

C70/8064

TEMPORARY PUBLIC DRAINAGE EASEMENT

THIS GRANT OF TEMPORARY EASEMENT, by and between Ficiel Hindi ("Grantor"), whose address is 1709 Luthy NE, Albuquerque, New Mexico, 87112, and the City of Albuquerque, a New Mexico Corporation ("City"), whose address is P.O. Box 1293, Albuquerque, New Mexico 87103.

1. **Grant of Temporary Public Drainage Easement.** The Grantor grants tot the City an exclusive, temporary public drainage easement ("Easement"), for the LA CUEVE ARROYO ("Public Improvement"), on over, across, and through the property described below ("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 this Easement. The Property is described as follows:

**Lot 8, Block 4, Tract 3, Unit 3, North Albuquerque Acres  
SEE ATTACHED EXHIBIT "A"**

2. **Warranties.** Grantor covenants and warrants that 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 Grantor will forever warrant and defend the 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.

4. **Temporary.** This easement will be released by the City when the City Engineer determines that the Easement is no longer required.

WITNESS my hand and seal this 29<sup>th</sup> day of June, 2005.

APPROVED:

Grantor:

By: \_\_\_\_\_  
City Engineer                      Date  
Planning Department

By: Ficiel Hindi  
Ficiel Hindi

STATE OF NEW MEXICO    )  
  ) ss  
COUNTY OF BERNALILLO    )

This instrument was acknowledged before me this 30<sup>th</sup> day of June, 2005 by Ficiel Hindi:

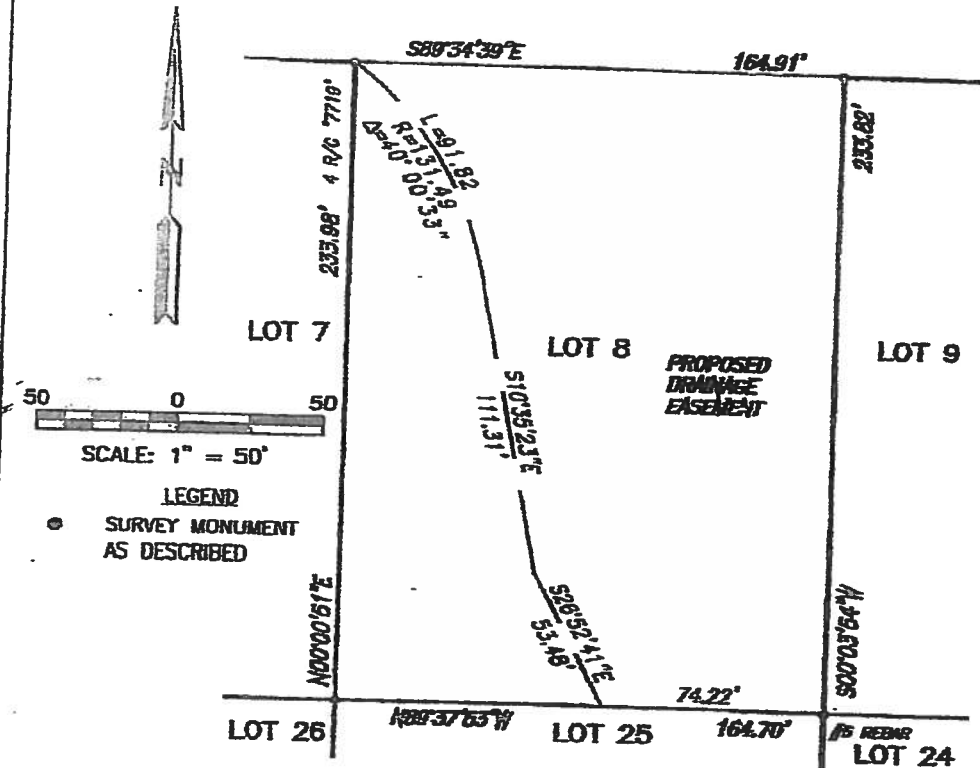
By: Margaret Lopez Agler  
Notary Public

My Commission Expires: 8/21/07

EXHIBIT "A"  
TEMPORARY DRAINAGE EASEMENT  
LOT 8, BLOCK 4  
UNIT 3, TRACT 3  
NORTH ALBUQUERQUE ACRES  
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO  
APRIL 2005

LEGAL DESCRIPTION: LOT NUMBER EIGHT (8) OF BLOCK NUMBER FOUR (4) OF UNIT THREE (4) OF TRACT THREE (3) OF NORTH ALBUQUERQUE ACRES, AS SHOWN AND DESIGNATED ON THE PLAT FILED SEPTEMBER 9, 1937, IN VOLUME D, FOLD 121 OF THE RECORDS OF BERNALILLO COUNTY, NEW MEXICO.

ALAMEDA AVENUE 60' R-O-W



SURVEYOR'S CERTIFICATION

I, PHILIP W. TURNER, A LAND SURVEYOR LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS EASEMENT EXHIBIT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, FROM THE RETURNS OF AN ACTUAL SURVEY PERFORMED ON THE GROUND ON OCTOBER 7, 2003, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT SATISFIES THE MINIMUM STANDARDS FOR SURVEYS AS DETERMINED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THIS SURVEY IS NOT A SUBDIVISION NOR A LAND DIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION STATUTE.

*Philip W. Turner* 4-15-05  
PHILIP W. TURNER N.M.P.S. 10204 DATE



PREPARED BY:  
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