

DRAINAGE EASEMENT

Grant of Drainage Easement, between the Board of Education of the Albuquerque Municipal School District No. 12, Counties of Bernalillo and Sandoval, New Mexico, a political subdivision of the State of New Mexico ("Grantor"), and the ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY, a political subdivision of the State of New Mexico ("AMAFCA").

Grantor grants to AMAFCA a non-exclusive easement ("Easement") in, under, over, upon, through, and across the real property described in Exhibits "A", "B" and "C" attached hereto (collectively referred to as "Easement Property") for the construction, installation, use, operation, inspection, maintenance, repair, modification, replacement, expansion and removal of Public Drainage Facilities and related appurtenances ("Work"), together with the right to remove trees, bushes, undergrowth and any other obstacles upon the Easement Property if AMAFCA determines they interfere with the appropriate use of this Easement. "Over" herein does not include the right to install and/or construct overhead utility lines.

AMAFCA agrees that if the Easement Property is reasonably accessible by way of a public thoroughfare, public right of way, dedicated public easement or AMAFCA access easement then AMAFCA shall use such public thoroughfare, public right of way or a dedicated public easement to gain access to the Easement Property.

AMAFCA acknowledges that Grantor intends to use portions of the Easement Property for outdoor educational and recreational uses. Grantor shall not construct any improvements within the Easement or encroach upon the Easement without the written approval of AMAFCA. AMAFCA agrees that it shall not unreasonably withhold its approval for construction of improvements within the Easement. In the event Grantor constructs improvements in the Easement, AMAFCA shall continue to retain its right to enter upon the Easement Property and perform whatever inspection, construction, installation, use, operation, maintenance, repair, modification, replacement, expansion, or removal of the Work it deems appropriate. AMAFCA shall coordinate its entry and activities on the Easement Property with Grantor to the extent practicable, and shall not unreasonably interfere with Grantor's use of the Easement Property for outdoor educational and recreational uses. If the Work unreasonably impacts AMAFCA approved improvements or encroachments within the Easement or on the Easement Property, AMAFCA will restore the recreational improvements or encroachments to the same or a reasonably similar condition such improvements were in prior to AMAFCA's commencement of the Work. AMAFCA shall not unreasonably interfere with Grantor's use of the Easement or Easement Property for outdoor educational and recreational uses.

Doc# 2012082560

08/14/2012 02:34 PM Page: 1 of 9
EASE R: \$25.00 M. Toulouse Oliver, Bernalillo County



AMAFCA's rights with respect to the Work shall not include any activities that would expand or increase the size or area of the Easement and/or Easement Property.

To the extent permitted by the New Mexico Tort Claims Act, NMSA (1978), § 41-4-1, et seq., AMAFCA shall indemnify, defend and save harmless, the Grantor against and from all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands of every kind or nature (including reasonable counsel fees and court costs) by or on behalf of any person, party, or government authority whomsoever arising out of an accident, injury, or damage, or release of hazardous or toxic substances which shall happen in, on, or about the Easement and on or under property owned by Grantor in front of or adjacent thereto, including, but not limited to, any streets, sidewalks, curbs or vaults, to the extent that it is caused by AMAFCA or its officers, employees, representatives, agents and contractors ("Grantee Parties"), and for any claim or liability arising out of the occupation, maintenance, alteration, repair, use or operation of the Easement, other than as specifically set forth herein, or of any part thereof by AMAFCA or the Grantee Parties, or in connection with any violation by AMAFCA or the Grantee Parties of environmental laws with respect to the Easement or Easement Property. Provided, however, the AMAFCA shall not be required to indemnify Grantor, or its successors or assigns, from any liability, loss, cost, damage, expense or action to the extent that such liability, loss, cost, damage, expense or action results from the negligence, act or omission or use of the Easement or Easement Property by Grantor, successors or assignees or any of their officers, employees or agents. This indemnity shall survive the termination of this grant of Easement for acts covered by this provision which occur while this Easement is in full force and effect.

The Grantor is hereby only granting a non-exclusive perpetual easement over property owned by the Grantor. In no way is it to be construed that the Grantor is granting an easement over any property not owned by the Grantor. Grantor agrees not to grant an easement to any other person or entity which would in any way conflict with the grant of rights set forth herein or otherwise impairs AMAFCA's use of the Easement Property.

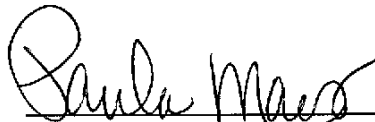
Grantor covenants that it is the owner in fee simple of the Easement Property, that Grantor has good and lawful right to convey the Easement Property or any part thereof. The grant and other provisions of this Easement constitute covenants running with the Easement Property for the benefit of AMAFCA and its successors and assigns unless and until terminated and reverted to the Grantor.

TO HAVE AND TO HOLD the said right and easement for the uses and purposes aforesaid, unto AMAFCA, its successors and assigns, forever. However, to the extent any portion of the Easement Property is declared unnecessary for current or future flood control or public drainage facilities by the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority, this Easement as it applies only to said portion of the Easement Property shall be terminated and revert to the Grantor. Any such reversion shall be accomplished by way of a quitclaim deed to Grantor, its successors or assigns.

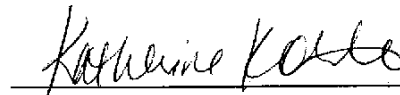
WITNESS my hand and seal this 18th day of July, 2012.

GRANTOR:

Board of Education of the Albuquerque
Municipal School District No. 12



Name: Paula Maes, President

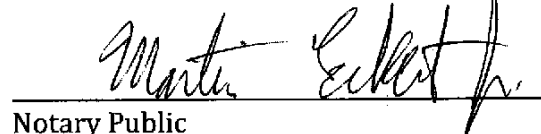


Name: Katherine Korte, Secretary

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
)SS
COUNTY OF BERNALILLO)

This instrument was acknowledged before me this 18th day of July, 2012, by Paula Maes as President, Board of Education and Katherine Korte as Secretary, Board of Education.



Notary Public

My Commission Expires:

July 8, 2016

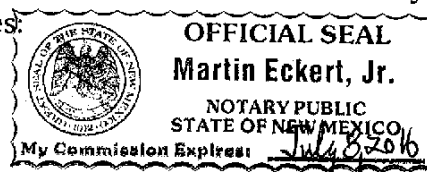


EXHIBIT "A"

DESCRIPTION

A certain tract of land located within the Town of Atrisco Grant, within projected Section 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising a westerly portion of Parcel C-1, Westland North, as the same is shown and designated on the Correction Plat of Parcels C-1, C-2, C-3 & D-1, Westland North thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on May 9, 2012 in Book 2012C, page 57 and being more particularly described by New Mexico State Plane Grid Bearings (NAD83 Central Zone) and ground distances as follows:

BEGINNING at the northwest corner of the tract herein described, also being a point on the westerly boundary of said Parcel C-1 WHENCE a found rebar and survey cap stamped "GROMATZKY PS 16469" at the northwest corner of said Parcel C-1 bears N00°00'00"E a distance of 660.77 feet;

THENCE leaving said westerly boundary of Parcel C-1 along the northerly boundary of the tract herein described the following two (2) courses;

N85°33'14"E a distance of 230.25 feet;

S72°59'02"E a distance of 177.24 feet to a point on a curve at the northeast corner of the tract herein described;

THENCE along the easterly boundary of the tract herein described, the following six (6) courses;

228.76 feet along the arc of a non-tangent curve to the left having a radius of 434.50 feet, a central angle of 30°09'55" and a chord bearing S17°55'03"E a distance of 226.12 feet to a point of tangency;

S33°00'00"E a distance of 37.80 feet to a point of curvature;

30.97 feet along the arc of a curve to the right having a radius of 21.50 feet, a central angle of 82°32'28" and

a chord bearing S08°16'14"W a distance of 28.36 feet to a point of reverse curvature;

246.63 feet along the arc of a curve to the right having a radius of 311.50 feet, a central angle of 45°21'53" and

a chord bearing S26°51'31"W a distance of 240.24 feet to a point of tangency;

S00°00'00"W a distance of 276.84 feet to a point of curvature;

104.20 feet along the arc of a curve to the left having a radius of 396.50 feet, a central angle of 15°03'28" and

a chord bearing S07°31'44"E a distance of 103.90 feet to the southeast corner of the tract herein described;

THENCE along the southerly boundary of the tract herein described, S82°01'33"W a distance of 393.99 feet to the southwest corner of the tract herein described, also being a point on the westerly boundary of said Parcel C-1;

THENCE along the westerly boundary of the tract herein described, coincident with said westerly boundary of Parcel C-1, N00°00'00"E a distance of 957.78 feet to the POINT OF BEGINNING.

This tract contains 8.6525 acres, more or less.

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, New Mexico Professional Surveyor No. 16469, do hereby certify that this Legal Description and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act.



Robert Gromatzky
New Mexico Professional Surveyor No. 16469

Date: MAY 16, 2012



Bohannon & Huston

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335

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EXHIBIT "A"

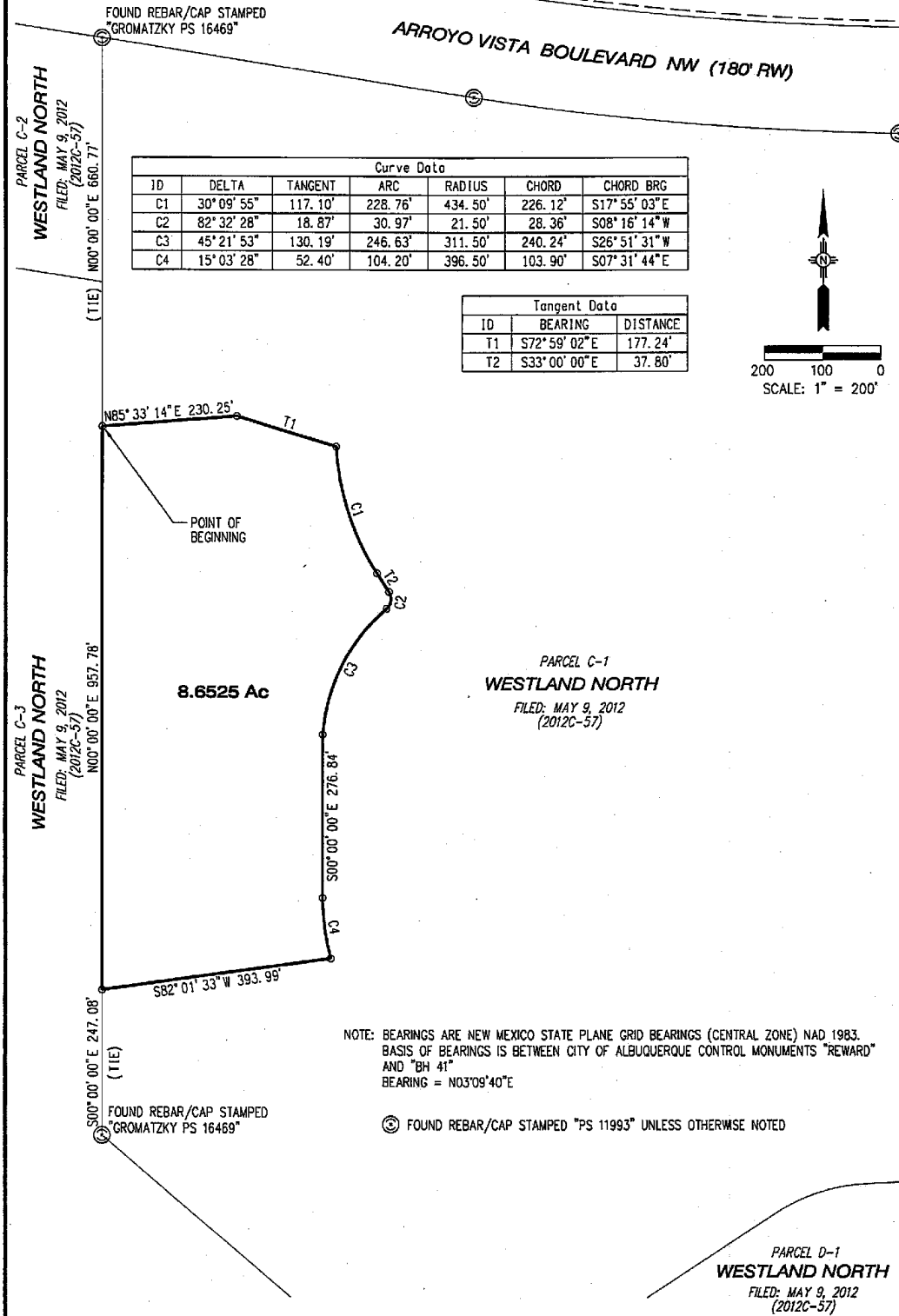


EXHIBIT "B"

DESCRIPTION

A certain tract of land located within the Town of Atrisco Grant, within projected Section 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising a northwest portion of Parcel C-1, Westland North, as the same is shown and designated on the Correction Plat of Parcels C-1, C-2, C-3 & D-1, Westland North thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on May 9, 2012 in Book 2012C, page 57 and being more particularly described by New Mexico State Plane Grid Bearings (NAD83 Central Zone) and ground distances as follows:

BEGINNING at a found rebar and survey cap stamped "GROMATZKY PS 16469" at the northwest corner of the tract herein described, identical to the northwest corner of said Parcel C-1 and also being a point on the southerly right-of-way of Arroyo Vista Boulevard NW, WHENCE a found rebar and survey cap stamped "GROMATZKY PS 16469" at a mid westerly angle point of said Parcel C-1 bears S00°00'00"W a distance of 1865.63 feet;

THENCE along the northerly boundary of the tract herein described, coincident with the northerly boundary of said Parcel C-1 and said southerly right-of-way of Arroyo Vista Boulevard NW, S81°01'30"E a distance of 411.54 feet to the northeast corner of the tract herein described;

THENCE leaving said northerly boundary of Parcel C-1 and said southerly right-of-way of Arroyo Vista Boulevard NW along the easterly boundary of the tract herein described, the following seven (7) courses;

S00°00'00"W a distance of 213.33 feet;
S60°04'16"W a distance of 132.32 feet;
S78°29'49"W a distance of 160.29 feet;
S49°36'01"W a distance of 35.28 feet;
S23°30'45"W a distance of 78.84 feet;
S25°36'50"E a distance of 110.84 feet;
S24°12'10"E a distance of 85.25 feet to the southeast corner of the tract herein described;

THENCE along the southerly boundary of the tract herein described, S85°33'14"W a distance of 159.78 feet to the southwest corner of the tract herein described, also being a point on the westerly boundary of said Parcel C-1;

THENCE along the westerly boundary of the tract herein described, coincident with said westerly boundary of Parcel C-1, N00°00'00"E a distance of 660.77 feet to the POINT OF BEGINNING.

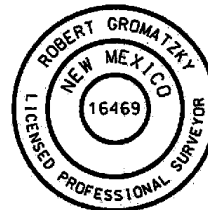
This tract contains 3.6988 acres, more or less.

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, New Mexico Professional Surveyor No. 16469, do hereby certify that this Legal Description and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act.


Robert Gromatzky
New Mexico Professional Surveyor No. 16469

Date: MAY 16, 2012



Bohannon & Huston

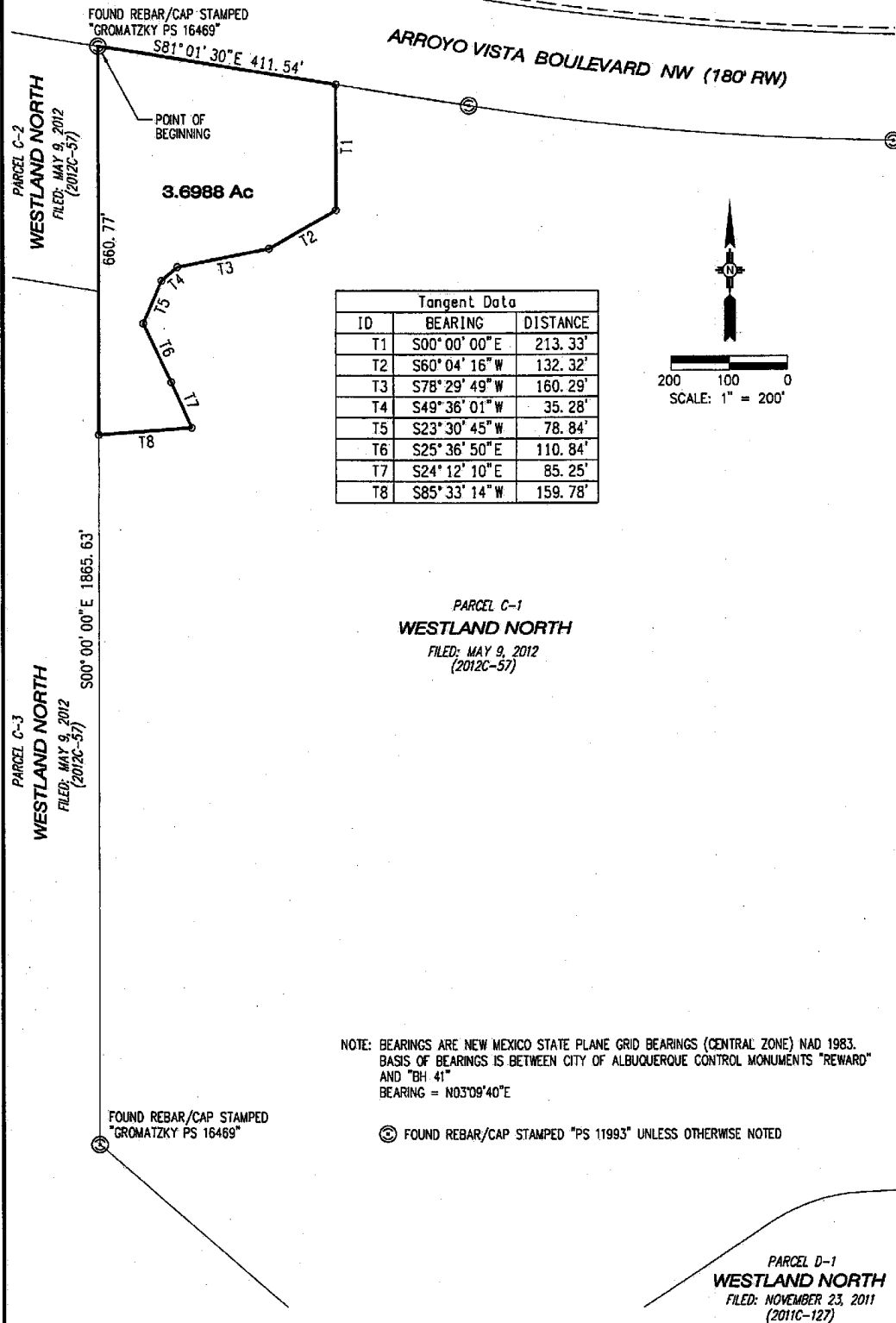
Courtyard | 7500 Jefferson St. NE Albuquerque, NM 87109-4395

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EXHIBIT "B"



Bohannon & Huston

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335

EXHIBIT "C"

DESCRIPTION

A certain tract of land located within the Town of Atrisco Grant, within projected Section 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being and comprising a westerly portion of Tract N-1, Watershed Subdivision, as the same is shown and designated on the Correction Plat of Tracts N-1 & N-2 Watershed Subdivision, thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on May 9, 2012 in Book 2012C, page 58 and being more particularly described by New Mexico State Plane Grid Bearings (NAD83 Central Zone) and ground distances as follows:

BEGINNING at the southwest corner of the tract herein described, also being a point on the southerly boundary of said Tract N-1 and the northerly right-of-way of Arroyo Vista Boulevard NW, WHENCE a found rebar and survey cap stamped "GROMATZKY PS 16469" at the southwest corner of said Tract N-1 bears N81°01'30"W a distance of 735.94 feet;

THENCE leaving said southerly boundary of Tract N-1 and said northerly right-of-way of Arroyo Vista Boulevard NW along the westerly boundary of the tract herein described, the following seven (7) courses;

N04°39'48"E a distance of 519.65 feet;
N27°37'41"E a distance of 112.01 feet;
N41°39'11"E a distance of 100.96 feet;
N46°36'49"E a distance of 163.14 feet;
N03°39'43"E a distance of 155.61 feet;
N55°49'24"E a distance of 70.32 feet;
N25°11'51"E a distance of 172.46 feet to the northwest corner of the tract herein described;

THENCE along the northerly boundary of the tract herein described, S86°47'06"E a distance of 56.75 feet to the northeast corner of the tract herein described;

THENCE along the easterly boundary of the tract herein described, the following seven (7) courses;

S20°54'29"E a distance of 60.98 feet;
S08°46'16"W a distance of 192.08 feet;
S17°16'56"W a distance of 186.34 feet;
S41°11'16"W a distance of 347.74 feet;
S01°38'18"W a distance of 238.82 feet;
S09°54'37"E a distance of 142.28 feet;
S04°34'44"W a distance of 118.10 feet to the southeast corner of the tract herein described, also being a point on the southerly boundary of said Tract N-1 and the northerly right-of-way of Arroyo Vista Boulevard NW;

THENCE along the southerly boundary of the tract herein described, coincident with said southerly boundary of Tract N-1 and said northerly right-of-way of Arroyo Vista Boulevard NW, N81°01'30"W a distance of 196.81 feet to the POINT OF BEGINNING.

This tract contains 4.6115 acres, more or less.

SURVEYOR'S CERTIFICATION

I, Robert Gromatzky, New Mexico Professional Surveyor No. 16469, do hereby certify that this Legal Description and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act.


Robert Gromatzky

New Mexico Professional Surveyor No. 16469

Date: May 16, 2012



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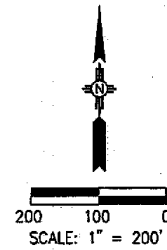
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EXHIBIT "C"

Tangent Data		
ID	BEARING	DISTANCE
T1	N27°37'41"E	112.01'
T2	N41°39'11"E	100.96'
T3	N46°36'49"E	163.14'
T4	N03°39'43"E	155.61'
T5	N55°49'24"E	70.32'
T6	N25°11'51"E	172.46'
T7	S86°47'06"E	56.75'
T8	S20°54'29"E	60.98'
T9	S08°46'16"W	192.08'
T10	S17°16'56"W	186.34'
T11	S09°54'37"E	142.28'
T12	S04°34'44"W	118.10'
T13	N81°01'30"W	196.81'



PETROGLYPH
NATIONAL MONUMENT

USDOI, BLM
3" dia Brass Cap
Stamped "AP17 PNM"
"1990"

TRACT P
WATERSHED SUBDIVISION
FILED: JUNE 9, 2005
(2005C-198)

TRACT N-1
WATERSHED SUBDIVISION
FILED: MAY 9, 2012
(2012C-58)

4.6115 Ac

ARROYO VISTA BOULEVARD NW (180' RW)

PARCEL C-2
WESTLAND NORTH
FILED: MAY 9, 2012
(2012C-57)

PARCEL C-1
WESTLAND NORTH
FILED: MAY 9, 2012
(2012C-57)

NOTE: BEARINGS ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE) NAD 1983.
BASIS OF BEARINGS IS BETWEEN CITY OF ALBUQUERQUE CONTROL MONUMENTS "REWARD"
AND "BH 41"
BEARING = N03°09'40"E

FOUND REBAR/CAP STAMPED
"GROMATZKY PS 16469"

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