

**GRANT OF TEMPORARY DRAINAGE EASEMENT
TRACT 6 AVALON SUBDIVISION UNIT 5**

This Temporary Drainage Easement is granted by I-40 South, LLC, a NM limited liability company.

Recitals:

1. Westco Albuquerque, LLC, a New Mexico limited liability company, and Westco Albuquerque II, LLC, a New Mexico limited liability company (hereinafter collectively "Grantee") have acquired Tract 5-A of Avalon Subdivision, Unit 5, as shown on the plat of Tract 5-A, Avalon Subdivision, Unit 5, which was filed for record on July 24, 2014 as Document No. 2014058257 from the individual members of I-40 South, LLC, a New Mexico limited liability company ("I-40 South" or "Grantor").
2. Grantee has requested I-40 South to grant an easement on the easterly portion of Tract 6, Avalon Subdivision Unit 5, as shown on the plat of Tracts 1 through 12, Avalon Subdivision, Unit 5, which was filed for record on May 22, 2014 as Document No. 2014040949, so that it can channel historical water flows that come from the west and across said Tract 6 which will allow it to construct improvements on Tract 5-A of Avalon Subdivision, Unit 5.
3. I-40 South has agreed to grant a temporary easement on terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I-40 South does hereby grant, bargain, sell and convey unto Westco Albuquerque, LLC and Westco Albuquerque II, LLC, their successors and assigns, a temporary easement for drainage, flood control and conveyance of storm water and the construction, reconstruction, operation and maintenance of, and access to such facilities; on, in, under, over, and across the real estate described on Exhibit A which is attached hereto and incorporated herein.

Except by the written approval of Grantor, no fence, building, or other permanent improvement or obstruction may be placed or maintained in said easement. Grantee shall be responsible to properly maintain the easement and all improvements located therein.

TO HAVE AND TO HOLD the easement for the uses and purposes aforesaid, unto the Grantee, its successors and assigns until such time as the Grantor, its successors or assigns shall develop all or that portion of Tract 6 Avalon Subdivision Unit 5 which is contiguous to Tract 5-A and all flow from and across Tract 6 is controlled by Grantor, its successors or assigns, at which time the Grantee, its successors or assigns shall convey and release the easement to the Grantor, its successors or assigns by quitclaim deed.

4813-8976-1052v2

FILED
RECORDED
2014
AUG 21
BELL

THERE IS RESERVED unto Grantor the right to use the land described on Exhibit A for open space, landscaping, parking and other purposes which will not interfere with the rights hereby granted.

WITNESS its hand and seal this 20th day of August, 2014.

I-40 SOUTH, LLC

By: [Signature]
Thomas F. Keleher, its Manager

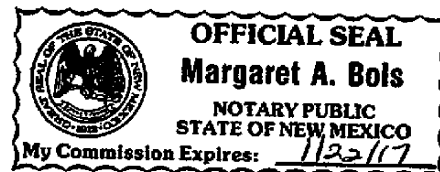
Corporate Acknowledgment

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

The foregoing instrument was acknowledged before me this 20th day of August, 2014, by Thomas F. Keleher, Manager of I-40 South, LLC, a New Mexico limited liability company.

[Signature]
Notary Public

My commission expires: 1/22/17



4813-6976-1052v2

Legal Description

Temporary Private Drainage Easement

A PRIVATE DRAINAGE EASEMENT LYING AND SITUATE WITHIN THE TOWN OF ATRISCO GRANT, PROJECTED SECTIONS 16 AND 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, BERNALILLO COUNTY, NEW MEXICO, COMPRISING A PORTION OF TRACT 6, AVALON SUBDIVISION UNIT 5, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MAY 22, 2014, IN BOOK 2014C, PAGE 46, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE COORDINATE SYSTEM GRID BEARINGS (CENTRAL ZONE-NAD 1983) AND GROUND DISTANCES (US SURVEY FOOT) AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF DESCRIBED EASEMENT, ALSO BEING THE NORTHEAST CORNER OF SAID TRACT 6, LYING ON THE SOUTH RIGHT OF WAY LINE OF DAYTONA ROAD, N.W., MARKED BY A FOUND NO. 4 REBAR WITH PLASTIC CAP "PS 11993", FROM WHENCE A TIE TO ALBUQUERQUE GEOGRAPHIC REFERENCE SYSTEM MONUMENT "REWARD" BEING A U.S. COAST & GEODETIC SURVEY BENCHMARK BRASS DISK SET IN CONCRETE, STAMPED "REWARD 1969", WHICH BEARS N 85°16'05" E, A DISTANCE OF 3,780.54 FEET;

THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID SOUTH RIGHT OF WAY LINE, S 04°10'50" E, A DISTANCE OF 585.24 FEET TO AN ANGLE POINT MARKED BY A FOUND NO. 4 REBAR WITH PLASTIC CAP "PS 11993";

THENCE S 14°56'38" E, A DISTANCE OF 447.94 FEET TO THE SOUTHEAST CORNER OF DESCRIBED EASEMENT LYING ON THE NORTH RIGHT-OF-WAY LINE OF LOS VOLCANES ROAD, N.W., MARKED BY A FOUND NO. 4 REBAR WITH PLASTIC CAP "PS 11993";

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S 86°17'45" W, A DISTANCE OF 83.77 FEET TO THE SOUTHWEST CORNER OF DESCRIBED EASEMENT;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N 08°07'10" W, A DISTANCE OF 85.87 FEET TO AN ANGLE POINT;

THENCE N 24°48'20" E, A DISTANCE OF 34.34 FEET TO AN ANGLE POINT;

THENCE N 14°56'38" W, A DISTANCE OF 324.66 FEET TO AN ANGLE POINT;

THENCE N 04°10'50" W, A DISTANCE OF 589.88 FEET TO THE NORTHWEST CORNER OF DESCRIBED EASEMENT LYING ON SAID SOUTH RIGHT-OF-WAY LINE OF DAYTONA ROAD, N.W.;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, N 85°47'25" E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID EASEMENT HAVING AN AREA OF 1.2475 ACRES (54,343 SQUARE FEET) MORE OR LESS, and all as shown on Page 2 of 2.

EXHIBIT "A"

4813-6976-1052v2

LEGAL DESCRIPTION

Temporary Private Drainage Easement

A PRIVATE DRAINAGE EASEMENT LYING AND SITUATE WITHIN THE TOWN OF ATRISCO GRANT, PROJECTED SECTIONS 16 AND 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, BERNALILLO COUNTY, NEW MEXICO, COMPRISING A PORTION OF TRACT 6, AVALON SUBDIVISION UNIT 5, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MAY 22, 2014, IN BOOK 2014C, PAGE 46, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE COORDINATE SYSTEM GRID BEARINGS (CENTRAL ZONE-NAD 1983) AND GROUND DISTANCES (US SURVEY FOOT) AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF DESCRIBED EASEMENT, ALSO BEING THE NORTHEAST CORNER OF SAID TRACT 6, LYING ON THE SOUTH RIGHT OF WAY LINE OF DAYTONA ROAD, N.W., MARKED BY A FOUND NO. 4 REBAR WITH PLASTIC CAP "PS 11993", FROM WHENCE A TIE TO ALBUQUERQUE GEOGRAPHIC REFERENCE SYSTEM MONUMENT "REWARD" BEING A U.S. COAST & GEODETIC SURVEY BENCHMARK BRASS DISK SET IN CONCRETE, STAMPED "REWARD 1969", WHICH BEARS S 85°16'05" W, A DISTANCE OF 3,780.54 FEET;

THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID SOUTH RIGHT OF WAY LINE, S 04°10'50" E, A DISTANCE OF 585.24 FEET TO AN ANGLE POINT MARKED BY A FOUND NO. 4 REBAR WITH PLASTIC CAP "PS 11993";

THENCE S 14°56'38" E, A DISTANCE OF 447.94 FEET TO THE SOUTHEAST CORNER OF DESCRIBED EASEMENT LYING ON THE NORTH RIGHT-OF-WAY LINE OF LOS VOLCANES ROAD, N.W., MARKED BY A FOUND NO. 4 REBAR WITH PLASTIC CAP "PS 11993";

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S 86°17'45" W, A DISTANCE OF 83.77 FEET TO THE SOUTHWEST CORNER OF DESCRIBED EASEMENT;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N 08°07'10" W, A DISTANCE OF 85.87 FEET TO AN ANGLE POINT;

THENCE N 24°48'20" E, A DISTANCE OF 34.34 FEET TO AN ANGLE POINT;

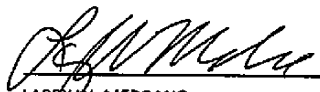
THENCE N 14°56'38" W, A DISTANCE OF 324.66 FEET TO AN ANGLE POINT;

THENCE N 04°10'50" W, A DISTANCE OF 589.88 FEET TO THE NORTHWEST CORNER OF DESCRIBED EASEMENT LYING ON SAID SOUTH RIGHT-OF-WAY LINE OF DAYTONA ROAD, N.W.;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, N 85°47'25" E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID EASEMENT HAVING AN AREA OF 1.2475 ACRES (54,343 SQUARE FEET) MORE OR LESS, AND ALL AS SHOWN ON PAGE 2 OF 2.

Surveyor's Certificate

I, LARRY W. MEDRANO LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION, AND EASEMENT SURVEY WAS PREPARED BY ME OR UNDER MY DIRECTION FROM NOTES OF AN ACTUAL FIELD SURVEY, AND THE SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

 8/20/14
LARRY W. MEDRANO
N.M.P.S. NO. 11993



PAGE 1 OF 2

Exhibit "A"

