



Stewart Title of Albuquerque, LLC  
8759 Academy Road NE  
Albuquerque, NM 87109  
(505) 828-1700 Phone  
(505) 821-8085 Fax

## SEARCH REPORT

Dated: January 28, 2014  
Issued to: City of Albuquerque  
Reylene Garcia  
City/County  
Bldg 5th Floor  
Albuquerque, NM 87102

Our Ref. No.: 01147-9442  
Your Ref. No.:

Date and time of issuance: January 27, 2014 at 8:00 A.M.

As per your request, we have made a search of the public records of Bernalillo County, New Mexico, which include the real property records of the County Clerk of Bernalillo County, New Mexico Second Judicial District Court as to actions relating to real property, and the United States Bankruptcy Court for the District of New Mexico, as all are posted to the joint use plant leased by Stewart Title of Albuquerque, LLC.

**THIS REPORT IS NOT TITLE INSURANCE.** This report only provides title information contained in the above stated records and does NOT reflect unindexed or misindexed matters or any unrecorded or off record matters that may affect said land. This Company, in issuing this report assumes no liability on account of any instrument or proceedings in the chain of title to the property which may contain defects that would render such instruments or proceedings null and void or defective. All instruments in the chain of title to the property are assumed to be good and valid. This report is not a commitment to insure and therefore does not contain the requirements and exceptions which would appear in the commitment to insure or the exception which would appear in a title policy.

This Company's liability for this report is limited to the amount paid for this report and extends only to the party to which it is issued. No other party may rely on this report. This report contains no express or implied opinion, warranty, guarantee, insurance or other similar assurances as the status of title to the land.

Search has been made for the period of March 27, 1968, up to and including January 27, 2014, at 8:00 A.M., covering the following:

### Legal Description:

A tract of land in Section 20, Township 10 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico.  
FOR COMPLETE LEGAL DESCRIPTION, see attached Warranty Deed recorded December 12, 1973, in Book D 954, Page 533, as Doc. No. 85805, records of Bernalillo County, New Mexico.

Our search reveals the following placed of record:

1. Underground Easement recorded March 27, 1968, in Book Misc. 98, Page 429, as Doc. No. 86707, records of Bernalillo County, New Mexico.

File No.: 01147-9442  
Search Report ALB

2. Quitclaim Deed from Charles Iffeld Hardware Company by Bank of New Mexico and Julius H. Rosenthal, Trustees for the Stockholders of Charles Iffeld Hardware Company to Urban Renewal Agency of the City of Albuquerque, recorded March 22, 1972, in Book D 914, Page 815, as Doc. No. 76973, records of Bernalillo County, New Mexico.
3. Purchase Agreement and Conveyance of Leasehold Interest and all Structures and Improvements recorded March 28, 1972, in Book Misc. 254, Page 30, as Doc. No. 77975, records of Bernalillo County, New Mexico.
4. Warranty Deed from the Atchison, Topeka and Santa Fe Railway Company, a Delaware Corporation to Urban Development Agency of the City of Albuquerque, recorded June 12, 1972, in Book D 920, Page 488, as Doc. No. 91824, records of Bernalillo County, New Mexico.
5. Warranty Deed from Young Men's Christian Association of Albuquerque to Urban Development Agency of Albuquerque, recorded December 12, 1973, in Book D 954, Page 533, as Doc. No. 85805, records of Bernalillo County, New Mexico.
6. Warranty Deed from the Atchison, Topeka and Santa Fe Railway Company, a Delaware corporation to Urban Development Agency of the City of Albuquerque, recorded June 11, 1976, in Book D 8A, Page 227, as Doc. No. 76 31233, records of Bernalillo County, New Mexico.
7. Quitclaim Deed from the Urban Development Agency of the City of Albuquerque, NM, acting as the Urban Renewal Agency of the City of Albuquerque, N.M. to the Atchison, Topeka and Santa Fe Railway Co., a Delaware corporation, recorded August 18, 1988, in Book D 340A, Page 884, as Doc. No. 8875267, records of Bernalillo County, New Mexico.
8. Quitclaim Deed from the Atchison, Topeka and Santa Fe Railway Company, a Delaware corporation to the City of Albuquerque, a municipal corporation, recorded September 6, 1988, in Book D 342A, Page 237, as Doc. No. 8881127, records of Bernalillo County, New Mexico.
9. Quit Claim Deed from BNSF Railway Company to New Mexico Department of Transportation, recorded March 20, 2006, in Book A113, Page 8202, as Doc. No. 2006038332, records of Bernalillo County, New Mexico.

Taxes show paid for the year 2013.

Sincerely,  
Lauren R Sladowsky  
Title Examiner  
Stewart Title of Albuquerque, LLC

Copy

429

## UNDERGROUND EASEMENT

THIS INSTRUMENT, made this 5th day of June, 1967,  
between Board of Education and City of Albuquerque

his wife, parties of the first part, and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation, and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado Corporation authorized to do business in New Mexico, parties of the second part, their successors and assigns.

## WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One Dollar to them in hand paid, and other valuable consideration, the receipt unto the said party of the second part an easement to build, construct, operate and maintain an underground electric power transmission and communications lines, under and through the lands hereinafter described, and to install all necessary conduits, wires and other equipment and fixtures necessary to maintain the said power and communications lines, through and on the surface of said lands at or near the points hereinafter designated, as the course of said underground power and communications lines under and through said lands; together with free ingress and egress in, from, and over said easement with rights and privileges of going upon, over and across said lands for the purpose of maintaining said line; said lands being situated in the County of Bernalillo, State of New Mexico, and more particularly described as follows: An easement within lands of the Board of Education, in Sec. 20, T.10N., R. 3E., N.M.P.M., Bernalillo County, New Mexico also identified as the Longfellow Elementary School, said easement being more particularly described as follows: An underground easement ten (10) feet in width, being five (5) feet on each side of the following described centerline: Beginning, for a tie, at the Northwest corner of said lands, running thence S. 90°00'20"W., a distance of 324.01 feet to an angle point, thence S. 0°49'50"E., a distance of 22.39 feet to the beginning point of said easement, thence S. 81°03'E., a distance of 296.85 feet to a point on the East boundary of said lands whence the Northeast corner of said lands bears N. 9°03'E., 346.40 feet distant. All as shown on B.O.E. of N.M.P.M. Drawing A-2088-B.

Parties of the first part shall have the right to use the above described real estate for purposes not inconsistent with the rights hereby granted provided that parties of the first part shall not erect or construct any building, shed, or other structure thereon, nor drill or operate any well thereon. Line shall be in concrete encased conduit 12 feet or more below surface.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

WITNESSES hand and seal on this 5th day of June, 1967.

Attest: [Signature] Clerk Board of Education, City of (SEAL)  
Albuquerque  
(SEAL) By: S. V. Jackson (SEAL)  
President

## ACKNOWLEDGMENT FOR NATURAL PERSONS

HYATT OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by \_\_\_\_\_ (Name of Person or Persons Acknowledging)

(My commission expires \_\_\_\_\_)

(Seal)

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

FILED FOR RECORD

JUN 27 10 12 AM 1967

BY Lucy Jaramillo

CO. CLERK &amp; RECORDER

DEPUTY

[Signature]

[Signature]

[Signature]

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[Signature]

## ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 5th day of June, 1967.

by S. V. Jackson (Name of Officer)

of Board of Education, City of (Corporate Name)

Albuquerque, New Mexico (City and State)

(My commission expires 10-31-70)

(Seal)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Approval has been given by State Board of Finance pursuant to Ch. 100, Laws 1961.

[Signature]  
State Board of Finance

76973

815  
NEW MEXICO TITLE CO.  
T 82,971 4R Jan 21/11

**QUITCLAIM DEED**

CHARLES ILFELD HARDWARE COMPANY BY BANK OF NEW MEXICO AND JULIUS H. ROSENHAL,  
TRUSTEES FOR THE STOCKHOLDERS OF CHARLES ILFELD HARDWARE COMPANY  
for consideration paid, quitclaim to  
URBAN RENTAL AGENCY OF THE CITY OF ALBUQUERQUE the following described real estate in  
Bernalillo County, New Mexico:

A tract of land situated in the City of Albuquerque,  
Bernalillo County, New Mexico, and being more particularly  
described as follows:

Beginning, for a tie, at a point on the Northerly right of  
way line of Central Avenue East whence the City of Albuquerque  
Triangulation Brass Cap Survey Monument No. 6-K-14 bears  
S.80°32'50"E., 533.96 feet distant, and running N.80°41'10"W.,  
332.48 feet along the Northerly right of way line of Central  
Avenue to its intersection with the Westerly right of way line  
of the A.T. & S.F. Railway Company, said intersection point being  
the Southeast and beginning corner No. 1 of the tract herein  
set forth; and running thence

N.80°41'10"W., 132.63 feet along the Northerly right of way  
line of Central Avenue West to a point  
of curve and corner No. 2 of the tract  
herein set forth; thence

Northwesterly along a curve right having a radius of 50.00  
feet a distance along arc of 78.55 feet  
(chord = N.35°40'50"W., 70.72 feet) to  
the end of said curve and corner No. 3  
of the tract herein set forth, a point  
on the Easterly right of way line of  
First Street NW; thence

N.09°19'50"E., 483.47 feet along said Easterly right of way  
line of said First Street NW to its  
intersection with the Southerly right of  
way line of Tijeras Avenue NW and the  
Northwest corner No. 4 of the tract  
herein set forth; thence

S81°12'30"E., 182.95 feet to its intersection with said West-  
erly right-of-way line of said Railway  
and the Northeast corner No. 5 of the  
tract herein set forth; Thence

S.09°21'30"W., 535.15 feet along said Westerly right of way  
line of said Railway to the Southeast  
corner No. 1 and the place of beginning;

Containing 97,131 square feet, more or less.

816

BANK OF NEW MEXICO, <sup>TRUSTEE</sup> hand and seal this 20th day of March, 1972.  
 By Ardyth M. Waggoner (SEAL) CHARLES ILFELD HARDWARE COMPANY (SEAL)  
 (MRS.) ARDYTH M. WAGGONER By James A. Lickner (SEAL)  
 Assistant Trust Officer (SEAL) TRUSTEE (SEAL)

ACKNOWLEDGMENT  
INDIVIDUAL

STATE OF NEW MEXICO, } ss.  
 County of BERNALILLO

On this 20th day of March, 1972, before me personally appeared  
JULIUS H. ROSENTHAL, Trustee

to me known to be the person described in and who executed the foregoing instrument and acknowledged that  
 executed the same as free act and deed.

Witness my hand and seal the day and year last above written.

My commission expires March 7, 1975 James A. Lickner Notary Public.

ACKNOWLEDGMENT  
CORPORATION

STATE OF NEW MEXICO, } ss.  
 County of Bernalillo

On this 21st day of March, 1972, before me personally appeared  
Ardyth M. Waggoner

, to me personally known, who being by me duly  
 sworn, did say that he is Asst. Trust Officer, Bank of New Mexico, a corporation  
 organized under the laws of the State of New Mexico, and that the seal affixed to said instrument is the cor-  
 porate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of  
 its board of directors, and said Ardyth M. Waggoner acknowledged said instrument to be the free act and  
 deed of said corporation.

Witness my hand and seal the day and year last above written.

My commission expires September 7, 1975 James A. Lickner Notary Public.

STATE OF NEW MEXICO, County of BERNALILLO, ss. I hereby certify that this instrument was filed  
 for record on the 20th day of March, 1972, at 10 o'clock M., and duly  
 recorded in Book 100, page 100, of the Records of Deeds of said county, on this  
20th day of March, A. D. 1972

James A. Lickner County Clerk.  
 By James A. Lickner Deputy.

617

State of New Mexico } SS  
County of Bernalillo }  
This instrument was filed for record on

2:33 MAR 22 1972 914  
At ... o'clock ... m. Recorded in Vol. 914  
of records of said County Folio 815-817  
..... Clerk's Record  
..... Deputy Clerk

77975

PURCHASE AGREEMENT  
AND CONVEYANCE OF

30

## Leaschold Interest and all Structures and Improvements

The State of New Mexico:

County of Bernalillo:

Know All Men by These Presents:

CHARLES ILFELD HARDWARE COMPANY & BANK OF NEW MEXICO AND JULIUS  
That Ho, H. ROSENTHAL, TRUSTEES FOR THE STOCKHOLDERS OF CHARLES ILFELD,  
HARDWARE COMPANY

the County of Bernalillo, New Mexico, hereinafter called Grantors, for and

in consideration of the sum of One Hundred Forty-five ThousandDollars (\$145,000), to us in hand.

paid by the Urban Renewal Agency of the City of Albuquerque, New Mexico,  
hereinafter called Grantee, receipt of which is hereby acknowledged, have  
granted, bargained, sold, conveyed, and assigned and by these presents,  
do hereby grant, bargain, sell, convey, and assign unto the Urban Renewal  
Agency of the City of Albuquerque, New Mexico Grantors Leasehold Interest  
and title to all those certain structures and improvements, to wit:

Leaschold: Contract No. 85318

Structures: Warehouse - General Office Building  
Display Area, Platform,  
Parking Shed - Canopy

Improvements:

located and situated upon that certain tract or parcel of land in  
Bernalillo County, New Mexico, described as follows:

Beginning at a point 47.0 feet westerly from and measured at right  
angles to the center line of the west bound main track of The  
Atchison, Topeka and Santa Fe Railway Company, New Mexico  
Division, El Paso District, opposite Mile Post 902 plus 813.5  
feet; thence westerly at right angles to said center line 203.0  
feet; thence southerly at right angles 283.3 feet; thence easterly  
at right angles 196.1 feet; thence northerly at an interior  
angle of 91 degrees 24 minutes 289.64 feet to the point of  
beginning, containing an area of 56,372 square feet.

State of New Mexico } ss  
County of Bernalillo }  
This instrument was filed for record on

5 15 MAR 28 1972

At 10 o'clock P.m. Recorded in Vol. 251-4  
of records of said County Folio 32-31

Clerk &amp; Recorder

Deputy Clerk



To have and to hold the said Grantors interest in said leasehold and in said structures and improvements unto the Urban Renewal Agency of the City of Albuquerque, New Mexico, its successors and assigns forever, and we do hereby bind ourselves, our heirs, executors, administrators, and assigns to forever warrant and defend the title to said structures and improvements and the said interest in said leasehold unto the Urban Renewal Agency of the City of Albuquerque, New Mexico, its successors and assigns, against anyone whomsoever claiming or to claim the same.

Grantors covenant and represent that said structures and improvements are owned by grantors, that they are free and clear of all liens and mortgages, that no unpaid-for labor or materials or equipment have been done, used, made, or added to said structures and improvements for which as artisan's, mechanic's, or materialman's lien may yet validly be impressed, filed, claimed or recorded, or has been recorded.

Grantors covenant and represent that they have sole right to the leasehold interest herein conveyed and have not sold, assigned, conveyed or otherwise encumbered all or any part thereof.

Grantors hereby covenant and agree to vacate and surrender possession of the aforesaid structures and improvements to the Agency within a period of 90 days from the date of the execution of this agreement.

IN WITNESS WHEREOF, we have set our hand hereto this 22<sup>nd</sup> day of December, 19 71.

CHARLES ILFELD HARDWARE COMPANY & BANK OF NEW MEXICO AND JULIUS H. ROSENTHAL, TRUSTEES FOR THE STOCKHOLDERS OF CHARLES ILFELD HARDWARE COMPANY.

By *[Signature]*  
Their Attorney Grantors

URBAN DEVELOPMENT AGENCY  
OF THE CITY OF ALBUQUERQUE

*[Signature]*  
Rex V. Allender, Executive Director

*[Signature]*  
James H. Anthony, Agency Counsel



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Before me, the undersigned authority in and for said County and State, on this day personally appeared Robert J. Nordhaus, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the 21st day of  
December, 19 71.

Gloria Jaramilla  
Notary Public

**My Commission Expires:**

June 10, 1975

### SINGLE ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

Before me, the undersigned authority, a Notary Public in and  
for said County and State, on this day personally appeared \_\_\_\_\_  
known to me to be the person whose name is sub-  
scribed to the foregoing instrument, and acknowledged to me that he executed  
the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**Notary Public**

**My Commission Expires:**

# 31621 WARRANTY DEED

NEW MEXICO  
 JUN 13 1972

The Atchison, Topeka and Santa Fe Railway Company,  
 A Delaware Corporation, for consideration paid, grant to  
 Urban Development Agency of the City of Albuquerque

the following described real estate in Bernalillo County, New Mexico  
 PARCEL 23-7, Tract "B"

A tract of land situate in the City of Albuquerque, Bernalillo County,  
 New Mexico, and being more particularly described as follows:

Beginning at the Southeast corner No. 1 of the tract herein set forth,  
 a point on the Northerly right of way line of Central Avenue East, whence  
 the City of Albuquerque Triangulation Brass Cap Survey Monument No.  
 6-K-14 bears S.80°32'50"E., 533.96 feet distant; and running thence

N.80°41'10"W., 142.65 feet along said Northerly right of way line of said  
 Central Avenue East to its intersection with the  
 Easterly right of way line of the A. T. & S. F.  
 Railway Company and the Southwest corner No. 2  
 of the tract herein set forth; thence  
 N.03°43'55"E., 538.95 feet along said Railway right of way line to its  
 intersection with the Southerly right of way line  
 of Tijeras Avenue and the Northwest corner No. 3  
 of the tract herein set forth; thence  
 S.81°12'30"E., 180.50 feet along said Southerly right of way line of  
 said Tijeras Avenue to the Northeast corner No.  
 4 of the tract herein set forth; thence leaving  
 said Tijeras Avenue and running  
 S.09°21'30"W., 210.02 feet to corner No. 5 of the tract herein set forth;  
 thence  
 S.35°38'30"E., 21.21 feet to corner No. 6 of the tract herein set forth;  
 thence  
 S.09°21'30"W., 313.00 feet to the Southeast corner No. 1 and the place  
 of beginning; Containing 87,600 square feet, more or less.

SUBJECT to lien for current taxes and assessments, including Middle Rio Grande  
 Conservancy District lien.

RESERVING to the Atchison, Topeka and Santa Fe Railway Company oil, gas  
 and minerals however without the right to use, or disturb the use by  
 others of the surface of the land to extract or in extracting same; and subject to  
 utility easements and the rights of any others in water lines, wire  
 lines, sewer lines and conduits which might now be in or on the land.

with warranty covenants.

WITNESS my hand and seal this day of June, 1972.

ATTEST: (Seal) THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY (Seal)  
 Assistant Secretary By its President (Seal)

## ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 1972  
 by (Name or Names of Person or Persons Acknowledging)

My commission expires: (Seal)

Notary Public

## ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO ILLINOIS

COUNTY OF COOK

The foregoing instrument was acknowledged before me this day of 1972  
 by JOHN S. REED

PRESIDENT of The Atchison, Topeka and Santa Fe Railway Company  
 (Title of Officer) (Name of Corporation Acknowledging)  
 Delaware corporation, on behalf of said corporation.  
 (State of Incorporation)

My commission expires: (Seal) MAY 29, 1973 Notary Public

FOR RECORDER'S USE ONLY

State of New Mexico  
 County of Bernalillo  
 This instrument was filed for record on

244 JUN 13 1972 920  
 At 10:00 a.m. Recorded in Vol. 2188  
 of records of said County Folio 2188

..... Clerk & Recorder

..... Deputy Clerk

# WARRANTY DEED

85805

533

Young Men's Christian Association of Albuquerque, for consideration paid, grantor.  
to Urban Development Agency of Albuquerque

the following described real estate in Bernalillo County, New Mexico:

A certain tract or parcel of land lying and being situate within the City of Albuquerque, County of Bernalillo, State of New Mexico; being more particularly described as follows: Beginning, for a tie, at the Southeastery Corner of Block 8 of "NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE", as said Block 8 is shown on the plat of subdivision of Lots 15, 16, 17 and 18 in Block 8 of Albuquerque, New Mexico, filed in the office of the County Clerk of Bernalillo County, New Mexico, on the 24th day of November, 1890. From said point running thence, S. 80 deg. 53' 51" E., 60.00' distance to a point; thence, N. 9 deg. 06' 32" E., 50.01' distance to the point of beginning of the parcel herein described, being a point on the Easterly right-of-way line of First Street N.W. and whence the Albuquerque Triangulation marker 2-K14 (brass cap) bears N. 59 deg. 17' 47" W., 839.12' distance. From said point of beginning running thence, along the Easterly right-of-way line of First Street, N. 9 deg. 06' 32" E., 83.23' distance to a point; thence, leaving said First Street right-of-way and running S. 80 deg. 53' 28" E., 33.50' distance to a point; thence, Southeastery 50.80' along the arc of a 58.50' radius curve to the left through a central angle of 49 deg. 45' 12", the chord of which curve bears S. 15 deg. 46' 04.5" E., 49.22' distance to a point; thence, Southeastery 188.63' along the arc of a 268.50' radius curve to the left through a central angle of 40 deg. 15' 10", the chord of which curve bears S. 60 deg. 46' 16" E., 184.78' distance to a point; thence, S. 9 deg. 06' 09" W., 25.00' to a point on the Northerly right-of-way line of Central Avenue, N.W. thence, along the Northerly right-of-way line of Central Avenue, N. 80 deg. 53' 51" W., 177.70' distance to a point; thence, Northwestery 78.55' along the arc of a 50.00' radius curve to the right through a central angle of 90 deg. 00' 23", the chord of which curve bears N. 35 deg. 53' 39.5" W., 70.715' distance to the point and place of beginning and containing 13,864.45 square feet (0.318 acres), more or less.

And further, Grantor, as a successor in interest also hereby conveys and grants to Grantee, subject to the lien of The Atchison, Topeka and Santa Fe Railway Company's General and Adjustment Mortgages, respectively, each dated December 12, 1895, all of the reversionary rights or interests retained in and to that land described as TRACT B in deed to the City of Albuquerque, New Mexico, dated April 8, 1960.

Subject to the rights of others in, but not limited to, utility easements, water lines, wire lines, sewer lines and conduits, which might now be in or on said land; and further, subject to liens for current taxes and assessments including Middle Rio Grande Conservancy District lien.

Grantor expressly excepts all minerals contained in the above described land as reserved by and to THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY in deed to HAYSTACK MOUNTAIN DEVELOPMENT COMPANY; a Delaware corporation, dated August 23, 1973.

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with warranty covenants.

WITNESS my hand and seal this 28th day of June, 1973.

(Seal) YOUNG MEN'S CHRISTIAN ASSOCIATION (Seal)

OF ALBUQUERQUE, N.M.

(Seal) By David H. Livingston (Seal)

PRESIDENT

# ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF ss.

The foregoing instrument was acknowledged before me this day of 19

by (Name or Names of Person or Persons Acknowledging)

My commission expires: (Seal)

Notary Public.

# ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF Bernalillo ss.

The foregoing instrument was acknowledged before me this 28 day of June, 1973.

by David H. Livingston (Seal of Office)

President of Young Men's Christian Association

a corporation on behalf of said corporation.

My commission expires:

My Commission Expires March 28, 1974 (Seal) Notary Public

FOR RECORDER'S USE ONLY

State of New Mexico } ss  
County of Bernalillo }

This instrument was filed for record on

15 DEC 12 1973

at the office of the County Clerk of Bernalillo County, New Mexico.

Notary Public

76 31233

WARRANTY DEED

RETURN TO:

NEW MEXICO TITLE CO.

TI H. 8419 *Original*  
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THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a Delaware corporation, as Grantor herein, for consideration paid, conveys and grants to URBAN DEVELOPMENT AGENCY OF THE CITY OF ALBUQUERQUE, as (whose address is 600 2nd NW, Suite 706, Albq., N.M.) Grantee herein, the following described real estate in Bernalillo County, New Mexico:

All that certain tract or parcel of land situated in the northwest quarter (NW/4) of the northeast quarter (NE/4) of Section 20, Township 10 North, Range 3 East of the New Mexico Principal Meridian, within the corporate limits of the City of Albuquerque, Bernalillo County, New Mexico, and being a part of that certain tract of land conveyed to The New Mexico & Southern Pacific Railroad Company, predecessor in interest to The Atchison, Topeka and Santa Fe Railway Company, by deed dated March 22, 1880 from Franz Hunning et ux, recorded in Volume K, Page 150 et seq, Deed Records of Bernalillo County, New Mexico, more particularly described as follows:

BEGINNING at a point in the south right of way line of Central Avenue from which the northeast corner of Block 15 of the New Mexico Town Company's Original Townsite of Albuquerque bears north  $80^{\circ}53'51''$  west 110.10 feet, as measured along the south right of way line of Central Avenue, said point also being the east corner of that certain 536.5 square foot tract described as TRACT A in deed dated April 8, 1960 conveyed by The Atchison, Topeka and Santa Fe Railway Company to The City of Albuquerque, New Mexico;

THENCE south  $80^{\circ}53'51''$  east along the south right of way line of Central Avenue 137.20 feet to a point for corner;

THENCE southwesterly along a curve to the left, having a radius of 222.58 feet, a central angle of  $59^{\circ}34'56''$ , the long chord of which bears south  $59^{\circ}53'37''$  west 221.17 feet, an arc distance of 231.46 feet to a point for corner;



THENCE south 30°06'09" west, 44.51 feet to a point for corner in the east right of way line of First Street S.W.;

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THENCE north 9°09'12" east along the east right of way line of said First Street 131.41 feet to a point for corner being the south corner of aforementioned 536.5 square foot tract of land described as TRACT A in deed dated April 8, 1960;

THENCE northeasterly with the southeasterly line of said 536.5 square foot tract, along a curve to the right having a radius of 50.0 feet, a central angle of 89°56'57", the long chord of which bears north 54°07'41" east 70.68 feet, an arc distance of 78.50 feet to the place of BEGINNING, containing 9,587 square feet, or 0.22 of an acre of land, more or less;

Grantor expressly reserves and excepts all minerals contained in the above described land, including, without limiting the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, provided that Grantor shall not have the right to go upon or use the surface of said land, or any part thereof, for the purpose of drilling for, mining, or otherwise removing any of said minerals. Grantor may, however, and hereby reserves the right to remove any of said minerals from said land by means of wells, shafts, tunnels or other means of access to said minerals which may be constructed, drilled or dug from other land, provided that the exercise of such rights by Grantor shall in no way interfere with or impair the use of the surface of the land hereby conveyed or of any improvements thereon.

This deed is given, and GRANTEE accepts same, subject to:

- a) building lines, restrictions, zoning laws or ordinances affecting said property, if any;
- b) proration of current taxes and assessments,

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including the Middle Rio Grande Conservancy District lien, if any,  
c) rights of others in connection with underground pipes, wires, conduits  
or sewer lines which might now be in or on the above land, if any.

With warranty covenants.

IN WITNESS WHEREOF, the said THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY has caused this instrument to be executed this 19th day  
of April, 1976.

THE ATCHISON, TOPEKA AND  
SANTA FE RAILWAY COMPANY

By *[Signature]*  
Its President

ATTEST:

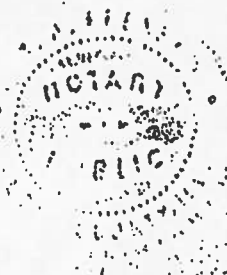
*[Signature]*  
Assistant Secretary



STATE OF ILLINOIS )

COUNTY OF COOK )

The foregoing instrument was acknowledged before me this  
29<sup>th</sup> day of April, 1976,  
 by JOHN S. REED,        President of  
 The Atchison, Topeka and Santa Fe Railway Company, a Delaware  
 corporation, on behalf of said corporation.



John S. Reed  
 Notary Public

My commission expires:

MAY 29, 1977

State of New Mexico } SS  
 County of Bernalillo }  
 This instrument was filed for record on

333 JUN 11 1976  
 At 6 o'clock p.m. Recorded in Vol. 8A  
 of Records of said County Folio 227-230  
Emma C. Bragdon Clerk & Recorder  
       Deputy Clerk

08875267

884

## QUITCLAIM DEED

THE URBAN DEVELOPMENT AGENCY OF THE CITY OF ALBUQUERQUE, NM, acting as the URBAN  
RENEWAL AGENCY OF THE CITY OF ALBUQUERQUE, N.M., pursuant to the Urban Development  
Law/Sections 3-40-1 et. seq. NMSA 1978 for consideration paid, quitclaim  
to THE ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., A DELAWARE CORPORATION

whose address is \_\_\_\_\_

the following described real estate in \_\_\_\_\_ Bernalillo \_\_\_\_\_ County, New Mexico:  
A tract of land situated in the City of Albuquerque, Bernalillo County, New Mexico,  
and being more particularly described as follows:

Beginning, for a tie, at a point on the Northerly right-of-way line of Central Ave.  
last whence the City of Albuquerque Triangulation Brass Cap Survey Monument No.  
B-K-14 bears S.80°42'56"E., 333.96 feet distant, and running N.80°41'10"W., 338.48  
feet along the Northerly right-of-way line of Central Ave. to its intersection  
with the Westerly right-of-way line of the A.T. & S.F. Railway Company, said  
intersection point being the south east and beginning corner No. 1 of the tract  
herein set forth running thence

N.80°41'10"W., 132.63 feet along the Northerly right-of-way line of Central Avenue  
west to a point of curve and corner No. 2 of the tract herein set forth thence  
Northwesterly along a curve right having a radius of 50.00 feet a distance along  
arc of 78.55 feet (chord = N.46°46'50"W., 70.72 feet) to the end of said curve  
and corner No. 3 of the tract herein set forth, a point on the Easterly  
right-of-way line of First St. NW thence

N.09°15'30"E., 483.47 feet along said Easterly right-of-way line of said First  
St., NW to its intersection with the Southerly right-of-way line of Tijeras  
Ave., NW and the Northwest corner No. 4 of the tract herein set forth thence

S.81°12'30"E., 182.96 feet to its intersection with said Westerly right-of-way line  
of said Railway and the Northeast corner No. 5 of the tract herein set forth  
thence

S.09°21'30"W., 535.15 feet along said Westerly right-of-way line of said Railway to  
the Southeast corner No. 1 and the place of beginning;

Containing 97,131 square feet, more or less.

WITNESS hand and seal this 18th day of August, 1988

(Seal) URBAN DEVELOPMENT AGENCY (Seal)

(Seal) Mayor of the City of Albuquerque (Seal)  
Development Commission

## ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 18th day of August, 1988

by Richard J. Gomez as  
(Name or Names of Person or Persons Acknowledging)

My commission expires: 4/24/91  
(Seal)

Sandra K. Jones  
Notary Public

## ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by \_\_\_\_\_ (Name of Officer)

\_\_\_\_\_ (Title of Officer) of \_\_\_\_\_ (Name of Corporation Acknowledging)

\_\_\_\_\_ (State of Incorporation) corporation, on behalf of said corporation.

My commission expires:

(Seal) \_\_\_\_\_ Notary Public

FOR RECORDERS USE ONLY

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
FILED FOR RECORD

88 AUG 18 PM 3:13

8K DEBORA PG 884

GLADYS M. DAVIS

NOTARY PUBLIC

② 08881127

QUITCLAIM DEED

237  
N.M.P. 237

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A DELAWARE CORPORATION, HEREINAFTER CALLED GRANTOR (SUCCESSOR IN INTEREST TO THE NEW MEXICO AND SOUTHERN PACIFIC RAILROAD COMPANY) FOR CONSIDERATION PAID QUITCLAIMS TO CITY OF ALBUQUERQUE, A MUNICIPAL CORPORATION, HEREINAFTER SOMETIMES CALLED GRANTEE, WHOSE MAILING ADDRESS IS ONE CIVIC PLAZA, ALBUQUERQUE, NEW MEXICO 87102, THE FOLLOWING DESCRIBED REAL ESTATE AT ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO:

TWO PARCELS OF LAND IN THE CITY OF ALBUQUERQUE, COUNTY OF BERNALILLO, STATE OF NEW MEXICO, BEING A PORTION OF THAT CERTAIN 500-FOOT WIDE PARCEL OF LAND DESCRIBED IN DEED DATED APRIL 9, 1880, TO THE NEW MEXICO AND SOUTHERN PACIFIC RAILROAD COMPANY (PREDECESSOR IN INTEREST TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY) RECORDED IN BOOK "K" OF DEEDS, PAGE 134 ET SEQ., RECORDS OF SAID COUNTY, LYING IN SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF TIJERAS AVENUE, N.W. WITH THE EASTERLY LINE OF FIRST STREET, N.W. (AS SAID AVENUE AND STREET NOW EXISTS) SAID INTERSECTION IS DISTANT NORTH  $86^{\circ}14'22''$  EAST (BEARINGS ASSUMED FOR PURPOSES OF THIS DESCRIPTION), 802.23 FEET FROM ACS BRASS CAP MONUMENT "2-K14 ACS" HAVING NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL ZONE) OF  $Y=1,486,585.75$  AND  $X=380,413.70$  AND FROM WHICH THE ACS BRASS CAP MONUMENT "3-K14 ACS" HAVING NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL ZONE) OF  $Y=1,485,136.24$  AND  $X=380,241.23$  BEARS SOUTH  $6^{\circ}47'08''$  WEST, 1460.20 FEET FROM SAID "2-K14 ACS";

THENCE SOUTH  $81^{\circ}12'30''$  EAST ALONG SAID SOUTHERLY LINE, 230.08 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT WESTERLY, 18.5 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID RAILWAY COMPANY'S, NEW MEXICO DIVISION'S, EL PASO SUBDIVISION NORTH MAIN TRACK;

THENCE SOUTHERLY ALONG SAID PARALLEL LINE 220.28 FEET;

THENCE NORTH  $80^{\circ}52'10''$  WEST, 11.30 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT WESTERLY, 30 FEET, MEASURED AT RIGHT ANGLES FROM SAID CENTERLINE OF MAIN TRACK;

THENCE SOUTHERLY ALONG LAST SAID PARALLEL LINE, 292.79 FEET TO INTERSECTION WITH THE NORTHERLY BOUNDARY OF THAT CERTAIN 0.318 ACRE PARCEL DESCRIBED IN WARRANTY DEED NO. 85805, AS FILED FOR RECORD DECEMBER 12, 1973, IN VOLUME 954 AT PAGE 533 ET SEQ. RECORDS OF SAID COUNTY;

0. 238

THENCE NORTHWESTERLY ALONG SAID NORTHERLY BOUNDARY THE FOLLOWING THREE (3) COURSES:

(1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 268.50 FEET, THROUGH A CENTRAL ANGLE OF  $38^{\circ}37'32''$ , AN ARC DISTANCE OF 181.01 FEET;

THENCE (2) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 58.50 FEET, THROUGH A CENTRAL ANGLE OF  $49^{\circ}45'13''$ , AN ARC DISTANCE OF 50.80 FEET;

THENCE (3) NORTH  $80^{\circ}53'28''$  WEST, 33.28 FEET TO INTERSECTION WITH SAID EASTERLY LINE OF FIRST STREET, N.W.;

THENCE NORTH  $9^{\circ}19'50''$  EAST ALONG SAID EASTERLY LINE, 403.69 FEET TO POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 2.44 ACRES OF LAND, MORE OR LESS.

#### PARCEL II

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF TIJERAS AVENUE, N.F. (AS NOW EXISTS) WITH THE WESTERLY BOUNDARY OF THAT CERTAIN DISPOSITION PARCEL 21 AS DESCRIBED IN WARRANTY DEED NO. 77-15802, AS FILED FOR RECORD MARCH 23, 1977, IN BOOK D27-A, PAGE 816 ET SEQ., RECORDS OF SAID COUNTY, SAID INTERSECTION IS DISTANT NORTH  $89^{\circ}56'35''$  EAST, 1114.33 FEET FROM ACS BRASS CAP MONUMENT "2-K14 ACS" HAVING NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL ZONE) OF  $Y=1,486,985.75$  AND  $X=380,413.70$  AND FROM WHICH THE ACS BRASS CAP MONUMENT "3-K14 ACS" HAVING NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL ZONE) OF  $Y=1,485,136.24$  AND  $X=380,241.23$  BEARS SOUTH  $6^{\circ}47'08''$  WEST, 1460.20 FEET FROM SAID "2-K14 ACS";

THENCE SOUTH  $3^{\circ}30'12''$  WEST ALONG SAID WESTERLY BOUNDARY, 160.75 FEET;

THENCE NORTH  $81^{\circ}12'30''$  WEST, 31.80 FEET;

THENCE NORTH  $9^{\circ}08'30''$  EAST, 160.00 FEET TO INTERSECTION WITH SAID SOUTHERLY LINE OF TIJERAS AVENUE, N.E.;

THENCE SOUTH 81°26'32" EAST ALONG SAID SOUTHERLY LINE,  
16.00 FEET TO POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF  
0.0878 OF AN ACRE OF LAND, MORE OR LESS.

0. 239

A PARCEL OF LAND IN THE CITY OF ALBUQUERQUE, COUNTY OF  
BERNALILLO, STATE OF NEW MEXICO, BEING A PORTION OF THAT  
CERTAIN 100-FOOT WIDE STRIP OF LAND DESCRIBED IN DEED  
DATED AUGUST 4, 1883, TO THE NEW MEXICO AND SOUTHERN  
PACIFIC RAILROAD COMPANY (PREDECESSOR IN INTEREST TO THE  
ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY) RECORDED IN  
BOOK "2" OF DEEDS, PAGE 73 ET SEQ., RECORDS OF SAID  
COUNTY, LYING IN SECTION 20, TOWNSHIP 10 NORTH, RANGE 3  
EAST, NEW MEXICO PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL III

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF  
TIJERAS AVENUE, N.W. (AS NOW EXISTS) WITH THE WESTERLY  
BOUNDARY OF SAID 100-FOOT WIDE STRIP, SAID  
INTERSECTION IS DISTANT NORTH 89°56'35" EAST, 1114.33  
FEET FROM ACS BRASS CAP MONUMENT "2-K14 ACS" HAVING  
NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL  
ZONE) OF Y=1,486,585.75 AND X=380,413.70 AND FROM  
WHICH THE ACS BRASS CAP MONUMENT "3-K14 ACS" HAVING  
NEW MEXICO STATE PLANE COORDINATE VALUES (CENTRAL  
ZONE) OF Y=1,485,136.24 AND X=380,241.23 BEARS SOUTH  
6°47'08" WEST, 1460.20 FEET FROM SAID "2-K14 ACS";

THENCE NORTHERLY ALONG SAID WESTERLY BOUNDARY A  
DISTANCE OF 677.69 FEET TO INTERSECTION WITH THE  
SOUTHERLY LINE OF MARQUETTE AVENUE, N.W. (AS NOW  
EXISTS);

THENCE EASTERLY ALONG SAID SOUTHERLY LINE A DISTANCE  
OF 31.33 FEET TO INTERSECTION WITH A LINE PARALLEL  
WITH AND DISTANT WESTERLY, 18.9 FEET MEASURED AT RIGHT  
ANGLES FROM THE CENTERLINE OF SAID RAILWAY COMPANY'S,  
NEW MEXICO DIVISION'S, EL PASO SUBDIVISION NORTH MAIN  
TRACK;

THENCE SOUTHERLY ALONG SAID PARALLEL LINE A DISTANCE  
OF 677.35 FEET TO INTERSECTION WITH SAID NORTHERLY  
LINE OF TIJERAS AVENUE, N.W.;

THENCE WESTERLY ALONG SAID NORTHERLY LINE A DISTANCE  
OF 31.07 FEET TO POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 0.4854  
OF AN ACRE OF LAND, MORE OR LESS.

GRANTOR EXPRESSLY RESERVES AND EXCEPTS ALL MINERALS CONTAINED IN THE ABOVE DESCRIBED LAND, INCLUDING, WITHOUT LIMITING THE GENERALITY THEREOF, OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, AS WELL AS METALLIC OR OTHER SOLID MINERALS, PROVIDED THAT GRANTOR SHALL NOT HAVE THE RIGHT TO GO UPON OR USE THE SURFACE OF SAID LAND, OR ANY PART THEREOF, FOR THE PURPOSE OF DRILLING FOR, MINING, OR OTHERWISE REMOVING ANY OF SAID MINERALS.

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GRANTOR MAY, HOWEVER, AND HEREBY RESERVES THE RIGHT TO REMOVE ANY OF SAID MINERALS BELOW A DEPTH OF ONE HUNDRED FEET FROM SAID LAND BY MEANS OF WELLS, SHAFTS, TUNNELS OR OTHER MEANS OF ACCESS TO SAID MINERALS WHICH MAY BE CONSTRUCTED, DRILLED OR DUG FROM OTHER LAND, PROVIDED THAT THE EXERCISE OF SUCH RIGHTS BY GRANTOR SHALL IN NO WAY INTERFERE WITH OR IMPAIR THE USE OF THE SURFACE OF THE LAND HEREBY CONVEYED OR OF ANY IMPROVEMENTS THEREON.

GRANTOR RESERVES AN EASEMENT ACROSS THE AREA SHOWN AS SHADED ON THE DRAWING ATTACHED HERETO AS EXHIBIT "I" FOR PURPOSES OF VEHICULAR ACCESS TO GRANTOR'S RAILROAD RIGHT-OF-WAY ADJACENT TO THE PROPERTY, INCLUDING CONSTRUCTION OF GATES (TO BE SECURED WITH LOCKS PROVIDED BY GRANTOR) AT LOCATIONS INDICATED AS POINTS "A", "B", "C" AND "D" ON SUCH EXHIBIT. SAID EASEMENT SHALL INCLUDE THE RIGHT TO ENTER THE SURFACE OF THE PROPERTY AT ANY TIME FOR SAID PURPOSES.

IN WITNESS WHEREOF, THE SAID RAILWAY COMPANY HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS 29<sup>th</sup> DAY OF June, 1988.

BY W.J. Swartz  
ITS PRESIDENT

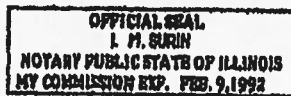
ATTEST:

John Brown

STATE OF ILLINOIS §

COUNTY OF COOK §

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 1st DAY OF July, 1988, BY W.J. SWARTZ, PRESIDENT OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A DELAWARE CORPORATION, ON BEHALF OF SAID CORPORATION.



NOTARY PUBLIC

NOTARY PUBLIC

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DEPUTY

D. E. FILE NO. 64-126-00004

**EXHIBIT "I"**

ATTACHED TO QUITCLAIM DEED BETWEEN  
**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY**  
AND  
**CITY OF ALBUQUERQUE**

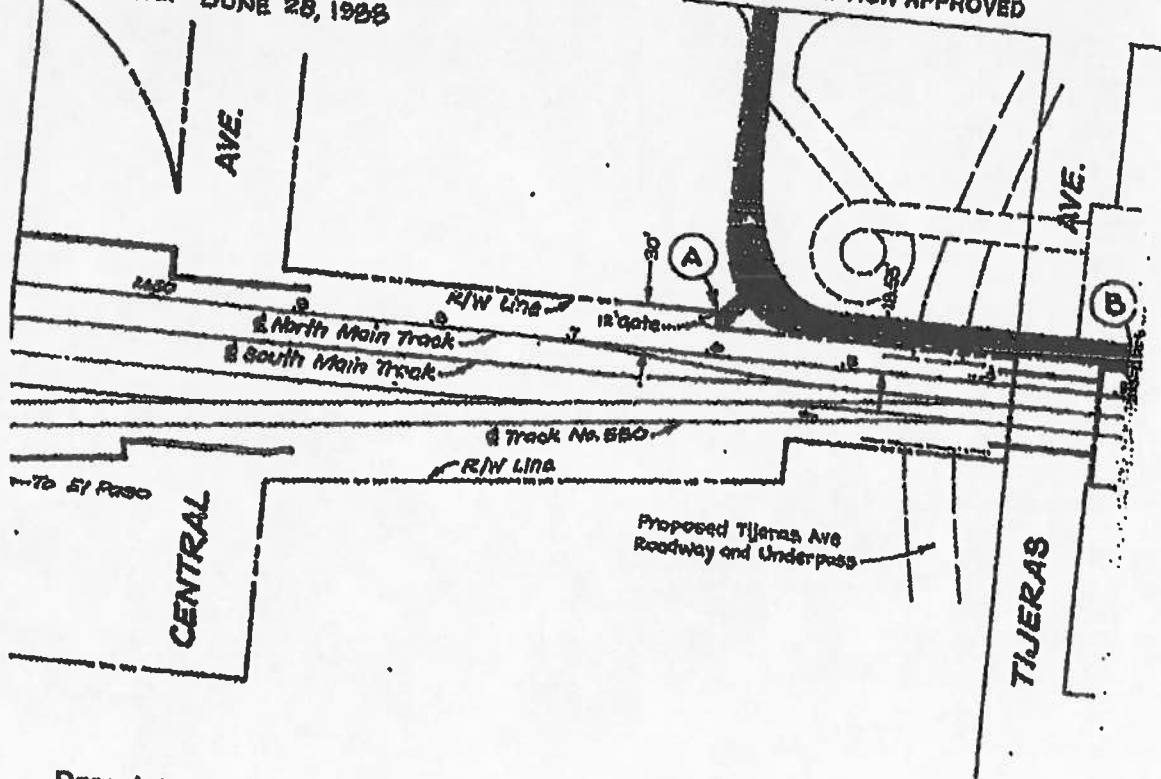
DATED: June 29, 1988

**U. 241**

CHICAGO, ILLINOIS  
SCALE: 1 IN. TO 100 FT.  
NEW MEXICO  
EL PASO  
DIV.  
SUBDIV.

DATE: JUNE 28, 1988

H. G. WEBB  
CHIEF ENGINEER  
DESCRIPTION APPROVED



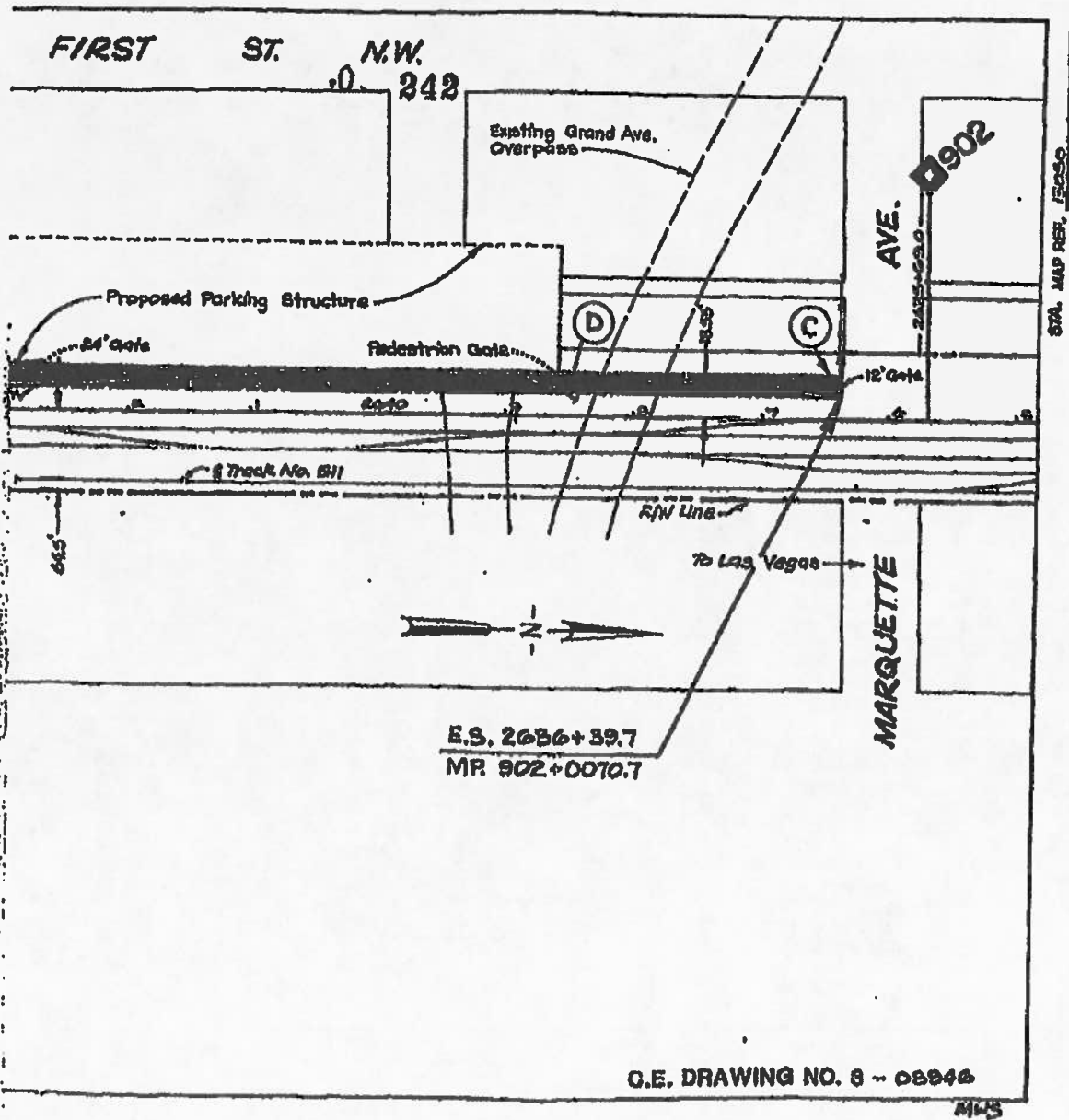
Description: Access roadway with gates as shown hereon shaded.

**ALBUQUERQUE,  
Bernalillo County, NEW MEXICO**

G. NO. \_\_\_\_\_ DIV. FILE NO. \_\_\_\_\_ G. M. FILE NO. \_\_\_\_\_



P.L.S.



After Recording Return To:

Ruth Schiffani  
Modrall Sperling  
500 Fourth St. NW  
Albuquerque, NM 87102



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8423693  
Page: 1 of 11  
83/29/2006 08:48A  
Bk-A113 Pg-6202

**QUIT CLAIM DEED**  
(Belen to Bernalillo Line Sale)

Grantor: BNSF RAILWAY COMPANY

Grantee: New Mexico Department of Transportation

Legal Description: See Exhibit A attached hereto and incorporated herein (the "Property").

Grantor, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and under threat of condemnation, and quit claims to Grantee, the Property, situated in the Counties of Valencia, Bernalillo, and Sandoval, State of New Mexico, together with all after acquired title of the Grantor therein;

EXCEPTING AND RESERVING THEREFROM, the following easements, covenants, conditions and restrictions, which Grantor and Grantee acknowledge and agree shall run with the land and be binding upon the successors and assigns of Grantor and Grantee forever:

(1) Grantor reserves for itself and its successors and assigns an exclusive easement for freight railroad purposes, including, but not limited to, the construction, maintenance, repair, replacement and operation of freight rail and associated facilities, subject to the provisions of the Joint Use Agreement (defined below). Grantor shall have an easement across the Property for utilities serving the Property. If any existing utilities serving the Property need to be relocated in order to accommodate Grantee's development or use of the Property, Grantee shall be responsible for the costs of such relocation in a manner so as not to disrupt service to Grantor at the Property. Grantor shall have an easement to access the Property by Grantor or its contractors to provide fueling service for Amtrak trains.

(2) Grantor and Grantee have entered into that certain Joint Use Agreement dated as of December 8, 2005, as amended (the "Joint Use Agreement") concerning the operation and use of the Property. The terms and conditions of the Joint Use Agreement are incorporated herein as restrictions encumbering the Property as if fully set forth in this instrument and such terms shall be in full force and effect for purposes of this instrument (only) even if the Joint Use Agreement is, for whatever reason, no longer in effect, unless otherwise agreed by the parties in a document signed by both parties and recorded in the real estate records for the Counties of Valencia, Bernalillo, and Sandoval, State of New Mexico.

(3) Grantee must operate any commuter passenger train and related equipment on the Property in a manner that (a) complies with the requirements of 49 C.F.R. Part 238, as such requirements may be amended or waived by the Federal Railroad Administration or any

1 OF 11

successor agencies (collectively, the "FRA"), and (b) uses only trains and other equipment that do not qualify as light rail operations (as determined by the FRA).

(4) Grantor reserves for itself and its successors and assigns a non-exclusive easement for the purpose of accessing and performing any Cure (as defined in that certain Purchase and Sale Agreement between Grantor and Grantee dated as of November 28, 2005, as amended, concerning the Property, the "Sale Contract") of an Identified Condition as contemplated in the Sale Contract or any remediation or other response activities concerning Environmental Loss and Damage (as defined in the Joint Use Agreement) pursuant to the Joint Use Agreement.

(5) Use Restrictions.

(a) The Property shall be used solely for railroad or industrial purposes and shall not under any circumstance be used as the site for any school, educational facility, daycare or child care facility, hospital, health care facility, nursing home, elder care facility, park, recreational facility, or the like.

(b) The Property may be used for commuter rail operations or other passenger operation by or for Grantee only for so long as the Joint Use Agreement is in effect, valid and enforceable in its entirety. All commuter rail or other passenger operations by or for Grantee shall be suspended should the Joint Use Agreement ever be deemed or interpreted to be other than valid, binding and enforceable in its entirety until such time as the Grantor and the Grantee reach a mutually acceptable substitute agreement with which to replace the Joint Use Agreement.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Deed as of the 17<sup>th</sup> day of March, 2006.

BNSF RAILWAY COMPANY

By Rubén E. Wacha  
Its Vice President

NEW MEXICO DEPARTMENT OF  
TRANSPORTATION

By Theresa M. Gauglet  
Its Secretary

Approved as to form by NMDOT's Office of General Counsel:

By: Reynold E. Lomen Date: 3-17-06  
Title: General Counsel



Rary Herrera

Bern. Co. GCO

R 28.09

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Page: 2 of 11  
03/28/2006 08:40A  
Bk-A113 Pg-0202

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

This instrument was acknowledged before me on March 17, 2006 by  
Richard Weicher as Vice President of BNSF Railway  
Company, a Delaware corporation.

(Seal)

Kathleen T Allen  
Notary Public

My commission expires: 05-07-06

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

This instrument was acknowledged before me on March 17, 2006 by  
Rhonda Fought as Secretary of NEW MEXICO DEPARTMENT  
OF TRANSPORTATION, a corporation.

(Seal)

Kathleen T Allen  
Notary Public

My commission expires: 05-07-06



Nary Herrera

Bern. Co. QCD

R 29.00

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Page: 3 of 11  
63/29/2006 08:46A  
Bk-A113 Pg-8202

## EXHIBIT A

All that portion of BNSF Railway Company's (formerly The Atchison, Topeka and Santa Fe Railway Company) Bernalillo (MP 883.49) to Belen (MP 932.48), New Mexico Branch Line right of way, varying in width on each side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across Sandoval County, Bernalillo County and Valencia County, New Mexico, more particularly described as follows, to-wit:

### SANDOVAL COUNTY

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Main Track centerline upon, over and across the S $\frac{1}{4}$ SW $\frac{1}{4}$  Section 21, the W $\frac{1}{2}$  of Section 28, the SE $\frac{1}{4}$  of Section 29, the NE $\frac{1}{4}$ , the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of Section 32, all in Township 13 North, Range 4 East, N. M. P. M., bounded on the North by a line drawn at right angles to said Main Track centerline at a point 800.0 feet Northeasterly from the South line of said Section 21, as measured along said Main Track centerline (MP 883.49), and bounded on the South by the Northerly end of the 300.0 foot wide Station Ground property at Bernalillo, New Mexico; also,

All that portion of said Railway Company's 300.0 foot wide Station Ground property at Bernalillo, New Mexico, being 100.0 feet wide on the Northwestern side and 200.0 feet wide on the Southeastern side of said Main Track centerline, as now located and constructed upon, over and across Sections 5 and 6, Township 12 North, Range 4 East, EXCEPTING THEREFROM, that portion lying Easterly of a line drawn parallel with and 8.5 feet normally distant Easterly from said Railway Company's Siding Track centerline, as now located and constructed, and lying Easterly of a line drawn parallel with and 50.0 feet normally distant Easterly from said Main Track centerline; also,

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across Section 6 and Section 7, all in Township 12 North, Range 4 East, the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 12, the E $\frac{1}{2}$  of Section 13, Section 24, Section 25, the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, and Section 35, all in Township 12 North, Range 3 East, bounded on the Northeast by the Southerly boundary of the 300.0 foot wide Station Ground property at Bernalillo, New Mexico, and bounded on the South by the South line of said Section 36, Township 12 North, Range 3 East, also being the South line of Sandoval County.

### BERNALILLO COUNTY

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline upon, over and across the W $\frac{1}{2}$  of Section 2, the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, the E $\frac{1}{2}$  and the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10, the W $\frac{1}{2}$  of Section 15, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 22, the E $\frac{1}{2}$  of Section 21, the E $\frac{1}{2}$  and the E $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28, and the W $\frac{1}{2}$  of Section 33, all in Township 11 North, Range 3 East, bounded on the North by the North line of said Section 2, also being the North line of Bernalillo County, and bounded on the South by the South line of said Section 33; also,

An additional parcel of land lying contiguous to and Westerly of the hereinabove described 100.0 foot wide Branch Line right of way, being a part of Town of Alameda Grant in the SE $\frac{1}{4}$  of said Section 10, Township 11 North, Range 3 East, described as follows:

Commencing at the Northwest corner of the Elena Callegos Grant; thence South 05° 30' West a distance of 3,961.2 feet to a point 50 feet normally distant Northwesterly from said Main Track centerline and on



the Westerly line of said 100.0 foot wide Branch Line right of way; thence South 11° 13' West along said Westerly right of way line a distance of 47.1 feet to the True Point of Beginning; thence continuing South 11° 13' West along said Westerly right of way line 91.0 feet; thence North 85° 50' West, 50.4 feet; thence North 11° 13' East, 91.0 feet; thence South 85° 50' East, 50.4 feet to the True Point of Beginning.

ALSO,

An additional parcel of land lying contiguous to and Westerly of the hereinabove described 100.0 foot wide Branch Line right of way, being a part of Town of Alameda Grant in the SE¼ of said Section 10, Township 11 North, Range 3 East, described as follows:

Commencing at the Northwest corner of the Elena Gallegos Grant; thence South 05° 30' West a distance of 3,961.2 feet to a point 50 feet normally distant Northwesterly from said Main Track centerline and on the Westerly line of said 100.0 foot wide Branch Line right of way; thence South 11° 13' West along said Westerly right of way line a distance of 289.7 feet to the True Point of Beginning; thence continuing South 11° 13' West along said Westerly right of way line 315.0 feet; thence North 86° 30' West, 50.5 feet; thence North 11° 13' East parallel with and 100.0 feet normally distant Westerly from said Main Track centerline a distance of 315.0 feet; thence South 86° 30' East to the True Point of Beginning.

ALSO,

All of BNSF Railway Company's right, title and interest in the 50.0 foot wide Alameda Industrial Loop right of way, being 25.0 feet wide on each side of said Railway Company's spur track centerline, as now located and constructed upon, over and across Sections 14, 15, 22 and 23, all in Township 11 North, Range 3 East; also,

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline upon, over and across the W¼ of Section 4, the SE¼SE¼ of Section 5, the E¼ of Section 8, the E¼ of Section 17, and the NW¼NE¼ of Section 20, all in Township 10 North, Range 3 East, bounded on the North by the North line of said Section 4, and bounded on the South by the Southerly right of way line of Tijeras Avenue in the City of Albuquerque, New Mexico, EXCEPTING THEREFROM, that portion lying Westerly of a line drawn parallel with and 18.5 feet normally distant Westerly from said Railway Company's most Westerly Main Track centerline, as now located and constructed, bounded on the North by the Southerly right of way line of Marquette Avenue, and bounded on the South by the Northerly right of way line of Tijeras Avenue; also,

All that portion of said Railway Company's 60.0 foot wide Old Sawmill Spur Track No. 45 right of way, being 15.0 feet wide on the Southerly side and 45.0 feet wide on the Northerly side of said Spur Track No. 45 centerline upon, over and across the S¼S¼ of said Section 8, and the N¼NE¼ of said Section 17, all in Township 10 North, Range 3 East, bounded on the East by the Westerly line of the hereinabove described 100.0 foot wide Branch Line right of way, and bounded on the West by the Westerly right of way line of Eighth Street NW in the City of Albuquerque, EXCEPTING THEREFROM, that portion of said 60.0 foot wide lying Northerly of a line drawn parallel and concentric with and 12.0 feet normally distant Northeasterly from said spur track centerline, bounded on the East by the Westerly line of First Street NW, and bounded on the West by the Easterly line of Second Street NW.

ALSO,

A tract of land situated in the SE¼SE¼ of Section 7, and the SW¼ of Section 8, all in Township 10 North, Range 3 East, described as follows:



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Commencing at the point of intersection of the East line of 12<sup>th</sup> Street NW with the Northerly line of Sawmill Road NW; thence North 13° 37' East along said East line of 12<sup>th</sup> Street NW a distance of 1221.56 feet, more or less, to the northwesterly corner of a tract of land described in deed recorded in Volume 104, Folio 663 of the records of said county and the True Point of Beginning; thence continuing North 13° 37' East 147 feet, more or less, to the northerly line of a tract of land acquired by Santa Fe Land Improvement Company from Breece Lumber Company; thence South 80° 12' East along said northerly line a distance of 852 feet, more or less, to corner No. 6 of said tract acquired from Breece Lumber Company; thence South 15° 58' West along the west line of 8<sup>th</sup> Street NW (formerly Sawmill Road) a distance of 55 feet, more or less, to a point; thence North 88° 01' 43" West, and parallel with and 10 feet normally distant southerly from said Railway Company's Track No. 47 centerline, a distance of 170 feet, more or less, to a point of curve; thence southwesterly along a line concentric with and 10 feet southerly from said Track No. 47 centerline, along a curve concave southeasterly having a radius of 563.68 feet a distance of 385 feet, more or less; thence North 52° 19' West, 17 feet; thence North 76° 23' West, 4 feet, more or less, to the point 10 feet northwesterly from said Track No. 47 centerline; thence North 76° 23' West along the north line of that certain 7.52 acre tract of land described in Warranty Deed dated December 28, 1949 from Santa Fe Land Improvement Company to G. L. Schreiber and C. J. Myers a distance of 338.10 feet, more or less, to the East line of 12<sup>th</sup> Street NW; thence North 13° 37' East along said East line of 12<sup>th</sup> Street NW to the True Point of Beginning.

**ALSO,**

All of Tracts "A", "G" and "H" as described in Warranty Deed dated September 24, 1951 from Santa Fe Land Improvement Company to The Atchison, Topeka and Santa Fe Railway Company recorded November 2, 1951 in Volume 189, Folio 663 of the records of said county; also,

A 44.0 foot wide strip of land lying between two lines drawn parallel with and distant, respectively, 151 feet and 195 feet Westerly, as measured at right angles from the West line of 12<sup>th</sup> Street NW, bounded on the North by the South line of Aspen Avenue NW, and bounded on the South by the North line of Bellamah Avenue NW;

A railroad easement containing 0.8807 of an acre granted by the City of Albuquerque, New Mexico to BNSF Railway Company situated in projected Sections 7 and 18, Township 10 North, Range 3 East, N.M.P.M., being a portion of "DUKE CITY LUMBER COMPANY ADDITION IN THE CITY OF ALBUQUERQUE, NEW MEXICO", recorded in Book A95, page 1598 in and for said county; also,

A 17 foot wide railroad easement containing 0.2078 of an acre situated in projected Section 7, Township 10 North, Range 3 East, N.M.P.M., being a portion of "DUKE CITY LUMBER COMPANY ADDITION IN THE CITY OF ALBUQUERQUE, NEW MEXICO", said railroad easement is from the City of Albuquerque, New Mexico to BNSF Railway Company, being an assignment of that certain railroad easement dated September 19, 2003 and filed on October 24, 2003 as Document No. 2003195059 in Book A67, page 4653 in and for said county granted by ABQ Real Estate, L.L.C. to the City of Albuquerque; also,

That certain railroad easement from GE Capital Corporation to the Sawmill Community Land Trust dated November 12, 2003 and filed on December 12, 2003 as Document No. 2003215766 in Book A69, page 5310 in and for said county, and assign from The Sawmill Community Land Trust to BNSF Railway Company; also,

The West 14½ feet of Lots 1 thru 27, Block 1, and the West 14½ feet of Lots 1 thru 16, Block 2, all in Commercial Addition to the City of Albuquerque, New Mexico; also,



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That portion of said Railway Company's Branch Line right of way, varying in width on each side of said Main Track centerline upon, over and across Section 20, Township 10 North, Range 3 East, described as follows:

Beginning at a point on the Southerly right of way line of Tijeras Avenue 18.5 feet normally distant Westerly from said Railway Company's most Westerly Main Track centerline, as now located and constructed; thence Southerly parallel with said Main Track centerline 220.28 feet; thence North 80° 52' 10" West, 11.50 feet to the intersection with a line parallel with and 30.00 feet normally distant Westerly from said Main Track centerline; thence Southerly along the last described parallel line to the Northerly right of way line of Central Avenue; thence Westerly along said Northerly right of way line to the Easterly right of way line of First Street NW; thence Southerly along said Easterly right of way line 80 feet to the Southerly right of way line of Central Avenue; thence Easterly along said Southerly right of way line to the Northeast corner of that certain 6.5418 acres of land described in Special Warranty Deed dated December 28, 1989 from The Atchison, Topeka and Santa Fe Railway Company to Santa Fe Pacific Realty Corporation; thence along the Easterly boundary of said 6.5418 acres, South 09° 08' 50" West, 999.06 feet to an angle point; thence South 06° 58' 37" East, 6.98 feet to an angle point; thence South 09° 08' 50" West, 362.03 feet to the Southeast corner of said 6.5418 acres on the Northerly right of way line of Coal Avenue; thence continuing Southerly along the last described course to the Southerly right of way line of Coal Avenue; thence Easterly along said Southerly right of way line to the intersection with a line drawn parallel with and 8.5 feet normally distant Westerly from said Railway Company's most Westerly Main Track centerline; thence Southerly along said parallel line to the South line of said Section 20; thence East along said South line 101 feet, more or less, to said Railway Company's Easterly property line; thence Northerly along said Easterly property line, being a line parallel with and 60 feet normally distant Westerly from the Easterly right of way line of Commercial Street, a distance of 550 feet, more or less, to the Northerly right of way line of Pacific Avenue; thence West along said Northerly right of way line 20 feet, more or less, to said Railway Company's Easterly property line; thence Northerly along said Easterly property line, being parallel with and 50.0 feet normally distant Easterly from said Railway Company's most Westerly Main Track centerline, a distance of 510 feet, more or less, to the intersection with the Northwestern right of way line of Commercial Street; thence South 54° 21' 13" West to the intersection with a line drawn parallel with and 8.5 feet Easterly, as measured at right angles from said Railway Company's most Easterly Main Track centerline, as now located and constructed; thence North 09° 24' 11" East along the last described parallel line a distance of 2,863.74 feet to a point on the Southerly line of Central Avenue; thence South 81° 04' 24" East along said Southerly line of Central Avenue a distance of 230 feet, more or less, to the Northeast corner of that certain 1.0 acre parcel of land described in Quitclaim Deed dated December 7, 1988 from The Atchison, Topeka and Santa Fe Railway Company to Graham Paper Company Building Partnership; thence Northerly along said Railway Company's Easterly property line to the Northerly right of way line of Central Avenue; thence Westerly along said Northerly right of way line 142.65 feet to the Southwest corner of Parcel 23-7, Tract "B" described in Warranty Deed dated March 22, 1972 from The Atchison, Topeka and Santa Fe Railway Company to Urban Development Agency of the City of Albuquerque; thence North 03° 43' 55" East along the Westerly line of said Parcel 23-7, Tract "B" a distance of 370 feet, more or less, to the Southeast corner of Parcel II described in Quitclaim Deed dated June 29, 1988 from The Atchison, Topeka and Santa Fe Railway Company to City of Albuquerque; thence Westerly 31.80 feet to the Southwest corner of said Parcel II; thence Northerly along the West line of said Parcel II a distance of 160 feet to the Southerly right of way line of Tijeras Avenue; thence Westerly along said Southerly right of way line to the Point of Beginning.

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That portion of said Railway Company's Branch Line right of way at Albuquerque, New Mexico, varying in width on each side of said Railway Company's Main Track centerline upon, over and across Sections 29 and 32, all in Township 10 North, Range 3 East, described as follows:

Beginning at a point on the North line of said Section 29 distant 8.5 feet Westerly, as measured at right angles from said Railway Company's most Westerly Main Track centerline; thence Southerly parallel with said most Westerly Main Track centerline to the intersection with a line drawn perpendicular to said most Westerly Main Track centerline at a point 550.0 feet Northerly from the centerline of Woodward Avenue, as measured along said most Westerly Main Track centerline (MP 904.6); thence Easterly along said perpendicular line to the Easterly line of said Railway Company's 100.0 foot wide Branch Line right of way; thence Northerly along said Easterly right of way line to the Northerly line of Trumbull Avenue; thence Easterly along said Northerly line 20 feet, more or less, to said Railway Company's Easterly right of way line; thence Northerly along said Easterly right of way line to the North line of said Section 29; thence Westerly along said North line to the Point of Beginning.

ALSO,

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline upon, over and across the S½ of said Section 32, Township 10 North, Range 3 East, the W½ of Section 5, the E½SE¼ of Section 6, the E½ of Section 7, the E½ of Section 18, the W½E½ and the SE¼SW¼ of Section 19, the NW¼NW¼NE¼ and the E½W½ of Section 30, and the W½ of Section 31, all in Township 9 North, Range 3 East, and the W½ of Section 6, and the NW¼ of Section 7, all in Township 8 North, Range 3 East, bounded on the North by a line drawn perpendicular to Main Track centerline at a point 550.0 feet Northerly from the centerline of Woodward Avenue, as measured along said Main Track centerline (MP 904.6), and bounded on the Southwest by the West line of said Section 7, Township 8 North, Range 3 East; also,

That portion of the S½SE¼ of said Section 32, Township 10 North, Range 3 East, described as follows:

Beginning at the Southeast corner of the SW¼SE¼ of said Section 32; thence North along the East line of said SW¼SE¼ a distance of 200.0 feet; thence West parallel with the South line of said Section 32 a distance of 2048.7 feet to the Southeast corner of that certain 1.056 acres of land granted to United States of America under Civil Action No. 3609 filed for record September 16, 1958 at Albuquerque, New Mexico, said point bearing North 86° 46' West, 3375.02 feet from the Southeast corner of said Section 32; thence North 66° 53' 30" West, 100.62 feet; thence North 04° 32' 30" East along the Westerly line of said 1.056 acre parcel of land a distance of 671.72 feet to the Northwest corner thereof; thence West parallel with the South line of said Section 32 a distance of 485 feet, more or less, to the intersection with a line drawn parallel and concentric with and 25.0 feet normally distant Easterly from said Railway Company's Air Force Base Lead Track centerline; thence Northerly and Northwesterly along said parallel and concentric line, also being said Railway Company's Easterly property line, to the Southeast corner of that certain 0.49 of an acre parcel of land described in Warranty Deed dated October 26, 1967 from Schwartzman Packing Company to The Atchison, Topeka and Santa Fe Railway Company; thence North 30° 01' East, 41.40 feet, more or less, to a angle point in the West property line of Middle Rio Grande Conservancy, San Jose Lateral; thence North 09° 50' East along said West property line 236.83 feet to the South right of way line of Woodward Avenue SE; thence North 85° 27' 30" West along said South right of way line 68.36 feet; thence South 04° 32' 30" West, 100.0 feet; thence North 85° 27' 30" West, 88.30 feet to said Railway Company's Northeasterly property line; thence Northerly along said Northeasterly property line to the intersection with the Easterly line of the hereinabove described 100.0 foot wide Branch Line right of way on the North side of Woodward Avenue; thence Southerly along said Easterly right of way line to the intersection with a line drawn parallel and concentric with and 8.5 feet normally distant Westerly from said Railway Company's Air Force Base Lead Track centerline, as now located and



constructed; thence Southeasterly along said parallel and concentric line to the intersection with the Southerly extension of the Westerly line of said 1.056 acre parcel of land; thence South 04° 32' 30" West along said Southerly extension to the South line of said Section 32; thence East along said South line to the Point of Beginning, **RESERVING**, however, unto Grantor, its successors and assigns, and any designees, a 20 foot wide non-exclusive roadway easement, being 10 feet wide on each side of the centerline of an existing roadway located upon, over and across the South 200 feet of the hereinabove described premises, for the construction, maintenance and use of a roadway thereon for ingress and egress by the Grantor, its successors and assigns, and any designees, together with the Grantee, to and from adjacent property of the Grantor. To have and to hold said easement for so long as same shall be used for roadway purposes and until said Grantor, its successors or assigns, shall cease use for roadway purposes with the intent to abandon said easement.

**ALSO,**

All of said Railway Company's right, title and interest, if any, for railroad spur tracks by trackage agreement or contract, but for no real estate, within the Kirtland Air Force Base at Albuquerque, New Mexico; also,

An additional 30.0 foot wide strip of land lying contiguous to and Easterly of the hereinabove described 100.0 foot wide Branch Line right of way, situated in the NW¼ of said Section 6, Township 8 North, Range 3 East, and the W½ of said Section 31, Township 9 North, Range 3 East, being the West one-half of old New Mexico State Highway 47 vacated August 19, 1975 by Bernalillo County Commission Ordinance No. 307, and extending Southwesterly from the North boundary of Tract 17a, MRGCD Map No. 58 a distance of 3,283.84 feet to a point where said Highway 47 angles to the East, excepting therefrom Barr Canal; also,

All of said Railway Company's right, title and interest, in that certain 40 foot wide drainage easement and right of way known as Barr Canal, situated in the NE¼SW¼ of said Section 31, Township 9 North, Range 3 East, as described in deed dated June 30, 1908 from Manuel Lopez and wife to The Atchison, Topeka and Santa Fe Railway Company; also,

Two additional 100.0 foot wide strip of land lying contiguous to and on each side of the hereinabove described 100.0 foot wide Branch Line right of way, situated in the W½ of said Section 6, Township 8 North, Range 3 East, bounded by two lines drawn at right angles to said Main Track centerline distant, respectively, 2,652.7 feet and 4,683.7 feet Southerly from the North line of said Section 6, as measured along said Main Track centerline, **EXCEPTING THEREFROM**, that certain parcel of land described in Quitclaim Deed dated November 14, 1986 from The Atchison, Topeka and Santa Fe Railway Company to Jesse K. Karler and Lavanda J. Karler; also,

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline upon, over and across Section 12, the NW¼NE¼ and the W½ of Section 13, the SE¼SE¼ of Section 14, the Section 23, the NW¼ of Section 26, the SE¼NE¼ and the SE¼ of Section 27, and the NW¼NE¼ and the W½ of Section 34, all in Township 8 North, Range 2 East, bounded on the Northeast by the East line of said Section 12, and bounded on the Southwest by the South line of said Section 34, also being the South line of Bernalillo County; also,

That portion of the Station Ground property at Isleta, New Mexico, situated in said Section 23, Township 8 North, Range 2 East within Pueblo De Isleta, being a portion of that certain parcel of land described indenture dated June 17, 1902 from Pueblo De Isleta to Santa Fe Pacific Railroad Company (predecessor



in interest to The Atchison, Topeka and Santa Fe Railway Company), recorded July 17, 1902 in Volume 33 of Deed Records at page 233, Records of said County, described as follows:

Beginning at the Northeast corner of said Station Ground property, said point being 50.0 feet normally distant Northwesterly from said Main Track centerline; thence North 70° 24' West, along the Northerly boundary of said Station Ground property a distance of 25.0 feet to the Northeast corner of that certain 10.70 acres, more or less, parcel of land described in Quitclaim Deed dated January 22, 1987 from The Atchison, Topeka and Santa Fe Railway Company to The Pueblo of Isleta; thence South 19° 36' West along the Easterly boundary of said 10.70 acres of land, and parallel with said Main Track centerline, a distance of 153.53 feet; thence South 28° 30' East along the Easterly boundary of said 10.70 acres of land a distance of 900.0 feet; thence South 61° 30' East, leaving the Easterly boundary of said 10.70 acres of land, a distance of 173 feet, more or less, to the intersection with a line drawn parallel with and 50.0 feet normally distant Northwesterly from said Main Track centerline; thence North 19° 30' East along said parallel line to the Point of Beginning.

#### VALENCIA COUNTY

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline upon, over and across the W½ of Section 3, the W½NW¼ of Section 10, the E½E½ of Section 9, the E½ of Section 16, the E½ and the SE¼SW¼ of Section 21, and the N¼ of Section 28, all in Township 7 North, Range 2 East, bounded on the North by the North line of said Section 3, also being the North line of Valencia County, and bounded on the South by the Northerly line of the Station Ground property at Los Lunas, New Mexico, as described in Warranty Deed from R. J. Luna and wife, et al to The New Mexico & Southern Pacific Railroad Co., recorded March 10, 1880 in Book A of records of deeds and conveyances, pages 279-281 in and for Valencia County; also,

All of said Railway Company's Station Ground property at Los Lunas, New Mexico, situated in Section 28, Township 7 North, Range 2 East, as described in Warranty Deed from R. J. Luna and wife, et al to The New Mexico & Southern Pacific Railroad Co., recorded March 10, 1880 in Book A of records of deeds and conveyances, pages 279-281 in and for Valencia County; also,

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline upon, over and across the SW¼ of said Section 28, and the W½ of Section 33, all in Township 7 North, Range 2 East, the W½W½ of Section 4, the E½SE¼ of Section 5, the E½ of Section 8, the E½ of Section 17, Section 20, the W½ of Section 29, the W½W½ of Section 32, and the E½SE¼ of Section 31, all in Township 6 North, Range 2 East, the E½ of Section 6, and the E½ of Section 7, all in Township 5 North, Range 2 East, bounded on the North by the Southerly boundary of the Station Ground property at Los Lunas, New Mexico, as described in Warranty Deed from R. J. Luna and wife, et al to The New Mexico & Southern Pacific Railroad Co., recorded March 10, 1880 in Book A of records of deeds and conveyances, pages 279-281 in and for Valencia County, and bounded on the South by a line drawn perpendicular to said Main Track centerline at a point 810.0 feet Northerly from the centerline of East Ross Avenue in the City of Belen, New Mexico, as measured along the Original Main Track centerline, said perpendicular line being at MP 932.10; also,

The Easterly 35.0 feet of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Original Main Track centerline upon, over and across



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Sections 7 and 18, Township 5 North, Range 2 East, bounded on the South by the centerline of East Ross Avenue in the City of Belen, New Mexico, and bounded on the North by a line drawn perpendicular to said Original Main Track centerline at a point 810.0 feet Northerly from the centerline of East Ross Avenue in the City of Belen, New Mexico, as measured along said Original Main Track centerline, said perpendicular line being at MP 932.10; also,

That portion of said Railway Company's Station Ground property at Belen, New Mexico, situated in said Section 18, Township 5 North, Range 2 East, lying Easterly of a line drawn parallel and concentric with and 45.0 feet normally distant Easterly from said Railway Company's most Easterly Main Track centerline, as now located and constructed, bounded on the North by the centerline of East Ross Avenue in the City of Belen, New Mexico, bounded on the South by a line drawn parallel and concentric with 25.0 feet Northerly from the centerline of the Reinken Avenue viaduct at MP 932.48, and bounded on the East by said Railway Company's Easterly property line.

Bernalillo to Belen, NM Description Revised December 13, 2005

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