

B13D022

85 73696

93.

EASEMENT TYPE: Drainage (Surface)

TERM: Temporary

DATE OF PREPARATION: June 26, 1985

RELATED PROJECT: Eagle Ranch, Tract 10

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

El Jefe, a New Mexico general partnership, owner of the real property described hereafter (hereinafter called "Grantor") for and in consideration of value received, the receipt of which is hereby acknowledged, does hereby grant and convey to the City of Albuquerque, a municipal corporation (hereinafter called "City"), for the sole purpose of constructing and maintaining storm sewer system a temporary easement on, in, under, through, over, and across the following described real property located in the City of Albuquerque, Bernalillo County, State of New Mexico, and as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter called "Premises").

The temporary easement hereby conveyed is for the sole purpose of locating and establishing, on, in, under, through, over, and across the Premises underground storm sewer system, including the right to enter upon the Premises at any time to construct, maintain, and operate such underground systems and to remove trees, bushes, undergrowth, and obstructions interfering with the location, construction, and maintenance of such systems.

Grantor, for itself, its successors and assigns, and all successors in title to the Premises, reserves the right to use the Premises for purposes which will not interfere with the City's full enjoyment of the rights hereby granted. The parties agree further, as a part of the consideration of this conveyance, that the City shall so maintain and operate the easement herein granted in such a manner that the operation and maintenance thereof will in no way hinder or prevent the proper and reasonable use and enjoyment, including access, driveways, parking, planting, and sidewalks of the property through which the easement is hereby granted.

Further, as a part of the consideration for this conveyance, the City, for itself, its successors and assigns, and all successors in interest to the Premises does hereby covenant and agree to indemnify and forever hold Grantor, and its successor and assigns, harmless from and against any and all claims, actions, liabilities or damages (including attorneys fees and expenses incurred in connection therewith) arising from City's use or occupation in any manner of the easement and Premises of from any activity, work or thing done, permitted or suffered by City in or about the Premises, and further hereby assumes all risk of damage to property and injury to persons in, upon, or about the Premises from any cause whatsoever, and hereby waives all claims against Grantor with respect thereto.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

1985 SEP -3 PM 3:20

M-266A 935-937
[Signature]

Upon the Grantor providing alternate suitable easements and/or facilities at the time of development, the City agrees to vacate by Quit Claim all or that portion of this easement made surplus by the development. Such vacation will not be unreasonably withheld.

Dated this 11th day of July, 1985.

EL JEFE
A NEW MEXICO GENERAL PARTNERSHIP

By: Byron B. Jones

BYRON B. JONES

By: Kenneth L. Watkins

KENNETH L. WATKINS

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss

The foregoing instrument was acknowledged before me this 11th day of July, 1985, by Byron B. Jones and Kenneth L. Watkins of EL JEFE, (A) NEW MEXICO GENERAL PARTNERSHIP, on behalf of said partnership.

Vernon A. Aragon
Notary Public

My Commission Expires: July 14, 1987

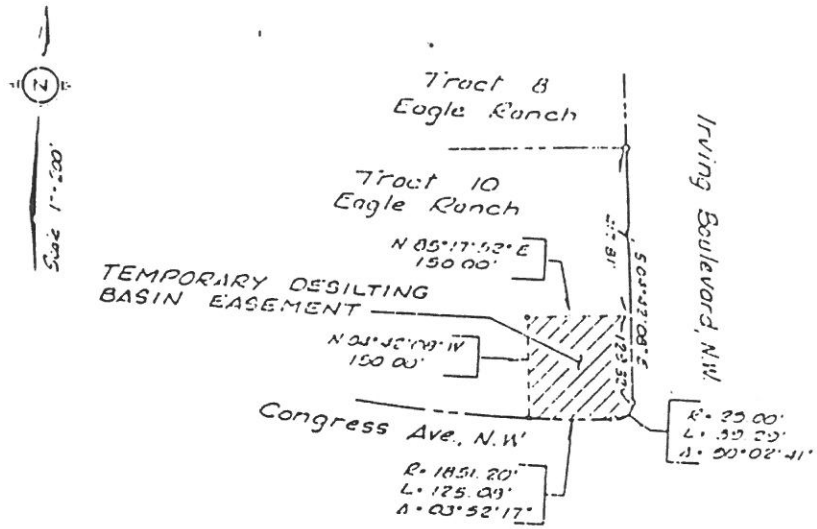
N/A
BOB V. STOVER
Chief Administrative Officer
City of Albuquerque, New Mexico

N/A
CITY CLERK
City of Albuquerque, New Mexico

TEMPORARY DESILTING BASIN EASEMENT
WITHIN TRACT 10, EAGLE RANCH
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO

931

"EXHIBIT A"



An easement within the Town of Alameda Grant (Projected Section 7, Township 11 North, Range 3 East, New Mexico Principal Meridian), City of Albuquerque, Bernalillo County, New Mexico and lying within Tract 10 of Eagle Ranch subdivision as the same is shown and designated on the plat entitled "REPLAT OF TRACT A-2-2, TRACT 20, PROPOSED EAGLE RANCH ROAD, PROPOSED CONGRESS AVENUE, A PORTION OF TRACT 3 & TRACT 1 OF EAGLE RANCH TO TRACTS 'AA', 'BB', 2, 3, 5-8, 10, 13-17, 21, 22, 24-28 EAGLE RANCH" filed for record in the Office of the County Clerk of Bernalillo County, New Mexico on July 11, 1984 in Volume 624, Folio 114 as Document No. 84 52090 and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way line of Irving Boulevard, N.W. and the Northeast corner of the easement herein described, whence the Northeast corner of the aforementioned Tract 10, Eagle Ranch and the Southeast corner of Tract 8 of the aforementioned Eagle Ranch subdivision bears N04°42'08"W, 417.81 feet; thence along said westerly right-of-way line, S04°42'08"E, 129.32 feet to a Point-Of-Curvature (PC); thence leaving said westerly right-of-way line and along the northerly right-of-way line of Congress Avenue, N.W., Southwesterly 25.00 feet along the arc of a curve bearing to the right (said arc having a radius of 25.00 feet, a central angle of 90°02'41" and a chord which bears S40°19'13"W, 35.37 feet to a Point-Of-Compound-Curvature (PCC); thence, Southwesterly 125.00 feet along the arc of a curve bearing to the right (said arc having a radius of 1851.20 feet, a central angle of 03°52'17" and a chord which bears S87°16'41"W, 125.06 feet) to a Point-On-Curve (POC) and the Southwest corner of the easement herein described; thence leaving said northerly right-of-way line, N04°42'08"W, 150.00 feet to the Northwest corner of the easement herein described; thence, N05°17'52"E, 150.00 feet to the Northeast corner and PLACE OF BEGINNING of the easement herein described. The above described enclosure contains 0.524 acres, more or less.