

AMENDED AND RESTATED
DECLARATION OF SIDEWALK EASEMENT

THIS DECLARATION OF SIDEWALK EASEMENT is made effective June 4, 2024, and is made by MAUNEY INVESTMENTS, LLC., a New Mexico limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property in Bernalillo County, New Mexico, described as:

Tract A-1-C-1A as shown on the plat of Tracts A-1-B1 and A-1-C-1A Los Pastores Shopping Center (Being a Replat of Tracts A-1-B and A-1-C-1, Los Pastores Shopping Center), filed November 28, 2022, as Document No. 2022102078, records of Bernalillo County, New Mexico.

(referred to herein by individual Tract name).

B. The City of Albuquerque required that a sidewalk be constructed centered on the common lot line of Tract A-1-C-1A and adjacent Tract A-1-B1 (the "Sidewalk"), as shown on the second page of **Exhibit "A"** attached hereto.

C. Declarant desiring to establish a private sidewalk easement on Tract A-1-C-1A for the portion of the Sidewalk located on Tract A-1-C-1A, executed and filed of record a Declaration of Sidewalk Easement, dated April 4, 2023, and recorded on May 14, 2024, as Doc #2024032740 (the "Declaration").

D. Declarant desires to amend the Declaration to make some technical corrections and to restate it in its entirety.

NOW, THEREFORE, Declarant hereby declares and establishes the following:

1. **Sidewalk Easement.** Tract A-1-C-1A is made subject to a private easement over that that portion of Tract A-1-C-1A described on **Exhibit "A"** attached hereto (the "Sidewalk Easement"), for the construction, installation, maintenance, repair, modification, replacement and operation of a sidewalk. The Sidewalk Easement is for the use and benefit of Tracts A-1-A, A-1-B1, A-1C-1A and A-1-E-1. The Sidewalk Easement is for the use and benefit of 1-B1 and A-1C-1A and Tracts A-1-A, and A-1-E-1, as shown on the plat of Los Pastores Shopping Center (Tracts A-1-A, A-1-B, A-1-C, A-1-D, A-1-E and A-1-F) filed October 14, 2016, Book 206C, Page 124, as Document No. 2016097396 records of Bernalillo County, New Mexico.

2. **Duration.** The Sidewalk Easement is perpetual.

3. **Easement Expenses.** The costs of construction, installation, maintenance, repair, cleaning and insurance of the Sidewalk and the surface area of the Sidewalk shall be paid by the Owner of Tract A-1-C-1A.

4. **Binding Effect; Running with the Land.** All the covenants, terms, agreements,

conditions, and restrictions set forth in this Declaration are intended to be and shall be construed as covenants running with the land, binding upon Declarant and its successors in interest, grantees and assignees, upon the terms, provisions and conditions herein set forth.

5. Miscellaneous. This Agreement will be construed in accordance with the laws of the State of New Mexico. Venue for any action concerning or related to this Agreement shall be in the state courts of Bernalillo County, New Mexico. In the event any legal action or other proceeding is brought for the enforcement or interpretation of this Agreement, the successful or prevailing party or parties will be entitled to recover reasonable attorneys' fees and expenses incurred in the action or proceeding (including appeals), in addition to any other relief to which such party or parties may be entitled.

EXECUTED as of the day and year above first written.

DECLARANT

MAUNEY INVESTMENTS, LLC

By: 
Name: Marc Mauney
Title: Managing Member

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before on June 4, 2024, by Marc Mauney, Managing Member of Mauney Investments, LLC, a New Mexico limited liability company, on behalf of said company.

My commission expires:
12-17-25


NOTARY PUBLIC

STATE OF NEW MEXICO NOTARY PUBLIC JULIA SHRADER COMMISSION NUMBER 1083475 EXPIRATION DATE 12-17-2025
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EXHIBIT "A"

LEGAL DESCRIPTION

An Easement comprising the North three and one half feet (3.5') of Tract A-1-C-1A, Los Pastores Shopping Center as the same is shown and designated on the plat entitled "PLAT OF TRACTS A-A-B1 AND A-1-C-1A, LOS PASTORES SHOPPING CENTER (BEING A REPLAT OF TRACTS A-1-B AND A-1-C-1, LOS PASTORES SHOPPING CENTER SITUATE WITHIN THE ELENA GALLEGOS GRANT IN PROJECTED SECTION 31, TOWNSHIP 11 NORTH, RANGE 4 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 November 28, 2022 in Plat Book 2022C, page 130, more particularly described using New Mexico State Plane, Central Zone (NAD 83) grid bearings as follows:

Beginning at the Northwest corner of said Tract A-1-C-1A whence the Albuquerque Control Survey Monument "4-F19" bears N 32°10'10" W, 2088.04 feet distant; Thence running as an easement:

S 89° 59' 53" E , 242.14 feet along the Northerly line of said Tract A-1-C-1A to the Northeast corner of said Tract A-1-C-1A, said point also being a point on the Westerly right of way line of Wyoming Boulevard N.E. and the Northeast corner of the easement herein described; Thence,

S 00° 06' 30" E , 3.50 feet along said Westerly right of way line of Wyoming Boulevard N.E. to the Southeast corner of the easement herein described; Thence,

N 89° 59' 53" W , 242.14 feet to a point on the Westerly line of said Tract A-1-C-1A and the Southwest corner of the easement herein described; Thence,

N 00° 00' 00" E , 3.50 feet along said Westerly line of Tract A-1-C-1A to the point of beginning of the easement herein described.

Said easement contains 0.0195 acre, more or less

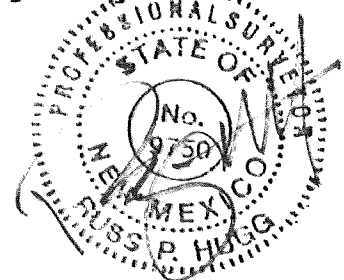
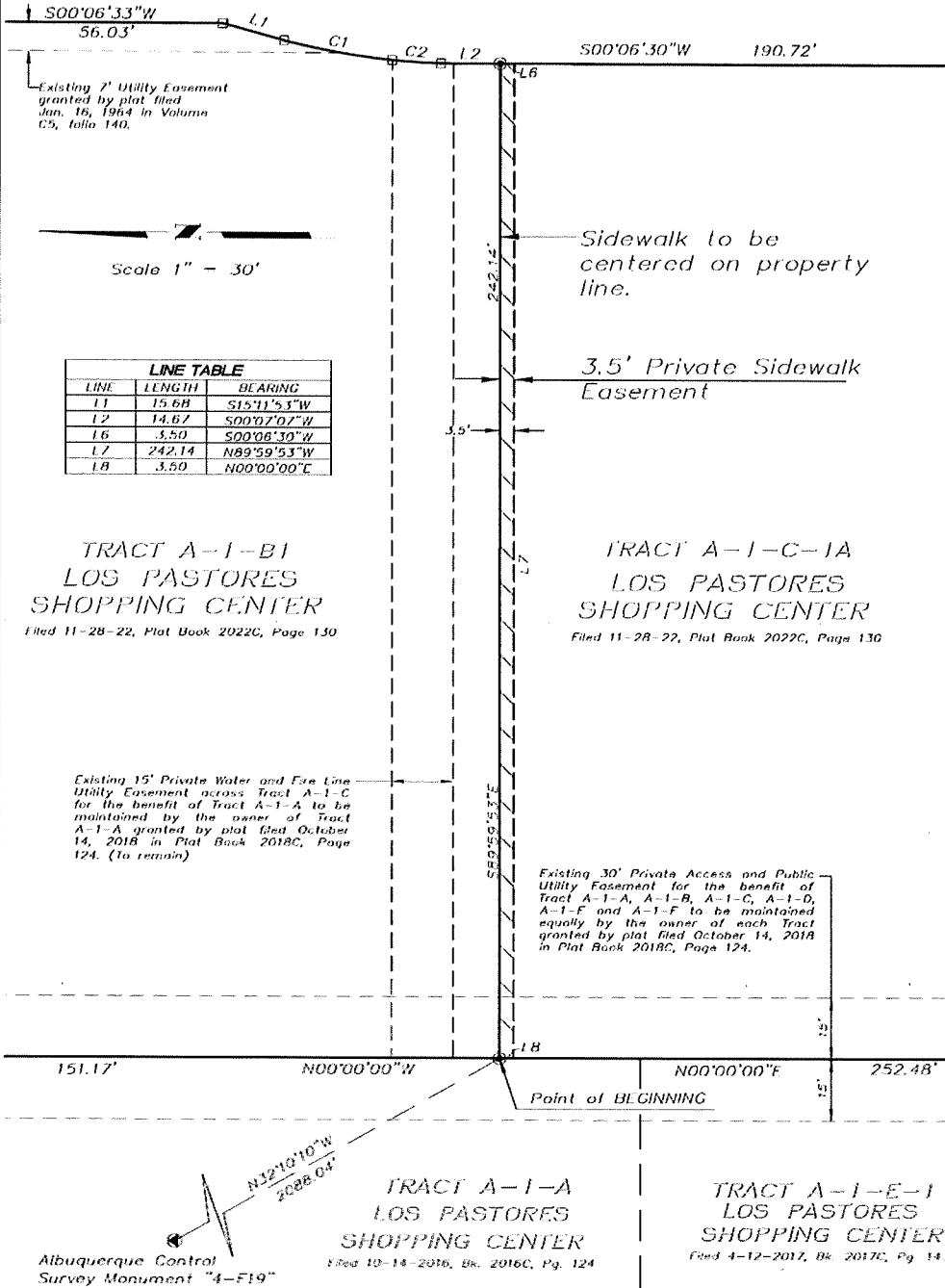


EXHIBIT "A"

WYOMING BOULEVARD N.E.



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	27.02'	175.00'	13.54'	26.99'	S09°55'15"W	85°04"
C2	11.88'	175.00'	5.94'	11.85'	S93°37'01"W	35°32"



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SURV+TEK, INC.

Consulting Surveyors

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