

TEMPORARY EASEMENT
(Public Drainage)

Grant of temporary Easement between Cedar Investors LLC, a New Mexico limited liability company ("Grantor"), whose address is 6300 Riverside Plz Ln. NW, #200, Albuquerque, New Mexico, 87120, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, New Mexico, 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 Storm Drain Infrastructure, 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.

This is a temporary easement. Upon further determination of any required new easements (if needed) and upon removal of the utilities from the Easement and the recording of an affidavit by Grantor that all utilities have been removed, this Easement shall terminate and be of no further effect.

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 15th day of MAY, 2017.

APPROVED:

City Engineer

Dated

GRANTOR:

(Individual)

GRANTOR:
CEDAR INVESTORS, LLC
BY URBAN PARTNERS, LLC, ITS MANAGER

By: [Signature]
KURT BROWNING, MANAGER
(Corporation or Partnership)

5-15-17

INDIVIDUAL

STATE OF _____)
)ss
COUNTY OF _____)

This instrument was acknowledged before me on _____ day of _____, 20____, by _____.

Notary Public

My Commission Expires:

CORPORATION

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 15TH day of MAY, by KURT BROWNING AS MANAGER OF URBAN PARTNERS, LLC AS MANAGER OF CEDAR INVESTORS, LLC A NEW MEXICO LIMITED LIABILITY COMPANY, on behalf of the corporation.

E. A. González E.
Notary Public

My Commission Expires:

12/19/2020



PARTNERSHIP

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on _____ day of _____, 20____, by _____, partner(s), on behalf of _____, a partnership.

Notary Public

My Commission Expires:

CITY'S ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on _____, 20____ by _____, City Engineer, Planning Department, for the City of Albuquerque, a New Mexico municipal corporation, on behalf of the corporation.

Notary Public

My Commission Expires:

(EXHIBIT "A" ATTACHED)

EXHIBIT "A"

DESCRIPTION

An easement within the Town of Albuquerque Grant, within Projected Section 21, Township 10 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising a portion of Tract 3 and Tract 4, as shown on the plat entitled THE HIGHLANDS, filed in the office of the County Clerk of Bernalillo County, New Mexico on _____, in Book _____, Page _____, and being more particularly described by New Mexico State Plane grid bearings (Central Zone, NAD83) and ground distances as follows:

BEGINNING at the southwest corner of the easement herein described, WHENCE a found NMSHC Brass Disc stamped, "STA-I-25-27", bears S 29°21'23" W a distance of 1464.72 feet;

THENCE along the westerly boundary of the easement herein described, N 8°29'53" E a distance of 16.00 feet to the northwest corner of the easement herein described;

THENCE along the northerly boundary of the easement herein described, S 80°52'45" E a distance of 316.07 feet to the northeast corner of the easement herein described;

THENCE along the easterly boundary of the easement herein described, S 8°50'40" W a distance of 16.00 feet to the southeast corner of the easement herein described;

THENCE along the southerly boundary of the easement herein described, N 80°52'45" W a distance of 315.97 feet to the POINT OF BEGINNING.

The easement contains ± 0.1161 acres or 5056 sq. ft., more or less.

SURVEYOR'S CERTIFICATION

I, Alan R. Benham, an New Mexico Professional Surveyor No. 15700, do hereby certify that this Legal Description and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico for Legal Descriptions as defined in NMAC 12.8.2.7.A(7); and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act.



Alan R. Benham

New Mexico Professional Surveyor No. 15700

May 16, 2017

Date



Bohannon  **Huston**

TEMPORARY EASEMENT

DATE: 5/16/2017

REVISION NO. 0

SHEET: 1 OF 2

SCALE: 1" = 80'

COPPER AVE. NE
(60' R.O.W.)

MULBERRY ST.
NE (60' R.O.W.)

TRACT 1
THE HIGHLANDS

EXISTING 60' PUBLIC ACCESS & PUBLIC
DRAINAGE AND ABCWUA WATER &
SANITARY SEWER EASEMENT

CEDAR ST. NE
(60' R.O.W.)
2' PUE

COPPER AVE. NE
(60' R.O.W.)

TRACT 2
THE
HIGHLANDS

TRACT 3
THE HIGHLANDS

— EXISTING 5' JONES INTERCABLE & US WEST
OVERHEAD EASEMENT

EASEMENT
0.1161 ACRES

TRACT 5
THE HIGHLANDS

TRACT 4
THE HIGHLANDS

EAST CENTRAL AVE.
(R.O.W. VARIES)

(BASIS OF BEARINGS)
S84°03'27"W 5921.81'

NM SHC BRASS DISC STAMPED "STA I-25-27"
GEOGRAPHIC POSITION (NAD 1983)
NM STATE PLANE GRID COORDINATES
(CENTRAL ZONE)
N=1484404.489 E=1524608.553
GROUND TO GRID FACTOR=0.999676736
DELTA ALPHA = -0°13'20.86"
NAVD 1988 ELEVATION = 5000.315 FEET

✱ FOUND CHISELED "X"
IN CONCRETE

● FOUND REBAR WITH CAP

☒ FOUND WASHER

TEMPORARY EASEMENT LINE

EXISTING EASEMENT LINE

ACS 2" BRASS DISC "5-K16A"
GEOGRAPHIC POSITION (NAD 1983)
NM STATE PLANE GRID COORDINATES
(CENTRAL ZONE)
N=1485016.971 E=1530495.993
GROUND TO GRID FACTOR=0.999670253
DELTA ALPHA = -0°12'40.20"
NAVD 1988 ELEVATION = 5174.054 FEET

1. DISTANCES ARE GROUND DISTANCES.
2. UNITS ARE U.S. SURVEY FEET.
3. BEARINGS ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE) NAD 1983. BASIS OF BEARINGS IS BETWEEN NMSHC MONUMENT "STA I-25-27" AND CITY OF ALBUQUERQUE CONTROL MONUMENTS "5_K16A". BEARING = S84°03'27"W 5921.81'.

Tangent Data		
ID	BEARING	DISTANCE
T1	N08°29'53"E	16.00'
T2	S08°50'40"W	16.00'

Bohannon  Huston

TEMPORARY EASEMENT

DATE: 5/16/2017

REVISION NO. 0

SHEET: 2 OF 2