

File
C9/0007



CITY OF ALBUQUERQUE
Department of Family and Community Services
P.O. Box 1293
Albuquerque, New Mexico 87103-1293

Martin J. Chavez, Mayor

Valorie A. Vigil, Director

April 11, 2008

Mr. Brad Bingham, Engineer
Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

RE: Environmental Review Requirements
New Construction of Building and Landscaping on Albuquerque's
Northwest Mesa Effect on Storm and Surface Water Systems

Dear Mr. Bingham:

The YMCA of Central New Mexico is using federal funding to construct a full YMCA facility on eight acres adjacent to Volcano Vista High School on land leased from the Albuquerque Public Schools. Following is a description of the project for your review and comment.

Project Name: New Northwest Mesa YMCA Construction Project

Project Description: This project will utilize HUD EDI Special Project Grant funds towards the construction of 39,000 square foot facility to include child care programs, wellness center with fitness equipment, gymnasium, aerobics programs, indoor competitive lap pool, a therapy/exercise pool and a teen/tech center. There will also be sports fields on the adjoining property. This project will serve approximately 2,500 patrons and employ a staff of nearly 300 on Albuquerque's northwest mesa.

Mr. Brad Bingham
April 11, 2008
Page 2

Enclosed is a zone map and photographs of the property.

Project Addresses: 8100 Rainbow Road NW, Albuquerque, NM 87114. The currently vacant 8 acre lot is at the southeast corner of the Albuquerque Public Schools' Volcano Vista High School. The APS property is a 91 acre property that is identified as the northern 1,400 feet of tract C of Ancient Mesa in the southwest quarter of Section 16, Township 11 North, Range 2 East. Located at the southwest corner of Rainbow Boulevard and Avenida Jaimito.

Please use the form below to advise our office as to whether these activities would have an adverse impact on storm and surface water. If you have any questions or concerns, please call me at 768-2871.

Sincerely,

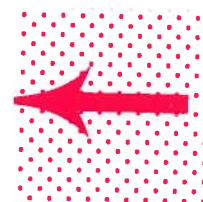


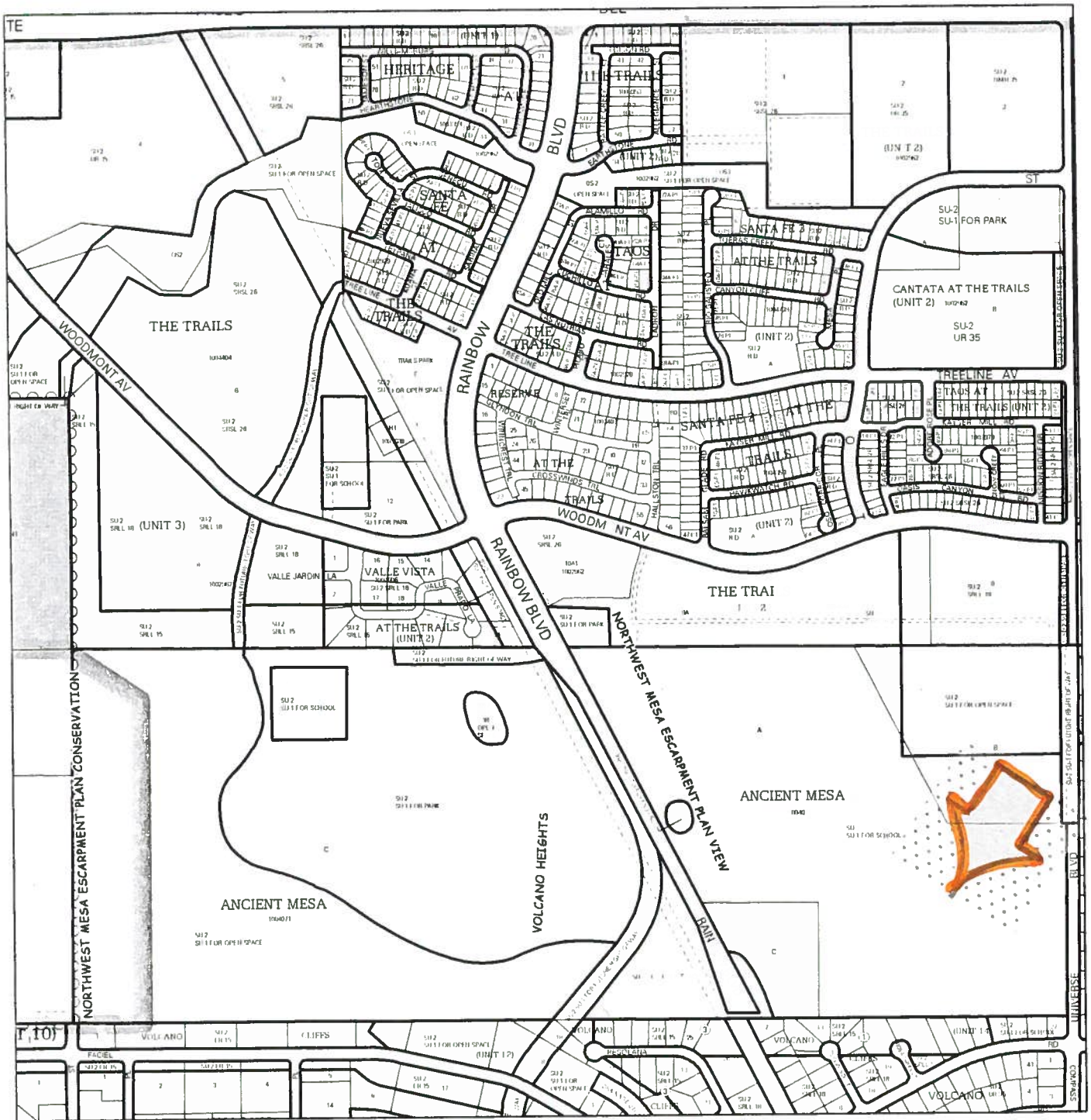
Rick Giron, Program Specialist
Community Development Division

- ☐ I concur that the proposed undertaking SHOULD NOT adversely impact the City of Albuquerque's Storm and Surface Water Systems.
- ☐ I have determined that the proposed undertaking WILL adversely impact the City of Albuquerque's Storm and Surface Water Systems. You should undertake further consultation with our office before proceeding with the proposed project.

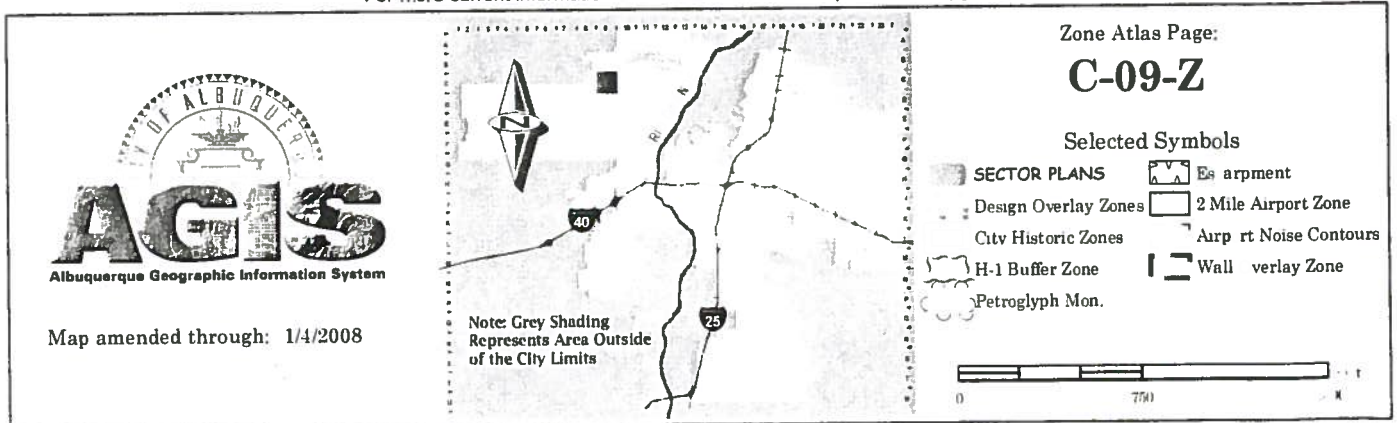
Concur: _____
Brad Bingham, City Engineer

Date: _____





For more current information and more details visit: <http://www.cabq.gov/gis>



The Q Allowable for the APS site is 26.2 cfs.

The orifice plate would need to be installed upstream (private side) of the inlet in Universe Blvd.

Hydrology reviewed the HGL in the Universe storm drain and the additional head would crawl up the pipe approx. 200 ft. There would be no adverse impact to the Trails system.
Please submit to Hydrology for Work Order approval.

Incorporating this into the existing construction plans would be preferable to an additional set. Is this something that you and Scott Steffen can work out?

Curtis

From: Graeme Means [<mailto:GMeans@highmesacg.com>]
Sent: Tuesday, February 26, 2013 9:16 AM
To: Cherne, Curtis
Cc: Jeffrey Mortensen; Eckert, Martin W
Subject: Volcano Vista HS Storm Drain Connection in Universe

Curtis,

Jeff passed on your request for us to put together a summary report in a reviewable format that documents our discussions and findings from our informal meeting last Thursday regarding the hydraulic feasibility of a storm drain connection from Volcano Vista HS to the proposed storm drain in Universe.

Attached herewith is a draft version for your review and comment. Please review and let me know if this is what you're looking for. We can then finalize and I'll sign, stamp and date.

Thank you,

Graeme Means



J. Graeme Means, P.E.
Principal

6010-B Midway Park Blvd. NE
Albuquerque, NM 87109
www.highmesacg.com

Phone: 505.345.4250
Fax: 505.345.4254
gmeans@highmesacg.com

2/27/2013

CITY OF ALBUQUERQUE



March 22, 2013

Graeme Means, P.E.
High Mesa Consulting Group
6010-B Midway Park Blvd NE
Albuquerque, NM 87109

Re: Tract A, Ancient Mesa
Connection to the Proposed Storm Drain Pipe in Universe Blvd. NW (C09/D007)

Dear Mr. Means,

Based upon the information provided in your submittal received 2-27-13, the above referenced connection can not be approved for work order. The allowable discharge should be based on the capacity of the proposed storm drain pipe in Universe.

If you have any questions, you can contact me at 924-3695.

Sincerely,

Shahab Biazar, P.E.
Senior Engineer, Planning Dept.
Development and Building Services

www.cabq.gov

NM 87103

Albuquerque

PO Box 1293

C: e-mail

DRAINAGE AND TRANSPORTATION INFORMATION SHEET

(REV. 1/28/2003rd)

C-09/0007

PROJECT TITLE: VOLCANO VISTA HIGH SCHOOL/UNIVERSE

STORM DRAIN

DRB #:

EPC #:

WORK ORDER #:

761283

LEGAL DESCRIPTION: TRACT A, ANCIENT MESA

8100 RAINBOW BLVD. NW

ENGINEERING FIRM:

HIGH MESA CONSULTING GROUP

ADDRESS:

6010-B MIDWAY PARK BLVD. NE

CITY, STATE:

ALBUQUERQUE, NM

OWNER:

ALBUQUERQUE PUBLIC SCHOOLS

ARCHITECT:

N/A

ADDRESS:

CITY, STATE:

6010-B MIDWAY PARK BLVD. NE

ADDRESS:

ALBUQUERQUE, NM

CONTRACTOR:

N/A

ADDRESS:

CITY, STATE:

TYPE OF SUBMITTAL:

X DRAINAGE REPORT

DRAINAGE PLAN 1st SUBMITTAL, *REQUIRES TCL or equal*

CONCEPTUAL GRADING & DRAINAGE PLAN

GRADING PLAN

EROSION CONTROL PLAN

ENGINEER'S CERTIFICATION (HYDROLOGY)

CLOM/RLOMR

TRAFFIC CIRCULATION LAYOUT (TCL)

ENGINEER'S CERTIFICATION (TCL)

ENGINEER'S CERTIFICATION (DRB APPR. SITE PLAN)

OTHER - SUPPLEMENTAL DATA

X

DATE SUBMITTED: 02-27-2013 BY: JEFFREY G. MORTENSEN

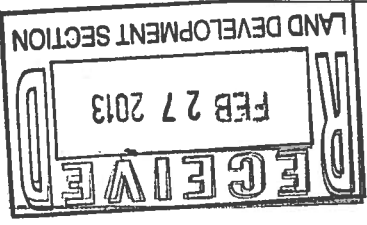
XC: MARTY ECKERT, REAL ESTATE DEPT., APS

Requests for approvals of Site Development Plans and/or Subdivision Plans shall be accompanied by a drainage submittal. The particular nature, location and scope of the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based upon the following:

1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.

2. **Drainage Plans:** Required for building permits, grading permits and site plans less than five (5) acres.

3. **Drainage Report:** Required for subdivisions containing more than ten (10) lots or constituting five (5) acres or more.



CHECK TYPE OF APPROVAL SOUGHT:

SIA/FINANCIAL GUARANTEE RELEASE

PRELIMINARY PLAT APPROVAL

S. DEV. PLAN FOR SUBD. APPROVAL

S. DEV. PLAN FOR BLDG. PERMIT APPROVAL

SECTOR PLAN APPROVAL

FINAL PLAT APPROVAL

FOUNDATION PERMIT APPROVAL

BUILDING PERMIT APPROVAL

CERTIFICATE OF OCCUPANCY (PERM.)

CERTIFICATE OF OCCUPANCY (TEMP.)

GRADING PERMIT APPROVAL

PAVING PERMIT APPROVAL

WORK ORDER APPROVAL

X

OTHER (SPECIFY) -



6010-B Midway Park Blvd. NE
Albuquerque, New Mexico 87109
Phone: 505.345.4250
Fax: 505.345.4254
www.highmesacg.com

TO:	Curtis Cherne, PE, City Hydrologist
FROM:	J. Graeme Means, PE
CC:	Martin Eckert, APS Real Estate Director, Annelle Darby, APS Staff Architect Jeff Mortensen, HMCg Principal Engineer
DATE:	02/26/2013
PROJECT:	APS Volcano Vista High School – City Hydrology File C7/D9
RE:	Summary Analysis of Connection to Proposed Storm Drain in Universe Blvd. NW
JOB NO:	HMCg 2012.182.9

Dear Curtis,

Thank you for meeting with me last Friday, February 22, 2013, to evaluate and coordinate implementation of a storm drain connection between an existing storm inlet and a proposed storm drain in Universe Blvd. NW. The inlet and a 48 inch lateral were constructed in 2006 under City Project # 766981 in anticipation of a future connection to a proposed 60 inch storm drain that was expected provide the programmed outfall from the temporary retention pond located on Volcano Vista High School, thereby allowing eventual conversion from 100% retention to detention pond with controlled release at a rate of 95 cfs to the future Universe Storm Drain.

As identified during our meeting, the proposed construction plans recently submitted to the City for approval of a public storm drain in Universe identify a 36 inch pipe at this location and do not provide any connection to the existing 48 inch lateral, nor do they include plans to pick up street flows from the existing storm inlet. Instead, the plans propose to trim the lateral back as it conflicts with the proposed storm drain.

Based on the following, we have determined that it would be feasible to construct an 18 inch connection (sleeved within the existing 48 inch lateral) between the existing inlet and the proposed 36 inch storm drain with an orifice plate in the upstream private APS storm drain:

- 1) Review of the Engineer's Certification for Volcano Vista HS Phase 2 shows that the invert out of the bottom of the Volcano Vista HS pond is at elevation 5375 (NGVD 1929) which is above the elevation of the storm inlet grate in Universe of 5373.6 (NGVD 1929). This ensures that flow from the Universe storm drain will not back up into the pond as it would overflow at the grate before reaching that elevation.

- 2) Review of the proposed construction plans show the existing storm inlet grate elevation of 5376.4 (NAVD 88) is 3.2 ft higher than the proposed hydraulic grade line (HGL) in the 36 inch Universe storm drain at the existing lateral location of approximately 5373.2 (NAVD 88), thereby resulting in 3.2 ft of elevation head for positive flow and drainage from the inlet to the storm drain without resulting in a backflow condition surging up at the grate.

3) Hydraulic calculations (attached) that demonstrate a potential flow rate of 29.5 cfs from the storm inlet to the storm drain through an 18 inch lateral under pressure with 3.2 feet of elevation head.

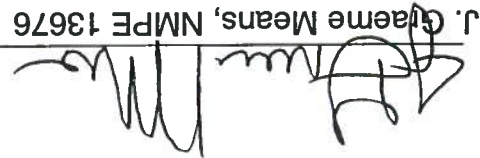
4) The 18 inch connection would be sleeved through the existing 48 inch lateral with the excess area gouted. This would avoid any disturbance to traffic and avoid cutting the street.

5) The orifice plate would be sized to limit outflow from the private storm drain to 26.2 cfs which represents the total potential flow in the lateral of 29.5 cfs and subtracting street flows of 3.3 cfs.

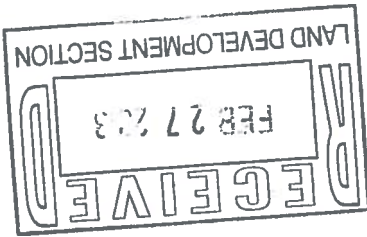
It should be noted and documented that the proposed release of 26.2 cfs does not represent the entire 95 cfs of allowable discharge from the Volcano Vista High School site per the master drainage plan, but does represent what can be released at this time to the proposed 36 inch storm drain. A storm drain connection as analyzed and described by the preceding would not only provide a partial outfall for an existing retention pond located on public school property, but it would also accept street flows that currently bypass this inlet.

Please let us know if you have any questions or comments regarding this information.

J. Graeme Means, NMPE 13676

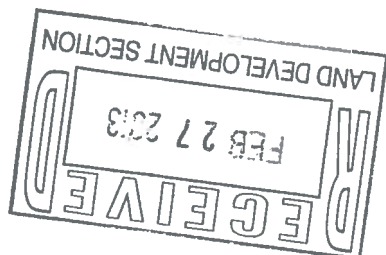



02/27/2013



Worksheet Worksheet for Pressure Pipe

Project Description	
Worksheet	Pressure Pipe
Flow Element	Pressure Pipe
Method	Manning's For
Solve For	Discharge
Input Data	
Pressure at 1	0.00 psi
Pressure at 2	0.00 psi
Elevation at 1	76.37 ft
Elevation at 2	73.20 ft
Length	40.00 ft
Mannings Coeffc	0.013
Diameter	18 in
Results	
Discharge	29.57 cfs
Headloss	3.17 ft
Energy Grade at	80.72 ft
Energy Grade at	77.55 ft
Hydraulic Grade	76.37 ft
Hydraulic Grade	73.20 ft
Flow Area	1.8 ft²
Wetted Perimeter	4.71 ft
Velocity	16.73 ft/s
Velocity Head	4.35 ft
Friction Slope	0.079250 ft/ft



100
EASEMENT

812812002

693381
C9-D-1

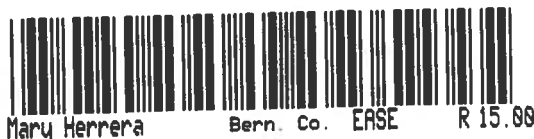
This grant of Easement, between,

LOREN W. KELLER and ANITA E. KELLER, husband and wife, ("Grantor"), and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P. O. Box 1293 Albuquerque, New Mexico 87103.

1. Grant of Easement. The Grantor grants to the City an exclusive permanent easement (the "Easement") for a roadway and underground public and private utilities ("Public Improvement") on, over, across and through the property described on Exhibit A attached hereto ("Property"), together with the right of the City to operate, maintain, repair, replace and construct the Public Improvement and 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 the easement.

2. Warranties. Grantor covenants and warrants that it is the owner in fee simple of the Property and that it has a good lawful right to convey the Property or any part thereof and that the Grantor will forever warrant and defend that title to the Property against all claims from all persons or entities.

3. Binding on Grantor's Property. The grant and other provisions of this Easement constitute covenants running with title to the Property for the benefit of the City and its successors and assigns until terminated.



Witness my hand and seal this 19th day of August, 2002.

Grantor:

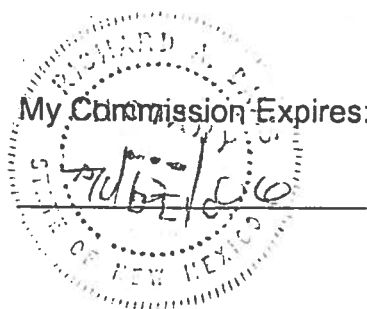
Loren W. Keller
LOREN W. KELLER

Anita E. Keller
ANITA E. KELLER

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 19th day of August, 2002 by Loren W. Keller and Anita E. Keller, husband and wife.

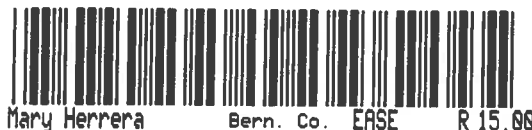
[Signature]
Notary Public



APPROVED:

[Signature]
City Engineer

8-28-02
Dated Life Easement



LEGAL DESCRIPTION

An easement situate within the Town of Alameda Grant in projected Section 16, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County New Mexico comprising the Easterly Fifty feet (50') of that certain parcel of land described in Special Warranty Deed to Loren W. Keller and Anita E. Keller, his wife filed in the office of the County Clerk of Bernalillo County, New Mexico on November 28, 1990 in Book BCR 90-19, page 866 as Document Number 9090904 more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) grid bearings and ground distances as follows:

BEGINNING at the Northeast corner of the easement herein described, the Northeast corner of the aforesaid Special Warranty Deed whence (1) the closing corner on the South Boundary of the Town of Alameda Grant for Sections 16 and 15, Township 11 North, Range 2 East, N.M.P.M. (A BLM brass cap found in place) bears S 00° 15' 43" W, 3281.10 feet distant and (2) the Albuquerque Control Survey Monument "7-C10" bears S 30° 38' 14" E, 2927.35 feet distant; Thence,

S 00° 15' 27" W , 660.13 feet to a point; Thence,

S 00° 15' 27" W , 659.89 feet to a point; Thence,

S 00° 18' 26" W , 642.13 feet to the Southeast corner of the easement herein described, the Southeast corner of the aforesaid Special Warranty Deed, Thence,

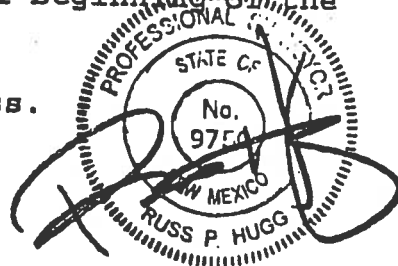
N 89° 33' 10" W , 50.00 feet to the Southwest corner of the easement herein described; Thence,

N 00° 18' 26" E , 641.98 feet to a point; Thence,

N 00° 15' 27" E , 1319.97 feet to a point on the Northerly line of the aforesaid Special Warranty Deed, Thence,

S 89° 46' 38" E , 50.00 feet along said Northerly line of the aforesaid Special Warranty Deed to the Northeast corner and point of beginning of the easement herein described.

Said easement contains 2.2521 acres, more or less.



Mary Herrera

Bern. Co. EASE

R 15.00

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Page: 3 of 4

18/08/2002 03:57P

Bk-A43 Pg-258

PASEO DEL NORTE

Point of BEGINNING

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	S89°46'38"E
L2	50.00	N89°33'10"W
L3	64.00	S89°40'05"E
L4	50.00	S89°40'05"E
L5	64.00	N89°43'38"W

N 00°05'47" E

ROADWAY AND
UNDERGROUND PUBLIC
AND PRIVATE UTILITY
EASEMENT

Scale 1" = 200'

SPECIAL WARRANTY DEED
LOREN W. & ANITA E. KELLER
11/28/90, Bk 90-19, Page 887SPECIAL WARRANTY DEED
LOREN W. & ANITA E. KELLER
11/28/90, Bk 90-19, Page 887WARRANTY DEED
DANIEL & CHRISTINE DOUGHTY
12/15/89, Bk 9816, Page 2884REAL ESTATE CONTRACT
SONRISE BAPTIST CHURCH
05/17/89, Bk 9907, Page 4383
Existing 20' Roadway and Utility Easement
(Typical)SPECIAL WARRANTY DEED
TERRY M. WARD, AS TRUSTEE
03/08/90, Bk 90-4, Page 4428

PLANS ELECTRIC EASEMENT

A.C.S. Control
Monument "7-C10"**SURV TEK, INC.**

Consulting Surveyors

5645 Paradise Blvd. N.W. Albuquerque, New Mexico 87114

Phone: 805-897-5588
Fax: 805-897-33772002130616
573789
Page: 4 of 4
10/08/2002 03:57P
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Bern. Co. ERSE

Mary Herrera

1500

693381

EASEMENT

8/28/2002

This grant of Easement, between, The Estate of Rosalie F. Silverman a/k/a Rosalie W. Silverman, Deceased, Barton J. Winokur, Co-Executor and Attorney-In-Fact from Daniel M. Winokur, Co-Executor ("Grantor"), and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is PO Box 1293, Albuquerque, NM 87103.

A. Grant of Easement. The Grantor grants to the City an exclusive permanent easement (the "Easement") for a roadway and underground public and private utilities ("Public Improvement") on, over, across and through the property described on Exhibit A attached hereto ("Property"), together with the right of the City to operate, maintain, repair, replace and construct the Public Improvement and 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 the easement.

B. Warranties. Grantor covenants and warrants that it is the owner in fee simple of the Property and that it has a good and lawful right to convey the Property or any part thereof.

C. Binding on Grantor's Property. The grant and other provisions of this Easement constitute covenants running with title to the Property for the benefit of the City and its successors and assigns until terminated.

Witness my hand and seal this 15th day of August, 2002.

GRANTOR:

THE ESTATE OF ROSALIE F. SILVERMAN
A/K/A ROSALIE W. SILVERMAN, DECEASED

By: [Signature]
Barton J. Winokur, Co-Executor and
Attorney-in-Fact from Daniel M. Winokur,
Co-Executor

APPROVED:

[Signature]
City Engineer

Dated 8-28-02

[Signature]

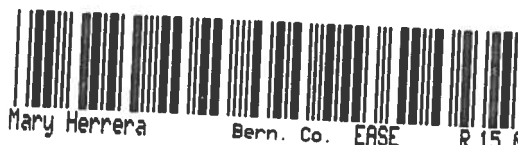
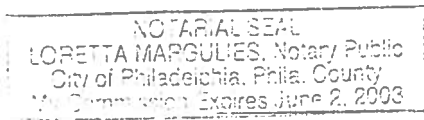


[illegible]

This instrument was acknowledged before me on the 15th day of August, 2002 by Bartolomeo J. Chinkar.

My commission expires:

Conita Magallon
Notary Public



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Page: 2 of 4
10/08/2002 03:57P
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EXHIBIT "A"

Silva

LEGAL DESCRIPTION

An easement situate within the Town of Alameda Grant in projected Section 16, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County New Mexico comprising the Easterly Fifty feet (50') of that certain parcel of land described in Warranty Deed to Morris J. Winokur filed in the office of the County Clerk of Bernalillo County, New Mexico on May 19, 1960 as Document Number 70605 more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) grid bearings and ground distances as follows:

BEGINNING at the Southeast corner of the easement herein described, the Northeast corner of the aforesaid Special Warranty Deed and the closing corner on the South Boundary of the Town of Alameda Grant for Sections 16 and 15, Township 11 North, Range 2 East, N.M.P.M. (A BLM brass cap found in place) whence the Albuquerque Control Survey Monument "7-C10" bears N 63° 10' 10" E, 1688.67 feet distant; Thence,

N 89° 40' 05" W , 50.00 feet along said South Boundary of the Town of Alameda Grant to the Southwest corner of the easement herein described; Thence,

N 00° 15' 34" E , 641.74 feet to a point; Thence,

N 00° 13' 49" E , 677.31 feet to a point on the Northerly line of said Warranty Deed and the Northwest corner of the easement herein described; Thence,

S 89° 33' 10" E , 50.00 feet along the Northerly line of said Warranty Deed to the Northeast corner of said Special Warranty Deed and the Northeast corner of the easement herein described; Thence,

S 00° 13' 49" W , 677.14 feet to a point; Thence,

S 00° 15' 34" W , 641.82 feet to the Southeast corner and point of beginning of the easement herein described.

Said easement contains 1.5140 acres, more or less.

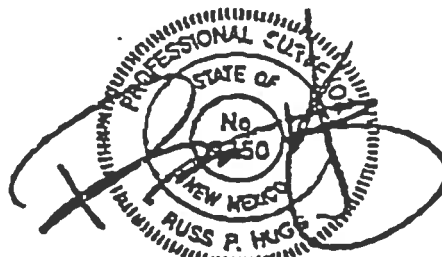


Mary Herrera

Bern. Co. EASE

R 15.00

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Page: 3 of 4
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Bk-A43 Pg-259



JUN-25-2002 14:56

C B RICHARD ELLIS

305 E37 4994 P.06/08

EXHIBIT 'A'

LINE	LENGTH	BEARING
L1	50.00	S89°45'38"E
L2	50.00	S89°33'10"E
L3	64.00	N89°40'05"W
L4	50.00	N89°40'05"W
L5	64.00	N89°43'38"W

SILVERMAN, ROSALIE

**'Y DEED
MORRIS J. WINOKUR**

CURRENT

ROADWAY AND UNDERGROUND PUBLIC AND PRIVATE UTILITY EASEMENT

SOUTH BOUNDARY TOWN OF ALAMEDA GRANT

Point of BEGINNING

Scale 1" = 200'

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	S89°45'38"E

SURV  TEK, INC.

Consulting Surveyors
6645 Paradise Blvd. N.W. Albuquerque, New Mexico 87116

Phone 606-887-3368
Fax 606-887-3377

700

293386

STATE OF NEW MEXICO
COMMISSIONER OF PUBLIC LANDS
GRANT OF TEMPORARY RIGHT-OF-WAY

Right-of-Way Easement No. RW-28185

This Indenture is made this 28th day of August, 2002, between the New Mexico Commissioner of Public Lands (Grantor), and City of Albuquerque, Public Works Department whose address is P.O. Box 1293, Albuquerque, NM 87103 (Grantee).

WHEREAS the parties are engaged in negotiating a possible long-term right-of-way to be used for the installation and maintenance of a road; and,

WHEREAS the parties anticipate that a right-of-way will, in fact, be agreed upon; and,

WHEREAS the parties agree that by entering this agreement, neither intends to, nor will it, waive or otherwise be estopped or barred to assert or raise a right, claim, or defense regarding the alleged trespass, the proper valuation of the right-of-way, or any other matter which has arisen, or may arise from or, in connection with any use or purported use, occupancy, or entry upon Grantor's lands by Grantee; and,

WHEREAS Grantee agrees to pay the appraised value of this right-of-way determined by the Grantor.

1. Grantor conveys to Grantee a right-of-way for the sole and exclusive purpose of constructing and maintaining Grantee's road including the right to enter upon the right-of-way hereinafter described at any time to construct, maintain, and repair the right-of-way, and any necessary and related improvements, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said right-of-way which the parties are presently negotiating.

2. The right-of-way hereby granted covers a strip of land sixty-four (64) feet in width in Bernalillo County(ies), as more particularly described by the attached centerline description and survey plats, which are incorporated herein as Exhibit A.

3. This grant is made upon the following express terms and conditions.

A. This right-of-way is granted for a term of one (1) year. The grant may be renewed for additional periods upon application to Grantor. Grantee may renew this temporary right-of-way for one (1) additional year on the same terms by giving Grantor thirty (30)-days notice.

B. Grantor reserves the right to authorize or grant right-of-way or other easements to third parties, which may be parallel to, cross over or bisect this right-of-way. In such cases, the subsequent Grantee may, at the discretion of the Grantor, be required to post a bond guaranteeing payment for damages to the installations and improvements of Grantee herein. In crossing any right-of-way for a highway, road, telephone, telegraph, transmission line, etc., Grantee herein will exercise due care so as not to interfere with said rights-of-way and will comply with all applicable laws, rules, and regulations in connection with the making of such crossings.



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Page: 1 of 5
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C. The right to grant additional rights-of-way or easements with this right-of-way belongs exclusively to Grantor. Grantor hereby agrees, however, that in the event Grantor elects to exercise such right, Grantor will secure, in writing, the agreement of the subsequent right-of-way Grantee that no facilities will be constructed or installed within the right-of-way subsequently granted without first obtaining from the City of Albuquerque a permit prescribing the conditions under which facilities may be placed within such right-of-way in accordance with the city's applicable rules and regulations.

D. In clearing the right-of-way, Grantee agrees to dispose of brush and other debris so as not to create any nuisance or hazardous condition.

E. Grantee shall not, without the prior written approval of Grantor, assign this right-of-way or otherwise create or allow uses or users other than those specifically described herein. Such approval may be conditioned upon the agreement by Grantee's assignee to additional conditions and covenants and may require payment of additional compensation to Grantor. This right-of-way is for the sole purpose stated and no other. Grantee agrees not to sell or otherwise grant to any person or entity and interest therein or the right to use any portion thereof.

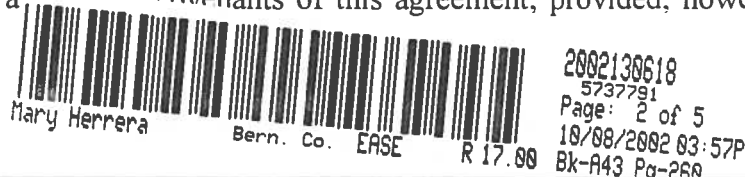
F. Grantor reserves the right to execute leases for oil and gas, coal, and minerals of whatsoever kind and for geothermal resources development and operation, the right to sell or dispose of same, and the right to grant right-of-way and easements related to such leasing.

G. In all matter affecting the premises described herein or operations thereon, Grantee, its employees, agents, and contractors shall, at their own expense, fully comply with all laws, regulations, rules, ordinances, and requirements of any governmental authority or agency, which may be enacted or promulgated, including, but not limited to, requirements or enactments pertaining to conservation, sanitation, aesthetics, pollution, cultural properties, and resources, fire, or ecology, including those provisions of the New Mexico Cultural Properties Act, 18-6-1 through -17, NMSA 1978, that attach criminal penalties to the appropriation, excavation, injury or destruction of any site or object of historical, archaeological, or scientific value located on state lands. Grantee agrees to any immediately notify Grantor of the presence of any archaeological, historical, scientific, or architectural properties or resources on or near the right-of-way granted herein.

H. Non-use of the right-of-way granted herein for any period in excess of one (1) year without the prior written consent of Grantor shall be conclusive proof of abandonment of the right-of-way, and non-use for shorter periods shall place upon Grantee the burden of proving that there was no intent to abandon. Grantor's determination of non-use shall be final.

I. Grantee, if other than a governmental entity that is provided immunity from suit by the New Mexico Tort Claims Act, agrees to save and hold harmless, defend and indemnify the State of New Mexico, the Commissioner of Public Lands, and his agents or employees, in their official and individual capacities, of and from any and all liability, claims, losses, or damages arising out of, or alleged to arise out of, or indirectly connected with the operations of Grantee, its employees, agents, invitees or contractors hereunder.

J. Notwithstanding anything contained herein, Grantor may cancel this grant for violation of any of the covenants of this agreement; provided, however, that before any



such cancellation shall become effective, Grantor shall mail to Grantee or any approved assignees, by certified mail, addressed to the Post Office address of Grantee or such assignee shown by Land Office records, a thirty (30) day notice of intention to cancel, specifying the default for which the grant is subject to cancellation. No proof of receipt of notice shall be necessary and thirty (30) days after such mailings, this right-of-way shall terminate without further notice or other act by Grantor, unless Grantee shall have sooner remedied the default, or made arrangements to cure, satisfactory to Grantor.

K. Grantee agrees to preserve and protect the natural environmental condition of the land encompassed in this grant, and to take those reclamation or corrective actions that are accepted soil and water conservation practices, and that are deemed necessary by Grantor, to protect the land from pollution, erosion, or other environmental degradation. This requirement shall survive the termination of this right-of-way; and failure by Grantee to satisfactory fulfill any such reclamation, corrective, or conservation requirements imposed by Grantor shall give rise to claim by Grantor or legal and equitable remedies,

L. Grantee agrees to reclaim by grading, leveling, or terracing all areas distributed by the construction or maintenance of the right-of-way or operations thereon and to landscape such areas at its own cost and expense. Landscaping shall include the planting of native grasses, shrubs, or vegetation so as to return disturbed areas to their natural state and prevent water and wind erosion. All such reclamation shall be completed to the satisfaction of Grantor. This requirement shall survive the termination of this right-of-way.

M. This grant shall become effective upon its execution by Grantor.

STIPULATION:

APPROVED:

City Engineer

Dated

STATE OF NEW MEXICO (GRANTOR)

By:

COMMISSIONER OF PUBLIC LANDS

GRANTEE:

By:

ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 15 day of July, 2002, by Charles T. Asbury of _____ a _____ corporation, on behalf of said corporation.

My Commission Expires: _____

NOTARY PUBLIC

9182004



Mary Herrera

Bern. Co. EASE

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2002130618
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Page: 3 of 5
10/08/2002 03:57P
Bk-A43 Pg-260

EXHIBIT 'A'

SOUTH BOUNDARY TOWN OF ALAMEDA GRANT

Point of BEGINNING



STATE LAND OFFICE
GOVERNMENT LOT 1

0.9352 Ac. contained
within Gov't Lot 1

TEMPORARY RIGHT-OF-WAY GRANT

LINE	LENGTH	BEARING
L1	50.00	S89°46'38"E
L2	50.00	S89°33'10"E
L3	64.00	S89°40'05"E
L4	50.00	S89°40'05"E
L5	64.00	N89°43'38"W

TEMPORARY RIGHT-OF-WAY GRANT

STATE LAND OFFICE
SE1/4 OF THE SE1/4
SECTION 18, TOWNSHIP 11 NORTH, RANGE 2 EAST

1.9403 Ac. contained
within SE1/4 of SE1/4, Sec. 18

Scale 1" = 200'



SECTION 18

SECTION 21

DRIVE NW 1/4

SQUAW ROAD

VOLCANO CLIFFS
UNIT 14

A.C.S. Central
Monument "7-C10"

AVENIDA DE JAMITO

VALENTE ROAD

VOLCANO CLIFFS
UNIT 16

2002130618
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Page: 4 of 5
10/08/2002 03:57P
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Bern. Co. ERSE
Mary Herrera

SURV TEK, INC.

Consulting Surveyors
6043 Paradise Blvd. N.W. Albuquerque, New Mexico 87114

Phone: 505-887-3368
Fax: 505-887-3369

Right-of-Way Easement Map

LEGAL DESCRIPTION

An easement situate within Government Lot 1 and the South East Quarter (SE1/4) of the South East Quarter (SE1/4) of Section 16, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County New Mexico comprising the Easterly Sixty four feet (64') of said Government Lot 1 and the South East Quarter (SE1/4) of the South East Quarter (SE1/4), more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) grid bearings and ground distances as follows:

BEGINNING at the Northeast corner of the easement herein described, and the Northeast corner of said Government Lot 1, being the closing corner on the South Boundary of the Town of Alameda Grant for Sections 16 and 15, Township 11 North, Range 2 East, N.M.P.M. (A BLM brass cap found in place) whence the Albuquerque Control Survey Monument "7-C10" bears N 63° 10' 10" E, 1688.67 feet distant; Thence,

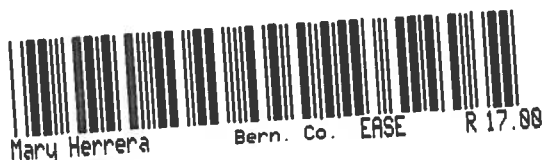
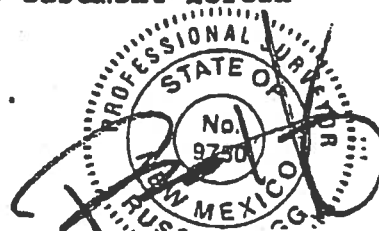
S 00° 16' 22" W , 1956.97 feet along the line common to Sections 16 and 15 and the Easterly line of said Government Lot 1 and the South Half of the South Half to the corner common to Sections 15, 16, 21 and 22, Township 11 North, Range 2 East, N.M.P.M. (A BLM brass cap found in place), said point being the Southeast corner of said South Half of the South Half and the Southeast corner of the easement herein described; Thence,

N 89° 43' 38" W , 64.00 feet along the South line of said Section 16 to the Southwest corner of the easement herein described; Thence,

N 00° 16' 22" E , 1957.08 feet to a point on said South Boundary of the Town of Alameda Grant and Northwest corner of the easement herein described; Thence,

S 89° 40' 05" E , 64.00 feet along said South Boundary of the Town of Alameda Grant to the Northeast corner and point of beginning of the easement herein described.

Said easement contains 2.8755 acres, more or less.



Mary Herrera

Bern. Co. EASE

R 17.00

2002130618
5737791
Page: 5 of 5
10/08/2002 03:57P
Bk-A43 Pg-260

drain in universe to be built by others.
Thanks.
Jeff

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6/21/2012