

EASEMENT

This grant of Easement, between BOARD OF EDUCATION OF THE CITY OF ALBUQUERQUE, NEW MEXICO ("Grantor"), whose address is 725 UNIVERSITY S.E. 87125, and NEW MEXICO UTILITIES, INC., a New Mexico Corporation, ("NMUI"), whose address is 4700 Irving Blvd., N.W., Suite 201, Albuquerque, New Mexico 87114, is made in Albuquerque, Bernalillo County, New Mexico and is entered into as of the date Grantor signs this Easement.

1. Recital. Grantor is the owner of certain real property located at TOWN OF ALAMEDA GRANT WITHIN SECTION Bernalillo County, New Mexico (the "Property"). 10, T11N, R2E, N.M.P.M.

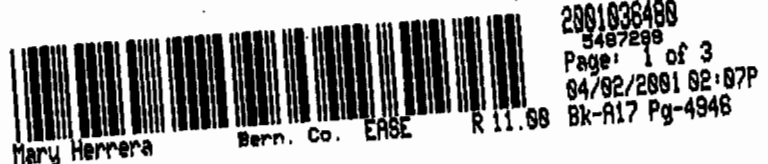
2. Grant of Easement. The Grantor grants to NMUI a permanent easement ("Easement") in, over, upon and across the Property for WATER AND SANITARY SEWER. The Easement is more particularly described in the attached Exhibits "A" and "B".

The grant of Easement includes the right of NMUI to enter upon the Easement at any time for inspection, installation, maintenance, repair or modification and the right to remove trees, bushes, undergrowth and any other obstacles if NMUI determines they interfere with the appropriate use of the Easement. This grant prohibits the erection or placement of any structures within the Easement area without NMUI's prior written consent. This grant includes the right of access to the easement across the Grantor's adjoining property.

Grantor agrees for itself and its successors in interest that it has been paid in valuable consideration and that the grant of this Easement is not a gift or donation.

3. Warranty. Grantor covenants and warrants that it is the owner in fee simple of the Property and that it has a good lawful right to convey the Property or any part thereof, that the Property is free from all encumbrances except encumbrances of record and taxes due and owing the Treasurer of Bernalillo County, and that the Grantor will forever warrant and defend the title to the Property against all claims from all persons or entities.

4. Binding on Grantor's Property. The grant and other provisions of this Easement constitute running with the land for the benefit of NMUI and its successors and assigns until terminated.



5. Form Not Changed. Grantor agrees that changes to this form are not binding upon NMUI unless initialed by the Grantor and approved and signed by an officer of NMUI in writing on this form.

NEW MEXICO UTILITIES, INC.

GRANTOR:

Approved:

BOARD OF EDUCATION OF THE CITY
OF ALBUQUERQUE, NEW MEXICO

By:

By:

Robert L. Swartwout

Title: President

Dated: 3/30/01

Juanita De la Cruz
Title: President, Board of Education

Dated: March 7, 2001

STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on March 30 ²⁰01 at 9:30 a.m., by R. L. Swartwout, President of NEW MEXICO UTILITIES, INC., a New Mexico Corporation.

Jennifer McCoy
Notary Public

My Commission expires:

6-14-04



STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before on March 7, 2001 at xx, by Leonard J. DeLayo, Jr.

Licki E. Marlow
Notary Public

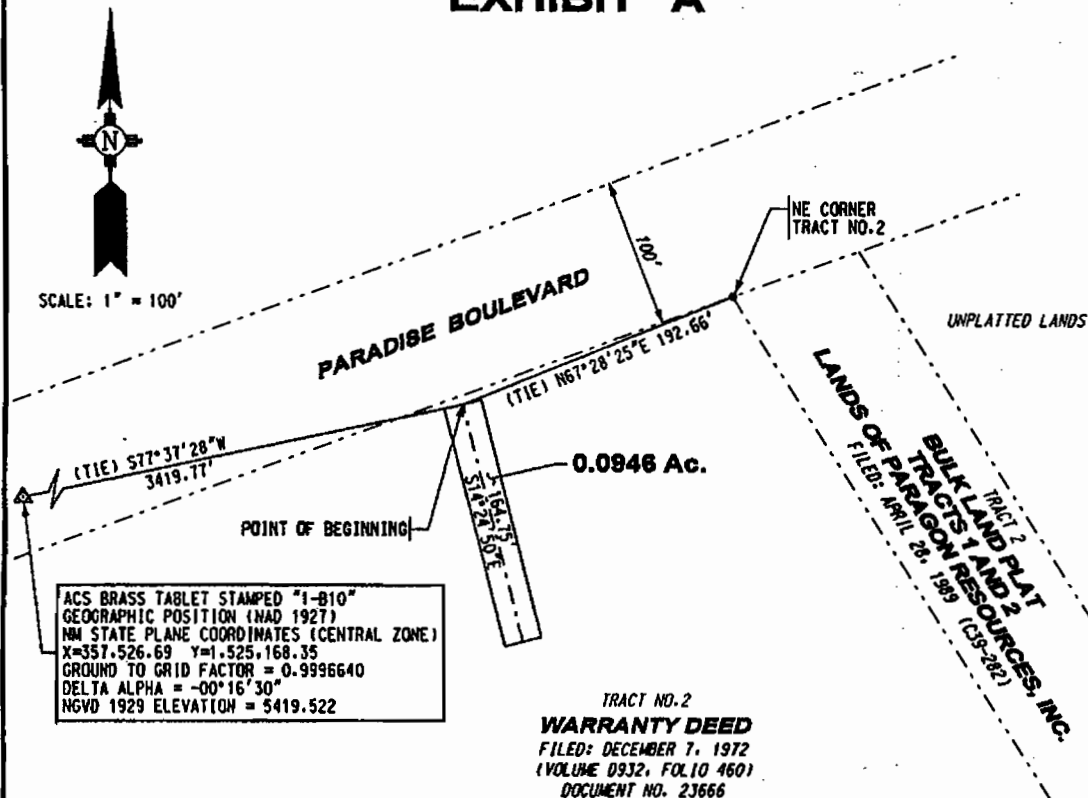
My Commission expires:

September 21, 2002



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EXHIBIT "A"



DESCRIPTION

A certain tract of land situate within the Town of Alameda Grant, within projected Section 10, Township 11 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico being twenty-five (25) feet in width and being a northerly portion of Tract No. 2, as the same is shown and designated on the Warranty Deed recorded in the office of the County Clerk of Bernalillo County, New Mexico on December 7, 1972 in Volume D932, Folio 460 as Document No. 23666 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone NAD 1927) and ground distances as follows:

Said tract being twenty-five (25) feet wide being twelve and one-half (12-1/2) feet on each side of the following described centerline: BEGINNING at the most northerly corner of the centerline herein described, whence the northeast corner of said Tract No. 2 bears N67°28'25"E, a distance of 192.66 feet and whence the Albuquerque City Survey (ACS) monument "1-810", a brass tablet set in concrete, having New Mexico State Plane Grid Coordinates Central Zone (NAD 1927) of X=357,526.69 and Y=1,525,168.35 bears S77°37'28"W, a distance of 3419.77 feet and from said point of beginning running thence S14°24'50"E, a distance of 164.75 feet to the most southerly corner and terminus of the centerline herein described.

Tract contains 0.0946 acres, more or less.



A. Dwain Weaver
A. Dwain Weaver
N.M.P.S. No. 6544
FEB 1, 2001
Date



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Bohannon & Huston



Courtyard One 7500 JEFFERSON NE Albuquerque NEW MEXICO 87109

SHEET 1 OF 1

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