- UPC: PORTION OF 101406503626220103 AND A SMALL PORTION OF 101406505136020101
- EXISTING CITY ZONE: MX-M (MIXED-USE MODERATE INTENSITY ZONE) CPO-2 (CHARACTER PROTECTION OVERLAY ZONE)
- CITY LAND USE CATEGORY: TRANSPORTATION COMPREHENSIVE PLAN DESIGNATION: COTTONWOOD CENTER EMPLOYMENT CENTER
- EXISTING LAND USE: PARKING LOT FOR DILLARD'S WITH 187 PAVED STRIPED PARKING

PROPOSED LAND USE: NEW IN-N-OUT BURGER SIT DOWN RESTAURANT PERMITTED IN CITY ZONE WITH A DRIVE-THRU LANE AND OUTDOOR PATIO AS A PERMISSIVE ACCESSORY USE. PER (1): AN OUTDOOR PATIO IS ALLOWED BY RIGHT.

BUILDING SETBACK REQUIREMENTS: FRONT: 5 FEET MINIMUM STREET SIDE OF CORNER LOTS: 5 FEET MINIMUM INTERIOR SIDE: NO MINIMUM REAR: 15 FEET MINIMUM

. COMMUNITY: CITY OF ALBUQUERQUE

- INDIAN TRIBAL LANDS: NONE
- . FAULT ZONE: NONE AS STATED IN THE DRAFT GEOTECHNICAL ENGINEERING INVESTIGATION REPORT PREPARED BY KRAZAN AND ASSOCIATES, INC. ON AUGUST 14, 2024 UNDER THEIR PROJECT NO. 112-24070.
- LIQUEFACTION POTENTIAL: NONE AS STATED IN THE DRAFT GEOTECHNICAL ENGINEERING INVESTIGATION REPORT PREPARED BY KRAZAN AND ASSOCIATES, INC. ON AUGUST 14, 2024 UNDER THEIR PROJECT
- 10. MAXIMUM BUILDING HEIGHT: 48 FEET (NO MAXIMUM FOR PORTIONS OF BUILDING GREATER THAN 100 FEET FROM ALL LOT LINES)

1. PARKING REQUIREMENTS:

5.6 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA PLUS 3 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA OUTDOOR SEATING SPACE.

STANDARD STALL DIMENSIONS: 8.5'x18' OR 8.5'x16' PLUS A 2' VOH SMALL CAR/COMPACT STALL DIMENSIONS: 7.5'x15' OR 7.5'x13.5' PLUS A 1.5' VOH ACCESSIBLE STALL DIMENSIONS: 8.5'x18' WITH AN 8' WIDE VAN ACCESS AISLE OR A 5' WIDE STANDARD ACCESS AISLE

\* IF THE TOTAL REQUIRED PARKING EXCEEDS 20 SPACES, 25% OF THE TOTAL REQUIRED PARKING MAY BE DESIGNED AS COMPACT PARKING SPACES AND SHALL BE IDENTIFIED BY THE WORD "COMPACT" ON THE PAVEMENT OF EACH SPACE.

VEHICLES MAY OVERHANG WALKWAYS AND LANDSCAPE AREAS AS LONG AS THE OVERHANG DOES NOT NEGATIVELY IMPACT THE PROPOSED LANDSCAPE OR REDUCE THE REQUIRED PEDESTRIAN ACCESS ROUTE TO LESS THAN 4 FEET WIDE. THE MAXIMUM OVERHANG OF PARKING SPACES ARE 2' FOR STANDARD PARKING SPACES AND 1.5' FOR

EACH OFF-STREET ELECTRIC VEHICLE CHARGING STATION WITH A RATING OF 240 VOLTS OR HIGHER SHALL COUNT AS 2 VEHICLE PARKING SPACES TOWARD THE SATISFACTION OF MINIMUM OFF-STREET PARKING REQUIREMENTS.

#### DRIVING AISLE WIDTH TABLE:

OVERALL DRIVING AISLE DIMENSIONS					
	PARKING ANGLE IN DEGREES				
	30	45	60	75	90
A. ONE-WAY TRAFFIC	11 FT.	11 FT.	15 FT.	22 FT.	24 FT.
B. TWO-WAY TRAFFIC	22 FT.	22 FT.	22 FT.	22 FT.	24 FT.

LOADING SPACE REQUIREMENT: FOR A BUILDING LESS THAN 25,000 SQUARE FEET IN GROSS FLOOR AREA, NO LOADING SPACE IS REQUIRED.

## MINIMUM DRIVEWAY WIDTH: NONE FOUND

MOTORCYCLE PARKING: 1 MOTORCYCLE SPACE FOR 1-25 REQUIRED OFF-STREET VEHICLE PARKING SPACES, 2 MOTORCYCLE SPACES FOR 26-50 REQUIRED OFF-STREET VEHICLE PARKING SPACES, OR 3 MOTORCYCLE SPACES FOR 51-100 REQUIRED OFF-STREET VEHICLE PARKING SPACES. MOTORCYCLE SPACES SHALL BE LOCATED, SIZED, AND CONSTRUCTED AS REQUIRED BY THE DPM: 4'x8' VISIBLE FROM THE PRIMARY BUILDING CUSTOMER ENTRANCE WITH A 12"x18" SIGN ON A POST NO LESS THAN 4' ABOVE GRADE.

2. MINIMUM LOT SIZE: NONE

- 3. MINIMUM LOT AVERAGE WIDTH: NONE
- 4. MINIMUM LOT DEPTH: NONE
- 15. MAXIMUM FLOOR AREA RATIO (FAR): NONE FOUND
- 6. PLANNER TO BE ASSIGNED WHEN PROJECT IS SUBMITTED TO THE CITY AT: CITY OF ALBUQUERQUE PLAZA DEL SOL BUILDING

ALBUQUERQUE, NM 97102 (505) 924-3860

- . MAXIMUM PARKING LOT LIGHT POLE HEIGHT: 20 FEET (MEASURED FROM FINISHED GRADE TO THE TOP OF THE POLE)
- B. LANDSCAPE REQUIREMENTS: - A MINIMUM OF 15% OF THE NET LOT AREA OF EACH DEVELOPMENT SHALL CONTAIN
- 3. BICYCLE PARKING: 3 SPACES OR 10% OF REQUIRED OFF-STREET PARKING SPACES, WHICHEVER IS GREATER - ALL BICYCLE PARKING AREAS SHALL BE LOCATED IN CONVENIENT, HIGHLY VISIBLE, WELL-LIGHTED AREAS THAT DO NOT INTERFERE WITH TRAFFIC AND PEDESTRIAN
- -REQUIRED BICYCLE PARKING SPACES SHALL BE LOCATED WITHIN 50 FEET IN ANY DIRECTION OF A PRIMARY PEDESTRIAN ENTRANCE. SITES WITH MULTIPLE PRIMARY PEDESTRIAN ENTRANCES SHALL HAVE DISTRIBUTED BICYCLE PARKING LOCATIONS - BICYCLE PARKING FACILITIES SHALL BE RACKS OR LOCKERS THAT ARE INSTALLED AND ANCHORED TO PREVENT REMOVAL EXCEPT BY AUTHORIZED PERSONNEL

O. DRIVE-THRU LANE REQUIREMENTS:

- EACH STACKING LANE IS LIMITED TO A MAXIMUM ORDER BOARD AREA OF 50 SQUARE FEET. THE FACE OF THE ORDER BOARDS SHALL BE ORIENTED AWAY FROM PUBLIC STREETS TO THE MAXIMUM EXTENT PRACTICABLE. IF NOT PRACTICABLE. AT LEAST 2 EVERGREEN TREES SHALL BE PLANTED IN THE LANDSCAPE BUFFER AREA REQUIRED BY SUBSECTION 14-16-5-5(I)(2)(A) IN LOCATIONS THAT WOULD BEST SCREEN THE ORDER BOARD FROM THE PUBLIC RIGHT-OF-WAY.

- EACH STACKING SPACE IN THE QUEUING LANE SHALL BE 20 FEET LONG. - MINIMUM QUEUING LANE WIDTHS ARE 12' MINIMUM WITH A 25' MINIMUM RADIUS (INSIDE EDGE) FOR ALL TURNS. A 15' RADIUS MAY BE USED WITH AN INCREASE IN LANE WIDTH

- A MINIMUM OF 12 STACKING SPACES ARE REQUIRED FOR A RESTAURANT USE MEASURED FROM THE END OF THE QUEUING LANE TO THE PICK-UP WINDOW. - DRIVE-THROUGH LANES ADJACENT TO PUBLIC RIGHTS-OF-WAY SHALL BE SCREENED BY A LANDSCAPE BUFFER AREA AT LEAST 6 FEET WIDE CONTAINING A VEGETATIVE SCREEN OR WALL CONSTRUCTED OF A MATERIAL SIMILAR IN TEXTURE, APPEARANCE, AND COLOR TO THE STREET-FACING FAÇADE OF THE PRIMARY BUILDING (BUT EXCLUDING EXPOSED CONCRETE MASONRY UNIT (CMU) BLOCK) AT LEAST 3 BUT NOT MORE THAN 4 FEET TALL. THE LANDSCAPE BUFFER AREA SHALL BE PROVIDED ON THE PUBLIC STREET

## BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS SURVEY ARE REFERENCED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM. NAD83 CENTRAL ZONE. ALL DISTANCES ARE GROUND, TO CONVERT TO GRID DISTANCE MULTIPLY BY A SCALE FACTOR OF 0.999679.

#### BENCH MARK

CITY OF ALBUQUERQUE SURVEY CONTROL STATION 8-B13. 31/2 INCH ALUMINUM DISC SET IN THE TOP OF THE EAST CONCRETE CURB OF THE TRAFFIC CONTROL ISLAND, STAMPED "8-B13 2003" AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF COORS BLVD.-BY-PASS NW AND EAGLE RANCH ROAD NW. N:1526753.547 FEET, E:1518487.826 FEET, ELEVATION= 5059.673 FEET (NAVD 88)

BENCHMARK #2: CITY OF ALBUQUERQUE SURVEY CONTROL STATION 9-B14. 31/2 INCH ALUMINUM DISC SET IN THE TOP OF A CONCRETE POST 0.2 FEET ABOVE GROUND AND IS STAMPED "9-B14 2003" AT THE SOUTHEAST QUADRANT OF COORS BOULEVARD AND

N:1526627.902 FEET, E:1519969.952 FEET, ELEVATION= 5042.915 FEET (NAVD 88)

#### GENERAL SITE NOTES

- THE AREA OF THIS SUBJECT PROPERTY IS 62,290 SQUARE FEET OR 1.430 ACRES.
- THERE IS NO OBSERVABLE EVIDENCE OF THIS SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL

OR REPAIRS WITHIN RECENT MONTHS.

- 3. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK WITHIN RECENT MONTHS.
- . THERE IS NO OBSERVABLE EVIDENCE OF BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
- THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION
- . THERE ARE IS A SHARED PARKING LOT WHICH PROVIDES PHYSICAL ACCESS TO AND
- FROM THE SITE ONTO COORS BOULEVARD BYPASS NW, A PUBLIC STREET.
- THERE ARE NO BUILDINGS LOCATED WITHIN THE PROPERTY.
- 8. THERE ARE NO PARKING STRUCTURES ON THE SITE. THERE ARE 187 SURFACE PAVED STRIPED PARKING SPACES ONSITE WITH THE FOLLOWING BREAKDOWN:
  - 21 STANDARD 8.5'x18' SPACES 165 STANDARD 9'x18' SPACES 1 ACCESSIBLE 14'x18' SPACES
- 10. THE PROPERTY IS CURRENTLY DEVELOPED AS A PARKING LOT FOR DILLARD'S WITH 187 PAVED STRIPED PARKING SPACES.

20. DRIVE-THRU LANE REQUIREMENT (CONTINUED): - AUDIBLE ELECTRONIC DEVICES SUCH AS LOUDSPEAKERS, AUTOMOBILE SERVICE ORDER DEVICES, AND SIMILAR INSTRUMENTS SHALL NOT BE AUDIBLE BEYOND THE PROPERTY

- DRIVE-THROUGH SERVICE WINDOWS SHALL BE ANGLED AT LEAST 45 DEGREES FROM PARALLEL WITH ANY ABUTTING LOT LINE OF A RESIDENTIAL ZONE DISTRICT SO THAT IT DOES NOT DIRECTLY FACE THE RESIDENTIAL LOT. - DRIVE-THROUGH SERVICE WINDOWS AND ANY ASSOCIATED ORDER BOARD SHALL BE LOCATED AT LEAST 50 FEET IN ANY DIRECTION FROM ANY ABUTTING RESIDENTIAL ZONE DISTRICT OR LOT CONTAINING A RESIDENTIAL USE IN A MIXED-USE ZONE DISTRICT.

21. PARKING LOT EDGE LANDSCAPING REQUIREMENTS: - LANDSCAPE BUFFER AREAS ARE REQUIRED TO SEPARATE OFF-STREET PARKING AND CIRCULATION AREAS FROM FRONT. SIDE, AND REAR BOUNDARIES OF PREMISES. WHERE DEVELOPMENT IS COORDINATED ON 2 OR MORE ABUTTING SITES. OR WHERE MULTIPLE PARKING AREAS ARE LOCATED ON A SINGLE LOT, OR ON PLANNED DEVELOPMENT AREAS CONTROLLED BY SITE PLANS, THESE REQUIREMENTS SHALL BE BASED ON THE ENTIRE DEVELOPMENT AREA UNLESS OTHERWISE APPROVED BY THE DECISION-MAKING BODY. - LANDSCAPE BUFFERS MAY BE CROSSED BY DRIVE AISLES CONNECTING TO ABUTTING

- LANDSCAPE APPROVED WITHIN THE ABUTTING PUBLIC RIGHT-OF-WAY OR PRIVATE WAY MAY BE COUNTED TOWARD THIS REQUIREMENT IF THERE IS NO EXISTING OR PLANNED PUBLIC SIDEWALK BETWEEN SUCH LANDSCAPE AND THE PREMISES. BUT IN NO CASE SHALL THE WIDTH OF THE ON-SITE LANDSCAPE BUFFER BE LESS THAN 5 FEET. - THE LANDSCAPE AREA MAY BE REDUCED BY UP TO 25 PERCENT IF THE SURFACE OF THE PARKING OR VEHICLE CIRCULATION AREA IS OF A PERMEABLE MATERIAL WITH APPROVAL FROM THE PLANNING DIRECTOR. - WHERE WALLS ARE REQUIRED, THEY SHALL INTEGRATE WITH BUILDING MATERIALS AND

 ANY PARKING LOT LOCATED WITHIN 30 FEET OF THE FRONT LOT LINE SHALL BE SCREENED FROM THE STREET EITHER BY A MASONRY WALL CONSTRUCTED OF A MATERIAL SIMILAR IN TEXTURE, APPEARANCE, AND COLOR TO THE STREET-FACING FAÇADE OF THE PRIMARY BUILDING (BUT EXCLUDING EXPOSED CMU BLOCK) AT LEAST 3 BUT NOT MORE THAN 4 FEET IN HEIGHT, OR BY A LANDSCAPE BUFFER AT LEAST 10 FEET IN WIDTH WITH A CONTINUOUS LINE OF EVERGREEN SHRUBBERY 3 FEET IN HEIGHT, OR BY OTHER MEANS THAT THE PLANNING DIRECTOR DETERMINES PROVIDES EQUAL OR BETTER SCREENING OF THE HEADLIGHTS OF PARKED VEHICLES.

- ANY PARKING LOT LOCATED WITHIN 20 FEET OF A SIDE OR REAR LOT LINE WHEN IT ABUTS A PUBLIC STREET SHALL BE SCREENED BY A LANDSCAPED STRIP AT LEAST 6 FEET WIDE CONTAINING AT LEAST 2 TREES AND 6 SHRUBS PER 25 FEET OF THE PARKING LOT EDGE CLOSEST TO THE LOT LINE, OR BY OTHER MEANS THAT THE PLANNING DIRECTOR DETERMINES PROVIDES EQUAL OR BETTER SCREENING OF THE HEADLIGHTS OF PARKED VEHICLES.

22. PARKING LOT INTERIOR LANDSCAPING REQUIREMENTS: - AT LEAST 10 PERCENT OF THE PARKING LOT AREA OF LOTS CONTAINING 50 OR FEWER SPACES, AND AT LEAST 15 PERCENT OF THE PARKING LOT AREA OF LOTS CONTAINING 50 OR MORE SPACES, SHALL BE LANDSCAPED.

1. ONE (1) TREE IS REQUIRED PER 10 PARKING SPACES.

2. NO PARKING SPACE MAY BE MORE THAN 100 FEET IN ANY DIRECTION FROM A TREE 3. AT LEAST 75 PERCENT OF THE REQUIRED PARKING AREA TREES SHALL BE DECIDUOUS CANOPY-TYPE SHADE TREES, CAPABLE OF ACHIEVING A MATURE CANOPY DIAMETER OF

LOCATION AND DIMENSION OF LANDSCAPED AREAS: 1. THE MINIMUM SIZE OF TREE PLANTERS WITHIN OFF-STREET PARKING AREAS SHALL BE 60 SQUARE FEET PER TREE. THIS REQUIREMENT MAY BE REDUCED TO 36 SQUARE FEET IF THE SURFACE OF A PARKING OR VEHICLE CIRCULATION AREA ABUTTING THE TREE PLANTER IS OF A PERMEABLE MATERIAL AND, COMBINED WITH THE TREE PLANTER AREA, MEETS THE 60 SQUARE FOOT PER TREE REQUIREMENT. 2. IN PARKING AREAS OF 100 SPACES OR MORE, THE ENDS OF PARKING AISLES SHALL BE DEFINED AS LANDSCAPED ISLANDS NO NARROWER THAN 8 FEET IN ANY DIMENSION.

23. THE INTERIOR PARKING ISLANDS AT THE ENDS OF PARKING AISLES SHALL BE CONSTRUCTED PER THE DPM AS FOLLOWS: (a) A 15' RADIUS FOR A PASSENGER CAR AND A 25' RADIUS FOR FIRE VEHICLE, REFUSE TRUCK, AND DELIVERY TRUCK; AND (b) A 10' MINIMUM PLANTER WIDTH (CURB FACE TO CURB FACE).

- VEHICLES OR OTHER OBSTRUCTIONS SHALL NOT BE LOCATED WITHIN 15FT. OF A FIRE HYDRANT OR WITHIN 5 FT. OF A FD CONNECTION OR CONTROL VALVE. - THE FDC SHALL BE LOCATED WITHIN 100 FEET OF A HYDRANT. THE INLET SHALL BE BETWEEN 18IN. AND 48IN. ABOVE GRADE - THE STANDPIPE FDC SHALL BE LOCATED WITHIN 100 FEET OF A HYDRANT. - THE FIRE LANE SHALL BE LOCATED WITHIN 15 FT. FROM EACH 2.5IN. HYDRANT

CONNECTION AND WITHIN 5 FT. FROM EACH SIDE OF THE FD CONNECTIONS. - FIRE APPARATUS ACCESS ROADS 20 FT. TO 26 FT. SHALL HAVE A FIRE LANE MARKED ON BOTH SIDES OF THE ROAD. - FIRE LANES MUST HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET.

- FIRE LANES MUST HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN

13 FEET 6 INCHES. TURNING RADIUS · FIRE LANES SHALL HAVE A MINIMUM 45-FOOT CENTERLINE RADIUS; ·35-FOOT INSIDE RADIUS

# ALTA / NSPS LAND TITLE SURVEY MAP

A PORTION OF TRACT B-2-A AND TRACT A-1-A OF THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A, & B-5-A-1, SECOND REVISION PLAT, COTTONWOOD MALL, ALBUQUERQUE, NEW MEXICO, JUNE, 1996" IN THE CITY OF ALBUQUERQUE, COUNTY OF BERNALILLO, STATE OF NEW MEXICO, FILED JANUARY 31 1997 IN PLAT BOOK 97C AT PAGE 33, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

## IN-N-OUT BURGER TABLE A: OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS

THE FOLLOWING OPTIONAL ITEMS ARE TO BE INCLUDED IN THE ALTA/NSPS LAND TITLE SURVEY, EXCEPT AS OTHERWISE NEGOTIATED:

- MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE
- PROXIMITY TO THE CORNER. ADDRESS(ES) OF THE SURVEYED PROPERTY IF DISCLOSED IN DOCUMENTS PROVIDED T OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK. FLOOD ZONE CLASSIFICATION (WITH PROPER ANNOTATION BASED ON FEDERAL FLOOD
- MAP LOCATION AND GRAPHIC PLOTTING ONLY. GROSS LAND AREA (AND OTHER AREAS IF SPECIFIED BY THE CLIENT). VERTICAL RELIEF WITH THE SOURCE OF INFORMATION (E.G., GROUND SURVEY, AERIAL

MAP), CONTOUR INTERVAL, DATUM, AND ORIGINATING BENCHMARK IDENTIFIED WHEN

INSURANCE RATE MAPS OR THE STATE OR LOCAL EQUIVALENT) DEPICTED BY SCALED

(A) IF THE CURRENT ZONING CLASSIFICATION, SETBACK REQUIREMENTS, THE HEIGHT AND FLÓOR SPACE AREA RESTRICTIONS. AND PARKING REQUIREMENTS SPECIFIC TO THE SURVEYED PROPERTY ARE SET FORTH IN A ZONING REPORT OR LETTER PROVIDED TO THE SURVEYOR BY THE CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE, LIST TH ABOVE ITEMS ON THE PLAT OR MAP AND IDENTIFY THE DATE AND SOURCE OF THE REPORT OR LETTER. (B) IF THE ZONING SETBACK REQUIREMENTS SPECIFIC TO THE SURVEYED PROPERTY ARE SET FORTH IN A ZONING REPORT OR LETTER PROVIDED TO THE SURVEYOR BY THE CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE. AND IF THOSE REQUIREMENTS DO NOT REQUIRE AN INTERPRETATION BY THE SURVEYOR, GRAPHICALLY DEPICT THE BUILDING SETBACK REQUIREMENTS ON THE PLAT OR MAP, IDENTIFY THE DATE AND

SOURCE OF THE REPORT OR LETTER. (A) EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL. (B) SQUARE FOOTAGE OF EXTERIOR FOOTPRINT OF ALL BUILDINGS AT GROUND LEVEL. C) MEASURED HEIGHT OF ALL BUILDINGS ABOVE GRADE AT A LOCATION SPECIFIED BY THE CLIENT. IF NO LOCATION IS SPECIFIED, THE POINT OF MEASUREMENT SHALL BE

SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK (IN ADDITION TO THE IMPROVEMENTS AND FEATURES REQUIRED PURSUANT TO SECTION 5 OF THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS) (E.G., PARKING LOTS, BILLBOARDS, SIGNS, SWIMMING POOLS, LANDSCAPED

AREAS, SUBSTANTIAL AREAS OF REFUSE). NUMBER AND TYPE (E.G., DISABLED, MOTORCYCLE, REGULAR AND OTHER MARKED SPECIALIZED TYPES) OF CLEARLY IDENTIFIABLE PARKING SPACES ON SURFACE PARKING AREAS, LOTS AND IN PARKING STRUCTURES. STRIPING OF CLEARLY IDENTIFIABLE PARKING SPACES ON SURFACE PARKING AREAS AND LOTS.

10. AS DESIGNATED BY THE CLIENT, A DETERMINATION OF THE RELATIONSHIP AND LOCATION OF CERTAIN DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUAN

(A) PLANS AND/OR REPORTS PROVIDED BY CLIENT (WITH REFERENCE AS TO THE SOURCES OF INFORMATION) (B) MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY

TO SECTION 5.E.IV.) AS DETERMINED BY:

NOTE - WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUAN TO SECTION 5.E.IV. OF THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE

ALL UTILITY SERVICES REQUIRED FOR THE OPERATION OF THE PROPERTY EITHER ENTER 12. IF APPLICABLE, GOVERNMENTAL AGENCY SURVEY-RELATED REQUIREMENTS (E.G., HUD SURVEYS, SURVEYS FOR LEASES ON BUREAU OF LAND MANAGEMENT MANAGED LANDS).

THE RELEVANT SURVEY REQUIREMENTS ARE TO BE PROVIDED BY THE CLIENT OR CLIENT'S DESIGNATED REPRESENTATIVE 3. NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS. IF MORE THAN ONE OWNER, IDENTIFY THE FIRST OWNER'S NAME LISTED IN THE TAX RECORDS FOLLOWED

4. DISTANCE TO THE NEAREST INTERSECTING STREET 15. IF REQUESTED, RECTIFIED ORTHOPHOTOGRAPHY, PHOTOGRAMMETRIC MAPPING, REMOTE SENSING, AIRBORNE/MOBILE LASER SCANNING AND OTHER SIMILAR PRODUCTS, TOOLS O TECHNOLOGIES AS THE BASIS FOR SHOWING THE LOCATION OF CERTAIN FEATURES (FXCLUDING BOUNDARIES) WHERE GROUND MEASUREMENTS ARE NOT OTHERWISE NECESSARY TO LOCATE THOSE FEATURES TO AN APPROPRIATE AND ACCEPTABLE ACCURACY RELATIVE TO A NEARBY BOUNDARY. THE SURVEYOR MUST (A) DISCUSS THE RAMIFICATIONS OF SUCH METHODOLOGIES (E.G., THE POTENTIAL PRECISION AND COMPLETENESS OF THE DATA GATHERED THEREBY) WITH THE INSURER, LENDER, AND CLIENT PRIOR TO THE PERFORMANCE OF THE SURVEY, AND (B) PLACE A NOTE ON THE FACE OF THE SURVEY EXPLAINING THE SOURCE, DATE, PRECISION, AND OTHER

RELEVANT QUALIFICATIONS OF ANY SUCH DATA. 6. EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. . PROPOSED CHANGES IN STREET RIGHT OF WAY LINES. IF SUCH INFORMATION IS MADE

AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. 8. PURSUANT TO SECTIONS 5 AND 6 (AND APPLICABLE SELECTED TABLE A ITEMS, EXCLUDING TABLE A ITEM 1), INCLUDE AS PART OF THE SURVEY ANY PLOTTABLE

OFFSITE (I.E., APPURTENANT) EASEMENTS DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE AMOUNT REQUIRED BY THE STANDARD TERMS AND CONDITIONS OF IN-N-OUT BURGERS, A CALIFORNIA CORPORATION, WHICH HAVE BEEN AGREED TO AND ACCEPTED BY

SURVEYOR. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST, BUT THIS ITEM SHALL NOT BE ADDRESSED ON THE FACE OF THE PLAT OR MAP. 20. LEGAL DESCRIPTION AND EASEMENTS/ENCUMBRANCES FROM IN-N-OUT PROVIDED PRELIMINARY TITLE REPORT.

1. ITEMS LISTED IN THE ATTACHED IN-N-OUT BURGER SURVEY CRITERIA. 22. VICINITY MAP SHOWING THE PROPERTY SURVEYED IN REFERENCE TO NEARBY HIGHWAY(S) OR MAJOR STREET INTERSECTION(S).

IN-N-OUT BURGER EXHIBIT "A" CERTIFICATE OF SURVEYOR TO: FIRST AMERICAN TITLE INSURANCE COMPANY AND IN-N-OUT BURGERS, A CALIFORNIA

THE UNDERSIGNED HEREBY CERTIFIES THAT:

THE UNDERSIGNED PREPARED THE ATTACHED PRINT OF SURVEY, DRAWING JOB NO. 24018, DATED DECEMBER 26, 2024 (THE "SURVEY") OF THE PROPERTY REFLECTED IN THE

THE SURVEY WAS MADE ON THE GROUND FOR THE PROPERTY LEGALLY DESCRIBED ON THE SURVEY AND IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY DESCRIBED ON THE SURVEY.

EXCEPT AS SHOWN, THE TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME.

THE SURVEY CORRECTLY SHOWS: A. A FIXED AND DETERMINABLE POSITION AND LOCATION OF THE PERIMETER OF THE

PROPERTY DESCRIBED THEREON BY COURSES AND DISTANCES (INCLUDING THE

POSITION OF THE POINT OF BEGINNING IF THE PROPERTY IS DESCRIBED BY METES AND BOUNDS): B. THE SIZE, LOCATION (INCLUDING DISTANCE FROM THE NEAREST FACING EXTERIOR PROPERTY LINES) AND TYPE OF BUILDINGS AND IMPROVEMENTS ON THE PROPERTY AND ALL OTHER IMPROVEMENTS REQUIRED TO BE SHOWN THEREON IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE

SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2021 (THE "MINIMUM STANDARDS"): ALL DEDICATED PUBLIC STREETS AND ALLEYS ABUTTING THE PROPERTY AND PROVIDING ACCESS THERETO, TOGETHER WITH THE WIDTH THEREOF AND ALL

DRIVEWAYS OR OTHER CURB CUTS IN THE CURB ALONG ANY SUCH STREETS: AND . THE LOCATION OF ALL EASEMENTS, ENCROACHMENTS, RIGHTS—OF—WAY AND OTHER MATTERS OF RECORD (WITH RECORDING REFERENCE) BASED ON COMMITMENT FOR TITLE INSURANCE WITH A COMMITMENT NO. NCS-1224667-SA1 FROM FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES DATED JULY 09, 2024 AND THE LOCATION OF ALL EASEMENTS, ENCROACHMENTS AND RIGHTS-OF-WAY OF WHICH I HAVE KNOWLEDGE OR HAVE BEEN ADVISED, WHETHER OR NOT OF RECORD.

THE PARKING AREAS (INCLUDING STRIPING, IF STRIPED) AND THE TYPE (E.G. HANDICAPPED, MOTORCYCLE, REGULAR, ETC.) AND THE NUMBER OF PARKING SPACES BY EACH TYPE

THERE IS NO VISIBLE EVIDENCE OF EASEMENTS AND/OR SERVITUDES OF ANY KIND WHICH ACTUALLY SERVICE OR CROSS THE PROPERTY. OR RIGHTS-OF-WAY OR USES AFFECTING THE PROPERTY APPEARING FROM A CAREFUL PHYSICAL INSPECTION OF THE PROPERTY, OTHER THAN THOSE SHOWN AND DEPICTED ON THE SURVEY.

THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, PARTY WALLS, ENCROACHMENTS OF STRUCTURAL APPURTENANCES AND PROJECTIONS BY OR ON ABUTTING STREETS, ON ANY EASEMENTS OR OVER SETBACK LINES, EXCEPT AS SHOWN AND DEPICTED ON THE SURVEY.

PARKING LOT WHICH OUTLETS TO COORS BOULEVARD BYPASS NW WITH COORS BOULEVARD BYPASS NW. THE SAME BEING A PAVED PUBLICLY DEDICATED RIGHT-OF-WAY. THE BOUNDARY LINES OF THE DESCRIBED PROPERTY FORM A MATHEMATICALLY CLOSED

INGRESS TO AND EGRESS FROM THE SUBJECT PROPERTY IS PROVIDED BY A SHARED

ALL ZONING, INCLUDING PARKING REQUIREMENTS, USE AND DENSITY CLASSIFICATIONS ARE PROPERLY SHOWN HEREON.

THE PROPERTY DESCRIBED HEREIN DOES FALL WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA AND HAS A DESIGNATED FLOOD ZONE OF "X" WHICH MEANS: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE PROPERTY THROUGH ADJOINING PUBLIC STREETS, OR THE SURVEY SHOWS THE POINT OF ENTRY AND LOCATION OF ANY UTILITIES WHICH PASS THROUGH OR ARE LOCATED ON THE SURVEY WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS AND INCLUDE ALL ITEMS OF THE IN-N-OUT BURGER TABLE "A" ATTACHED HERETO AND IS BASED ON FIELD

SURVEYOR'S CERTIFICATION

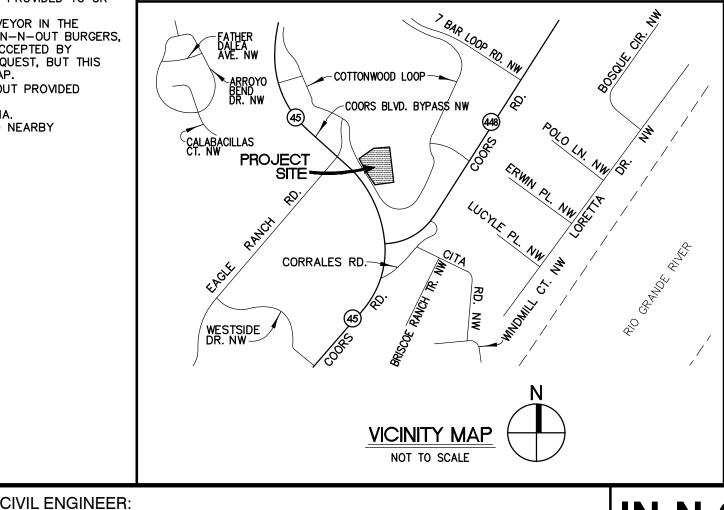
WORK PERFORMED ON JULY 02, 2024.

TO: FIRST AMERICAN TITLE INSURANCE COMPANY AND N-N-OUT BURGERS, A CALIFORNIA CORPORATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 7(A), 7(B1), 7(C), 8, 9, 11, 14, AND 16 OF TABLE THEREOF. THE FIELDWORK WAS COMPLETED ON JULY 02, 2024.

( 23780 )

MATTHEW FAULKNER P.L.S. 23780 REGISTRATION EXPIRES DECEMBER 31, 2026



NEW MEXICO GAS COMPANY

UTILITY CONTACTS

1625 RIO BRAVO SOUTHWEST ALBUQUERQUE, NM 87105

> DOMESTIC WATER BERNALILLO CO. WATER AUTHORITY ALBUQUERQUE, NM 87103

BERNALILLO CO. WATER AUTHORITY PO BOX 568 ALBUQUERQUE, NM 87103

CITY OF ALBUQUERQUE MUNICIPAL DEVELOPMENT DEPARTMENT 1 CIVIC PLAZA NORTHWEST SEVENTH FLOOR ALBUQUERQUE, NM 87102 ELECTRICAL

414 SILVER AVENUE SOUTHWEST ALBUQUERQUE, NM 87102

**TELEPHONE** CENTURYLINK/LUMEN 4301 BOGEN AVENUE NORTHEAST ALBUQUERQUE, NM 87109 CABLE TELEVISION

DANNA GALLEGOS OPERATIONS SUPERVISOR (505) 697-3139 danna.dominguez@nmgco.com

DAVID LAUGHLIN, PE DIVISION MANAGER (505) 289-3035 dlaughlin@abcwua.org

DAVID LAUGHLIN, PE DIVISION MANAGER (505) 289-3035 dlauahlin@abcwua.ord

PATRICK MONTOYA

(505) 241-3654

(505) 768-3830

patrick@cabq.gov JERROLD ORTEGA ENGINEERING MANAGER

jerrold.ortega@pnm.com NATALIA ANTONIO (505) 886-4667 natalia.antonio@lumen.com

FLOOD ZONE INFORMATION

THE SUBJECT PROPERTY IS LOCATED IN "ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" PER THE FEMA FLOOD INSURANCE RATE MAP NUMBER 35001C0108G PANEL 108 OF 825 DATED SEPTEMBER 26, 2008 FOR BERNALILLO COUNTY, NEW MEXICO AND INCORPORATED AREAS.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

#### RECORD OWNERS

DILLARD'S PROPERTIES, INC., A DELAWARE CORPORATION FEE SIMPLE (PARCEL 1) EASEMENT (PARCEL 2)

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN ON THIS ALTA MAP HAVE BEEN LOCATED FROM FIELD SURVEY AND AS BUILT INFORMATION FURNISHED TO THE SURVEYOR BY THE UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

### IN-N-OUT BURGER SURVEY CRITERIA

INITIAL SURVEY

• A CERTIFIED CURRENT BOUNDARY AND TOPOGRAPHICAL SURVEY SHALL BE PREPARED IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS AS SHOWN IN EXHIBIT A AND TABLE A SHOWING THE PROPERTY SEPARATELY BY METES AND BOUNDS: AND SHOWING. WITHOUT LIMITATION, THE LOCATION OF ALL BUILDINGS AND DIMENSIONS THEREOF; ALL SET-BACK LINES; ALL IMPROVEMENTS AND PARKING AREAS (INCLUDING THE NUMBER OF PARKING SPACES THEREIN), AND THE LOCATION THEREOF; LANDSCAPED AREA AND EXISTING TREES (INCLUDI LOCATION, TRUNK DIAMETER, LIMB SPREAD, AND NAME OF ALL TREES 3" IN DIAMETER AND GREATER AT CHEST HEIGHT); THE EXTENT OF ALL EXISTING UTILITIES, ENCROACHMENTS AND OTHER EASEMENTS ON THE PREMISES THAT ARE SHOWN ON THE TITLE COMMITMENT, OR ARE VISIBLE FROM THE SURFACE; AND FLOOD HAZARD CERTIFICATION. THE EXTENT OF THE TOPOGRAPHIC SURVEY WILL BE TO THE OPPOSITE SIDE OF THE ADJOINING ROADWAYS, INCLUDE ALL LANE STRIPING AND IMPROVEMENTS IN SAID RIGHT OF WAY AND HAVE AT LEAST A 50 FEET OVERLAP O THE PROPERTY LINE THAT IS NOT ADJOINED BY A PUBLIC RIGHT OF WAY. IN-N-OUT WILL PROVIDE A PRELIMINARY TITLE REPORT FOR THE PROPERTY FOR YOUR USE.

THE SURVEY IS TO INCLUDE ALL ABOVE AND BELOW GROUND UTILITIES (INCLUDING BUT NOT LIMITED TO POTABLE WATER, RECLAIMED WATER, STORM WATER, SANITARY SEWER, ELECTRIC, COMMUNICATION, GAS AND CABLE TV), SANITARY AND STORM SEWER STRUCTURES, WHICH ARE ON OR ADJACENT TO THE SUBJECT SITE. ALL UNDERGROUND UTILITIES WILL BE SHOWN AS IDENTIFIED BY A UTILITY LOCATING SERVICE HIRED BY YOU OR LOCAL UTILITY SERVICE PROVIDER OR AVAILABLE UTILITY MAPS. THE SANITARY AND STORM SEWER STRUCTURE WILL BE SHOWN WITH RIM. INVERT ELEVATIONS. PIPE SIZE AND TYPE OF MATERIAL. STRUCTURES THAT CANNOT BE DIRECTLY ACCESSED ARE TO BE SHOWN TO THE EXTENT OF AVAILABLE INFORMATION. LOCATE THE NEAREST HYDRANT TO THE SUBJECT SITE WITH DISTANCE TO THE NEAREST PROPERTY LINE. UTILITY SERVICE PLANNER CONTACT INFORMATION SHALL BE PROVIDED. VERTICAL DATUM WILL BE BASED ON AN ADOPTED BENCHMARK. SPOT ELEVATIONS ARE TO BI PROVIDED IN SUFFICIENT DETAIL TO PROVIDE THE DESIGN ENGINEER ADEQUATE DATA TO PREPARE A WELL DESIGNED GRADING PLAN. SPOT ELEVATIONS ARE TO BE PROVIDED ON A MAXIMUM OF TWENTY-FIVE FEET (25') APART IN OPEN AREAS, AT ALL SITE IMPROVEMENTS, AND CHANGES IN

GRADE. THE CONTOUR INTERVAL IS TO BE ONE (1) FOOT. SPOT ELEVATIONS ON HARDSCAPE TO

BE SHOWN TO THE NEAREST 0.01 FOOT AND ON SOFTSCAPE TO THE NEAREST 0.1 FOOT AT

LOCATIONS REQUIRED TO ACCURATELY DEPICT THE SITE AND AIDE IN THE DESIGN OF ANY NEW ZONING DATA IS TO BE PROVIDED INCLUDING THE BULK ZONING RESTRICTIONS, WHICH SHOULD INCLUDE DENSITY REQUIREMENTS PERTAINING TO THE MAXIMUM LAND COVERAGE OF BUILDINGS AND/OR IMPERVIOUS AREAS, ANY PARKING SPACE REQUIREMENTS SUCH AS THE NUMBER REQUIRED PER COMMERCIAL ZONING OR THE NUMBER REQUIRED PER AREA OF BUILDING(S); ZONING HEIGHT RESTRICTIONS; THE ZONING PARKING RESTRICTIONS; AND REPORT THE SOURCE OF YOUR ZONING INFORMATION INCLUDING THE ZONING AUTHORITIES NAME, CONTACT PERSON, ADDRESS, AND PHONE

YOU SHALL PROVIDE A STATEMENT OF ENCROACHMENTS UPON THE PROPERTY WITH CIRCLED IDENTIFIERS THAT LABEL THE LOCATION OF EACH ENCROACHMENT; STATE WHETHER IT IS A SUBJECT IMPROVEMENT ENCROACHMENT UPON OTHERS OR WHETHER IT IS OWNED BY OTHERS ENCROACHING UPON THE SUBJECT PROPERTY; AND GIVE THE DIMENSIONAL EXTENT OF THE ENCROACHMENT TO THE PROPERTY LINES. YOU SHALL PROVIDE A LISTING OF "NOTES CORRESPONDING TO SCHEDULE B SECTION 2" WITH A STATEMENT AFTER EACH ADVISING WHETHER THE ITEM IS OR IS NOT PLOTTED, IF NOT PLOTTED

THEN STATE WHY; STATE IF THE ITEM EFFECTS THE PROPERTY AND IF SO WHAT PORTION. IF NO

EASEMENTS OR SURVEY MATTERS EXIST IN THE TITLE COMMITMENT, THEN BENEATH THIS HEADING ADD "NO EASEMENT OR SURVEY MATTERS ARE CITED WITHIN THE TITLE COMMITMENT AND THEREFORE NONE ARE REPORTED HEREON." EACH ITEM SHOULD BE LISTED IN THE SAME NUMERICAL ORDER AS ON THE TITLE COMMITMENT WITH CIRCLED IDENTIFIERS PLACED ON THE DRAWING WITH LEADER LINES AND ARROWS POINTING TO THE LIMITS OF EACH EASEMENT. YOU SHALL CERTIFY THE INITIAL SURVEY TO ENTITIES REQUESTED BY IN-N-OUT. PRIOR TO FINAL PREPARATION OF THE INITIAL SURVEY, CONSULTANT SHALL REQUEST FROM IN-N-OUT THE LIST OF CERTIFIED PARTIES. PROVIDE IN-N-OUT FOUR (4) SIGNED COPIES OF THE SURVEY ALONG WITH AN ELECTRONIC VERSION OF THE SURVEY IN AUTOCAD.

IN-N-OUT MAY REQUEST CONSULTANT UPDATE TO INITIAL SURVEY TO REFLECT AN UPDATED SCHEDULE B SECTION 2 LIST OF EXCEPTIONS FROM AN AMENDMENT TO THE PRELIMINARY TITLE REPORT. THIS AMENDMENT WILL ELIMINATE EXCEPTIONS PREVIOUSLY NOTED. PROVIDE IN-N-OUT FOUR (4) SIGNED COPIES OF THE SURVEY ALONG WITH AN ELECTRONIC VERSION OF THE SURVEY IN PLEASE PROVIDE LINE ITEM, NOT TO EXCEED PRICING FOR THE ABOVE LISTED SERVICES. CONSULTANTS ESTIMATE SHOULD INCLUDE THE COST OF SINGLE COPIES OF MATERIALS PREPARED

CERTIFICATE OF SURVEYOR

• THE INITIAL SURVEY AND ALL UPDATES THERETO SHALL CONTAIN A CERTIFICATE OF SURVEYOR IN THE FORM ATTACHED HERETO AS EXHIBIT A, DULY EXECUTED BY YOU.

BY CONSULTANT FOR OWNER REVIEW, UNLESS SPECIFICALLY STATED OTHERWISE.

**LEGEND** 

TOP OF CONCRETE CURB FINISHED CONCRETE SURFACE ASPHALTIC CEMENT PAVEMENT

FLOW LINE FINISHED GRADE OF DIRT FINISHED FLOOR OF BUILDING

BACK OF SIDEWALK EDGE OF GUTTER INVERT

GRADE BREAK TOP OF BERM EDGE OF A.C. PAVEMENT

PROPERTY LINE CENTER LINE TOP OF WALL

TOP OF RETAINING WALL TOP OF FOOTING TOP OF DRAIN BOX GRATE EDGE OF A.C. PAVEMENT CONCENTRATED FLOW LINE

SHEET FLOW DRAINAGE TOP OF HEADWALL EXISTING ELEVATION

EXISTING CONTOUR ELEVATION PROPOSED ELEVATION PROPOSED CONTOUR ELEVATION INSIDE DIAMETER

OUTSIDE DIAMETER ——G—— GAS MAIN WATER MAIN ——S—— SANITARY SEWER

——E—— UNDERGROUND ELECTRICAL CONDUIT T——T—— UNDERGROUND TELEPHONE CONDUIT STORM DRAIN —cтv— UNDERGROUND CABLE TELEVISION CONDUIT

----TSC--- TRAFFIC SIGNAL CONDUIT WATER VALVE WATER METER FIRE HYDRANT

GAS METER SANITARY SEWER MANHOLE POWER POLE STREET LIGHT

CLEANOUT IRON PIPE LIGHT POLE

STORM DRAIN MANHOLE REINFORCED CONCRETE PIPE CHAIN LINK FENCE ICV IRRIGATION CONTROL VALVE

IRRIGATION CONTROL BOX GUARD POST WROUGHT IRON FENCE BUILDING ROOF OVERHANG

TRAFFIC SIGNAL POLE PULL BOX LANDSCAPED PLANTER AREA TELEPHONE PULL BOX

TELEPHONE MANHOLE ELECTRIC PULL BOX TRAFFIC SIGNAL CONDUIT STREET LIGHT CONDUIT

TRAFFIC SIGNAL PULL BOX TRAFFIC SIGNAL PEDESTAL BACKFLOW PREVENTION DEVICE TRASH ENCLOSURE

ELECTRIC PAD MOUNT TRANSFORMER

CATCH BASIN ROOF DRAIN PARKING REGULATION SIGN SPEED LIMIT SIGN

FLAG POLE DIRECTIONAL SIGN FIBEROPTICS PORTABLE TRASH RECEPTACLE

FIRE SPRINKLER RISER CONTAINMENT PIPE MONITORING WELL

RECLAIMED WATER RECLAIMED WATER METER

PRELIMINARY TITLE REPORT IN-N-OUT BURGER TOP OF SIGN

SANITARY SEWER FORCED MAIN

NO STOPPING ANYTIME SURVEY CONTROL POINT

IN-N-OUT BURGER A.L.T.A./N.S.P.S. LAND TITLE

**|SHEET 1 OF 5** 

DEVELOPER: **IN-N-OUT BURGER** 13502 HAMBURGER LANE BALDWIN PARK, CA 91706 CONTACT: BRIGID WILLIAMS PHONE: 626 813-5398

Underground Service Alert Call: Toll Free TWO WORKING DAYS

•55-FOOT OUTSIDE RADIUS ON CURVES.

24. FIRE DEPARTMENT REQUIREMENTS PER (1):

MATTHEW FAULKNER

**S&F Land Services** Land Surveying & Remote Sensing

> (503) 345-0328 DECEMBER 26, 2024 P.L.S. 23780

JOB NO. XXXXXXX

MEX 23780

ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS SPECIALIZING IN SITE DEVELOPMENT 301 NORTH SAN DIMAS AVENUE, SAN DIMAS, CA. 91773 (909) 305-2395 FAX (909) 305-2397

AARON D. PELLOW

COTTONWOOD MALL NEW STORE | SURVEY MAP

SEC COORS BOULEVARD BYPASS NW AND EAGLE RANCH ROAD ALBUQUERQUE, NM 79000

RECOMMENDED TEXT [ADDITIONS] IN BRACKETS. REFERENCE: FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES COMMITMENT FOR TITLE INSURANCE WITH A COMMITMENT NO. OF 2880782-AL01 DATED JULY 09, 2024 OUT OF THEIR ALBUQUERQUE, NM OFFICE.

THE LAND REFERRED TO HEREIN BELOW IN SITUATED IN THE [CITY OF ALBUQUERQUE.] COUNTY OF BERNALILLO, STATE OF NEW MEXICO, AND IS DESCRIBED AS FOLLOWS:

A PROPOSED PORTION OF TRACT B-2-A, COTTONWOOD MALL, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED. "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A 6 [&] B-5-A-1, SECOND REVISION PLAT, COTTONWOOD MALL, ALBUQUERQUE, NEW MEXICO, JUNE, 1996", FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY. NEW MEXICO ON JANUARY 31, 1997, IN PLAT BOOK 97C, PAGE 33.

NOTE: THE ABOVE LEGAL DESCRIPTION WILL BE AMENDED UPON COMPLIANCE WITH REQUIREMENT NO. 11, SCHEDULE BI, HEREIN.

ALBUQUERQUE, NEW MEXICO

P2]PARCEL 2:
NON-EXCLUSIVE RIGHTS OF EASEMENT IN ACCORD WITH ARTICLES 2.2, 2.3, 2.4, 2.6, 2.7, 2.9, AGREEMENT FILED DECEMBER 28, 1995, RECORDED IN BOOK 9531, PAGE 5334, AS DOCUMENT NO. 95132176, RECORDS OF BERNALILLO COUNTY, NEW MEXICO, TO THE EXTENT OF AND ONLY FOR THE DURATION AS PROVIDED FOR THEREIN.

FOR INFORMATIONAL PURPOSES ONLY ADDRESS OF PROPERTY PER COUNTY ASSESSOR'S TAX 10000 COORS BYPASS NW,

MSL ENGINEERING, INC. RECOMMENDED LEGAL DESCRIPTION FOR

THE PROPOSED IN-N-OUT BURGER LAND TO BE PURCHASED A PORTION OF TRACTS B-2-A AND A-1-A OF PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL IN THE CITY OF ALBUQUERQUE, COUNTY OF BERNALILLO, STATE OF NEW MEXICO, FILED JANUARY 31, 1997 IN VOLUME 97C AT FOLIO 33, RECORDS OF SAID COUNTY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT B-2-A; THENCE SOUTH 59°46'23" EAST 23.76 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1335.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 57°08'37" EAST, SAID POINT OF BEGINNING ALSO BEING THE TRUE POINT OF BEGINNING OF

THIS DESCRIPTION: THENCE NORTHWESTERLY 265.18 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°22'52' TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 15.00 FEET. A RADIAL LINE TO SAID BEGINNING OF REVERSE CURVE BEARS NORTH 45°45'45" EAST:

THENCE NORTHERLY 23.99 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°37'20"; THENCE NORTH 47°23'04" EAST 123.65 FEET;

THENCE NORTH 83°50'57" EAST 151.00 FEET; THENCE SOUTH 06°09'03" EAST 223.00 FEET;

THENCE SOUTH 40°29'20" EAST 64.00 FEET; THENCE SOUTH 06°09'03" EAST 42.50 FEET;

THENCE SOUTH 83°50'57" WEST 147.59 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

THE AREA OF THE ABOVE DESCRIBED LAND CONSISTS OF APPROXIMATELY 62,290 SQUARE FEET OF 1.430 ACRES.

**EXCEPTIONS TO COVERAGE FROM** 

TITLE REPORT SCHEDULE B. PART II WITH MSL ENGINEERING, INC. RECOMMENDATIONS AND OPINIONS SHOWN IN [BRACKETS]

REFERENCE: FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES COMMITMENT FOR TITLE INSURANCE WITH A COMMITMENT NO. OF 2880782-AL01 DATED JULY 09, 2024 OUT OF THEIR ALBUQUERQUE, NM OFFICE.

ITEM NO. 1
RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.

ITEM NO. 2
EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.

ITEM NO. 3
ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE

ANY LIEN, CLAIM OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.

ITEM NO. 5 COMMUNITY PROPERTY, SURVIVORSHIP, OR HOMESTEAD RIGHTS, IF ANY, OF ANY SPOUSE OF THE INSURED (OR VESTEE IN A LEASEHOLD OR LOAN POLICY).

ITEM NO. 6
WATER RIGHTS, CLAIMS OR TITLE TO WATER.

ITEM NO. 7
TAXES FOR THE YEAR 2024, AND THEREAFTER.

DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE

THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.

RESERVATIONS CONTAINED IN PATENT FROM UNITED STATES OF AMERICA RECORDED AUGUST 18, 1920 IN BOOK 64 AT PAGE 412, RECORDS OF BERNALILLO COUNTY.

HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) THE UNITED STATES OF AMERICA HAS GRANTED TO THE LEGAL REPRESENTATIVES OF FRANCISCO MONTES VIGIL AND CAPTAIN JUAN GONZALES AND TO THEIR HEIRS, PRIVATE LAND CLAIM DOCKET NO. 91, NEW MEXICO, CONSISTING OF 89 346 ACRES SUBJECT TO THE PROVISION THAT THIS GRANT SHALL NOT CONFER ANY RIGHT OR TITLE TO ANY GOLD, SILVER, OR QUICK SILVER MINES OR MINERALS OF THE SAME, BUT ALL SUCH MINES AND MINERALS SHALL REMAIN THE PROPERTY OF THE UNITED STATES WITH THE RIGHT OF WORKING THE SAME, AND THAT THE SAID GRANT IS MADE SUBJECT TO ALL THE LIMITATIONS AND TERMS OF THE SAID ACT OF CONGRESS OF MARCH 03, 1891, AND ALL THE RESTRICTIONS AND LIMITATIONS OF SAID DECREE.

RESERVATION OF 1/2 OF ALL OIL, GAS, URANIUM AND OTHER MINERALS AS RESERVED WITH CONDITIONS, IN FAVOR OF A.F. BLACK AND JUNE BLACK, HIS WIFE, AND ALBERT J. BLACK AND MARY JANE BLACK, HIS WIFE, IN THE DOCUMENT ENTITLED "WARRANTY DEED" DATED NOVEMBER 01, 1959, RECORDED NOVEMBER 19, 1959 IN BOOK D-513 AT PAGE 189, RECORDS OF BERNALILLO COUNTY. SAID DOCUMENT, BY ITS OWN TERM PROHIBITS EXPLORATION FOR MINERALS OR THE REMOVAL THERE FROM AS TO ADVERSELY AFFECT THE SURFACE OF THE GROUND OR ANY IMPROVEMENTS WHICH ARE OR MAY BE PLACED ON THE LAND.

[AMONG OTHER THINGS, THE ABOVE DEED STATES THAT (1) THE GRANTING OF 8,500 ACRES OF LAND IS SUBJECT TO THE FOLLOWING (a) LIEN OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, IF ANY, (b) PATENT RESERVATIONS, (c) GAS LINE EASEMENT OR EASEMENTS, (d) UTILITY AND RIGHT-OF-WAY EASEMENTS OF RECORD; AND (2) THE PROPERTY IS CONVEYED AND SOLD ALSO SUBJECT TO THE FOLLOWING COVENANTS AND RESERVATIONS: (a) THERE IS RESERVED BY THE GRANTORS AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS, URANIUM AND OTHER MINERALS, (HEREINAFTER CALLED MINERALS), IN, ON OR UNDER SUCH LAND, SUBJECT TO THE FOLLOWING: UPON THE CONSTRUCTION OF ANY BUILDING ON THE PREMISES, THEN SUCH MINERAL RIGHTS ARE TO BE RELEASED AS TO THE LAND ON WHICH ANY SUCH BUILDING HAS BEEN ERECTED AS HEREINAFTER PROVIDED, AND (b) NO EXPLORATION FOR MINERALS OR THE REMOVAL THEREFROM SHALL BE SO ACCOMPLISHED AS TO AFFECT ADVERSELY THE SURFACE OF THE GROUND OR ANY IMPROVEMENTS WHICH ARE OR MAY BE PLACED ON THE LAND, AND IF THE LAND IS LEASED FOR MINERALS, THEN IN THAT EVENT GRANTORS, THEIR HEIRS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS ARE ENTITLED TO ONE-HALF OF ALL SUMS RECEIVED BY WAY OF RENTALS WHETHER DELAYED OR OTHERWISE.]

THE EFFECT OF THE DOCUMENT EXECUTED BY NEW MEXICO UTILITIES, INC., ENTITLED "AFFIDAVIT" DATED NOVEMBER 19, 1996, RECORDED DECEMBER 04, 1996, AS DOCUMENT NO. 96130372, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THE ABOVE DEED STATES THAT (1) ROBERT L. SWARTWOUT, PRESIDENT OF NEW MEXICO UTILITIES. INC. ("NMU") FORMERLY KNOWN AS PARADISE COMMUNITY SERVICES. AND WESTERN PACIFIC SANITATION CO. ("WESTERN PACIFIC"). IN ORDER TO CLARIFY THE PURPOSE OF A WATER SERVICE AGREEMENT DATED JANUARY 20. 1961 EXECUTED BY PARADISE SERVICES AND A SEWER SYSTEM AGREEMENT EXECUTED BY WESTERN PACIFIC DATED JANUARY 14, 1961, BOTH RECORDED IN THE REAL PROPERTY RECORDS OF BERNALILLO COUNTY AND WHICH IMPOSE CERTAIN OBLIGATIONS ON DEVELOPERS WITHIN AN AREA OF 8,500 ACRES.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN SALLY BLACK RUSCITTI ("LESSOR"), AND TECTON ENERGY, LLC ("LESSEE"), ENTITLED "MEMORANDUM OF EXISTENCE OF OIL AND GAS LEASE" DATED JANUARY 05, 2008 WITHIN AN AREA OF 8,500 ACRES, FILED MARCH 03, 2008 AS DOCUMENT NO. 2008023956, RECORDS OF BERNALILLO COUNTY.

THE EFFECT OF THE DOCUMENT BY AND BETWEEN AMY G. BLACK ("LESSOR"), AND TECTON ENERGY, LLC ("LESSEE"), ENTITLED "MEMORANDUM OF EXISTENCE OF OIL AND GAS LEASE" DATED JANUARY 05. 2008 WITHIN AN AREA OF 8,500 ACRES, FILED MARCH 03, 2008 AS DOCUMENT NO. 2008023957, RECORDS OF BERNALILLO COUNTY.

THE EFFECT OF THE DOCUMENT BY AND BETWEEN RANDOLPH E. BLACK ("LESSOR"), AND TECTON ENERGY, LLC ("LESSEE"), ENTITLED "MEMORANDUM OF EXISTENCE OF OIL AND GAS LEASE" DATED JANUARY 05, 2008 WITHIN AN AREA OF 8,500 ACRES, FILED MARCH 03, 2008, RECORDED AS DOCUMENT NO. 2008023958, RECORDS OF BERNALILLO COUNTY.

ITEM NO. 11
A RIGHT-OF-WAY AND EASEMENT GRANTED TO SOUTHERN UNION GAS COMPANY, INCORPORATED, ITS SUCCESSORS AND ASSIGNS ("GRANTEE"), FOR PIPE LINE, TELEGRAPH AND TELEPHONE LINES AND INCIDENTAL PURPOSES, INCLUDING THE RIGHT TO CONSTRUCT, MAINTAIN, AND OPERATE A PIPE LINE AND APPURTENANCES THERETO AND APPURTENANCES THEREON, AND TO CONSTRUCT, MAINTAIN, AND OPERATE TELEGRAPH AND TELEPHONE LINES IN CONNECTION THEREWITH, IN THE DOCUMENT ENTITLED "RIGHT OF WAY" DATED AUGUST 29, 1930, RECORDED SEPTEMBER 17, 1930 IN BOOK 112 AT PAGE 515, RECORDS OF BERNALILLO COUNTY.

A RIGHT-OF-WAY AND EASEMENT GRANTED TO ALBUQUERQUE NATURAL GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS ("GRANTEE"), FOR PIPE LINES, TELEGRAPH. TELEPHONE AND INCIDENTAL PURPOSES, INCLUDING THE RIGHT TO CONSTRUCT. MAINTAIN. AND OPERATE PIPE LINES AND APPURTENANCES THERETO AND CONSTRUCT, MAINTAIN AND OPERATE TELEGRAPH AND TELEPHONE LINES IN CONNECTION THEREWITH, TOGETHER WITH THE NECESSARY POLES, GUY WIRES AND ANCHORS IN THE DOCUMENT ENTITLED "RIGHT OF WAY" DATED DECEMBER 15, 1930, RECORDED DECEMBER 12, 1931 IN BOOK 123 AT PAGE 152, RECORDS OF

A RIGHT-OF-WAY AND RELEASE OF CLAIMS GRANTED TO SOUTHERN UNION GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS ("GRANTEE"), FOR PIPELINES AND INCIDENTAL PURPOSES. INCLUDING THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE AND/OR REMOVE A PIPE LINE AND APPURTENANCES THERETO, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE TELEGRAPH AND TELEPHONE LINES, IN THE DOCUMENT ENTITLED "RIGHT OF WAY GRANT AND RELEASE OF CLAIMS" DATED JULY 18, 1955, RECORDED MARCH 29, 1956 IN BOOK D346 AT PAGE 356, RECORDS OF BERNALILLO COUNTY.

THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

[WE RECOMMEND THAT ALL 3 DEED REFERENCES BE DELETED AS THEY ARE LOCATED AT LEAST APPROXIMATELY 1,600' NORTHERLY OF THE SURVEYED PROPERTY.]

ITEM NO. 12
RIGHT-OF-WAY AND EASEMENT GRANTED TO SOUTHERN UNION GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN, LAY, REMOVE, REPLACE AND OPERATE PIPE LINES AND APPURTENANCES THERETO, AND TO CONSTRUCT, MAINTAIN AND OPERATE TELEGRAPH AND TELEPHONE LINES IN CONNECTION THEREWITH, TOGETHER WITH THE NECESSARY POLES, GUY WIRES AND ANCHORS, BY THE DOCUMENT ENTITLED "RIGHT OF WAY GRANT" DATED JANUARY 12, 1946, RECORDED JANUARY 14, 1946 IN BOOK 220 AT PAGE 547, RECORDS OF BERNALILLO

THE RIGHT GRANTED TO SOUTHERN UNION GAS COMPANY TO INSTALL ONE ADDITIONAL PIPE LINE IN AN EXISTING EASEMENT BY THE DOCUMENT ENTITLED "SUPPLEMENTAL RIGHT OF WAY GRANT" DATED FEBRUARY 28, 1961, RECORDED MARCH 7, 1961 IN BOOK D585 AT PAGE 409, RECORDS OF BERNALILLO COUNTY.

(PARCEL 2)

[[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

[WE RECOMMEND THAT BOTH DEED REFERENCES OF THIS ITEM BE DELETED AS THEY ARE LOCATED AT LEAST APPROXIMATELY 1,600' NORTHERLY OF THE SURVEYED PROPERTY.]

ITEM NO. 13
AN EASEMENT IN FAVOR OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, ITS SUCCESSORS AND ASSIGNS. FOR TELEPHONE AND TELEGRAPH AND INCIDENTAL PURPOSES, INCLUDING THE RIGHT, PRIVILEGE, AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, OPERATE MAINTAIN AND REPAIR ITS LINES OF TELEPHONE AND TELEGRAPH, INCLUDING UNDERGROUND CONDUIT, CABLES, WIRES AND FIXTURES, IN THE DOCUMENT DATED JUNE 23, 1960, RECORDED JULY 15, 1960 IN BOOK D552 AT PAGE 149 AS DOCUMENT NO. 78072, RECORDS OF BERNALILLO

(PARCEL 2)

[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 500' SOUTHEASTERLY OF THE SURVEYED PROPERTY.]

ITEM NO. 14
A RIGHT OF WAY EASEMENT IN FAVOR OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR TELEPHONE AND TELEGRAPH, AND INCIDENTAL PURPOSES, INCLUDING THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPAIR ITS LINES OF TELEPHONE AND TELEGRAPH, INCLUDING UNDERGROUND CONDUIT, CABLES, WIRES AND FIXTURES, AND WITH THE RIGHT TO PERMIT THE WIRES AND FIXTURES OF ANY OTHER COMPANY AND THE RIGHT TO REMOVE BRUSH AND TREES AS REQUIRED FOR MAINTENANCE AND INSTALLATION PURPOSES, IN THE DOCUMENT ENTITLED "RIGHT OF WAY EASEMENT" DATED JULY 07, 1964, RECORDED APRIL 21, 1965 IN BOOK RW 143 AT PAGE 329, RECORDS OF BERNALILLO COUNTY.

(PARCEL 2)

[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

TWE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 1,600' NORTHERLY OF THE SURVEYED PROPERTY.]

AN EASEMENT IN FAVOR OF NEW MEXICO UTILITIES, INC., A NEW MEXICO CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR WATER SERVICES AND MAINS AND INCIDENTAL PURPOSES, INCLUDING THE RIGHT TO EXCAVATE FOR, INSTALL, MAINTAIN, REMOVE AND/OR REPLACE WATER SERVICES AND MAINS FOR THE PURPOSE OF CONVEYING WATER, IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT" DATED SEPTEMBER 21, 1984, FILED SEPTEMBER 25, 1984, RECORDED IN BOOK MISC. 158A AT PAGE 693 AS DOCUMENT NO. 8473685, RECORDS OF BERNALILLO COUNTY.

(PARCEL 2)

[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

ITEM NO. 16
A PERPETUAL UNDERGROUND EASEMENT IN FAVOR OF 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 THE STATE OF NEW MEXICO. FOR THE PURPOSE OF BUILDING. CONSTRUCTING. OPERATING AND MAINTAINING UNDERGROUND ELECTRIC POWER TRANSMISSION AND COMMUNICATION LINES. AND INCIDENTAL PURPOSES, IN THE DOCUMENT ENTITLED "GRANT OF UNDERGROUND EASEMENT" DATED MAY 25, 1984, RECORDED JANUARY 17, 1985 IN BOOK MISC. 192A AT PAGE 968 AS DOCUMENT NO. 854228, RECORDS OF BERNALILLO COUNTY.

(PARCEL 2)

THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1. B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 1,300' NORTHERLY OF THE SURVEYED PROPERTY.]

A 30.00 FOOT WIDE EXCLUSIVE REALIGNED SUBSURFACE EASEMENT IN FAVOR OF GAS COMPANY OF NEW MEXICO. A NEW MEXICO CORPORATION AND A DIVISION OF PUBLIC SERVICE COMPANY OF NEW MEXICO ("GRANTEE"), FOR THE PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING, LAYING, REMOVING AND REPLACING GAS PIPELINES AND APPURTENANCES, IN THE DOCUMENT ENTITLED "AMENDED AND RESTATED RIGHT OF WAY GRANT" DATED SEPTEMBER 19, 1994, RECORDED SEPTEMBER 20, 1994 IN BOOK 94-26 AT PAGE 9234 AS DOCUMENT NO. 94114777, RECORDS OF BERNALILLO COUNTY.

(PARCEL 2)

[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

[WE RECOMMEND THAT ITEM ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 1,300' NORTHERLY OF THE SURVEYED PROPERTY.]

ITEM NO. 18
A 20.00 FOOT WIDE SUBSURFACE EASEMENT IN FAVOR OF THE CITY OF ALBUQUERQUE, A NEW MEXICO MUNICIPALITY ("GRANTEE"), ITS SUCCESSORS AND ASSIGNS. FOR THE SOLE PURPOSES OF MAINTAINING, OPERATING, INSPECTING, ALTERING, REPLACING, AND REMOVING SUBSURFACE LINES, PIPES, CONDUITS AND APPURTENANCES FOR STORM SEWERS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE EASEMENT, IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" DATED DECEMBER 01, 1994, RECORDED JANUARY 05, 1995 IN BOOK 95-1 AT PAGE 2613 AS DOCUMENT NO. 95001280, RECORDS OF BERNALILLO COUNTY.

[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.]

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 250' SOUTHEASTERLY OF THE SURVEYED PROPERTY.]

AARON D. PELLOW

PSE 19 ITEM NO. 19
A 20.00 FOOT WIDE EASEMENT RECORDED FROM SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP ("GRANTOR"), TO NEW MEXICO UTILITIES, INC., A NEW MEXICO CORPORATION ("GRANTEE"), ITS SUCCESSORS AND ASSIGNS, FOR WATER AND SANITARY SEWER PURPOSES. IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" DATED NOVEMBER 29. 1994. RECORDED JANUARY 05, 1995 IN BOOK 95-1 AT PAGE 2894 AS DOCUMENT NO. 95001389, RECORDS OF BERNALILLO COUNTY.

[THIS ITEM IS ALSO SHOWN ON THE PLAT ENTITLED "REPLAT OF TRACTS H-1 AND H-2, SEVEN BAR RANCH NOW COMPRISING COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. S-99-57 FILED JANUARY 06, 1995 AS DOCUMENT NO. 95001954 IN PLAT BOOK 97C AT PAGE 5, RECORDS OF BERNALILLO COUNTY.]

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) THE SANITARY SEWER EASEMENT (PSE: PUBLIC SEWER EASEMENT) IS LOCATED AT LEAST APPROXIMATELY 140' NORTHWESTERLY OF THE SURVEYED PROPERTY; (2) THE WATER EASEMENT ORIGINALLY ENCUMBERED THE SURVEYED PROPERTY BUT WAS LATER VACATED BY THE PLAT ENTITLED "PLAT OF TRACTS A-1-A. B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31. 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY; (3) THE PROPOSED WATER EASEMENT IS SHOWN ON EXHIBIT "A" AND THE PROPOSED SANITARY SEWER EASEMENT IS SHOWN ON EXHIBIT "B"; (4) THE EASEMENTS ARE FOR THE SOLE PURPOSES OF INSTALLING, CONSTRUCTING, MAINTAINING, OPERATING, INSPECTING, ALTERING, REPLACING AND REMOVING LINES, PIPES AND APPURTENANCES ("FACILITIES") FOR THE TRANSMISSION, DISTRIBUTION AND COLLECTION OF WATER AND WASTE WATER (SANITARY SEWER), AND SUBJECT TO THE TERMS AND CONDITIONS OF THIS AGREEMENT; (5) THE GRANTEE'S WORK SHALL BE PERFORMED SO AS NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE SURFACE OF THE EASEMENT AREA BY GRANTOR, ITS SUCCESSORS, ASSIGNS, TENANTS, SUBTENANTS AND INVITEES; (6) THIS GRANT SHALL CARRY WITH IT THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE EASEMENT AREA AT ALL REASONABLE TIMES; (7) GRANTOR HEREBY RESERVES AND SHALL HAVE THE RIGHT TO PAVE THE EASEMENT AREA WITH ASPHALTIC OR OTHER PAVING MATERIAL AND TO USE THE SAME AS A DRIVEWAY, AN AUTOMOBILE PARKING AREA, SIDEWALK OR FOR ANY OTHER USE OR PURPOSE WHICH IS NOT INCONSISTENT WITH GRANTEE'S RIGHTS HEREUNDER, PROVIDED THAT GRANTOR SHALL NOT, WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE, ERECT ANY PERMANENT BUILDINGS OR STRUCTURES, OR PLANT TREES AND LARGE BUSHES, UPON THE SURFACE OF THE EASEMENT AREA; (8) EXCEPT FOR WORK REQUIRED FOR AN EMERGENCY, NO WORK SHALL BE INITIATED OR CARRIED ON DURING THE PERIOD FROM NOVEMBER 20 OF ANY YEAR THROUGH JANUARY 15 OF THE IMMEDIATELY SUCCEEDING YEAR OR DURING THE TWO WEEKS PRIOR TO EASTER AND ANY WORK OR RESTORATION THERETOFORE IN PROGRESS SHALL BE PROSECUTED TO COMPLETION PRIOR TO SUCH PERIODS; AND (9) EXCEPT IN THE INSTANCE OF WORK REQUIRED FOR AN EMERGENCY, GRANTEE SHALL GIVE GRANTOR PRIOR WRITTEN NOTICE AT LEAST 24 HOURS IN ADVANCE OF PERFORMING ANY SUCH WORK.]

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 140' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

ITEM NO. 20
THE EFFECT OF THE DOCUMENT BY AND BETWEEN BETWEEN SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP, D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("GRANTOR"), AND PUBLIC SERVICE COMPANY OF NEW MEXICO, A NEW MEXICO CORPORATION ("GRANTEE"). ENTITLED "SUPPLEMENT TO PUBLIC UTILITY EASEMENTS" DATED DECEMBER 07. 1994, RECORDED JANUARY 09, 1995 IN BOOK 95-1 AT PAGE 4913 AS DOCUMENT NO. 95002255, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) GRANTOR, PURSUANT TO THAT CERTAIN REPLAT OF TRACTS H-1 AND H-2, SEVEN BAR RANCH NOW COMPRISING COTTONWOOD MALL, ALBUQUERQUE, NEW MEXICO, FILED JANUARY 06, 1995 (PTR NO. 28A), GRANTED GRANTEE CERTAIN PUBLIC UTILITY EASEMENTS (THE "EASEMENTS"), WHICH EASEMENTS WERE SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN THE PLAT; (2) GRANTOR DESIRES TO SUPPLEMENT SUCH TERMS AND CONDITIONS AND FURTHER TO PROVIDE THAT THE RIGHTS GRANTED TO THE GRANTEE WILL BE SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN THIS SUPPLEMENT; AND (3) SAID PARTIES HERETO MUTUALLY COVENANT AND AGREE AS FOLLOWS: (a) ALL WORK PERFORMED BY GRANTEE PURSUANT TO THE EASEMENTS SHALL BE DONE AT NO COST OR EXPENSE TO THE GRANTOR UNLESS THE NEED FOR SUCH WORK IS CAUSED BY THE GRANTOR OR IN THE INSTANCE OF A RELOCATION OR MODIFICATION, SUCH RELOCATION OR MODIFICATION IS REQUESTED OR CAUSED BY THE GRANTOR, (b) GRANTEE SHALL MAKE A REASONABLE ATTEMPT TO GIVE GRANTOR PRIOR NOTICE AT LEAST 24 HOURS IN ADVANCE OF PERFORMING ANY SUCH WORK, EXCEPT IN THE INSTANCE OF WORK REQUIRED FOR AN EMERGENCY, (c) GRANTOR MAY GRANT EASEMENTS TO OTHER UTILITIES OR SERVICES, AND TO TENANTS OR OCCUPANTS OF LAND OWNED BY PROPERTY OWNERS, WHICH EASEMENTS MAY TRAVERSE, INTERSECT, TRANSECT OR OTHERWISE LIE WITHIN OR BENEATH THE SURFACE OF THE EASEMENTS PROVIDED THAT SAID ADDITIONAL EASEMENTS DO NOT INTERFERE WITH THE CONTINUING USE OF THE EASEMENTS, AND SUCH OTHER UTILITIES, SERVICES, TENANTS OR OCCUPANTS NOTIFY ALBUQUERQUE BLUE STAKE BEFORE DIGGING IN SAID EASEMENTS, AND ANY SURFACE STRUCTURE BELONGING TO SUCH OTHER UTILITIES OR SERVICES SHALL NOT BE LOCATED DIRECTLY OVER ANY UTILITY LINE OWNED BY THE GRANTEE.]

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 500' PRRE (2) ITEM NO. 21
THE COVENANTS, CONDITIONS, RESTRICTIONS, TERMS, PROVISIONS, ASSESSMENTS, LIENS, LEVIES
THE COVENANTS, CONDITIONS, RESTRICTIONS, TERMS, PROVISIONS, ASSESSMENTS, LIENS, LEVIES AND EASEMENTS (PRRE: PRIVATE RECIPROCAL EASEMENTS) BY AND AMONG SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP (D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP) ("DEVELOPER"), DILLARD DEPARTMENT STORES, INC., A DELAWARE CORPORATION ("DILLARD"), THE MAY DEPARTMENT STORES COMPANY, A NEW YORK CORPORATION ("MAY"), 998 MONROE CORPORATION, A DELAWARE CORPORATION ("WARD"), J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION ("PENNEY"), AND MERVYN'S, A CALIFORNIA CORPORATION, QUALIFIED TO DO BUSINESS IN NEW MEXICO AS MERVYN'S INC. ("MERVYN'S"), IN THE DOCUMENT ENTITLED "CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT" (THE "REA") DATED DECEMBER 28, 1995, RECORDED DECEMBER 28, 1995 IN BOOK 95-31 AT PAGE 5334 AS DOCUMENT NO. 95132176, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

> [AMONG OTHER THINGS, THE ABOVE DEED STATES THAT (1) THE SURVEYED PROPERTY IS LOCATED MOSTLY IN THE SOUTHWESTERLY CORNER OF THE DILLARD OWNED TRACT B-2 AND PARTIALLY IN THE DEVELOPER OWNED TRACT A; (2) EXHIBIT A WHICH DESCRIBES THE LEGAL DESCRIPTION OF EACH TRACT IS MISSING FROM THIS ITEM; (3) DEVELOPER, DILLARD, MAY, WARD, PENNEY AND MERVYN'S EACH DESIRE TO GRANT TO AND EXCHANGE WITH THE OTHER PARTIES CERTAIN RECIPROCAL EASEMENTS IN. TO. OVER AND ACROSS THEIR RESPECTIVE TRACTS WITHIN THE SHOPPING CENTER SITE; (4) THE PARTIES DESIRE TO MAKE CERTAIN MUTUAL PROVISIONS FOR THE CONSTRUCTION, MAINTÉNANCE AND OPERATION OF THE COMMON AREA AND OTHER BUILDINGS AND IMPROVEMENTS UPON THE SHOPPING CENTER SITE, AND TO MAKE CERTAIN OTHER COVENANTS AND AGREEMENTS AS HEREINAFTER MORE SPECIFICALLY SET FORTH; (5) THE TERM "ACCESS ROADS" SHALL MEAN THOSE PORTIONS OF THE SHOPPING CENTER SITE AND THE RING ROAD, WHICH PROVIDE ACCESS, INGRESS AND EGRESS BETWEEN THE SHOPPING CENTER SITE, THE VARIOUS TRACTS CONTAINED WITHIN THE SHOPPING CENTER SITE AND THE PUBLIC ROADS AND HIGHWAYS, ALL AS ARE SHOWN AND IDENTIFIED AS SUCH ON EXHIBIT B; (6) THE TERM "AUTOMOBILE PARKING AREA" SHALL MEAN THOSE PORTIONS OF THE COMMON AREA TO BE AVAILABLE FROM TIME TO TIME FOR THE PASSAGE OF PEDESTRIANS AND FOR THE PASSAGE AND PARKING OF MOTOR AND OTHER VEHICLES INCLUDING BICYCLES, TOGETHER WITH ALL IMPROVEMENTS WHICH AT ANY TIME ARE ERECTED THEREON, INCLUDING THE INCIDENTAL AND INTERIOR ROADWAYS, PEDESTRIAN STAIRWAYS, WALKWAYS, BICYCLE PATHS, LIGHT STANDARDS. DIRECTIONAL SIGNS, ACCESS ROADS, DRIVEWAYS, CURBS AND LANDSCAPING WITHIN OR ADJACENT TO AREAS USED FOR PARKING OF MOTOR VEHICLES; (7) THE TERM "COMMON AREA" SHALL MEAN (a) ALL AREAS WITHIN THE EXTERIOR BOUNDARIES OF THE SHOPPING CENTER SITE WHICH ARE MADE AVAILABLE, AS HEREINAFTER PROVIDED, FOR THE GENERAL NON-EXCLUSIVE USE, CONVENIENCE AND BENEFIT OF ALL PERMITTEES, (b) EMPLOYEE PARKING AREAS, IF ANY, LOCATED UPON LAND OUTSIDE THE SHOPPING CENTER SITE WHICH MAY FROM TIME TO TIME BE PROVIDED WITH THE PRIOR WRITTEN APPROVAL OF THE PARTIES AND (c) THE RETENTION PONDS; (8) THE TERM "COMMON UTILITY LINES" SHALL MEAN ANY OF THE FOLLOWING INSTALLED UNDER THE PROVISIONS OF THIS REA AS TO THE COMMON IMPROVEMENT WORK: UTILITY SYSTEMS OR FACILITIES FOR THE SERVICE OF THE COMMON AREA OR FOR USE IN COMMON BY MORE THAN ONE OF THE PARTIES OR THEIR RESPECTIVE PERMITTEES, INCLUDING SEWER SYSTEMS (INCLUDING, WITHOUT LIMITATION, UNDERGROUND STORM AND PUBLIC OR PRIVATE SANITARY SEWER SYSTEMS AND THE RETENTION PONDS), MANHOLES, SURFACE WATER DRAINAGE SYSTEMS, UNDERGROUND DOMESTIC WATER SYSTEMS, UNDERGROUND NATURAL GAS SYSTEMS (IF GAS IS AVAILABLE), UNDERGROUND ELECTRICAL SYSTEMS, UNDERGROUND FIRE PROTECTION WATER SYSTEMS, UNDERGROUND TELEPHONE SYSTEMS AND UNDERGROUND CABLE TELEVISION AND TELECOMMUNICATIONS SYSTEMS, AND ANY REPLACEMENTS THEREOF: (9) EACH PARTY HEREBY GRANTS TO EACH OF THE OTHER PARTIES, EASEMENTS OVER THE COMMON AREA OF THE GRANTOR'S TRACT, FOR INGRESS TO AND EGRESS FROM THE GRANTEE'S TRACT, FOR THE PASSAGE AND PARKING OF VEHICLES, FOR PASSAGE AND ACCOMMODATION OF PEDESTRIANS; (10) EACH PARTY HEREBY GRANTS TO EACH OF THE OTHER PARTIES, RESPECTIVELY, EASEMENTS IN THE COMMON AREA OF ITS TRACT (OTHER THAN ANY STORE SITE AND THE ENCLOSED MALL) FOR THE INSTALLATION, OPERATION, FLOW AND PASSAGE, USE, MAINTENANCE, REPAIR. REPLACEMENT, RELOCATION AND REMOVAL OF SEPARATE UTILITY LINES AND COMMON UTILITY LINES (COLLECTIVELY THE "UTILITY LINES"); (11) ALL UTILITY LINES (WHETHER OR NOT INSTALLED PURSUANT TO THE EASEMENTS GRANTED HEREIN) SHALL BE UNDERGROUND; (12) THE LOCATION OF ALL EASEMENTS GRANTED BY THE PARTIES IN THIS SECTION 2.3 OTHER THAN THOSE EXISTING ON THE DATE HEREOF SHALL BE SUBJECT TO THE PRIOR WRITTEN APPROVAL OF THE PARTY IN WHOSE TRACT THE SAME ARE TO BE LOCATED AND NO UTILITY LINES MAY BE LOCATED WITHIN 5 FEET OF ANY STORE SITES OR EXPANSION AREAS SHOWN ON EXHIBIT B;

(13) EACH PARTY, AS GRANTOR, HEREBY GRANTS TO EACH OF THE OTHER PARTIES NÒN-EXCLUSIVE PERPETUAL EASÉMENTS FOR PEDESTRIAN AND VEHICULAR TRAFFIC WITHIN THOSE PORTIONS OF THE ACCESS ROADS ON GRANTOR'S TRACT AS SHOWN ON EXHIBIT B, FOR THE PURPOSES OF PROVIDING (I) INGRESS AND EGRESS BETWEEN A GRANTEE'S TRACT AND CORRALES ROAD, COORS BY-PASS ROAD AND SEVEN-BAR LOOP ROAD RESPECTIVELY, AND (II) VEHICULAR CIRCULATION AROUND THE SHOPPING CENTER SITE; (14) EACH PARTY WITH RESPECT TO ITS TRACT HEREBY GRANTS TO ALL OTHER PARTIES AND FOR THE BENEFIT OF ALL TRACTS WITHIN THE SHOPPING CENTER SITE EASEMENTS. OVER, UPON, UNDER AND ACROSS THE COMMON AREA LOCATED ON EACH TRACT WITHIN THE SHOPPING CENTER SITE FOR THE PURPOSE OF CAUSING THE EXISTING SURFACE WATER FLOW TO BE DIVERTED AND DIRECTED FROM A PARTICULAR TRACT ACROSS OTHER TRACTS, AND DISCHARGING ALL EXISTING OR FUTURE SURFACE WATER FLOW FROM SUCH TRACT OR TRACTS ONTO, OVER, UPON, UNDER AND ACROSS SUCH OTHER TRACTS, AND, TO THE EXTENT APPLICABLE, INTO THE RETENTION PONDS DESIGNATED AND LOCATED AS SHOWN ON EXHIBIT B; (15) THIS REA SHALL TERMINATE, EXCEP FOR THE EASEMENTS FOR THE ACCESS ROADS PROVIDED IN SECTION 2.7 AND THE EASEMENTS PROVIDED IN SECTIONS 2.3 AND 2.6 AND ANY OTHER PROVISIONS OF THIS REA WHICH BY THEIR TERMS SHALL SURVIVE SUCH DATE, ON THE EARLIEST TO OCCUR OF: (A) THE DATE WHICH IS 65 YEARS FROM THE DATE HEREOF OR (B) THE DATE ON WHICH ALL THE PARTIES MUTUALLY AGREE, UNLESS SOONER TERMINATED UNDER THE PROVISIONS OF ARTICLE 16 (HEREIN REFERRED TO AS THE "TERM" OF THIS REA); (16) THE DILLARD STORE HAS AN INITIAL PLANNED FLOOR AREA OF 165,305 SQUARE FEET, A MINIMUM FLOOR AREA OF 140,000 SQUARE FEET. AND A PERMITTED EXPANDED FLOOR AREA OF 203,705 SQUARE FEET; AND (17) AT ALL TIMES DURING THE TERM OF THIS REA EACH OF MAY. PENNEY. DILLARD AND DEVELOPER SHALL MAINTAIN UPON ITS TRACT AUTOMOBILE PARKING SPACES EQUAL TO THE GREATER OF (A) 5.0 AUTOMOBILE PARKING SPACES FOR EACH 1,000 SQUARE FEET OF FLOOR AREA ON ITS TRACT, ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B HERETO, OR (B) THE NUMBER OF SPACES REQUIRED BY ANY APPLICABLE GOVERNMENTAL REQUIREMENT.]

THE COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN SIMON PROPERTY GROUP. L.P., A DELAWARE LIMITED PARTNERSHIP D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("DEVELOPER"), AND FIRST SECURITY BANK OF NEW MEXICO, N.A., A NATIONAL BANKING ASSOCIATION ("OWNER"), IN THE DOCUMENT ENTITLED "COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT C-9 COTTONWOOD MALL" DATED JUNE 27, 1996, RECORDED JUNE 28, 1996 IN BOOK 96-18 AT PAGE 862 AS DOCUMENT NO. 96072546, RECORDS OF BERNALILLO COUNTY. BUT DELETING ANY COVENANT. CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 1,800' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

THE COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN SIMON PROPERTY GROUP L.P., A DELAWARE LIMITED PARTNERSHIP D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("DEVELOPER"), AND LONE STAR STEAKHOUSE & SALOON OF NEW MEXICO, INC., A NEW MEXICO CORPORATION ("OWNER"), IN THE DOCUMENT ENTITLED "COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT C/01 COTTONWOOD MALL" DATED AUGUST 29, 1996. RECORDED AUGUST 30, 1996 IN BOOK 96-24 AT PAGE 633 AS DOCUMENT NO. 96097330, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX. HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 400' EASTERLY OF THE SURVEYED PROPERTY.]

THE COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("DEVELOPER"), AND WILTON PARTNERS COTTONWOOD, A NEVADA LIMITED LIABILITY COMPANY ("OWNER"), IN THE DOCUMENT ENTITLED "COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT C-6/C-7 COTTONWOOD MALL" DATED DECEMBER 23, 1996, RECORDED JANUARY 17, 1997 IN BOOK 97-2 AT PAGE 2650 AS DOCUMENT NO. 97005377, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 800' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

THE COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP ("DEVELOPER"), AND PETER DEFRIES CORPORATION, A NEW MEXICO CORPORATION ("OWNER"), IN THE DOCUMENT ENTITLED "COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT LL/C-5 COTTONWOOD MALL" DATED OCTOBER 18, 1999, RECORDED OCTOBER 19, 1999 IN BOOK 9914 AT PAGE 2123 AS DOCUMENT NO. 1999132531, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 400' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

THE COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP ("DEVELOPER"), AND 5B RED ROBIN COTTONWOOD, LLC, AN IDAHO LIMITED LIABILITY COMPANY ("OWNER"), IN THE DOCUMENT ENTITLED "COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT LL/C-3 COTTONWOOD MALL" DATED MARCH 23, 2000, RECORDED MAY 5, 2000 IN BOOK A5 AT PÁGE 3921 AS DOCUMENT NO. 2000044095, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

TWE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 350' SOUTHEASTERLY OF THE SURVEYED PROPERTY.]

THE COVENANTS. CONDITIONS AND RESTRICTIONS BY AND BETWEEN SIMON PROPERTY GROUP. L.P., A DELAWARE LIMITED PARTNERSHIP ("DEVELOPER"), AND MARIE CALLENDER PIE SHOPS, INC., A CALIFORNIA CORPORATION ("OWNER"), IN THE DOCUMENT ENTITLED "COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT LL/C-2A-1 COTTONWOOD MALL" DATED NOVEMBER 05. 2004. RECORDED NOVEMBER 5. 2004 IN BOOK A86 AT PAGE 5689 AS DOCUMENT NO. 2004156122, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 350' SOUTHEASTERLY OF THE SURVEYED PROPERTY.]

THE COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN MALL AT COTTONWOOD, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("DEVELOPER"), AND 10030 COORS BYPASS, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY ("OWNER"), IN THE DOCUMENT ENTITLED "FIRST AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT OUTLOT C-6/C-7 COTTONWOOD MALL" DATED SEPTEMBER 24, 2015, RECORDED OCTOBER 1, 2015 AS DOCUMENT NO. 2015085873. RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 800' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN DILLARD DEPARTMENT STORES, INC., A DELAWARE CORPORATION ("ASSIGNOR"), AND CONDEV WEST, INC., AN ARIZONA CORPORATION ("ASSIGNEE"). ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENT" DATED FEBRUARY 02. 1996. RECORDED FEBRUARY 12, 1996 IN BOOK 96-4 AT PAGE 5234 AS DOCUMENT NO. 96016045, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

> PLEASE SEE EXCEPTIONS 21 (CONTINUED) THROUGH 29 CONTINUED ON SHEET C41A.



**DEVELOPER:** IN-N-OUT BURGER 13502 HAMBURGER LANE BALDWIN PARK, CA 91706 CONTACT: BRIGID WILLIAMS PHONE: 626 813-5398



SURVEYOR:

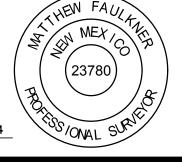
MATTHEW FAULKNER

JOB NO. XXXXXXX S&F Land Services

Land Surveying & Remote Sensing (503) 345-0328

P.L.S. 23780

DECEMBER 26, 2024 DATE





301 NORTH SAN DIMAS AVENUE, SAN DIMAS, CA. 91773 (909) 305-2395 FAX (909) 305-2397 DATE

R.C.E. 27112

IN-N-OUT BURGER

COTTONWOOD MALL NEW STORE | SURVEY MAP SEC COORS BOULEVARD BYPASS NW AND EAGLE RANCH ROAD ALBUQUERQUE, NM 79000

A.L.T.A./N.S.P.S. LAND TITLE

SHEET 2 OF 5

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE OWNER'S OUTLOT IS LOCATED AT LEAST APPROXIMATELY 1,100' NORTHERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN DILLARD DEPARTMENT STORES, INC., A DELAWARE CORPORATION ("ASSIGNOR"), AND CONDEV WEST, INC., AN ARIZONA CORPORATION ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENT" DATED FEBRUARY 02. 1996. RECORDED FEBRUARY 12. 1996 IN BOOK 9-64 AT PAGE 5234 AS DOCUMENT NO. 96016045, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT. CONDITION OR RESTRICTION INDICATING A PREFERENCE. LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS IT IS DUPLICATED TWO REFERENCE DEEDS BEFORE THIS ONE.

THE EFFECT OF THE DOCUMENT BY AND BETWEEN MONTGOMERY WARD DEVELOPMENT, LLC, ("ASSIGNOR"), AND SEARS, ROEBUCK AND CO. ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS AND INTANGIBLE PERSONAL PROPERTY" DATED APRIL 12, 2001, RECORDED APRIL 18, 2001 IN BOOK A18 AT PAGE 1245 AS DOCUMENT NO. 2001042792. RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

TWE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE ASSIGNOR'S REAL PROPERTY IS LOCATED AT LEAST APPROXIMATELY 400' NORTHEASTERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN FEDERATED RETAIL HOLDINGS, INC., A NEW YORK CORPORATION (FORMERLY KNOWN AS THE MAY DEPARTMENT STORES COMPANY) ("ASSIGNOR"), AND MACY'S DEPARTMENT STORES, INC., AN OHIO CORPORATION ("ASSIGNEE"), FNTITI FD "ASSIGNMENT & ASSUMPTION AGREEMENT" DATED DECEMBER 31, 2005, RECORDED MARCH 03, 2006 IN BOOK A113 AT PAGE 1112 AS DOCUMENT NO. 2006031219, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE ASSIGNOR'S REAL PROPERTY IS LOCATED AT LEAST APPROXIMATELY 1,100' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN MDS REALTY I, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNOR"), AND MACERICH COTTONWOOD HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS (ALBUQUERQUE, NM)" DATED OCTOBER 26, 2007, RECORDED JANUARY 04, 2008 AS DOCUMENT NO. 2008001527, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE ASSIGNOR'S REAL PROPERTY IS LOCATED AT LEAST APPROXIMATELY 1,100' NORTHERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN MERVYN'S LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ("ASSIGNOR"), AND MDS REALTY I, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS" DATED SEPTEMBER 02, 2004, RECORDED SEPTEMBER 23, 2004 AS DOCUMENT NO. 2004134467, RECORDS OF BERNALILLO COUNTY. BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS IT IS DUPLICATED FIVE REFERENCE DEEDS ABOVE THIS ONE.1

THE EFFECT OF THE DOCUMENT BY AND BETWEEN DILLARD STORE SERVICES, INC., AN ARIZONA CORPORATION ("ASSIGNOR"), AND DSS UNITER, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNEE"). ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS" DATED DECEMBER 31, 2010, RECORDED JANUARY 26, 2011 AS DOCUMENT NO. 2011009404, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX. HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

THE EFFECT OF THE DOCUMENT BY AND BETWEEN DSS UNITER, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNOR"), AND DILLARD TEXAS SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS" DATED JANUARY 26, 2011, RECORDED JANUARY 26, 2011 AS DOCUMENT NO. 2011009406, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

THE EFFECT OF THE DOCUMENT BY AND BETWEEN DILLARD TEXAS SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNOR"), AND DILLARD'S PROPERTIES, INC., A DELAWARE CORPORATION ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS" DATED JANUARY 26, 2011, RECORDED JANUARY 26, 2011 AS DOCUMENT NO. 2011009408, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

THE EFFECT OF THE DOCUMENT BY AND BETWEEN SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP ("ASSIGNOR"), AND MALL AT COTTONWOOD, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNEE"), ENTITLED "ASSIGNMENT OF OPERATING AGREEMENT" DATED MARCH 25, 2014, RECORDED MARCH 26, 2014 AS DOCUMENT NO. 2014024009, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE ASSIGNOR'S REAL PROPERTY IS LOCATED AT LEAST APPROXIMATELY 1,100' NORTHERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN MACY'S WEST STORES, INC., AN OHIO CORPORATION ("ASSIGNOR"), AND MALL AT COTTONWOOD II, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION AGREEMENT" DATED JUNE 16. 2017, RECORDED JUNE 16, 2017 AS DOCUMENT NO. 2017058179, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE ASSIGNOR'S REAL PROPERTY IS LOCATED AT LEAST APPROXIMATELY 1,100' NORTHWESTERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN MACERICH COTTONWOOD HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("ASSIGNOR"), AND RED SHAMROCK 4, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY, AS TO A 50% UNDIVIDED INTEREST ("RS 4"), AND RED SHAMROCK COTTONWOOD ABQ, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TO A 50% UNDIVIDED INTEREST, JOINTLY AND SEVERALLY, ("RS COTTONWOOD"), AND TOGETHER WITH RS 4, COLLECTIVELY ("ASSIGNEE"), ENTITLED "ASSIGNMENT AND ASSUMPTION OF OPERATING AGREEMENTS" DATED MAY 13, 2022, RECORDED MAY 16, 2022 AS DOCUMENT NO. 2022047707, RECORDS OF BERNALILLO COUNTY, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[WE RECOMMEND DELETING REFERENCE TO THIS DEED AS THE ASSIGNOR'S REAL PROPERTY IS LOCATED AT LEAST APPROXIMATELY 1,100' NORTHERLY OF THE SURVEYED PROPERTY.]

THE EFFECT OF THE DOCUMENT BY AND AMONG SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("DEVELOPER"), DILLARD DEPARTMENT STORES, INC., A DELAWARE CORPORATION ("DILLARD"), THE MAY DEPARTMENT STORES COMPANY. A NEW YORK CORPORATION ("MAY"), J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION ("PENNEY"), MERVYN'S, A CALIFORNIA CORPORATION ("MERVYN'S"), QUALIFIED TO DO BUSINESS IN NEW MEXICO AS MERVYN'S INC., AND 998 MONROE CORPORATION, A DELAWARE CORPORATION ("WARD"), ENTITLED "AGREEMENT REGARDING RESTRICTION OF RESERVE TRACTS" DATED DECEMBER 28, 1995, RECORDED DECEMBER 28, 1995 IN BOOK 95-31 AT PAGE 5550 AS DOCUMENT NO. 95132177, RECORDS OF BERNALILLO COUNTY. PRAE 28A EASEMENT(S) RESERVED ACROSS THE LAND, COVENANTS AND CONDITIONS AS SHOWN AND

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) THE SURVEYED PROPERTY IS LOCATED MOSTLY IN THE SOUTHWESTERLY CORNER OF THE DILLARD OWNED TRACT B-2 AND PARTIALLY IN THE DEVELOPER OWNED TRACT A; (2) DEVELOPER IS THE OWNER OF TRACTS C1 THROUGH C9 DESCRIBED IN PART VII OF EXHIBIT "A", AND SHOWN ON EXHIBIT "B" AS THE "RESERVE TRACTS". WHICH MAY BE DEVELOPED SEPARATELY BY DEVELOPER OR OTHERS. AND WHICH ARE HEREBY RESERVED FOR SUCH FUTURE DEVELOPMENT; (3) DEVELOPER DESIRES TO DEVELOP AND IMPROVE THE RESERVE TRACTS, OR TO CAUSE OR PERMIT THE RESERVE TRACTS TO BE DEVELOPED AND IMPROVED, IN CONJUNCTION WITH THE DEVELOPMENT AND IMPROVEMENT OF THE DEVELOPER TRACT. THE DILLARD TRACT. THE MAY TRACT. THE WARD TRACT. THE PENNEY TRACT AND THE MERVYN'S TRACT (COLLECTIVELY, THE "SHOPPING CENTER SITE"); (4) IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS AGREEMENT, DEVELOPER SHALL HAVE THE RIGHT (BUT NOT THE OBLIGATION) TO DEVELOP, IMPROVE, USE, OPERATE, SUBDIVIDE, PLAT, LEASE, SELL, CONVEY, TRANSFER, MORTGAGE, ENCUMBER AND OTHERWISE DEAL WITH THE RESERVE TRACTS AND CONSTRUCT, ERECT. ALTER, EXPAND, OPERATE, REMOVE AND RECONSTRUCT BUILDINGS AND OTHER IMPROVEMENTS THEREON AT ANY TIME AND FROM TIME TO TIME, AND FOR SUCH PURPOSES DEVELOPER SHALL HAVE AND ENJOY CERTAIN RIGHTS AND EASEMENTS WITH RESPECT TO THE SHOPPING CENTER SITE, FOR THE BENEFIT OF THE RESERVE TRACTS, AS SET FORTH IN THIS AGREEMENT SUBJECT TO CERTAIN RESTRICTIONS SET FORTH IN THIS AGREEMENT; (5) THE MAJORS HEREBY GRANT TO THE DEVELOPER, AND DEVELOPER HEREBY RESERVES, FOR THE BENEFIT OF THE RESERVE TRACTS, AND FOR THE USE AND BENEFIT OF DEVELOPER AND RESERVE PERMITTEES ON THE RESERVE TRACTS, THE NON-EXCLUSIVE RIGHT, PRIVILEGE, AND EASEMENT TO CONNECT AND HAVE ACCESS TO AND USE THOSE PORTIONS OF THE ACCESS ROADS ON THE SHOPPING CENTER SITE AS THE SAME MAY EXIST OR BE RELOCATED FROM TIME TO TIME, FOR THE PASSAGE OF VEHICLES INCLUDING DELIVERY VEHICLES (BUT NOT FOR THE PARKING THEREOF) AND PEDESTRIANS, IN COMMON WITH THE PARTIES AND THEIR PERMITTEES; (6) THE USE AND ENJOYMENT OF THE EASEMENTS SHALL NOT INCLUDE THE PARKING OF VEHICLES UPON OR OTHERWISE UNREASONABLY INTERFERING WITH THE USE AND ENJOYMENT BY THE OWNERS OF ANY PORTION OF THE SHOPPING CENTER SITE: (6) THE OWNERS OF ANY PORTION OF THE SHOPPING CENTER SITE AND THE PARTIES SHALL HAVE THE RIGHT TO ENTER, OR TO CAUSE THEIR PERMITTEES TO ENTER, FROM TIME TO TIME UPON THAT PORTION OF ANY RESERVE TRACT IMMEDIATELY ADJACENT TO THE SHOPPING CENTER SITE TO THE EXTENT REASONABLY NECESSARY TO PERMIT THE CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF IMPROVEMENTS ON THE ACCESS ROADS: (8) THE OWNERS OF THE SHOPPING CENTER SITE MAY, AT THEIR OPTION, ELECT TO DEDICATE TO THE PUBLIC ALL OR ANY PORTION OF THE ACCESS ROADS IN ACCORDANCE WITH THE TERMS OF THE REA, AND IN SUCH EVENT, THE OWNERS OF THE RESERVE TRACTS AGREE TO JOIN IN SUCH DEDICATION AT NO COST TO THE OWNERS OF THE SHOPPING CENTER SITE; (9) THE MAJORS HEREBY GRANT TO DEVELOPER, AND DEVELOPER HEREBY RESERVES FOR THE BENEFIT OF THE RESERVE TRACTS AND FOR THE USE AND BENEFIT OF DEVELOPER AND RESERVE PERMITTEES THE NON-EXCLUSIVE RIGHT, PRIVILEGE AND EASEMENT TO CONNECT TO AND USE THE COMMON UTILITY LINES ON THE SHOPPING CENTER SITE, AS THE SAME MAY EXIST OR BE RELOCATED FROM TIME TO TIME, FOR THE PURPOSE OF PROVIDING DRAINAGE AND UTILITY SERVICES TO THE IMPROVEMENTS WHICH MAY BE ERECTED FROM TIME TO TIME ON THE RESERVE TRACTS; (10) THE MAJORS HEREBY GRANT TO DEVELOPER, AND DEVELOPER HEREBY RESERVES FOR THE BENEFIT OF THE RESERVE TRACTS AND FOR THE USE AND BENEFIT OF DEVELOPER AND RESERVE PERMITTEES, THE NON-EXCLUSIVE RIGHTS, PRIVILEGES AND SURFACE WATER DRAINAGE EASEMENTS DESCRIBED IN SECTION 2.15 OF THE REA; (11) NO BUILDING SHALL BE CONSTRUCTED ON ANY RESERVE TRACT IN EXCESS OF ONE STORY AND 23' ABOVE NATURAL GRADE LEVEL (EXCEPT FOR REGIONAL OR NATIONAL PROTOTYPE BUILDINGS, WHICH SHALL NOT EXCEED 28'; (12) IN CONNECTION WITH SUCH USE OF THE RESERVE TRACTS. THERE SHALL BE PROVIDED AND MAINTAINED ON GROUND LEVEL ON EACH RESERVE TRACT THE NUMBER OF PARKING SPACES REQUIRED BY APPLICABLE ZONING CODES AND ORDINANCES FOR THE USE TO WHICH SUCH RESERVE TRACT IS DEVOTED. BUT IN ANY EVENT NOT LESS THAN (a) 5.0 AUTOMOBILE PARKING SPACES FOR EACH 1,000 SQUARE FEET OF FLOOR AREA DEVOTED TO RETAIL AND FINANCIAL USES, (b) 1.0 AUTOMOBILE PARKING SPACES FOR EVERY FOUR (4.0) RESTAURANT SEATS FOR "SIT DOWN" RESTAURANTS AND FOR FAST FOOD RESTAURANTS; AND (13) ON EXHIBIT "B" IT SHOWS THAT THE OVERALL SHOPPING CENTER, MINUS THE RESERVED TRÁCTS WHICH NEED TO BE SELF-PARKED, HAS A SURPLUS OF 506 PARKING SPACES AFTER PHASE ONE AND 70 SURPLUS PARKING SPACES AFTER PHASE TWO WITH THE DILLARD TRACT SHOWING A SURPLUS OF 20 PARKING SPACES AFTER A 38,400 SQUARE FOOT PHASE TWO BUILDING EXPANSION THAT HAS NOT BEEN CONSTRUCTED YET.]

THE EFFECT OF THE DOCUMENT BY AND BETWEEN SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("LANDLORD"), AND LUBY'S CAFETERIAS, INC., A DELAWARE CORPORATION ("TENANT"), DATED JULY 03, 1996, RECORDED JULY 17, 1996 AS BOOK NO. 96-19 AT PAGE 6200 AS DOCUMENT NO. 1996079083. RECORDS OF BERNALILLO COUNTY.

(PARCEL 2)

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT DOES NOT ENCUMBER THE SURVEYED

ITEM NO. 24
THE EFFECT OF THE DOCUMENT BY AND BETWEEN DILLARD'S PROPERTIES, INC., A DELAWARE CORPORATION ("LANDLORD"). AND DSS UNITER, LLC. A DELAWARE LIMITED LIABILITY COMPANY ("TENANT"). ENTITLED "MEMORANDUM OF LEASE" DATED JANUARY 26, 2011, RECORDED JANUARY 26, 2011 AS DOCUMENT NO. 2011009409, RECORDS OF BERNALILLO COUNTY.

PRWE 25 ITEM NO. 25
A 15.00 FOOT WIDE NON-EXCLUSIVE EASEMENT IN FAVOR OF MALL AT COTTONWOOD, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("GRANTEE"), ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND WATER LINE, UTILITY, AND INCIDENTAL PURPOSES (PRWE: PRIVATE WATER EASEMENT) INCLUDING THE RIGHT OF INGRESS AND EGRESS. AND TO INSTALL. CONSTRUCT. RECONSTRUCT, REPAIR, REPLACE AND MAINTAIN BELOW GRADE A WATER LINE AND PIPE, LINES OR OTHER NECESSARY UTILITY FACILITIES AND APPURTENANCES AND CERTAIN STRUCTURES AND IMPROVEMENTS ON THE SURFACE OF THE EASEMENT AREA, IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" DATED AUGUST 12, 2014, RECORDED AUGUST 29, 2014 AS DOCUMENT NO. 2014068649, RECORDS OF BERNALILLO COUNTY.

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 270' EAST OF THE SURVEYED PROPERTY.]

PRWE 26 ITEM NO. 26
A 15.00 FOOT WIDE NON-EXCLUSIVE EASEMENT IN FAVOR OF MALL AT COTTONWOOD, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("GRANTEE"). ITS SUCCESSORS AND ASSIGNS. FOR UNDERGROUND WATER LINE, UTILITY, AND INCIDENTAL PURPOSES (PRWE: PRIVATE WATER EASEMENT) INCLUDING THE RIGHT OF INGRESS AND EGRESS, AND TO INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR, REPLACE AND MAINTAIN BELOW GRADE A WATER LINE AND PIPE, LINES OR OTHER NECESSARY UTILITY FACILITIES AND APPURTENANCES AND CERTAIN STRUCTURES AND IMPROVEMENTS ON THE SURFACE OF THE EASEMENT AREA, IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" DATED AUGUST 12, 2014, RECORDED AUGUST 29, 2014 AS DOCUMENT NO. 2014068650, RECORDS OF BERNALILLO COUNTY.

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 270' EAST OF THE SURVEYED PROPERTY.]

PWSE (27) <u>ITEM NO. 27</u> A 10.00 FOOT BY 20.00 FOOT EXCLUSIVE AND PERMANENT EASEMENT IN FAVOR OF THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY, A NEW MEXICO POLITICAL SUBDIVISION ("WATER AUTHORITY"), FOR PUBLIC WATER, SANITARY SEWER, AND INCIDENTAL PURPOSES (PWSE: PUBLIC WATER AND SEWER EASEMENT), INCLUDING THE RIGHT FOR CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, MODIFICATION, REPLACEMENT AND OPERATION OF PUBLIC WATER AND SANITARY SEWER LINES AND FACILITIES (COLLECTIVELY "PUBLIC WATER AND SEWER LINES"), TOGETHER WITH THE RIGHT TO REMOVE TREES, SHRUBS, UNDERGROWTH AND ANY OTHER OBSTACLES, IN THE DOCUMENT ENTITLED "PERMANENT EASEMENT" DATED JANUARY 26, 2015, RECORDED FEBRUARY 04, 2015 AS DOCUMENT NO. 2015009839, RECORDS OF BERNALILLO COUNTY.

[WE RECOMMEND THAT THIS ITEM BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 270' EAST OF THE SURVEYED PROPERTY.]

EASEMENT(S) RESERVED ACROSS THE LAND, COVENANTS AND CONDITIONS AS SHOWN AND NOTED ON THE PLAT ENTITLED "ALAMENA WEST, TOWN OF ALAMENA GRANT SECTION 8, TOWNSHIP 11 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN" FILED AUGUST 11, 1983, IN PLAT BOOK C21 AT PAGE 191, RECORDS OF BERNALILLO COUNTY.

[WE RECOMMEND THAT REFERENCE TO THE ABOVE PLAT BE DELETED AS IT IS LOCATED AT LEAST APPROXIMATELY 1,600' NORTHEAST OF THE SURVEYED PROPERTY.]

NOTED ON THE PLAT ENTITLED "REPLAT OF TRACTS H-1 AND H-2, SEVEN BAR RANCH NOW COMPRISING COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. S-99-57 FILED JANUARY 06, 1995 AS DOCUMENT NO. 95001954 IN PLAT BOOK 95C AT PAGE 5, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THE ABOVE PLAT STATES THAT (1) THE SURVEYED PROPERTY IS LOCATED WITHIN A PORTION OF TRACT A AND TRACT B-2: (2) THE OWNER'S GRANT ALL ACCESS. UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON INCLUDING THE RIGHT TO CONSTRUCT, OPERATE, INSPECT, AND MAINTAIN FACILITIES THEREIN, AND ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED DISTRIBUTION LINES, CONDUITS AND PIPES FOR UNDERGROUND UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS; (3) PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON AREA JOINT USE OF: (a) THE PUBLIC SERVICE COMPANY OF NEW MEXICO FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES, TRANSFORMERS, POLES AND ANY OTHER EQUIPMENT, FIXTURES, STRUCTURES AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICE. (b) THE GAS COMPANY OF NEW MEXICO FOR INSTALLATION, MAINTENANCE, AND SERVICE OF NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS, (c) U.S. WEST FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF ALL BURIED AND AERIAL COMMUNICATION LINES AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES, INCLUDING BUT NOT LIMITED TO ABOVE GROUND PEDESTALS AND CLOSURES, (d) JONES INTERCABLE FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE TV SERVICE: (4) INCLUDED WITH THE GRANT OF PUBLIC UTILITY EASEMENTS IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE, CHANGE, REMOVE, MODIFY, RENEW, OPERATE, AND MAINTAIN FACILITIES FOR THE PURPOSES DESCRIBED ABOVE. TOGETHER WITH FREE ACCESS TO, FROM AND OVER SAID EASEMENTS. INCLUDING SUFFICIENT WORKING AREA SPACE FOR ELECTRIC TRANSFORMERS, WITH THE RIGHT AND PRIVILEGE TO TRIM AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN: (5) NO BUILDING, SIGN, OR OTHER STRUCTURE SHALL BE ERECTED OR CONSTRUCTED ON SAID PUBLIC UTILITY EASEMENTS, NOR SHALL ANY WELL BE DRILLED OR OPERATED THEREON; (6) FOR THE BENEFIT OF TRACTS A, B-1-A, B-1-B, B-2 THROUGH B-5, AND C-1 THROUGH C-9, THERE IS HEREBY GRANTED A PERMANENT, NON-EXCLUSIVE EASEMENT (PRAE: PRIVATE ACCESS EASEMENT) FOR THE PURPOSES OF PROVIDING VEHICULAR ACCESS FROM THE VARIOUS PARCELS TO PUBLIC STREET RIGHTS-OF-WAY, (a) SUBJECT TO THE PROVISIONS OF THE SUBDIVISION ORDINANCE AND SUBJECT TO THE APPROVAL OF AN AMENDED SITE DEVELOPMENT PLAN (IF REQUIRED), THE PRIVATE ACCESS EASEMENT MAY BE VACATED, AND REPLACED BY A RECIPROCAL EASEMENT AGREEMENT BETWEEN THE OWNERS OF TRACTS A, B-1-A, B-1-B, AND B-2 THROUGH B-5, WHICH MAY FURTHER DEFINE THE PROVISIONS FOR VEHICULAR ACCESS, AND AN AGREEMENT BETWEEN THE OWNERS OF TRACTS A, B-1-A, B-1-B, AND B-2 THROUGH B-5, WHICH MAY ALSO FURTHER DEFINE THE PROVISIONS FOR VEHICULAR ACCESS BY THE OWNERS OF TRACTS C-1 THROUGH C-9; (7) THE OWNERS OF TRACTS A, C-8, AND C-9 GRANT TO THE CITY OF ALBUQUERQUE A PERMANENT, NON- EXCLUSIVE EASEMENT (PPAE: PUBLIC PEDESTRIAN ACCESS EASEMENT) FOR THE PURPOSES OF CONSTRUCTING, INSTALLING, AND MAINTAINING SIDEWALKS FOR PEDESTRIAN ACCESS; (8) THERE SHALL BE RECIPROCAL ACCESS, DRAINAGE AND UTILITY EASEMENTS (PRE: PRIVATE RECIPROCAL EASEMENTS) UPON TRACTS A, B-1-A, B-1-B, AND B-2 THROUGH B-5 FOR THE BENEFIT OF THESE TRACTS (a) SUBJECT TO THE PROVISIONS OF THE SUBDIVISION ORDINANCE AND SUBJECT TO THE APPROVAL OF AMENDED SITE DEVELOPMENT PLAN (IF REQUIRED) THE PRIVATE RECIPROCAL EASEMENTS MAY BE VACATED AND REPLACED BY THE RECIPROCAL EASEMENT AGREEMENT IDENTIFIED IN NOTE (6) ABOVE, WHICH MAY ALSO FURTHER DEFINE THE PROVISIONS OF SUCH EASEMENTS; AND (9) A 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT (PUE: PUBLIC UTILITY EASEMENT) IS HEREBY GRANTED BY THE OWNERS OF THE TRACTS AS SHOWN ON THIS PLAT.]

(28B) EASEMENT(S) RESERVED ACROSS THE LAND, COVENANTS AND CONDITIONS AS SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1 AND B-5-A, FIRST REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-95-166 FILED JULY 18, 1995 AS DOCUMENT NO. 95070638 IN PLAT BOOK 95C AT PAGE 263, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THE ABOVE PLAT STATES THAT (1) THE SURVEYED PROPERTY IS LOCATED WITHIN A PORTION OF TRACT A-1 AND TRACT B-2; (2) SURVEYOR'S COMMENT FROM ITEM NO. 28A (2) ALSO APPEARS ON THIS PLAT; (3) PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE 10 FEET WIDE AND ARE FOR THE COMMON JOINT USE OF: (a) THE PUBLIC SERVICE COMPANY OF NEW MEXICO FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES. TRANSFORMERS. AND ANY OTHER EQUIPMENT. FIXTURES, STRUCTURES AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICE, (b) THE GAS COMPANY OF NEW MEXICO FOR INSTALLATION, MAINTENANCE, AND SERVICE OF UNDERGROUND NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS. (c) U.S. WEST FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF ALL BURIED COMMUNICATION LINES AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES, INCLUDING BUT NOT LIMITED TO ABOVE GROUND PEDESTALS AND CLOSURES IN LOCATIONS APPROVED BY OWNER, (d) JONES INTERCABLE FOR THE INSTALLATION, MAINTENANCE, AND SERVICE OF UNDERGROUND LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE TV SERVICE, (e) NEW MEXICO UTILITIES, INC. FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF UNDERGROUND WATER AND SANITARY SEWER LINES NECESSARY TO PROVIDE SERVICE; (4) INCLUDED WITH THE GRANT OF PUBLIC UTILITY EASEMENTS IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE, CHANGE, REMOVE, MODIFY, RENEW, OPERATE, AND MAINTAIN FACILITIES FOR THE PURPOSES DESCRIBED ABOVE, AT THE SOLE COST AND EXPENSE OF THE GRANTEE, TOGETHER WITH FREE ACCESS TO, FROM, AND OVER SAID EASEMENTS, AT REASONABLE TIMES BETWEEN MARCH 1 AND OCTOBER 1 (EXCEPT FOR EMERGENCIES) UPON AT LEAST 24-HOURS PRIOR NOTICE, INCLUDE SUFFICIENT WORKING AREA SPACE FOR ELECTRIC TRANSFORMERS. WITH THE RIGHT AND PRIVILEGE TO TRIM AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN, AND TO REPLACE ANY SUCH REMOVED TREES, SHRUBS OR BUSHES; (5) NO BUILDING OR OTHER STRUCTURE SHALL BE ERECTED OR CONSTRUCTED ON SAID EASEMENTS, NOR SHALL ANY WELL BE DRILLED OR OPERATED THEREON; (6) THE PROPERTY OWNERS RESERVE AND SHALL HAVE THE RIGHT TO PAVE OVER SAID EASEMENTS WITH ASPHALTIC OR OTHER PAVING MATERIAL AND USE THE SAME AS A DRIVEWAY, PARKING AREA. SIDEWALK OR FOR ANY OTHER USE OR PURPOSE WHICH IS NOT INCONSISTENT WITH THE EASEMENTS DESCRIBED ABOVE: (7) IF THE SURFACE OF THE EASEMENT IS DISTURBED BY THE EXERCISE OF OR USE OF THE EASEMENTS DESCRIBED ABOVE. THE APPLICABLE GRANTEE. OR UTILITY WORK WHICH DISTURBED OR CAUSED SUCH DISTURBANCE OF THE SURFACE SHALL AT ITS SOLE COST AND EXPENSE, REPAIR AND RESTORE THE EASEMENT TO THE SAME CONDITION WHICH EXISTED IMMEDIATELY PRIOR TO SUCH DISTURBANCE: AND (8) THE PROPERTY OWNERS RESERVE THE RIGHT TO GRANT EASEMENTS TO OTHER UTILITIES OR SERVICES, AND TO TENANTS OR OCCUPANTS OF LAND OWNED BY THE PROPERTY OWNERS. WHICH EASEMENTS MAY TRAVERSE. INTERSECT, TRANSECT OR OTHERWISE LIE WITHIN OR BENEATH THE SURFACE OF THE EASEMENTS.]

(28C) EASEMENT(S) RESERVED ACROSS THE LAND, COVENANTS AND CONDITIONS AS SHOWN ON THE PLAT ENTITLED "PLAT OF TRACTS A-1-A, B-1-A-1, B-1-B-1, B-2-A, B-3-A, B-4-A & B-5-A-1 SECOND REVISION PLAT COTTONWOOD MALL ALBUQUERQUE, NEW MEXICO" AS PLAT NO. SP-97-27 FILED JANUARY 31, 1997 AS DOCUMENT NO. 97010935 IN PLAT BOOK 97C AT PAGE 33, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THE ABOVE PLAT STATES THAT (1) THE SURVEYED PROPERTY IS LOCATED WITHIN A PORTION OF TRACT A-1-A AND TRACT B-2-A: (2) SURVEYOR'S COMMENT FROM ITEM NO. 28A (2), (3), (4) AND (5) ALSO APPEARS ON THIS PLAT; (3) A PROPOSED 20' WIDE WATERLINE EASEMENT (PWE: PUBLIC WATER EASEMENT) IS SHOWN AND DEDICATED ON THIS PLAT; AND (4) A PROPOSED 20' WIDE PUBLIC UTILITY EASEMENT (PUE: PUBLIC UTILITY EASEMENT) IS SHOWN AND DEDICATED ON THIS PLAT.]

**CIVIL ENGINEER:** 

RIGHTS OF TENANT(S) IN THE LAND, IF ANY, AND RIGHTS OF ALL PARTIES CLAIMING BY, THROUGH OR UNDER SAID TENANT(S).

IN-N-OUT BURGER

COTTONWOOD MALL NEW STORE | SURVEY MAP SEC COORS BOULEVARD BYPASS NW AND EAGLE RANCH ROAD

A.L.T.A./N.S.P.S. LAND TITLE

**DEVELOPER:** IN-N-OUT BURGER 13502 HAMBURGER LANE BALDWIN PARK. CA 91706 CONTACT: BRIGID WILLIAMS PHONE: 626 813-5398

Underground Service Alert Call: Toll Free TWO WORKING DAYS BEFORE YOU DIG

SURVEYOR:

MATTHEW FAULKNER

JOB NO. XXXXXXX S&F Land Services Land Surveying & Remote Sensing

(503) 345-0328

P.L.S. 23780

DECEMBER 26, 2024 DATE

23780

(MEX)

DATE AARON D. PELLOW R.C.E. 27112

ENGINEERING, INC.

(909) 305-2395

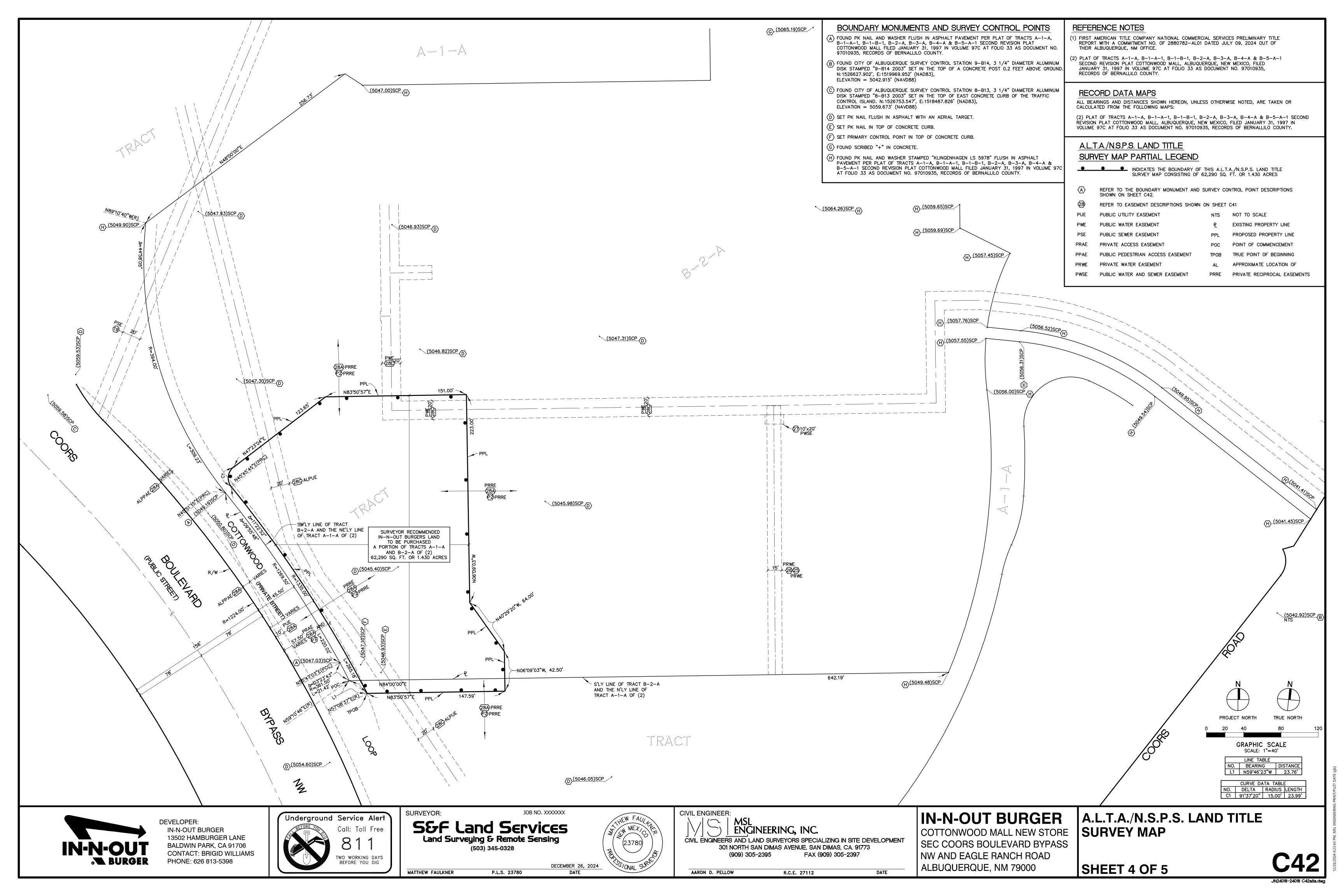
CIVIL ENGINEERS AND LAND SURVEYORS SPECIALIZING IN SITE DEVELOPMENT

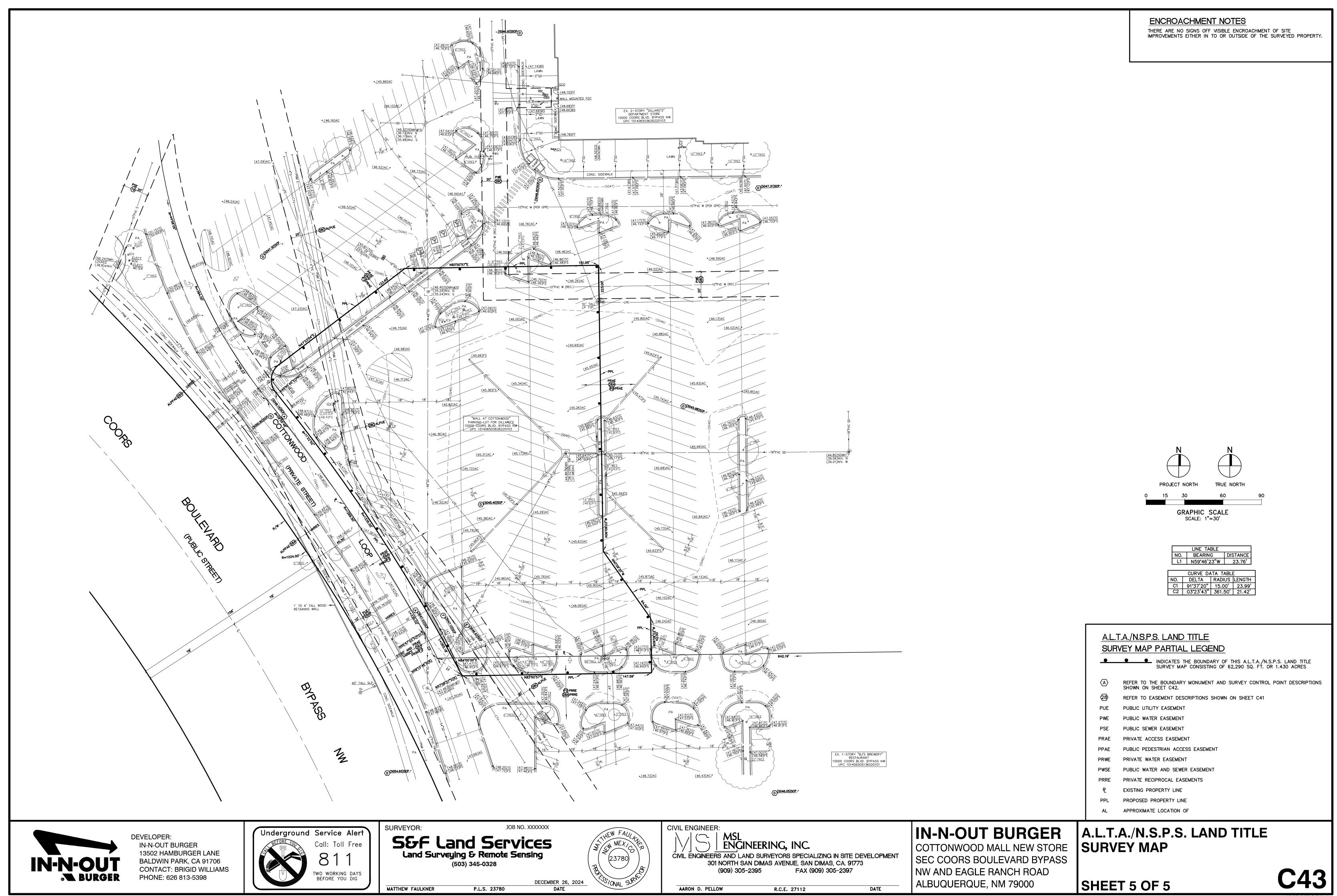
301 NORTH SAN DIMAS AVENUE, SAN DIMAS, CA. 91773

FAX (909) 305-2397

ALBUQUERQUE, NM 79000

**SHEET 3 OF 5** 





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