

PUBLIC SIDEWALK EASEMENT

PROJECT NO: K17-020

Grant of Sidewalk Easement, between KAPLAN CENTRAL, LLC, A COLORADO LLC ("Grantor"), whose address is 17 HOGAN CT, SANDIA PARK, NM 87047 and whose telephone number is (505) 881-0152 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 CONCRETE SIDEWALK BRANES 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 13th day of NOVEMBER, 2020.

CITY OF ALBUQUERQUE:

By: _____

Shahab Biazar, P.E., City Engineer

Date: _____

GRANTOR: Art Kaplan, Kaplan Central, LLC

By [signature]: _____

Name [print]: Art Kaplan

Title: Managing Member

Date: 11/13/2020

Doc# 2020121230

12/01/2020 03:26 PM Page: 1 of 5
EASE R \$25.00 Linda Stover, Bernalillo County



GRANTOR'S NOTARY

STATE OF New Mexico
COUNTY OF Bernalillo) ss

This instrument was acknowledged before me on 13 day of November, 2020,
by Curt Kaplan (name), Managing Member (title)
of Kaplan Central, LLC (entity), a New Mexico (i.e. a
New Mexico) corporation, on behalf of the corporation.

(SEAL)



Danielle N. Montoya
Notary Public

My Commission Expires: 2/25/2022

(EXHIBIT "A" ATTACHED)

CITY OF ALBUQUERQUE:

DocuSigned by:
By: Shahab Biazar
C7E1CB5481E9486
Shahab Biazar, P.E., City Engineer

DS
a

Date: 11/20/2020 | 5:40 PM MST

CITY'S NOTARY

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

This instrument was acknowledged before me on this 20th day of November, 2020,
by Shahab Biazar, P.E., City Engineer of the City of Albuquerque, a municipal corporation, on
behalf of the municipal corporation.

(SEAL)

Charlotte LaBadie
Notary Public

My Commission Expires: March 15, 2021



Exhibit for
A Parcel Within Lot
Parcel "A", Block 38
Valley View Addition
City of Albuquerque
Bernalillo County, New Mexico
November 2020

Legal Description

A CERTAIN PARCEL, BEING A PORTION OF PARCEL "A" IN BLOCK NUMBERED THIRTY-EIGHT (38) OF VALLEY VIEW ADDITION, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE SUMMARY REPLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON JANUARY 18, 1984 AS DOCUMENT NO. 84 3941 IN PLAT BOOK C23, PAGE 14, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, BEING THE NORTHWEST CORNER OF SAID PARCEL "A", LYING ON THE EASTERLY RIGHT OF WAY OF MANZANO STREET NE, MARKED BY A CHISELED "X", WHENCE A TIE TO ACS MONUMENT "9-J17", BEARS N 33°44'12" W, A DISTANCE OF 3,863.00 FEET;

THENCE, FROM SAID POINT OF BEGINNING, LEAVING SAID EASTERLY RIGHT OF WAY, S 89°43'17" E, A DISTANCE OF 2.50 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE, TRAVERSING SAID PARCEL "A", S 00°17'28" W, A DISTANCE OF 175.16 FEET, TO A POINT ON A CURVE AND LYING ON THE NORTHERLY RIGHT OF WAY OF CENTRAL AVENUE NE, BEING THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE, COINCIDING WITH SAID NORTHERLY RIGHT OF WAY, 11.28 FEET ALONG A CURVE TO THE RIGHT, NON TANGENT FROM PREVIOUS COURSE, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 25°50'31", AND A CHORD BEARING N 12°37'48" W, A DISTANCE OF 11.18 FEET TO A POINT OF TANGENCY MARKED BY A CHISELED "X" LYING ON THE EASTERLY RIGHT OF WAY OF MANZANO STREET NE;

THENCE, COINCIDING WITH SAID EAST RIGHT OF WAY, N 00°17'28" E, A DISTANCE OF 164.26 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.0098 ACRES (429 SQ. FT.) MORE OR LESS.

Notes

1. FIELD SURVEY PERFORMED IN MAY 2019.
2. ALL DISTANCES ARE GROUND DISTANCES: U.S. 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

11/18/2020
 Date



 **CSI-CARTESIAN SURVEYS INC.**

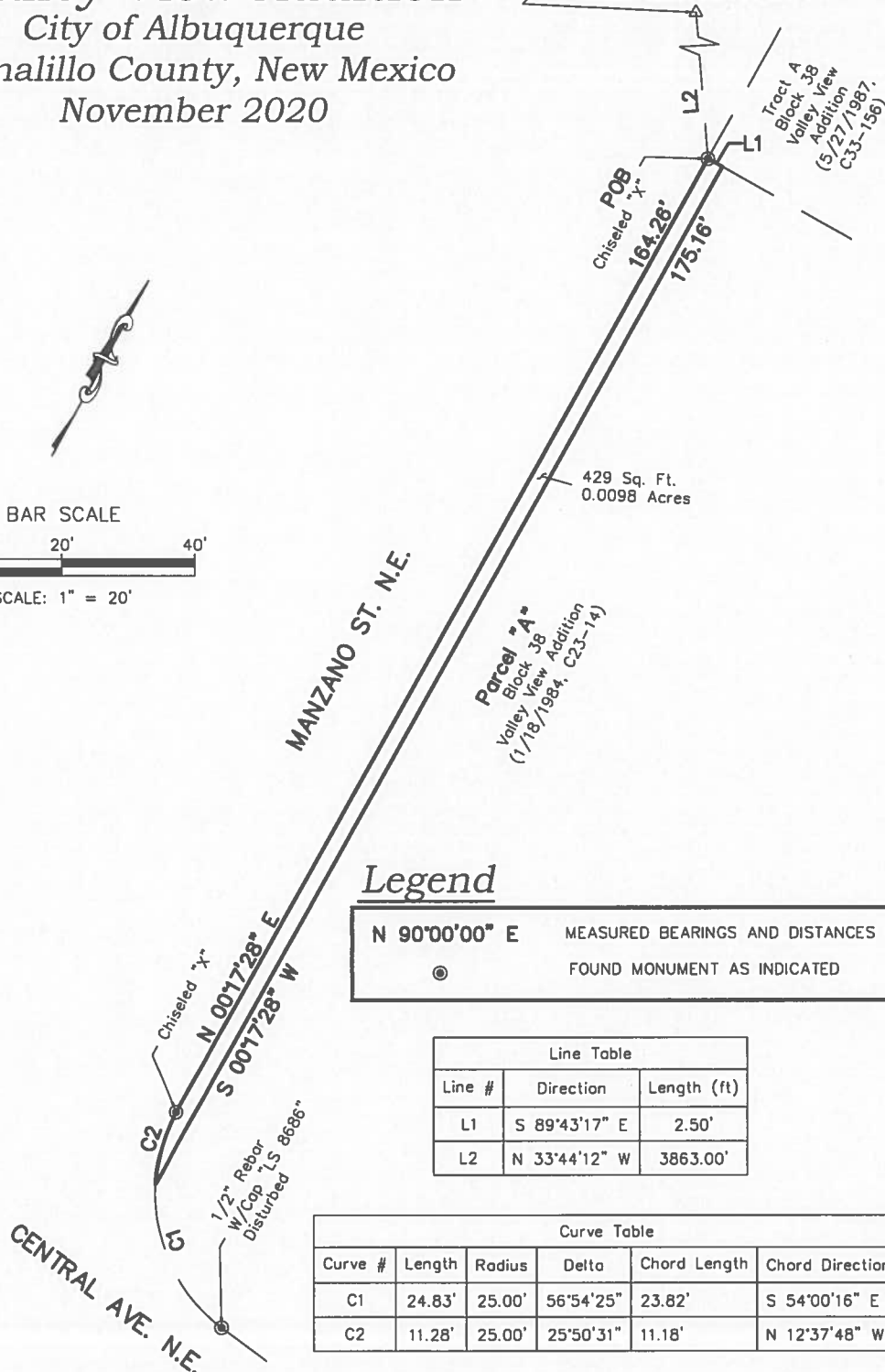
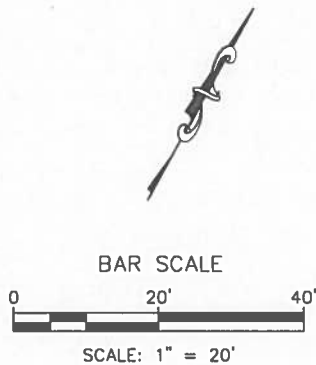
P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 896 - 3050 Fax (505) 891 - 0244
 wplotnerjr@gmail.com

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 190822A

Exhibit for
A Parcel Within Lot
Parcel "A", Block 38
Valley View Addition
 City of Albuquerque
 Bernalillo County, New Mexico
 November 2020

ACS Monument " 9-J17 "
 NAD 1983 CENTRAL ZONE
 X=1537076.105*
 Y=1487300.883*
 Z=5210.959* (NAVD 1988)
 G-G=0.999666869
 Mapping Angle= -0°11'54.86"

* U.S. SURVEY FOOT



Legend

N 90°00'00" E

MEASURED BEARINGS AND DISTANCES



FOUND MONUMENT AS INDICATED

Line Table		
Line #	Direction	Length (ft)
L1	S 89°43'17" E	2.50'
L2	N 33°44'12" W	3863.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	24.83'	25.00'	56°54'25"	23.82'	S 54°00'16" E
C2	11.28'	25.00'	25°50'31"	11.18'	N 12°37'48" W

CSI-CARTESIAN SURVEYS INC.

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