

PERMANENT EASEMENT

Grant of Permanent Easement, by Del Rey Investments TSM II, LLC ("Grantor"), whose address is 6300 Riverside Plaza Lane NW, Suite 200, Albuquerque, NM 87120, to the Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision ("Water Authority"), whose address is P.O. Box 1293, Albuquerque, New Mexico, 87103.

Grantor grants to the Water Authority an exclusive, permanent easement ("Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto ("Property") for the 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 upon the Property if the Water Authority determines they interfere with the appropriate use of this Easement. Grantor reserves the right to construct improvements and the term "exclusive" does not preclude other utility crossings.

In the event Grantor constructs or places any improvements or encroachments (collectively "Improvements") within or upon the Property, the Water Authority has the right to enter upon the Property at any time to inspect, install, maintain, repair, modify, replace or remove (collectively "Work") the Public Water and Sewer Lines as the Water Authority deems necessary or appropriate. If the Work affects any Improvements, the Water Authority shall not be financially liable or otherwise responsible for replacing, rebuilding or repairing the Improvements. If, in the opinion of the Water Authority, the Work could endanger the structural integrity or otherwise damage the Improvements, the Grantor shall, at his own expense, take whatever protective measures the Grantor deems necessary or appropriate to safeguard the Improvements.

Grantor covenants and warrants that Grantor is the owner in fee simple of the Property, that Grantor has a good lawful right to convey the Property or any interest therein, and that Grantor will forever warrant and defend the title to the Property against all claims from all persons or entities.

The grant and other provisions of this Easement constitute covenants running with the Property for the benefit of the Water Authority and its successors and assigns until terminated.

GRANTOR

Acknowledged:

By: 
Del Rey Investments TSM 2, LLC - Manager

Albuquerque Bernalillo County
Water Utility Authority

Date: 7/17/14 By: 
Engineer

[Corporate acknowledgment]

STATE OF NEW MEXICO)
COUNTY OF Bernalillo) ss)

This instrument was acknowledged before me on this 17 day of July, by DEAN DOLAN [name], PRESIDENT [title] of Del Rey Investments TSM II, LLC [company name], a LLC [type of entity], on behalf of said company.

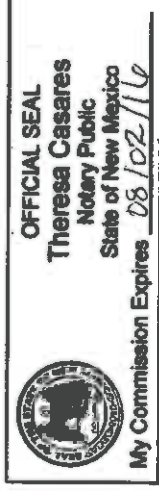
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07/18/2014 09:33 AM Page: 1 of 12
ERSE R \$25.00 M. Toulouse Oliver, Bernalillo County


My Commission Expires:

August 02, 2016

Theresa Casares
Notary Public



[acknowledgement for individual]

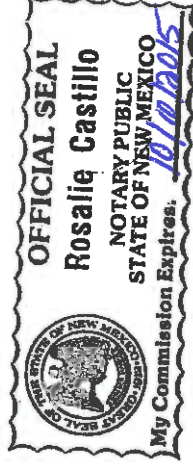
STATE OF NEW MEXICO)
) ss
COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 18th day of July 2014, by
Allan Porter [name].

Rosalie Castillo
Notary Public

My Commission Expires:

October 6, 2015



LEGAL DESCRIPTION - PUBLIC SANITARY SEWER AND WATERLINE
EASEMENTS

Easements within the Elena Gallegos Grant, in Projected Section 24, Township 11 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising portions of Tract 1, Santa Monica Place, as the same is shown and designated on the plat entitled "SULK LAND PLAT OF TRACTS 1 TRU 4, SANTA MONICA PLACE (BEING A REPLAT OF BLOCKS 18 AND 19, TRACT A, UNIT A, NORTH ALBUQUERQUE ACRES, AND A VACATED PORTION OF DEL REY AVENUE N.E.) SITUATE WITHIN THE ELENA GALLEGOS GRANT IN PROJECTED SECTION 24, TOWNSHIP 11 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on January 6, 2012, in Plat Book 2012C, Page 2, as Document No. 2012001338, more particularly described by New Mexico State Plane Grid Bearings (Central Zone - NAD 83) and ground distances as follows:

BEGINNING at the northwesterly corner of the western-most end of EASEMENT "A", said point also being a point on the westerly boundary of said Tract 1, Santa Monica Place, and also being a point on the easterly right of way line of San Pedro Boulevard N.E., whence (1) Albuquerque Control Survey Monument "I-25-14" bears S 87°02'01" W, 2,474.00 feet distant, and (2) the point of curvature on the westerly boundary at the northwesterly corner of said Lot 1, Santa Monica Place, bears N 00°14'31" E, 91.70 feet distant; Thence,

S 89°45'29" E, 94.23 feet to an angle point; Thence,

N 45°14'31" E, 20.42 feet to an angle point; Thence,

N 00°14'31" E, 57.63 feet to an angle point; Thence,

S 99°40'00" E, 133.90 feet to an angle point; Thence,

N 67°50'00" E, 16.99 feet to an angle point, said point also being a point on the westerly line of a Public Storm Drain Easement granted by document filed 6/19/2012, as Document No. 2012061466, whence the northwesterly corner

of said easement and the northerly boundary of said Tract 1, Santa Monica Place bears N 00°06'18" W, 28.00 feet distant; Thence, along said westerly line of Public Storm Drain Easement,

S 00°06'18" E, 21.58 feet to an angle point; Thence,
S 67°50'00" W, 12.85 feet to an angle point; Thence,
S 00°20'00" W, 27.00 feet to an angle point; Thence,
N 89°40'00" W, 13.44 feet to an angle point; Thence,
N 00°20'00" E, 22.21 feet to an angle point; Thence,
N 89°45'29" W, 6.55 feet to an angle point; Thence,
N 00°20'00" E, 4.90 feet to an angle point; Thence,
N 89°40'00" W, 32.85 feet to an angle point; Thence,
S 00°14'31" W, 54.11 feet to an angle point; Thence,
S 67°36'15" W, 27.09 feet to an angle point; Thence,
S 00°14'31" W, 26.74 feet to an angle point; Thence,
S 33°30'29" E, 54.00 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°14'31" W, 10.00 feet to an angle point; Thence,
N 89°40'00" W, 10.00 feet to an angle point; Thence,
S 00°14'31" W, 140.15 feet to an angle point; Thence,
S 89°40'00" E, 17.15 feet to an angle point; Thence,
N 00°20'00" E, 10.00 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°20'00" W, 10.00 feet to an angle point; Thence,

S 89°40'00" E, 96.65 feet to an angle point; Thence,
N 00°20'00" E, 10.00 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°20'00" W, 10.00 feet to an angle point; Thence,
S 89°40'00" E, 328.21 feet to an angle point; Thence,
N 00°20'00" E, 10.00 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°20'00" W, 10.00 feet to an angle point; Thence,
S 89°40'00" E, 61.36 feet to an angle point; Thence,
N 45°47'14" E, 47.76 feet to an angle point; Thence,
S 89°40'00" E, 86.53 feet to an angle point; Thence,
N 00°20'00" E, 13.00 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°20'00" W, 13.00 feet to an angle point; Thence,
S 89°40'00" E, 5.85 feet to an angle point; Thence,
N 00°14'31" E, 87.49 feet to an angle point; Thence,
S 89°43'29" E, 20.00 feet to an angle point; Thence,
S 00°14'31" W, 87.51 feet to an angle point; Thence,
S 89°40'00" E, 3.82 feet to an angle point; Thence,
N 00°20'00" E, 17.56 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°20'00" W, 17.56 feet to an angle point; Thence,
S 89°40'00" E, 20.18 feet to an angle point; Thence,

N 00°14'31" E, 247.82 feet to JUNCTION POINT "1"; Thence,
S 69°40'00" E, 32.30 feet to an angle point; Thence,
S 00°14'31" W, 10.00 feet to an angle point; Thence,
N 89°40'00" W, 32.30 feet to an angle point; Thence,
S 00°14'31" W, 257.82 feet to an angle point; Thence,
N 89°40'00" W, 228.22 feet to an angle point; Thence,
S 45°47'14" W, 23.48 feet to an angle point; Thence,
S 44°12'46" E, 9.00 feet to an angle point; Thence,
S 45°47'14" W, 10.00 feet to an angle point; Thence,
N 44°12'46" W, 9.00 feet to an angle point; Thence,
S 45°47'14" W, 14.27 feet to an angle point; Thence,
N 89°40'00" W, 191.97 feet to an angle point; Thence,
S 00°20'00" W, 32.00 feet to an angle point, said point also
being a point on the southerly boundary of
said Tract 1, Santa Monica Place; Thence,
along said southerly boundary of Tract 1,
Santa Monica Place,
N 89°40'00" W, 15.00 feet to an angle point; Thence,
N 00°20'00" E, 32.00 feet to an angle point; Thence,
N 89°40'00" W, 218.33 feet to an angle point; Thence,
S 00°20'00" W, 3.00 feet to an angle point; Thence,
N 89°40'00" W, 10.00 feet to an angle point; Thence,
N 00°20'00" E, 8.00 feet to an angle point; Thence,
N 89°40'00" W, 126.72 feet to an angle point; Thence,
N 00°14'31" E, 164.06 feet to an angle point; Thence,

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N 33°30'29" W, 72.44 feet to an angle point; Thence,

N 89°45'29" W, 88.42 feet to an angle point, said point also being a point on said westerly boundary of Tract 1, Santa Monica Place; Thence,

N 00°14'31" E, 20.00 feet to the point of beginning of EASEMENT "A".

Said EASEMENT "A" contains 0.8559 acres, more or less.

ALSO, beginning at said JUNCTION POINT "1", Thence,

N 01°03'04" E, 25.00 feet to the TRUE POINT OF BEGINNING and the southeasterly corner of EASEMENT "B";
thence,

N 89°40'00" W, 10.00 feet to an angle point; Thence,

N 00°14'31" E, 5.35 feet to an angle point; Thence,

S 89°40'00" E, 10.00 feet to an angle point; Thence,

S 00°14'31" W, 5.35 feet to the point of beginning.

Said EASEMENT "B" contains 0.0012 acres, more or less.

ALSO, beginning at said JUNCTION POINT "1", Thence,

N 89°40'00" W, 117.18 feet to the TRUE POINT OF BEGINNING and the northeasterly corner of EASEMENT "C";
Thence,

S 00°20'00" W, 16.89 feet to an angle point; Thence,

N 89°40'00" W, 10.00 feet to an angle point; Thence,

N 00°20'00" E, 16.89 feet to JUNCTION POINT "2"; Thence,

S 89°40'00" E, 10.00 feet to the point of beginning.

Said EASEMENT "C" contains 0.0039 acres, more or less.

ALSO, beginning at said JUNCTION POINT "2", thence,
N 89°40'00" W, 257.89 feet to the TRUE POINT OF BEGINNING and
the northeasterly corner of EASEMENT "D";
Thence,

S 00°20'00" W, 7.00 feet to an angle point; Thence,
N 69°40'00" W, 16.51 feet to an angle point; Thence,
N 00°20'00" E, 7.00 feet to JUNCTION POINT "3"; Thence,
S 89°40'00" E, 16.51 feet to the point of beginning.

Said EASEMENT "D" contains 0.0027 acres, more or less.

ALSO, beginning at said JUNCTION POINT "3"; thence,
N 08°48'01" W, 25.32 feet to the TRUE POINT OF BEGINNING and the
southwesterly corner of EASEMENT "E";
Thence,

N 00°20'00" E, 34.50 feet to an angle point, said point also
being a point on the northerly boundary of
said Tract 1, Santa Monica Place, and also
being a point on the southerly right of way
line of Derickson Avenue N.E.; Thence, along
said northerly boundary of Tract 1, Santa
Monica Place,

S 89°40'00" E, 15.00 feet to an angle point, whence the
northeasterly corner of said Tract 1, Santa
Monica Place, bears S 89°40'00" E, 485.49
feet distant; Thence,

S 00°20'00" W, 34.50 feet to JUNCTION POINT "4"; thence,

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N 89°40'00" W, 15.00 feet to the point of beginning.
Said EASEMENT "E" contains 0.0119 acres, more or less.

ALSO, beginning at said JUNCTION POINT "4"; Thence,
S 89°40'00" E, 12.98 feet to the TRUE POINT OF BEGINNING and the
southwesterly corner of EASEMENT "E";
Thence,

N 00°20'00" E, 2.30 feet to an angle point; Thence,
S 89°40'00" E, 10.00 feet to an angle point; Thence,
S 00°20'00" W, 6.30 feet to an angle point; Thence,
N 89°40'00" W, 10.00 feet to the point of beginning.
Said EASEMENT "F" contains 0.0019 acres, more or less.

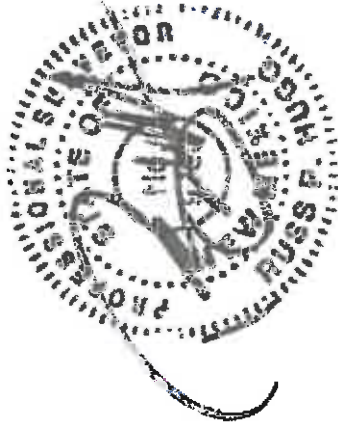
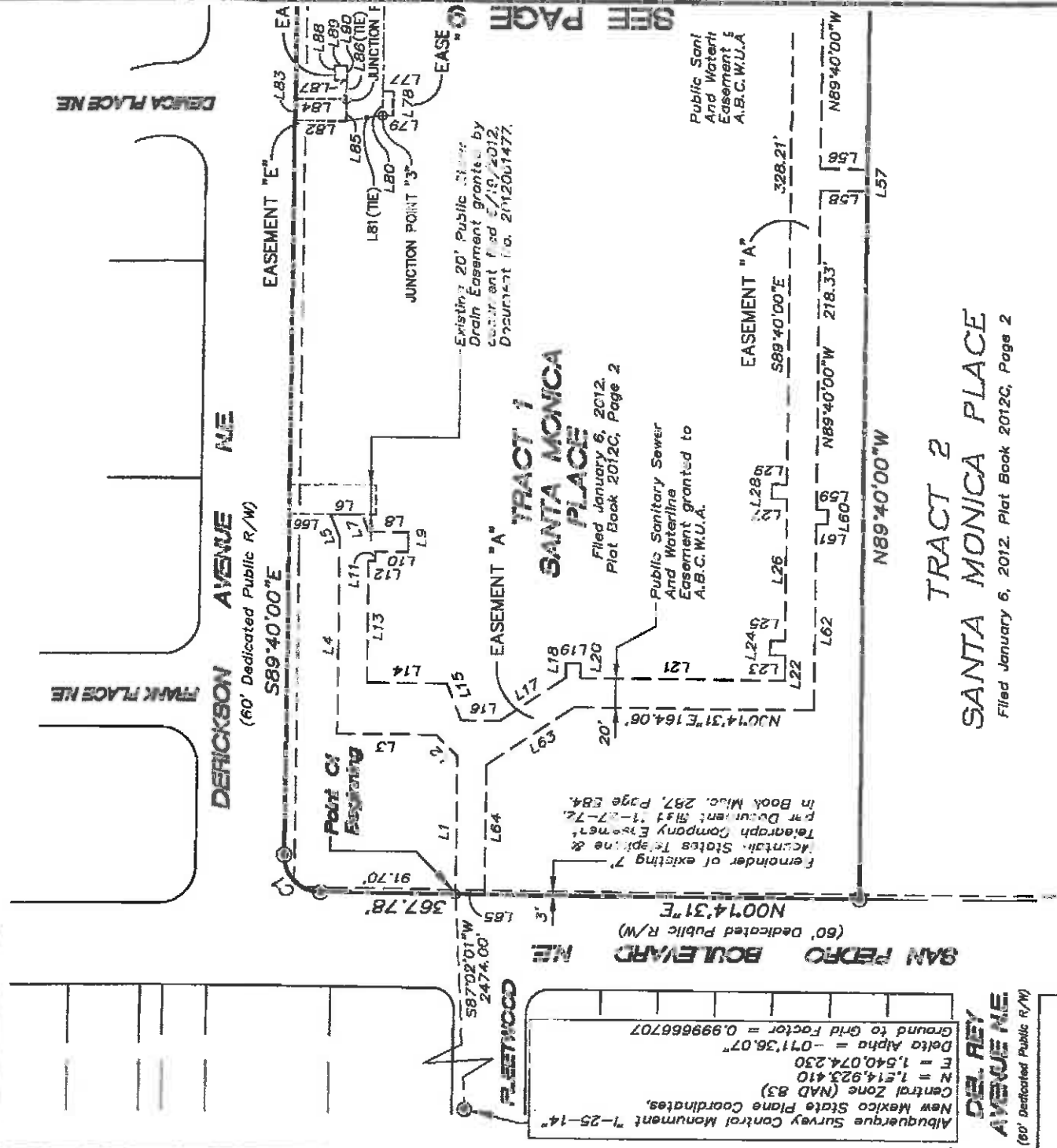


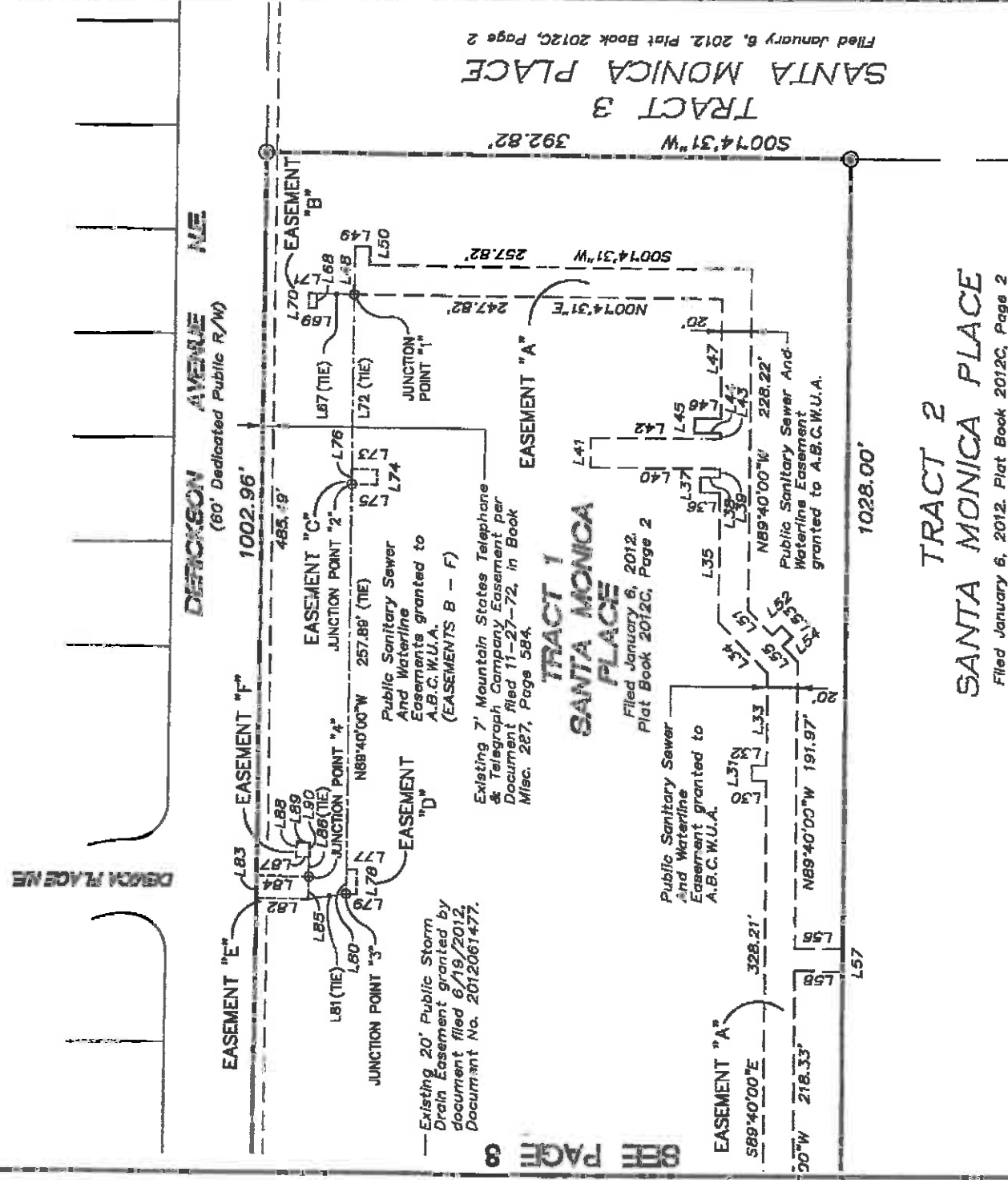
EXHIBIT "A"



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	39.31'	25.00'	25.04'	35.38'	N45°17'15"E	90°05'29"

— 2 —

Scale 1" = 100'



Scale 1" = 100'

LINE TABLE		
LINE	LENGTH	BEARING
L1	94.23	S89°45'29"E
L2	20.42	N45°14'31"E
L3	67.63	N00°14'31"E
L4	133.90	S89°40'00"E
L5	16.99	N67°50'00"E
L6	21.58	S00°06'18"E
L7	12.36	S67°50'00"W
L8	27.00	S00°20'00"W
L9	13.44	N89°40'00"W
L10	22.21	N00°20'00"E
L11	6.56	N89°45'29"W
L12	4.80	N00°20'00"E
L13	82.85	N89°40'00"W
L14	54.11	S00°14'31"W
L15	27.09	S67°36'15"W
L16	26.74	S00°14'31"W
L17	54.00	S33°30'29"E
L18	10.00	S89°40'00"E
L19	10.00	S00°14'31"W
L20	10.00	N89°40'00"W
L21	140.16	S00°14'31"W
L22	17.15	S89°40'00"E
L23	10.00	N00°20'00"E
L24	10.00	S89°40'00"E
L25	10.00	S00°20'00"W
L26	56.65	S89°40'00"E
L27	10.00	N00°20'00"E
L28	10.00	S89°40'00"E
L29	10.00	S00°20'00"W
L30	10.00	N00°20'00"E
L31	10.00	S89°40'00"E
L32	10.00	S00°20'00"W
L33	61.86	S89°40'00"E
L34	47.76	N45°47'14"E
L35	86.53	S69°40'00"E
L36	13.00	N00°20'00"E
L37	10.00	S89°40'00"E
L38	13.00	S00°20'00"W
L39	5.85	S89°40'00"E
L40	87.48	N00°14'31"E
L41	20.00	S89°45'29"E
L42	87.51	S00°14'31"W
L43	3.82	S89°40'00"E
L44	17.56	N00°20'00"E
L45	10.00	S89°40'00"E

LINE TABLE		
LINE	LENGTH	BEARING
L46	17.56	S00°20'00"W
L47	80.18	S89°40'00"E
L48	32.30	S89°40'00"E
L49	10.00	S00°14'31"W
L50	12.30	N89°40'00"W
L51	23.48	S45°47'14"W
L52	9.00	S44°12'46"E
L53	10.00	S45°47'14"W
L54	9.00	N44°12'46"W
L55	14.27	S45°47'14"W
L56	32.00	S00°20'00"W
L57	15.00	N89°40'00"W
L58	32.00	N00°20'00"E
L59	8.00	S00°20'00"W
L60	10.00	N89°40'00"W
L61	8.00	N00°20'00"E
L62	126.72	N89°40'00"W
L63	72.44	N33°30'29"W
L64	88.42	N89°45'29"W
L65	20.00	N00°14'31"E
L66	28.00	N00°06'18"W
L67	25.00	N01°03'04"E
L68	10.00	N89°40'00"W
L69	5.35	N00°14'31"E
L70	10.00	S89°40'00"E
L71	5.35	S00°14'31"W
L72	117.18	N89°40'00"W
L73	16.89	S00°20'00"W
L74	10.00	N89°40'00"W
L75	16.89	N00°20'00"E
L76	10.00	S89°40'00"E
L77	7.00	S00°20'00"W
L78	16.51	N89°40'00"W
L79	7.00	N00°20'00"E
L80	16.51	S89°40'00"E
L81	25.32	N03°46'01"W
L82	34.50	N00°20'00"E
L83	15.00	S89°40'00"E
L84	34.50	S00°20'00"W
L85	15.00	N89°40'00"W
L86	12.98	S89°40'00"E
L87	8.30	N00°20'00"E
L88	10.00	S89°40'00"E
L89	8.30	S00°20'00"W
L90	10.00	N89°40'00"W

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