

706381  
A9/2002

OK

**PERMANENT EASEMENT**

6/9/03

**20 ACRE TRACT – NW CORNER OF IRVING & UNIVERSE BOULEVARDS  
(Access & Storm Drain Easement)**

Grant of Permanent Easement, between Las Ventanas Limited Partnership ("Grantor"), whose address is 10 Tramway Loop, NE, Albuquerque, New Mexico 87122 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, New Mexico, 87103.

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 storm drain and appurtenances as shown on City Project No. 706381 (Irving Blvd. 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.

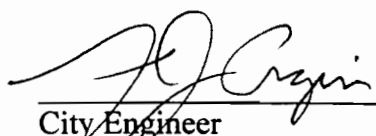
In the event Grantor (or others) constructs any improvements ("Improvements") within the Easement, the City has the right to enter upon Grantor's property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability 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.

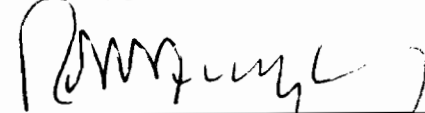
WITNESS my hand and seal this 20<sup>th</sup> day of May, 2003.

APPROVED:

  
\_\_\_\_\_  
City Engineer  
6-9-03  
\_\_\_\_\_  
Dated

9/11/03  
KFE 6/14/03

GRANTOR:

  
\_\_\_\_\_  
Robert M. Murphy, President  
Sandia Properties Ltd., Co., Managing  
Partner, Las Ventanas Limited Partnership



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5881375  
Page: 1 of 4  
06/10/2003 11:48A  
Bk-A57 Pg-8151

Mary Herrera

Bern. Co. EASE

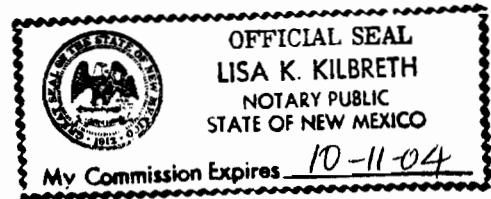
R 15.00

STATE OF NEW MEXICO       )  
  )ss.  
COUNTY OF BERNALILLO     )

This instrument was acknowledged before me on May 20, 2003,  
by Robert M. Murphy, President of Sandia Properties Ltd., Co., a New Mexico limited liability  
company, Managing Partner of Las Ventanas Limited Partnership, a New Mexico limited  
partnership.

My commission expires:

Lisa K. Kilbreth  
Notary Public



(Exhibit "A" Attached)

Mary Herrera      Bern. Co. EASE      R 15.00      2003098358  
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# EXHIBIT "A"

PARADISE WEST

POINT OF BEGINNING  
FOUND #5 REBAR  
W/CAP STAMPED  
"LS 5823" AT NE  
CORNER TRACT B



SCALE: 1" = 200'

**TRACT A  
LANDS OF  
MASSACHUSETTS  
GENERAL HOSPITAL**  
FILED: JULY 11, 1979  
(A7-111)

**TRACT B  
LANDS OF  
MASSACHUSETTS  
GENERAL HOSPITAL**  
FILED: JULY 11, 1979  
(A7-111)

**PROJECTED  
SECTION 3**

EXISTING PUBLIC ROADWAY  
AND PUBLIC UTILITIES  
EASEMENT  
FILED: MARCH 26, 2002  
(BK. A33, PG. 8744)

**TRACT X-1-A-1-A-1-A-1  
VENTANA RANCH**  
FILED: JULY 12, 2002  
(2002C-239)

**TRACT A-1-C  
VENTANA RANCH**  
FILED: JANUARY 28, 2003  
(2003C-19)

2003080258  
5861325  
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06/18/2003 11:48A  
R 15.00 Bk-R57 Pg-8151  
Bern. Co. ERSE  
Mary Herrera

## TANGENT DATA

ID	BEARING	DISTANCE
T1	N19°47'29"E	152.85'
T2	S00°13'15"W	30.21'
T3	N83°02'24"W	9.41'
T4	S52°53'44"W	174.58'
T5	S78°53'06"W	26.16'
T6	N56°06'54"W	170.63'
T7	N89°47'00"W	87.87'
T8	S45°13'15"W	24.35'
T9	S89°47'00"E	17.00'
T10	S00°13'00"W	30.00'
T11	S00°13'15"W	100.00'
T12	N89°47'10"W	30.00'
T13	N00°13'15"E	95.00'
T14	N89°46'58"W	22.00'
T15	N00°13'02"E	30.00'
T16	S89°46'58"E	14.79'
T17	N45°12'58"E	10.20'
T18	N89°47'00"W	13.94'
T19	S89°47'00"E	38.73'
T20	N45°13'15"E	14.14'
T21	S89°47'00"E	109.37'
T22	S56°06'54"E	157.78'
T23	N30°29'04"E	17.43'
T24	S59°30'56"E	20.13'
T25	N52°53'44"E	165.22'
T26	S83°02'24"E	18.00'



TK  
5-8-03

**Bohannon & Huston**



Courtyard One  
7500 JEFFERSON NE  
Albuquerque  
NEW MEXICO 87109

ENGINEERS PLANNERS PHOTOGRAMMETRISTS  
SURVEYORS SOFTWARE DEVELOPERS

EXHIBIT "A"

DESCRIPTION

A tract of land situate within the Town of Alameda Grant, in the southeast one-quarter of projected Section 4, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico. Said tract being a portion of Tract B as the same is shown and designated on the plat of the LANDS OF MASSACHUSETTS GENERAL HOSPITAL, recorded in the office of the County Clerk of Bernalillo County, New Mexico on July 11, 1979 in Book A7, page 111, and now being more particularly described by New Mexico State Plane Grid Bearings and ground distances as follows:

BEGINNING at the northeast corner of the tract herein described, whence a No. 5 rebar with a survey cap stamped "LS 5823" at the northeast corner of said Tract B bears N19°47'29"E a distance of 152.85 feet; thence along the westerly boundary line of a existing public roadway and public utility easement recorded in the office of the County Clerk of Bernalillo County New Mexico on March 26, 2002 in Book A33, page 8744.

S00°13'15"W a distance of 30.21 feet; thence along the easterly boundary line of the tract herein described.  
N83°02'24"W a distance of 9.41 feet; thence.  
S52°53'44"W a distance of 174.58 feet; thence.  
S78°53'06"W a distance of 26.16 feet; thence.  
N56°06'54"W a distance of 170.63 feet; thence.  
N89°47'00"W a distance of 87.87 feet; thence.  
S45°13'15"W a distance of 24.35 feet; thence.  
S00°13'15"W a distance of 904.79 feet; thence.  
S89°47'00"E a distance of 17.00 feet; thence.  
S00°13'00"W a distance of 30.00 feet; thence.  
N89°47'00"W a distance of 17.00 feet; thence.  
S00°13'15"W a distance of 100.00 feet to the southeast corner of the tract herein described; thence.  
N89°47'10"W a distance of 30.00 feet to the southwest corner of the tract herein described; thence along the westerly boundary line of the tract herein described.  
N00°13'15"E a distance of 95.00 feet; thence.  
N89°46'58"W a distance of 22.00 feet; thence.  
N00°13'02"E a distance of 30.00 feet; thence.  
S89°46'58"E a distance of 14.79 feet; thence.  
N45°12'58"E a distance of 10.20 feet; thence.  
N00°13'15"E a distance of 909.78 feet; thence.  
N89°47'00"W a distance of 13.94 feet; thence.  
N00°13'00"E a distance of 30.00 feet; to the northwest corner of the tract herein described; thence along the northerly boundary line of the tract herein described.  
S89°47'00"E a distance of 38.73 feet; thence.  
N45°13'15"E a distance of 14.14 feet; thence.  
S89°47'00"E a distance of 109.37 feet; thence.  
S56°06'54"E a distance of 157.78 feet; thence.  
N30°29'04"E a distance of 17.43 feet; thence.  
S59°30'56"E a distance of 20.13 feet; thence.  
N52°53'44"E a distance of 165.22 feet; thence.  
S83°02'24"E a distance of 18.00 feet to the point and place of beginning.

This tract contains 1.1200 acres, more or less.

CERTIFICATION

I, Thomas G. Klingenhagen, registered New Mexico Surveyor No. 5978, hereby certify that this site map and description are true and correct to the best of my knowledge and belief.

Thomas G. Klingenhagen  
NM Surveyor No. 5978

Date: 5-8-03



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Bohannon & Huston

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ENGINEERS PLANNERS PHOTOGRAMMETRISTS  
SURVEYORS SOFTWARE DEVELOPERS

# CONTRACT CONTROL FORM

## PRELIMINARY REVIEW

Contact Person Kathy Jaramillo  
Phone No. 924-3996

Project # 706381  
CCN# 200301075  
~~Ext. #~~

Type of Agreement: permanent easements (3)

Description/Project Name: Dwight Bld. Improvements  
Planning Dept./Div.: Design Review

Developer: Las Ventanas

Contract Amount \$ -0-  
Contract Amount \$ -0-  
Contract Amount \$ -0-

SIA Contract Period: 6/9/03 - 12/31/2023  
SIA Contract Period: 6/9/03 - 12/31/2023  
S/W Contract Period: 6/9/03 - 12/31/2023

### DRAFT CONTRACT:

Rec'd by Legal: \_\_\_\_\_ Rejected/Returned to Dept.: \_\_\_\_\_ / \_\_\_\_\_  
Returned to Legal: \_\_\_\_\_ / \_\_\_\_\_ Approved: \_\_\_\_\_ Initials: \_\_\_\_\_

### FINANCIAL GUARANTY:

Letter of Credit No.: \_\_\_\_\_ Date: \_\_\_\_\_ Attached: Yes \_\_\_\_\_ No. \_\_\_\_\_ Initial \_\_\_\_\_  
Other: Type \_\_\_\_\_ Date: \_\_\_\_\_ Attached: Yes \_\_\_\_\_ No. \_\_\_\_\_ Initial \_\_\_\_\_

## FINAL CONTRACT REVIEW

### APPROVALS REQUIRED:

	Date Delivered	Returned to Dept.	Approved By	Approval Date
Utility Div	<u>5/21/03</u>	<u>5/23/03</u>	<u>JM</u>	<u>5/23/03</u>
Hydrology Div	<u>5/23/03</u>	<u>5/27/03</u>	<u>BLB</u>	<u>5/27/03</u>
Transportation Div	<u>5/27/03</u>	<u>5-28-03</u>	<u>TRD</u>	<u>5-28-03</u>
DRC Chairman	<u>5/29/03</u>	<u>5/29/03</u>	<u>a</u>	<u>5/29/03</u>
Legal Dept	<u>6/3/03</u>	<u>6/4/03</u>	<u>KJC</u>	<u>6/4/03</u>
City Engineer	<u>6/9/03</u>	<u>6/9/03</u>	<u>FA</u>	<u>6/9/03</u>
PWD Director				
Finance				
City Clerk				
CAO				

### DISTRIBUTION:

	Date:	By:
User Department.	<u>6/11/03</u>	<u>18</u>
Vendor		
City Clerk	<u>6/16/03</u>	<u>29</u>
Treasury		
Other:		

**ADDENDUM TO COVER PAGE**

5-21-03

(Date)

TO: Kevin Curran, Assistant City Attorney, Legal Department

FROM: Project Administrator, Project Review Sec., PWD

SUBJECT: PROJECT TITLE: Living Bd. Improvements PROJECT # 706381

The attached documents have been review, approved, initialed and/or signed by the DRC Chairman and are submitted for your action as noted.

ITEM	ACTION		Comments
	Review & Approval	Reference	
Procedure "A".....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Procedure "B".....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Procedure "B" Modified Non Work Order.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Procedure "C".....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Procedure "C" Modified.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Special Agreement.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Sidewalk Deferral Agreement.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Amendment.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Assignment.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Financial Guarantee.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Construction Paperwork:			
Contractors Proposal.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Performance/Warranty Bonds.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Labor/Material Bonds.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Certificate of Insurance.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Engineers Cost Estimate.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Extension.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Release/Agreement.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Release/Financial Guarantee.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Calling Notice.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Letter of Commitment.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Reduction Letter.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
License Agreement.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Monitoring Well Permit.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Agreement & Covenant.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Drainage Covenant.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Revocable Permit.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Encroachment.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Permanent Easement.....	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____
Temporary Easement.....	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	_____

Other:

Please Call Kathy at 3996 if you have any questions regarding the above or when the documents are ready to be picked up.

No. of Attachments (3)