

TEMPORARY EASEMENT

PROJECT NO: 572462

Grant of Permanent Easement, between Montano I-25 Property LLC ("Grantor"), whose address is 12701 Metcalf Ave., Suite 100, Overland Park, KS 66213 and whose telephone number is (412) 513-9003 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, temporary easement ("Easement") in, over, upon and across the real property described on **Exhibit "A"** attached hereto ("Property") for the maintenance, repair, modification, replacement and operation of a storm sewer, 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.

The easement shall be temporary over an existing storm sewer that is to be relocated with a future development. This easement shall remain in place until a new storm sewer is constructed in a new alignment that shall replace this existing storm sewer via a City approved Grading and Drainage Plan. Upon completion of the storm sewer construction and the filing of the plat with a new public storm sewer easement this temporary easement shall be released by the City.

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 22nd day of November, 2018.

CITY OF ALBUQUERQUE:

By: [Signature]
Shahab Biazar, P.E., City Engineer
Date: 11/20/18

GRANTOR: Montano I-25 LLC
By [signature]: [Signature]
Name [print]: Steve Abraham
Title: Member
Date: 11-8-18

Doc# 2018102924

11/28/2018 02:46 PM Page: 1 of 4
EASE R:\$25.00 Linda Stover, Bernalillo County

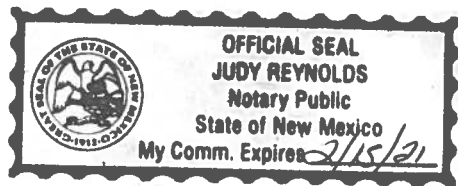


GRANTOR'S NOTARY

STATE OF New Mexico)
COUNTY OF Bernalillo) SS

This instrument was acknowledged before me on 8 day of November, 2018,
by Steve Abraham (name), Member (title)
of Montano 1-25 LLC (entity), a New Mexico LLC (i.e. a
New Mexico) corporation, on behalf of the corporation.

(SEAL)



Judy Reynolds
Notary Public

My Commission Expires: 2/15/21

(EXHIBIT "A" ATTACHED)

Legal Description 20 Foot Temporary Public Drainage Easement

A TWENTY (20) FOOT WIDE TEMPORARY DRAINAGE EASEMENT LYING AND SITUATE WITHIN THE ELENA GALLEGOS GRANT PROJECTED SECTION 24, TOWNSHIP 11 NORTH, RANGE 3 EAST, N.M.P.M., COMPRISING OF A PORTION OF TRACT C-1 RENAISSANCE CENTER, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY ON AUGUST 20, 2001, IN MAP BOOK 2001C, PAGE 235, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE COORDINATE SYSTEM GRID BEARINGS (NAD-83, CENTRAL ZONE) AND GROUND DISTANCES (US SURVEY FOOT) AS FOLLOWS;

SAID EASEMENT BEING 20 FEET WIDE TEN FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT A POINT LYING ON THE EAST BOUNDARY OF SAID TRACT C-1, ALSO LYING ON THE WEST RIGHT OF WAY LINE ON INTERSTATE 25 FROM WHENCE A TIE TO A.R.G.S. MONUMENT "M_6" BEARS N 68°27'36" E, A DISTANCE OF 2755.47 FEET;


THENCE FROM SAID POINT OF BEGINNING, N 36°25'38" W, A DISTANCE OF 84.00 FEET TO AN ANGLE POINT;

THENCE N 31°25'38" W, A DISTANCE OF 65.00 FEET TO AN ANGLE POINT;

THENCE N 36°49'14" W, A DISTANCE OF 346.00 FEET TO THE END OF DESCRIBED CENTERLINE, LYING ON THE EAST RIGHT OF WAY LINE OF DESERT SURF CIRCLE, N.E., ALL AS SHOWN ON EXHIBIT "A" ATTACHED HERETO.

Surveyor's Certificate

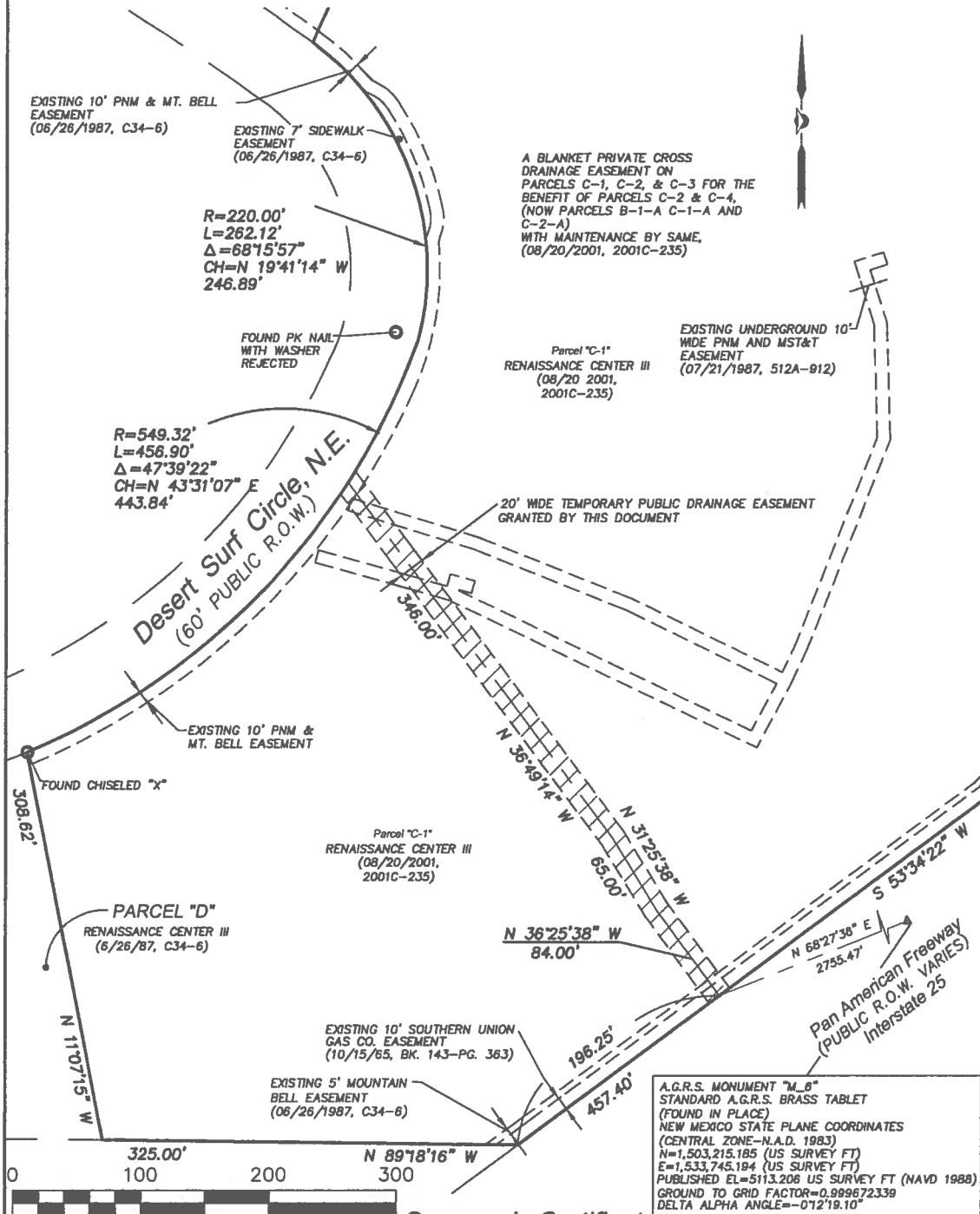
I, LARRY W. MEDRANO LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION, EXHIBIT AND SURVEY WAS PREPARED BY ME OR UNDER MY DIRECTION FROM NOTES OF AN ACTUAL FIELD SURVEY, AND THE SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO


Digitally signed by Larry W. Medrano
DN: C=US, O="Precision Surveys, Inc.", CN=Larry W. Medrano,
E=larry@presurv.com
Reason: I attest to the accuracy and integrity of this document
Location: Albuquerque, NM
Date: 2018-07-11 15:25:38
Foxit PhantomPDF Version: 9.0.1

LARRY W. MEDRANO
N.M.P.S. NO. 11993



EXHIBIT "A"



Surveyor's Certificate

I, LARRY W. MEDRANO, A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS EXHIBIT (UN-CLASSIFIED SURVEYING SURVEY) WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MEETING THE MINIMUM REQUIREMENTS FOR THIS CLASSIFICATION OF SURVEY AS PER THE MINIMUM STANDARDS FOR LAND SURVEYING IN NEW MEXICO AS ADOPTED BY THE N.M. BOARD OF LICENSES FOR ENGINEERS AND SURVEYORS, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Larry W. Medrano
 LARRY W. MEDRANO
 N.M.P.S. No. 11993
 DIGITAL SIGNATURE IS INVALID WITHOUT DIGITAL CERTIFICATION
 WET SIGNATURE IS INVALID IF NOT IN BLUE INK
 WITH BLUE STAMP OR EMBOSSED STAMP

DATE

PRECISION
 SURVEYS, INC.

OFFICE LOCATION
 6300 Sun Valley Road, NE
 Albuquerque, NM 87113

TELEPHONE
 505-881-1111

TELEFAX
 505-881-1112

COORDINATE AND DIMENSION INFORMATION			PLSS INFORMATION				PROJECT INFORMATION	
STATE PLANE ZONE	GRID	TYPE	LAND GRANT				CREW/TECH	DATE OF SURVEY
NM-C		STANDARD	ELENA GALLEGOS GRANT				MT	10/17/2017
HORIZONTAL DATUM	VERTICAL DATUM	SECTION	TOWNSHIP	RANGE	MERIDIAN		DRAWN BY:	CHECKED BY:
NAD83	NAVD88	24	11 NORTH	3 EAST	NMPPM		JK	LM
CONTROL USED:			CITY	COUNTY	STATE		PGI JOB NO.	SHEET NUMBER
ALBUQUERQUE GEODETIC REFERENCE SYSTEM			ALBUQUERQUE	BERNALILLO	NM		17-9129EX	2 OF 2
GROUNDED SCALE FACTOR:								
GRID TO GROUND: 1.0003262289								
GROUND TO GRID: 0.9996708795								

