

PERMANENT EASEMENT

This AGREEMENT is made and entered into this 13th day of NOVEMBER, 2002, by and between the COUNTY OF BERNALILLO, State of New Mexico ("COUNTY") and the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY ("AMAFCA"), a political subdivision of the State of New Mexico.

WITNESSETH: That COUNTY, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto AMAFCA, an exclusive, permanent easement ("Easement") in, under, over, upon and across a portion of the public right-of-way of Carmel Avenue N.E. that is identified on Exhibit "A" attached hereto ("Drainage R/W") for the construction, maintenance, repair, modification, replacement and operation of rip-rap slope protection and related appurtenances for the North Domingo Baca Arroyo Carmel Avenue N.E. Public Storm Drain Extension Project ("PROJECT"), together with the right to remove trees, bushes, undergrowth and any other obstacles upon the Drainage R/W if AMAFCA determines they interfere with the appropriate use of this Easement.

Subject to the immunities and limitations of the Tort Claims Act, 41-4-1, et seq., NMSA, 1978, and any amendments thereto, AMAFCA hereby agrees to hold harmless, indemnify and defend the COUNTY, its officers, Agents, and Employees from and against any and all liability, suits, actions, claims, damages, costs of defense and fees arising out of or resulting from AMAFCA's and/or any of its Subcontractor's employee's, agent's, or officer's conduct, performance, act(s), errors or omission(s), caused by the said parties negligence, or willful misconduct with regard to the construction, maintenance, repair, modification, replacement and operation of rip-rap slope protection and related appurtenances for the PROJECT within this Easement area.

Witness its hand and seal this 13th day of NOVEMBER, 2002.

GRANTOR: COUNTY OF BERNALILLO, State of New Mexico

BY: Tim West 11/13/02  
Tim West, Public Works Division Director

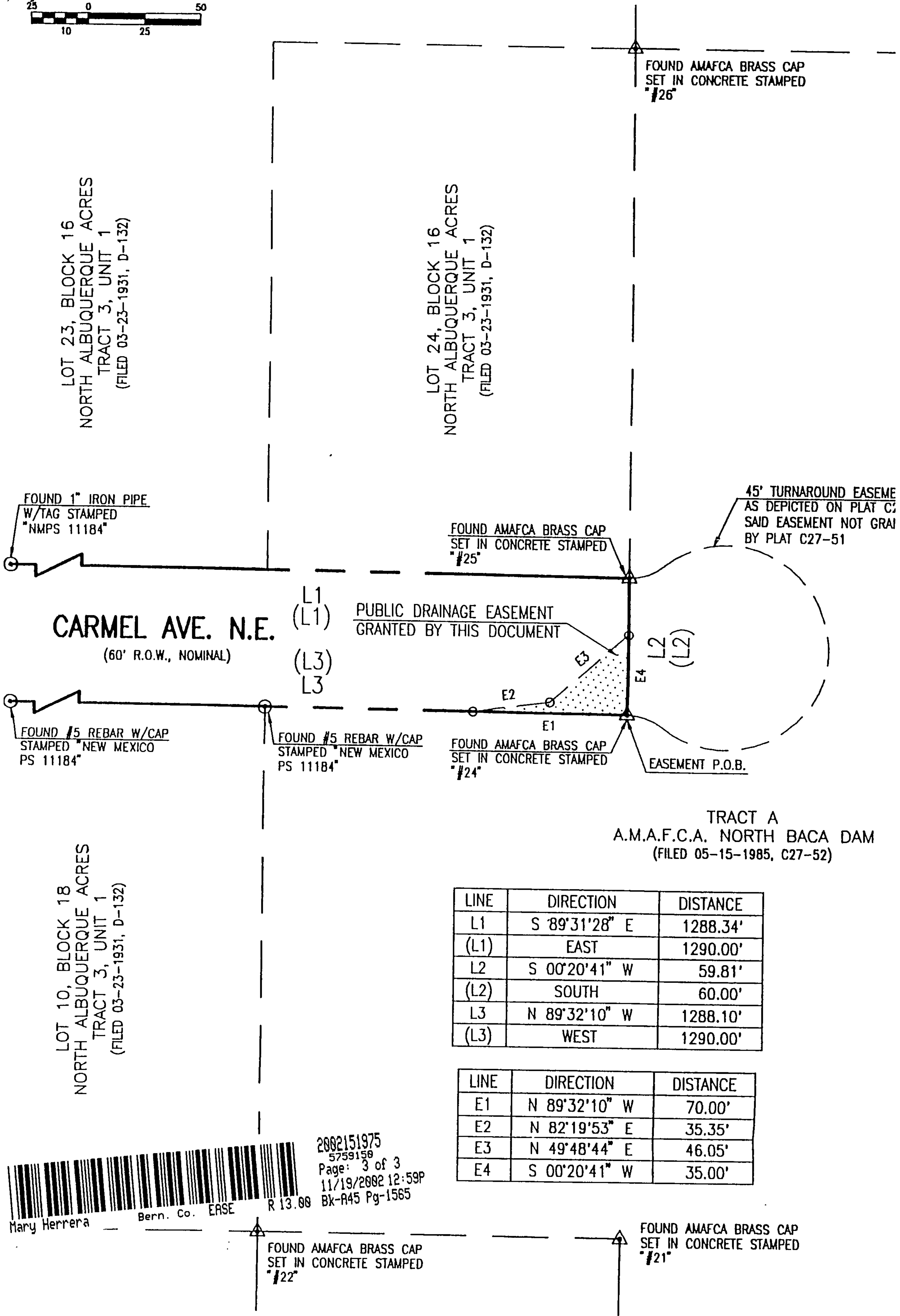
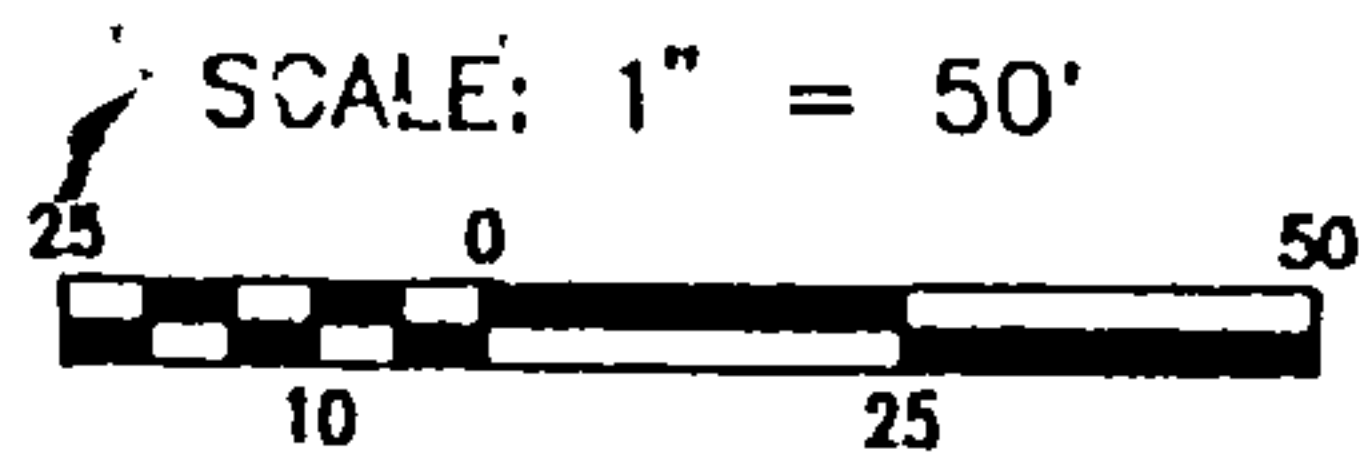
STATE OF NEW MEXICO       )  
                                          )SS.  
COUNTY OF BERNALILLO    )

This instrument was acknowledged before me on 11/13, 2002 by Tim West as Public Works Division Director of the COUNTY OF BERNALILLO, State of New Mexico, on behalf of said COUNTY.

My commission expires:  
25 February 2005  
(SEAL)

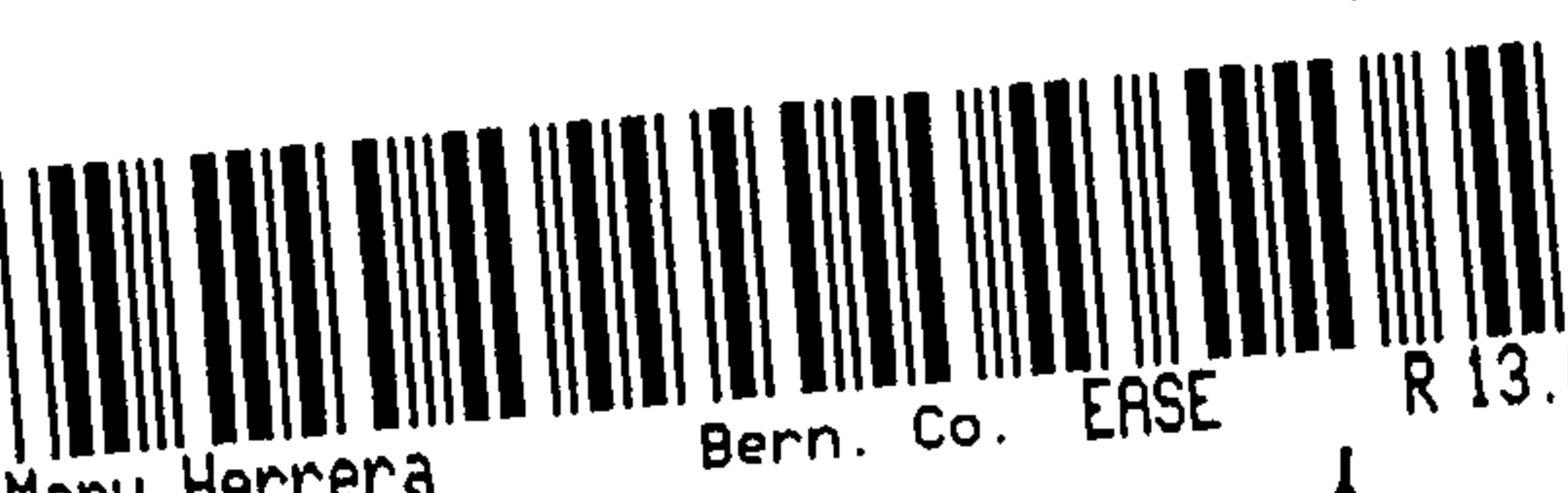
Raymond G. Orona  
Notary Public    RAYMOND G. ORONA

PUBLIC DRAINAGE EASEMENT SURVEY



LINE	DIRECTION	DISTANCE
L1	S 89°31'28" E	1288.34'
(L1)	EAST	1290.00'
L2	S 00°20'41" W	59.81'
(L2)	SOUTH	60.00'
L3	N 89°32'10" W	1288.10'
(L3)	WEST	1290.00'

LINE	DIRECTION	DISTANCE
E1	N 89°32'10" W	70.00'
E2	N 82°19'53" E	35.35'
E3	N 49°48'44" E	46.05'
E4	S 00°20'41" W	35.00'



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Mary Herrera

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# PUBLIC DRAINAGE EASEMENT SURVEY

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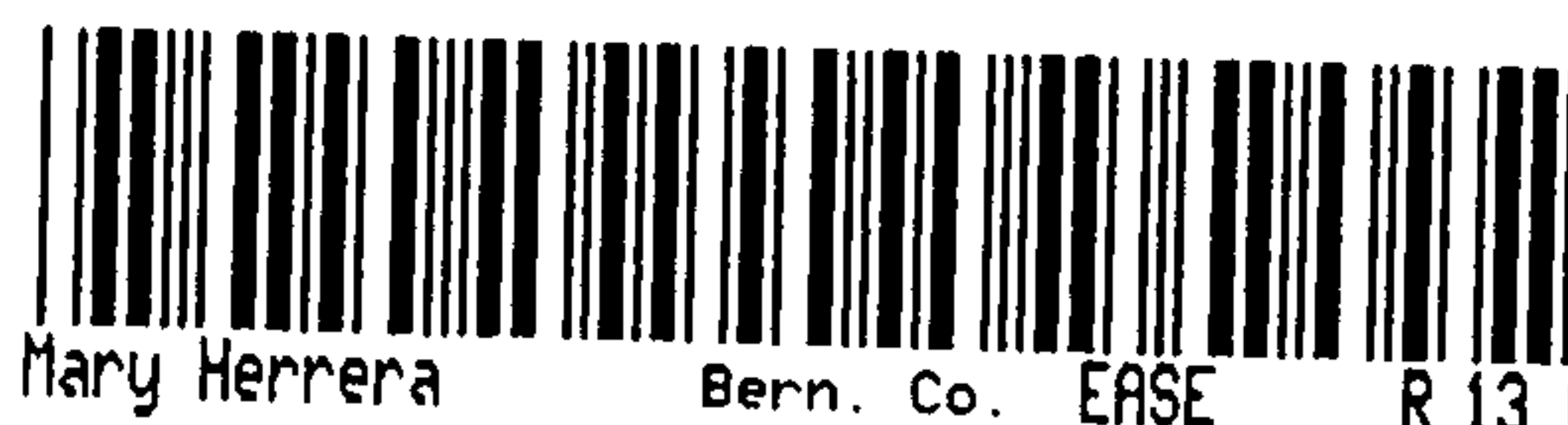
## EASEMENT DESCRIPTION

A certain tract of land located within Bernalillo County, New Mexico comprising a portion of the public right-of-way of Carmel Avenue N.E. as the same is shown and designated on the plat of North Albuquerque Acres, Tract 3, Unit 1, filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 23, 1931, Book D, Page 132 and being more particularly described as follows:

Beginning at the southeast corner of the easement herein described, being a point on said south right-of-way line of Carmel Avenue N.E., also being a property corner of Tract A, A.M.A.F.C.A. North Baca Dam as the same is shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on May 15, 1985, Book C27, Page 52; thence N 89°32'10" W a distance of 70.00 feet along said south right-of-way line to the southwest corner of the easement herein described; thence N 82°19'53" E a distance of 35.35 feet; thence N 49°48'44" E a distance of 46.05 feet to the northeast corner of the easement herein described, being a point common to said Tract A and the east right-of-way line of said Carmel Avenue N.E.; thence S 00°20'41" W a distance of 35.00 feet to the point of beginning and containing 0.0181 acres more or less (788 square feet).

### Notes:

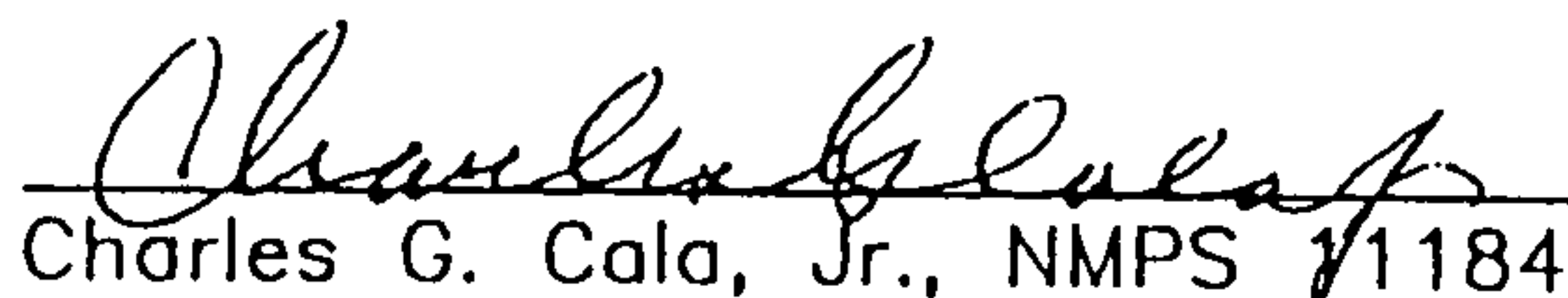
1. An easement survey was performed in August, 2002. Property corners were found as indicated.
2. Site located within projected Section 17, Township 11 North, Range 4 East, N.M.P.M. (Elena Gallegos Grant).
3. All distances are ground distances.
4. Bearings shown hereon are New Mexico State Plane Grid Bearings, Central Zone. Record bearings and distances are shown in parenthesis.
5. Purpose of this document is to define the new public drainage easement.
6. This survey is based upon the boundary/right-of-way survey conducted by this office dated January 30, 2002.



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## SURVEYORS CERTIFICATION

I, Charles G. Cala, Jr., New Mexico Professional Surveyor No. 11184, do hereby certify; that this easement survey and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that this survey meets the Minimum Standards for Surveying in New Mexico, and that it is true and correct to the best of my knowledge and belief.

  
Charles G. Cala, Jr., NMPS 11184



09.09.2002  
Date

