

8965714

## GRANT OF LOCAL DISCHARGE EASEMENTS

for

## FLOODWAY AND STORM DRAINAGE WORKS

DOMINICAN LAND COMPANY, a Michigan non profit corporation, hereinafter "Land Company", whose address is c/o Sisters of the Order of St. Dominic of Grand Rapids, a Michigan non profit corporation, 2025 E. Fulton Street, Grand Rapids, Michigan 49503, GRANTORS, for good and valuable consideration, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico, (AMAFCA) GRANTEE, and its successors and assigns, the permanent right and easement to convey storm water and to construct, reconstruct, operate and maintain storm drainage improvements on, in, under, over and across the following described real estate.

The land in which the foregoing rights and easements are granted is located in the County of Bernalillo and State of New Mexico and are described and identified as ~~Parcels "A", "B" and "C"~~ attached hereto. The location of these easements while identified may remain indefinite until such time as the final grading and master plans of surrounding lands owned by Land Company more particularly described on the plat filed in the office of the County Clerk of Bernalillo, New Mexico on June 26, 1985 in Volume C27, Folio 141 (the "Land Company Property") are implemented, at which time their location shall be defined by a plat which contains metes and bounds descriptions.

The defined location of such easement as specified on such plat shall be established by the owner of the Land Company Property such, however, to the approval of AMAFCA, such approval not to be unreasonably withheld or delayed.

After the establishment of such easement by plat, nonetheless, the owner of the Land Company Property may further relocate such easements subject to the approval of AMAFCA, such approval not to be unreasonably withheld or delayed.

The easements herein described shall be for the purpose of providing surface drainage across the Land Company Property. The drainage facilities to be located therein shall be subject to the approval of AMAFCA but may include channels, ditch dike easements, underground drainage facilities as may be approved by AMAFCA, such approval not to be withheld or delayed.

TO HAVE AND TO HOLD THE said right and easement for the uses and purposes aforesaid, unto the GRANTEE, its successors and assigns, forever, except that any portion of the easement granted herein shall revert to the GRANTOR, its successors or assigns, as and to the extent said portion is declared unnecessary for flood control or drainage by the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority. Any reversion shall be conveyed by quitclaim deed.

THERE IS RESERVED to the GRANTOR, its successors and assigns, the right to use said lands for open space landscaping and other purposes which will not interfere with the rights and easements hereby granted, provided that GRANTOR obtains GRANTEE's written approval for such use, not to be unreasonably withheld.

WITNESS its hand and seal this 24th day of January, 1987.

ATTEST:

Barbara Hansen D.P.  
Barbara Hansen

DOMINICAN LAND COMPANY

By

Carmelita Murphy D.P.  
Carmelita Murphy  
Its President

# ACKNOWLEDGMENT FOR CORPORATION

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF KENT )

The foregoing instrument was acknowledged before me this 24th day of January, 1987 by Carmelita Murphy, the President of Dominican Land Company, a Michigan non-profit corporation, on behalf of said corporation.

My commission expires:

Gladys E. McNeill  
Gladys E. McNeill, Notary Public for Newaygo County  
acting in Kent County, Michigan  
My Commission expires: 9/12/92

1206j

MS 223A 648-652

## PARCEL "A"

DESCRIPTION

A certain tract of land situate within the Elena Gallegos Grant, within the south one-half (1/2) of Section 11, (as projected) T11N, R3E, N.M.P.M., Bernalillo County, Albuquerque, New Mexico and being twenty (20) feet in width and being a southerly portion of Tract "D-1" of LANDS OF SISTERS OF THE ORDER OF ST. DOMINIC as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on August 27, 1986 in Volume C31, Folio 94 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

BEGINNING at the southwest corner of the tract herein described, a point on the westerly boundary of said Tract "D-1" and also being a point on the easterly right-of-way of the North Diversion Channel, whence the southwest corner of said Tract "D-1" bears S28°40'10"E, 975.75 feet and from said point of beginning running thence along the westerly boundary of said Tract "D-1" and also along said right-of-way,

N20°11'46"E, 21.16 feet to the northwest corner of the tract herein described, thence leaving the westerly boundary of said Tract "D-1" and running thence along the northerly boundary of the tract herein described,

S88°50'00"E, 456.99 feet to a point; thence

N88°50'00"E, 1266.61 feet to the northeast corner of the tract herein described; thence,

S17°38'03"W, 21.13 feet to the southeast corner of the tract herein described; thence,

S88°50'00"W, 1260.21 feet to a point; thence,

N88°50'00"W, 464.29 feet to the point and place of beginning.

Tract contains 0.7916 acre, more or less.

Bohannon-Huston, Inc.  
Courtyard I  
7500 Jefferson Street, N.E.  
Albuquerque, NM 87109

Job No. 88150.09

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

December 20, 1988

Date



## PARCEL "B"

DESCRIPTION

A certain tract of land situate within the Elena Gallegos Grant, within Section 11, (as projected) T11N, R3E, N.M.P.M., Bernalillo County, Albuquerque, New Mexico and being twenty (20) feet in width and being a westerly portion of Tract "D-1" of LANDS OF SISTERS OF THE ORDER OF ST. DOMINIC as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on August 27, 1986 in Volume C31, Folio 94 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

BEGINNING at the southwest corner of the tract herein described, a point on the westerly boundary of said Tract "D-1" and also being a point on the easterly right-of-way of the North Diversion Channel, whence the southwest corner of said Tract "D-1" bears S09°41'19"E, 1474.95 feet and from said point of beginning running thence along the westerly boundary of said Tract "D-1" and also along said right-of-way, N20°11'46"E, 20.00 feet to the northwest corner of the tract herein described, thence leaving the westerly boundary of said Tract "D-1" and running thence along the northerly boundary of the tract herein described,

S69°20'00"E, 520.34 feet to a point; thence,  
S81°30'00"E, 577.19 feet to a point; thence,  
N78°40'00"E, 1293.62 feet to the northeast corner of the tract herein described; thence,  
S20°33'13"W, 23.55 feet to the southeast corner of the tract herein described; thence,  
S78°40'00"W, 1284.68 feet to a point; thence,  
N81°30'00"W, 582.81 feet to a point; thence,  
N69°20'00"W, 522.31 feet to the point and place of beginning.

Tract contains 1.0976 acres, more or less.

Bohannon-Huston, Inc.  
Courtyard I  
7500 Jefferson Street, N.E.  
Albuquerque, NM 87109

Job No. 88150.09

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

December 20, 1988  
Date



PARCEL "C"

DESCRIPTION

652

A certain tract of land situate within the Elena Gallegos Grant, within Section 11, (as projected) T11N, R3E, N.M.P.M., Bernalillo County, Albuquerque, New Mexico and being twenty (20) feet in width and being a westerly portion of Tract "D-1" of LANDS OF SISTERS OF THE ORDER OF ST. DOMINIC as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on August 27, 1986 in Volume C31, Folio 94 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

BEGINNING at the southwest corner of the tract herein described, a point on the westerly boundary of said Tract "D-1" and also being a point on the easterly right-of-way of the North Diversion Channel, whence the southwest corner of said Tract "D-1" bears S00°16'32"E, 2092.59 feet and from said point of beginning running thence along the westerly boundary of said Tract "D-1" and also along said right-of-way, N28°41'40"E, 20.25 feet to the northwest corner of the tract herein described, thence leaving the westerly boundary of said Tract "D-1" and running thence along the northerly boundary of the tract herein described, S70°15'00"E, 351.02 feet to a point; thence, S83°10'00"E, 742.31 feet to a point; thence, N79°10'00"E, 1299.47 feet to the northeast corner of the tract herein described; thence, S20°33'13"W, 23.43 feet to the southeast corner of the tract herein described; thence, S79°10'00"W, 1290.37 feet to a point; thence, N83°10'00"W, 747.69 feet to a point; thence, N70°15'00"W, 356.43 feet to the point and place of beginning.

Tract contains 1.0990 acres, more or less.

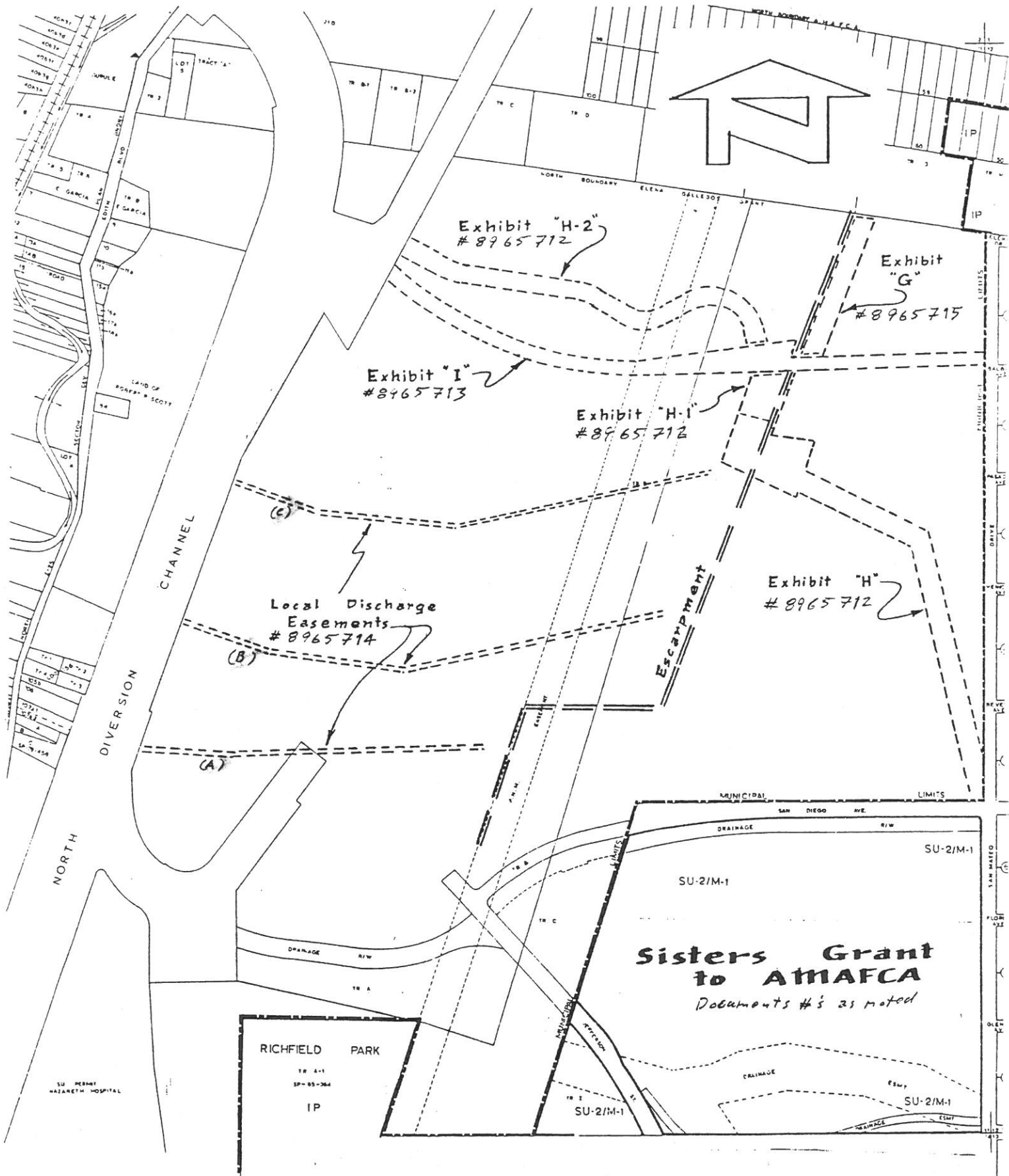
Bohannon-Huston, Inc.  
Courtyard I  
7500 Jefferson Street, N.E.  
Albuquerque, NM 87109

Job No. 88150.09

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

December 20, 1988  
Date





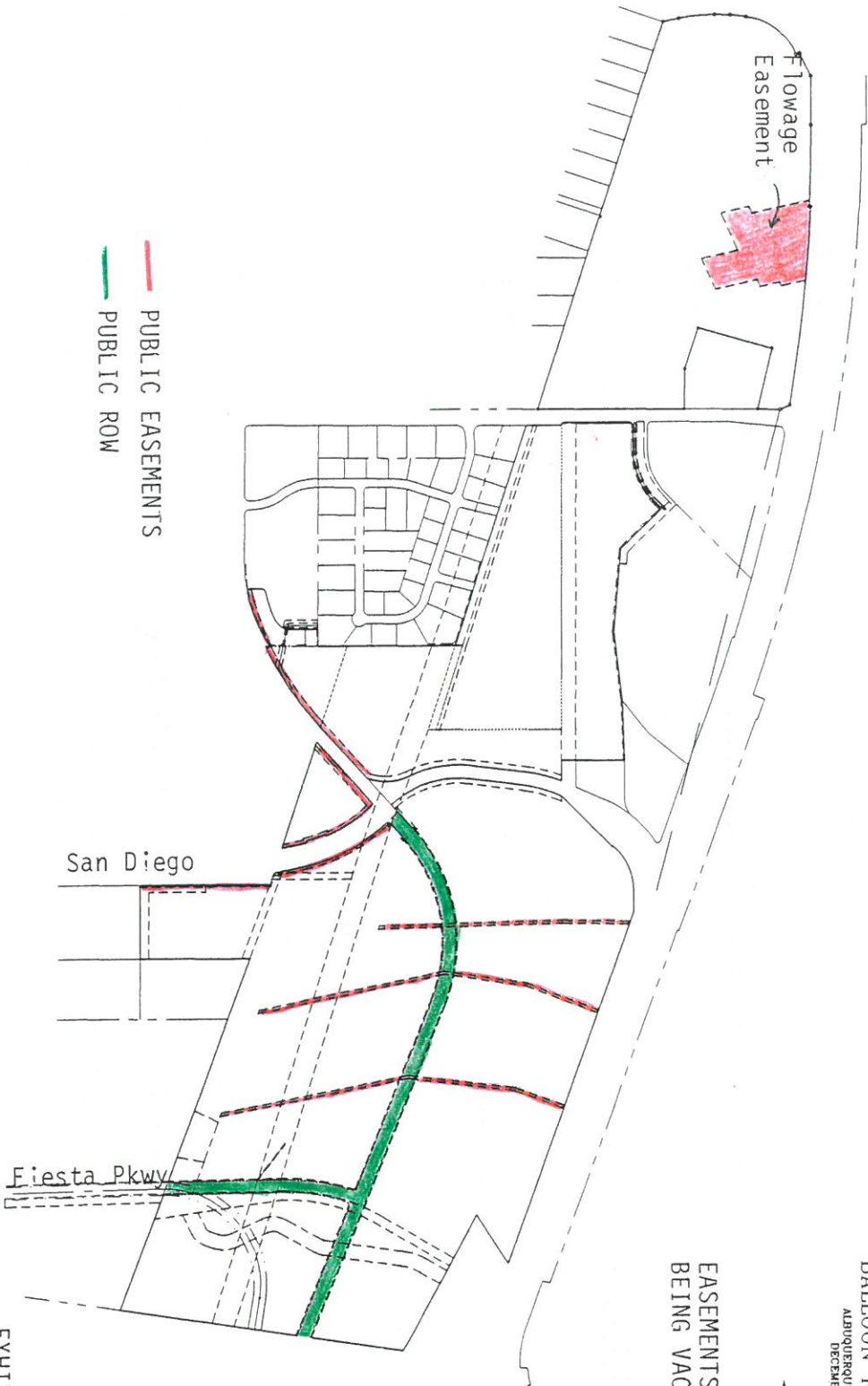




PLAT OF  
BALLOON FIESTA PARK  
ALBUQUERQUE, NEW MEXICO  
DECEMBER, 1998



EASEMENTS AND ROW  
BEING VACATED



PUBLIC EASEMENTS  
PUBLIC ROW

EXHIBIT "B"

Bohannon Houston

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ZAP B-17/C-17

## QUITCLAIM DEED / RELEASE OF EASEMENT

The Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico ("AMAFCA"), hereby releases and discharges of record that certain Easement Parcel N-6-1-B, Vista Sandia Diversion Channel Easement, that encumbers Tract G, Balloon Fiesta Park, as the same easement was granted to AMAFCA by Judgment in Cause # A 16593, filed for record in the office of the County Clerk of Bernalillo County, New Mexico on December 19, 1967 in Bk. Misc. 89, Pg. 188-197 as Document # 75742.

Said Easement is no longer needed and is being released as a result of the completion of construction of an underground storm drain by the City of Albuquerque and as a result of an approved LOMR dated April 30, 2003, for FEMA Map Numbers 35001C0128 and 35001C0136 that confines the 100-year floodplain to the City maintained underground storm drain.

AMAFCA hereby quitclaims to the City of Albuquerque that certain Easement Parcel N-6-1-B, Vista Sandia Diversion Channel Easement, that encumbers Tract G, Balloon Fiesta Park, as the same easement was granted to AMAFCA by Judgment in Cause # A 16593, filed for record in the office of the County Clerk of Bernalillo County, New Mexico on December 19, 1967 in Bk. Misc. 89, Pg. 188-197 as Document # 75742.

ALBUQUERQUE METROPOLITAN ARROYO  
FLOOD CONTROL AUTHORITY

By:

Tim Eichenberg  
Tim Eichenberg, Chairman  
(As authorized at the May 22, 2003 Board Meeting)

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

The foregoing instrument was acknowledged before me on May 22, 2003 by Tim Eichenberg as Chairman of the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico; on behalf of said political subdivision.

Lois Webb  
Notary Public

June 8, 2004  
My commission expires:



Tary Herrera

Bern. Co. QCD

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