

PERMANENT EASEMENT

7754.82 (5)

Grant of Permanent Easement between Mesa Del Sol, LLC. ("Grantor"), whose address is 801 University Blvd. SE Suite 200 Albuquerque, NM 87106 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, New Mexico, 87103.

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

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 warrant and 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.

WITNESS my hand and seal this _____ day of _____, 20____.

APPROVED:

[Signature]
City Engineer

12-13-06
Dated

[Signature] 12/13/06

[Signature] 12-12-06

GRANTOR:

[Signature]
(Individual)

GRANTOR:

By: MICHAEL DALY
Its: C.O.O.
(Corporation or Partnership)



Mary Herrera

Bern. Co. EASE

R 15.00

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Page: 1 of 4
12/14/2006 04:01P
Bk-A128 Pg-7711

INDIVIDUAL

STATE OF _____)
) ss
COUNTY OF _____)

This instrument was acknowledged before me on _____ day of _____, 20____, by
_____.

My Commission Expires:

Notary Public

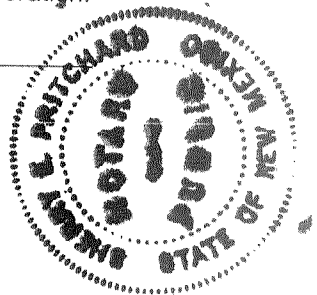
CORPORATION

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 10TH day of November, 2006, by
Michael Daly C.O.O.
Of Mesa del Sol, L.L.C., a New Mexico corporation, on behalf of the corporation.

My Commission Expires:
12/20/09

Mary E. Pritchard
Notary Public



PARTNERSHIP

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on _____ day of _____, 20____, by
_____, partner(s), on behalf of _____, a partnership.

My Commission Expires:

Notary Public

CITY'S ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on December 13, 2006 by
Wilfred Salgado Jr. City Engineer, Planning Department, for the City of Albuquerque, a New
Mexico municipal corporation, on behalf of the corporation.

Glوريا S. Saavedra
Notary Public

My Commission Expires:
11-25-2007

(EXHIBIT



Mary Herrera

Bern. Co. EASE

R 15.00

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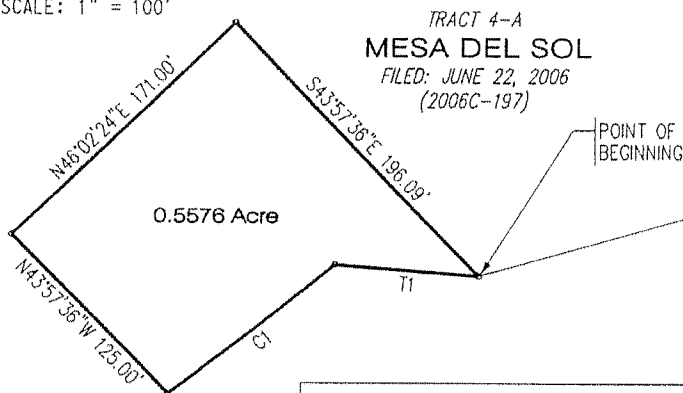
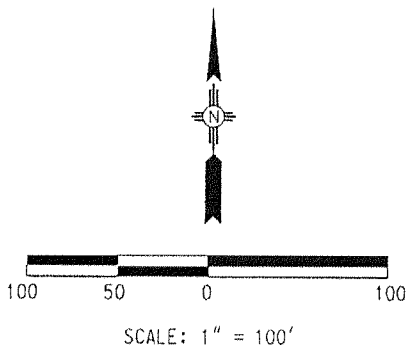
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Page: 2 of 4

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EXHIBIT "A"



ACS BRASS TABLET STAMPED "1-R16, 1984"
GEOGRAPHIC POSITION (NAD 1983)
NM STATE PLANE COORDINATES (CENTRAL ZONE)
X = 1,533,242.626 Y = 1,453,939.354

Tangent Data		
ID	BEARING	DISTANCE
T1	N85°22'34"W	79.84'

Curve Data						
ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	03°41'38"	59.39'	118.73'	1841.64'	118.71'	S51°27'39"W

DESCRIPTION

A certain tract of land situate within the northwest one-quarter of the southwest one-quarter of Section 22, Township 9 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being and comprising a northerly portion of Tract 4-A of Plat of Mesa Del Sol Tracts 4-A, 4-B & 4-C, Albuquerque, New Mexico as the same is shown and designated on plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico on June 22, 2006 in Book 2006C, page 197 as Document No. 2006092610 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone, NAD 83) and ground distances as follows:

BEGINNING at the southeast corner of the tract herein described, whence the City of Albuquerque survey monument "1-R16, 1984", having New Mexico State Plane Grid coordinates for the Central Zone NAD 83; X=1,533,242.626, Y=1,453,939.354 bears N73°53'41"E a distance of 3,161.39 feet;

THENCE along the southerly boundary line of the tract herein described, N85°22'34"W a distance of 79.84 feet to a point on curve (non-tangent);

THENCE 118.73 feet along the arc of a curve to the right having a radius of 1,841.64 feet, a central angle of 3°41'38" and a chord which bears S51°27'39"W a distance of 118.71 feet to the southwest corner of the tract herein described;

THENCE along the westerly boundary line of the tract herein described, N43°57'36"W a distance of 125.00 feet to the northwest corner of the tract herein described;

THENCE along the northerly boundary line of the tract herein described, N46°02'24"E a distance of 171.00 feet to the northeast corner of the tract herein described;

THENCE S43°57'36"E a distance of 196.09 feet to the point of BEGINNING.

Tract contains 0.5576 acre, more or less.

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, New Mexico Professional Surveyor No. 16469, do hereby certify that this Easement Plat 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 and that this instrument is an Easement Survey for use in granting a new easement.

Robert Gromatzky

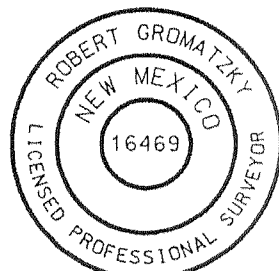
Robert Gromatzky
New Mexico Professional Surveyor No. 16469

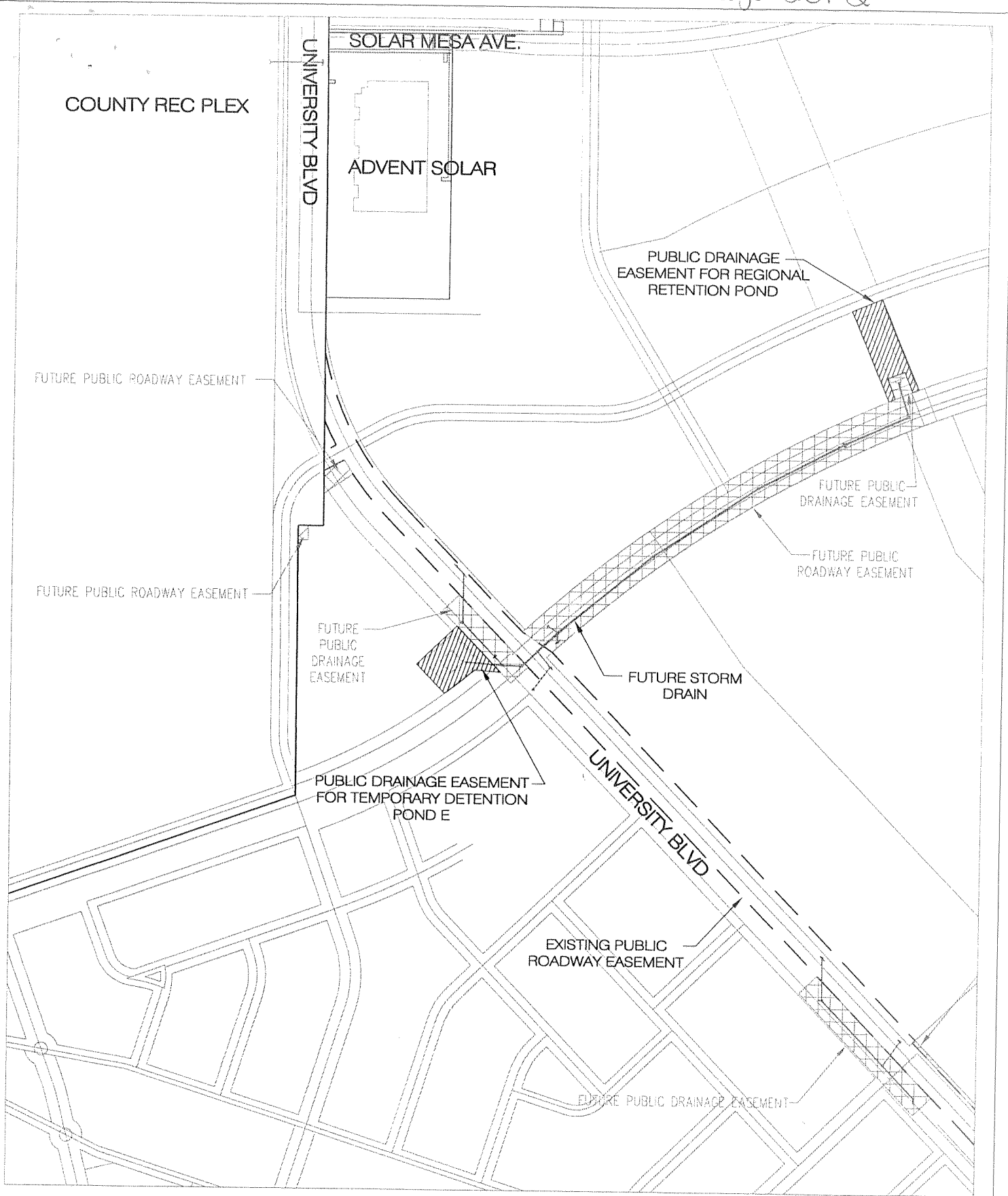
Date: 11-9-06

Bohannon & Huston

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

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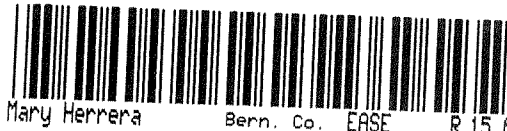




**PUBLIC DRAINAGE EASEMENTS FOR PONDS
UNIVERSITY BLVD PHASE 1A (EXHIBIT A)**

(COA PRJ # 775482)

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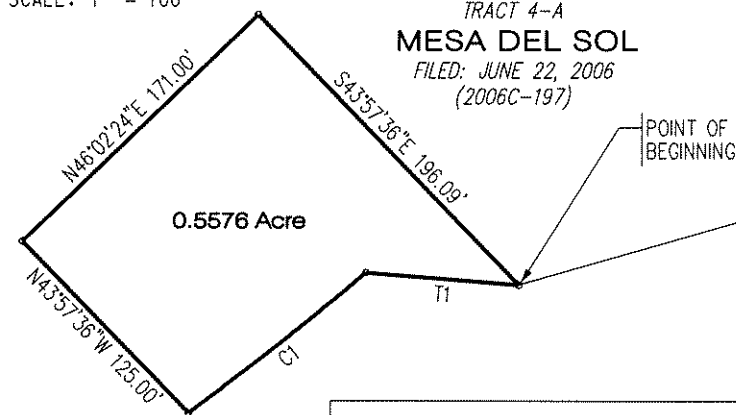
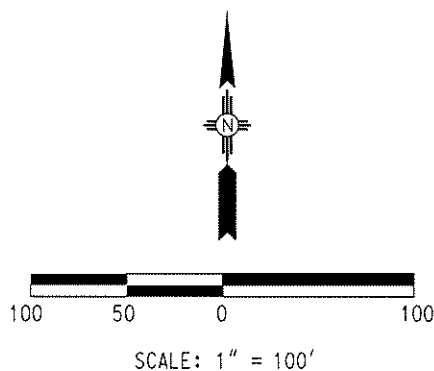
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Robert Gromatzky

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New Mexico Professional Surveyor No. 16469

Date: 11-9-06

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