

GRANT OF EASEMENT FOR STORM WATER DIVERSION

THIS INDENTURE MADE AND EXECUTED THIS 26 DAY OF FEB., 1976, BY AND BETWEEN ALBUQUERQUE NATIONAL BANK, CO-TRUSTEES UNDER A TRUST DESIGNATED AS "THE ACADEMY FOR BOYS TRUST" AS ESTABLISHED BY A TRUST INDENTURE FROM ALBERT C. SIMMS TO SAID CO-TRUSTEES, AND ASSOCIATED INVESTMENT COMPANY OF EL PASO, TEXAS, IN THE COUNTY OF BERNALILLO AND STATE OF NEW MEXICO, HEREINAFTER CALLED THE GRANTORS AND THE CITY OF ALBUQUERQUE, NEW MEXICO, A MUNICIPAL CORPORATION.

WITNESSETH, THAT FOR GOOD AND VALUABLE CONSIDERATION THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED THE GRANTORS HAVE THIS DAY BARGAINED AND SOLD AND BY THESE PRESENT TO SELL, CONVEY AND DELIVER UNTO THE CITY OF ALBUQUERQUE A TEMPORARY EASEMENT AS RIGHT OF WAY INCLUDING THE RIGHT OF ENTRY UPON THE REAL ESTATE HEREINAFTER DESCRIBED AT ANY TIME THAT IT MAY SEE FIT AND CONSTRUCT, MAINTAIN AND REPAIR A STORM WATER DIVERSION UPON THE LANDS HEREINAFTER DESCRIBED AND THE FURTHER RIGHT TO REMOVE TREES, BUSHES AND OBSTRUCTIONS INTERFERING WITH THE LOCATION, CONSTRUCTION AND MAINTENANCE OF SAID STORM WATER DIVERSION.

THE LAND AFFECTED BY THE GRANT OF THIS EASEMENT AND RIGHT OF WAY IS LOCATED IN THE COUNTY OF BERNALILLO AND STATE OF NEW MEXICO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEE ATTACHED LEGAL DESCRIPTION AND SKETCH.

TO HAVE AND TO HOLD THE SAID EASEMENT FOR THE USE AND PURPOSE AFORESAID, UNTO GRANTEE ITS SUCCESSORS AND ASSIGNS FOR SO LONG AS SAID EASEMENT IS DEEMED NECESSARY BY THE CITY OF ALBUQUERQUE, AND THE ALBUQUERQUE METROPOLITAN FLOOD CONTROL AUTHORITY, OR ITS SUCCESSORS AND ASSIGNS.

THE GRANTORS DO HEREBY COVENANT WITH THE GRANTEE THAT THEY ARE LAWFULLY SEIZED AND POSSESSED OF THE REAL ESTATE ABOVE DESCRIBED AND THAT THEY HAVE GOOD AND LAWFUL RIGHT TO CONVEY IT OR ANY PART THEREOF, THAT IT IS FREE FROM ALL ENCUMBRANCES EXCEPT TAXES DUE AND OWING THE TREASURER OF BERNALILLO COUNTY AND THAT THEY WILL FOREVER WARRENT AND DEFEND THE TITLE THERETO AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER.

AS PART OF THE CONSIDERATION FOR THIS GRANT, THE GRANTORS DO HEREBY RELEASE ANY AND ALL CLAIMS FOR DAMAGES FOR WHATSOEVER CAUSE INCIDENTAL TO THE EXERCISE OF THE RIGHTS HEREIN GRANTED AND PROVIDED, HOWEVER; THAT THE GRANTEE AGREES TO SAVE THE GRANTORS HARMLESS FROM ANY AND ALL LIABILITY THAT MAY ARISE AS A RESULT OF THE CONSTRUCTION AND USE OF THE EASEMENT FOR THE PURPOSES SET FORTH. GRANTEE CERTIFIES THAT ANY OF THE ABOVE LANDS NOT NEEDED IN THE FINAL ALIGNMENT OF SAID EASEMENT AND RIGHT OF WAY WILL REVERT TO THE ABOVE GRANTORS AS THEIR INTEREST APPEARS.

IN WITNESS WHEREOF, THE PARTIES HAVE SET THEIR HAND AND SEALS THIS 26 DAY OF FEB., 1976.

[Signature]
D. D. FULMER VICE PRESIDENT
ASSOCIATED INVESTMENT CO.
OF EL PASO TEXAS

[Signature]
JOHN Y. GANNOWAY SR VICE PRES
ALBUQUERQUE NATIONAL BANK
CO-TRUSTEE FOR THE BOYS
ACADEMY TRUST.

STATE OF NEW MEXICO)
55
COUNTY OF BERNALILLO)

SUBSCTIBED AND SWORN THIS 26th DAY OF FEB, 1976.

[Signature]
RALPH K. HICKS NOTARY PUBLIC

MY COMMISSION EXPIRES FEB. 10, 1978.

A TRACT OF LAND SITUATE IN BERNALILLO COUNTY, NEW MEXICO
BEING AND COMPRISING A PORTION OF THE ELENA GALLEGOS GRANT,
WITHIN SECTION 25 T.11N., R3E., N.M.P.M. AND SECTION 30
T.11N., R.4E., N.M.P.M. (AS PROJECTED); SAID TRACT OF LAND
BEING A TWO-HUNDRED (200) FOOT WIDE EASEMENT FOR THE TEMPORARY
ALIGNMENT OF ARROYO DEL PINO AND HEREIN MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SAID 200 FOOT WIDE
EASEMENT FROM WHICH THE NORTHEAST CORNER OF THE SAID SECTION
25 BEARS N.0°05'50"W. 250.00 FEET AND RUNNING THENCE N.89°46'20"W.
2000.00 FEET TO THE END OF THE CENTERLINE OF THIS EASEMENT;
TOGETHER WITH AN ADDITIONAL EASEMENT 200 FEET IN WIDTH THE
CENTERLINE OF WHICH BEGINS AT THE PREVIOUS POINT OF BEGINNING
AND RUNNING THENCE S.89°46'20"E. 989.33 FEET TO A POINT
OF CURVATURE AND CORNER NO. 2 OF THE EASEMENT HEREIN DESCRIBED;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1468.00
FEET THROUGH A CENTRAL ANGLE OF 56°46'28" AN ARC DISTANCE OF
942.16 FEET WHOSE CHORD BEARS S.71°23'10"E. 926.07 FEET TO A
POINT OF REVERSE CURVATURE AND CORNER NO. 3 OF THE EASEMENT
HEREIN DESCRIBED; THENCE ALONG A CURVE TO THE LEFT HAVING A
RADIUS OF 767.16 FEET THROUGH A CENTRAL ANGLE OF 37°06' AN
ARC DISTANCE OF 488.12 FEET WHOSE CHORD BEARS S.71°33' E
488.12 FEET TO A POINT OF TANGENCY AND CORNER NO. 4 OF THE
EASEMENT HEREIN DESCRIBED; THENCE N.89°54'E. 258.15 FEET TO
A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WYOMING BLVD. NE
AND THE END OF THE CENTERLINE OF THIS EASEMENT. SAID EASEMENT
CONTAINS THEREIN 21.517 ACRES, MORE OR LESS.

FOR: AMAFCA

CITY DRAINAGE ENGINEER

FEB. 26, 1976

RALPH K. HICKS

NMLS NO. 3307

APPROVED AS TO DESCRIPTION

Date 3-1-76

V. M. Kimmick
V. M. KIMMICK CITY ENGINEER



State of New Mexico
County of Bernalillo
This instrument was filed for record
on 1042 MAR 4 1976
at 10:00 A.M. Recorded in Vol. 466
of records of said County (Page 23-24)
Deputy Clerk

9026480

2173

RELEASE AND DISCLAIM
OF TEMPORARY STORM WATER EASEMENT

The ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico, hereby releases and disclaims its interest in the TEMPORARY DRAINAGE EASEMENT being the same that was granted to the CITY OF ALBUQUERQUE and the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY as filed for public record in the Office of the County Clerk of Bernalillo County, New Mexico on the eleventh day of March 1978 in Volume Misc. 467 Folio 162-169 as document number 76 13681.

Witness my hand and seal this 22 day of March 1990

ALBUQUERQUE METROPOLITAN ARROYO
FLOOD CONTROL AUTHORITY

R. Ward Hunnicutt
R. Ward Hunnicutt, Chairman
Board of Directors

ATTEST: *Daniel W. Cook*
Daniel W. Cook, Secretary

ACKNOWLEDGMENT FOR PUBLIC AGENCY

STATE OF NEW MEXICO)
) SS.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 22 day of March, 1990, by R. Ward Hunnicutt, Chairman, Board of Directors of Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico.

My Commission Expires:

24 May 1990

Propp Fliegel
Notary Public

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED

90 APR -5 PM 1:39

206 PG 2173

CLERK OF COUNTY CLERK
OFFICE OF RECORDS
Janet

08753691

QUITCLAIM DEED

284

The ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico, for consideration, quitclaims to THE BOARD OF AMERICAN MISSIONS OF THE LUTHERAN CHURCH IN AMERICA, A MINNESOTA CORPORATION the following described real estate in Bernalillo County, New Mexico.

See attached Addendum "A"

WITNESS My hand X and seal _____ this

21st day of May, 1987.

ATTEST:

Rex Funk
Rex Funk
Secretary

E. H. Swinburne
E. H. Swinburne, Chairman
Board of Directors

(SEAL)

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
) SS.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 21st day of May, 1987, by E. H. Swinburne, Chairman, Board of Directors of Albuquerque Metropolitan Arroyo Flood Control Authority, a political subdivision of the State of New Mexico, a New Mexico Municipal Corporation, on behalf of said corporation.

My Commission Expires:

Sept. 21, 1988

(SEAL)

Cindy Boulden
Notary Public

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

87 MAY 22 AM 9:26
204-A PG. 284-285

GLADYS M. DAVIS
CO. CLERK & RECORDER
DEPUTY

DESCRIPTION

285

A certain tract of land located within the Corporate Limits of the City of Albuquerque, New Mexico comprising a portion of the land described by Warranty Deed (Document No. 83-10219) filed in the Office of the County Clerk of Bernalillo County, New Mexico on February 18, 1983, Book D128A, Pages 549 and 550, said portion of land also adjoins Tract A, Lands of Lutheran Church in America, as shown on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on January 15, 1979, Book C-14, Page 90, and being more particularly described as follows:

Beginning at the southeast corner of the parcel herein described, being the northeast corner of said Tract A and also being a point on the west right-of-way line of Wyoming Boulevard N.E.; thence S 89°54'00" W a distance of 246.62 feet; thence along the arc of a curve to the right with DELTA = 21°16'18", R = 867.16 feet and L = 321.94 feet; thence N 21°10'18" E a distance of 55.00 feet; thence along the arc of a curve to the left with DELTA = 21°16'18", R = 812.16 feet, and L = 301.52 feet; thence N 89°54'00" E a distance of 254.37 feet to a point on the west right-of-way line of Wyoming Boulevard N.E.; thence along the arc of a curve to right with DELTA = 02°33'08", R = 1247.00 feet, and L = 55.55 feet to the point of beginning and containing 0.7101 acres more or less.

Art.

270222