

PUBLIC SIDEWALK EASEMENT

PROJECT NO: _____

Grant of Sidewalk Easement, between El Rey Dos, LLC ("Grantor"), whose address is 8016 Pennsylvania Circle Ste. A Albuquerque, NM 87110 and whose telephone number is (505) 292-9607 and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM, 87103.

Grantor, for and in certain valuable non-monetary consideration received from the City, the receipt of which is acknowledged by Grantor, does hereby give, bargain, sell, grant and convey unto City an exclusive, perpetual sidewalk 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 ADA Ramp and Landing, 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, 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 20th day of July, 2021.

CITY OF ALBUQUERQUE:

By: _____

Shahab Biazar, P.E., City Engineer

Date: _____

GRANTOR: El Rey Dos, LLC

By [signature]: _____

Name [print]: Clayton King

Title: Manager

Date: 7-20-21

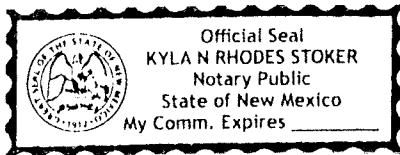
County Clerk's Recording Label

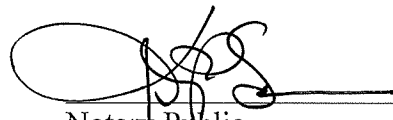
GRANTOR'S NOTARY

STATE OF New Mexico)
) ss
COUNTY OF Bernalillo)

This instrument was acknowledged before me on 20th day of July, 2021,
by Clayton King (name), manager (title)
of El Rey Dos, LLC (entity), a New Mexico (i.e. a
New Mexico) LLC corporation, on behalf of the LLC corporation.

(SEAL)





Notary Public

My Commission Expires: 7/31/2024

(EXHIBIT "A" ATTACHED)

*Exhibit for
A Parcel Within
Lot 4-A1, Block 108
Bel-Air Subdivision*

*City of Albuquerque
Bernalillo County, New Mexico
July 2021*

Legal Description

A CERTAIN PARCEL, BEING A PORTION OF LOT 4-A1, BLOCK 108, OF BEL-AIR, A REPLAT OF LOT 4-A, BLOCK 108, SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICTS NOS. 13 AND 22, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JUNE 24, 1985 IN BOOK C27, PAGE 127.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL, LYING ON THE SOUTHERLY RIGHT OF WAY OF MENAUL BOULEVARD NE, WHENCE A TIE TO THE NORTHEAST CORNER OF SAID LOT 4-A1, BEARS S 89°04'30" E, A DISTANCE OF 38.72 FEET, MARKED BY A CHISELED "X";

THENCE, FROM SAID POINT OF BEGINNING, LEAVING SAID SOUTHERLY RIGHT OF WAY, TRAVERSING SAID LOT 4-A1, THE FOLLOWING THREE COURSES:

S 00°46'08" W, A DISTANCE OF 6.29 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

N 89°13'52" W, A DISTANCE OF 7.67 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL;

N 44°13'52" W, A DISTANCE OF 8.95 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, LYING ON THE SOUTHERLY RIGHT OF WAY OF MENAUL BOULEVARD NE;

THENCE, COINCIDING WITH SAID SOUTHERLY RIGHT OF WAY, S 89°04'30" E, A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0016 ACRES (68 SQ. FT.) MORE OR LESS.

Notes

1. FIELD SURVEY PERFORMED IN APRIL 2021.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).

Surveyor's Certificate

I, WILL PLOTNER JR., A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE EXHIBIT SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Will Plotner Jr.
Will Plotner Jr.
N.M.R.P.S. No. 14271

7/16/2021
Date



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244
wplotnerjr@gmail.com

Exhibit for A Parcel Within Lot 4-A1, Block 108 Bel-Air Subdivision

City of Albuquerque
Bernalillo County, New Mexico
July 2021

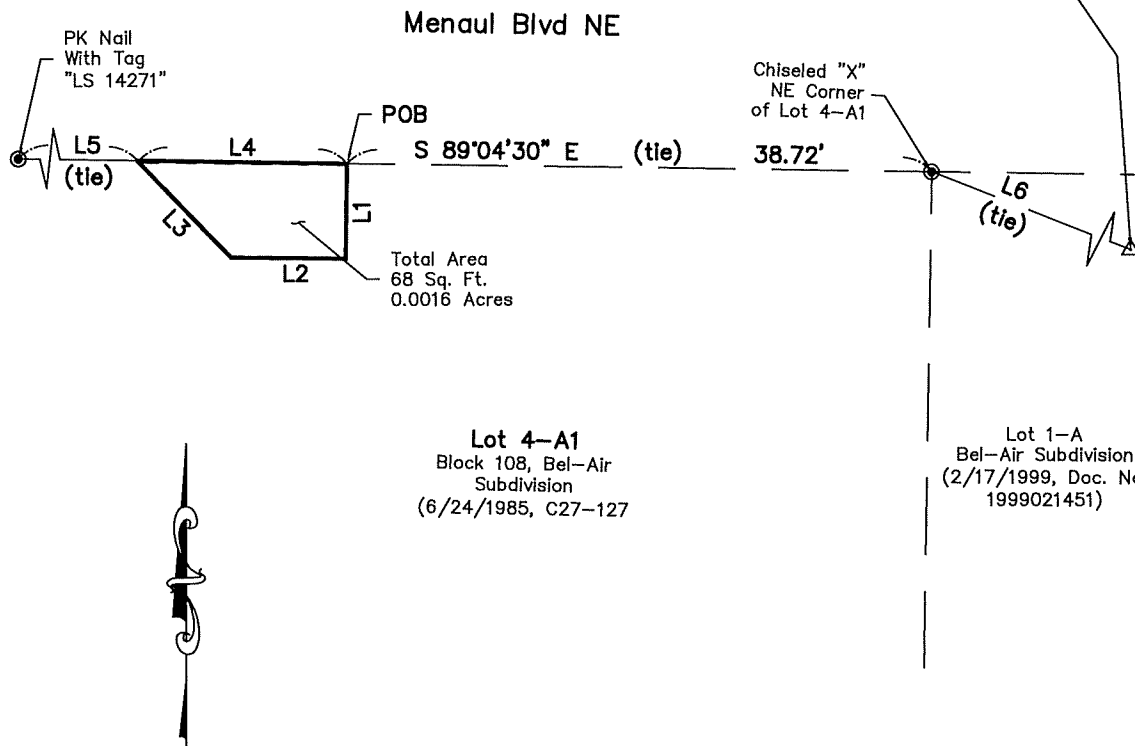
Line Table		
Line #	Direction	Length (ft)
L1	S 00°46'08" W	6.29'
L2	N 89°13'52" W	7.67'
L3	N 44°13'52" W	8.95'
L4	S 89°04'30" E	14.00'
L5	N 89°04'30" W	74.41'
L6	S 68°28'28" E	5395.70'

Legend

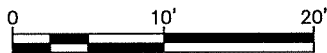
N 90°00'00" E MEASURED BEARINGS AND DISTANCES
● FOUND MONUMENT AS INDICATED

ACS Monument " 20-H18 "
NAD 1983 CENTRAL ZONE
X=1545048.21 *
Y=1493154.978 *
Z=5283.222 * (NAVD 1988)
G-G=0.999661580
Mapping Angle= -0°11'00.11"

*U.S. SURVEY FEET



BAR SCALE



SCALE: 1" = 10'

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Sheet 2 of 2

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