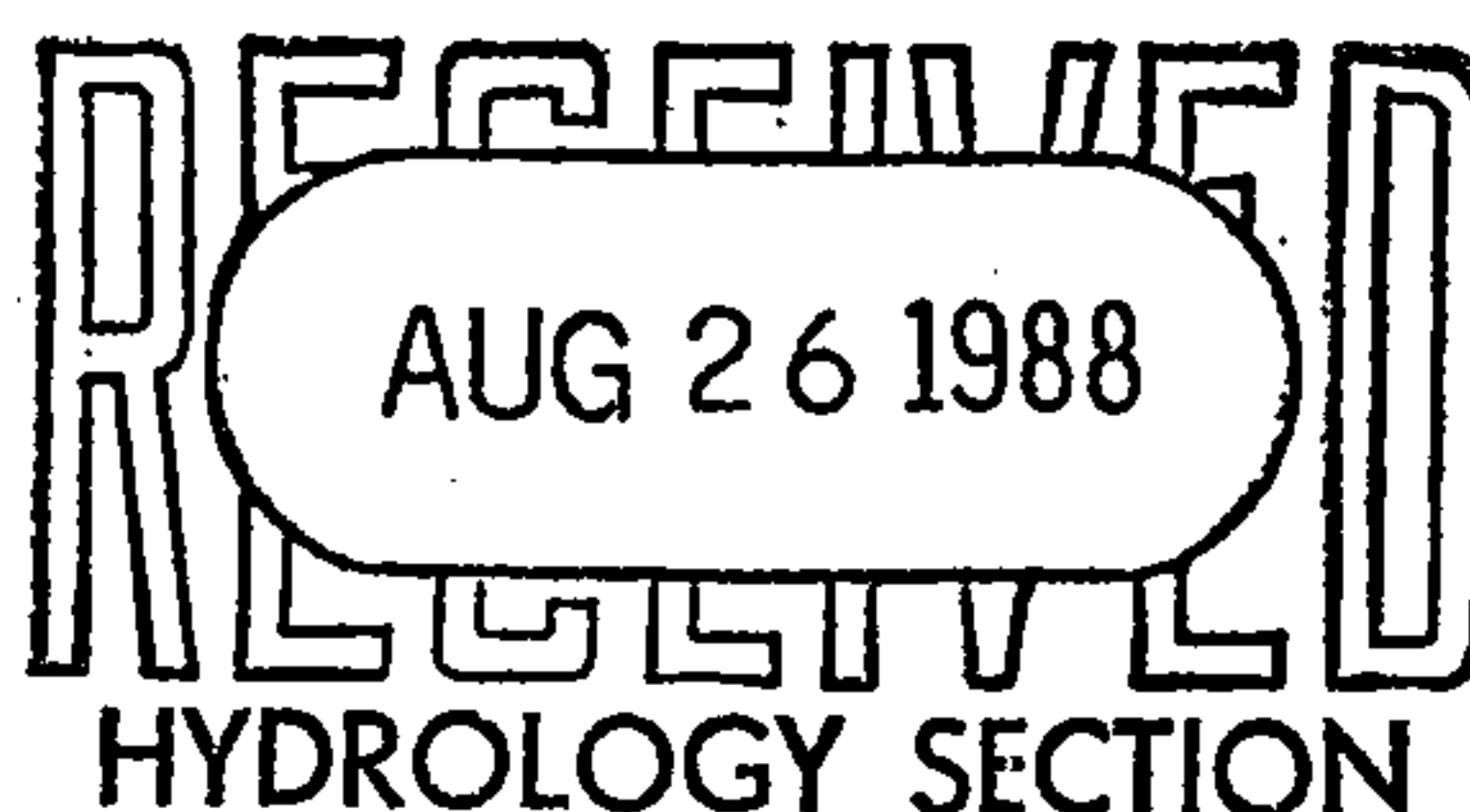




City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



August 19.1988

Mr. Dan Shoats:
9627 4th St., NW
Albuquerque, N. M.

Mr. Shoats, this letter is to confirm our conversation of August 19, 1988, concerning the deficiencies that now exists in the design and installation of the drainage system on the property located at 700 Torreon SE. The lack of a submergible pump in the detention pond as described in the drainage agreement needs to be installed. Also, improvements to the paved invert leading to the detention basin must be improved to contain the flows and prevent runoff from damaging adjacent properties. I hope these noted problems can be remedied in a timely fashion.

If you have any questions concerning this matter please fill free to contact me at 823-4293.

Respectively,

Glenn Jurgensen
Superintendent, Street Maintenance

xc: Anthony Lopez
Carlos Montoya
David Salcido

TEMPORARY EASEMENT

This grant of Temporary Easement, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of X," "partnership":] Montero Baza, or as Related Designation/owner Elyck

Grantor ("Grantor"), whose address is 19627 4th St NW, 87114 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P. O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Grantor signs this Temporary Easement.

1. Recital. Grantor is the owner of certain real property located at [give general description, for instance, subdivision, lot and block or street address:] TRACT 2, LANDS OF ROBERT AND JANE H. LEWIS (700 TORREON SE) in Bernalillo County, New Mexico (the "Property").

2. Grant of Easement. The Grantor grants to the City a temporary easement ("Temporary Easement") in, over, upon and across the Property for [state the kind of easement, for example, "public street and highway purposes (including all utilities)," "water line," "sewer line," etc.:] (DRAINAGE EASEMENT)
PONDING OF DEVELOPED FLOW

The Temporary Easement is more particularly described in the attached Exhibit A. [State on the exhibit either the metes and bounds description of the Temporary Easement or state the exact dimensions and location in a manner which would enable a surveyor to locate the Temporary Easement on the ground.]

The grant of the Temporary Easement includes the right of the City to enter upon the Temporary Easement at any time for inspection, installation, maintenance, repair or modification and the right to remove trees, bushes, undergrowth and any other obstacles if the City determines they interfere with the appropriate use of the Temporary Easement. This grant includes the right of access to the easement across the Grantor's adjoining property.

Grantor agrees for itself and its successors in interest that it has been paid in valuable consideration and that the grant of this Temporary Easement is not a gift or donation.

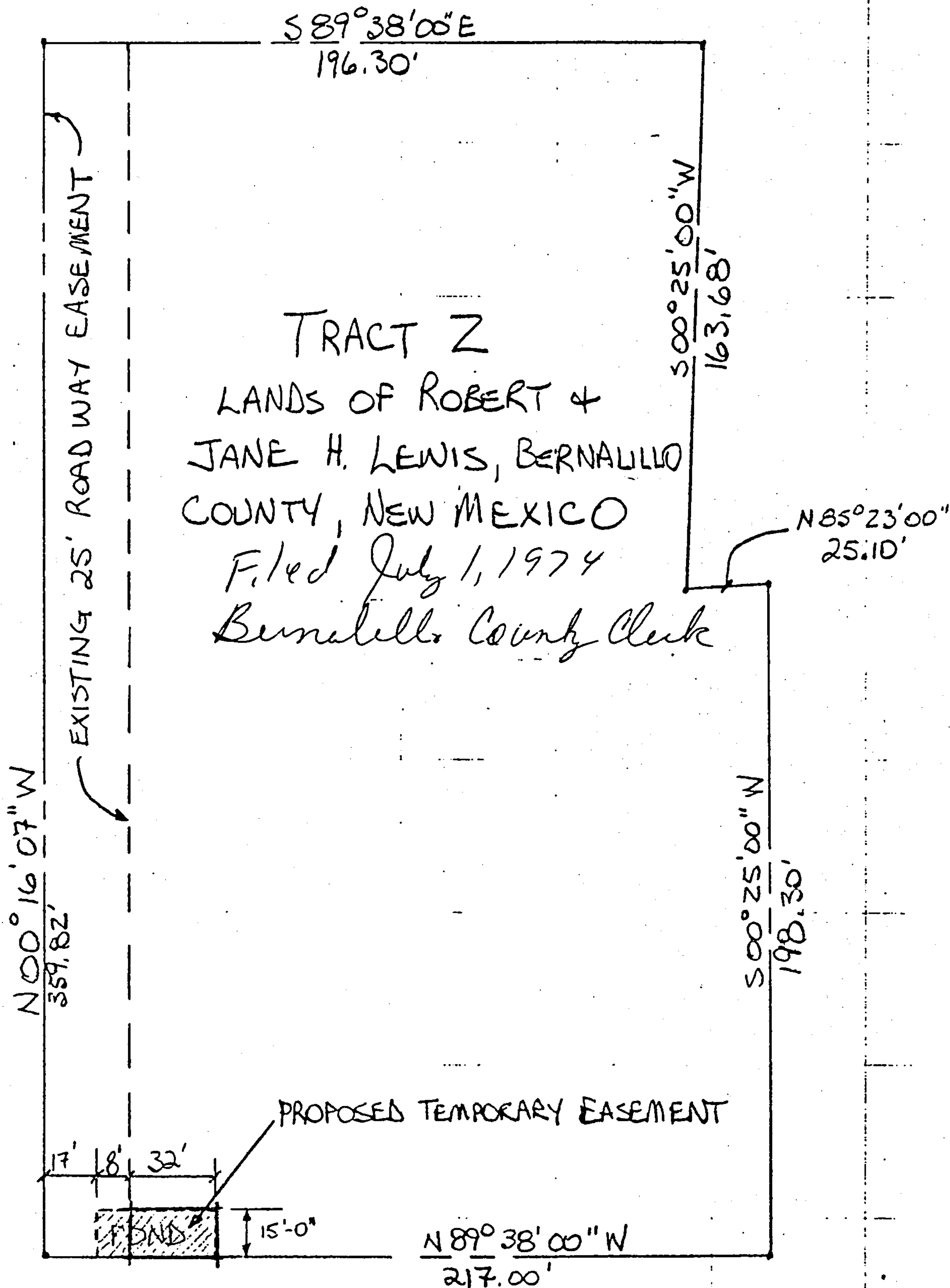
This Temporary Easement is worded pursuant to the provisions of §§47-1-27 to 47-1-44, NMSA 1978 or successor statutes.

3. Ownership Offer. Grantor states that it is the owner in fee simple of the Property and that it has a good lawful right to convey the Property or any part thereof.

(Approved by Legal Dept.
as to form only-6/15/86)

engineering associates, inc. • 532 Adams Street, NE • Albuquerque, NM 87106 • (505) 265-6545

EXHIBIT A



4. Binding-on Grantor's Property. The grant and other provisions of this Temporary Easement constitute covenants running with the land for the benefit of the City and its successors and assigns until terminated.

5. Termination of Temporary Easement. This Temporary Easement shall remain in effect until [state date of termination or event which will cause Temporary Easement to end:] In effect until downstream drainage improvements are constructed ("Termination"). Upon Termination and demand by the Grantor the City will execute and deliver to Grantor a release of this Temporary Easement.

6. Indemnification. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the City agrees to save Grantor harmless from any and all liability arising from the City's negligent use of the Temporary Easement for the purposes set forth herein. The City does not agree to save Grantor harmless from any liability which may arise from Grantor's use of the Temporary Easement and the Property.

7. Form Not Changed. Grantor agrees that changes to this form are not binding upon the City unless initialed by the Grantor and approved and signed by the City Legal Department in writing on this form.

CITY OF ALBUQUERQUE

Approved:

By:

Title:

Dated:

CITY ENGINEER

8/26/87

GRANTOR:

By:

Its:

Dated:

Melanie B. Shoats

Daniel D. Shoats

Elizabeth Shoats

OWNERS (Tenants in common)

7-21-87

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

ss

The foregoing instrument was acknowledged before me this 22nd day of JULY, 1987, by [name of person signing:] DANIEL D. SHOATS, SOLEDAD B. SHOATS, MARJON AND ELIZABETH SHOATS [title or capacity, for instance, "President" or "Owner":] of [name of the entity which owns the Property if other than the individual signing, for instance, the name of the corporation, partnership, or joint venture:]

Peggy Martin
Notary Public

OFFICIAL SEAL

PEGGY MARTIN

My Commission Expires:

9-4-89

(Approved by Legal Dept.
as to form only-6/15/86)

(EXHIBIT "A" ATTACHED)

08793157

DRAINAGE COVENANT

8690505
L14/Dec
000 88

This Drainage Covenant, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of X," "partnership":

Madlene Biagi *Solo owner - Saledad Blvd. Maxton (owner) Elizabeth Shortt*
owner ("Owner"), whose address is *5627 4th St N.W.*
ALSO NIMEX 87114 - Acting As Agent for above, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P. O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner signs this Easement.

1. Recital. Owner is the owner of certain real property located at [give general description, for instance, subdivision, lot and block or street address:] *TRACT 2, LANDS OF ROBERT & JANE H. LEWIS (700 TORRENS SE)* in Bernalillo County, New Mexico (the "Property").

Pursuant to City ordinances, regulations and other applicable laws, the Owner is required to construct and maintain certain drainage facilities on the Property, and the parties wish to enter into this agreement to establish the obligations and responsibilities of the parties.

2. Description and Construction of Drainage Facilities. Owner shall construct the following "Drainage Facility" within the Property at Owner's sole expense in accordance with the standards, plans and specifications approved by the City:
100-YEAR STORAGE (RETENTION/DETENTION) POND FOR DEVELOPED FLOW.

The Drainage Facility is more particularly described in the attached Exhibit A. The Owner will not permit the Drainage Facility to constitute a hazard to the health or safety of the general public.

3. Maintenance of Drainage Facility. The Owner will maintain the Drainage Facility at Owner's cost in accordance with the approved Drainage Report and plans.

4. City's Right of Entry. The City has the right to enter upon the Property at any time and perform whatever inspection of the Drainage Facility it deems appropriate, without liability to the Owner.

5. Demand for Construction or Repair. The City may send written notice ("Notice") to the Owner requiring the Owner to construct or repair the Drainage Facility within *60* days ("Deadline") of receipt of the Notice, as provided in Section 12, and the Owner will comply promptly with the requirements of

the Notice. The Owner will perform all required work by the Deadline, at Owner's sole expense.

6. Failure to Perform by Owner and Emergency Work by City. If the Owner fails to comply with the terms of the Notice by the Deadline, or if the City determines that an emergency condition exists, the City may perform the work itself. The City then may assess the Owner for the cost of the work and for any other expenses or damages which result from Owner's failure to perform. The Owner agrees promptly to pay the City the amount assessed. If the Owner fails to pay the City within thirty (30) days after the City gives the Owner written notice of the amount due, the City may impose a lien against Owner's Property for the total resulting amount.

7. Liability of City for Repair after Notice or as a Result of Emergency. The City shall not be liable to the Owner for any damages resulting from the City's repair or maintenance following notice to the Owner as required in this agreement or in an emergency unless the damages are the result of the reckless conduct or gross negligence of the City.

8. Indemnification. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the City agrees to save Owner harmless from any and all liability arising from the City's negligent use of the Drainage Facility. The City does not agree to save Owner harmless from any liability which may arise from Owner's use of the Drainage Facility and the Property.

9. Cancellation of Agreement and Release of Covenant. This agreement may be cancelled and Owner's covenants released by the City following by the City's mailing to the Owner notice of the City's intention to record a Cancellation and Release with the Bernalillo County Clerk. The Cancellation and Release will be effective thirty (30) days after the date of mailing the notice to the User unless a later date is stated in the notice or in the Cancellation and Release. After the effective date, the City will record the Cancellation and Release with the Bernalillo County Clerk.

10. Assessment. Nothing in this agreement shall be construed to relieve the Owner, his heirs, assigns and successors from an assessment against Owner's Property for improvements to the Property under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the (Drainage Facility) will not reduce the amount assessed by the City.

11. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

3627 4th St N.W. ALBQ 87214

Notice may be given to the Owner either in person or by mailing the notice by regular U.S. mail, postage paid. Notice will be considered to have been received by the Owner within 6 days after the notice is mailed if there is no actual evidence of receipt. The Owner may change Owner's address by giving written notice of the change by certified mail, return receipt requested, to the City Public Works Department, P.O. Box 1293, Albuquerque, New Mexico 87103.

12. Term. This agreement shall continue until terminated by the City pursuant to Section 7 above.

13. Binding on Owner's Property. The covenants and obligations of the Owner set forth herein shall be binding on Owner, his heirs, assigns and successors and on Owner's Property and constitute covenants running the Owner's Property until released by the City.

14. Entire Agreement. This agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

15. Changes to Agreement. Changes to this agreement are not binding unless made in writing, signed by both parties.

16. Construction and Severability. If any part of this agreement is held to be invalid or unenforceable, the remainder of the agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

17. Captions. The captions to the sections or paragraphs of this agreement are not part of this agreement and will not affect the meaning or construction of any of its provisions.

18. Form Not Changed. Owner agrees that changes to the wording of this form are not binding upon the City unless initialed by the Owner and approved and signed by the City Legal Department in writing on this form.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

1987 SEP -4 AM 8:50

BY M5531A 88-92

GLADYS M. DAVIS

CO CLERK & RECORDER

OWNER:

By: Daniel D. Short

Its: Glenn B. Short

Dated: 8-5-87

Marlene B. Short Elizabeth Short

(Approved by Legal Dept.

as to form only 5/28/86)

STATE OF NM Mexco)
COUNTY OF Bernalillo) ss

5th The foregoing instrument was acknowledged before me this 1st day of August, 1987, by [name of person signing:] Danny Shoats, [title or capacity, for instance, "President" or "Owner":] Owner of [name of the entity which owns the Property if other than the individual signing, for instance, the name of the corporation, partnership, or joint venture:] MARVIN B. SHOATS, ELIZABETH SHOATS, Sole and Proprietors

[Signature]
Notary Public

My Commission Expires: 7-8-91

CITY OF ALBUQUERQUE:

Approved:

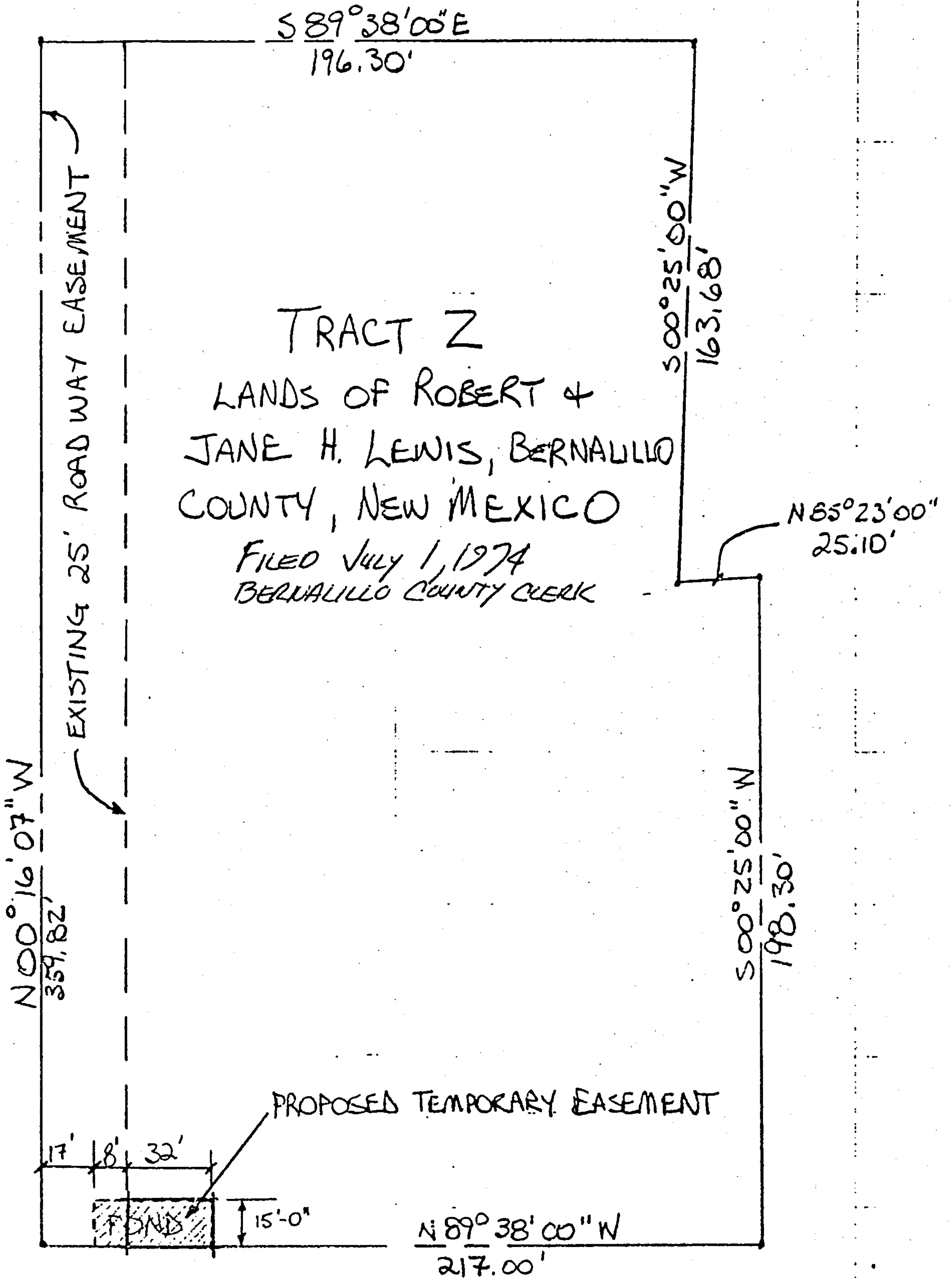
[Signature]
By: Stanton J. Johnson Jr.
Title: CITY ENGINEER
Dated: 8/21/87

Att
CAM

(EXHIBIT A ATTACHED)

engineering associates, inc. • 532 Adams Street, NE • Albuquerque, NM 87108 • (505) 265-6545

EXHIBIT A





City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

March 6, 1991

Mary Shoats
9627 Fourth Street, NW
Albuquerque, New Mexico 87114

A review of our records indicates that this office has never given a final drainage approval at 700 Torreon, SE. Further, I have noted that the building is being occupied without a Certificate of Occupancy, which is contrary to Section 307 of the Uniform Building Code.

In order to provide fair effective enforcement of the drainage policy, it is imperative that I, or one of my staff, make a final inspection of the referenced site. Please make immediate arrangements with me to allow for an inspection of the referenced property.

If arrangements for an inspection and approval of your site are not completed within 30 days from the date of this letter, a copy of this letter will be routed to the City Legal Department for legal procedure.

If you have any questions concerning this matter, please feel free to call me at 768-2650.

Donny Shoats
898-2810

Cordially,

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

BJM/bsj
(WP+68)

PUBLIC WORKS DEPARTMENT

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

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

August 4, 1987

Mike Walla
Engineering Associates, Inc.
532 Adams, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR PONY EXPRESS OFFICE
(L-14/D24) RECEIVED JULY 15, 1987

Dear Mr. Walla:

I have reviewed the referenced plan and forward the following comments:

1. The temporary drainage easements need to include:
 - A. Exhibit A.
 - B. Part 1 Recital - need to include the legal description.
2. Require a drainage covenant for maintenance responsibility.
3. The volume of the pond needs to include the runoff from the new public road.

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

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

cc: Andre Houle, DRC

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Mayor
Ken Schultz

September 9, 1987

Mr. Dan Shoats
9627 4th Street N.W.
Albuquerque NM 87124

RE: PROJECT NO. #3227 - LANDS OF ROBERT AND JANE H. LEWIS

Mr. Mr. Shoats:

Enclosed please find an executed copy of the Drainage Covenant, and Temporary Easement for the above noted project.

Please call me if I may be of further assistance.

Sincerely,

Della Gallegos, Administrative Assistant
Development Division/Design Review Section

Enclosures (1)

cc: Fred Aguirre, Hydrology Dept. /PWD
Project File #3227

DG/mw(2582E)

PUBLIC WORKS DEPARTMENT

George E. Selvia, P.E.,
Assistant Director Public Works

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

08793157

DRAINAGE COVENANT

000 88

This Drainage Covenant, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of X," "partnership":] Margene B. Agi, Sols owner Saledad B. Agi (owner) Elmer B. Agi ("Owner"), whose address is 5227 4th St NW, ALB. N. Mex 87114 - Acting As Agent for above, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P. O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Owner signs this Easement.

1. Recital. Owner is the owner of certain real property located at [give general description, for instance, subdivision, lot and block or street address:] TRACT 2, LANDS OF ROBERT & JANE H. LEWIS (700 TORREON SE) in Bernalillo County, New Mexico (the "Property").

Pursuant to City ordinances, regulations and other applicable laws, the Owner is required to construct and maintain certain drainage facilities on the Property, and the parties wish to enter into this agreement to establish the obligations and responsibilities of the parties.

2. Description and Construction of Drainage Facilities. Owner shall construct the following "Drainage Facility" within the Property at Owner's sole expense in accordance with the standards, plans and specifications approved by the City: 100-YEAR STORAGE (RETENTION/DETENTION) POND FOR DEVELOPED FLOW.

The Drainage Facility is more particularly described in the attached Exhibit A. The Owner will not permit the Drainage Facility to constitute a hazard to the health or safety of the general public.

3. Maintenance of Drainage Facility. The Owner will maintain the Drainage Facility at Owner's cost in accordance with the approved Drainage Report and plans.

4. City's Right of Entry. The City has the right to enter upon the Property at any time and perform whatever inspection of the Drainage Facility it deems appropriate, without liability to the Owner.

5. Demand for Construction or Repair. The City may send written notice ("Notice") to the Owner requiring the Owner to construct or repair the Drainage Facility within 60 days ("Deadline") of receipt of the Notice, as provided in Section 12, and the Owner will comply promptly with the requirements of

the Notice. The Owner will perform all required work by the Deadline, at Owner's sole expense.

6. Failure to Perform by Owner and Emergency Work by City. If the Owner fails to comply with the terms of the Notice by the Deadline, or if the City determines that an emergency condition exists, the City may perform the work itself. The City then may assess the Owner for the cost of the work and for any other expenses or damages which result from Owner's failure to perform. The Owner agrees promptly to pay the City the amount assessed. If the Owner fails to pay the City within thirty (30) days after the City gives the Owner written notice of the amount due, the City may impose a lien against Owner's Property for the total resulting amount.

7. Liability of City for Repair after Notice or as a Result of Emergency. The City shall not be liable to the Owner for any damages resulting from the City's repair or maintenance following notice to the Owner as required in this agreement or in an emergency unless the damages are the result of the reckless conduct or gross negligence of the City.

8. Indemnification. As a part of the consideration for this grant, subject to the provisions of the New Mexico Tort Claims Act and all other applicable New Mexico laws, the City agrees to save Owner harmless from any and all liability arising from the City's negligent use of the Drainage Facility. The City does not agree to save Owner harmless from any liability which may arise from Owner's use of the Drainage Facility and the Property.

9. Cancellation of Agreement and Release of Covenant. This agreement may be cancelled and Owner's covenants released by the City following by the City's mailing to the Owner notice of the City's intention to record a Cancellation and Release with the Bernalillo County Clerk. The Cancellation and Release will be effective thirty (30) days after the date of mailing the notice to the User unless a later date is stated in the notice or in the Cancellation and Release. After the effective date, the City will record the Cancellation and Release with the Bernalillo County Clerk.

10. Assessment. Nothing in this agreement shall be construed to relieve the Owner, his heirs, assigns and successors from an assessment against Owner's Property for improvements to the Property under a duly authorized and approved Special Assessment District. The parties specifically agree that the value of the (Drainage Facility) will not reduce the amount assessed by the City.

11. Notice. For purposes of giving formal written notice to the Owner, Owner's address is:

Owner's address is:
3627 4th St N.W. ALBANY 87274

Notice may be given to the Owner either in person or by mailing the notice by regular U.S. mail, postage paid. Notice will be considered to have been received by the Owner within 6 days after the notice is mailed if there is no actual evidence of receipt. The Owner may change Owner's address by giving written notice of the change by certified mail, return receipt requested, to the City Public Works Department, P.O. Box 1293, Albuquerque, New Mexico 87103.

12. Term. This agreement shall continue until terminated by the City pursuant to Section 7 above.

13. Binding on Owner's Property. The covenants and obligations of the Owner set forth herein shall be binding on Owner, his heirs, assigns and successors and on Owner's Property and constitute covenants running the Owner's Property until released by the City.

14. Entire Agreement. This agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

15. Changes to Agreement. Changes to this agreement are not binding unless made in writing, signed by both parties.

16. Construction and Severability. If any part of this agreement is held to be invalid or unenforceable, the remainder of the agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

17. Captions. The captions to the sections or paragraphs of this agreement are not part of this agreement and will not affect the meaning or construction of any of its provisions.

18. Form Not Changed. Owner agrees that changes to the wording of this form are not binding upon the City unless initiated by the Owner and approved and signed by the City Legal Department in writing on this form.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

1987 SEP -4 AM 8:50

BK M5531A 88-92

GLADYS M. DAVIS

~~CO CLERK & RECORDS~~

OWNER:

By:

~~LTB:~~

Dated -

Marlene Beagi Shoa X Elizabeth Shoa

(Approved by Legal Dept.

STATE OF NM Mexico)
COUNTY OF Bernalillo) ss

584 The foregoing instrument was acknowledged before me this
day of August, 1987, by [name of person signing:]
Danny Shoats, [title or capacity, for instance,
"President" or "Owner":] Owner of [name of
the entity which owns the Property if other than the individual
signing, for instance, the name of the corporation, partnership,
or joint venture:] Marken B. Shoats, Elizabeth Shoats, Solo dad Biagi manager

[Signature]
Notary Public

My Commission Expires:
7-8-91

CITY OF ALBUQUERQUE:

Approved:

Att
CAM

By: [Signature]
Title: CITY ENGINEER
Dated: 8/21/87

(EXHIBIT A ATTACHED)

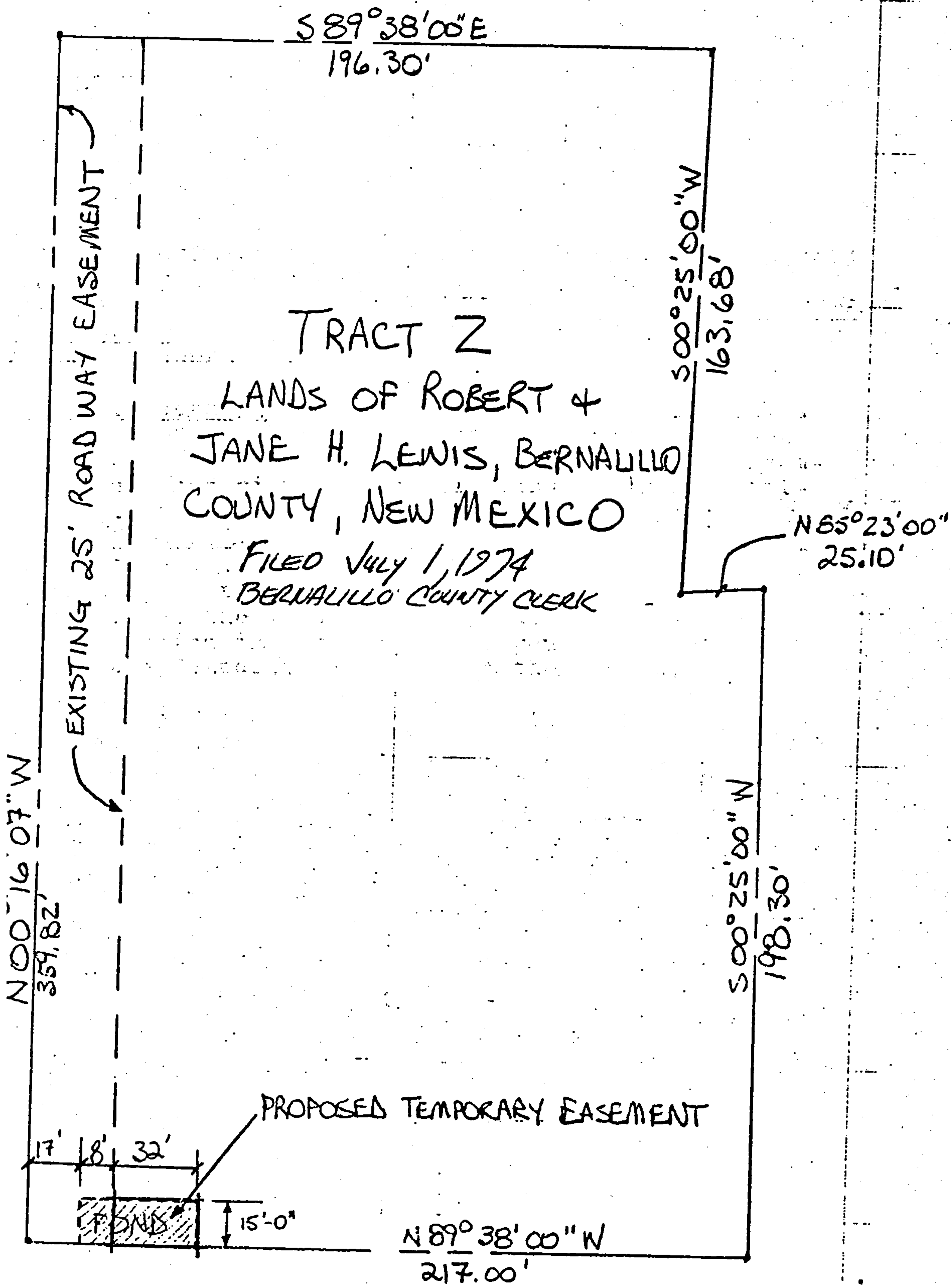
(Approved by Legal Dept.)

SUBJECT TEMPORARY EASEMENT
CLIENT DAN SHOATS

SHEET NO. _____ OF 92
JOB NO. _____

Associates, inc. • 532 Adams Street, NE • Albuquerque, NM 87108 • (505) 285-6545

EXHIBIT A



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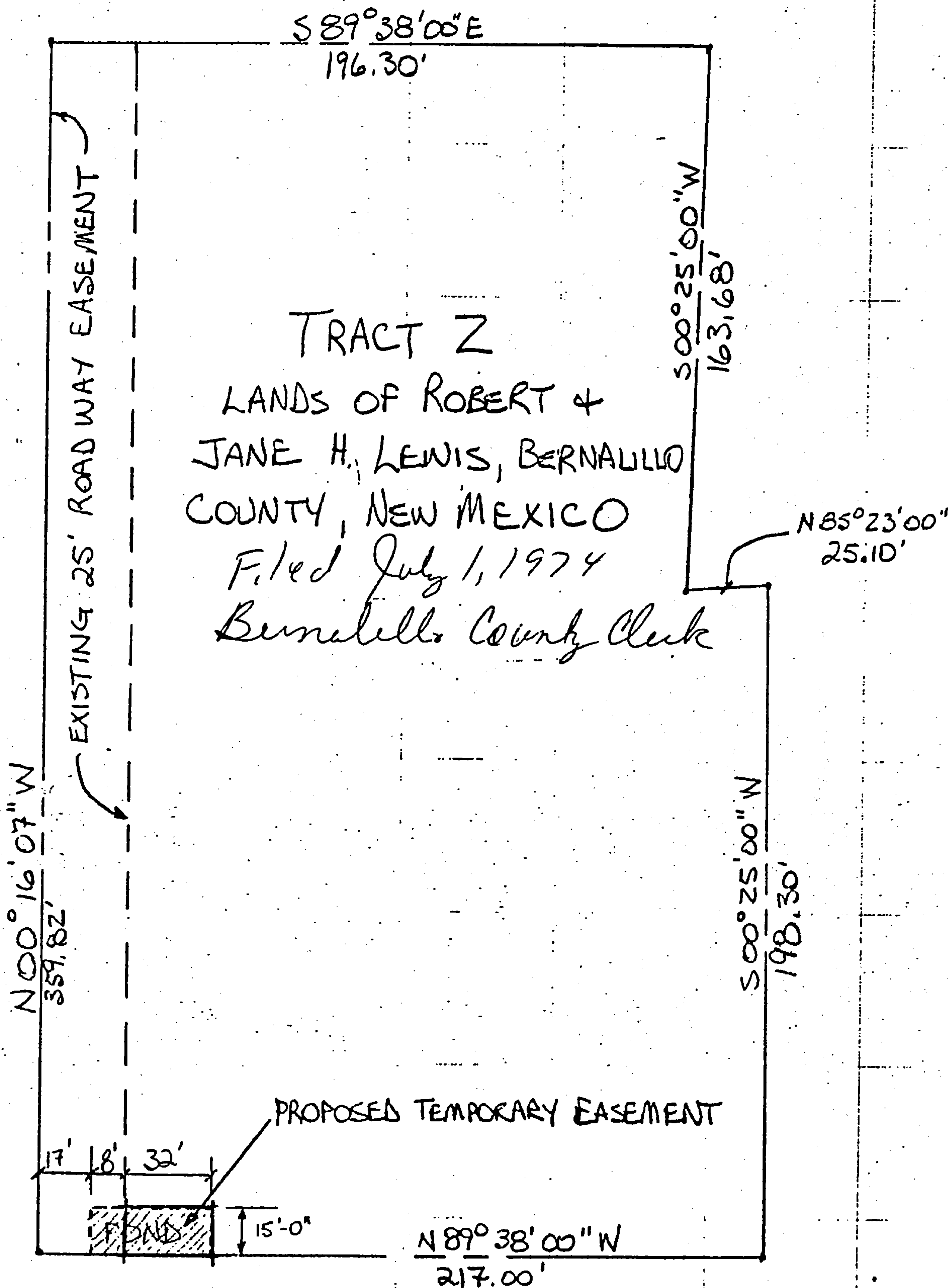
BY _____ DATE _____
CHKD. BY _____ DATE _____

SUBJECT TEMPORARY EASEMENT
CLIENT DAN SHORTS

SHEET NO _____ OF _____
JOB NO _____

engineering associates, inc. • 532 Adams Street, NE • Albuquerque, NM 87106 • (505) 265-6545

EXHIBIT A



TEMPORARY EASEMENT

This grant of Temporary Easement, between [state the name of the present real property owner exactly as shown on the real estate document conveying title to the present owner and state the legal status of the owner, for example, "single person," "husband and wife," "corporation of the State of X," "partnership":] Donna B. Lewis, married, Elizabeth Smith, Single, Sally B. Smith, Marjorie B. Smith, B. Smith (Sister of Grantor), whose address is 9627 4th St NW, 4th Floor NW, P.O. Box 30 Corrales, 10100 Chaparral Rd NW, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P. O. Box 1293, Albuquerque, New Mexico 87103, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Grantor signs this Temporary Easement.

1. Recital. Grantor is the owner of certain real property located at [give general description, for instance, subdivision, lot and block or street address:] Tract 2 of the lands of Robert & Jane H. Lewis - 700 acres in Bernalillo County, New Mexico (the "Property").

2. Grant of Easement. The Grantor grants to the City a temporary easement ("Temporary Easement") in, over, upon and across the Property for [state the kind of easement, for example, "public street and highway purposes (including all utilities)," "water line," "sewer line," etc.:] MAINTENANCE ON water Retention pond.

The Temporary Easement is more particularly described in the attached Exhibit A. [State on the exhibit either the metes and bounds description of the Temporary Easement or state the exact dimensions and location in a manner which would enable a surveyor to locate the Temporary Easement on the ground.]

The grant of the Temporary Easement includes the right of the City to enter upon the Temporary Easement at any time for inspection, installation, maintenance, repair or modification and the right to remove trees, bushes, undergrowth and any other obstacles if the City determines they interfere with the appropriate use of the Temporary Easement. This grant includes the right of access to the easement across the Grantor's adjoining property.

Grantor agrees for itself and its successors in interest that it has been paid in valuable consideration and that the grant of this Temporary Easement is not a gift or donation.

This Temporary Easement is worded pursuant to the provisions of §§47-1-27 to 47-1-44, NMSA 1978 or successor statutes.

3. Ownership. Grantor states that it is the owner in fee simple of the Property and that it has a good lawful right to convey the Property or any part thereof.

(Approved by Legal Dept.
as to form only-6/15/86)

(EXHIBIT "A" ATTACHED)



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

July 9, 1987

Mike Walla
Engineering Associates, Inc.
532 Adams, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR PONY EXPRESS OFFICE
(L-14/D24) RECEIVED JUNE 3, 1987

Dear Mr. Walla:

I have reviewed the referenced plan and forward the following comments:

1. We need a separate document that addresses the maintenance of the pond.
2. The following parts of the Temporary Easement need to be changed:
 - A. Section 2 Grant of Easement. You need to state the kind of easement.
 - B. Section 5 Termination of Temporary Easement. Termination of the easement is in effect till the downstream drainage improvements are constructed.
3. Please indicate the following information for the proposed conditions:
 - A. The "CN" value used to determine volume.

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

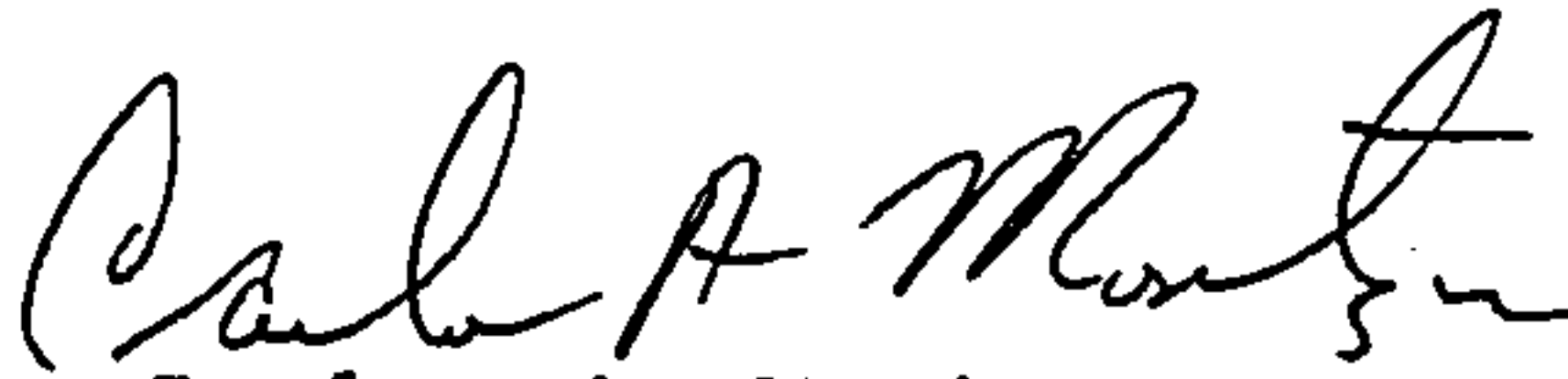
AN EQUAL OPPORTUNITY EMPLOYER

Mike Walla
July 9, 1987
Page 2

- B. Please show the following volumes which contribute to the pond. The volumes are the street runoff, developed conditions for the building and asphalt, the existing volume for rest of the lot, and the off-site volumes.
4. Please address the stability of the pond's retaining walls when the soil becomes saturated.

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

Cordially,



Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

cc: Andre Houle, DRC



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

August 4, 1987

Mike Walla
Engineering Associates, Inc.
532 Adams, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR PONY EXPRESS OFFICE
(L-14/D24) RECEIVED JULY 15, 1987

Dear Mr. Walla:

I have reviewed the referenced plan and forward the following comments:

1. The temporary drainage easements need to include:
 - A. Exhibit A.
 - B. Part 1 Recital - need to include the legal description.
2. Require a drainage covenant for maintenance responsibility.
3. The volume of the pond needs to include the runoff from the new public road.

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

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

cc: Andre Houle, DRC

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

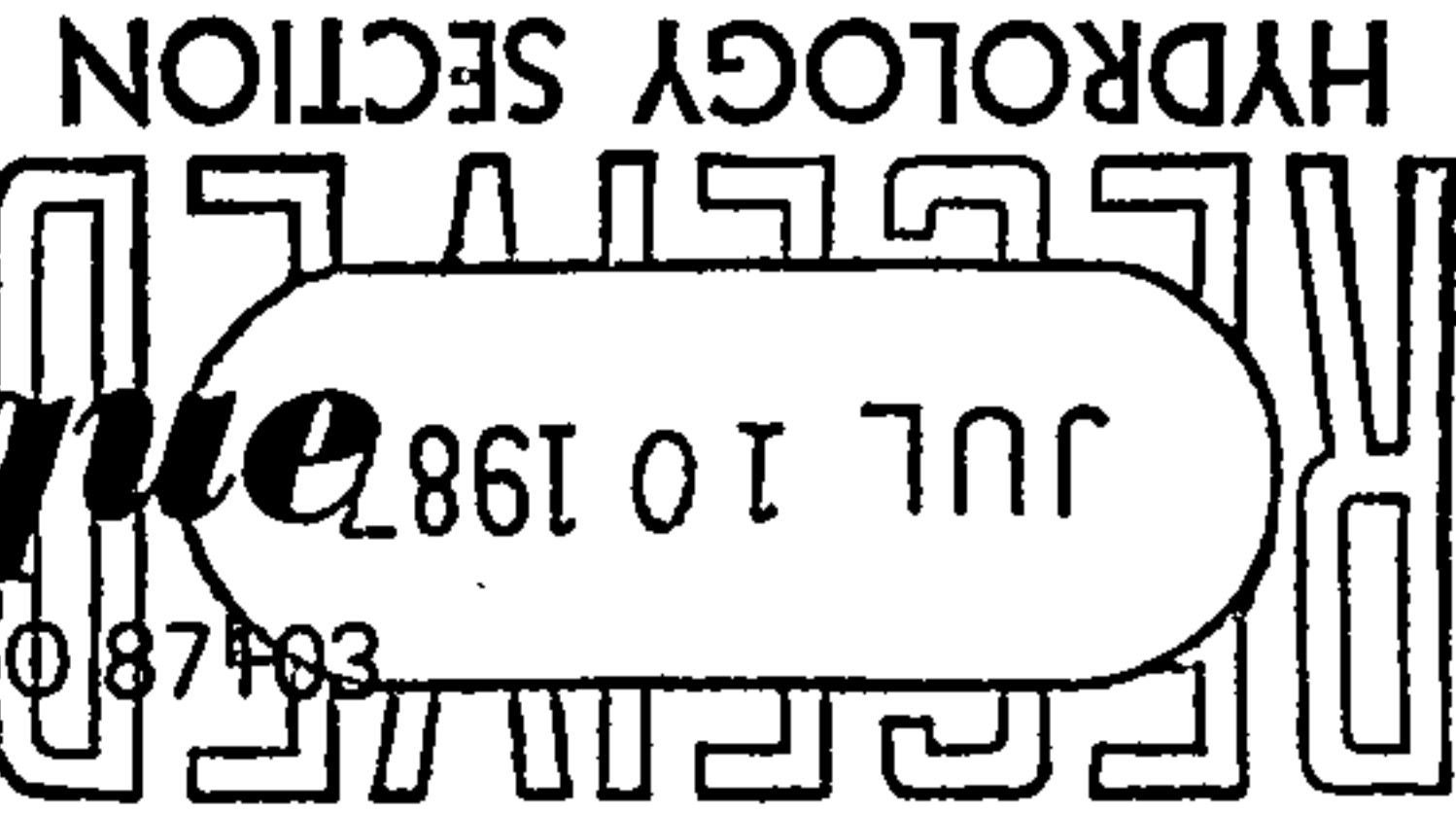
Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103



MAYOR
KEN SCHULTZ

CHIEF
ADMINISTRATIVE OFFICER

GENE ROMO

DEPUTY CAO
PUBLIC SERVICES

FRANK MARTINEZ

DEPUTY CAO
PLANNING/DEVELOPMENT

BILL MUELLER

DESIGN REVIEW COMMITTEE MEETING 7/08/87 2:45 p.m.

L-14/D24

PROJECT: Edith Blvd. Paving and Waterline, Project #3227

CONSULTANT: Engineering Associates

IN ATTENDANCE: Andre Houle, DRC Chairman/Design Review Section
Dave Harmon, PWD-Traffic Engineering
Rhonda Faught, PWD/Engineering-Utility Development
Roger Green, PWD/Engineering-Hydrology
Mike Walla, Engineering Associates

The above project was submitted to the DRC for final signature. Plans were approved by Roger Green, Rhonda Faught and Dave Harmon after delegating the following comments:

1. Provide horizontal and vertical control on the drainage pond.
2. Show where the Type III barricading will be located. Also, give a detail of the Type III barricading and stop the paving short of the pond and provide an asphalt rundown into the drainage pond.
3. Indicate the wheelchair ramp to be removed and installed with the new valley gutter at the southwest corner of Edith and the side street. Label the side street. Label the abutting tracts of land with their legal description.

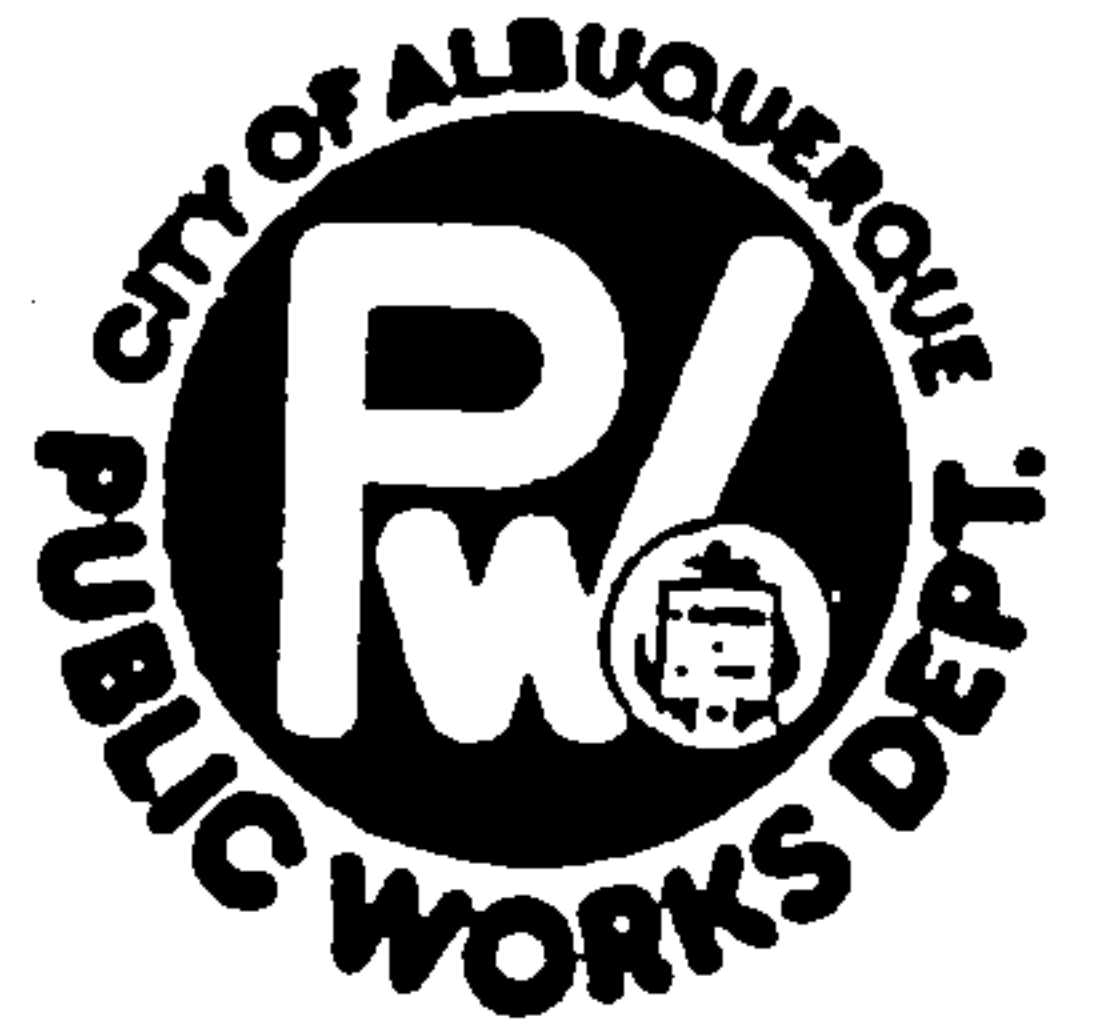
Originals were returned to Mike Walla for correction and final sign-off of drawings by Andre Houle are pending the incorporation of the above mentioned comments.

AH/trs

cc: Attendees
Project File

FILE COPY

**CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT**



INTER-OFFICE CORRESPONDENCE

September 22, 1987

ENGINEERING GROUP

TO:

FROM:

Tom Aragon, Transportation System Division

SUBJECT:

Fred J. Aguirre, Hydrologist; Engineering Group/PWD

PRIVATE DRAINAGE FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY/EASEMENT
PONY EXPRESS OFFICE/WAREHOUSE (L-14/D24)

Transmitted herewith, is a copy of the approved drainage plan for the referenced project incorporating the S.O. #19 design.

In accordance with the new process, this plan is being submitted to you for permitting and inspection. Please provide this section with a signed-off copy per the signature block upon construction and acceptance by your office.

As you are aware, the signed-off S.O. #19 is required by this office for Certificate of Occupancy release; hence your expeditious processing of this plan would be greatly appreciated and would avoid any unnecessary delay in the release of the Certificate of Occupancy.

Thank you for your cooperation, and if you should have any questions and/or comments regarding the process, please feel free to call me at 768-2650.

FJA/bsj

Attachment

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

September 22, 1987

Mike Walla
Engineering Associates, Inc.
532 Adams, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR PONY EXPRESS OFFICE
(L-14/D24) RECEIVED SEPTEMBER 1, 1987

Dear Mr. Walla:

Based on the information provided on your submittal dated August 27, 1987, the above referenced plan is approved for Building Permit.

Please attach a copy of this plan to the construction sets prior to sign-off by Hydrology. A separate permit is required for construction within City right-of-way.

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

Cordially,

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

xc: Becky Sandoval, Permits

PUBLIC WORKS DEPARTMENT

ENGINEERING GROUP

Walter Nickerson, P.E., City Engineer

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

RAINAGE INFORMATION SHEET

PROJECT TITLE: Pony Express Warehouse

ZONE ATLAS / DRNG FILE: L-14-1044

LEGAL DESCRIPTION: Tract 2, Lands of Robert and Jane H. Lewis
Albuquerque, Bernalillo County, New Mexico

CITY ADDRESS: 700 Torreon S.E.

ENGINEERING FIRM: Engineering Associates

ADDRESS: 532 Adams NE 87108

OWNER: Dan Shoats

ADDRESS: 9627 4th Street N.W.

ARCHITECT: James Innis Archt'l Engr.

ADDRESS: 2819 Claremont Pl. N.E.

SURVEYOR: Albuquerque Surveying Co.

ADDRESS: 2119 Menaul Blvd. N.E.

CONTRACTOR: Dan Shoats

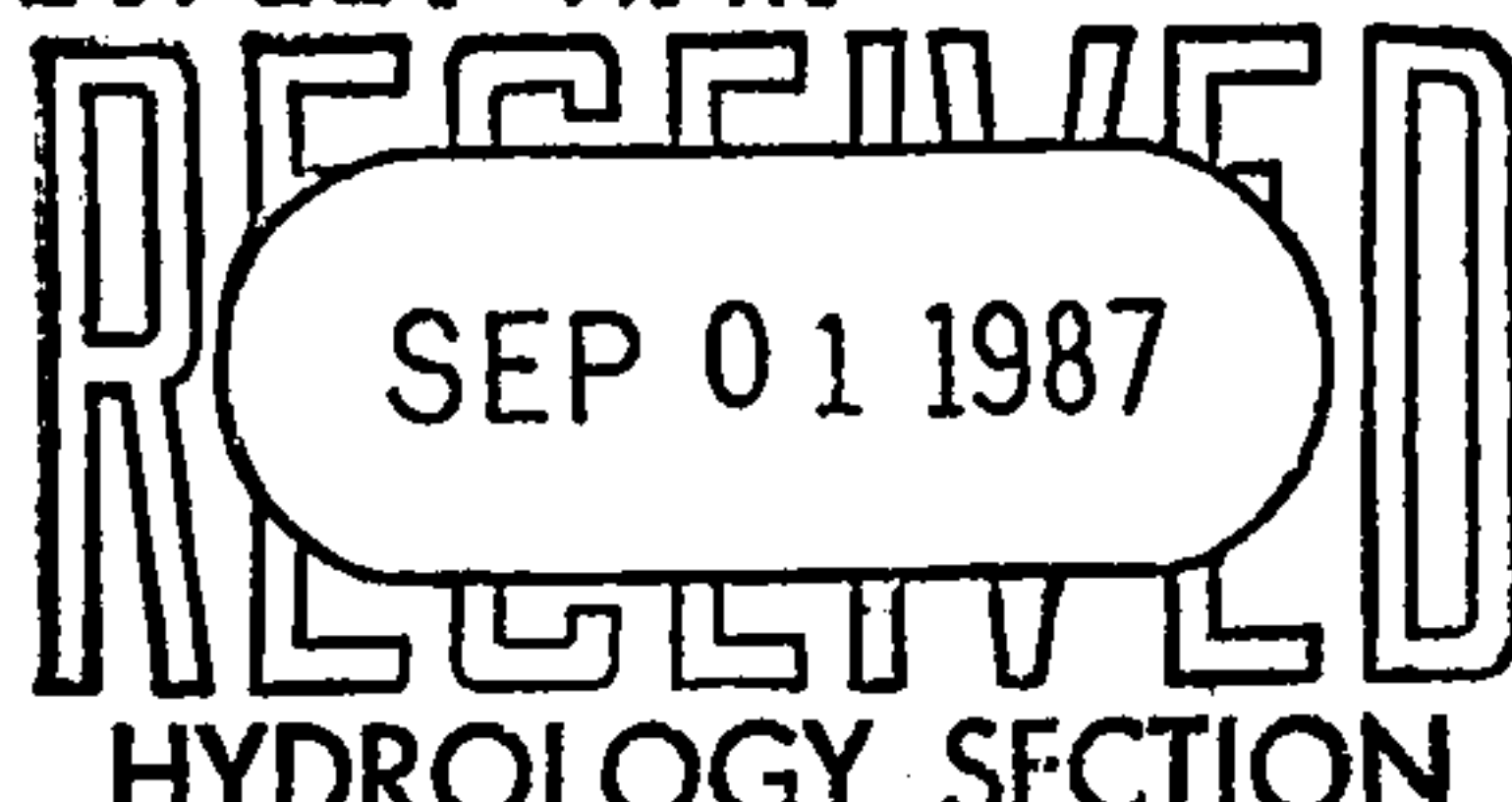
ADDRESS: 9627 4th Street N.W.

PREDESIGN MEETING:

☒ YES

☐ NO

☒ COPY OF CONFERENCE RECAP SHEET
PROVIDED



CONTACT: Mike J. Walla

PHONE: 265-6545

CONTACT: Dan Shoats

PHONE: 898-2810

CONTACT: Jim Innis

PHONE: 881-1223

CONTACT: Fred Sanchez

PHONE: 884-2036

CONTACT: Dan Shoats

PHONE: 898-2810

DRB NO. 86-495

EPC NO.

PROJ. NO.

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT

☒ DRAINAGE PLAN

☐ CONCEPTUAL GRADING & DRAINAGE PLAN

☒ GRADING PLAN

☐ EROSION CONTROL PLAN

☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT

☐ PRELIMINARY PLAT

☐ SITE DEVELOPMENT PLAN

☐ FINAL PLAT APPROVAL

☒ BUILDING PERMIT APPROVAL

☐ CERTIFICATE OF OCCUPANCY

☐ ROUGH GRADING PERMIT

☐ GRADING/PAVING PERMIT

☐ OTHER (SPECIFY)

DATE SUBMITTED: August 27, 1987

BY: Mike J. Walla

for

Engineering Associates, Inc.

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Pony Express Warehouse

ZONE ATLAS / DRNG FILE: L-14-Z / 1024

LEGAL DESCRIPTION: Tract 2, Lands of Robert and Jane H. Lewis
Albuquerque, Bernalillo County, New Mexico

CITY ADDRESS: 700 Torreon S.E.

ENGINEERING FIRM: Engineering Associates

ADDRESS: 532 Adams NE 87108

OWNER: Dan Shoats

ADDRESS: 9627 4th Street N.W.

ARCHITECT: James Innis Archt'l Engr.

ADDRESS: 2819 Claremont Pl. N.E.

SURVEYOR: Albuquerque Surveying Co.

ADDRESS: 2119 Menaul Blvd. N.E.

CONTRACTOR: Dan Shoats

ADDRESS: 9627 4th Street N.W.

CONTACT: Mike J. Walla

PHONE: 265-6545

CONTACT: Dan Shoats

PHONE: 898-2810

CONTACT: Jim Innis

PHONE: 881-1223

CONTACT: Fred Sanchez

PHONE: 884-2036

CONTACT: Dan Shoats

PHONE: 898-2810

PREDESIGN MEETING:

☒ YES

☐ NO

☒ COPY OF CONFERENCE RECAP SHEET
PROVIDED

DRB NO. 86-495

EPC NO.

PROJ. NO.

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT

☒ DRAINAGE PLAN

☐ CONCEPTUAL GRADING & DRAINAGE PLAN

☒ GRADING PLAN

☐ EROSION CONTROL PLAN

☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT

☐ PRELIMINARY PLAT

☐ SITE DEVELOPMENT PLAN

☐ FINAL PLAT APPROVAL

☒ BUILDING PERMIT APPROVAL

☐ CERTIFICATE OF OCCUPANCY

☐ ROUGH GRADING PERMIT

☐ GRADING/PAVING PERMIT

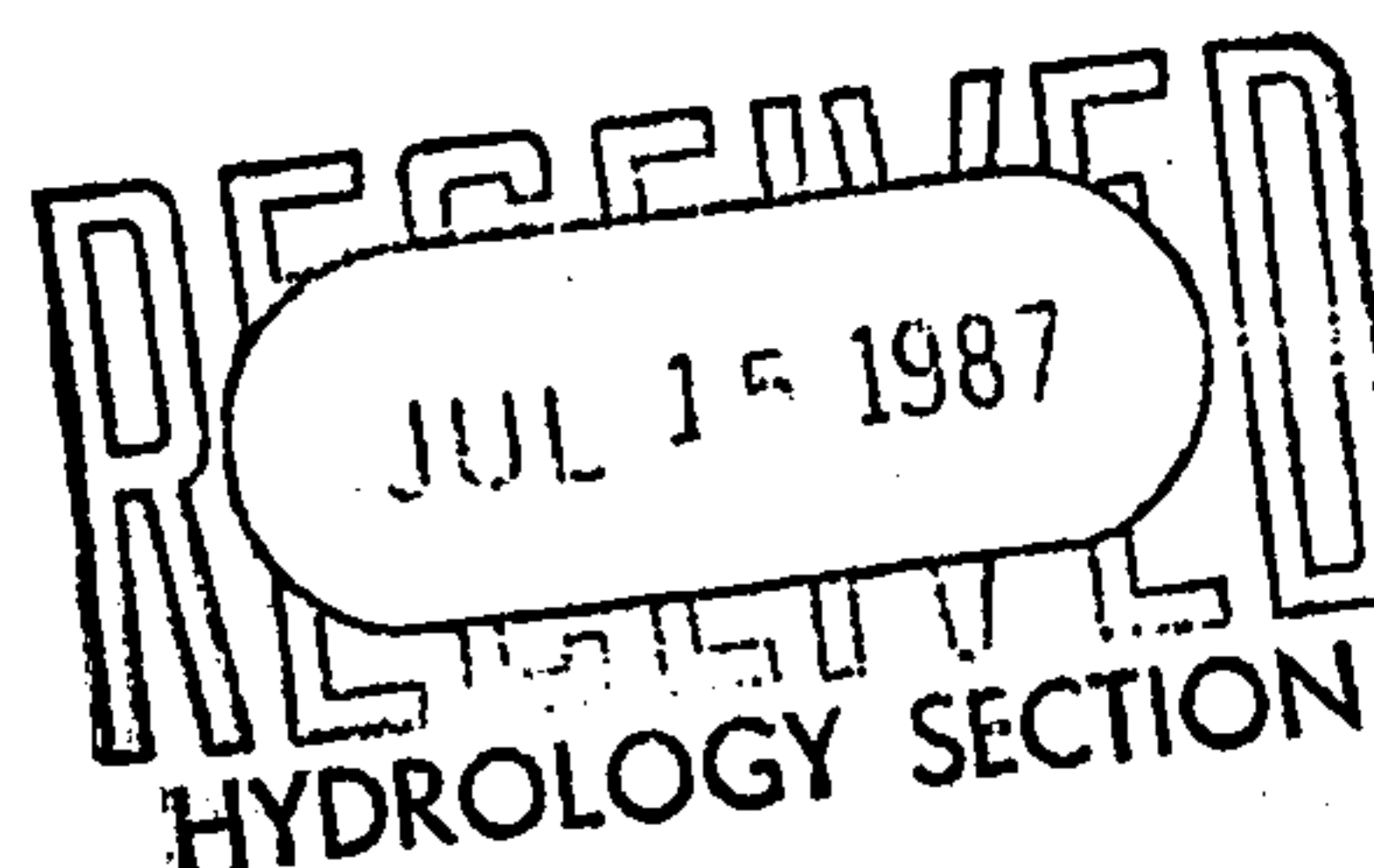
☐ OTHER (SPECIFY)

DATE SUBMITTED: July 15, 1987

BY: Mike J. Walla

for

Engineering Associates, Inc.



FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

July 9, 1987

Mike Walla
Engineering Associates, Inc.
532 Adams, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR PONY EXPRESS OFFICE
(L-14/D24) RECEIVED JUNE 3, 1987

Dear Mr. Walla:

I have reviewed the referenced plan and forward the following comments:

1. We need a separate document that addresses the maintenance of the pond.
2. The following parts of the Temporary Easement need to be changed:
 - A. Section 2 Grant of Easement. You need to state the kind of easement.
 - B. Section 5 Termination of Temporary Easement. Termination of the easement is in effect till the downstream drainage improvements are constructed.
3. Please indicate the following information for the proposed conditions:
 - A. The "CN" value used to determine volume.

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

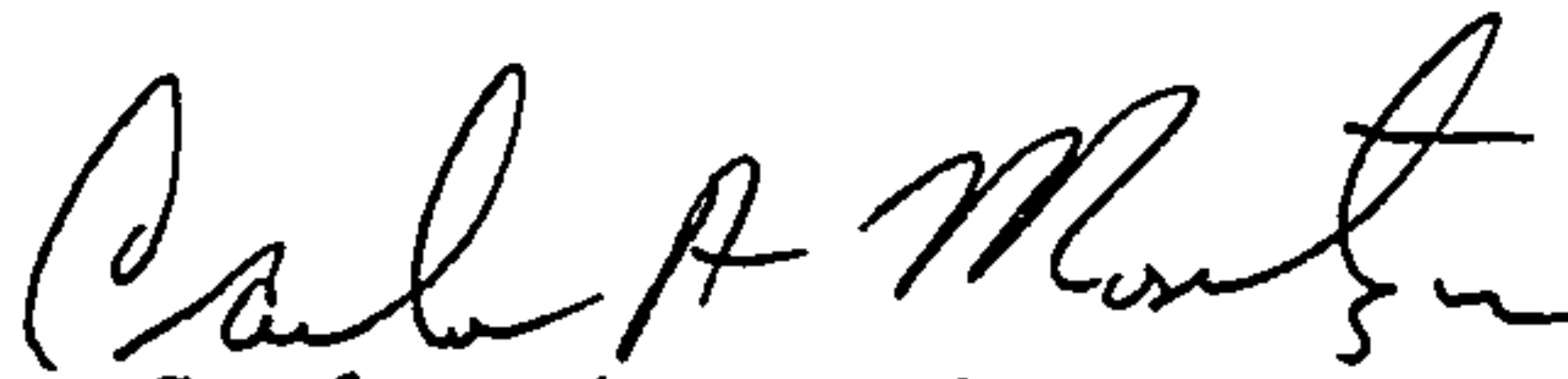
AN EQUAL OPPORTUNITY EMPLOYER

Mike Walla
July 9, 1987
Page 2

- B. Please show the following volumes which contribute to the pond. The volumes are the street runoff, developed conditions for the building and asphalt, the existing volume for rest of the lot, and the off-site volumes.
4. Please address the stability of the pond's retaining walls when the soil becomes saturated.

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

Cordially,



Carlos A. Montoya, P.E.
City/County Floodplain Administrator

CAM/bsj

cc: Andre Houle, DRC

DRAINAGE INFORMATION SHEET

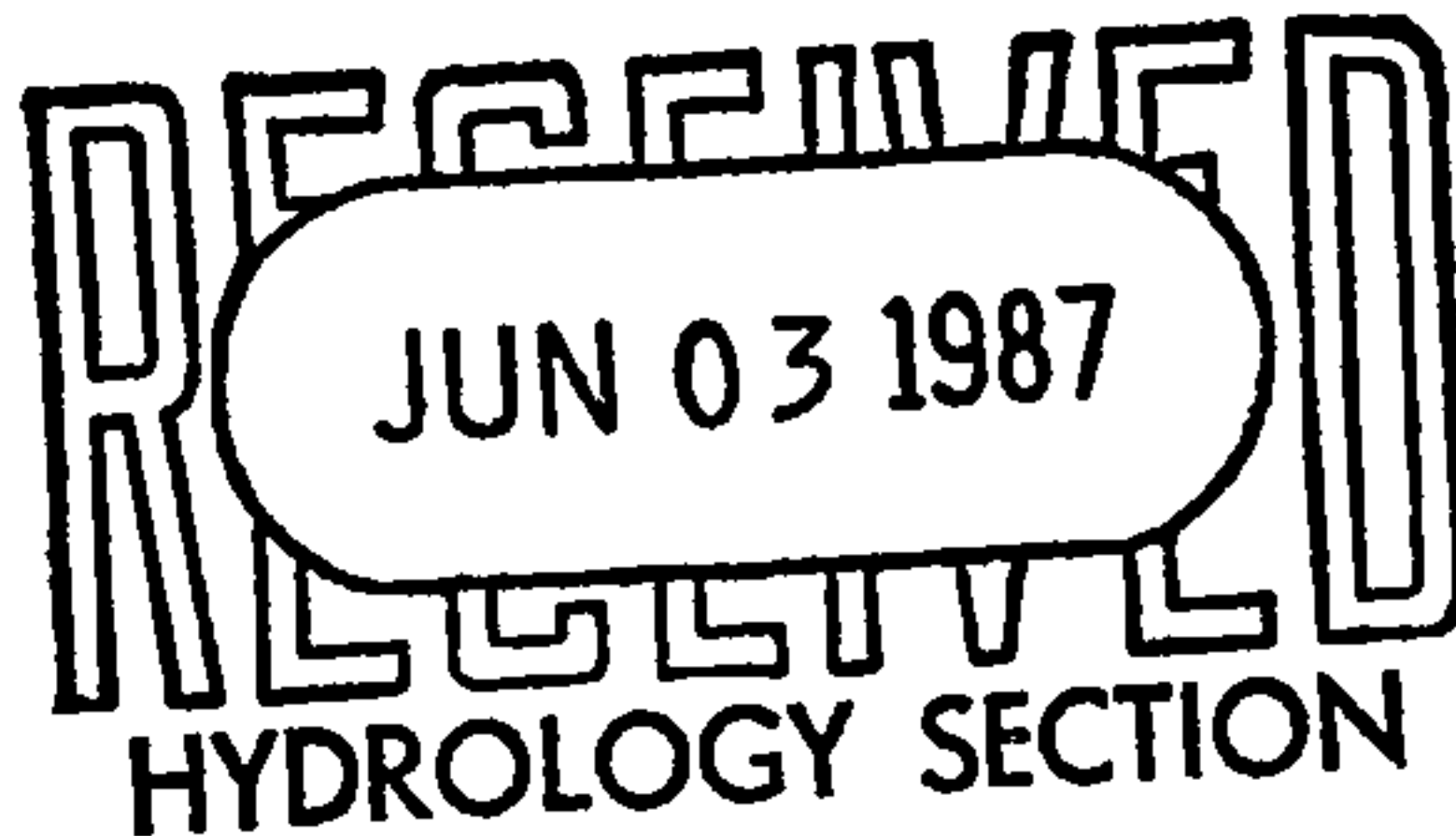
PROJECT TITLE: Pony Express Office ZONE ATLAS/DRNG. FILE #: L-14-1024
 LEGAL DESCRIPTION: TRACT 2, LANDS OF ^{WAREHOUSE} Robert & Jane Lewis, Bernalillo County NM
 CITY ADDRESS: 700 Torreon SE
 ENGINEERING FIRM: Engineering Assoc. Inc. CONTACT: Mike Walla
 ADDRESS: 532 Adams NE PHONE: 265-6545
 OWNER: ~~Augie Mosman~~ Dan Shoats CONTACT: Dan Shoats
 ADDRESS: _____ PHONE: 898-2810
 ARCHITECT: James Innis Archt'l Engineer CONTACT: Jim Innis
 ADDRESS: 2819 Claremont Pl NE PHONE: 881-1273
 SURVEYOR: Albuquerque Surveying Co CONTACT: Fred Sanchez
 ADDRESS: 2119 Menaul Blvd NE PHONE: 884-2036
 CONTRACTOR: Dan Shoats CONTACT: Dan Shoats
 ADDRESS: _____ PHONE: 898-2810

PRE-DESIGN MEETING:

☒ YES

☐ NO

☐ COPY OF CONFERENCE RECAP
SHEET PROVIDED



DRB NO. 86-495

EPC NO. _____

PROJ. NO. _____

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT

☒ DRAINAGE PLAN

☐ CONCEPTUAL GRADING & DRAINAGE PLAN

☒ GRADING PLAN

☐ EROSION CONTROL PLAN

☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT APPROVAL

☐ PRELIMINARY PLAT APPROVAL

☐ SITE DEVELOPMENT PLAN APPROVAL

☐ FINAL PLAT APPROVAL

☒ BUILDING PERMIT APPROVAL

☐ FOUNDATION PERMIT APPROVAL

☐ CERTIFICATE OF OCCUPANCY APPROVAL

☐ ROUGH GRADING PERMIT APPROVAL

☐ GRADING/PAVING PERMIT APPROVAL

☐ OTHER _____ (SPECIFY)

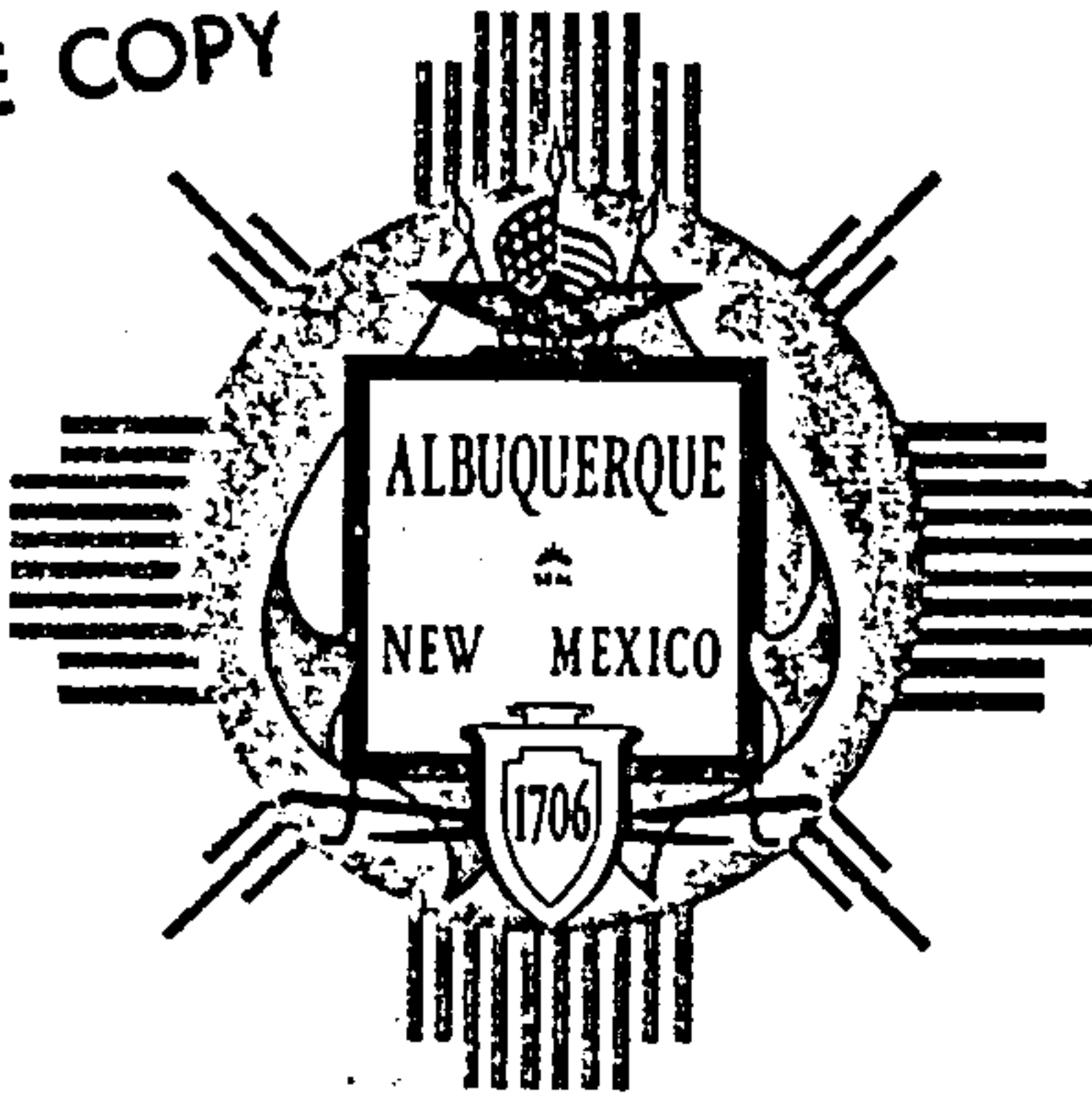
DATE SUBMITTED:

June 3, 1987

BY:

Barbara Chavez for Eng. Assoc.

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

April 1, 1987

August F. Mosiman
Engineering Associates
532 Adams, NE
Albuquerque, New Mexico 87108

RE: REVISED DRAINAGE PLAN FOR PONY EXPRESS WAREHOUSE
(L-14/D24) REVISION DATE MARCH 30, 1987

Dear Mr. Mosiman:

Based on the information provided on your resubmittal of March 30, 1987, the above referenced plan is approved for Building Permit.

Please be advised that the Building Permit will not be released until concurrence of first review by DRC is submitted. Also, attached you will find a copy of "Notice of Emergency Rule" which indicated that the SCS method must be used for volume determination.

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

Cordially,

Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

AN EQUAL OPPORTUNITY EMPLOYER

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Pony Express Warehouse

ZONE ATLAS / DRNG FILE: L-14-~~1~~D24

LEGAL DESCRIPTION: Tract 2, Lands of Robert and Jane H. Lewis
Albuquerque, Bernalillo County, New Mexico

CITY ADDRESS: 700 Torreon S.E.

ENGINEERING FIRM: Engineering Associates

ADDRESS: 532 Adams NE 87108

OWNER: Dan Shoats

ADDRESS: 9627 4th Street N.W.

ARCHITECT: James Innis Archt'l Engr.

ADDRESS: 2819 Claremont Pl. N.E.

SURVEYOR: Albuquerque Surveying Co.

ADDRESS: 2119 Menaul Blvd. N.E.

CONTRACTOR: Dan Shoats

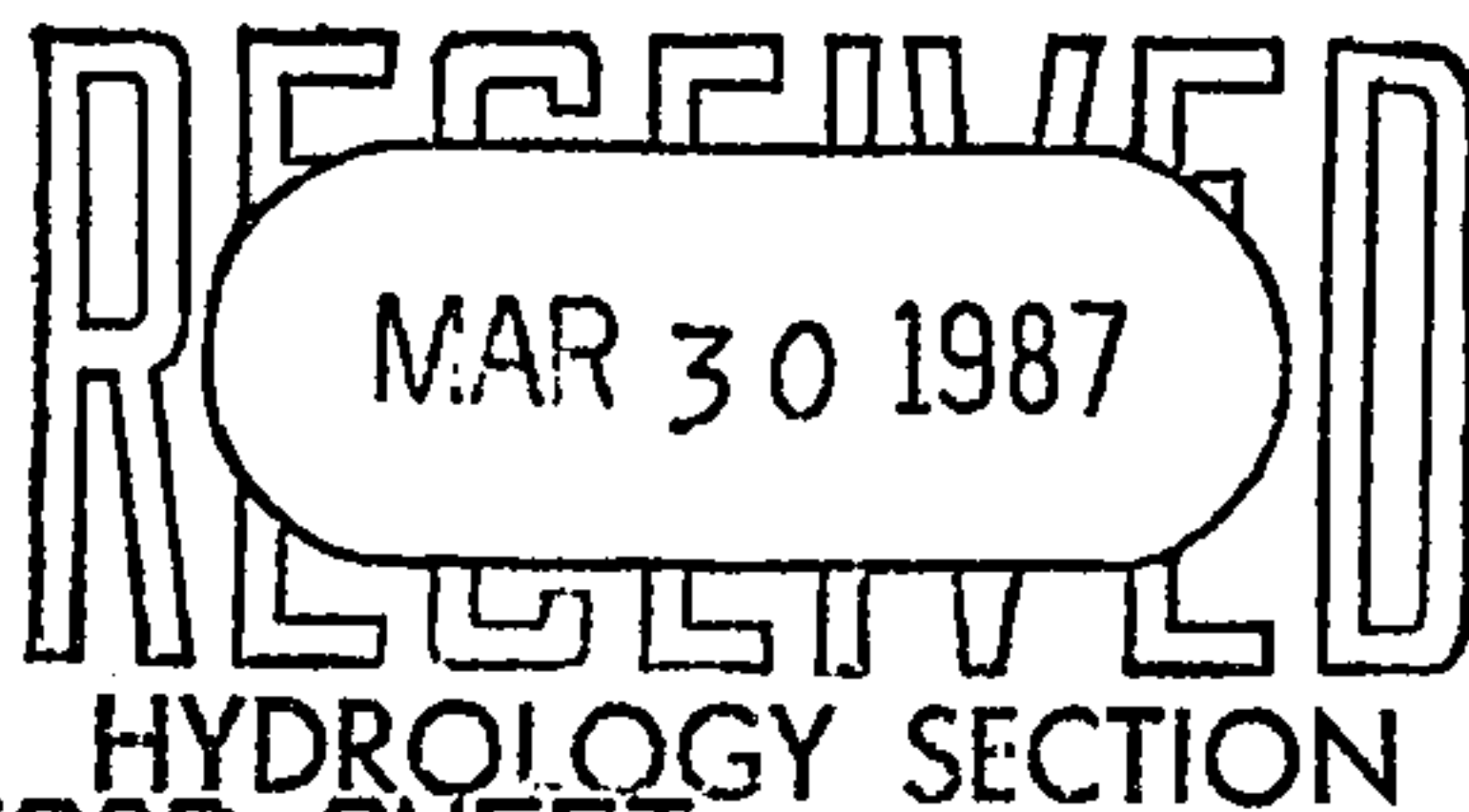
ADDRESS: 9627 4th Street N.W.

PREDESIGN MEETING:

☒ YES

☐ NO

☒ COPY OF CONFERENCE RECAP SHEET
PROVIDED



CONTACT: Mike J. Walla

PHONE: 265-6545

CONTACT: Dan Shoats

PHONE: 898-2810

CONTACT: Jim Innis

PHONE: 881-1223

CONTACT: Fred Sanchez

PHONE: 884-2036

CONTACT: Dan Shoats

PHONE: 898-2810

DRB NO. 86-495

EPC NO.

PROJ. NO.

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT

☒ DRAINAGE PLAN

☐ CONCEPTUAL GRADING & DRAINAGE PLAN

☒ GRADING PLAN

☐ EROSION CONTROL PLAN

☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT

☐ PRELIMINARY PLAT

☐ SITE DEVELOPMENT PLAN

☐ FINAL PLAT APPROVAL

☒ BUILDING PERMIT APPROVAL

☐ CERTIFICATE OF OCCUPANCY

☐ ROUGH GRADING PERMIT

☐ GRADING/PAVING PERMIT

☐ OTHER (SPECIFY)

DATE SUBMITTED: March 30, 1987

BY: Mike J. Walla

for

Engineering Associates, Inc.

FILE COPY



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Ken Schultz
Mayor

UTILITY DEVELOPMENT DIVISION
HYDROLOGY SECTION
(505) 768-2650

March 20, 1987

August F. Mosimann
Engineering Associates
532 Adams, NE
Albuquerque, New Mexico 87108

RE: DRAINAGE PLAN FOR PONY EXPRESS WAREHOUSE
(L-14/D24) RECEIVED MARCH 13, 1987

Dear Mr. Mosimann:

A preliminary review of your submittal for Building Permit approval has shown that the following information is lacking for this section to begin the review process:

INFORMATION NEEDED:

1. Downstream capacity to take care of:
 - a. Developed runoff from within the proposed site.
 - b. developed runoff created from proposed paved access.
2. Please address off-site flows from the east (quantification and proposed treatment).
3. Proposed curb and gutter and asphalt paving will need to be handled under the Work Order process. Please submit concurrence of first D.R.C. review before Building Permit can be issued.

Please provide this information so that we may process your request as expediently as possible.

Cordially,

Bernie J. Montoya, C.E.
Engineering Assistant

BJM/bsj

PUBLIC WORKS DEPARTMENT

Walter Nickerson, P.E., City Engineer

ENGINEERING GROUP

Telephone (505) 768-2500

DRAINAGE INFORMATION SHEET

PROJECT TITLE: Pony Express Warehouse

ZONE ATLAS / DRNG FILE: L-14-Z 1024

LEGAL DESCRIPTION: Tract 2, Lands of Robert and Jane H. Lewis
Albuquerque, Bernalillo County, New Mexico

CITY ADDRESS: 700 Torreon S.E.

ENGINEERING FIRM: Engineering Associates

ADDRESS: 532 Adams NE 87108

OWNER: Dan Shoats

ADDRESS: -----

ARCHITECT: James Innis Archt'l Engr.

ADDRESS: 2819 Claremont Pl. N.E.

SURVEYOR: Albuquerque Surveying Co.

ADDRESS: 2119 Menaul Blvd. N.E.

CONTRACTOR: Dan Shoats

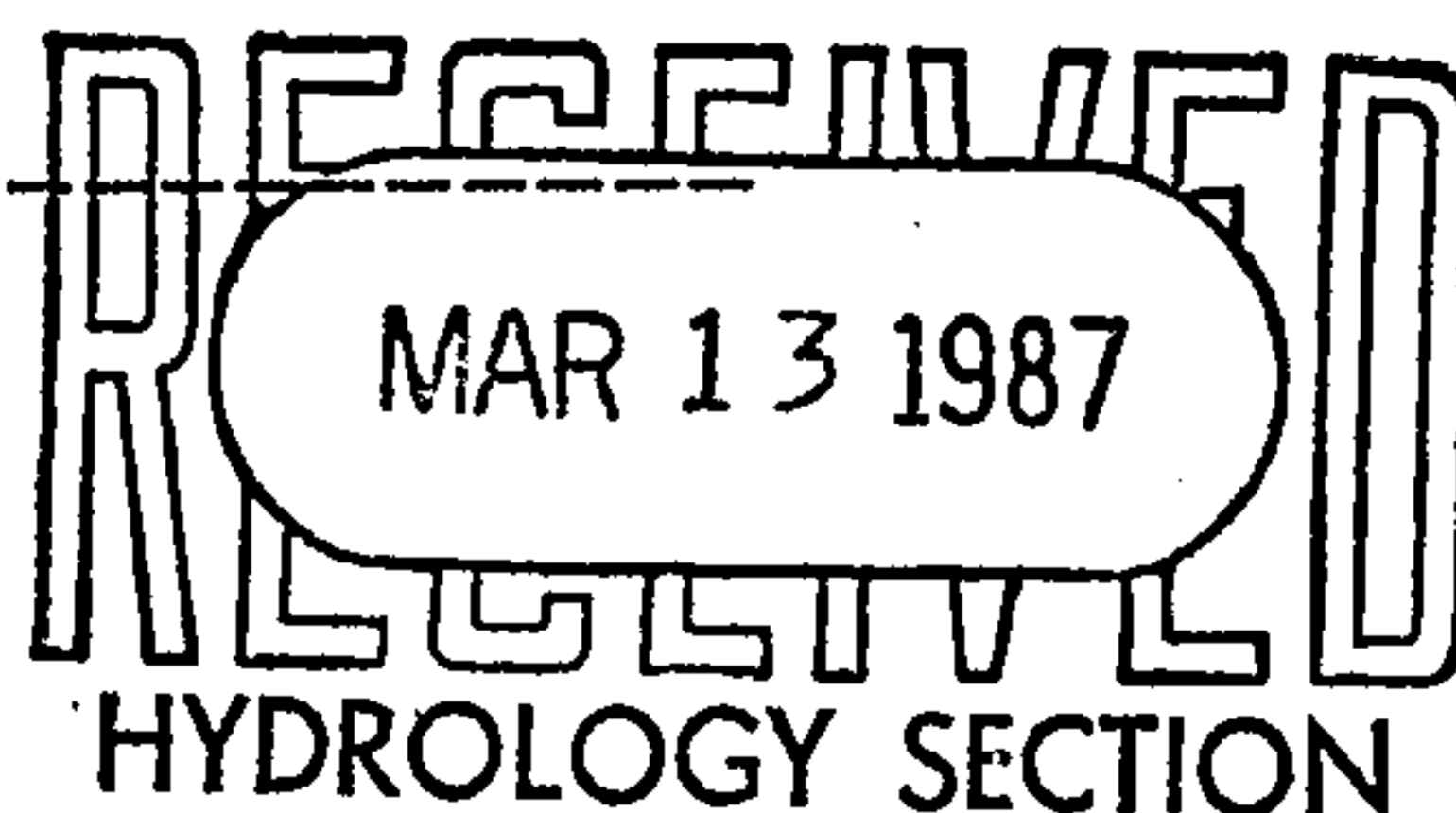
ADDRESS: -----

PREDESIGN MEETING:

☒ YES

☐ NO

☒ COPY OF CONFERENCE RECAP SHEET
PROVIDED



TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT

☒ DRAINAGE PLAN

☐ CONCEPTUAL GRADING & DRAINAGE PLAN

☒ GRADING PLAN

☐ EROSION CONTROL PLAN

☐ ENGINEER'S CERTIFICATION

CHECK TYPE OF APPROVAL SOUGHT:

☐ SKETCH PLAT

☐ PRELIMINARY PLAT

☐ SITE DEVELOPMENT PLAN

☐ FINAL PLAT APPROVAL

☒ BUILDING PERMIT APPROVAL

☐ CERTIFICATE OF OCCUPANCY

☐ ROUGH GRADING PERMIT

☐ GRADING/PAVING PERMIT

☐ OTHER (SPECIFY)

DATE SUBMITTED: March 13, 1987

BY: Mike J. Walla

for

Engineering Associates, Inc.

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

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: 114 DATE: 12-12-86
PLANNING DIVISION NOS: EPC: _____ DRB: _____
SUBJECT: Office / Warehouse
STREET ADDRESS (IF KNOWN): Tr 7a 1 mile of 2nd St
SUBDIVISION NAME: Town Center

APPROVAL REQUESTED:

_____ PRELIMINARY PLAT	_____ FINAL PLAT
_____ SITE DEVELOPMENT PLAN	<u>X</u> BUILDING PERMIT
_____ OTHER	_____ ROUGH GRADING

	WHO	REPRESENTING
ATTENDANCE:	<u>Anna M...</u>	_____
	<u>Carl M...</u>	_____
	_____	_____

FINDINGS:

- ① Drawings Plan for DPM
- ② Review City approved street grid for existing streets which will provide to school + future
- ③ One named street for the school
- ④ Need City Approved street map
- ⑤ Engineer need to show flow from proposed paved streets
- ⑥ Engineer needs to show how the existing capacity
- ⑦ How does the flow from the site discharge into Mill Creek A 72" storm drain
- ⑧ Show flow direction ✓

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

SIGNED: Paul A. M...
TITLE: _____
DATE: 12-12-86

SIGNED: P. A. M...
TITLE: _____
DATE: 12/12/86

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