

37001

523381

14 23-D17

AGREEMENT AND COVENANT

This Agreement and Covenant ("Agreement"), between the City of Albuquerque, New Mexico ("City") and Naser Alikhani, ("User") is made in Albuquerque, New Mexico and is entered into as of the date of recording this Agreement with the Bernalillo County Clerk.

1. Recital. The User is the owner of certain real property ("User's Property") located in Albuquerque, New Mexico, and more particularly described as:

Lots numbered one (1) through five (5) of Four Hills Village 21st Installment, Section 35, T10N, R4E NMPM, Albuquerque, Bernalillo County, New Mexico, as shown on the plat thereof filed of record in the Office of the Bernalillo County Clerk on the 8 day of September, 2010 at 11:46 a.m./p.m. as Document No. 3010088680.

The City is the owner of a certain easement ("City's Property") within User's Property, and more particularly described as:

See City of Albuquerque Public Drainage Easement located on Lot one (1) as described on Final Plat, attached hereto as **Exhibit 1.**

The User wishes to construct upon, improve or repair and to maintain the following "Improvement" on the City's Property (or already has done so):

Drainage Pond

A sketch of the proposed or existing Improvement is attached as **Exhibit 2** and made a part of this Agreement.

The City agrees to permit the Improvement to exist on the City's Property provided the User complies with the terms of this Agreement.

2. City Use of City's Property and City Liability. The City has the right to enter upon the City's Property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the User. If the Work affects the Improvement the City will not be financially or otherwise responsible for rebuilding or repairing the Improvement. The User promptly will repair the Improvement to the City's satisfaction. The cost of repairing the Improvement will be paid by User.

3. User's Responsibility for Improvement. The User will be solely responsible for constructing, maintaining, repairing and, if required, removing the Improvement, all in accordance with standards required by the City as per the approved Grading and Drainage Plan on file at the City Engineer's office. The User will be solely responsible for paying all related costs. The User will be solely responsible for paying all related costs. The User will not permit the Improvement to constitute a hazard to the health or safety of the general public or to interfere with the City's use of the City's Property. The User will conform with all applicable laws, ordinances and regulations.

4. Use of the Improvement. If the City's Property is a public right-of-way, it shall be open to the use of the general public at all times, subject to reasonable curtailment during periods of construction, maintenance or repair.

5. Demand for Repair, Modification or Removal. The City may send written notice ("Notice") to the User requiring the User to repair, modify or remove the Improvement within 30 days ("Deadline") and the User will comply promptly with the requirements of the Notice. If removal is demanded, the City also may require the User to return the City's Property to its original condition by the Deadline. The User will perform all required work by the Deadline, at User's sole expense.

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

7. Cancellation of Agreement and Release of Covenant. This Agreement may be canceled and User's covenants released by the City at will by the City's mailing to the User 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 the Cancellation and Release. After the effective date, the City will record the Cancellation and Release with the Bernalillo County Clerk.

8. Condemnation. If any part of the User's Property is ever condemned by the City, the User will forego all claims to compensation for any portion of User's structure which encroaches on City Property and for severance damage to the remaining portion of User's structure on User's Property.

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

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

Naser Alikhani
13816 Winterwood Way SE
Albuquerque, New Mexico 87123

Notice may be given to the User 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 User within 3 days after the notice is mailed if there is no actual evidence of receipt. The User may change User's address by giving written notice of the change by certified mail, return receipt requested, to the City Engineer at P.O. Box 1293, Albuquerque, New Mexico 87103.

11. Indemnification. User shall indemnify and hold harmless the City, including its officers, employees, or agents, against liability, suits, claims, damages, losses or expenses, including attorney's fees, only to the extent that the liability, suits claims, damages, losses, or expenses are caused by, or arise out of, the acts or omissions of the User or its officers, employees, or agents, or arise from the failure of the User its officers, employees or agents to perform any act or duty required of the User herein. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

12. Term. This Agreement shall continue until revoked by the City pursuant to Section 7 above.

13. Binding on User's Property. The covenants and obligations of the User set forth herein shall be binding on User, his heirs, assigns and successors of Lots numbered one (1) through five (5) of User's Property and shall constitute covenants running with Lots numbered one (1) through five (5) of User's Property until released by the City. Upon conveyance by User of all Lots numbered one (1) through five (5) of User's Property to any subsequent owner, User shall be automatically released from its covenants and obligations under this Agreement, which covenants and obligations shall thereupon be assumed jointly and severally by the subsequent owners of Lots numbered one (1) through five (5) of User's Property.

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 of 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.

CITY OF ALBUQUERQUE:

USER:

By: [Signature]

By: mae alblm

Title: City Engineer

Title: Owner

Dated: 10-14-09
W 10/12/09

Dated: September 25, 2009

CITY'S ACKNOWLEDGMENT

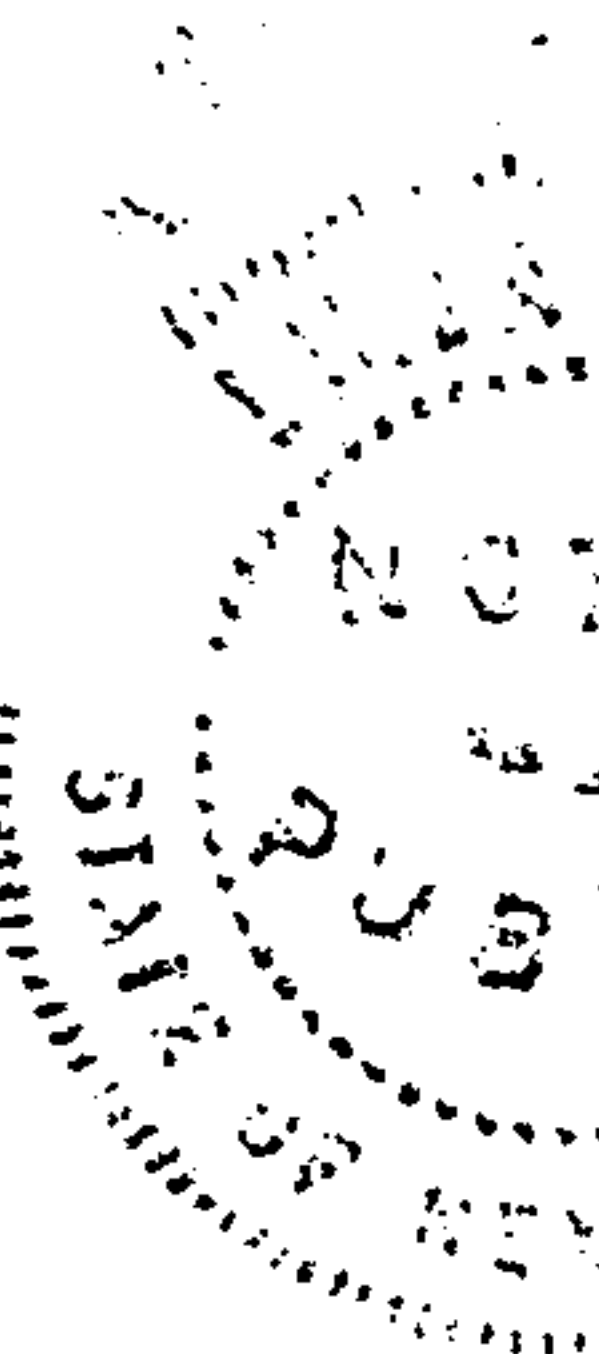
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 14th 27 October 2009 by Richard J. Jantle, City Engineer, Planning Department, for the City of Albuquerque, a New Mexico municipal corporation, on behalf of the corporation.

[Signature]
Notary Public

My commission expires:

10-07-10



USER'S ACKNOWLEDGMENT

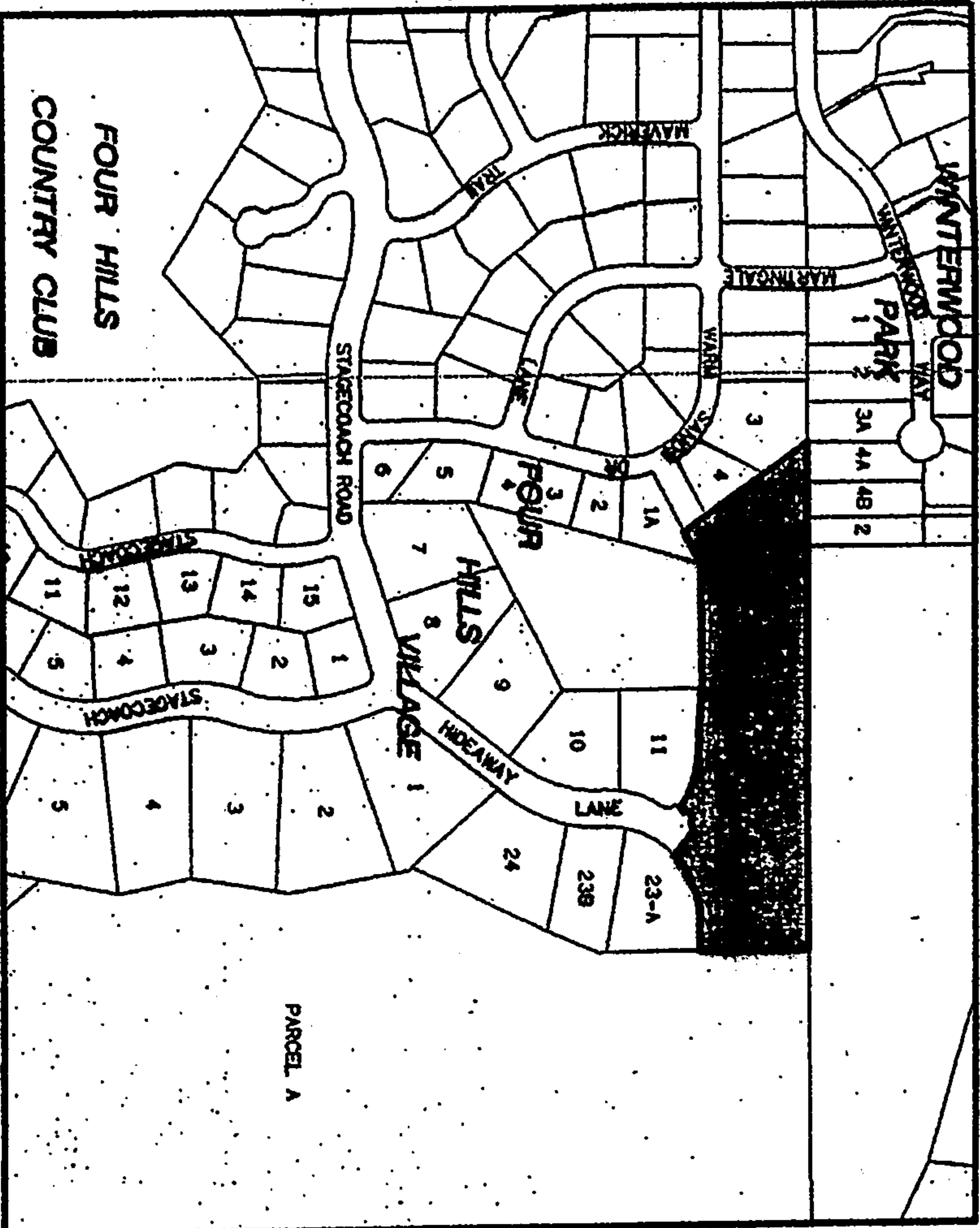
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on September 25, 2009
by Naser Alikhani (USER).

Diana B. Yern
Notary Public

My commission expires:

11-29-09



LOCATION MAP
ZONE ATLAS INDEX MAP No. M-23
NOT TO SCALE

SUBDIVISION DATA

DRB No. _____
Zone Atlas Index No. M-23.
Zoning: R-1.
Gross Subdivision Acreage: 7.2734 Acres.
Total number of tracts created: Six (6) Tracts.
Total mileage of public street right-of-way created: 0.08 mile.
Date of Survey: January, 2008.
Plot is located within Section 38, Township 10 North, Range 4 East, New Mexico
Principal Meridian, Bernalillo County, New Mexico.

DESCRIPTION

A certain tract of land situated within Section 38, Township 10 North, Range 4 East, N.M.P.M., Bernalillo County, New Mexico, being the same as described in a Warranty Deed recorded in the Office of the County Clerk of Bernalillo County, New Mexico on January 19, 1998 in Book D361A, pages 888-889 as document no. 884388 and being more particularly described as follows:

BEGINNING at a found 1/2" rebar with survey cap (unreadable) on the northerly boundary line of the tract herein described, said point being identical to the North quarter corner (1/4) of Section 38, Township 10 North, Range 4 East, N.M.P.M.; THENCE the Albuquerque City Survey (ACS) monument "AGGIE", a brass also set in concrete, having New Mexico State Plane Grid Coordinates (NAD83) Corner Zone, N=1,476367.842 and E=1,588,671.060 bears N75°35'38"E a distance of 692.48 feet

THENCE continuing along the northerly boundary of the tract herein described, N67°27'25"E a distance of 988.22 feet to the northeast corner of the tract herein described, identical to the northeast corner of Parcel A of the Plat of Parcel A, B, C, & D City of Albuquerque Replat of Portions of Tract "A" and Tract "B-1" of the Lands of Four Hills Village and a portion of the 11th treatment of Four Hills Village as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 11, 1984 in Book C34, page 58; THENCE along the easterly boundary of the tract herein described, coincident with the westerly boundary of said Parcel A, S00°02'52"E a distance of 283.26 feet to a found nail at the southeast corner of the tract herein described, identical to the northeast corner of Lot 23-A, Four Hills Village 14th treatment as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 28, 1980 in Book 98C, page 157;

THENCE leaving said westerly boundary of Parcel A along the southerly boundary of the tract herein described, coincident with the northerly boundary of said Lot 23-A, the following two (2) courses:

S88°36'45"W a distance of 72.88 feet to a point of curvature marked by a found 1" pipe; 178.48 feet along the arc of a curve to the left having a radius of 283.05 feet, a central angle of 44°40'12" and a chord bearing S87°30'05"W a distance of 174.98 feet to a point (non-tangent) on the easterly right-of-way of Highway Lane SE;

THENCE continuing along the southerly boundary of the tract herein described, coincident with the northerly right-of-way of said Highway Lane SE, the following three (3) courses;

N45°43'52"W a distance of 64.57 feet to a non-tangent point of curvature marked by a found rebar and survey cap stamped "LS 6446";

S81°46'01"W a distance of 48.98 feet to a non-tangent point of curvature marked by a found nail and where at the northeast corner of Lot 11, Block 4, Four Hills Village 14th treatment as the same is shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on October 30, 1974 in book D8, page 94;

THENCE leaving said right-of-way of Highway Lane SE along the northerly boundary of said Lot 11, coincident with the southerly boundary of the tract herein described, the following two (2) courses;

137.80 feet along the arc of a curve to the left having a radius of 215.35 feet, a central angle of 36°34'58" and a chord bearing N68°48'14"W, a distance of 136.17 feet to a point of tangency marked by a found rebar and survey cap stamped "TYREE LS 3515";

N68°54'58"W a distance of 174.44 feet to a found nail and where at the northwest corner of said Lot 11;

THENCE continuing along the southerly boundary of the tract herein described, N86°46'52"W a distance of 296.22 feet to a found nail at the northeast corner of Lot 1-A, Block 4 Four Hills Village First treatment as the same is shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on January 19, 1998 in Book D361A, pages 888-889 as document no. 884388 and being more particularly described as follows:

FREE CONSENT AND DEDICATION

The foregoing plat of that certain tract of land Range 4 East, N.M.P.M., Bernalillo County, New Mexico, described in a Warranty Deed filed January 19 no. 884388, now comprising Lots 1 thru 6, for the free consent and in accordance with the property owner(s) and said owner(s) and public right-of-way shown hereon to the with Warranty, Covenants, and do hereby grant, hereon including the right to construct, operate and all Public Utility Easements shown hereon Power, and Communications Services for burial underground utilities where shown or indicated construction and maintenance, and the right to easements granted by the plat are permanent property at any time and perform whatever its modification or removal (if any) it deems appropriate or otherwise, responsible for public encroachments, if in the opinion of the City, endanger the structural integrity or otherwise (Grantee shall, at its own expense, take within the improvements or encroachments. Said on title in fee simple to the last subsisting. Said property described does lie within the platting hereby consent to all of the foregoing and do free and good.

NASER ALIKHAN

BY: Naser Alikhan
Naser Alikhan

State of New Mexico)
County of Bernalillo) SS

This instrument was acknowledged before me 2010, by Naser Alikhan.

My Commission Expires: 2/18/14



FREE CONSENT AND DEDICATION

Map 10 North, Range 4 East, N.M.P.M., recorded in a Warranty Deed recorded in New Mexico on January 19, 1988 in Book being more particularly described as

tract herein described, N87°27'23"E a tract herein described, identical to A, B, C, & D City of Albuquerque's lots of Four Hills Village and a

the same is shown and designated in the eastern boundary of the tract of said Parcel A, S00°09'52"E a corner of the tract herein described, Village 14th installment as the of in the Office of the County Clerk Book 98C, page 157.

ing the southern boundary of the tract of said Lot 23-A, the following two

ature marked by a found 1" pipe, distance of 228.65 feet, a central distance of 174.96 feet to a point Lane SE;

in tract herein described, coincident BE, the following three (3) courses;

point of curvature marked by a found

distance of 25.00 feet, a central distance of 32.55 feet to a point

point of curvature marked by a found 4, Four Hills Village 14th, to plat filed in the Office of the Mayor 30, 1974 in book D6, page 94;

along the northern boundary of said not herein described, the following

radius of 218.38 feet, a central distance of 138.17 feet to a point stamped "TYNEE LS 3618";

and other at the northwest corner of

tract herein described, N86°40'52"W at corner of Lot 1-A, Block 4 Four

The foregoing plat of that certain tract of land situated within Section 35, Township 10 North, Range 4 East, N.M.P.M., Bernalillo County, New Mexico, being and comprising a tract of land described in a Warranty Deed filed January 19, 1988 in Book D3851A, pages 986-987 as document no. 894306, now comprising Lots 1 thru 6, Four Hills Village, Twenty-First installment is with the free consent and in accordance with the desire of the undersigned owner(s) and/or proprietor(s) thereof, and said owner(s) and/or proprietor(s) do hereby dedicate all streets and public rights-of-way shown hereon to the City of Albuquerque, New Mexico in Fee Simple with Warranty Covenants; and do hereby grant: All Access, Utility and Drainage Easements shown hereon including the right to construct, operate, inspect, and maintain facilities therefor; and all Public Utility Easements shown hereon for the common and joint use of Gas, Electrical Power, and Communication Services for buried distribution lines, conduits, and pipes for underground utilities where shown or indicated, including the right of ingress and egress for construction and maintenance, and the right to trim fringing trees and shrubs. All access easements granted by the plat are permanent. The City has the right to enter upon the Grantee's Property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the City. If the Work effects any improvements or encroachments made by the Grantee, the City will not be financially or otherwise responsible for rebuilding or repairing of improvements or encroachments. If in the option of the City, the Work to be performed by the City could endanger the structural integrity or otherwise damage the improvements or encroachments, the Grantee shall, at its own expense, take whatever protective measures are required to safeguard the improvements or encroachments. Said owner warrants that he holds complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and/or proprietor(s) affirm that the property described does lie within the plating jurisdiction of the City of Albuquerque and do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed.

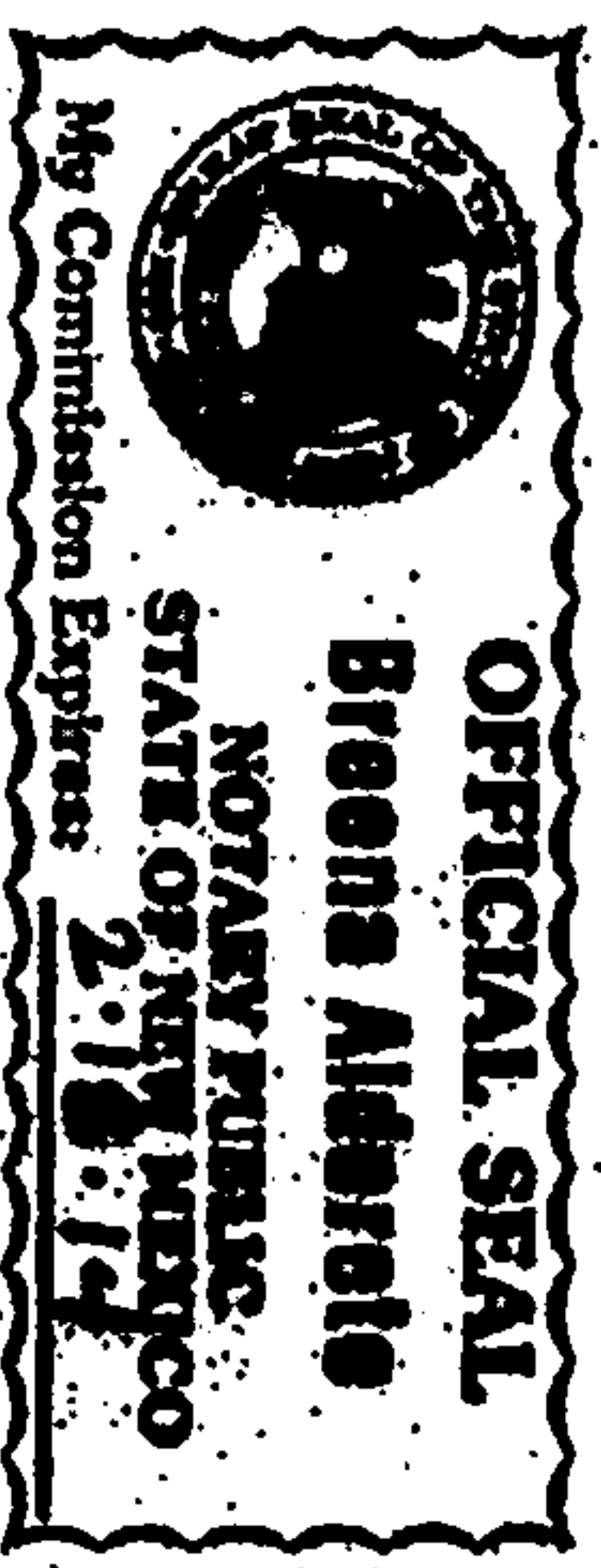
NASER ALKIRYAN

BY: Naser Alkiryman
Naser Alkiryman

State of New Mexico)
County of Bernalillo) SS

This instrument was acknowledged before me on the 29 day of July, 2010, by Naser Alkiryman.

My Commission Expires: 2/18/14 Breana Aldrete
Notary Public



PLAT OF
LOTS 1 THRU 6
FOUR HILLS VILLAGE
21st INSTALLMENT

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2010

PROJECT NUMBER 1007263

APPLICATION NUMBER 10 Dec 3 - 70213

PLAT APPROVAL

UTILITY APPROVALS:

Calvin Ramirez DATE 08-10-10
WEST/TELECOMMUNICATIONS

Robert Martinez DATE 8-10-10
CABLECAST

Forwards Civil DATE 8-10-10
ELECTRIC SERVICES

NEW MEXICO GAS COMPANY DATE 8-10-10

CITY APPROVALS: 7-30-10

CITY SURVEYOR: 08-18-10

TRAFFIC ENGINEERING, TRANSPORTATION DIVISION: 08-18-10

ALBUQUERQUE BERNALILLO COUNTY: 08-18-10

WATER UTILITY AUTHORITY: 8-18-10

PARKS & RECREATION DEPARTMENT: 8-18-10

AMAFCA: 9-11-10

CITY ENGINEER: 9-2-10

DATE: 9-2-10

DISCLOSURE STATEMENT

The purpose of this Plat is to create six (6) tracts of land from the parcel described in Warranty Deed filed: January 19, 1989 in Book D351A, Pages 986-987 as Document No. 894369, dedicate public street right-of-way to the City of Albuquerque and to grant easements.

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.

B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.

C. Quest for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.

D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/switchgear, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

same range first installment as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County New Mexico on June 7, 1978 in book C13, page 120;

THENCE continuing along the southerly boundary of the tract herein described, coincident with the northerly boundary of said Lot 1-A, S53°31'45"W a distance of 97.10 feet to a found 1/2" rebar at the southwest corner of the tract herein described;

THENCE leaving said northerly boundary of Lot 1-A along the westerly boundary of the tract herein described, coincident with the easterly boundary of Four Hills Village First Installment, as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on September 9, 1958 in Book D2, Page 63, N37°00'35"W a distance of 343.61 feet to the northwest corner of the tract herein described, identical to a point on the southerly boundary of Lot 4-A, Block 3 of Winterwood Park as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on January 8, 1955 in Book B21, page 183;

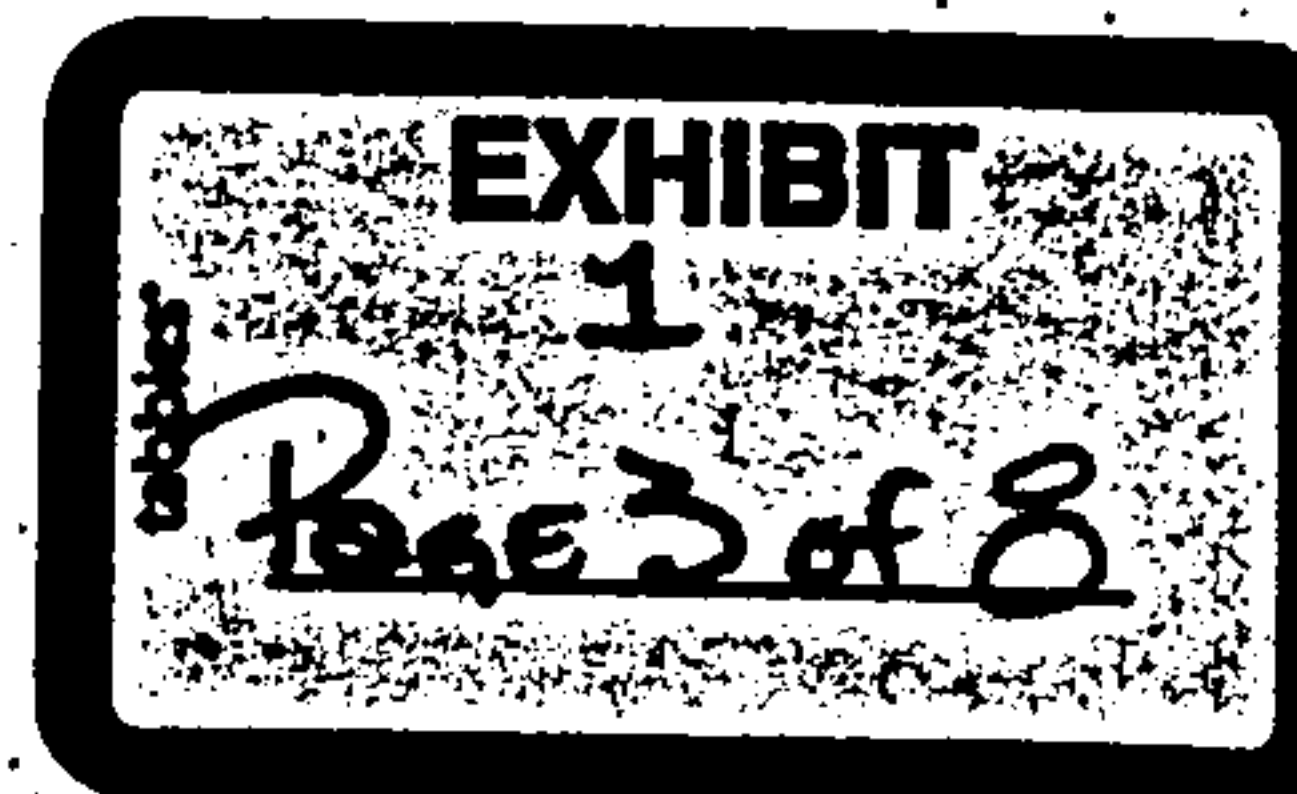
THENCE along the northerly boundary of the tract herein described, coincident with said southerly boundary of said Winterwood Park Subdivision, S89°51'54"E a distance of 179.31 feet to the southeast corner of Lot 4-B of said Winterwood Park Subdivision, identical to the southeast corner of Lot 2, Winterwood II as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on September 11, 1957 in Book C34-136;

THENCE continuing along the northerly boundary of the tract herein described, coincident with said southerly boundary of Lot 2, N86°43'55"E a distance of 76.89 feet to the POINT OF BEGINNING.

This tract contains 7.2734 acres, more or less

NOTES

1. Tract is located within Section 35, Town Bernalillo County, New Mexico.
2. Zone Atlas Index Map No. M-23.
3. Gross Acreage: 7.2734 Acres.
4. Bearings are New Mexico State Plane.
5. Record bearings and distances of said County Clerk of Bernalillo County, New Mexico as Document No. 894369 are
6. Record bearings and distances of said brackets []
5. Basis of Bearings: Inverse between CA WINDY Bearing = N00°47'42"W
6. Distances are ground distances.
7. This Plat was prepared with information Commonwealth Land Title Insurance Co. Date: February 25, 2008.
8. Other documents used in the preparation of information and Plat of Survey for Land of the County Clerk of Bernalillo County, page 190.
9. All lots are subject to cross drainage in which there are no improvements. For after the drainage on any lot so as to merge into adjacent portions of any lots, or all without the consent of the owner of the
10. All interior tract corners are set #5 reb "BROMATZKY PS 18489" or a PK nail.
11. Pursuant to section 14-14-4-7 of the C "No property within the area of this Plat shall be subject to restriction, covenant, or binding from being installed on buildings or on area of proposed plat. The foregoing approval of this plat."
12. A Provisional Certificate of No Effect in Archeologist.
13. The property on this plat is subject to a with the Albuquerque Public Schools n No. 2010043756.



ry of the tract herein described, coincident
S3146'W a distance of 97.50 feet to a
tract herein described;

1-A along the westerly boundary of the tract
boundary of Four Hills Village Plat
ed on the plat filed in the office of the
in September 8, 1988 in Book 122, Page 63,
the west corner of the tract herein described,
Lot 4-A, Block 8 of Winwood Park
it filed in the office of the County Clerk of
B5 in Book 121, page 193.

of herein described, coincident with said
bination, S89°57'54"E a distance of 179.31
Winwood Park Subdivision, identical to
the same is shown and designated on the plat
to County, New Mexico on September 11,

ry of the tract herein described, coincident
FE a distance of 76.80 feet to the POINT

NOTES

1. Tract is located within Section 35, Township 10 North, Range 4 East, NMPLM, Albuquerque, Bernalillo County, New Mexico.
2. Zone Atlas Index Map No. M-23.
3. Gross Acreage: 7.2794 Acres.
4. Bearings are New Mexico State Plane Grid Bearings (Central Zone NAD 1983 Datum).
5. Record bearings and distances of existing Winway Deed filed in the Office of the County Clerk of Bernalillo County, New Mexico on January 19, 1989 in Book D361A, pages 988-987 as Document No. 804569 are shown in parentheses ().
6. Record bearings and distances of existing adjoining recorded plats are shown in brackets [].
7. The Plat was prepared with information included in Title Commitment issued by Carrizomuel Land Title Insurance Company, Commitment No. 8221000749, Effective Date: February 26, 2008.
8. Other documents used in the preparation of the Plat include shown adjoining tract information and Plat of Survey for Land of Four Hills Village filed in the office of the County Clerk of Bernalillo County, New Mexico on March 4, 1977 in Book C11, page 990.
9. All lots are subject to cross drainage easements over that portion of the lot upon which there are no improvements. For drainage of storm water runoff, no person shall alter the drainage on any lot so as to materially increase the drainage of storm water onto adjacent portions of any lot, or alter the surface of the cross drainage easement without the consent of the owner of the affected property.
10. All historic tract corners are set #5 rebar and yellow plastic survey cap stamped "GROMATZKY PS 16469" or a PK nail with washer stamped the same.
11. Pursuant to section 14-14-4-7 of the City of Albuquerque Code of Ordinances, no property within the area of this Plat shall at anytime be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of proposed plat. The foregoing requirements shall be a condition to approval of this plat.
12. A Provisional Certificate of No Effect has been obtained from the City of Albuquerque Archdiocese.
13. The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools recorded May 21, 2010 as Document No. 8010049756.

TAX CERTIFICATION

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON UPC #

ALIPANI NUSEP

PARCEL # 1022455290517104341

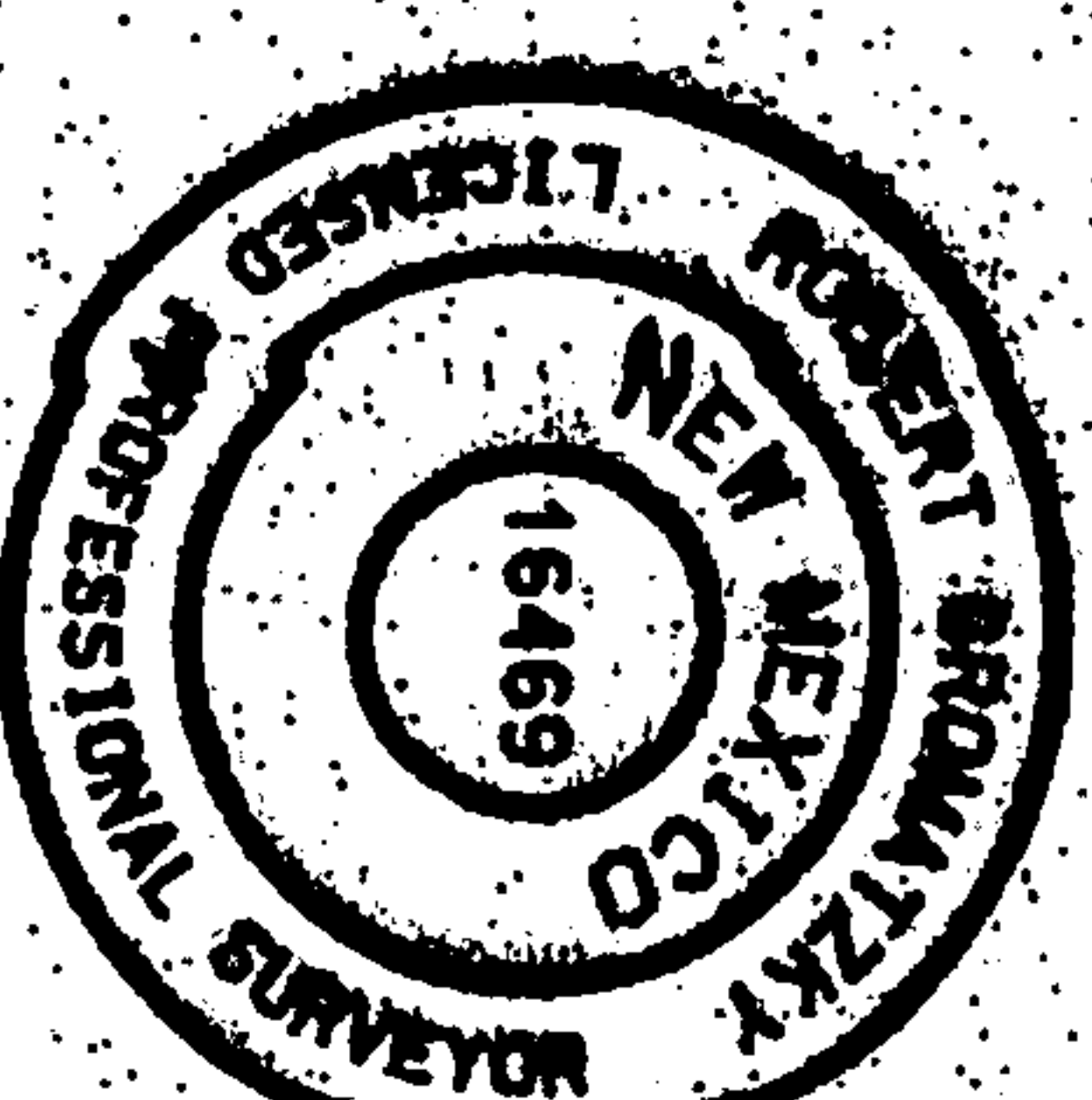
BERNARD COUNTY TREASURER'S OFFICE

DATE 9.2.10

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, a registered Professional New Mexico Surveyor, certify that I am responsible for the survey and that the plat was prepared by me or under my supervision, shows all easements as shown on the plat of record, or made known to me by the owner, utility companies, or other interested parties and conforms to the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors and meets the minimum requirements for monumentation and survey contained in the City of Albuquerque Subdivision Ordinance, and is true and accurate to the best of my knowledge and belief.

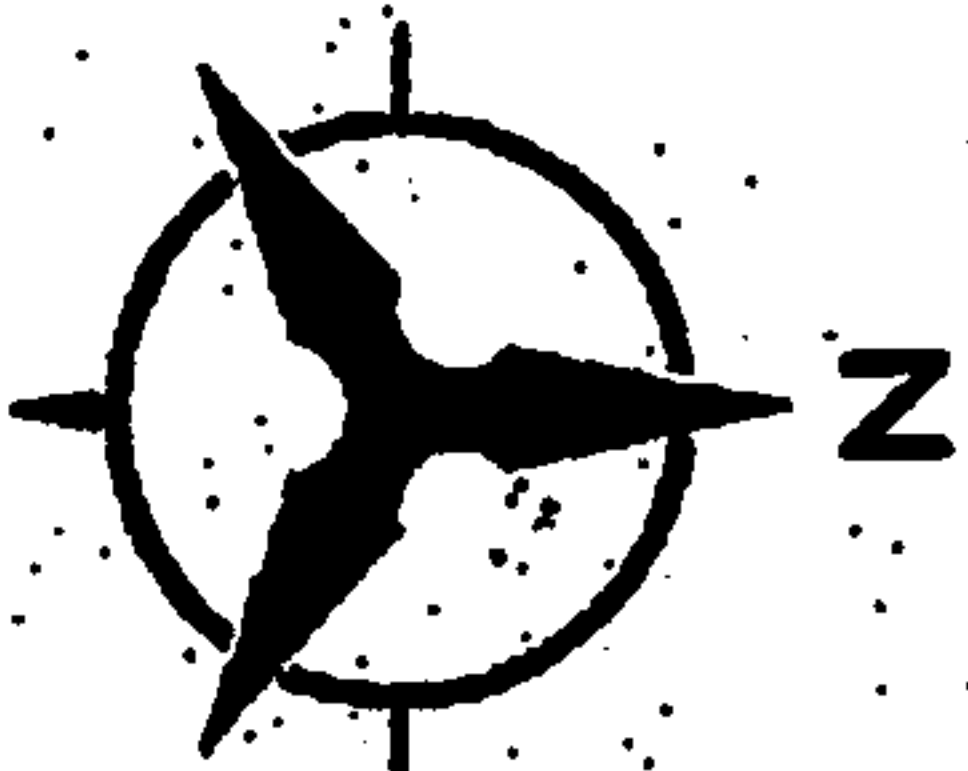
Robert Gromatzky
Robert Gromatzky
New Mexico Professional Surveyor 16469
Date: July 28, 2010



Bohannon & Huston



Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	44° 46' 32"	94.61'	179.49'	229.65'	174.96'	S67° 30' 05" W
	(44° 42' 34")		(179.20')	(229.65')	(174.69')	(S67° 14' 13" W)
	[44° 42' 34"]		[179.20']	[229.65']	[174.69']	[S67° 14' 13" W]
C2	81° 14' 17"	21.44'	35.45'	25.00'	32.55'	S68° 45' 38" W
	[81° 24' 23"]		(35.52')	(25.00')	(32.61')	(S68° 53' 15" W)
	[81° 24' 23"]	[21.51']	[35.52']	[25.00']	[32.61']	[S68° 53' 15" W]
C3	36° 34' 55"	71.18'	137.50'	215.35'	133.17'	N68° 48' 14" W
	(36° 35' 27")		(137.53')	(215.35')	(133.20')	(N68° 42' 16" W)
	[36° 35' 27"]		[137.53']	[215.35']	[133.20']	[N68° 42' 16" W]
C4	20° 41' 22"	19.88'	38.86'	75.06'	38.43'	N78° 22' 27" E
	(20° 31' 03")		(38.86')	(75.06')	(38.43')	(N78° 22' 27" E)
	[20° 31' 03"]		[38.86']	[75.06']	[38.43']	[N78° 22' 27" E]
C5	95° 31' 03"	82.59'	125.03'	75.06'	111.05'	N45° 27' 38" E
	(95° 31' 02")		(125.03')	(75.06')	(111.05')	(N45° 27' 38" E)
	[95° 31' 02"]		[125.03']	[75.06']	[111.05']	[N45° 27' 38" E]
C6	90° 00' 00"	10.00'	15.71'	10.00'	14.14'	N47° 17' 56" W
	(90° 00' 00")		(15.71')	(10.00')	(14.14')	(N47° 17' 56" W)
	[90° 00' 00"]		[15.71']	[10.00']	[14.14']	[N47° 17' 56" W]
C7	90° 00' 00"	10.00'	15.71'	10.00'	14.14'	S42° 42' 04" W
	(90° 00' 00")		(15.71')	(10.00')	(14.14')	(S42° 42' 04" W)
	[90° 00' 00"]		[15.71']	[10.00']	[14.14']	[S42° 42' 04" W]
C8	11° 20' 46"	23.38'	46.61'	233.35'	46.53'	N81° 24' 51" W
	(11° 20' 46")		(46.61')	(233.35')	(46.53')	(N81° 24' 51" W)
	[11° 20' 46"]		[46.61']	[233.35']	[46.53']	[N81° 24' 51" W]



SCALE: 1" = 60'

PLAT OF
LOTS 1 THRU 6
FOUR HILLS VILLAGE
21st INSTALLMENT

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
JULY, 2010



HATCHED AREA DESIGNATES A PRIVATE
ACCESS EASEMENT FOR THE BENEFIT
OF LOTS 4 & 5 TO BE MAINTAINED BY
LOTS 3 & 4 GRANTED WITH THE FILING
OF THIS PLAT

WEST THERAS CANYON, LTD. CO.
WARRANTY DEED
FILED AUGUST 13, 1973
(BK. ILLEGIBLE, PGS 74-78)

ACS BRASS TABLET STAMPED "ACCE 1978"
GEOGRAPHIC POSITION (NAD 83)
NM STATE PLANE COORDINATES (CENTRAL ZONE)
N=1,476,357.642 E=1,569,671.060
GROUND TO GRID FACTOR = 0.999632446
DELTA ALPHA = -0°08'08.84"

END-2" DIA PIPE
NE CORNER TRACT "A"-1
LAND OF FOUR HILLS VILLAGE
END-REBAR NO CAP
REFLECTED
N05°16'55"W, 5.92'

N87° 27' 23" E 919.31'
[N87° 17' 35" E 918.60']
N87° 20' 30" E 1929.89' *
SEE NOTE 8

S00° 09' 52" E 293.26'
[S00° 24' 30" E 294.63']

LOT 3
1.7083 Acres
SEE NOTE 1, SHEET 1, &
NOTES 1-2, SHEET 2

LOT 4
0.7014 Acres
(SEE NOTE 9, SHEET 1, &
NOTES 1-2, SHEET 2)

LOT 5
1.0719 Acres
(SEE NOTE 9, SHEET 1, & NOTES 1-2, SHEET 2)

LOT 6
2.8881 Acres
(SEE NOTE 9, SHEET 1, & NOTES 1-2, SHEET 2)

30' GRANT OF EASEMENT
VT-OF-MAY
APR 3, 1978
K 594, PG 333
VT NO. 782386 AND
NOT CONTAINING EXPRESS
IT
EPT/MEER 14, 1995

D
QUE

**FOUR HILLS VILLAGE
FIRST INSTALLMENT**

FILED: SEPTEMBER 9, 1958
(D2-63)

EXISTING 50' RESERVATION FOR
FUTURE STREET
FILED: SEPTEMBER 9, 1958 (D2-63)
AND
EXISTING 50' GRANT OF EASEMENT
FOR RIGHT-OF-WAY
FILED: APRIL 5, 1978
(MSC BK 599, PG 313)

LOT 1
0.7410 Acre
(SEE NOTE 9, SHEET 1) &
NOTES, 1-2, SHEET 2)

EASEMENT
FILED: SEPTEMBER 18, 1995
(BK 9522, PG 6334)
DOCUMENT NO. 95094719

WARM SANDS DRIVE (50' RW)

**FOUR HILLS VILLAGE
FIRST INSTALLMENT**

FILED: JUNE 7, 1978
(C13-120)

EXISTING DRAINAGE
& UTILITY EASEMENT
FILED: SEPTEMBER 9, 1958
(D2-63)

LORMAN PLACE (ROW)

FND-REBAR NO CAP
REJECTED
[S82°58'00"E, 0.62']

PUBLIC RIGHT OF WAY DEDICATED
TO THE CITY OF ALBUQUERQUE
IN FEE SIMPLE WITH WARRANTY
COVENANTS WITH THE FILING OF
THIS PLAT,
(SQUARE FOOTAGE = 24,928.02634)

JOHN R. & DIANE L. BODE
UPC #1-023-055-276-683-2-10-12

N86°54'56"W 174.44'
(N87°00'00"W 174.56')
[N87°00'00"W 174.56']
FND-REI
"TYREE I

20' PRIVATE SANITARY SEWER EASEMENT
FOR THE BENEFIT OF LOTS 4 & 5 TO BE
MAINTAINED BY LOTS 4 & 5 GRANTED
WITH THE FILING OF THIS PLAT. ACCESS
SHALL BE COORDINATED WITH THE OWNER
OF LOT 6 FOR MAINTENANCE PURPOSES
ONLY.

**FOUR HILLS VILL
14th INSTALLMENT**

FILED: OCTOBER 30, 1994
(D6-94)

LEGEND

- BOUNDARY LINE
- LOT LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- CENTERLINE
- ADJOINING PROPERTY LINE
- △ CITY OF ALBUQUERQUE CONTROL MONUMENT
- FOUND ALUMINUM AS NOTED
- FOUND 1" IRON PIPE OR AS NOTED
- ⊙ FOUND NAIL
- ⊙ FOUND NAIL AND SHINER
- ⊙ FOUND #5 REBAR/CAP AS NOTED
- (x) FOUND #5 REBAR/NO CAP
- SET #5 REBAR WITH YELLOW PLASTIC SURVEY CAP
STAMPED "GROMATZKY PS 16469"
- ▲ CENTERLINE MONUMENT STAMPED "16469"

NOTES:

- 1) THE MAXIMUM DISTURBABLE BUILDING ENVELOPE
ALL DRAINAGE WATER RUNOFF GENERATED
WILL REQUIRE A PRIVATE FACILITY DRAIN
ENVELOPE MUST REMAIN UNDISTURBED AS
- 2) EACH LOT OWNER IS REQUIRED TO PROVIDE
ENGINEER AND AN ENGINEERED GRADING PLAN
ALBUQUERQUE.

EXHIBIT

Page 7 of 8

DOCH 2010088680

09/02/2010 11:46 AM Page: 2 of 2
PLAT R: \$12.00 B: \$218C P: \$180 H. Tol
[Barcode]

298.22'	136.98'	161.31'	26.24'	97.94'	76.44'	174.38'	136.98'
N85°46'52"W 163.22'	N85°54'56"W 174.44'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'
298.22'	136.98'	161.31'	26.24'	97.94'	76.44'	174.38'	136.98'
N85°46'52"W 163.22'	N85°54'56"W 174.44'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'	N87°00'00"W 174.56'

20' PRIVATE SANITARY SEWER EASEMENT
FOR THE BENEFIT OF LOTS 4 & 5 TO BE
MAINTAINED BY LOTS 4 & 5 TO BE
WITH THE FILING OF THIS PLAT. ACCESS
SHALL BE COORDINATED WITH THE OWNER
OF LOT 6 FOR MAINTENANCE PURPOSES
ONLY.

FOUR HILLS VILLAGE
14th INSTALLMENT

FILED: OCTOBER 30, 1974
(86-94)



NOTES:

- 1) THE MAXIMUM DISTURBABLE BUILDING ENVELOPE IS 8,000.00 SQUARE FEET (EXCEPT LOT 6)
ALL DRAINAGE WATER RUNOFF GENERATED WITHIN THIS ENVELOPE MUST BE RETAINED AND
ENVELOPE MUST REMAIN UNDISTURBED AS SUCH AS PRACTICABLE.
- 2) EACH LOT OWNER IS REQUIRED TO PROVIDE AN ANNUAL SOIL REPORT FROM A GEOTECHNICAL
ENGINEER AND AN ENGINEERED GRADING PLAN FOR REVIEW AND ACCEPTANCE BY THE CITY OF
ALBUQUERQUE.

HIDEAWAY LANE SE
(RW VARIES)

FND-REBAR WITH CAP
PARK LS 12651"

FOUR HILLS VILLAGE
14th INSTALLMENT

FILED: JUNE 23, 1999
(98C-157)

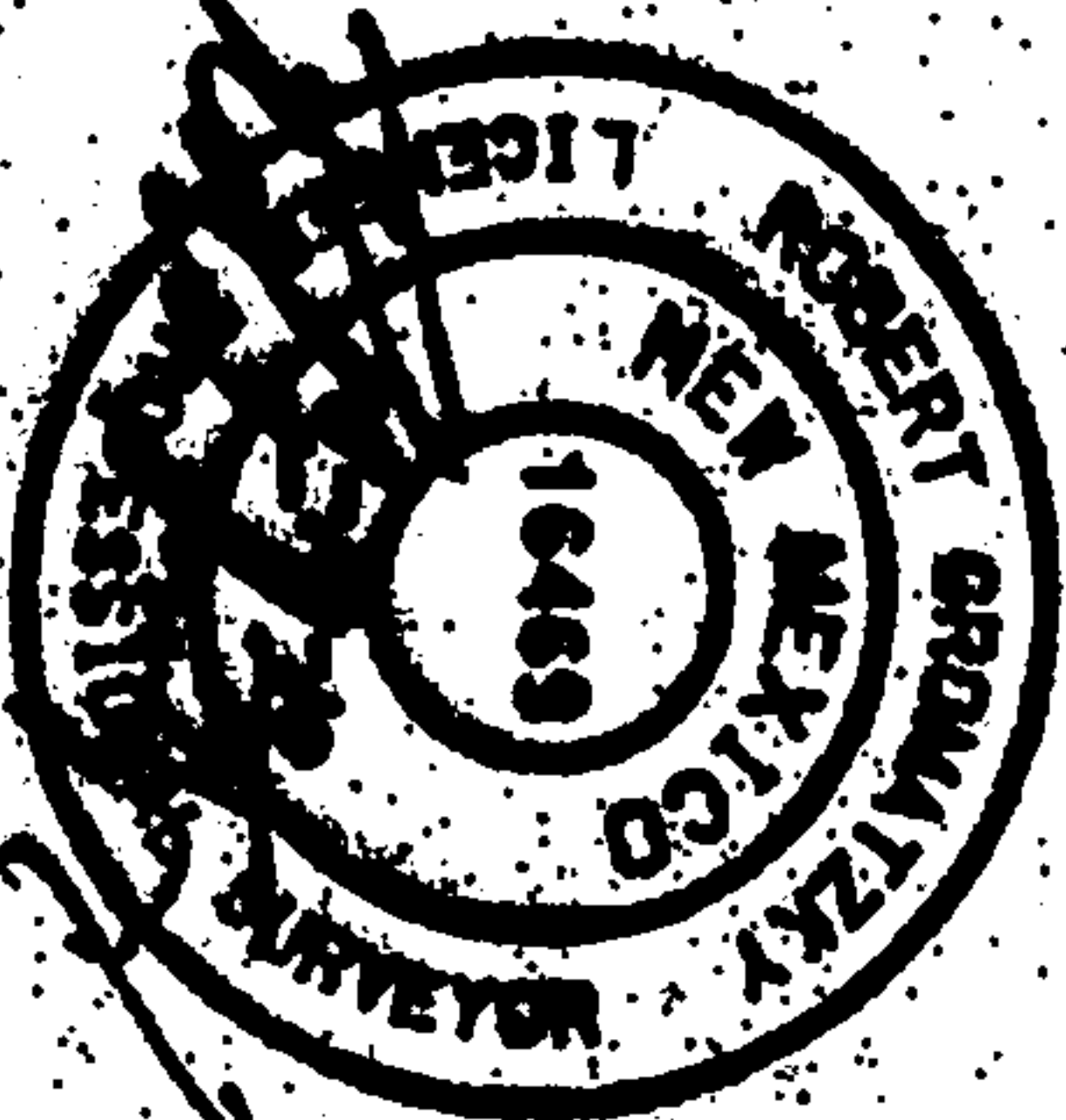
ACS BRASS TABLE STAMPED "9-423 1975"
GEOGRAPHIC POSITION (NAD 83)
NAD STATE PLANE COORDINATES (CENTRAL ZONE)
N=1471422.783 E=1571173.875
GROUND TO GROUND FACTOR = 0.999622795
DELTA ALPHA = -0.073824"

FND-REBAR WITH CAP
PARK LS 12651"

PARCEL A
PARCELS A, B, C & D

DOC# 2010086680

09/02/2010 11:45 AM Page: 2 of 2
Toulouse Olivero, Geraldillo Cou
11/01/2010 11:45 AM Page: 2 of 2
Toulouse Olivero, Geraldillo Cou



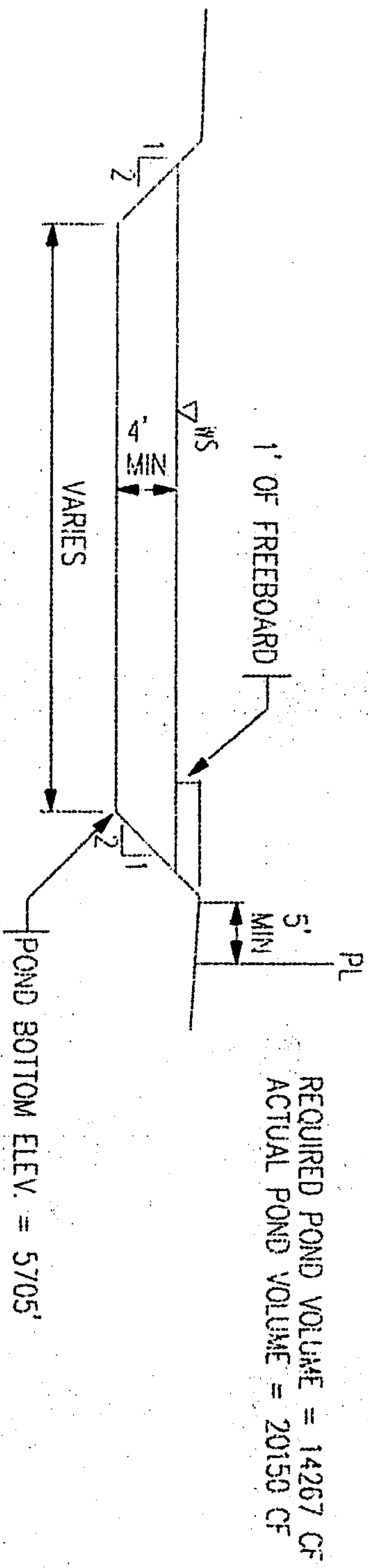
SHEET 2 OF 2

Bohannon & Huston

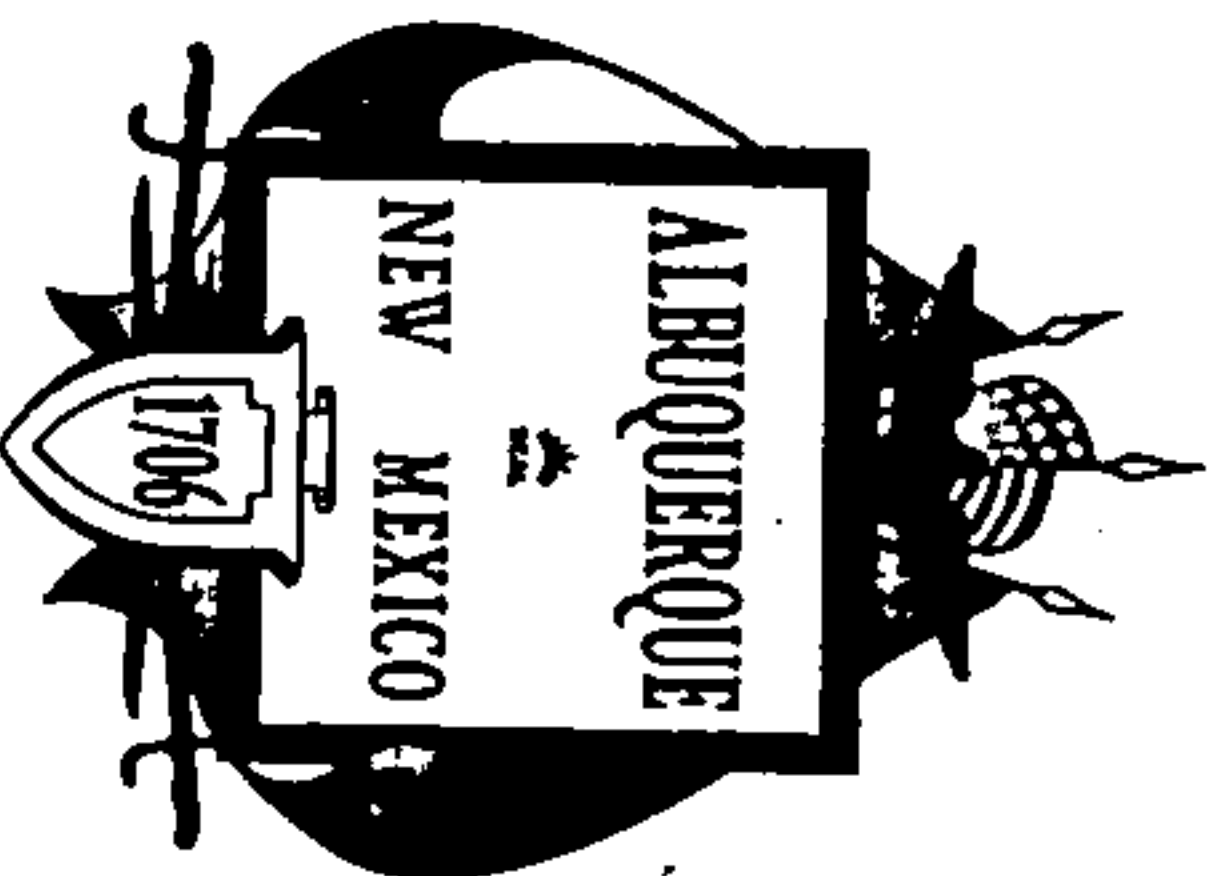
County: 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES

APPENDIX B





RETENTION POND SECTION E-E
NOT TO SCALE



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

April 23, 2002

Jake Bordenave
Bordenave Designs
P.O. Box 91194
Albuquerque New Mexico 87199-1194

RE: LOMR Request for Adcock Residence (M23-D16) Dated March 26, 2002

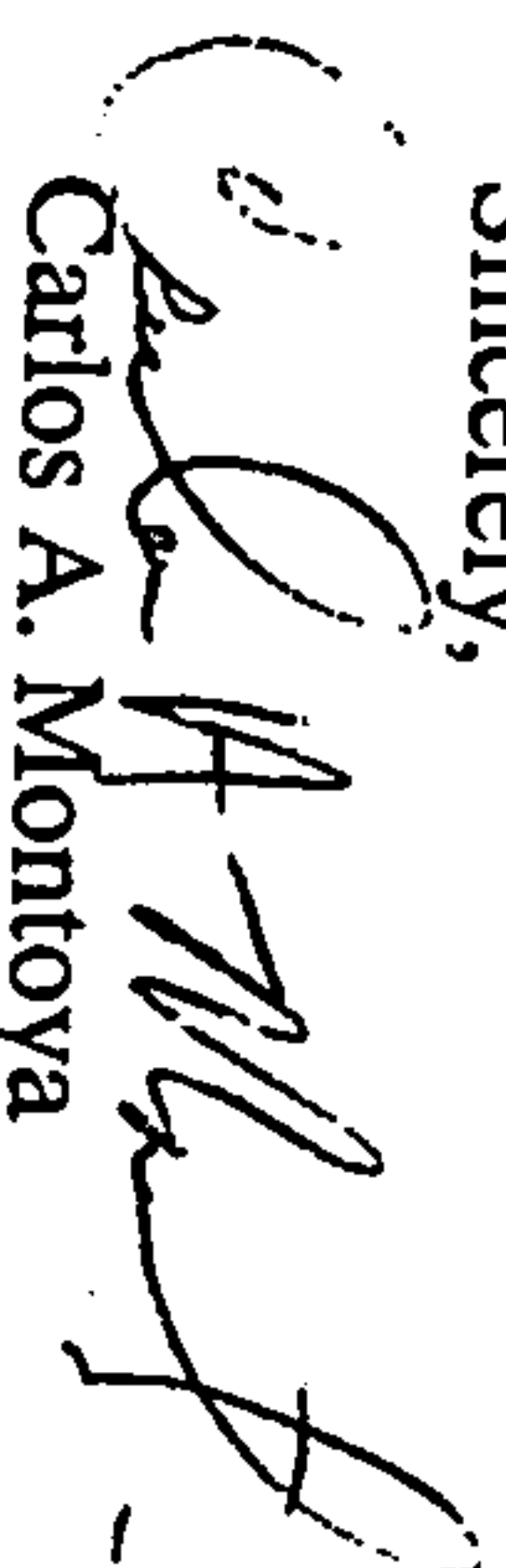
Dear Mr. Bordenave:

I have reviewed the referenced submittal and forward the following comments. I'm sorry for the delay in reviewing this submittal but we were unsure on the submittal to FEMA.

1. I believe that you should submit a contour map to prove the outline of the drainage basin. Even an older dated map would work.
2. I have attached a copy of the basic FEMA forms for submittal. I believe these would be the minimum. Fill in the basic information and we will submit then like that. You can find all the FEMA forms and explanations on the FEMA web page.
3. Please show grades for the public road to show how you are going to drain the runoff to the north.
4. I still agree with the concept but I'm not sure how FEMA will handle this.

If you have any questions please call me at 924-3982.

Sincerely,


Carlos A. Montoya
City Floodplain Administrator

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/11/2002)

M23/D16

PROJECT TITLE: Arack Residence ZONE MAP/DRG. FILE #: M-23
 DRB #: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: Lot 11, Block 4, Four Hills Village
 CITY ADDRESS: Maverick Ct SE

ENGINEERING FIRM: BODDENAVE Designs
 ADDRESS: P.O. Box 9184
 CITY, STATE: ALB, NM
 CONTACT: J. BODDENAVE
 PHONE: 823-1344
 ZIP CODE: 87199-1194

OWNER: L. ADCOCK
 ADDRESS: 1305 VALDEZ NE
 CITY, STATE: ALB, NM
 CONTACT: L. ADCOCK
 PHONE: 845-5456
 ZIP CODE: 87112

ARCHITECT: NA
 ADDRESS: _____
 CITY, STATE: _____
 CONTACT: _____
 PHONE: _____
 ZIP CODE: _____

SURVEYOR: NA
 ADDRESS: _____
 CITY, STATE: _____
 CONTACT: _____
 PHONE: _____
 ZIP CODE: _____

CONTRACTOR: NA
 ADDRESS: _____
 CITY, STATE: _____
 CONTACT: _____
 PHONE: _____
 ZIP CODE: _____

CHECK TYPE OF SUBMITTAL:
 DRAINAGE REPORT _____
 DRAINAGE PLAN _____
 CONCEPTUAL GRADING & DRAINAGE PLAN _____
 GRADING PLAN _____
 EROSION CONTROL PLAN _____
 ENGINEER'S CERTIFICATION (HYDROLOGY) ☒ _____
 CLOMR/LOMR _____
 TRAFFIC CIRCULATION LAYOUT (TCL) _____
 ENGINEERS CERTIFICATION (TCL) _____
 ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN) _____
 OTHER _____

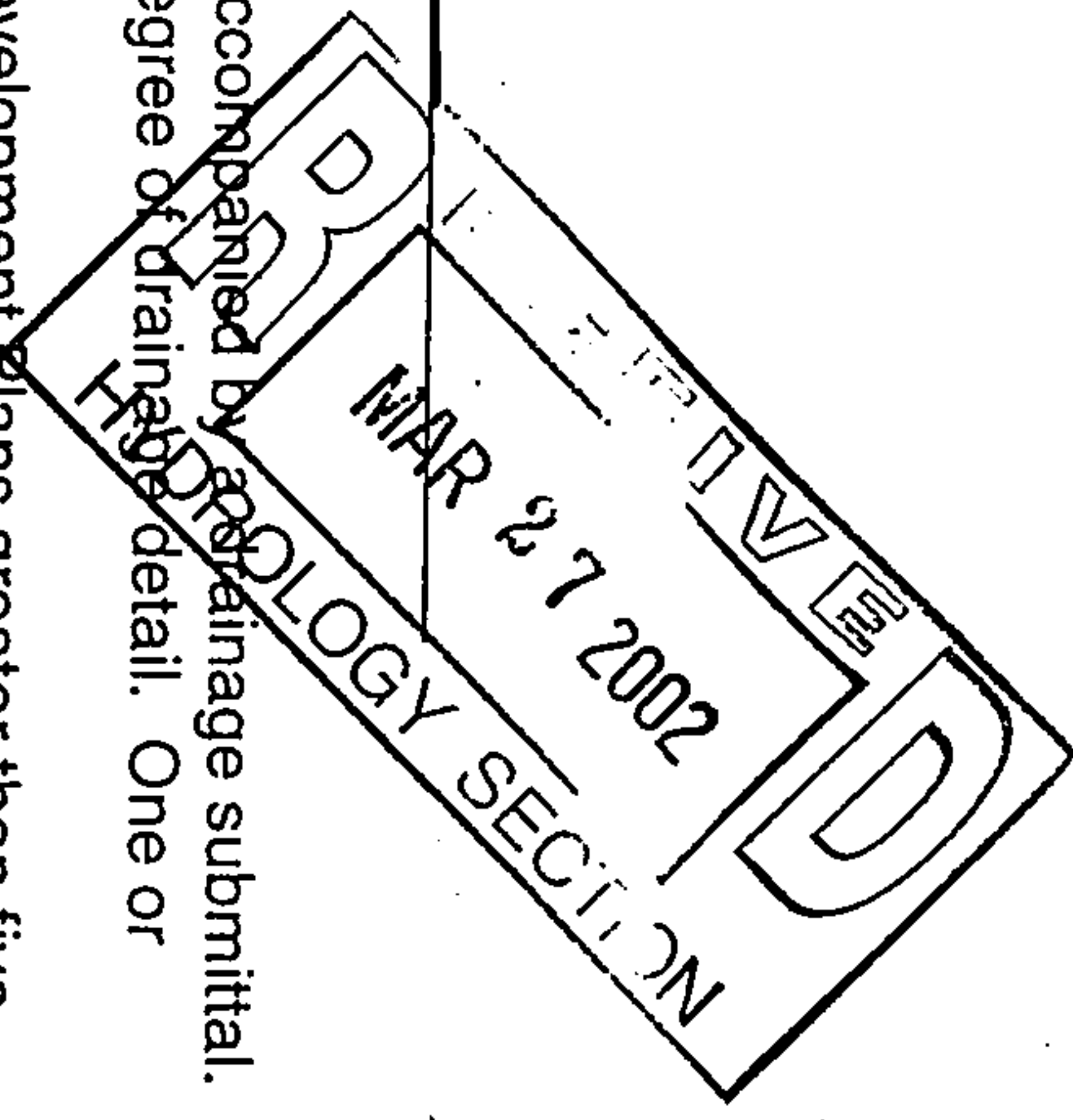
CHECK TYPE OF APPROVAL SOUGHT:
 SIA / FINANCIAL GUARANTEE RELEASE _____
 PRELIMINARY PLAT APPROVAL _____
 S. DEV. PLAN FOR SUBD. APPROVAL _____
 S. DEV. PLAN FOR BLDG. PERMIT APPROVAL _____
 SECTOR PLAN APPROVAL _____
 FINAL PLAT APPROVAL _____
 FOUNDATION PERMIT APPROVAL _____
 BUILDING PERMIT APPROVAL _____
 CERTIFICATE OF OCCUPANCY (PERM.) _____
 CERTIFICATE OF OCCUPANCY (TEMP.) _____
 GRADING PERMIT APPROVAL _____
 PAVING PERMIT APPROVAL _____
 WORK ORDER APPROVAL _____
 OTHER (SPECIFY) LOMR ☒ _____

WAS A PRE-DESIGN CONFERENCE ATTENDED:
☒ YES
 _____ NO
 _____ COPY PROVIDED

DATE SUBMITTED: 03/27/02 BY: [Signature]

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope of the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5)
3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more.





March 26, 2002

City of Albuquerque
FWM/Hydrology
P.O. Box 1293
Albuquerque, NM 87103

Attn: Carlos Montoya, Flood Plain Administrator
Re: Lot 11, Block 4, Four Hills Village (City map M-23)

Dear Sir:

The subject site is shown to have a designated floodplain crossing it per FEMA FIRM Panel 386. The owner of the lot expressed a desire to develop the property but was concerned about the flood plain and it's implications. I was engaged to determine what could be done to accommodate both the flood plain and the proposed residence. In a cursory onsite review I questioned the validity of the flood plain map in this area and contacted you for direction. Per your instruction I have obtained field information (no current mapping is available in this area) that I believe will provide this owner with relief.

I have completed a field review of the subject site to establish a drainage basin boundary of the swale that crosses the property. This was accomplished with a 1"=200' aerial photograph and walking the basin. The entire area of concern, with the exception of the subject lot is developed and has been for some time. The bulk of the contributing basin is located on a golf course and it is therefore quite easy to establish swales and ridges. This is particularly true since the basin is so small (less than 6 acres). The basin boundary was traced onto a scale accurate color aerial photo and the area of the basin was computed to be 5.9 acres. There is a significant buildup of organic matter in the swale and though there is rock in the immediate area none is exposed in the swale. Review of the site physical conditions confirms that very little flow has been experienced in this swale in quite a long time. A copy of the aerial photo used in this effort is attached for your use.

I am sure we can all agree that basins of this size were never intended to be in the National Flood Insurance Program. I don't know if the golf course was altered after the maps were prepared in this area or if there was an error on the original map but it is obvious that this swale should not be a designated flood plain. Therefore, it is requested that the map be amended to remove the floodplain designation.

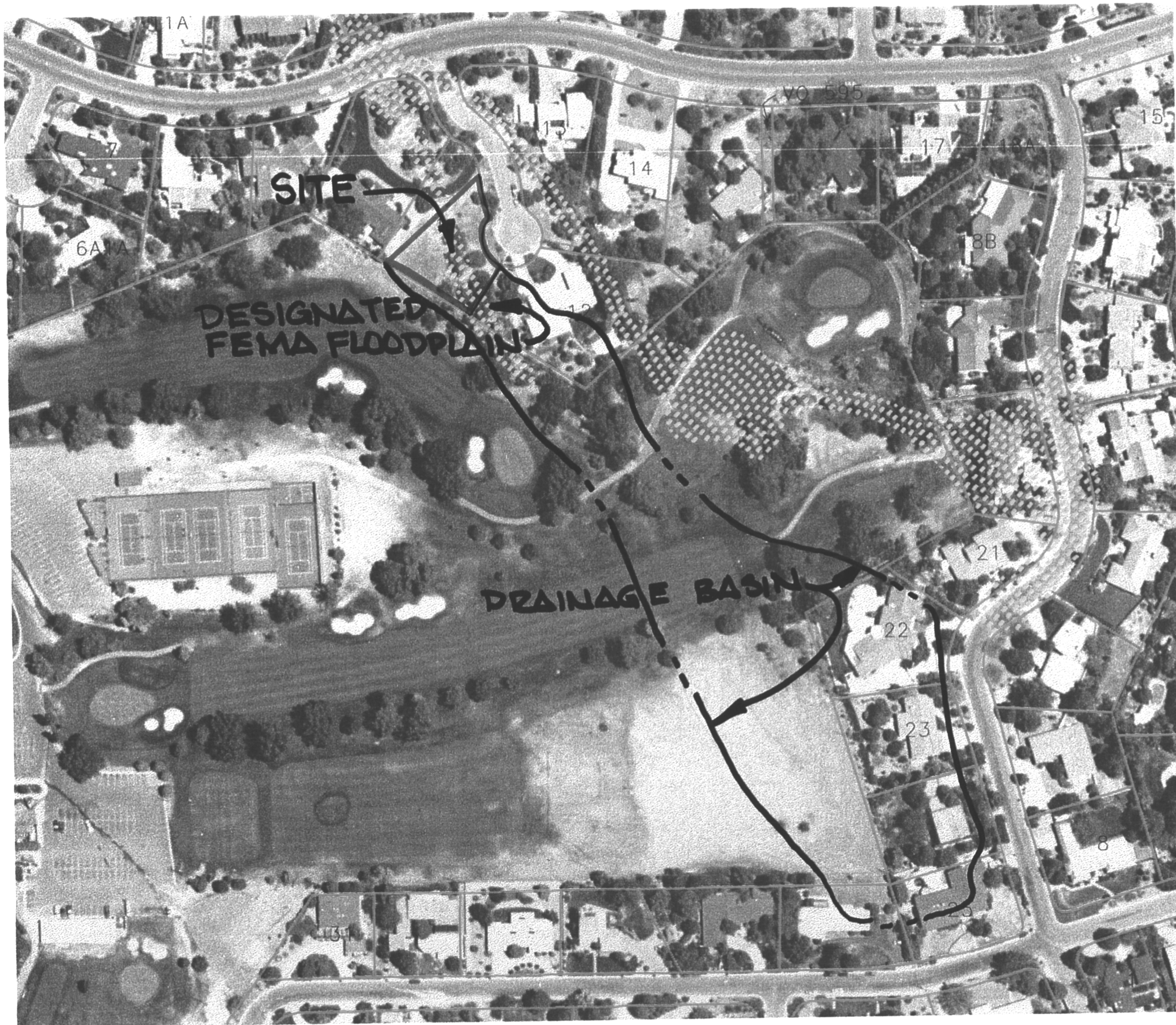
Thank you for your assistance in this matter.

Sincerely,


Jean J. (Jake) Bordenave



P.O. Box 91194
Albuquerque, NM 87199-1194
(505) 823-1344



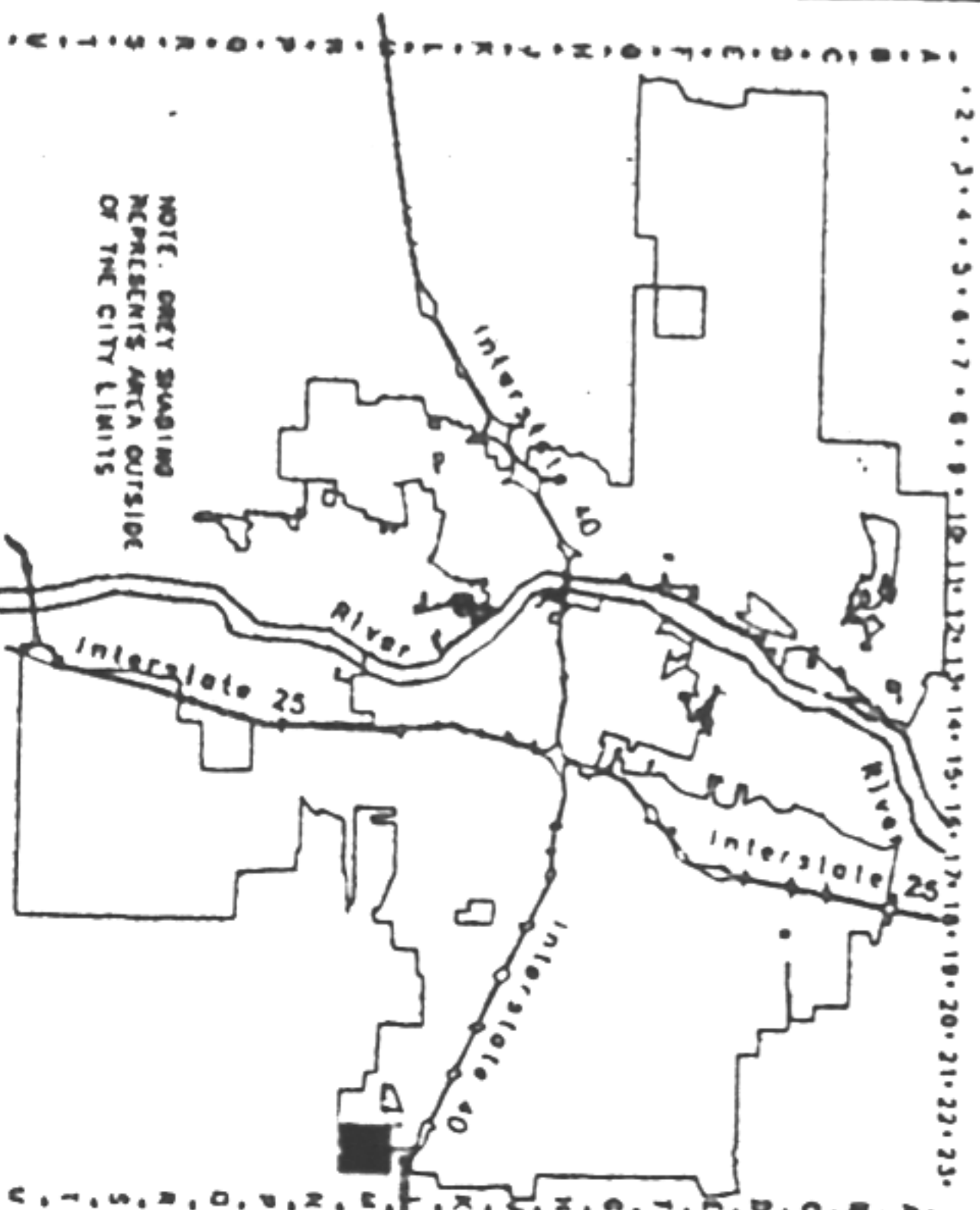
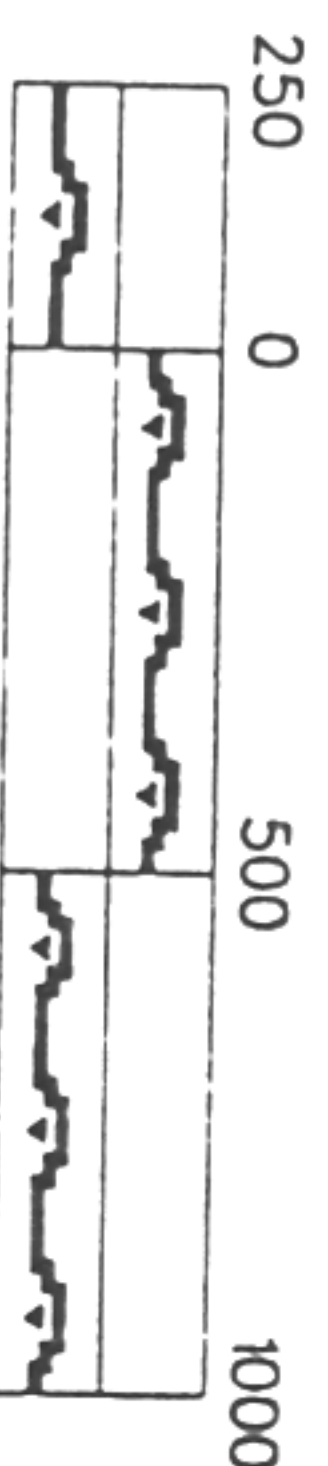
1" = 200'



CITY OF
Albuquerque
Planning Department
Copyright 1999

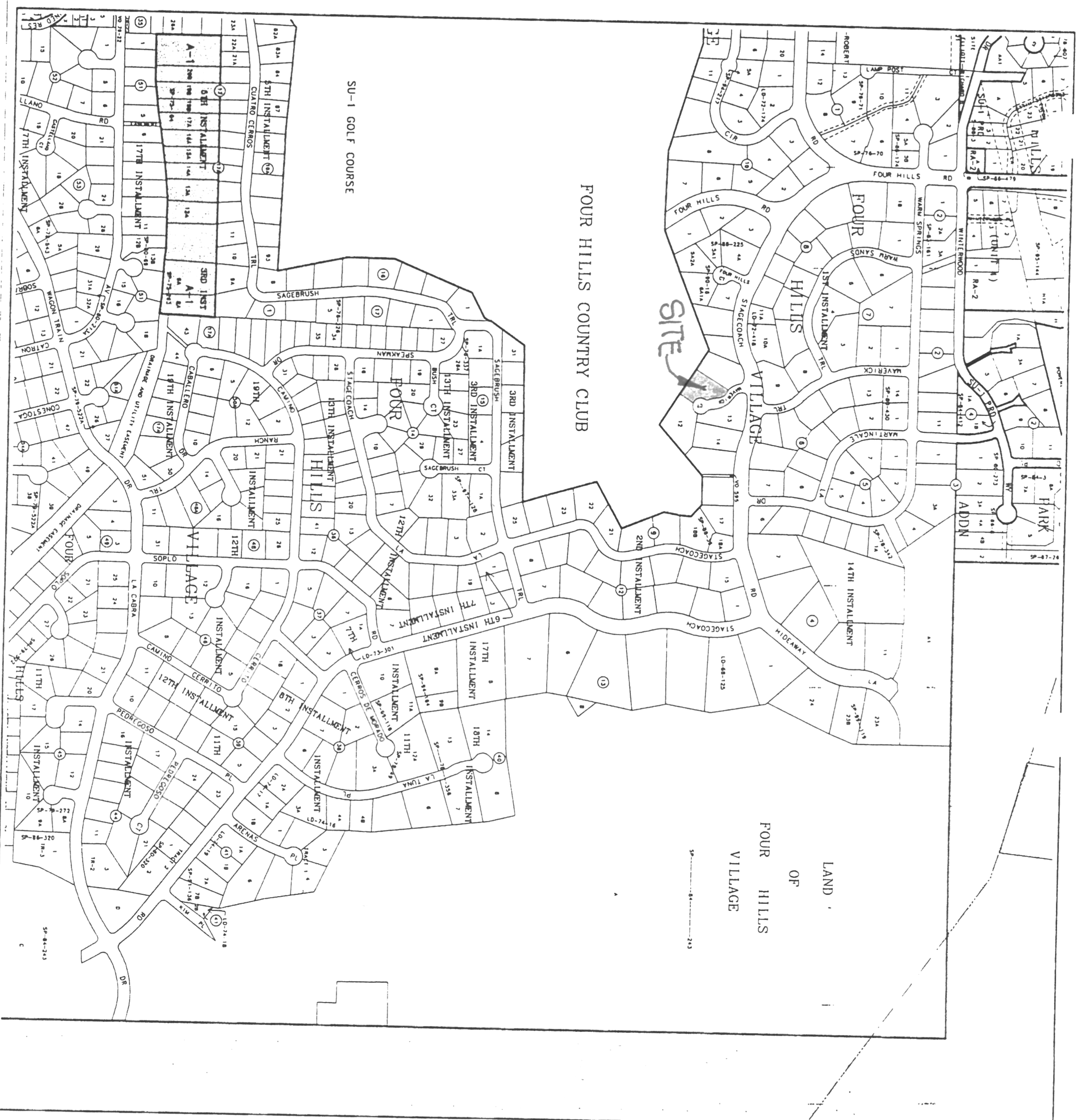


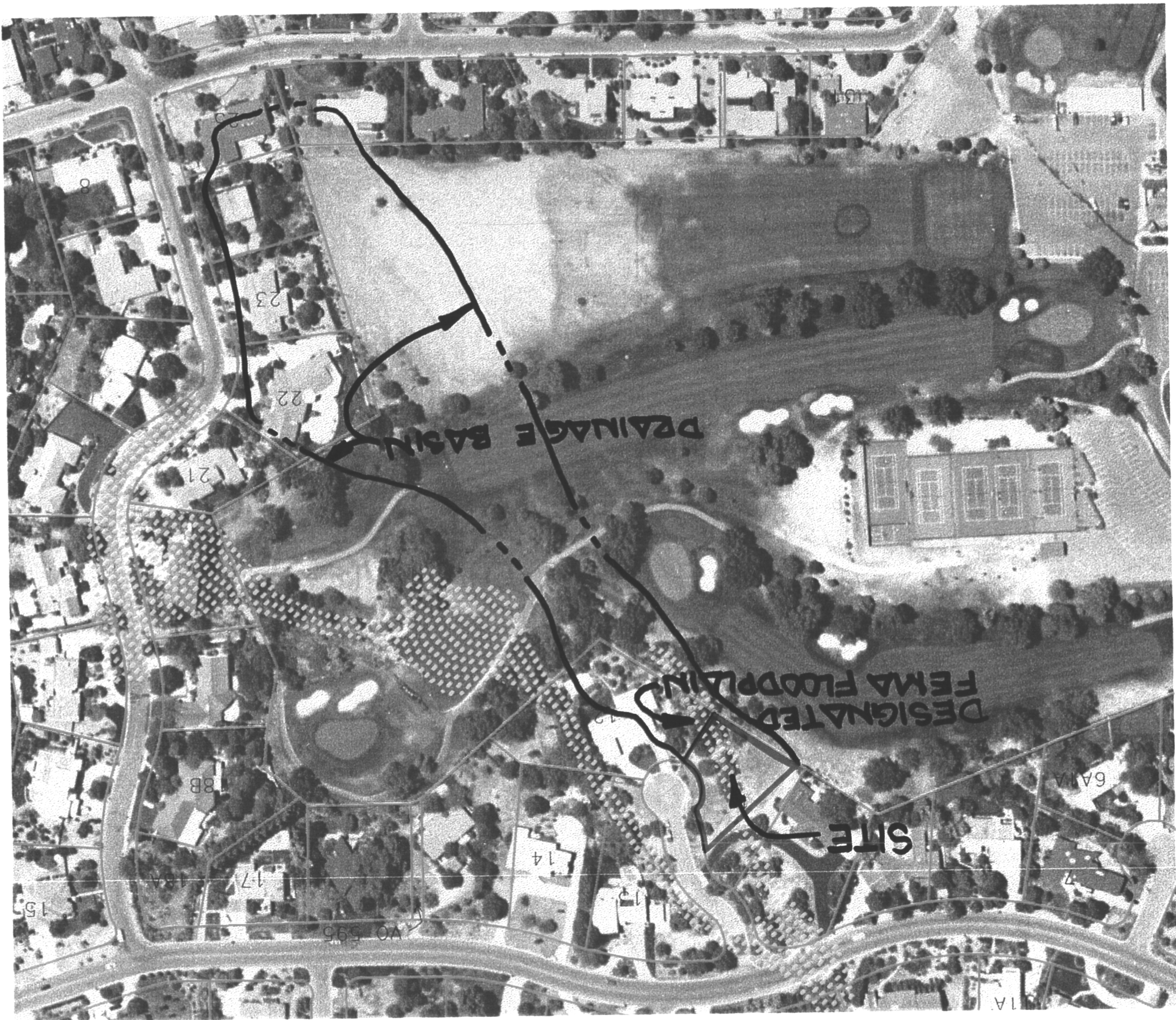
GRAPHIC SCALE IN FEET



Zone Atlas Page M-23-Z

Map Amended through
September 17, 1999





1" = 200'

