

## Carruthers, Madeline M.

**From:** Salvator Perdomo <sperdomo@Titan-Development.com>  
**Sent:** Thursday, June 01, 2017 3:38 PM  
**To:** Carruthers, Madeline M.  
**Subject:** RE: Easements

I will be picking them up tomorrow though!

Sal

### Salvator Perdomo

Senior Development Associate

c: (972) 415-1032

w: (505) 998-0163



**From:** Salvator Perdomo  
**Sent:** Thursday, June 1, 2017 3:30 PM  
**To:** 'Carruthers, Madeline M.' <mtafoya@cabq.gov>  
**Cc:** 'Michael Balaskovits' <mbalaskovits@bhinc.com>  
**Subject:** RE: Easements

Madeline,

FYI – We will not be recording these easements right now. I will come by with a check and get them recorded in the next few weeks.

Thank you,

Sal

### Salvator Perdomo

Senior Development Associate

c: (972) 415-1032

w: (505) 998-0163



**From:** Carruthers, Madeline M. [mailto:mtafoya@cabq.gov]  
**Sent:** Thursday, June 1, 2017 3:06 PM  
**To:** Salvator Perdomo <sperdomo@Titan-Development.com>  
**Subject:** Easements

*to Sal*  
*Sent email regarding*  
*recording.*  
*6-22-17*  
*me.*  
*Sent Mike Balascovich*  
*email 6-2-17*  
*me.*  
*Sent Mike B. email*  
*1-5-18 me @ 2:30pm*

Legal just called and said they are ready to pick up.

They will need to be recorded tomorrow.

If you could bring in a check for \$50.00 made out to Bernalillo County Clerk's Office, then we can get them recorded. Or

You can come down and pick up and take over to get recorded.

But I will need the Originals back.

***Madeline Carruthers (Tafoya)***

*DRC Project Administrator*

*Planning Department*

*City of Albuquerque*

*600 2nd St NW, Ste. 400*

*Albuquerque, NM 87102*

*PH. (505) 924-3997*

***mtafoya@cabq.gov***



**ADDENDUM TO COVER PAGE**

05-31-17

(Date)

TO: Kevin Morrow, Assistant City Attorney, Legal Department

FROM: Madeline Carruthers, Project Administrator, Design Review Section, Planning Department

SUBJECT: PROJECT NAME: Cedar Investors Alley Easement PROJECT # K15-056

The attached documents have been review, approved, initialed and/or signed by the DRC Chairman and are submitted for your action as noted.

<u>ITEM</u>	<u>ACTION</u>	<u>Comments</u>
Procedure "A".....	<input type="checkbox"/>	
Procedure "B".....	<input type="checkbox"/>	
Exhibit "A" Infrastructure	<input type="checkbox"/>	
Extension to Procedure	<input type="checkbox"/>	
Procedure "C" Modified.	<input type="checkbox"/>	
Special Agreement.....	<input type="checkbox"/>	
Sidewalk Deferral Agree	<input type="checkbox"/>	
Extension to Sidewalk D	<input type="checkbox"/>	
Sidewalk Verification & C	<input type="checkbox"/>	
Official Notice of Decisio	<input type="checkbox"/>	
Power of Attorney.....	<input type="checkbox"/>	
Corporate Resolution.....	<input type="checkbox"/>	
Amendment.....	<input type="checkbox"/>	
Assignment.....	<input type="checkbox"/>	
Financial Guarantee.....	<input type="checkbox"/>	
Amendment to Financial	<input type="checkbox"/>	
Treasurer's Report of Depo	<input type="checkbox"/>	
Construction Paperwork:		
Contractors Proposal.....	<input type="checkbox"/>	
Subcontractors Proposal.....	<input type="checkbox"/>	
Performance/Warranty Bonds.....	<input type="checkbox"/>	
Labor/Material Bonds.....	<input type="checkbox"/>	
Certificate of Insurance.....	<input type="checkbox"/>	
Engineers Cost Estimate (Figure 7).....	<input type="checkbox"/>	
Figure 8, Pro Rata.....	<input type="checkbox"/>	
Figure 21, Pro Rata.....	<input type="checkbox"/>	
Release of Agreement.....	<input type="checkbox"/>	
Release of Financial Guarantee.....	<input type="checkbox"/>	
Release of Municipal Lien.....	<input type="checkbox"/>	
Certificate of Completion and Acceptance....	<input type="checkbox"/>	
Grading & Drainage Certification.....	<input type="checkbox"/>	
Centerline Monument Acceptance.....	<input type="checkbox"/>	
Calling Notice.....	<input type="checkbox"/>	
Revocable Permit.....	<input type="checkbox"/>	
License Agreement.....	<input type="checkbox"/>	
Agreement & Covenant.....	<input type="checkbox"/>	
Drainage Covenant.....	<input type="checkbox"/>	
Monitoring Well Permit.....	<input type="checkbox"/>	
Easement.....	<input checked="" type="checkbox"/>	
Encroachment.....	<input type="checkbox"/>	
.....	<input type="checkbox"/>	

Notes:

Please call Madeline Carruthers at 924-3997 or Charlotte LaBadie at 924-3996 if you have questions regarding the above or when the documents are ready to be picked up. **No. of Attachments** ( )



## CONTRACT CONTROL FORM

### PRELIMINARY REVIEW

**PROJECT:** K15-056 **CONTACT PERSON:** Madeline Carruthers  
**CCN:** \_\_\_\_\_  
(New/Existing) New

Type of Agreement: Easement  
Description/Project Name: Cedar Investors Alley  
Developer: Cedar Investors  
Contract Amount \$ \_\_\_\_\_ SIA Contract Period: \_\_\_\_\_ - \_\_\_\_\_  
Contract Amount \$ \_\_\_\_\_ S/W Contract Period: \_\_\_\_\_ - \_\_\_\_\_  
Other: \_\_\_\_\_ Contract Period: \_\_\_\_\_ - \_\_\_\_\_

### FINANCIAL GUARANTY:

\_\_\_\_\_ Date: \_\_\_\_\_ Initial \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_ Initial \_\_\_\_\_

### DRAFT CONTRACT:

Received by Legal: \_\_\_\_\_ Rejected/Returned to Dept.: \_\_\_\_\_ / \_\_\_\_\_  
Returned to Legal: \_\_\_\_\_ / \_\_\_\_\_ Approved: \_\_\_\_\_ Initials: \_\_\_\_\_

### FINAL CONTRACT REVIEW

#### APPROVALS REQUIRED:

	Date Delivered	Returned to Dept.	Approved By	Approval Date
DRC Chairman	_____	_____	_____	_____
Legal Department	<u>5-31-17</u>	<u>6/1/17</u>	<u>[Signature]</u>	<u>6/1/17</u>
City Engineer	<u>6/1/17</u>	_____	<u>[Signature]</u>	<u>6/1/17</u>
Hydrology	<u>5-31-17</u>	<u>5/31/17</u>	<u>[Signature]</u>	<u>5/31/2017</u>
Transportation	_____	_____	_____	_____
OTHER: _____	_____	_____	_____	_____

#### DISTRUBUTION:

	Date:	By:
User Department	_____	_____
Vendor	_____	_____
City clerk	_____	_____
Treasury	_____	_____
Other:	_____	_____

June 1st, 2017

Subject to existing rights of record, Grantor grants to the City a non-exclusive, permanent 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 Surface and Subsurface Drainage 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.

This is intended to be a temporary easement. The interim easement will be vacated by the City when the following conditions are met. The Owner of the property must identify replacement infrastructure that is accepted by City Hydrology and the Development Review Board. The Owner of the Property must then construct or financially guarantee the public infrastructure and grant any new easements for either private or public drainage.

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.

WITNESS my hand and seal this 30<sup>th</sup> day of MAY, 2017.

\* By: BJS  
Its: MANAGER  
(Corporation or Partnership)

\* CEDAR INVESTORS, LLC  
BY: URBAN PARTNERS, LLC  
ITS MANAGING MEMBER

INDIVIDUAL

STATE OF \_\_\_\_\_ )  
 )ss  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

CORPORATION

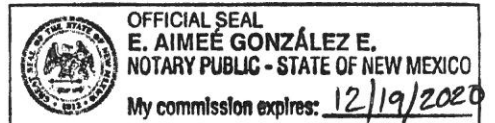
STATE OF NEW MEXICO )  
 )ss  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on 30<sup>th</sup> day of MAY, 2017, by BEN F. SPENCER, AS MANAGER OF URBAN PARTNERS OF LLC, MANAGER OF CEDAR INVESTORS, LLC, a NM LLC corporation, on behalf of the corporation. COMPANY

E. Aimee Gonzalez 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 1<sup>st</sup> day of June, 2017, by \_\_\_\_\_, partner(s), on behalf of \_\_\_\_\_, a partnership.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

CITY'S ACKNOWLEDGMENT

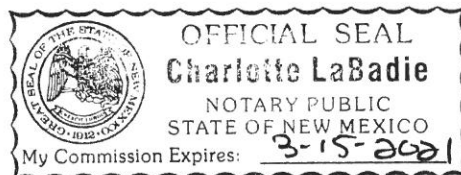
STATE OF NEW MEXICO )  
 )ss  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on June 1<sup>st</sup>, 2017 by Raquel Michel for the City of Albuquerque City Engineer, Planning Department, for the City of Albuquerque, a New Mexico municipal corporation, on behalf of the corporation.

Charlotte LaBadie  
Notary Public

My Commission Expires:

March 15, 2021



(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;

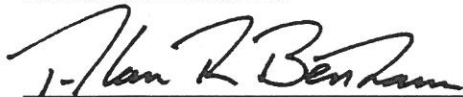
THENCE along the easterly boundary of the easement herein described, S 8°50'40" W a distance of 16.00 feet to the southeast corner of the easement herein described;

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  $\pm$  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**

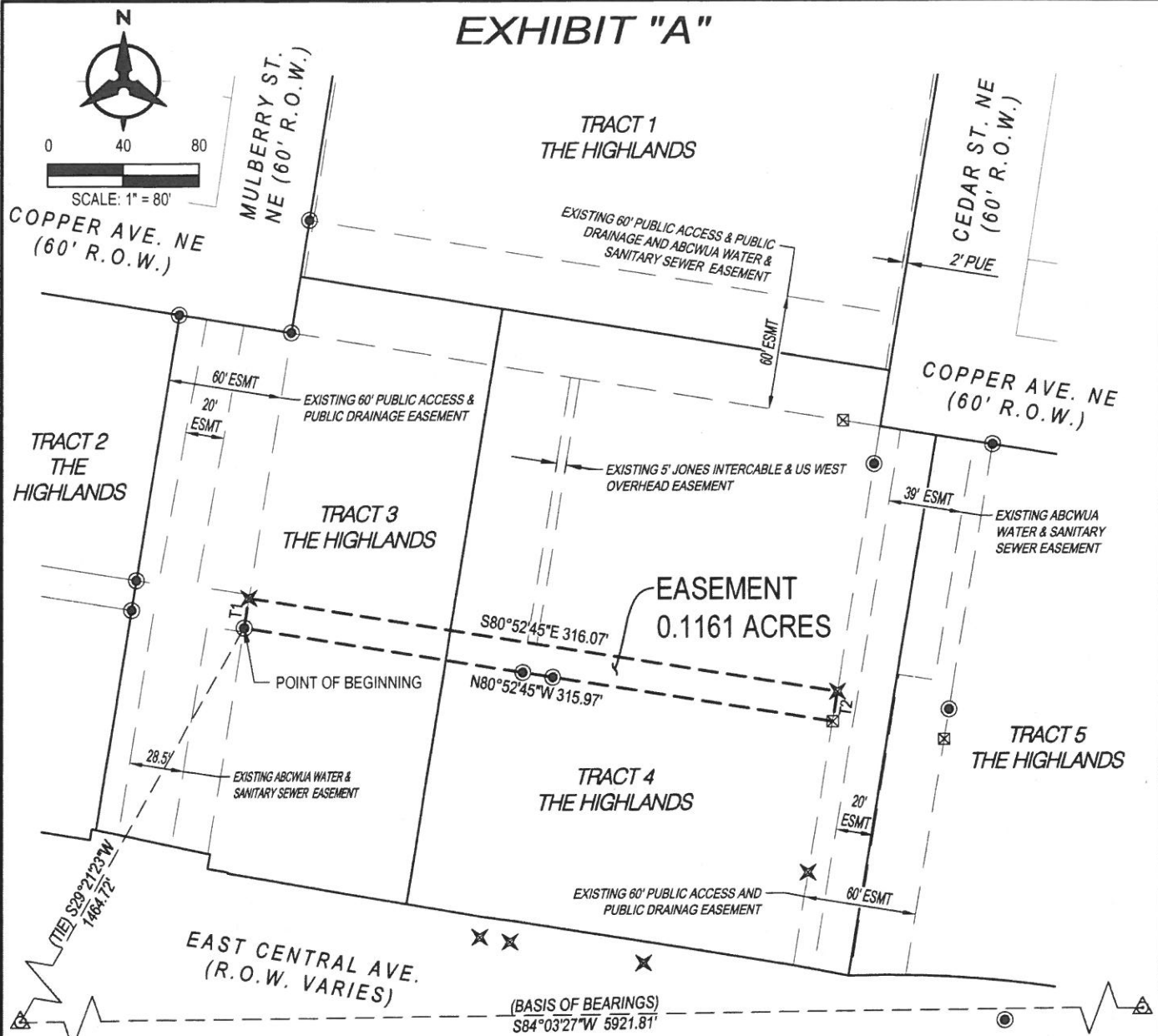
TEMPORARY EASEMENT

DATE: 5/16/2017

REVISION NO. 0

SHEET: 1 OF 2

# EXHIBIT "A"



NMSHC 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

## LEGEND

- ✕ 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

## NOTES

- DISTANCES ARE GROUND DISTANCES.
- UNITS ARE U.S. SURVEY FEET.
- 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