

EASEMENT RELOCATION NOTICE

This Easement Relocation Notice ("Notice") is dated for reference purposes October ~~24~~ 2018.

WHEREAS, a Slope and Access Agreement was entered into on February 24, 2009 and recorded on March 20, 2009 as Document No. 2009029570 in the real property records of the County Clerk of Bernalillo County, New Mexico ("Agreement");

WHEREAS, the Agreement, among other things, created an access easement ("Easement") over the "Fineland Property" (as defined in the Agreement);

WHEREAS, the Agreement established the location of the Easement as the "Fineland Access Easement Area";

WHEREAS, the location of the Easement on the Fineland Access Easement Area was depicted on Exhibit B of the Agreement;

WHEREAS, Section 5 of the Agreement, in pertinent part, provided an acknowledgement by the parties that the access easement areas had not been constructed and were subject to modification. The parties specifically acknowledged that: "Exhibit B is based on a conceptual design and is subject to revisions and changes";

WHEREAS, Section 5 of the Agreement further provided that: "no review or approval by Unser (the Grantee) is required provided the same terms and conditions as recited herein apply and that the substitute exhibit "B" provides for an initial terminus on the westerly end to coincide with Exhibit C and easterly terminus at Fineland Road";

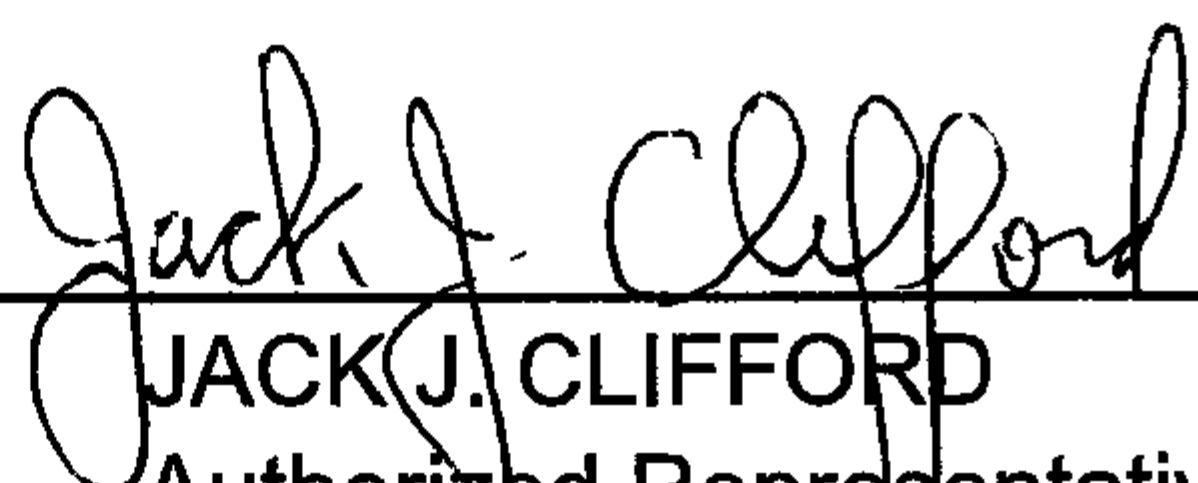
WHEREAS, the undersigned is the current owner of the Fineland Property;

WHEREAS, the undersigned desires to relocate the Easement.

NOW THEREFORE, based on the foregoing, notice is given that the location of the Fineland Access Easement Area as depicted in Exhibit "B" of the Agreement is revised and relocated to the area as set forth on the Exhibit attached to this Agreement. The Easement, as relocated pursuant to this Notice, is subject to the terms and conditions set forth in the Agreement.

The Exhibit attached to this Notice is substituted for Exhibit "B" to the Agreement.

McMahon Tenancy In Common

By: 
JACK J. CLIFFORD
Authorized Representative

Doc# 2018106123

12/10/2018 11:18 AM Page: 1 of 7
NOT R: \$25.00 Linda Stover, Bernalillo County



ACKNOWLEDGEMENT

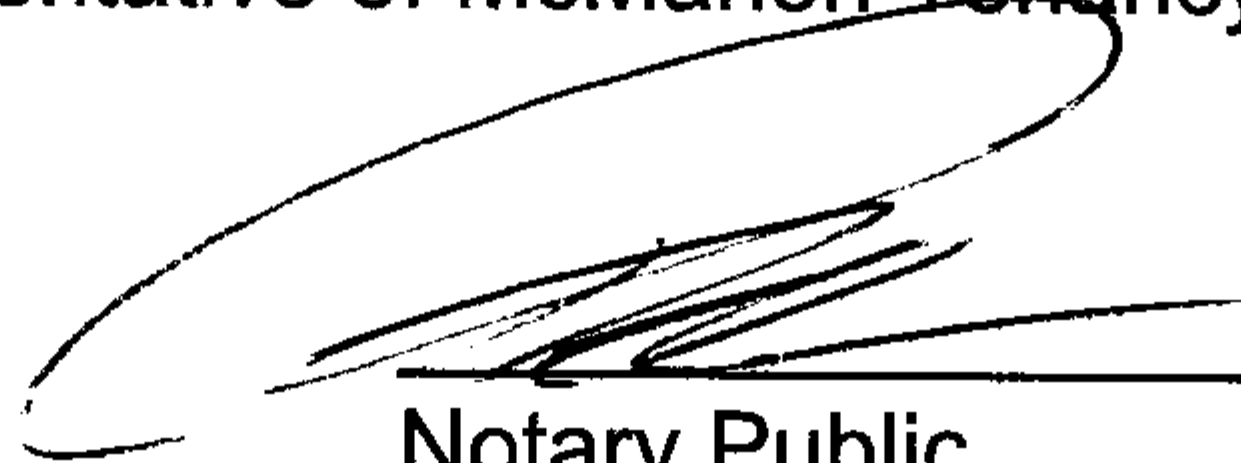
STATE OF New Mexico)

COUNTY OF Bernalillo)

SS

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This instrument was acknowledged before me on October ~~5th~~ 2018, by Jack J. Clifford, the Authorized Representative of McMahon Tenancy In Common.



Notary Public

(Seal)

My Commission Expires

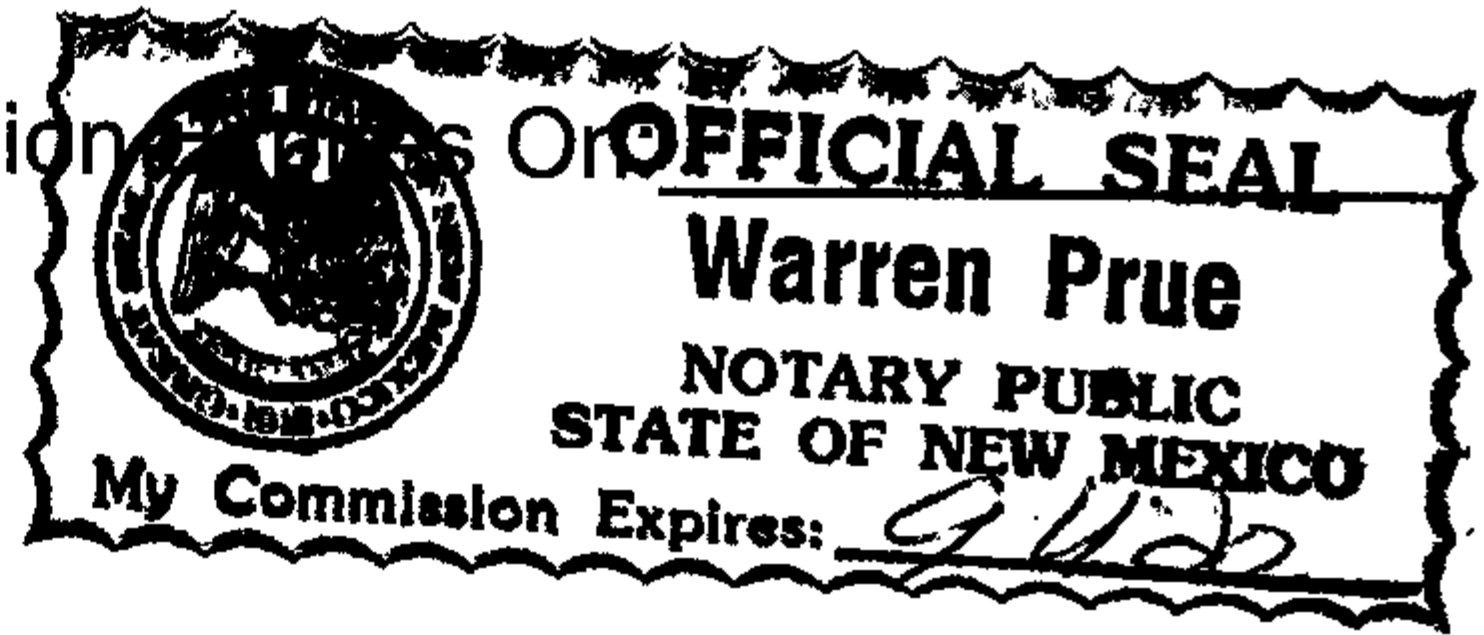


Exhibit for
An Access Easement
Within Parcel A-1-B
Fineland Development
City of Albuquerque
Bernalillo County, New Mexico
August 2018

Legal Description

A CERTAIN PARCEL, BEING A PORTION OF PARCEL A-1-B, FINELAND DEVELOPMENT, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF PARCELS A-1-A AND A-1-B, FINELAND DEVELOPMENT, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JANUARY 12, 2018 IN MAP BOOK 2018C, FOLIO 1 AS DOCUMENT NUMBER 2018003312.

DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SAID PARCEL, BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY OF MCMAHON BOULEVARD NW, MARKED BY A BATHEY MARKER WITH CAP "LS 14271", WHENCE A TIE TO ACS MONUMENT "9-A11", BEARS N 74°40'05" W, A DISTANCE OF 435.89 FEET;

THENCE, FROM SAID POINT OF BEGINNING, LEAVING SAID NORTHERLY RIGHT-OF-WAY, N 00°17'08" E, A DISTANCE OF 59.54 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE, TRAVERSING SAID PARCEL A-1-B, THE FOLLOWING TWELVE COURSES:

S 69°23'40" E, A DISTANCE OF 7.45 FEET TO AN ANGLE POINT;

S 89°59'55" E, A DISTANCE OF 24.00 FEET TO AN ANGLE POINT;

S 00°00'05" W, A DISTANCE OF 31.48 FEET TO A POINT OF CURVATURE;

18.16 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, A DELTA OF 69°22'14", AND A CHORD BEARING S 34°41'02" E, A DISTANCE OF 17.07 FEET;

S 69°22'09" E, A DISTANCE OF 270.73 FEET TO A POINT OF CURVATURE;

37.17 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 85°11'30", AND A CHORD BEARING N 68°02'05" E, A DISTANCE OF 33.84 FEET TO A POINT OF REVERSE CURVATURE;

CONTINUED ON SHEET 2

Notes

1. FIELD SURVEY PERFORMED IN FEBRUARY 2014, MAY 2014, & APRIL 2018.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. BASIS OF BEARINGS REFERENCES MODIFIED NM STATE PLANE COORDINATES (NAD 83-CENTRAL-GROUND) USING A GROUND TO GRID FACTOR OF 0.999670864.

Surveyor's Certificate

I, WILL W. PLOTNER, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE EXHIBIT SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Will Plotner *8/27/18*

Will W. Plotner, Jr. Date
N.M.R.P.S. No. 14271



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244

Exhibit for
An Access Easement
Within Parcel A-1-B
Fineland Development
City of Albuquerque
Bernalillo County, New Mexico
August 2018

Legal Description (Continued from Sheet 1)

17.00 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 224.00 FEET, A DELTA OF 04°20'51", AND A CHORD BEARING N 27°36'46" E, A DISTANCE OF 16.99 FEET TO A POINT OF TANGENCY;

N 28°37'30" E, A DISTANCE OF 5.11 FEET TO A POINT OF CURVATURE;

51.17 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 126.00 FEET, A DELTA OF 23°16'14", AND A CHORD BEARING N 15°49'42" E, A DISTANCE OF 50.82 FEET TO A POINT OF CURVATURE;

44.80 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, A DELTA OF 09°52'21", AND A CHORD BEARING N 00°44'35" W, A DISTANCE OF 44.74 FEET TO A POINT OF REVERSE CURVATURE;

36.05 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 82°37'09", AND A CHORD BEARING N 35°37'49" E, A DISTANCE OF 33.01 FEET TO A POINT OF REVERSE CURVATURE;

11.64 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 26°40'48", AND A CHORD BEARING N 63°35'59" E, A DISTANCE OF 11.54 FEET TO A POINT ON A CURVE ON THE WESTERLY RIGHT-OF-WAY OF FINELAND DRIVE NW;

THENCE, COINCIDING WITH SAID WESTERLY RIGHT-OF-WAY, 42.35 FEET ALONG A CURVE TO THE RIGHT, NON-TANGENT FROM PREVIOUS COURSE, HAVING A RADIUS OF 294.00 FEET, A DELTA OF 08°15'12", AND A CHORD BEARING S 07°11'21" E, A DISTANCE OF 42.31 FEET;

THENCE, LEAVING SAID WESTERLY RIGHT-OF-WAY AND TRAVERSING SAID PARCEL A-1-B, THE FOLLOWING SIX COURSES:

3.71 FEET ALONG A CURVE TO THE LEFT, NON-TANGENT FROM THE PREVIOUS COURSE, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 08°30'48", AND A CHORD BEARING N 70°08'01" W, A DISTANCE OF 3.71 FEET TO A POINT OF CURVATURE;

9.43 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5.00 FEET, A DELTA OF 108°01'11", AND A CHORD BEARING S 51°36'00" W, A DISTANCE OF 8.09 FEET TO A POINT OF REVERSE CURVATURE;

32.73 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 284.00 FEET, A DELTA OF 06°36'11", AND A CHORD BEARING S 00°53'30" W, A DISTANCE OF 32.71 FEET TO A POINT OF CURVATURE;

67.00 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A DELTA OF 25°35'36", AND A CHORD BEARING S 16°59'23" W, A DISTANCE OF 66.45 FEET, TO A POINT OF REVERSE CURVATURE;

15.40 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, A DELTA OF 04°24'42", AND A CHORD BEARING S 27°34'50" W, A DISTANCE OF 15.40 FEET, TO A POINT OF REVERSE CURVATURE;

CONTINUED ON SHEET 3

 **CSI-CARTESIAN SURVEYS INC.**

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244



Sheet 2 of 5

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Exhibit for
An Access Easement
Within Parcel A-1-B
Fineland Development
City of Albuquerque
Bernalillo County, New Mexico
August 2018

Legal Description (Continued from Sheet 2)

74.42 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A DELTA OF 85°16'25", AND A CHORD BEARING S 68°00'41" W, A DISTANCE OF 67.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF MCMAHON BOULEVARD NW;

THENCE, COINCIDING WITH SAID NORTHERLY RIGHT-OF-WAY, N 69°21'06" W, A DISTANCE OF 304.04 FEET TO THE POINT OF BEGINNING, CONTAINING 0.3244 ACRES (14,130 SQ. FT.) MORE OR LESS.



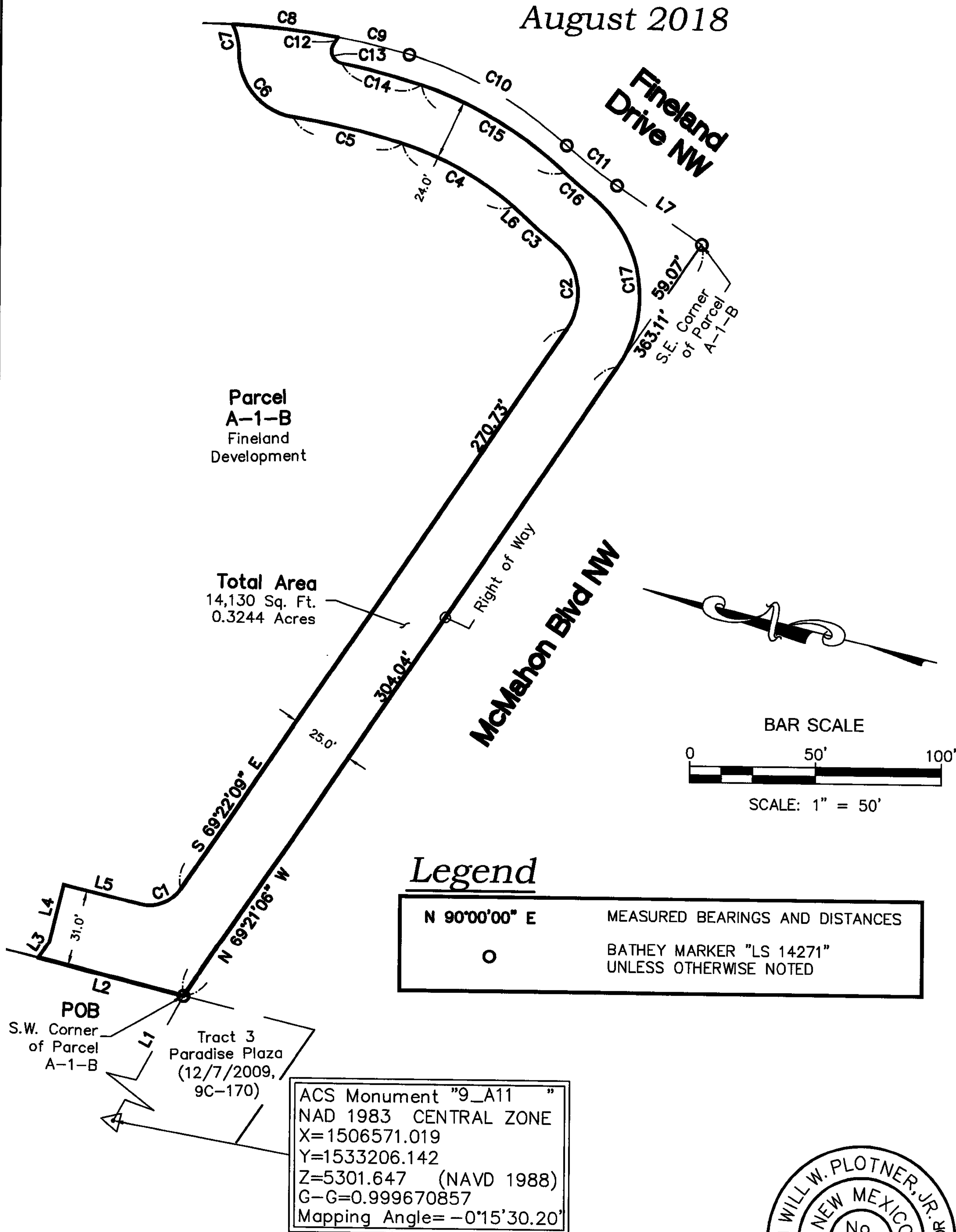
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Sheet 3 of 5
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Exhibit for
 An Access Easement
 Within Parcel A-1-B
 Fineland Development
 City of Albuquerque
 Bernalillo County, New Mexico
 August 2018



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Exhibit for
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Within Parcel A-1-B
Fineland Development
 City of Albuquerque
 Bernalillo County, New Mexico
 August 2018

Line Table		
Line #	Direction	Length (ft)
L1	N 74°40'05" W	435.89'
L2	N 00°17'08" E	59.54'
L3	S 69°23'40" E	7.45'
L4	S 89°59'55" E	24.00'
L5	S 00°00'05" W	31.48'
L6	N 28°37'30" E	5.11'
L7	S 20°47'53" W	40.98'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.16'	15.00'	69°22'14"	17.07'	S 34°41'02" E
C2	37.17'	25.00'	85°11'30"	33.84'	N 68°02'05" E
C3	17.00'	224.00'	4°20'51"	16.99'	N 27°36'46" E
C4	51.17'	126.00'	23°16'14"	50.82'	N 15°49'42" E
C5	44.80'	260.00'	9°52'21"	44.74'	N 00°44'35" W
C6	36.05'	25.00'	82°37'09"	33.01'	N 35°37'49" E
C7	11.64'	25.00'	26°40'48"	11.54'	N 63°35'59" E
C8	42.35'	294.00'	8°15'12"	42.31'	S 07°11'21" E
C9	29.09'	294.00'	5°40'11"	29.08'	S 00°13'39" E
C10	72.41'	160.00'	25°55'52"	71.80'	S 15°34'23" W
C11	25.67'	190.00'	7°44'26"	25.65'	S 24°40'06" W
C12	3.71'	25.00'	8°30'48"	3.71'	N 70°08'01" W
C13	9.43'	5.00'	108°01'11"	8.09'	S 51°36'00" W
C14	32.73'	284.00'	6°36'11"	32.71'	S 00°53'30" W
C15	67.00'	150.00'	25°35'36"	66.45'	S 16°59'23" W
C16	15.40'	200.00'	4°24'42"	15.40'	S 27°34'50" W
C17	74.42'	50.00'	85°16'25"	67.73'	S 68°00'41" W

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