

96001851

4245

Date: December, 1995

DRAINAGE EASEMENT

Grant of Drainage Easement, Paradise West, Inc., A New Mexico Corporation ("Grantor"), whose address is 5016 La Fiesta Drive, NE, Albuquerque, NM 87109, 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, drainage easement ("Easement") in, over, upon and across the real property described on Exhibits "A" and "A-1" attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of Drainage, 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. Subject to any encumbrances and easements of record.

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 land for the benefit of the City and its successors and assigns until terminated.

WITNESS my hand and seal this 15th day of Dec, 1995.

GRANTOR: Paradise West, Inc.
a New Mexico Corporation

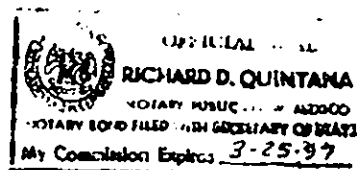
By: [Signature]
Its: President

STATE OF NEW MEXICO)
JSS
COUNTY OF BERNALILLO)

This instrument was acknowledged before me this 15 day of DEC, 1995 by SAMAR DABANEH its PRESIDENT on behalf of said Corporation.

By: [Signature]
NOTARY PUBLIC

My Commission Expires: 3-25-97



1996 JAN -5 PM 3:02

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EXHIBIT A

4246

0.2172 ACRE
PUBLIC DRAINAGE EASEMENT
COMPRISED OF
A PORTION OF LOT 18, BLOCK 17,
NORTH ALBUQUERQUE ACRES

SITUATE WITHIN
THE ELENA GALLEGOS GRANT
"PROJECTED" SECTION 21, T11N, R4E, N.M.P.M.
CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

LEGAL DESCRIPTION:

THAT CERTAIN EASEMENT SITUATE WITHIN THE ELENA GALLEGOS GRANT ("PROJECTED" SECTION 21, TOWNSHIP 11 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN), CITY OF ALBUQUERQUE, NEW MEXICO, AND BEING COMPRISED OF LOT 18, BLOCK 17 OF NORTH ALBUQUERQUE ACRES AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF RECORD FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 8, 1931 IN VOLUME D, FOLIO 133, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SANTA MONICA NE (60' RW), SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 18, BLOCK 17 OF SAID NORTH ALBUQUERQUE ACRES AND THE TRUE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SANTA MONICA NE, N89°36'05"W, 37.67 FEET TO AN ANGLE POINT; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, N01°12'13"E, 174.02 FEET TO AN ANGLE POINT; THENCE N89°36'05"W, 16.79 FEET TO AN ANGLE POINT; THENCE N00°23'55"E, 60.00 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF LOT 18, BLOCK 17; THENCE ALONG THE NORTHERLY BOUNDARY, S89°36'05"E, 52.00 FEET TO THE NORTHEAST CORNER OF LOT 18, BLOCK 17; THENCE ALONG THE EASTERLY BOUNDARY LINE, S00°23'55"W, 234.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SANTA MONICA NE, THE SOUTHEAST CORNER OF LOT 18, BLOCK 17 AND THE TRUE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED.

THE ABOVE DESCRIBED EASEMENT CONTAINS 0.2172 ACRES (9461 S.F.) MORE OR LESS.
(SEE ATTACHED EXHIBIT A-1)

SURVEYOR'S CERTIFICATION:

I, DAVID J. THOMPSON, HEREBY AFFIRM THAT I AM A DULY QUALIFIED REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO AND DO CERTIFY THAT THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND MEETS THE "MINIMUM STANDARDS FOR LAND SURVEYORS" SET FORTH BY THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

David J. Thompson
DAVID J. THOMPSON, N.M.R.P.S. #12657

12/21/95
DATE

12/19/95



EXHIBIT A-1

0.2172 ACRE
PUBLIC DRAINAGE EASEMENT
COMPRISED OF

4247

A PORTION OF LOT 18, BLOCK 17,
NORTH ALBUQUERQUE ACRES

SITUATE WITHIN
THE ELENA GALLEGOS GRANT
"PROJECTED" SECTION 21, T11N, R4E, N.M.P.M.
CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

