

# RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to **Board of Education Gadsden Independent School District** hereinafter referred to as GRANTOR, by **The City of Sunland Park**, New Mexico hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant bargain, sell, transfer, and convey unto the GRANTEE, its successor and assigns, a perpetual easement with the right to erect, construct, install, and lay and thereafter use, operate inspect repair, maintain, replace, and remove buried utilities over across, and through the land of the GRANTOR situated in Dona Ana County, State of New Mexico, said land being described as follows:

**See attached Exhibit A – Utility Easement A Description**

**See attached Exhibit B – 2 pages written description of Utility Easement**

together with the right of ingress and egress over the adjacent lands of the GRANTOR, his successors and assigns, for the purpose of this easement.

The easement shall be a permanent 25 ft. wide by 564.26 ft long Utility Easement which is described as follows:

**See attached Exhibit A – Utility Easement A Description**

**See attached Exhibit B – 2 pages written description of Utility Easement**

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTOR, his successors and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, his successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2010.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2010 by \_\_\_\_\_, \_\_\_\_\_ of Board of Education Gadsden Independent School District who stated that (s)he executed same for the purpose and consideration therein, expressed and in the capacity therein stated.

Commission expires. \_\_\_\_\_

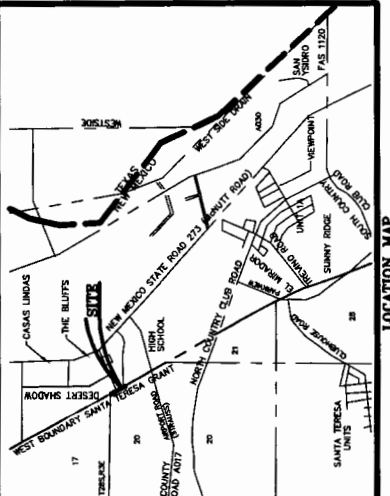
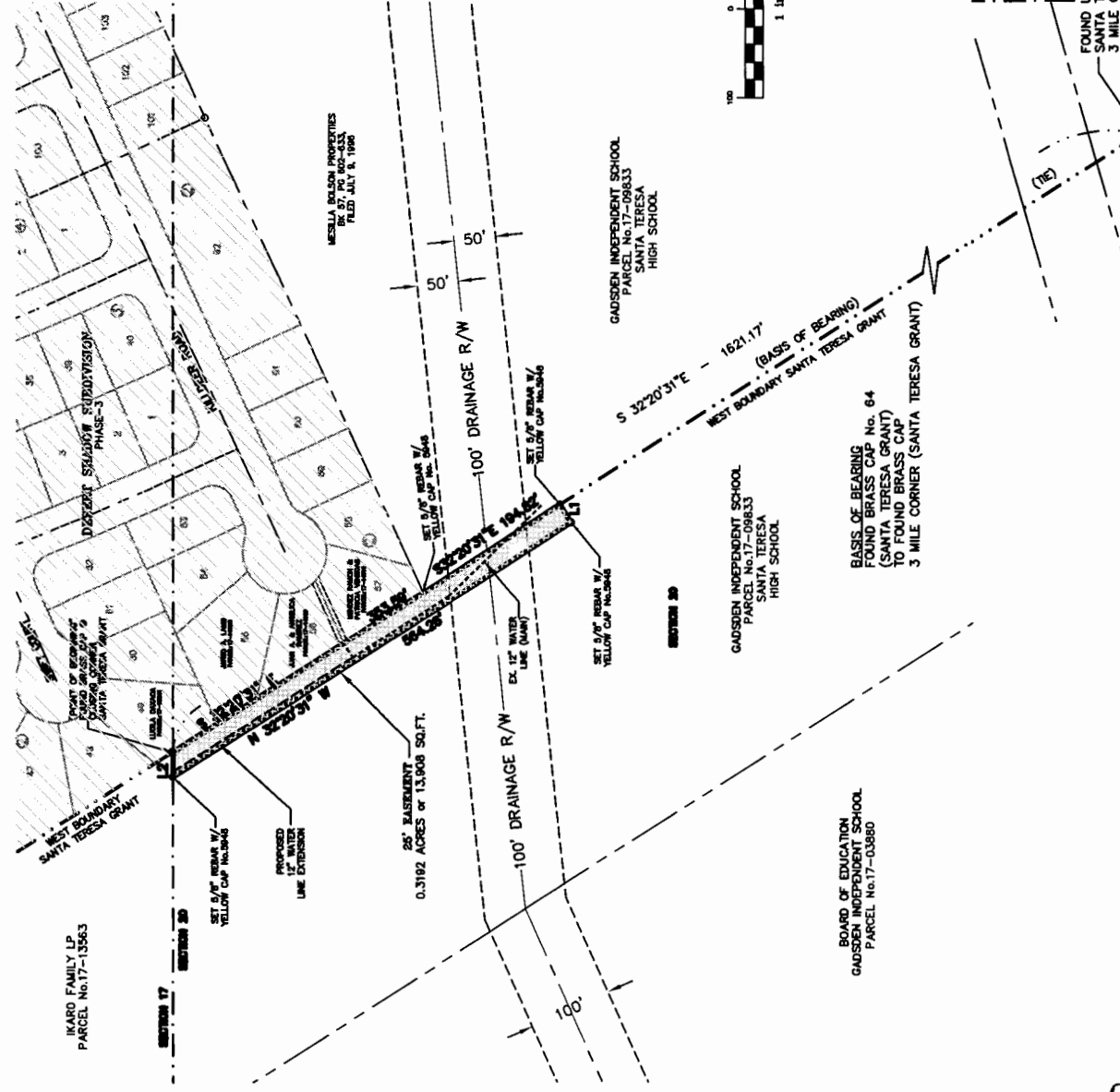
Notary Public in and for the State of \_\_\_\_\_

Exhibit A

# 25.0' UTILITY EASEMENT

0.3192 ACRE PARCEL  
SITUATE WITHIN  
SECTION 20, T.28S., R.3E., N.M.P.M.,  
DONA ANA COUNTY, NEW MEXICO.

LINE	BEARING	DISTANCE
L1	S87°38'29"W	23.00'
L2	S89°58'00"E	24.90'



SUBJECT PROPERTY IS WITHIN AREA DETERMINED TO NATIONAL FLOOD INSURANCE PROGRAM MAPS (FEMA) MAP NO. 17-09833 EFFECTIVE DATE SEPTEMBER 3, 1992.

### 25.0 FOOT WIDE UTILITY EASEMENT

A certain 25.0 Foot Wide Utility Easement crossing a portion of land belonging to Gadsden Independent School District, Dona Ana Parcel 1D, No. 17-09833, and being more particularly described by metes and bounds as follows:

Beginning at a found brass cap on the West boundary of the Santa Teresa Grant line marking the closing corner common to Section 17 and 20, Township 28 South, Range 3 East, with West boundary of the Santa Teresa Grant, also being a point on the West boundary of the Desert Shadow Subdivision Phase 3, and being the Northwest corner of the parcel herein described, and the U.S.G.L.O Brass Cap at the 3-mile corner on the West boundary of the Santa Teresa Grant, bears S 32°-20'-31"E, a distance of 1851.17 feet (Boals of Bearing);

THENCE, from the "True Point of Beginning" and along the West boundary of the Desert Shadow Subdivision Phase 3, S 32°-20'-31"E, a distance of 353.59 feet to the Southeastery corner of the Desert Shadow Subdivision Phase 3, set 5/8" rebar with yellow cap No. 5946;

THENCE, continuing along the West boundary of the Santa Teresa Grant, S 32°-20'-31"E, a distance of 194.82 feet to a set 5/8" rebar with yellow cap No. 5948, marking the Southeast corner of the parcel herein described;

THENCE, S 57°-39'-29"W, 25.00 feet distance to a set 5/8" rebar with yellow cap No. 5946, marking the Southwest corner of the parcel herein described;

THENCE, N 32°-20'-31"W, a distance of 564.28 feet to a set 5/8" rebar with yellow cap No. 5948, marking a point on the section line common to Sections 17 and 20, Township 28 South, Range 3 East, New Mexico Principal Meridian, and being the Northwest corner of the parcel herein described;

THENCE, along said section line S 89°-58'-00"E, a distance of 23.80 feet to the "True Point of Beginning" of the parcel herein described and containing 13,908 square feet or 0.3192 acres more or less.

Professional Engineer Seal for Ronald W. King, New Mexico. The seal includes the text: "LICENSED PROFESSIONAL ENGINEER NEW MEXICO" and "Ronald W. King, No. 5948, March 5, 2010, Job #184-009". A signature and the date "5-5-2010" are written over the seal.

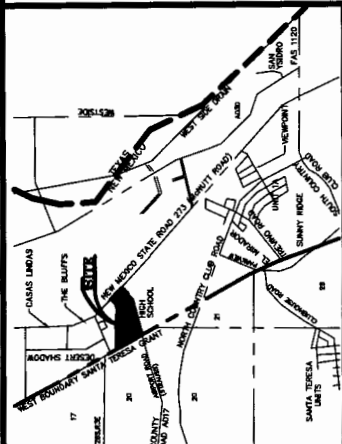
**SKYLINE ENGINEERING, INC.**  
ENGINEERING - SURVEYING - UTILITY CONSTRUCTION  
P.O. BOX 20, SANTA TERESA, NEW MEXICO 88008  
Phone: (505) 688-8481 - Fax: (505) 688-8487 - Email: skyline@skynet.com

Exhibit A

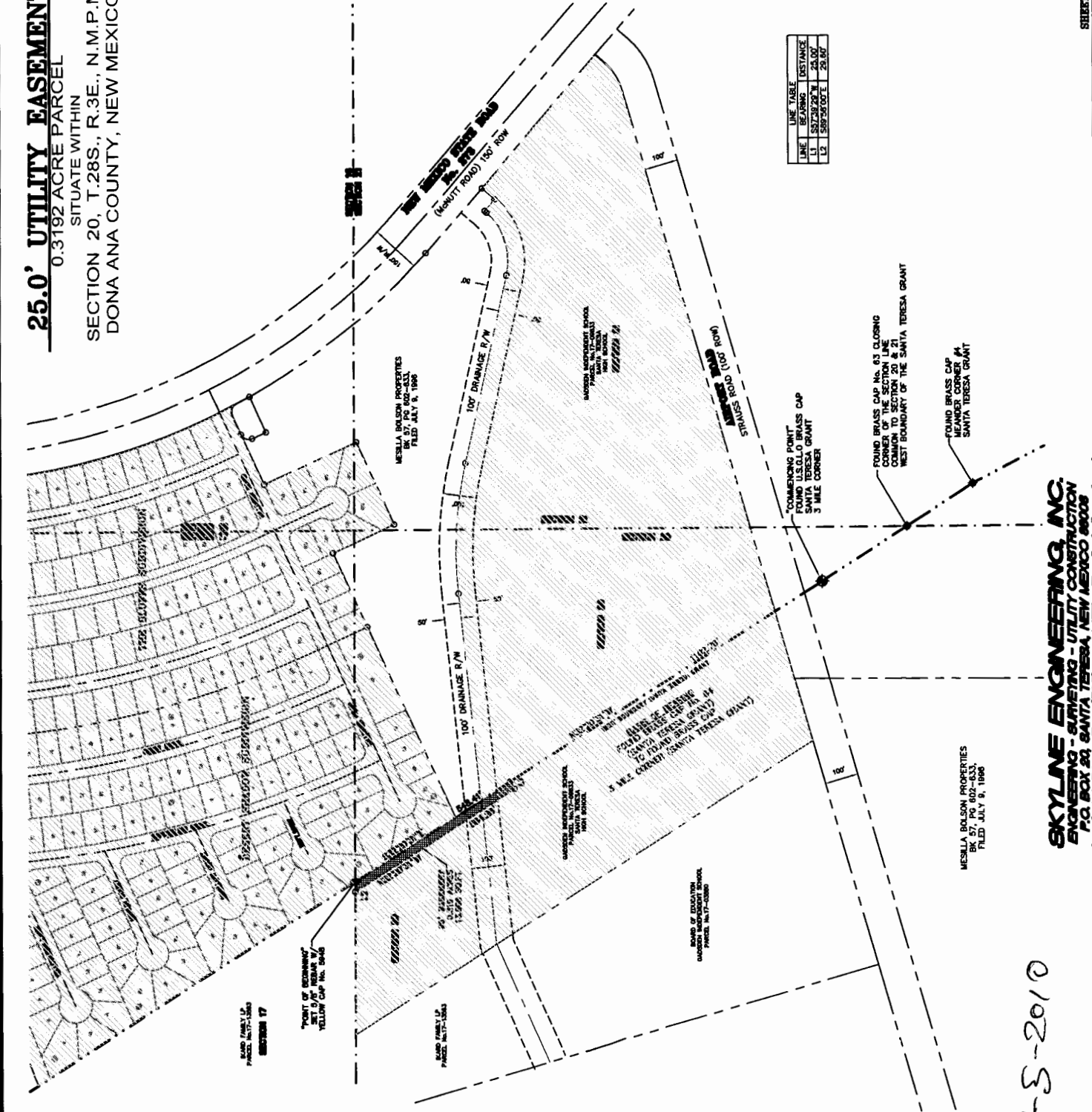
# 25.0' UTILITY EASEMENT

0.3192 ACRE PARCEL

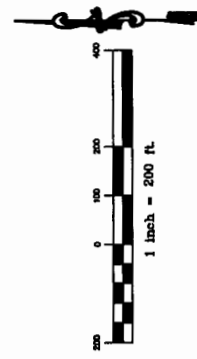
SITUATE WITHIN  
SECTION 20, T.28S., R.3E., N.M.P.M.,  
DONA ANA COUNTY, NEW MEXICO.



SUBJECT PROPERTY IS WITHIN **ZONE 7** (AREA DETERMINED TO BE OUTSIDE 500-Year FLOOD-PLAIN) ACCORDING TO THE 2005 FLOOD-PLAIN MAP (DATE: SEPTEMBER 3, 1992). MAP NO. **188-009** (EFFECTIVE DATE: SEPTEMBER 3, 1992).



- LEGEND**
- 1/4" BRASS CAP (FOUND)
  - 5/8" IRON NAIL YELLOW (CAP IN THE GROUND)
  - 5/8" IRON NAIL YELLOW (CAP IN THE GROUND)
  - 5/8" IRON NAIL YELLOW (CAP IN THE GROUND)
- AREA: 0.3192 ACRES  
13,608 SQ.FT.



5-S-2010

SEAL: **NEW MEXICO PROFESSIONAL ENGINEER**  
**RONALD W. KING**  
 No. 5948  
 March 18, 2010  
 F:\Drawings\PRO\188-009\188-009-001.DWG

I, Ronald W. King, New Mexico Registered Professional Engineer, hereby certify that this legal description was prepared by me or under my direct supervision from field notes of an actual survey, and that I am a duly licensed and practicing engineer in the State of New Mexico.

**SKYLINE ENGINEERING, INC.**  
 ENGINEERING - SURVEYING - UTILITY CONSTRUCTION  
 P.O. BOX 20, SANTA TERESA, NEW MEXICO 88008  
 Phone (805) 889-8487 - Fax (805) 889-0477 - Email skyline@skynet.com

**SKYLINE ENGINEERS, INC.  
PO BOX 20  
SANTA TERESA, NEW MEXICO 88008**



**25.0 FOOT WIDE UTILITY EASEMENT  
0.3192 ACRES  
SITUATE WITHIN  
SECTION 20, TOWNSHIP 28 SOUTH, RANGE 3 EAST  
NEW MEXICO PRINCIPAL MERIDIAN  
DONA ANA COUNTY, NEW MEXICO**

A certain 25.0 Foot Wide Utility Easement crossing a portion of land belonging to Gadsden Independent School District, Dona Ana Parcel I.D. No. 17-09833, and being more particularly described by metes and bounds as follows:

Beginning at a found brass cap on the West boundary of the Santa Teresa Grant line marking the closing corner common to Section 17 and 20, Township 28 South, Range 3 East, with West boundary of the Santa Teresa Grant, also being a point on the West boundary of the Desert Shadow Subdivision Phase 3, and being the Northeast corner of the parcel herein described, and the "True Point of Beginning" of the parcel herein described; whence, a found U.S.G.L.O. brass cap marking the 3-mile corner on the West boundary of the Santa Teresa Grant, bears S 32°-20'-31"E, a distance of 1651.17 feet (basis of bearing);

THENCE, from the "True Point of Beginning" and along the West boundary of the Desert Shadow Subdivision Phase 3, S 32°-20'-31"E, a distance of 353.59 feet to the Southeasterly corner of the Desert Shadow Subdivision Phase 3, set 5/8" rebar with yellow cap No. 5948;

THENCE, continuing along the West boundary of the Santa Teresa Grant S 32°-20'-31"E, a distance of 194.82 feet to a set 5/8" rebar with yellow cap No. 5948, marking the Southeast corner of the parcel herein described;

THENCE, S 57°-39'-29"W, 25.00 feet distance to a set 5/8" rebar with yellow cap No. 5948, marking the Southwest corner of the parcel herein described;

THENCE, N 32°-20'-31"W, a distance of 564.26 feet to a set 5/8" rebar with yellow cap No. 5948, marking a point on the section line common to Sections 17 and 20, Township 28 South, Range 3 East, New Mexico Principal Meridian, and being the Northwest corner of the parcel herein described;

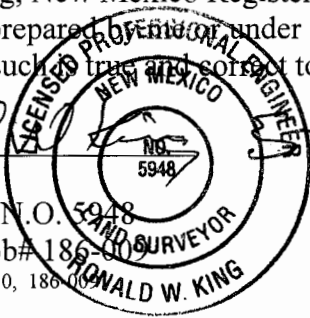
25.0 Acre Parcel, (continued)

THENCE, along said section line S 89°-58'-00"E, a distance of 29.60 feet to the "True Point of Beginning" of the parcel herein described and containing 13,908 square feet or 0.3192 acres more or less.

\*CERTIFICATE \*

I, Ronald W. King, New Mexico Registered Land Surveyor, hereby certify that this legal description was prepared by me or under my direct supervision from field notes of an actual survey, and that such true and correct to the best of my knowledge and belief.

*Ronald W. King*



5-2010

Ronald W, King  
N.M.P.E. & L.S. N.O. 5948  
March 9, 2010 Job# 186-0  
file:f: drawings,legals 2010, 186