

## TEMPORARY EASEMENT

Grant of Temporary Easement, by Fox Plaza, LLC, a New Mexico limited liability company ("Grantor"), whose address is 2325 San Pedro NE #2A, to the **Albuquerque Bernalillo County Water Utility Authority**, a New Mexico political subdivision ("Water Authority"), whose address is P.O. Box 568, Albuquerque, New Mexico, 87103-0568.

Grantor grants to the Water Authority an exclusive, temporary easement ("Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto ("Property"), which previously was the subject of a Permanent Easement for sanitary sewer as recorded in the Office of the Bernalillo County Clerk as Doc. No. 2016104498, and which provided an easement for the construction, installation, maintenance, repair, modification, replacement and operation of public water and sanitary sewer lines and facilities (collectively "Public Water and Sewer Lines"), together with the right to remove trees, shrubs, undergrowth and any other obstacles upon the Property if the Water Authority determines they interfere with the appropriate use of this Easement.

This Temporary Easement covers the same Property as described in the above-referenced Permanent Easement but only for the duration of time needed to relocate the Public Water and Sewer Lines for which the easement is intended to accommodate, and the completion of construction in the surrounding area. Upon completion of the associated construction, this Temporary Easement will be released and be of no effect.

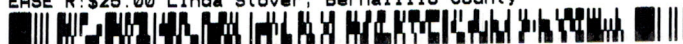
In the event Grantor constructs or places any improvements or encroachments (collectively "Improvements") within or upon the Property, the Water Authority has the right to enter upon the Property at any time to inspect, install, maintain, repair, modify, replace or remove (collectively "Work") the Public Water and Sewer Lines as the Water Authority deems necessary or appropriate. If the Work affects any Improvements, the Water Authority shall not be financially liable or otherwise responsible for replacing, rebuilding or repairing the Improvements. If, in the opinion of the Water Authority, the Work could endanger the structural integrity or otherwise damage the Improvements, the Grantor shall, at his own expense, take whatever protective measures the Grantor deems necessary or appropriate to safeguard the Improvements.

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 interest therein, 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 Water Authority and its successors and assigns until terminated.

**Doc# 2017011087**

02/07/2017 11:20 AM Page: 1 of 5  
EASE R.\$25.00 Linda Stover, Bernalillo County





## EXHIBIT "A"

### LEGAL DESCRIPTION

An Easement situate within Section 24, Township 10 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico within Tract 3-A-1, Tijeras Place Improvement Company, Inc. 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 March 6, 2006 in Plat Book 2006C, Page 67; Tract 4-A, Tijeras Place Improvement Company, Inc. 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 September 14, 1996 in Volume 95C, Folio 345 and Tract 8, Tijeras Place Improvement Company, Inc. 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 24, 2005 in Plat Book 2005C, Page 217 more particularly described as follows:

BEGINNING at the Southwest corner of said Tract 8, a point on the Westerly right of way line of San Pedro Drive S.E.; Thence along the Southerly line of said Tract 8 for the following two (2) courses:

N 82°19'29" W, 140.97 feet to the Northwest corner of Tract 4-B, Tijeras Place Improvement Company, Inc; Thence,

N 82°22'57" W, 107.34 feet to the Southwest corner of said Tract 8; Thence,

N 82°22'57" W, 201.71 feet to a point on the Easterly line of said Tract 3-A-1; Thence,

N 82°22'57" W, 80.78 feet to a point on the Westerly line of said Tract 3-A-1 and the Southwest corner of the easement herein described; Thence,

N 00°11'49" E, 16.14 feet along said Westerly line of Tract 3-A-1 to the Northwest corner of the easement herein described; Thence,

S 82°22'57" E, 80.78 feet to a point on the Easterly line of said Tract 3-A-1; Thence,

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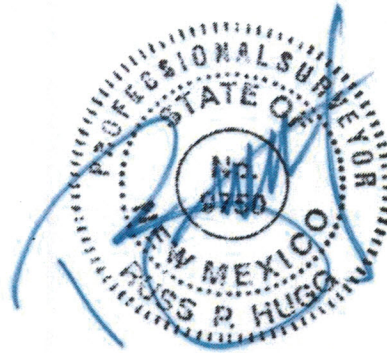
N 82°22'57" W, 201.69 feet to a point on the Westerly line of said Tract 8; Thence,

N 00°07'18" E, 4.03 feet along said Westerly line of Tract 8 to a point; Thence,

S 82°21'01" E, 248.22 feet to a point on said Westerly right of way line of San Pedro Drive S.E. and the Northeast corner of the easement herein described; Thence,

S 00°08'40" E, 20.19 feet along said Westerly right of way line of San Pedro Drive S.E to the point of beginning.

Said easement contains 0.2177 acre, more or less



AutoCAD Civil 3D Station Monument "S-K134"  
 Center Point (NAD 83)  
 Easting = 1481288.242  
 Northing = 5080171.1400 (1980)  
 Ground to Grid Factor = 0.99962362

CURVE TABLE						
CI	CURVE LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
1	35.87'	25.00'	21.81'	32.87'	N41°14'49"W	82°12'18"

LINE TABLE		
LINE	LENGTH	BEARING
L1	3.03	S00°11'49"W
L2	3.06	N01°14'14"E
L3	16.14	N00°11'49"E
L4	4.03	N00°07'18"E
L5	20.19	S00°08'40"E

**EXHIBIT 'A'**  
**TRACTS 3-A-1, 4-A AND 8-A**  
**TUJERAS PLACE IMPROVEMENT COMPANY, INC.**  
 SITUATE WITHIN  
 SECTION 24, TOWNSHIP 10 NORTH, RANGE 9 EAST  
 NEW MEXICO PRINCIPAL MERIDIAN  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 DECEMBER, 2016

**CENTRAL AVENUE**  
 (VARIABLE WIDTH R/W)  
**SE.**

TRACT 2-A-1  
 TUJERAS PLACE  
 IMPROVEMENT CO. INC.  
 Filed 5-23-2000, in Plat Book 2000C, Page 137

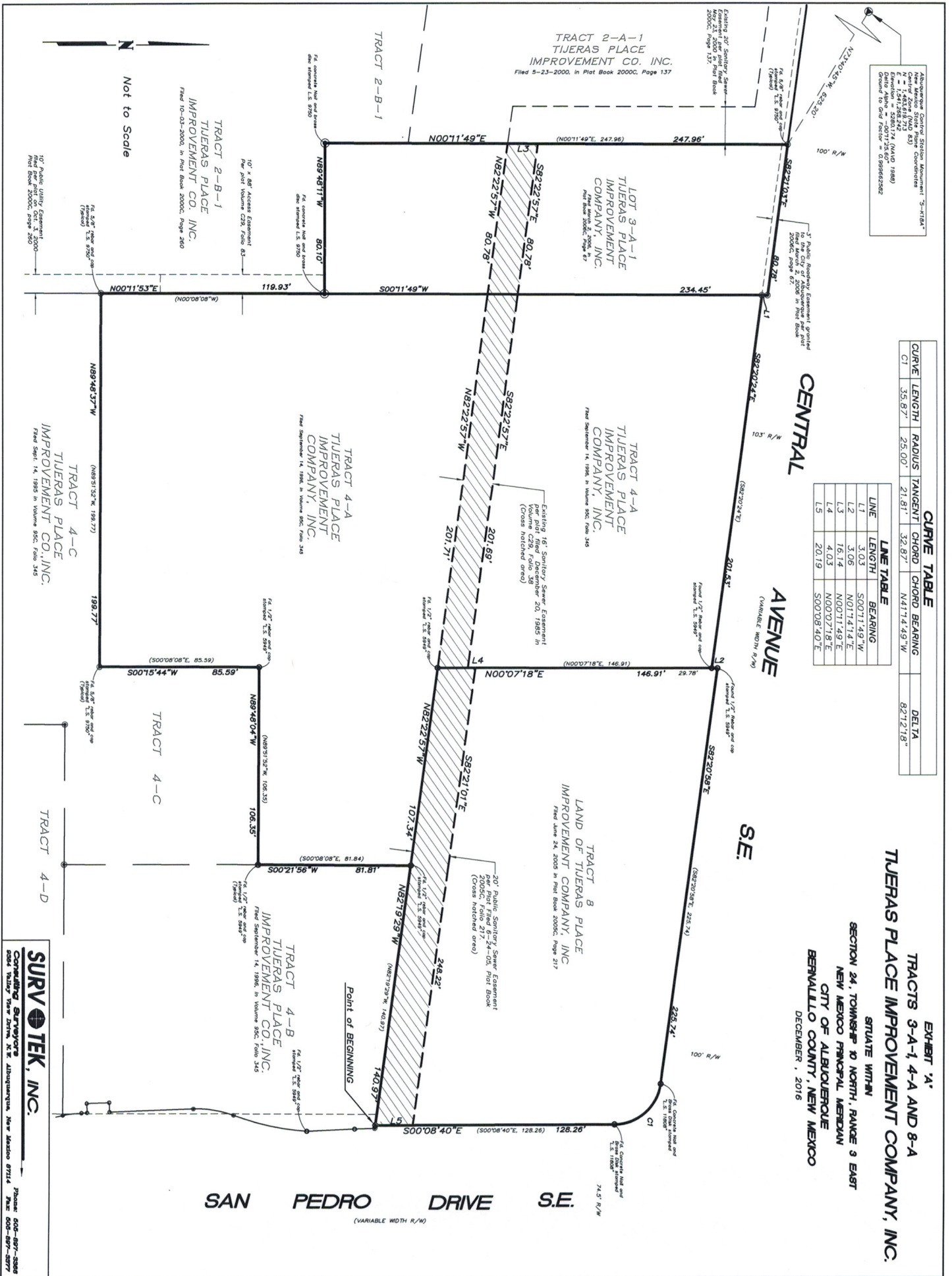
LOT 3-A-1  
 TUJERAS PLACE  
 IMPROVEMENT  
 COMPANY, INC.  
 Filed September 14, 1995, in Volume 50C, Page 97

TRACT 4-A  
 TUJERAS PLACE  
 IMPROVEMENT  
 COMPANY, INC.  
 Filed September 14, 1995, in Volume 50C, Page 345

TRACT 8  
 LAND OF TUJERAS PLACE  
 IMPROVEMENT COMPANY, INC.  
 Filed June 24, 2005 in Plat Book 2005C, Page 217

TRACT 4-B  
 TUJERAS PLACE  
 IMPROVEMENT CO., INC.  
 Filed September 14, 1995, in Volume 50C, Page 345

TRACT 2-B-1  
 TUJERAS PLACE  
 IMPROVEMENT CO. INC.  
 Filed 10-03-2000, in Plat Book 2000C, Page 260



Not to Scale

**SURV TEK INC.**  
 Consulting Surveyors  
 5004 Valley View Drive, N.E. Albuquerque, New Mexico 87114  
 Phone: 505-497-8289  
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