

79 20846

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

IN THE DISTRICT COURT

777

CITY OF ALBUQUERQUE, NEW MEXICO,
a municipal corporation,

Petitioner,

vs.

MARGARET H. GLASEBROOK; ST. JOHN'S
EPISCOPAL CATHEDRAL; and any and
all unknown persons or claimants
of interest in and to any of the
property interests herein sought
to be acquired,

No. CV-77-05137
Condemnation - Tijeras
Canyon Interceptor,
Phase II

Defendants.

STIPULATED JUDGMENT

ENDORSED
FILED IN MY OFFICE THIS

FEB 21 1979

Elin E. Young
Clerk District Court

This matter having come before the Court upon the
Stipulation of the parties and the Court being fully advised in
the premises, FINDS:

The parties who claim an interest in the property, the
subject of this condemnation at the time of the taking by the
City, and the parties who shall be awarded the proceeds from
this condemnation are:

Margaret H. Glasebrook and
St. John's Episcopal Cathedral.

Defendant, Board of Commissioners of Bernalillo
County, New Mexico, has no ownership interest in the property,
the subject of this action, having filed a disclaimer on the
property, and is therefore entitled to no compensation.

The Court further finds that the City of Albuquerque
needs to acquire for the public purpose of constructing,
repairing and maintaining a sanitary sewer facility the
easements within the properties which are the subject of this
action, which easements are situate within the City of
Albuquerque, County of Bernalillo, State of New Mexico.

The Court further finds that just compensation for the easements taken is \$9,000.00. Said sum shall bear no interest.

The Court further finds that the City shall bear the expense of adjusting the manholes to grade on Defendants' property at such time as the Defendants develop the subject property and request the City to adjust the manholes.

The Court further finds that the Defendants shall have the right to tie-in to the sanitary sewer line at Defendants' expense for sanitary sewer service to the larger tracts of property, the subject of this action.

The Court further finds that it is necessary for petitioner to acquire a portion of Defendants' property as temporary construction easements for a term to last until construction of the sewer facilities is completed and the facilities are in operation. Petitioner, its agents and contractors will then vacate the temporary easements and restore these lands to their present condition insofar as practicable.

The Court further finds that Defendants reserve as to their respective lands, the right to fully use and enjoy said premises except for the erection of buildings or other structures upon and over the easements herein condemned and except for the deposit of any objects which will interfere with the operation of said sewer facilities below the surface, and except as any use may be inconsistent with or interfere with the rights and privileges necessary to the City in the construction, operation and future maintenance of said sewer facilities.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that in consideration of the City's payment of \$9,000.00 as full and total compensation, the City of Albuquerque is granted a permanent easement for the purpose of constructing, repairing and maintaining a sanitary sewer facility across the following described real estate, situate within the ~~City of Albuquerque~~ County of Bernalillo, State of New Mexico, and that the City of Albuquerque is granted a temporary construction easement for the following described real estate, situate within the City of Albuquerque, County of Bernalillo, State of New Mexico:

Estate taken: SE 1/4 SW 1/4, 0.661 acres - Permanent Easement
 SE 1/4 SW 1/4, 0.217 acres - Temporary Easement
 SW 1/4 SE 1/4, 0.602 acres - Permanent Easement
 SW 1/4 SE 1/4, 0.198 acres - Temporary Easement
 NW 1/4 SE 1/4, 0.820 acres - Permanent Easement
 NW 1/4 SE 1/4, 0.279 acres - Temporary Easement

Property Taken: The following described real estate in the County of Bernalillo, State of New Mexico:

That part of a strip of land 30 feet in width (Permanent Easement), 10 feet in width (Temporary Easement), lying and being situate in the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 and the NW 1/4 of the SE 1/4 of Section 33, Township 10 North, Range 4 East, New Mexico Principal Meridian, County of Bernalillo, State of New Mexico being 15 feet wide (Permanent Easement), 10 feet wide (Temporary Easement), on the right (South) and 15 feet wide (Permanent Easement), on the left (North) of, parallel with and adjacent to the following described centerline, to-wit:

Beginning at centerline Station 154+93.19 said same beginning point having New Mexico (Central Zone) State Plane Coordinate values X=417,357.19, Y=1,471,071.81 and from whence the S 1/4 Corner of Section 33, Township 10 North, Range 4 East, New Mexico Principal Meridian, County of Bernalillo, State of New Mexico bears S 89 deg. 46' 04" E a distance of 661.05 feet; thence N 44 deg. 15' 40" E along said centerline a distance of 1630.54 feet to P.I. Station 171+23.73; thence N 37 deg 59' 19"

E along said centerline a distance of 1111.07 feet to P. I. Station 182+34.80; thence N 47 deg. 38' 08" E along said centerline a distance of 283.50 feet to Station 185+18.30 and from whence the E 1/4 Corner of Section 33, Township 10 North, Range 4 East, New Mexico Principal Meridian, County of Bernalillo State of New Mexico bears N 72 deg. 47' 30" E a distance of 1413.95 feet.

Containing 2.083 acres (Permanent Easement), more or less;
Containing 0.694 acres (Temporary Easement), more or less.

Broken up into forties as follows:

SE 1/4 SW 1/4, 0.661 acres (Permanent Easement)
0.217 acres (Temporary Easement)
SW 1/4 SE 1/4, 0.602 acres (Permanent Easement)
0.198 acres (Temporary Easement)
NW 1/4 SE 1/4, 0.820 acres (Permanent Easement)
0.279 acres (Temporary Easement)

IT IS FURTHER ORDERED that the City shall bear the expense of adjusting the manholes on Defendants' property and that Defendants shall have the right to tie in to the sanitary sewer line at their expense for service to their larger parcels of property, and the Defendants' reservations set forth in the Court's Findings.

WALTER C. STUYVERE, JR.

DISTRICT JUDGE

John A. Myers
Assistant City Attorney

George W. Hannett
Attorney for Defendants

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

MAR 22 4 21 PM '79
BX 677 PG 277-780
JIMMY C. CULP
CO. CLERK & RECORDER
DEPUTY

I, James E. Young, Clerk of the District Court of Bernalillo County, New Mexico, hereby certify that foregoing is true, correct and full copy of the report here-with set out as appears of record in my

FEB 21 1979

On this _____ day of _____
James E. Young
Clerk of the District Court
James E. Young
Deputy

I, James E. Young, Clerk of the District Court of Bernalillo County, New Mexico, hereby certify that foregoing is true, correct and full copy of the report here-with set out as appears of record in my
James E. Young
Clerk of the District Court
James E. Young
Deputy