

ELEVENTH JUDICIAL DISTRICT COURT
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

FILED
DISTRICT COURT
SAN JUAN COUNTY
NM

2005 JAN 21 A 11:44

PUBLIC SERVICE COMPANY OF NEW MEXICO
a New Mexico corporation,

Petitioner,

vs.

NO. CV 2005-106-6

JUNE HILL WALMSLEY and all UNKNOWN
HEIRS AND CLAIMANTS TO AN INTEREST
IN REAL ESTATE IN SAN JUAN COUNTY,
NEW MEXICO.

Respondents.

PETITION FOR CONDEMNATION

COMES NOW Petitioner Public Service Company of New Mexico ("PNM") by and through its attorneys, Keleher & McLeod, P.A. (Kurt Wihl) and for its Petition for Condemnation states:

1. PNM is a New Mexico corporation with its principal place of business in Bernalillo County, New Mexico.
2. The real property which is the subject of this condemnation is the Southwest Quarter of Section 8, Township 29 North, Range 11 West, NMPM located in San Juan County, New Mexico. PNM seeks an easement within this property.
3. After a diligent search of the records of real property in the Office of the Clerk of San Juan County, New Mexico, it appears that the Edwin Smith, LLC, a New Mexico Limited Liability Company and June Hill Walmsley are the record owners of the above-described quarter section of land and, as tenants-in-common, each hold an undivided one-half interest in the title to said property.

4. The last known address for June Hill Walmsley appears on that certain Warranty Deed filed for record in the Office of the Clerk of San Juan County, New Mexico on September 16, 1981 at 10:50 a.m., in Book Number 921, at page 199. That address was Route 1, Box 31, Colbert, Washington 99005. After due and thorough inquiry, PNM has been unable to contact June Hill Walmsley at that address. PNM seeks to effect service on June Hill Walmsley by mail at her last known address and by publication.

5. After a thorough investigation, PNM has been unable to determine whether June Hill Walmsley still claims an interest in above-described quarter section of land or whether she has conveyed that interest in whole, or in part, to another person(s) or legal entity or entities; however, no such conveyance from June Hill Walmsley appears of record in the Office of the Clerk of San Juan County, New Mexico. Accordingly, PNM seeks to name all unknown heirs or claimants to said property as respondents and to obtain service on such unknown persons by publication.

6. PNM has obtained an easement from the Edwin Smith LLC across said property. Accordingly, the Edwin Smith LLC is not named in this action. PNM continues to require an easement from the owner or owners of the remaining undivided one-half interest.

7. The Court has subject matter jurisdiction over this matter and venue is proper in this district.

8. PNM has statutory authority to bring this action for condemnation pursuant to Section 62-1-4 NMSA (1999 Repl. Pamp.), as it is a public utility company

organized pursuant to Section 62-1-1 NMSA (1999 Repl. Pamp.), and these proceedings are conducted pursuant to Sections 42A-1-1, et seq.

9. In this action, PNM seeks a permanent easement that is fifty (50) feet in width and which traverses Section 8 of Township 29 North, Range 11 West, NMPM in San Juan County, New Mexico. Said easement is more particularly described as follows:

A strip of land fifty feet (50') wide for easement purposes across a portion of Section 8, Township 29 North, Range 11 West, NMPM, San Juan County, New Mexico, being twenty five feet (25') on both sides and perpendicular to the following described centerline:

Beginning at a point located on the East line of the Southwest Quarter of said Section 8, said point bears North 47°39'12" East, a distance of 3437.52 feet from the Southwest corner of said Section 8.

Thence: North 81°32'53" West, a distance of 2254.14 feet to the end of the line at a point located on the North line of said Southwest Quarter of Section 8, said point bears North 6°42'02" East, a distance of 2665.08 feet from said Southwest corner of Section 8.

The above described strip of land is 2254.14 feet in length and contains 136.615 rods or 2.587 acres more or less.

IN ADDITION, PNM requires a twenty-five feet (25') wide temporary use area parallel to the northerly boundary of the above-described permanent easement. This temporary use area contains 1.294 acres more or less.

10. A survey of the above-described permanent easement and temporary use area are attached hereto as Exhibit "1" and incorporated herein by this reference.

11. PNM seeks the permanent easement and temporary use area in order to install a high-pressure natural gas pipeline, which will provide natural gas to a gas-fired electric generation facility owned by the City of Farmington, which will, in turn, provide

electric service to residents of the City of Farmington. Accordingly, PNM seeks the easement and temporary use area for a public purpose.

11. The easement and temporary use area are located within an existing utility corridor. In that corridor, there are two natural gas pipelines owned by El Paso Natural Gas and one electric transmission line. PNM selected this location for placement of its natural gas pipeline so as to minimize the impact on adjacent properties.

12. PNM has successfully negotiated with the Edwin Smith LLC for an easement and temporary use area on the subject property. As stated above, based on the real property records in the Office of the County Clerk of San Juan County, the Edwin Smith LLC owns an undivided one-half interest in the property. PNM and the Edwin Smith LLC agreed that just and fair compensation for said easement and temporary use area is Two Thousand Five Hundred and no/100s Dollars (\$2,500.00). Accordingly, PNM maintains that fair and just compensation for obtaining an easement and temporary use area from the holder(s) of the remaining one-half interest should also be \$2,500.00. PNM is ready, willing and able to make a payment in that amount to the owner, or owners, of the remaining one-half interest in the subject property. Unfortunately, PNM has been unable to locate the owner, or owners, of that remaining one-half interest, so PNM's offer has not been accepted.

13. PNM is in the process of constructing the high-pressure gas line on other property. In addition, it is necessary that the entire line be installed and connected to the City of Farmington's gas-fired electric generating station by May 1, 2005. In order to meet this deadline, PNM requires immediate possession of the subject property so that the gas line can be installed on that property. Accordingly, PNM hereby requests an

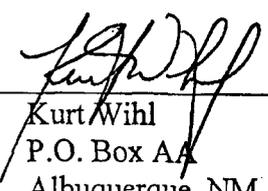
Order granting it immediate possession of the requested easement and temporary use area. PNM is ready, willing and able to deposit the sum of \$2,500.00 in an interest-bearing account of the Court Registry to secure payment for the easement and temporary use area.

WHEREFORE, PNM prays for the following:

1. Immediate possession of the easement and temporary use area described above.
2. Appointment of three commissioners to assess the value of the interest in the property taken and damages, if any, that Respondent(s) may sustain as a result of the taking.
3. Determination of reasonable compensation to be awarded to Respondent(s).
4. Judgment and Decree of Condemnation granting to PNM the above-described permanent easement and the adjacent temporary use area during the gas pipeline installation period; and
5. Such other and further relief as the Court deems just and proper.

KELEHER & McLEOD, P.A.

By: _____


Kurt Wihl
P.O. Box AA
Albuquerque, NM 87103
(505) 346-4646
Attorneys for Petitioner

OWNERSHIP PLAT FOR
PUBLIC SERVICE COMPANY OF NEW MEXICO
12" CROUCH MESA LATERAL PROJECT
 SW/4 SEC. 8, T-29-N, R-11-W, N.M.P.M.
 SAN JUAN COUNTY, NEW MEXICO

LEGAL DESCRIPTION:

A STRIP OF LAND 50' WIDE FOR EASEMENT PURPOSES ACROSS A PORTION OF SECTION 8, TOWNSHIP 29 NORTH, RANGE 11 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, BEING 25 FEET ON BOTH SIDES AND PERPENDICULAR TO THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT LOCATED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, SAID POINT BEARS NORTH 47°39'12" EAST, A DISTANCE OF 3437.52 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 8.

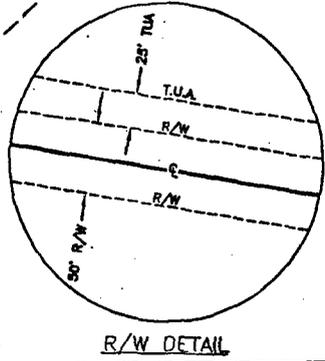
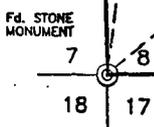
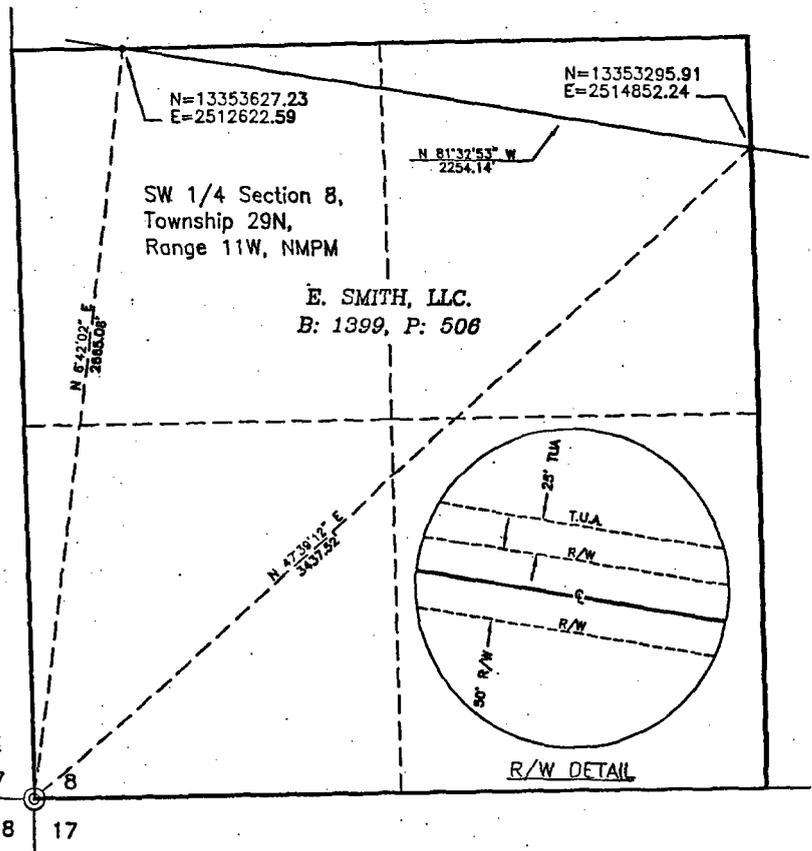
THENCE: NORTH 81°32'53" WEST, A DISTANCE OF 2254.14 FEET TO THE END OF THE LINE AT A POINT LOCATED ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 8, SAID POINT BEARS NORTH 6°42'02" EAST, A DISTANCE OF 2665.08 FEET FROM SAID SOUTHWEST CORNER OF SECTION 8.

THE ABOVE DESCRIBED STRIP OF LAND IS 2254.14 FEET IN LENGTH AND CONTAINS 136.615 RODS OR 2.587 ACRES MORE OR LESS, AND IS ALLOCATED BY 40-ACRE TRACTS AS FOLLOWS:

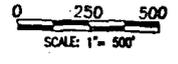
NE/4 SW/4 1.521 ACRES
 NW/4 SW/4 1.066 ACRES

IN ADDITION TO A 25' WIDE TEMPORARY USE AREA PARALLEL TO THE NORTHERLY RIGHT-OF-WAY, CONTAINING 1.294 ACRES.

200500274 01/05/2005 04:12P
 3 of 3 B1401 P1094 R 13.00 D 0.00
 San Juan County, NM Clerk FRAN HANHARDT



- NOTES:**
1. BASIS OF BEARING: G.P.S. OBSERVATIONS TAKEN AT HCS STATION FAIRPORT LOCATED IN THE SE 1/4 OF SEC. 10, T-29-N, R-13-W, SAN JUAN COUNTY, NEW MEXICO
 2. COORDINATES, BEARINGS AND DISTANCES AS SHOWN ARE NAD 83, UTM ZONE 12 IN FEET.
 3. THE COMBINED SCALE FACTOR FOR THIS LOCATION IS 1.000184



I, LOUIS PENCE, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THIS SURVEY.



PUBLIC SERVICE CO. N.M. ALBUQUERQUE, N.M.		
SURVEYED: 7/04	REV. DATE: 12/7	TRACT # 21
DRAWN BY: S.R.B.	DATE DRAWN: 6/07/04	FILE NAME: 59041-003_021



P.O. BOX 3651