

DI00002C

PERMANENT EASEMENT

Grant of Permanent Easement, between Stan Diamond, a single man, ('Grantor') whose address is 21 Vista Valle Circle, Lamy, NM 87540 and the City of Albuquerque, a New Mexico municipal corporation ('City'), whose address is P.O. Box 1293, Albuquerque, New Mexico, 87103.

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 **Permanent Public Roadway, Drainage, Water, Sanitary 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 Grantors 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 26 day of August, 2006.

APPROVED:

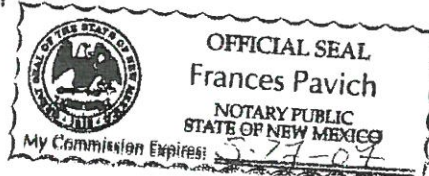
[Signature]
City Engineer

GRANTOR:

[Signature]
Stan Diamond, Owner

9-22-06
Dated

STATE OF New Mexico
COUNTY OF Taos)SS



This instrument was acknowledged before me on 26 day of August, 2006 by STAN DIAMOND

[Signature]
Notary Public

My Commission Expires:

5-27-07

**PERMANENT PUBLIC ROADWAY, DRAINAGE, WATER AND SANITARY SEWER EASEMENT
(EXHIBIT 'A' ATTACHED)**



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6526178
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89/12/2006 10:25A
Bk-A123 Pa-8241

EXHIBIT "A"

LEGAL DESCRIPTION
**PERMANENT PUBLIC ROADWAY, DRAINAGE, WATER
AND SANITARY SEWER EASEMENT**

A tract of land being designated as a "**Permanent Public Roadway, Drainage, Water and Sanitary Sewer Easement**" and being a part of **Tract C** of **THE CORRECTION PLAT OF THE BULK LAND PLAT of LA CUENTISTA SUBDIVISION, TRACTS A-E**, filed in the Office of the Bernalillo County Clerk on **January 7, 2004** at **Book 2004C, Page 7**, being more particularly described as follows:

BEGINNING at the Southernmost Corner of said Tract C, said point being on the Northerly boundary line of Tract A, of said Correction Plat of the Bulk Land Plat of La Cuentista Subdivision; thence

N.28°20'37"W. along Westerly boundary line of said Tract C a distance of 54.10 feet; thence

N.57°16'19"E. a distance of 209.59 feet to a point on a curve to the left; thence

597.53 feet along the arc of said curve with a Radius of 772.46 feet, a Central Angle of 44°19'13" and a Chord 582.74 feet which bears N.35°06'42"E. to a point of cusp; thence

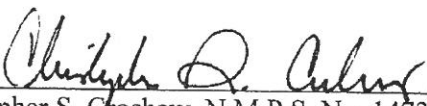
826.26 feet along the arc of said curve with a Radius of 972.00 feet, a Central Angle of 48°42'18" and Chord of 801.61 feet which bears S.37°18'14"W. to the Point or Place of Beginning;

Said tract contains 21,026 Square Feet or 0.4827 Acres, more or less.

SEE ATTACHED SKETCH

Surveyor's Certification

I, Christopher S. Croshaw, New Mexico Professional Surveyor No. 14733, do hereby certify that this Legal Description and Exhibit were prepared by me or under my supervision, meets the minimum requirements for surveys in New Mexico, and is true and accurate to the best of my knowledge and belief.


Christopher S. Croshaw, N.M.P.S. No. 14733



August 2006

Date



Mary Herrera

Bern. Co. EASE

R 13.00

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EXHIBIT 'A'

PERMANENT PUBLIC ROADWAY, DRAINAGE, WATER AND SANITARY SEWER EASEMENT

NOTES:

1. BEARINGS ARE NEW MEXICO
STATE PLANE GRID
BEARINGS.

2. ALL DISTANCES ARE
GROUND DISTANCES.

LEGEND:

◦ SET 5/8" REBAR

◻ FOUND REBAR

A.C.S. MONUMENT "8-C10"
NM STATE PLANE COORDINATE
(NAD 27)
CENTRAL ZONE
X=361,860.83
Y=1,521,476.37

A.C.S. MONUMENT "15-23"
NM STATE PLANE COORDINATE
(NAD 27)
CENTRAL ZONE
X=362,716.29
Y=1,519,036.59

L=597.53'
T=314.61'
Δ=44°19'13"
R=772.46'

TRACT C
OF THE CORRECTION PLAT OF
THE BULK LAND PLAT OF
LA CUENTISTA SUBDIVISION
FILED: 1/7/2004,
BOOK: 2004C, PAGE: 7.

PERMANENT PUBLIC ROADWAY,
DRAINAGE, WATER AND SANITARY SEWER
EASEMENT GRANTED BY THIS DOCUMENT
CONTAINING 21,026 SF (0.4827 AC)

TRACT A
OF THE CORRECTION
PLAT OF THE BULK LAND
PLAT OF LA CUENTISTA
SUBDIVISION
FILED: 1/7/2004,
BOOK: 2004C, PAGE: 7.

L=826.26'
T=439.95'
Δ=48°42'18"
R=972.00'
56' PUBLIC WATER, SANITARY SEWER
AND PERMANENT ROADWAY EASEMENT
PER PLAT FILED 1/7/2004, IN
VOL 2004C, FOLIO 7

TRACT D
OF THE CORRECTION PLAT OF
THE BULK LAND PLAT OF
LA CUENTISTA SUBDIVISION
FILED: 1/7/2004, BOOK:
2004C, PAGE: 7.

LEGAL DESCRIPTION
POINT OF BEGINNING

**WILSON
& COMPANY**

4000 LANG AVE
ALBUQUERQUE, NEW MEXICO
87109
505-348-4000

DRAWN BY: AES
DRAWING NAME: RW_EXHIBIT_NEW.dwg

SCALE
1" = 100'
SHEET 2 OF 2

WCEA PROJ NO. 0660004700

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Mary Herrera
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