

PROJECT: 1009982
DATE: 7-23-14 (VPE)

5226

96124873

Easement Within Tract B-14

GRANT OF SLOPE EASEMENT FOR
FLOODWAY AND STORM DRAINAGE WORKS
Unser Diversion

Helen Mary Van Atta Ellis and James Ellis, her husband; John G. Keleher and Linda B. Keleher, his wife; Michael L. Keleher and Margaret W. Keleher, his wife; Thomas F. Keleher and Gretchen C. Keleher, his wife; William B. Keleher and Jan R. Keleher, his wife; Myrle Ananda Van Atta Redmond, a married person; Elizabeth Redmond Albright, a married person; Margaret Amanda Redmond, F/K/A Margaret Redmond Haughton, a single person; Kirby H. Oehmke as Personal Representative of the Estate of Rebecca Clare Van Atta Spence Oehmke, and Kirby H. Oehmke, a widower, Grantors, being the owner of the property described herein, for good and valuable consideration, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico, Grantee, and its successors and assigns, the permanent right and easement for drainage, flood control and conveyance of storm water and the construction, reconstruction, operation and maintenance of, and access to such facilities, on, in, under, over and across the real estate located within Bernalillo County, New Mexico, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Except by the written approval of Grantee, no fence, wall, building, or other structure may be placed or maintained in said easement. Should the proposed flood control or drainage improvements, to be constructed by the Grantee, include an earth fill rising slope that adjoins the outer limits of the area herein described, the Grantors may fill over and use said slope area conditional that any improvements constructed thereon do not penetrate or are placed below the original contour of said fill slope as constructed by the Grantee. Any construction that does penetrate said slope area, would require written approval from the Grantee.

TO HAVE AND TO HOLD the said easement for the uses and purposes aforesaid, unto the Grantee, its successors and assigns, forever, PROVIDED, HOWEVER, that conditioned upon completion of a drainage plan for lands of the Grantors, acceptable to Grantee, or the City of Albuquerque, showing the easement or portion thereof is not required for drainage purposes, such unneeded portion of the easement granted herein shall, from time to time, be vacated at no charge or expense to the Grantors, their successors or assigns, to the extent such easement or portion thereof is declared unnecessary for drainage, flood control or storm water facilities by the Board of Directors of Grantee, or, if the rights of Grantee have been assigned to the City of Albuquerque, by the City of Albuquerque. Any vacation shall be evidenced by quitclaim deed, disclaimer or other appropriate document.

THERE IS RESERVED to use said lands for open space, landscaping and other purposes which

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will not interfere with the rights and easements hereby granted, provided that Grantors obtains Grantee's written approval for such use, not to be unreasonably withheld.

This document may be executed in counterparts.

DATED this 26th day of October 1995.

Helen Mary Van Alta Ellis
Helen Mary Van Alta Ellis

James Ellis
James Ellis, her husband

John G. Kelcher
John G. Kelcher

Linda B. Kelcher
Linda B. Kelcher, his wife

Michael L. Kelcher
Michael L. Kelcher

Margaret W. Kelcher
Margaret W. Kelcher, his wife

Thomas F. Kelcher
Thomas F. Kelcher

Gretchen C. Kelcher
Gretchen C. Kelcher, his wife

William B. Kelcher
William B. Kelcher

Jan R. Kelcher
Jan R. Kelcher, his wife

Myrtle Amanda Van Alta Redmond
Myrtle Amanda Van Alta Redmond, a married person

Elizabeth Redmond Albright
Elizabeth Redmond Albright, a married person

Margaret Amanda Redmond
Margaret Amanda Redmond, F/K/A Margaret
Redmond Haughton, a single person

1996 NOV 15 PM 3:07
9630 6226-6234
in mailing

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Kirby H. Ochmko
Kirby H. Ochmko
as Personal Representative of the Estate of
Rebecca Clare Van Atta Spence Ochmko

Kirby H. Ochmko
Kirby H. Ochmko, a widower

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on *November 10*, 1995, by
Helen Mary Van Atta Ellis and James Ellis, her husband.

Michelle L. Hooten
Notary Public

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO *PITKIN*

This instrument was acknowledged before me on *October 20*, 1995, by
John G. Kelcher and Linda B. Kelcher, his wife.

Louise B. ...
Notary Public

MY COMMISSION EXPIRES: May 6, 1996
Record To: NOTARY PUBLIC AGENCY

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ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on November 3, 1995, by
Michael L. Kelcher and Margaret W. Kelcher, his wife.

Lucy M. Contreras
Notary Public
My commission expires May 19, 1995

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on OCTOBER 27, 1995, by
Thomas F. Kelcher and Gretchen C. Kelcher, his wife

Paula H. Keeler
Notary Public
My commission expires 1-27-98

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on November 3, 1995, by
William B. Kelcher and Jan R. Kelcher, his wife

Lucy M. Contreras
Notary Public
My commission expires
May 19, 1995

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ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 1, 1995, by
Myrle Amanda Van Atta Redmond, a married person.

M. A. Van Atta Redmond
Notary Public *My commission expires October 1, 1997*

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 1, 1995, by
Elizabeth Redmond Albright, a married person.

M. A. Van Atta Redmond
Notary Public *My commission expires October 1, 1997*

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on December 1, 1995, by
Margaret Amanda Redmond, F/K/A Margaret Redmond Haughton, a single person.

M. A. Van Atta Redmond
Notary Public *My commission expires October 1, 1997*

ACKNOWLEDGEMENT

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STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on November 1, 1995, by Kirby H. Oehmke as Personal Representative of the Estate of Rebecca Claro Van Atta Spence Oehmke.

Bette Jean Stephens
Notary Public

My commission
expires 4/13/97.

ACKNOWLEDGEMENT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on November 1, 1995, by Kirby H. Oehmke, a widower.

Bette Jean Stephens
Notary Public

My Commission expires, 9-13-97

B-13
TOWN OF ATRISCO GRANT
UNIT 5
 Filed- December 3, 1944 Vol. D, Page 117

TRACT B-14
TOWN OF ATRISCO GRANT
UNIT 5
 Filed- December 3, 1944 Vol. D, Page 117

5' PARK & MOUNTAIN STATES
TELEPHONE & TELEGRAPH EASEMENT
 Per Dec. Filed- April 27, 1963
 BL 0886 Pg. 434

Temporary
Slope Easement
 23421 A.S. (shaded area)

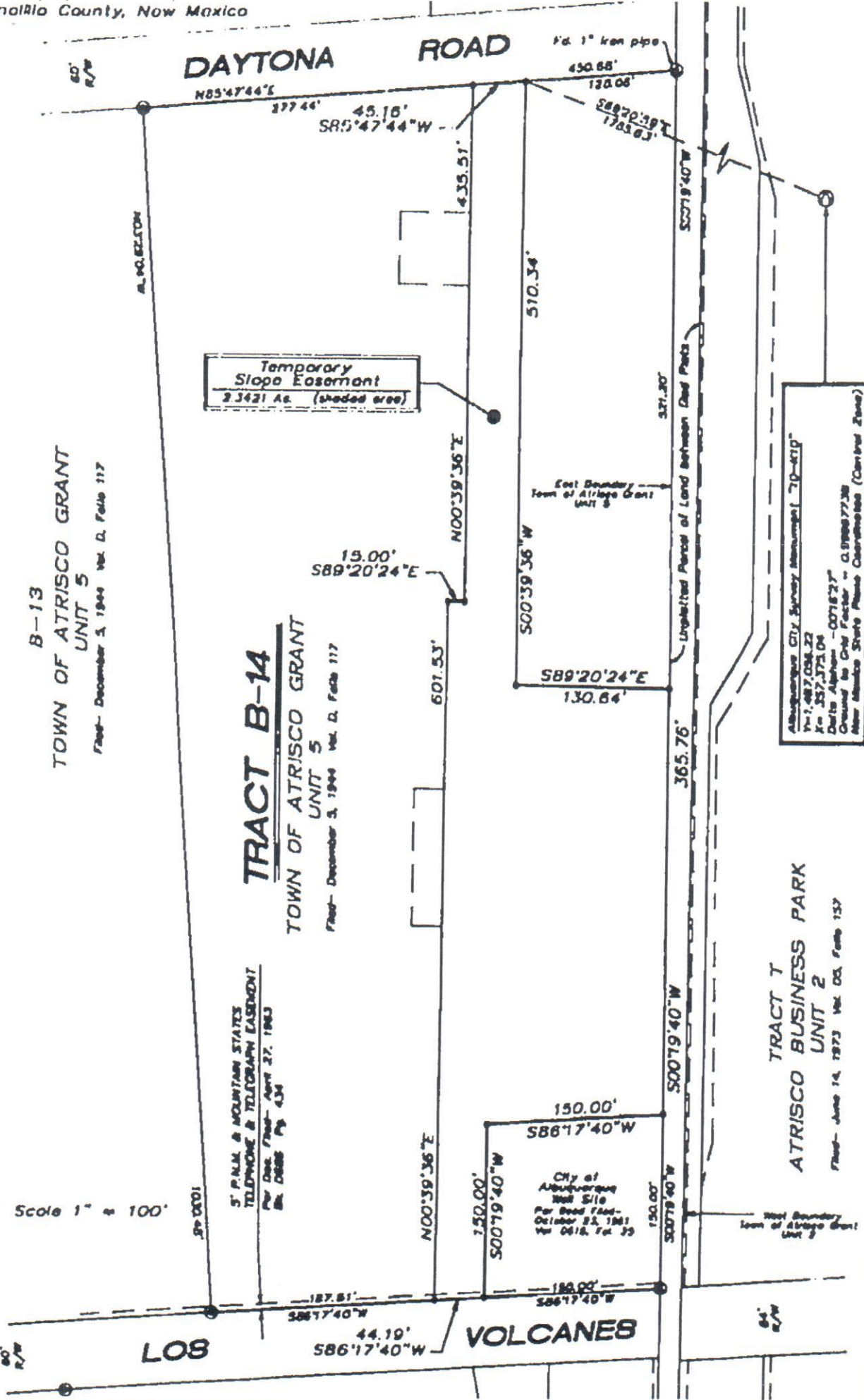
TRACT T
ATRISCO BUSINESS PARK
UNIT 2
 Filed- June 14, 1973 Vol. DD, Page 157

Albuquerque City Survey Monuments "70-4719"
 Y=1,487,036.22
 X=357,373.04
 Delta Azimuth - 00718°27'
 Ground to City Factor = 0.99987738
 New Mexico State Plane Coordinates (Clarke Zone)

Scale 1" = 100'

LOS

VOLCANES



LEGAL DESCRIPTION-TEMPORARY SLOPE EASEMENT

An easement situate within projected Sections 16 and 21, Township 10 North, Range 2 East, New Mexico Principal Meridian, Town of Atrisco Grant, Bernalillo County, New Mexico comprising an Easterly portion of Tract B-14, Town of Atrisco Grant, Unit 5 as the same is shown and designated on the plat entitled "PLAT SHOWING A PORTION OF TRACTS ALLOTTED FROM TOWN OF ATRISCO GRANT IN SCHOOL DISTRICT 28" filed in the office of the County Clerk of Bernalillo County, New Mexico on December 5, 1944 in Volume D, folio 117 being more particularly described by survey performed by Gary P. Hugg, New Mexico Professional Surveyor Number 5823 using plat bearings and ground distances as follows:

Beginning at a Northeastly corner of the easement herein described, a point on the Northerly line of said Tract B-14 and a point on the Southerly right of way line of Daytona Road whence (1) the Northeast corner of said Tract B-14, (a 1 inch iron pipe found in place) bears N 85° 47' 44" E, 128.08 feet distant and (2) the Albuquerque Control Survey Monument "10-M10" bears S 69° 20' 59" E, 1785.63 feet distant; Thence,

S 00° 39' 36" W , 510.34 feet to a point; Thence,

S 89° 20' 24" E , 130.64 feet to an Easterly corner of the easement herein described and a point on the Easterly line of said Tract B-14; Thence,

S 00° 19' 40" W , 365.76 feet along the line common to said Tract B-14 and an unplatted parcel of land to a Southeastly corner of the easement herein described and the Northeast corner of a City of Albuquerque Well site per deed filed October 23, 1961 in Volume D616, folio 35; Thence Southwestly along said Well Site for the following two (2) courses,

S 86° 17' 40" W , 150.00 feet to a point; Thence,

S 00° 19' 40" W , 150.00 feet to the Southeast corner of the easement herein described, a point on the Southerly line of said Tract B-14 and a point on the Northerly right of way line of Los Volcanes Road; Thence,

S 86° 17' 40" W , 44.19 feet along said Northerly right of way line of Los Volcanes Road to the Southwest corner of the easement herein described; Thence,

N 00° 39' 36" E , 601.53 feet to a point; Thence,

S 89° 20' 24" E , 15.00 feet to a point; Thence,

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N 00° 39' 36" E , 435.51 feet to the Northwest corner of the easement herein described, a point on said Northerly line of Tract B-14 and a point on said Southerly right of way line of Daytona Road; Thence,

N 85° 47' 44" E , 45.16 feet along said Southerly right of way line of Daytona Road to the Northeast corner and point of beginning of the easement herein described.

Said easement contains 2.3421 acres, more or less.

