## ENCROACHMENT PERMIT AGREEMENT FOR IMPROVEMENTS WITHIN 20' MUTUAL ACCESS EASEMENT

WHEREAS, the INTERNTIONAL CHURCH OF THE FOURSQUARE GOSPEL ("CHURCH") and AHMET & MARTHA TIRYAKI & JASON M & COLLEEN BUCHANNAN & ROB & BANU MCKINLEY (AJR) possesses a 20' mutual access easement within Lot H-1, La Questa Subdivision, as the same has been filed for public record in Bernalillo County, New Mexico, on 3/3/2000 in book A9, page 924, as document # 2000021020; and

WHEREAS, said easement reserves to the owners, their successors and assigns, the right to use said lands for purposes which will not interfere with the rights and easements granted, providing that the owners obtain mutual written approval for such use from; and

WHEREAS, the owners of said lot, AJR, desire to encroach into said easement area and construct thereon certain appurtenances ("IMPROVEMENTS") with the intent that neither the present use shall be significantly altered or changed.

NOW, THEREFORE, in return for the promises and covenants contained herein, CHURCH hereby grants to AJR, their successors and assigns, this Permit to encroach upon the easement and to construct, operate and maintain the IMPROVEMENTS shown on attached Exhibit "A", subject to the following terms and conditions:

- 1. OWNERS shall obtain CHURCH's written approval for the following:
  - a. All pertinent plans for installation of the IMPROVEMENTS, which must be obtained prior to construction. .
  - b. All changes to subject plans.
  - c. All future repair, modification, removal, or other activities affecting the completed IMPROVEMENTS.
- 2. CHURCH shall have the authority to cause the installation of any of the IMPROVEMENTS to be stopped or to require the IMPROVEMENTS to be removed from the easement area if the construction does not comply with the approved plans, or if the IMPROVEMENTS are not maintained.
- All construction, operation, maintenance, repair, relocation and removal of the IMPROVEMENTS shall be accomplished at AJR' sole expense and in such a manner as shown on the plans approved by CHURCH. AJR will be responsible for obtaining any additional permits as may be required.

ABM shall maintain the IMPROVEMENTS as shown on the approved plans in good operating order. AJR shall immediately repair any damage, which may occur to the IMPROVEMENTS within the easement. CHURCH does not maintain this improvement, and AJR shall be responsible for protecting their property.

Who is "ABM"?

By Church

- 5. AJR shall indemnify and hold CHURCH harmless from all claims or judgments for damages or injury to property or persons arising from the construction, operation, maintenance, relocation or removal of the IMPROVEMENTS and use of related equipment, and shall defend CHURCH against any such claim. AJR shall reimburse CHURCH for all costs and expenses incurred by CHURCH resulting from the installation, operation, maintenance or removal of the IMPROVEMENTS should such activities be required to prevent damage to CHURCH or others.
- 6. In the event that any of the IMPROVEMENTS become ineffective or endanger the function of the remaining portion of the easement, CHURCH shall notify AJR, and AJR shall promptly commence to correct such condition. In the event that AJR fail to undertake or complete such repairs, CHURCH may modify or remove the IMPROVEMENTS constructed on easement, provided that CHURCH gives AJR thirty (30) days notice of such modification or removal.
- 7. Should AJR fail to properly and timely maintain or repair any IMPROVEMENTS after timely notice from CHURCH, CHURCH may terminate this Permit and all rights and privileges herein granted. CHURCH will provide AJR with thirty (30) days notice of such intent to terminate.
- 8. This Permit shall be in full force from the date of signature from CHURCH and shall run with the land or are binding upon and insure to the benefit of the successors and assigns to the parties hereto and shall be
- 9. Nothing in this Permit shall be construed to create in any person or entity, other than CHURCH and AJR, any rights whatsoever, including, but not limited to, the rights of a third party beneficiary, nor to authorize any third party to maintain a suit or any other claim.
- 10. AJR covenant and warrant that they are the owners in fee simple of the property and that they have a good and lawful right to enter into this Agreement.

1-24-95

Spoke W/ Engr. on phone.
Informed them that as-built elev.

Onsite a valley putter from

Piasono appears too high. Site

Will not except flows from

Stoeet as intended. They will

Nherk elev. again and resulmit

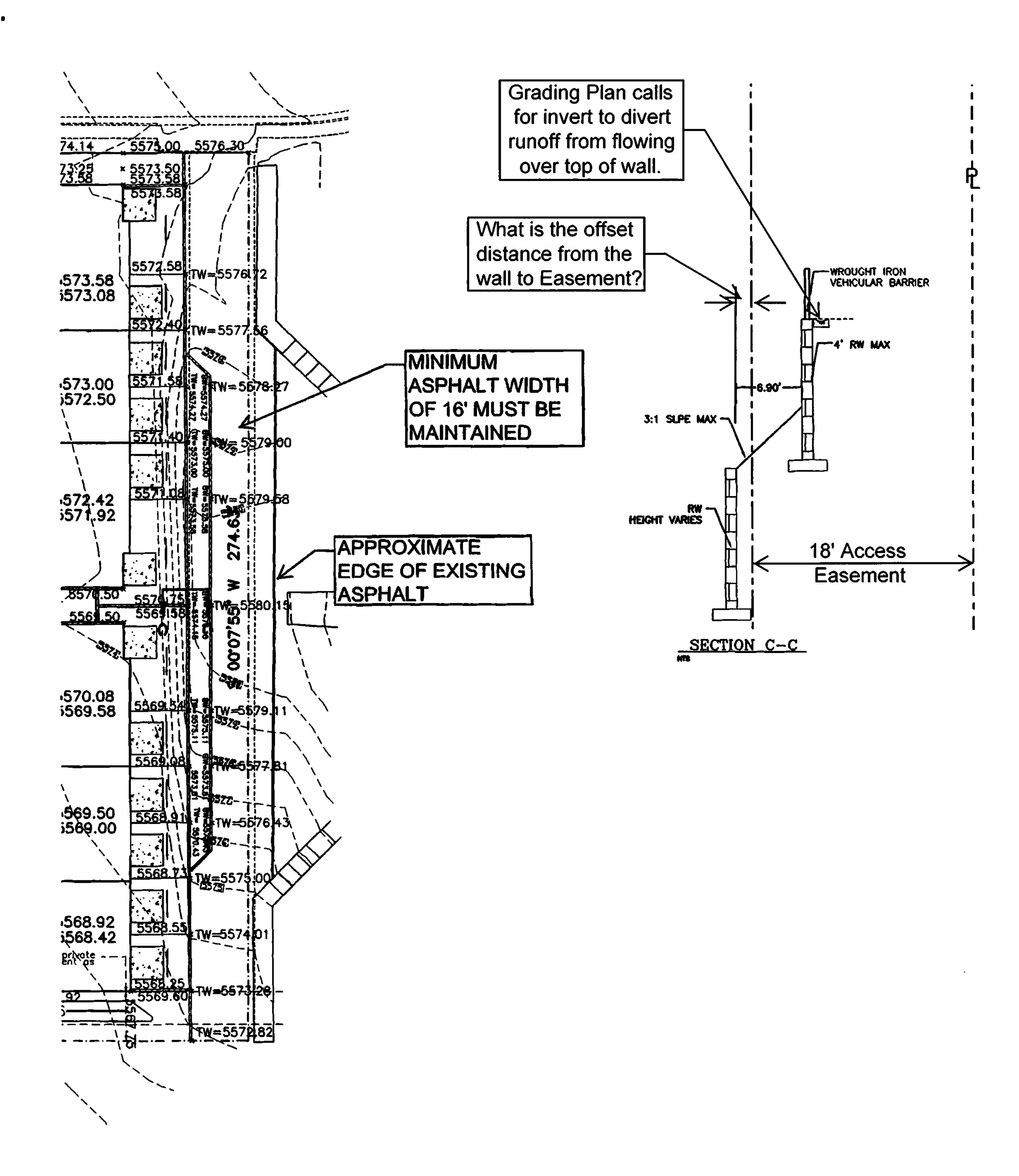
The provisions hereof shall inure to the benefit of and bind the heirs, executors, administrators successors, and assigns of the parties hereto.  Witness our hands and seals this day of the day of t
Witness our hands and seals this day of the
TERMS AND CONDITIONS OF PERMIT AGREED TO AND ACKNOWLEDGED.
AHMET & MARTHA TIRYAKI & JASON M & COLLEEN BUCHANNAN & ROB & BANU MCKINLEY:  May the first of the second of the se
MARTHATIRYAKI  MARTHATIRYAKI  OUL Phone
JASON M. BUCHANNAN  COLLEEN BUCHANNAN
ROB MCKINLEY  BANU MCKINLEY
INTERNTIONAL CHURCH OF THE FOURSQUARE GOSPEL:
By: July

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### ACKNOWLEDGMENTS

STATE OF NEW MEXICO )
COUNTY OF BERNALILLO ) (1) (2) (2) (3)
This instrument was acknowledged before me on OCOOR 22, 2013
by AHMET & MARTHA TIRYAKI.
OFFICIAL SRAL Maria Elena Chavez NOTARY PUBLIC STATE OF NEW MEXICO 11-28-20/5  My Correntssion Expires:  Notary Public
STATE OF NEW MEXICO )
)S.S.
COUNTY OF BERNALILLO ) This instrument was acknowledged before me on October 22. 2013
This instrument was acknowledged before me on <u>October 22</u> , 2013 by JASON M & COLLEEN BUCHANNAN.
My Commission Expires: 3-11-2014
TOTAL SEAT
SEAS Carolyn Parker  (SEAS NOTARY PUBLIC STATE OF NEW MEXICO My Commission Expires: 3-11-8014  STATE OF NEW MEXICO  STATE OF NEW MEXICO
)s.s.
COUNTY OF BERNALILLO ) (O)
This instrument was acknowledged before me on Abber 000, 2013
by ROB & BANU MCKINLEY.
OFFICIAL SEAL Cristina Gonzalez Notary Public State of New Mexico My Comm. Expires 10-23-16
STATE OF NEW MEXICO )
)s.s. COUNTY OF BERNALILLO )
This instrument was acknowledged before me on
by Jen Wheeler, of INTERNTIONAL CHURCH OF THE FOURSQUARE GOSPEL
My Commission Expires:
6-9-14/ Showeda Que Martiner
Notary Public
Rhonda Lee McIntyre (
NOTARY PUBLIC  STATE OF NEW MEXICO





# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

February 8, 1995

Benny Gabaldon Resource Technology, Inc. 2129 Osuna Rd. NE, Suite 200 Albuquerque, NM 87113

RE:

CERTIFICATE OF OCCUPANCY FOR MOTEL @ ZIA & PAISANO (K-22/D22F) ENGINEER'S STAMP DATED 1/30/95

Dear Mr. Gabaldon:

Based upon the additional survey information supplied in your 2/2/95 resubmittal, Engineer's Certification for the referenced site is acceptable.

If I can be of further assistance, feel free to contact me at 768-3622.

Sincerely,

Scott Davis

PWD, Hydrology Division

c: Terri Martin Andrew Garcia File

### TRANSMITTAL

# Resource Technology , Inc. ENGINEERS AND ENVIRONMENTAL SCIENTISTS

2129 Osuna Road NE, Suite 200 Albuquerque, NM 87113 (505) 345-3115

<b>To</b> :	CITY	HYDROCOGY	From: BENNY GABALDON
	——————————————————————————————————————		Date: FEB 1, 1995
Attn Re:	: Sc	DAVIS NO É ZIA	Our Project No.: 93-250
WE TRA	NSMIT THE	FOLLOWING:	
□ SHO	PDRAMNO	S SPECIFICATIONS	CHANGE ORDER
O PRIN	TS	COPY OF LETTER	UNDER SEPARATE COVER VIA
DOC1	UMENTS		
FOR YO	UR:		
APPI	ROYAL	□ DISTRIBUTION TO PA	RTIES
REVI	EW & COM	MENT RECORD	
use		INFORMATION	IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE.
COPIES	DATE		ITEM DESCRIPTION
2	1/30/15	ENGINEER CERTIFIED	DRAINAGE PLAN (PAISANO É ZIA)
Ren	narks	• · · · · · · · · · · · · · · · · · · ·	· ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (
**	•		
	<u> </u>		FEB 2:35
COF	by To		

### DRAINAGE INFORMATION SHEET

PROJECT TITLE: ZIA PAISAND GRADING DEAIN	
DRB #: EPC #:	WORK ORDER #:
LEGAL DESCRIPTION:	
CITY ADDRESS:	
ENGINEERING FIRM: RESOURCE TECHNOLOGY IN	CONTACT: BENNY GABALDON
ADDRESS: 2129 OSUNA RO NE SUME 200	PHONE: 345-3115
OWNER:	CONTACT:
ADDRESS:	PHONE:
ARCHITECT:	CONTACT:
ADDRESS:	PHONE:
SURVEYOR:	CONTACT:
ADDRESS:	PHONE:
CONTRACTOR:	CONTACT:
ADDRESS:	PHONE:
GRADING PLAN  EROSION CONTROL PLAN  ENGINEER'S CERTIFICATION  OTHER  PRE-DESIGN MEETING:  YES  NO	SKETCH PLAT APPROVAL  PRELIMINARY PLAT APPROVAL  S. DEV. PLAN FOR SUB'D. APPROVAL  S. DEV. PLAN FOR BLDG. PERMIT APPROVAL  SECTOR PLAN APPROVAL  FINAL PLAT APPROVAL  FOUNDATION PERMIT APPROVAL  BUILDING PERMIT APPROVAL  CERTIFICATE OF OCCUPANCY APPROVAL  GRADING PERMIT APPROVAL  PAVING PERMIT APPROVAL  S.A.D. DRAINAGE REPORT  DRAINAGE REQUIREMENTS  OTHER (SPECIFY)
DATE SUBMITTED: FEBRUARY 1, 1995  BY: RESOURCE TECHNOLOGY INC.	

### DRAINAGE INFORMATION SHEET

			FILE #: K-22/Da2/
DRB #:	EPC #:	WORK O	RDER #:
LEGAL DESCRIPTICATE CITY ADDRESS:	ON: Track K, La Cuest 601 Paisano ST	N.E.	
ENGINEERING FIR	M: Resoure Technology		
	21290SaNA N.E.	PHONE:	345-3115
	1 Bar Bar Moda	CONTACT:	
ADDRESS:	601 Paisano	PHONE:	
ARCHITECT:	Roger Civelli and Assoc	CONTACT:	Roge Civelli
ADDRESS:		PHONE:	
SURVEYOR:		CONTACT:	
ADDRESS:		PHONE:	
CONTRACTOR:	Tea la Conjoration	CONTACT:	Joek Payne
ADDRESS:	P.O. Box 643 Edgewood	VN. PHONE:	266-046281-9095
TYPE OF SUBMIT	TAL:	CHECK TYPE OF AP	PROVAL SOUGHT:
DRAINAGE	REPORT	SKETCH PLAT	APPROVAL
DRAINAGE	PLAN	PRELIMINARY	PLAT APPROVAL
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EROSION C	ONTROL PLAN	SECTOR PLAN	APPROVAL
ENGINEER'	S CERTIFICATION TEMP	FINAL PLAT	APPROVAL
OTHER		FOUNDATION	PERMIT APPROVAL
		BUILDING PE	RMIT APPROVAL
PRE-DESIGN MEE	TING:	CERTIFICATE	OF OCCUPANCY APPROVAL TEMP
YES		GRADING PER	MIT APPROVAL
NO		PAVING PERM	IT APPROVAL
COPY PROV	IDED	S.A.D. DRAI	NAGE REPORT
	•	DRAINAGE RE	QUIREMENTS
		OTHER	(SPECIFY)
DATE SUBMITTED BY:	9. 1-6-95 JuckPape		G E V E



# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

May 3, 1994

Mr. Elvidio Diniz, P.E. Resource Technology, Inc. 2129 Osuna Road, Suite 200 Albuquerque, NM 87113

RE: RESUBMITTAL FOR PROPOSED MOTEL ON PAISANO ST. (K-22/D22F) ENGINEER'S

STAMP DATED 4/29/94

Dear Mr. Diniz:

Based upon your 5/2/94 resubmittal, the referenced project is approved for Building Permit. Please be advised that prior to Certificate of Occupancy release, we will need Engineer's Certification per the Certification Checklist.

If I can be of further assistance, feel free to contact me at 768-3622.

Cordially,

Scott Davis

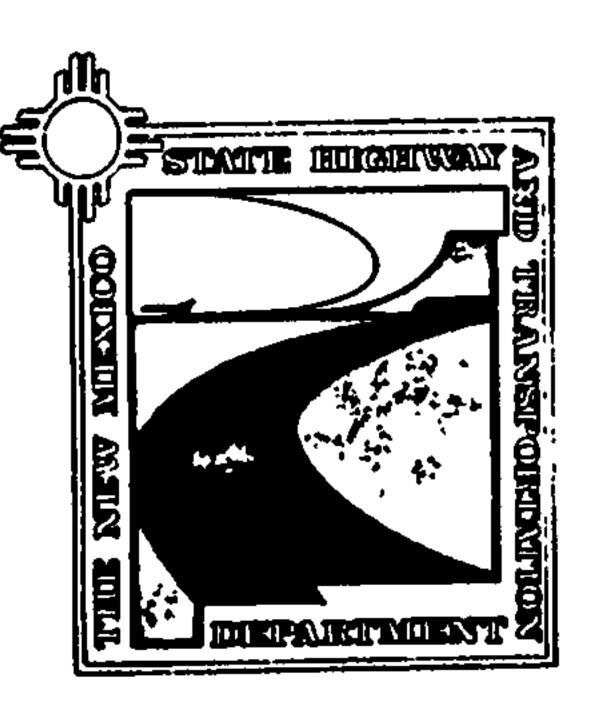
PWD, Hydrology Division

(WP + 8473)

c: Andrew Garcia

File

4 . . .



# NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT AN EQUAL OPPORTUNITY EMPLOYER DISTRICT THREE OFFICE

BRUCE KING GOVERNOR

#### COMMISSION

Joe M. Anaya Chairman, Stanley

J. V. "Rip" Curtis Vice-Chairman, Clovis

Dr. Quentin Ford, P.E. Secretary, Las Cruces

Peter T. Mocho, Sr. Member, Albuquerque

Albert N. Sanchez Member, Santa Rosa

> Edward T. Begay Member, Gallup

#### DEPARTMENT

Secretary Louis J. Medrano

General Office P.O. Box 1149 Santa Fe, N.M. 87504-1149 505-827-5100

District One Office P.O. Box 231 Deming, N.M. 88031-0231 505-546-2603

P.O. Box 1457
Roswell, N.M.
88202-1457
505-624-3300

District Three Office P.O. Box 91750 Albuquerque, N.M. 87199-1750 505-841-2700

District Four Office P.O. Box 30 Las Vegas, N.M. 87701-0030 505-425-7527

District Five Office P.O. Box 4127 Coronado Station Santa Fe, N.M. 87502-4127 505-827-9500

District Six Office P.O. Box 2159 Milan, N.M. 87021 505-285-6623 April 25, 1994

Mr. Greg Clarke, Resource Technology, Inc. 2129 Osuna Rd., N.E. Suite 200 Albuquerque, New Mexico 87113

Dear Mr. Clarke:

Your recent submittal of the drainage plan for the development of the Tract "K", La Cuesta Subdivision at the northeast corner of I-40 and Juan Tabo has been approved by our Drainage Section. A copy of the letter of approval for the proposed discharge into the adjacent existing culvert under I-40 is attached.

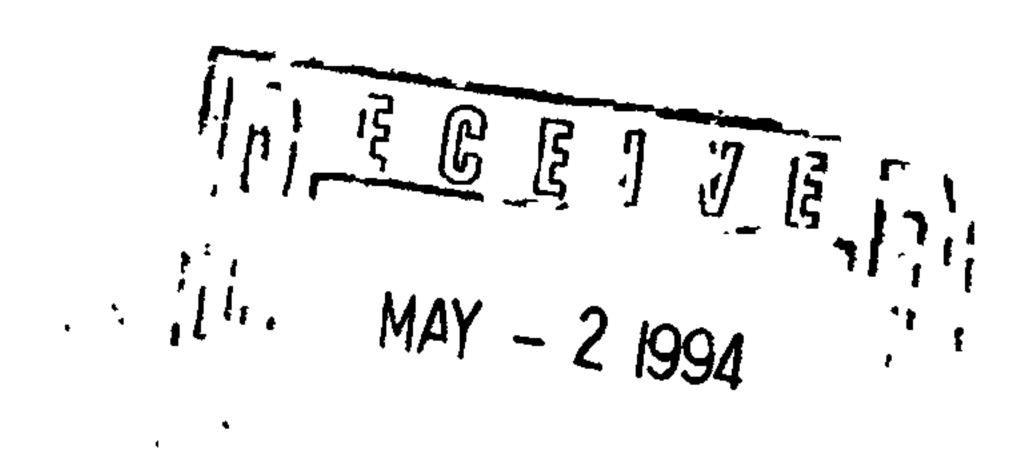
If we can be of further assistance please contact us at 841-2700.

Sincerely,

\*\*, \*

MICHAEL L. BARNES District Three Engineer

xc: Rae Van Hoven, Drainage Anthony Lopez





## DRAINAGE INFORMATION SHEET

PROJECT TITLE: PAISAND ST. + 214 MD. ZONE ATLAS/ORA	INAGE FILE # E-22/BZZF
LEGAL DESCRIPTION: TRACT K, CA CLESTA SU	
CITY. ADDRESS: NONE PROMOCO	• •••
ENGINEERING FIRM: RESOURCE TERMOLOGY, INC.	CONTACT: EZVIDIO DINIZ, P.
ADORESS: 2129 OSYNA. RD. SYITE 200 AZB., NM B7113	PHOKE: 345-3115
OHKER: B7113	CONTACT:
AOORESS:	PHONE:
ARCHITECT: ROGER CINERI É ASSOCIARES.	CONTACT: POGOT GNOTH
ADORESS: P.O. BOX 965 AZO, N.M. B7059	PHOKE:
SURVEYOR: R.T. I.	CONTACT: 3 4756
ADORESS: SAME	PHONE: JAME
CONTRACTOR:	CONTACT:
. ADDRESS:	PHOKE:
PRE-DESIGN HEETING:	
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	TIFICATE OF OCCUPANCY PPROVAL
ROUC	SH GRADING PERHIT APPROVAL
DATE SUBHITTED: 4/29/94 GRAC	OLNG/PAVING 'PERHIT' APPROVAL
BY: Gieg clarke . OTHE	
"REV. 10/85	

. . . .

### TRANSMITTAL



2129 Osuna Road NE, Suite 200 Albuquerque, NM 87113 (505) 345-3115

To:	<u> </u>	7. A HYA	POLOGY	From:	GREG CLARKE	
				Date: _	4/29/94	<u> </u>
Attn	: <u>Sco</u>	TY DAVIS				-25
Re:	PROPE	SED MOTEL	PAISAND ROFZIA	f Jr. Our Pro	ject No.:	
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USE			INFORMATION		RIAL RECEIVED IS NOT NOTIFY US AT ONCE.	AS USTED,
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Cop	y To			· · · · · · · · · · · · · · · · · · ·		



# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 22, 1994

Mr. Greg Clarke Resource Technology, Inc. 2129 Osuna Rd. Suite 200 Albuquerque, NM 87113

RE: DRAINAGE & GRADING SUBMITTAL FOR BUILDING PERMIT APPROVAL - MOTEL @ PAISANO ST. & ZIA RD. (K-22/D22F) ENGINEER'S STAMP DATED 4/8/94

Dear Mr. Clarke:

Based upon your submittal concerning the referenced project, the following concerns will need to be addressed prior to authorizing Building Permit approval.

- 1. An approval letter from the State Highway Hydrology Section authorizing the discharge of your developed storm flows into their right-of-way will be required prior to the City's approval of the Building Permit.
- 2. If, as your pre-design meeting minutes indicate, the existing swale across your site falls within a Public Drainage Easement, please indicate this on your plan.

If I can be of further assistance, feel free to call me at 768-3622.

Cordially,

Scott Davis

PWD, Hydrology Division

(WP+8473) c: File

PROPOSEO MOTEL DRAINAGE INFORMATION SHEET PROJECT TITLE: PAISAND ST. 4 214. RO. ZONE ATLAS/ORAINAGE FILE # K-22 /022 F LEGAL DESCRIPTION: TRACT K, LA CUESTA SCIBOIVISION CITY. ADDRESS: NONE PEDVICED ENGINEERING FIRM: RESOURCE TECHNOLOGY, INC. CONTACT: GREG CLARKE ADDRESS: 2129 OSYNA RD. SUITE 200 PHONE: 345-3115 OHNER: CONTACT: PHONE: ADDRESS: ARCHITECT: ROGER CINELLI CONTACT: ROGER CINEZLI ASSOCIATES AUDRESS: P.O. BOX 965
AUD.,NM 87059 PHONE: CONTACT: SADDE SURVEYOR: K.T.I. · AOORESS: PHONE: SANDHA CONTACT: \_\_\_\_ CONTRACTOR: PHONE: ADDRESS: PRE-DESIGN HEETING: YES EPC NO.\_\_ · NO · COPY OF CONFERENCE PROJECT NO. RECAP SHEET PROVIDED TYPE OF SUBHITTAL: CHECK TYPE OF APPROVAL SOUGHT: DRAINAGE REPORT SECTOR PLAN APPROVAL DRAINAGE PLAN SKETCH PLAT APPROVAL PRELIHINARY PLAT APPROVAL . CONCEPTUAL GRADING & DRAIN PLAN GRADING PLAN SITE DEVELOPHENT PLAN APPROVAL FINAL PLAT APPROVAL EROSION CONTROL PLAN EXGINEER'S CERTIFICATION X BUILDING PERHIT APPROVAL .. FOUNDATION PERHIT APPROVAL CERTIFICATE OF OCCUPANCY **APPROVAL** ROUGH GRADING PERHIT APPROVAL GRADING/PAVING 'PERHIT' APPROVAL DATE SUBHITTED: · OTHER (SPECIFY).

10

REV. 10/85

### CITY OF ALBUQUERQUE PUBLIC WORKS DEPARTMENT

### UTILITY DEVELOPMENT DIVISION/HYDROLOGY SECTION

PRE-DESIGN CONFERENCE

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	GRADING/PAVING	G PERMIT	OTHER		•
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