

13<sup>00</sup>

A-12/103

# 638181

PERMANENT EASEMENT

(7-27-00)

Grant of Permanent Easement, between Bandelier Equities, Ltd. Co. a New Mexico Limited Liability Company (Grantor), whose address is 4101 Indian School Rd. NE # 400 Albuquerque, New Mexico 87110 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 Roadways, curb and gutter and storm drainage facilities 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 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 of Encroachments made by the Grantor, the City will not be financially or otherwise responsible for rebuilding or repairing of 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 of 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 land for the benefit of the City and its successors and assigns until terminated.

WITNESS my hand and seal this 12 day of July, 2000.

APPROVED:

7/25/00  
7-140  
7-12-00  
7/12/00

City Engineer

GRANTOR:

(individual)

GRANTOR: Bandelier Equities Ltd. Co.  
A NM Limited Liability Co.

Dated

By:

Verne Hagen

Its: Managing Member



Judy D. Woodward

Bern. Co. EASE

R 13.00

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LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO: )  
SS  
BERNALILLO COUNTY: )

This instrument was acknowledged before me on this 12 day of July, 2000, by Verne Hagen, Managing Member, on behalf of the Limited Liability Company.

My commission expires:

11/10/2001



OFFICIAL SEAL  
NORMAN A. GREGORY  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires:

11/10/01

Norman A. Gregory  
Notary Public



Judy D. Woodward

Bern. Co.

EASE

R 13.00

2000073280

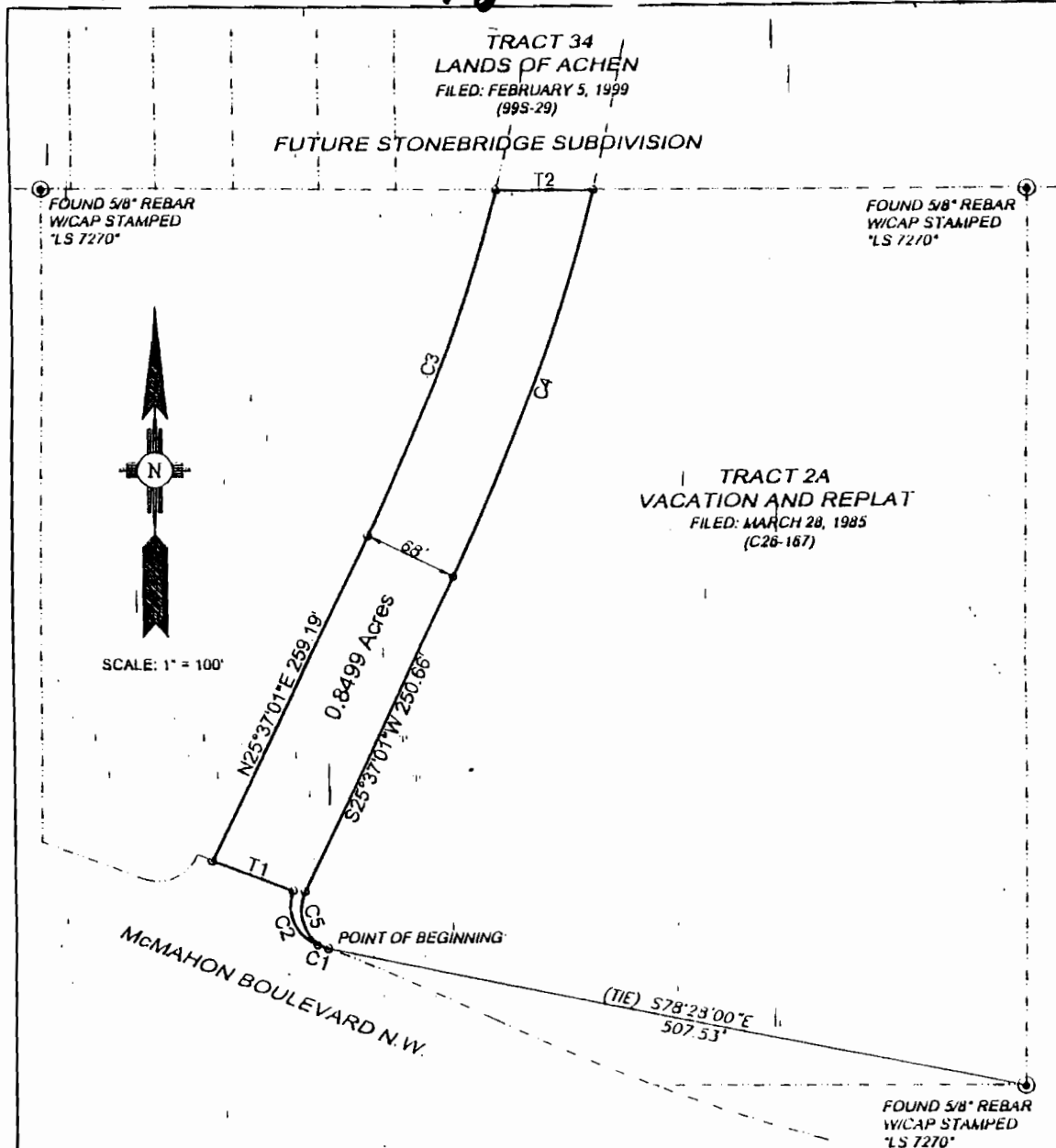
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# EXHIBIT "A" PG. 1A-2



CURVE DATA						
No.	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	0° 18' 31"	3.91	7.83	1453.00	7.83	N 69° 12' 52" W
C2	90° 00' 00"	30.00	47.12	30.00	42.43	N 24° 22' 08" W
C3	10° 33' 58"	135.10	269.43	1461.00	269.05	N 20° 20' 01" E
C4	11° 14' 31"	150.49	300.01	1529.00	299.53	S 19° 59' 44" W
C5	94° 40' 37"	32.55	49.57	30.00	44.12	S 21° 43' 18" E

TANGENT DATA		
No.	BEARING	DISTANCE
T1	N 69° 22' 08" W	60.38
T2	S 89° 49' 37" E	70.25



**Bohannon & Huston**



Courtyard One 7500 JEFFERSON NE Albuquerque NEW MEXICO 87109

ENGINEERS PLANNERS PHOTOGRAMMETRISTS SURVEYORS SOFTWARE DEVELOPERS

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R 13.00  
Bern. Co. EASE  
Judy D. Woodward

**EXHIBIT "A" Pg. 2 of 2****DESCRIPTION**

A sixty-eight foot wide tract of land situate within the Town of Alameda Grant, in projected Section 1, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico. Said tract being a portion of TRACT 2A, as the same is shown and designated on the VACATION AND REPLAT, A PORTION OF LYON BOULEVARD, N.W., PORTIONS OF McMAHON BOULEVARD, N.W., AND PORTIONS OF PARADISE HEIGHTS, UNITS 1, 2, 3, & 4, recorded in the office of the County Clerk of Bernalillo County, New Mexico on March 28, 1985 in Volume C26, folio 167. Said tract being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

BEGINNING at the southeast corner of the tract herein described, a point on curve on the northerly right-of-way line of McMahon Boulevard N.W., whence a 5/8" rebar with a survey cap stamped "LS 7270" at the southeast corner of said TRACT 2A bears S78°28'00"E a distance of 507.53 feet; thence along said right-of-way line and the southerly boundary line of the tract herein described,

7.83 feet along the arc of a curve to the left having a radius of 1453.00 feet and a chord bearing N69°12'52"W a distance of 7.83 feet to a point of reverse curvature; thence,

47.12 feet along the arc of a curve to the right having a radius of 30.00 feet and a chord bearing N24°22'08"W a distance of 42.43 feet to a point (non-tangent); thence,

N69°22'08"W a distance of 60.38 feet to a point; thence along the westerly boundary line of the tract herein described,

N25°37'01"E a distance of 259.19 feet to a point of curvature; thence,

269.43 feet along the arc of a curve to the left having a radius of 1461.00 feet and a chord bearing N20°20'01"E a distance of 269.05 feet to a point on the northerly boundary line of said TRACT 2A and the northwest corner of the tract herein described; thence along said northerly boundary line,

S89°49'37"E a distance of 70.25 feet to a point on curve and the northeast corner of the tract herein described; thence along the easterly boundary line of the tract herein described,

300.01 feet along the arc of a curve to the right having a radius of 1529.00 feet and a chord bearing S19°59'44"W a distance of 299.53 feet to a point of tangency; thence,

S25°37'01"W a distance of 250.66 feet to a point of curvature; thence,

49.57 feet along the arc of a curve to the left having a radius of 30.00 feet and a chord bearing S21°43'18"E a distance of 44.12 feet to the point and place of beginning.

This tract contains 0.8499 of an acre, more or less.

**SURVEYOR'S CERTIFICATION**

I certify that I am a registered professional Land Surveyor and that this description and site map was prepared by me and is true and correct to the best of my knowledge and belief.

BOHANNAN HUSTON, INC.  
Courtyard I  
7500 Jefferson St. NE  
Albuquerque, New Mexico 87109  
(505) 823-1000

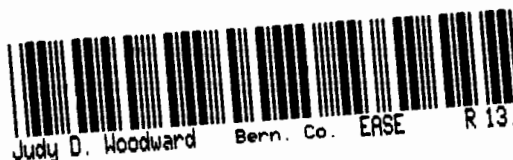
*Tom Klingenhagen*  
Thomas G. Klingenhagen  
N.M.P.S. No. 5978

Date: 4-14-00

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# CONTRACT CONTROL FORM

## PRELIMINARY REVIEW

Contact Person TERRI Project # 638181  
Phone No. 924-3997 CCN# 200001059  
~~New or~~ EXI # \_\_\_\_\_

Type of Agreement: PERMANENT EASEMENT

Description/Project Name: STONEBRIDGE SUBD UNIT 3B  
Public Works Dept./Div.: PROJECT REVIEW SECTION  
Developer: BANDERON EQUITICS LTD. CO.  
Contract Amount \$ 0 SIA Contract Period: 7-27-00 Perm.  
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>7-10-00</u> <u>[Signature]</u>	_____	<u>[Signature]</u>	<u>7/13/00</u>
Hydrology Div	<u>7-25-00</u> <u>[Signature]</u>	_____	<u>* BJB</u>	<u>* 7/25/00</u>
Transportation Div	<u>7-24-00</u> <u>[Signature]</u>	_____	_____	_____
DRC Chairman	_____	_____	_____	_____
Legal Dept	<u>7-17-00</u> <u>[Signature]</u>	_____	<u>[Signature]</u>	<u>7/18/00</u>
City Engineer	_____	_____	_____	_____
PWD Director	_____	_____	_____	_____
Finance	_____	_____	_____	_____
City Clerk	_____	_____	_____	_____
CAO	_____	_____	_____	_____

### DISTRIBUTION:

	Date:	By:
User Department.	<u>7-27-00</u>	<u>[Signature]</u>
Vendor	_____	_____
City Clerk	<u>8/2/00</u>	<u>[Signature]</u>
Treasury	_____	_____
Other: _____	_____	_____

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RECEIVED  
ALBUQUERQUE CITY CLERK

**ADDENDUM TO COVER PAGE**

7-10-00

(Date)

TO: Kevin Curran, Assistant City Attorney, Legal Department

FROM: Project Administrator, Project Review Sec., PWD

SUBJECT: PROJECT TITLE: STONEBRIDGE SUBD UNIT 3B PROJECT # 638181

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

*7-14-00*

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 TERRI at 924-3997 if you have any questions regarding the above or when the documents are ready to be picked up.

No. of Attachments (1)

