

**From:** [Hughes, James D.](#)  
**To:** ["David Soule"](#)  
**Cc:** ["keno97@q.com"](#)  
**Subject:** RE: 10411 SANTA MONICA D  
**Date:** Thursday, March 21, 2019 2:52:03 PM  
**Attachments:** [D21-003 termination.pdf](#)  
[D21-003.pdf](#)

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David, This e-mail serves as the approval letter. Attached please find the recorded Termination of the old easement and granting of the new easement.



**DOUG HUGHES, P.E., CFM**  
principal engineer hydrology  
o 505.924.3986  
e [jhughes@cabq.gov](mailto:jhughes@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

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**From:** Hughes, James D.  
**Sent:** Thursday, February 07, 2019 2:31 PM  
**To:** 'David Soule'  
**Cc:** keno97@q.com  
**Subject:** RE: 10411 SANTA MONICA D

Yes, David this is OK. Please submit signed notarized original to 4<sup>th</sup> floor. After the new easement is recorded we can release the old one.



**DOUG HUGHES, P.E., CFM**  
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**From:** David Soule [<mailto:david@riograndeengineering.com>]  
**Sent:** Tuesday, February 05, 2019 9:55 AM  
**To:** Hughes, James D.  
**Cc:** [keno97@q.com](mailto:keno97@q.com)  
**Subject:** RE: 10411 SANTA MONICA D

Doug, does the attached exhibit cover the area you are able to support as remnant easement? If so we will prepare easement and submit to 4th floor for review and routing. Thank you  
David Soule

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**From:** Hughes, James D. [<mailto:jhughes@cabq.gov>]  
**Sent:** Friday, January 25, 2019 8:23 AM  
**To:** 'David Soule'  
**Cc:** [keno97@q.com](mailto:keno97@q.com)  
**Subject:** RE: 10411 SANTA MONICA D

David and Sara,

The City Maintenance section is not willing to compromise on the width of the south portion of the easement, but is willing to reduce the distance north of the fence from 40' to 30'.



**DOUG HUGHES, P.E., CFM**  
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**From:** David Soule [<mailto:david@riograndeengineering.com>]  
**Sent:** Monday, January 21, 2019 2:22 PM  
**To:** Hughes, James D.  
**Cc:** [keno97@q.com](mailto:keno97@q.com)  
**Subject:** FW: 10411 SANTA MONICA D

Doug, thank you for the response letter. I understand the limits of the easement you support us to release. We will create new easement with exhibit next. The owners have asked if you would consider 20' less north of the fence. You stated 40 would be acceptable. I have included the owner in the email, they intend to contact you directly to see if a little more easement can be reclaimed. Thank you  
David Soule

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This message has been analyzed by Deep Discovery Email Inspector.

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**PERMANENT EASEMENT**

Grant of Permanent Easement, between DENNIS CRUZ ("Grantor"), whose address is 10411 SANTA MONICA BLVD NE ALB NM 87122 and whose telephone number is (505) 50-7611 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM, 87103.

Subject to existing rights of record, 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 **DRAINAGE STRUCTURE**, 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 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.

WITNESS my hand and seal this 13 day of February, 2019.

CITY OF ALBUQUERQUE:

By: [Signature] AV  
Shahab Biazar, P.E., City Engineer  
Date: 2/22/19

GRANTOR: Dennis Cruz  
By [signature]: [Signature]  
Name [print]: Dennis Cruz  
Title: Owner  
Date: February 13 2019



**GRANTOR'S NOTARY**

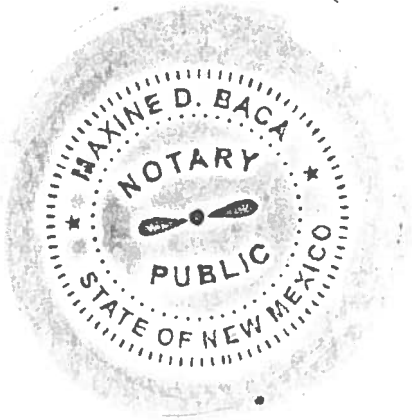
STATE OF New Mexico )  
 ) ss  
COUNTY OF Bernalillo )

This instrument was acknowledged before me on 13 day of February, 2019,  
by Maxine D Baca (name), Notary Public (title)  
of \_\_\_\_\_ (entity), a \_\_\_\_\_ (i.e. a  
New Mexico) corporation, on behalf of the corporation.

(SEAL)

Maxine D. Baca  
Notary Public

My Commission Expires: 1-26-2020



**(EXHIBIT "A" ATTACHED)**

EXHIBIT A

DRAINAGE EASEMENT IN LOT 18, BLOCK 17, NORTH ALBUQUERQUE ACRES TRACT 3, UNIT 2, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

A CERTAIN PARCEL OF LAND RESERVED FOR DRAINAGE EASEMENT PURPOSES, LOCATED IN LOT 18, BLOCK 17, OF NORTH ALBUQUERQUE ACRES, TRACT 3, UNIT 2, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERKS OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 8, 1931, IN BOOK D, PAGE 133., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 18, A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SANTA MONICA AVENUE, N.E.,  
 RUNNING THENCE, ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE N90°00'00"W, A DISTANCE OF 37.65 FEET;  
 THENCE, LEAVING SAID NORTHERLY-RIGHT-OF-WAY, N00°48'18"E, A DISTANCE OF 143.30 FEET;  
 THENCE, S90°00'00"E, A DISTANCE OF 35.64 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 18;  
 THENCE, ALONG SAID EASTERLY LINE, S00°00'00"W, A DISTANCE OF 143.28 FEET TO THE POINT OF BEGINNING.

CONTAINS 5,249 SQ. FEET, OR 0.1205 ACRES, MORE OR LESS

