

5/22/12
FIC

PERMANENT EASEMENT

6-18-2012

Grant of Permanent Easement, between Del Rey Investments, LLC ("Grantor"), whose address is 6300 Riverside Plaza Lane NW, Suite 200, Albuquerque, NM 87120 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM, 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 Public ~~sidewalks~~ ^{Easement} 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. Grantor reserves the right to construct improvements and the term exclusive does not preclude other utility crossings.

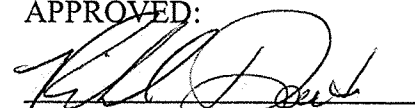
In the event Grantor constructs any improvements ("Improvements") within the Easement, the City has the right to enter upon Grantor's property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the 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.

APPROVED:


Richard Dourte, City Engineer
Date: 6-18-12

Doc# 2012061478
06/19/2012 03:28 PM Page: 1 of 5
EASE R.\$25.00 M. Toulouse Oliver, Bernalillo County


6-16-12
6-14-2012

GRANTOR: Del Rey Investments LLC
By: BS
Print Name: Ben F Spencer
Title: MANAGER
Date: 6-5-12

INDIVIDUAL'S NOTARY

STATE OF _____)
COUNTY OF _____)ss

This instrument was acknowledged before me on _____ day of _____, 20____, by _____ (name of individual).

(SEAL)

My Commission Expires: _____

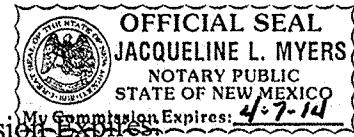
Notary Public

CORPORATION'S NOTARY

STATE OF New Mexico)
COUNTY OF Bernalillo)ss

This instrument was acknowledged before me on 5th day of June, 2012, by Ben F. Spencer (name), Manager (title) of Del Rey Investments LLC (entity), a New Mexico (i.e. a New Mexico) corporation, on behalf of the corporation.

(SEAL)



My Commission Expires: 4-7-14

Jacqueline L. Myers
Notary Public

PARTNERSHIP'S NOTARY

STATE OF _____)
COUNTY OF _____)ss

This instrument was acknowledged before me on _____ day of _____, 20____, by _____ (name), partner(s), on behalf of _____ (entity), a partnership.

(SEAL)

My Commission Expires: _____

Notary Public

LEGAL DESCRIPTION - PUBLIC SIDEWALK EASEMENTS NO. 1 & NO. 2

Two easements within the Elena Gallegos Grant, in Projected Section 24, Township 11 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising a southerly portion of Tract 2, Santa Monica Place, as the same is shown and designated on the plat entitled "BULK LAND PLAT OF TRACTS 1 THRU 4, SANTA MONICA PLACE (BEING A REPLAT OF BLOCKS 18 AND 19, TRACT A, UNIT A, NORTH ALBUQUERQUE ACRES, AND A VACATED PORTION OF DEL REY AVENUE N.E.) SITUATE WITHIN THE ELENA GALLEGOS GRANT IN PROJECTED SECTION 24, TOWNSHIP 11 NORTH, RANGE 3 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 January 6, 2012, in Plat Book 2012C, Page 2, as Document No. 2012001338, more particularly described by New Mexico State Plane Grid Bearings (Central Zone - NAD 83) and ground distances as follows:

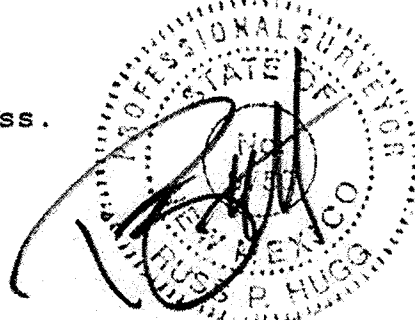
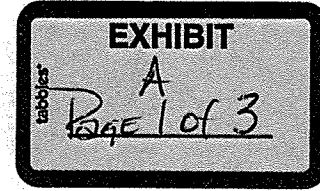
BEGINNING at the westerly corner of PUBLIC SIDEWALK EASEMENT NO. 1, said point also being a point on the southerly boundary of said Tract 2, Santa Monica Place, and also being a point on the northerly right of way line of Santa Monica Avenue N.E., whence (1) the point of tangency at the southwesterly corner and the southerly boundary of said Tract 2, Santa Monica Place bears N 89°36'23" W, 355.64 feet distant, and (2) Albuquerque Control Survey Monument "I-25-14" bears N 75°22'46" W, 2,942.88 feet distant; Thence,

N 65°54'19" E, 21.18 feet to the northeasterly corner of the easement herein described; Thence,

S 00°24'12" W, 8.78 feet to the southeasterly corner of the easement herein described, said point also being a point on said southerly boundary of Tract 2, Santa Monica Place; Thence,

N 89°36'23" W, 19.27 feet to the point of beginning.

Said easement contains 0.0019 acres, more or less.



BEGINNING at the southwesterly corner of PUBLIC SIDEWALK EASEMENT NO. 2 , said point also being a point on the southerly boundary of said Tract 2, Santa Monica Place, and also being a point on the northerly right of way line of Santa Monica Avenue N.E., whence the southeasterly corner of said PUBLIC SIDEWALK EASEMENT NO. 1 bears N 89°36'23" W, 61.41 feet distant; Thence,
N 00°24'12" E, 9.35 feet to the northwesterly corner of the easement herein described; Thence,
S 61°33'15" E, 19.89 feet distant to the easterly corner of the easement herein described, said point also being a point on said southerly boundary of Tract 2, Santa Monica Place, whence the southeasterly corner of said Tract 2, Santa Monica Place bears S 89°36'23" E, 549.19 feet distant; Thence,
N 89°36'23" W, 17.56 feet to the point of beginning.

Said easement contains 0.0019 acres, more or less.

