

GENERAL NOTES AND CITY DEVELOPMENT STANDARDS

REFERENCE (1): CDS JULY 01, 2024 PREPARED SITE INVESTIGATION REPORT (SIR)

1. UPC: PORTION OF 101406503626220103 AND A SMALL PORTION OF 101406505136020101

2. EXISTING CITY ZONE: MX-M (MIXED-USE MODERATE INTENSITY ZONE) CPO-2 (CHARACTER PROTECTION OVERLAY ZONE)

3. CITY LAND USE CATEGORY: TRANSPORTATION  
COMPREHENSIVE PLAN DESIGNATION: COTTONWOOD CENTER EMPLOYMENT CENTER

4. EXISTING LAND USE: PARKING LOT FOR DILLARD'S WITH 187 PAVED STRIPED PARKING SPACES

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.

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

6. COMMUNITY: CITY OF ALBUQUERQUE

7. INDIAN TRIBAL LANDS: NONE

8. 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.

9. 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 NO. 112-24070.

10. MAXIMUM BUILDING HEIGHT: 48 FEET (NO MAXIMUM FOR PORTIONS OF BUILDING GREATER THAN 100 FEET FROM ALL LOT LINES)

11. 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 SMALL CAR SPACES.  
  
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. 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.

12. MINIMUM LOT SIZE: NONE

13. MINIMUM LOT AVERAGE WIDTH: NONE

14. MINIMUM LOT DEPTH: NONE

15. MAXIMUM FLOOR AREA RATIO (FAR): NONE FOUND

16. PLANNER TO BE ASSIGNED WHEN PROJECT IS SUBMITTED TO THE CITY AT:  
CITY OF ALBUQUERQUE  
PLAZA DEL SOL BUILDING  
600 SECOND STREET NW  
ALBUQUERQUE, NM 97102  
(505) 924-3860

17. MAXIMUM PARKING LOT LIGHT POLE HEIGHT: 20 FEET (MEASURED FROM FINISHED GRADE TO THE TOP OF THE POLE)

18. LANDSCAPE REQUIREMENTS:  
- A MINIMUM OF 15% OF THE NET LOT AREA OF EACH DEVELOPMENT SHALL CONTAIN LANDSCAPING.

19. 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 MOVEMENTS  
- 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

20. 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 AROUND 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(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 TO 14'.  
- 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 SIDE.

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	
BENCHMARK #1: CITY OF ALBUQUERQUE SURVEY CONTROL STATION 8-B13. 3/4" 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. 3/4" 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 COTTONWOOD LOOP. N:1526627.902 FEET, E:1519969.952 FEET, ELEVATION= 5042.915 FEET (NAVD 88)	
GENERAL SITE NOTES	
1. THE AREA OF THIS SUBJECT PROPERTY IS 62,290 SQUARE FEET OR 1.430 ACRES. 2. THERE IS NO OBSERVABLE EVIDENCE OF THIS SITE BEING USED AS A SOLID WASTE DUMP, PUMP OR SANITARY LANDFILL. 3. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK WITHIN RECENT MONTHS. 4. THERE IS NO OBSERVABLE EVIDENCE OF BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS. 5. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WITHIN RECENT MONTHS. 6. THERE ARE IS A SHARED PARKING LOT WHICH PROVIDES PHYSICAL ACCESS TO AND FROM THE SITE ONTO COORS BOULEVARD BYPASS NW, A PUBLIC STREET. 7. THERE ARE NO BUILDINGS LOCATED WITHIN THE PROPERTY. 8. THERE ARE NO PARKING STRUCTURES ON THE SITE. 9. 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. 11. 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 COORDINATE WITH AN ADJOINING LOT, 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 DESIGN-MAKING BODY. - LANDSCAPE BUFFERS MAY BE CROSSED BY DRIVE AISLES CONNECTING TO ABUTTING LAND. - LANDSCAPE APPROVED WITHIN THE ABUTTING PUBLIC RIGHT-OF-WAY OR PRIVATE WAY MAY BE COUNTE 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 COLORS. FRONT LOT EDGE: - 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. SIDE AND REAR LOT EDGES: - 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. TREE REQUIREMENTS: 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 TRUNK. 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 AT LEAST 25 FEET. 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). 24. FIRE DEPARTMENT REQUIREMENTS PER (1): - 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 * 55-FOOT OUTSIDE RADIUS ON CURVES.	

# 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 TO OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK.
- FLOOD ZONE CLASSIFICATION (WITH PROPER ANNOTATION BASED ON FEDERAL FLOOD INSURANCE RATE MAPS OR THE STATE OR LOCAL EQUIVALENT) DEPICTED BY SCALED 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 APPROPRIATE.
- (A) IF THE CURRENT ZONING CLASSIFICATION, SETBACK REQUIREMENTS, THE HEIGHT AND FLOOR 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 CLIENTS DESIGNATED REPRESENTATIVE, LIST THE 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 CLIENTS DESIGNATED REPRESENTATIVE, AND IF THOSE REQUIREMENTS DID 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 IDENTIFIED.
- 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.
- 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 THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.IV.) AS DETERMINED BY:  
(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 LOCATE REQUEST.  
NOTE - WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT 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 (E.G., UTILITY LINES, CABLES, AND CABLE TV), SANITARY AND STORM SEWER STRUCTURES, WHICH ARE NOT IDENTIFIED BY THE CLIENT, WILL BE SHOWN 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, 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 PLANNERS AND PARKING AREA PLANNERS SHALL BE PROVIDED WITH 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. 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.  
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LEGAL DESCRIPTION SHOWN ON TITLE REPORT EXHIBIT "A"

WITH SURVEYOR RECOMMENDED BEELEHONS WITH A LINE THROUGH THE TEXT AND SURVEYOR 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:

PARCEL 1:  
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 & [&] 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 B, HEREIN.

PARCEL 2:  
NON-EXCLUSIVE RIGHTS OF EASEMENT IN ACCORD WITH ARTICLES 2.2, 2.3, 2.4, 2.6, 2.7, 2.9, 2.10 AND 2.15 OF THAT CERTAIN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT 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 ROLL:  
10000 COORS BYPASS NW,  
ALBUQUERQUE, NEW MEXICO

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:  
ENROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.

ITEM NO. 4:  
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.

ITEM NO. 8:  
DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.

ITEM NO. 9:  
RESERVATIONS CONTAINED IN PATENT FROM UNITED STATES OF AMERICA RECORDED AUGUST 18, 1920 IN BOOK 64 AT PAGE 412, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) THE UNITED STATES OF AMERICA HAS GRANTED TO THE LEGAL REPRESENTATIVES OF FRANCISCO MONTEZ, OIL AND CERTAIN 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 THAT 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.]

ITEM NO. 10:  
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 THEREFROM AS TO AFFECT 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 LIEN 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 HEREAFTER 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 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 "AFIDAVIT" 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. SHWARTWOUT, PRESIDENT OF NEW MEXICO UTILITIES, INC. ("NMU") FORMERLY KNOWN AS PARADISE COMMUNITY SERVICES, INC. AND SUCCESSOR-IN-INTEREST TO PARADISE SERVICES CORPORATION ("PARADISE SERVICES" AND WESTERN PACIFIC SANITATION CO. ("WESTERN PACIFIC"), IN ORDER TO CLARIFY THE PURPOSES OF A WATER SERVICE AGREEMENT DATED JANUARY 20, 1961, ENTERED INTO BY PARADISE SERVICES AND A SEWER SYSTEM AGREEMENT ENTERED INTO 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 RUSOLITI ("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 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 BERNALILLO COUNTY.

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.

(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 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 COUNTY.

THE RIGHT GRANTED TO SOUTHERN UNION GAS COMPANY TO INSTALL ONE ADDITIONAL PIPE LINE IN AN EXISTING UNDERGROUND "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 ENTITLED "RIGHT OF WAY GRANT" DATED JULY 15, 1960 IN BOOK D552 AT PAGE 149 AS DOCUMENT NO. 78072, 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 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.]

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

ITEM NO. 15:  
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. B47685, 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 500' SOUTHEASTERLY OF THE SURVEYED PROPERTY.]

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 AND CONDUCTIVE 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.]

ITEM NO. 17:  
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, 1984, 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 THEREIN AND FROM THE EASEMENT, IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" DATED DECEMBER 01, 1984, 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.]

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 THE PURPOSES OF ANY 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 GRANTOR, AND (3) THE GRANTOR HAS GRANTED TO THE GRANTOR, 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; (2) 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 BE 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 GRANITOR, ITS SUCCESSORS, ASSIGNS, SUBTENANTS, SUBTENANTS AND INVITEES THEREIN; (6) THE GRANTOR SHALL CARRY WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE EASEMENT AREA AT ALL REASONABLE TIMES; (7) GRANITOR 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 GRANITOR 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 AN EMERGENCY, NO WORK SHALL BE BEING DONE, EITHER BEFORE OR CARRIED ON DURING THE PERIOD FROM NOVEMBER 20 OF ANY YEAR THROUGH JANUARY 15 OF THE IMMEDIATELY SUCCEEDING YEAR OR DURING THE TWO YEARS PRIOR TO EASTER AND ANY WORK OR RESTORATION THEREFORE IN PROGRESS, SHALL BE PROSECUTED TO COMPLETION IN SUCH PROPORTION TO SUCH EXTENT OF THE WORK REQUIRED FOR AN EMERGENCY, GRANTEE SHALL GIVE GRANITOR 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 SIMON PROPERTY GROUP, L.P., A DELAWARE LIMITED PARTNERSHIP, D/B/A SIMON REAL ESTATE GROUP LIMITED PARTNERSHIP ("GRANITOR"), AND PUBLIC SERVICE COMPANY OF NEW MEXICO, A NEW MEXICO CORPORATION ("GRANTEE"), ENTITLED "SUPPLEMENT TO PUBLIC UTILITY EASEMENTS" DATED DECEMBER 07, 1995, RECORDED IN BOOK 95-1 AT PAGE 4913 AS DOCUMENT NO. 95002255, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) GRANITOR, 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) GRANITOR DESIRES TO SUPPLEMENT SUCH TERMS AND CONDITIONS AND FURTHER TO PROVIDE COVENANTS, CONDITIONS AND RESTRICTIONS TO THE EASEMENTS, AND TO MAKE CERTAIN CHANGES TO THE EASEMENTS, AND 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 GRANITOR UNLESS THE NEED FOR SUCH WORK IS CAUSED BY THE GRANITOR OR IN THE INSTANCE OF A RELOCATION OR MODIFICATION, SUCH RELOCATION OR MODIFICATION IS REQUESTED OR CAUSED BY THE GRANITOR; (b) GRANTEE SHALL MAKE A REASONABLE ATTEMPT TO GIVE GRANITOR PRIOR NOTICE AT LEAST 24 HOURS IN ADVANCE OF PERFORMING ANY SUCH WORK, EXCEPT IN THE INSTANCE OF WORK REQUIRED FOR AN EMERGENCY; (c) GRANITOR MAY GRANT EASEMENTS TO OTHER UTILITIES OR SERVICES, AND TO TENANTS OR OCCUPANTS OF LAND OWNED BY PROPERTY OWNERS, WHICH EASEMENTS MAY INTERFERE, INTERSECT, TRANSECT OR OTHERWISE WITHIN OR CROSS 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 STATE BEFORE DIGGING IN SAID EASEMENTS, AND ANY SURFACE STRUCTURE BELONGING TO SUCH OTHER UTILITY OR SERVICE SHALL NOT BE LOCATED DIRECTLY OVER ANY UTILITY LINE OWNED BY THE GRANTEE.]

ITEM NO. 21:  
THE COVENANTS, CONDITIONS, RESTRICTIONS, TERMS, PROVISIONS, ASSESSMENTS, LIENS, LEVIES AND EASEMENTS (PREF: 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"), THE 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 "DEED") DATED DECEMBER 28, 1995, RECORDED DECEMBER 28, 1995 IN BOOK 95-1 AT PAGE 3221 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, FAMILY 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 TO AND TO GRANTOR AND TO EXHIBIT B AGREEMENT OUTLOT LL/C-2-A-1 COTTONWOOD MALL, ALBUQUERQUE, NEW MEXICO, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).

[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.]

ITEM NO. 21 (CONTINUED):  
(13) EACH PARTY, AS GRANTOR, HEREBY GRANTS TO EACH OF THE OTHER PARTIES NON-EXCLUSIVE PERPETUAL EASEMENTS FOR PEDESTRIAN AND VEHICULAR TRAFFIC WITHIN THE SHOPPING CENTER SITE EASEMENT 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 TRACTS TO THE COMMON AREA, 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, EXCEPT 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 PARTY, 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 SERVICE BANK OF NEW MEXICO, N.A., A NATIONAL BANK ("FIRST SERVICE"), 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, HAND



ITEM NO. 21 (CONTINUED).  
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 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 3234 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).

[WE 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 MACYS DEPARTMENT STORES, INC., AN OHIO CORPORATION ("ASSIGNEE"), ENTITLED "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 ASSGNOR'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.]

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 II, 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 ASSGNOR'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 ABO, 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.]

ITEM NO. 22.  
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 18, 1995, RECORDED DECEMBER 28, 1995 IN BOOK 95-31 AT PAGE 5550 AS DOCUMENT NO. 95132177, RECORDS OF BERNALILLO COUNTY.

[AMONG OTHER THINGS, THIS ITEM STATES THAT (1) THE SURVEYED PROPERTY IS LOCATED MOSTLY IN THE SOUTHWESTERLY CORNER OF THE DILLARD OWNED TRACT 5-2 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, RELOCATE, ABANDON, 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, THE RIGHT TO CONSTRUCT, RECONSTRUCT, REPAIR, REPLACE, RELOCATE, CHANGE, REMOVE, MODIFY, RENEW, OPERATE, AND MAINTAIN 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 DELIVERLY 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 REPLACEMENTS OF IMPROVEMENTS ON 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 DEED, 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 DEED; (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 GRADE 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 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 TRACTS 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.]

ITEM NO. 23.  
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 PROPERTY WHICH IS AN EXISTING SURFACE PARKING LOT.]

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 (23) 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 (24) 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) ITEM NO. 27.  
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.]

ITEM NO. 28.  
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.]

PRAE (28A) ITEM NO. 28A.  
EASEMENT(S) RESERVED ACROSS THE LAND, COVENANTS AND CONDITIONS AS SHOWN AND 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. 5-99-57 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-1 AND TRACT B-2-2; (2) THE OWNERS 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 US, 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, ALTERATION, REPAIR, AND OVERHEAD 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 INTERCABLE OF ALL SAID LINES, CABLES, 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) 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, (c) 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 AGE-RELATED EASEMENT 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 (PRAE: PRIVATE 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 (c) 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; (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.]

PUE (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.]

ITEM NO. 29.  
RIGHTS OF TENANT(S) IN THE LAND, IF ANY, AND RIGHTS OF ALL PARTIES CLAIMING BY, THROUGH OR UNDER SAID TENANT(S).



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



SURVEYOR: JCB NO. XXXXXXXX  
**S&F Land Services**  
Land Surveying & Remote Sensing  
(503) 345-0328

MATTHEW FAULKNER P.L.S. 23780 DECEMBER 26, 2024



CIVIL ENGINEER:  
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CIVIL ENGINEERS AND LAND SURVEYORS SPECIALIZING IN SITE DEVELOPMENT  
301 NORTH SAN DIMAS AVENUE, SAN DIMAS, CA. 91773  
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AARON D. PELLOW R.C.E. 27112

**IN-N-OUT BURGER**  
COTTONWOOD MALL NEW STORE  
SEC COORS BOULEVARD BYPASS  
NW AND EAGLE RANCH ROAD  
ALBUQUERQUE, NM 79000

**A.L.T.A./N.S.P.S. LAND TITLE  
SURVEY MAP**

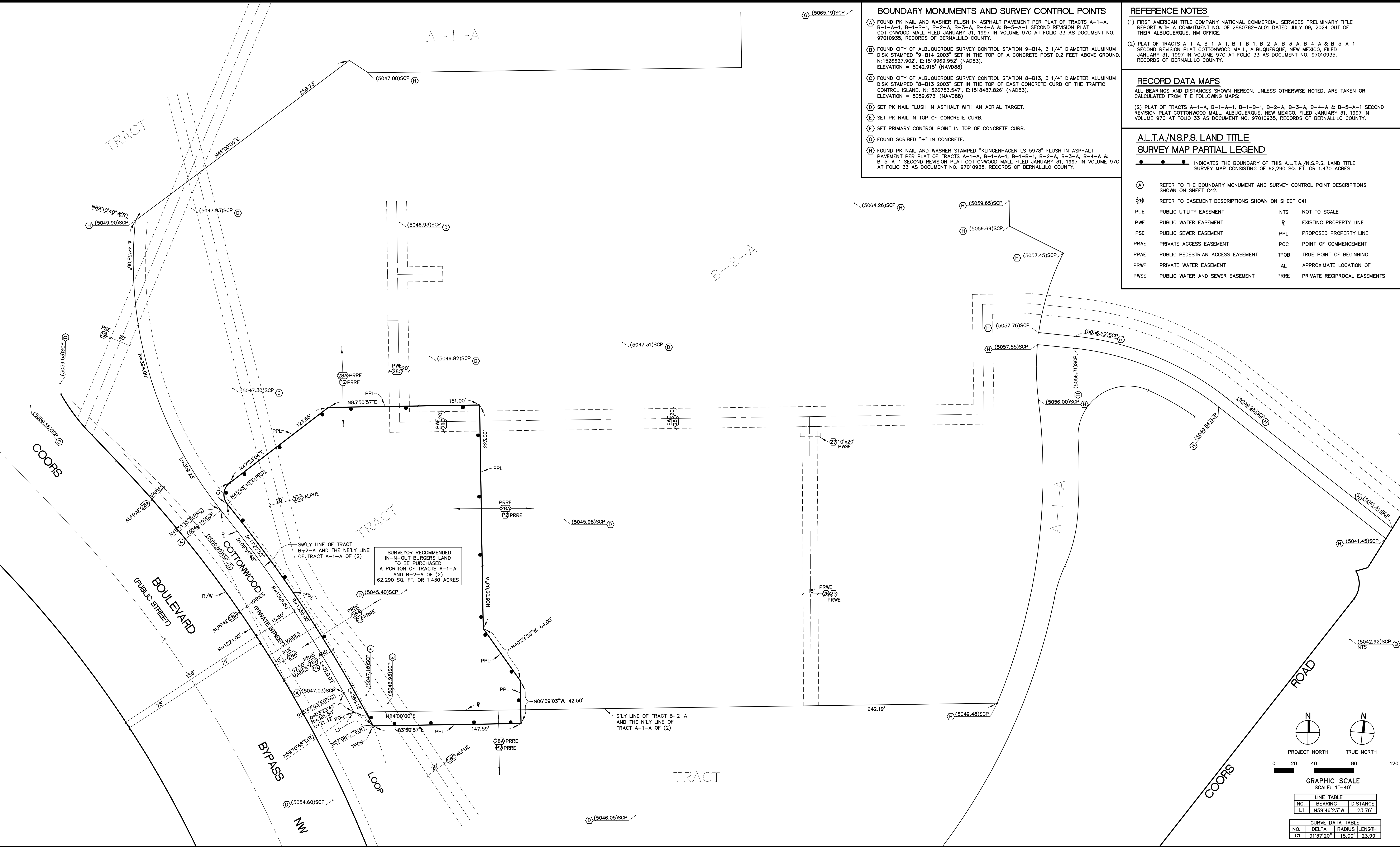
**SHEET 3 OF 5**

**C41A**

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- BOUNDARY MONUMENTS AND SURVEY CONTROL POINTS**
- (A) FOUND PK NAIL AND WASHER FLUSH IN ASPHALT PAVEMENT PER 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 FILED JANUARY 31, 1997 IN VOLUME 97C AT FOLIO 33 AS DOCUMENT NO. 97010935, RECORDS OF BERNALILLO COUNTY.
  - (B) FOUND CITY OF ALBUQUERQUE SURVEY CONTROL STATION 9-B14, 3 1/4" DIAMETER ALUMINUM DISK STAMPED "9-B14 2003" SET IN THE TOP OF A CONCRETE POST 0.2 FEET ABOVE GROUND. N:1526627.902', E:1519969.952' (NAD83), ELEVATION = 5042.915' (NAVD88)
  - (C) FOUND CITY OF ALBUQUERQUE SURVEY CONTROL STATION 8-B13, 3 1/4" DIAMETER ALUMINUM DISK STAMPED "8-B13 2003" SET IN THE TOP OF EAST CONCRETE CURB OF THE TRAFFIC CONTROL ISLAND. N:1526753.547', E:1518487.826' (NAD83), ELEVATION = 5059.673' (NAVD88)
  - (D) SET PK NAIL FLUSH IN ASPHALT WITH AN AERIAL TARGET.
  - (E) SET PK NAIL IN TOP OF CONCRETE CURB.
  - (F) SET PRIMARY CONTROL POINT IN TOP OF CONCRETE CURB.
  - (G) FOUND SCRIBED "+" IN CONCRETE.
  - (H) FOUND PK NAIL AND WASHER STAMPED "KLINGENHAGEN LS 5978" FLUSH IN ASPHALT PAVEMENT PER 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 FILED JANUARY 31, 1997 IN VOLUME 97C AT FOLIO 33 AS DOCUMENT NO. 97010935, RECORDS OF BERNALILLO COUNTY.

**REFERENCE NOTES**

(1) FIRST AMERICAN TITLE COMPANY NATIONAL COMMERCIAL SERVICES PRELIMINARY TITLE REPORT WITH A COMMITMENT NO. OF 2880782-AL01 DATED JULY 09, 2024 OUT OF THEIR ALBUQUERQUE, NM OFFICE.

(2) 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, FILED JANUARY 31, 1997 IN VOLUME 97C AT FOLIO 33 AS DOCUMENT NO. 97010935, RECORDS OF BERNALILLO COUNTY.

**RECORD DATA MAPS**

ALL BEARINGS AND DISTANCES SHOWN HEREON, UNLESS OTHERWISE NOTED, ARE TAKEN OR CALCULATED FROM THE FOLLOWING MAPS:

(2) 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, FILED JANUARY 31, 1997 IN VOLUME 97C AT FOLIO 33 AS DOCUMENT NO. 97010935, RECORDS OF BERNALILLO COUNTY.

**ALTA/N.S.P.S. LAND TITLE**

**SURVEY MAP PARTIAL LEGEND**

● ● ● INDICATES THE BOUNDARY OF THIS ALTA/N.S.P.S. LAND TITLE SURVEY MAP CONSISTING OF 62,290 SQ. FT. OR 1.430 ACRES

(A)	REFER TO THE BOUNDARY MONUMENT AND SURVEY CONTROL POINT DESCRIPTIONS SHOWN ON SHEET C42		
(B)	REFER TO EASEMENT DESCRIPTIONS SHOWN ON SHEET C41		
PUE	PUBLIC UTILITY EASEMENT	NTS	NOT TO SCALE
PWE	PUBLIC WATER EASEMENT	PL	EXISTING PROPERTY LINE
PSE	PUBLIC SEWER EASEMENT	PPL	PROPOSED PROPERTY LINE
PRAE	PRIVATE ACCESS EASEMENT	POC	POINT OF COMMENCEMENT
PPAE	PUBLIC PEDESTRIAN ACCESS EASEMENT	TPOB	TRUE POINT OF BEGINNING
PRWE	PRIVATE WATER EASEMENT	AL	APPROXIMATE LOCATION OF
PWSE	PUBLIC WATER AND SEWER EASEMENT	PRRE	PRIVATE RECIPROCAL EASEMENTS

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

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(503) 345-0328

MATTHEW FAULKNER  
P.L.S. 23780  
DATE  
DECEMBER 26, 2024

CIVIL ENGINEER:  
**MSI ENGINEERING, INC.**  
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301 NORTH SAN DIMAS AVENUE, SAN DIMAS, CA. 91773  
(909) 305-2395 FAX (909) 305-2397

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

**IN-N-OUT BURGER**  
COTTONWOOD MALL NEW STORE  
SEC COORS BOULEVARD BYPASS  
NW AND EAGLE RANCH ROAD  
ALBUQUERQUE, NM 79000

**A.L.T.A./N.S.P.S. LAND TITLE**  
**SURVEY MAP**

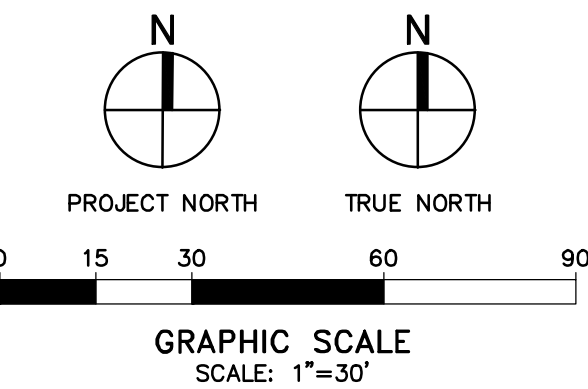
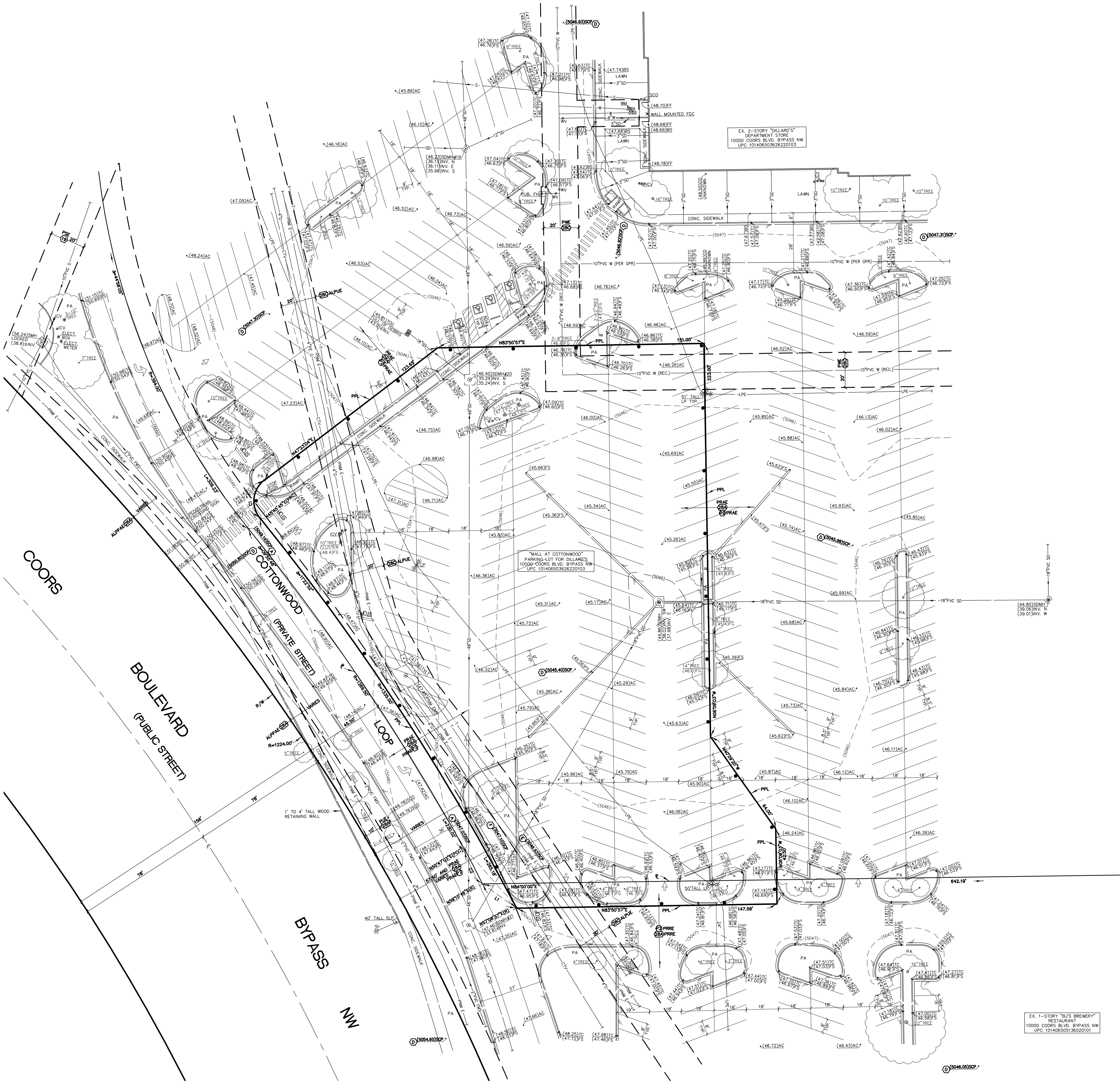
**SHEET 4 OF 5**

**C42**

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ENCROACHMENT NOTES  
THERE ARE NO SIGNS OFF VISIBLE ENCROACHMENT OF SITE  
IMPROVEMENTS EITHER IN TO OR OUTSIDE OF THE SURVEYED PROPERTY.



LINE TABLE		
NO.	BEARING	DISTANCE
L1	N59°46'23\"W	23.76'

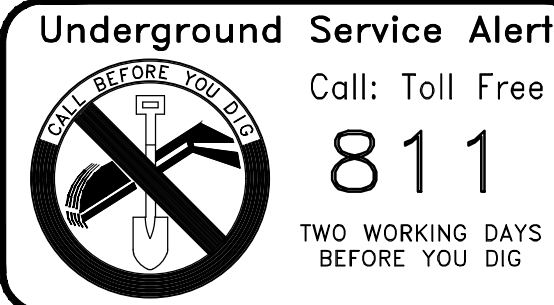
CURVE DATA TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	91°37'20\"	15.00'	23.99'
C2	03°23'43\"	361.50'	21.42'

### AL.T.A./N.S.P.S. LAND TITLE SURVEY MAP PARTIAL LEGEND

- ● ● INDICATES THE BOUNDARY OF THIS A.L.T.A./N.S.P.S. LAND TITLE  
SURVEY MAP CONSISTING OF 62,290 SQ. FT. OR 1.430 ACRES
- (A) REFER TO THE BOUNDARY MONUMENT AND SURVEY CONTROL POINT DESCRIPTIONS  
SHOWN ON SHEET C42.
- (B) REFER TO EASEMENT DESCRIPTIONS SHOWN ON SHEET C41
- PUE PUBLIC UTILITY EASEMENT
- PWE PUBLIC WATER EASEMENT
- PSE PUBLIC SEWER EASEMENT
- PRAE PRIVATE ACCESS EASEMENT
- PPAE PUBLIC PEDESTRIAN ACCESS EASEMENT
- PRWE PRIVATE WATER EASEMENT
- PWSE PUBLIC WATER AND SEWER EASEMENT
- PRRE PRIVATE RECIPROCAL EASEMENTS
- R EXISTING PROPERTY LINE
- PPL PROPOSED PROPERTY LINE
- AL APPROXIMATE LOCATION OF



DEVELOPER:  
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SURVEYOR: JCB NO. XXXXXX  
**S&F Land Services**  
Land Surveying & Remote Sensing  
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MATTHEW FAULKNER P.L.S. 23780 DECEMBER 26, 2024 DATE

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

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**A.L.T.A./N.S.P.S. LAND TITLE  
SURVEY MAP**

**SHEET 5 OF 5**

**C43**

JN24078-2408 C:\data\c43

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