

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

01/19/2010 Issued By: E08375 65984

Permit Number: 2010 070 023

Category Code 910

Application Number: 10DRB-70023, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: ASPEN AVE BETWEEN MILL POND RD AND 12TH ST

Project Number: 1004778

Applicant
Robert Crawford

1623 Aspen Ave Nw
Albuquerque NM 87104
243-7883

Agent / Contact
The Survey Office, Llc

333 Lomas Blvd Ne
Albuquerque NM 87102
898-0303

Application Fees

441018/4871000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$285.00
TOTAL:		\$305.00

City Of Albuquerque
Treasury Division

1/19/2010 10:20AM LOC: ANNX
WS# 007 TRANS# 0003
RECEIPT# 00125933-00125933
PERMIT# 2010070023 TRSLJS
Trans Amt \$305.00
Conflict Manag. Fee \$20.00
DRB Actions \$285.00
CK \$305.00
CHANGE \$0.00

Thank You



COMPLETED 02/11/10
DRB CASE ACTION LOG
(Preliminary/Final)

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments have been addressed.

DRB Application No.: 10DRB-70023

Project # 1004778

Project Name:

Agent: *The Survey Office, LLC*

Phone No.:

Your request was approved on 2-27-10 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

TRANSPORTATION: _____

ABCWUA: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

*OK
 2-8-10*

PLANNING (Last to sign): *Verify Court Order is sufficient for platting "portion of Tr. H"*

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
- Tax printout from the County Assessor.

- 3 copies of the approved site plan. Include all pages.**
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- Property Management's signature must be obtained prior to Planning Department's signature.**
- AGIS DXF File approval required.**
- Copy of recorded plat for Planning.**

*OK
 qc*



DRB CASE ACTION LOG (Preliminary/Final)

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments have been addressed.

DRB Application No.: 10DRB-70023	Project # 1004778
Project Name:	
Agent: <i>The Survey Office, LLC</i>	Phone No.:

Your request was approved on 4-27-10 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED:

TRANSPORTATION: _____

ABCWUA: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): *Verify Court Order is sufficient for platting "portion of Tr H*

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). **RECORDED DATE:** _____
- Tax printout from the County Assessor.
 - 3 copies of the approved site plan. Include all pages.
 - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
 - Property Management's signature must be obtained prior to Planning Department's signature.
 - AGIS DXF File approval required.
 - Copy of recorded plat for Planning.

*OK
JFC*

4778

DXF Electronic Approval Form

DRB Project Case #: 1004778

Subdivision Name: FOREST PRODUCST CO --TRACTS 2B1A & 2C1A

Surveyor: ANTHONY L HARRIS

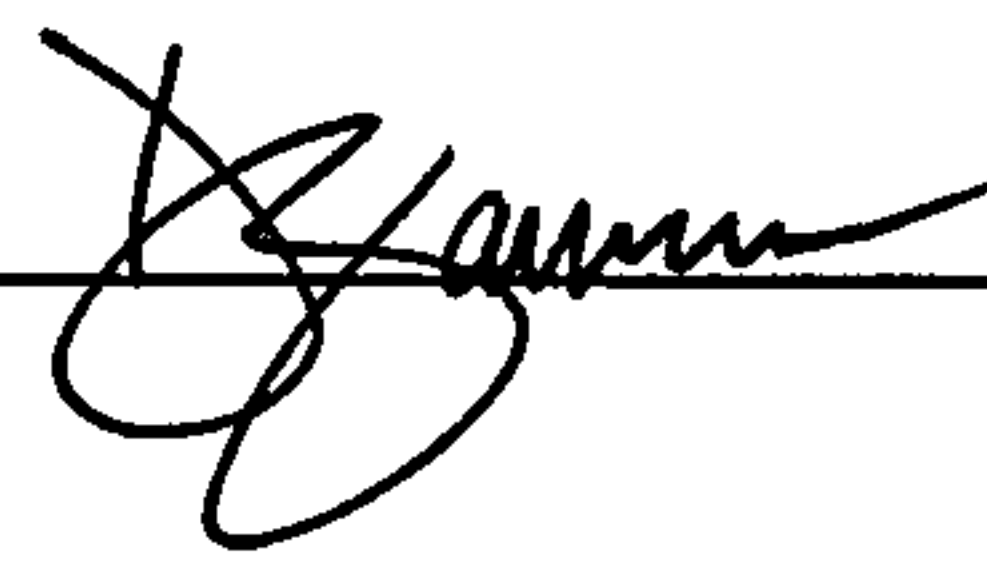
Contact Person: MIKE GREINER

Contact Information: 998-0303

DXF Received: 1/19/2010

Hard Copy Received: 1/19/2010

Coordinate System: NMSP Grid (NAD 83)


Approved

01-19-2010
Date

* The DXF file cannot be accepted (at this time) for the following reason(s):

AGIS Use Only

Copied fc 4778 to agiscov on 1/19/2010 Contact person notified on 1/19/2010

7. **Project# 1003062**
10DRB-70024 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for ARMSTRONG DEVELOPMENT PROPERIES request(s) the above action(s) for all or a portion of **AREA NO 2, SPROUL SECURITY SUBDIVISION NO 2** located on INDIAN SCHOOL RD NE BETWEEN TRAMWAY BLVD NE AND CUMBRES ST NE containing approximately 5.3 acre(s). **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION AND PLANNING TO COMPLY WITH COMMENTS AND TO PROVIDE A COPY OF EASEMENT FOR TRANSPORTATION, PLANNING AND HYDROLOGY.**

8. **Project#-1004778**
10DRB-70023 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

THE SURVEY OFFICE, LLC agent(s) for ROBERT CRAWFORD request(s) the above action(s) for all or a portion of Lot(s) 2-B-1 AND 2-C-1, located on ASPEN AVE BETWEEN MILL POND RD AND 12TH ST containing approximately 7.5425 acre(s). (H-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO VERIFY THAT COURT ORDER IS SUFFICIENT FOR PLANNING A "PORTION OF" TRACT 'H'.**

9. **Project# 1008050**
10DRB-70025 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

CLYDE J KING agent(s) for GARY JOHNSON request(s) the above action(s) for all or a portion of Lot(s) 6, **SHAMBAUH'S SUBDIVISION OF TRACT 66**, zoned R-1, located on COORS NW BETWEEN BLUEWATER RD NW AND LOS VOLCANES NW containing approximately 0.4299 acre(s). (J-10) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO COMPLY WITH COMMENTS AND TO PLANNING TO LABEL EASEMENT FOR "PRIVATE" UTILITY AND TO CALL OUT MAINTENANCE AND BENEFICIARIES.**

10. Approval of the Development Review Board Minutes:

January 6, 2010
January 13, 2010
January 20, 2010

Other Matters: None.

ADJOURNED: 10:30

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

January 27, 2010

DRB Comments

ITEM # 8

PROJECT # 10004778

APPLICATION # 10-70023

**RE: Lots 2-B-1 & 2-C-1, Lands of Forest Products, and
Tract H, A.T. & S.F. Industrial Area**

"Portions of" Tract H need to be documented prior to the current Subdivision Ordinance (1973) or else the entire tract needs to be part of the plat, with the remainder to be designated as Tract H-1.



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov



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1 of 7 Older >

FW: Project No. 1004778 [Inbox](#)

☆ "Zamora, David M." <dmzamora@cabq.gov> [show details](#) 9:51 am (32 minutes ago) [Reply](#)

[New window](#)

[Print all](#)

From: Zamora, David M.
Sent: Tuesday, January 19, 2010 1:19 PM
To: 'Mike Greiner'
Subject: Project No. 1004778

The .dxf file for Project No. 1004778 (Lands of Forest Products Co) has been approved.

David M. Zamora
GIS Coordinator - AGIS
City of Albuquerque
Planning Department
924-3929 phone
924-3812 fax
www.cabq.gov/gis
dmzamora@cabq.gov

Spon:

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HEARING DATE 1-27-10 (P&F)

#4



COMPLETED 05/05/06 SH

DRB CASE ACTION LOG (PREL & FINAL)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 06DRB-00390 (P&F)

Project # 1004778

Project Name: LANDS OF FOREST PROD. CO.

Agent: Surveys Southwest Ltd.

Phone No.: 998-0303

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 4/9/06 by the DRB with delegation of signature(s) to the following departments.
OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): 15 day appeal
5/4/06

- Planning must record this plat. Please submit the following items:**
 - The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
 - Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.**
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- Property Management's signature must be obtained prior to Planning Department's signature.**
- AGIS DXF File approval required.** - OK
- Copy of recorded plat for Planning.**

Project Number 1004778

#4



DRB CASE ACTION LOG (PREL & FINAL)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 06DRB-00390 (P&F)

Project # 1004778

Project Name: LANDS OF FOREST PROD. CO.

Agent: Surveys Southwest Ltd.

Phone No.: 998-0303

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 7/19/06 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): 15 day appeal

Planning must record this plat. Please submit the following items:

-The original plat and a mylar copy for the County Clerk.

-Tax certificate from the County Treasurer.

-Recording fee (checks payable to the County Clerk). RECORDED DATE: _____

-Tax printout from the County Assessor.

3 copies of the approved site plan. Include all pages.

County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.

Property Management's signature must be obtained prior to Planning Department's signature.

AGIS DXF File approval required.

Copy of recorded plat for Planning. OK

Project Number

1004778



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 19, 2006

4. Project # 1004778

06DRB-00391 Major-Vacation of Public Easements
06DRB-00390 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for BLAINE ROBERTS request(s) the above action(s) for all or a portion of Lot(s) 2-B & 2-C, **LANDS OF FOREST PRODUCTS CO.**, zoned S-MI, located on ASPEN AVE NW, between 12TH ST NW and A.T. & S.F. RAILROAD containing approximately 7 acre(s). [REF: DRB-95-360, ZA-89-365] (H-13)

At the April 19, 2006, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

The preliminary and final plat was approved with final sign off delegated to Planning for the 15-day appeal period.

If you wish to appeal this decision, you must do so by May 4, 2006, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.



OFFICIAL NOTICE OF DECISION

PAGE 2

The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

A handwritten signature in cursive script, reading "Sheran Matson", is positioned above the typed name.

Sheran Matson, AICP, DRB Chair

Cc: Blaine Roberts, P.O. Box 1071, Amarillo, TX 79189
Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1004778 AGENDA#: 4 DATE: 4/19/06

1. Name: Paul Hancock Address: Seaside, SD Zip: _____

2. Name: Bill Wechsner Address: Kenner, LA Zip: _____

3. Name: _____ Address: _____ Zip: _____

4. Name: _____ Address: _____ Zip: _____

5. Name: _____ Address: _____ Zip: _____

6. Name: _____ Address: _____ Zip: _____

7. Name: _____ Address: _____ Zip: _____

8. Name: _____ Address: _____ Zip: _____

9. Name: _____ Address: _____ Zip: _____

10. Name: _____ Address: _____ Zip: _____

11. Name: _____ Address: _____ Zip: _____

12. Name: _____ Address: _____ Zip: _____

13. Name: _____ Address: _____ Zip: _____

14. Name: _____ Address: _____ Zip: _____

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1004778

AGENDA ITEM NO: 4

SUBJECT:

Vacation
Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the subject request.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: April 19, 2006



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 19, 2006

Project # 1004778
06DRB-00391 Major-Vacation of Public Easements
06DRB-00390 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for BLAINE ROBERTS request(s) the above action(s) for all or a portion of Lot(s) 2-B & 2-C, **LANDS OF FOREST PRODUCTS CO.**, zoned S-MI, located on ASPEN AVE NW, between 12TH ST NW and A.T. & S.F. RAILROAD containing approximately 7 acre(s). [REF: DRB-95-360, ZA-89-365] (H-13)

AMAFCA	No adverse comments.
COG	No adverse comments.
Transit	No objection to the request.
Zoning Enforcement	No adverse comments.
Neighborhood Coordination	Letters sent to Sawmill Area NA (R).
APS	The owner is requesting to adjust a lot line and vacate existing PNM easements on property located on the Lands of Forest Products Co in order to build a shop to service trucks. The requested actions will have no adverse impacts to the APS district.
Police Department	No crime prevention or CPTED comments at this time.
Fire Department	No adverse comments.
PNM Electric & Gas	Can not approve. There is no mention of anyone contacted at PNM Service Center. Per Fernando Vigil.
Comcast	No comments received.
QWEST	No comments received.
Environmental Health	No comments received.

M.R.G.C.D.

No comments received.

Open Space Division

No adverse comments.

City Engineer The Hydrology section has no objection to the vacation request

Transportation Development

An infrastructure list may be needed. Applicant will need to provide a cross-section of Aspen to evaluate improvements needed. No objection to vacation of easements

Parks & Recreation

Defer to PNM regarding the vacation request. No objection to the plat.

Utilities Development

No objection to Vacation request or Plat approval.

Planning Department

As this is an expansion of an existing business, Planning has no objection to the requests. The site lies within the Sawmill Wells Park Sector Plan.

If approved, Planning will take delegation for the 15 day appeal period.

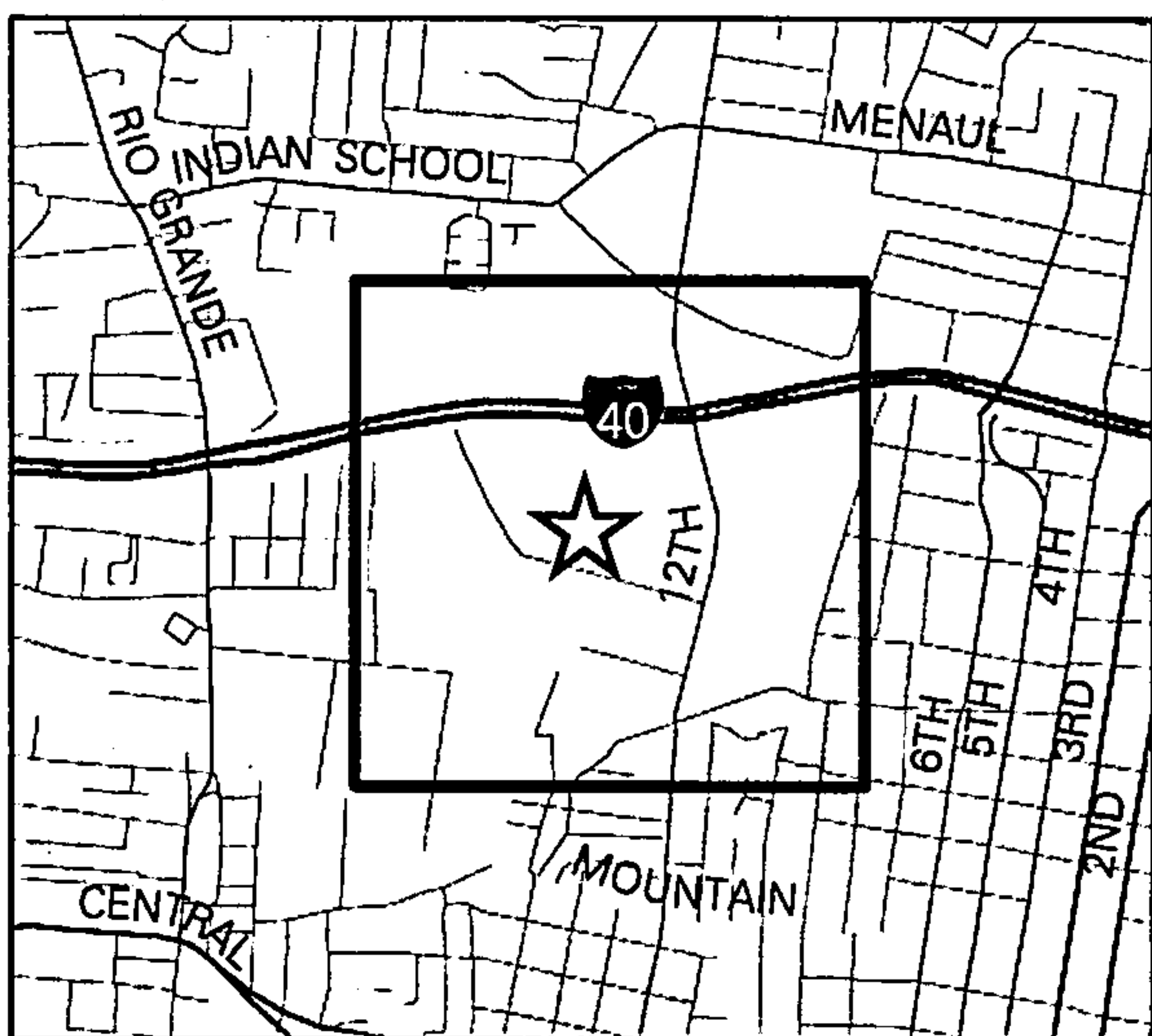
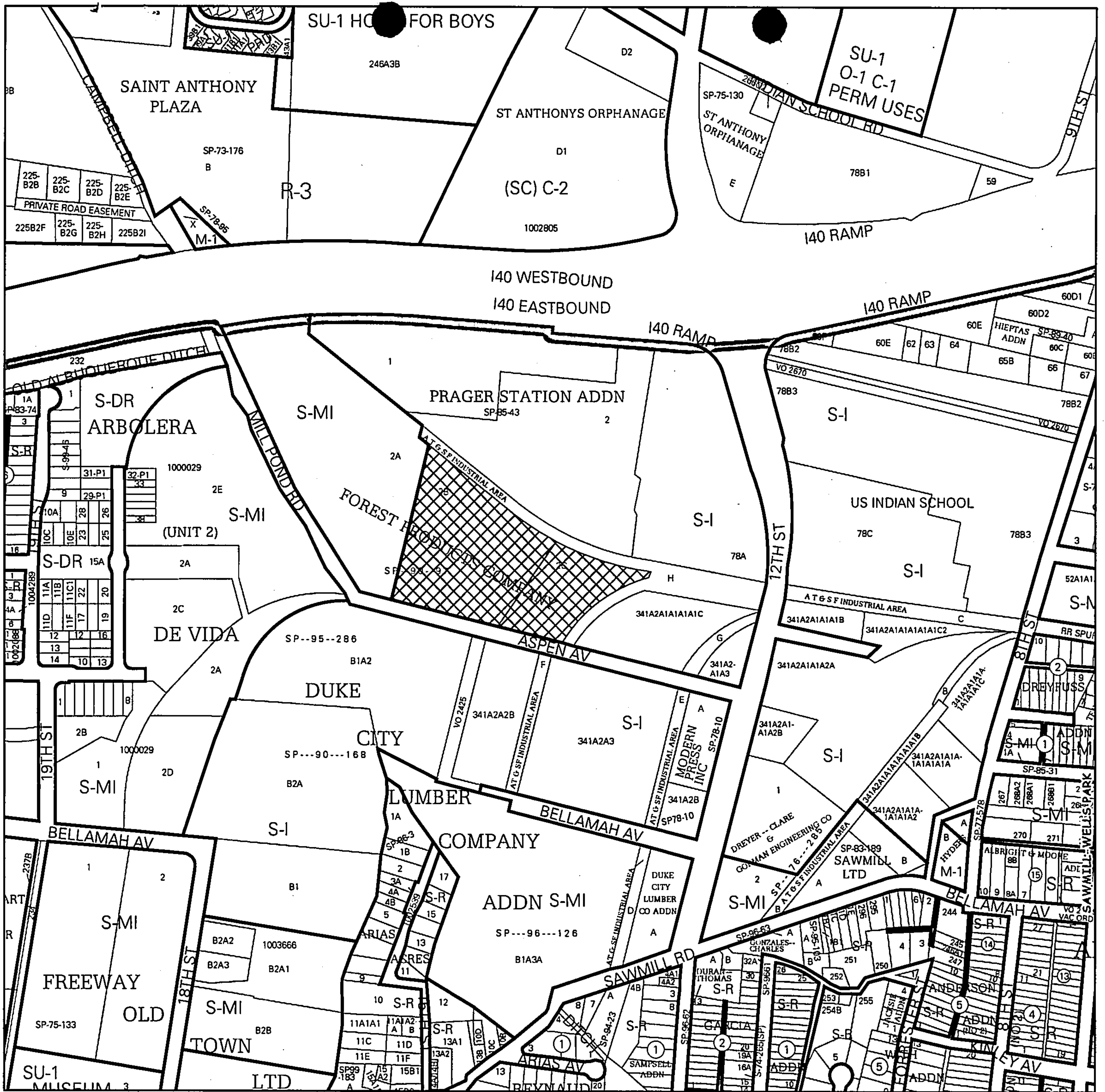
Impact Fee Administrator

No comment on proposed vacation of easement(s). Construction of new building(s) within the proposed subdivision will require payment of Impact Fees; the only Impact Fees will be for Public Safety which will be \$111 per 1,000 square feet of building.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

cc: Blaine Roberts, P.O. Box 1071, Amarillo, TX 79189

Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102



ZONING MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:
1004778

Hearing Date:
4/19/06

Zone Map Page:
H-13

Additional Case Numbers:
06DRB-00390
06DRB-00391

4-19

4778

DXF Electronic Approval Form

DRB Project Case #: 1004778

Subdivision Name: FOREST PRODUCTS COMPANY-- TRACTS 2B1 & 2C1

Surveyor: MITCH REYNOLDS

Contact Person: SARAH AMATO

Contact Information: 998-0303

DXF Received: 3/28/2006

Hard Copy Received: 3/28/2006

Coordinate System: NMSP Grid (NAD 27)


Approved

03-28-2006
Date

* The DXF file cannot be accepted (at this time) for the following reason(s):

AGIS Use Only

Copied fc 4778 to agiscov on 3/28/2006 Contact person notified on 3/28/2006



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, April 19, 2006, beginning at 9:00 a.m.** for the purpose of considering the following:

Project # 1002202

06DRB-00362 Major-Vacation of Public Easements
06DRB-00363 Major-Preliminary Plat Approval

HUITT-ZOLLARS INC agent(s) for PRU WINROCK LLC request(s) the above action(s) for all or a portion of Lot(s) A-1-A, A-2, A-3, B, C-2A, D-1A, E-1, WINROCK CENTER ADDITION and Lot(s) B, MONROE (to be known as **WINROCK MARKET CENTER**), zoned SU-3, located on LOUISIANA BLVD NE, between INDIAN SCHOOL NE and INTERSTATE 40 containing approximately 80 acre(s). [REF: 05EPC-00876, 05EPC-00877] (J-19)

Project # 1004354

06DRB-00392 Major-Vacation of Pub Right-of-Way

TIERRA WEST LLC agent(s) for PETE DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 22-26 and a portion of Lot(s) 27, Tract(s) O, Block(s) 9, **ORIGINAL TOWNSITE OF WESTLAND**, zoned SU-2 FOR C-2, IP, located on 98TH ST NW, between VOLCANO RD NW and CENTRAL AVE NW containing approximately 9 acre(s). [REF: ZA-88-3701, ZA-90-276, ZA-96-227, ZA-87-308, 05DRB-01229, 05EPC-01234] (K-9)

Project # 1004779

06DRB-00393 Major-Vacation of Pub Right-of-Way

ISAACSON & ARFMAN PA agent(s) for 207 ALISO DRIVE LLC, SHEFFIELD PARTNERS LLC request(s) the above action(s) for all or a portion of Lot(s) 3-A & 4, Block(s) 3, **GRANADA HEIGHTS** (to be known as **ALISO LOFTS, PHASE II**) zoned R-2 residential zone, located on ALISO DR SE, between SILVER AVE SE and ARLOTE AVE SE. [REF: V-77-8, ZA-76-152] (K-17)

Project # 1004778

06DRB-00391 Major-Vacation of Public Easements
06DRB-00390 Minor-Prelim&Final Plat Approval

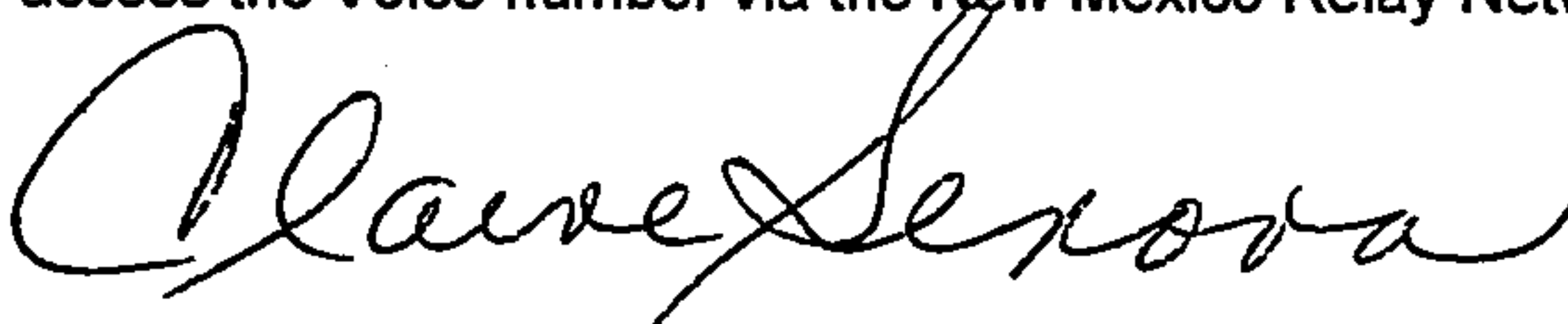
SURVEYS SOUTHWEST LTD agent(s) for BLAINE ROBERTS request(s) the above action(s) for all or a portion of Lot(s) 2-B & 2-C, **LANDS OF FOREST PRODUCTS CO.**, zoned S-MI, located on ASPEN AVE NW, between 12TH ST NW and A.T. & S.F. RAILROAD containing approximately 7 acre(s). [REF: DRB-95-360, ZA-89-365] (H-13)

Project # 1003096

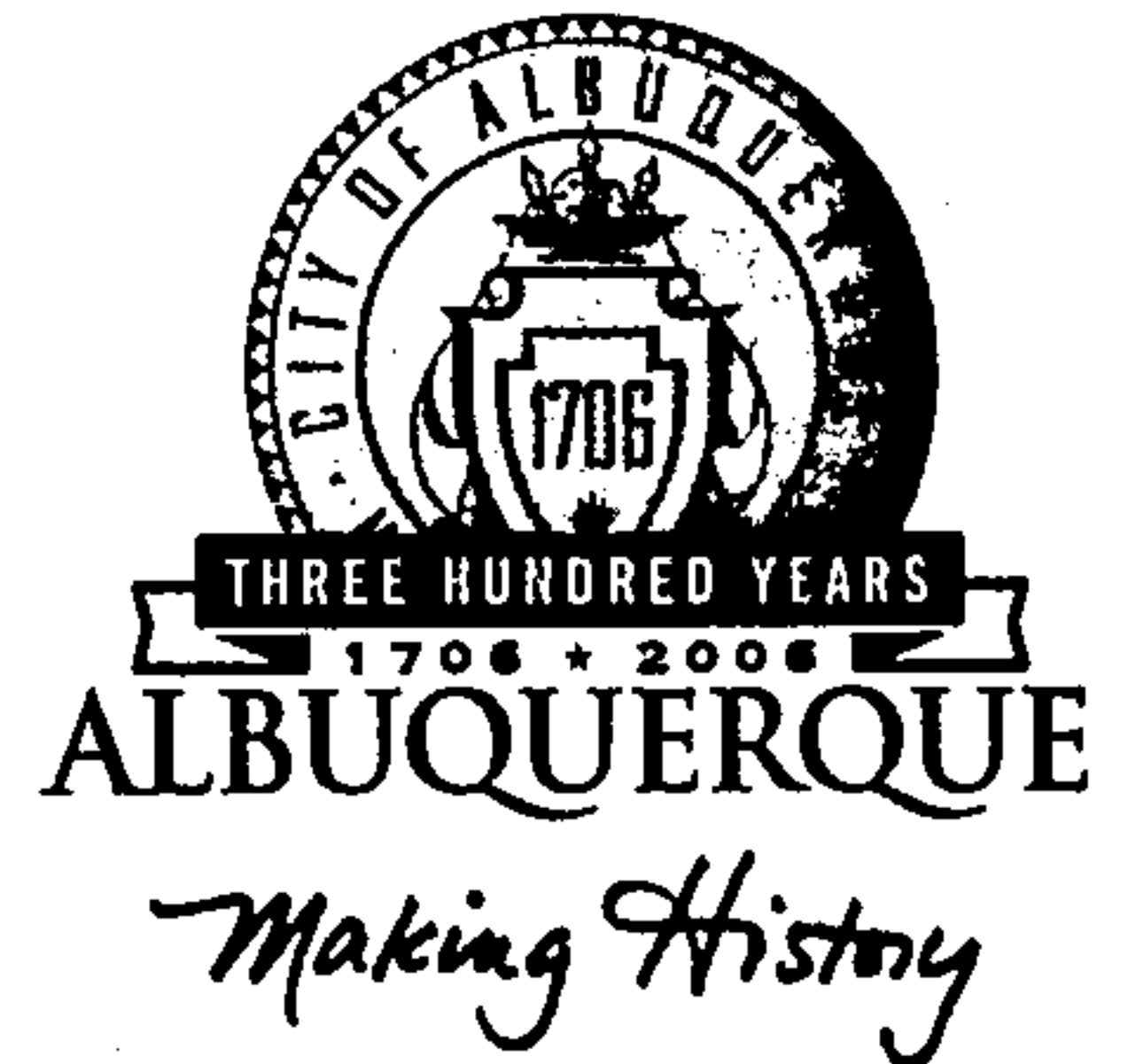
04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located between 8TH ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901, 05CC01786] (J-14) **REMANDED BACK TO DRB FROM CITY COUNCIL**

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.


for Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 3, 2006.



NOTIFICATION OF HEARING for the DEVELOPMENT REVIEW BOARD

April 3, 2006

TO: Lezle Williams and Larry Schultz, Sawmill Area N.A.

This letter will serve as your notification from the City of Albuquerque, under provisions of 0-92 pertaining to a request for: **Requests the following for approximately seven (7) acre(s): Major Vacation of Public Easements and Minor Preliminary and Final Plat Approval to adjust a lot line between two tracts creating two new tracts and to vacate existing PNM easements on the new building.**

Proposed by: Surveys Southwest, Ltd. at 998-0303

Agent for: Blaine Roberts

P.O. Box 1293

For property located: On or near the north side of Aspen Avenue NW between 12th Street NW and A.T. and S.F. Railroad.

Albuquerque

The case number(s) assigned is: 06DRB- 00391 and 00390, Project # 1004778.

City Planning accepted application for this request on March 24, 2006.

New Mexico 87103

The owner, applicant, and/or agent certified at the time of application acceptance that they notified you of the proposed action by *certified mail, return receipt requested.*

www.cabq.gov

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at 9 a.m. on Wednesday, April 19, 2006 in the Planning Hearing Room, Lower Level, Plaza Del Sol Building, 600 Second St. NW.

You should contact Claire Senova at 924-3946 to confirm this date, time, and to seek further information.

If you have any questions **-OR-** have not been contacted by the applicant, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov.

Sincerely,

Stephani J. Winklepleck

Stephani I. Winklepleck

Neighborhood Program Coordinator

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

**cc: Claire Senova, DRB
Administrative Assistant**

**CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: APRIL 19, 2006
Zone Atlas Page: H-13-Z
Notification Radius: 100 Ft.

Project# 1004778
App#06DRB-00390
App#06DBR-00391

Cross Reference and Location: ASPEN AVENUE NW BETWEEN 12TH ST NW AND
A.T.E.S.F. RAILROAD

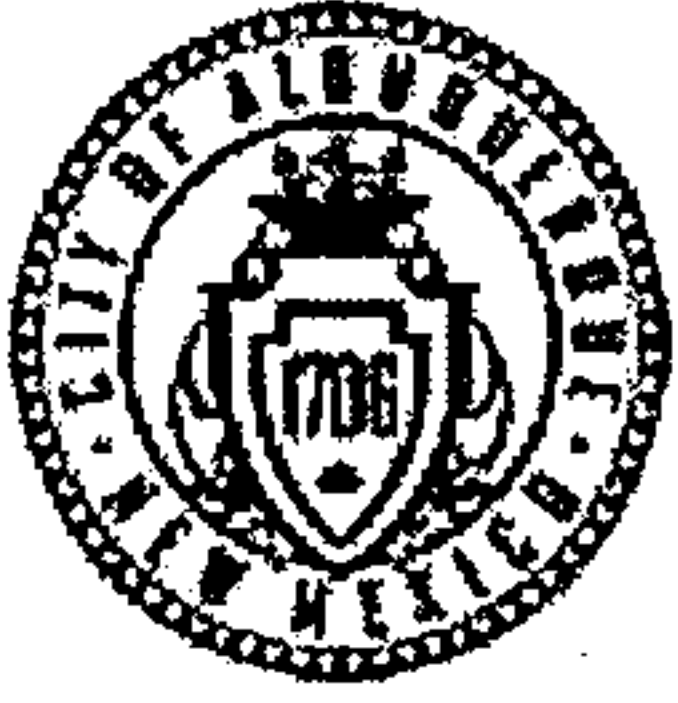
Applicant: BLAINE ROBERTS
Address: PO BOX 1071
AMARILLO, TX 79189

Agent: SURVEYS SOUTHWEST, LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: MARCH 31, 2006
Signature: YVONNE SAAVEDRA



mainframe@coa1mp3.ca
bq.gov
03/29/2006 10:31 AM

To
cc
bcc
Subject

1 R E C O R D S W I T H L A B E L S PAGE
1
01013059 *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305939806440305 LEGAL: TRAC T 2- B PLAT OF TRS 2-A, 2-B & 2-C LANDS OF
FORE LAND USE:
PROPERTY ADDR: 00000 ASPEN
OWNER NAME: AMARILLO DIAMOND LTD
OWNER ADDR: 01623 ASPEN AV NW
ALBUQUERQUE NM 87104
0101305943505140317 LEGAL: TRAC T 2- C PLAT OF TRS 2-A, 2-B & 2-C LANDS OF
FORE LAND USE:
PROPERTY ADDR: 00000 ASPEN
OWNER NAME: CCBG INC
OWNER ADDR: PO BOX 6992
ALBUQUERQUE NM 87197
0101305946503840306 LEGAL: MAP 35 T R 341 A2A1A1A1A1C1 CONTS 2.09 AC
LAND USE:
PROPERTY ADDR: 00000 ASPEN
OWNER NAME: MORRIS JAMES P JR & MARILYNN
OWNER ADDR: PO BOX 26323
ALBUQUERQUE NM 87125
0101305943903740308 LEGAL: MAP 35 T R 341A2A1A1A1A1C2 CONTS 0.52 AC
LAND USE:
PROPERTY ADDR: 00000 ASPEN
OWNER NAME: BEUERLE ROBERT K & CAROL SUE
OWNER ADDR: 00159 E MEADOWLARK
CORRALES NM 87048
0101305947805440310ca *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305948203540309ca *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305949102940307 LEGAL: MAP 35 T R 341 A2A1A3
LAND USE:
PROPERTY ADDR: 00000 12TH
OWNER NAME: LAUN-DRY SUPPLY COMPANY
OWNER ADDR: 03800 DURAZNO
EL PASO TX 79905
0101305948009140405 LEGAL: MAP 36 T R 78A LESS PORT TO R/W
LAND USE:
PROPERTY ADDR: 00000 12TH
OWNER NAME: INTER AGENCY MOTOR POOL
OWNER ADDR: 00819 TAYLOR ST
FORT WORTH TX 76102
0101305944010140411ca *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305938613240410ca *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305935410240304 LEGAL: TRAC T 2- A PLAT OF TRS 2-A, 2-B & 2-C LANDS OF
FORE LAND USE:
PROPERTY ADDR: 00000 ASPEN
OWNER NAME: CHRISTOPHER LTD CO
OWNER ADDR: PO BOX 94030
ALBUQUERQUE NM 87199

PAGE 2

0101305930907040220 LEGAL: TR B -1-A -1 OF LTS B-1-A-1, B-1-A-2 & B-1-A-3
(BEIN LAND USE:

PROPERTY ADDR: 00000 MILL POND
OWNER NAME: CITY OF ALBUQUERQUE
OWNER ADDR: PO BOX 1293

ALBUQUERQUE NM 87103

0101305936402540210 LEGAL: TR B -1-A -2 OF LTS B-1-A-1, B-1-A-2 & B-1-A-3
(BEIN LAND USE:

PROPERTY ADDR: 00000 ASPEN
OWNER NAME: RIO GRANDE PROPERTIES LLC
OWNER ADDR: 08324 WASHINGTON ST NE

ALBUQUERQUE NM 87113

0101305844753412407 LEGAL: TRS 341A 2A3 & 341A2A2A & 341A2A2B & PARCEL F OF
TR LAND USE:

PROPERTY ADDR: 00000 ASPEN
OWNER NAME: CCBG INC
OWNER ADDR: PO BOX 6992

ALBUQUERQUE NM 87197

0101305847049512205ca *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305848552812409 LEGAL: TRAC T A LANDS OF MODERN PRESS INC REPLAT OF TRS
34 LAND USE:

PROPERTY ADDR: 00000 12TH
OWNER NAME: STOPPER ALAN P & ZLOTO JANIS M
OWNER ADDR: 01013 TULANE DR NE

ALBUQUERQUE NM 87106

0101305847252212410ca *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101305847950912408 LEGAL: 341A 2B M AP 35
LAND USE:

PROPERTY ADDR: 00000 12TH
OWNER NAME: 12TH STREET PARTNERS LP
OWNER ADDR: 44897 N EL MACERO DR NW

EL MACERO CA 95618

QUIT

101305943505140317 LEGAL: TRACT 2-C PLAT OF TRS 2-A, 2-B & 2-C LANDS O T S CO BEING A
REPL
PROPERTY ADDR: 1423 ASPEN AVE NW

OWNERS NAME: CCBG INC
OWNERS ADDR: PO BOX 6992
 ALBUQUERQUE, NM 87197

101305946503840306 LEGAL: MAP 35 TR 341 A2A1A1A1A1CA CON TS 2.09 AC
PROPERTY ADDR: 1235 ASPEN AVE NW

OWNERS NAME: MORRIS JAMES P JR & MARILYNN
OWNERS ADDR: PO BOX 26323
 ALBUQUERQUE, NM 87125

101305947805440310CA NO OWNERSHIP IN SONATA OR AGIS

101305948203540309CA NO OWNERSHIP IN SONATA OR AGIS

101305944010140411CA NO OWNERSHIP IN SONATA OR AGIS

101305938613240410CA NO OWNERSHIP IN SONATA OR AGIS

101305935410240304 LEGAL: TRACT 2-A PLAT OF TRS 2-A, 2-B & 2-C LANDS O T S CO BEING A
REPL
PROPERTY ADDR: 1701 ASPEN RD NW

OWNERS NAME: CHRISTOPHER LTD CO
OWNERS ADDR: PO BOX 94030
 ALBUQUERQUE, NM 87199

101305930907040220 LEGAL: TR B-1-A-1 OF LTS B-1-A-1, B-1-A2, & B-1-A-3 OF LT B-1-A) DUKE CI
PROPERTY ADDR: MILL PONK RD NW

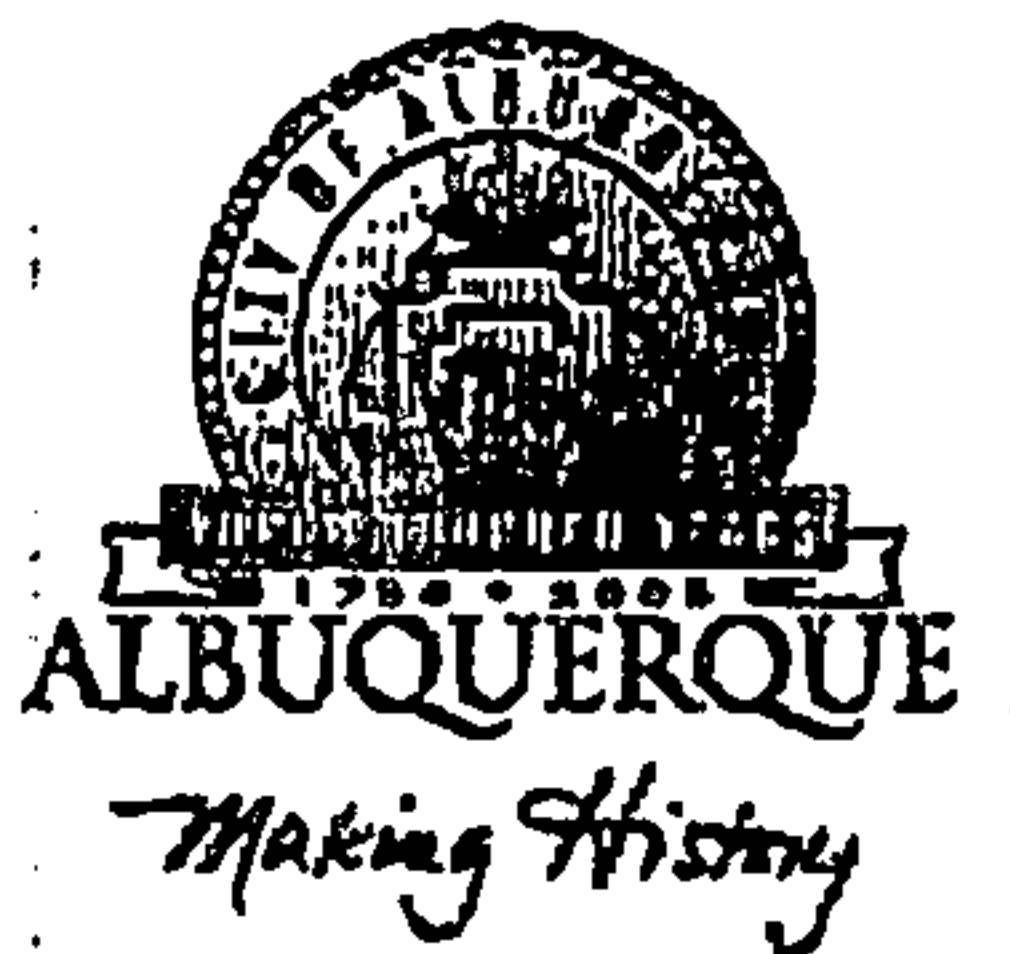
OWNERS NAME: CITY OF ALBUQUERQUE
OWNERS ADDR: PO BOX 1293
 ALBUQUERQUE, NM 87103

101305844753412407 LEGAL: TRS 341A2A3 & 341A2A2A & 341A2 A2B & PARCEL F .T & S.F.ROW) M
PROPERTY ADDR: 1238 ASPEN AVE NW

OWNERS NAME: CCBG INC
OWNERS ADDR: PO BOX 6992
 ALBUQUERQUE, NM 87197

101305847049512205CA NO OWNERSHIP IN SONATA OR AGIS

101305847252212410CA NO OWNERSHIP IN SONATA OR AGIS



City of Albuquerque

March 22, 2006

Sarah
Surveys Southwest, LTD
333 Lomas Blvd., NE/87102
Phone: 998-0303 Fax: 998-0306

Dear Sarah:

Thank you for your inquiry of March 22, 2006 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project **TRACTS 2B AND 2C, FOREST PRODUCTS COMPANY** zone map **H-13**.

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SAWMILL AREA N.A. (SMA) "R"
*Lezle Williams
1127 12th St. NW/87104 842-5563 (h)
Larry Schultz
1324 Sawmill Rd. NW/87104 243-9160 (h)

See attached side for additional Neighborhood Association Information: YES { } NO {X}

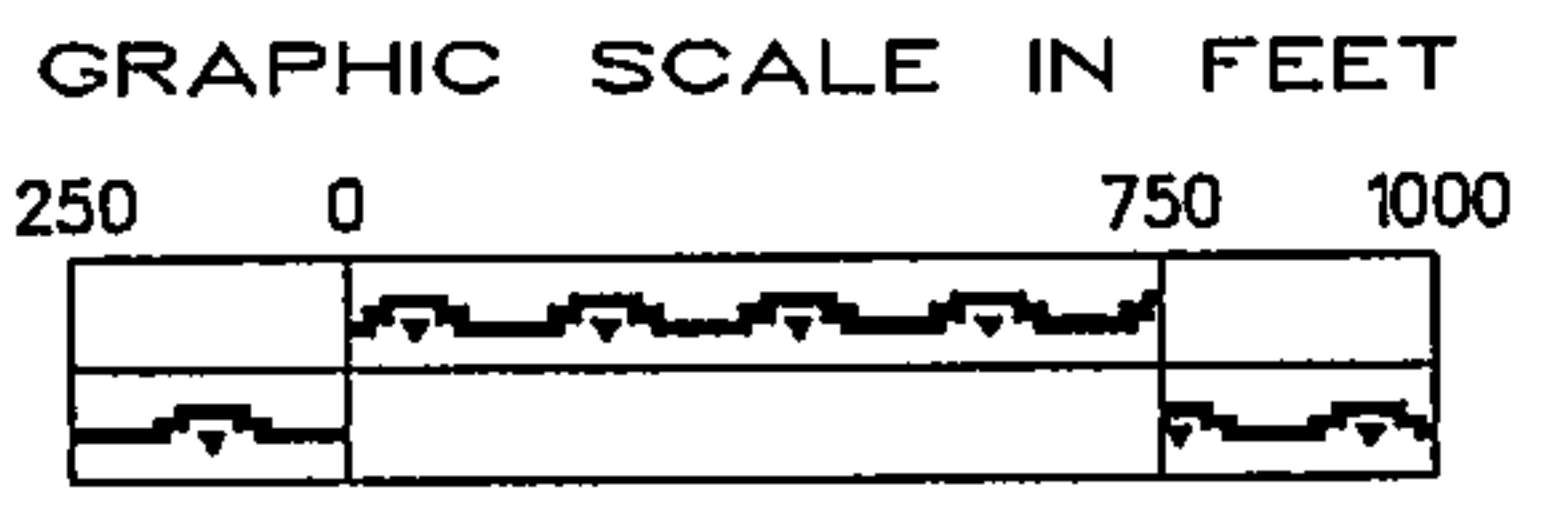
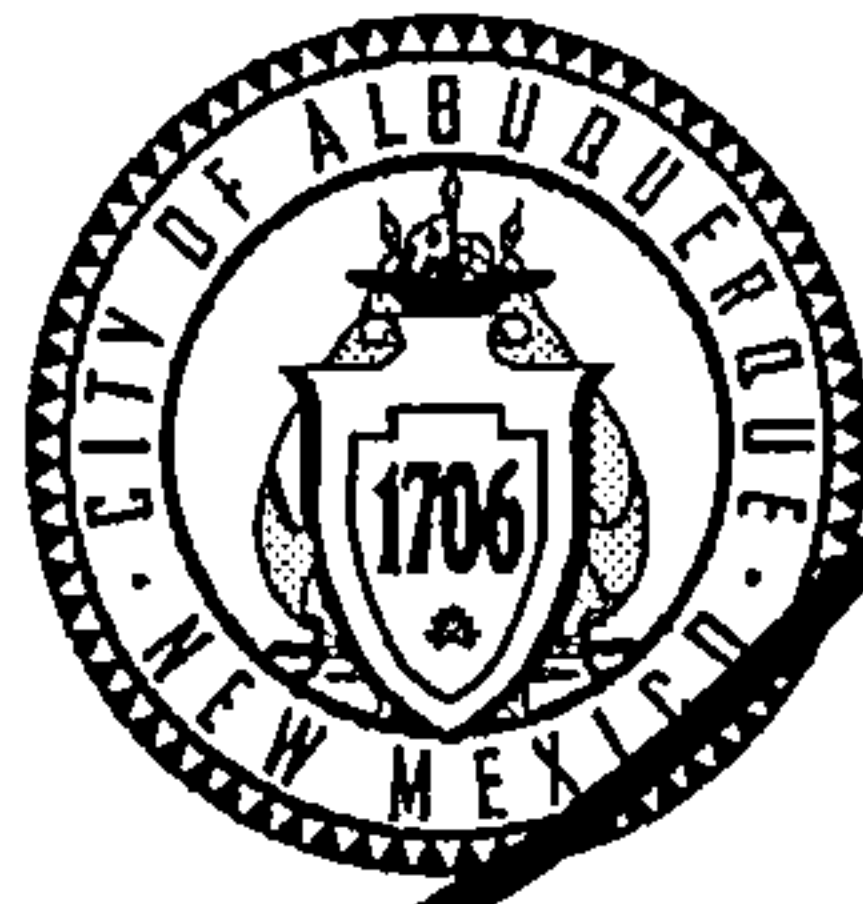
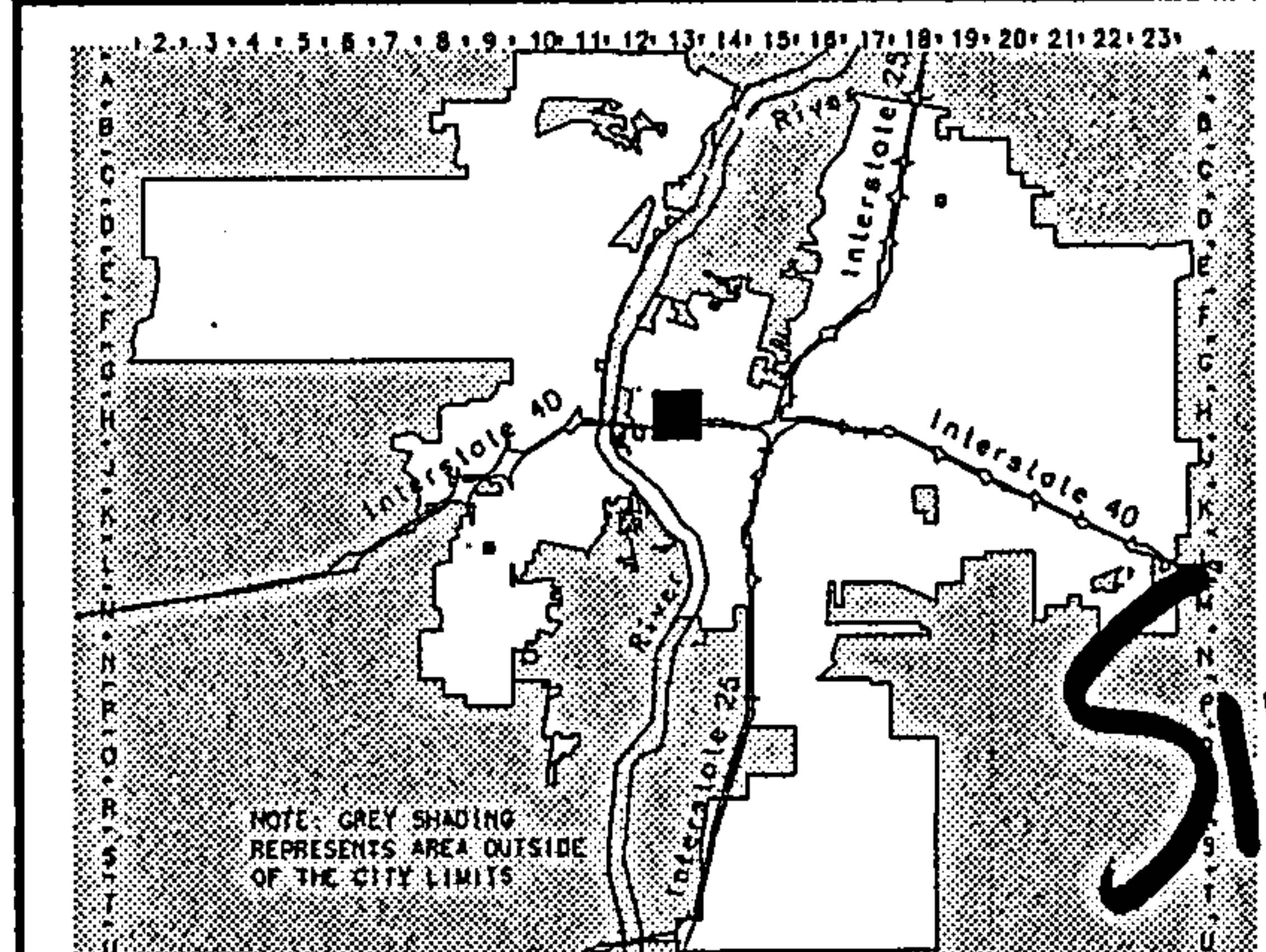
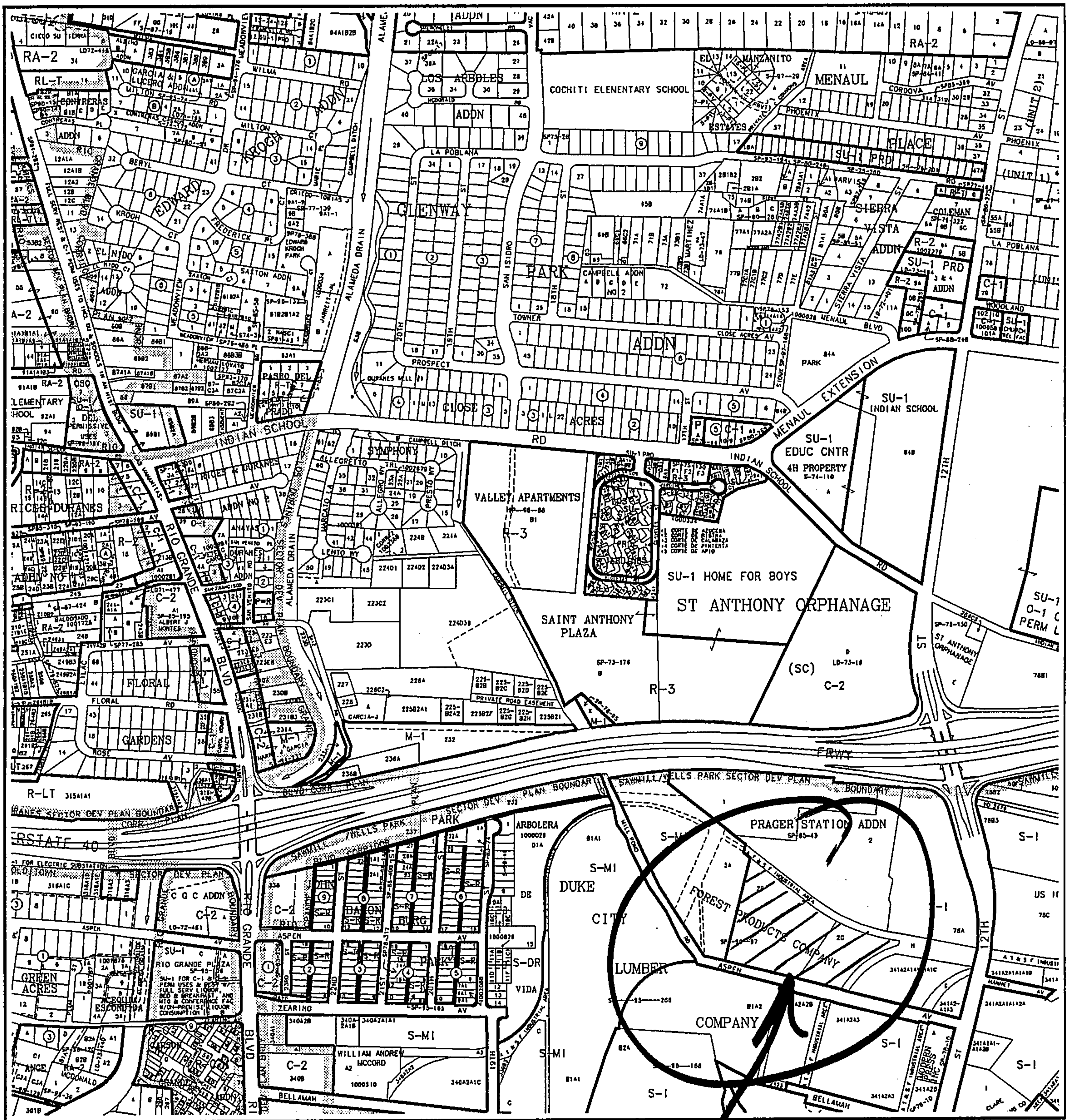
Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before the Planning Department will accept your application filing. IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,


OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

**LETTERS MUST BE SENT TO
BOTH CONTACTS OF EACH
NEIGHBORHOOD ASSOCIATION**

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.



SITE

Geographic Information System
PLANNING DEPARTMENT

© Copyright 2004

Zone Atlas Page

H-13-Z

Map Amended through August 03, 2004

Project # 1004778

BLAINE ROBERTS
PO BOX 1071
AMARILLO, TX 79189

Project # 1004778

LARRY SCHULTZ
Sawmill Area N.A.
1324 SAWMILL RD NW
ALBUQUERQUE, NM 87104

101305946503840306

MORRIS JAMES P JR & MARILYNN
PO BOX 26323
ALBUQUERQUE, NM 87125

101305948009140405

INTER AGENCY MOTOR POOL
819 TAYLOR ST
FORT WORTH TX 76102

101305848552812409

STOPPER ALAN P & ZLOTO JANIS
1013 TULANE DR NE
ALBUQUERQUE NM 87106

Project # 1004778

SURVEYS SOUTHWEST, LTD
333 LOMAS BLVD NE
ALBUQUERQUE, NM 87102

101305939806440305

AMARILLO DIAMOND LTD
1623 ASPEN AV NW
ALBUQUERQUE NM 87104

101305943903740308

BEUERLE ROBERT K & CAROL SUE
159 E MEADOWLARK
CORRALES NM 87048

101305935410240304

CHRISTOPHER LTD CO
PO BOX 94030
ALBUQUERQUE, NM 87199

101305847950912408

12TH STREET PARTNERS LP
44897 N EL MACERO DR NW
EL MACERO CA 95618

Project # 1004778

LEZLE WILLIAMS
Sawmill Area N.A.
1127 12th ST NW
ALBUQUERQUE, NM 87104

101305943505140317

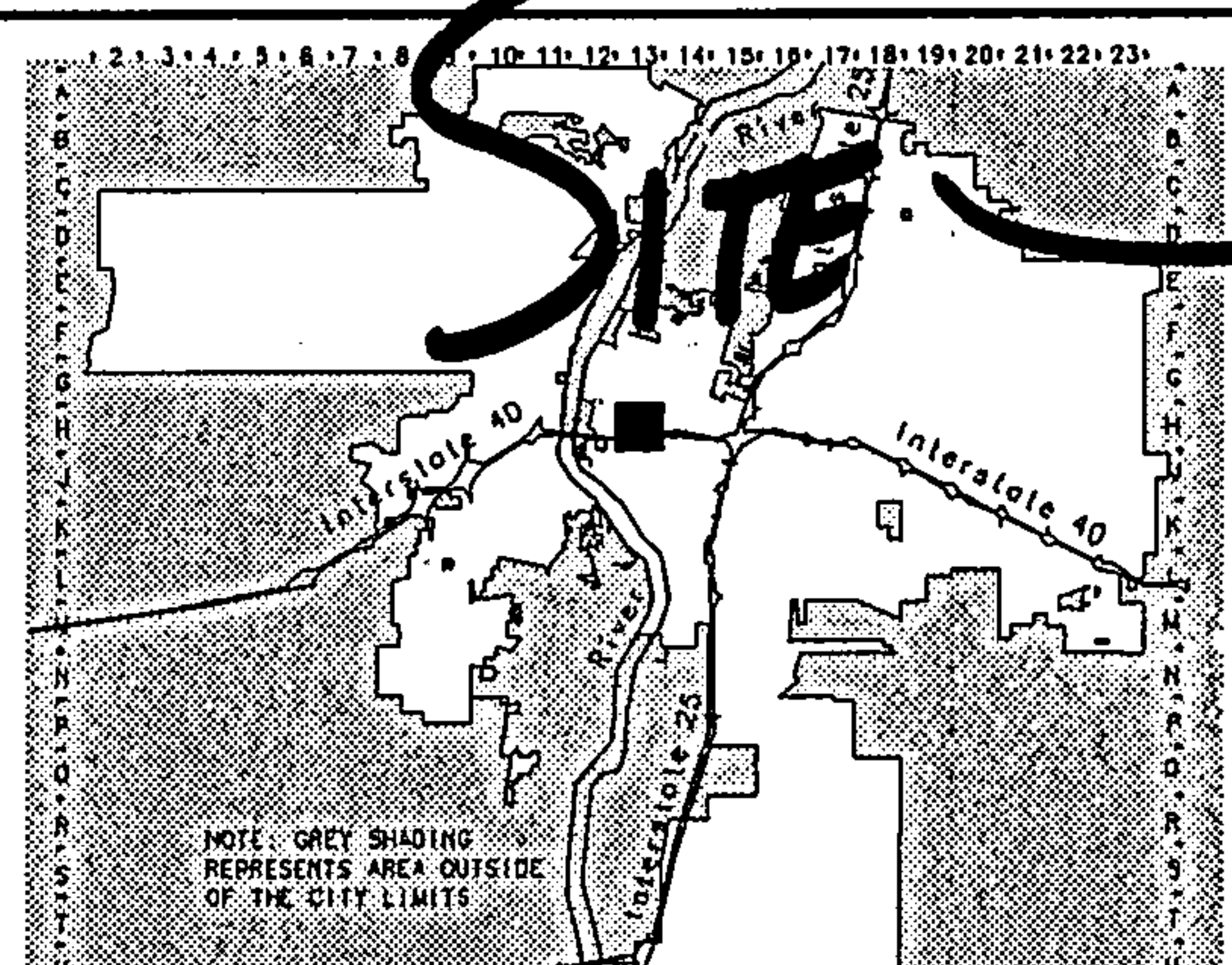
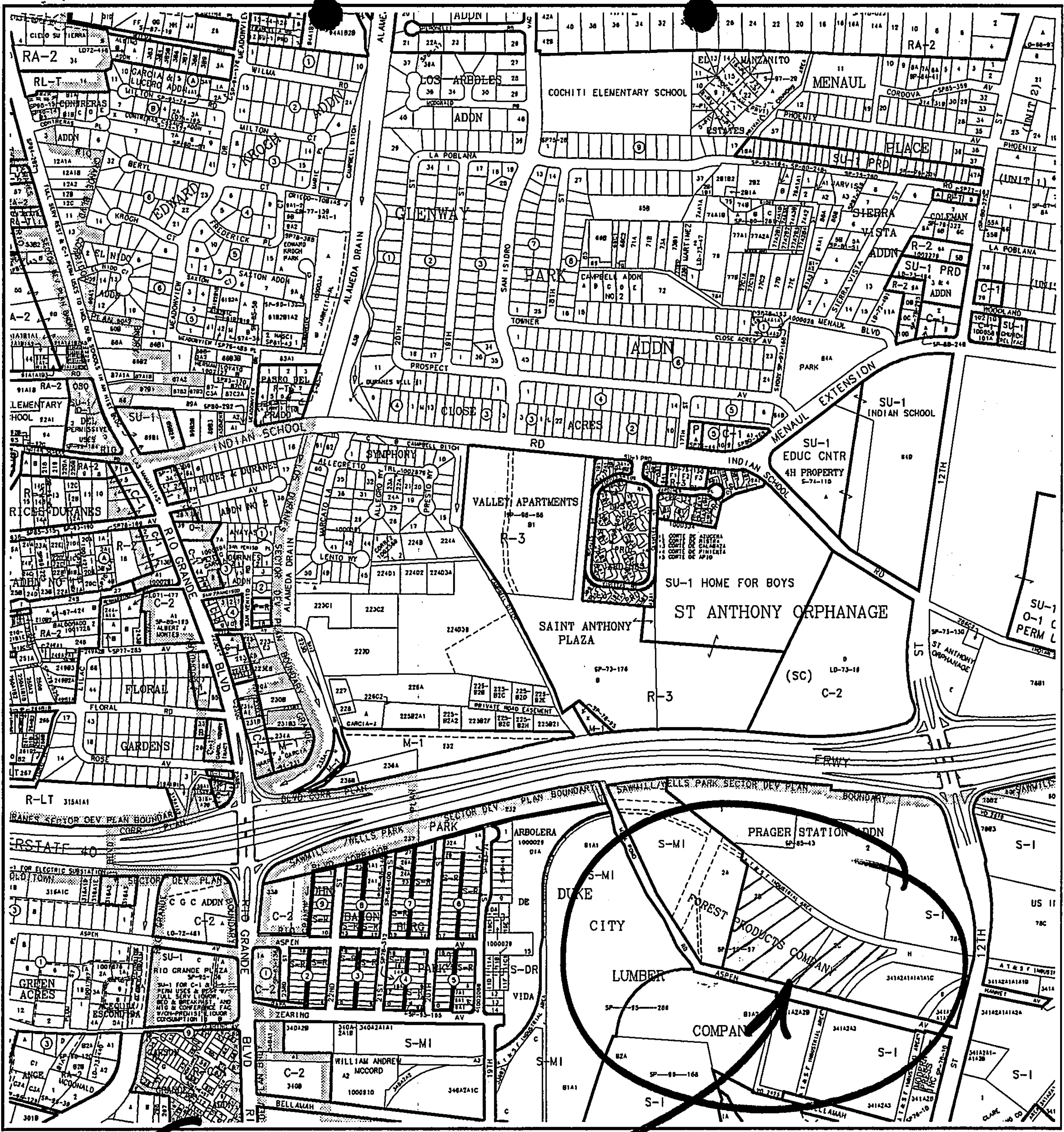
CCBG INC
PO BOX 6992
ALBUQUERQUE, NM 87197

101305949102940307

LAUN-DRY SUPPLY COMPANY
3800 DURAZNO
EL PASO TX 79905

101305936402540210

RIO GRANDE PROPERTIES LLC
8324 WASHINGTON ST NE
ALBUQUERQUE NM 87113



Zone Atlas Page

H-13-Z

Map Amended through August 03, 2004

Albuquerque **G**eographic **I**nformation **S**ystem
PLANNING DEPARTMENT

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Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 23, 2006

SAWMILL AREA NEIGHBORHOOD ASSOC.
LARRY SCHULTZ
1324 SAWMILL ROAD NW
ALBUQUERQUE, NM 87104

REF: TRACTS 2-B-1 & 2-C-1, LANDS OF FOREST PRODUCTS COMPANY

Dear Larry Schultz:

This letter is a notice to you of action being taken on the Lands of Forest Products Company, located on Aspen Avenue NW.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate existing PNM easements and a preliminary/ final plat to adjust the lot lines between Two (2) existing tract to DRB for approval. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 19, 2006.

If you have any questions please feel free to contact me.

Sincerely,



Dan Graney
President

7004 0550 0000 8428 8603

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here: 3/23/06

Sent To	LARRY SCHULTZ
Street, Apt. No., or PO Box No.	1324 SAWMILL RD NW
City, State, ZIP+4	ALBU, N. MEX 87104



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

PRELIM/FINAL PLAT

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

P

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

L A D

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): THE SURVEY OFFICE, LLC PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0305
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: ROBERT CRAWFORD PHONE: 243-7883
 ADDRESS: 1623 ASPEN AVE NW FAX: _____
 CITY: ALBU STATE NM ZIP 87104 E-MAIL: _____

Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: INCORPORATE A PORTION OF TRACT H INTO THE TWO EXISTING TRACTS, CREATING TWO NEW TRACTS.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. LOTS 2-B-1 & 2-C-1, LANDS OF FOREST Block: N/A Unit: N/A
 Subdiv/Addn/TBKA: PRODUCTS, TOGETHER W A PORTION OF TRACT H, A.T. & S.F. INDUSTRIAL
 Existing Zoning: S-1 Proposed zoning: N/A Area
 Zone Atlas page(s): H-13-2 UPC Code: 1-013-059-385-070-40305 MRGCD Map No N/A
1-013-059-425-060-40317
1-013-059-478-054-40310 CA

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): Proj # 1004778

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 2 Total area of site (acres): 7.5425

LOCATION OF PROPERTY BY STREETS: On or Near: ASPEN AVE NW
 Between: _____ and _____

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE M. Maple DATE 1-15-10
 (Print) Gary Maple Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers

10DRB - 70023

Action

PJF
CME

S.F.

Fees

\$ 285.00

\$ 20.00

\$ _____

\$ _____

\$ _____

\$ _____

Total

\$ 305.00

Hearing date January 27, 2010

[Signature]
 1-19-10
 Planner signature / date

Project # 1004778

Form revised 4/07

FORM S(3): SUBDIVISION - D.R. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** Your attendance is required.
- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - List any original and/or related file numbers on the cover application

- EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08)** Your attendance is required.
- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.**

- MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)** Your attendance is required.
- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
 - Design elevations & cross sections of perimeter walls **3 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - Copy of recorded SIA
 - Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
 - List any original and/or related file numbers on the cover application
 - DXF file and hard copy of final plat data for AGIS is required.

- MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)** Your attendance is required.
- 5 Acres or more: Certificate of No Effect or Approval
 - Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
 - Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
 - Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
 - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
 - Infrastructure list if required (**verify with DRB Engineer**)
 - DXF file and hard copy of final plat data for AGIS is required.

- AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)** Your attendance is required.
- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Gary D. Maple
Applicant name (print)

M. Maple 1-15-10
Applicant signature / date

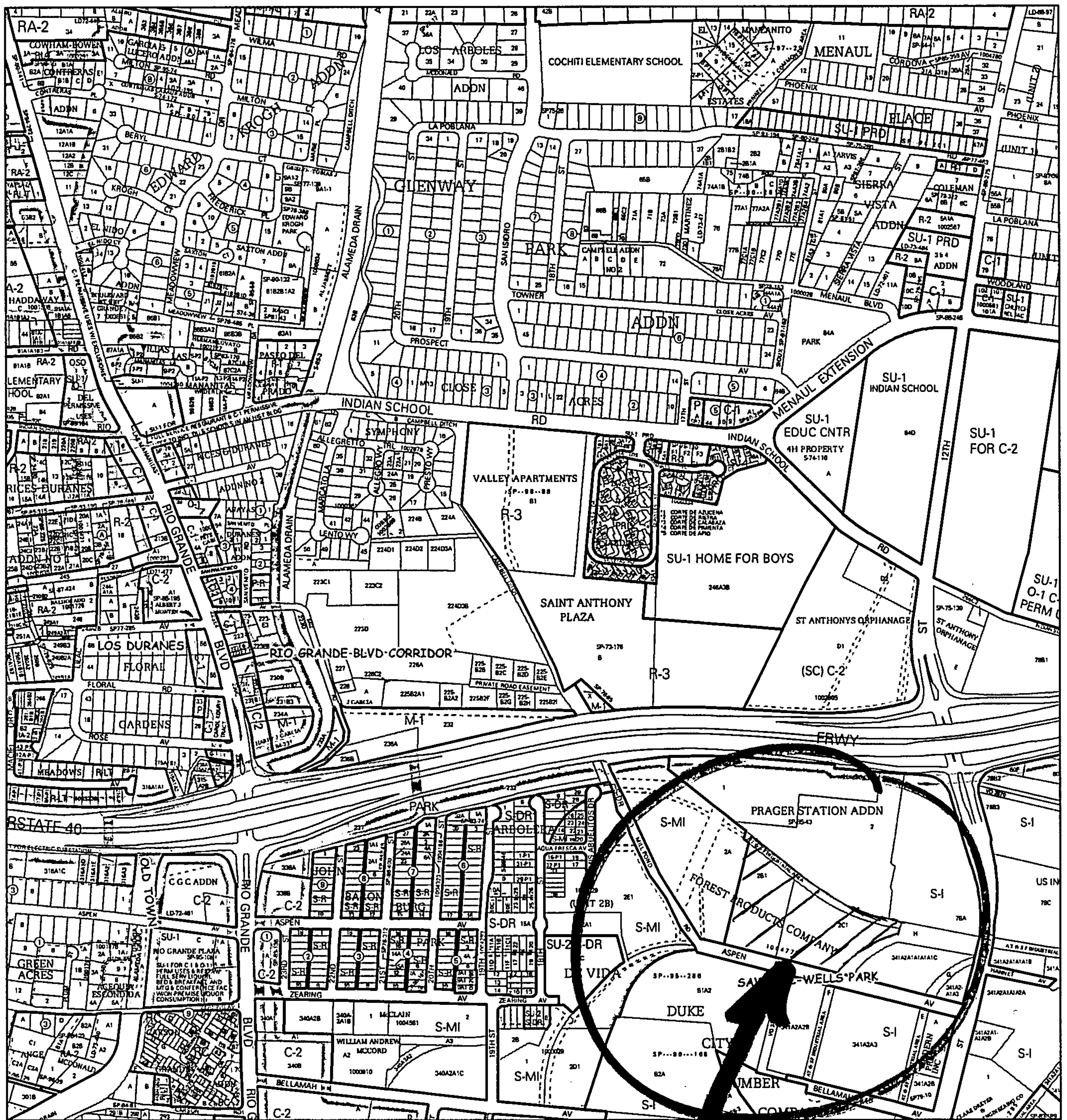


Form revised October 2007

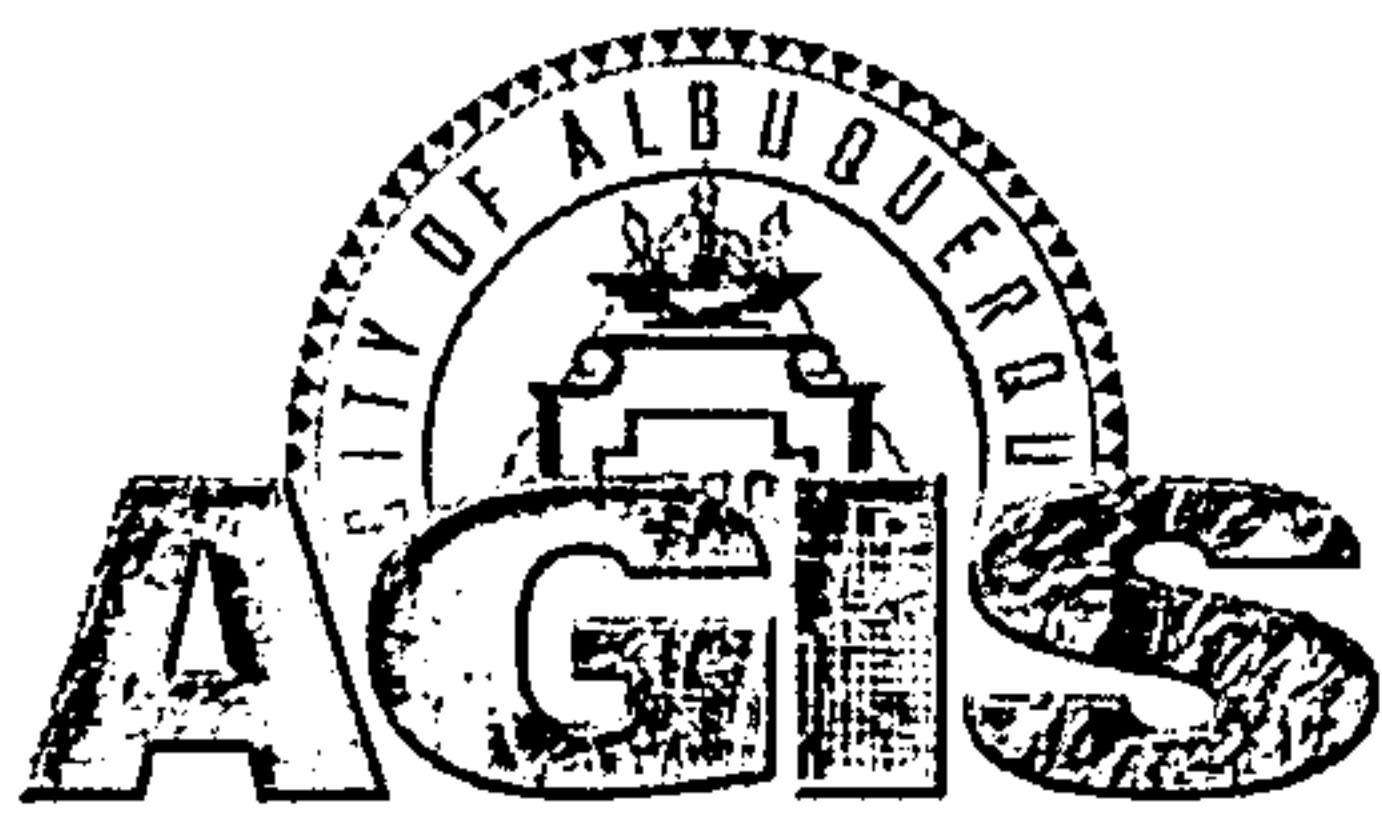
- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
10DRB - _____ - 70023

[Signature] 1-19-10
Planner signature / date

Project # 1004778



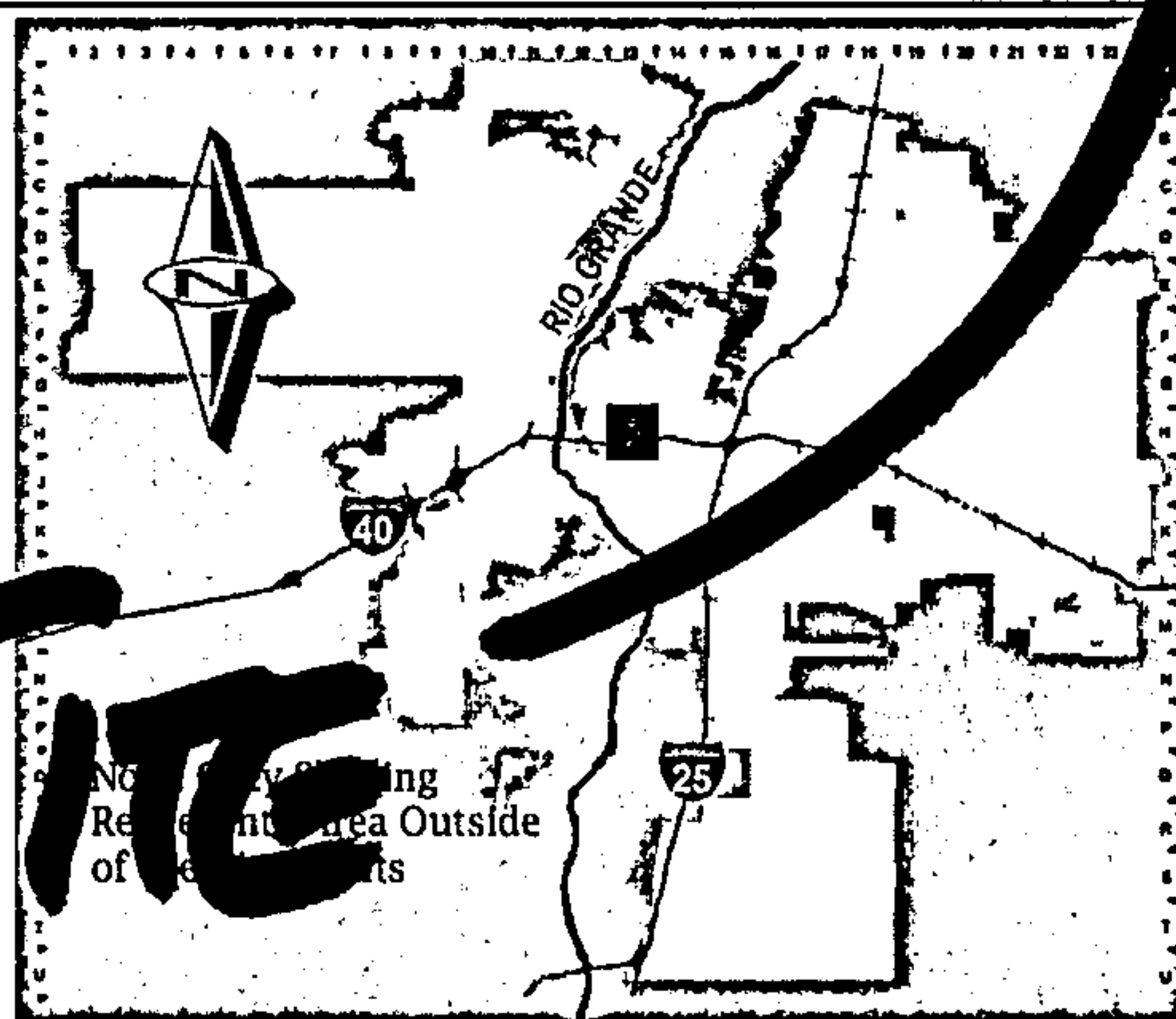
For more current information and more details visit: <http://www.abq.gov/gis>



Albuquerque Geographic Information System

Map amended through: 3/10/2009

SITE
 Located in the
 Rio Grande
 Area Outside
 of the City Limits



Zone Atlas Page:

H-13-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



The Survey Office, LLC

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0305*

January 12, 2010

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

REF: TRACTS 2-B-1-A & 2-C-1-A, LANDS OF FOREST PRODUCTS CO.

Dear Board Members:

The Survey Office, LLC is requesting preliminary / final plat sign off for the above referenced property.

The purpose of this plat is to incorporate a portion of Tract H into the two existing tracts, creating two new tracts. The property has existing commercial buildings with curb, gutter and sidewalks (see attached exhibit).

Per letter dated November 19, 2009 from Transportation Development Services, the owner received a 90-day Temporary C.O., pending the approval and recordation of the above referenced replat to incorporate a portion of Tract H (per quitclaim deed recorded July 7, 2009, document #2009076219, Second Judicial District Court Case No. CV-200804093) to comply with the additional parking on the north side of the property (see attached letter).

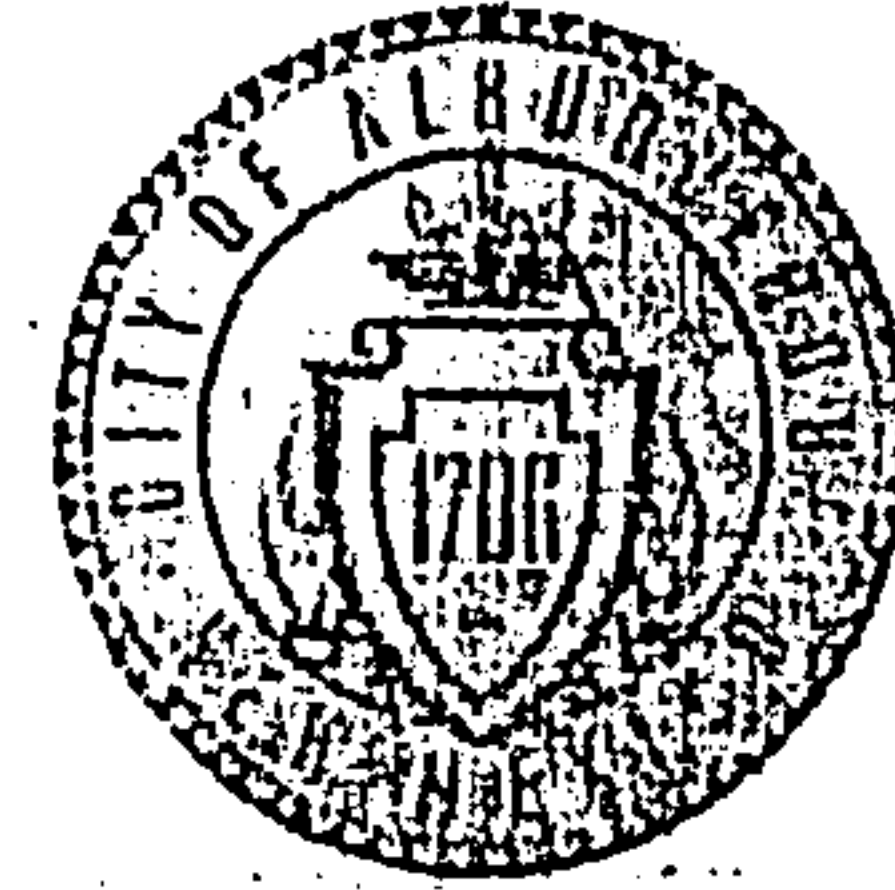
If you have any questions please feel free to contact me.

Sincerely,



Gary Maple
President

CITY OF ALBUQUERQUE



Planning Department
Transportation Development Services Section

November 18, 2007

James Benjamin Clark, Registered Architect
Masterworks Architect's, Inc
516 Eleventh Street NW
Albuquerque, NM 87102

RECEIVED NOV 19 2009

File 0927

Re: Approval of Temporary Certificate of Occupancy (C.O.) for
Roberts Trucks Body Shop, [H-13 / D003]
1623 Aspen NW
Architect's Stamp Dated 11/15/09

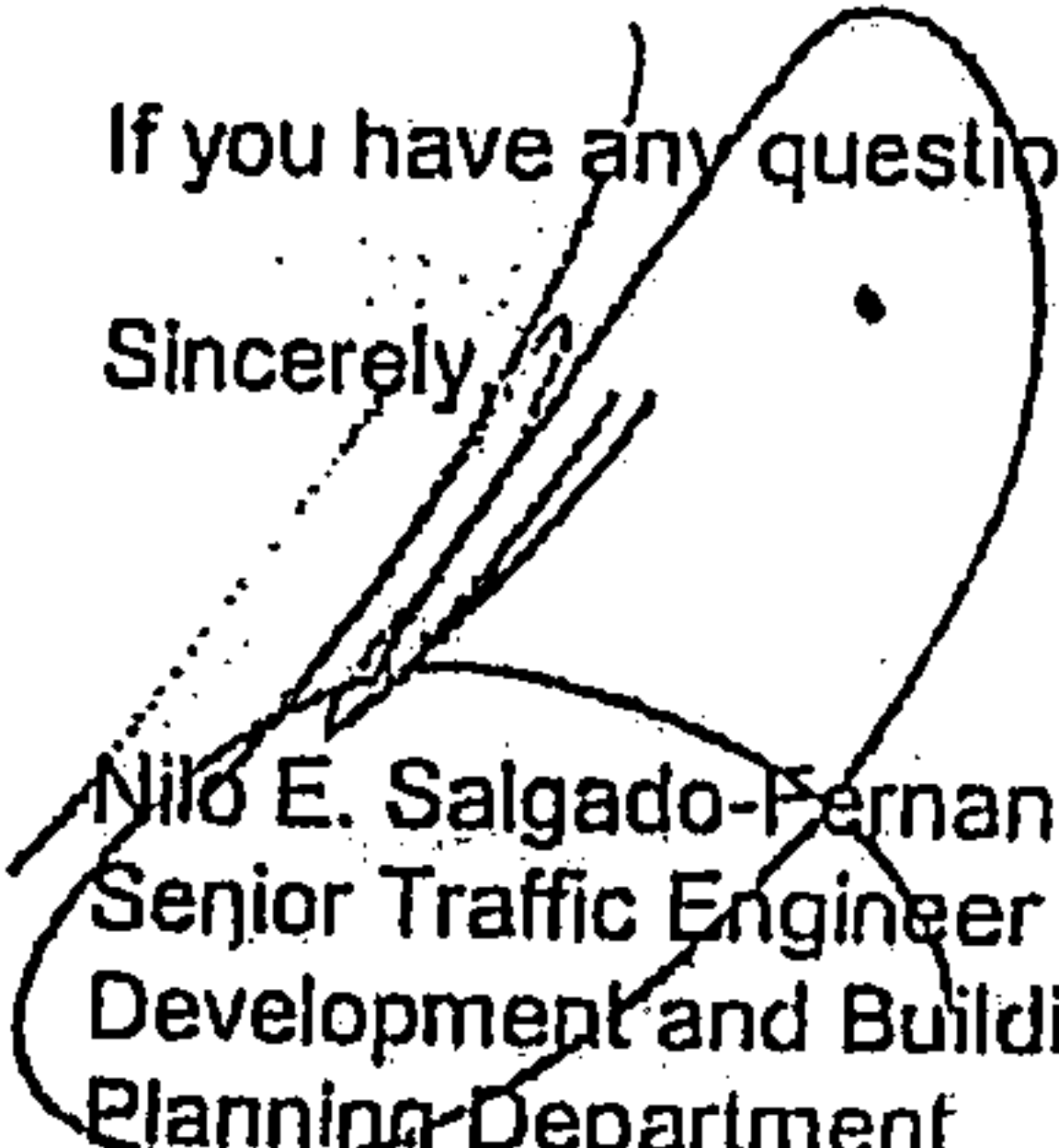
Dear Mr. Clark:

Based upon the information provided in your submittal received 11-16-09, Transportation Development has down graded your request from a Permanent C.O. to a 90-day Temporary C.O. This letter serves as a "green tag" from Transportation Development for a 90-day Temporary C.O. to be issued by the Building and Safety Division.

A green tag for a Temporary C.O. has been given allowing the outstanding issues to be addressed: The additional parking shown on Site Plan (is the additional parking part of the required parking calculations? If so then you'll need to provide a copy of the approved Final Plat demonstrating the north segment as part of Roberts Trucks property); Since, additional parking on the north segment is shared between 1623 and 1423 Aspen you'll need to provide a copy of the Shared Parking Agreement. When these remaining issues have been fully completed; are in substantial compliance, and a final Certification request for Transportation has been resubmitted to the City's Hydrology office for approval, a 'green tag' for Permanent C.O. will be issued.

If you have any questions, please call me at 924-3630.

Sincerely,


Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
Hydrology file
CO Clerk

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

QUITCLAIM DEED

BNSF RAILWAY COMPANY, a Delaware corporation, in its own capacity as successor in interest to Atchison, Topeka and Santa Fe Railway Company quitclaims to DIAMOND LTD., a Texas limited partnership whose address is 4354 Canyon Dr., Amarillo, Texas 79109, the real estate and any and all improvements thereon situate in Bernalillo County, New Mexico, described in Exhibit "A" attached hereto and incorporated herein by reference.

The real estate and improvements thereon described in Exhibit "A" was previously quitclaimed to the New Mexico Department of Transportation by Quitclaim Deed dated March 17, 2006 and recorded in Book A-113, page 8202 of the records of Bernalillo County, New Mexico. The New Mexico Department of Transportation has stated in its Disclaimer attached to a Stipulated Partial Judgment in Cause No. CV-2008-04093, State of New Mexico, County of Bernalillo, Second Judicial District, that the New Mexico Department of Transportation never obtained any right, title or interest in such real estate or improvements, which statement by the New Mexico Department of Transportation is in error, in view of the Quitclaim Deed dated March 17, 2006, and recorded in Book A-113, page 8202 of the records of Bernalillo County, New Mexico.

Witness my hand and seal this 5th day of June, 2009.

BNSF RAILWAY COMPANY

By: 
Its: Manager - Land Revenue Management

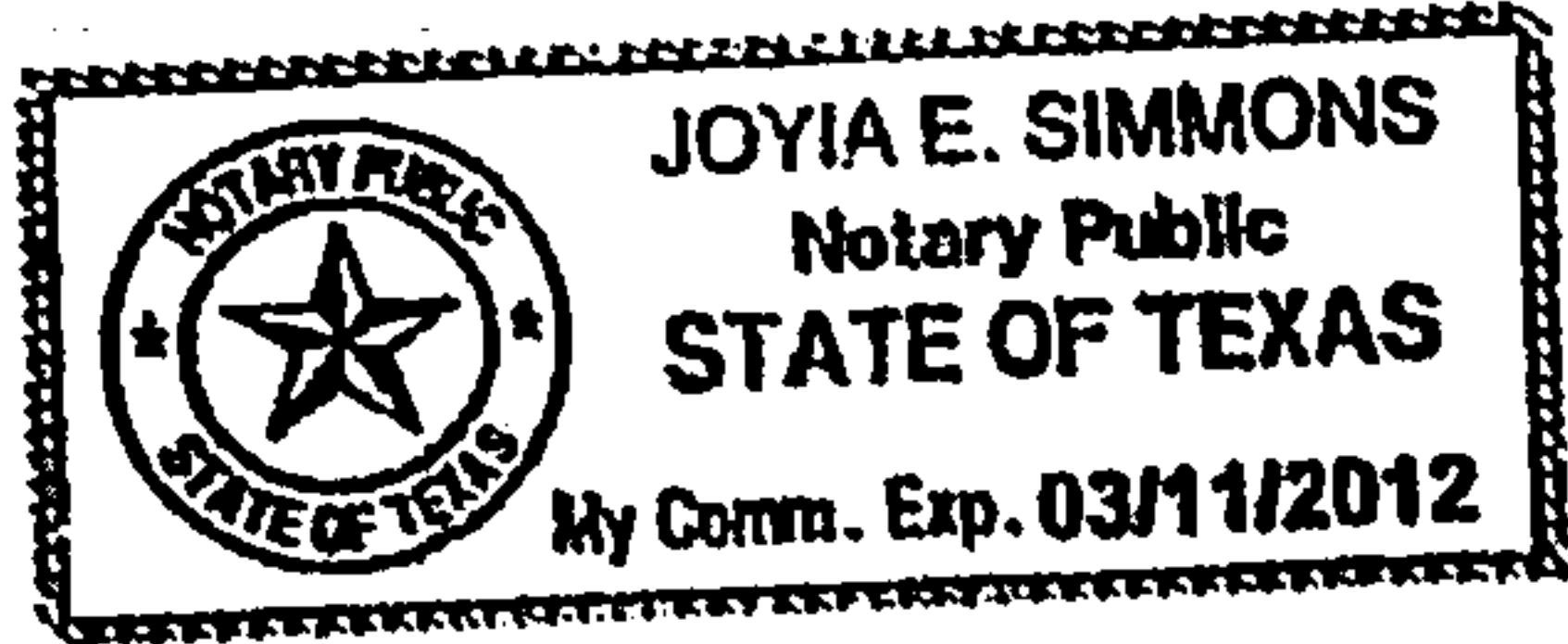
Doc# 2009076219

07/07/2009 04:15 PM Page: 1 of 4
OCD R:\$15.00 N. Toulouse Oliver, Bernalillo County



ACKNOWLEDGEMENT

This instrument was acknowledged before me on June 5, 2009 by Dale
Wintermute as Manager of BNSF Railway Company.

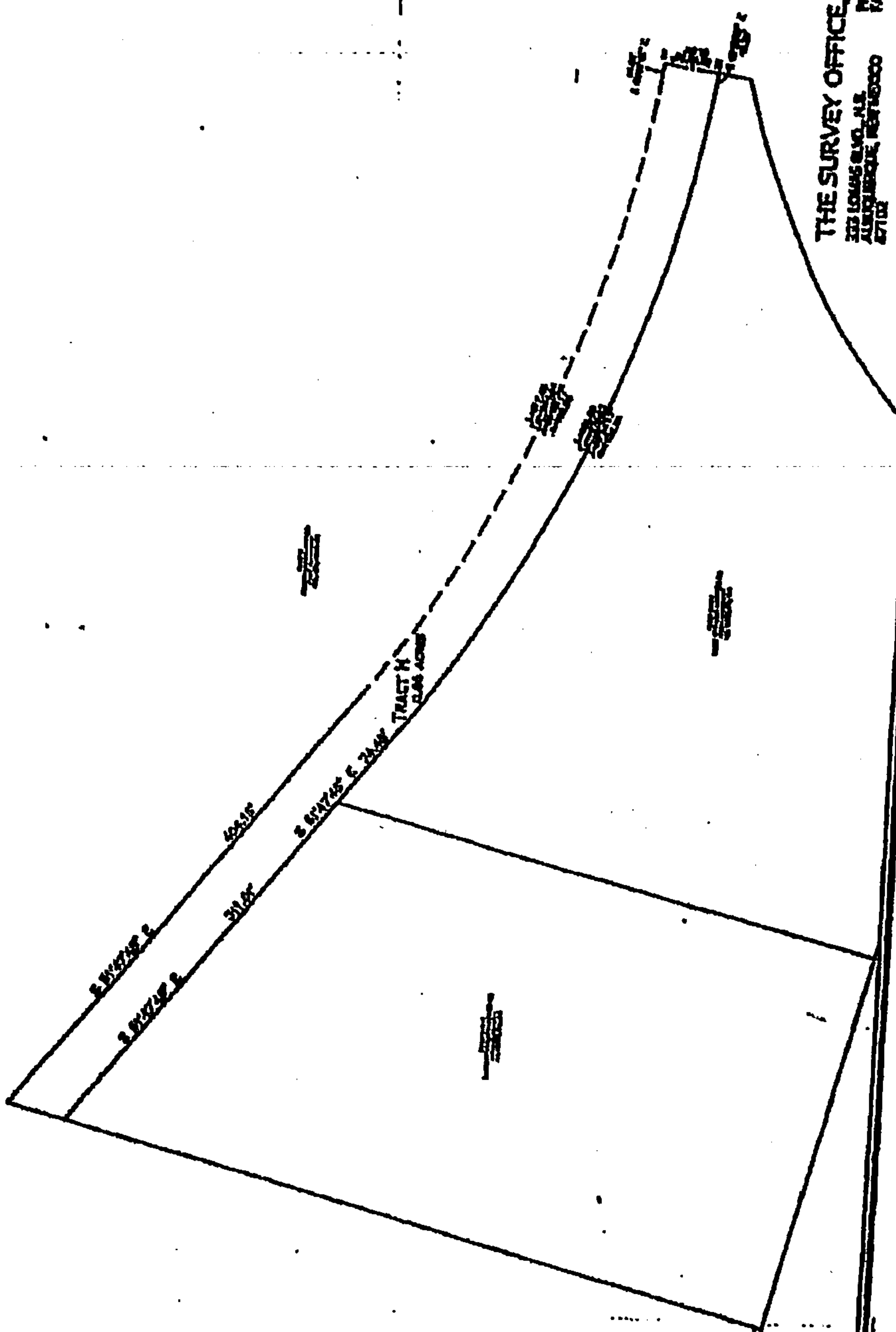


Joyia E. Simmons
Notary Public

My Commission Expires:

3-11-2012

PORTION OF TRACT H
M.R.G.C.D. MAP 36
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
SEPTEMBER 2008



THE SURVEY OFFICE, LLC
 223 SOMERS BLVD., N.E.
 ALBUQUERQUE, NEW MEXICO
 87102
 PHONE: (505) 265-0100
 FAX: (505) 265-0903
T10N R3E SEC. 7

EXHIBIT
A

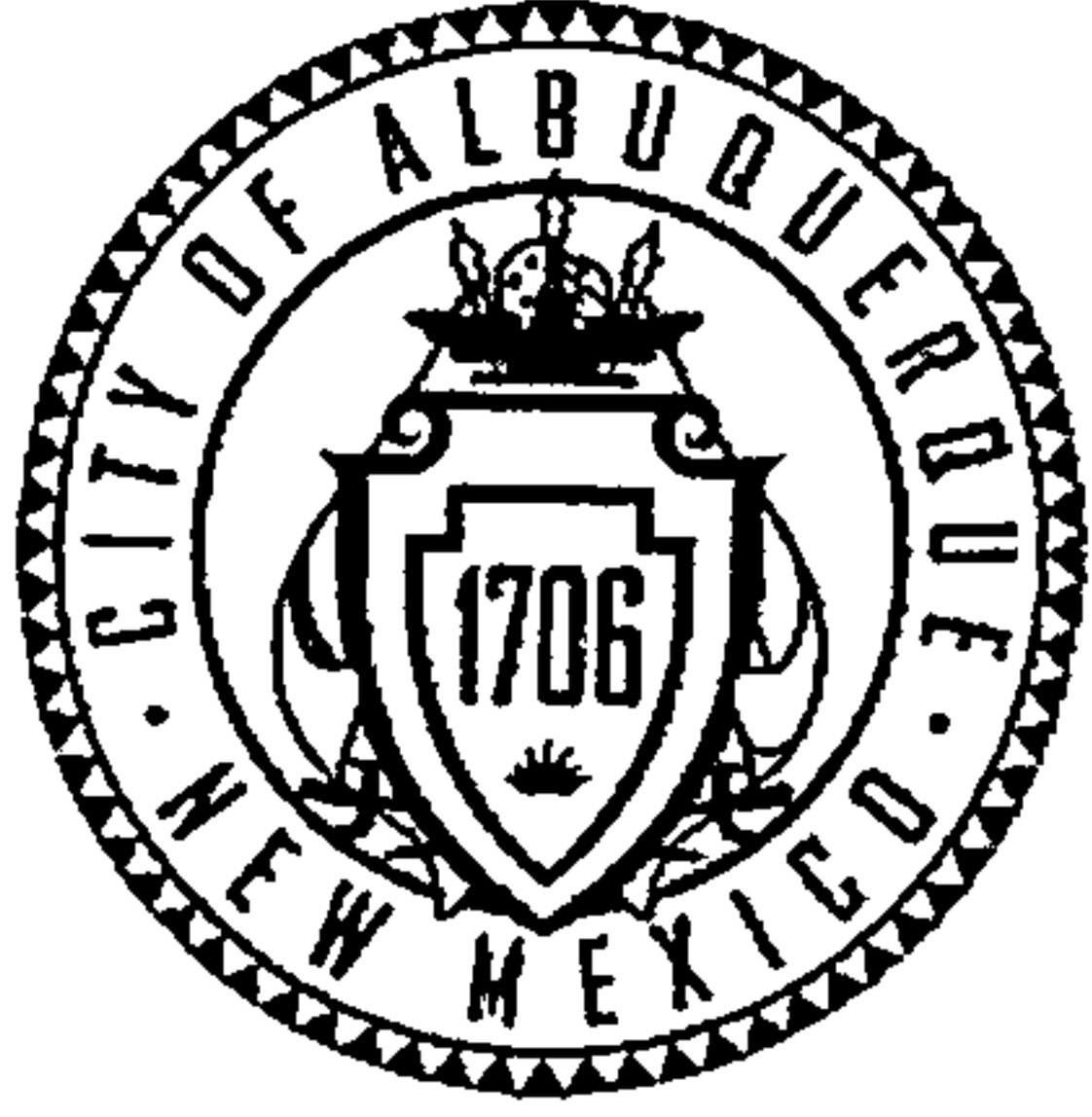
09-28-2008 08:29:45
 THE SURVEY OFFICE, LLC
 223 SOMERS BLVD., N.E.
 ALBUQUERQUE, NEW MEXICO
 87102
 PHONE: (505) 265-0100
 FAX: (505) 265-0903

Legal Description

A portion of a tract of land also known as Tract "H" as shown on that certain plat of Tract 2-B-1 and Tract 2-C-1; Land of Forest Products Co. within projected Section 7, Township 10 North, Range 3 East, N.M.P.M.; Town of Albuquerque, Grant City of Albuquerque, Bernalillo County, New Mexico; as recorded in Map Book 2008C; Page 142 Judge of Probates Office being more particularly described as follows:

Begin at the NW corner of Tract 2-B-1; thence run N14d00'14"E, 43.85 feet; thence run S51d47'45"E, 403.45 feet to a point lying on a curve concave to the Southwest, having a Central Angle of 29d54'17", a Radius of 992.08 feet and a Tangent of 264.94 feet; thence run along said curve, 517.80 feet; thence run S81d51'10"E, 13.33 feet; thence run S08d08'20"W, 40.00 feet to the NE corner of Tract 2-C-1; thence run N81d50'51"W along the North boundary of said Tract, 13.34 feet to a point lying on a curve concave to the Southwest, having a Central Angle of 29d54'17", a Radius of 1032.08 feet and a Tangent of 275.63 feet; thence run along said curve, 538.68 feet; thence run N51d47'45"W, 385.46 feet to the point of beginning of the Tract of land herein described.

Said Tract containing 0.88 Acres more or less.



City of Albuquerque

P.O. Box 1293 Albuquerque, New Mexico 87103

Planning Department

Deborah Stover, Director

Richard J. Berry, Mayor

David S. Campbell, CAO

Interoffice Memorandum

January 14, 2010

SUBJECT: ALBUQUERQUE ARCHAEOLOGICAL ORDINANCE—Compliance Documentation

Project Number(s):

Case Number(s):

Agent: The Survey Office, LLC - C/O G.P.S. LLC, Sarah Gibson

Applicant: Amarillo Diamond LTD

Legal Description: Lots 2-B-1 and 2-C-1, Lands of Forest Products; A portion of Tract H, A.T. & S.F. Industrial Area

Zoning: S-I

Acreage: 7.54 acres

Zone Atlas Page: H-13

CERTIFICATE OF NO EFFECT: Yes No

CERTIFICATE OF APPROVAL: Yes No

TREATMENT PLAN REVIEW:
DISCOVERY:

SUPPORTING DOCUMENTATION: 2008 AGIS aerial photograph

SITE VISIT: n/a

RECOMMENDATION(S):

- ***CERTIFICATE OF NO EFFECT IS ISSUED (ref O-07-72 Section 4B(2)—extensive previous land disturbance).***

SUBMITTED:

Matthew Schmader, PhD
Superintendent, Open Space Division
City Archaeologist

The Survey Office, LLC

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0305*

January 12, 2010

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 SECOND STREET NW
ALBUQUERQUE, NM 87102

REF: TRACTS 2-B-1-A & 2-C-1-A, LANDS OF FOREST PRODUCTS CO.

Dear Board Members:

The Survey Office, LLC is requesting preliminary / final plat sign off for the above referenced property.

The purpose of this plat is to incorporate a portion of Tract H into the two existing tracts, creating two new tracts. The property has existing commercial buildings with curb, gutter and sidewalks (see attached exhibit).

Per letter dated November 19, 2009 from Transportation Development Services, the owner received a 90-day Temporary C.O., pending the approval and recordation of the above referenced replat to incorporate a portion of Tract H (per quitclaim deed recorded July 7, 2009, document #2009076219, Second Judicial District Court Case No. CV-200804093) to comply with the additional parking on the north side of the property (see attached letter).

If you have any questions please feel free to contact me.

Sincerely,



Gary Maple
President

CITY OF ALBUQUERQUE



Planning Department
Transportation Development Services Section

November 18, 2007

James Benjamin Clark, Registered Architect
Masterworks Architect's, Inc
516 Eleventh Street NW
Albuquerque, NM 87102

RECEIVED NOV 19 2009

File 0927

Re: Approval of Temporary Certificate of Occupancy (C.O.) for
Roberts Trucks Body Shop, [H-13 / D003]
1623 Aspen NW
Architect's Stamp Dated 11/15/09

Dear Mr. Clark:

Based upon the information provided in your submittal received 11-16-09, Transportation Development has down graded your request from a Permanent C.O. to a 90-day Temporary C.O. This letter serves as a "green tag" from Transportation Development for a 90-day Temporary C.O. to be issued by the Building and Safety Division.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A green tag for a Temporary C.O. has been given allowing the outstanding issues to be addressed: The additional parking shown on Site Plan (is the additional parking part of the required parking calculations? If so then you'll need to provide a copy of the approved Final Plat demonstrating the north segment as part of Roberts Trucks property); Since, additional parking on the north segment is shared between 1623 and 1423 Aspen you'll need to provide a copy of the Shared Parking Agreement. When these remaining issues have been fully completed, are in substantial compliance, and a final Certification request for Transportation has been resubmitted to the City's Hydrology office for approval, a 'green tag' for Permanent C.O. will be issued.

If you have any questions, please call me at 924-3630.

Sincerely,


Nilo E. Salgado-Fernandez, P.E.
Senior Traffic Engineer
Development and Building Services
Planning Department

c: Engineer
Hydrology file
CO Clerk

QUITCLAIM DEED

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Witness my hand and seal this 5th day of June, 2009.

BNSF RAILWAY COMPANY

By: 
Its: Manager - Land Revenue Management

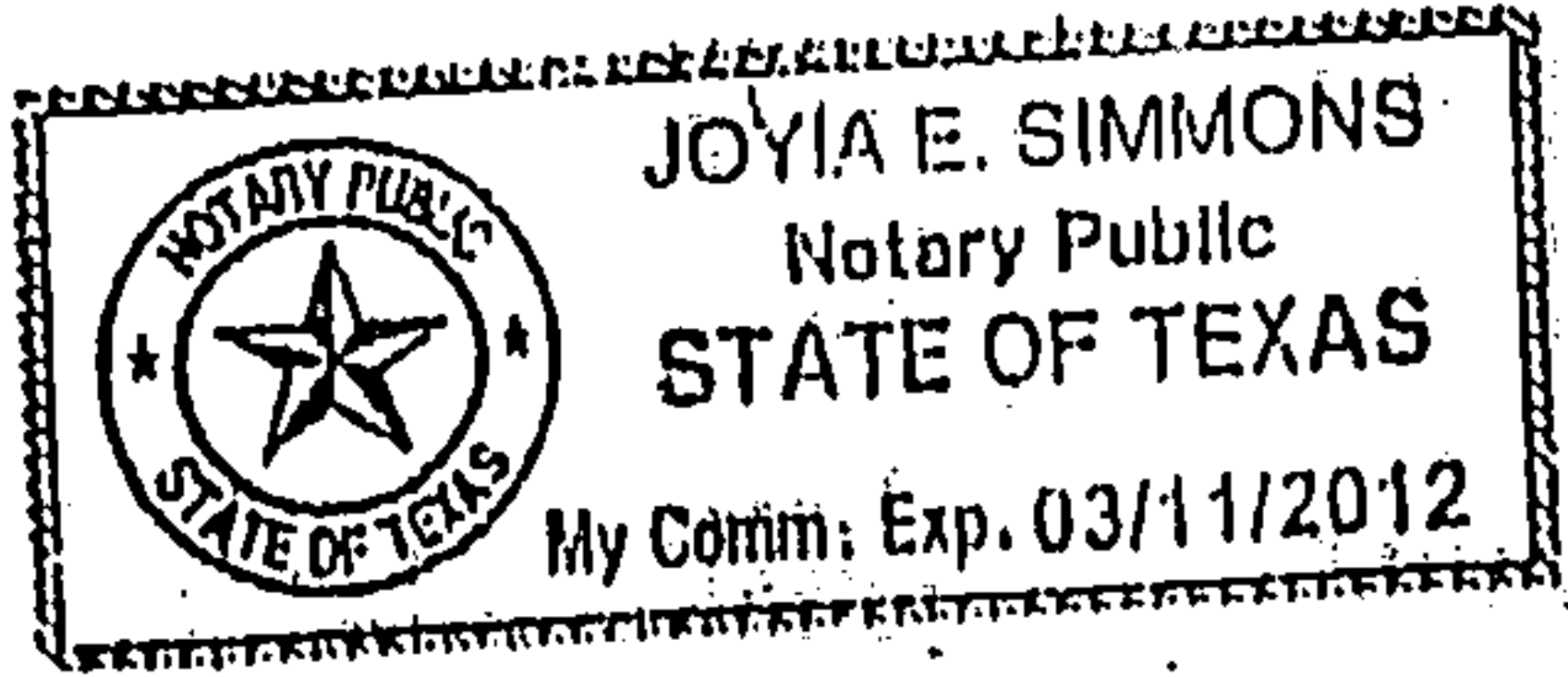
Doc# 2009076219

07/07/2009 04:16 PM Page: 1 of 4
GCD R: \$15.00 M. Toulouse Oliver, Bernalillo County



ACKNOWLEDGEMENT

This instrument was acknowledged before me on June 5, 2009 by Dalea
Wintermute as Manager of BNSF Railway Company.

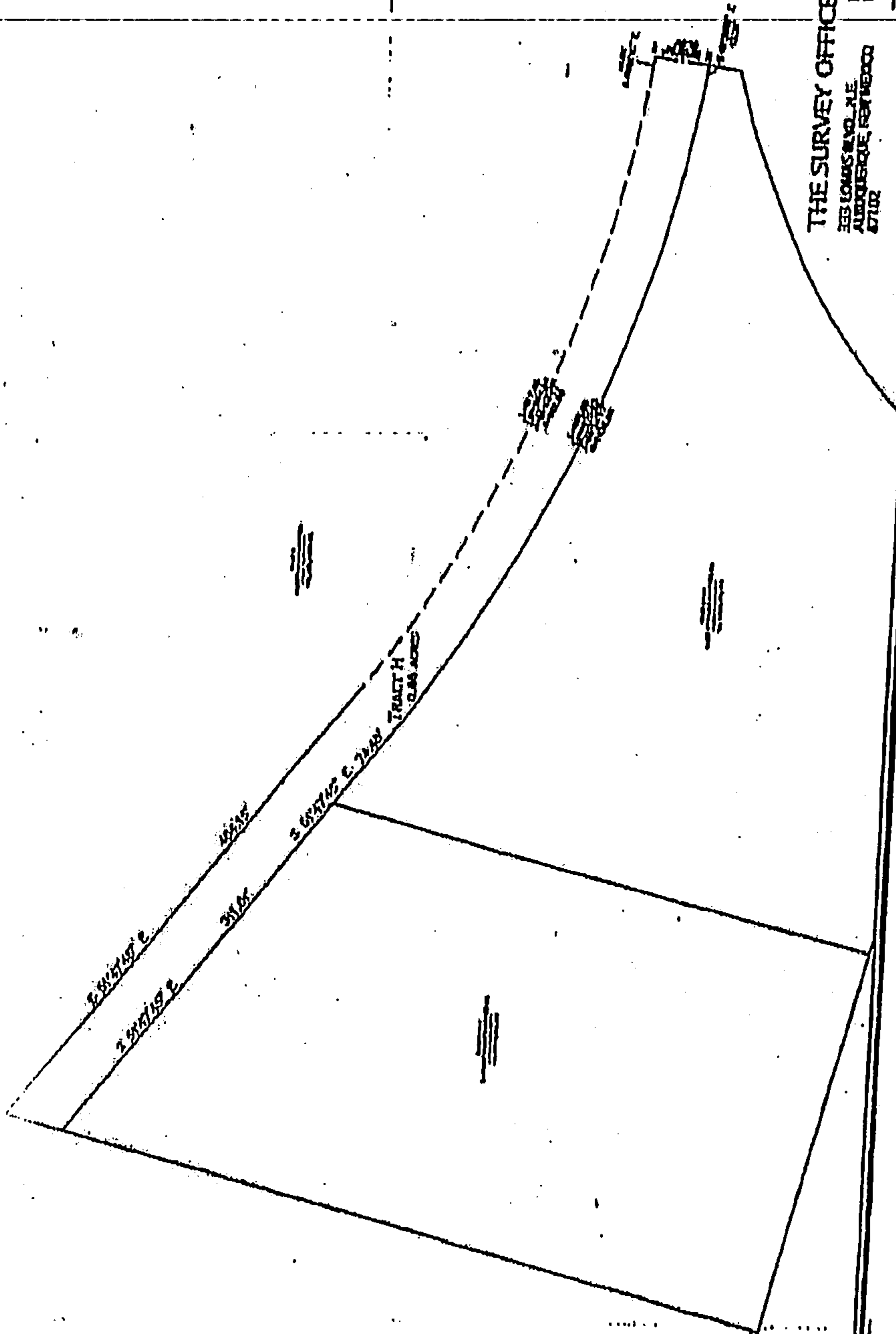


Joyia E. Simmons
Notary Public

My Commission Expires:
3-11-2012

K:\dox\client\14155\5012\W0916263.DOC

PORTION OF TRACT H
M.R.G.C.D. MAP 36
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
SEPTEMBER 2008



THE SURVEY OFFICE, LLC
333 LOWERY BLVD., STE. 1000
ALBUQUERQUE, NEW MEXICO
87102
PHONE: (505) 954-1505
FAX: (505) 954-0505

T10N R3E SEC. 7

08-2018-23-40
L.S. & C.
PLANNING & SURVEYING
2000 UNIVERSITY BLVD., N.W.
ALBUQUERQUE, NM 87102



EXHIBIT
A

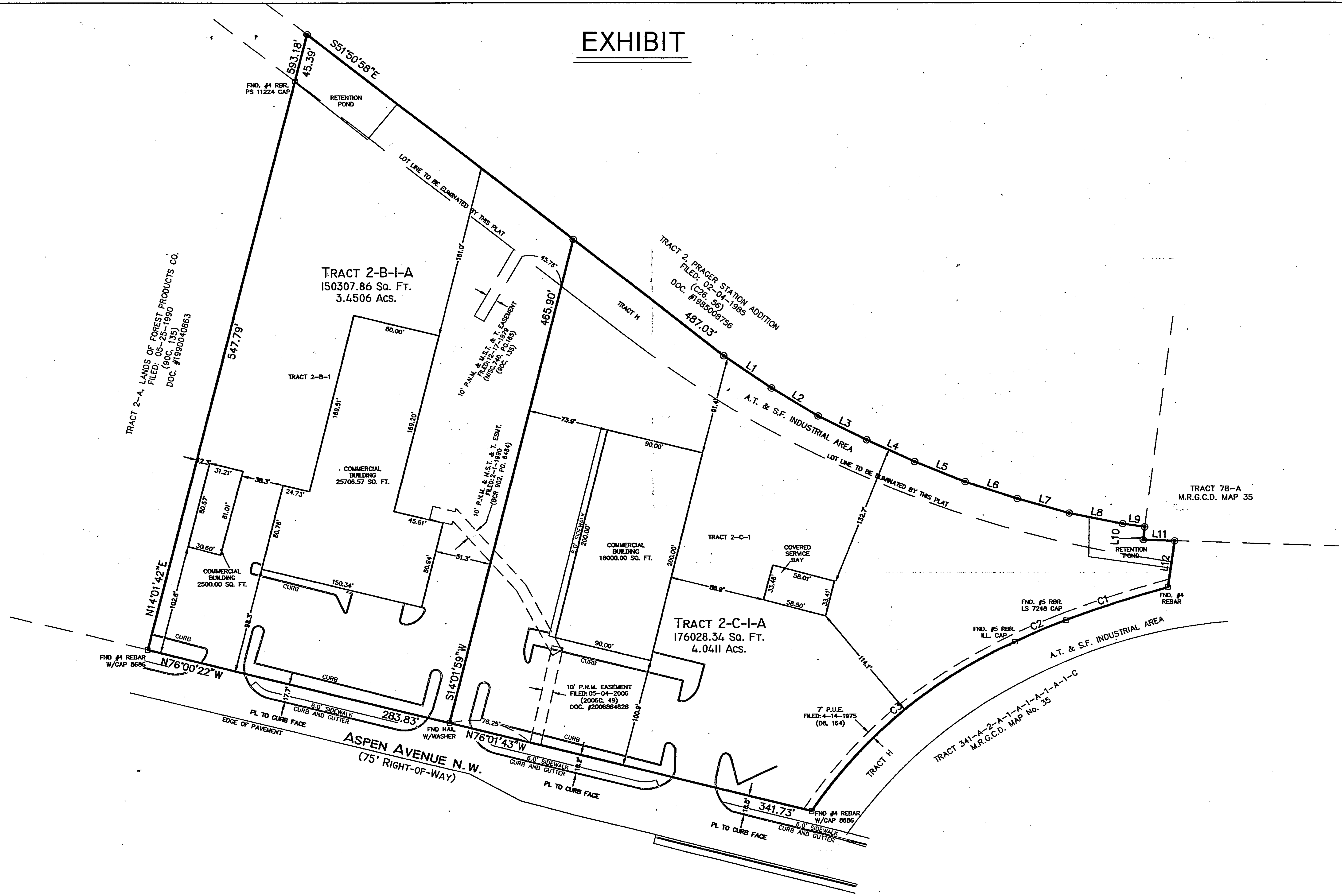
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Said Tract containing 0.88 Acres more or less.

EXHIBIT



COPY

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

ENDORSED
FILED IN MY OFFICE THIS

APR 23 2008

Juanita M. Duran
CLERK DISTRICT COURT

ROGER COX LIMITED PARTNERSHIP 1984-2,
a New Mexico limited partnership and AMARILLO
DIAMOND LTD., a Texas limited partnership,

Plaintiffs,

vs.

CASE NO. CV 2008 0 4 0 9 3

BNSF RAILWAY COMPANY, a
Delaware corporation, STATE OF NEW
MEXICO, *ex rel.*, NEW MEXICO DEPARTMENT
OF TRANSPORTATION,

Defendants.

COMPLAINT FOR DECLARATORY JUDGMENT

COMES NOW, Plaintiffs by and through their attorneys, Myers, Oliver & Price, P.C.
(Scott Oliver) and for their complaint for declaratory judgment pursuant to NMSA 1978 § 44-6-
1, *et seq.* state:

1. Plaintiff Roger Cox Limited Partnership 1984-2 ("Cox"), is a New Mexico limited partnership, with its principal office in Albuquerque, New Mexico. Plaintiff Amarillo Diamond Limited ("Diamond"), is a Texas limited partnership with its principal office in Amarillo, Texas.

2. BNSF Railway Company ("BNSF") is a Delaware corporation registered to do business in the State of New Mexico with its principal office outside New Mexico in Fort Worth, Texas.

3. State of New Mexico, *ex rel.*, New Mexico Department of Transportation is a department of government of the State of New Mexico.

4. Cox is owner and in possession of the following described real property located in Bernalillo County, New Mexico:

Tract 2-A of the Plat of Tracts 2-A, 2-B and 2-C Lands of Forest Products Co., being a Replat of Tracts 1 and 2 situate within Section 7 T.10. N., R.3. E., N.M.P.M., Albuquerque, Bernalillo County, New Mexico, dated November 1989 and filed in the records of Bernalillo County, New Mexico on May 25, 1990, in Volume 90C, Folio 135 as Document Number 9040863, (a copy of which plat is attached hereto as Exhibit "A") located at 1701 Aspen Avenue NW, Albuquerque, New Mexico 87104 ("Cox Tract").

5. Diamond is owner and in possession of the following described real property located in Bernalillo County, New Mexico:

Tracts 2-B-1 and 2-C-1 of Plat of Tracts 2-B-1 and 2-C-1 Lands of Forest Products Co. within projected Section 7, T. 10 N., R. 3 E., N.M.P.M., Town of Albuquerque Grant, City of Albuquerque, Bernalillo County, New Mexico, dated March 2006 and recorded in the records of Bernalillo County, New Mexico on May 4, 2006 in Book 2006C, Page 142 as Document Number 2006064626 (a copy of which is attached hereto as Exhibit "B") located at 1623 Aspen Avenue NW, Albuquerque, New Mexico, ("Diamond Tracts").

6. Upon information and belief prior to March of the year 2006 BNSF owned the beneficial interest in an easement in favor of BNSF's predecessor in interest, the Atchison, Topeka and Santa Fe Railway Company ("ATS&F") as depicted on Exhibit A and on a copy of the Corrected Plat of Tracts 1 and 2 Lands of Forest Products Co. in the SE ¼ of Sec. 7, T.10N., R.3E.; N.M.P.M. within the Town of Albuquerque Grant, Bernalillo County, New Mexico, recorded in the records of Bernalillo County, New Mexico, on July 14, 1978, in Volume D8, Folio 164 as Document Number 7851247, a copy of which is attached hereto as Exhibit "C" and incorporated herein by reference ("BNSF Spur Easement").

7. Upon information and belief the larger parcel from which the above-described lands are derived was acquired by American Lumber Company, a New Jersey corporation, in the year 1903.

8. Upon information and belief American Lumber Company became insolvent and was acquired by McKinley Land and Lumber Co., owned by George E. Breece. The company name was changed at a later date to George Breece Lumber. A Warranty Deed dated November 15, 1910, from American Lumber Company, a New Jersey corporation, as Grantor, to American Lumber Co., a New Mexico corporation, as grantee, appears in the records of Bernalillo County, New Mexico, recorded at Book 46, Page 564, which delineates an existing right of way in favor of an Atchison, Topeka & Santa Fe railway spur. A copy of said deed is attached hereto as Exhibit "D" and incorporated herein by reference. Later deeds vested title to the larger parcel in Santa Fe Improvement Company which sold to Forest Products Company, a Nevada corporation, by Warranty Deed recorded in the records of Bernalillo County, New Mexico, on January 26, 1948, in Volume D-69, Folio 13 as Document Number 30499, a copy of which is attached hereto as Exhibit "E" and incorporated herein by reference. This Deed excepts, and reserves to AT&SF, its successors and assigns "a right of way and easement over and across that part of the hereinabove described tract or parcel of land lying north of said Track No. 577 for the future construction of such track or tracks as may be reasonably necessary to serve industrial property lying westerly of the hereinabove described premises." After diligent search Plaintiffs have found no documents of record providing for railroad spur easements in favor of BNSF or its predecessor, AT&SF, other than those documents and plats referred to above.

9. Also prior to March of the year 2006, BNSF owned fee simple title interest in a real property site described as a portion of an abandoned railroad spur that extends along the north boundary of the Diamond Tracts. The spur is part of a larger parcel of railroad land (all of Tract H of the AT&SF Industrial Area.) A portion of Tract H extends west from 12th Street (about 280 feet north of Aspen Avenue) approximately 430 feet and branches, with one spur

continuing in a northwesterly direction and the other in a southwesterly direction, on either side of the Diamond Tracts ("Tract H"). The subject of the captioned cause is the portion of the northwesterly branch which adjoins the north boundary of the Diamond Tracts. The site contains approximately 0.901 acres or 39,248 square feet. This area is based on the linear measurement of 981.20 feet shown on the plat of the adjacent property and relies on an average width of 40 feet. Because of these dimensions, the site is a long, narrow, curved tract of land. The subject portion is shown on Exhibit B attached hereto ("BNSF Spur Fee"). Upon information and belief there is no vehicular access to Tract H west of 12th Street. Access is only possible across adjoining properties or from the existing rail spur to the east. However, since the spur east of 12th Street and perhaps the southwesterly spur west of 12th Street are still in use, Tract H west of 12th Street has no vehicular access. The topography is above the grade of the site to the south, and slightly above the grade of the land on the north. The Cox Tract adjoins the BNSF Spur Fee on the west.

10. Spur rails are located within the BNSF Spur Easement traveling across the Cox Tract from a point beginning approximately five feet east of a fence, with no gate, between the Cox Tract's west boundary and the residential, housing subdivision adjoining the Cox Tract to the west. The spur rails continue eastward to the east boundary of the Cox Tract and the west adjoining boundary of the Diamond Tracts, which is fenced, with no gate, and continue eastward on the BNSF Spur Fee along the northern boundary of the Diamond Tracts and then eastward on Tract "H" to a point approximately 100 feet west of 12th Street where a switch is located for purposes of switching rail traffic to the southernmost tracks of the two main spur lines which cross 12th Street. There are railroad ties still in existence east of the switch point running easterly to 12th Street but no rails east of the switch which formerly would have joined the northernmost

tracks of the two main spur lines which cross 12th Street. At the approximate location of the switch the rails on the BNSF Spur Fee have been switched to the southernmost main railroad spur which travels east and crosses 12th Street.

11. The railroad spur from near the west boundary of the Cox Tract to the west boundary of the Diamond Tracts appear to have not been maintained for many years and appears abandoned. The railroad spur from the west boundary of the Diamond Tracts to the location of the above referenced switch is totally overgrown and covered with tumbleweeds and debris and appears to have not been used or maintained for many years. A copy of an aerial photo with an overlay of the subject railroad spurs is attached hereto as Exhibit "F".

12. On or about March 17, 2006, BNSF executed and delivered to DOT a Quitclaim Deed which conveyed certain real estate and easements for the New Mexico Rail Runner Express commuter rail project with certain exceptions and reservations. A copy of said Quitclaim Deed is attached hereto as Exhibit "G".

13. Upon information and belief DOT and BNSF each contend that the other party to the Quitclaim Deed is the true owner of the BNSF Spur Easement and the BNSF Spur Fee.

14. Regardless of ownership, the BNSF Spur Easement has been abandoned and the Court should declare so.

15. Regardless of ownership, the purposes of the BNSF Spur Easement have ceased to exist and constitute burdens on the servient land of Cox which have become meaningless. The BNSF Spur Easement therefore should be declared terminated under the cessation of purpose doctrine.

16. Cox is currently in the process of securing entitlements from the City of Albuquerque for development of the unimproved, northwesterly portion of the Cox Tract and the

City will not approve the project until true ownership of the BNSF Spur Easement is determined and either an appropriate proper release of easement acquired from the true owner or the BNSF Spur Easement adjudicated to be abandoned and/or terminated.

17. The BNSF Spur Easement is an unnecessary impediment to Cox's planned development and Cox has been unable to secure a release of the BNSF Spur Easement from the true owner because BNSF and DOT each contend that the release should originate from the other party to the Quitclaim Deed.

18. Diamond is interested in acquiring the BNSF Spur Fee from the true owner because the fee land has not been used for spur railway purposes for many years, is landlocked, has not been maintained for many years, and because the weeds and debris are an eyesore and nuisance to the Diamond Tracts. Diamond is unable to approach the true owner concerning the desired acquisition because of the disagreement between DOT and BNSF over which party to the Quitclaim Deed is vested with title to the BNSF Spur Fee.

19. The issues raised herein comprise an actual case in controversy and the District Court has jurisdiction pursuant to NMSA 1978 § 44-6-1 *et seq.* to adjudicate and declare such abandonment and/or termination and declare whether DOT or BNSF or a combination of both the true owner of the BNSF Spur Easement and BNSF Spur Fee.

WHEREFORE, Cox and Diamond pray as follows:

A) That the Court declare that the BNSF Spur Easement is abandoned and/or terminated.

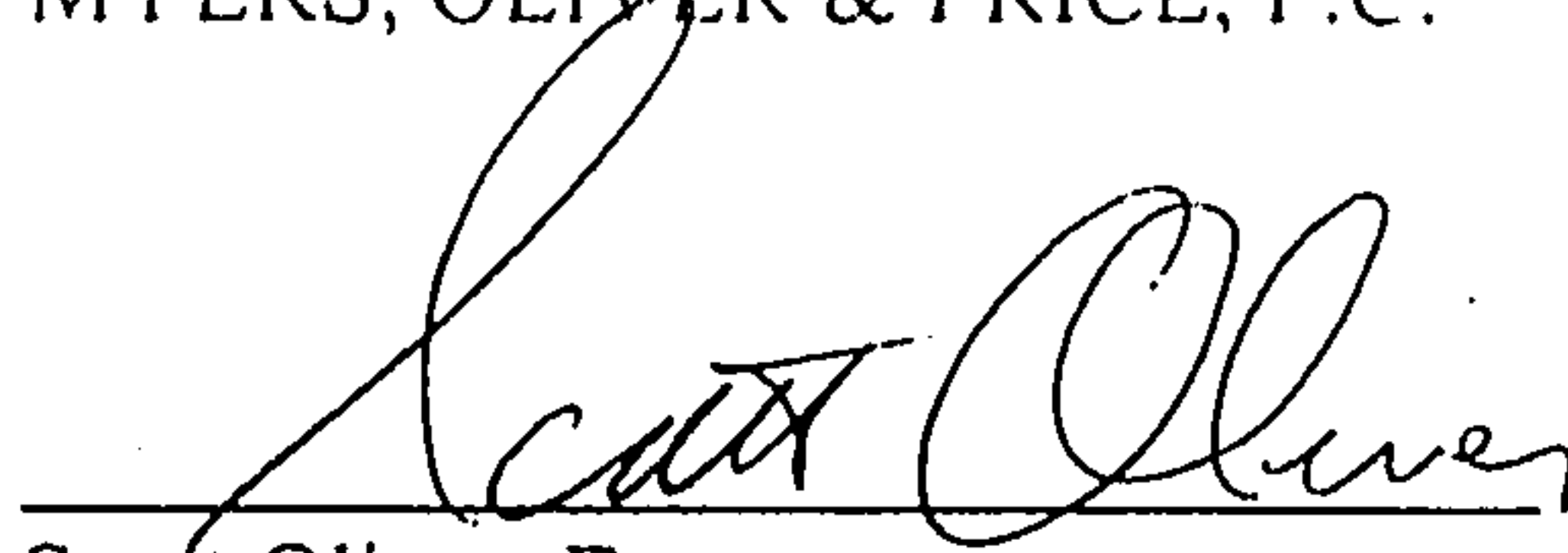
B) That the Court determine and declare whether the true owner of the BNSF Spur Easement and the BNSF Spur Fee is BNSF or DOT or a combination of both.

C) That Cox and Diamond be awarded their respective court costs.

D) For such other and further relief as the Court deems just and proper.

Respectfully submitted,

MYERS, OLIVER & PRICE, P.C.

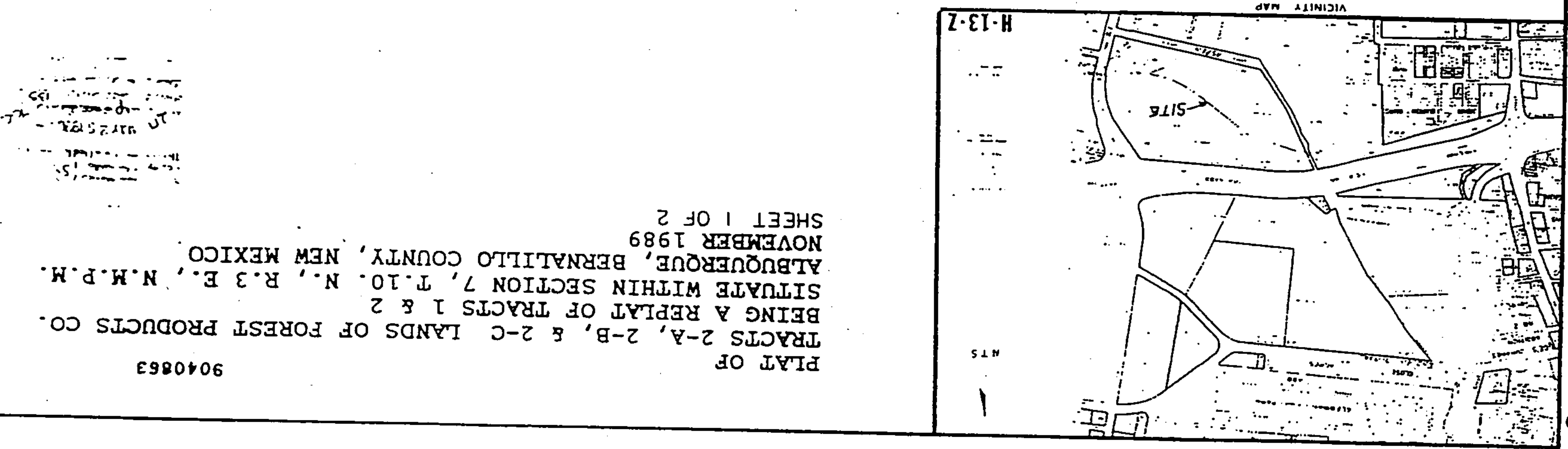
A handwritten signature in cursive script, appearing to read "Scott Oliver", is written over a horizontal line.

Scott Oliver, Esq.
1401 Central Ave. NW
Albuquerque NM 87104
Telephone: 505-247-9080

H:\roger cox\SOM\Roger Cox vs. BNSF\Pleadings\Complaint revised.doc
7154.05

PLAT OF
 TRACTS 2-A, 2-B, & 2-C LANDS OF FOREST PRODUCTS CO.
 BEING A REPLAT OF TRACTS 1 & 2
 SITUATE WITHIN SECTION 7, T.10. N., R.3 E., N.M.P.M.
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
 NOVEMBER 1989
 SHEET 1 OF 2

9040863



THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND
 PAID ON UPCL: ~~LANDS-ALBUQUERQUE, BERNALILLO COUNTY~~
 PROPERTY OWNER OF RECORD:
 Forest Products Co.
 BERNALILLO COUNTY TREASURER'S OFFICE:
 Bernalillo County, New Mexico

Disclosure Statement - The purpose of this plat is to create three
 (1) new tracts from two (2) existing tracts of land.
 General Notes:
 1) Bearings based upon - LANDS OF FOREST PRODUCTS CO.
 Folio 164.
 Filed July 14, 1978 Volume 08.
 2) Plat shows all easements of record.
 3) Information for corners found per previous staking survey
 performed by Vernon Hall, N.M.L.S. No. 1241, dated May 3, 1985 and
 1, 1989.
 4) Rotate bearings clockwise 00° 12' 28" to adjust to New Mexico
 State Plane Coordinate System.
 Prior to development, City of Albuquerque Inter and County Survey Service
 to North Department, City of Albuquerque, via a request for a water and
 sanitary sewer availability statement.

LEGAL DESCRIPTION AND FREE CONSENT
 The undersigned owner(s) of the land hereon shown do hereby
 consent to the replat of the land hereon shown: Tracts numbered
 One (1) and Two (2) of the corrected plat of Tracts 1 and 2 of
 LANDS OF FOREST PRODUCTS CO. in the southeast quarter (SE 1/4) of
 Section 7, T.10 N., R.3 E., within the town of Albuquerque
 Grant, Bernalillo County, New Mexico as the same is shown and
 designated on said corrected plat thereof, filed in the office of
 the County Clerk of Bernalillo County, New Mexico on July 14, 1978
 in Volume 08, Folio 164 and is with the free consent and in
 accordance with the desires of the undersigned owner(s) and
 proprietor(s) thereof and hereby grant temporary temporary interest as shown hereon

ACKNOWLEDGEMENT
 STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 The foregoing instrument was acknowledged before me this 28th
 day of April, 1990, by:
 Roger Cox
 My Commission Expires: 8-8-91
 Notary Public
 David M. Hayes

ACKNOWLEDGEMENT
 STATE OF MINNESOTA
 COUNTY OF HENNEPIN
 The foregoing instrument was acknowledged before me this 17th
 day of May, 1990, by:
 William C. Hunt
 My Commission Expires: 10-1-90
 Notary Public
 William C. Hunt



5/27/90	Robert W. Kent
1/30/90	Robert W. Kent
4-3-90	Robert W. Kent
5/11/79	Robert W. Kent
5/14/70	Robert W. Kent
5-11-90	Robert W. Kent
4/4/80	Robert W. Kent
5/14/90	Robert W. Kent

58-90-97

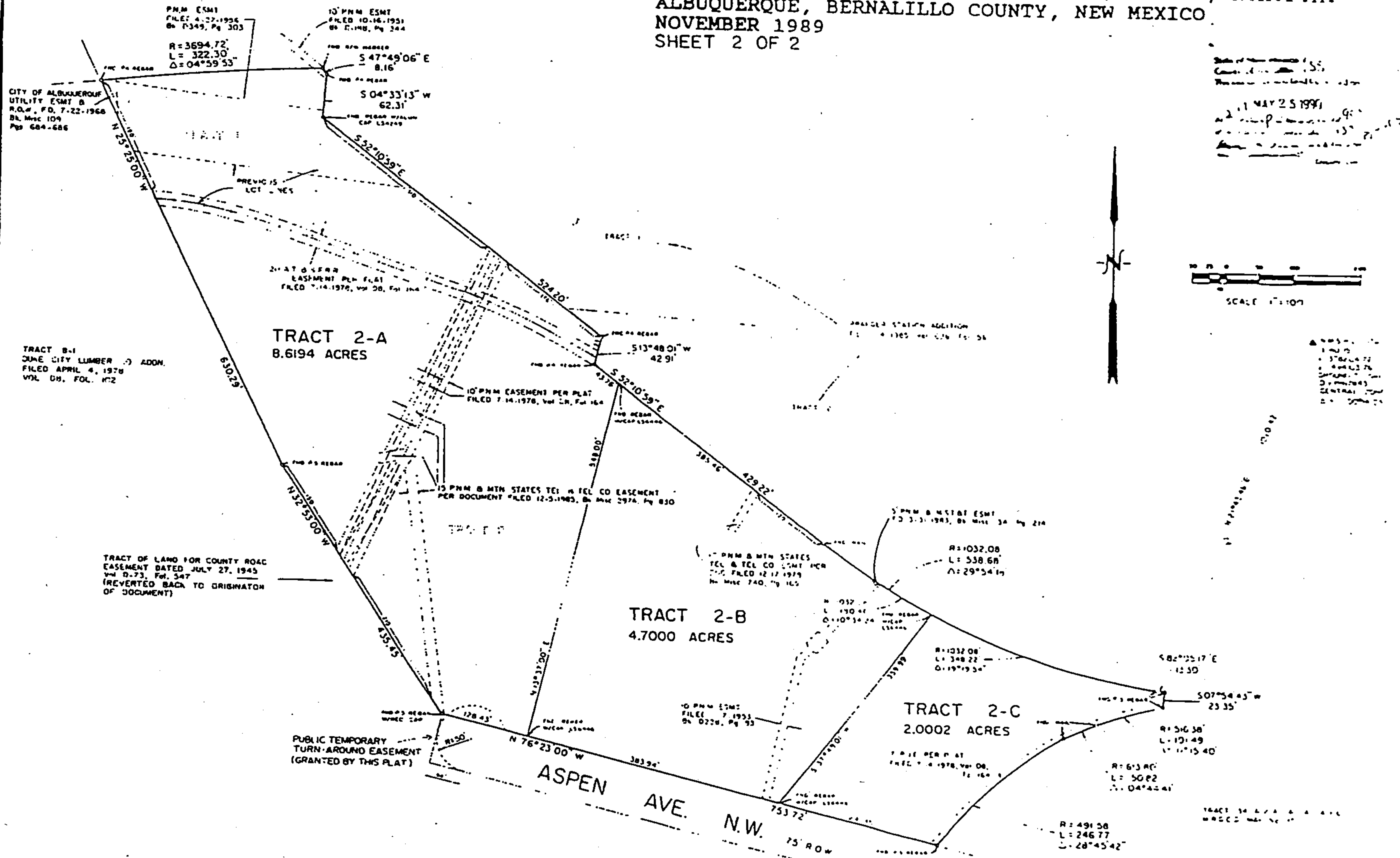
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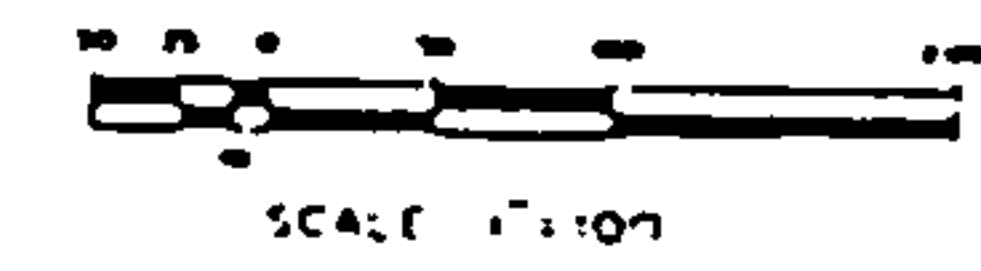
90C-135(2)

PLAT OF
 TRACTS 2-A, 2-B, & 2-C LANDS OF FOREST PRODUCTS CO.
 BEING A REPLAT OF TRACTS 1 & 2
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 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
 NOVEMBER 1989
 SHEET 2 OF 2

INTERSTATE - 40



State of New Mexico
 County of Bernalillo
 November 25 1989
 Surveyed by
 [Signature]



APPROVED FOR RECORD
 [Signature]
 COUNTY CLERK
 BERNALILLO COUNTY
 NOV 25 1989

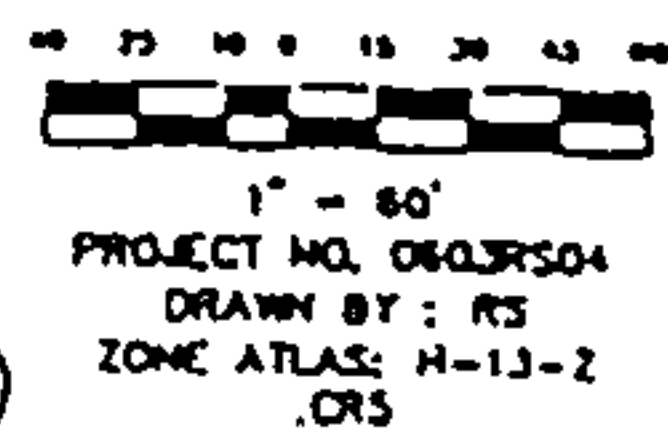
90C-135(2)

248 89-537

SEC 7, T10N, R 3E

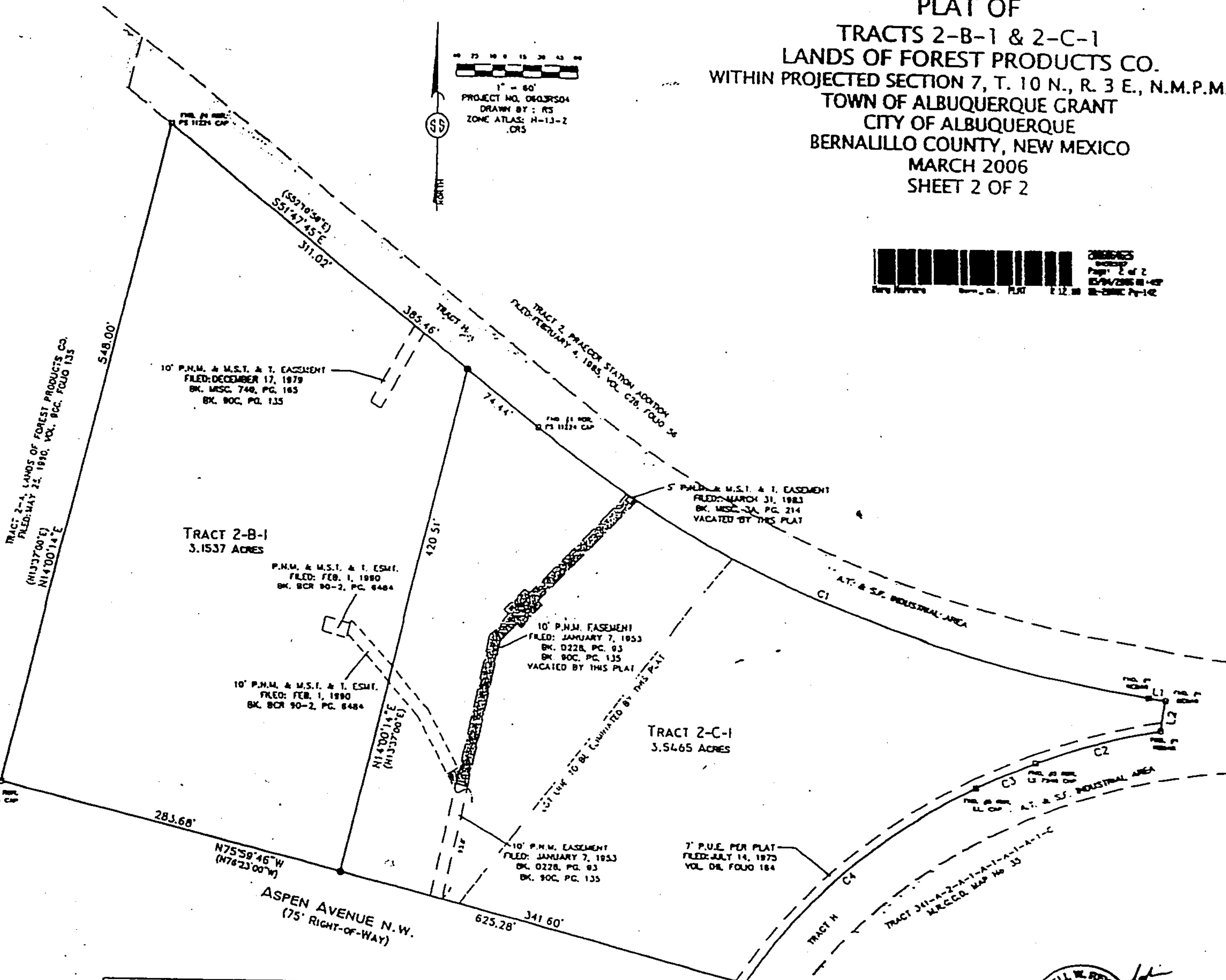
90C-135(2)

PLAT OF
 TRACTS 2-B-1 & 2-C-1
 LANDS OF FOREST PRODUCTS CO.
 WITHIN PROJECTED SECTION 7, T. 10 N., R. 3 E., N.M.P.M.
 TOWN OF ALBUQUERQUE GRANT
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 MARCH 2006
 SHEET 2 OF 2



STATION: ACS 7-113
 X = 373787.44
 Y = 1485715.39
 CIRCUMD TO GRID = 0.0000010
 DELTA ALPHA = -0014'34"
 NEW MEXICO STATE PLANE
 COORDINATE SYSTEM
 CENTRAL ZONE
 NAD 1983

STATION: ACS 8-113
 X = 374102.81
 Y = 1494985.82
 CIRCUMD TO GRID = 0.0000002
 DELTA ALPHA = -0014'31"
 NEW MEXICO STATE PLANE
 COORDINATE SYSTEM
 CENTRAL ZONE
 NAD 1983



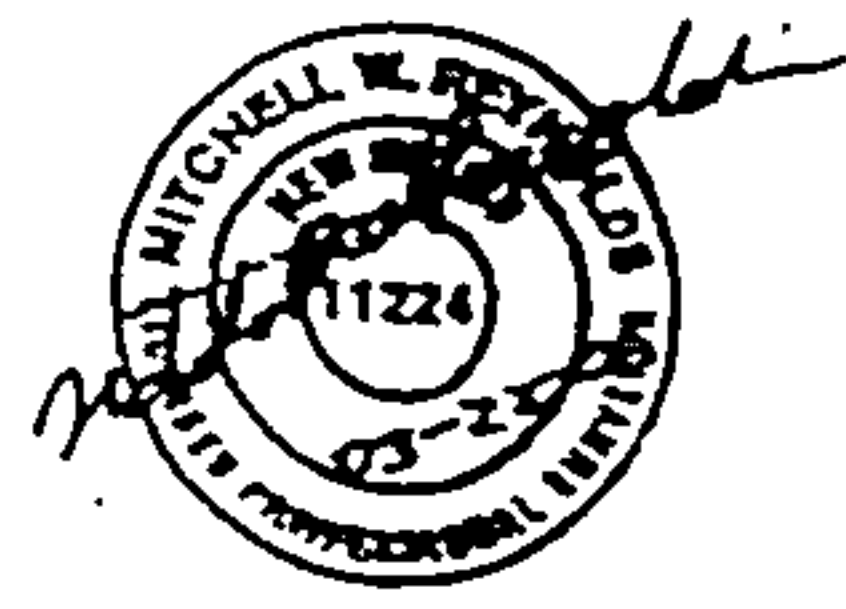
LINE TABLE		
LINE	LENGTH	BEARING
L1	13.30	S81°42'03"E (S82°05'17"E)
L2	23.35	S00°17'57"W (S07°34'43"W)

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	538.68	1032.08	28°34'18"	532.58	S84°44'34"E (S87°08'08"E)
C2	101.49	518.38	117°2'40"	101.33	S73°49'54"W (S73°22'40"W)
C3	50.82	813.80	4°44'41"	50.81	S85°45'47"W (S85°22'28"W)
C4	246.77	481.58	28°45'42"	244.18	S48°00'37"W (S48°37'18"W)

EXHIBIT
B

MONUMENT LEGEND

- △ - FOUND CONTROL STATION AS NOTED
- - FOUND MONUMENT AS NOTED
- - SET 1/2" REBAR W/RED PLASTIC CAP STAMPED "MNR 11224" UNLESS OTHERWISE NOTED



SURVEYS SOUTHWEST LTD.
 333 LOMAS BLVD., N.E.
 ALBUQUERQUE, NEW MEXICO 87102
 PHONE: (505) 998-0303
 FAX: (505) 998-0306

INTERSTATE - 40

R = 3694.72'
Δ = 04°59'53"
L = 322.30'
ch = N85°33'56"E, 322.20'

Tract 1
1.3263 Ac.

R = 652.28'
Δ = 13°53'42"
L = 158.19'
ch = N79°06'54"W, 157.80'

S 47°49'06"E; 8.16'

S 04°33'13"W
62.31'

S 52°10'59"E

245.84'
183.55'

Tr. 341-A-1

N 72°00'33"W
74.09'
20' AT&SF R/W & Esm 12'

524.20'

S 13°48'01"W, 42.91'

Tr. 342

S 52°10'59"E

Tract 2
13.9540 Ac.

10' Public Service Co Esm 12'

429.22'

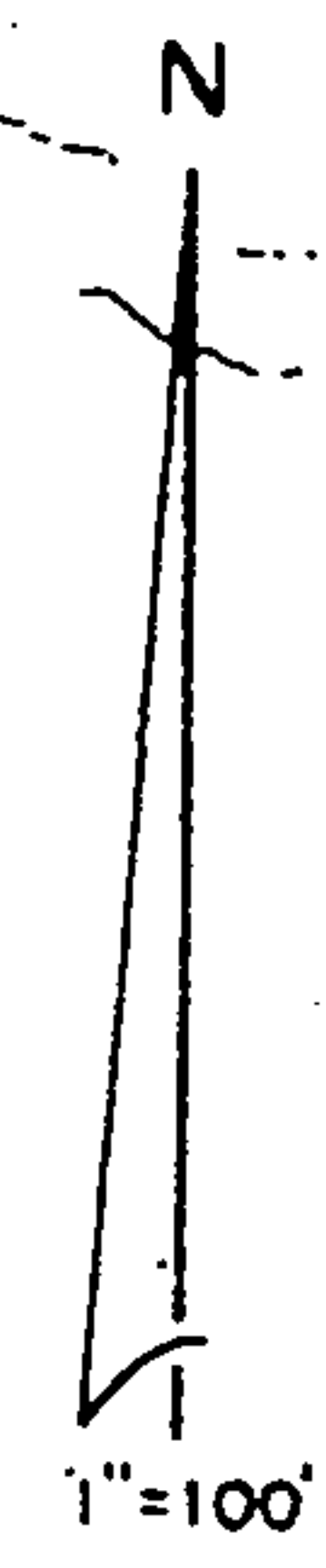


EXHIBIT
C

Tr. 341-B

8-103208'

N 25°25'W
191.70'

Tract 1

438.59'

10'

630.29'

N 32°53'W
County

Tract 1

Tr. 3

R=1032.08'
Δ=29°54'18"
L=538.68'
ch=567°08'08"E, 532'

R=4'
Δ=28°42'
L=246.77'
ch=S48°37'15"

906°32'37"E, 2860.11' Tie to man. pt.
of 12th St. & Granite Ave. N.W.

753.72'

AVE.

ASPEN

N76°23'W

435.45'

Road

County

~~DB-162~~ DB-164

437
CORRECTED
PLAT OF

78 51247

SEE NOTE

50786

CORRECTED
PLAT OF ~~78 51247~~
TRACTS 1 & 2
LANDS OF

State of New Mexico
County of Bernalillo
This instrument was filed for record on
9:02 JUL 14 1978
At ~~9~~ o'clock ~~Am~~. Recorded in Vol. **DB**
of records of said County Folio **164**
Anna C. [Signature] Clerk & Recorder
Deputy Clerk

FOREST PRODUCTS CO.
In the SE 1/4 of Sec. 7, T.10N., R.3E., NMPM.
Within the Town of Albuquerque Grant
Bernalillo County, New Mexico

State of New Mexico
County of Bernalillo
This instrument was filed for record on
2:45 JUL 14 1978
At ~~9~~ o'clock ~~Am~~ Recorded in Vol. **DB**
of records of said County Folio **164**
[Signature] Clerk & Recorder
Deputy Clerk

Note: Rerfiled to correct title.

DESCRIPTION:

A certain Tract of Land lying and being situate in the Southeast One-quarter (S.E. 1/4) of Section 7, Township 10 North, Range 3 East, N.M.P.M., within the Town of Albuquerque Grant, Bernalillo County, New Mexico, and being a portion of Tract 241-A-2-A-1-A-1-A-1-A-1-A-1 and part of Tract 341-A-2-A-1-A-1-A-1 of the Multiple Use Grande Conservancy District Property Map No. 35 and being more particularly described as follows:

BEGINNING at the Southeast corner of the Tract herein described, being a point on the Northernly right-of-way line of Aspen Ave. N.M., whence the City Monument at the intersection of the center-lines of 12th Street N.M., and Granite Ave. N.M., bears S. 06 deg. 52' 57" E., 2860.11 feet distant and running **THENCE**, N. 76 deg. 23' W., 753.72 feet to a point which is identical with the point of intersection of said Northernly right-of-way line of Aspen Ave. N.M., and the Northeastery line of a Tract of Land for County Road (as established by easement dated July 27, 1945, from Santa Fe Land Improvement Co. to the Board of County Commissioners of Bernalillo County, New Mexico, of record in Volume D-73; Folio No. 547 of the records of Bernalillo County); **THENCE**, N. 32 deg. 53' W., 435.45 feet along said Northeastery line of a Tract of Land for County Road; **THENCE**, N. 25 deg. 25' W., 630.29 feet to the most Westerly corner of the Tract herein described, being a point which is identical with the point of intersection of said Northeastery line of a Tract of Land for County Road and the Southernly right-of-way line of Interstate Route No. 40; **THENCE**, Easterly on a curve to the right having a radius of 3694.72 feet, 322.30 feet of arc; (chord=N. 85 deg. 33' 56" E., 322.20 feet) along said Southernly right-of-way line to the most Northernly corner of the Tract herein described; **THENCE**, S. 47 deg. 49' 06" E., 8.16 feet; **THENCE**, S. 04 deg. 33' 13" W., 62.31 feet; **THENCE**, S. 52 deg. 10' 59" E., 524.20 feet; **THENCE**, S. 13 deg. 48' 01" W., 42.91 feet; **THENCE**, S. 52 deg. 10' 59" E., 429.22 feet along the A.T. & S.F. Railroad and Northeastery boundary line of the Tract herein described to a point of curve; **THENCE**, on a curve to the left having a radius of 1032.08 feet, 538.68 feet of arc; (chord=S. 67 deg. 08' 08" E., 532.59 feet) along said A.T. & S.F. Railroad to a point of tangent; **THENCE**, S. 82 deg. 05' 17" E., 13.30 feet to the most Easterly corner of the Tract herein described; **THENCE**, S. 07 deg. 54' 43" W., 23.35 feet; **THENCE**, Southwestery on a curve to the left having a radius of 516.38 feet, 101.49 feet of arc (chord=S. 73 deg. 22' 37" W., 101.33 feet) to a point of compound curve; **THENCE**, on a curve to the left having a radius of 613.80 feet, 50.83 feet of arc (chord=S. 65 deg. 22' 27" W., 50.81 feet) to a point of compound curve; **THENCE**, on a curve to the left having a radius of 491.58 feet, 246.77 feet of arc (chord=S. 48 deg. 37' 15" W., 244.18 feet) to the Point of Beginning and Containing 15.2893 Acres, more or less.

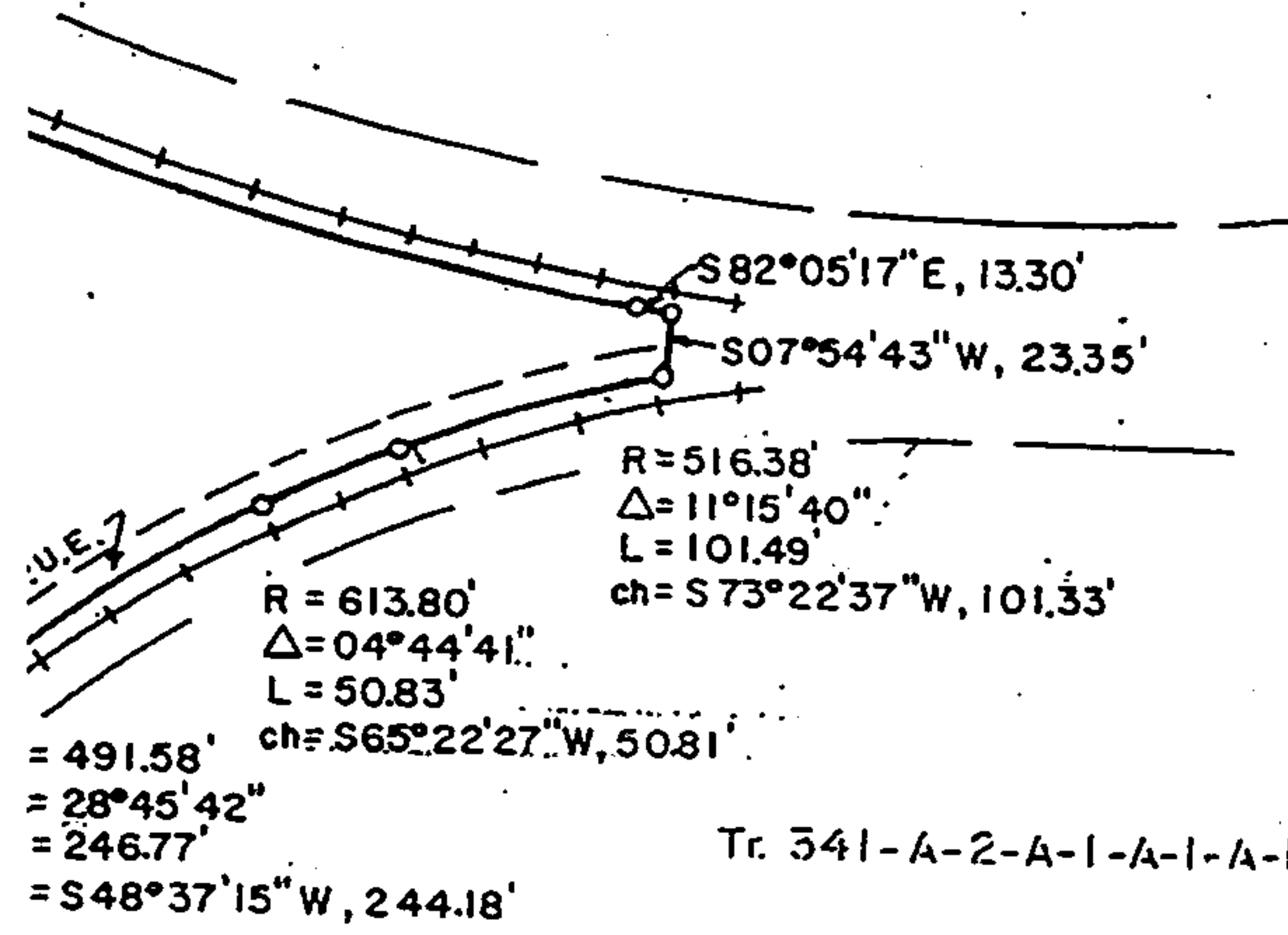
FREE CONSENT, DEPOSITION

We, the owners of the property described hereon, do hereby consent to the replatting of said property as shown hereon and the same is in accordance with our desires.

FOREST PRODUCTS CO.

Tr. 341-B

08'
18"
08'08"E, 532.59'



Tr. 341-A-2-A-1-A-1-A-1-A-1-C

I, Verlon E. Hall, licensed under the laws of the State of New Mexico, do hereby certify that this Plat was prepared by me or under my supervision and is true and correct to the best of my knowledge and belief.

Verlon E. Hall
Verlon E. Hall
N.M.L.S. No. 3241

APPROVED AND ACCEPTED BY:

John Lucero
Planning Director, City of Albuquerque, N.M.

7-12-78
Date

57-78-399 City Bernalillo County, N.M.
Number-Zone Atlas H-13

NOTE: Approval of and filing with the County Clerk of Bernalillo County, of this Plat does not vacate or in any way affect public or private easements.

BY: *D. Val Valdez*
Property Management Division

7-12-78
Date



HA
511
ALL
PH
JUN

18-164

AMERICAN LUMBER COMPANY, N. J.

WARRANTY DEED

TO

AMERICAN LUMBER COMPANY, N. M.
BERNALILLO CO., N. M.

THIS INDENTURE made this 15th day of November, A. D. One thousand nine hundred and ten, between the AMERICAN LUMBER COMPANY, a corporation incorporated under the laws of the State of New Jersey, having complied with the laws of the Territory relative to foreign corporations, party of the first part, and the AMERICAN LUMBER COMPANY, a corporation duly organized under and by virtue of the laws of the Territory of New Mexico, party of the second part;

That the said party of the first part, for and in consideration of the sum of One dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and the further consideration of the transfer of the capital stock of the party of the second part to the party of the first part, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell and convey unto the said party of the second part its successors and assigns forever, all the following described tracts, lots, pieces and parcels of land and real estate, situate, lying and being in the County of Bernalillo, Territory of New Mexico, to wit:-

DESCRIPTION OF LANDS BELONGING TO THE AMERICAN LUMBER COMPANY.

Located near the City of Albuquerque, County of Bernalillo, New Mexico, to-wit:

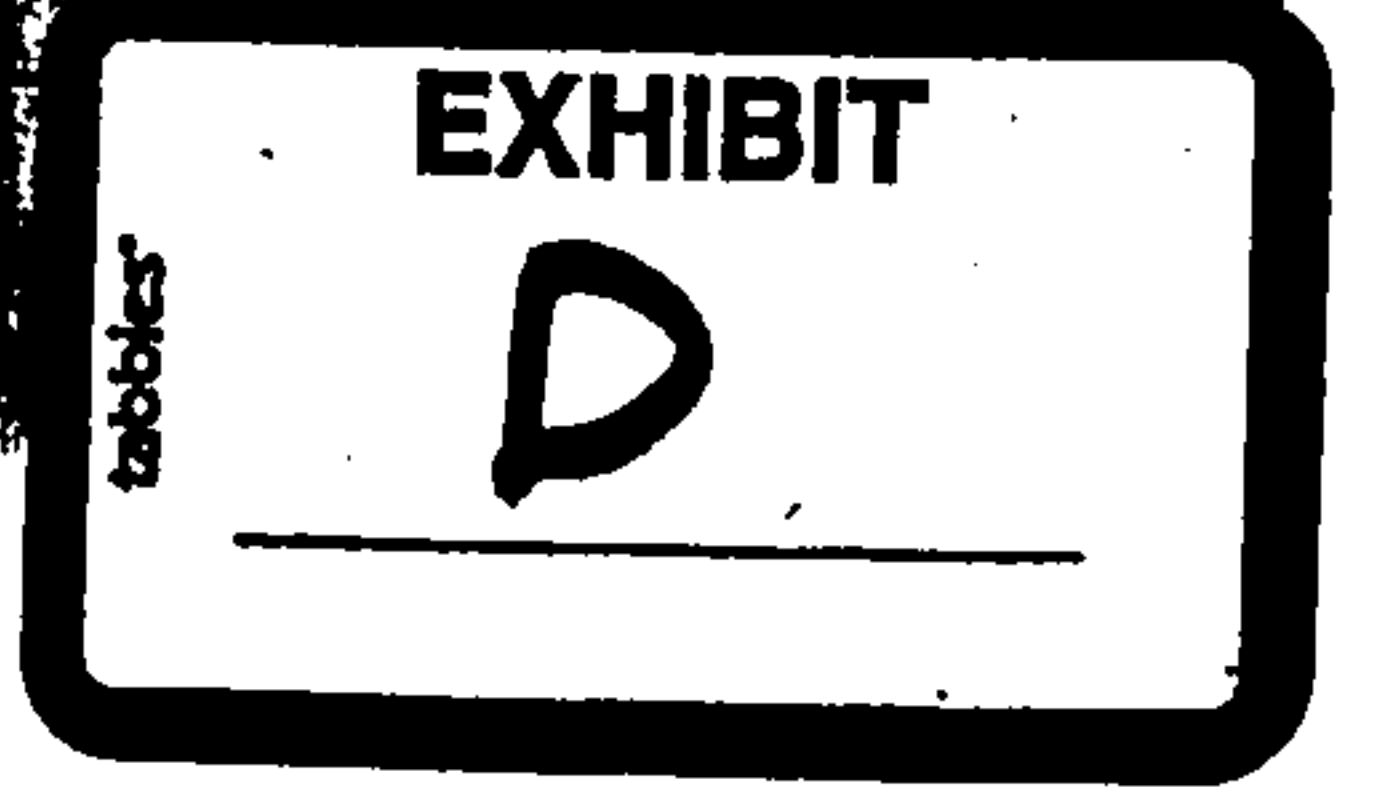
TRACT NO. 1. A certain tract or piece of land situate, lying and being in Precinct No. 13, in the County of Bernalillo, and Territory of New Mexico, bounded on the North by lands of Donaciano Lopez and lands formerly belonging to C. Shenfield; on the East and South by the public road running to the Government School; on the West by the Acequia Madre de Albuquerque; containing ninety-seven one hundredths (97.67) acres more or less, being the same land conveyed to the American Lumber Co. by Wm. B. Childers and wife and Hattie E. Cray.

TRACT NO. 2. A certain tract or piece of land situate, lying and being in Precinct No. 13, in the county and territory aforesaid, described as follows: Beginning at the southwest corner of the Jesuit Fathers' Garden on the north side of the Mountain Road, thence No. 76 7/8 on the East and sixty (60) feet to southeast corner of lands formerly of Geo. Morris; thence N. 60° E. along the east line of the property formerly of Geo. Morris five hundred and seven (507) feet to the N. E. corner, thence N. 84° 30' W. seventy-eight (78) feet to a wire fence; thence W. 2° 5' E. eighty-nine (89) feet to the N. E. corner of said fence; thence N. 87° W. five hundred and forty-eight (548) feet to an adobe wall on east side of road leading to the Government Indian School; thence along said wall E. 6° 15' E. fifty-eight (58) feet to a wire fence; thence S. 47° 15' W. two hundred and fifty-five (255) feet to the end of said wall; thence along said adobe wall N/ 12 E. five hundred and fifty-six (556) feet to the acequia; thence along said acequia S. 51° E. five hundred and fifty-four (554) feet to the N. W. corner of the Jesuit Fathers' Garden and adobe wall; thence S. 5° 15' W. nine hundred and six (906) feet to the place of beginning; excepting therefrom a public road on the east side of the above described tract, sixty (60) feet in width; being the same land conveyed to the American Lumber Co. by E. W. Dohern and wife.

TRACT NO. 3. That certain tract, piece or parcel of land situated in Precinct No. 13, County and Territory aforesaid commencing on the N. side of the tract of land owned by the American Lumber Co. on the line dividing the lands of said American Lumber Co. and lands of A. M. Gentile, at a point three hundred and seventy-seven (377) feet distant from the Acequia Madre thence in a southeasterly direction along the dividing line of lands owned by the American Lumber Co. and said Gentile 377 feet to the Acequia Madre; thence in a southeasterly direction following along the bank of said Acequia Madre a distance of 300 feet; thence southeasterly from said Acequia Madre in a straight line a distance of 125 feet; thence in a right angle in a straight line a distance of 610 feet to the place of beginning, containing two and 27/100 (2.27) acres; being the same property conveyed to the American Lumber Co. by A. M. Gentile.

TRACT NO. 4. The south half of a tract of land east of the City of Albuquerque, twenty (20) varas in width from north to south and north length from east to west; bounded on the N. by lands formerly of Donaciano Lopez and Ignacia Bava; on the E. by Fourth St.; on the S. by lands of Donaciano Lopez, Manuel Bava and Ignacia Bava; on the W. by the lands formerly the property of Donaciano Lopez, Ed. Quickel and others; Also the south half of a certain piece or parcel of land situated in Precinct No. 13, Territory aforesaid, measuring 222 feet in length from east to west, bounded on the North by lands of Angel Yvonne, on the East by the lands of Angel Yvonne, on the West by the lands of Angel Yvonne, on the South by the lands of Angel Yvonne; Also the south half of a certain piece or parcel of land situated in Precinct No. 13, Territory aforesaid, measuring 222 feet in length from east to west, bounded on the North by lands of Angel Yvonne, on the East by the lands of Angel Yvonne, on the West by the lands of Angel Yvonne, on the South by the lands of Angel Yvonne.

Manuel Bava, the
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that the said party of the first part, for and in consideration of the sum of one dollar (\$1.00) to be in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and the further consideration of the transfer of the capital stock of the party of the second part to the party of the first part, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell and convey, unto the party of the second part, its successors and assigns forever, all the following described tracts, lots, pieces and parcels of land and real estate, situate, lying and being in the County of Bernalillo, Territory of New Mexico, to-wit:-

SECTION OF LANDS BELONGING TO THE AMERICAN LUMBER COMPANY.

located near the City of Albuquerque, County of Bernalillo, New Mexico, to-wit:

TRACT NO. 1. A certain tract or piece of land situate, lying and being in Precinct No. 14, in the County of Bernalillo and Territory of New Mexico, bounded on the North by lands of Donaciano Lopez and lands formerly belonging to C. Shenfield; on the East and South by the public road running to the Government School; on the West by the Acequia Madre de Albuquerque; containing ninety-seven one-hundredths (97.67) acres more or less; being the same land conveyed to the American Lumber Co. by Wm. B. Childers and wife and Hattie W. Crary.

TRACT NO. 2- A certain tract or piece of land situate, lying and being in Precinct No. 13, in the county and Territory aforesaid, described as follows: Beginning at the southwest corner of the Jesuit Father's Garden on the north side of the Mountain Road; thence No. 78 W. on a bearing of 160 degrees and sixty (160) feet to southeast corner of lands formerly of Geo. Morris; thence N. 67 W. along the east line of the property formerly of Geo. Morris five hundred and seven (507) feet to the N. E. corner; thence N. 64 30' W. seventy-eight (78) feet to a wire fence; thence W. 2 30' E. eighty-nine (89) feet to the N. E. corner of said fence; thence N. 87 W. five hundred and forty-eight (548) feet to an adobe wall on east side of road leading to the Government Indian School; thence along said wall N. 6 15' E. fifty-eight (58) feet to a wire fence; thence S. 72 15' W. two hundred and fifty-five (255) feet to the end of adobe wall; thence along said adobe wall N. 12 E. five hundred and fifty-six (556) feet to the acequia; thence along said acequia N. 51 E. five hundred and fifty-four (554) feet to the N. W. corner of the Jesuit Father's Garden and adobe wall; thence S. 5 15' W. nine hundred and six (906) feet to the place of beginning; excepting therefrom a public road on the east side of the above described tract, sixty (60) feet in width; being the same land conveyed to the American Lumber Co. by W. B. Childers and wife.

TRACT NO. 3- That certain tract, piece or parcel of land situated in Precinct No. 13, County and Territory aforesaid commencing on the W. side of the tract of land owned by the American Lumber Co. on the line dividing the lands of said American Lumber Company and lands of A. M. Gentile, at a point three hundred and seventy-seven (377) feet distant from the Acequia Madre; thence in a southwesterly direction along the dividing line of lands owned by the American Lumber Co. and said Gentile 377 feet to the Acequia Madre; thence in a northerly direction following along the bank of said Acequia Madre a distance of 105 feet; thence northeasterly from said Acequia Madre in a straight line a distance of 105 feet; thence in a right angle in a straight line a distance of 610 feet to the place of beginning; containing 27/100 (2.27) acres; being the same property conveyed to the American Lumber Co. by W. B. Childers and wife.

TRACT NO. 4- The south half of a tract of land east of the City of Albuquerque and north of the City of Albuquerque, twenty (20) varas in width from north to south and north length from east to west; bounded on the N. by lands formerly the property of Manuel Buda and Ignacio Bava; on the E. by Fourth St.; on the S. by lands of Ed. Quickel and others; on the W. by the lands formerly the property of Ed. Quickel and others.

Also the south half of a certain piece or parcel of land situated in the Territory aforesaid, measuring 222 feet in length from east to west, and 54 feet in width from north to south; bounded on the N. by lands of Angelo Viviani; on the E. by lands of Julian Oriego; on the S. the inlet and outlet of Martinez Bros. which is the property of Julian Oriego; on the W. by the road leading to the Government Indian School.

Also the south half of a certain strip of land sixty (60) feet wide, which is a line running parallel to the center line of the acequia, as now located, the said strip running to the millrace of the acequia; said parallel line being 11 feet south, or southerly, from the northern boundary of said strip, and being 15 feet north, or northerly, from the southern boundary of said strip; being the same land conveyed to the American Lumber Co. by W. B. Childers and wife.

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...commencing at a post on the Southern boundary line of what was formerly the land of Manuel Ruiz, thence East along said line ten hundred and fifty-five and seven-tenths (1055 7/10) feet to a post, thence South five hundred and twenty-seven (527) feet to a post, thence East then hundred fifty five and seven-twelfths (155 7/12) feet to a post and thence North five hundred and twenty-seven (527) feet to the place of beginning, containing twelve and seventy-seven hundredths (12.77) acres and being the land conveyed by Julian Servantes and Polonia Servantes, his wife, to Conrado Pichonjela by Warranty Deed dated December 20th, 1883, and recorded in Book X page 576 of the Records of said Bernalillo County, reference being made to which deed and plat therein contained is hereby made for more particular description, being the same land conveyed to the American Lumber Company by William P. Johnson and wife of Albuquerque as filed for record on the 27th day of October 1909 and recorded in vol. 47 Warranty Deed Record, Folio 99.

TOGETHER WITH ALL AND SINGULAR, The hereditaments and appurtenances thereto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or in equity, of, in and to the above bargained premises, with the hereditaments and appurtenances:

TO HAVE AND TO HOLD, the said premises, with the appurtenances, unto the said party of the second part, its successors and assigns forever. And the said party of the first part, for itself, its successors, and assigns, does covenant and agree to and with the said party of the second part, its successors and assigns, that at the time of the execution and delivery of these presents it is well seized of the premises above conveyed, of a good, quiet, perfect and indefeasible estate of inheritance, in law and in fee simple, and has good right, full power and lawful authority to grant, bargain sell and convey the same in the manner and form aforesaid; and that the same are free and clear from all former and other debts, charges, liens, taxes, assessments, and incumbrances of what kind and nature soever, save and except a certain Deed of Trust executed by the party of the first part of the Detroit Trust Company as Trustee, dated August 1st, 1909, to secure the payment of the sum of six hundred and fifty thousand dollars (\$650,000), which is a lien upon the real estate herein described, and other property, and the above bargained premises, in the quiet and peaceful possession of the party of the second part, its successors and assigns, and every person or persons lawfully claiming or to claim, the whole or any part thereof. The said party of the first part shall and will warrant and forever defend.

The foregoing covenant of warranty shall extend to all lands herein described and to the same interests in said lands, but shall not extend to or apply to railroad rights-of-way, nor shall it be construed to affect the extent of the title of the party of the first part.

The said party of the first part, under and by virtue of the powers conferred upon the Board of Directors, has caused this instrument to be signed by its Secretary and its corporate seal to be affixed, and the same to be attested as hereinafter expressed.

AMERICAN LUMBER COMPANY
 By Walter M. Sawyer
 Its Vice President.

Notary Public for the State of New Mexico.
 I, [Name], Notary Public, do hereby certify that the foregoing instrument was signed and sealed in my presence, and the same is the true and correct copy of the original instrument so signed and sealed, and the said V. M. Sawyer is the Vice President of the American Lumber Company, a corporation organized under the laws of the State of New Mexico.

[Name]
 Notary Public.

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Book No. 1179

KNOW ALL MEN BY THESE PRESENTS, That the Santa Fe Land Improvement Company, a corporation organized under the laws of the State of California, (hereinafter called Grantor), in consideration of the sum of Nine Thousand Three Hundred Sixty-Three and 22/100 Dollars (\$9,363.22), to it paid by Forest Products Company, a corporation organized under the laws of the State of Nevada, (hereinafter called Grantee), has granted, bargained and sold, and does hereby grant, bargain, sell and convey unto the said Forest Products Company, its successors and assigns, forever, the following described premises, situate in the County of Bernalillo and State of New Mexico, to wit:

All that certain tract or parcel of land lying and situate in Tract No. 84A-A-2 of Middle Rio Grande Conservancy District Map No. 35 and being in the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7), Township Ten (10) North, Range Three (3) East of the New Mexico Principal Meridian and within the Town of Albuquerque Grant in Bernalillo County, New Mexico, and more particularly described as follows:

Commencing at the City Monument marking the intersection of the center lines of North Twelfth Street and West Granite Avenue; thence North ten (10) degrees, forty-five (45) minutes East, along the center line of North Twelfth Street, a distance of one hundred ninety-seven and sixteen hundredths (197.16) feet to a point of intersection with the center line of West Mountain Road; thence North three (3) degrees, forty-seven (47) minutes East, continuing along the center line of North Twelfth Street, a distance of one thousand five hundred eighteen and sixty-seven hundredths (1518.67) feet to a point in the north line of Samill Road, as the same is now located and laid out, from which point the southeast corner of said Section Seven (7) bears North twenty-six (26) degrees, fifty-three (53) minutes East, a distance of one thousand seventy and eighteen hundredths (1070.18) feet; thence South seventy-one (71) degrees, thirteen (13) minutes West along said north line of Samill Road, a distance of seventy-eight and twenty-three hundredths (78.23) feet; thence North thirteen (13) degrees, thirty-seven (37) minutes East, a distance of one thousand twenty-seven

EXHIBIT

E

and sixty-four hundredths (1027.64) feet; thence North seventy-six (76) degrees, twenty-three (23) minutes West, a distance of six hundred sixty-six and thirty-two hundredths (666.32) feet to point of intersection with a line concentric with and ten (10) feet northwesterly from, measured normal to, the center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 583 and the point of beginning of the tract or parcel of land herein described; thence continuing on last described course a distance of two hundred sixty-three and sixty-eight hundredths (263.68) feet; thence North thirteen (13) degrees, thirty-seven (37) minutes East, a distance of three hundred ninety-five and forty-eight hundredths (395.48) feet to a point in a line parallel with and eight and five tenths (8.5) feet southwesterly from, measured at right angles to, the center line of said Railway Company's Track No. 45; thence South fifty-two (52) degrees, twelve (12) minutes East, parallel with said center line of Track No. 45, a distance of twenty-five and fifty-nine hundredths (25.59) feet to a point of curve; thence on a curve to the left with a radius of nine hundred sixty-three and eighty-seven hundredths (963.87) feet, concentric with said center line of Track No. 45, a distance of five hundred four and five tenths (504.5) feet, more or less, to point at the end of the curve; thence South eighty-two (82) degrees, twelve (12) minutes East, parallel with said center line of Track No. 45, a distance of thirteen and three tenths (13.3) feet; thence South seven (7) degrees, forty-eight (48) minutes West, a distance of twenty-three and thirty-five hundredths (23.35) feet to a point in a line concentric with and ten (10) feet northwesterly from, measured normal to, the center line of said Railway Company's Track No. 583; thence southwesterly on a curve to the left with a radius of five hundred sixteen and thirty-eight hundredths (516.38) feet (tangent to said curve at said point having a bearing of South seventy-eight (78) degrees, fifty-three (53) minutes, forty-four (44) seconds West), concentric with said center line of Track No. 583, a distance of one hundred one and forty-nine hundredths (101.49) feet to a point of compound curve; thence on a curve to the left with a radius of six hundred thirteen and eighty hundredths (613.80) feet, concentric with said center line of Track No. 583, a distance of fifty and eighty-three hundredths (50.83) feet to a point of compound curve; thence on a curve to the left with a radius of four hundred ninety-two and thirty-four hundredths (492.34) feet, concentric with said center line of Track No. 583, a distance of two hundred forty-six and six tenths (246.6) feet, more or less, to the point of beginning.

The foregoing described tract or parcel of land contains an area of two and eight hundred sixty-six thousandths (2.866) acres, more or less.

EXCEPTING AND RESERVING, however, unto said The Atchison, Topeka and Santa Fe Railway Company, its successors and assigns, a right of way and easement over and under the above described tract or parcel of land, being eight and five tenths (8.5) feet wide, measured at right angles to the center line of its Track No. 45, for the use of said railway company, its successors or assigns.

parcel of land.

Also, ~~EXCEPTING~~ ~~AND~~ ~~RESERVING~~ unto said The Atchison, Topeka and Santa Fe Railway Company, its successors and assigns, a right of way and easement over and across that part of the hereinabove described tract or parcel of land lying north of said track No. 577 for the future construction of such track or tracks as may be reasonably necessary to serve industrial property lying westerly of the hereinabove described premises.

SUBJECT TO existing rights of way for any highways and/or roads, pipe lines, pole and wire lines, ditches and the like.

Also, SUBJECT TO the Lien of the Middle Rio Grande Conservancy District assessment.

e TO HAVE AND TO HOLD said premises, with the appurtenances, unto the said grantee, its successors and assigns, forever; and the said grantor, for itself and its successors, heirs, executors, administrators, assigns, and assigns, that said grantor is lawfully seized of the premises hereinafter described and that the premises are free from all taxes, assessments, and assessments that lay on or against the premises as of the year 1948 and since then to wit: that said grantor, its heirs, executors, administrators, assigns, and assigns, with the said grantee, its heirs, executors, administrators, assigns, and assigns, against the said grantee, its heirs, executors, administrators, assigns, and assigns, shall at any time in the future during a period of twenty-one (21) years from the date of this deed cease for a period of one hundred eighty (180) days to use said property for any business and industrial purpose and the Grantor shall desire to repurchase it from grantee, its successors and assigns, said Grantee, its successors and assigns, shall upon receiving ninety (90) days' written notice of such desire, convey said property to the Grantor, its successors and assigns, by good and sufficient deed free from encumbrances. It is being understood and agreed that the

price to be paid to Grantee, its successors and assigns, for said property shall be the actual price which Grantee is now paying to the Grantor therefor, and in addition thereto, the fair market value as of the date of completion by the Grantor of his said right to repurchase, of the percentage then owned by Grantee, its successors and assigns, any have thereto or interest therein.

Grantee, its successors and assigns, shall also further understand that the price to be paid to the Grantor shall be the actual price which Grantee is now paying to the Grantor therefor, and in addition thereto, the fair market value as of the date of completion by the Grantor of his said right to repurchase, of the percentage then owned by Grantee, its successors and assigns, any have thereto or interest therein.

Witness my hand and the seal of said corporation, this 6th day of

January, 1948.

By [Signature]
Its Assistant Secretary

BY GRANTOR
By [Signature]
Its President

30499

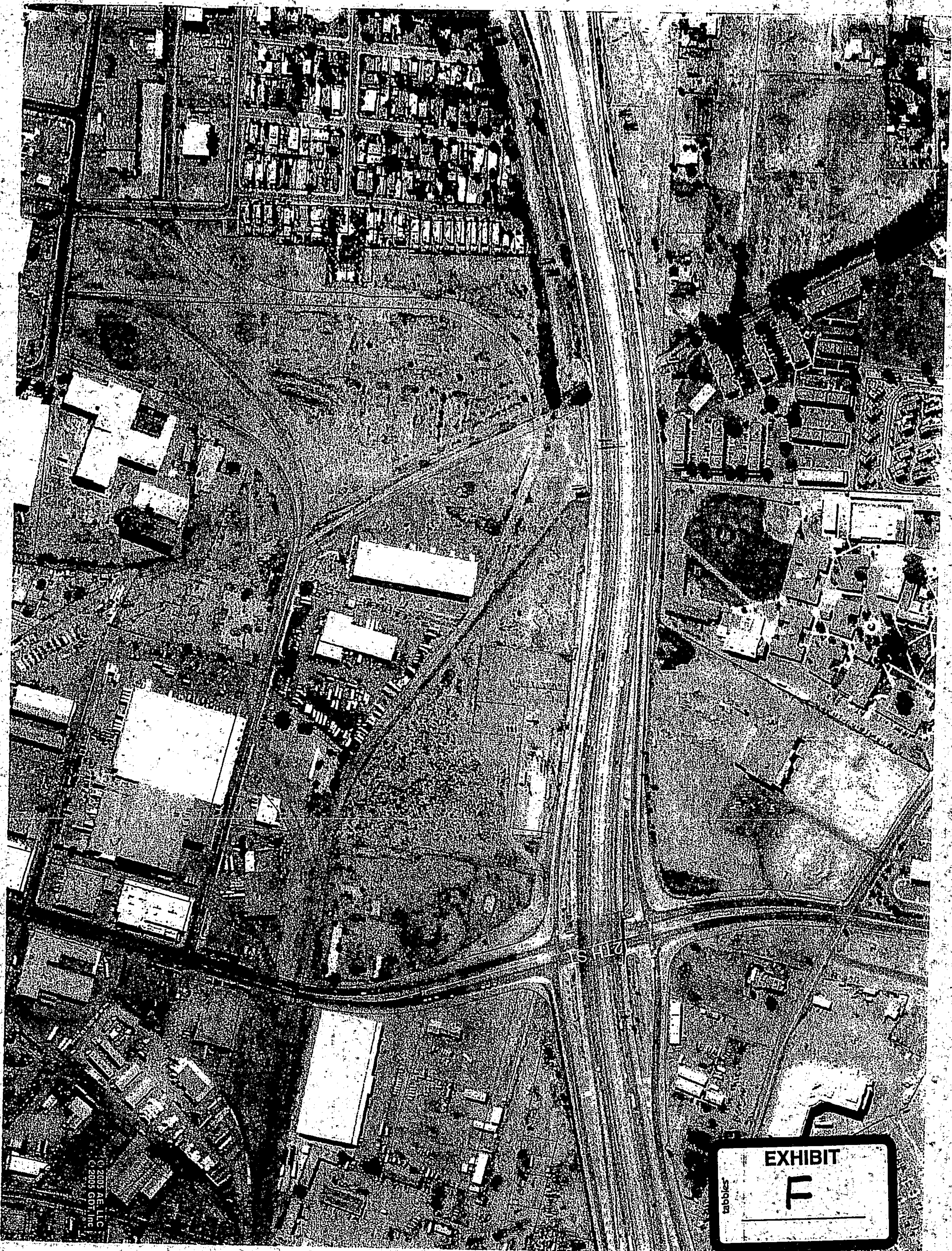
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City of New Mexico
County of Bernalillo

This instrument was filed for record on
1915 JAN 26 1948

at 10:15 a.m. Recorded in Vol. 13
of Records of said County Folio 13

[Signature]
Deputy

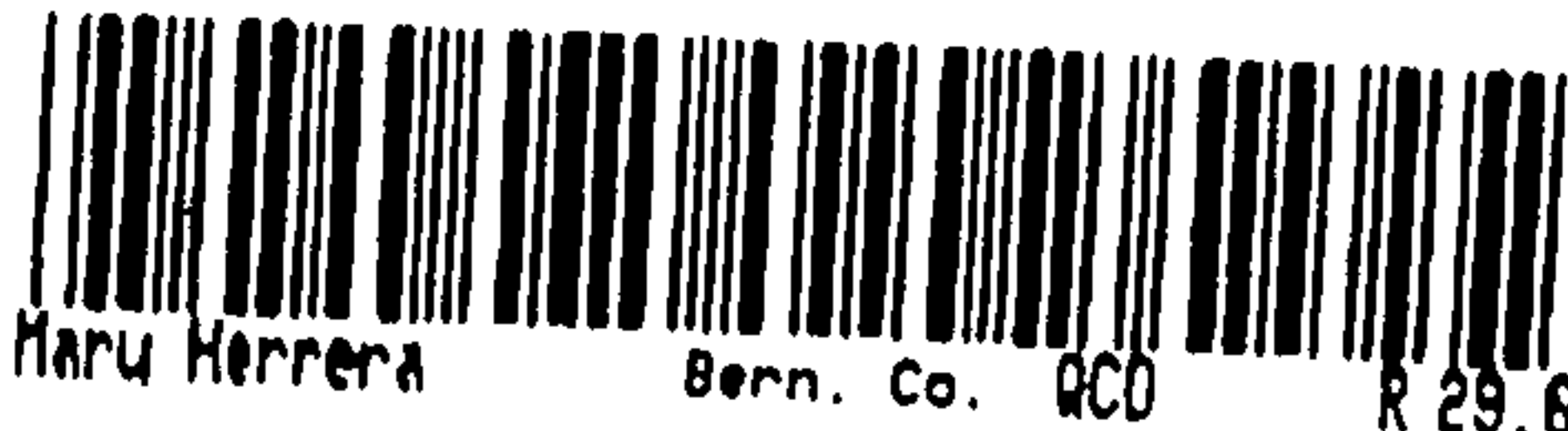


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EXHIBIT
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After Recording Return To:

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



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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.

Warrant
lines

(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



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 17th day of March, 2006.

BNSF RAILWAY COMPANY

By Richard E. Weiche
Its Vice President

NEW MEXICO DEPARTMENT OF
TRANSPORTATION

By Rhonda Maughlet
Its Secretary

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

By: Ronald E. Gomez
Title: General Counsel

Date: 3-17-06



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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 Faught as Secretary of NEW MEXICO DEPARTMENT OF TRANSPORTATION, a corporation.

(Seal)

Kathleen T Allen
Notary Public

My commission expires: 05-07-06



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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 $\frac{1}{2}$ 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 Northwesterly side and 200.0 feet wide on the Southeasterly 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 $\frac{1}{2}$ 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 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 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,

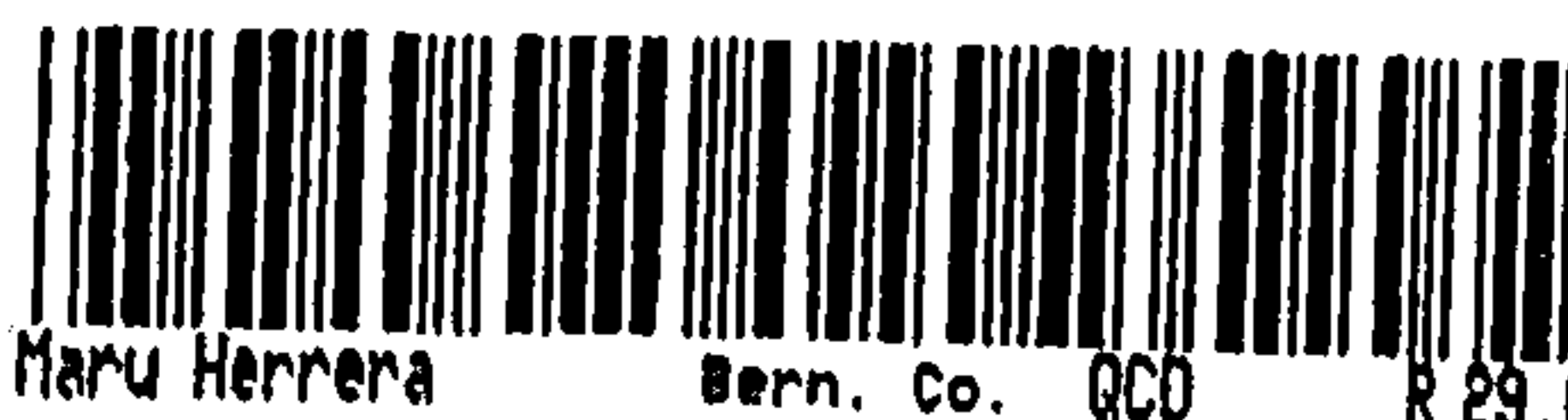
All of BNSF Railway Company's right, title and interest in the 50.0 foot wide Alameda Industrial Loop right of way, being 25.0 feet wide on each side of said Railway Company's spur track centerline, as now located and constructed upon, over and across Sections 14, 15, 22 and 23, all in Township 11 North, 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 W½ of Section 4, the SE¼SE¼ of Section 5, the E½ of Section 8, the E½ 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 S½S½ of said Section 8, and the N½NE¼ 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 12th Street NW with the Northerly line of Sawmill Road NW; thence North 13° 37' East along said East line of 12th 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 8th 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 12th Street NW; thence North 13° 37' East along said East line of 12th 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, Tract H


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 12th 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,

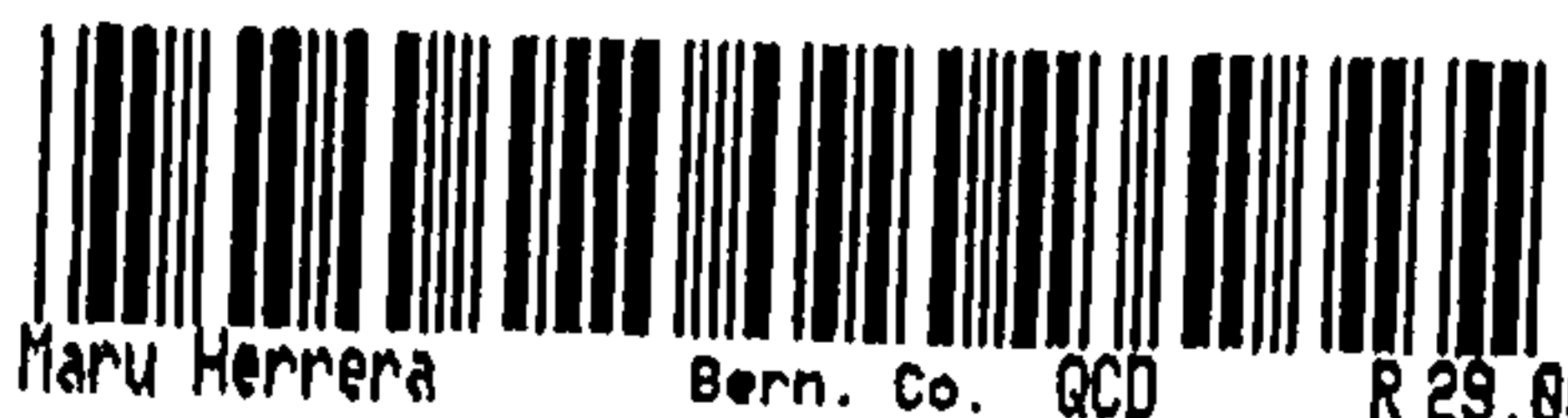
The West 14½ feet of Lots 1 thru 27, Block 1, and the West 14½ feet of Lots 1 thru 16, Block 2, all in Commercial Addition to the City of Albuquerque, New Mexico; also,


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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 Northwesterly 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.

ALSO,



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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 S $\frac{1}{2}$ of said Section 32, Township 10 North, Range 3 East, the W $\frac{1}{2}$ of Section 5, the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6, the E $\frac{1}{2}$ of Section 7, the E $\frac{1}{2}$ of Section 18, the W $\frac{1}{2}$ E $\frac{1}{2}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 30, and the W $\frac{1}{2}$ of Section 31, all in Township 9 North, Range 3 East, and the W $\frac{1}{2}$ of Section 6, and the NW $\frac{1}{4}$ 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 S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 32, Township 10 North, Range 3 East, described as follows:

Beginning at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence North along the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ 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



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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 track agreement or contract, but for no real estate, within the Kirtland Air Force Base at Albuquerque, New Mexico; also,

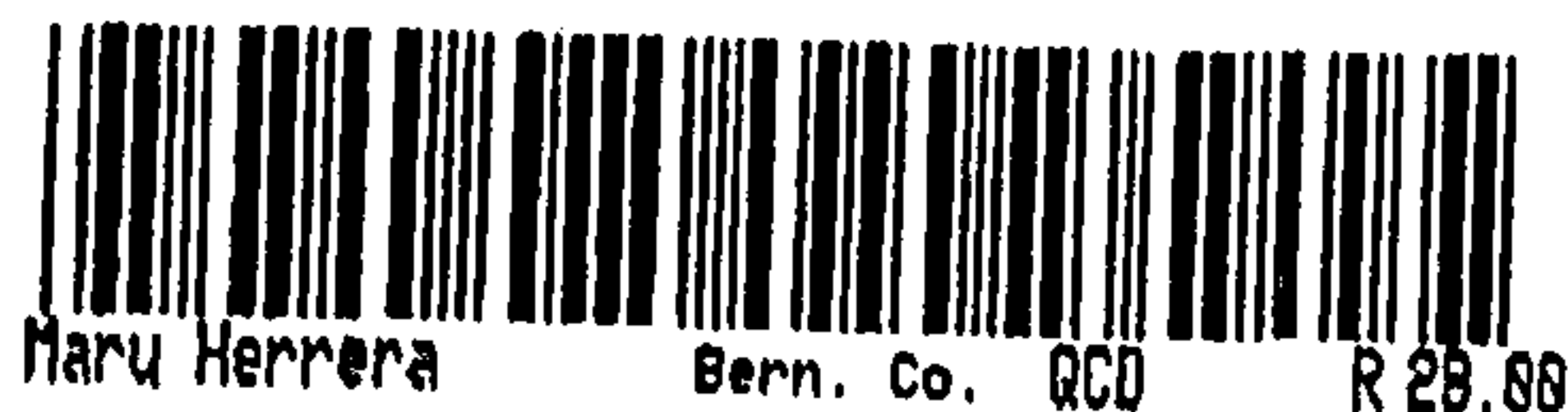
An additional 30.0 foot wide strip of land lying contiguous to and Easterly of the hereinabove described 100.0 foot wide Branch Line right of way, situated in the NW¼ of said Section 6, Township 8 North, Range 3 East, and the W½ of said Section 31, Township 9 North, Range 3 East, being the West one-half 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 in indenture dated June 17, 1902 from Pueblo De Isleta to Santa Fe Pacific Railroad Company (predecessor



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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.

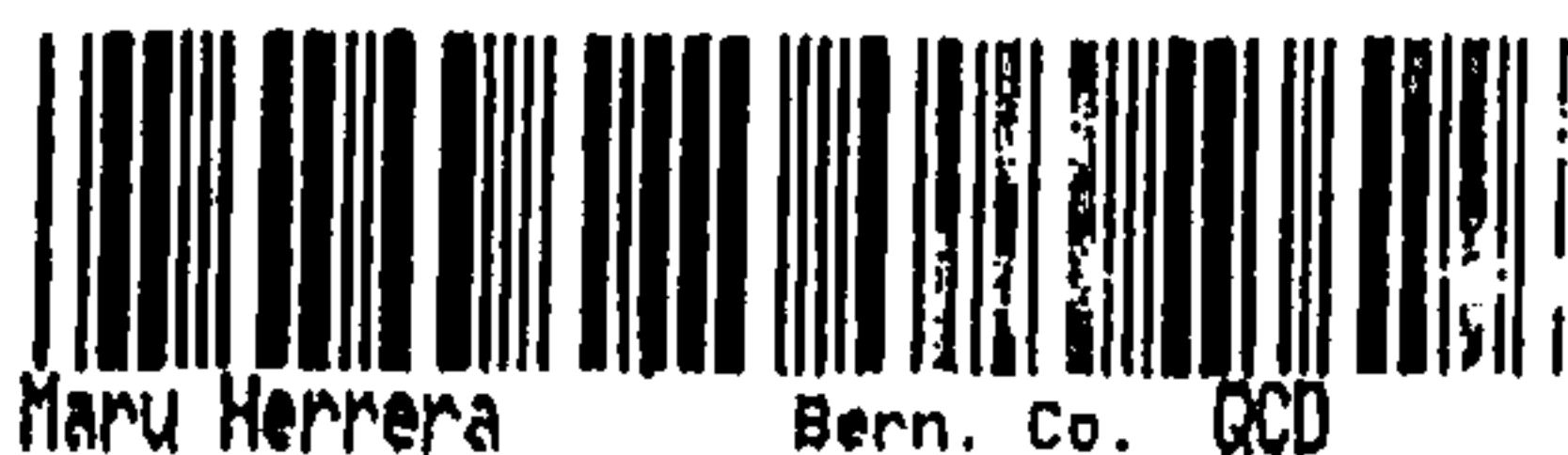
VALENCIA COUNTY

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 W $\frac{1}{2}$ of Section 3, the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 9, the E $\frac{1}{2}$ of Section 16, the E $\frac{1}{2}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, and the N $\frac{1}{2}$ 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 SW $\frac{1}{4}$ of said Section 28, and the W $\frac{1}{2}$ of Section 33, all in Township 7 North, Range 2 East, the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 4, the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, the E $\frac{1}{2}$ of Section 8, the E $\frac{1}{2}$ of Section 17, Section 20, the W $\frac{1}{2}$ of Section 29, the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 32, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, all in Township 6 North, Range 2 East, the E $\frac{1}{2}$ of Section 6, and the E $\frac{1}{2}$ 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

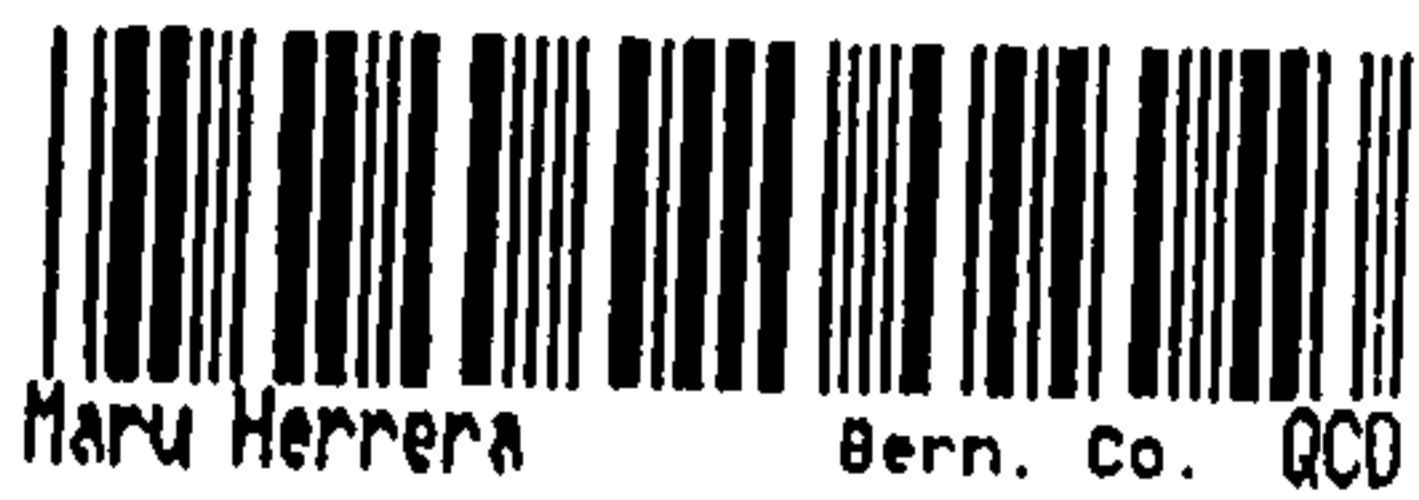


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Sections 7 and 18, Township 5 North, Range 2 East, bounded on the South by the centerline of East Ross Avenue in the City of Belen, New Mexico, and bounded on the North by a line drawn perpendicular to said Original Main Track centerline at a point 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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Instructions for UCC Financing Statement (Form UCC1)

Please type or laser-print this form. Be sure it is completely legible. Read all Instructions, especially Instruction 1; correct Debtor name is crucial. Follow Instructions completely.

Fill in form very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. Filing office cannot give legal advice. Do not insert anything in the open space in the upper portion of this form; it is reserved for filing office use.

When properly completed, send Filing Office Copy, with required fee, to filing office. If you want an acknowledgment, complete item B and, if filing in a filing office that returns an acknowledgment copy furnished by filer, you may also send Acknowledgment Copy; otherwise detach. If you want to make a search request, complete item 7 (after reading Instruction 7 below) and send Search Report Copy, otherwise detach. Always detach Debtor and Secured Party Copies.

If you need to use attachments, you are encouraged to use either Addendum (Form UCC1Ad) or Additional Party (Form UCC1AP).

A. To assist filing offices that might wish to communicate with filer, filer may provide information in item A. This item is optional.

B. Complete item B if you want an acknowledgment sent to you. If filing in a filing office that returns an acknowledgment copy furnished by filer, present simultaneously with this form a carbon or other copy of this form for use as an acknowledgment copy.

1. **Debtor name:** Enter only one Debtor name in item 1, an organization's name (1a) or an individual's name (1b). Enter Debtor's exact full legal name. Don't abbreviate.
 - 1a. **Organization Debtor.** "Organization" means an entity having a legal identity separate from its owner. A partnership is an organization; a sole proprietorship is not an organization, even if it does business under a trade name. If Debtor is a partnership, enter exact full legal name of partnership; you need not enter names of partners as additional Debtors. If Debtor is a registered organization (e.g., corporation, limited partnership, limited liability company), it is advisable to examine Debtor's current filed charter documents to determine Debtor's correct name, organization type, and jurisdiction of organization.
 - 1b. **Individual Debtor.** "Individual" means a natural person; this includes a sole proprietorship, whether or not operating under a trade name. Don't use prefixes (Mr., Mrs., Ms.). Use suffix box only for titles of lineage (Jr., Sr., III) and not for other suffixes or titles (e.g., M.D.). Use married woman's personal name (Mary Smith, not Mrs. John Smith). Enter individual Debtor's family name (surname) in Last Name box, first given name in First Name box, and all additional given names in Middle Name box.

For both organization and individual Debtors: Don't use Debtor's trade name, DBA, AKA, FKA, Division name, etc. in place of or combined with Debtor's legal name; you may add such other names as additional Debtors if you wish (but this is neither required nor recommended).
 - 1c. An address is always required for the Debtor named in 1a or 1b.
 - 1d. Reserved for Financing Statements to be filed in North Dakota or South Dakota only. If this Financing Statement is to be filed in North Dakota or South Dakota, the Debtor's taxpayer identification number (tax ID#) — social security number or employer identification number must be placed in this box.
 - 1e,f,g. "Additional information re organization Debtor" is always required. Type of organization and jurisdiction of organization as well as Debtor's exact legal name can be determined from Debtor's current filed charter document. Organizational ID #, if any, is assigned by the agency where the charter document was filed; this is different from tax ID #; this should be entered preceded by the 2-character U.S. Postal identification of state of organization if one of the United States (e.g., CA12345, for a California corporation whose organizational ID # is 12345); if agency does not assign organizational ID #, check box in item 1g indicating "none."
2. If an additional Debtor is included, complete item 2, determined and formatted per Instruction 1. To include further additional Debtors, attach either Addendum (Form UCC1Ad) or Additional Party (Form UCC1AP) and follow Instruction 1 for determining and formatting additional names.
3. Enter information for Secured Party or Total Assignee, determined and formatted per Instruction 1. To include further additional Secured Parties, attach either Addendum (Form UCC1Ad) or Additional Party (Form UCC1AP) and follow Instruction 1 for determining and formatting additional names. If there has been a total assignment of the Secured Party's interest prior to filing this form, you may either (1) enter Assignor S/P's name and address in item 3 and file an Amendment (Form UCC3) [see item 5 of that form]; or (2) enter Total Assignee's name and address in item 3 and, if you wish, also attaching Addendum (Form UCC1Ad) giving Assignor S/P's name and address in item 12.
4. Use item 4 to indicate the collateral covered by this Financing Statement. If space in item 4 is insufficient, put the entire collateral description or continuation of the collateral description on either Addendum (Form UCC1Ad) or other attached additional page(s).
5. If filer desires (at filer's option) to use titles of lessee and lessor, or consignee and consignor, or seller and buyer (in the case of accounts or chattel paper), or bailee and bailor instead of Debtor and Secured Party, check the appropriate box in item 5. If this is an agricultural lien (as defined in applicable Commercial Code) filing or is otherwise not a UCC security interest filing (e.g., a tax lien, judgment lien, etc.), check the appropriate box in item 5, complete items 1-7 as applicable and attach any other items required under other law.
6. If this Financing Statement is filed as a fixture filing or if the collateral consists of timber to be cut or as-extracted collateral, complete items 1-5, check the box in item 6, and complete the required information (items 13, 14 and/or 15) on Addendum (Form UCC1Ad).
7. This item is optional. Check appropriate box in item 7 to request Search Report(s) on all or some of the Debtors named in this Financing Statement. The Report will list all Financing Statements on file against the designated Debtor on the date of the Report, including this Financing Statement. There is an additional fee for each Report. If you have checked a box in item 7, file Search Report Copy together with Filing Officer Copy (and Acknowledgment Copy). Note: Not all states do searches and not all states will honor a search request made via this form; some states require a separate request form.
8. This item is optional and is for filer's use only. For filer's convenience of reference, filer may enter in item 8 any identifying information (e.g., Secured Party's loan number, law firm file number, Debtor's name or other identification, state in which form is being filed, etc.) that filer may find useful.

Note: If Debtor is a trust or a trustee acting with respect to property held in trust, enter Debtor's name in item 1 and attach Addendum (Form UCC1Ad) and check appropriate box in item 17. If Debtor is a decedent's estate, enter name of deceased individual in item 1b and attach Addendum (Form UCC1Ad) and check appropriate box in item 17. If Debtor is a transmitting utility or this Financing Statement is filed in connection with a Manufactured-Home Transaction or a Public-Finance Transaction as defined in applicable Commercial Code, attach Addendum (Form UCC1Ad) and check appropriate box in item 18.

JARA

Deed File No. 42427
RETURN TO
SECRETARY, THE ATCHISON, TOPEKA & SANTA FE RY. CO., TOPEKA

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WARRANTY DEED

Sale No. 1215

KNOW ALL MEN BY THESE PRESENTS, That the SANTA FE LAND IMPROVEMENT COMPANY, a corporation organized under the laws of the State of California, (hereinafter called Grantor), in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, to it paid by The Atchison, Topeka and Santa Fe Railway Company, a corporation organized under the laws of the State of Kansas, (hereinafter called Grantee), has granted, bargained and sold, and does hereby grant, bargain, sell and convey unto the said The Atchison, Topeka and Santa Fe Railway Company, its successors and assigns, forever, all those certain tracts or parcels of land lying and situate in Tracts Nos. 339, 340 and 341-A-2, Middle Rio Grande Conservancy District Map No. 55, and being in Sections 7, 8, 17 and 18, Township 10 North, Range 3 East of the New Mexico Principal Meridian, and within the Town of Albuquerque Grant, in Bernalillo County, New Mexico, to wit:

TRACT A

A strip of land in said Tract No. 341-A-2, in said Sections 17 and 18, 31 feet in width and 484.25 feet, more or less, in length (measured along the center line of said strip), and more particularly described as follows:

Commencing at the City Monument marking the intersection of the center lines of North Twelfth Street and West Granite Avenue; thence North 10 degrees 45 minutes East, along the center line of North Twelfth Street, a distance of 197.16 feet to a point of intersection with the center line of West Mountain Road; thence North 3 degrees 47 minutes East, continuing along the center line of North Twelfth Street, a distance of 1518.87 feet to a point from

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which the corner common to said Sections 7, 8, 17 and 18 bears North 28 degrees 53 minutes East, 1070.18 feet distant; thence North 71 degrees 13 minutes East a distance of 40.21 feet to a point in the east line of North Twelfth Street; thence North 13 degrees 27 minutes East, along said east line of North Twelfth Street, a distance of 42.64 feet to point of intersection with the north line of Sawmill Road (as defined by Easement, S. F. L. I. Secretary's No. 226, dated July 27, 1945, from Santa Fe Land Improvement Company to Bernalillo County, and recorded in Volume D 73, Folio No. 547, of the records of Bernalillo County); thence North 71 degrees 13 minutes East, along said north line of Sawmill Road, a distance of 212.01 feet, more or less, to point of intersection with a line parallel with and 8.5 feet northwesterly from, measured at right angles to, the center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 49, as now located and constructed, and the POINT OF BEGINNING of the metes and bounds of the tract or parcel of land herein described; thence continuing on last described course a distance of 56.12 feet to point of intersection with a line parallel with and 22.5 feet southeasterly from, measured at right angles to, said center line of Track No. 49; thence North 37 degrees 41 minutes East, parallel with said center line of Track No. 49, a distance of 460.86 feet, more or less, to a point in the southerly boundary of a tract of land conveyed by said Santa Fe Land Improvement Company to G. L. Schreiber and C. J. Myers by Warranty Deed dated December 28, 1949; thence North 52 degrees 19 minutes West, along said southerly boundary, a distance of 31 feet to the northwest corner of the strip or tract herein described, at a point of intersection with said line parallel with and 8.5 feet northwesterly from, measured at right angles to, said center line of Track No. 49; thence South 37 degrees 41 minutes West, parallel with said center line of Track No. 49, a distance of 507.64 feet, more or less, to the point of beginning, and containing an area of 0.345 of an acre, more or less.

TRACT B

A strip of land in said Tract No. 341-A-2, in said Sections 8 and 17, lying contiguous to and easterly of the land conveyed by Santa Fe Land Improvement Company to G. L. Schreiber and C. J. Myers by Warranty Deed dated December 28, 1949, and more particularly described as follows:

Commencing at the northwesterly corner of Tract A, as above described; thence North 37 degrees 41 minutes East, along a line parallel with and 8.5 feet northwesterly from, measured at right angles to, the center line of said Track No. 49, a

distance of 485.5 feet to a point in the boundary of said Schreiber and Myers tract, and the POINT OF BEGINNING of the metes and bounds of the strip or tract of land herein described; thence North 52 degrees 19 minutes West, along said boundary, a distance of 1.5 feet; thence North 37 degrees 41 minutes East, parallel with said center line of Track No. 49, and along the southeasterly boundary of said tract heretofore conveyed, a distance of 120 feet, more or less, to a point of curva; thence continuing along said southeasterly boundary and concentric with said center line of Track No. 49, on a curve to the right with a radius of 445.02 feet, a distance of 305 feet, more or less, to the west line of Sawmill Road (as defined by Easement dated July 27, 1945, as set forth in Tract A above); thence South 15 degrees 58 minutes West, along said west line of Sawmill Road, a distance of 21 feet, more or less, to point of intersection with a line concentric with and 10 feet southeasterly from, measured normal to, said center line of Track No. 49; thence southwesterly, concentric with said center line of Track No. 49, on a curve to the left with a radius of 425.02 feet, a distance of 290 feet, more or less, to a point of compound curve; thence on a curve to the left with a radius of 593.80 feet, concentric with and 10 feet southeasterly from, measured normal to, the center line of said Railway Company's Track No. 569, a distance of 125 feet, more or less, to a point in the boundary of said Schreiber and Myers tract; thence North 52 degrees 19 minutes West, along said boundary, a distance of 28 feet, more or less, to the point of beginning, and containing an area of 0.199 of an acre, more or less.

TRACT C

An irregular tract of land in said Tract No. 341-A-2, in said Sections 7 and 8, more particularly described as follows:

Commencing at the point of intersection of the east line of North Twelfth Street with the north line of Sawmill Road, as described in "Tract A" above; thence North 13 degrees 37 minutes East, along said east line of North Twelfth Street, a distance of 1221.58 feet, more or less, to the northwesterly corner of a tract of land conveyed by Santa Fe Land Improvement Company to The Atchison, Topeka and Santa Fe Railway Company by Warranty Deed dated March 1, 1949, recorded in Volume 104, Folio 633 of the records of Bernalillo County, and the POINT OF BEGINNING of the metes and bounds of the tract of land herein described; thence continuing on last described course a distance of 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 by Correction Warranty Deed dated May 17, 1943; thence South 80 degrees 12 minutes East, along said northerly line a distance of

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857 feet, more or less, to Corner No. 6 of said tract acquired from Breece Lumber Co.; thence South 15 degrees 58 minutes West, along the west line of Sawmill Road (as defined by Easement dated July 27, 1945, as set forth in "Tract A" above), a distance of 55 feet, more or less, to a point in the northerly boundary of a tract of land heretofore conveyed by said Improvement Company to G. L. Schreiber and C. J. Myers by Warranty Deed dated December 28, 1949; thence North 88 degrees 1 minute 43 seconds West, along said boundary of Schreiber and Myers tract, and parallel with and 10 feet southerly from, measured at right angles to, the center line of said Railway Company's Track No. 47, a distance of 170 feet, more or less, to a point of curve; thence continuing along said boundary, concentric with said center line of Track No. 47, on a curve to the left with a radius of 567.686 feet a distance of 385 feet, more or less; thence continuing along said boundary, North 52 degrees 19 minutes West, a distance of 17 feet; thence continuing along said boundary, North 76 degrees 23 minutes West, a distance of 4 feet, more or less, to point of intersection with a line concentric with and 10 feet northerly from, measured normal to, said center line of Track No. 47; thence northeasterly, concentric with said center line of Track No. 47, on a curve to the right with a radius of 583.686 feet, a distance of 246 feet, more or less, to a point that is 20 feet southerly from, measured at right angles to, the northerly boundary of said Railway Company tract (as said northerly boundary is projected easterly); thence North 7 degrees 48 minutes East a distance of 20 feet to said projected northerly boundary; thence North 82 degrees 12 minutes West, along said projection and along said northerly boundary, a distance of 430 feet, more or less, to point of intersection with a line concentric with and 8.5 feet southeasterly from, measured normal to, said Railway Company's Track No. 585; thence southwesterly, continuing along said northerly boundary of Railway Company's tract, and concentric with said center line of Track No. 585, on a curve to the left with a radius of 595.30 feet (tangent to said curve at said point of intersection having a bearing of South 85 degrees 21 minutes West), a distance of 54.2 feet, more or less, to point of compound curve; thence continuing along said boundary and concentric with said center line of Track No. 585, on a curve to the left with a radius of 469.84 feet, a distance of 44.4 feet, more or less, to the point of beginning, and containing an area of 1.864 acres, more or less.

TRACT D

A strip of land in said Tract No. 341-A-2, in said Section 18, 71 feet in width, lying between lines parallel with and 164 feet and 195 feet, respectively, westerly from, measured at right angles to, the west line of North Twelfth Street, and extending

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from the north line of Sawmill Road (as defined by Easement dated July 27, 1945, as set forth in "Tract A" above) in a northerly direction a distance of 448.9 feet, more or less (measured along the center line of said strip); to the south line of Roosevelt Avenue, and containing an area of 0.319 of an acre, more or less.

TRACT E

A strip of land in said Tract No. 341-A-2, in said Section 18, 45 feet in width and 500 feet in length, lying between lines parallel with and 150 feet and 195 feet, respectively, westerly from, measured at right angles to, the west line of North Twelfth Street, and extending from the north line of Roosevelt Avenue in a northerly direction to the south line of Aspen Avenue, and containing an area of 0.517 of an acre, more or less.

TRACT F

A strip of land in said Tract No. 341-A-2, in said Sections 7 and 18, 45 feet in width and 500 feet in length, lying between lines parallel with and 665 feet and 710 feet, respectively, westerly from, measured at right angles to, the west line of North Twelfth Street, and extending from the north line of Roosevelt Avenue in a northerly direction to the south line of Aspen Avenue, and containing an area of 0.517 of an acre, more or less.

TRACT G

A strip of land in said Tract No. 341-A-2, in said Section 7, of irregular width, lying between a tract of land conveyed by Santa Fe Land Improvement Company to Momsen Dunnegan Ryan Company by Warranty Deed dated January 17, 1948, and a tract of land conveyed by said Improvement Company to Lawrence Milne and G. G. Hendrix by Warranty Deed dated April 19, 1950, and more particularly described as follows:

Commencing at the point in the center line of North Twelfth Street (as projected from the south) from which the corner common to said Sections 7, 8, 17, and 18 bears North 26 degrees 55 minutes East, 1070.18 feet distant (as set forth in "Tract A" above); thence South 71 degrees 13 minutes West a distance of 78.23 feet to a point in the west line of North Twelfth Street; thence North 13 degrees 37 minutes East, along said west line of North Twelfth Street, a distance of 1027.64 feet to point of intersection with the north line of Aspen Avenue and the southeasterly corner of said tract of land conveyed to Momsen Dunnegan Ryan Company; thence North 76 degrees 23 minutes West, along said north line of Aspen Avenue, a distance of 135 feet, more or less, to the southwesterly corner

of said Momsen Dunningan Ryan tract, and the POINT OF BEGINNING of the metes and bounds of the strip or tract of land herein described; thence northeasterly, along a line concentric with and 10 feet southeasterly from, measured normal to, the center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 585, and along the northwesterly boundary of said Momsen Dunningan Ryan tract, on a curve to the right with a radius of 468.34 feet (tangent to said curve at said point having a bearing of North 26 degrees 54 minutes East), a distance of 273.6 feet, more or less, to point of intersection with said west line of North Twelfth Street; thence North 13 degrees 37 minutes East, along said street line, a distance of 46 feet, more or less, to point of intersection with a line concentric with and 10 feet northwesterly from, measured normal to, the center line of said Railway Company's Track No. 571; thence southwesterly, concentric with said center line of Track No. 571 and along the southeasterly boundary of said Milne and Hendrix tract, on a curve to the left with a radius of 420.275 feet (tangent to said curve at said point having a bearing of South 67 degrees 4 minutes 35 seconds West), a distance of 113.85 feet, more or less, to a point of compound curve; thence continuing along said boundary and concentric with and 10 feet northwesterly from the center line of said Railway Company's Track No. 597, on a curve to the left with a radius of 1064.92 feet, a distance of 76.82 feet to a point of compound curve; thence continuing along said boundary and concentric with said center line of Track No. 597, on a curve to the left with a radius of 384.859 feet, a distance of 150.05 feet, more or less, to point of intersection with the north line of Aspen Avenue, and the southwesterly corner of the strip of land herein described; thence South 76 degrees 23 minutes East, along said north line of Aspen Avenue, a distance of 61.82 feet, more or less, to the point of beginning and containing an area of 0.348 of an acre, more or less.

TRACT H

An irregular tract of land in said Tract No. 341-A-2, in said Section 7, more particularly described as follows:

Commencing at the southwesterly corner of Tract G, as above described; thence North 76 degrees 23 minutes West, along the north line of Aspen Avenue, a distance of 439.68 feet, more or less, to point of intersection with a line concentric with and 26 feet southeasterly from the center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 583, as now located and constructed, and the POINT OF BEGINNING of the metes and bounds of the tract of land herein described; thence northeasterly, concentric with said center line of Track No. 583 (and along the northwesterly boundary of a tract of land conveyed by

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Santa Fe Land Improvement Company to Lawrence Milne and G. G. Hendrix by Warranty Deed dated April 19, 1950), on a curve to the right with a radius of 458.544 feet (tangent to said curve at said point of beginning having a bearing of North 33 degrees 25 minutes East), a distance of 254.56 feet, more or less, to a point of compound curve; thence continuing along said boundary and concentric with said center line of Track No. 583, on a curve to the right with a radius of 577.805 feet, a distance of 47.9 feet to a point of compound curve; thence continuing along said boundary and concentric with said center line of Track No. 583, on a curve to the right with a radius of 480.376 feet, a distance of 58.17 feet, more or less, to a point in the south line of a 50-foot roadway for entrance to Albuquerque Gas and Electric Company plant; thence South 82 degrees 12 minutes East, along the south line of said roadway and parallel with and 65 feet southerly from, measured at right angles to, the center line of said Railway Company's Track No. 45, a distance of 421.29 feet, more or less, to a point in the west line of North Twelfth Street; thence North 13 degrees 37 minutes East, along said street line, a distance of 152 feet, more or less, to the northerly line of a tract of land acquired by Santa Fe Land Improvement Company from Breece Lumber Company by Correction Warranty Deed dated May 17, 1943; thence North 80 degrees 12 minutes West, along said northerly line, a distance of 32 feet, more or less, to corner No. 7 of said tract acquired from Breece Lumber Co.; thence South 9 degrees 48 minutes West 11.50 feet to corner No. 8; thence North 88 degrees 42 minutes West 412 feet to corner No. 9; thence North 5 degrees 45 minutes East 12.10 feet to corner No. 10; thence - North 81 degrees 54 minutes West 20.34 feet to corner No. 11; - thence North 78 degrees 19 minutes West 50 feet to corner No. 12; - thence North 74 degrees 43 minutes West 50 feet to corner No. 13; - thence North 72 degrees 01 minute West 50 feet to corner No. 14; - thence North 68 degrees 19 minutes West 50 feet to corner No. 15; - thence North 65 degrees 56 minutes West 48.87 feet to corner No. 16; thence North 63 degrees 54 minutes West 50 feet to corner No. 17; thence North 58 degrees 49 minutes West 50 feet to corner No. 18; thence North 55 degrees 50 minutes West 52.66 feet to corner No. 19; thence North 52 degrees 22 minutes West 527.39 feet; thence South 13 degrees 37 minutes West, a distance of 42.92 feet; thence South 52 degrees 22 minutes East, a distance of 437.91 feet, more or less, to the northwesterly corner of a tract of land conveyed to Forest Products Company by Santa Fe Land Improvement Company by Warranty Deed dated January 6, 1948; thence South 52 degrees 12 minutes East, along a line parallel with and 8.5 feet southwesterly from, measured at right angles to, the center line of said Track No. 45, a distance of 25.59 feet to a point of curve; thence on a curve to the left with a radius of 963.87 feet, concentric with said center line of Track No. 45, a distance of 504.5 feet, more or less, to point of tangency; thence South 82

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degrees 12 minutes East, parallel with said center line of Track No. 45, a distance of 13.3 feet; thence South 7 degrees 48 minutes West a distance of 23.35 feet to point of intersection with a line concentric with and 10 feet northwesterly from, measured normal to, said center line of Track No. 583; thence southwesterly on a curve to the left with a radius of 516.38 feet (tangent to said curve at said point having a bearing of South 78 degrees 53 minutes 44 seconds West), and concentric with said center line of Track No. 583, a distance of 101.49 feet to a point of compound curve; thence on a curve to the left with a radius of 613.80 feet, concentric with said center line of Track No. 583, a distance of 50.83 feet to a point of compound curve; thence on a curve to the left with a radius of 492.34 feet, concentric with said center line of Track No. 583, a distance of 246.6 feet, more or less, to point of intersection with said north line of Aspen Avenue; thence South 76 degrees 23 minutes East, along said north line of Aspen Avenue, a distance of 29.82 feet, more or less, to the point of beginning, and containing an area of 2.102 acres, more or less.

TRACT I

A strip of land in said Tract No. 340, in said Section 18, 45 feet in width, lying 22.5 feet on each side of the hereinafter described center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 45, as now located and constructed, and extending from the west line of said Tract No. 340 (which is also the east line of Rio Grande Boulevard) in an easterly direction a distance of 1241.6 feet, more or less, to the east line thereof, and containing an area of 1.283 acres, more or less.

TRACT J

An irregular tract of land in said Tract No. 339, in said Sections 7 and 18, more particularly described as follows:

Commencing at the southwest corner, No. 1, of said Tract No. 339 (as described in Survey made by Ross-Beyer Engineering Office in September, 1943), from which point the quarter corner on the west boundary of said Section 18 as shown on Bernalillo County Survey Sheet No. 28 bears South 50 degrees 16 minutes West, 3205.8 feet distant; thence South 84 degrees 41 minutes East, along the southerly boundary of said Tract No. 339, a distance of 301.52 feet, more or less, to point of intersection with a line 22.5 feet westerly from, measured at right angles to, a southerly projection of the center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 602, as now located and constructed, and the POINT OF BEGINNING of the metes and bounds of the tract of land herein described; thence continuing on last described course a distance of 32.64 feet, more or less, to point

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of intersection with a line parallel with and 10 feet easterly from, measured at right angles to, said projected center line of Track No. 602; thence North 0 degrees 03 minutes West, parallel with the center lines of said Track No. 602 and of said Railway Company's Track No. 45, a distance of 989 feet to the south line of an east-and-west 60-foot roadway; thence due west, along the south line of said roadway, a distance of 32.5 feet; thence South 0 degrees 03 minutes East, parallel with and 22.5 feet westerly from, measured at right angles to, the center line of said Track No. 45, a distance of 178.4 feet, more or less, to a point of curve; thence southwesterly, concentric with said center line of Track No. 45, on a curve to the right with a radius of 375.52 feet a distance of 57.57 feet to a point of compound curve; thence continuing southwesterly, concentric with said center line of Track No. 45, on a curve to the right with a radius of 388.75 feet, a distance of 403 feet, more or less, to point of intersection with the east line of a north-and-south 60-foot roadway along the west side of said Tract No. 339; thence South 0 degrees, 03 minutes East, along the east line of said roadway, a distance of 50 feet, more or less, to point of intersection with a line concentric with and 22.5 feet southeasterly from, measured normal to, said center line of Track No. 45; thence northeasterly, concentric with said center line of Track No. 45, on a curve to the left with a radius of 433.75 feet, a distance of 300 feet, more or less, to point of intersection with a line parallel with and 400 feet southerly from, measured at right angles to, the south line of said east-and-west roadway; thence due east a distance of 18 feet, more or less, to point of intersection with a line parallel with and 22.5 feet westerly from, measured at right angles to, said center line of Track No. 602; thence South 0 degrees 03 minutes East, parallel with said center line of Track No. 602, a distance of 590 feet, more or less, to the point of beginning, and containing an area of 1.116 acres, more or less.

TRACT K

A strip of land in said Tract No. 339, in said Section 7, 20 feet in width, lying 10 feet on each side of the hereinafter described center line of The Atchison, Topeka and Santa Fe Railway Company's Track No. 45, as now located and constructed, and extending from the north line of the east-and-west 60-foot roadway, described in "Tract J" above, in a general northeasterly direction a distance of 794 feet, more or less, to the easterly boundary of said Tract No. 339, and containing an area of 0.365 of an acre, more or less.

The center line of Track No. 45, as now located and constructed over and across said Tracts Nos. 340 and 339, is described as follows: Beginning at a point in the west line of said Tract No. 340, distant

580
274.09 feet (measured along said west line) south of the northwest corner thereof; thence South 88 degrees 31 minutes 32 seconds East a distance of 1146.8 feet to a point of curve; thence on a curve to the left with a radius of 411.25 feet a distance of 95 feet, more or less, to a point in the line common to said Tracts Nos. 339 and 340; thence continuing on last described course a distance of 31 feet, more or less, to a point in the east line of the north-and-south 60-foot roadway described in "Tract J" above; thence continuing on last described course a distance of 435.7 feet, more or less, to point of compound curve; thence on a curve to the left with a radius of 398.02 feet a distance of 60.9 feet, more or less, to a point of tangency in a line parallel with and 327 feet easterly from, measured at right angles to, the west line of said Tract No. 339, thence tangent to last described course, and parallel with said west line of Tract No. 339, a distance of 178.4 feet, more or less, to the south line of the east-and-west 60-foot roadway described in "Tract J" above; thence continuing on last described course a distance of 318.7 feet, more or less, to point of curve; thence on a curve to the right with a radius of 396.20 feet a distance of 352.3 feet to point of compound curve; thence on a curve to the right with a radius of 410.28 feet a distance of 163 feet, more or less, to a point in the east line of said Tract No. 339, distant 58.9 feet (measured along said east line) southerly from the northeast corner thereof.

The total area of the eleven tracts of land above described is 8.975 acres, more or less.

SUBJECT TO existing rights of way for any highways and/or roads, pipe lines, pole and wire lines, ditches and the like.

Also, SUBJECT TO the lien of the Middle Rio Grande Conservancy District assessment.

TO HAVE AND TO HOLD said premises, with the appurtenances, unto the said The Atchison, Topeka and Santa Fe Railway Company, its successors and assigns forever. And the said Grantor, for itself and its successors, does hereby covenant with said The Atchison, Topeka and Santa Fe Railway Company, its successors and assigns, that said Grantor is lawfully seized of the premises aforesaid; that the premises are free and clear from all incumbrances whatsoever, except taxes or assessments that may be or may have been levied thereon for the year 1951, and subsequent thereto; and

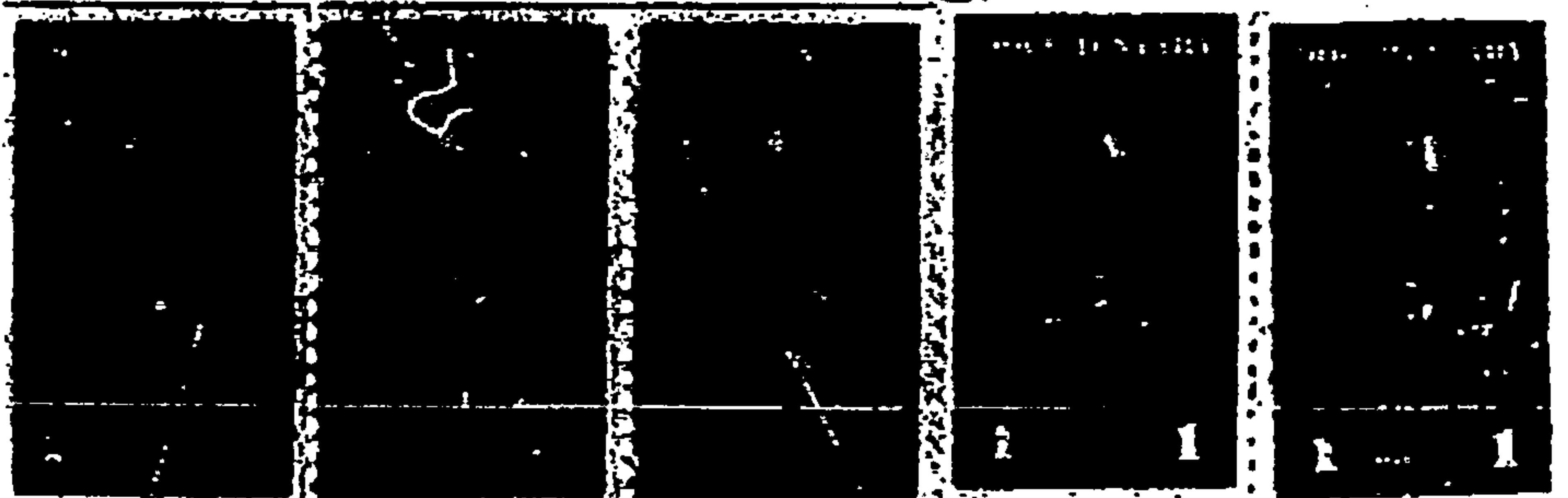
that said grantor will forever warrant and defend the title to the same, with the appurtenances, unto the said The Atchison, Topeka and Santa Fe Railway Company, its successors and assigns, against the lawful claim of all persons whomsoever, except as aforesaid.

IN TESTIMONY WHEREOF, the said Grantor has caused these presents to be executed by its _____ President, and its corporate seal to be hereto affixed, and the same to be attested by its Assistant Secretary, this 24th day of September, 1951:

ATTEST: [Signature] Its Assistant Secretary
SANTA FE LAND IMPROVEMENT COMPANY
By [Signature] Its President

(SEAL)

STATE OF ILLINOIS)
(88)
COUNTY OF COOK)



On this 24th day of September, 1951, before me appeared R. D. Lutton, to me personally known, who, being by me duly sworn, did say that he is the _____ President of Santa Fe Land Improvement Company, and that the seal affixed to said instrument is the corporate 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 _____ acknowledged said instrument to be the free act and deed of said corporation.

WITNESS my hand and notarial seal this 24th day of _____, A. D. 1951.

[Signature]
Notary Public

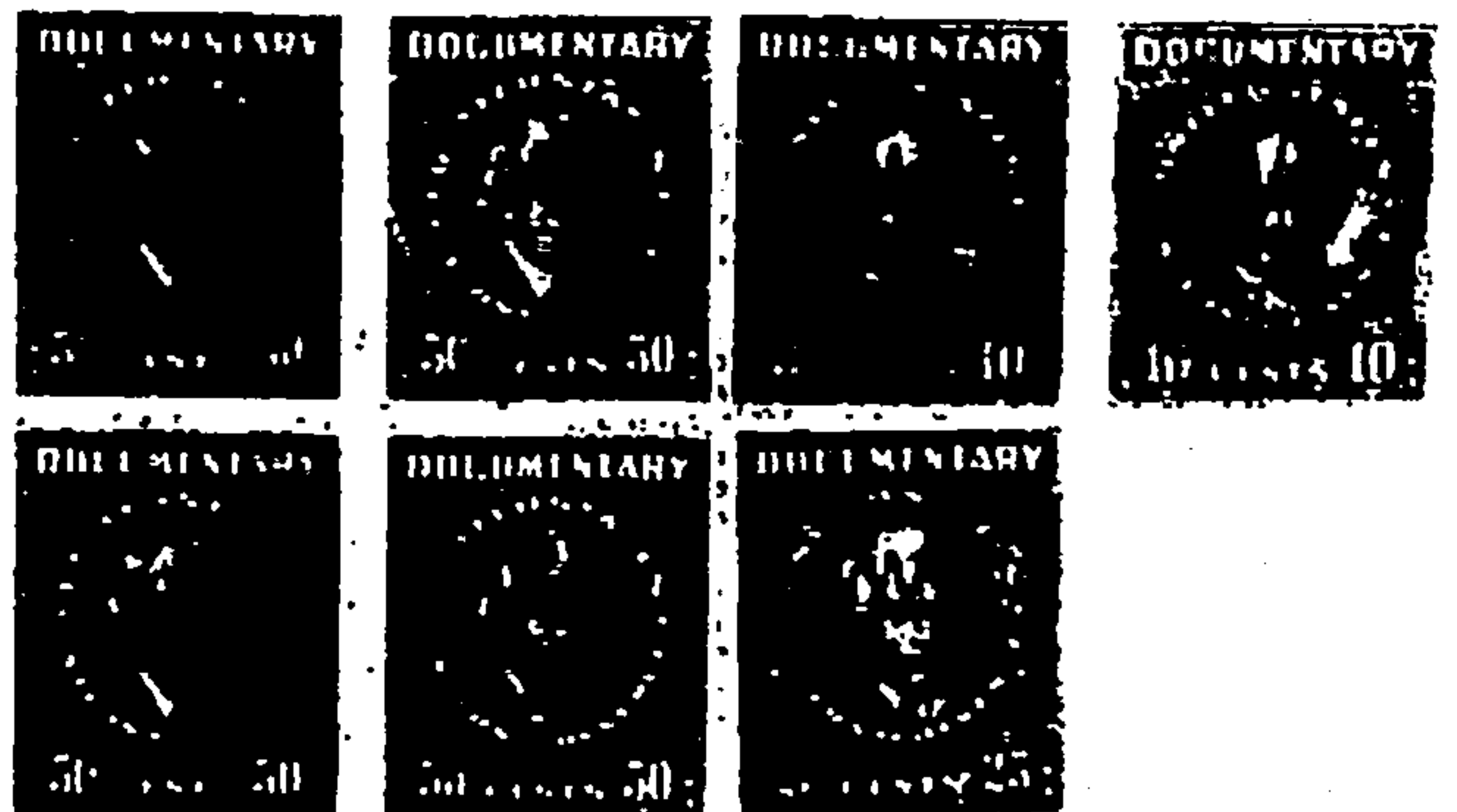
(SEAL)

My commission expires October 28, 1954.

The A. T. & S. F. Ry. Co.
Description Approved

[Signature]
For Chief Engineer
Western Lines

E. C. Shen



Deed File No. 42427
RETURN TO
SECRETARY, THE A. T. & S. F. RY. CO., TOPEKA

5332

42346 ✓

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

8:30 NOV 2 - 1951
At 8:30 o'clock a.m. Recorded in Vol. 189
of records of said County Folio 521

Ramona Matzka Clerk & Recorder
May Clegg Deputy Clerk
-11-2-51

RETURN TO
Secretary and Treasurer,
Topeka, Kansas

File No. X-32557

X 32557

11-2-51

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

ENDORSED
FILED IN MY OFFICE THIS

JUL - 6 2009

ROGER COX LIMITED PARTNERSHIP 1984-2,
a New Mexico Limited Partnership and AMARILLO
DIAMOND LTD., a Texas limited partnership,

Quantita M. Duran
CLERK DISTRICT COURT

Plaintiffs,

vs.

CASE NO. CV-2008-04093

BNSF RAILWAY COMPANY, a Delaware corporation
and PUBLIC SERVICE COMPANY OF NEW MEXICO,
a New Mexico corporation, STATE OF NEW
MEXICO, ex rel., NEW MEXICO DEPARTMENT
OF TRANSPORTATION and UNKNOWN
CLAIMANTS OF INTEREST,

Defendants.

DISCLAIMER OF INTEREST

Defendant State of New Mexico, ex rel., New Mexico Department of Transportation ("DOT") hereby disclaims any and all right, title, interest, lien and easement in and to the following described real estate and improvements thereon, which are the subject of the above-captioned cause, including but not limited to that certain 20' A.T. & S.F.R.R. easement per plat filed 7-14-1978, Vol. D8, Vol. 164, Bernalillo County, New Mexico across the real property situated in Bernalillo County, New Mexico, and is described as follows:

Tract 2-A of the Plat of Tracts 2-A, 2-B and 2-C Lands of Forest Products Co., being a Replat of Tracts 1 and 2 situate within Section 7 T.10.N., R.3. E., N.M.P.M., Albuquerque, Bernalillo County, New Mexico, dated November 1989 and filed in the records of Bernalillo County, New Mexico on May 25, 1990, in Volume 90C, Folio 135 as Document Number 9040863, located at 1701 Aspen Avenue NW, Albuquerque, New Mexico 87104

and including real property and the improvements thereon situate in Bernalillo County, New Mexico, described as a portion of Tract "H" of A.T. & S.F. Industrial Area being adjacent to the north boundary line of the following tracts and as shown on the following plat:

Tracts 2-B-1 and 2-C-1 of Plat of Tracts 2-B-1 and 2-C-1 Lands of Forest Products Co. within projected Section 7, T. 10 N., R.3 E., N.M.P.M., Town of Albuquerque Grant, City of Albuquerque, Bernalillo County, New Mexico, dated March 2006 and recorded in the records of Bernalillo County, New Mexico on May 4, 2006 in Book 2006C, Page 142 as Document Number 2006064626, located at 1623 Aspen Avenue NW, Albuquerque, New Mexico

and the improvements.

DOT makes no representation or warranty that DOT has ever had any right, title, interest, lien or easement in the property described herein and affirmatively states it has not obtained any such interest in said property described herein.

This disclaimer is on the condition that no costs are awarded against DOT in favor of any party.

Approved:



Hugh W. Parry
Bryan E. Brock
Special Assistant Attorneys General
Assistant General Counsels
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, New Mexico 87504-1149
(505) 827-5431

[Handwritten Signature]

Patricio Guerrerortiz, P.E.
Deputy Secretary
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, New Mexico 87504-1149

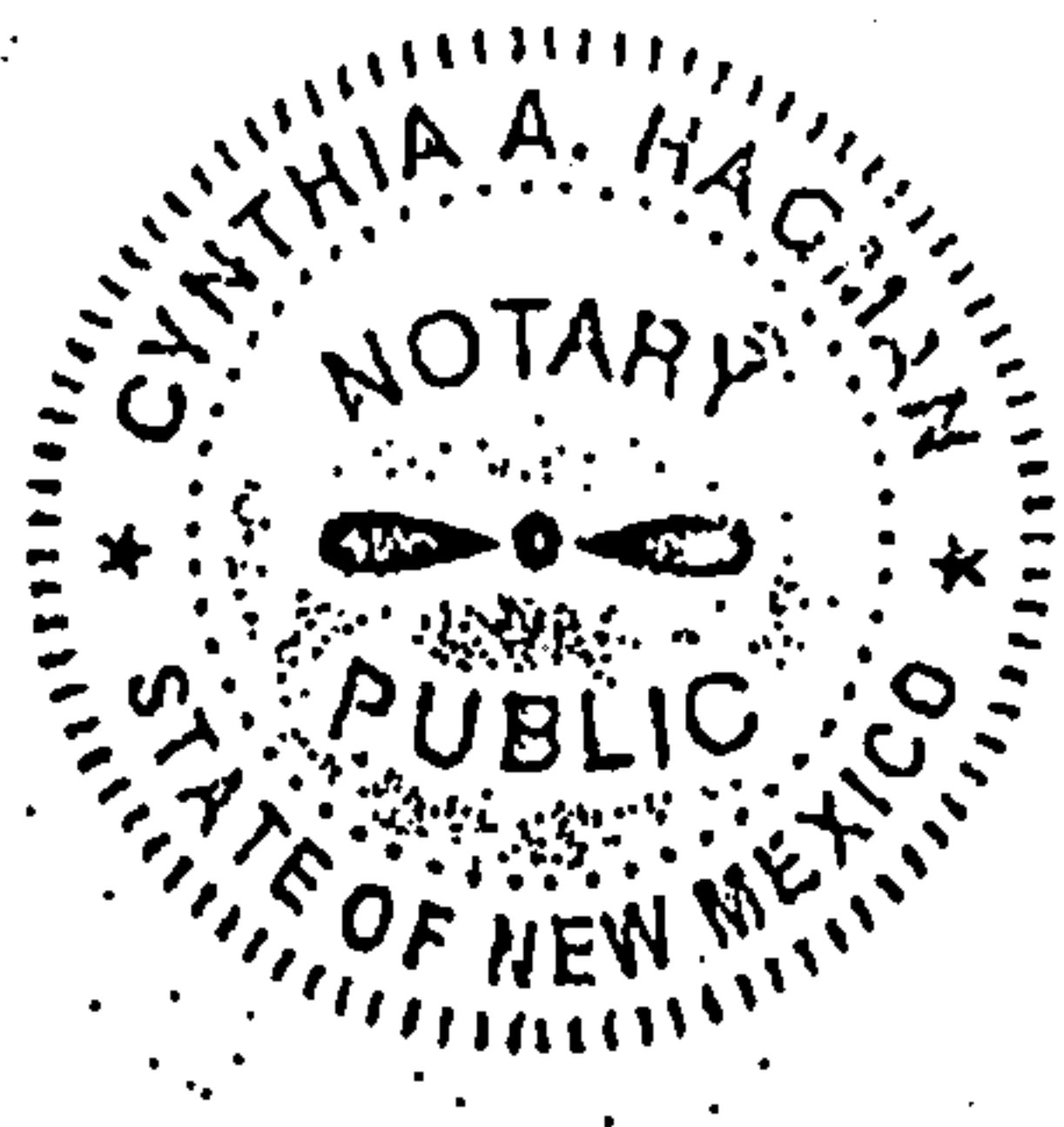
ACKNOWLEDGEMENT

This instrument was acknowledged before me on October 10, 2008 by Patricio Guerrerortiz, P.E., Deputy Secretary, New Mexico Department of Transportation.

[Handwritten Signature]
Notary Public

My commission expires:

1-16-2012



STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

ROGER COX LIMITED PARTNERSHIP 1984-2,
a New Mexico limited partnership and AMARILLO
DIAMOND LTD., a Texas limited partnership,

Plaintiffs,

vs.

CASE NO. CV-2008-04093

BNSF RAILWAY COMPANY, a Delaware corporation
and PUBLIC SERVICE COMPANY OF NEW MEXICO,
a New Mexico corporation, STATE OF NEW
MEXICO, *ex rel.*, NEW MEXICO DEPARTMENT
OF TRANSPORTATION and UNKNOWN
CLAIMANTS OF INTEREST,

Defendants.

DISCLAIMER OF INTEREST

Defendant BNSF Railway Company, a Delaware corporation ("BNSF"), in its own capacity and as successor in interest to the Atchison, Topeka and Santa Fe Railway Company, hereby disclaims any and all easement, right of way, right, title, interest, and lien in and to the following-described real estate situate in Bernalillo County, New Mexico and any and all improvements thereon and including that certain 20' A.T. & S.F.R.R. Easement across said real estate as shown on the following plat:

Tract 2-A of the Plat of Tracts 2-A, 2-B and 2-C Lands of Forest Products Co., being a Replat of Tracts 1 and 2 situate within Section 7 T.10. N., R.3. E., N.M.P.M., Albuquerque, Bernalillo County, New Mexico, dated November 1989 and filed in the records of Bernalillo County, New Mexico on May 25, 1990, in Volume 90C, Folio 135 as Document Number 9040863, located at 1701 Aspen Avenue NW, Albuquerque, New Mexico 87104.

Witness my hand and seal this 22^d day of June, 2009.

EMBOSED
FILED IN MY OFFICE THIS
JUL 01 2009
JINDE A. LOPEZ
CLERK DISTRICT COURT
Quantia M. Duran

By: 

John R. Cooney

Modrall, Sperling, Roehl, Harris
& Sisk, P.A.

500 4th St. NW # 1000

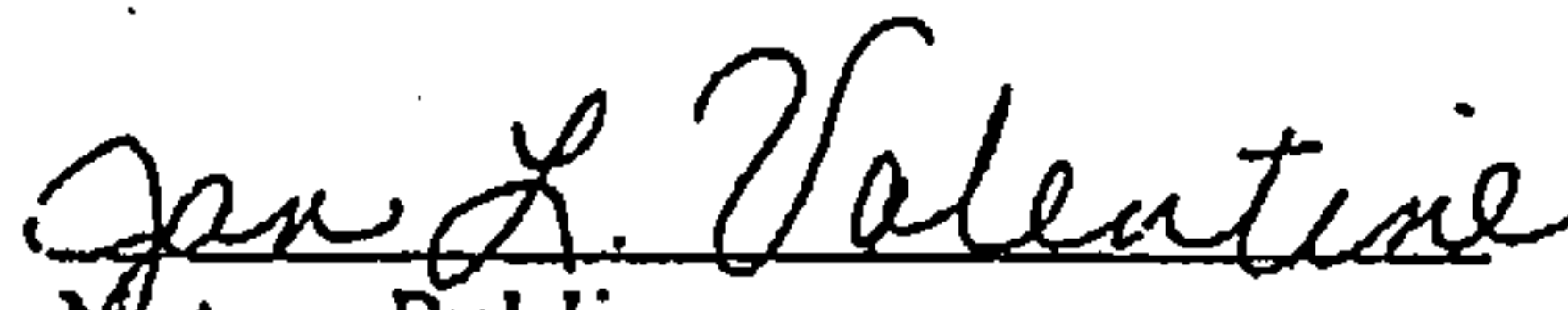
Albuquerque NM 87102

(505) 848-1800

Attorneys for Defendant BNSF Railway Company, a Delaware corporation, in its capacity and as
successor in interest to the Atchison, Topeka and Santa Fe Railway Company

ACKNOWLEDGEMENT

This instrument was acknowledged before me on June 22, 2009 by John Cooney,
attorney for BNSF Railway Company.


Notary Public

My commission expires:

8-12-2009

QUITCLAIM DEED

BNSF RAILWAY COMPANY, a Delaware corporation, in its own capacity as successor in interest to Atchison, Topeka and Santa Fe Railway Company quitclaims to DIAMOND LTD., a Texas limited partnership whose address is 4354 Canyon Dr., Amarillo, Texas 79109, the real estate and any and all improvements thereon situate in Bernalillo County, New Mexico, described in Exhibit "A" attached hereto and incorporated herein by reference.


The real estate and improvements thereon described in Exhibit "A" was previously quitclaimed to the New Mexico Department of Transportation by Quitclaim Deed dated March 17, 2006 and recorded in Book A-113, page 8202 of the records of Bernalillo County, New Mexico. The New Mexico Department of Transportation has stated in its Disclaimer attached to a Stipulated Partial Judgment in Cause No. CV-2008-04093, State of New Mexico, County of Bernalillo, Second Judicial District, that the New Mexico Department of Transportation never obtained any right, title or interest in such real estate or improvements, which statement by the New Mexico Department of Transportation is in error, in view of the Quitclaim Deed dated March 17, 2006, and recorded in Book A-113, page 8202 of the records of Bernalillo County, New Mexico.

Witness my hand and seal this 5th day of June, 2009.

BNSF RAILWAY COMPANY

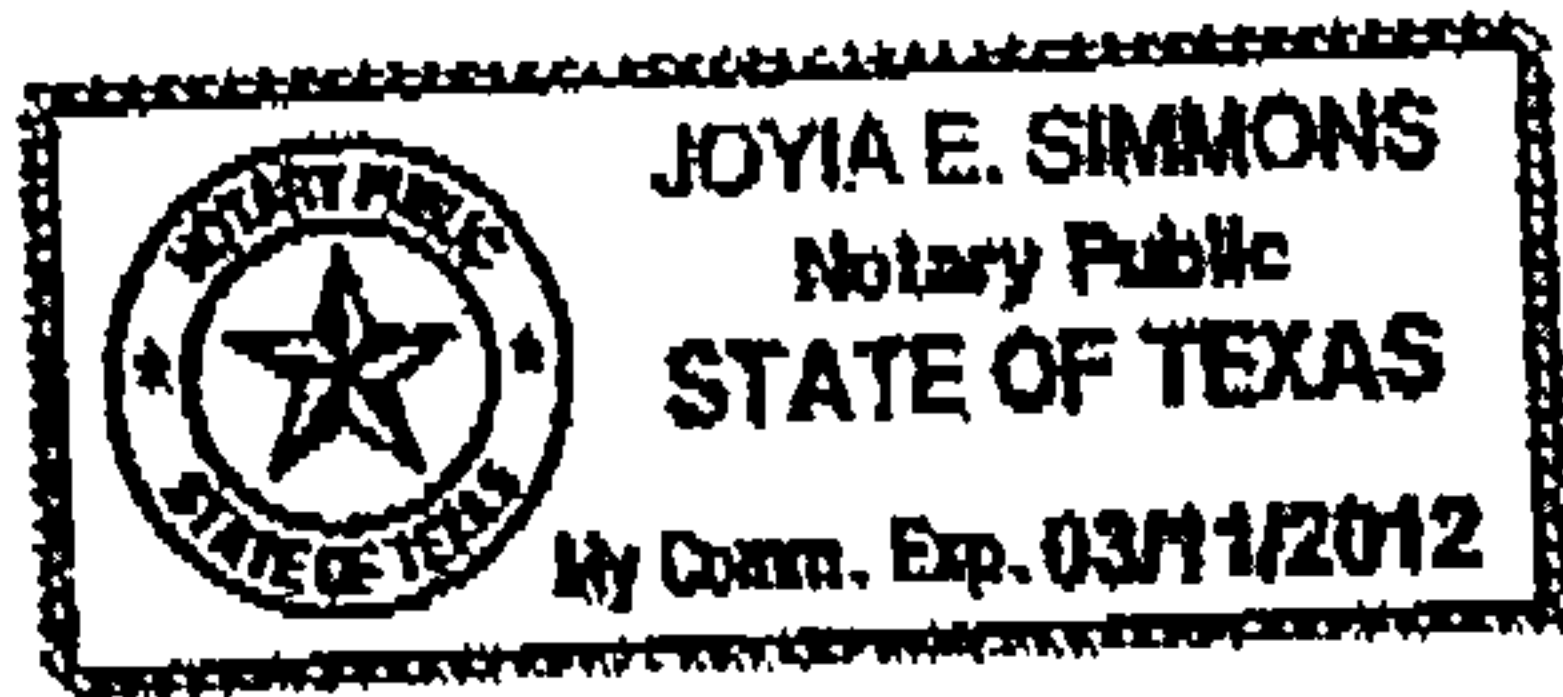
By: 
Its: Manager - Land Revenue Management

Doc# 2009076219

07/07/2009 04:15 PM Page: 1 of 4
QCD R:\$15.00 N. Toulouze Oliver, Bernalillo County


ACKNOWLEDGEMENT

This instrument was acknowledged before me on June 5, 2009 by Dale
Wintermute as Manager of BNSF Railway Company.



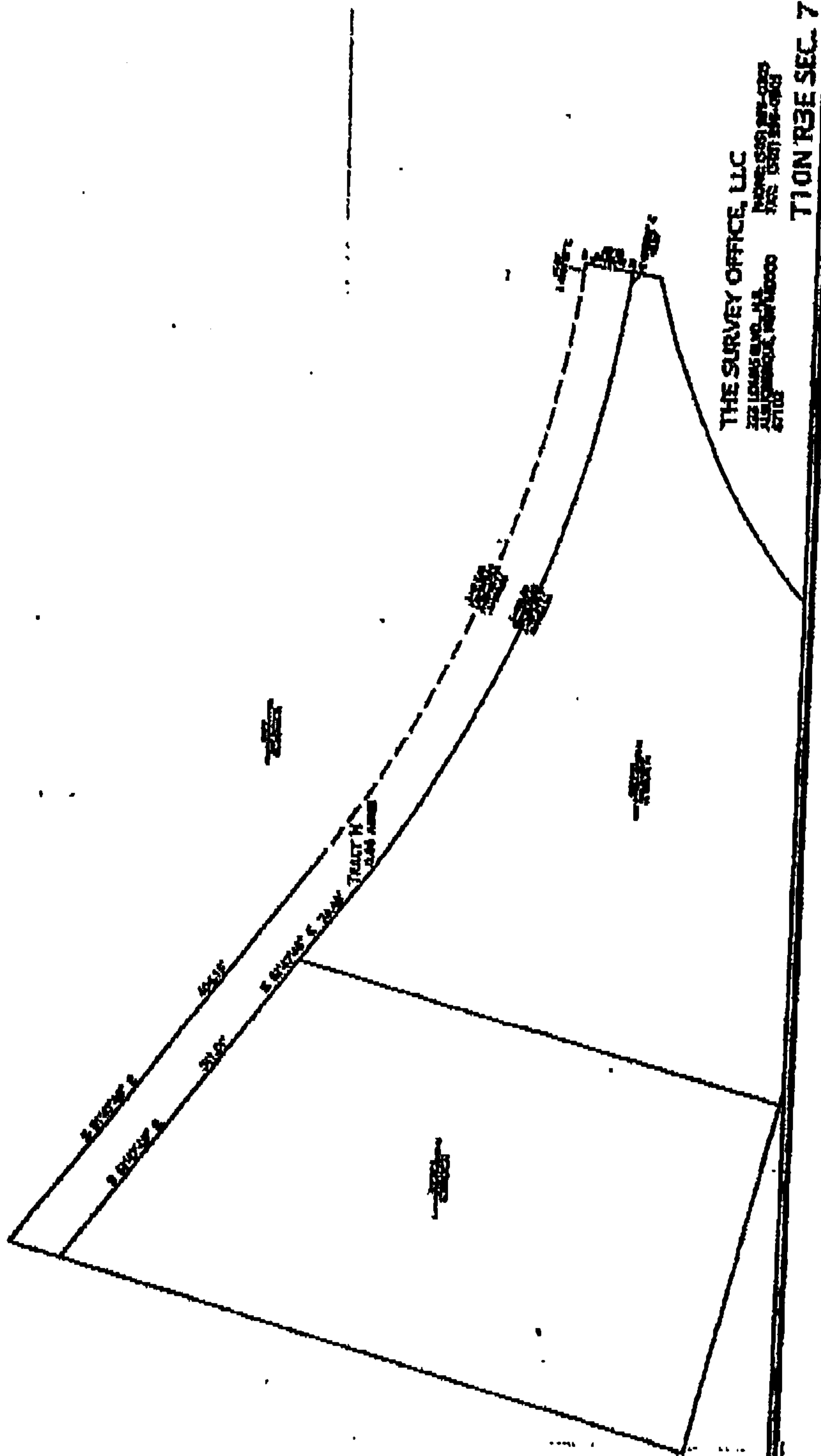
Joyia E. Simmons
Notary Public

My Commission Expires:

3-11-2012

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PORTION OF TRACT H
M.R.G.C.D. MAP 36
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
SEPTEMBER 2008



THE SURVEY OFFICE, LLC
222 LEWIS BLVD., STE. 200
ALBUQUERQUE, NEW MEXICO 87102
PHONE: (505) 261-4444
FAX: (505) 261-4444

T10N R3E SEC. 7

EXHIBIT
A

THE SURVEY OFFICE, LLC
222 LEWIS BLVD., STE. 200
ALBUQUERQUE, NEW MEXICO 87102
PHONE: (505) 261-4444
FAX: (505) 261-4444

Legal Description

A portion of a tract of land also known as Tract "H" as shown on that certain plat of Tract 2-B-1 and Tract 2-C-1; Land of Forest Products Co. within projected Section 7, Township 10 North, Range 3 East, N.M.P.M.; Town of Albuquerque, Grant City of Albuquerque, Bernalillo County, New Mexico; as recorded in Map Book 2008C; Page 142 Judge of Probates Office being more particularly described as follows:

Begin at the NW corner of Tract 2-B-1; thence run N14d00'14"E, 43.65 feet; thence run S51d47'45"E, 403.45 feet to a point lying on a curve concave to the Southwest, having a Central Angle of 29d54'17", a Radius of 982.08 feet and a Tangent of 264.84 feet; thence run along said curve, 517.80 feet; thence run S81d51'10"E, 13.33 feet; thence run S08d08'20"W, 40.00 feet to the NE corner of Tract 2-C-1; thence run N81d50'51"W along the North boundary of said Tract, 13.34 feet to a point lying on a curve concave to the Southwest, having a Central Angle of 29d54'17", a Radius of 1032.08 feet and a Tangent of 275.63 feet; thence run along said curve, 538.68 feet; thence run N51d47'45"W, 385.48 feet to the point of beginning of the Tract of land herein described.

Said Tract containing 0.86 Acres more or less.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

ROGER COX LIMITED PARTNERSHIP 1984-2,
a New Mexico limited partnership and AMARILLO
DIAMOND LTD., a Texas limited partnership,

Plaintiffs,

vs.

CASE NO. D-202-CV-200804093

BNSF RAILWAY COMPANY, a
Delaware corporation, STATE OF NEW
MEXICO, *ex rel.*, NEW MEXICO DEPARTMENT
OF TRANSPORTATION,

Defendants.

STIPULATED PARTIAL JUDGMENT

THIS STIPULATED PARTIAL JUDGMENT dated this 30th day of JUNE
 , 2009; Plaintiffs Roger Cox Limited Partnership 1984-2 ("Cox"), a New Mexico limited
partnership and Amarillo Diamond Ltd. ("Diamond") a Texas limited partnership appearing by
and through Myers, Oliver & Price, P.C. (Scott Oliver) and Defendant State of New Mexico, *ex*
rel., New Mexico Department of Transportation ("DOT"), appearing by and through Hugh W.
Parry II, Special Assistant Attorney General and Bryan E. Brock:

IT IS STIPULATED AND DECREED AS FOLLOWS:

1. On April 23, 2008, Cox and Diamond filed their complaint for declaratory
judgment against DOT and BNSF Railway Company ("BNSF") in the above-captioned cause.
2. The declaratory judgment action filed by Cox sought a declaration by the Court
that a railroad spur easement across certain real property owned by Cox is abandoned and/or
terminated.

Doc# 2009076218

07/07/2009 04:13 PM Page: 1 of 9
JUDGE: \$25.00 M. Toulouse Oliver, Bernalillo County



EMBOSED
FILED IN MY OFFICE

JUL 07 2009

Quantita M. Dugan
CLERK DISTRICT COURT

LINDA A. LOPES

3. The declaratory judgment action filed by Diamond sought a judicial declaration determining the true owner of a parcel of land adjacent to a certain parcel of land owned by Diamond which adjacent parcel of land had been used historically as a railroad spur but not used for any purpose for many years prior to filing of the declaratory judgment action.

4. Cox, Diamond and DOT have hereby stipulated to resolution of all issues among them pertaining to the railroad spur easement and railroad spur fee parcel raised by the declaratory judgment action.

5. DOT will file its disclaimer in the above-captioned cause as to all easement, right of way, right, title, interest or lien, in and to that certain 20' A.T. & S.F.R.R Easement across the real property owned by Cox situated in Bernalillo County, New Mexico, and described as follows:

Tract 2-A of the Plat of Tracts 2-A, 2-B and 2-C Lands of Forest Products Co., being a Replat of Tracts 1 and 2 situate within Section 7 T.10. N., R.3. E., N.M.P.M., Albuquerque, Bernalillo County, New Mexico, dated November 1989 and filed in the records of Bernalillo County, New Mexico on May 25, 1990, in Volume 90C, Folio 135 as Document Number 9040863, located at 1701 Aspen Avenue NW, Albuquerque, New Mexico 87104.

This easement is also shown on the Corrected Plat of Tracts 1 & 2, Lands of Forest Products Co. in the S.E. ¼ of Sec. 7, T.10. N., R.3. E., N.M.P.M. within the Town of Albuquerque Grant, Bernalillo County, New Mexico, filed in the records of Bernalillo County, New Mexico on July 14, 1978 in Vol. D8, Folio 164 as Document No. 78 51247.

6. Further, the DOT will file its disclaimer as to all easement, right of way, right, title, interest or lien in and to that certain real property situate in Bernalillo County, New Mexico described as a portion of Tract "H" of A.T. & S.F. Industrial Area being adjacent to the north boundary line of the following tracts owned by Diamond and as shown on the following plat:

Tracts 2-B-1 and 2-C-1 of Plat of Tracts 2-B-1 and 2-C-1 Lands of Forest Products Co. within projected Section 7, T. 10 N., R. 3 E., N.M.P.M., Town of Albuquerque Grant, City of Albuquerque, Bernalillo County, New Mexico, dated March 2006 and recorded in the records of Bernalillo County, New Mexico on May 4, 2006 in Book 2006C, Page 142 as Document Number 2006064626, located at 1623 Aspen Avenue NW, Albuquerque, New Mexico.

7. A copy of the disclaimer by DOT to be filed in this cause is attached hereto as Exhibit "A". The real estate disclaimed by DOT comprising a portion of Tract "H" referred to in Paragraph 6 above is more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

8. DOT has waived all further notice, and will not participate further in the pending Declaratory Judgment Action proceedings.

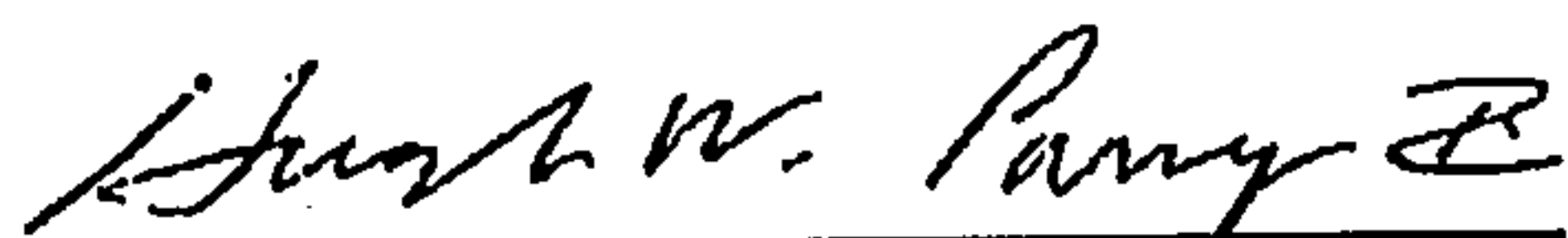
9. Cox, Diamond and DOT will each bear their own attorneys' fees, costs and expenses incurred in connection with the Declaratory Judgment Action.

10. This Stipulated Partial Judgment adjudicates all issues among Cox, Diamond and DOT raised by the complaint in the above-captioned cause.

WILLIAM F. LANG

THE HONORABLE WILLIAM F. LANG
DISTRICT JUDGE

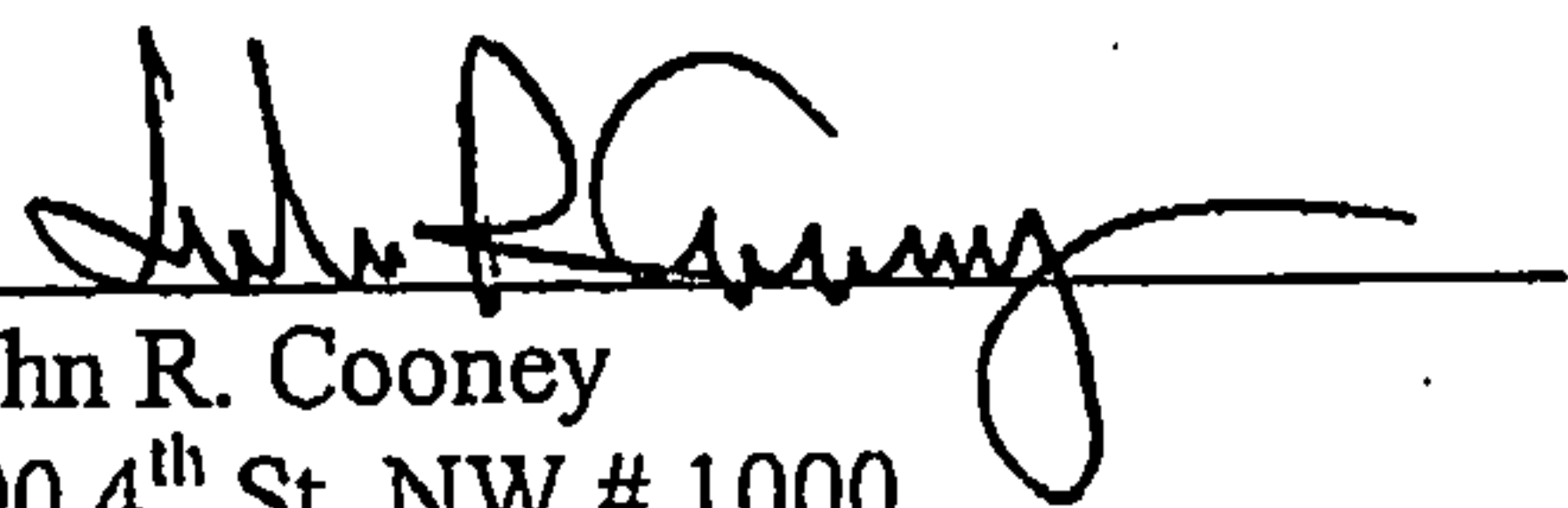
Stipulated and Approved:



Hugh W. Parry II
Special Assistant Attorney General
Bryan E. Brock
State of New Mexico, ex rel.,
New Mexico Department of Transportation
P. O. Box 1149, Room 123
Santa Fe, New Mexico 87505
(505) 827-5431

Approved as to Form Only, Reserving
Objection as to Form of Disclaimer:

Modrall, Sperling, Roehl, Harris & Sisk,
P.A.



John R. Cooney
500 4th St. NW # 1000
Albuquerque NM 87102
(505) 848-1800
Attorneys for Defendant BNSF Railway
Company, a Delaware corporation, in its
capacity and as successor in interest to the
Atchison, Topeka and Santa Fe Railway
Company

Stipulated and Approved:

Myers, Oliver & Price, P.C.



Scott Oliver
1400 Central Ave. NW
Albuquerque NM 87104
(505) 247-9080
Attorneys for Plaintiffs Roger Cox Limited
Partnership 1984-2 ("Cox"), a New Mexico
limited partnership, and
Amarillo Diamond Ltd. a Texas limited
partnership

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

ROGER COX LIMITED PARTNERSHIP 1984-2,
a New Mexico Limited Partnership and AMARILLO
DIAMOND LTD., a Texas limited partnership,

Plaintiffs,

vs.

CASE NO. CV-2008-04093

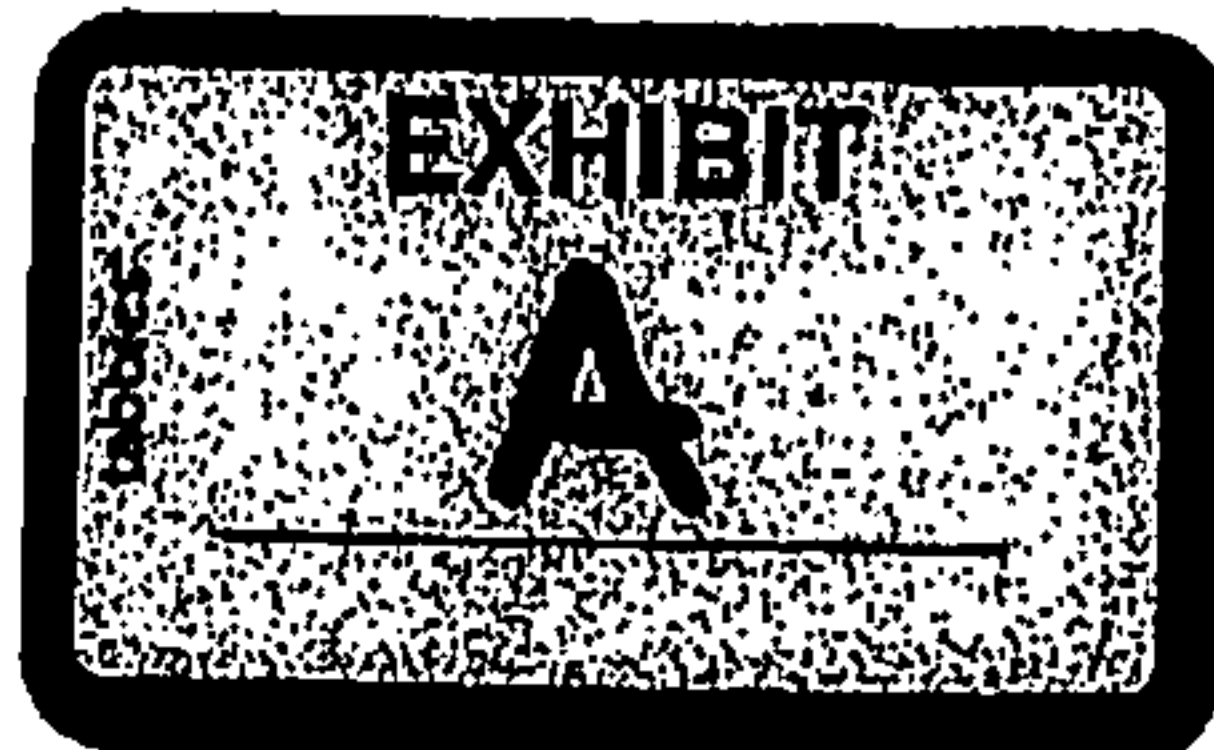
BNSF RAILWAY COMPANY, a Delaware corporation
and PUBLIC SERVICE COMPANY OF NEW MEXICO,
a New Mexico corporation, STATE OF NEW
MEXICO, ex rel., NEW MEXICO DEPARTMENT
OF TRANSPORTATION and UNKNOWN
CLAIMANTS OF INTEREST,

Defendants.

DISCLAIMER OF INTEREST

Defendant State of New Mexico, ex rel., New Mexico Department of Transportation ("DOT") hereby disclaims any and all right, title, interest, lien and easement in and to the following described real estate and improvements thereon, which are the subject of the above-captioned cause, including but not limited to that certain 20' A.T. & S.F.R.R easement per plat filed 7-14-1978, Vol. D8, Vol. 164, Bernalillo County, New Mexico across the real property situated in Bernalillo County, New Mexico, and is described as follows:

Tract 2-A of the Plat of Tracts 2-A, 2-B and 2-C Lands of Forest Products Co., being a Replat of Tracts 1 and 2 situate within Section 7 T.10.N., R.3. E., N.M.P.M., Albuquerque, Bernalillo County, New Mexico, dated November 1989 and filed in the records of Bernalillo County, New Mexico on May 25, 1990, in Volume 90C, Folio 135 as Document Number 9040863, located at 1701 Aspen Avenue NW, Albuquerque, New Mexico 87104



and including real property and the improvements thereon situate in Bernalillo County, New Mexico, described as a portion of Tract "H" of A.T. & S.F. Industrial Area being adjacent to the north boundary line of the following tracts and as shown on the following plat:

Tracts 2-B-1 and 2-C-1 of Plat of Tracts 2-B-1 and 2-C-1 Lands of Forest Products Co. within projected Section 7, T. 10 N., R.3 E., N.M.P.M., Town of Albuquerque Grant, City of Albuquerque, Bernalillo County, New Mexico, dated March 2006 and recorded in the records of Bernalillo County, New Mexico on May 4, 2006 in Book 2006C, Page 142 as Document Number 2006064626, located at 1623 Aspen Avenue NW, Albuquerque, New Mexico

and the improvements.

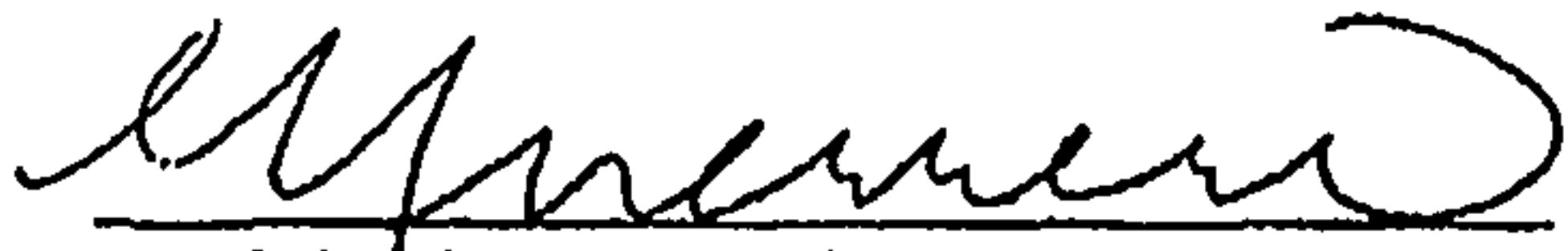
DOT makes no representation or warranty that DOT has ever had any right, title, interest, lien or easement in the property described herein and affirmatively states it has not obtained any such interest in said property described herein.

This disclaimer is on the condition that no costs are awarded against DOT in favor of any party.

Approved:




Hugh W. Parry
Hugh W. Parry
Bryan E. Brock
Special Assistant Attorneys General
Assistant General Counsels
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, New Mexico 87504-1149
(505) 827-5431



Patricio Guerrerortiz, P.E.
Deputy Secretary
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, New Mexico 87504-1149

ACKNOWLEDGEMENT

This instrument was acknowledged before me on October 10, 2008 by Patricio Guerrerortiz, P.E., Deputy Secretary, New Mexico Department of Transportation.



Notary Public

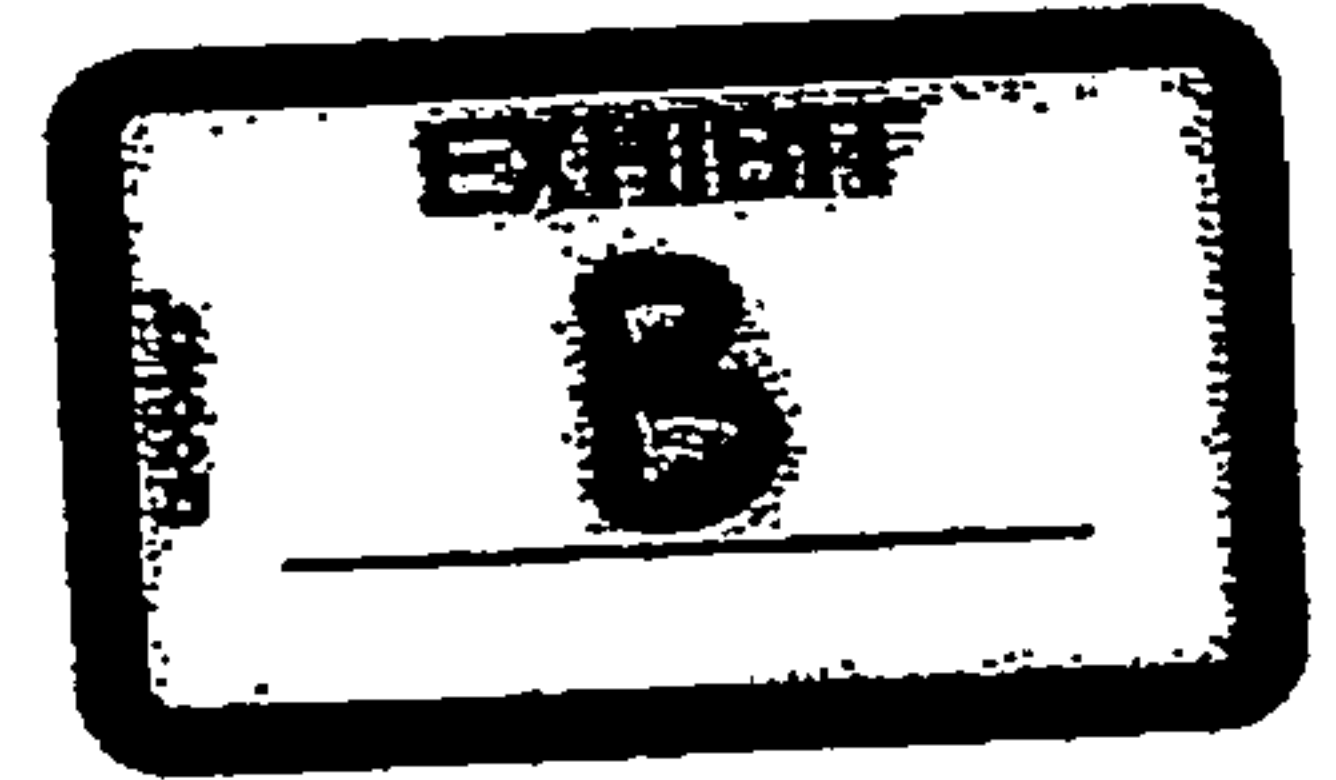
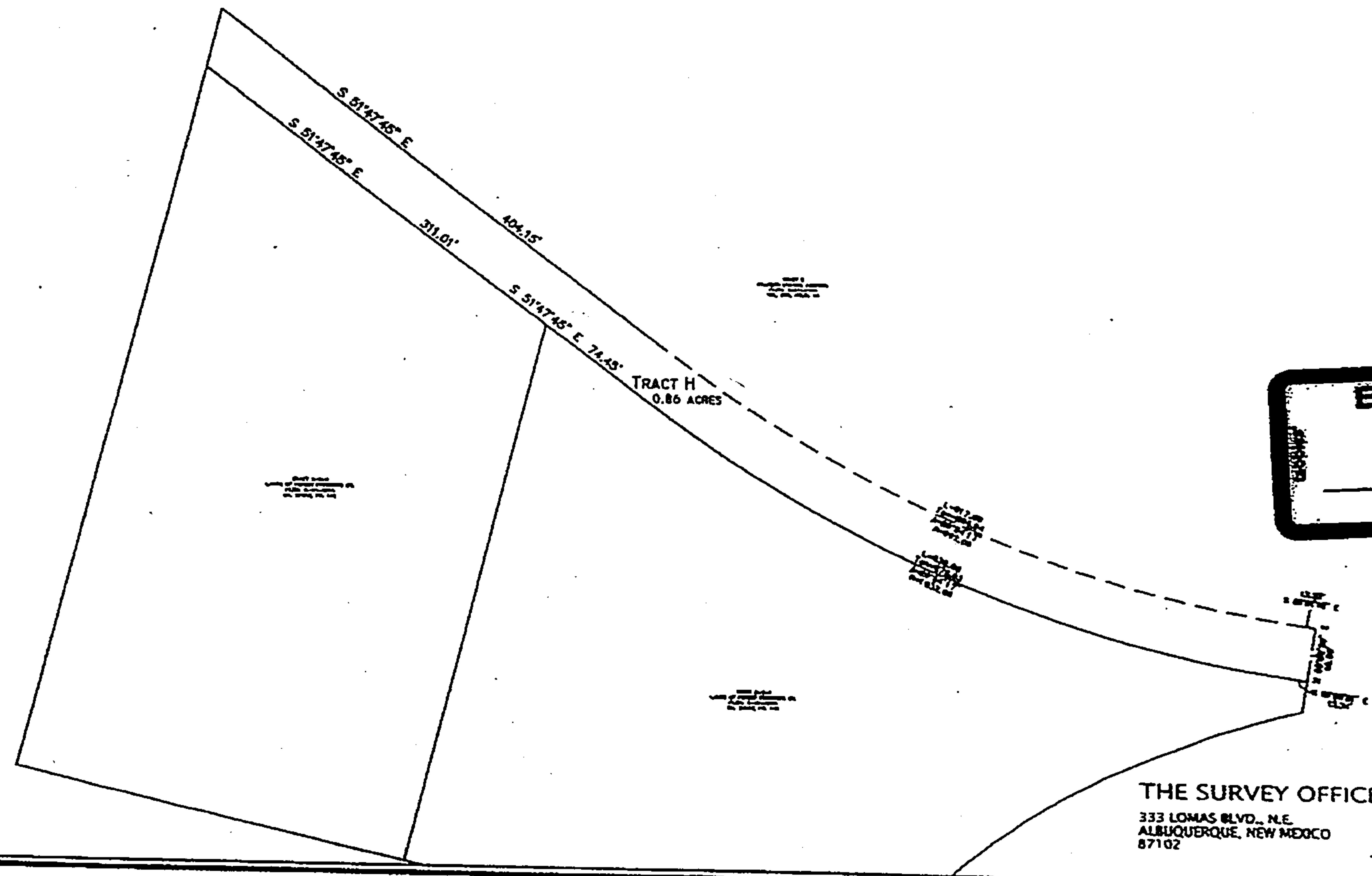
My commission expires:

1-16-2012

48 28 10 0 18 30 48 60
1" = 80'
PROJECT NO. 01ASPOX
DRAWN BY: JAT
ZONIC AREA: H-13-2

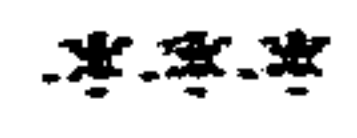


PORTION OF TRACT H
M.R.G.C.D. MAP 36
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
SEPTEMBER 2008



THE SURVEY OFFICE, LLC
333 LOMAS BLVD., N.E.
ALBUQUERQUE, NEW MEXICO 87102
PHONE: (505) 998-0303
FAX: (505) 998-0305

T10N R3E SEC. 7



Legal Description

A portion of a tract of land also known as Tract "H" as shown on that certain plat of Tract 2-B-1 and Tract 2-C-1; Land of Forest Products Co. within projected Section 7, Township 10 North, Range 3 East, N.M.P.M.; Town of Albuquerque, Grant City of Albuquerque, Bernalillo County, New Mexico; as recorded in Map Book 2006C; Page 142 Judge of Probates Office being more particularly described as follows:

Begin at the NW corner of Tract 2-B-1; thence run N14d00'14"E, 43.85 feet; thence run S51d47'45"E, 403.45 feet to a point lying on a curve concave to the Southwest, having a Central Angle of 29d54'17", a Radius of 992.08 feet and a Tangent of 264.94 feet; thence run along said curve, 517.80 feet; thence run S81d51'10"E, 13.33 feet; thence run S08d08'20"W, 40.00 feet to the NE corner of Tract 2-C-1; thence run N81d50'51"W along the North boundary of said Tract, 13.34 feet to a point lying on a curve concave to the Southwest, having a Central Angle of 29d54'17", a Radius of 1032.08 feet and a Tangent of 275.63 feet; thence run along said curve, 538.68 feet; thence run N51d47'45"W, 385.46 feet to the point of beginning of the Tract of land herein described.

Said Tract containing 0.86 Acres more or less.

CERTIFIED AS A TRUE AND CORRECT COPY
OF THE ORIGINAL FILED IN MY OFFICE,
JUANITA M. DURAN, Clerk
of the District Court.

By:  Date _____
Deputy Clerk

JUL - 6 2009

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form **S**

- SUBDIVISION**
- Major Subdivision action
 - Minor Subdivision action **PRELIM/FINAL**
 - Vacation **PUBLIC EASEMENT**
 - Variance (Non-Zoning)

SITE DEVELOPMENT PLAN **P**

- ...for Subdivision Purposes
- ...for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC) **L**

ZONING & PLANNING **Z**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)

APPEAL / PROTEST of... **A**

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: BLAINE ROBERTS PHONE: 800-692-4430
 ADDRESS: P.O. Box 1071 FAX: _____
 CITY: AMARILLO STATE TX ZIP 79189 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: _____
 AGENT (if any): SURVEYS SOUTHWEST, LTD PHONE: 998-0303
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

DESCRIPTION OF REQUEST: ADJUST A LOT LINE BETWEEN TWO EXISTING TRACTS TO CREATE TWO NEW TRACTS & TO VACATE EASEMENTS AS SHOWN.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. LOTS 2-B & 2-C Block: N/A Unit: N/A
 Subdiv. / Adn. LANDS OF FOREST PRODUCTS CO.
 Current Zoning: S-M1 Proposed zoning: N/A
 Zone Atlas page(s): H-13-Z No. of existing lots: 2 No. of proposed lots: 2
 Total area of site (acres): 0.7002 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO
 UPC No. 1-013-059-398-064-40305, 1-013-059-435-051-40317 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: HSPEN AVENUE NW
 Between: 12th STREET NW and A.T. & S.F. RAILROAD

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): DEB 95-360
2A-89-365

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Dan Graney DATE: 3.22.06
 (Print) Dan Graney _____ Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03, 7/03, 10/03, 3/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	06 DRB - 00390	PIF	S(3)	\$ 285. ⁰⁰
<input checked="" type="checkbox"/> All fees have been collected	06 DRB - 00391	VPE		\$ 49. ⁰⁰
<input checked="" type="checkbox"/> All case #s are assigned		CWF		\$ 20. ⁰⁰
<input type="checkbox"/> AGIS copy has been sent		Adv		\$ 75. ⁰⁰
<input checked="" type="checkbox"/> Case history #s are listed				\$
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				\$
<input checked="" type="checkbox"/> F.H.D.P. density bonus				\$
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$
	Hearing date <u>April 19, 2006</u>			Total
				\$

Chicken Garcia 3-24-06
 Planner signature / date

Project # 1004778

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE** (Public Hearing Case)
 - ___ Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously.
 - ___ Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
 - ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
 - ___ Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC RIGHT-OF-WAY**
 - VACATION OF PUBLIC EASEMENT**
 - The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies.
(Not required for dedicated and City owned public right-of-way.)
 - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

- SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**
 - SIDEWALK DESIGN VARIANCE**
 - SIDEWALK WAIVER**
 - ___ Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the variance or waiver
 - ___ Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
 - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
 - ___ Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the deferral or extension
 - ___ Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT**
 - ___ The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
 - ___ Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the vacation
 - ___ Letter of authorization from the grantors and the beneficiaries
 - ___ Fee (see schedule)
 - ___ Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Dan Graney Applicant name (print)
Dan Graney Applicant signature / date
3.22.06



Form revised April 2003

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
06 DRB - - 00391

Andrew Gmuc 3-24-06
Planner signature / date
Project # 1004778

FORM S(3): SUBDIVISION D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

SKETCH PLAT REVIEW AND COMMENT

YOUR ATTENDANCE IS REQUIRED.

- ___ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- ___ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ___ Letter briefly describing, explaining, and justifying the request
- ___ Any original and/or related file numbers are listed on the cover application

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

Your attendance is required.

- ___ Preliminary Plat reduced to 8.5" x 11"
- ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ___ Letter briefly describing, explaining, and justifying the request
- ___ Copy of previous D.R.B. approved infrastructure list
- ___ Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
- ___ Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL

Your attendance is required.

- ___ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- ___ Design elevations & cross sections of perimeter walls
- ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ___ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- ___ Property owner's and City Surveyor's signatures on the Mylar drawing
- ___ SIA financial guaranty verification
- ___ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- ___ Any original and/or related file numbers are listed on the cover application

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application
- Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- ___ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
 - ___ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
 - ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
 - ___ Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
 - ___ Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Dan Graney
Dan Graney Applicant name (print)
 Applicant signature / date 3.22.06



Form revised 3/03, 8/03 and 11/03

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
06 DRB - 00390

Andrew Garcia 3.24.06
 Planner signature / date
Project # 1004778

Surveys Southwest, Ltd

*333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306*

March 22, 2006

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 2ND STREET NW
ALBUQUERQUE, NEW MEXICO 87102


REF: TRACTS 2-B-1 & 2-C-1, LANDS OF FOREST PRODUCTS COMPANY

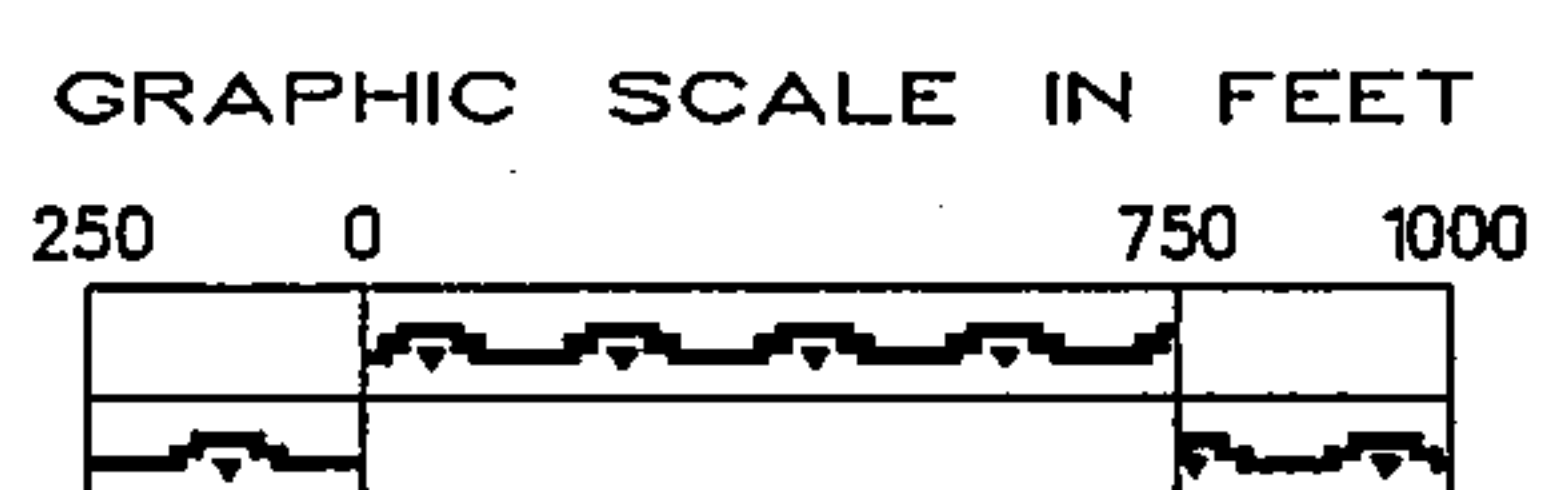
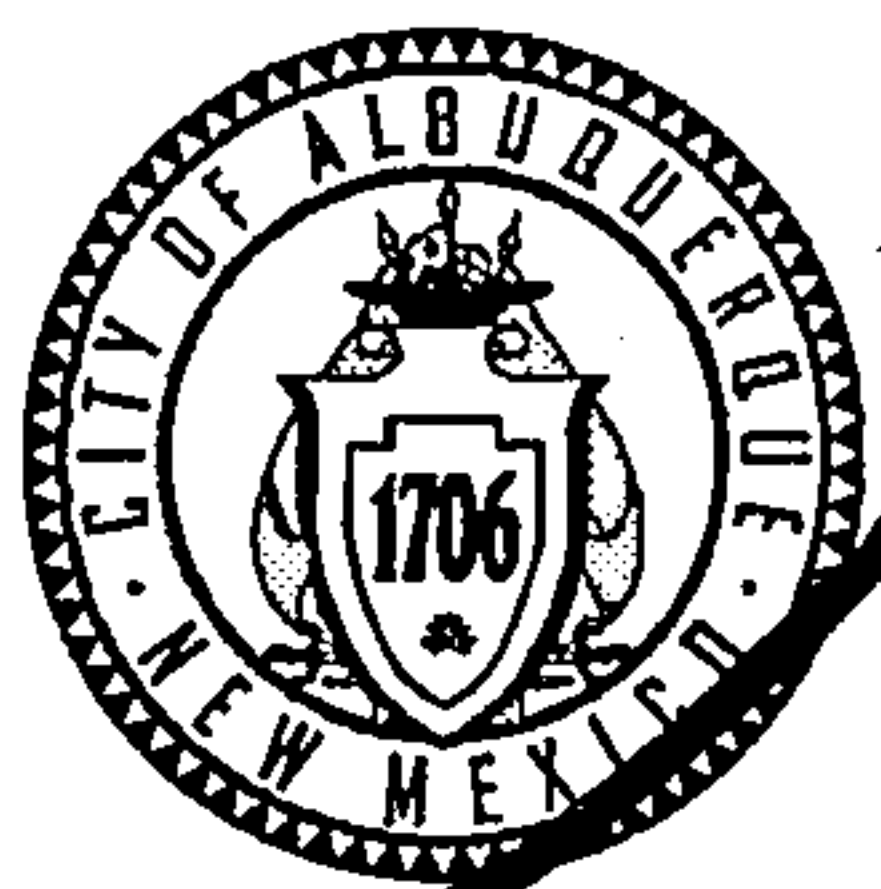
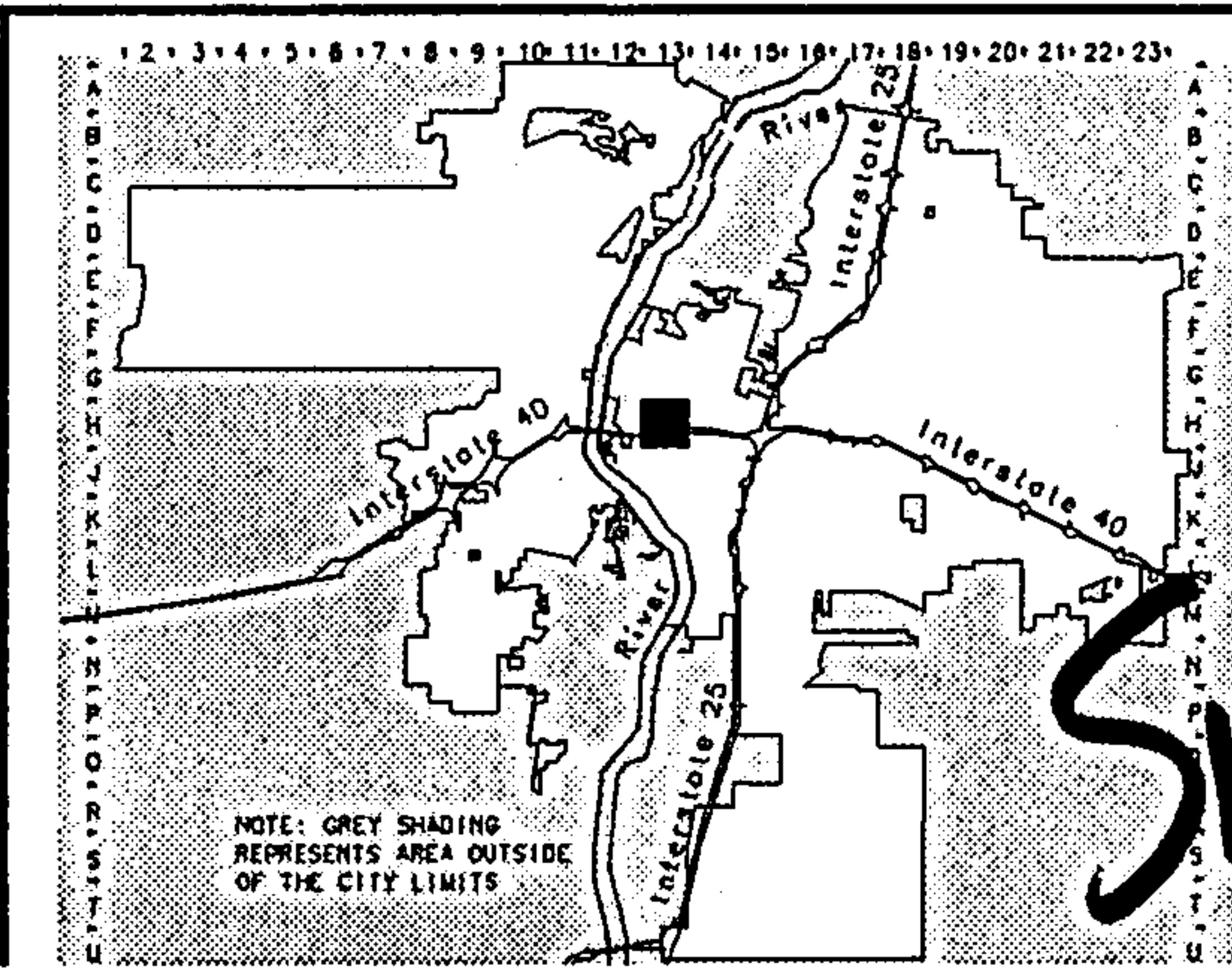
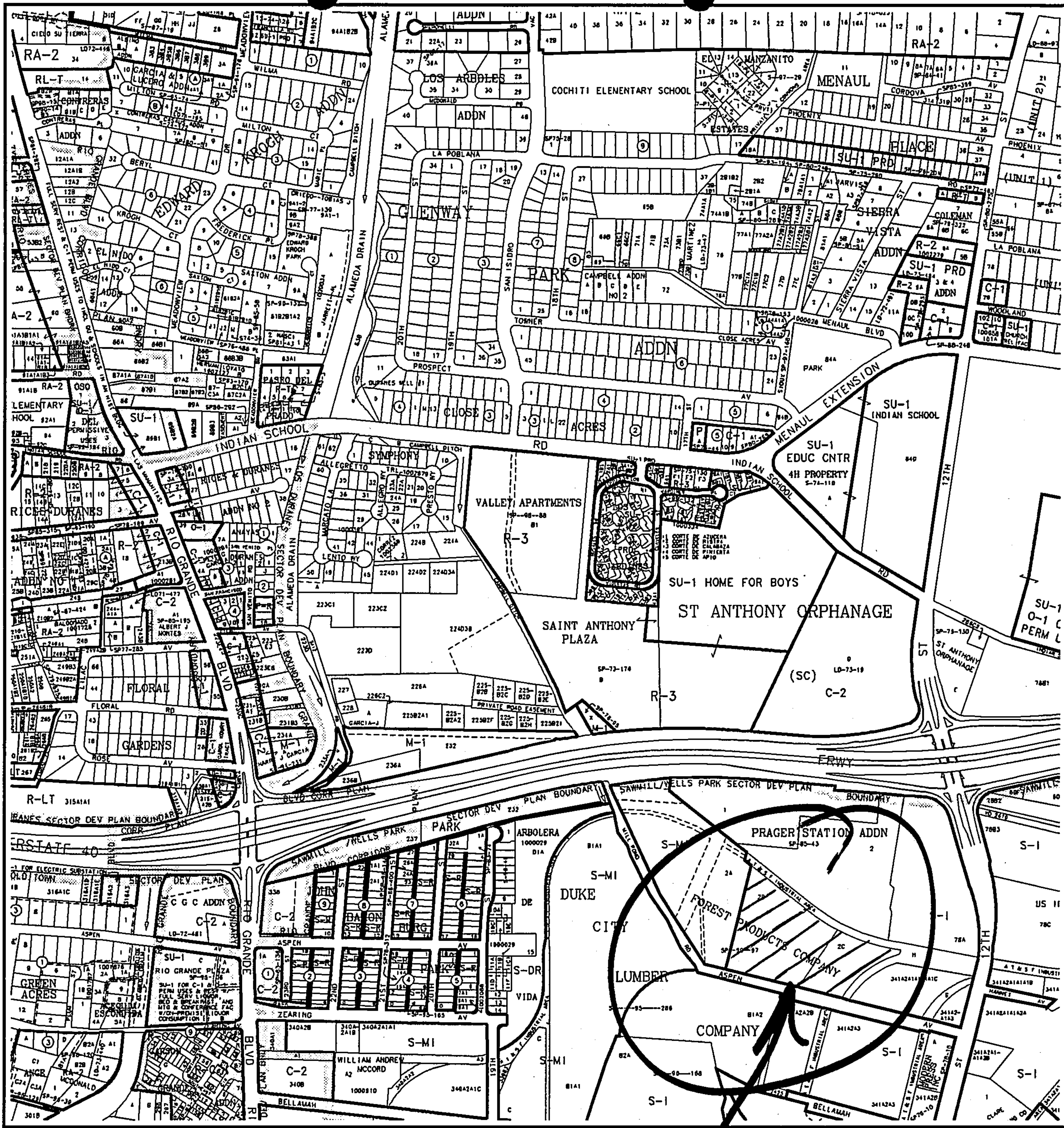
Dear Board Members:

The purpose of the above referenced plat is to adjust a lot line between Two (2) tracts creating Two (2) new tracts and to vacate existing PNM easements encroaching on the new building on proposed Tract 2-C-1. Tract 2-B-1 has an existing sales and shop building.

If you have any questions please feel free to contact me.

Sincerely,


Dan Graney
President



SITE

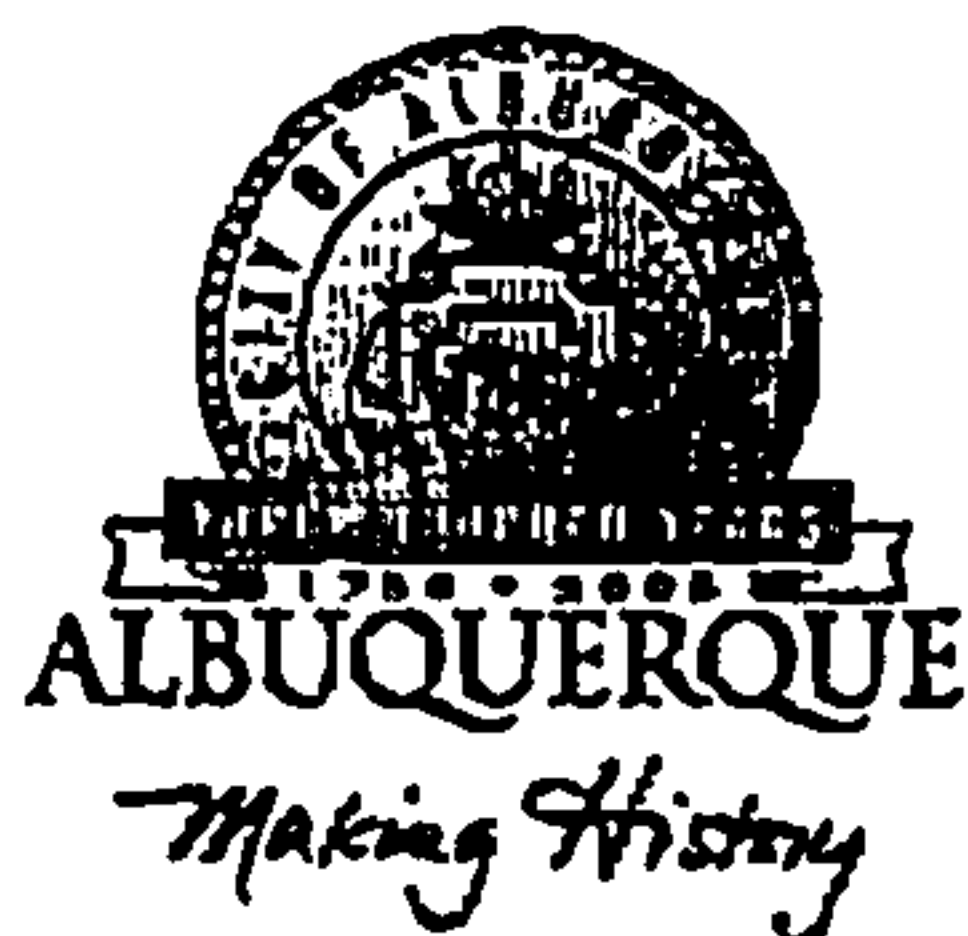
Albuquerque Geographic Information System
PLANNING DEPARTMENT

© Copyright 2004

Zone Atlas Page

H-13-Z

Map Amended through August 03, 2004



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

March 22, 2006

Sarah
Surveys Southwest, LTD
333 Lomas Blvd., NE/87102
Phone: 998-0303 Fax: 998-0306

Dear Sarah:

Thank you for your inquiry of March 22, 2006 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project **TRACTS 2B AND 2C, FOREST PRODUCTS COMPANY** zone map **H-13**.

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SAWMILL AREA N.A. (SMA) "R"
*Lezle Williams
1127 12th St. NW/87104 842-5563 (h)
Larry Schultz
1324 Sawmill Rd. NW/87104 243-9160 (h)

See attached side for additional Neighborhood Association Information: YES { } NO {X}

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested**, before the Planning Department will accept your application filing. **IMPORTANT!** Failure of adequate notification may result in your **Application Hearing being deferred for 30 days**. If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,


OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

**LETTERS MUST BE SENT TO
BOTH CONTACTS OF EACH
NEIGHBORHOOD ASSOCIATION**

NOTICE TO APPLICANTS

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
5. The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

(Below this line for ONC use only)

Date of Inquiry: 3/22/06 Time Entered: 4:50 PM ONC Rep. Initials: SW

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 23, 2006

SAWMILL AREA NEIGHBORHOOD ASSOC.
LEZLE WILLIAMS
1127 12TH STREET NW
ALBUQUERQUE, NM 87104

REF: TRACTS 2-B-1 & 2-C-1, LANDS OF FOREST PRODUCTS COMPANY

Dear Lezle Williams:


This letter is a notice to you of action being taken on the Lands of Forest Products Company, located on Aspen Avenue NW.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate existing PNM easements and a preliminary/ final plat to adjust the lot lines between Two (2) existing tract to DRB for approval. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 19, 2006.

If you have any questions please feel free to contact me.

Sincerely,


Dan Graney
President

7004 050 0000 8428 8597

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here
3/23/06

Sent To	LEZLE WILLIAMS
Street, Apt. No.; or PO Box No.	1127 12 TH STREET NW
City, State, ZIP+4	ALBU. N. MEX 87104

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 23, 2006

SAWMILL AREA NEIGHBORHOOD ASSOC.
LARRY SCHULTZ
1324 SAWMILL ROAD NW
ALBUQUERQUE, NM 87104

REF: TRACTS 2-B-1 & 2-C-1, LANDS OF FOREST PRODUCTS COMPANY

Dear Larry Schultz:


This letter is a notice to you of action being taken on the Lands of Forest Products Company, located on Aspen Avenue NW.

Surveys Southwest, Ltd is submitting the above referenced property for a vacation action to vacate existing PNM easements and a preliminary/ final plat to adjust the lot lines between Two (2) existing tract to DRB for approval. A copy of the proposed plat is attached. When approved, this will become the final plat for the above referenced property.

The date and time of the DRB hearing will be posted on the site two weeks before the hearing. Presently the schedule for the hearing is April 19, 2006.

If you have any questions please feel free to contact me.

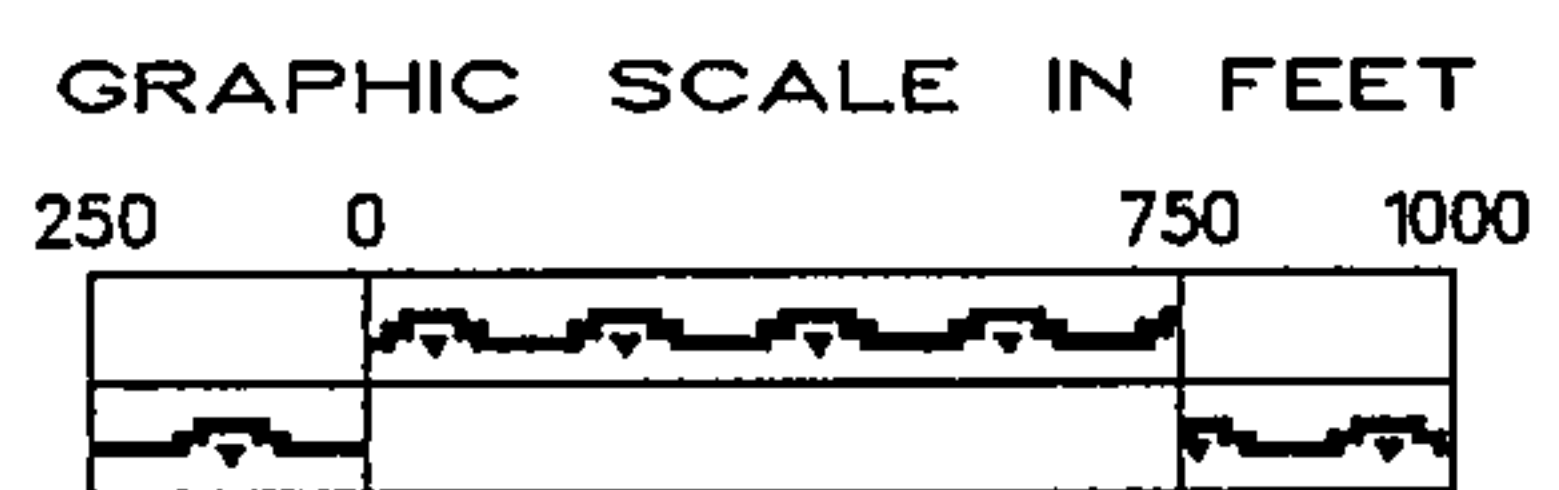
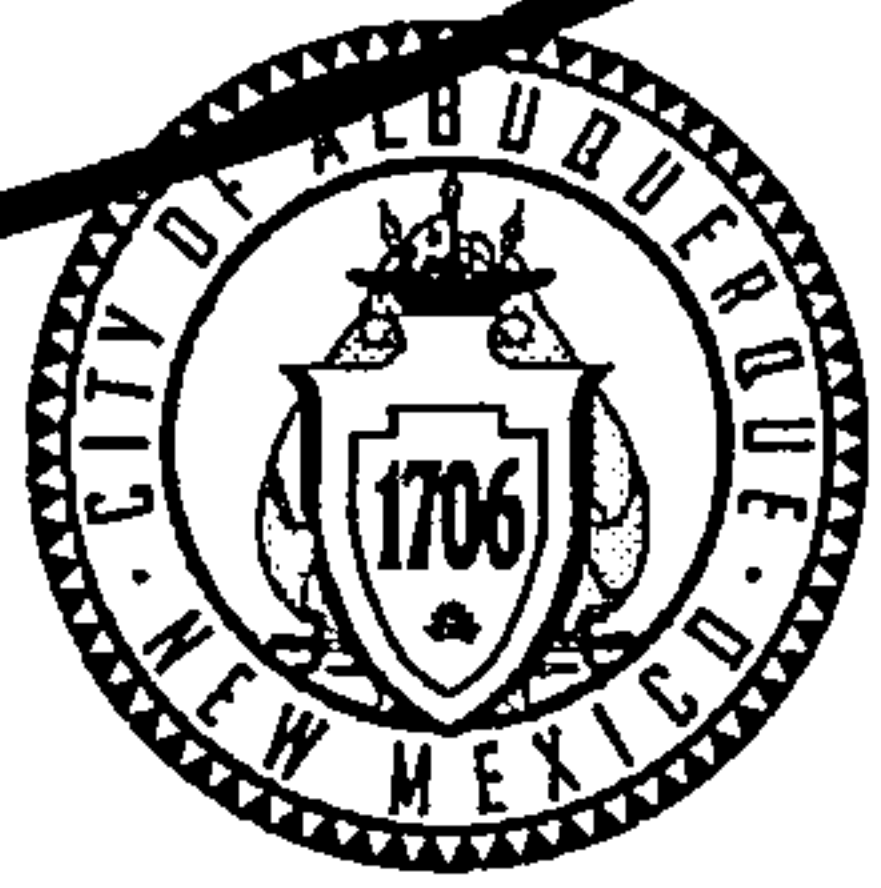
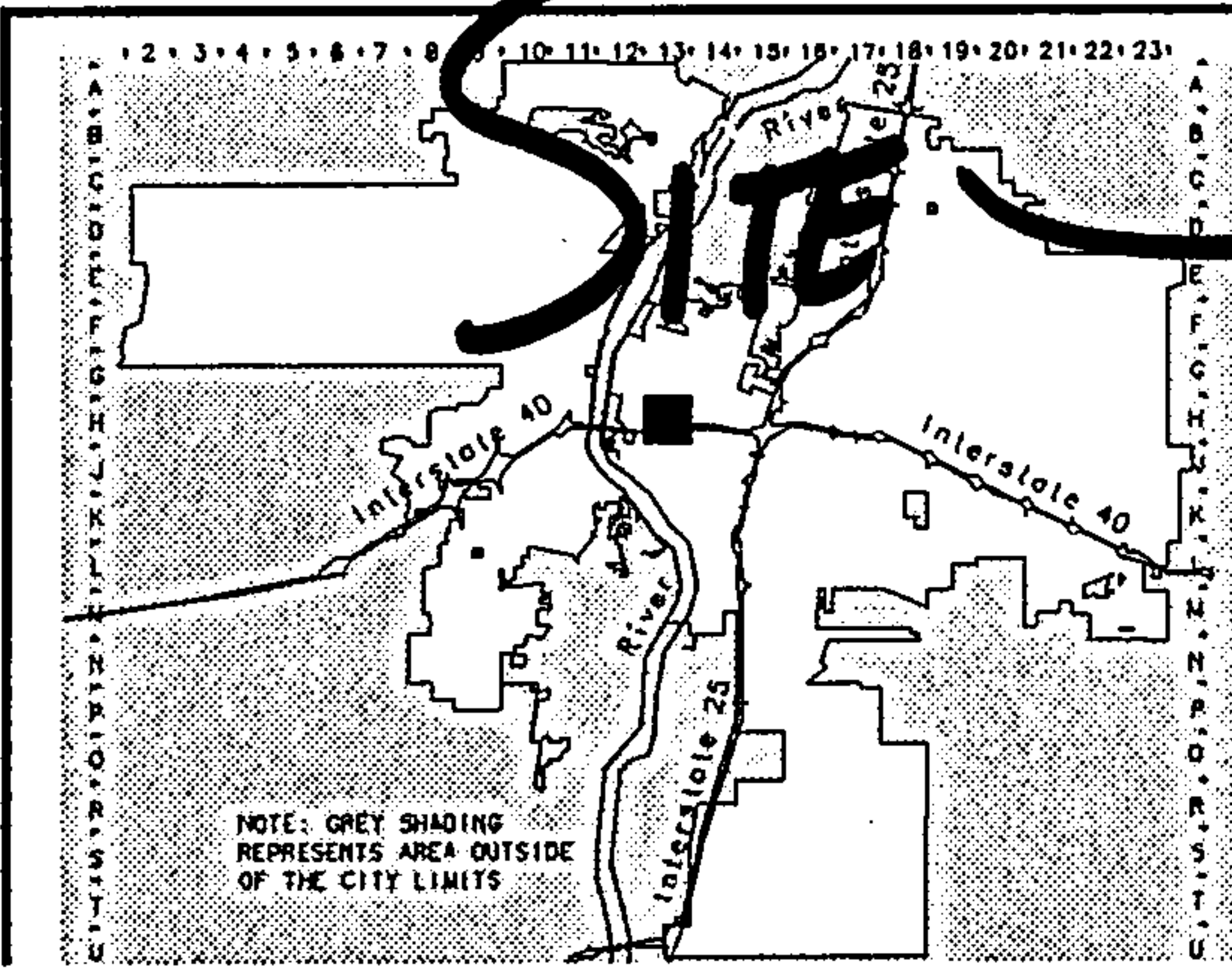
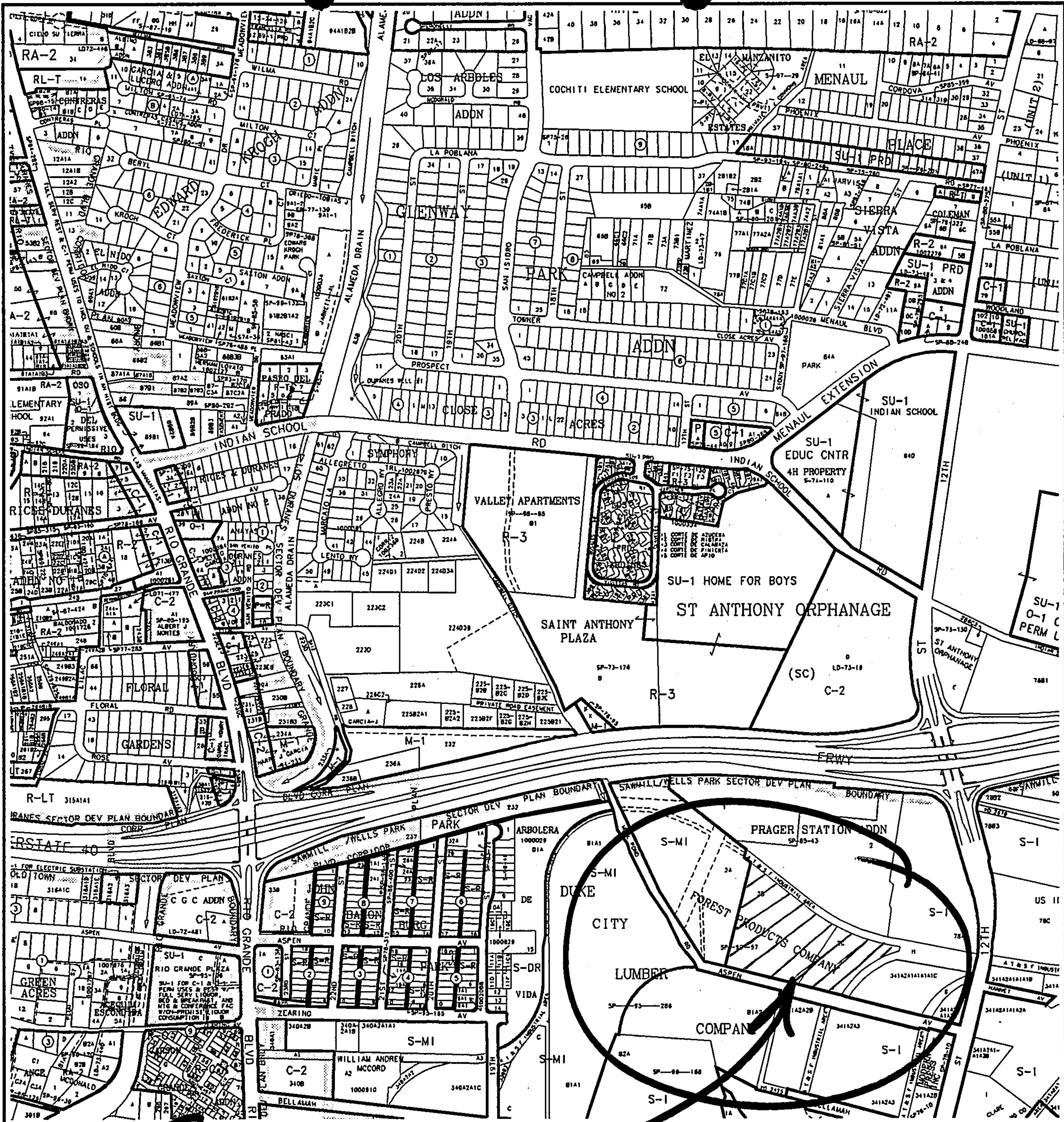
Sincerely,


Dan Graney
President

7004 4001 0550 0000 8428 8603

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.81
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12
Sent To	LARRY SCHULTZ
Street, Apt. No.; or PO Box No.	1324 SAWMILL RD NW
City, State, ZIP+4	ALBU, N. MEX 87104

Postmark Here
3/23/06



Zone Atlas Page

H-13-Z

Albuquerque Geographic Information System
PLANNING DEPARTMENT

© Copyright 2004

Map Amended through August 03, 2004

NOTE: GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS

Surveys Southwest, Ltd

333 Lomas Blvd., NE * Albuquerque, New Mexico 87102 * 998-0303 * Fax 998-0306

March 22, 2006

DEVELOPMENT REVIEW BOARD MEMBERS
PLAZA DEL SOL
600 2ND STREET NW
ALBUQUERQUE, NEW MEXICO 87102

REF: TRACTS 2-B-1 & 2-C-1, LANDS OF FOREST PRODUCTS COMPANY

Dear Board Members:

The purpose of the above referenced plat is to adjust a lot line between Two (2) tracts creating Two (2) new tracts and to vacate existing PNM easements encroaching on the new building on proposed Tract 2-C-1. Tract 2-B-1 has an existing sales and shop building.

If you have any questions please feel free to contact me.

Sincerely,



Dan Graney
President

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME

Blaine Roberts

AGENT

Surveys Southwest, LTD

ADDRESS

333 Lomas Blvd NE.

PROJECT & APP #

1004778 / 06 DRB - 00390

PROJECT NAME

\$ 20.⁰⁰ 441032/3424000 Conflict Management Fee

\$ 336.⁰⁰ 441006/4983000 DRB Actions

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 75.⁰⁰ 441018/4971000 Public Notification

\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***

() Major/Minor Subdivision () Site Development Plan () Bldg Permit

() Letter of Map Revision () Conditional Letter of Map Revision

() Traffic Impact Study

\$ 425.⁰⁰ TOTAL AMOUNT DUE

***NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

BLAINE D. ROBERTS
PO BOX 1071 806/353-0400
AMARILLO, TEXAS 79189

DATE 3/22/20 06 1275

PAY TO THE ORDER OF Surveys Southwest, LTD
Four hundred twenty five

AMARILLO NATIONAL BANK
AMARILLO, TEXAS

DOLLARS 425.00

FOR _____

113009581 46 224 1275

Blaine Roberts

88-95 1113

Security features included. See back.

MP

*****DUPLICATE*****
City Of Albuquerque
Treasury Division

3/24/2006 8:36AM LOC: ANNX
RECEIPT# 00057359 WSH 006 TRANSH 0004
Account 441018 Fund 0110
Activity 4971000 TRSCXG
Trans Amt \$425.00
J24 Misc

CK \$75.00 \$425.00
CHANGE \$0.00

Thank You

*****DUPLICATE*****
City Of Albuquerque
Treasury Division

3/24/2006 8:35AM LOC: ANNX
RECEIPT# 00057357 WSH 006 TRANSH 0004
Account 441032 Fund 0110
Activity 3424000 TRSCXG
Trans Amt \$425.00
J24 Misc

\$20.00
Thank You

*****DUPLICATE*****
City Of Albuquerque
Treasury Division

3/24/2006 8:35AM LOC: ANNX
RECEIPT# 00057358 WSH 006 TRANSH 0004
Account 441006 Fund 0110
Activity 4983000 TRSCXG
Trans Amt \$425.00
J24 Misc

\$330.00
Thank You

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from APRIL 04, 2006 TO APRIL 19, 2006

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Sarah Amato 3/24/06
(Applicant or Agent) (Date)

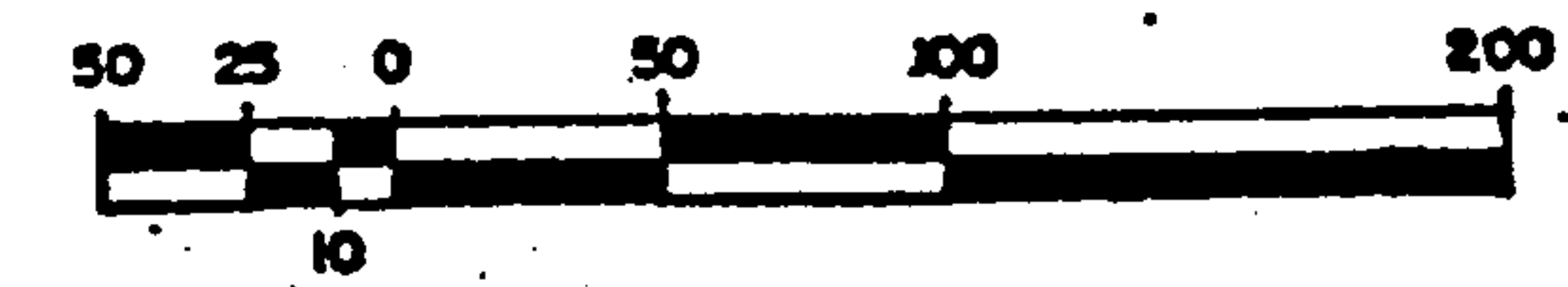
I issued 1 signs for this application, 3/24/06 [Signature]
(Date) (Staff Member)

DRB PROJECT NUMBER: 1004778

PLAT OF
 TRACTS 2-A, 2-B, & 2-C LANDS OF FOREST PRODUCTS CO.
 BEING A REPLAT OF TRACTS 1 & 2
 SITUATE WITHIN SECTION 7, T.10. N., R.3 E., N.M.P.M.
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
 NOVEMBER 1989
 SHEET 2 OF 2

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

At 2:17 P.M. MAY 25 1990
 of records of said County Folio 135 pg 2 of 2
 Clerk & Recorder
 Deputy Clerk



N.M.S.H.C. STA.
 "I-40-15"
 x = 378204.72
 y = 1494103.76
 GROUND-TO-GRID
 0.99967843
 CENTRAL ZONE
 Δα = -00°14'03"

TRACT 1

TRACT 2

PRAEGER STATION ADDITION
 F.D. 2-4-1985, Vol. C26, Fol. 56

FND.#4 REBAR
 S13°48'01" W
 42.91'

S 52°10'59" W
 76'

TRACT 2-A
8.6194 ACRES

PRAEGER STATION ADDITION
F.D. 2-4-1985, Vol. C26, Fol. 56

10' P.N.M. EASEMENT PER PLAT
FILED 7-14-1978, Vol. D8, Fol. 164

15' P.N.M. & MTN. STATES TEL. & TEL. CO. EASEMENT
PER DOCUMENT FILED 12-5-1985, Bk. Misc. 297A, Pg. 830

10' P.N.M. & MTN. STATES
TEL. & TEL. CO. ESMT. PER
DOC. FILED 12-17-1979
Bk. Misc. 740, Pg. 165

5' P.N.M. & M.S.T.&T. ESMT.
F.D. 3-31-1983, Bk. Misc. 3A, Pg. 214

TRACT 2-B
4.7000 ACRES

TRACT 2-C
2.0002 ACRES

10' P.N.M. ESMT.
FILED 1-7-1953
Bk. D228, Pg. 93

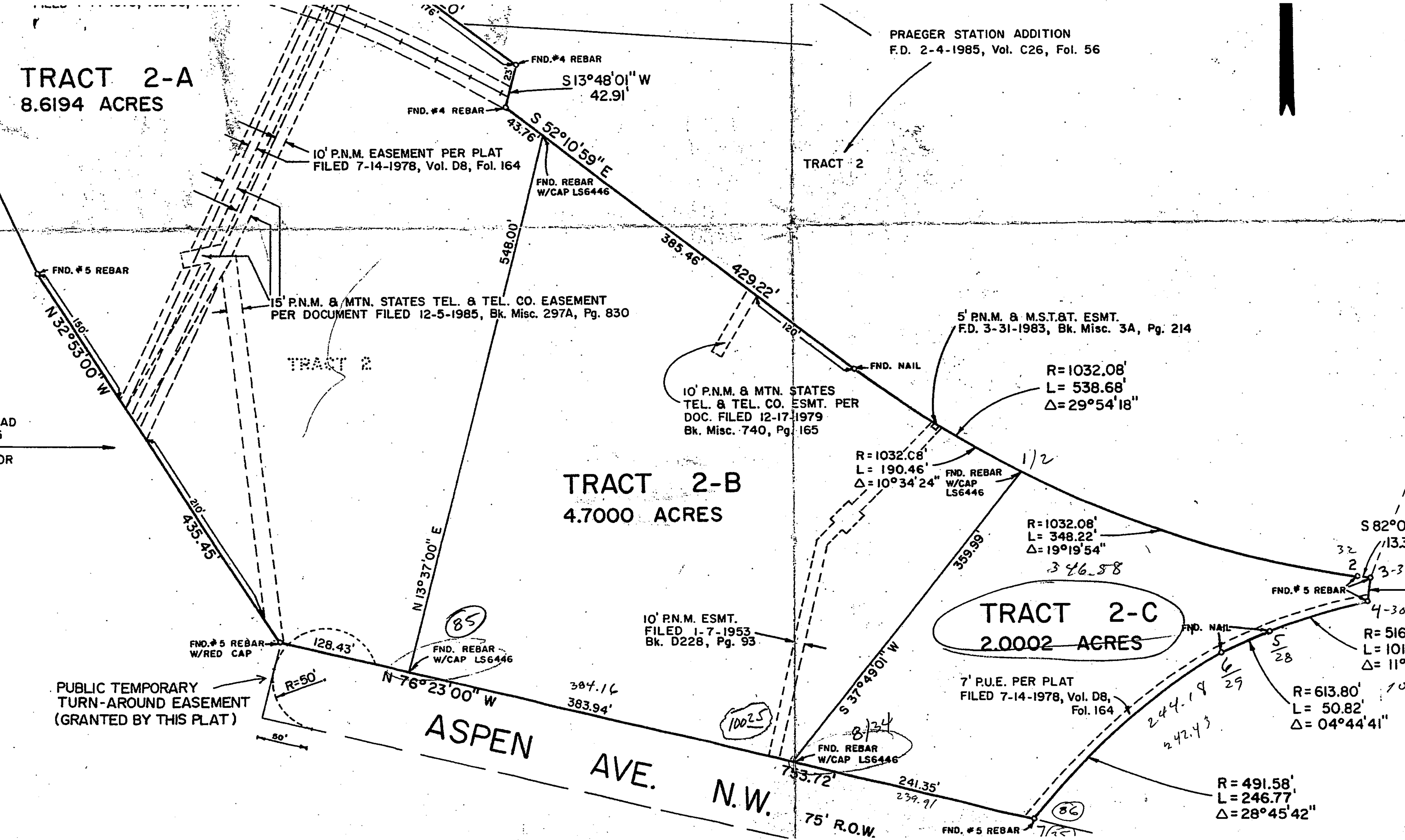
7' P.U.E. PER PLAT
FILED 7-14-1978, Vol. D8,
Fol. 164

PUBLIC TEMPORARY
TURN-AROUND EASEMENT
(GRANTED BY THIS PLAT)

ASPEN
AVE.
N.W.

75' R.O.W.

ROAD
OR



90-8471

UNDERGROUND EASEMENT

6484

#16

THIS INDENTURE made this 18th day of December, 1989 by and between

Roger Cox Limited Partnership 1984-2, a New Mexico limited Partnership, by Roger S. Cox (Grantor) 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 (Grantees), their successors and assigns.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantees, their successors and assigns, an easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain underground facilities for the transmission and distribution of electric power and energy and facilities for communication purposes, or either of any or all such purposes, including lines, conduits, and other equipment, fixtures and structures necessary to maintain such facilities upon, under and through the easement hereinafter described, together with free access to, from, and over said easement, with the right and privilege of going upon, over and across lands of Grantor for the purposes set forth herein and with the right to trim and remove any trees, shrubs or bushes which interfere with the purposes set forth herein. The easement granted herein is within lands situate in Bernalillo County, New Mexico, and is more particularly described as follows, to wit:

PNM Proj. No. 6U437

An easement within Tract 2 of Plat of FOREST PRODUCTS CO. situate in Section 7, T.10 N., R. 3 E., N.M.P.M., Bernalillo County, New Mexico, as the same is shown and designated on said Plat filed for record in the office of the County Clerk in Bernalillo County in Plat Book D-8, Page 164 on July 14, 1978 and being more particularly described as follows:

An easement ten (10) feet wide being five (5) feet on each side of the following described centerline: Beginning at a point within said Tract 2, whence the southeast corner of said Tract 2 bears S.57°34'21"E. 278.02 feet distant; running thence as an easement N.28°31'W. 69.50 feet to an angle point; thence N.41°57'W. 91.56 feet to a junction point; running thence as a meets and bounds easement S.14°16'40"W. 9.36 feet; thence N.75°43'20"W. 21.00 feet; thence N.14°16'40"E. 12.30 feet; thence S.75°43'20"E. 21.00 feet; thence S.14°16'40"W. 2.94 feet to said junction point.

SEE EXHIBIT "A" ATTACHED

Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect or construct any building, pool, or other structure thereon, nor drill or operate any well thereon.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, administrators, assigns, successors and assigns of the parties hereto. Grantor shall have the unrestricted right to sell, transfer, assign, lease, mortgage, convey, or otherwise use or occupy any part of the premises hereon, in whole or in part, any interest in the easement and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantees.

WITNESS my hand and seal this 18th day of December, 1989. (Signatures and seals of Roger S. Cox and Public Service Company of New Mexico)

PARTNERSHIP ACKNOWLEDGEMENT FOR NEW MEXICO

STATE OF NEW MEXICO

COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 18th day of December, 1989

by Roger S. Cox, Roger Cox Limited Partnership 1984-2, a New Mexico limited Partnership

My commission expires (Seal) 7-8-90

(Signature of Notary Public)

ACKNOWLEDGEMENT 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 (Corporation Acknowledgement)

a (State of Incorporation) corporation, on behalf of said corporation.

My Commission expires (Seal)

Notary Public

FOR RECORDER'S USE ONLY. STATE OF NEW MEXICO COUNTY OF BERNALILLO FILED 90 FEB -1 AM 0:15 BY BCL 902 GADYS M. DAVIS CO CLERK & RECORDER 6484-6485

FILE REFERENCE NUMBER

Handwritten note: This may apply.

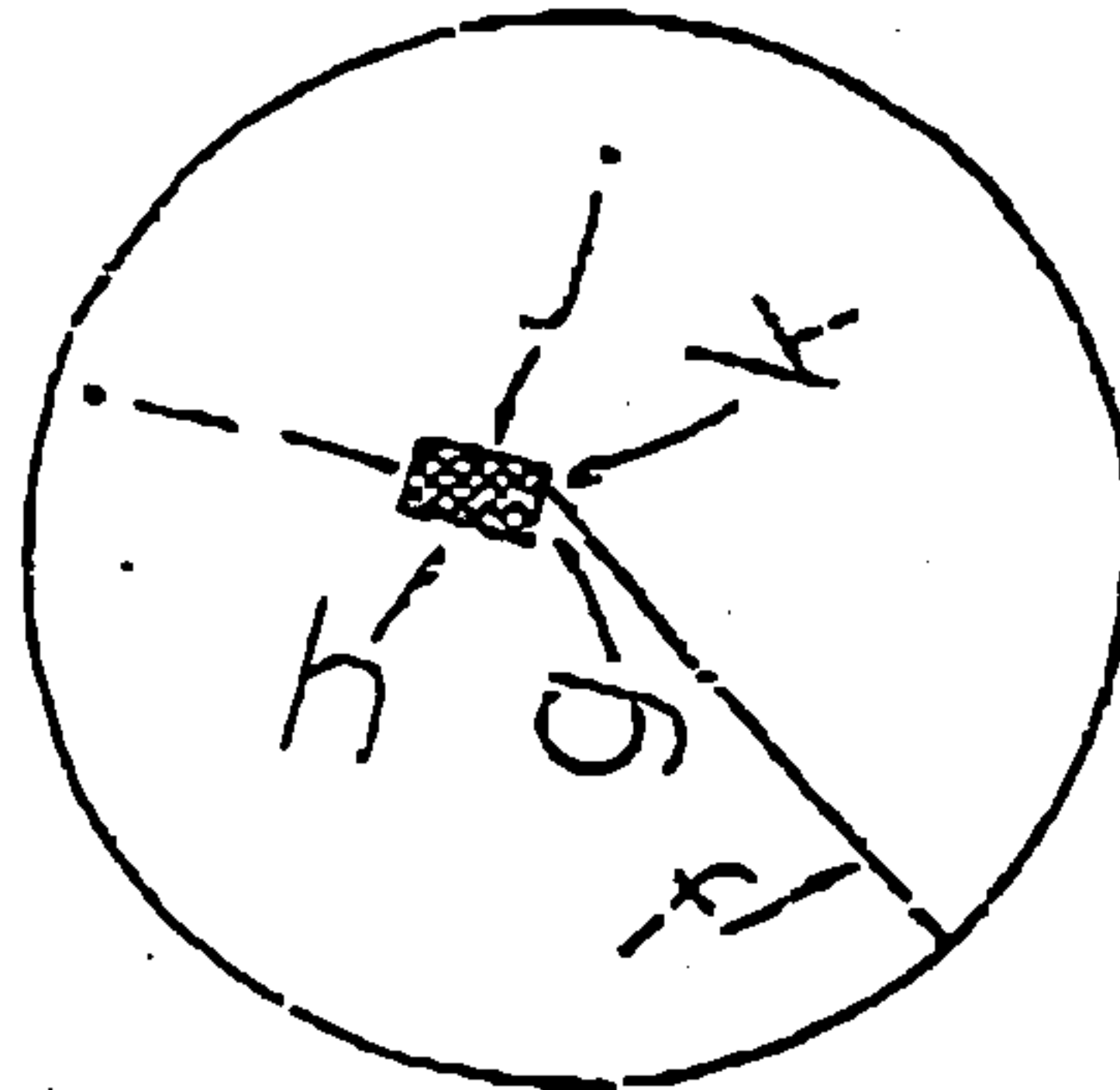
6485

LINE TABLE

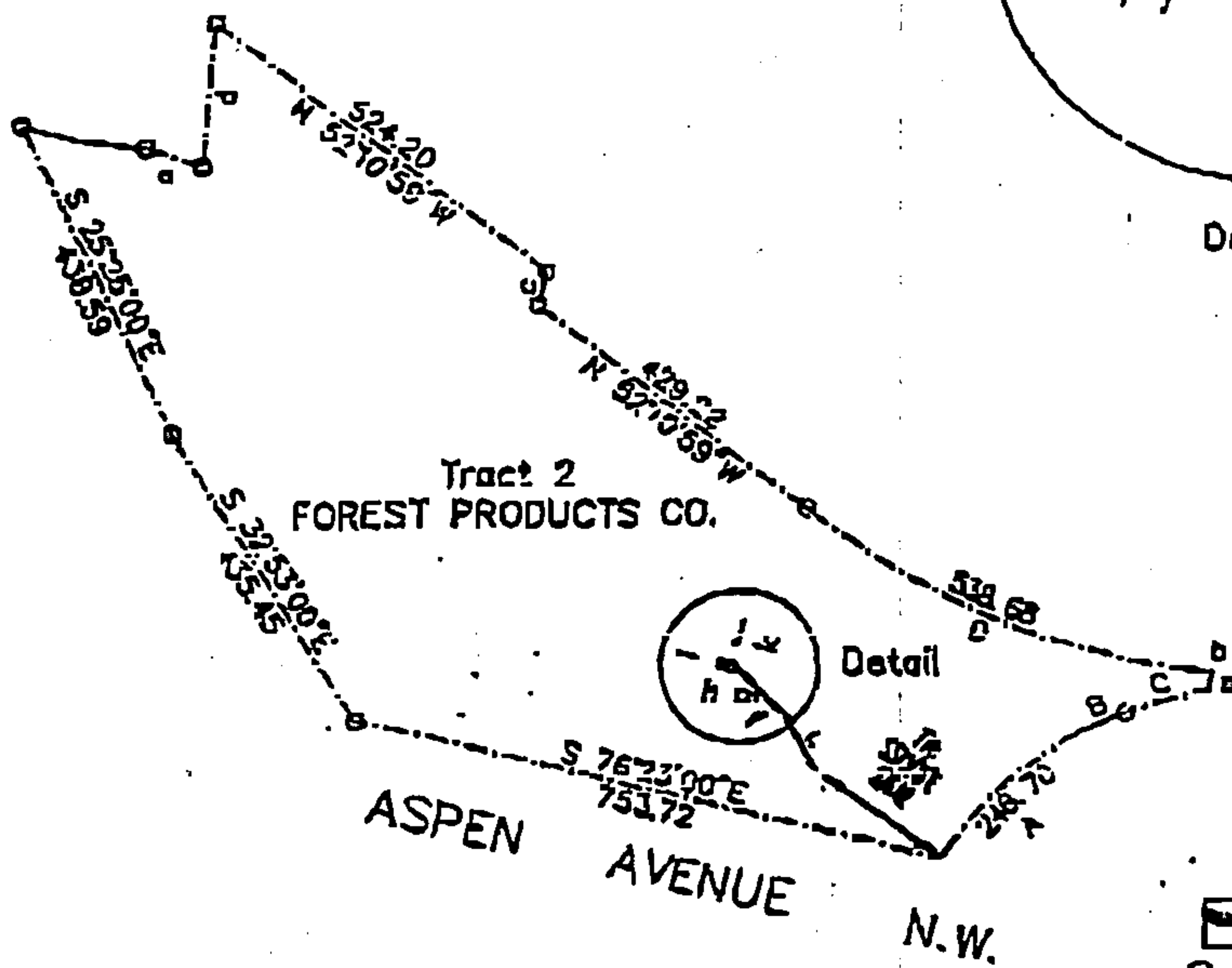
LABEL	BEARING	DISTANCE
a	N 07°54'43"E	23.13
b	N 02°05'17"W	13.30
c	N 13°48'01"E	42.01
d	S 04°33'13"W	183.53
e	N 72°10'03"W	74.09
f	N 41°57'00"W	21.38
g	S 14°16'40"W	0.36
h	N 73°43'20"W	21.00
i	N 14°18'40"E	12.30
j	S 75°43'20"E	21.00
k	S 14°16'40"W	2.94
l	N 26°31'00"W	89.50

CURVE DATA

LABEL	RADIUS	ANGLE	CHORD	CHD.BRG.	TANGENT	ARC LEN.
A	491.58	98°45'41"	244.18	N 48°37'15"E	128.04	245.78
B	613.80	4°44'39"	50.81	N 85°22'27"E	25.43	50.82
C	518.38	11°5'41"	101.33	N 73°22'37"E	50.81	101.48
D	1032.08	29°54'18"	532.59	N 67°08'06"W	273.03	538.58
E	652.28	346°06'19"	157.26	N 30°55'51"W	-78.87	364.02



Detail



SURVEYOR'S CERTIFICATION

I, Leonard G. Martinez, New Mexico Professional Land Surveyor No. 9801, certify that the following maps were prepared from field notes of actual surveys made by me or under my supervision; and that it is true and correct to the best of my knowledge and belief.

Leonard G. Martinez

Leonard G. Martinez, N.M.L.S. No. 9801

Exhibit A

PROPOSED ELECTRIC LINE XING
 Tract 2
 Plat of FOREST PRODUCTS CO.
 WITHIN SEC. 7, T.10 N., R.3 E., N.M.P.M.
 BERNALILLO COUNTY, NEW MEXICO
 PUBLIC SERVICE CO. OF NEW MEXICO
 ALBUQUERQUE, NEW MEXICO

DWN BY: L.G.M.
 OKD BY:

DATE: 12-19-89
 SCALE SHOWN

Req. No. 60437

15 E

EASEMENT AND RIGHT-OF-WAY

For and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the FOREST PRODUCTS COMPANY, a Nevada Corporation, party of the first part, does hereby give and grant unto the PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico Corporation, its successors and assigns, party of the second part, a perpetual right-of-way and easement to build, construct, operate and maintain a power transmission line, over and across the lands hereinafter described, and to erect all necessary poles, guy wires and other equipment and fixtures necessary to maintain the said power line across said lands at or near the points hereinafter designated, as the course of said power line across said lands; together with rights and privileges of going upon, over and across said lands for the purpose of maintaining said line.

An easement and right-of-way ten (10) feet wide for a power distribution line and a twenty (20) foot wide easement for a substation site, all situate in Sec. 7, T.10N., R.3E., N.M.P.M., Bernalillo County, New Mexico. Said easements and right-of-way being also designated as portions of Lot No. 1j and Lot 1s, as shown on Santa Fe Land and Improvement Company Industrial Property and Lead Tract Map of August 8th, 1952 and more particularly described as follows:

Beginning for a tie at the section corner common to Sections 7, 8, 17 and 18, T.10N., R.3E., N.M.P.M., and running thence N.59°45'36"W., 1122.93 feet to a point on the North right-of-way line of Tract No. 16, said point being N.55°50'W., 36.79 feet from Corner No. 18 of Santa Fe Land and Improvement Company property, thence S.37°45'W., 37.50 feet to a point on the South right-of-way line of Tract No. 15, the beginning point, Station 0/53, said point being the center line of a ten (10) feet wide easement herein described, and running thence S.37°45'W., along the center line, 111.0 feet to Station 1/91.0, thence S.37°45'W., along the center line of a twenty (20) foot wide easement for substation site 21.0 feet to Station 2/18.0, thence S.37°45'W., along the center line of a ten (10) foot wide easement 22.0 feet to Station 2/41.0, thence S.13°17'W., parallel and 1.5 feet West of the lot line common to Lots No. 1j and 1s, a distance of 195.60 feet to the South terminus point of this easement and right-of-way Station 1/35.6, said point being on the North line of Arroyo Avenue, as shown on Public Service Company of New Mexico Drawing No. A-1409-E.

Said power line to cross said lands at the points and in the manner hereinafter set forth, to-wit:

Pole line to be placed along the above mentioned center line of said easement.

This right-of-way and easement shall be construed to be a covenant running with the land and shall be binding on all successors in title to the first party hereto.

IN WITNESS WHEREOF said corporation has caused this instrument to be executed by its President and Assistant Secretary and its corporate seal is affixed hereto, on this, the 31 day of Dec., 1952

FOREST PRODUCTS COMPANY

By [Signature]
E. P. Feltus, President

ATTEST:

[Signature]
C. J. Ocasak, Assistant Secretary

91

NOTARY PUBLIC
COUNTY OF BERNILLO

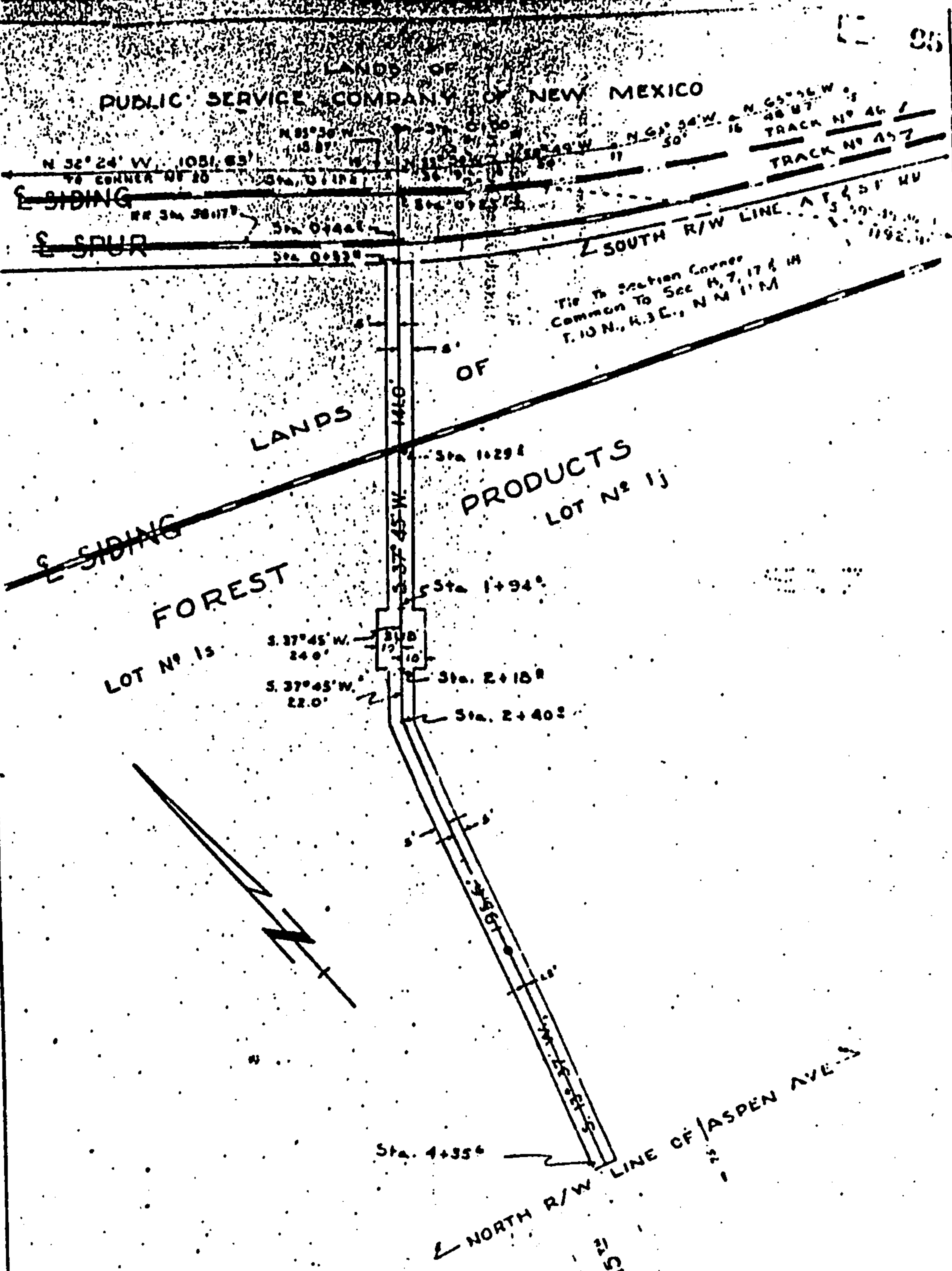
On this 31 day of Dec., 1952, before me personally appeared G. R. McNary, to me personally known, who being by me duly sworn did say that he is President of the Forest Products Company, a corporation organized under the Laws of the State of New Mexico, and that the corporate seal is affixed to said instrument, and that said instrument was signed and sealed in behalf of said corporation by authority of _____ and said G. R. McNary acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and seal on this, the day and year first above written.

John L. Offield
Notary Public in and for the County of
Bernillo and State of New Mexico

My Commission Expires: April 4-1956

LANDS OF PUBLIC SERVICE COMPANY OF NEW MEXICO



This is to certify that I am a registered land surveyor, that the following maps were prepared from field notes of actual surveys made by me or under my direction and that same are true and correct to the best of my knowledge and belief.

By John S. Offield

PLAT SHOWING PROPOSED EASEMENT FROM FOREST PRODUCTS CO.

Sec. 7, T. 10 N., R. 3 E., N.M.P.M., Bernalillo County, N.M.
PUBLIC SERVICE COMPANY OF NEW MEXICO
ALBUQUERQUE, NEW MEXICO

SCALE 1" = 50'
DRAWN BY R.N.J.
CHECKED BY J.F.P.

DATE 12 11 52
TRACED BY R.N.J.
APPROVED BY
A-1409

96

77116

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

2:17 JAN 7 - 1933
M. O'Clock, Jr., Recorder in Vol. 298
of records of said County Filed 23
[Signature]
Deputy Clerk
1-7-53

ZONE ATLAS: H-13-Z
CR5

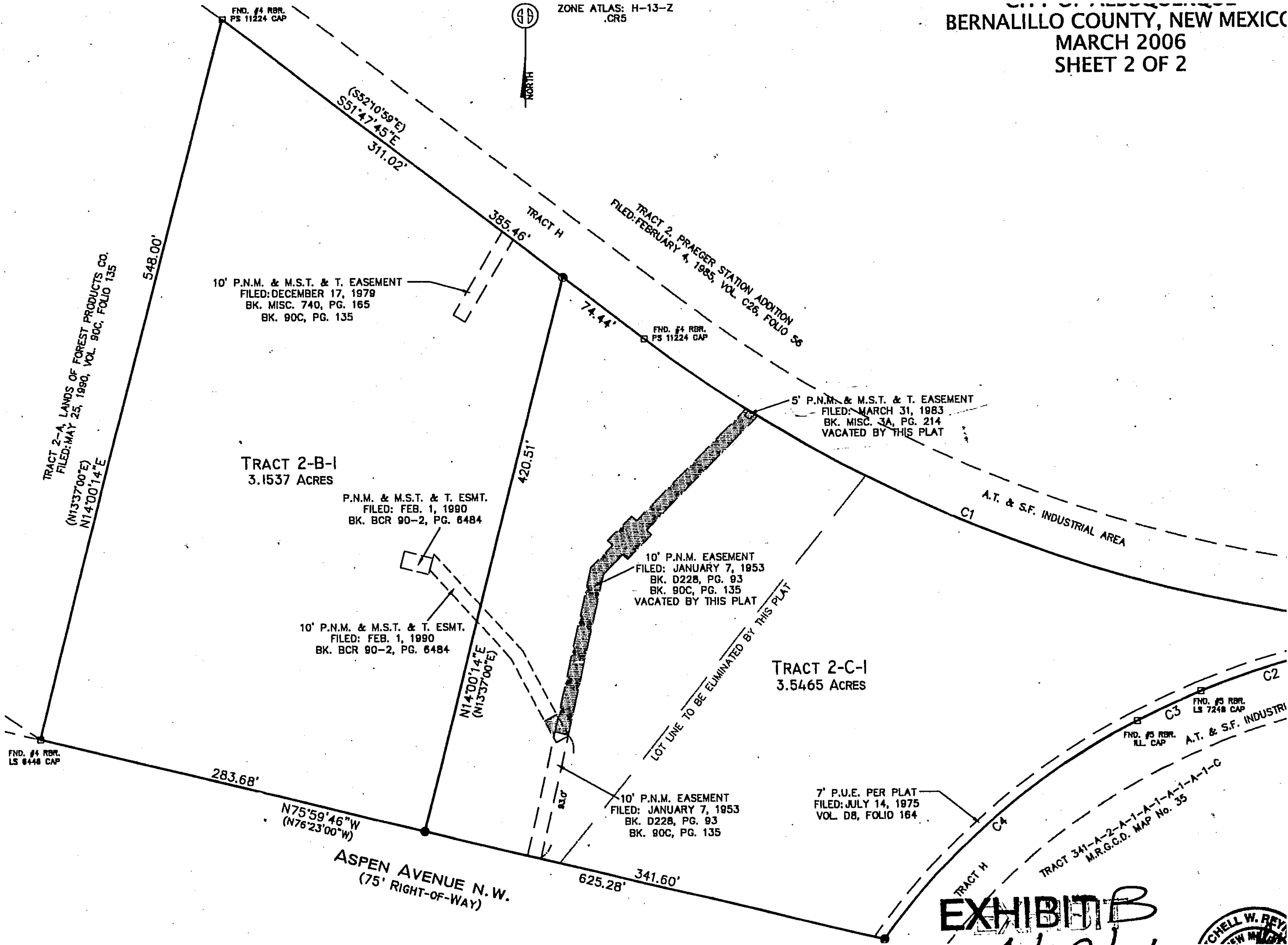
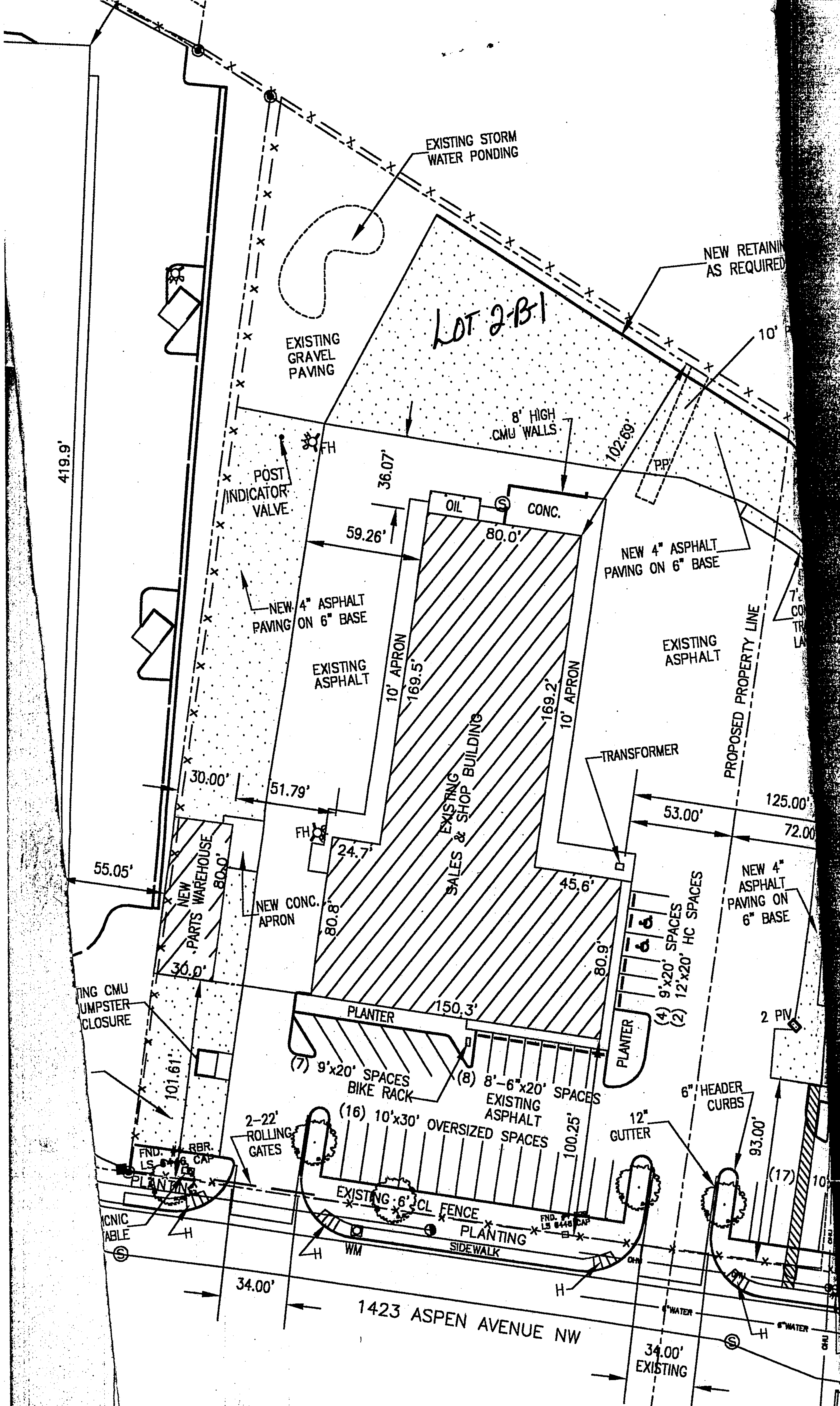


EXHIBIT B
Date at 4/19/06





EXISTING STORM WATER PONDING

NEW RETAINING AS REQUIRED

LOT 2-B-1

EXISTING GRAVEL PAVING

8' HIGH CMU WALLS

419.9'

POST INDICATOR VALVE

NEW 4" ASPHALT PAVING ON 6" BASE

NEW 4" ASPHALT PAVING ON 6" BASE

EXISTING ASPHALT

EXISTING ASPHALT

PROPOSED PROPERTY LINE

EXISTING SALES & SHOP BUILDING

TRANSFORMER

NEW PARTS WAREHOUSE

NEW CONC. APRON

NEW 4" ASPHALT PAVING ON 6" BASE

EXISTING CMU JUMPSTER CLOSURE

PLANTER

PLANTER

(7) 9'x20' SPACES BIKE RACK

(8) 8'-6"x20' SPACES EXISTING ASPHALT

(16) 10'x30' OVERSIZED SPACES

2-22' ROLLING GATES

12" GUTTER

6" HEADER CURBS

FND. LS. CAP PLANTING

EXISTING 6' CL FENCE

PLANTING SIDEWALK

93.00'

1423 ASPEN AVENUE NW

34.00' EXISTING



#4
