

Document A

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6-24-15

PERMANENT EASEMENT

12-18-2013

Grant of Permanent Easement, between RCS-NM HOLDINGS I, LLC ("Grantor"), whose address is 371 Centennial Parkway, Suite 200, Louisville, Colorado 80027 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM, 87103.

Subject to existing rights of record, 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 sewer, 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 ("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 _____ day of _____, 20____.

CITY OF ALBUQUERQUE:

By: [Signature]
Bryan Wolfe, City Engineer
Date: 12/18/2013

[Signature]
12-18-13

GRANTOR: RCS-NM HOLDINGS I, LLC

By [signature]: [Signature]
Name [print]: BRYAN PAUL
Title: Vice President
Date: 10-31-13

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ERSE R \$25 CO H Toulouse Oliver, Bernalillo County
[Barcode]

B.A.

GRANTOR'S NOTARY

STATE OF COLORADO)

) ss

COUNTY OF BOULDER)

This instrument was acknowledged before me on 31st day of October, 2013,
by Brian Paul (name), Vice President (title)
of PCS-WM Holdings I, LLC (entity), a Colorado (i.e. a
New Mexico) corporation, on behalf of the corporation.

(SEAL)



[Signature]
Notary Public
My Commission Expires: 5-29-16

(EXHIBIT "A" ATTACHED)

LEGAL DESCRIPTION

An Easement within Tract 8 of Trails Unit 2 as the same is shown and designated on the plat entitled "BULK LAND PLAT OF THE TRAILS UNIT 2 (BEING A REPLAT OF TRACTS G AND J, THE TRAILS AND UNPLATTED DEED PARCELS) WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 16, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on October 18, 2004 in Plat Book 2004C, Page 332 more particularly described as follows:

An easement Twenty (20) feet in width, being ten (10) feet on each side of the following described centerline:

BEGINNING at a point on the Westerly line of said Tract 8, also being a point on the Easterly line of Tract 9-A, of the Trails Unit 2 as the same is shown and designated on the plat entitled "BULK LAND PLAT OF TTRACTS 9-A AND 10-A, THE TRAILS UNIT 2 (BEING A REPLAT OF TRACTS 9 AND 10, THE TRAILS UNIT 2) WITHIN THE TOWN OF ALAMEDA GRANT IN PROJECTED SECTION 16, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 7, 2006 in Plat Book 2006C, Page 75 whence (1) the Southwest corner of said Tract 8 bears S 00° 19' 17" W, 120.02 feet distant and (2) the Albuquerque Control Survey Monument "7-C10" bears N 74° 23' 08" E, 2359.16 feet distant; Thence running as a centerline:

S 89° 39' 13" E , 577.90 feet to a point; Thence,

S 68° 54' 06" E , 147.30 feet to a point on the Westerly right of way line of Universe Boulevard N.W. and the terminus of the centerline herein described.



