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**TEMPORARY EASEMENT**

(C9-D-5) (2)

9/14/04

Grant of Temporary Easement, between **THE TRAILS, LLC, a Nevada limited liability company** ("Grantor"), whose address is 3077 E. Warm Springs Road, Las Vegas, Nevada, 89120, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, New Mexico, 87103.

Grantor grants to the City a temporary easement ("Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of a temporary drainage pond, together with the right to remove trees, bushes, undergrowth and any other obstacles upon the Property if the City determines they interfere with the appropriate use of this Easement.

In the event Grantor constructs any improvements ("Improvements") within the Easement, the City has the right to enter upon Grantors 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 Grantor, the City will not be financially or otherwise responsible for rebuilding or repairing the Improvements or encroachments. If in the opinion of the City, the Work to be performed by the City could endanger the structural integrity or otherwise damage the Improvements or encroachments, the Grantor shall, at its own expense, take whatever protective measures are required to safeguard the Improvements or encroachments.

Grantor covenants and warrants that Grantor is the owner in fee simple of the Property, that Grantor has a good lawful right to convey the Property or any part thereof and that Grantor will forever warrant and defend the title to the Property against all claims from all persons or entities.

The grant and other provisions of this Easement constitute covenants running with the Property for the benefit of the City and its successors and assigns until terminated.

This Easement shall not be effective until approved by the City Engineer for the City in the signature block below.

WITNESS its hand and seal this 9<sup>th</sup> day of August, 2004.

GRANTOR:

THE TRAILS, LLC, a Nevada limited liability company

By: The Longford Group, Inc., a Nevada corporation,  
Its Manager

By: [Signature]  
John A. Murtagh  
Its: President  
Dated: August 9, 2004

APPROVED:  
[Signature]  
Richard Dourte  
City Engineer  
Dated 9/14/04

Agree to PermEasement2003

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Mary Herrera Bern. Co EASE R 15.00

AUG 14, 2004

CORPORATION

STATE OF NEVADA     )  
                                  )ss  
COUNTY OF CLARK    )

This instrument was acknowledged before me on 9th day of August, 2004, by John K. Murtagh, President of The Longford Group, Inc., a Nevada corporation, as manager of The Trails, LLC, a Nevada limited liability company.

Crystal House  
Notary Public

My Commission Expires:

5/5/07

(EXHIBIT "A" ATTACHED)

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Agrechk PermEasement2003

**EXHIBIT A**

**LEGAL DESCRIPTION  
(BLANKET DRAINAGE EASEMENT)**

Being that certain parcel of land to be designated as a "BLANKET DRAINAGE EASEMENT" situate within projected Section 16, Township 11 North, Range 2 East, New Mexico Principal Meridian, Town of Alameda Grant, City of Albuquerque, Bernalillo County, New Mexico, being comprised of unplatted lands of The Archdiocese of Santa Fe as described in book D328A, page 727, as document no. 1988024973, filed for record with the Bernalillo County Clerk on March 23, 1988, and unplatted lands of The Trails, LLC., as described in book A59, page 5015, as document no. 2003115266, filed for record with the Bernalillo County Clerk on July 2, 2003 and being more particularly described as follows:

Commencing at the TRUE POINT OF BEGINNING being the Northwest corner of said comprised parcel herein described, and being a point on the Southerly right of way line of Paseo Del Norte NW; whence, the U.S.G.S. triangulation station "Union-1969" having NAD 27 New Mexico Central Zone State Plane Coordinate values of X=353,409.02 feet and Y=1,523,440.96 feet, bears S.66°42'46"W., a distance of 2,174.12 feet; thence, from said point of beginning, along said Southerly right of way line,

S.89°48'23"E., a distance of 449.97 feet to the Northeast corner of said comprised parcel herein described; thence, leaving said Southerly right of way line,

S.00°05'36"W., a distance of 488.76 feet to an angle point; thence,

S.00°06'44"W., a distance of 488.82 feet to the Southeast corner of said comprised parcel herein described; thence,

N.89°43'58"W., a distance of 449.90 feet to the Southwest corner of said comprised parcel herein described, being a point on the East line of a Bulk Land Plat identified as THE TRAILS (Filed: 12/15/2003, Book: 2003C, Page: 375); thence, along said East line,

N.00°05'56"E., a distance of 977.00 feet to the Northwest corner of said parcel herein described and being the POINT OF BEGINNING; said parcel herein described containing an area of 422,239.91 square feet (9.693 acres), more or less.

**End of Description**

SEE ATTACHED SKETCH

  
Christopher A. Medina, N.M.P.S. No. 15702

  
Date



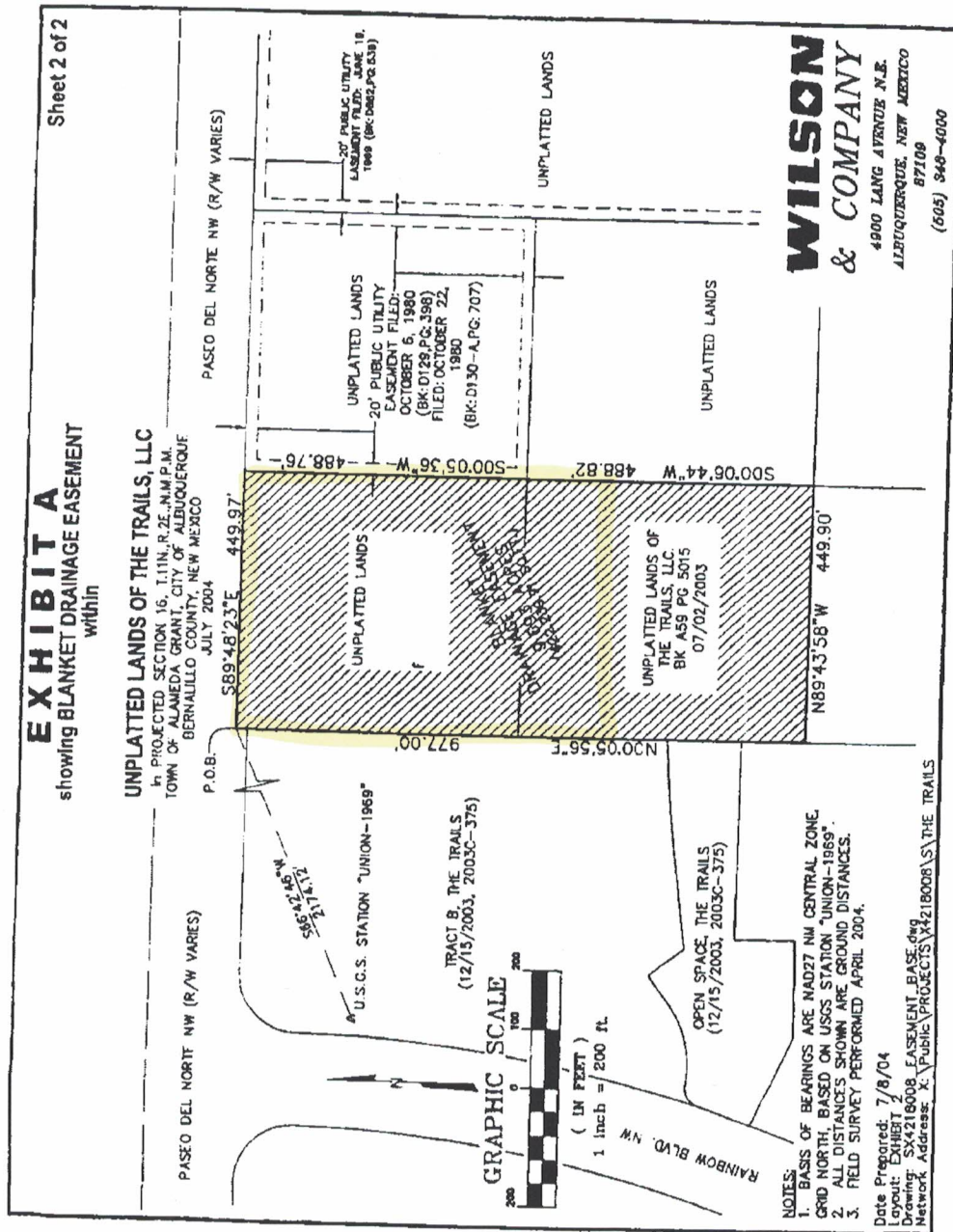
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