HYDROLOGY K15/D36 2 PLANS

K15/D36

2 PLANS

**GRANT OF EASEMENT**

THIS AGREEMENT made this 11th day of November, 1985, between Albuquerque Technical-Vocational Institute (referred to herein as "Grantor"), and the Albuquerque Public Schools ("Grantee").

WHEREAS. the Grantor owns certain real properties located at the southwest corner of the intersection of Coal Avenue S.E. and Buena Vista Drive S.E.; and

WHEREAS. the Grantor owns certain adjoining real properties which are located immediately west of and downhill from the Grantee's property;

WHEREAS. the existing drainage pattern is one in which stormwater runoff generated on the Grantee's Property is conveyed from Grantee's Property onto the Property. and

WHEREAS, Grantor is planning to construct parking lot improvements on Grantee's property as previously arranged;

WHEREAS, Grantor, the owner of the Property, desires to establish an easement for the drainage of developed stormwater runoff affecting the use of the Property so that subsequent lessees, owners, mortgagees and others having an interest in the Grantee's Property will use the Property described above subject to the easement as set forth herein, and

WHEREAS, the use of the Property as set forth herein is for the benefit and enjoyment of the various tenants, occupants and others having an interest in the Grantee's Property,

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NOW, THEREFORE, for adequate consideration, receipt of which is hereby acknowledged, Grantor does hereby establish the following easement affecting the Property:

1. Grantor hereby establishes for the benefit of the Grantor and Grantee, their employees, customers and invitees, and tenants, owners or others having an interest in said land, a nonexclusive easement for the drainage of stormwater runoff over and through the Property. Grantor further agrees to indemnify and hold Grantee harmless from any and all claims or demands arising out of the easement granted herein or the flow of water which arises therefrom.

2. The easement created hereunder shall create mutual benefits and services upon the Property running with the land until such time as the Grantor ceases to share the parking lot improvements to be constructed upon Grantee's Properties.

3. This Agreement shall bind and inure to the benefit of both parties hereto, their respective successors and/or assigns.

4. Any deed, lease, assignment, conveyance or contract made in violation of this Agreement shall on demand by any of the parties interested herein be amended to comply with the terms set forth herein.

5. In the event of a breach or threatened breach of this Agreement, only the record owners and mortgagees of the parcels of land covered by this Agreement shall be entitled to institute proceedings for full and adequate relief from the consequences of such breach.

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DEC 0 2 1995
HYDROLOGY SECTION

6. This Agreement may be modified or cancelled only by the written consent of all record owners of the parcels or property covered by this Agreement together with the written consent of the mortgagees of any of the parcels of the property covered by this Agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement the date first above written.

GRANTOR:

M L Burnack

ALBUQUEROUE TECHNICAL-VOCATIONAL INSTITUTE

GRANTEE:

Charles W. White

ALBUQUEROUE PUBLIC SCHOOLS

STATE OF NEW MEXICO )
) SS
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me on this eleventh day of November, 19 85.

Loretta J. Ryu
Notary Public

My Commission Expires:
September 3, 1989

STATE OF NEW MEXICO )
) SS
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me on this ____ day of _____, 19___.

Notary Public

My Commission Expires:

_____

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HYDROLOGY SECTION

DRAINAGE INFORMATION SHEET

PROJECT TITLE: TVI Parking lot ZONE ATLAS/DRNG. FILE #: K-15/D36

LEGAL DESCRIPTION: Lands of TVI & Lands of Board of Education

CITY ADDRESS:

ENGINEERING FIRM: Tom Mann & Assoc CONTACT: R. Dourte

ADDRESS: 811 Dallas NE PHONE: 265-5611

OWNER: N/A CONTACT:

ADDRESS: PHONE:

ARCHITECT: N/A CONTACT:

ADDRESS: PHONE:

SURVEYOR: Tom Mann & Assoc CONTACT: R. Dourte

ADDRESS: 811 Dallas PHONE: 265-5611

CONTRACTOR: N/A CONTACT:

ADDRESS: PHONE:

PRE-DESIGN MEETING:

X YES

___ NO

X COPY OF CONFERENCE RECAP SHEET PROVIDED

RECEIVED DEC 02 1985 HYDROLOGY SECTION

DRB NO.

EPC NO.

PROJ. NO.

TYPE OF SUBMITTAL:

___ DRAINAGE REPORT

___ DRAINAGE PLAN

___ CONCEPTUAL GRADING & DRAINAGE PLAN

X GRADING PLAN

___ EROSION CONTROL PLAN

___ ENGINEER'S CERTIFICATION

X Paving Permit

CHECK TYPE OF APPROVAL SOUGHT:

___ SKETCH PLAT APPROVAL

___ PRELIMINARY PLAT APPROVAL

___ SITE DEVELOPMENT PLAN APPROVAL

___ FINAL PLAT APPROVAL

___ BUILDING PERMIT APPROVAL

___ FOUNDATION PERMIT APPROVAL

___ CERTIFICATE OF OCCUPANCY APPROVAL

___ ROUGH GRADING PERMIT APPROVAL

X GRADING/PAVING PERMIT APPROVAL

___ OTHER _____ (SPECIFY)

DATE SUBMITTED: 11-27-85

BY: R. Dourte

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CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION/DESIGN HYDROLOGY SECTION

CONFERENCE RECAP

DRAINAGE FILE/ZONE ATLAS PAGE NO.: K15 DATE: 10/31/85

PLANNING DIVISION NOS: EPC: _____ DRB: _____

SUBJECT: TVI ~~[illegible]~~ Parking Lot Addn.

STREET ADDRESS (IF KNOWN): _____

SUBDIVISION NAME: S.W. Corner of Cont. & Dunn Dr.

APPROVAL REQUESTED:

| | | | |
|---|---|---|---|
| ____ | PRELIMINARY PLAT | ____ | FINAL PLAT |
| ____ | SITE DEVELOPMENT PLAN | ____ | BUILDING PERMIT |
| ✓ | OTHER Paving Permit | ____ | ROUGH GRADING |

| ATTENDANCE: | WHO | REPRESENTING |
|---|---|---|
| | Jeff Mortensen | |
| | Eric J. Aguilar | |
| | | |

FINDINGS:

1. An approved drainage plan required for a ~~[illegible]~~ paving permit

2. Identify existing conditions description. Provide easements required for drainage across lot lines

3. Ponding not required based on the RMDS AC 3704. and the site be in a hill.

The undersigned agrees that the above findings are summarized accurately and are only subject to change if further investigation reveals that they are not reasonable or that they are based on inaccurate information.

| | | | |
|---|---|---|---|
| SIGNED: | [illegible] | SIGNED: | Jeffrey G. [illegible] |
| TITLE: | | TITLE: | |
| DATE: | 10/31/85 | DATE: | 10.31.85 |

**NOTE** PLEASE PROVIDE A COPY OF THIS RECAP WITH THE DRAINAGE SUBMITTAL

**City of Albuquerque**
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

DESIGN HYDROLOGY SECTION
123 Central NW, Albuquerque, NM 87102
(505) 766-7644

December 6, 1985

Tom Mann, P.E.
Tom Mann & Associates, Inc.
811 Dallas, NE
Albuquerque, New Mexico 87110

RE: DRAINAGE PLAN FOR T-VI PARKING LOT
RECEIVED DECEMBER 2, 1985 (K-15/D36)

Dear Mr. Mann:

The referenced plan dated November 27, 1985, is approved for paving permit.

Please advise your client that upon completion of proposed construction, they will need to call our department to make arrangements for a field inspection. Also, the Grant of Easement document is acceptable, please provide our office with a copy of the filed document when it becomes available.

If I can be of further assistance, please feel free to call me at 766-7644.

Cordially,

Carlos A. Montoya

Carlos A. Montoya, P.E.
City/County Floodplain Administrator

cc: Rick Duran

BJM:CAM/bsj