

**PERMANENT EASEMENT**  
**Project # L21-005**

Grant of Permanent Easement, between **Wittler Brothers LLC** ("Grantor"), whose address is 121 Elizabeth St NE, Albuquerque, NM, 87123, and the City of Albuquerque, a New Mexico municipal corporation ("City"), whose address is P.O. Box 1293, Albuquerque, NM, 87103.

Subject to existing rights of record, Grantor grants to the City an exclusive, **public access** 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 **public wheelchair ramp and public sidewalk**, 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.

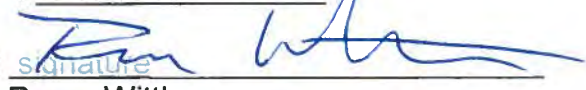
This Easement shall not be effective until approved by the City Engineer in the signature block below.

APPROVED:

  
\_\_\_\_\_  
Shahab Biazar, P.E.,  
Acting City Engineer

Date: 7/31/14

GRANTOR: Wittler Brothers LLC

By:   
\_\_\_\_\_  
Roger Wittler,  
member

Date: 7-23-14

20  
07/25/2014  
7-24-14

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EASE R \$25.00 M Toulouse Oliver, Bernalillo County

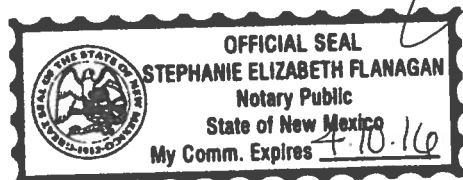


GRANTOR'S NOTARY

[illegible]

This instrument was acknowledged before me on 23<sup>rd</sup> day of July, 2014, by Roger Wittler, member of Wittler Brothers LLC, a New Mexico corporation, on behalf of the corporation.

(NOTARY SEAL)

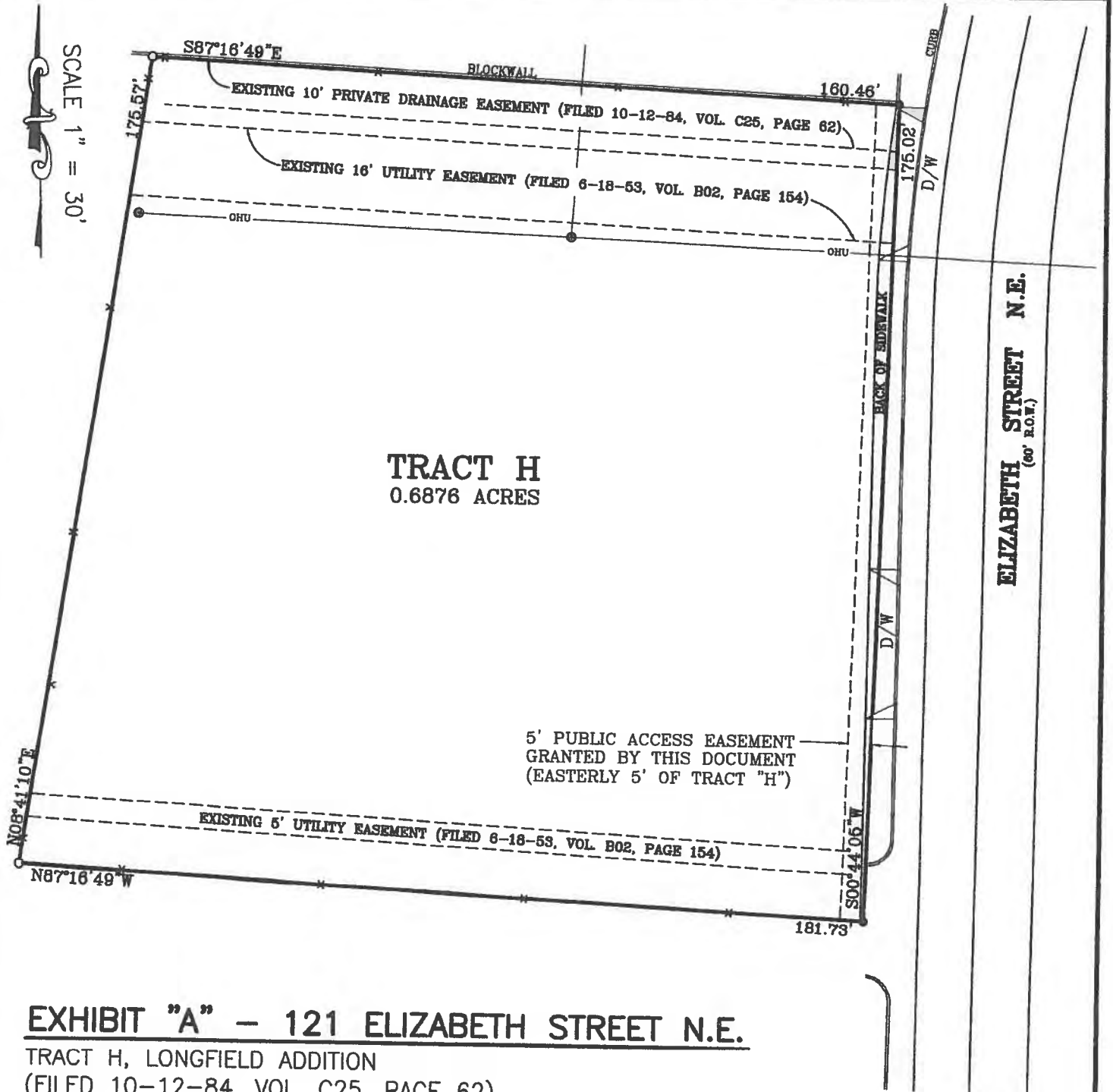


Notary Public

My Commission Expires:

(EXHIBIT "A" ATTACHED)

SCALE 1" = 30'



**TRACT H**  
0.6876 ACRES

**ELIZABETH STREET N.E.**  
(60' R.O.W.)

**EXHIBIT "A" - 121 ELIZABETH STREET N.E.**

TRACT H, LONGFIELD ADDITION  
(FILED 10-12-84, VOL. C25, PAGE 62)

**LEGEND**

- = FOUND #5 REBAR
- = FOUND #4 REBAR W/CAP PS 13979
- \*-\* = CHAINLINK FENCELINE



7-31-14

13013AS

**TM SURVEYING**

1130 LA VEGA ROAD  
BOSQUE FARMS, N.M. 87068  
PHONE: 869-0711  
FAX: 869-0499

# EXHIBIT "A"

## LEGAL DESCRIPTION - PUBLIC ACCESS EASEMENT

AN EASEMENT WITHIN TRACT "H", OF LONGFIELD ADDITION, WITHIN THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON OCTOBER 12, 1984, IN PLAT BOOK C25, FOLIO 62.

BEGINNING AT THE SOUTHEAST CORNER (POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ELIZABETH STREET N.E.);

THENCE, N87°16'49"W, 5.00' TO THE SOUTHWEST CORNER;

THENCE, N00°44'05"E, 175.02' TO THE NORTHWEST CORNER;

THENCE, S87°16'49"E, 5.00' TO THE NORTHEAST CORNER;

THENCE, S00°44'05"W, 175.02' TO THE SOUTHEAST CORNER AND POINT OF BEGINNING. SAID EASEMENT CONTAINS 0.0201 ACRES (875.10 SQ.FT.)



*[Handwritten Signature]*  
7-31-14

Bernalillo County, NM  
One Civic Plaza NW  
P.O. Box 542  
Albuquerque, NM 87102

**Receipt: 0574384**

Product	Name	Extended
EASE	Easement	\$25.00
	# Pages	4
	Document #	2014060464
	# Of Entries	0
	In Person/Interested Person	false

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<b>Total</b>	<b>\$25.00</b>
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Tender (Check)	\$25.00
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Check# 1045

Paid By INSIGHT CONST

Phone # 505-888-7927

Thank You!

**7/31/14 3:07 PM cromero**