



**City of Albuquerque**  
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 19, 2001

Jake Bordenave, P.E.  
Bordenave Designs  
P.O. Box 91194  
Albuquerque, New Mexico 87199

*Flying "A"*

RE: ~~DOUBLE RAINBOW~~ (4026 Rio Grande NW) (F-13/D23)  
ENGINEERS CERTIFICATION FOR CERTIFICATE OF OCCUPANCY  
ENGINEERS STAMP DATED 8/1/2000  
ENGINEERS CERTIFICATION DATED 4/18/2001

Dear Mr. Bordenave:

Based upon the information provided in your Engineers Certification submittal dated 4/18/2001, the above referenced site is approved for Permanent Certificate of Occupancy.

If I can be of further assistance, please contact me at 924-3986.

Sincerely,

*Bradley L. Bingham*

Bradley L. Bingham, PE  
Senior Civil Engineer  
Hydrology Section, PWD

C: Vickie Chavez, COA  
Teresa Martin, COA  
file

**PERMANENT EASEMENT**

8/22/01

# 669981

F-13/0023

Grant of Permanent Easement, between Mark Bernstein and Jean Bernstein, husband and wife, ("Grantor"), whose address is 416 Tulane NE, Albuquerque, New Mexico, 87106, 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, 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 a public sidewalk, 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 Grantors 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 land for the benefit of the City and its successors and assigns until terminated.

This Easement shall not be effective unless approved by the City Engineer as shown in the signature block below.

WITNESS my hand and seal this 10<sup>th</sup> day of August, 2001.

APPROVED:

[Signature]  
City Engineer

8-22-01  
Dated

GRANTOR:

[Signature]  
Mark Bernstein

[Signature]  
Jean Bernstein

GRANTOR:

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
(Corporation or Partnership)

JMA Job No. 2001.034.4



Mary Herrera

Bern. Co. EASE

R 15.00

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BK-A23 Pg-6982

INDIVIDUAL

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

)  
)SS  
)



OFFICIAL SEAL  
CHARLES G. CALA, JR.  
NOTARY PUBLIC - STATE OF NEW MEXICO  
Notary Bond Filed with Secretary of State  
My Commission Expires 5-8-2005

This instrument was acknowledged before me this 10<sup>th</sup> day of August, 2001, by  
Mark Bernstein and Jean Bernstein, husband and wife.

Charles G. Cala, Jr.  
Notary Public

My Commission Expires:  
\_\_\_\_\_

CORPORATION

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

)  
)SS  
)

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001,  
by \_\_\_\_\_ of \_\_\_\_\_ a  
\_\_\_\_\_ corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

PARTNERSHIP

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

)  
)SS  
)



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Page: 2 of 5  
08/22/2001 02:54P  
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This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by  
\_\_\_\_\_, partner(s), on behalf of \_\_\_\_\_, a partnership.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

(EXHIBIT 'A' ATTACHED)



**EXHIBIT 'A'**  
**PUBLIC SIDEWALK EASEMENT SURVEY**

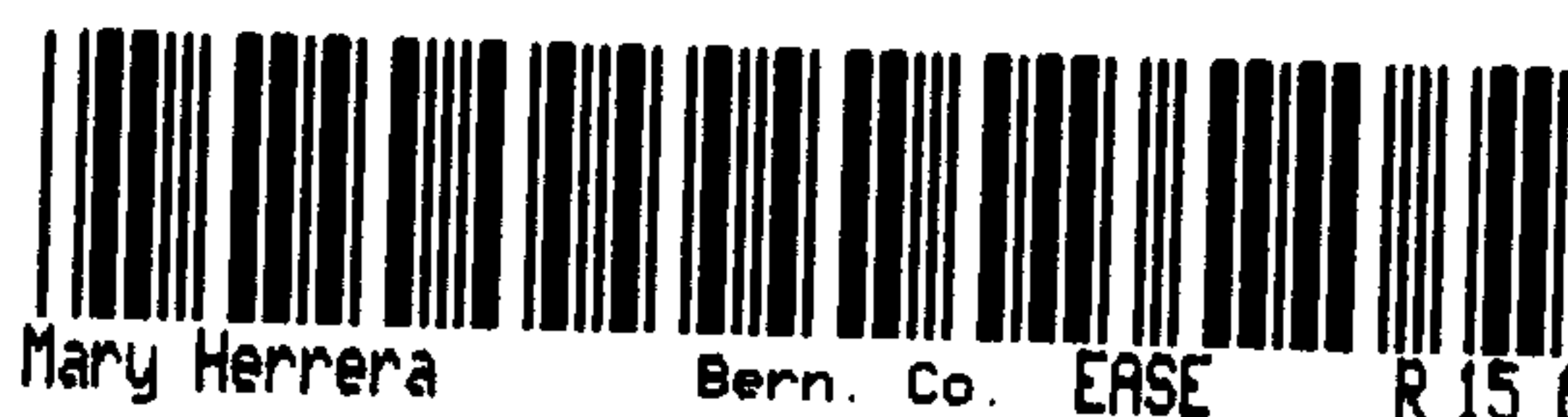
**EASEMENT DESCRIPTION**

A certain tract of land located within the Corporate Limits of the City of Albuquerque, New Mexico, comprising a portion of Tract A-4-A, Dietz Farm Place, Unit No. 1 as the same is shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 18, 1982, Book C19, Page 174 and being more particularly described as follows:

Beginning at the northern most corner of the easement herein described, being the northwest corner of said Tract A-4-A, also being a point on the east right-of-way line of Rio Grande Boulevard N.W.; thence S 20°46'40" W a distance of 33.20 feet; thence S 29°26'20" W a distance of 228.60 feet; thence S 66°59'43" W a distance of 8.20 feet to a point on the west property line of said Tract A-4-A, also being a point on said east right-of-way line; thence N 29°26'20" E a distance of 267.93 feet along said east right-of-way line to the point of beginning and containing 0.0285 acres more or less.

**Notes:**

1. An easement survey was performed in June, 2001. Property corners were found as indicated.
2. Site located within projected Section 31, Township 11 North, Range 3 East, N.M.P.M. (Elena Gallegos Grant).
3. All distances are ground distances.
4. Bearings and distances shown hereon are based upon the A.L.T.A./A.C.S.M. Land Title Survey of subject property prepared by SurvTek, Inc. dated January 04, 1999.
5. Purpose of this document is to define the new public sidewalk easement.



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**SURVEYORS CERTIFICATION**

I, Charles G. Cala, Jr., New Mexico Professional Surveyor No. 11184, do hereby certify; that this easement survey and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that this survey meets the Minimum Standards for Surveying in New Mexico, and that it is true and correct to the best of my knowledge and belief.

Charles G. Cala, Jr., NMPS 11184



08.11.2001  
Date



**EXHIBIT 'A'**  
**PUBLIC SIDEWALK EASEMENT SURVEY**

**KEYED NOTES**

- ① 5' POWER AND COMMUNICATION EASEMENT GRANTED BY PLAT D8-69, OFFSITE
- ② 7' POWER AND COMMUNICATION EASEMENT GRANTED BY PLAT D8-69
- ③ 10' POWER AND COMMUNICATION EASEMENT GRANTED BY PLAT D8-69
- ④ 14' POWER AND COMMUNICATION EASEMENT GRANTED BY PLAT D8-69
- ⑤ UTILITY EASEMENT DIPICTED ON PLAT C28-77, OFFSITE
- ⑥ 15' WATERLINE EASEMENT DIPICTED ON PLAT C19-174
- ⑦ 20' PASSAGEWAY EASEMENT DIPICTED ON PLAT C19-174
- ⑧ 5' P.N.M. AND M.S.T.&T. GRANTED BY DOCUMENT FILED 12-17-1970, BOOKMISC. 198, PAGE 628, DOC. #5229
- ⑨ 7' P.N.M. AND M.S.T.&T. GRANTED BY DOCUMENT DATED 07-14-1980, BOOK 786, PAGE 758, DOC. #80 41498
- ⑩ 5' UTILITY EASEMENT DIPICTED ON PLAT C19-174
- ⑪ 10' UTILITY EASEMENT DIPICTED ON PLAT C19-174
- Ⓐ ASPHALT NAIL W/WASHER STAMPED "PS 11808"
- Ⓑ #5 REBAR W/DAMAGED CAP
- Ⓒ #4 REBAR W/CAP, ILLEGIBLE



Mary Herrera

Bern. Co. ERSE

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**BOUNDARY TABLES**

| LINE | DIRECTION     | DISTANCE |
|------|---------------|----------|
| L1   | S 72°49'47" E | 15.35'   |
| L2   | S 71°14'37" W | 22.50'   |
| L3   | S 29°26'15" W | 8.05'    |

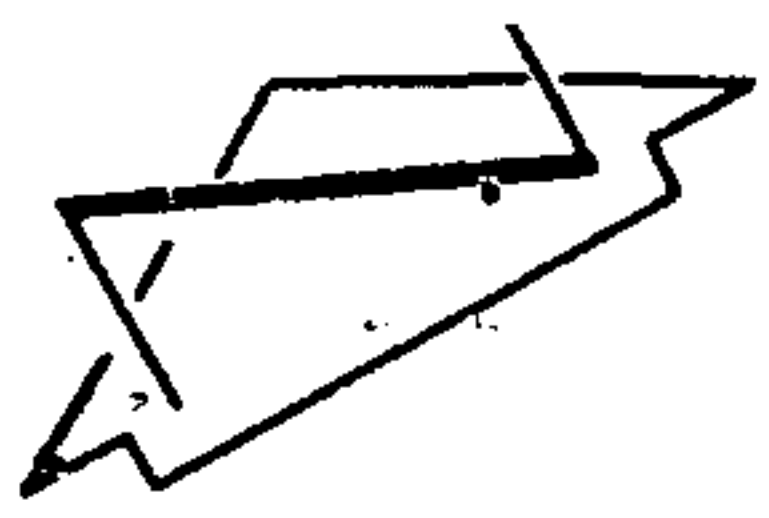
| CURVE | RADIUS  | LENGTH  | BEARING       | CHORD   | DELTA     |
|-------|---------|---------|---------------|---------|-----------|
| C1    | 95.71'  | 142.52' | S 72°05'34" W | 129.71' | 85°18'57" |
| C2    | 571.49' | 72.94'  | S 68°54'32" E | 72.89'  | 07°18'46" |

**EASEMENT TABLE**

| LINE | DIRECTION     | DISTANCE |
|------|---------------|----------|
| E1   | S 20°46'40" W | 33.20'   |
| E2   | S 29°26'20" W | 228.60'  |
| E3   | S 66°59'43" W | 8.20'    |
| E4   | N 29°26'20" E | 267.93'  |







SCALE: 1" = 40'



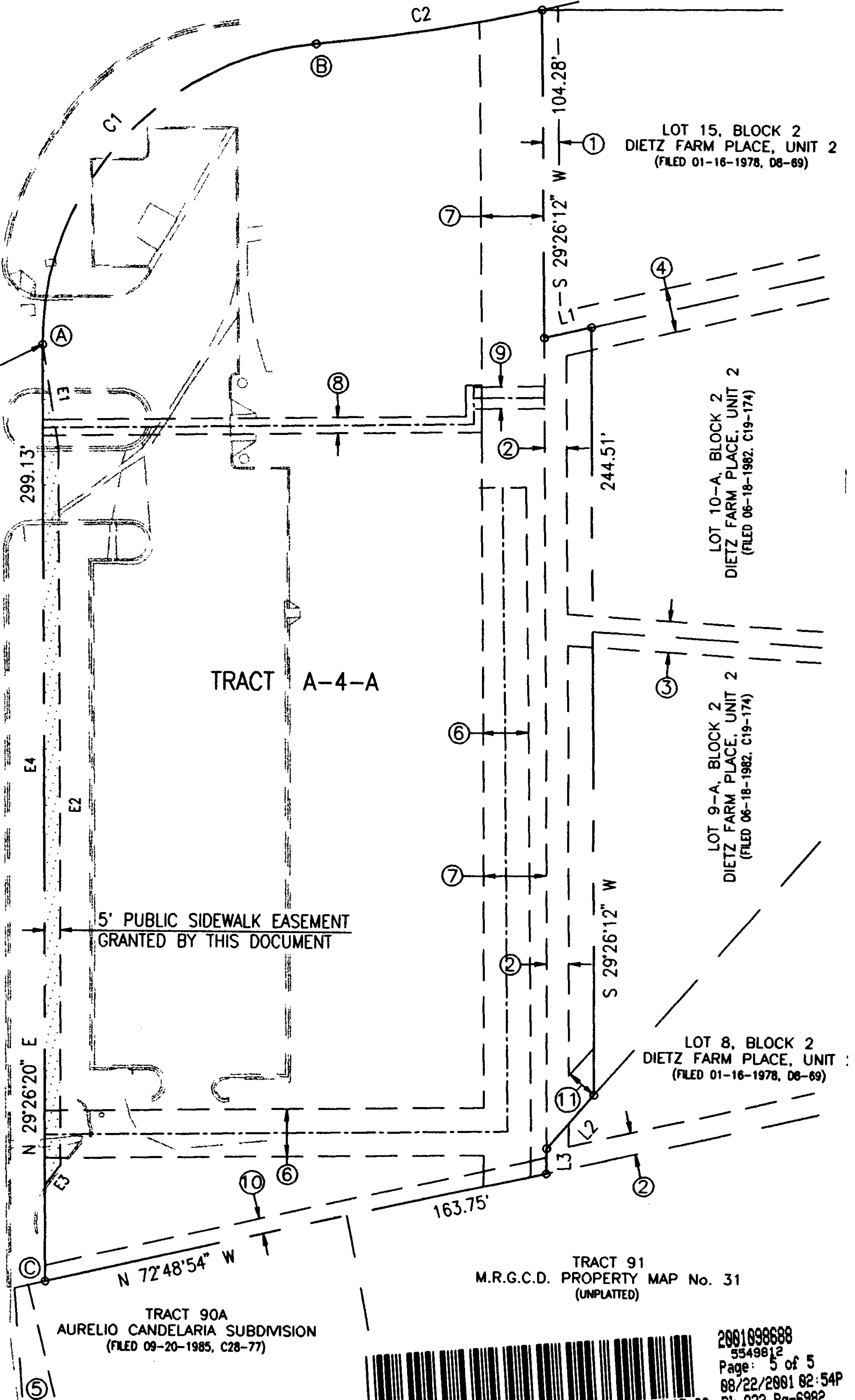
# EXHIBIT 'A'

## PUBLIC SIDEWALK EASEMENT SURVEY

DIETZ PLACE N.W.  
(50' R.O.W.)

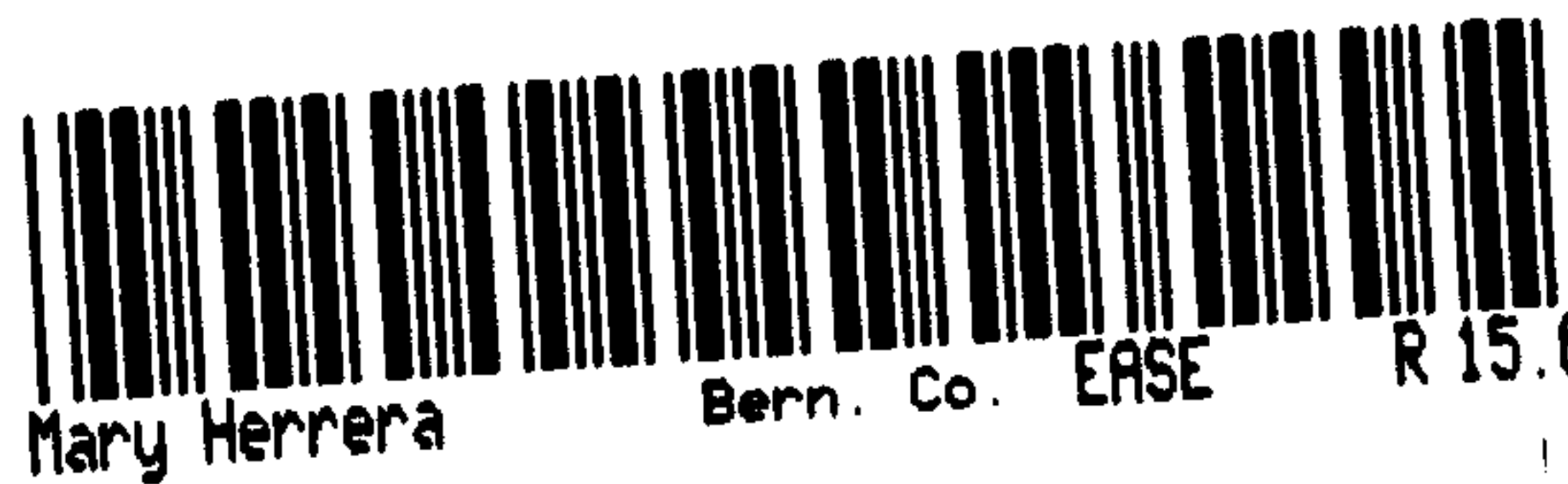
RIO GRANDE BOULEVARD N.W.  
(80' R.O.W.)

EASEMENT P.O.B.



TRACT 91  
M.R.G.C.D. PROPERTY MAP No. 31  
(UNPLATTED)

TRACT 90A  
AURELIO CANDELARIA SUBDIVISION  
(FILED 09-20-1985, C28-77)



Mary Herrera

Bern. Co. ERSE

R 15.00

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Bk-A23 Pg-6982



JEFF MORTENSEN & ASSOCIATES, INC.  
6010-B MIDWAY PARK BLVD. N.E.  
ALBUQUERQUE NEW MEXICO 87109  
ENGINEERS SURVEYORS (505) 345-4250

**ADDENDUM TO COVER PAGE**

8/15/01

(Date)

TO: Kevin Curran, Assistant City Attorney, Legal Department

FROM: Project Administrator, Project Review Sec., PWD

SUBJECT: PROJECT TITLE: Flying Star-R's Grande Parking Imp. PROJECT # 669981

The attached documents have been review, approved, initialed and/or signed by the DRC Chairman and are submitted for your action as noted.

8/18/01

| <u>ITEM</u>                                | <u>ACTION</u>   |   |                 |
|--|---|---|-----------------|
|  | <u>Review &amp; Approval</u>  | <u>Reference</u>                                  | <u>Comments</u> |
| Procedure "A".....                         | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Procedure "B".....                         | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Procedure "B" Modified Non Work Order..... | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Procedure "C".....                         | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Procedure "C" Modified.....                | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Special Agreement.....                     | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Sidewalk Deferral Agreement.....           | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Amendment.....                             | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Assignment.....                            | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Financial Guarantee.....                   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Construction Paperwork:                    |   |   |                 |
| Contractors Proposal.....                  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Performance/Warranty Bonds.....            | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Labor/Material Bonds.....                  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Certificate of Insurance.....              | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Engineers Cost Estimate.....               | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Extension.....                             | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Release/Agreement.....                     | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Release/Financial Guarantee.....           | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Calling Notice.....                        | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Letter of Commitment.....                  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Reduction Letter.....                      | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| License Agreement.....                     | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Monitoring Well Permit.....                | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Agreement & Covenant.....                  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Drainage Covenant.....                     | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Revocable Permit.....                      | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Encroachment.....                          | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Permanent Easement.....                    | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> | _____           |
| Temporary Easement.....                    | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <input type="checkbox"/> <input type="checkbox"/> | _____           |

Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please Call Kathy at 3996 if you have any questions regarding the above or when the documents are ready to be picked up.

No. of Attachments (1)

# CONTRACT CONTROL FORM

## PRELIMINARY REVIEW

Contact Person KATHY JARAMILLO  
Phone No. 924-3996

Project # 669981  
CCN# 200200300  
New or Ext. #       

Type of Agreement: permanent easement

Description/Project Name: Flying Star Rio Grande Parking Improvement

Public Works Dept./Div.: DESIGN REVIEW

Developer: Mark & Jean Bernstein

Contract Amount \$     -0-    

Contract Amount \$                     

Contract Amount \$                     

SIA Contract Period: 8/24/01 - 12/31/2021

SIA Contract Period:                     

S/W Contract Period:                     

### DRAFT CONTRACT:

Rec'd by Legal:                      Rejected/Returned to Dept.:                       
Returned to Legal:                      Approved:                      Initials:                     

### FINANCIAL GUARANTY:

Letter of Credit No.:                      Date:                      Attached: Yes      No      Initial                       
Other: Type                      Date:                      Attached: Yes      No      Initial                     

## FINAL CONTRACT REVIEW

### APPROVALS REQUIRED:

|                    | Date Delivered              | Returned to Dept.           | Approved By                 | Approval Date               |
|--------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Utility Div        | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| Hydrology Div      | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| Transportation Div | <u>8/15/01</u>              | <u>8/15/01</u>              | <u>NSF</u>                  | <u>8/15/01</u>              |
| DRC Chairman       | <u>8/15/01</u>              | <u>8/18/01</u>              | <u>91</u>                   | <u>8/18/01</u>              |
| Legal Dept         | <u>8/20/01</u>              | <u>8/22/01</u>              | <u>CP</u>                   | <u>8/20/01</u>              |
| City Engineer      | <u>8/20/01</u>              | <u>8/22/01</u>              | <u>FA</u>                   | <u>8/22/01</u>              |
| PWD Director       | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| Finance            | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| City Clerk         | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| CAO                | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |

### DISTRIBUTION:

|                                    |                             |                                 |
|------------------------------------|-----------------------------|---------------------------------|
| User Department.                   | Date: <u>8/23/01</u>        | By: <u>                    </u> |
| Vendor                             | <u>8/28/01</u>              | <u>                    </u>     |
| City Clerk                         | <u>                    </u> | <u>                    </u>     |
| Treasury                           | <u>                    </u> | <u>                    </u>     |
| Other: <u>                    </u> | <u>                    </u> | <u>                    </u>     |