

Project No.

Approved

CITY OF ALBUQUERQUE
DRAINAGE COMPLAINT REPORT

Location 400 PAISANO N.E. Sheet 1 of 1

I-40 @ JUAN TABO

Reported by: KEN BALLEW Phone 299-4999

Address: Ext.

Complainant Phone

Address Ext.

Taken by: FRED AGUIRRE Date 5-1-89

COMPLAINT ADJACENT PROPERTY OWNER HAS BACK FILLED AND PAVED UP NEXT TO WALL.

Referred to: STEVE R. CHAVEZ

INVESTIGATION — CAUSE

Recommendation:

Investigated by: Date

Action taken:

Taken by: Date

Follow Up:

Taken by: Date

Zone Atlas Date

Drainage Map Complaint Report No.

Plan No. Date

Project No. Approved

CITY OF ALBUQUERQUE
DRAINAGE COMPLAINT REPORT

Location 400 Paisano N.E. Sheet 1 of 1

I-40 & Juan Tabo

Reported by: Ken Ballew Phone 299-9999

Address: Ext.

Complainant Phone

Address Ext.

Taken by: Fred Aguirre Date 5-1-89

COMPLAINT Adjacent Property owner has backfilled and paved up next to wall.

Referred to: Steve R. Chavez

INVESTIGATION — CAUSE

Recommendation:

Investigated by: Date

Action taken:

Taken by: Date

Follow Up:

Taken by: Date

Project No. Plan No. Drainage Map Zone Atlas

Approved Date Complaint Report No. Date

ROLLER KING!

Skating fun for everyone!

400 Paisano NE (I-40 at Juan Tabo), Albuquerque, N.M. 87123, 505-299-4494

APRIL 30, 1984

RECEIVED

MAY 1 1984

Mr. Gene Mares
City Planning Division
P. O. Box 1293
Albuquerque, New Mexico 87103

Dear Mr. Mares:

Pursuant to our telephone conversation, please find enclosed a copy of the letter from our architect regarding Roller King's East wall which Mr. McConnell has back-filled from his side.

Your help in resolving this matter is greatly appreciated.

Sincerely,

Ken Ballew, President
Roller King, Inc.

KB:m

cc: Mr. Fred Aguirre
City Hydrologist

enc.

DNB
DORMAN / NELSON / BREEN
ARCHITECTS

April 27, 1984

Mr. Ken Ballew
400 Paisano Street NE
Albuquerque, NM 87123

RE: C.M.U. Screen Walls at Roller King

Dear Ken:

Pursuant to our telephone conversation of yesterday, this letter confirms our mutual concern on the new structural loads placed on the C.M.U. screen walls. As per the working drawings, the initial design of the steel reinforcing was solely for a free standing screen wall and not a retaining type wall. You indicated that currently there is between 2 feet and 3 feet of backfill next to the wall in addition to asphalt topping.

In order that the wall can withstand the additional soil pressure against the wall it more than likely will be necessary to provide additional pilaster support to the existing wall.

Before proceeding with the engineering that will be required, we will await further word from you.

Hope to hear from you soon.

Sincerely,

Douglas M. Nelson

DMN:vs

Richard Dorman F.A.I.A. / Douglas Nelson A.I.A. / Laurence Breen A.I.A.
Architecture, Planning, Interiors & Landscape Design 1512 Paseo de Peralta, Suite A Santa Fe, New Mexico 87501 (505) 982-9196

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

FILE COPY

November 23, 1983

Mr. Andre Houle
CTS, Inc.
1100 Alvarado
Albuquerque, NM 87110

REF: SECURITY VILLAGE (K22-D22) and CORTE DE PAZ (K22-D22B) DATED 11/17/83

Dear Mr. Houle:

The referenced revised drainage plan is in accordance with our previous discussion; therefore, these plans are approved.

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

Sincerely,

Fred J. Aguirre
Design Hydrologist

FJA:mrk

INFORMATION SHEET

PROJECT TITLE SECURITY VILLAGE TYPE OF SUBMITTAL AMENDMENT

ZONE ATLAS PAGE NO. K22-022 CITY ADDRESS

LEGAL DESCRIPTION

ENGINEERING FIRM CTS, Inc CONTACT Andre Hoole

ADDRESS PHONE 266-3444

OWNER CONTACT

ADDRESS PHONE

ARCHITECT CONTACT

ADDRESS PHONE

SURVEYOR CONTACT

ADDRESS PHONE

CONTRACTOR CONTACT

ADDRESS PHONE

DATE SUBMITTED

By 11-17-83

Amended to include paving section for letter of credit & Agreement processing

RECEIVED

NOV 17 1983

ENGINEERING

P.O. Box 142, Sandia Park, New Mexico 87047

October 10,1983

Mr. Fred Aguirre D.R.B. Representative
City of Albuquerque, Engineering Division
P.O. Box 1293
Albuquerque, N.M.87103

RE: Security Village Subdivision

Dear Mr. Aguirre,

Transmitted herewith are two copies of the agreements of the financial guarantees based upon Jake'Bordenave"s engineering drawings dated September 29,1983. Please review for compliance with City regulations and upon your authorization, procedures will commence for obtaining a letter of credit satisfactory to City requirements.

Thank You,

Andre Houle
Engineer for
C.T.S.,Inc.Engineers

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

February 9, 1983

Mr. Michial Emery, PE
Bohannan-Huston Inc.
4125 Carlisle Blvd. NE
Albuquerque, New Mexico 87107

Ref: Tomahawk Parcel
Lands of R.D. & M.J. McConnell
(K22-D22B)

Dear Mr. Emery:

The drainage plan for the aforementioned project is in agreement with the La Cuesta Drainage Plan and is hereby approved. Please place your client on notice that in order to obtain final plat approval and/or a building permit the following conditions must be met:

1. The 25' private access, utility and drainage way construction details must be approved by the City Engineering Department and a bond (or other financial guarantee) satisfactory to the Mayor for the private improvements (Ordinance 97-1976; Sections 30E5b and 30L6 as amended by Ordinance 68-1978).

2. The approved N.M.S.H.D. license for the concrete rundown and discharge quantities shown on this plan.

Note that the City approval is contingent upon approval of the N.M.S.H.D. license for this rundown and drainage quantity. A bond (or other financial guarantee) will also be required for this work (Ordinance No. 63-1982, Section 9.D).

I remain at your service to provide any additional information on this matter.

Very truly,

Andre Houpis, PE
Civil Engineer/Hydrology

AH/el

cc: Drainage File ✓
Reading File

BOHANNAN-HUSTON INC.
ENGINEERS PLANNERS PHOTOGRAMMETRISTS
4125 CARLISLE BLVD., N.E. ALBUQUERQUE, NEW MEXICO 87107 505 881-2000
6713 VISCOUNT BLVD., EL PASO, TEXAS 79925 915 778-4491
330 GARFIELD, SANTA FE, NEW MEXICO 87501 505 988-7671

Chuck

February 1, 1983

RECEIVED
FEB 02 1983
CITY ENGINEER

Mr. Charles M. Easterling
Principal Assistant City Engineer
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Drainage Report for Townhouse Parcel on Lands of R. D. and M. J. McConnell

Dear Chuck:

Since the drainage report for this project was originally submitted in December, the number of lots has been reduced from twenty to nineteen. The developed drainage and grading plan has been modified to reflect this change. The change does not significantly modify the flow rates or drainage patterns.

A copy of the revised plate is enclosed. Please insert this into your copy of the drainage report.

The site plan for this development has been resubmitted to the Environmental Planning Commission for their March meeting. We would appreciate approval of the drainage report for this project prior to that time.

If you have any questions, please call Dave Millikan or me.

Sincerely yours,

Michial M. Emery

Michial M. Emery, P.E.
Vice President

Enclosures

cc: Ron McConnell

DMYM/blm
Job No. 20975

PRINCIPALS
JERRY R. BOHANNAN, P. E. & L.S.
LARRY W. HUSTON
DONALD T. CREMANS, P. E.
C. J. (SKIP) MEAD, P. E.
MICHIAL M. EMERY, P. E.

ASSOCIATES
ALFRES ARAGON VIAMONTE, P. E.
JACK EICHORN
ROBERT H. GREENLEE, P. E.
G. LEE TRUSSELL
ISAAC J. PINO, P. E.
RAMON LARA, P. E.
DARRELL L. WADE, P. E.
PATRICK L. STIEHR, P. E.
DAVID M. Y. MILLIKAN, P. E.

INFORMATION SHEET

PROJECT TITLE Townhouse Development on Lands of R.D. and M.J. McConnell TYPE OF SUBMITTAL Drainage Report

ZONE ATLAS PAGE NO. K-22 - 022b CITY ADDRESS

LEGAL DESCRIPTION Tract A of Lands of R.D. and M.J. McConnell

ENGINEERING FIRM Bohannan–Huston, Inc. CONTACT Dave Woods

ADDRESS 4125 Carlisle Blvd., NE PHONE 881-2000

OWNER R.D. McConnell CONTACT R.D. McConnell

ADDRESS 1255 Church Street PHONE (415) 676-8969

ARCHITECT CONTACT

ADDRESS PHONE

SURVEYOR CONTACT

ADDRESS PHONE

CONTRACTOR CONTACT

ADDRESS PHONE

DATE SUBMITTED December 3, 1982

BY David M.Y. Millikan

RECEIVED

DEC 06 1982

ENGINEERING

APPLICATION FOR ZONE MAP AMENDMENT AND/OR DEVELOPMENT PLAN REVIEW

INSTRUCTIONS

PRINT OR TYPE IN BLACK INK ONLY. Use additional sheets if necessary. The completed application is to be submitted to the Planning Division by the applicant or agent. Each application must be accompanied by the filing fee (checks are preferred and made payable to the City of Albuquerque). All attachments must be submitted with the application and, after folding, shall not exceed 8 1/2 x 14 inches. Additional information may be obtained from the Planning Division (505) 766-7422.

APPLICATION FOR:

___ ZONE MAP AMENDMENT

X DEVELOPMENT PLAN REVIEW

X Site Development Plan

___ Industrial Park Plan

___ Shopping Center Plan

___ ANNEXATION

___ SECTOR DEVELOPMENT PLAN

___ Conceptual Review

___ Planning Commission Review

___ Final Plan

1. APPLICANT INFORMATION

a. Applicant: R.D. McCONNEL Telephone: (415) 676-8969

Mailing Address: 1255 CHURCH ST.

BENICIA CALIF. Zip Code: 94510

Applicant's Proprietary Interest in the Property: OWNER

b. Agent (if any): C.T.S. Telephone: 266-7449

Mailing Address: 1100 ALVARADO N.E.

ALBQ N. MEX Zip Code: 87110

c. Signature of applicant/agent: [signature] Date: 7-27-83

2. LOCATION OF REQUEST

a. Street Address (if any): ___

b. Legal Description of the Property:

(1) Lot(s)/Tract(s): LOTS 1 THRU 18 (REPLAT OF TRACT D)

(2) Block: ___

(3) Subdivision-Addition Name/MRGCD Map: LA CUESTA SUBDIVISION

c. Location of Property by Streets: ZENA LONA NORTH OF I-40

d. Uniform Property Code: ___

3. PROJECT DETAILS

a. Present Zoning: SU-1 Proposed: —

b. Number of Lots Existing: 1 TRACT Proposed: 18

c. Number of Dwelling Units Existing: — Proposed: —

d. Total Land Area Covered by Request: Acres 1.8024 Sq. Feet: ___

4. JUSTIFICATION (Reason) FOR REQUEST On a separate sheet describe why the current zoning is inappropriate and/or the proposed zoning more desirable for the community.

5. DESCRIPTION OF REQUEST On a separate sheet describe the proposed development.

6. ATTACHMENTS

Zone Map Amendment or Development Plan Review	30 copies
Zone Map Amendment and Annexation	40 copies
Sector Development Plan	

PLANNING DIVISION INTERNAL USE ONLY

Cross-references: ___ No. Signs Issued: ___

Application and Fee Received by: [signature] Date: 7/27/83

Fee Paid: Dollars $ ___ Method of Payment: ___ CREDIT: ___

TREASURER VALIDATION

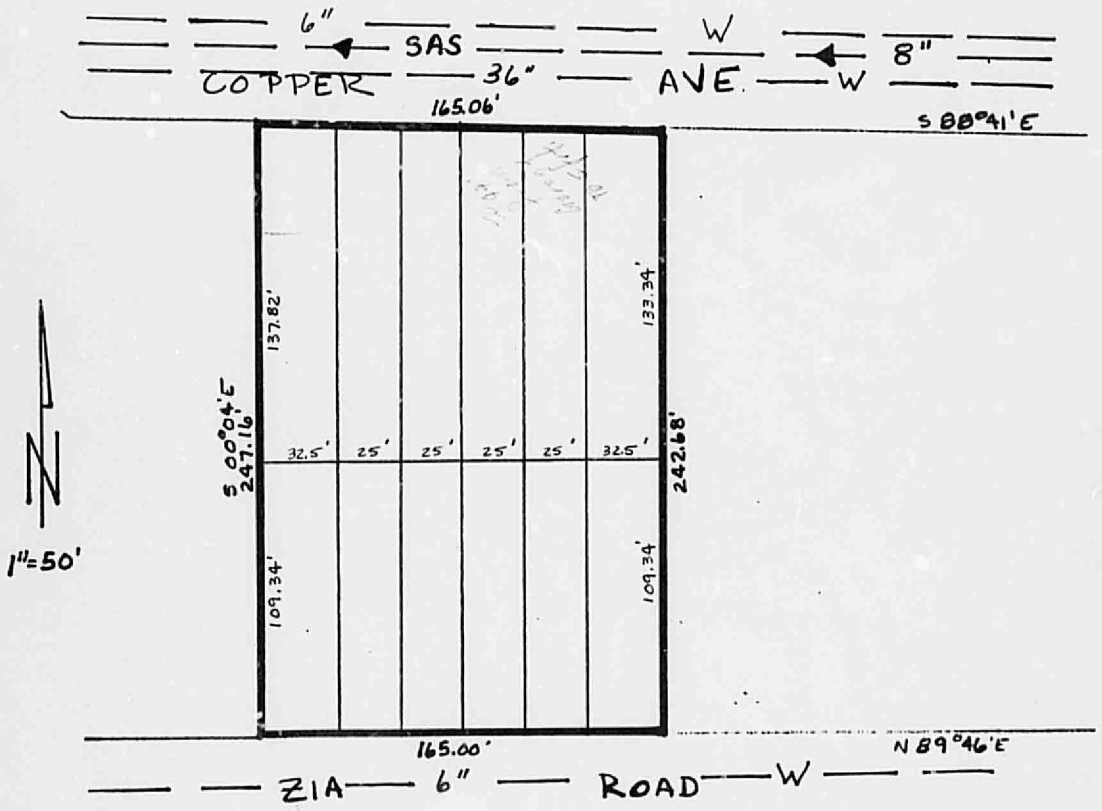
MAP NO. K-22

HEARING DATE: Aug. 9

CASE NUMBER: 83-433

Distribution: Secretary-Orig./Case File
Applicant/Agent
Treasurer

Rev. 1/83



TOWNHOUSE PARCEL BETWEEN
COPPER + ZIA
PROPOSED PLATTING

PROJECT NAME
PROJECT NO.
SUBJECT
SHEET OF

D28.82.M1

APPLICATION FOR SUBDIVISION

INSTRUCTIONS: PRINT OR TYPE IN BLACK INK ONLY. All attachments must be submitted with the application and, after folding, shall not exceed 8 1/2 x 14 inches.

1. Applicant's Name: Bohannan--Huston, Inc. requests:

X Sketch Plat	____ Preliminary Plat	____ Final Plat
10-6-82 Date Submitted	____ Date Submitted	____ Date Submitted

approval of the proposed Subdivision of townhouse parcel on Zena Lona ~~Subdivision~~ of

Lot(s): Tract A Block(s): ____

in Subdivision/~~Addition/MRGCD Map Number~~: Lands of R. D. and M. J. McConnell

Located generally: Along the west side of Zena Lona Street just north of Interstate 40.

2. Description of the Request:

Number of lots proposed: 20 Total gross acres covered by request: 1.9

Proposed Use	Zoning	Total Net Acreage of Use
a. Townhouses	SU-1	1.9
b.		
c.		
d.		

Other information: In accordance with La Cuesta Sector Development Plan guidelines. Standard lot size will be 22' X 144'.

Case #

10/12/82
See notes for
82-172

2-12

DRB-82.172

3. APPLICANT INFORMATION:

Applicant's Mailing Address: 4125 Carlisle Blvd., N.E. Zip Code: 87107

Phone: 881-2000

Agent (if any): _____ Phone: _____

Mailing Address: _____ Zip Code: _____

Ownership Interest in Property: None

4. REQUIRED ATTACHMENTS IN ACCORDANCE WITH SUBDIVISION ORDINANCE REQUIREMENTS
See Appropriate Checklist(s)

5. Signature of Applicant: Michael M. Emery Date: 10-6-82

If agent is used, attach applicant's authorization to act on the applicant's behalf regarding this request

****

PLANNING DIVISION INTERNAL USE ONLY

Application Received by: _____ Date: _____

Fee Paid: _____ Method of Payment: _____

Cross References: _____

1 copy each to:
Applicant
Secretary
Graphics

Meeting Date: _____

Case # S- SC- SCS-

Map Number _____

DRB-82-172

BOHANNAN-HUSTON INC.

4125 CARLISLE BLVD., N. E. ALBUQUERQUE, NEW MEXICO 87107 505 881-2000
6713 VISCOUNT BLVD., EL PASO, TEXAS 79925 915 778-4491
330 GARFIELD, SANTA FE, NEW MEXICO 87501 505 988-7671

October 6, 1982

Mr. Gene Mares
Principal Planner
City of Albuquerque
P. O. Box 1293
Albuquerque, NM 87103

Re: Sketch Plat Review for Townhouse Parcel on Zena Lona in La Cuesta Sector Development Plan Area

Dear Gene:

Enclosed are the necessary submittals for sketch plat review of a proposed townhouse subdivision on Zena Lona Street just north of Interstate 40. The owners of this property are R. D. and M. J. McConnell. The parcel was included in La Cuesta Sector Development Plan which was approved February 16, 1982, by the City Council. A site plan will be prepared for submittal to the Environmental Planning Commission. The sketch plat review is requested to insure we are aware of all of the constraints prior to preparation of the site plan.

A 25-foot access easement is proposed around the perimeter of the site. This will allow garages for each unit to be located in the rear. This approach minimizes the curb cuts on Zena Lona and also allows guest parking on the street. Portions of the 25-foot easement will also be dedicated as utility and private drainage easements.

The living space will be constructed on the east end of each lot. The garages will be constructed along the access easement. The area in between will be enclosed yard areas. The drainage from the site will be handled by draining runoff from the living space and the front yard to Zena Lona Street. From this point, this runoff will go south in Zena Lona Street and the existing drainageway to the existing channel along Interstate 40.

Runoff from the garages and access easement will be conveyed within the access easement to the southwest corner of the site. From this point, the runoff will be conveyed in the ditch along the off-ramp for Interstate 40 to the existing 4'x8' box culvert near Juan Tabo. From this point, these flows will be conveyed to the channel along Interstate 40. Rain that falls within the enclosed yard areas will be ponded within each rear yard.

PRINCIPALS
JERRY R. BOHANNAN, P. E. & L.S.
LARRY W. HUSTON
DONALD T. CREMANS, P. E.
C. J. (SKIP) MEAD, P. E.
MICHIAL M. EMERY, P. E.

ASSOCIATES
ANDRES ARAGON VIAMONTE, P. E.
JACK EICHORN
ROBERT H. GREENLEE, P. E.
G. LEE TRUSSELL
ISAAC J. PINO, P. E.
RAMON LARA, P. E.
[illegible] WADE, P. E.
[illegible] EHR, P. E.
[illegible] MILLIKAN, P. E.

DRB-82-172

The purpose for this subdivision is to create lots upon which attractive, affordable townhouses may be built. Each individual lot owner will be responsible to maintain the portion of the access and drainage easements on his lot. This will be covered in the covenants for the project.

If you have any questions, please call Dave Millikan or me.

Sincerely yours,

Michial M. Emery

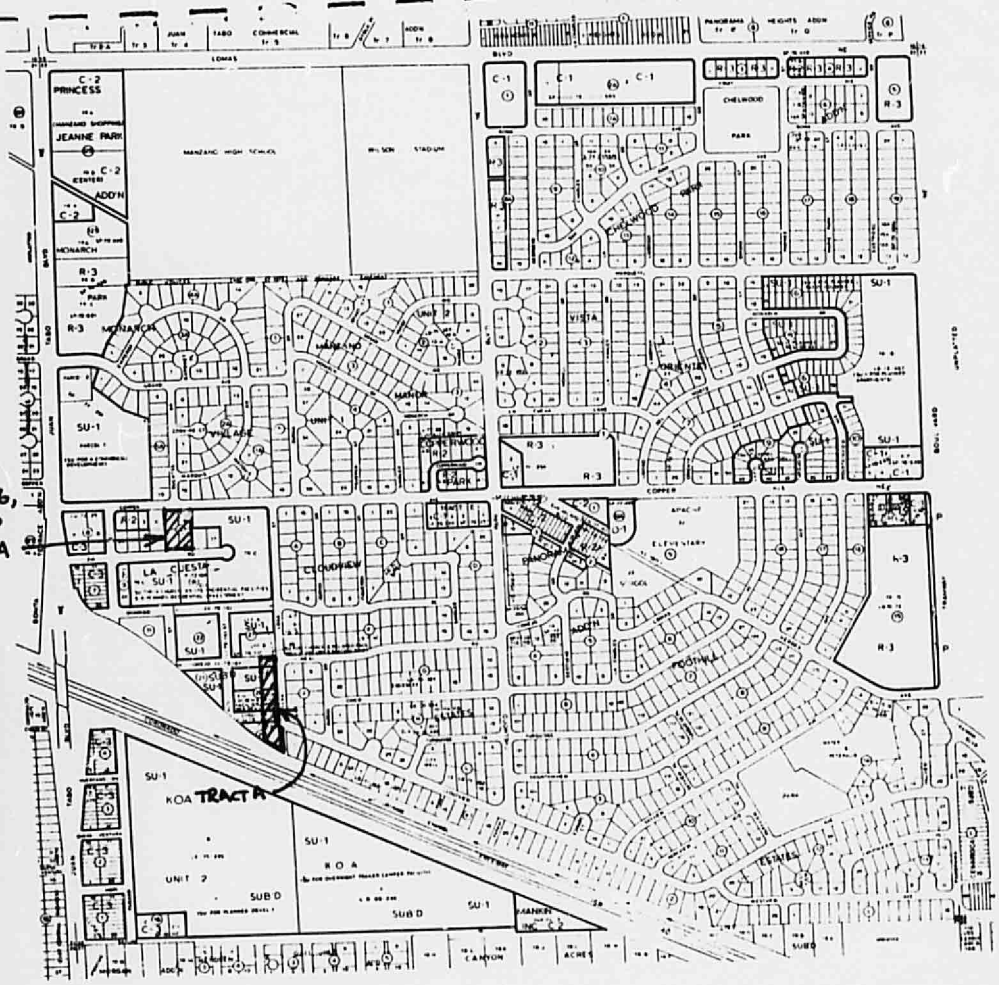
Michial M. Emery, P.E.
Vice President

cc: Mr. Ron McConnell

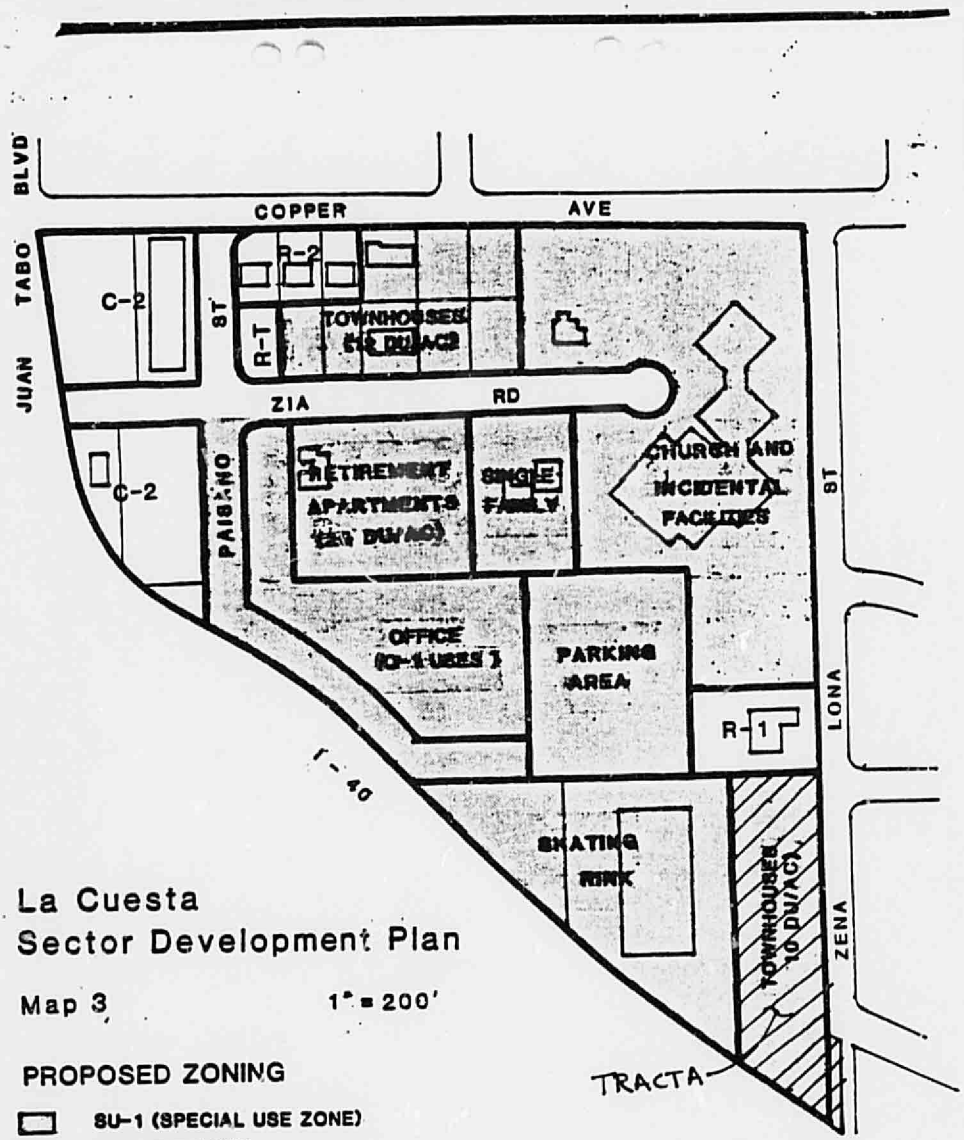
Enclosures

DMYM/dlh
Job No. 2 097 0

DRB 82.172


C-2
PRINCESS
JEANNE PARK
C-2
ADD'N
MONARCH
R-3
PARK
R-3
MONARCH
MANZANO HIGH SCHOOL
WILSON STADIUM
C-1
C-1
C-1
CHELWOOD
PARK
R-3
VISTA
SU-1
SU-1
SU-1
R-3
R-3
SU-1
C-1
SU-1
SU-1
SU-1
SU-1
LA CIESTA
SU-1
SU-1
SU-1
SU-1
R-3
R-3
SU-1
KOA TRACT A
SU-1
KOA
UNIT 2
SUBD
SUBD
SU-1
LANDER INC
LOTS 5,6,
19,20
BLOCK A
LOCATION +
VICINITY MAP
K-22-Z

DRB-82-172



La Cuesta
Sector Development Plan

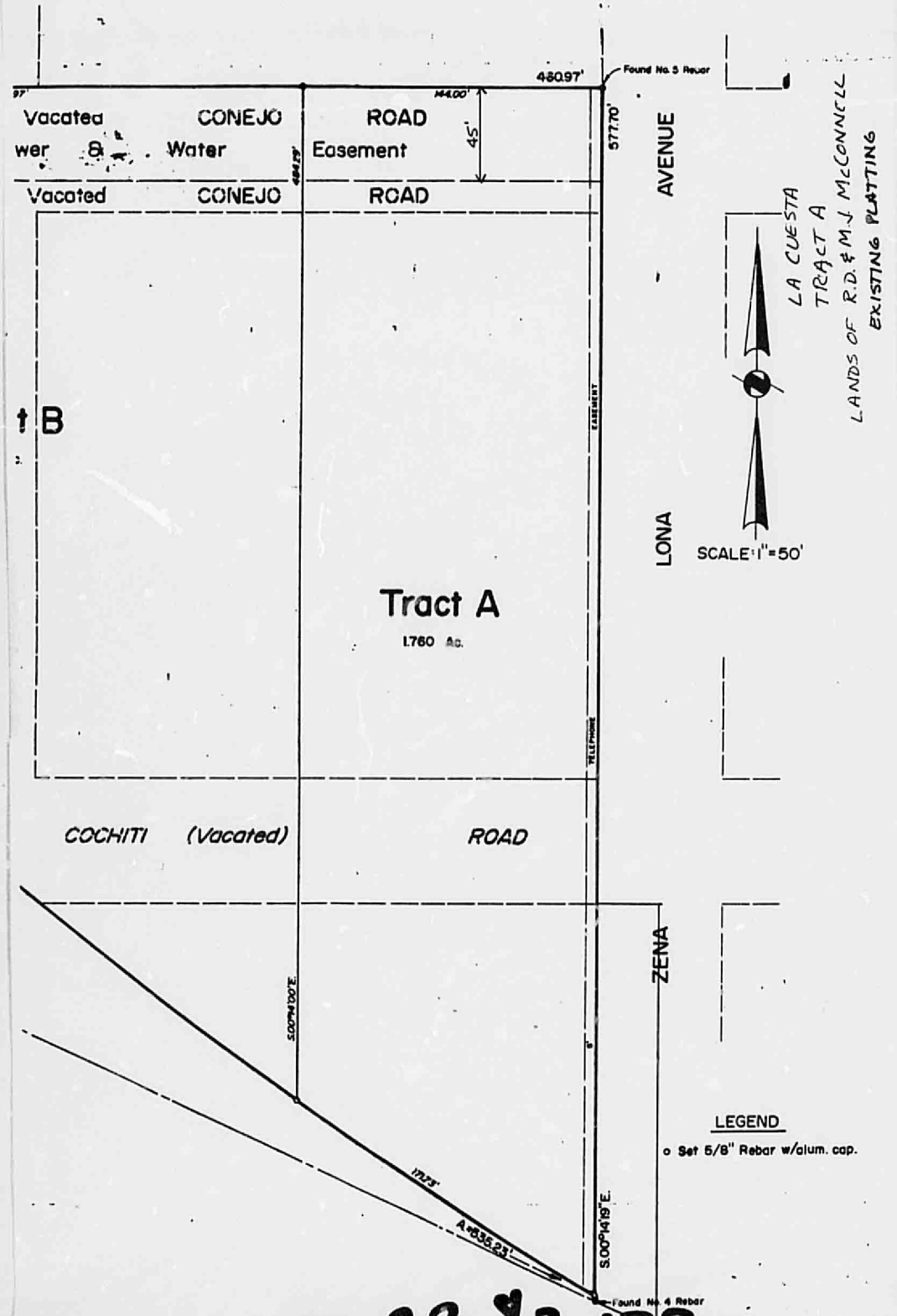
Map 3 1" = 200'

PROPOSED ZONING

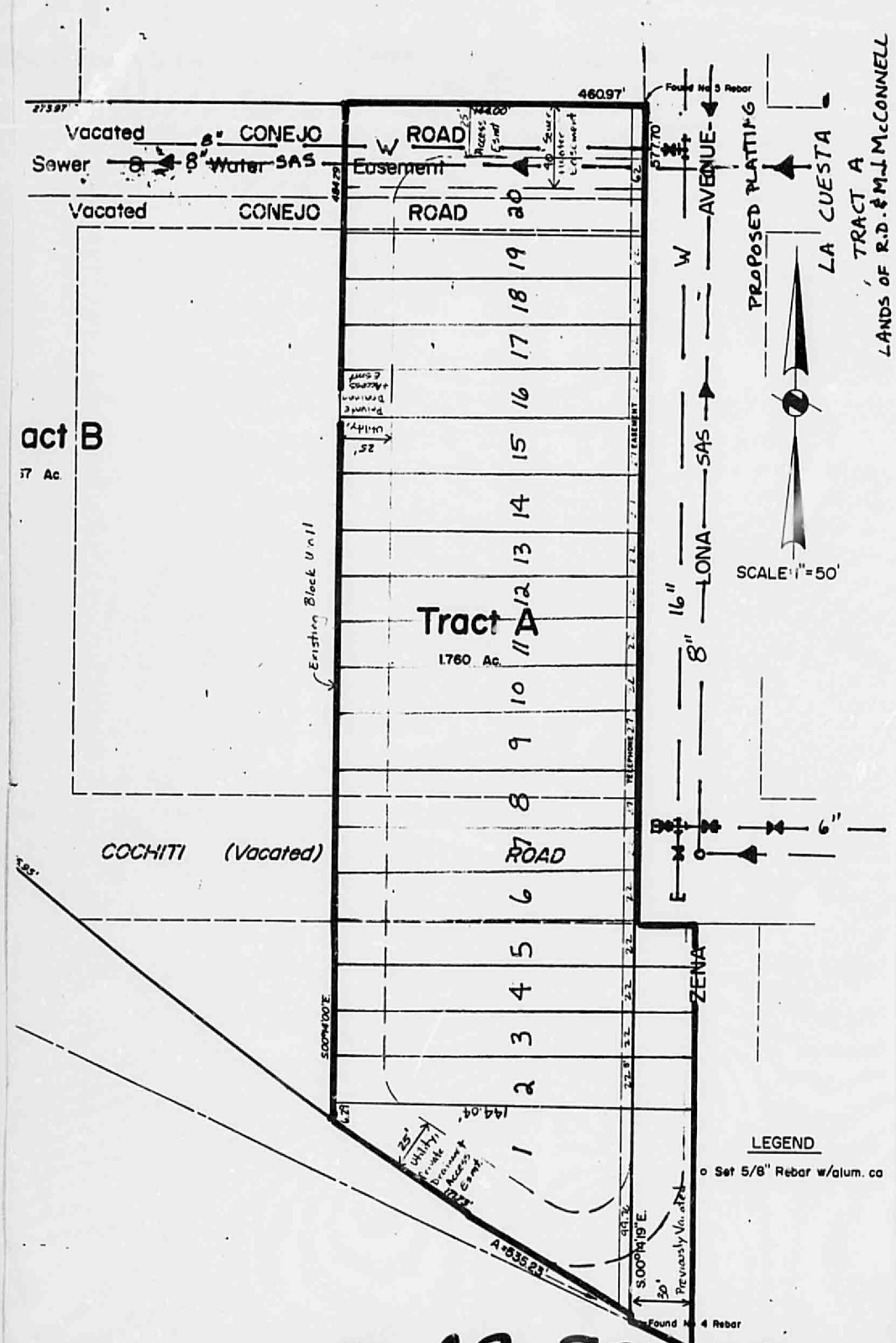
- SU-1 (SPECIAL USE ZONE)
- R-1 SINGLE FAMILY
- R-2 LOW DENSITY APARTMENTS
- R-T TOWNHOUSES
- C-2 COMMUNITY COMMERCIAL

LACUESTA
TRACT A
LANDS OF R.D. + M.J. McCONNELL
APPROVED ZONING

DRB-82.172


Found No. 5 Rebar
460.97'
144.00'
45'
577.70'
Vacated CONEJO ROAD
wer & Water Easement
Vacated CONEJO ROAD
AVENUE
LA CUESTA
TRACT A
LANDS OF R.D. & M.J. McCONNELL
EXISTING PLATTING
t B
EASEMENT
LONA
SCALE: 1"=50'
Tract A
1.760 Ac.
TELEPHONE
COCHITI (Vacated) ROAD
ZENA
S.00°14'00"E.
171.73'
A=836.23'
S.00°14'19"E.
Found No. 4 Rebar
LEGEND
o Set 5/8" Rebar w/alum. cap.

DRB-82-172


Vacated CONEJO ROAD
Sewer 8" 8" Water SAS
W Easement
Vacated CONEJO ROAD
Found No 5 Rebar
460.97'
W AVENUE
PROPOSED PLATTING
LA CUESTA
TRACT A
LANDS OF R.D. & M.J. McCONNELL
W LONA SAS
16"
8"
6"
SCALE 1"=50'
Tract A
1.760 Ac.
Existing Block Wall
COCHITI (Vacated) ROAD
ZENA
S00°14'00"E
144.04'
A=835.23'
S.00°14'19"E.
Found No 4 Rebar
LEGEND
o Set 5/8" Rebar w/alum. ca

D2B-82.173

AGREEMENT

Agreement made between the City of Albuquerque, New Mexico, a municipal corporation, hereinafter referred to as "City", and Ron McConnell, an individual, hereinafter referred to as Ron McConnell.

WHEREAS, Ron McConnell is the owner of certain described real estate lying situate and being in the City of Albuquerque, County of Bernalillo, State of New Mexico, to-wit: Security Village, Lots 1 thru 18, being a replat of Tract D, La Cuesta Subdivision, as depicted on the map attached hereto as Exhibit "A"; and

WHEREAS, a plat and subdivision plan for the above described property has been submitted to the City of Albuquerque for approval; and

WHEREAS, as a contingent condition of approval of said plat and subdivision plan, Ron McConnell has agreed to provide for the paving of private and public streets, construction of private curbs and gutters, public sanitary sewer and public water and public storm drainage development, on- and off-site; and

WHEREAS, Ron McConnell has submitted, and the City has approved plans for City Project No. 1972 and City approved Grading Plan in the City Drainage file K22D22B both by this reference made a part of this agreement, for a contract for paving of private streets, construction of private curbs and gutters, public sanitary sewer and public water and public storm drainage development on- and off-site in compliance with specifications of the City of Albuquerque Land Subdivision regulations hereinafter referred to as "the improvements"; and

WHEREAS, pursuant to Section 9(d) of the Enactment of 63-1982, Ron McConnell is required to provide a financial guarantee for completion of the improvements which are necessary as a result of the change of land use, and such construction is a condition of plat approval or a building permit issuance; and

WHEREAS, it is in the interest of the City that the improvements be completed to City specifications within five (5) months; and

WHEREAS, where it is possible for Ron McConnell to obtain a Letter of Credit in an amount that will provide the City with sufficient security to ensure that the improvements be developed.

NOW, THEREFORE, the parties to this Agreement, in consideration of mutual confidence and stipulations set out herein, agree as follows:

1. Ron McConnell agrees to post a Letter of Credit, meeting reasonable conditions imposed upon Ron McConnell by the City, and acceptable to the City, in the amount of EIGHTY-FOUR THOUSAND FOUR HUNDRED FORTY EIGHT DOLLARS AND FORTY-THREE CENTS ($84,448.43), running to the City, on or before November 30, 1983, which amount represents 125 percent (125%) of the current estimated cost of the improvements as provided in the submitted plat and subdivision plan and approved construction plans pursuant to all applicable City requirements, which amount has been approved by the City Engineer. A copy of the estimate on which the Letter of Credit amount is based is attached hereto as Exhibit "B" and Exhibit "C".

2. Ron McConnell agrees to complete by May 1, 1984, the improvements, as provided for in the submitted plat and subdivision plan for the property, and the approved construction plans pursuant to all applicable City requirements. The City of Albuquerque shall be responsible for the inspection and final acceptance of the public improvements, as shown in City Drawing 1972 and the developers registered professional engineer shall certify to the City that the private improvements as shown on the grading plan in the City drainage file K22D22B has been constructed in compliance with said plans.

3. Ron McConnell agrees to give the City notice in writing of sale or assignment of all or part of the above described property.

4. In the event of sale or assignment, the City will not release Ron McConnell from his obligations under this contract and will continue to hold Ron McConnell responsible for the improvements until a successor in interest to Ron McConnell has posted a bond or letter of credit. At such time as acceptable security has been posted by Ron McConnell's successor in interest, City will terminate the Letter of Credit.

5. If the improvements pursuant to the submitted plat and subdivision plan, approved construction plans is not completed by ~~May~~ March 1, 1984, and, if a bond or letter of credit acceptable to the City has not been posted by Ron McConnell's successor in interest to all or part of the property prior to that date, the City will have recourse on the Letter of Credit.

6. The City, at its option, may require a bond in lieu of a Letter of Credit as security hereunder in the event that it reasonably deems itself insecure under a Letter of Credit. The exercise of such option, and the reasons therefore, will be communicated to Ron McConnell in writing on or before (30 days) ~~April~~ March 1, 1984.

7. This instrument contains the entire agreement between the parties, and no statement, promises, or inducements made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding; and this contract may not be enlarged, modified, or altered, except in writing, signed by the parties and endorsed hereon.

8. This Agreement may be extended and the amount of security posted modified upon agreement of the parties. Developer must meet with City Engineer to extend Agreement in advance of date of performance.

9. Ron McConnell agrees to indemnify and hold harmless the City, its agents, and employees from all claims, damages, losses and expenses, including reasonable attorney's fees in case it shall be necessary to defend an action arising out of damages which occur from storms and/or flooding prior to and during Ron McConnell's, its agents and employees, construction of the improvements, and prior to the City's taking recourse as the Letter of Credit as provided herein.

10. This Agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, assignees, and successors of the respective parties and shall constitute a covenant running with the land and must be recorded in the records of the Bernalillo County Clerk.

Executed this ( ) 1st day of December, 1983.

CITY OF ALBUQUERQUE

Frank A. Kleinhenz
Chief Administrative Officer

ATTEST:

City Clerk

Recorded
12/6/83
Misc 69A P0126-134

APPROVED:

City Engineering

By

Attorney in fact

Title

APPROVED:

Legal Department

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

The foregoing instrument was acknowledged before me this 10 day of November, 1983, by Kenneth Hildebrandt

Notary Public

My Commission Expires:

8-25-84

OFFICIAL SEAL
MARGARET WRIGHT
NOTARY PUBLIC NEW MEXICO
NOTARY BOND FILED WITH SECRETARY OF STATE
My Commission Expires 8-25-84

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

The foregoing instrument was acknowledged before me this 1st day of December, 1983, by _____.

Frank A. Kleinheinz, Chief Administrative Officer, City of Albuquerque.

Notary Public

My Commission Expires:

12/18/84

83 70980

POWER OF ATTORNEY

Know all men by these presents, that I, Ronald D. McConnell

of Albuquerque, in the County of Bernalillo

and State of New Mexico, have made, constituted, and appointed, and by these presents do I hereby make, constitute, and appoint Kenneth Hildebrandt

of Albuquerque, in the County of Bernalillo

and State of New Mexico true and lawful attorney for me, and in my name, place, and stead, on my behalf, to

Collect and receive all sums of money, accounts, interest, dividends, and all other amounts as shall hereafter become due and payable to me, to execute all documents, contracts, agreements, deeds, real estate contracts, mortgages, deeds of trust, promissory notes and any other instruments required to lease, sell, convey, hypothecate or mortgage any personal or real property in which I have an interest upon such terms and conditions as he shall determine and likewise to acquire an interest in my behalf in any personal or real property as he shall determine and to assign, transfer or otherwise convey any interest I may have in any real estate contract or other agreement to purchase real estate contract or other agreement to purchase real property or in any partnership in which I may have an interest; it being the intention of the undersigned to cloak Kenneth Hilderbrandt with a general power of attorney to act in my bohalf in any and all matters in which I have an interest.

GIVING AND GRANTING unto him said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully, with the same force and effect, and to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or my substitute shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31st day of October, 19 83.

Signed, Sealed and Delivered in Presence of

[L. S]

[L. S]

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Bernalillo } ss.

The foregoing instrument was acknowledged before me this 31st day of October, 19 83

by Ronald D. McConnell
(Name or Names of Person or Persons Acknowledging)

My commission expires: June 12, 1984
(Seal)

Barbara C. Hegg
Notary Public

FOR RECORDER'S USE ONLY

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

'83 NOV 14 P2:20

Mary Ann Pb. 68

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF } ss.

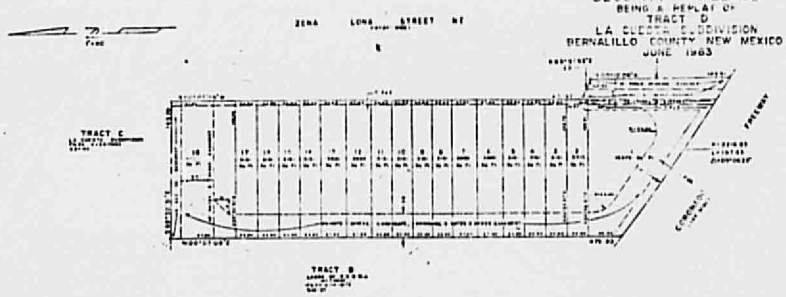
The foregoing instrument was acknowledged before me this
day of , 19 ,
by
(Name of Officer)
(Title of Officer) of (Name of Corporation Acknowledging)
a (State of Incorporation) corporation, on behalf of said corporation.

My commission expires:
(Seal)

Notary Public

EXHIBIT A

LOTS 1 THRU 18
SECURITY VILLAGE
BEING A REPLAT OF
TRACT D
LA CUESTA SUBDIVISION
BERNALILLO COUNTY NEW MEXICO
JUNE 1983



NOTES:

1) NO STREETS ARE CREATED BY THIS PLAT.

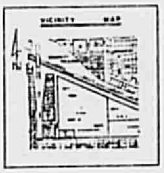
2) TOTAL ACREAGE OF SUBDIVISION: 1.0004.

3) NUMBER OF LOTS CREATED: 18.

4) THIS PLAT WAS COMPILED FROM A PLAT ENTITLED, "TRACTS 1 THRU 2 AND 7 THRU 9 AND LOTS 3-6, 8-14, 1-14 & 20-15 LA CUESTA SUBDIVISION, ALBUQUERQUE, NEW MEXICO" AND NO FIELD WORK WAS DONE AT THIS TIME.

5) BEARINGS SHOWN HEREON ARE BASED ON THE ABOVE MENTIONED PLAT.

VICINITY MAP



SHEET 1 OF 2

ACCEPTANCE

PROPERTY MANAGEMENT, CITY OF ALBUQUERQUE, NEW MEXICO

CITY ENGINEER, CITY OF ALBUQUERQUE, NEW MEXICO

PARKS & RECREATION DEPT., CITY OF ALBUQUERQUE, NEW MEXICO

CITY ENGINEER, CITY OF ALBUQUERQUE, NEW MEXICO

DIRECTOR, PLANNING DEPT., CITY OF ALBUQUERQUE, NEW MEXICO

PUBLIC SERVICE COMPANY OF NEW MEXICO

NEW MEXICO GAS COMPANY

CONDITIONS AND CONDITIONS ACCEPTANCE AS SPECIFIED BY THE ALBUQUERQUE SUBDIVISION ORDINANCE

PLANNING DEPT., CITY OF ALBUQUERQUE, NEW MEXICO

ZONE ATLAS NO. E-19

VOL./ PAGE NO. _____

APPROVED _____

LOTS 1 THRU 18
SECURITY VILLAGE
BEING A REPLAT OF
TRACT D
LA CUESTA SUBDIVISION
BERNALILLO COUNTY NEW MEXICO
JUNE 1983

LEGAL DESCRIPTION

A CERTAIN PARCEL OF LAND BEING IDENTIFIED AS TRACT D, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "TRACTS 1 THRU 2 AND 7 THRU 9 AND LOTS 3-6, 8-14, 1-14, AND 20-15, LA CUESTA SUBDIVISION, ALBUQUERQUE, NEW MEXICO" FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON APRIL 26, 1983.

FREE CONSENT

THE SUBDIVIDER, SUBDIVIDED AND REPLATTED AND NOW COMPRISING LOTS 1 THRU 18, SECURITY VILLAGE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS THEREOF, DULY OWNERS DO HEREBY DEDICATE THE EASEMENTS AS SHOWN HEREON, POWER AND COMMUNICATION EASEMENTS AND RESERVED AREA SHOWN BY DASHED LINES AS NOTED, INCLUDING THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO TRIM VEGETATION THERE. ALSO INCLUDED ARE EASEMENTS FOR POWER AND COMMUNICATION SERVICE LINES.

HAROLD A. MONTOYA

DOROTHY J. MONTOYA

STATE OF NEW MEXICO
COUNTY OF BERNALILLO } SS

ON THIS 8 DAY OF AUGUST 1983, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BY HAROLD A. MONTOYA & DOROTHY J. MONTOYA.

MY COMMISSION EXPIRES 8-25-87

OFFICIAL SEAL
MARGARET WRIGHT
NOTARY PUBLIC
BERNALILLO COUNTY, NEW MEXICO
MY COMMISSION EXPIRES 8-25-87

I, RONALD A. MONTOYA, REGISTERED NEW MEXICO LAND SURVEYOR NUMBER 6170, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION FROM A FIELD SURVEY CONDUCTED BY ME AND THAT THIS PLAT MEETS THE MINIMUM REQUIREMENTS OF THE ALBUQUERQUE SUBDIVISION ORDINANCE AND THE PLAT ENTITLED "TRACTS 1 THRU 2 AND 7 THRU 9 AND LOTS 3-6, 8-14, 1-14 & 20-15, LA CUESTA SUBDIVISION, ALBUQUERQUE, NEW MEXICO" AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED NEW MEXICO LAND SURVEYOR
N.M.L.S. NO. 6170

SHEET 2 OF 2

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EXHIBIT B

ESTIMATE SHEET

PROJECT NO. 1079

MAP NO. [illegible]

☒ Quantities and Cost Estimate
Date Prepared: 10/21/83

☐ Approval
Date Requested:

☐ Work Order
Date Issued:

☐ Final Acceptance
Date Accepted:

APPLICANT INFORMATION:

a. Developer: Ron McConnell
Mailing Address: 1255 Church St. Benicia, CA Zip Code 94510

b. Consulting Engineer: DMJM/Adam, Hamlyn, Anderson
Mailing Address: 4055 Montgomery Blvd. NE, Albuq. Zip Code 87109

c. Person to contact regarding this form: J.J. Bordenave
Mailing Address: 4055 Montgomery Blvd. NE, Albuq. Zip Code 87109
Phone: 881 1900

GENERAL SCOPE OF PROJECT:

NAME OF SUBDIVISION OR DESCRIPTION OF PROPERTY TO BE SERVED:

Security Village in La Cuesta Subdivision

Developer to Pay: 100% Method: I

Specific Location:	W	GAS	SD	P	M
Security Village, La Cuesta Subdivision	X	X	X		

Item No.	Short Description	Contract Unit Price	Est. Quantity	Est. Amount	As-Built Quantity	As-Built Amount
	SEWER ITEMS					
G-3	8" PVCP	8.00	426 LF	3408.00		
S-1	4" DIP	10.00	180 LF	1800.00		
S-11	TRCH(6"-15") LESS THAN 6' D	7.00	80 LF	560.00		
S-12	TRCH(6"-15") 6'-8'D	9.50	140 LF	1330.00		
S-13	" 8'-10'D	11.50	146 LF	1679.00		
S-14	" 10'-14'D	13.50	60 LF	810.00		
S-21	4' MH LESS THAN 6'D	1100.00	1 EA	1100.00		
S-23	4' MH, 10'-14'D	1450.00	11 EA	1450.00		
G-7	4" TEE PVC	50.00	17 EA	850.00		
	Subtotal			12987.00		
	WATER ITEMS					
B-2	6" PVC/FPR P	13.50	678 LF	9153.00		
W-5	12" DIP	24.00	165 LF	3960.00		
W-52	MJ FIT(4"-14")	2.00	1285 LB	2570.00		
W-56-1	CAP (12")	76.00	1 EA	76.00		
W-62	8" TAP SLV	700.00	1 EA	700.00		
W-66	6" GV	400.00	2 EA	800.00		
W-86	FH 4'	1000.00	1 EA	1000.00		
W-134	(3/4" & 1") MTR BOX	150.00	10 EA	1500.00		
W-180	3/4" S SERV W/NEW MAIN	360.00	2 EA	720.00		
W-181	3/4" D SERV W/NEW MAIN	427.00	8 EA	3416.00		
W-186	BLKG	120.00	1.5 CY	180.00		
	Subtotal			24075.00		
	DRAINAGE ITEMS					
K-41	18" CMP	20.00	28 LF	560.00		
K-50	REINF STR CONC	348.00	3.32 CY	1155.36		
K-67	W-I RPRP	130.00	1.85 CY	240.50		
	Subtotal			1955.86		
		Grand Total		39017.86		

Subtotal	$39,017.86
Engineering 6%	2,341.07
Testing Fee 2%	781.36
Total Constr.Cost	$42,140.29

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EXHIBIT A

ESTIMATE SHEET
PROJECT NO. K22-D22B
MAP NO. K-22

Check appropriate box and date;

___ Quantities and Cost Estimate
___ Date Prepared: 10-3-83

___ Work Order
Date Issued: N/A

___ Approval
___ Date Requested: N/A

___ Final Acceptance
Date Accepted: N/A

APPLICANT INFORMATION:

a. Developer: Ron McConnell
Mailing Address 1255 Church Street, Benicia, CA 94510

b. Consulting Engineer CTS, Inc.
Mailing Address 1100 Alvardo N.E. Albuquerque, N.M. 87110

c. Person to contact regarding this form: Andre Houle
Mailing Address: 1100 Alvardo N.E. Albuquerque, N.M. 87110
Phone: (505)266-3444

GENERAL SCOPE OF PROJECT:

Letter of Credit Estimate for Private Improvement as shown on K22-D22B

NAME OF SUBDIVISION OR DESCRIPTION OF PROPERTY TO BE SERVED:

Lots 1-18 Security Village Subdivision, a replat of Tract D, La Cuesta Subdivision

Developer to Pay= 100% Policy ___

City to Pay= N/A Policy ___

City to Pay= N/A Account No. ___

Specific Location;	W	SAS	SD	P	M
Private Drive	X	X		X	

Item No	Short Description	Contract Unit Price	Est. Quanity	Est. Amount	As-Built Quantity	As-Built Amount
P4	GRADING	1.70	1810	3077.00		
P19	Proc. 6" SUBBS	1.55	1810	2805.50		
P26	2"AC BS1500M	4.15	1748	7254.20		
P47	PCC MON C&G	7.50	1080	8100.00		
P42	4" PCC SDWK	2.20	62	136.40		

Subtotal	$21,373.10
Contingencies 10%	2,137.31
Engineering 6%	1,282.39
Testing Fee 2%	427.46
Total Construction Cost	25,220.26
125% Amount	$31,525.33

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OF ALBUQUERQUE

November 30, 1983

IRREVOCABLE LETTER OF CREDIT NO. #150

Mr. Frank A. Kleinhenz
Chief Administrative Officer
City of Albuquerque
Post Office Box 1293
Albuquerque, New Mexico 87103

Dear Mr. Kleinhenz:

At the request of Ronald D. McConnell, a individual, we establish our Irrevocable Letter of Credit in your favor for the account of Ronald D. McConnell, to the extent of and not exceeding Eighty four thousand four hundred and forty eight dollars and forty three cents ($84,448.43).

This Letter of Credit has been established to insure the paving of private and public streets, construction of private curbs and gutters, public sanitary sewer and public water and public storm drainage development for the Security Village Subdivision in Albuquerque, New Mexico, as provided by the agreement between Ron McConnell, an individual, and The City of Albuquerque which agreement is recorded in Book Misc. 69A at pages 726 to 734, of the records of the County of Bernalillo, State of New Mexico. A draft for any amount up to, but not in excess of Eighty four thousand four hundred and forty eight dollars and forty three cents ($84,448.43) is available at sight at The Bank of Albuquerque between November 30, 1983 and June 1, 1984).

When presented for negotiation, the draft is to be accompanied by the following documents:

1) Beneficiary's notarized certification stating that Ron McConnell an individual has failed to comply with the terms of the agreement and also certifying that "The undersigned is Chief Administrative Officer of the City of Albuquerque and is authorized to sign this statement".

Partial drawings permitted.

We hereby agree with the drawers that the Draft drawn under and in compliance with the terms of this credit will be duly honored on presentation to the drawee if negotiated between November 3, 1983 and June 1, 1984.

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The draft drawn under this credit must be endorsed and contain the clause: "Drawn under Letter of Credit No.#150 of The Bank of Albuquerque, dated November 30, 1983; the amount of such draft must be endorsed on the reverse side hereof, and this Letter of Credit must be attached to the draft when the credit has been paid.

This credit terminates at 5 o'clock p.m., New Mexico time June 1, 1984.

This credit is subject to uniform customs and practice for documentary credit (1974 revision) International Chamber of Commerce, Publication No. 290.

THE BANK OF ALBUQUERQUE

George L. Clark
President

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CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE December 7, 1983 REF. NO.

TO: Charles N. Estes, Jr., Assistant City Attorney

FROM: Denise Wilcox, Office Coordinator, MDD/ENG dw

SUBJECT: LETTER OF CREDIT - RON McCONNELL (SECURITY VILLAGE SUBDIVISION)

The attached copy of subject letter of credit is submitted for your review. I have also attached a copy of agreement for this letter of credit.

Please advise and upon your approval, letter of credit will be filed with the City Clerk's Office, copy to your office.

/dw

cc: File

The attached documents are proper.
CN Estes
12/8/83

Letter of Credit filed w/
City Clerk 12/9/83 dw

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CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE October 31, 1983

RECEIVED
REF. NO.
NOV 01 1983
CITY ENGINEER

TO: Fred Aguirre, Engineering Division, MDD

FROM: Margaret Kalejta, Legal Assistant, Legal Department MK

SUBJECT: Ron McConnell - La Questa Subdivision

Thought you might want a copy of this for your file on Ron McConnell (Agreement and Letter of Credit) for the La Questa Subdivision.

MK
Encl. (1)

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7-14 R.O. 1974, the de, except not the amendment of sector plaqs and not the appeals, in addition, Zoning Code 12-1- Shall not be delegated; rs determined by the mmission as provided 7-11 R.O. 1974; the Ordinance; and e to the City Council as annexations.

ANIZATION, MEETINGS. rs: Annually in January, uently at the pleasure of he EPC shall elect a vice-chairman, and any rs which seem ap- he EPC members by the najority of the members

uct of Business: The idopt such rules and for the conduct of seem appropriate to its nd publish such rules ons. A quorum of the members. All actions, ine changes, may be a simple majority of

ct of Interests: This upplements Section 4 of l the Charter of the City que. An EPC member nancial interest in the any policy, decision, or n before the EPC or one mittees on which he , as soon as possible terest becomes appar- to each of the other ting on the matter the financial interest in the hall be disqualified from in any debate, decision ng thereto.

ngs The EPC shall hold heduled meetings at a month and such be open to the public. by the EPC shall be larly scheduled public he EPC may hold eetings as may be called man or vice-chairman st twenty-four hours embers. Such meetings to the public ds. A record shall be eetings of the EPC and s. The records shall be e for public inspection times.

NOTIFICATION COM-

ntment. The Mayor, ice and consent of the all appoint a ten- sory committee to the e known as the on Committee. One e Committee shall be a he Metropolitan Parks on Advisory Board who pointed by the Mayor, her members of the shall be broadly rep- of such relevant in- or organizations as education, government, architecture, landscape and the media. Of the

ments, three members inted to terms expiring four members shall be terms expiring June 1, ur members shall be terms expiring June 1, ter, the terms of all ll be three years. The the Beautification o is also a member of itan Parks and Rec- sory Board shall not ber of the committee which contribute directly or indirectly to the City's physical appearance and make recommendations to the EPC for any change that are deemed appropriate.

4. Review policies and practices related to the design and construction of the City's public facilities and recommend and changes which would enhance their appearance -- i.e.: structures, garbage receptacles, arroyo systems, etc.

5. Coordinate with other Committees which may have overlapping responsibilities, with City and other public agency staff or committees and private groups to ensure consistency and awareness of other efforts.

7-15-5 GREATER ALBUQUERQUE BICYCLING ADVISORY COMMITTEE.

A. Appointment:

1. The Mayor, with the advice and consent of the Council, shall appoint seven members of a nine member advisory committee to be known as the Greater Albuquerque Bicycling Advisory Committee. The seven members appointed by the City shall represent the following areas:

a. One member from the City area north of I-40 and east of I-25.

b. One member from the City area south of I-40 and east of I-25.

c. One member from the area north of I-40 and west of I-25.

d. One member from the area south of I-40 and west of I-25.

e. Three at-large members.

2. Two members of the Greater Albuquerque Bicycling Advisory Committee shall be appointed by Bernalillo County and shall represent the following areas:

a. One member from the area east of the City limits.

b. One at-large member.

Each member shall understand and represent the needs of citizens, particularly bicyclists, within the geographic area which he or she represents.

3. When the Committee is formed, every effort shall be made to initially appoint members of the existing Committee organized under planning commission resolution. Of the initial appointments, three members shall be appointed to terms expiring April 1, 1984. Three members shall be appointed to terms expiring April 1, 1985, and three members shall be appointed to terms expiring April 1, 1986; thereafter, the terms of all members shall be three years, expiring April 1. The Chairman shall be elected annually by the members of the Committee.

B. Duties, Responsibilities, Powers: The Committee shall:

1. Advise the EPC, the City, Bernalillo County, the Middle Rio Grande Council of Governments, and other governmental entities concerning plans and programs for bikeways, including but not limited to the Transportation Improvement Program and the Capital Improvements Program;

2. Monitor all bicycling facilities and recommend implementation strategies for adopted plans for bikeways;

3. Promote bicycling in Bernalillo County for both transportation and recreation;

4. Promote bicycling safety and safety education;

5. Promote bicycling support facilities in Bernalillo County;

6. Review and make recommendations to the EPC, the County Planning Commission, or the Planning staff regarding proposals for right-of-way acquisitions or effective five days after publication in full.

PASSED AND ADOPTED THIS 19th DAY OF SEPTEMBER, 1983.
BY A VOTE OF 8 FOR AND 0 AGAINST.
YES: 8
EXCUSED: GRIEGO

/s/ Robert M. White
Robert M. White, President
City Council

APPROVED THIS 21st DAY OF OCTOBER, 1983.

/s/ Harry E. Kinney
Harry E. Kinney, Mayor
City of Albuquerque

ATTEST:
/s/ Angie Ludi
City Clerk
HCS Oct. 28, 1983.

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO
NO. CV-83-06302

AMERICAN FEDERAL SAVINGS & LOAN ASSOCIATION, a New Mexico corporation,

Plaintiff,

vs.

GENERAL SECURITIES CORPORATION, a New Mexico corporation, RONALD D. McCONNELL, MARJORIE J. McCONNELL, KEN SAUERS, ALVIS SWINNEY, SWINNEY MACHINE & PUMP, INC., a corporation, CHARLES D. FRASER, THE FIRST NATIONAL BANK OF MIDLAND, a Texas corporation, SHACO, INC., a Texas corporation, CONVIVIAL ENTERPRISES, INC., a New Mexico corporation, AMERICAN BANK OF COMMERCE, a New Mexico corporation, BANK OF ALBUQUERQUE (formerly EL VALLE STATE BANK), a New Mexico corporation, LARRY D. BEAL, P.A., a New Mexico corporation, BROOKS LOMAX ASSOCIATES INC., a New Mexico corporation, SOUTHWEST BALLET CENTER, INC., a New Mexico corporation, and ANY AND ALL OTHER PERSONS CLAIMING AN INTEREST IN AND TO THE SUBJECT REAL PROPERTY ADVERSE TO THE PLAINTIFF,

Defendants.

NOTICE OF SUIT

STATE OF NEW MEXICO to the above-named Defendants.

GREETINGS:

You are hereby notified that the above-named Plaintiff has filed a civil action against you in the above-entitled Court and cause, the general object thereof being to foreclose a Mortgage dated January 18, 1977, by and between GENERAL SECURITIES CORPORATION, Mortgagor and AMERICAN SAVINGS & LOAN ASSOCIATION, Mortgagee, describing Lot 15, 16, 17, 18 and 19 of LA QUESTA Subdivision to the City of Albuquerque, Bernalillo County, New Mexico.

That unless you enter your appearance in said cause on or before the 12th day of Dec., 1983, judgment by default will be entered against you.

Name and Address of Plaintiff's attorney:
Calvin Hver, Jr.
Attorney at Law
2920 Carlisle, NE
Albuquerque, NM 87110

WITNESS the Honorable Thomas J. Mescall, District Judge of the Second Judicial District Court of the State of New Mexico, and the Seal of the District Court of Bernalillo County, this 21st day of Oct., 1983.
(COURT SEAL)

ELOISE E. YOUNG
CLERK OF THE DISTRICT COURT
By Debbie Manchester
Deputy

HCS Oct. 28, Nov. 4, 11, 18, 1983

Ordinance No. 7-1978, Dated January 18, 1978

Account No.	Legal Descrip	Parties In Interest	Current Amount Due and Payable
73	Lot 7, Block 16-A, Santilla Place Addition	Berkley C. Beaver Alfred C. Simonson Robertson A. Simonson Mitchell Gary Feldman N.E. Enterprises Corp. Dennis G. Gallant Dolores Gallant	Principal $ 327.64 Interest 44.94 Penalty 14.34 $ 386.92

Date of Last Payment: July 20, 1981

74	Lot 8, Block 16-A, Santilla Place Addition	Berkley C. Beaver Alfred C. Simonson Robertson A. Simonson Mitchell Gary Feldman N.E. Enterprises Corp. Dennis G. Gallant Dolores Gallant	Principal $ 327.64 Interest 44.94 Penalty 14.34 $ 386.92

Date of Last Payment: July 20, 1981

75	Lot 9, Block 16-A, Santilla Place Addition	Berkley C. Beaver Alfred G. Simonson Robertson A. Simonson Mitchell Gary Feldman N.E. Enterprises Corp. Dennis G. Gallant Dolores Gallant	Principal $ 327.64 Interest 44.94 Penalty 14.34 $ 386.92

Date of Last Payment: July 20, 1981

IT IS FURTHER ORDERED that said defendants shall be served with a copy of the Notice of Foreclosure of Liens, a copy of the Summons on Notice of Foreclosure of Liens, and a copy of this Order Amending Notice of Foreclosure of Liens by Interlineation, and said defendants shall have sixty (60) days in which to answer as provided by law, and in the event the whereabouts of said defendants cannot be ascertained, then they shall be served by publication as provided by the Rules of Civil Procedure.

IT IS FURTHER ORDERED that a copy of this Order Amending Notice of Foreclosure of Liens by Interlineation shall be served as prescribed by law upon all other parties who may still be named in the Notice of Foreclosure of Liens as having an interest in the particular properties which are the subject of this Amendment by Interlineation and said defendants shall have ten days to answer the Notice of Foreclosure of Liens as Amended by Interlineation.

IT IS FURTHER ORDERED that all portions of the original Notice of Foreclosure of Liens and any amendments thereto not affected by this Amendment by Interlineation shall be adopted by reference as if fully set forth herein and any responsive pleadings thereto shall stand as originally pleaded.

ROZIER E. SANCHEZ
DISTRICT JUDGE

/s/ Malcolm W. deVesty
Malcolm W. deVesty
Assistant City Attorney
P. O. Box 1293
Albuquerque, New Mexico 87103
HCS Oct. 28, Nov. 4, 1983

Starting Your Own Business--What You Should Know

More and more Americans looking for an opportunity to gain financial independence are exploring the possibilities of going into business for themselves. What are some of the essentials to look for when starting a business?

Here are just a few:

- It should offer a service everyone needs or wants.
- The demand for that service should be repetitive.
- There should be unlimited growth opportunity.
- Your investment should be small and your overhead negligible.
- You should be able to set your own hours and hire help as you need.
- You should have the finest equipment, and no special skills or education should be needed.

Many experts feel that one successful company that has been putting people into their own businesses for nearly 50 years, has these ingredients for success. That company is Von Schrader, which manufactures a line of equipment that helps put people into the business of cleaning carpets, upholstery and walls in homes, offices, restaurants and stores. Von Schrader has published a brochure and a record that show how simple it can be to get into business for yourself. The money you make is all yours. There are no ongoing leases, franchises, fees, rentals, dues or royalties to pay. There is one modest down payment and then you pay the balance in installments out of the money you take in.

It is possible to start your own business on a small investment.

The brochure and record are available free by writing to: Von Schrader Company, Dept. N, 1600 Junction Avenue, Racine, Wisconsin 53403.

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THIRD AMENDMENT AGREEMENT

THIS AGREEMENT is made and entered into this 7th day of DECEMBER, 1983, by and between the City of Albuquerque, New Mexico, hereinafter referred to as "City", and Ron McConnell, hereinafter referred to as "McConnell".

WHEREAS, City and McConnell entered into an Agreement on May 29, 1981, which Agreement is recorded at Book Misc. 855, at pages 270-277 of the records of Bernalillo County, New Mexico; and

WHEREAS, City and McConnell entered into a First Amendment to Agreement on June 17, 1981, which First Amendment is recorded at Book Misc. 858, at pages 460-462 of the records of Bernalillo County, New Mexico; and

WHEREAS, City and McConnell entered into a Second Agreement on April 23, 1982, which Second Agreement is recorded at Book Misc. 926, at pages 556-564 of the records of Bernalillo County, New Mexico; and

WHEREAS, for security pursuant to that Second Agreement, McConnell obtained a Letter of Credit, Number 139, from The Bank of Albuquerque, in the amount of Sixty-Eight Thousand Eight Hundred Eight Dollars and 00/100 ($68,808.00); and

Recorded
12/13/83
Misc 71A PG 739-742

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WHEREAS, pursuant to that Second Agreement, if McConnell's obligations were not completed by October 12, 1983, the City could draw upon that Letter of Credit; and

WHEREAS, McConnell has been unable to perform the Second Agreement.

NOW, THEREFORE, the parties to this Third Amended Agreement, in consideration of the stipulations set out herein, agree as follows:

1. McConnell agrees to obtain a renewal of Letter of Credit Number 139 in the amount of Sixty-Eight Thousand Eight Hundred Eight Dollars and 00/100 ($68,808.00), running to the City, on or before December 9, 1983, providing that the City may draw upon the Letter of Credit between FEBRUARY-9TH, 1984 (Date of Completion) and APRIL 9, 1984 (Sixty (60) days after Date of Completion).

2. McConnell agrees to complete the improvements as provided for in the submitted plat for the property pursuant to the City requirements as set forth in Section 5 of the Subdivision Ordinance and other applicable City requirements as approved by the City by FEBRUARY 9, 1984

3. The City will not release McConnell from his obligations under this Third Amended Agreement until a successor in interest to McConnell has posted a bond or letter of credit as provided by Section 6 of the Subdivision Ordinance

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[illegible] will continue to hold McConnell responsible [illegible] construction of private streets. At such time as acceptable security has been posted by McConnell's successor in interest, City will terminate the Letter of Credit.

4. If the construction of the improvements pursuant to the submitted plat in Section 6 of the Subdivision Ordinance is not completed by FEBRUARY 5, 1984, or if a bond or a letter of credit acceptable to the City has not been posted by McConnell's successor in interest to all or part of the property prior to that date, the City will have recourse on the Letter of Credit.

5. If McConnell is unable to obtain a renewal of the Letter of Credit, the City will have recourse on Letter of Credit Number 139 by December 12, 1983, as provided therein.

6. Except for the changes set forth herein, the Agreement of May 29, 1981, First Amendment to Agreement of June 17, 1971, and the Second Agreement of April 23, 1982, remain unchanged and in full force and effect.

RON McCONNELL

By: [illegible]
Its: Attorney in fact

CITY OF ALBUQUERQUE

Frank A. Kleinhenz
Chief Administrative Officer

ATTEST:

City Clerk

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Assistant City Attorney

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this _____ day of _____, 19___, by _____.

Notary Public

My Commission Expires:

_____

State of New Mexico)
)
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 7th day of December, 1983, by Frank A. Kleinhenz, Chief Administrative Officer, City of Albuquerque.

Notary Public

My Commission Expires:
12/18/84

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OF ALBUQUERQUE

December 9, 1983

IRREVOCABLE LETTER OF CREDIT NO. #139

Mr. Frank A. Kleinhenz
Chief Administrative Officer
City of Albuquerque
Post Office Box 1293
Albuquerque, New Mexico 87103

Dear Mr. Kleinhenz:

At the request of Ronald D. McConnell, an individual, we extend our Irrevocable Letter of Credit No. 139 originally dated April 12, 1983, in the amount of Sixty-Eight Thousand Eight Hundred Eight Dollars and 00/100 ($68,808.00), running to the City on or before December 9, 1983, providing that the City may draw upon the Letter of Credit between February 9, 1984 (Date of Completion) and April 9, 1984 (Sixty (60) days after Date of Completion).

When presented for negotiation, the draft is to be accompanied by the following document:

1) Beneficiary's notarized certification stating that Ron McConnell, has failed to comply with the terms of the Third Amended Agreement recorded at Book Misc. 71A at pages 739-742, of the records of the County Bernalillo, State of New Mexico and also certifying that "the undersigned is Chief Administrative Officer of the City of Albuquerque and is authorized to sign this statement."

This extension terminates at 5 o'clock p.m., New Mexico Time, April 9, 1984.

This credit is subject to uniform custom and practice for documentary credit (1974 revision) International Chamber of Commerce, Publication No. 290.

The Bank of Albuquerque

George Clark
President

HYDROLOGY K22/D22B 8 PLANS 2 of 2

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DECLARATION

OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made on the date hereinafter set forth by R. D. McConnel, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Albuquerque, County of Bernalillo, State of New Mexico, which is more particularly described as:

(Insert legal description)

Lots 1 thru 18
Security Village
Being a replat of Tract D
La Cuesta Subdivision

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Section 1. "Association" shall mean and refer to Security Village Homeowners Association, its successors and assigns.

Section 2. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

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Section 3. "Properties" shall mean and refer to that certain real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the owners. The Common Area to be owned by the Association at the time of the conveyance of the first lot is described as follows:

> A 35' (thirty-five feet) landscape and paving easement and driveway. The common area shall include all paving within the project (ie Security Village property limits), as well as all landscaping within the project. Except for each individual owner's front and back yard, the common area shall include all landscaping within the project.
>
> An electric gate is included in the common area, and the utility electric charges for the maintenance and use of said gate are also included in the common area.
>
> A 25' (twenty-five feet) private drive and drainage easement.
>
> A 40' (forty feet) landscape and drive easement.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 6. "Declarant" shall mean and refer to R. D. McConnel _____, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

ARTICLE II

PROPERTY RIGHTS

Section 1. Owners' Easements of Enjoyment. Every owner shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) the right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area;

(b) the right of the Association to suspend the voting rights and right to use of the recreational facilities by an owner for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed 60 days for any infraction of its published rules and regulations;

(c) the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members.

No such dedication or transfer shall be effective unless an instrument agreeing to such dedication or transfer signed by 2/3rds of each class of members has been recorded.

Section 2. Delegation of Use. Any owner may delegate, in accordance with the By-Laws, his right of enjoyment to the Common Area and facilities to the members of his family, his tenants, or contract purchasers who reside on the property.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every owner of a lot which is subject to assessment shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment.

Section 2. The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member(s) shall be the Declarant and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or

(b) on _____, 19___.

ARTICLE IV

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Properties, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided.

The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Properties and for the improvement and maintenance of the Common Area.

Section 3. Maximum Annual Assessment. Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment shall be _____ dollars ($) per Lot.

(a) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year not more than 5% above the maximum assessment for the previous year without a vote of the membership.

(b) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 5% by a vote of two-thirds (2/3) of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose.

(c) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3 and 4. Written notice of any meeting called for the purpose of taking any action authorized under Section 3 or 4 shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (½) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly basis.

Section 7. Date of Commencement of Annual Assessments: Due Dates. The annual assessments provided for herein shall commence as to all Lots on the first day of the month following the conveyance of the Common Area. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of 6 percent per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in

lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE V

ARCHITECTURAL CONTROL

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

ARTICLE VI

GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during

the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners. Any amendment must be recorded.

Section 4. Annexation. Additional residential property and Common Area may be annexed to the Properties with the consent of two-thirds (2/3) of each class of members.

Section 5. FHA/VA Approval. As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: Annexation of additional properties, dedication of Common Area, and amendment of this Declaration of Covenants, Conditions and Restrictions.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this 27 day of July, 1983.

R. D. McConnel
Declarant

By: James M. Medley
James Medley

7837L

SECOND AGREEMENT

This Agreement is made and entered into this 23rd day of ~~February~~ April, 1982, by and between the City of Albuquerque, New Mexico, a municipal corporation, hereinafter referred to as "City", and Ron McConnell, an individual, hereinafter referred to as "McConnell", with reference to the following facts:

RECITALS

WHEREAS, McConnell is the sole owner, as his sole and separate property, of certain described real estate lying situate and being in the City of Albuquerque, County of Bernalillo, State of New Mexico, to wit:

> Lots 11-20, Block 7, La Cuesta; Lots 1 and 24, Block B, La Cuesta; Lots 2-5 and 21-23, Block B, La Cuesta; Block 11, La Cuesta, and Block 22, La Cuesta.

as depicted on the map attached hereto as Exhibit "A"; and

WHEREAS, the above described property was included within City Special Assessment District 200 for street paving, curb, gutter, sidewalk, water, sewer lines, hereinafter referred to as improvements, as depicted on the maps attached hereto as Exhibits "B", "C", and "D"; and

WHEREAS, the City and McConnell made and entered into that certain Agreement, dated May 29, 1981, and recorded at Book Misc. 855 at pages 270-277 of the records of Bernalillo County, New Mexico; and

WHEREAS, the parties amended that Agreement, in the First Amendment to Agreement, dated June 17, 1981, and recorded at Book Misc. 858 at Pages 460-462 of the records of Bernalillo County, New Mexico; and

WHEREAS, a Sector Development Plan for the area in which McConnell's property is located has been approved by the Environmental Planning Commission of the City of Albuquerque; and

WHEREAS, The Agreement and First Amendment to Agreement contemplated that the paved access to the skating rink would be private rather than public; and

WHEREAS, this Sector Development Plan approved by the Environmental Planning Commission requires that the paved access to the skating rink on Paisano Street will be public; and

WHEREAS, pursuant to City Ordinance, sidewalks must be constructed along public rights-of-way; and

WHEREAS, the City has no further use for remaining portions of Domingo Street and Kirby Street, N.E.; and

WHEREAS, in no event will the original specifications for Special Assessment District 200 be followed, because of the approved Sector Development Plan; and

WHEREAS, because of the approval of the Sector Development Plan by the Environmental Planning Commission, it is in the interest of both parties to this Agreement that McConnell be given additional time to perform the obligations of substantially completing improvements as provided in the approved Sector Development Plan, as agreed to in the Agreement; and

WHEREAS, the parties hereto desire to terminate the Agreement and the First Amendment thereto, and enter a new Agreement reflecting changed circumstances;

NOW, THEREFORE, the parties to this agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

1. This agreement supersedes the First Agreement and Amendment thereto, which are hereby terminated.

2. The City has removed the above described property from Special Assessment District 200, and will not undertake the construction of the improvements on the McConnell property when it improves the other streets in Special Assessment District 200.

3. McConnell agrees to complete the paving of Paisano Street as provided for in the Sector Development Plan approved by the Environmental Planning Commission as modified by the City Council within six (6) months of the latest date of approval by the City of a Sector Plan, a replat, and a drainage report relating to the property described herein.

4. It is understood that sidewalks do not have to be constructed by McConnell pursuant to this Agreement, but that they must be constructed pursuant to the requirements and specifications provided by the City Planning and/or the City Engineer.

5. McConnell agrees to put into an escrow account with an escrow agent approved by the City an amount equal to 120% of the contract price of improvements to Paisano Street, excluding sidewalks, as provided for in the approved Sector Development Plan. The 120% may be in the form of an interest-bearing Certificate of Deposit. It is understood that McConnell and a construction company will enter into a contract for completion of these improvements, and the amount in the escrow account will be based on the amount agreed to in that contract. The City has the right to review and approve said contract for the sole purpose of insuring that its terms are based on relevant City specifications for paving of roads.

6. If improvements, as approved in the Sector Development Plan, excluding sidewalks, are not completed by six (6) months from the latest date of approval by the City of a Sector Development Plan, a replat, and a drainage report relating to the property described herein, the escrow agent will be instructed to release the funds held in escrow to the City of Albuquerque, upon presentation of an Affidavit, signed by the Chief Administrative Officer of the City of Albuquerque, that said improvements have not been substantially completed.

7. The City agrees to vacate the public right-of-way on the remaining portion of Domingo Street and Kirby Street, N.E., and any remaining rights-of-way, in return for the dedication of of the necessary right-of-way to complete Paisano Street from Zia Street, N.E., to the skating rink without additional consideration. Vacation and dedication procedures will be instituted immediately upon execution of this agreement.

8. Nothing herein shall prevent the City from placing the McConnell property described herein in another Special Assessment District six (6) months from the date of approval of the Sector Development Plan, a replat, and a drainage report by the City Council, in the event that McConnell has not performed as of this date, which action shall not effect the City's recourse on the escrow account.

9. McConnell agrees to comply with all specifications for said improvements as set forth in the applicable statutes, ordinances, codes, and regulations of the City of Albuquerque, and to obtain all necessary permits for construction of same as required by the City. All relevant City requirements must be followed before acceptance of the completed work will be granted by the City and the contractor will be paid out of the escrow account.

10. McConnell agrees that he will cooperate with the City to eliminate dust problems which result from a lack of double-lane paved access to the roller skating rink, pending construction and completion of such access.

11. This instrument contains the entire agreement between the parties, and no statement, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; and this contract may not be enlarged, modified, or altered except in writing signed by the parties and endorsed hereon.

12. This agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, assignees,

and successors of the respective parties and shall constitute covenant running with the land.

EXECUTED THIS 13th day of ~~February~~ April, 1982.

Ron McConnell

Frank Kleinhenz
Chief Administrative Officer
City of Albuquerque

ATTEST:

City Clerk/Recorder

APPROVED:

Legal Department

STATE OF ~~NEW MEXICO~~ CALIF)
COUNTY OF ~~BERNALILLO~~ Contra Costa) ss.

The foregoing instrument was acknowledged before me this 12th day of ~~February~~ April, 1982, by Ron McConnell, sole owner.

Notary Public

My Commission Expires:

2-4-86

OFFICIAL SEAL
MARTA L. ANDERSON
NOTARY PUBLIC — CALIFORNIA
COUNTY OF CONTRA COSTA
My Commission Expires Feb. 4, 1986

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

The foregoing instrument was acknowledged before me this 13th day of ~~February~~ April, 1982, by Frank Kleinhenz, Chie Administrative Officer.

OFFICIAL SEAL
KAREN M. ACEVES

Notary Public

a

E

My Commission Expires:

_____

Exhibits A
thru D
are not
attached

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

'82 APR 28 PM 2:39

Misc 926 559-564
BK. PG.
TERRY C. CORP
CO CLERK & RECORDER

Contract file #4

the bank of Albuquerque Post Office Box 947 Albuquerque, New Mexico 87103 (505) 765-1800

April 12, 1983

IRREVOCABLE LETTER OF CREDIT NO#139

Mr. Frank A. Kleinhenz
Chief Administrative Officer
City of Albuquerque
Post Office Box 1293
Albuquerque, New Mexico 87103

Dear Mr. Kleinhenz:

At the request of Ronald D. McConnell, a individual, we establish our Irrevocable Letter of Credit in your favor for the account of Ronald D. McConnell, to the extent of and not exceeding Sixty eight thousand eight hundred eight dollars ($68,808.00).

This Letter of Credit has been established to insure the completion of the Paisano Street Extension (not to include sidewalks) as provided by the Agreement between Ronald D. McConnell and the City of Albuquerque, which Agreement is recorded at Book Misc. 926 at pages 559-564 of the records of the County of Bernalillo, State of New Mexico. A draft for any amount up to, but not in excess of Sixty eight thousand eight hundred eight and no/00 dollars ($68,808.00) is available at sight at The Bank of Albuquerque between October 12, 1983 and December 12, 1983. (60 day period)

When presented for negotiation, the draft is to be accompanied by the following documents:

1) Beneficiary's notarized certification stating that Ronald D. McConnell, has failed to comply with the terms of the Agreement recorded at Book Misc. 926 at pager 559-564, of the records of the County of Bernalillo, State of New Mexico and also certifying that "the undersigned is Chief Administrative Officer of the City of Albuquerque and is authorized to sign this statement".

Partial drawings permitted.

We hereby agree with the drawers that the Draft drawn under and in compliance with the terms of this credit will be duly honored on presentation to the drawee if negotiated between October 12, 1983 and December 12, 1983. (60 day period)

The draft drawn under this credit must be endorsed and contain the clause: "Drawn under Letter of Credit No#139 of The Bank of Albuquerque,

dated April 12, 1983; the amount of such draft must be endorsed on the reverse side hereof, and this Letter of Credit must be attached to the Draft when the credit has been paid.

This credit terminates at 5 o'clock p.m., New Mexico time December 12, 1983.

This credit is subject to uniform customs and practice for documentary credit (1974 revision) International Chamber of Commerce, Publication No. 290.

THE BANK OF ALBUQUERQUE

Larry Cheek
Assistant Vice President

RECEIVED
DEC 06 1982
ENGINEERING

DRAINAGE REPORT FOR A TOWNHOUSE DEVELOPMENT ON THE LANDS OF R.D. AND M.J. McCONNELL

December, 1982

BOHANNAN-HUSTON INC.

RECEIVED
DEC 06
ENGINEERING

DRAINAGE REPORT
FOR
A TOWNHOUSE DEVELOPMENT
ON THE
LANDS OF R.D. AND M.J. McCONNELL

December, 1982

DRAINAGE REPORT
FOR
A TOWNHOUSE DEVELOPMENT
ON THE
LANDS OF R.D. AND M.J. McCONNELL

DECEMBER, 1982

PREPARED FOR:

R.D. McCONNELL
1255 CHURCH STREET
BENICIA, CA 94510

PREPARED BY:

BOHANNAN–HUSTON, INC.
4125 CARLISLE BOULEVARD, N.E.
ALBUQUERQUE, NM 87107

DAVID M. Y. MILLIKAN
NEW MEXICO
7547
12-3-82
REGISTERED PROFESSIONAL ENGINEER

David M Y Millikan

DAVID M.Y. MILLIKAN
N.M.P.E. NO. 7547

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DEVELOPED DRAINAGE	2
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3 – DPM Plate 22.2 D-1
4 – DPM Plate 22.2 D-2
5 – DPM Plate 22.2 C-1
6 – AMDS – Flood Hazard Boundary Map

APPENDIXES

1 – Undeveloped Drainage Calculations
2 – Developed Drainage Calcuations

PLATES

1 – Undeveloped Drainage
2 – Developed Drainage

DRAINAGE REPORT
FOR
A TOWNHOUSE DEVELOPMENT
ON THE
LANDS OF R. D. AND M. J. McCONNELL

PURPOSE AND SCOPE

This drainage report has been prepared to outline the treatment of storm water flowing onto and generated within a townhouse development on the lands of R. D. And M. J. McConnell. It has been prepared in conformance with the guidelines of the City of Albuquerque's Development Process Manual (DPM), Chapter 22, entitled "Drainage and Flood Control."

A conceptual drainage plan has been prepared for the entire La Cuesta Sector Plan area. It was prepared by Bohannan–Huston, Inc. in October, 1982. An analysis of upland flows and recommendations for development of the area within La Cuesta Sector Plan area are outlined in that plan. Development of this parcel, as outlined in this report, is in conformance with the recommendations of the conceptual drainage plan for La Cuesta Sector Plan area. Therefore, the upland flows impacting this site are not reanalyzed in this report.

SITE LOCATION AND DESCRIPTION

The site is located in the northeast heights of Albuquerque, New Mexico. It is bounded on the south by the Interstate 40 right-of-way and on the east by Zena Lona Avenue (see Figure 1). The site contains approximately 1.90 acres. It slopes from east to west at approximately 3%. The soils on the site consist primarily of Tijeras gravelly fine sandy loan (TgB) and the Embudo-Tijeras complex (EtC). The locations of each soil type are indicated on the enclosed copy of the Soil Survey of Bernalillo County prepared by the Soil Conservation Service (see Figure 2). Both soil types are classified as hydrologic soil group "B."

METHOD OF ANALYSIS

The peak flow rates for the developed and undeveloped drainage basins were determined by application of the Rational Method. The total runoff volumes were calculated using the Modified Rational Method. Both these methods are outlined in the DPM. The time of concentration was found to be less than ten minutes for all basins. Therefore, ten minutes was used in all computations.

Rainfall intensities were determined by applying Plates 22.2 D-1 (Figure 3) and 22.2 D-2 (Figure 4) of the DPM. The 100-year intensity was determined to be 5.19 in./hr. The 10-year intensity is 3.41 in./hr.

The runoff coefficient for the site was estimated as 0.69. This is based on the enclosed calculations which show the site to be 70% impervious (Figure 5).

Flow depths and velocities were computed using Manning's equation. A Manning's n of 0.017 was used for the streets.

UNDEVELOPED DRAINAGE

All of the runoff (3.08 cfs) generated within the undeveloped site is discharged from the site at its southwest corner. From this point, it travels down a 4:1 slope to the ditch along the north side of Interstate 40. The La Cuesta Sector Plan area conceptual drainage plan indicates the flow depth within Zena Lona is near the top of curb elevation during a 100-year storm. A copy of the Albuquerque Master Drainage Study is enclosed which shows localized flooding in Zena Lona adjacent to the site (see Figure 6). There is an existing berm on the site adjacent to Zena Lona to prevent these flows from entering the site. These flows are conveyed to the south in Zena Lona and discharged into an existing 20-foot wide concrete-lined drainageway which discharges into the concrete channel along Interstate 40.

DEVELOPED DRAINAGE

In the developed state, the site will have two drainage basins. Basin A (0.46 acres) will be protected from the flows in Zena Lona by a one-foot high berm. This berm

will be landscaped along with construction of the units and maintained by the homeowners. The rainfall that falls in the area between the top of the berm and the front of the homes will be ponded in a small pond in the front yard. The required volume of these ponds is 36 cubic feet each.

The runoff within Basin B (peak discharge 5.03 cfs) will be collected and conveyed south within the access road along the west boundary of the site. An appropriately-sized concrete rundown will convey this runoff from the southwest corner of the site to the flowline of the ditch along the north side of Interstate 40. Construction drawings for this rundown will be submitted to the State Highway Department for their approval.

A berm will be constructed within Basin A, the top of which will be one foot above the top of curb of Zena Lona. This will insure that the flows in Zena Lona will be prevented from entering the site.

These requirements are in conformance with the guidelines contained in the conceptual drainage plan.

EROSION CONTROL PLAN

Immediately upon completion of the rough grading of the site, a berm shall be constructed along the south property line. This berm shall be sized to retain the runoff from the 10-year storm. This berm may be removed at the time the concrete rundown to the roadside ditch and the paved access road are completed.

SUMMARY

- The east portion of the site shall be graded as shown on Plate 2. A berm, which is at least one foot above the top of existing curb, shall be constructed to prevent flows in Zena Lona from entering the site. Rainfall on each lot that falls on the area between the top of the berm and the front of the units shall be ponded in the front yard of each unit.

- Uncontrolled runoff from the west portion of the site shall be discharged at the southwest corner of the site to the ditch along the north side. An appropriately-sized concrete rundown shall be constructed to convey these flows from the edge of the site to the flowline of the ditch.

- Immediately upon completion of the rough grading of the site, a temporary berm shall be constructed along the Interstate 40 right-of-way to minimize erosion due to development.

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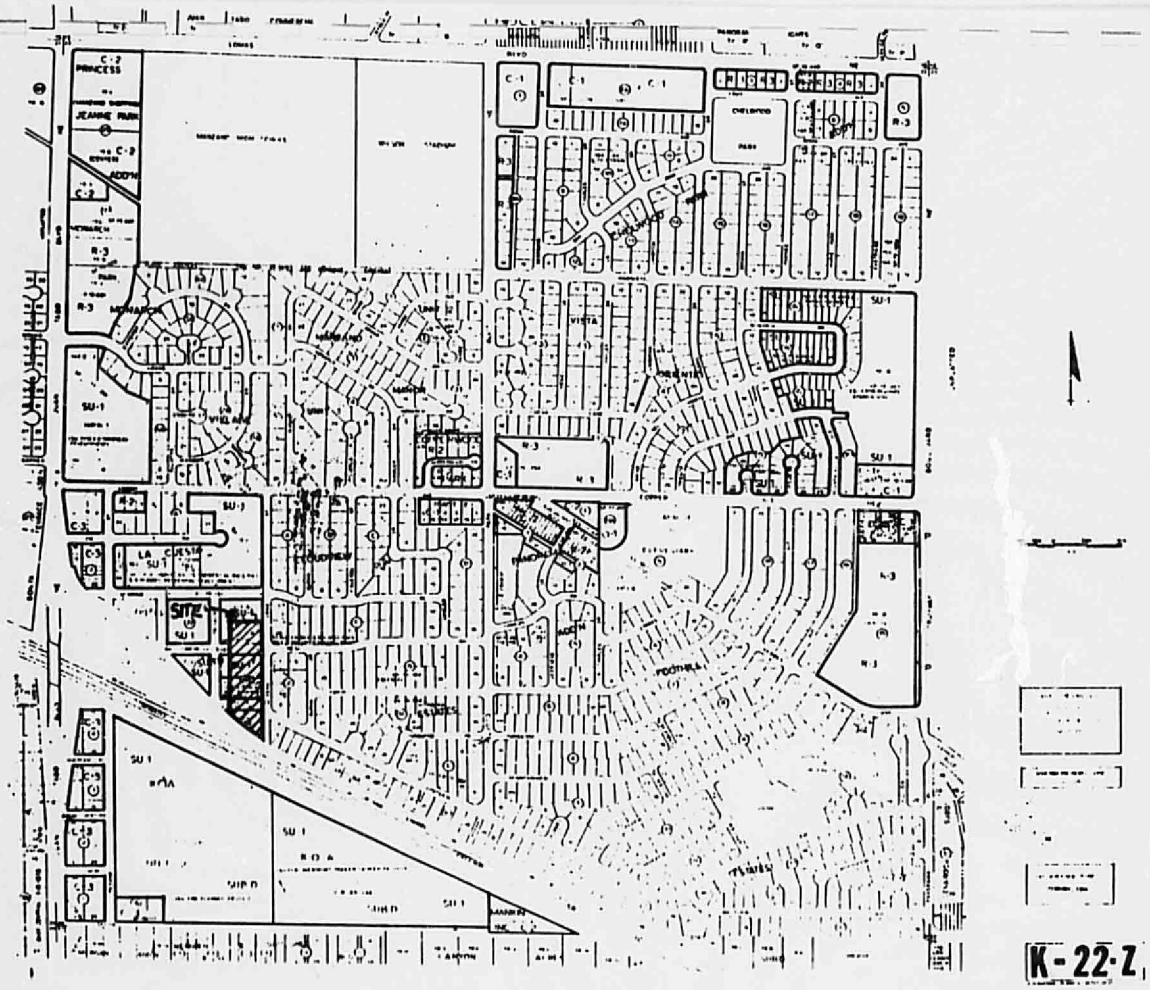

FIGURE 1

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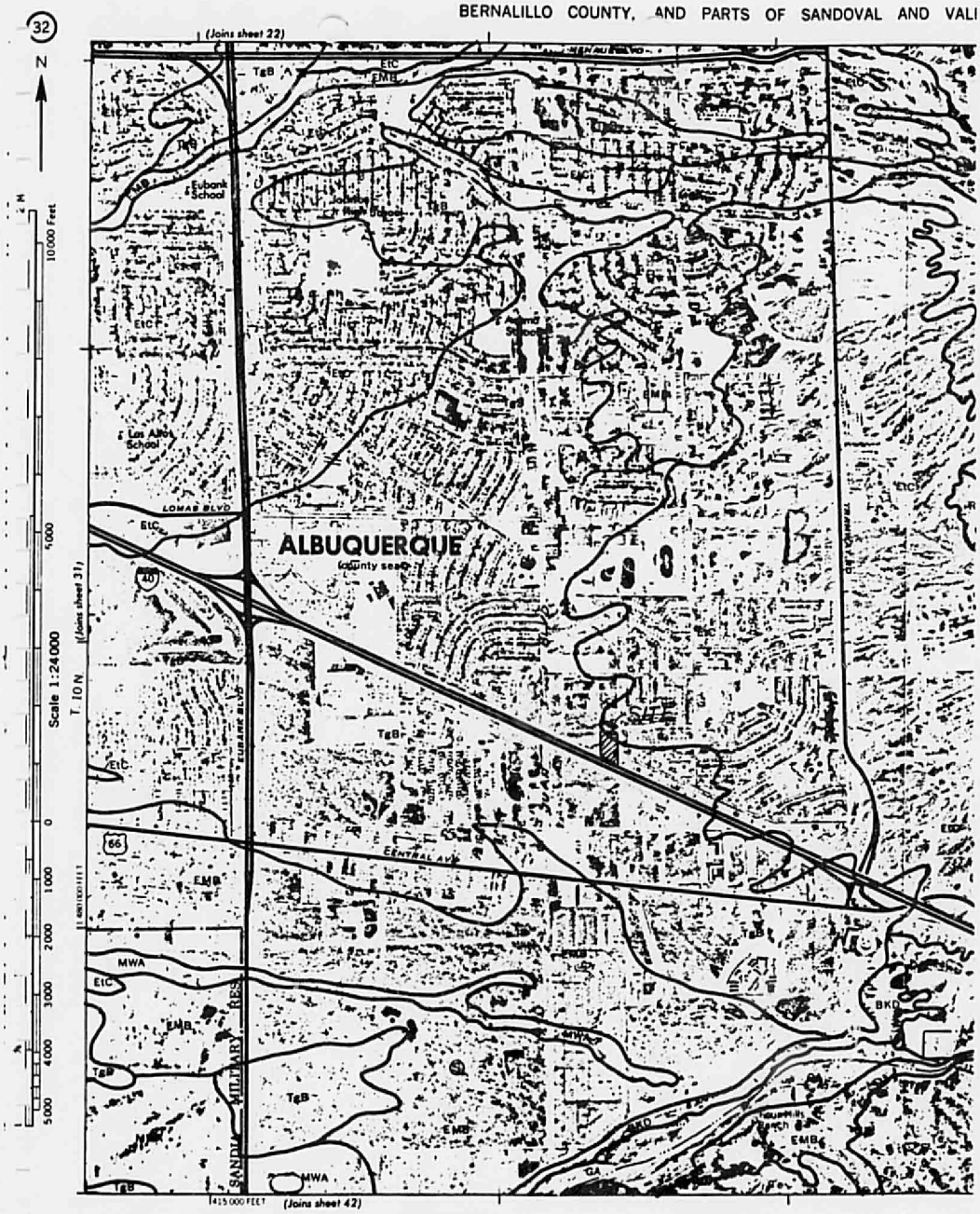

FIGURE 2

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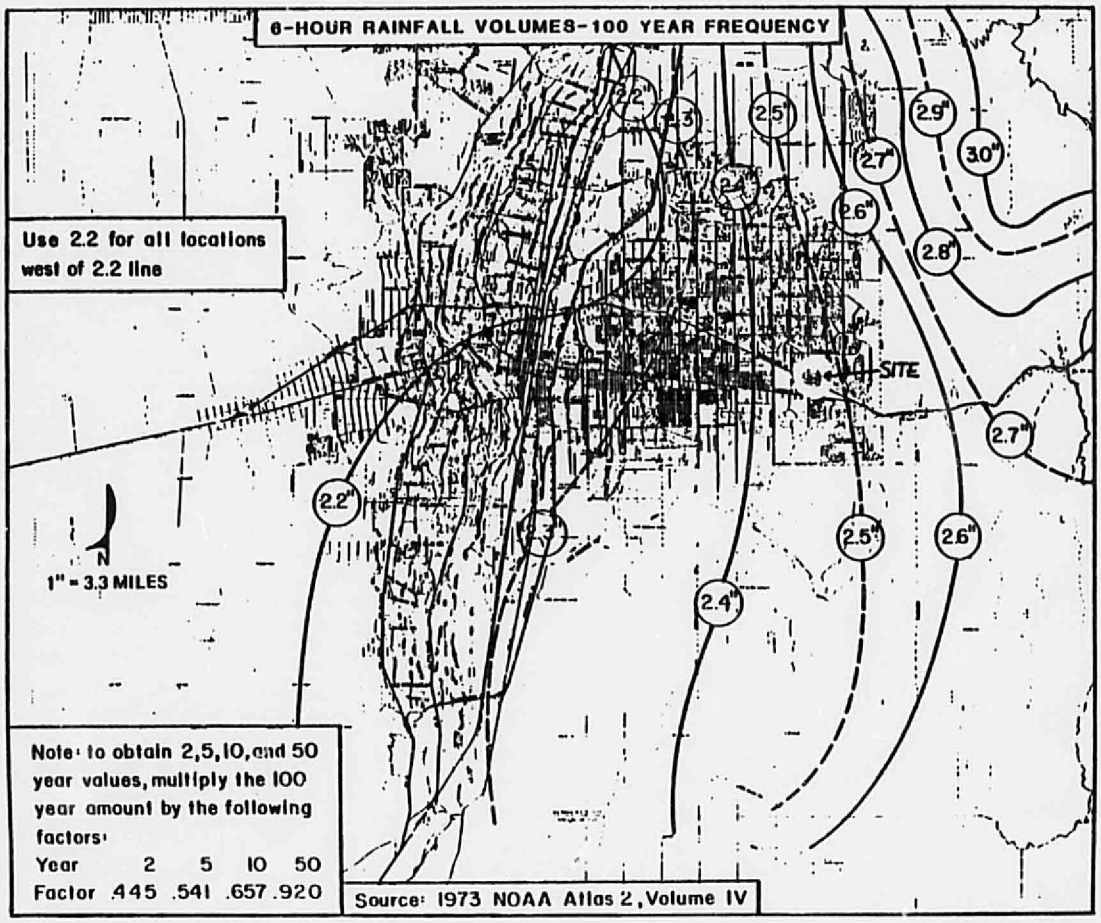
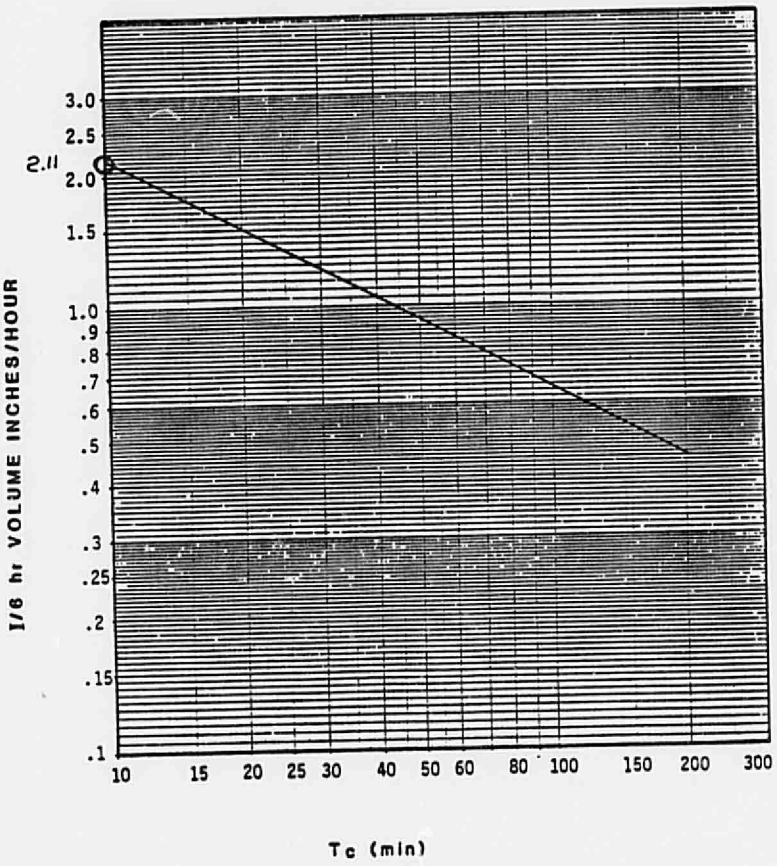


FIGURE 3

DIMENSIONLESS RAINFALL INTENSITIES

$I = (6\text{-hr. rain})6.84\ t_c^{-0.51}$



note: To get actual intensities, multiply rainfall volume from plate D-1 by value from curve. Use reduction factors on Plate D-1 for other than 100-yr.

FIGURE 4

DRAINAGE CRITERIA

DETERMINATION OF RATIONAL FORMULA 'C' FACTOR

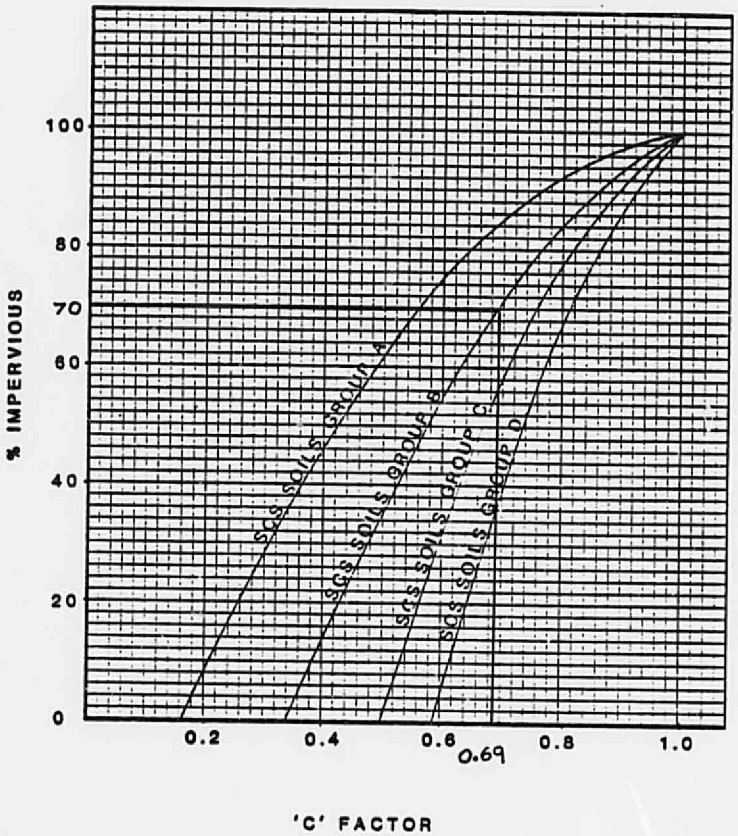


FIGURE 5

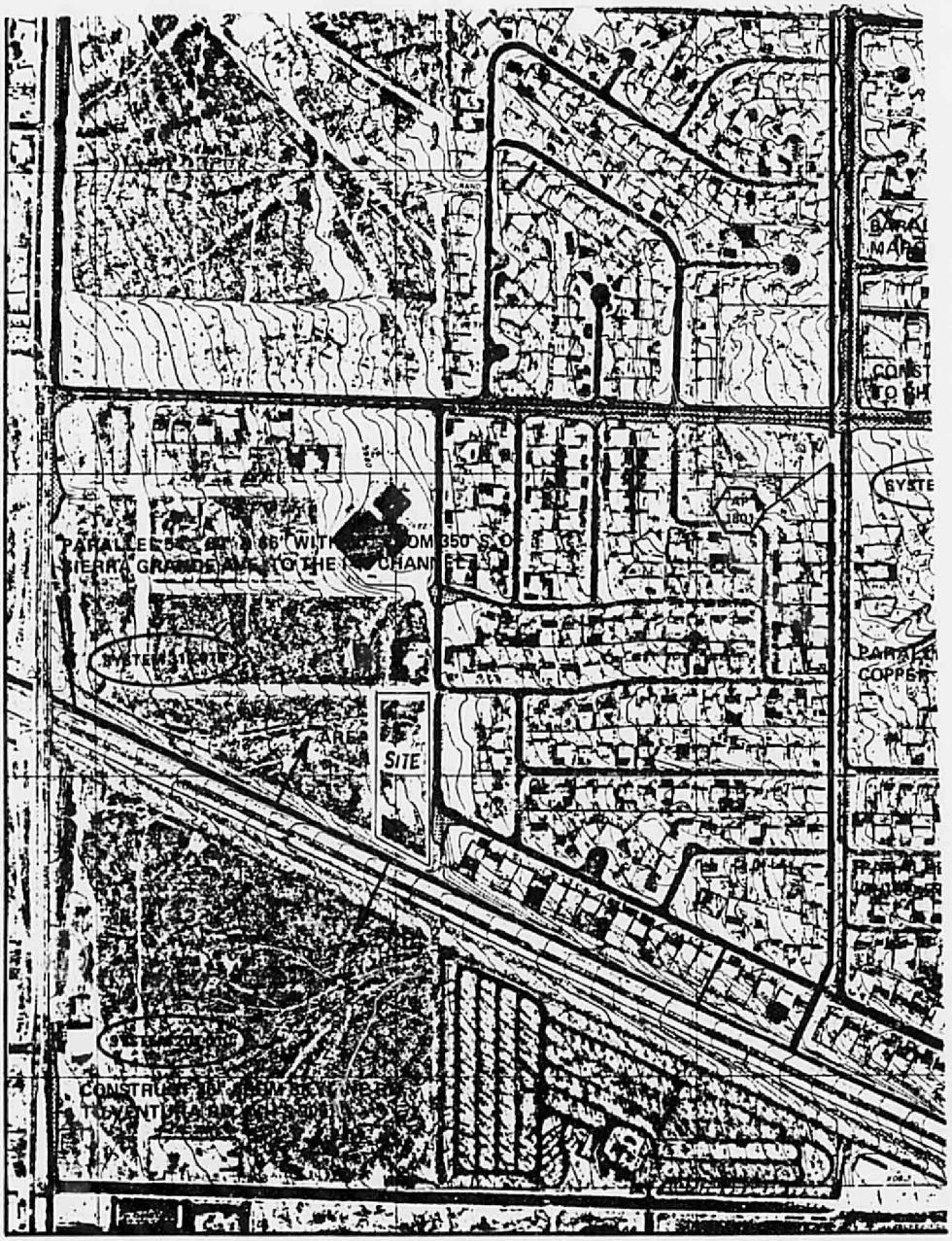


FIGURE 6

APPENDIX

UNDEVELOPED DRAINAGE

AREA 1.82 ACRES

T_c <10 MIN.

$I_{100} = 5.21''$ $I_{10} = 3.42''$

$C = .34$ (TYPE B)

$Q_{100} = 5.21 \times 1.82 \times .34 = \underline{3.22 \text{ CFS}}$

$Q_{10} = 2.12$ CFS

PROJECT NAME		SHEET 1	OF 2
PROJECT NO. 20975		BY	DATE 12/2/02
SUBJECT UNDEVELOPED DRAINAGE		CH'D	DATE

PERVIOUS - IMPERVIOUS CALCULATION

PERVIOUS AREA	23204 SF	$\frac{54105}{77309} = .6998 \approx .70$
IMPERVIOUS AREA	54105 SF	
TOTAL AREA	77309 SF	

C = .69

T_C < 10 MIN

I_{100} = 2.47 × 2.11 = 5.21"

I_{10} = 3.42"

BASIN A

A = .46 AC

Q = 1.67 CFS

BASIN B

A = 1.40 AC

Q = 5.03 CFS

BASIN A PONDING

AREA TO BE PONDED (PER LOT)

22' × 20' = 440 SF

6 HR 100 YEAR VOLUME 2.46" C = 0.40

$\frac{2.46}{12} \times .40 \times 440 =$ 36.08 CF PER LOT

PROJECT NAME		SHEET 2	OF 2
PROJECT NO. 20975		BY DW	DATE
SUBJECT DEVELOPED DRAINAGE		CH'D	DATE