

WITHIN

SECTION 5, TOWNSHIP 10 NORTH, RANGE 4 EAST

NEW MEXICO PRINCIPAL MERIDIAN

CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO

JANUARY, 2015

LEGAL DESCRIPTION

Tract A-3-A of Plat of Tract A-3-A and A-3-B, SIERRA VISTA SHOPPING CENTER within Section 5, Township 10 North, Range 4 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 11, 2005, recorded in Book 2005G, page 97.

Said tract contains 14.2325 acres, more or less

FREE CONSENT AND DEDICATION

SURVEYED and REPLATED and now comprising PLAT OF TRACTS A-3-A-1 AND A-3-A-2, SIERRA VISTA SHOPPING CENTER (BEING A REPLAT OF TRACT A-3-A, SIERRA VISTA SHOPPING CENTER) WITHIN SECTION 5, TOWNSHIP 10 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof, Said owner(s) and proprietor(s) do hereby warrant that they hold among them complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and proprietor(s) do hereby grant the easements as shown hereon. Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

OWNERS)

CPP Sierra Vista LLC, a Delaware limited liability company

By: CPP Cottonwood Commons LLC, an Ohio limited liability company, its sole member

By: CPP Manager LLC, an Ohio limited liability company, its Managing Member

By: Columbus Pacific Properties, Ltd., an Ohio limited liability company, its Manager

By: Brian Shirken _____

ACKNOWLEDGEMENT:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

On _____, 2015 before me, Tanja A. Nielsen, Notary Public, personally appeared Brian Shirken, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature (Seal)

JURAT FORM:
State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 2015, by Brian Shirken, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature _____ (Seal)

EXISTING EASEMENT LEGEND

(A) Underground Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico and Mountain States Telephone and Telegraph Company dated June 15, 1978, Recorded: June 20, 1978, as Instrument No. 1978-044525, in Book Misc. 617, page 60, in the Official Records of Bernalillo, New Mexico.

Said easements having been partially released by Public Service Company of New Mexico by Waiver and Release of Easement, filed January 18, 1982, recorded in Book Misc. 904, page 61, as Document No. 1982-002756, records of Bernalillo County, New Mexico.
(Waived and released portions not plotted hereon)

(B) Underground Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico and Mountain States Telephone and Telegraph Company dated May 21, 1980, Recorded: July 11, 1980, as Instrument No. 1980-039349, in Book Misc. 784, page 733, in the Official Records of Bernalillo County, New Mexico.

(C) Utility easement reserved across the most Northerly Seven (7) feet, across the Easterly and Westerly Five (5) feet, traversing the Southerly portion of the insured premises, Thirty (30) feet in width, an Underground Power & Communication easement traversing the insured premises Ten (10) feet in width, as shown on the recorded plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on July 5, 1979, in Plat Book D9, folio 146, and Plat filed March 11, 2005, in Plat Book 2005G, folio 97. Said easements having been partially released by Public Service Company of New Mexico by Waiver and Release of Easement, filed January 18, 1982, recorded in Book Misc. 904, page 59, as Document No. 1982-002755, records of Bernalillo County, New Mexico.

(D) Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico and Mountain States Telephone and Telegraph Company dated December 29, 1981, Recorded: January 19, 1982, as Instrument No. 1982-005011, in Book Misc. 904, page 343, in the Official Records of Bernalillo, New Mexico.

(E) Reciprocal Easements Agreement dated October 2, 1978, by and among Sierra Vista Partnership, a New Mexico General Partnership and H. Griffin Pickard, Jr., and Carolyn J. Pickard, his wife, filed October 2, 1978, in Book Misc. 641, page 949, as Document No. 1978-0722915, records of Bernalillo County, New Mexico. (Affects Property—Blanket in nature. Adjoining areas along south boundary noted hereon)

(F) Underground Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico and US West Communications, Inc., dated September 20, 1993, Recorded: November 10, 1993, as Instrument No. 1993-127191, in Book 93-32, page 1314, in the Official Records of Bernalillo County, New Mexico.

(G) Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico, Recorded: June 20, 2005, as Instrument No. 2005-087150, in Book A98, page 6886, in the Official Records of Bernalillo County, New Mexico.

(H) Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico, dated May 20, 2005, Recorded: June 29, 2005, as Instrument No. 2005-092708, in Book A99, page 2420, in the Official Records of Bernalillo County, New Mexico.

(J) Easement(s) and rights incidental thereto granted to Public Service Company of New Mexico, dated May 20, 2005, Recorded: June 29, 2005, as Instrument No. 2005-092709, in Book A99, page 2421, in the Official Records of Bernalillo County, New Mexico.

(K) Permanent Easement between Sierra Vista Associates, LLC, and the City of Albuquerque, a New Mexico municipal corporation, filed September 17, 2010, as Document No. 2010-093456, records of Bernalillo County, New Mexico.

SECTION 14-14-4-7 PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS

"No property within the area of this plat shall at any time be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of proposed plat. The foregoing requirement shall be a condition to approval of this plat."

EXISTING EASEMENTS AND AGREEMENTS

- Easements Agreement by Sierra Vista Partnership, a New Mexico General Partnership and Eugene E. Kiecon and Jane E. Kiecon, his wife, filed January 2, 1979, recorded in Book Misc. 660, page 569, as Document No. 1979-000256, records of Bernalillo County, New Mexico.
- Drainage Agreement executed by and between Nielsen Enterprises, Inc., a Delaware corporation; The Eubank and Montgomery Land Partnership; and the City of Albuquerque, a Municipal Corporation, filed November 21, 1983, in Book Misc. 654, page 968, as Document No. 1983-080092, records of Bernalillo County, New Mexico.
- Declaration of Easements, Covenants and Restrictions, dated January 12, 2005, by Sierra Vista Associates, LLC, an Arizona limited liability company, filed January 18, 2005, in Book A90, page 8369, as Document No. 2005-008394, records of Bernalillo County, New Mexico.

DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY:

- Plat entitled "Plat of Tract A-3-A and A-3-B, SIERRA VISTA SHOPPING CENTER within Section 5, Township 10 North, Range 4 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 11, 2005, recorded in Book 2005G, page 97.
- Plat of Tracts B-2 and E, of the Revised and Amended Plat of Tracts lettered "A-3", "B-2" and "E", SIERRA VISTA SHOPPING CENTER, Albuquerque, New Mexico, as the same is shown and designated on the Plat of said Subdivision, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on July 5, 1979, in Plat Book D9, folio 146.
- Plat entitled "SIERRA VISTA TOWNHOUSES, REPLAT OF TRACT D, A TRACT OF SIERRA VISTA SHOPPING CENTER, LOTS 1-5" Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on August 2, 1982, recorded in Book C20, page 5.
- Plat entitled "REPLAT OF LOT 10-A COMPRISING A REPLAT OF LOT 10 AND A PORTION OF THE WEST HALF OF PARSIFAL ST. OF THOMAS ADDITION, BLOCK 23", as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on January 16, 1985, recorded in Book C26, page 34.
- Plat entitled "PLAT OF PARSIFAL TOWNHOUSES, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on April 21, 1997, recorded in Book 97C, page 115.
- Commitment for Title Insurance prepared for this property by FT000141499-Title, Insurance Company, Commitment Number FT000141499-Title, dated September 9, 2013.
- Unrecorded ALTA/ACSW Land Title Survey entitled "ALTA/ACSW LAND TITLE SURVEY TRACTS A-3A, B-2 & E, SIERRA VISTA SHOPPING CENTER", performed by Anthony Harris, New Mexico Professional surveyor number 11463, dated March 2012.