

PUBLIC SIDEWALK EASEMENT

Project No: JH-001

Project Name: Burger King Restaurant

Grant of Sidewalk Easement, between T.J.H. Inc ("Grantor"), whose address is 11000 BERNALILLO DUNES NE ALBUQUERQUE NM 87111 and whose telephone number is (505) 681-7474 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"** with the Legal Description of Tract 196 MARCO Prop 37 City of Albuquerque and attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of Burger King Restaurant, 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. Bernalillo County New Mexico

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 and recorded at the Bernalillo County Clerk.

County Clerk's Recording Label



GRANTOR: Tom McCollum TJK Inc
By [signature]: [Signature]
Name [print]: TOM MCCOLLUM
Title: President
Date: 7/2/24

GRANTOR'S NOTARY

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

This instrument was acknowledged before me on this 2 day of July, 2024 by
[name(s) of person(s):] TOM MCCOLLUM, [title or capacity, for
instance, "President" or "Owner":]
President of
TJK Inc [Developer:].



STATE OF NEW MEXICO
NOTARY PUBLIC
(SEAL)
Sarah Joy Ashling
Commission No. 1113453
Expires: November 20, 2027

[Signature]
Notary Public
My Commission Expires: 11/20/27

DS
KV

DS
JW

CITY OF ALBUQUERQUE:

By: [Signature]
Shahab Biazar, P.E., City Engineer

Date: 7/3/24

CITY'S NOTARY

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

This instrument was acknowledged before me on this 3rd day of July,
2024 by Shahab Biazar, P.E., City Engineer, City of Albuquerque, a municipal corporation,
on behalf of said corporation.

(SEAL)

[Signature]
Notary Public

STATE OF NEW MEXICO
NOTARY PUBLIC
Rachael Miranda
Commission No. 1119740
November 09, 2025

My Commission Expires: 11-9-2025

(EXHIBIT "A" ATTACHED)

EXHIBIT A

SIDEWALK EASEMENT IN TRACT 196, MRGCD MAP 37,
CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

A CERTAIN PARCEL OF LAND RESERVED FOR SIDEWALK EASEMENT PURPOSES, LOCATED ALONG THE SOUTH BOUNDARY LINE OF TRACT 196, MRGCD MAP 37, AS THE SAME IS SHOWN AND DESIGNATED ON THE DEED THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON AUGUST 17, 2004, AS DOCUMENT NO. 2004116160, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SIDEWALK EASEMENT 1

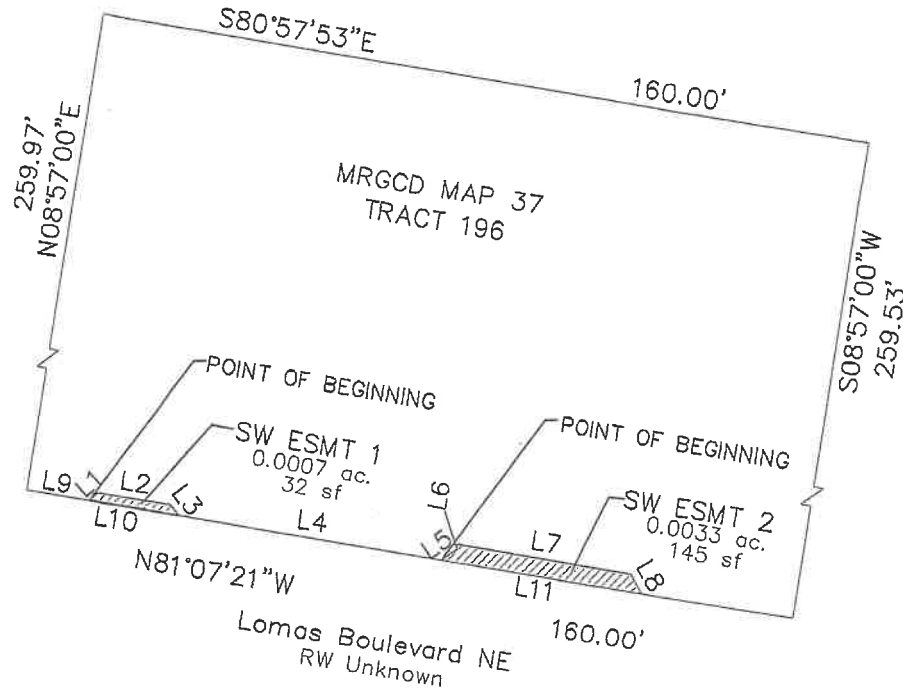
BEGINNING AT THE SOUTHWEST CORNER OF SAID SIDEWALK EASEMENT, FROM WHENCE THE SOUTHWEST CORNER OF SAID TRACT 196, BEARS N81°07'21"W, 13.14 FEET, TO THE POINT OF BEGINNING "OF SW ESMT 1";
THENCE, N47°53'14"E, 2.37 FEET;
THENCE, S81°28'25"E, 15.20 FEET;
THENCE, S37°55'56"E, 2.83 FEET;
THENCE N81°07'21"W, 18.75 FEET TO THE POINT OF BEGINNING.

CONTAINS 32 SQ. FEET, OR 0.007 ACRES, MORE OR LESS.

SIDEWALK EASEMENT 2

BEGINNING AT THE SOUTHWEST CORNER OF SAID SIDEWALK EASEMENT, FROM WHENCE THE SOUTHWEST CORNER OF SAID TRACT 196, BEARS N81°07'21"W, 86.54 FEET, TO THE POINT OF BEGINNING "OF SW ESMT 2";
THENCE, N55°36'20"E, 3.80 FEET;
THENCE, N10°48'15"E, 1.18 FEET;
THENCE, S80°55'27"E, 36.50 FEET;
THENCE S29°54'58"E, 4.69 FEET;
THENCE, N81°07'21"W, 42.25 FEET TO THE POINT OF BEGINNING.

CONTAINS 145 SQ. FEET, OR 0.0033 ACRES, MORE OR LESS



NUM	BEARING	DISTANCE
L1	N47°53'14"E	2.37'
L2	S81°28'25"E	15.20'
L3	S37°55'56"E	2.83'
L4	S81°07'21"E	54.65'
L5	N55°36'20"E	3.80'
L6	N10°48'15"E	1.18'
L7	S80°55'27"E	36.50'
L8	S29°54'58"E	4.69'
L9	N81°07'21"W	13.14'
L10	N81°07'21"W	18.75'
L11	N81°07'21"W	42.25'

CONTRACT CONTROL FORM

PROJECT: J14-001
CCN: 202500038
 (New/Existing) New

CONTACT PERSON: David Jones

Type of Paperwork Public Sidewalk Easement
 Project Name/Description
 (From CTS): Burger King Restaurant
 Developer/Owner/Vendor TJK Inc.

Contract Amount \$ _____ Contract Period: _____ - _____

FINAL CONTRACT REVIEW**APPROVALS REQUIRED:**

	Approved By	Approval Date
DRC Manager	<u>KV</u> DS	<u>7/2/2024 4:38 PM MDT</u>
Legal Department	<u>gw</u>	<u>7/2/2024 7:05 PM MDT</u>
City Engineer	<u>ds</u>	<u>7/5/24</u>
Hydrology Engineer	<u>DS</u>	
Transportation Engineer	<u>El</u>	<u>7/2/2024 3:54 PM MDT</u>
Construction Engineer		
OTHER: <u>CAO</u>		

DISTRUBUTION:

Date: _____ By: _____
 Received by City clerk _____

Bernalillo County, NM
415 Silver Ave. SW, 2nd Floor
P.O. Box 542
Albuquerque, NM 87102

Receipt: 1531845

*** REPRINT *** REPRINT *** REPRINT ***

Product	Name	Extended
EASE	Easement	\$25.00
	# Pages	4
	Document #	2024046081
	# Of Entries	0
Total		\$25.00

Tender (Check) \$25.00
Check# 5128
Paid By PJ DEVELOPMENTS INC

*** REPRINT *** REPRINT *** REPRINT ***
Thank You!

7/8/24 3:47 PM MST rzelada