

DECLARATION OF TEMPORARY PUBLIC ACCESS EASEMENT
OVER A VACATED PORTION OF NEW YORK AVENUE SW
BERNALILLO COUNTY, NEW MEXICO

THIS Declaration of Temporary Public Access Easement is effective the date it is recorded in the office of the County Clerk of Bernalillo County, New Mexico.

WHEREAS, the City of Albuquerque ("City") is the owner of the following described property located in Bernalillo County:

Tract A, Traction City Addition, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico, on:

May 15, 2014 _____ as Document
2014038763 _____ ("Traction City Tract A"),

further described on **Exhibit A** attached hereto; and

WHEREAS, prior to the vacation of the right-of-way and filing of the Traction City Tract A Plat, New York Avenue SW was a right-of-way providing the public access to northeast bound Central Avenue SW via New York Avenue SW, but that, as shown in **Exhibit A**, a portion of New York Avenue SW is now vacated right-of-way ("Vacated New York SW") and thus that land is now a portion of Traction City Tract A; and

WHEREAS, as shown in **Exhibit A**, construction of a cul-de-sac at the west end of New York Avenue SW is planned in the future, and this cul-de-sac, once completed, will provide a proper terminus for the west end of New York Avenue SW; and

WHEREAS, until such time that the planned cul-de-sac is completed, temporary public egress to northeast bound Central Avenue SW via Vacated New York SW remains advisable; and

WHEREAS, an easement is required in order to accommodate the public's temporary continued access across Vacated New York SW.

Doc# 2014038832

05/15/2014 02:25 PM Page 1 of 6
EASE R \$25.00 M Toulouse Oliver Bernalillo County



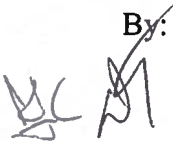
NOW, THEREFORE, in consideration of the above, the City declares the following:

1. A Temporary Public Access Easement ("Easement") across Vacated New York SW shall be created, as shown in **Exhibit B**, allowing for continued egress to northeast bound Central Avenue SW via Vacated New York SW.
2. Said Easement is for public use, particularly for vehicular, cyclist, and pedestrian traffic, and for any other lawful purpose necessary for public access and emergency services.
3. The City shall be responsible for maintenance of the Easement until such time that the planned cul-de-sac on the west end of New York Avenue SW is constructed and accepted by the City.
4. The Easement shall run with the land and be binding upon all heirs, successors and assigns of the City until the Easement is terminated.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands effective the date the same is recorded in the real estate records of Bernalillo County, New Mexico.

CITY OF ALBUQUERQUE,
a municipal corporation

By:



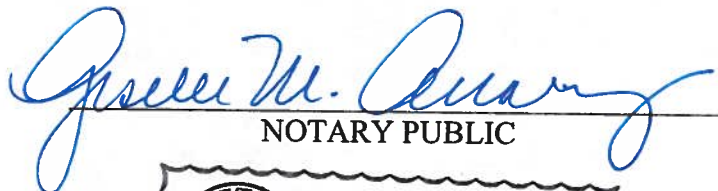

Robert J. Perry, Chief Administrative Officer

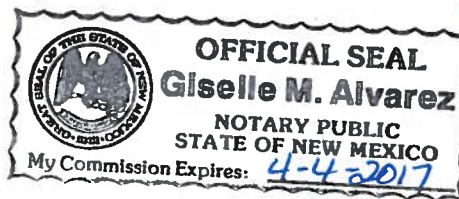
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing was acknowledged before me this 13th day of May, 2014, by Robert J. Perry, Chief Administrative Officer for the City of Albuquerque, a New Mexico municipal corporation, on behalf of the City.

My Commission Expires:

April 4, 2017


NOTARY PUBLIC



PLAT OF

TRACT A, TRACTION CITY ADDITION
REPLAT OF LOTS 8A-1A, 8A-2A and 8A-3, BLOCK 6,
TRACTION PARK and CITY ELECTRIC ADDITION and
A PORTION OF LOTS 24-39, INCLUSIVE, BLOCK 3, WESTPARK ADDITION
WITHIN PROJECTED SECTION 13, TOWNSHIP 10 NORTH,
RANGE 2 EAST, TOWN OF ALBUQUERQUE GRANT

ALL OF LOTS NUMBERED TWENTY-FOUR (24) TO THIRTY-FIVE (35), INCLUSIVE, AND ALL OF LOTS NUMBERED THIRTY-SIX (36), THIRTY-SEVEN (37), THIRTY-EIGHT (38), AND THIRTY-NINE (39) LYING ALONG THE LINE DRAWN ON 8 DEGREE 4' CURVE FROM A POINT ON THE NORTH LINE OF LOT 36 TO A POINT ON THE SOUTH LINE OF LOT 39, WHICH IS 72.32 FEET WESTERLY FROM THE CORNER OF LOT 36, BEING THE SAME AS SHOWN AND DESIGNATED ON THE MAP OF SAID ALBUQUERQUE NEUTRAL ZONE, BLOCK NUMBERED THREE (3) OF THE WESTPARK ADDITION TO THE MAP OF SAID ALBUQUERQUE NEUTRAL ZONE, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID ALBUQUERQUE NEUTRAL ZONE, OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON DECEMBER 9, 1928. THERE BEING NO OTHER CLAIMS TO SAID TRACT OF LAND, IT IS HEREBY ACCEPTED FROM ALL OF THE ABOVE DESCRIBED LOTS THE SOUTH 7.5 FEET THEREOF, TOGETHER

UTILITY APPROVALS: PUBLIC UTILITY ELEMENTS SHOWN ON THIS PLAT ARE NOT EXCLUSIVE AND ARE GRANTED FOR THE CONVENIENCE OF THE USER. THE USES DESIGNATED ON THIS PLAT, THEIR SUCCESSORS AND ASSIGNS, AND FOR THE USE OF ANY OTHER PUBLIC UTILITIES WHOSE USE OF SAID EASEMENT IS DEEDED TO BE IN THE PUBLIC INTEREST. IN APPROVING THIS PLAT, PUBLIC SERVICE COMPANY OF NEW MEXICO (PSNM) AND NEW MEXICO GAS COMPANY (NMGCO) DID NOT CONDUCT A SURVEY OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PSNM AND NMGCO DO NOT WAIVE THEIR RELEASE FROM LIABILITY FOR ANY RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT, WHICH ARE NOT SHOWN ON THIS PLAT.

NEW MEXICO GAS COMPANY
DATE 3/18/2014
BY [Signature]
DATE 3/20/14
BY [Signature]
NEW ELECTRIC SERVICES

QUEST CORPORATION, P/B A CENTURYLINK QC
COMCAST
DATE 3/19/14
DATE 5/19/14

CITY APPROVAL: Don P. S. 0082a
CITY SURVEYOR: Keith McManus
DATE: 6-14-13
6-17-14

REAL PROPERTY DIVISION	DATE
ENVIRONMENTAL HEALTH DEPARTMENT	DATE
04-30-14	

TRAFFIC ENGINEERING	TRANSPORTATION DIVISION
Alban Peter	DATE 04/30/14
ABCNUA	DATE 4-30-14
Carol S. Dumont	DATE
PARKS AND RECREATION DEPARTMENT	

DATE	4-30-14
DATE	4-30-14
DATE	4-30-14

5-19-19
DATE

CHIEF, CHAIRPERSON, PLANNING DEPARTMENT

John C. [Signature]

SURVEYOR'S CERTIFICATION:
I, WILLIAM D. NEISH, A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

PROFESSIONAL SURVEYING AND SURVEYS OF THE ALBUQUERQUE SUBDIVISION ORDINANCE, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNER(S), UTILITY COMPANIES, OR OTHER PARTIES EXPRESSING AN INTEREST, IS CORRECT AND TRUE TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007.

ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007.

William D. Neish

WILLIAM D. NEISH

WILLIAM D. NEISH & COMPANY
4900 LANG AVENUE N.E.
ALBUQUERQUE, NEW MEXICO 87109

ALBUQUERQUE, NEW MEXICO
2007
LICENSE
WILLIAM D. NEISH

6-13-2013

DATE

67109
(606) 340-4000
SHEET 1 OF 2

RECEIVED
JUN 13 2013
FBI - CHICAGO
DATE

MICHAEL D. NEISH
A.M.P.L.S. #21081

Legal Description
Temporary Public Access Easement
Over the vacated portion of New York Avenue SW

A certain parcel of land being situate within projected section 13 T. 10 N., R. 2 E., N.M.P.M., Town of Albuquerque Grant, Bernalillo County, New Mexico and being the portion of New York Avenue that is within Tract A and vacated on the plat entitled "PLAT OF TRACT A, TRACTION CITY ADDITION" recorded in the Office of the County Clerk of Bernalillo County New Mexico on May 15 / 2014 as Document # 2014 038763 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

Beginning at the Southwest corner of said easement herein described at a point on the Easterly Right of Way line of Central Avenue SW, whence the City of Albuquerque Survey Control Monument "13_J12" Found in place bears N. 71°35'49" W. a distance of 116.16 feet, thence from the point of beginning;

Along said Easterly Right of Way line of Central Avenue SW being the west line of said easement herein described 98.68 feet along a curve turning to the right through an angle of 06° 49' 29", having a radius of 828.47 feet, and long chord that bears N 41° 24' 33" E for a distance of 98.63 feet to a point of non-tangent curvature being the Northwest corner of said easement herein described; thence,

Leaving said Easterly Right of Way line of Central Avenue SW along the north line of said easement herein described 38.82 feet along a curve turning to the left through an angle of 111° 11' 59", having a radius of 20.00 feet, and long chord that bears S 17° 46' 03" E for a distance of 33.00 feet to a point; thence,

S 85° 35' 35" E Continuing along said north line a distance of 175.52 feet to a point of non-tangent curvature on the west right of way line of New York Avenue SW being the Northeast corner of said easement herein described; thence,

Along said westerly right of way line of New York Avenue SW being the east line of said easement herein described 75.03 feet along a curve turning to the left through an angle of 91° 27' 47", having a radius of 47.00 feet, and long chord that bears S 39° 51' 42" E for a distance of 67.31 feet to a point on the south right of way line of New York Avenue being the Southeast corner of said easement herein described; thence,

N 85° 35' 35" W Leaving said right of way line of New York Avenue SW along the south line of said easement herein described a distance of 294.31 feet to the Point of Beginning containing 11956 square feet or 0.2745 acres more or less.

Surveyor's Certification

I, William D. Neish, New Mexico Professional Surveyor No. 21081, do hereby certify that this Legal Description was prepared by me or under my supervision, meets the minimum requirements for surveys in New Mexico, and is true to the best of my knowledge and belief.

William D. Neish

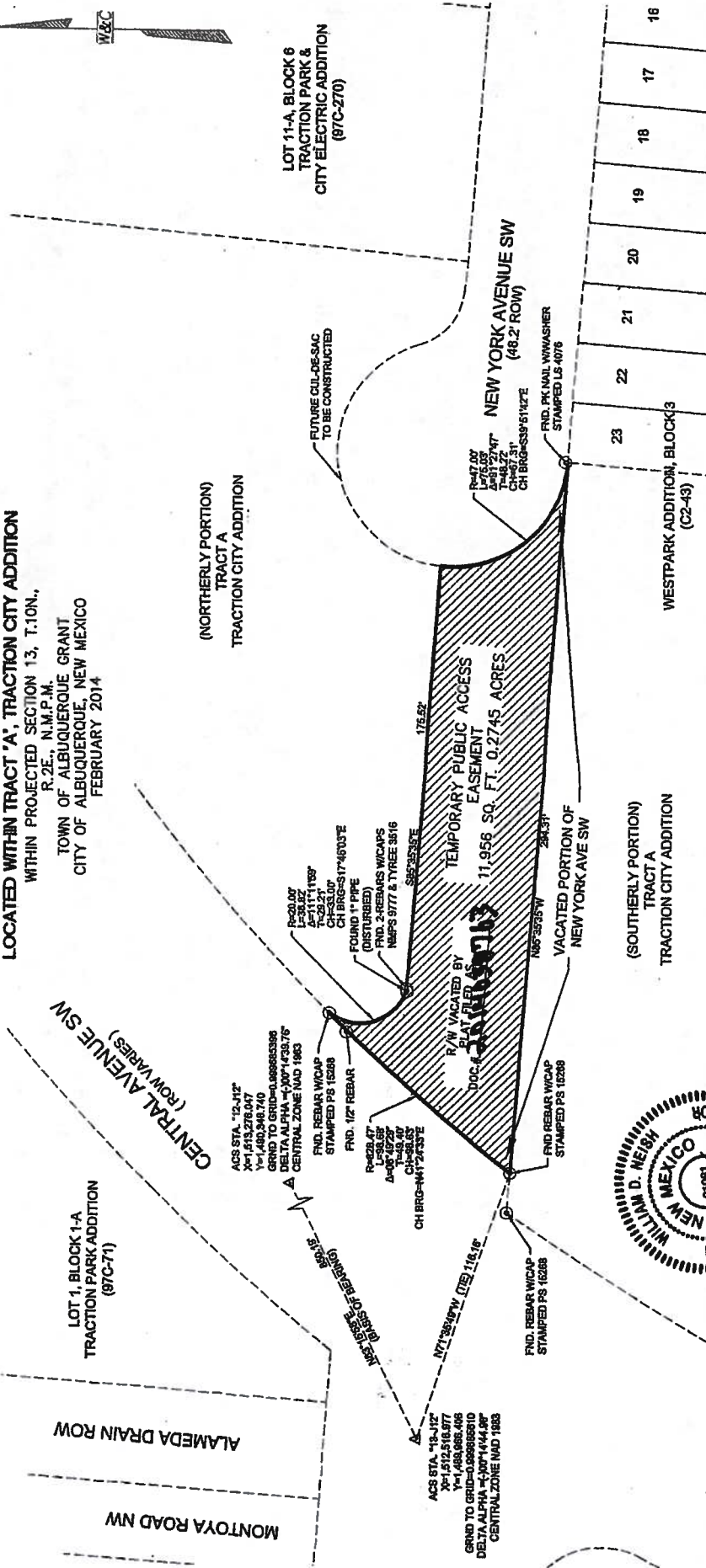
William D. Neish, N.M.P.S. No. 21081



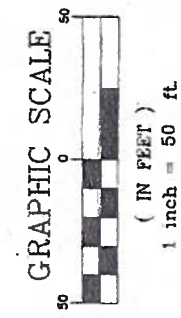
4/1/14

Date

**TEMPORARY PUBLIC ACCESS EASEMENT
LOCATED WITHIN TRACT 'A', TRACTION CITY ADDITION
WITHIN PROJECTED SECTION 13, T.10N.,
R.2E., N.M.P.M.
TOWN OF ALBUQUERQUE GRANT
CITY OF ALBUQUERQUE, NEW MEXICO
FEBRUARY 2014**



**WILSON
& COMPANY**
4900 LANG AVENUE N.E.
ALBUQUERQUE, NEW MEXICO
87109
(505) 948-4000



NOTES:
1. BEARINGS ARE NEW MEXICO
STATE PLANE GRID BEARINGS

DRAWING NAME: 1230007102 Temp Access Easmt.dwg
071-02\2.0_Project_Disciplines\Survey\Drawings\Working_Drawings\