

**ENTERED**

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Jim Baca, Mayor

Robert M. White, City Attorney

October 13, 1998

Via Facsimile

Mr. James Harris
Thompson & Knight
1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201

Re: Sparton Technology

Dear Jim:

I write on behalf of all the plaintiffs to express our concern over Sparton's delay in providing the City with an acceptable construction plan package for the pipeline called for in the court ordered work plan. Our concern is that the delay in submitting an adequate plan package will result in an unnecessary deviation from the schedule contained in the court ordered work plan.

Section 6 of Sparton's License Agreement with the City to build the pipeline in the City's right-of-way requires advance City approval of plans and specifications. Although the final License Agreement was effective August 20, 1998, Sparton did not provide the City with plans until September 29, 1998. The City's Design Review Committee met to review the plans on October 5, 1998, only four business days after receipt.

At the meeting of the Design Review Committee, Sparton was represented by Gary Richardson of Metric Corporation and Lawrence Klein of Herb Denish & Associates. Herb Denish and Associates is a premier Albuquerque development consulting firm and is intimately familiar with City procedures and the Design Review Committee. The Design Review Committee recommended that Sparton resubmit a plan package that addressed the environmental and safety concerns related to this unique project. The recommendations were specific and were intended to minimize the risk of conveying untreated contaminated groundwater through the City's right-of-way.

In the City's opinion, the plan package could have been revised and resubmitted to the Design Review Committee by Friday, October 9. However, to date, the City has not received any revised plan package. When the City receives the plan package, please be assured that the Design Review Committee will review the plans within five working days.

Please be aware that the plaintiffs do not consider untimely and incomplete plan submittals as valid grounds for deviating from the work plan schedule. We encourage Sparton to submit the plans as soon as possible so as not to delay the important work ahead; we remain committed to responding promptly.

Sincerely,


Gary O'Dea
Assistant City Attorney

cc: All counsel of record