

PERMANENT EASEMENT

A-11/D603A4

652681

This AGREEMENT is made and entered into this 19th day of April, 2001, by and between the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY ("AMAFCA"), a political subdivision of the State of New Mexico and the CITY OF ALBUQUERQUE ("CITY"), a New Mexico Municipal Corporation whose address is P.O. Box 1293, Albuquerque, New Mexico 87103.

WITNESSETH: That AMAFCA, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto the CITY an exclusive, permanent easement ("Easement") in, under, 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 an underground 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.

AMAFCA covenants that it is the owner in fee simple of the Property and that it has a good lawful right to convey the Property or any part thereof. The grant and other provisions of this Easement constitute covenants running with the land for the benefit of the CITY and its successors and assigns until terminated. The Easement rights granted herein are subject to the drainage function and use of the fee estate by AMAFCA for flood control purposes or such other purposes as may be deemed appropriate or necessary by AMAFCA, its successors or assigns.

TO HAVE AND TO HOLD the said right and Easement for the uses and purposes aforesaid, unto CITY, its successors and assigns, forever, except that any portion of the Easement granted herein shall revert to AMAFCA, its successors or assigns, as and to the extent said portion of Easement is declared unnecessary for drainage purposes by the CITY Engineer and / or AMAFCA. Any reversion shall be conveyed by vacation action pursuant to the CITY Subdivision Ordinance, if a replat of the AMAFCA property is required, or by Quitclaim Deed if a replat is not required.

Witness its hand and seal this 12nd day of February, 2001.

APPROVED:

GRANTOR: Albuquerque Metropolitan Arroyo
Flood Control Authority

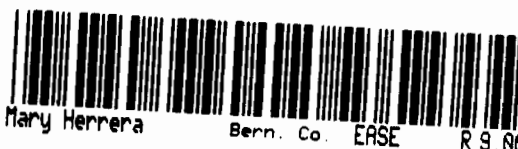
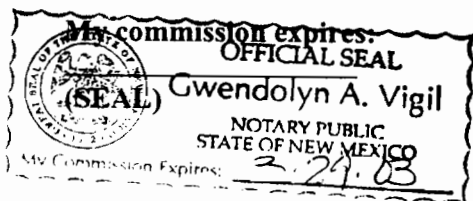
Acting Roger A. Green 4-17-01
City Engineer 4/17/01

BY: Ronald D. Brown
Ronald D. Brown, Chair
Board of Directors

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

This instrument was acknowledged before me on Feb 22, 2001 by Ronald D. Brown as Chair of the Board of Directors of Albuquerque Metropolitan Arroyo Flood Control Authority ("AMAFCA"), a political subdivision of the State of New Mexico, on behalf of AMAFCA.

Gwendolyn A. Vigil
Notary Public



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CONTRACT CONTROL FORM

PRELIMINARY REVIEW

Contact Person Kathy Jaramilla
Phone No. 924-39961

Project # 652681
CCN# 200100948
~~New~~ or Ext. # 7

Type of Agreement: permanent easement (drainage)

Description/Project Name: Paradise Shires Unit 5
Public Works Dept./Div.: Design Review Section
Developer: AMAFCA

Contract Amount \$ -0- SIA Contract Period: 4/19/01 - 12/31/2002
Contract Amount \$ _____ SIA Contract Period: _____ - _____
Contract Amount \$ _____ S/W Contract Period: _____ - _____

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>4/4/01</u>	<u>4/16/01</u>	<u>BLB</u>	<u>4/16/01</u>
Hydrology Div	<u>4/16/01</u>	<u>4/17/01</u>	<u>CP</u>	<u>4/17/01</u>
Transportation Div	<u>4/17/01</u>	<u>4/17/01</u>	<u>ef</u>	<u>4/17/01</u>
DRC Chairman	<u>4/18/01</u>	<u>4/19/01</u>	<u>RC</u>	<u>4/17/01</u>
Legal Dept				
City Engineer				
PWD Director				
Finance				
City Clerk				
CAO				

DISTRIBUTION:

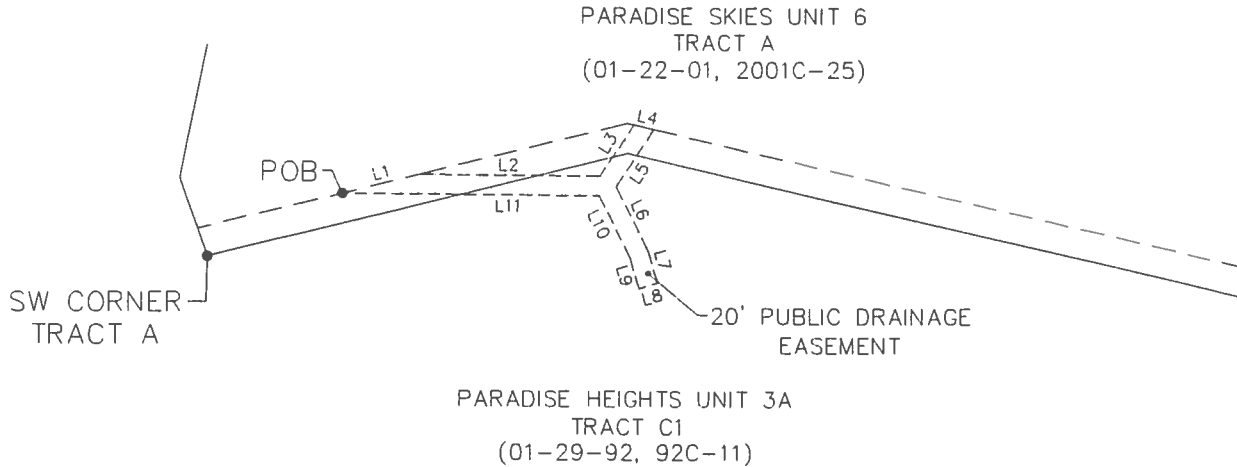
	Date:	By:
User Department.	<u>4-25-01</u>	<u>[Signature]</u>
Vendor		
City Clerk		
Treasury		
Other:		

EXHIBIT FOR 20' PUBLIC DRAINAGE EASEMENT

LINE	DIRECTION	DISTANCE
L1	N76°02'07"E	80.90'
L2	S89°39'04"E	184.89'
L3	N33°32'37"E	63.04'
L4	S77°05'08"E	21.37'
L5	S33°32'37"W	70.16'
L6	S26°47'51"E	72.98'
L7	S16°42'22"E	34.46'
L8	S73°17'38"W	20.00'
L9	N16°42'22"W	32.69'
L10	N26°47'51"W	70.92'
L11	N89°39'04"W	262.57'



SCALE: 1" = 200'



DESCRIPTION

A 20' Public Drainage Easement within the Town of Alameda Grant, projected Sections 2 and 3, Township 11 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico being within TRACT A, PARADISE SKIES, UNIT 6 as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on January 22, 2001 in Book 2001C, Page 25 and within TRACT C1, PARADISE HEIGHTS, UNIT 3A as the same is shown and designated on said plat filed for record in the office of the County Clerk of Bernalillo County, New Mexico on January 29, 1992 in Book 92C, Page 11 and being more particularly described as follows:

BEGINNING at a point of the herein described Easement from whence the southwest corner of said TRACT A bears S 64°42'43" W, 152.79 feet;

THENCE N 76°02'07" E, 80.90 feet to a point;

THENCE S 89°39'04" E, 184.89 feet to a point;

THENCE N 33°32'37" E, 63.04 feet to a point;

THENCE S 77°05'08" E, 21.37 feet to a point;

THENCE S 33°32'37" W, 70.16 feet to a point;

THENCE S 26°47'51" E, 72.98 feet to a point;

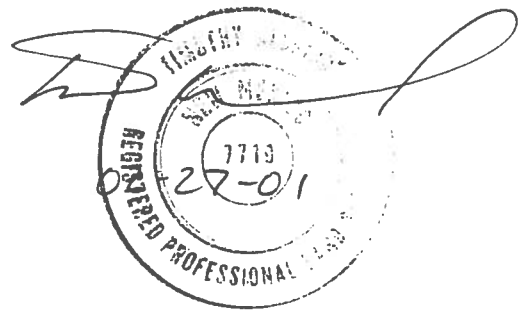
THENCE S 16°42'22" E, 34.46 feet to a point;

THENCE S 73°17'38" W, 20.00 feet to a point;

THENCE N 16°42'22" W, 32.69 feet to a point;

THENCE N 26°47'51" W, 70.92 feet to a point;

THENCE N 89°39'04" W, 262.57 feet to the point of beginning and containing 0.1857 acres more or less.



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