

original

**PERMANENT EASEMENT**

12/6/2001

# 670981

B10/D003C

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 storm drain and appurtenances, 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.

Proposed storm drain is located on the east side of Tract G of Ventana Square as approved at EPC May 19, 2000 (DRB #1000390 and City Construction Project #670981). Encroachments shall include, but are not limited to, parking, pavement, landscaping, utilities and appurtenances.

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.

This Easement shall not be effective until approved by the City Engineer in the signature block below.



WITNESS my hand and seal this 26<sup>th</sup> day of November, 2001.

APPROVED:

[Signature]  
City Engineer

12-6-01  
Dated

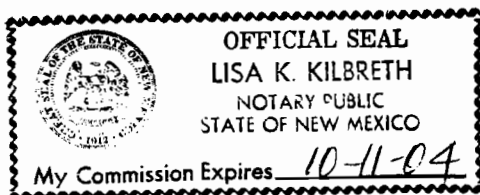
GRANTOR:

[Signature]  
Robert M. Murphy, President  
Sandia Properties Ltd., Co., Managing  
Partner, Las Ventanas Limited Partnership

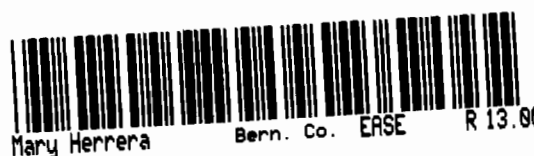
STATE OF NEW MEXICO )  
 )ss.  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on November 26, 2001  
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:

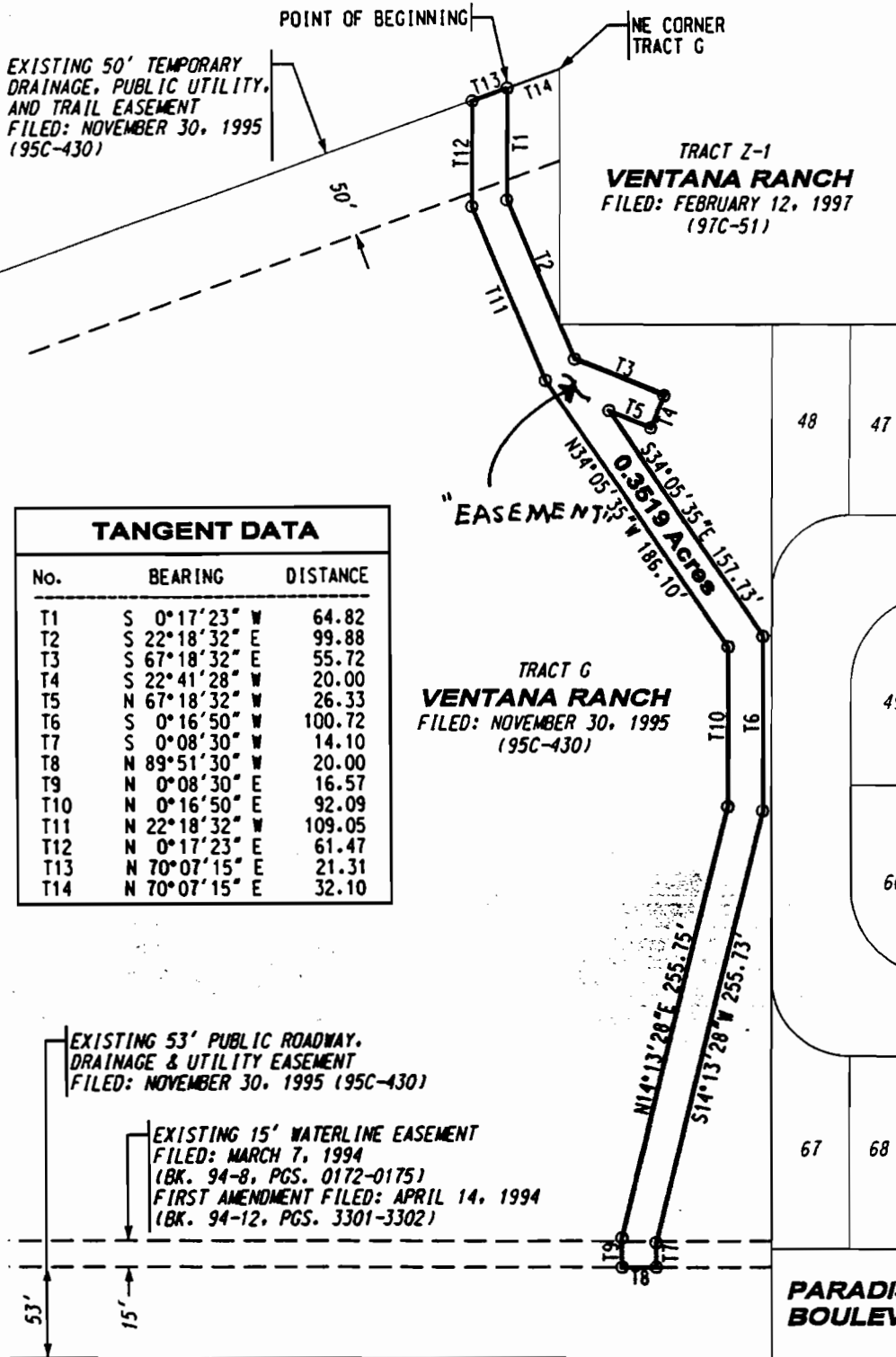


[Signature]  
Notary Public



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# EXHIBIT "A"



## TANGENT DATA

No.	BEARING	DISTANCE
T1	S 0°17'23\"	64.82
T2	S 22°18'32\"	99.88
T3	S 67°18'32\"	55.72
T4	S 22°41'28\"	20.00
T5	N 67°18'32\"	26.33
T6	S 0°16'50\"	100.72
T7	S 0°08'30\"	14.10
T8	N 89°51'30\"	20.00
T9	N 0°08'30\"	16.57
T10	N 0°16'50\"	92.09
T11	N 22°18'32\"	109.05
T12	N 0°17'23\"	61.47
T13	N 70°07'15\"	21.31
T14	N 70°07'15\"	32.10



SCALE: 1" = 100'

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**Bohannon & Huston**



Courtyard One 7500 JEFFERSON NE Albuquerque NEW MEXICO 87109

# EXHIBIT "A"

## DESCRIPTION

A certain tract of land situate within the Town of Alameda Grant, within the southwest one-quarter (SW1/4) of projected Section 1, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, Albuquerque, New Mexico, being and comprising an easterly portion of Tract G of the PLAT OF VENTANA RANCH, Albuquerque, New Mexico as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on November 30, 1995 in Volume 95C, Folio 430 as Document No. 95122531 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone NAD 1927) and ground distances as follows:

BEGINNING at the northeast corner of the tract herein described, a point on the northerly boundary line of said Tract G, whence the northeast corner of said Tract G bears  $N70^{\circ}07'15''E$ , a distance of 32.10 feet and from said point of beginning running thence along the easterly boundary line of the tract herein described,  
S00°17'23"W, a distance of 64.82 feet to a point; thence,  
S22°18'32"E, a distance of 99.88 feet to a point; thence,  
S67°18'32"E, a distance of 55.72 feet to a point; thence,  
S22°41'28"W, a distance of 20.00 feet to a point; thence,  
N67°18'32"W, a distance of 26.33 feet to a point; thence,  
S34°05'35"E, a distance of 157.73 feet to a point; thence,  
S00°16'50"W, a distance of 100.72 feet to a point; thence,  
S14°13'28"W, a distance of 255.73 feet to a point; thence,  
S00°08'30"W, a distance of 14.10 feet to the southeast corner of the tract herein described, a point on the northerly line of an existing 106 foot wide Public Roadway, Drainage and utility Easement, as shown and designated on said PLAT OF VENTANA RANCH, thence running along the southerly boundary line of the tract herein described and also along said northerly line,  
N89°51'30"W, a distance of 20.00 feet to the southwest corner of the tract herein described, thence leaving said northerly line and running thence along the westerly boundary line of the tract herein described,  
N00°08'30"E, a distance of 16.57 feet to a point; thence,  
N14°13'28"E, a distance of 255.75 feet to a point; thence,  
N00°16'50"E, a distance of 92.09 feet to a point; thence,  
N34°05'35"W, a distance of 186.10 feet to a point; thence,  
N22°18'32"W, a distance of 109.05 feet to a point; thence,  
N00°17'23"E, a distance of 61.47 feet to the northwest corner of the tract herein described, a point on the northerly boundary line of said Tract G, thence running along the northerly boundary line of said Tract G,  
N70°07'15"E, a distance of 21.31 feet to the point and place of beginning.

Tract contains 15.327 square feet or 0.3519 acre, more or less.

A. Dwain Weaver

A. Dwain Weaver  
N.M.P.S. No. 6544

Date: October 17, 2001



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**Bohannon & Huston**



Courtyard One 7500 JEFFERSON NE Albuquerque NEW MEXICO 87109

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# CONTRACT CONTROL FORM

## PRELIMINARY REVIEW

Contact Person KATHY JARAMILLO  
Phone No. 924-3996

Project # 670981  
CCN# 200200619  
New or Ext. #         

Type of Agreement: permanent easement

Description/Project Name: Ventana Ranch Tr. 6 & N offsite

Public Works Dept./Div.: DESIGN REVIEW

Developer: Las Ventanas Ltd.

Contract Amount \$ 0 SIA Contract Period: 12/6/2001 - 12/31/2021

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>11/27/2001</u>	<u>11/29/2001</u>	<u>BJB</u>	<u>11/29/01</u>
Hydrology Div	<u>11/29/01</u>	<u>12/05/2001</u>	<u>cf</u>	<u>12/05/01</u>
Transportation Div	<u>11/30/01</u>	<u>12/05/2001</u>	<u>7/2</u>	<u>12/6/01</u>
DRC Chairman	<u>11/30/01</u>	<u>12/05/2001</u>	<u>7/2</u>	<u>12/6/01</u>
Legal Dept	<u>11/30/01</u>	<u>12/05/2001</u>	<u>7/2</u>	<u>12/6/01</u>
City Engineer	<u>12/6/01</u>	<u>12/6/2001</u>	<u>7/2</u>	<u>12/6/01</u>
PWD Director	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
Finance	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
City Clerk	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
CAO	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>

### DISTRIBUTION:

User Department. 12/7/01 By:           
Vendor 12-11-01           
City Clerk                    
Treasury                    
Other:

**ADDENDUM TO COVER PAGE**11/27/2001

(Date)

TO: Kevin Curran, Assistant City Attorney, Legal Department

FROM: Project Administrator, Project Review Sec., PWD

SUBJECT: PROJECT TITLE: Ventana Ranch Tr. 6 & N off side PROJECT # 670981

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

CG 11/30/01

ITEM	ACTION		
	Review & Approval	Reference	Comments
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:

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Please Call Kathy at 3994 if you have any questions regarding the above or when the documents are ready to be picked up.

No. of Attachments ( 1 )