HYDROLOGY E17/D10 ONE PLAN

E 17/D11

1 PLAN

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E17-D11

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EASEMENT

ALBERT G. SIMMS II, M.D., a married man dealing in his sole and separate estate, and ALBUQUERQUE NATIONAL BANK, Trustee under Trust Agreements dated May 20, 1977 for the benefit of Albert G. Simms III, Leslie Simms Garza, Margaret Simms Davis, Frank Y. Simms, and Mary Simms Holland (Owners of the 28.807-acre tract of land in Bernalillo County, New Mexico more particularly described in Exhibit A attached hereto), for consideration grant to RUST TRACTOR CO., a Delaware Corporation, whose address is P. O. Box 25007, Albuquerque, New Mexico 87125, (Owner of the 18.9008-acre tract of land in Bernalillo County New Mexico more particularly described in Exhibit B attached hereto), and to SEVENTY SIX LIMITED, a limited partnership whose address is 9720 Bell Avenue, S. E., Albuquerque, New Mexico (Owner of the 20-acre tract of land in Bernalillo County, New Mexico more particularly described in Exhibit C attached hereto), the following described drainage easement located in Bernalillo County, New Mexico:

The western-most 12 feet along the full length of the western boundary line of Grantors' 28.807-acre tract of land described in Exhibit A attached hereto, said easement being an appurtenance to said 18.9008-acre tract of Grantee RUST TRACTOR CO. as abuts the east boundary of said 18.9008-acre tract, and being an appurtenance to said 20-acre tract of Grantee SEVENTY SIX LIMITED as it abuts the east boundary of said 20-acre tract and said 18.9008-acre tract.

The existing elevations of the Grantor's property (up-slope) are higher or greater than the existing elevations of the Grantees' property (down-slope). By the granting of this easement, the Grantors have hereby established this drainage easement for utilization by Grantor, to the extent required, as specified more fully below, to control the drainage of "on-site" water developed within the boundaries of the

Grantor's property described in Exhibit A. For the purpose of this easement "on-site water shall mean that portion of any water falling onto the Grantor's property from the air which, due to construction or other improvements on Grantor's property, is caused to run off of the Grantor's property.

Grantor's obligation hereunder shall be limited to the duty to construct, at Grantor's sole expense, a drainage channel, within the drainage easement described above, to control and divert the drainage of "on-site water" developed within the boundaries of Grantor's property described on Exhibit A. Such constru tion shall be consistent with the analysis and design thereof by a registered professional engineer employed by the Grantors at the Grantor's expense. Grantor shall be permitted to cross the easement with vehicular traffic by "dip sections" and other means and to make other uses that are consistent with the primary purpose of the easement.

This easement shall benefit the Grantees and their successors and assigns in ownership of the property described in Exhibts B and C. The obligations of this easement shall at all times be limited to the then current owners of the property described in Exhibit A.

Dated this 7 day of January, 1980.

Albert G. Simms II M.D.

ALBERT G. SIMMS II, M.D.

ALBUQUERQUE NATIONAL BANK

BY: W. A. Emig
W. A. Emig
Vice President and Trust
Officer

STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 7th day of January, 1980, by Albert G. Simms II.

NOTARY PUBLIC

My commission expires:
February 15, 1983

STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 7th day of January, 1980, by W. A. Emig, Vice-President and Trust Officer of Albuquerque National Bank, a national banking corporation, on behalf of said corporation.

NOTARY PUBLIC

My commission expires:
February 15, 1983

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

JAN 7 4 14 PM '80

BK 204 PG 555-560

TENNY C. CULP
CO. CLERK & RECORDER
DEPUTY

EXHIBIT "A"

558

Description of the Lands of
Dr. Albert G. Simms 11
within the Elena Gallegos Grant
Bernalillo County, New Mexico

A tract of land situate in Sections 26 and 35 (as projected), Township 11 North, Range 3 East, N.M.P.M., within the Elena Gallegos Grant and being more particularly described as follows.
Beginning at the Northwest corner No. 1 of the tract herein set forth, a point on curve on the Southerly right of way line of the Bear Canyon Arroyo, whence the corner common to Sections 26,27,34 and 35 (as projected), Township 11 North, Range 3 East, N.M.P.M., bears S.44°51'34"W., 2571.05 feet distant; and running thence along said Southerly right of way line of the Bear Arroyo as follows;

Southeasterly along a curve right having a radius of 756.99 feet, a distance along arc of 298.47 feet (chord = S.51°01' 00"E., 296.54 feet) to the end of curve and corner No. 2 of the tract herein set forth; thence

S.39°43'16"E., 715.10 feet to a point of curve and corner No. 3 of the tract herein set forth; thence

Southeasterly along a curve left having a radius of 1061.13 feet a distance along arc of 269.29 feet (chord = S.46°59'29"E., 268.57 feet) to a point on the Westerly right of way line of Kircher Boulevard NE and corner No. 4 of the tract herein set forth; thence

S.28°45'33"W.,1383.73 feet along said Westerly right of way line of Kircher Boulevard NE to a point of curve and corner No. 5 of the tract herein set forth; thence

Southwesterly along a curve right having a radius of 50.00 feet a distance along arc of 78.54 feet (chord = S.73°45'33"W., 70.71 feet) to the end of curve, a point on the Northerly right of way line of Singer Boulevard NE; and corner No. 6 of the tract herein set forth; thence along said Northerly right of way line of Singer Boulevard as follows;

N.61°14'27"W., 181.98 feet to a point of curve and corner No. 7 of the tract herein set forth; thence

Northwesterly along a curve right having a radius of 232.41 feet a distance along arc of 144.22 feet (chord = N.75°43'00"W., 142.69 feet) to the end of curve and corner No. 8 of the tract herein set forth; thence

S.89°48'26"W., 17.07 feet to the Southwest corner No. 9 of the tract herein set forth; thence leaving said Singer Boulevard NE and running

N.04°38'12"E.,2036.58 feet to the Northwest corner No. 1 and place of beginning.

Containing Twenty-eight and eight hundred seven thousandths (28.807) acres, more or less.

ROSS HOWARD COMPANY

By David R. Kraemer
David R. Kraemer
New Mexico Registered
Land Surveyor No. 4577

REGISTERED LAND SURVEYOR
STATE OF NEW MEXICO
No. 4577
DAVID R. KRAEMER

For - Dr. Albert G. Simms 11
January 20, 1978

Exhibit A

A certain tract of land situate within the Elena Gallegos Grant, Bernalillo County, New Mexico, and being more particularly described as follows;

Beginning at the Southwest corner No. 1 of the tract herein set forth, a point on the Easterly line of a proposed future Boulevard 120 feet in width, whence the Section Corner common to Sections 26,27,34 and 35 (as projected), Township 11 North, Range 3 East, N.M.P.M., bears S.48°20'06"W., 1315.44 feet distant; and running thence along said Easterly line of a proposed future Boulevard 120 feet in width as follows;

N.00°11'34"W., 618.81 feet to a point of curve and corner No. 2 of the tract herein set forth; thence

Northerly along a curve right having a radius of 840.00 feet a distance along arc of 168.44 feet (chord = N.05°33'07"E., 168.16 feet) to the end of curve and corner No. 3 of the tract herein set forth; thence

N.11°17'47"E., 339.68 feet to a point on the Southerly right-of-way line of the Bear Canyon Arroyo and the Northwest corner No. 4 of the tract herein set forth; thence along said Southerly right-of-way line of the Bear Canyon Arroyo as follows

S.79°43'16"E., 542.16 feet to a point of curve and corner No. 5 of the tract herein set forth; thence

Southeasterly along a curve right having a radius of 756.90 feet a distance along arc of 230.01 feet (chord = S.71°01'E., 229.12 feet) to the Northeast corner No. 6 of the tract herein set forth; thence leaving said Bear Canyon Arroyo and running

S.04°38'12"W., 948.55 feet to the Southeast corner No. 7 of the tract herein set forth; thence

S.89°48'26"W., 754.15 feet to the Southwest corner and place of beginning.

Containing Eighteen and Nine thousand eight ten thousandths (18.9008) acres, more or less.

Exhibit B

A tract of land situate in Sections 26 and 35 (as projected), Township 11 North, Range 3 East, N.M.P.M., within the Elena Gallegos Grant Bernalillo County, New Mexico, and being more particularly described as follows:

BEGINNING at the Southwest Corner No. 1 of the tract herein set forth, a point marking the intersection of the center line of Singer Boulevard N.E., with the center line of a proposed future road 120 feet in width, whence the Section corner common to Sections 26, 27, 34 and 35 (as projected), Township 11 North, Range 3 East, N.M.P.M., bears N. 74 deg. 30' 23" W., 956.93 feet distant; and running

THENCE N. 00 deg. 11' 34" W., 1137.16 feet along said center line of said proposed future 120 foot road to the Northwest Corner No. 2 of the tract herein set forth;

THENCE leaving said future road and running N. 89 deg. 48' 26" E., 814.15 feet to the Northeast Corner No. 3 of the tract herein set forth;

THENCE S. 04 deg. 38' 12" W., 1141.22 feet to the Southeast Corner No. 4 of the tract herein set forth, a point on said center line of said Singer Boulevard NE;

THENCE S. 89 deg. 48' 26" W., 718.10 feet along said center line of Singer Boulevard NE, to the Southwest Corner No. 1 and the place of beginning;

CONTAINING Twenty and No Thousandths (20.000) acres, more or less, including 2.371 acres more or less, contained within the Northerly one-half of abutting Singer Boulevard NE and the Easterly one-half of the abutting 120 foot future road.

Exhibit C

CHANT CORPORATION
CONTRACTORS
6207 Pan American Freeway, N.E. / Post Office Box 30028 / Albuquerque, New Mexico 87190 / (505) 345-2641

April 2, 1981

RECEIVED
APR 17 1981
CITY ENGINEER

City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

ATTENTION: Mr. Fred J. Aguirre, P.E.

REFERENCE: Chant Business Center: Permit #03132
5635-5659 Kircher

SUBJECT: Final Drainage Approval

Dear Fred:

During the course of our construction of the Chant Business Center, we have requested and received temporary permits from the Drainage Department for the individual building permits within the project.

We are rapidly approaching the completion of the project which within the shell permit includes the final sitework and drainage for the entire tract D-2 development. These drainage drawings show a ponding area North of the tract D-2 area that at this time has not been completed with respect to constructing a retaining wall along the ponds western edge. We have refrained from putting this wall in because the site drainage plans for the Tract D-1 which is north of D-2 and extends to Bear Arroyo, will modify the D-2 design. We have submitted to the City and are in the process of receiving approval to change the designated ponding area to a drainage channel that runs to Bear Arroyo. We should have the drainage channel approved prior to the completion and final inspection request for the D-2 tract.

Please contact myself for Chris Weiss if you have any questions regarding the drainage for these projects.

Sincerely,

CHANT CORPORATION

Rick Britton

Richard (Rick) Britton

RECEIVED
APR 15 1981
PARKS & RECREATION DEPARTMENT

cc: Chris Weiss

RECEIVED
1980
CITY ENGINEER

MILES BRITTELLE·AIA·ARCHITECT
5000 MARBLE AVENUE, NE SUITE 305
ALBUQUERQUE, N.M. 87110 505 255-1774

19 March 1980

Mr. Richard Heller
City Engineer
City of Albuquerque
Albuquerque, New Mexico

Dear Mr. Heller:

Attached you will find one print of the Site Development Plan for a Commercial Center to be built on Kircher Blvd., N.E. by Chant Corp. I have also attached five (5) copies of the drainage study for your review.

Please let me know when you have completed your review so that I might bring you the original copy of the Development Plan for your signature.

Very truly yours,

Miles Brittelle

Miles Brittelle AIA

RSH RSH
HD HD
CDS
DES
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HYDR
ADM
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COUN
SCD
FILE
RETURN
Review & Comment

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