

G16D1409

TEMPORARY DRAINAGE EASEMENT

Grant of Temporary Drainage Easement, between Southwest Regional Council Of Carpenters, whose address is 533 South Fremont Avenue, 9th Floor, Los Angeles, CA 90071 ("Grantor") 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 a non-exclusive, temporary 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 an underground drainage pipe (the "Drainage Facilities"), 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, upon written notice from the City to the Grantor of such event, 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 will terminate when the Drainage Facilities, built in accordance with City approved plans, have been relocated and approved by the City Engineer, such approval not to be unreasonably withheld, conditioned or delayed.

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

WITNESS my hand and seal this 3rd day of August, 2014.

CITY OF ALBUQUERQUE:

By: _____
Shahab Biazar, P.E., City Engineer
Date: _____

GRANTOR: Southwest Regional Council of
Carpenters

By [signature]: Randy J. Sowell
Name [print]: Randy J. Sowell
Title: Its Authorized Signatory
Date: 8/3/15

County Clerk's Recording Label

DRB 9/2/15

GRANTOR'S NOTARY

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Los Angeles

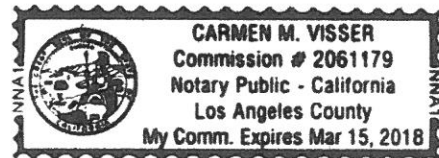
On August 3rd, 2015, before me, Carmen M. Visser, Notary
(here insert name and title of the officer)

personally appeared Lundy J. Snell, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/her/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

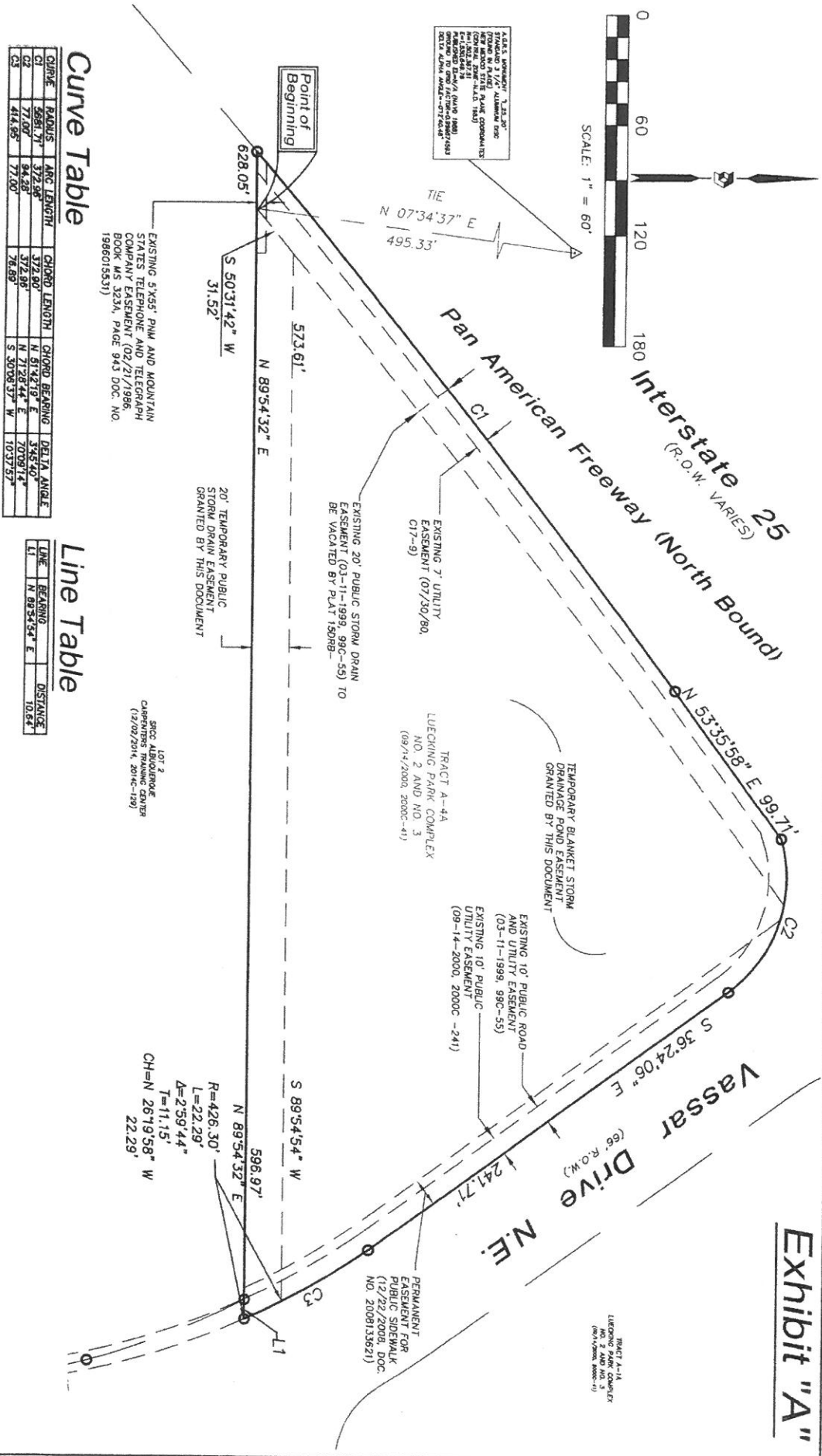
Carmen M. Visser
Signature



(Seal)

(EXHIBIT "A" ATTACHED)

Exhibit "A"



Curve Table

CHIRP	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5581.71	372.58'	372.60'	N 51°42'19" E	3°45'40"
C2	77.00'	94.28'	372.88'	N 71°28'44" E	70°09'14"
C3	414.85'	77.00'	76.89'	S 30°08'37" W	10°37'57"

Line Table

LINE	BEARING	DISTANCE
L1	N 89°54'54" E	10.64'

Legal Description

A TEMPORARY PUBLIC DRAINAGE EASEMENT LYING AND SITUATE WITHIN SECTION 3, TOWNSHIP 10 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN, COMPRISING A PORTION OF TRACT A-4A LUECKING PARK COMPLEX NO. 2 AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 14, 2000, IN BOOK 2000C, PAGE 41, BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE-NAD 83) AND GROUND DISTANCES (US SURVEY FOOT) AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DESCRIBED EASEMENT, FROM WHENCE A TIE TO A.R.G.S MONUMENT "I_25_20" BEARS N 07°34'37"E, A DISTANCE OF 495.33 FEET;

THENCE FROM SAID POINT OF BEGINNING, N 89°54'32" E, A DISTANCE OF 586.97 FEET TO A POINT;

THENCE N 89°54'32" E, A DISTANCE OF 10.64 FEET TO A POINT OF A NON TANGENT CURVE;

THENCE ALONG THE WEST RIGHT OF WAY OF VASSAR DRIVE N.E., ALONG A NON TANGENT CURVE TO THE LEFT WITH A RADIUS OF 426.30 FEET AN ARC LENGTH OF 22.29 FEET AND A CHORD OF N 29°19'58" W, TO AN ANGLE POINT;

THENCE LEAVING SAID RIGHT OF WAY LINE, S 89°54'54" W, A DISTANCE OF 573.61 FEET TO AN ANGLE POINT;

THENCE S 50°31'42" W, A DISTANCE OF 31.52 FEET TO THE POINT OF BEGINNING, CONTAINING 0.2712 ACRES (11,812 SQUARE FEET), MORE OR LESS, ALL AS SHOWN ON THE ATTACHED EXHIBIT "A".

Surveyor's Certificate

I, LARRY W. MEDRANO LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION, 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.

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



POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the Subdivider is not the owner of the Subdivision.

STATE OF CALIFORNIA)
)
COUNTY OF Los Angeles) ss.

SOUTHWEST REGIONAL COUNCIL OF CARPENTERS ("Owner"), of 533 South Fremont Avenue, 9th Floor, Los Angeles, CA 90071, hereby makes, constitutes and appoints **ABQ COMANCHE RETAIL, LLC**, a Texas limited liability company ("Subdivider") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Subdivider full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") subdivision requirements regarding the real estate owned by me and described in Section 1 of the Subdivision Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Subdivider lawfully does or causes to be done by virtue of the power herein conferred upon the Subdivider.

This Power of Attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Engineer in order to provide notice to City of the termination of this Power of Attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Subdivider. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER: SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

By [Signature:]: Randy J. Sowell Dated: 8/3/15
Name [Print]: Randy J. Sowell, Its Authorized Signatory

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STATE OF CALIFORNIA

COUNTY OF Los Angeles

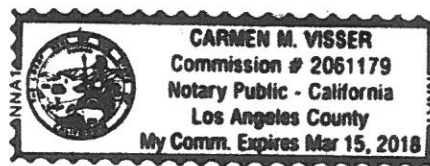
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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Carmen M. Visser
Signature



(Seal)