

PERMANENT EASEMENT

Grant of Permanent Easement, between The Regents of the University of New Mexico ("Grantor"), whose address is 2811 Campus Blvd, MSC 3595 Albuquerque, NM 87131 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM, 87103.

Grantor grants to the City an exclusive, permanent easement subject to condition subsequent (the "Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto (the "Property") for the construction, installation, maintenance, repair, modification, replacement and operation of Public Drainage and Storm Drain, 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 (the "Improvements") within the Easement, the City has the right to enter upon Grantor's property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal (the "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.

This Easement shall be released by the City upon the City's approval and/or acceptance of the completed construction of a new storm drain constructed pursuant to and in furtherance of City Project # 566587 for the purpose of replacing the storm drainage function of that portion of the Geneva's arroyo and the existing 48 inch storm drain located between University Boulevard and Alumni Drive, which approval and/or acceptance shall constitute a determination that there is no longer any need for this Easement for storm drainage purposes.

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 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 in the signature block below.

Doc# 2011119142

December 20, 2011 (11:30 AM)
RDSAR Drainage Easement.DOC

12/22/2011 02:27 PM Page: 1 of 4
EASE R: \$25.00 M. Toulouse Oliver, Bernalillo County



GRANTOR:

THE REGENTS OF THE UNIVERSITY OF NEW MEXICO

By: Kim D. Murphy
Kim D. Murphy, Director of Real Estate
University of New Mexico

Dec. 20, 2011
Date

APPROVED:

By: [Signature]
for Richard Dourte, City Engineer

Dec 20, 2011
Date

He
12/20/11

12-20-2011

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 20 day of December, 2011, by
Kim D. Murphy, Director of Real Estate of the University of New Mexico, on behalf of
the Regents of the University of New Mexico.

(SEAL)

My Commission Expires:
3/28/15

[Signature]
Notary Public

(EXHIBIT "A" ATTACHED)

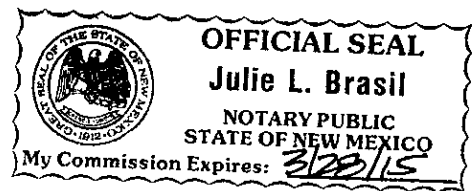


EXHIBIT "A"

DESCRIPTION

A certain tract of land situate within Section 28, Township 10 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising a portion of Tract 7, UNM Gibson Commercial District as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on 02-28-2011 in Book N/A, Page N/A as Document No. 201119138 and being more particularly described by New Mexico State Plane grid bearings (NAD 83 Central Zone) and ground distances as follows:

BEGINNING at a found AMAFCA brass cap stamped "S1-11-17" on the easterly boundary of Parcel 9 of the AMAFCA South Diversion Channel Drainage Right-of-Way Phase 1 Right-of-Way Parcels 1 thru 10, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on July 17, 2000 in Book 2000C, page 183 as Document No. 2000069137, identical to a point on the westerly boundary of said Tract 7;

THENCE along said easterly boundary of AMAFCA Parcel 9 and said westerly boundary of Tract 7, S60°05'28"W a distance of 45.32 feet to a point of curvature on the easterly right-of-way of Alumni Drive SE;

THENCE leaving said easterly boundary of AMAFCA Parcel 9 and continuing along the westerly boundary of the tract herein described, coincident with said westerly boundary Tract 7 and said easterly right-of-way of Alumni Drive SE, 1.89 feet along the arc of a non-tangent curve to the left having a radius of 687.00 feet, a central angle of 0°09'28" and a chord bearing 34°04'26" W a distance of 1.89 feet to the northwest corner of the tract herein described;

THENCE leaving said easterly right-of-way of Alumni Drive SE and said westerly boundary of Tract 7 along the northerly boundary of the tract herein described, N53°54'07"E a distance of 774.68 feet to a point on the southerly right-of-way of Varsity Avenue SE, also being a point on the northerly boundary of said Tract 7;

THENCE along said southerly right-of-way of Varsity Avenue SE and said northerly boundary of Tract 7, N89°08'16"E a distance of 15.92 feet to a point of curvature at the west southwest point of return at the intersection of Alumni Drive SE and University Boulevard SE;

THENCE along said return, 20.70 feet along the arc of a curve to the right having a radius of 13.00 feet, a central angle of 91°13'49" and a chord bearing S45°14'49"E a distance of 18.58 feet to a point of tangency at the northeast corner of the tract herein described, identical to the northeast corner of said Tract 7;

THENCE along the easterly boundary of the tract herein described, coincident with the easterly boundary of said Tract 7 and the westerly right-of-way of University Boulevard SE, S00°22'08"W a distance of 114.99 feet to the southeast corner of the tract herein described;

THENCE leaving said easterly boundary of Tract 7 and said westerly right-of-way of University Boulevard SE along the southerly boundary of the tract herein described, S53°54'07"W a distance of 687.56 feet to the southwest corner of the tract herein described, also being a point on the westerly boundary of said Tract 7 and the easterly boundary of said AMAFCA Parcel 9;

THENCE along the westerly boundary of the tract herein described, coincident with said westerly boundary of Tract 7 and said easterly boundary of AMAFCA Parcel 9, N30°55'16"W a distance of 113.69 feet to the POINT OF BEGINNING.

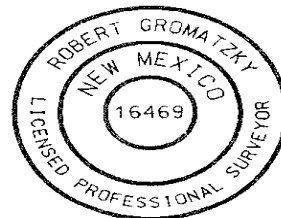
This tract contains 1.9979 acres, more or less.

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, New Mexico Professional Surveyor No. 16469, do hereby certify that this Legal Description and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act.


Robert Gromatzky
New Mexico Professional Surveyor No. 16469

Date: DECEMBER 9, 2011

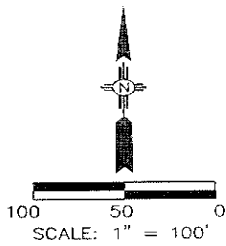


Bohannon & Huston

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335

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EXHIBIT "A"



TRACT 10

UNM GIBSON
COMMERCIAL DISTRICT

TRACT 9

VARSITY AVENUE SE

N53° 54' 07" E 774.68'

1.9979 Ac

S53° 54' 07" W 687.56'

TRACT 7
UNM GIBSON
COMMERCIAL DISTRICT
FILED:

UNIVERSITY BOULEVARD SE

POINT OF BEGINNING
3" BRASS CAP
STAMPED "S1-11-17"

ALUMNI DRIVE SE

PARCEL 9
AMAFCA
SOUTH DIVERSION
CHANNEL
DRAINAGE RIGHT-OF-WAY
FILED: JULY 17, 2000
(2000C-183)

ALUMNI DRIVE SE

BASE OF BEARINGS
S30° 55' 16" W 132.64'

5" BRASS CAP
STAMPED "S1-11-18"

TRACT 5

Tangent Data		
ID	BEARING	DISTANCE
T1	S60° 05' 28" W	45.32'
T2	N89° 08' 16" E	15.92'
T3	N30° 55' 16" W	113.69'
T4	S30° 55' 16" E	78.96'

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	00° 09' 28"	0.95'	1.89'	687.00'	1.89'	N34° 04' 26" W
C2	91° 13' 49"	13.28'	20.70'	13.00'	18.58'	S45° 14' 49" E

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