

**SANITARY SEWER EASEMENT NOTICE OF ENCROACHMENT**

The Albuquerque Bernalillo County Water Utility Authority, a political subdivision of the State of New Mexico (“Water Authority”), hereby gives notice of an encroachment upon its waterline easement, more fully described below:

**RECITALS**

A. **WHEREAS**, the Water Authority holds a twenty-foot Waterline Easement across Tract 4-B1 of the Horne Development Addition (the “Property”) as depicted on that certain Plat of Land as recorded with the County of Bernalillo on June 17, 1987, in Volume C33 of the records of Bernalillo County Folio 187 (the “Easement”); and

B. **WHEREAS**, the Water Authority presently maintains a 36-inch waterline within the Easement; and

C. **WHEREAS**, there exist two unauthorized encroachments into the easement at the locations and to the degrees depicted within exhibits “A”, “B”, and “C” as attached hereto; and

D. **WHEREAS**, TC SPE 2, LLC has granted two supplemental easements on the Property in the vicinity of the encroachments as granted by Document Number 2024084453 of the Records of Bernalillo County that will help preserve reasonable access to the existing water line, but that do not eliminate the need for the Easement in its entirety; now

E. **THEREFORE**, TC SPE 2 LLC, and its successors and assigns, ( the “Encroacher”) is hereby notified:

**NOTICE**

1. The Water Authority has not granted and does not grant Encroacher the right to encroach upon its Easement, and nothing contained herein shall be construed to constitute such permission.

2. The Water Authority will hold the Encroacher responsible for all damages to the Water Authority’s facilities, improvements, and other property caused by the Encroacher, its employees, agents, or contractors.

3. The Water Authority will require the Encroacher to remove or relocate its improvements if the Water Authority determines, in its sole discretion, that the Encroacher’s improvements must be removed or relocated to accommodate work by the Water Authority on the Water Authority’s improvements, including, without limitation, work to maintain, repair, replace its improvements or construct new improvements.

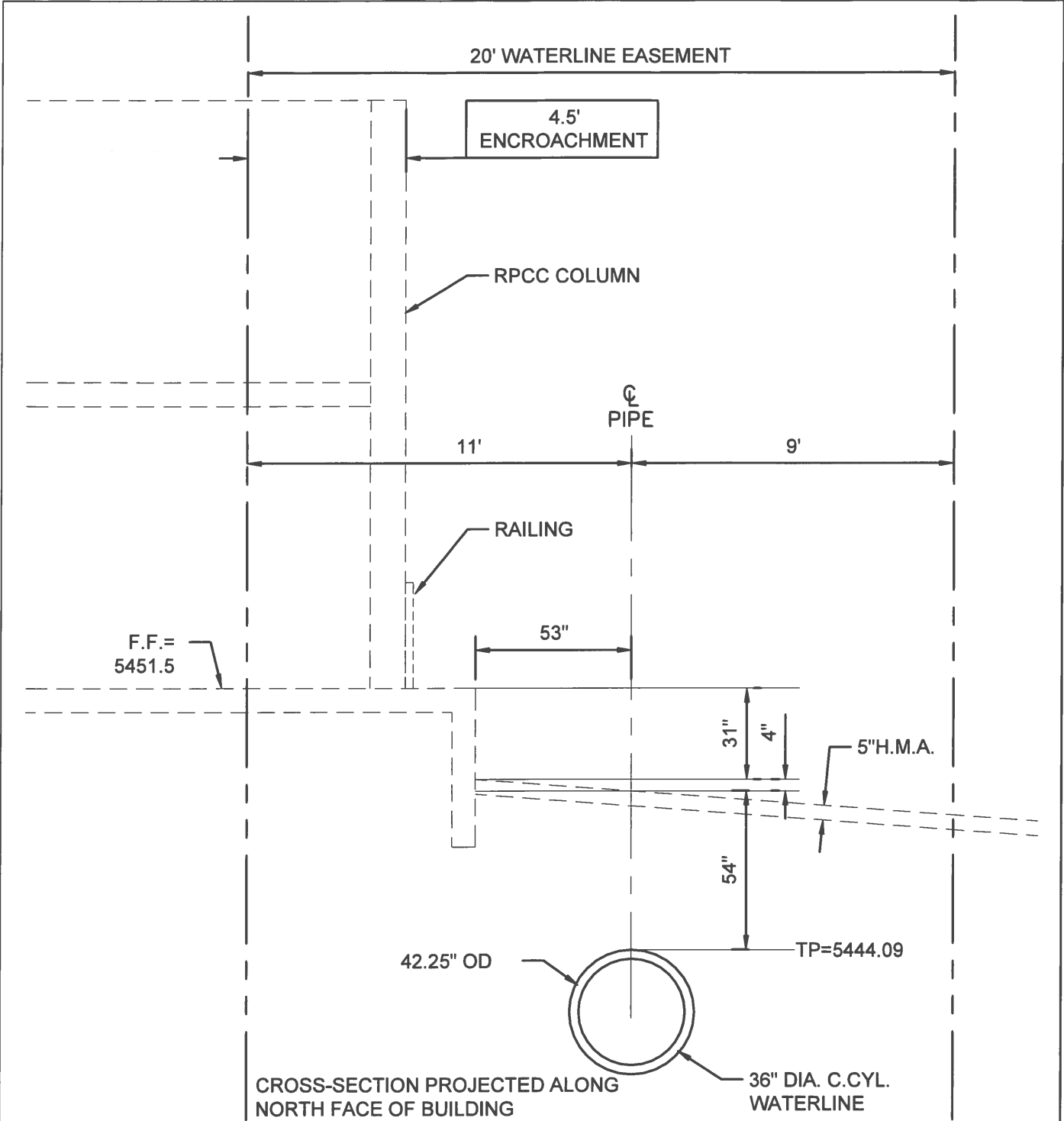
4. The Water Authority does not waive or relinquish any powers, authority, rights, or benefits that it may have, either expressed or implied, as a New Mexico political subdivision under the laws of New Mexico, including, without limitations, the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1 et seq. NMSA 1978.

**Doc# 2025010016**

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NOT R:\$25.00 Michelle S. Kavanaugh, Bernalillo County







# EXISTING WATERLINE STUB: NORTHWEST

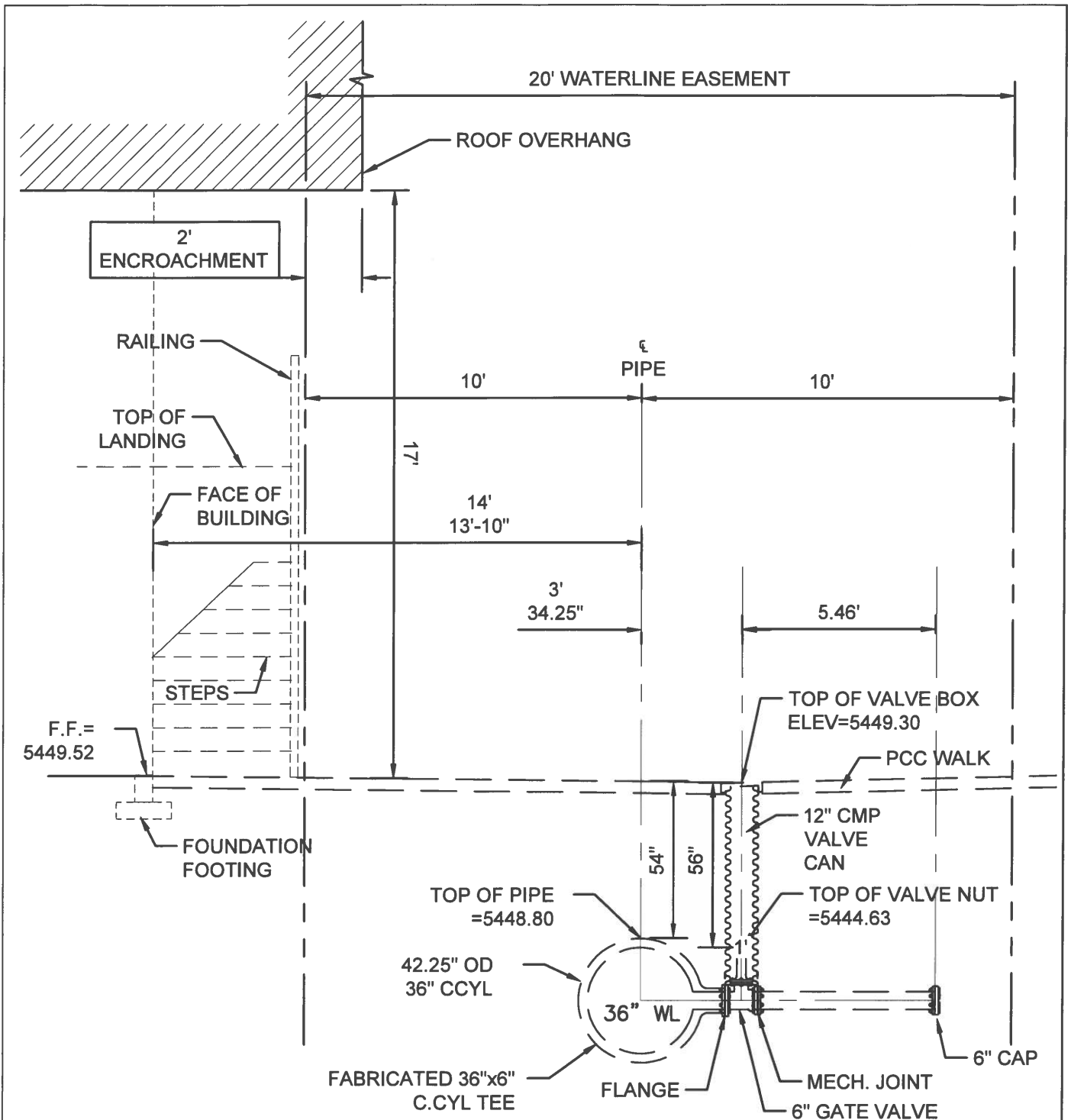
## EXHIBIT 'A'

1" = 4'

**Isaacson & Arfman, Inc.**  
Civil Engineering Consultants



128 Monroe Street NE  
Albuquerque, NM 87108  
505-268-8828 | www.iacivil.com



## EXISTING WATERLINE STUB: SOUTHEAST EXHIBIT 'B'

1" = 4'

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