HYDROLOGY L14/D6 ONE PLAN

L14-D6

1 PLAN

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE April 7, 1983 REF. NO._____

TO: Ida Grant, Administrative Assistant

FROM: Andre Houle, City/County Flood Plain Administrator Andre

SUBJECT: INDEMNITY AGREEMENT

Attached hereto is a Hold Harmless Agreement. Please have Mr. Kleinhenz execute this Agreement and, upon his approval, your assistance to route this to the City Clerk to record is appreciated.

Please request the City Clerk to return one xerox copy for George Ball's record to me.

AH/tsl

Attachment

CHAVEZ GRIEVES / CONSULTING ENGINEERS, INC.

6121 INDIAN SCHOOL RD., N.E. SUITE 220
ALBUQUERQUE, N.M. 87110
PH. (505) 881-7376

March 22, 1983

Fred Aguirre
Drainage Engineer
City of Albuqeurque
P. O. Box 1293
Albuquerque, New Mexico 87103

214-DL

RE: Proposed Storage Shed.
Block 2, Jesus Apodaca Addition No. 2

Dear Fred;

Attached is a copy of the topographic survey for the above referenced project. Marked on the survey is the site of the new storage shed which will cover 1200 square feet. The finished floor for the shed will be set at 4945.0, one foot above the anticipated water surface elevation in the event of a 100-year storm. Fill for the slab will be provided by excavating areas within the property below elevation 4944.0. This will provide storage for the volume displaced while eliminating any increase in nuisance flows onto the property to the south.

Please call if you have any questions or if I can be of any further service in this matter. Your timely assistance has been appreciated.

Sincerely,

Victor J. Chavez

Victor J. Chavez, P.E.

Encl.

VJC/dlk

Owner will attempt to obtain a variance for the of requiring the elevation as detailed by ordinance 3/23/83

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE

REF. NO.

RECEIVED
MAR 25 1983
CITY ENGINEER

TO: H. R. Orr, Principal Asst./City Engineer

FROM: Andre Houle, City/County Flood Plain Admin.

SUBJECT: Variance & Appeal to the Flood Hazard Ordinance (Section 5.F of Enactment 99-1981) for Tract 1 & 2, Block 2, Jesus Apodaca Addition #2.

I have reviewed this project and request your consideration to authorize me to waive the Flood Hazard Ordinance requirements for the following reasons.

a. The Storage Building shall be used to store aluminum shapes for fabrication.

b. Existing buildings used in fabrication are at elevation 43.80 and the flood plain is at 44.00. The required elevation as per the ordinance is at 45.00, this would pose a problem to the owner for use of his building with the other existing facilities.

c. This site is in a "sump" flood plain and there is no danger of this improvement to wash away. The location is required for its relationship with other existing shops.

d. The owner has provided the City with an Indemnity Agreement stating his understanding of the flood plain and the complete acceptance of responsibility and damages as a result of a flood.

Upon your review and concurrence please sign the appropriate space of these two agreements and route to me so I can process this to legal, the mayor and the City Clerk.

Call me if you need any further information to assist in your decision.

AH/sl

CITY OF ALBUQUERQUE

ALBUQUERQUE, NEW MEXICO

INTER-OFFICE CORRESPONDENCE March 29, 1983 REF. NO._____

TO: Mr. Malcolm deVesty, Assistant City Attorney

FROM: Andre Houle, Civil Engineer/Hydrology Andre

SUBJECT: Indemnification Agreement

Attached hereto are two copies of agreements to allow development in the Flood Plain. In compliance with Section G of the Flood Hazard Ordinance, Enactment 99-1981, the City Engineer has reviewed and approved this variance subject to the attached agreement. Please review and upon your concurrence sign both copies and return to me. I will then forward this to the CAO and City Clerk for filing.

AH/fs
Enclosure

INDEMNIFICATION AGREEMENT AND COVENANT

The City of Albuquerque (CITY), and George Ball (OWNERS, which term includes successors and assigns) agree:

RECITAL

OWNERS are the owners of the following described real property: (See Exhibit "A" for Legal Description)

The OWNERS have presented a site plan to the CITY as a condition of obtaining building permits for a prefabricated metal storage building (1200 s.f.) on the above described property. The CITY has rejected said site plan for the reasons that construction of the addition's finished floor elevation does not conform to the City of Albuquerque's "Flood Hazard Ordinance", Section 7B.2 which states that the lowest floor level shall be elevated one foot above the base flow elevation or meet other requirements.

The OWNERS desire to construct a building on said property as proposed on the site plan and, therefore, the CITY requires OWNERS to enter into this Agreement as a condition of its approval of OWNERS' site plan, and as a condition of the issuance of appropriate building permits for this site.

UNDERSTANDING OF EXPOSURE

OWNERS agree and understand that the building as sited does not provide protection for the OWNERS' property and is subject to flood and water run off damage resulting from noncompliance with the Flood Hazard Ordinance.

INDEMNIFICATION AND HOLD HARMLESS

The OWNERS agree to defend, indemnify and hold harmless the CITY, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against them for or on account of any matter arising from the failure of the OWNERS to comply with the Flood Plain Ordinance.

COVENANT RUNNING WITH THE PROPERTY

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

ISSUANCE OF PERMITS

Upon execution of this Agreement, the CITY will not withhold approval of permit issuance for reasons related to noncompliance to the referenced Ordinance for the building project on this property.

OWNERS:

George Ball

ATTEST:

City Clerk

CITY OF ALBUQUERQUE:

Frank A. Kleinhenz
Chief Administrative Officer

REVIEWED AND APPROVED BY
THE LEGAL DEPARTMENT:

Malcolm W. deVargas
Assistant City Attorney

REVIEWED BY THE CITY ENGINEER:

Marcel R. Rivera Acting

ACKNOWLEDGMENTS

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

The foregoing instrument was acknowledged before me by George Ball on the 24th day of March, 1983.

Betty Chambers
Notary Public

My Commission Expires:

March 10, 1985

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

The foregoing instrument was acknowledged before me on this 7th day of April, 1983, by Frank A. Kleinhenz, Chief Administrative Officer of the City of Albuquerque, a municipal corporation on behalf of said corporation.

Dola L. Grant
Notary Public

My Commission Expires:

12/18/84

EXHIBIT "A"

LEGAL DESCRIPTION

Tracts 1 and 2, Block 2, Jesus Apodaca Addition No. 2, Albuquerque, Bernalillo County, New Mexico